

GLOBAL AND REGIONAL ORDER

GENDER EQUALITY IN WTO TRADE POLICY REVIEWS

The case of Germany

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This paper identifies what type of questions WTO Members should raise in the Trade Policy Review (TPR) if they want to engage with the ways that trade and trade rules affect gender equality.



If the TPR mechanism is to fulfil the monitoring and data collection role, it must broaden its gender lens to consider both sides of the trade and gender relationship and the many ways that trade and gender equality intersect.



It also corresponds to the CEDAW approach, which assesses compliance with the CEDAW Convention on a country-by-country basis. Consequently, focussing on a single EU country helps to bridge the gap between the relevant international processes.

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The impacts of trade on women's economic empowerment, gender equality and women's rights are linked to preexisting societal, economic and cultural factors. The relationship between trade and gender equality plays out in two directions. The first is the impact of trade and trade rules on women and on gender equality. The second is that women are more likely to be sources of competitive advantage in their roles as wage workers, home-based pieceworkers or unpaid family workers, than to be achievers of competitive advantage as businesses owners or self-employed producers.



Surveillance of national trade policies is one of the WTO's main activities, with the Trade Policy Review Mechanism at the centre. Its purpose is to contribute to members' adherence to their WTO commitments and hence to smooth functioning of the multilateral trading system. The reviews are based on two reports: the member being reviewed prepares a relatively short report and the WTO Secretariat drafts a more detailed one. They generally include sections on macro-economic policies and the broader economic environment. They increasingly refer to policies in favour of women's economic empowerment and gender equality. A number of WTO members have arranged to share experiences relating to policies and programmes to encourage women's participation in national and international economies through voluntary reporting during the WTO trade policy review process.



This paper takes the example of Germany, even though the Trade Policy Review at the World Trade Organization reviews the EU as a whole. This paper focusses on one member state. Economic performance, national economic policies and trade patterns vary greatly across the EU's member states. Concentrating on one country clarifies the trade-gender equality analytical approach and helps focus on the issues at stake. Germany was chosen because it has just adopted a Feminist Foreign Policy and because it presented its record on women's rights to the CEDAW Committee in 2023, as well as having come before the WTO Trade Policy Review.

For further information on this topic:
<https://geneva.fes.de>

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SUMMARY FOR PRACTITIONERS

States are increasingly referring to women's economic empowerment, gender equality and women's rights in their trade policy instruments. Several have identified the WTO Trade Policy Review (TPR) Mechanism as a forum for countries to discuss ways to make trade and development policies more gender-responsive.

This prompts the question of what measures and topics could and should be raised in the TPR to gauge the relationship between trade and gender equality. It offers an opportunity to deepen discussion about how different trade policies and trade measures can contribute to women's economic empowerment, gender equality and women's rights.

This Working Paper asks these questions in the context of the European Union's 2023 Trade Policy Review, focusing on Germany.

It emphasises the need for a fully-rounded, 360° approach to the connections between trade and trade rules on the one hand and women's economic empowerment, gender equality and women's rights outcomes on the other.

Section 1 sets out the analytical framework, while Section 2 outlines the background on trade and on gender equality in Germany and in the European Union's trade policy. Section 3 introduces the Trade Policy Review (TPR) Mechanism and describes how it addresses questions relating to gender equality. Sections 4 and 5 explore gendered impacts of selected trade measures and sectoral trade policies, suggesting questions that members could raise in TPRs. Section 6 discusses how gendered impacts of trade policy-making can be raised in the TPR, with a list of questions that could be raised in the TPR (see page 21). Section 7 steps back from the TPR to ask the broader question of suitable forums for considering links between trade and gender equality.

In conclusion, this Working Paper finds that some TPRs have addressed gender equality issues that are not linked to trade policy and are arguably out of place in the TPR context. At the same time, TPRs have tended to miss key issues at the trade-gender equality nexus. It thus encourages WTO members to both sharpen and broaden their gender lens. It suggests some gender equality-related questions that members could ask in TPRs if they are to meaningfully engage with the ways that trade and trade rules affect gender equality.

INTRODUCTION

Trade agreements increasingly note the importance of women's economic empowerment, women's participation in the economy, and gender equality. Several acknowledge that sharing relevant experience can help identify trade-related policies that favour women and gender equality.¹ Similarly, information and best practice sharing takes a central place in the Informal Working Group (IWG) on trade and gender in the World Trade Organisation (WTO). Trade officials, governmental agreements relating to trade and gender equality,² and the WTO IWG all identify the Trade Policy Review (TPR) Mechanism as a possible venue for sharing information and best practices and for considering the interaction between trade and gender.

This paper takes the example of Germany, which has recently adopted a Feminist Foreign Policy,³ to direct the attention of WTO members and other stakeholders to key issues at the intersection of trade and gender equality, and to identify what types of questions WTO Members should raise in the TPR if they want to engage with the ways that trade and trade rules affect gender equality.

Whilst the paper is primarily focused on the TPR, it is also relevant to the work of the Committee that monitors implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Indeed, some of the questions posed in this paper were addressed when the CEDAW Committee considered Germany's ninth periodic report, in 2023.

¹ See e.g. *EU-Chile Advanced Framework Agreement, 2022*, Chapter 27, Trade and Gender Equality.

² See e.g. *Global Trade and Gender Arrangement, 2020*; *Free Trade Agreement between New Zealand and the European Union, 2022*, Art. 19.4.

³ Germany, Federal Foreign Office, *Inclusion Rather Than Exclusion: What is Feminist Foreign Policy? 2022*.

1

ANALYTICAL FRAMEWORK

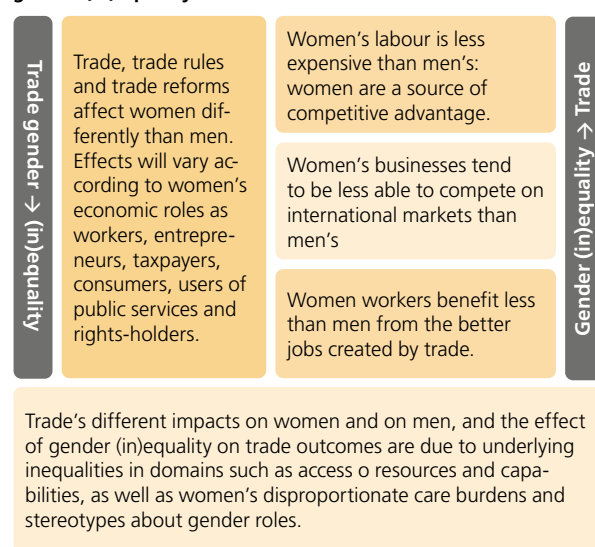
1.1 THE NEED FOR A 360° APPROACH TO THE LINKS BETWEEN TRADE AND GENDER EQUALITY

The impacts of trade on women's economic empowerment, gender equality and women's rights⁴ are linked to pre-existing societal, economic and cultural factors. The structure of markets and institutions and the gender inequalities embedded within them shapes the gendered impact of trade and trade policies.⁵ Women – like men – simultaneously hold different economic roles: as workers, entrepreneurs, consumers, taxpayers, carers, users of public services, or rights-holders. Women and men are differently represented in each of these roles. For example, worldwide, on average, women (as workers) still earn less than men, even in the same jobs. Women (as consumers) tend to spend a higher proportion of their income on household necessities such as food or clothes for the family. And women generally rely more heavily on public services than men.⁶

As Figure 1 shows, the relationship between trade and gender equality plays out in two directions.⁷ The first is the impact of trade and trade rules on women and on gender equality. Thus, for instance, increased competition through trade may lower prices and reduce a woman's expenditure on household goods. But if the same woman trades in goods on the local market, her sales income may be reduced due to competition from cheaper imported goods.⁸ Trade and trade rules can impact women differently than men, for example if reduced government revenue due to lower corporate taxation and trade tariffs leads to lower expenditure on governmental services including childcare, social services, administration of justice or education – which also account for a significant number of women's jobs in most countries.⁹

On the other side of the relationship, gender inequalities affect outcomes from trade in three main ways: (1) Firms may use the lower cost of women's labour to enhance their export competitiveness, particularly in traded sectors where international competition is intense, such as textiles or agriculture.¹⁰ (2) Gender inequalities hinder women's capacity to develop competitive businesses and access international markets.¹¹ (3) Women workers benefit less from the better jobs that trade creates.¹² In other words, on this side of the trade-gender equality relationship, women are more likely to be sources of competitive advantage in their roles as wage workers, home-based pieceworkers or unpaid family workers, than to be achievers of competitive advantage as businesses owners or self-employed producers.¹³

Figure 1:
The two directions of the relationship between trade and gender (in)equality



Source: the author.

⁴ Women's economic empowerment, gender equality and women's rights are three related, but separate concepts. For the sake of brevity, this paper uses the term »gender equality« to encompass all three.

⁵ UNCTAD, *Gender and Trade*, 2020, page 5.

⁶ UNCTAD, *Linking Trade and Gender towards Sustainable Development*, 2022.

⁷ Irene van Staveren et al. (eds) *The Feminist Economics of Trade*, 2007.

⁸ ebd., page 64.

⁹ See e.g. Turkan Mukhtarova et al., *Five Facts on Gender Equity in the Public Sector*, World Bank, 2021.

¹⁰ See e.g. Stefanie Seguino, »Engendering macroeconomic theory and policy,« *Feminist Economics*, 2020.

¹¹ See e.g. OECD, *Trade and Gender Review of New Zealand*, 2022.

¹² See e.g. Sheba Tejani and David Kucera, »Defeminization, Structural Transformation and Technological Upgrading in Manufacturing,« *Development and Change*, 2021; OECD, *Trade and Gender Review of New Zealand*, 2022.

¹³ See e.g. Diane Elson et al., »Mainstream, heterodox, and feminist trade theory,« in *The Feminist Economics of Trade*, 2007.

These impacts can be direct or indirect, affecting women through the domains in which inequality is experienced, and which hold them back in the economic sphere: (1) access to resources (e.g. finance, land); (2) capabilities, including access to training or political office and power in economic transactions and relationships («bargaining power»); and (3) security. Two key factors underlie these domains of inequality: (1) women's time constraints relative to men's due to higher care burdens, and (2) social norms that confine women to stereotypical roles.

It follows that consideration of the links between trade and women's economic empowerment, gender equality and women's rights must take into account both sides of the trade-gender relationship. It must be cognisant of the different domains in which inequality plays out, and how these can affect women differently depending on their economic roles (worker, carer, taxpayer and/or user of public services).¹⁴ Moreover it must look beyond quantitative analysis and observe the processes that lead to economic outcomes.¹⁵

Adequate consideration of the links between trade and gender equality must take both sides of the trade-gender relationship into account. It must recognise the different domains in which inequality plays out and how these can affect women differently depending on their economic roles. Analysis of the interplay between trade and gender equality must look beyond quantitative analysis and observe the institutions and processes that lead to economic outcomes.

1.2 A FOCUS ON GERMANY

The European Union maintains a common trade policy, so the TPR reviews the EU as a whole. This paper nevertheless focusses on one EU member state. One reason for this is that economic performance and trade patterns vary across the EU's member states,¹⁶ and the national economic policies of the EU member states, which have an impact on external trade, vary greatly.¹⁷ Similarly, gender inequalities play out differently in different EU countries. Concentrating on one country makes the analytical approach more manageable and helps focus on the issues at stake. It also corresponds to the CEDAW approach, which assesses compliance with the CEDAW Convention on a country-by-country basis. Consequently, focussing on a single EU country helps to bridge the gap between the relevant international processes. Germany was chosen because it has just adopted a Feminist Foreign Policy and because it presented its record on women's rights to the CEDAW Committee in 2023.

The analytical framework that this paper applies to Germany applies mutatis mutandis to other countries within and outside Europe.

¹⁴ Caroline Dommen, *Five Key Elements for a Gender Lens in Trade*, 2022, <https://www.iisd.org/articles/deep-dive/five-key-elements-gender-lens-trade>; UNCTAD, *Linking Trade and Gender towards Sustainable Development – An Analytical and Policy Framework*, 2022.

¹⁵ Günseli Berik and Ebru Kongar, *Routledge Handbook of Feminist Economics*, 2021, page 8.

¹⁶ 2020

¹⁷ *EU 2020 TPR Minutes*, page 22. A concrete reflection of this can be found in the services schedules of the EU's trade agreements, in which different European member states commit to different levels of services trade liberalisation. See e.g. *Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part*, 2021, Annex 19.

2

TRADE AND GENDER EQUALITY IN GERMANY: SETTING THE SCENE

Germany is one of the world's wealthiest countries. It is fourth in the world in terms of nominal GDP and is the largest economy in the European Union.¹⁸ It ranks eleventh in the EU on aggregate gender equality indicators.¹⁹ It is the most recent country to have adopted a Feminist Foreign Policy.

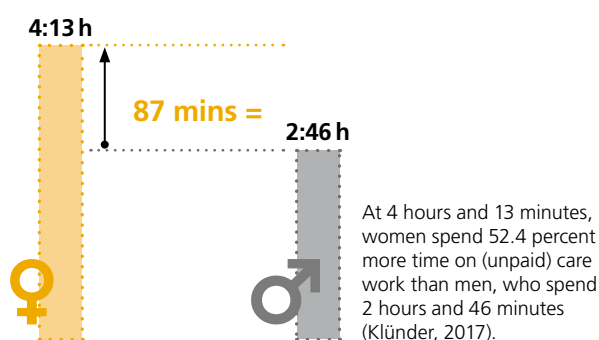
2.1 GERMANY: GENDER EQUALITY AND FEMINIST FOREIGN POLICY

Article 3 of Germany's Grundgesetz (Basic Law) declares that women and men are equal²⁰ and stipulates that the state must promote substantive *de facto* gender equality. Yet Germany lags behind its peers on a number of indicators.²¹ This section reviews Germany's performance on some of the main indicators used in analysis of the relationship between trade and gender equality. It then mentions some policy actions taken to redress inequalities that the indicators reveal.

Female labour force participation has risen in recent decades and women do not experience significantly higher unemployment than men.²² Nonetheless, many sectors of the German economy remain male-dominated. These include engineering, construction and freight transport. While 38 percent of employed men work in science, technology, engineering and mathematics (STEM) occupations only 7 percent of employed women do so.²³ The service industry – which includes areas like health care, social services and teaching – has a much higher portion of female employees. Gender disparities play out amongst the self-employed: only 7 percent of working women are self-employed, compared to 12 percent of working men.²⁴

The gender pay gap in Germany stands at 18 percent, with female workers earning less than their male colleagues in nearly every industry. The gap has fallen from 23 percent in 2012,²⁵ but remains considerably higher than the EU27 average of 12.7 percent.²⁶ The gender pension gap is 38 percent.²⁷ The gender pay gap in specific industries ranges from 4 percent in passenger and freight transport to 5 percent in social services and up to 30 percent in health care and 32 percent in the legal and tax advice industry. The only exception is the postal service, where the gross hourly wage for women is 2 percent higher than for men, although the base pay is quite low.²⁸ Since 1992 more girls have completed their formal secondary schooling each year than boys, and in 2019, 51.8 percent of students in the first semester at university were women.²⁹ Yet the gender earnings gap persists across all levels of education.

Figure 2:
Gender care gap in Germany



Source: German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Who takes care of children, household and the elderly? A dossier on the societal dimension of a private question*, 2020

¹⁸ Alexandra Dimitropoulou, *Economy Rankings: Largest countries by GDP*, 2022.

¹⁹ EIGE, *Gender Equality Index*, 2022.

²⁰ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Gender Equality Policy in Germany*, 2020.

²¹ The Borgen Project, *Four Facts about Women's Rights in Germany*, 2022.

²² Destatis, *Indicator 8.5.2 – Unemployment rate, by sex, age and persons with disabilities*.

²³ EIGE, *Gender Equality Index, Work in Germany*, 2019 <https://eige.europa.eu/gender-equality-index/2019/domain/work/DE>

²⁴ UN, CEDAW, *Ninth Periodic Report – Germany*, 2021, UN Doc. CEDAW/C/DEU/9, 4 October 2021, [hereinafter *Germany CEDAW Report*], paras. 175–178.

²⁵ Destatis, *Indicator 8.5.1 – Average hourly earnings of employees, by sex, age, occupation and persons with disabilities*.

²⁶ Destatis, *Gender Pay Gap: Germany remains among EU states with highest disparity*. NB These data refer to the unadjusted gender pay gap and offer no information on the difference in earnings between female and male persons with equivalent qualifications employed in the same occupation and carrying out comparable tasks. The adjusted gender pay gap stands at 7 per cent, Destatis, *Gender Pay Gap*.

²⁷ EIGE, *Gender Equality Index – Money*.

²⁸ Timothy Rooks, *Germany's Gender Pay Gap Just Won't Go Away*, DW, 2023.

²⁹ *Germany CEDAW Report*, paras 146–147.

Experts attribute the gender pay gap to differing career path choices, with women typically taking lower-paying jobs. Further, the persistence of traditional gender roles in German society means women are disproportionately responsible for housework and childcare, and therefore work fewer hours in paid employment.³⁰ As Figure 2 shows, women spend more time on unpaid domestic and care work than men. In Germany men are more likely than women to work full-time, across all sectors. Around 47 percent of women work part-time, compared to 11 percent of men; 66 percent of mothers work part-time in comparison to 7 percent of fathers.³¹

Women continue to be underrepresented in political life: only 35 percent of the members of the German Bundestag are women.³² More men are in leadership positions than women.³³ The share of women on the executive boards of Germany's largest companies is 13.4 percent. This is an all-time high, possibly as a result of a 2021 law that penalises big and publicly traded German companies with no women on their executive boards.³⁴

On the positive side, Germany scores 100 out of 100 on the Women, Business and the Law indicator, along with thirteen other economies in the OECD high-income region.³⁵ This indicator looks at how women's employment and entrepreneurship are affected by legal gender discrimination, and how this affects economic outcomes. Yet despite the lack of legal obstacles, women possess fewer financial assets, fewer business assets, fewer insurance entitlements, less real estate and lower levels of pension savings and stock options.³⁶

The German government acknowledges that reducing the gender pay gap and other inequalities requires action to combat gender stereotypes and initiatives such as a statutory minimum wage, parental allowance and measures to promote female entrepreneurship.³⁷ Career programmes and gender quotas in political parties have increased the share of women in leadership and political office – even if the numbers remain relatively low.³⁸ The German federal government adopted its first cross-sectoral, interdepartmental Gender Equality Strategy in 2020.³⁹

In 2021, the German government reported to the CEDAW Committee that it was committed to enhancing human rights through and in trade relations, and that it plays an active role in that regard at EU level.⁴⁰ In 2023 Foreign Minister Annalena Baerbock launched new Feminist Foreign Policy (FFP) guidelines, which seek to make gender equality and women's rights central objectives of Germany's external relations. In parallel, the Minister for Economic Cooperation and Development, Svenja Schulz, announced a new strategy on feminist development assistance.

»Germany's FFP is a foreign policy not only for women, but for all members of society.«⁴¹

Germany's FFP guidelines focus on three objectives: equal rights for women and girls, the equitable representation of women in all areas of society, and equal access to resources for women and girls. Their approach is inclusive and intersectional. They note the need to stand up for those who are pushed to the margins due to their gender identity, origin, religion, age, sexual orientation or other reasons. This inclusive approach sets Germany's FFP apart (See text box). In addition, the German FFP covers a range of areas of foreign engagement, including foreign trade and investment, rather than focusing only on development as some others do.⁴² It also establishes a new role of Ambassador for Feminist Foreign Policy.⁴³

Feminist Foreign Policy

Gender equality advocates have advanced the concept of a Feminist Foreign Policy (FFP) over the past several years. Canada, Chile, France, Luxembourg, Mexico, Spain and Sweden are amongst the dozen countries that have adopted a FFP or are actively considering doing so. The concept builds on decades of feminist engagement with questions of international peace and justice. It seeks to address the fact that foreign policy has generally been the domain of elite men, which tends to cause decision-making on topics like peace, security and trade to ignore women's interests and perspectives and to perpetuate rather than reduce global gender inequities.⁴⁴ Thus FFPs go beyond gender and identify and deconstruct power structures, and question systems that perpetuate inequalities. Criticisms of FFP include the risk that it be considered as a new attempt by the West to impose its vision and values on the majority world.⁴⁵

³⁰ The Borgen Project, *Four Facts about Women's Rights in Germany*, 2022.

³¹ Destatis, *66 % der erwerbstätigen Mütter arbeiten Teilzeit, aber nur 7 % der Väter*, 2022.

³² Inter-parliamentary Union, *The percentage of women in national parliaments as of 1 April 2023*, 2023.

³³ Timothy Rooks, *Germany's gender pay gap just won't go away*, DW, 2023.

³⁴ Kristie Pladson, *Germany's record for women executives is no accident*, DW, 2021.

³⁵ World Bank, *Women, Business and the Law 2023*, 2023.

³⁶ European Parliament, *Gender Equality and Taxation in the European Union*, 2017.

³⁷ UN, CEDAW, Ninth periodic report – Germany, 2021, UN Doc. CEDAW/C/DEU/9, 4 October 2021 [hereinafter *Germany CEDAW Report*], paras. 71–84, 144, 166, 175–178.

³⁸ Destatis, *Frauen in den Parlamenten*.

³⁹ *Germany CEDAW Report*, para. 57.

⁴⁰ *Germany CEDAW Report*, para 42.

⁴¹ Romy Klimke and Christian Tietje, *Feminist Foreign Trade Policy is a Demand of the EU Treaties*, Verfassungsblog, 2023.

⁴² Saskia Brechenmacher, *Germany Has a New Feminist Foreign Policy: What Does It Mean in Practice?* 2023.

⁴³ German Federal Foreign Office, *Shaping Feminist Foreign Policy – Federal Foreign Office Guidelines*, 2023, page 73.

⁴⁴ Saskia Brechenmacher, *Germany Has a New Feminist Foreign Policy: What Does It Mean in Practice?* 2023.

⁴⁵ The Progressive Post, *When Foreign Policy Meets Feminism*, 2023.

»We build networks in international economic policy and promote the participation of women and members of marginalised groups in economic processes. We work towards international standards to contribute to a fair and safe digital world and to ensure that the use of artificial intelligence is gender-equitable and discrimination-free by design.«

Guideline 5 – Foreign trade and investment policy

Germany's FFP Guideline 5 focuses specifically on foreign trade, stating Germany's aim to embed feminist approaches into the promotion of foreign trade and investment. The Guideline notes approaches and projects that could be adopted to implement its objectives. These include working closely with thought leaders on feminist economic relations, and discussion of best practices regarding feminist aspects of trade and financial matters. Within Europe, Germany aims to contribute to integrating gender-specific aspects into EU trade policy and to support, in the WTO, the implementation of the Joint Declaration on Trade and Women's Economic Empowerment and assist the work of its Informal Working Group on Trade and Gender. Guideline 5 also notes, under the heading of business and human rights, that: »Women and members of marginalised groups are particularly frequently affected by human rights violations in supply chains, especially in the textile and agricultural sectors.« It concludes: »We will therefore give even greater consideration to their rights as well as gender-specific risks in economic processes.«⁴⁶

2.2 THE EU'S GENDER EQUALITY OBJECTIVES

The EU has a strong commitment to achieving gender equality, even if most EU member states still have some way to go. On average women in the EU earn 13 percent less than men for doing the same job. As in other parts of the world, the COVID-19 pandemic negatively affected many of the gender equality gains made over the preceding decade.⁴⁷ Key objectives of the EU's Gender Equality Strategy 2020–2025 include closing gender gaps in the labour market; challenging gender stereotypes; achieving equal participation across different sectors of the economy; closing the gender care gap; and achieving gender balance in decision-making and in politics. Recent milestones include the adoption of the Directive on gender balance in corporate boards, which seeks to improve the gender balance in corporate decision-making positions in the EU's largest listed companies,⁴⁸ and the binding pay transparency measures adopted by the European Parliament.⁴⁹ This legislation will require EU companies to disclose information to make it easier for employees to compare

salaries and expose gender pay gaps. The Gender Equality Strategy is coherent with the EU's external policy on gender equality and women's empowerment, namely the 2020 Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III).

2.3 GENDER EQUALITY AND EU TRADE POLICY

The EU often reiterates its commitment to gender equality and its belief that various policy areas, including trade, can contribute to it.⁵⁰ The EU seeks to conclude trade partnerships that promote »progressive rules for global trade, in which environmental, social, labour and gender issues play an important role.«⁵¹

Promoting sustainable development through trade remains a top priority for EU trade policy.⁵² The Commission has notably reaffirmed this in its 2021 EU trade policy, saying that »the EU needs a trade policy strategy that will promote greater sustainability in line with its SDG commitments.«⁵³

»The EU believes that trade can be a driver of gender equality.«⁵⁴

The EU is the biggest trade bloc in the world, and the most important trade partner for some eighty economies.⁵⁵ This means that its trade policies have impacts around the globe. As Argentina and others noted in the EU's 2020 Trade Policy Review, the scale of their trade with the EU makes them highly susceptible to measures adopted by the bloc.⁵⁶ The large number of questions about gender equality in the EU's free trade agreements (FTAs) during its recent TPRs is an indication of the impact EU trade-related policies can have around the world.

International trade plays a central role in the EU's economy, accounting for 25 percent of its GDP and supporting an increasing number of European jobs (over 36 million in 2018), of which 14 million are held by women.⁵⁷ Exports alone support around one in every seven jobs in the EU.⁵⁸ The proportion is even more significant in Germany, where 27 percent of jobs depend either directly or indirectly on

⁴⁶ German Federal Foreign Office, *Shaping Feminist Foreign Policy – Federal Foreign Office Guidelines*, 2023.

⁴⁷ EIGE, *Gender Equality Index 2022: The COVID-19 pandemic and care*, 2022.

⁴⁸ European Commission, *Gender Equality Strategy*.

⁴⁹ European Commission, *Equal pay for equal work*.

⁵⁰ WTO, TPRB, *Trade Policy Review – Report by European Union*, WTO Doc. WT/TPR/G/395, 10 December 2019, page 21 [hereinafter *EU 2019 TPR Report*].

⁵¹ Statement by the discussant, in *EU 2020 TPR Minutes*, page 10.

⁵² *EU 2020 TPR Minutes*, page 6; *EU 2023 TPR Secretariat Report*, page 32.

⁵³ European Commission, *Trade Policy Review – An Open, Sustainable and Assertive Trade Policy*, 2021, page 5.

⁵⁴ *EU 2019 TPR Report*, page 18.

⁵⁵ *Op cit.*, page 9.

⁵⁶ *EU 2020 TPR Minutes*, page 30.

⁵⁷ European Commission, *Promoting gender equality and women's rights beyond the EU*.

⁵⁸ *EU 2020 TPR Minutes*, page 4.

exports.⁵⁹ The EU is also the world's largest recipient and supplier of Foreign Direct Investment.⁶⁰

»The importance of trade [...] in supporting EU employment is significant; in 2019, an estimated 38.1 million EU jobs were supported by extra-EU exports, i.e. more than 18 per cent of total EU employment. Furthermore, jobs supported by exports paid 12 per cent higher wages compared to other jobs. However, there was a gender gap in the employment supported by exports, as 38 per cent of the jobs were occupied by women and 62 per cent by men, and women had a lower wage premium, 8 per cent, compared to 11 per cent for men.«⁶¹

While trade and trade flows can boost employment in certain sectors and thereby raise wages and offer improved working conditions, in others they can create pressures that negatively affect female employment and wages, in Germany, in the EU and in trading partners.⁶² At the same time, trade-related rules in areas such as intellectual property,⁶³ government procurement or investment can affect women and men differently, as indicated in Figure 1. These aspects are neglected in EU trade policy statements.

⁵⁹ Germany, BMWK, *Fostering international trade and reducing barriers*.

⁶⁰ EU 2020 TPR Minutes, page 29.

⁶¹ WTO, TPRB, *Trade Policy Review – Report by the Secretariat, European Union*; WTO Doc. WT/TPR/S/442, 2023, page 22. [hereinafter EU 2023 TPR Secretariat Report].

⁶² UNCTAD, *Linking Trade and Gender towards Sustainable Development*, 2022.

⁶³ Feminists for a People's Vaccine Campaign et al., *Germany's obligation to support a global public good approach to COVID-19 diagnostics, vaccines and therapeutics*, 2023.

3

THE WTO'S TRADE POLICY REVIEW MECHANISM

3.1 PURPOSE AND METHOD OF TRADE POLICY REVIEWS

Surveillance of national trade policies is one of the WTO's main activities, with the Trade Policy Review Mechanism (TPRM) at the centre. The TPRM's purpose is to contribute to members' adherence to their WTO commitments and hence to smooth functioning of the multilateral trading system. Greater transparency in, and understanding of, members' trade policies and practices are seen as key in this, and so the review mechanism enables regular collective appreciation and evaluation of the »full range of individual Members' trade policies and practices and their impact on the functioning of the multilateral trading system«. ⁶⁴ The reviews are essentially peer-group assessments. They are based on two reports: the member being reviewed prepares a relatively short report, or »Policy Statement«, and the WTO Secretariat researches and drafts a more detailed report. ⁶⁵

The TPR's main goal is greater transparency in, and understanding of, the trade policies and practices of WTO members .

There has been academic debate about how broad the scope of a TPR should be: should it focus narrowly and strictly on WTO rules or should it also consider the broader economic policy context? ⁶⁶ In practice both the Secretariat's and the member's own reports generally include sections on macro-economic policies and the broader economic environment. ⁶⁷ They increasingly commonly refer to policies in favour of women's economic empowerment and gender equality. This was the case in both the European Union's 2019 and 2023 TPR reports. Moreover, a number of WTO members have committed, through recent agreements on trade and gender, to share experiences relating to policies and programmes to encourage women's participation in national and international economies through voluntary

reporting during the WTO trade policy review process. ⁶⁸ In conversation, several WTO delegates say that the Preamble of the Agreement Establishing the WTO offers a basis for considering inclusivity and gendered impacts. In the Preamble, WTO members recognise that »their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living and ensuring full employment.« ⁶⁹

3.2 GENDER EQUALITY IN TRADE POLICY REVIEWS

Figures 4 and 5 present gender-related topics raised in selected recent TPRs. In some TPRs members or the Secretariat refer to factors that impact women differently than men, but more frequently they refer to initiatives designed to enhance the ability of women to participate in the economy and to benefit from the opportunities that export markets can offer. Secretariat reports occasionally present data on women's role in the country's exports, as was the case for the Dominican Republic's 2023 TPR ⁷⁰ and for employment data in the EU's most recent review. ⁷¹

Some TPRs refer to specific measures in favour of women, such as technical assistance programmes to help women agri-food exporters comply with sanitary and phytosanitary (SPS) requirements, or an IMF programme that included elements to promote gender equality in Honduras. In many TPRs the most common trade and gender references are to initiatives that indirectly impact on gender equality, namely members' participation in international agreements and initiatives on trade and women's economic empowerment, gender equality or women's rights, such as the 2017 Buenos Aires Joint

⁶⁴ WTO, WTO Agreements, *Trade Policy Review Mechanism*.

⁶⁵ WTO, *Overseeing national trade policies: the TPRM*.

⁶⁶ Matthias Kende, *The Trade Policy Review Mechanism – A Critical Analysis*, 2018.

⁶⁷ WTO, *Trade Policy Reviews: ensuring transparency*.

⁶⁸ See e.g. *Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires*, December 2017; *Global Trade and Gender Arrangement (GTAGA)* 2020.

⁶⁹ *Agreement Establishing the World Trade Organization (Marrakesh Agreement)*, 1994, Preamble.

⁷⁰ WTO TPRB, *Report by the Secretariat – Dominican Republic*, WTO Doc. WT/TPR/S/435, November 2022, page 40.

⁷¹ *EU 2023 TPR Secretariat Report*.

Declaration on Trade and Women’s Economic Empowerment (Buenos Aires Declaration).⁷²

Figure 4 shows the distribution of issues raised in TPRs across the different areas of trade and gender equality intersection. It draws on seventy-seven WTO members’ TPRs between 2014 and 2018.⁷³ Figure 5 shows the issues raised in the EU’s most recent TPRs.

Comparing Figures 4 and 5 to Figure 1 (page 5) we can see that TPRs rarely consider the first side of the trade and

gender equality relationship, that is, they pay less attention to ways that trade and trade rules impact women differently than men. Moreover, TPRs have tended to focus on women in their economic roles as workers, business owners and – occasionally – consumers. Almost all overlook women in their roles as carers, taxpayers and users of public services. In the TPRs considered for this paper, no reference was found to possible negative impacts of trade and trade rules on gender equality, to indirect impacts of trade on women not engaged in trade, or to steps taken to identify or minimise possible gender inequality impacts of new rules under negotiation at the WTO. None refer to gendered impacts of regulatory measures such as those relating to intellectual property, government procurement, or domestic regulation of services. Another gap is the lack of evidence of Members having considered the impact of commitments made in services

72 See e.g. *EU 2020 TPR Minutes*; WTO TPRB, *Trade Policy Review – Dominican Republic: Minutes of the Meeting*, WTO Doc. WT/TPR/MI/435, March 2023; *EU 2020 TPR Minutes*.

73 Anoush der Boghossian, *Trade policies supporting women’s economic empowerment: Trends in WTO members*, WTO Staff Working Paper, No. ERSD-2019-07, 2019, <https://doi.org/10.30875/eda9a0d4-en>.

Figure 4:
Trade and Gender Equality in seventy-seven Trade Policy Reviews (2014–2018)

Aspect of the trade-gender relationship ^a	References to gender equality-related issues
Trade, trade rules and trade reforms affect women differently than men	
Lower cost of female labour as a source of competitive advantage	
Access to economic opportunities offered by trade: women’s businesses access to international markets	<p>Several members reported policies to enhance women entrepreneurs’ presence in export markets.</p> <p>Gender has been identified as a key objective of members’ strategies and action plans for agriculture, fisheries, tourism, ICT and finance. Most of those policies focus on expanding women’s participation in economic development through the growth of these export sectors.</p> <p>Some countries’ agriculture policies provide technical assistance to women involved in agrifood and fisheries exports, to enhance their ability to comply with sanitary and phytosanitary (SPS) requirements.</p>
Access to economic opportunities offered by trade: employment for women	<p>Some regional strategies focus their gender equality objectives on key trade sectors such as services and on expanding women’s skills in those areas.</p> <p>Several members report focusing their national trade, economic and development strategies on integrating and enhancing women’s participation in the workforce, promoting female employment and access to male-dominated economic sectors.</p>
Underlying factors: unequal access to resources and capabilities, time poverty, stereotypes	<p>One member reported integrating gender in its national investment plan to give women increased economic opportunities.</p> <p>Some members describe quotas for female-owned companies (entrepreneurs) in public tendering; others award points to companies applying gender equality policies and practices (workers).</p> <p>Some members report policies to reduce the percentage of women leaving the workforce for child birth; to improve women’s working environment, or to increase the number of women in leadership positions.</p> <p>Different types of policies supporting women in agriculture, including: input subsidies to poor farmers in developing countries; food security policies (used by some members to support women, for instance by supplying food at subsidised prices as well as nutritional support for pregnant women and lactating mothers); use of green box support for food aid programmes especially targeting women; training programmes for women farmers and fisherwomen or on gender equality in the agriculture sector. Some countries have set up facilities providing low-income rural women with loans at discounted interest rates and encourage financial institutions to grant loans to female farmers.</p>
Cooperation in favour of gender equality in trade Statements on gender equality and trade General trade policy	<p>Several members report that gender equality objectives are part of their discussions in international fora (Leaders’ Summit, etc.) and are considered as deliverables in their regional trade plans and regional integration initiatives.</p>

* NB: There is overlap between these different aspects

Source: the author, drawing on: der Boghossian, Anoush (2019), *Trade policies supporting women’s economic empowerment: Trends in WTO members*, WTO Staff Working Paper, No. ERSD-2019-07, 2019, <https://doi.org/10.30875/eda9a0d4-en>.

schedules on gender equality, or on governments' policy space to implement measures in favour of gender equality.⁷⁴

Moreover, not all of the gender equality measures referred to in TPRs have an obvious link to trade. For instance in its 2022 TPR, New Zealand referred to funding it made available to community organisations that support women and girls to help address immediate needs in the context of the COVID crisis.⁷⁵

Finally, the relatively frequent references to reviewed economies' participation in trade and gender initiatives appear one step removed from actual implementation of measures to make trade and trade rules compatible with gender equality objectives, as these initiatives merely invite countries to implement measures in favour of gender equality, or to share information on such measures. In 2023, for instance, Chile asked the EU about work that the EU delegation had commissioned on gender equality in trade-related government procurement policy,⁷⁶ but did not inquire about the actual application of European countries' procurement policies in favour of women and how to ensure the consistency of these with trade rules.

»We welcome the participation of Honduras in initiatives to promote [...] women's participation in trade.«

European Union delegate during Honduras TPR, July 2023⁷⁷

3.3 ADDRESSING TRADE AND GENDER EQUALITY LINKAGES IN THE TPR

Given that many WTO members are keen to address the links between trade and gender equality within the organisation's work, this paper proposes some areas which they could fruitfully address in TPRs to fill the gaps identified and to apply a fully-rounded gender lens to trade.

To do so, it draws on the example of Germany to identify topics relating to the interplay of trade and trade rules on women's economic empowerment or gender equality that could have been addressed in the most recent EU trade policy review. The purpose of this is to broaden the gender lens that members have applied so far and thus to contribute to ef-

forts to identify and understand the linkages between a WTO member's trade policies and gender equality objectives, to pinpoint what trade levers could best support gender equality efforts, and to discern areas that require further research.

The following sections draw on scholarly work documenting the channels of interaction between trade and gender equality and between gender inequalities and international trade outcomes, as well as on the gender equality-related issues raised in recent trade policy reviews. They also draw on Germany's report to CEDAW,⁷⁸ civil society reports with information about trade-related women's rights issues, and other sources.

The areas in which WTO members generally raise the most concerns in EU TPRs relate to tariff and non-tariff barriers (NTBs) affecting access to the EU's market for their agriculture exports and complex standardisation policies and procedures (both technical barriers to trade (TBT) and sanitary and phytosanitary standards (SPS)), fisheries subsidies and use of trade remedies. Members also often raise questions relating to the EU's investment regime, regulatory and policy issues in different service sectors, and technical details of anti-dumping, anti-subsidies, and safeguards procedures.⁷⁹

TPRs generally organise their work under three headings: trade measures (e.g. customs procedures, tariffs, rules of origin, government procurement, intellectual property), sectors (e.g. agriculture, fisheries, energy, services), and trade and investment regimes (e.g. general trade policy objectives or regional trade agreements). The next sections present a selection of areas that warrant attention from the gender equality perspective, structured according to those three headings.

»First and foremost, it is the EU's trade policy relating to sustainability that is of the greatest interest to Members. The questions centre around the policies on climate change and decarbonization, fairness, gender equality, and inclusiveness as well as the Farm to Fork strategy.«⁸⁰

»The EU's leading role on [...], gender and women's economic empowerment, as well as its contribution to capacity-building and technical assistance, was appreciated.«⁸¹

⁷⁴ Although this might change, after some WTO Members agreed in 2021 to introduce rules on Services Domestic Regulation (SDR) that contain a provision recognizing that »Differential treatment ... and adoption by Members of temporary special measures aimed at accelerating de facto equality between men and women, shall not be considered discrimination« inconsistent with the non-discrimination obligations that the Domestic Regulation rules set out.

⁷⁵ WTO TPRB, *Trade Policy Review – Report by New Zealand*, WTO Doc. WT/TPR/G/426, April 2022.

⁷⁶ WTO, TPRB, *Trade Policy Review – European Union: Minutes of the Meeting, Advance Written Questions and Additional Questions and Replies*. WTO Doc. WT/TPR/M/442/Add.1, 27 September 2023, page 253.

⁷⁷ WTO, TPRB, *Trade Policy Review – Honduras: Minutes of the Meeting*, WTO Doc. WT/TPR/M/443, August 2023, page 23.

⁷⁸ *Germany CEDAW Report*.

⁷⁹ *EU 2020 TPR Minutes*, page 3 ; *EU 2023 TPR Minutes*, page 86.

⁸⁰ *EU 2023 TPR Minutes*, page 13.

⁸¹ *EU 2023 TPR Minutes*, page 99.

Figure 5:
Trade and gender equality in the EU's 2020 and 2023 Trade Policy Reviews

Aspect of the trade-gender relationship*	References in the EU's 2020 Trade Policy Review	References in the EU's 2023 Trade Policy Review
Trade, trade rules and trade reforms affect women differently than men	<p>Gender aspects of international trade have begun to feature more prominently in EU trade policy. This includes analysis to improve understanding of the impact of international trade agreements on gender equality. Potential effects of trade agreements on women are analysed in sustainability impact assessments of EU trade agreements. (SecR 2.142)</p> <p>Objectives of EU investment policy include promoting investment that supports sustainable development, respect for human rights, and high labour and environmental standards. (SecR 2.58)</p>	<p>Iceland asked whether the effects of trade policy on men and women are measured and monitored, and if so, how. EU responded that it carries out evaluations of impacts of trade agreements, which includes gender analysis. Some sustainability Impact Assessments of trade agreements (eg Chile, Australia, India and New Zealand) include gender impact analysis. (Q)</p>
Lower cost of female labour as a source of competitive advantage	<p>Indirect references in the EU's 2020 TPR: Pakistan, Sri Lanka, Bangladesh and Cambodia noted the presence of women workers in sectors like garments and fisheries, where the EU Generalized System of Preferences (GSP) is important. (Minutes, e.g. para 4.575).</p> <p>References to the responsibility of importers in extractive sectors to respect supply chain due diligence obligations.</p>	
Access to economic opportunities offered by trade: women's businesses access to international markets	<p>EU Study on »Women in Extra-EU Trade: Opportunities and Obstacles« and implementation of activities under CETA for women to access international markets. (SecR 2.14)</p> <p>Aid for Trade (AfT) updated to increase the contribution of AfT to sustainable development goals, while supporting a stronger participation of women in the economy. (EUR 4.36)</p>	<p>Trade, particularly exports, is significant for employment; in 2019, extra-EU exports support over 18 per cent of total EU employment, and jobs supported by exports paid 12 per cent higher wages compared to other jobs. However, there was a gender gap in export-supported employment: 38 per cent of these jobs were occupied by women and 62 per cent by men, and women had a lower wage premium, 8 per cent, compared to 11 per cent for men.</p>
Access to economic opportunities offered by trade: employment for women	<p>Commission study on the gender balance of the employment opportunities supported by extra-EU exports. (SecR 2.14)</p>	<p>Iceland asked whether the EU has identified specific barriers that limit women's participation in trade. Iceland, Canada and the UK asked whether the EU has developed or implemented any measures to encourage women's participation in trade or to promote women's entrepreneurship. The EU described the European Care Strategy, as insufficient access to care services is a key driver of gender inequality in the labour market. (Q)</p>
Underlying factors: unequal access to resources and capabilities, time poverty, stereotypes	<p>Some of the main risks and challenges facing the EU are income inequality and slow poverty reduction; regional and territorial disparities. (SecR 1.32)</p> <p>The European Pillar of Social Rights aims to support inclusive economic growth, by improving labour market conditions for all EU citizens. Risk of poverty or social exclusion remains a challenge for groups such as children, people with disabilities and people with a migrant background. (SecR 1.30)</p> <p>Several references in the SecR to inclusive labour markets and inclusive growth.</p>	<p>The EU has co-sponsored discussions in the TRIPS Council on women and intellectual property, that emphasize increasing women's access to science and technology studies and jobs. (SecR)</p> <p>Iceland asked what the participation of women was in the EU economy, the EU pointed to sources of data on employment, education, earnings, money, knowledge, time, power and health. Malaysia asked what steps EU took to promote women's labour force participation. (Q)</p> <p>In response to a question, the EU described a campaign it launched in 2023 to challenge gender stereotypes. (Q)</p> <p>In response to a question, the EU described consultations that it facilitated with women's civil society organisations including on the EU's position in negotiations at the UN Commission on the Status of Women. (Q)</p>

<p>Cooperation in favour of gender equality in trade</p> <p>Statements on gender equality and trade</p> <p>General trade policy</p>	<p>EU participates actively in WTO joint initiatives and discussion groups on Micro-Small and Medium Enterprises (MSMEs) and gender.</p> <p>Many countries, including Mexico, Canada, Chile, Iceland and the Republic of Korea, complimented the EU for supporting and defending the rules-based multilateral trading system; its leadership role was particularly commended. The EU had led by example in many areas including by incorporating gender equality in its trade agreements and policies. (Minutes 6.3)</p> <p>The EU supported the Buenos Aires Declaration. (EUR 4.16). Pursuant to the Declaration, the EU co-hosted a workshop on »Women in Digital Trade« in 2019. (SecR 2.27)</p> <p>In negotiations on the modernization of the EU-Chile Association Agreement, the EU Commission tabled a proposal for the agreement to include a dedicated chapter on trade and gender equality, a first for an EU trade agreement.</p> <p>EU GSP+ scheme requires countries to abide by the UN CEDAW Convention. (EUR 4.43) The EU enhanced engagement with three countries (Bangladesh, Cambodia, and Myanmar) to incentivise compliance with international human and labour rights conventions, the violation of which can be a ground for temporary withdrawal of tariff preferences. (SecR 2.50)</p>	<p>The UK asked the EU to explain how it ensures that trade and gender equality provisions in the EU's agreement are reflected in its wider trade agreements and objectives (Q)</p> <p>2022 EU-NZ trade agreement has provisions on gender equality, to advance UN and ILO conventions in favour of women's economic empowerment and gender equality, including promoting cooperation in international fora to advance these objectives. The 2022 modernised EU-Chile Advanced Framework Agreement includes similar commitments, in a dedicated Trade and Gender Equality chapter. (EUR, Minutes) Argentina and EU undertake »Political Dialogues« on a broad range of topics including human rights, gender or energy. (Minutes)</p> <p>EU supports gender equality dimension in the WTO context, has been a strong proponent of the 2017 Buenos Aires Declaration, and has been a member of the IWG on trade and gender in the WTO since the IWG's creation. EU has been active in discussions and joint initiatives on, inter alia, trade and gender and MSMEs. (EUR, SecR, Minutes) In 2022 EU launched a project with the International Trade Centre that looks at applying a gender lens to the WTO's work. (EUR, Minutes)</p> <p>El Salvador asked the EU to describe what elements it included in trade policy to promote gender equality.</p> <p>The EU co-sponsored contributions to TRIPS Council discussions relating to, inter alia women and intellectual property. (SecR)</p> <p>Through the GSP, EU monitors beneficiary countries' respect for the principles of international women's rights and gender equality conventions.</p> <p>The EU Action Plan on Gender Equality and Women's Empowerment in External Relations 2020–2025 (GAP III) makes the promotion of gender equality a priority of all external policies and actions. (EUR) »Shaping global rules for a more sustainable and fairer globalization« is one of the three objectives of the EU's current trade strategy (SecR)</p>
<p>Other</p>		<p>EU's Digital Services Act (DSA) requires digital platforms and search engines to assess risks from their service provision, and establish mitigation systems for negative effects relating to gender-based violence. (SecR)</p>
<p>* N.B.: There is overlap between these different aspects.</p> <p>Key: EUR = Report by the European Union (Policy Statement). SecR = Secretariat Report. Minutes = Minutes of the Meeting. Q = Advance Written Questions and Additional Questions and Replies.</p> <p>Source: the author, drawing on: WTO, TPRB, <i>Trade Policy Review – Report by European Union</i>, WTO Doc. WT/TPR/G/395, 10 December 2019; WTO, TPRB, <i>Trade Policy Review – Report by the Secretariat, European Union</i>; WTO Doc. WT/TPR/S/395/Rev. 1, 2020; WTO, TPRB, <i>Trade Policy Review – European Union. Minutes of the Meeting</i>. WTO Doc. WT/TPR/M/395, 2020; WTO, TPRB, <i>Trade Policy Review – Report by European Union</i>, WTO Doc. WT/TPR/G/442, 11 April 2023; WTO, TPRB, <i>Trade Policy Review – European Union. Report by the Secretariat</i>, WTO Doc. WT/TPR/S/442, 2023; WTO, TPRB, <i>Trade Policy Review – European Union. Minutes of the Meeting</i>. WTO Doc. WT/TPR/M/442, 2023; WTO, TPRB, <i>Trade Policy Review – European Union. Report by the Secretariat</i>. WTO Doc. WT/TPR/S/442, 2023; WTO, TPRB, <i>Trade Policy Review – European Union. Minutes of the Meeting, Advance Written Questions and Additional Questions and Replies</i>. WTO Doc. WT/TPR/M/442/Add.1, 27 September 2023.</p>		

4

TRADE MEASURES AND GENDER EQUALITY

The many trade measures that can impact women's economic empowerment, gender equality and women's rights include rules on intellectual property (e.g. geographical indications, medicine patents and plant variety protection), standardisation, taxation (e.g. value added tax), competition policy and government (public) procurement. Each of these deserves scrutiny, along with their interplay with gender equality. This section considers just two: public procurement and due diligence obligations.

Figure 6:
Intellectual property and women's rights: views from CEDAW

The CEDAW Committee has voiced concern about rich countries' positions on intellectual property in the WTO. Two recent examples concern positions relating to COVID vaccines in light of the disproportionate impact of COVID on women and girls. In 2021, when CEDAW considered Sweden's record on women's rights, the CEDAW Committee observed that EU member states' opposition to waiving WTO intellectual property rules might constitute a violation of the CEDAW Convention, considering, in particular, the disproportionate effects of COVID-19 on women and girls in developing countries and the fact that this could have been prevented by action to ensure equitable access to vaccines. In 2022, the CEDAW Committee indicated in its concluding observations to Switzerland that the Swiss opposition to the TRIPS waiver at the WTO was not compliant with its extraterritorial obligations under CEDAW, as the absence of a waiver could have disproportionately detrimental effects for women in the Global South.

Source: Adapted from *Feminists for a People's Vaccine Campaign, et al., Germany's obligation to support a global public good approach to COVID-19 diagnostics, vaccines and therapeutics, 2023.*

4.1 PUBLIC PROCUREMENT

In the context of TPRs, a number of WTO members have discussed how public procurement policies can be used as a tool for gender equality. Some set quotas for women-owned companies in the award of public contracts, others award points to companies applying gender equality policies and practices. Government agencies in Germany also implement gender-responsive public procurement (GRPP), promoting gender equality through the goods, services and works that they purchase. In other words, buyers and suppliers are required to examine the impact of all contracted activities on women's and men's needs, interests and concerns, and to design and deliver contracts in a way that reduces inequalities. One example is the city of Munich, which asks bidders

to outline how they will achieve gender equality during the performance of the contract.⁸²

Although third-country bidders can tender on EU markets, questions asked by members in previous EU TPRs indicate that some members' companies experience challenges in doing so. In the 2020 and 2023 TPRs members asked general questions about the EU's public procurement strategy and more specific ones regarding the European Single Procurement Document, green procurement, and how the EU is improving access to non-EU procurement markets through trade agreements.⁸³ A few members raised ways that procurement policy can support MSMEs, but none linked that to gender equality considerations.

4.1.1 Questions relating to Germany

The 2023 TPR could have been an opportunity to better understand how Germany's GRPP programmes are implemented consistently with WTO rules given that, on the face of it, it appears inconsistent with WTO rules. Another would have been to clarify whether the WTO Agreement on Government Procurement (GPA)⁸⁴ to which the EU is a party, will permit national public procurement programmes that favour women, such as the GRPP in Germany.

4.1.2 Questions relating to EU trading partners

The EU regularly reiterates that the objective of its trade policy is to keep foreign markets open and to create opportunities for EU companies.⁸⁵ The EU has developed provisions that go further than those required by the WTO in the area of government procurement, through its ratification of the GPA and through its bilateral trade agreements.⁸⁶ Through the latter, the EU seeks access to trading partners' procurement markets. Two questions could be posed about the impacts of this in trading partners. The first is whether the government procurement provisions that the EU seeks from its trading partners allow sufficient policy space for those countries to develop or maintain measures to promote gender equality

⁸² EIGE, *Gender-responsive public procurement*.

⁸³ *EU 2020 TPR Minutes*, page 11.

⁸⁴ WTO, *Agreement on Government Procurement*, 2012.

⁸⁵ *EU 2019 TPR Report*, page 3.

⁸⁶ See e.g. *Trade part of the EU-Mercosur Association Agreement 2019, Government Procurement Chapter*.

in the workplace or to promote women's businesses. The second is whether awarding points in tenders for public contracts to tenderers with strong gender equality elements in their offer will favour companies from EU countries that already have high gender equality standards and strong practices, over local companies in countries that have higher inequality to start with.

4.2 DUE DILIGENCE

The *Corporate Sustainability Due Diligence Directive* which is currently under discussion and expected to be in force by 2026 is a significant trade-related development in the EU. The rationale for the Directive is that the EU's economy is connected to millions of workers around the world through global value chains, and that connection comes with a responsibility to address adverse impacts on the rights of those workers. Moreover, corporate behaviour in all sectors of the economy is key for the Union to be able to deliver on the UN Sustainable Development Goals and its human rights-related objectives.⁸⁷ The Directive's stringent obligations and enforcement mechanisms for ensuring that European and other businesses respect certain minimum environmental and human rights standards in their activities abroad has been considered under the TPR sub-heading of trade-related import prohibitions and restrictions.

Germany is one of the few European countries that already has a due diligence law: the 2021 Act on Corporate Due Diligence Obligations in Supply Chains.⁸⁸ This obliges German-based companies of a certain size to better safeguard internationally recognised human rights in supply chains.⁸⁹ Specifically, it requires those companies to institute processes to identify, assess, prevent and remedy human rights and environmental risks and impacts in their operations and supply chains. They must also make sure that employees of indirect suppliers can file complaints alerting the company to human rights or environmental violations.

Neither the German Act nor the EU Due Diligence Directive explicitly refer to gender-based violence and discrimination, but given women's presence in many global supply chains and their generally more precarious, vulnerable working conditions, implementation of these instruments could affect women's work and working conditions. On the positive side, clear policy commitments and strong management systems can encourage businesses to articulate company-wide vision and strategy on gender equality.⁹⁰ German and other European companies often have relatively good gender equality employment practices. These can affect gender equality in third countries both directly – through employment prac-

tices in foreign affiliates – and indirectly, through spillovers in local labour markets.⁹¹ However stricter labour standards may work against women employed in labour-intensive sectors where international competition is intense, such as textiles and some service sectors. This is because women's flexible and lower-cost labour may determine the ability of a company or country to compete on international markets. In sectors where investment is footloose (i.e. easy to relocate in response to market fluctuations), production and jobs might move to a country where labour costs can be kept low. Thus, higher standards could in some cases improve women's working conditions but in others reduce the availability of jobs, or push women into the informal sector where they would have even less protection.

Due diligence laws may also improve conditions for women who are not directly engaged in trade but are affected – more than men – by the activities of EU and German companies, say through the environmental impacts of those activities.

The EU TPR would have been an opportunity for WTO members to seek information about the steps Germany and the EU are taking to ensure that new due diligence laws have positive effects on women in their different economic roles, and the measures adopted to guard against adverse gender equality impacts. Irrespective of their impact on women, new due diligence laws are likely to have significant impacts on exports from developing countries and affect the EU's WTO commitments. Instead, most of the due-diligence-related questions during the 2023 review concerned environmental impacts, particularly forestry-related.

⁸⁷ European Commission, *Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence*, 2022.

⁸⁸ Gesetz über die unternehmerischen Sorgfaltspflichten in Lieferketten («Sorgfaltspflichtengesetz») 2021.

⁸⁹ Germany CEDAW Report, para. 35.

⁹⁰ FAO and OECD, *Integrating a gender perspective into supply chain due diligence*, 2021.

⁹¹ UNCTAD, *Multinational Enterprises and the International Transmission of Gender Policies and Practices*, 2021.

5

SECTORAL TRADE POLICIES AND PRACTICES AND GENDER EQUALITY

The way that women and men are affected by trade and trade rules will depend on the sector in question. Agriculture is one of the main themes of interest to members in their questions under the EU TPRs.⁹² For this reason, this working paper concentrates on this sector – it being too ambitious in a short paper to undertake a complete sector-by-sector discussion of how trade affects women. In addition, as Germany is Europe's second-largest agricultural producer behind France, it makes sense to consider how the TPR could usefully look at the agriculture trade/gender equality nexus.

Half of Germany's land area is used for agricultural purposes. With a high degree of mechanisation, highly trained farmers and high yields, German agriculture covers about 70 per cent of domestic demand. Germany exports approximately one-third of its agricultural produce, mostly to other EU countries. Less than 15 percent of its agricultural exports go to countries outside the EU, with the United States, China and Turkey being the largest markets. The main exports include wheat, spelt, barley and pork-based products. Germany exports significant amounts of processed foods such as soups, broths, ketchup, sauces, seasonings, stuffed pasta and protein concentrates. Most of Germany's food imports come from EU countries, with the largest non-EU sources being Brazil and the United States.⁹³

Gender inequality in German agriculture is very high. There are for example far more men than women in charge of agricultural enterprises and farms tend to be bequeathed to sons, even when the daughters have the same qualifications. In fact Germany ranks amongst the most gender-unequal countries in Europe on this indicator. The government has instituted various measures to promote agriculture and provide access to land, such as targeted investment promotion and financial support through a young farmers' premium – which is also available to (male and female) career changers and start-ups. A diverse range of advisory services are also available.

»In Germany ... there were 235,000 men but only 26,000 women in charge of agricultural enterprises in 2018.«⁹⁴

⁹² EU 2020 TPR Minutes, page 6.

⁹³ Tagesspiegel, *Germany's food supply depends on these countries*, 2022.

⁹⁴ Germany CEDAW Report, para. 229.

German states (*Länder*) have a number of funding programmes and projects designed to improve rural women's and men's income and employment opportunities, including through diversifying rural livelihoods in the context of ongoing structural shifts in the agricultural sector. Rural tourism, manufacturing, crafts and services are increasing sources of work and income; more women than men tend to work in these sectors, and women can benefit from these new income sources.⁹⁵ The German federal government also supports measures such as the »Self-made Women« project run by the German Association of Rural Women.⁹⁶

5.1 AGRICULTURE – IMPACTS IN GERMANY AND ABROAD

The EU TPR would have been an opportunity for members to ask how to design gender equality support of the types provided in German agriculture consistently with WTO obligations, bearing in mind that some WTO members use green box agricultural support measures domestically to support women in agriculture.⁹⁷

Another area of interest would have been whether jobs in Germany's agriculture export sector offer opportunities for women. If so, has Germany implemented specific measures or policies to enhance women's opportunities in agricultural export sectors (production and/or processing)? Although members did ask about EU policies in favour of women's employment, neither the questions nor the responses paid particular consideration to the agricultural sector.

Moreover, a concern for gender equality in Germany would translate into considering whether those agricultural import sectors that compete with local production cause downward pressure on gender equality in those sectors, either in Germany or in trading partners.

Given Germany's interest in geographical indications, a further question would be whether Germany designs and implements these with gender equality in mind, bearing in mind both the interests of women in agriculture in Germany and in those of women in trading partners.

⁹⁵ Germany CEDAW Report, paras. 227–231.

⁹⁶ Germany CEDAW Report.

⁹⁷ WTO Working Paper, 2019.

6

GENDER EQUALITY AND THE EU'S TRADE AND INVESTMENT REGIME

6.1 BILATERAL AND PLURILATERAL TRADE AGREEMENTS

Recent TPRs have almost invariably signalled members' commitment to promoting women's economic empowerment, gender equality or women's rights through trade agreements. Many commend members that have supported the Buenos Aires Declaration or participate in the WTO Informal Working Group on trade and gender. Some refer to other trade agreements that state gender equality objectives. In its 2022 TPR, for instance, New Zealand noted that its FTAs build on WTO rules to address issues such as inclusive trade, the participation of women and Māori in trade, and sustainability.

During its 2020 and 2023 TPRs the EU reported on gender-related provisions in bilateral trade agreements such as the EU-Chile Association Agreement or the Free Trade Agreement between New Zealand and the European Union. Several participants asked the EU for more details about best practices and provisions relating to trade and gender in FTAs.⁹⁸ Questions and comments such as these suggest that the EU is regarded as a leader in this area, underscoring the importance of the EU stance being aligned to key gender equality objectives.

6.1.1 EU-Chile Association Agreement

In 2022 the EU and Chile adopted the modernised EU-Chile Association Agreement, which has a dedicated chapter on trade and gender equality.⁹⁹ This includes a commitment to implement the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), labour conventions and other international instruments seeking gender equality. It emphasises cooperation and dialogue to enhance »women's capacity, conditions and access to opportunities created by trade« as well as to »improve their capacities to address trade-related gender issues, including through exchange of information and best practices«. The parties also agree to not weaken or reduce the protection granted under their respective gender equality or equal opportunities laws, to encourage trade or investment. Significantly from the perspective of a fully-rounded gender lens, the EU and Chile specify that they will »endeavour to gather sex-disaggregated data related to trade and gender with a view to

better understanding the different impacts of trade policy instruments on women and men in their roles as workers, producers, traders or consumers«.

Past TPRs have tended to go no further than commending members for gender equality commitments in their trade agreements. TPRs should now move to the next level: Members should seek to understand how these gender equality commitments are being implemented and what the gender equality impacts in the EU and the relevant trading partners are. In the 2023 EU TPR, some timid steps were taken in this direction. The UK, for instance, asked the EU about its gender provisions in trade agreements and about what concrete cooperation activities the EU had carried out in the context of its gender provisions in trade agreements. Chile asked how the EU monitors or supervises GSP+ beneficiary countries' respect for women's rights and gender equality principles.¹⁰⁰ In some of its responses to these types of questions, the EU referred to data and initiatives, however these only permit limited insight into how trade and trade-related policies and measures affect gender equality.

In order to get better insights into the links, Members could in future enquire as to whether implementation of gender-related provisions in trade agreements requires any adjustment in Germany's or the EU's application of WTO rules. Members could, for instance, follow the World Bank's suggestion to collect gender-disaggregated data on the impact of trade on women, who are the most vulnerable to economic reforms.¹⁰¹

6.1.2 E-commerce

A sub-group of WTO members including the EU are currently negotiating a binding agreement on trade-related aspects of e-commerce.¹⁰² During the 2023 TPR, a number of members asked the EU delegation questions relating to this initiative (known in the WTO as one of the Joint Statement Initiatives), but few linked their questions to gender equality.

⁹⁸ EU 2020 TPR Minutes, 2020, page 10.

⁹⁹ EU-Chile Advanced Framework Agreement, 2022.

¹⁰⁰ WTO, TPRB, *Trade Policy Review – European Union. Minutes of the Meeting, Advance Written Questions and Additional Questions and Replies*, WTO Doc. WT/TPR/M/442/Add.1, 27 September 2023

¹⁰¹ Jakob Engel et al. *The Distributional Impacts of Trade: Empirical Innovations, Analytical Tools, and Policy Responses*, World Bank, 2021. doi: 10.1596/978-1-4648-1704-5.

¹⁰² In March 2023, 89 WTO Members were engaged in the negotiations towards a WTO Agreement on E-commerce, https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm

E-commerce and digitalisation can open up new opportunities for women in trade. However, without specific gender-responsive policies and actions, digitalisation can widen pre-existing gender gaps in society and the economy.¹⁰³ The WTO e-commerce talks go far beyond e-commerce. They cover a vast range of topics ranging from data governance, e-signatures, location of computing facilities, source code and telecommunications, to consumer protection and cybersecurity. In each of these areas rules can affect women differently than men, regardless of whether they are involved in e-commerce or in international trade.

For women to take advantage of any new opportunities the agreement may yield and not suffer any adverse effects, it will be necessary to address the domains of inequality indicated in yellow in Figure 1 (education and training, access to finance, etc.) paying special attention to the manifold dimensions of the digital gender divide. As the UN reports, »Women and girls are 25 per cent less likely than men to have the basic knowledge and skills needed to use digital technology«,¹⁰⁴ while only 30 percent of women in LDCs use the internet,¹⁰⁵ and price and cultural barriers mean that far fewer women than men own or use digital devices such as smartphones.¹⁰⁶ In the 2023 TPR, the EU did refer to the »gender equality in the digital transition« aspects of its Gender Action Plan (GAP III), presenting the indicators it applies to measure progress, however neither the question nor the reply were linked to EU-proposed provisions in WTO e-commerce negotiations.

In recent months some delegations have proposed wording for the proposed e-commerce text to acknowledge the needs of women and other groups who have historically faced discrimination, if they are to benefit from e-commerce opportunities.¹⁰⁷ This is to be welcomed, as is the EU's support of an International Trade Centre (ITC) project on e-commerce negotiations at the WTO.¹⁰⁸ Nevertheless, irrespective of the language in the proposed agreement, the impacts will not be gender-neutral. For instance a moratorium on customs duties on electronic transmissions may reduce potential governmental income from e-commerce, fiscal implications of this come with significant gendered impacts.

In terms of ongoing trade negotiations, members could in future TPRs consider asking how the state under review is ensuring that the proposed provisions of new trade rules contribute to reducing gender inequality. One relevant question in the area of e-commerce, for instance, is what steps Germany and the EU are taking to ascertain whether provisions in each of the areas covered by the draft text affect women's economic empowerment, gender equality or women's rights.

6.2 PARTICIPATION IN TRADE POLICY

Focusing on women also means considering power relations. In this context, this means asking who has the power to shape and benefit from trade and trade rules? Who sits at the negotiating table, who is consulted, and whose experiences are taken into account?

Members could consider one simple but relevant aspect of this element by identifying the gender composition of their trade negotiating teams. Germany's FFP Guideline 7 sets out its commitment to work for gender equality, diversity and inclusion in its foreign service. It notes that only 27 percent of German missions abroad are headed by women and indicates that steps are being taken to correct the imbalance between men and women in the foreign service as quickly as possible, after many years of inaction.¹⁰⁹ The Bundesministerium für Wirtschaft und Klimaschutz (BMWK, Federal Ministry for Economy and Climate Protection), which employs most of Germany's trade delegates, has the reputation of being a male-driven ministry. In the TPR, members could ask Germany what it is doing to increase the number of women trade negotiators, and to increase the proportion of senior EU trade negotiating positions held by women.

¹⁰³ UNCTAD, *Tackling gender divides can create more e-commerce success*, 2023.

¹⁰⁴ UN Press Release, *While Transforming the World, Digital Technology »Can Only Do Half the Job« Without Women*, Deputy Secretary-General Tells Round Table Event, 2023.

¹⁰⁵ UNCTAD, *Tackling gender divides can create more e-commerce success*, 2023.

¹⁰⁶ Human Rights Economics, *How can WTO talks on e-commerce benefit women? If only we knew*, 2021.

¹⁰⁷ See e.g. WTO, *Joint Statement Initiative on E-Commerce: Discussion Paper on Digital Inclusion, Language for Consideration, Communication from New Zealand*, WTO Doc. INF/ECOM/70, 2023.

¹⁰⁸ ITC, *Developing a Gender Lens for E-commerce at the World Trade Organization*, 2023.

¹⁰⁹ Germany, Federal Foreign Office, *Shaping Feminist Foreign Policy*, 2023.

Figure 7:
Summary of questions on trade and gender equality for future EU TPRs

Government procurement

Do Germany and other EU countries have public procurement programmes and policies that seek to promote gender equality? If so, how are these designed so as to be consistent with WTO rules? Does the WTO Agreement on Government Procurement (GPA) in any way limit the possibilities for Germany and other EU countries to implement gender-responsive public procurement?

Do the government procurement provisions that the EU seeks from its trading partners (through the GPA or bilateral trade agreements) allow sufficient policy space for trading partners to develop or maintain measures to implement the GRPP?

Might a public contracts tendering system that awards points to tenderers with strong gender equality elements favour companies from EU countries with already high gender equality standards and practices over local companies in countries that have higher inequality at the outset?

Supply chain due diligence obligations

What steps are Germany and the EU taking to ensure that new due diligence laws have positive effects on women in their different economic roles? What measures are they taking to guard against adverse gender equality impacts?

What impact are new due diligence laws having on exports from developing countries to the EU? What steps are Germany and the EU taking to ensure that due diligence laws are implemented in a way consistent with WTO commitments?

Gender equality in the agriculture sector

How can support for gender equality in agriculture in Germany be designed so as to be consistent with WTO obligations?

Do jobs in Germany's agricultural export sector offer opportunities for women? If so, has Germany implemented specific measures or policies to enhance women's opportunities in agricultural export sectors (production and/or processing)?

Does Germany import agricultural products from countries (and agricultural sectors) and crops in which women are particularly vulnerable or particularly active?

Do agricultural imports that compete with local production cause downward pressure on gender equality in those sectors, either in Germany or in trading partners?

Does Germany design and implement its geographical indications programmes with gender equality in mind, both in terms of women in agriculture in Germany and in trading partners?

Gender equality in the development and application of trade rules

What does the Feminist Foreign Policy of a number of EU member states including Germany mean for the way the EU approaches its WTO obligations? What steps are the EU and individual member states taking to ensure policy coherence and compliance with gender equality obligations across all areas of their international trade obligations?

How is Germany going beyond indicators concerning women in trade (as workers or entrepreneurs) to identify other ways that trade and trade-related rules affect women's economic empowerment, gender equality and women's rights?

Do Germany and other EU members follow the World Bank's suggestion to collect gender-disaggregated data on the impact of trade on women who are the most vulnerable to economic reforms? Do they apply the methodology that the World Bank has developed to this end?

Does implementation of the EU's trade-related gender equality commitments impact Germany's or the EU's application of WTO rules, and/or their rights and obligations in relation to other WTO members?

Does the EU seek to ensure that proposed new trade rules contribute to reducing gender inequality and if so, how does it go about doing so? In the area of e-commerce, for instance, what steps are Germany and the EU taking to ascertain whether provisions in each of the areas covered by the draft text (e.g. market access, telecommunications, data governance) affect women's economic empowerment, gender equality or women's rights?

What steps are Germany and the EU taking to ensure that any future WTO rules relating to e-commerce allow sufficient policy space for EU member states and other countries to take temporary special measures to reduce gender inequalities?

What is the gender balance of the EU's and the member states' officials working on WTO matters? Please describe the steps taken to increase the number of female trade negotiators, and to increase the proportion of senior EU trade negotiating positions held by women. Which of these steps have worked well? Which ones have not yielded the expected results?

What trade-related measures has your country discussed in its most recent dialogue with the CEDAW Committee?

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WHO SHOULD MONITOR TRADE AND GENDER EQUALITY?

The potential of trade and trade rules to minimise or exacerbate gender inequality depends on pre-existing – often non-trade-related – determinants of inequality. Within the WTO, the EU has emphasised its active role »in discussions related to trade as a driver of gender equality«. ¹¹⁰ Trade is however only one amongst many drivers of gender equality.

The reference points for work towards gender equality are globally accepted instruments, such as ILO Conventions and CEDAW. ¹¹¹ All WTO members but one have ratified the CEDAW Convention (CEDAW). International Labour Organisation (ILO) Conventions set out standards relating to gender equality in the workplace, ¹¹² such as the Equal Remuneration Convention ¹¹³ which most WTO members have ratified. States have set up bodies of experts to recommend policies and measures to put these instruments into effect, and to monitor states' compliance with them.

This brings us to the question of who should monitor the impact of trade and trade rules on gender equality. Should it be trade policy experts? Gender equality specialists? Women's rights experts? National human rights institutions? Or do both trade and women's rights bodies have a role to play at the nexus between trade and gender equality?

The TPR's mandate is to contribute to transparency and understanding of countries' trade policies, as well as to strengthen members' observance of WTO provisions and to contribute to smooth functioning of the multilateral trading system. TPRs may also consider whether the impacts of trade are inclusive. Research for this Working Paper has found that some TPRs have covered issues that are not linked to trade policy and should arguably not be discussed within that context. At the same time, TPRs have tended to miss key issues at the trade–gender equality nexus.

Moreover, it is not always clear whether members' references to trade and gender equality in TPRs are intended to simply identify trade measures designed to promote gender

equality or rather to understand the actual impacts of these measures. It is also not clear whether members are seeking to understand the impacts of trade and trade rules on gender equality in their own countries or in trading partners is generally not explicit. The latter should be of particular interest to countries like Germany, given its FFP. Another aspect to be clear about is whether members' TPR questions are looking at trade measures that cause or entrench gender inequality, or at gender equality measures that can limit trade or affect members' rights and obligations under WTO rules.

For these reasons, if WTO members are to continue to raise gender-equality questions in TPRs, they must both sharpen and broaden the gender framing.

To help in this effort, and to help bridge the gaps between the approaches of different international bodies to the questions that lie at the intersection of trade policies and gender equality objectives, this paper suggests that the CEDAW Committee should raise specific trade-related questions with Germany – as well as with other CEDAW states parties in the future – to help them identify policy interventions that will contribute to making trade and trade rules consistent with gender equality objectives, including the objectives of those countries that have a Feminist Foreign Policy.

The CEDAW Committee already regularly raises concerns about the impact of international trade and investment policies on women and gender equality. For instance, it has expressed concern that developed countries do not sufficiently assess the potential impacts on women's human rights of international trade and investment agreements that they negotiate. In 2016 and 2017, it recommended that Switzerland, Canada, and Germany do so. In 2019 the Committee said that the UK should ensure that any future trade and investment agreements »explicitly consider their impact on women's rights«. ¹¹⁴ It has also acknowledged states parties' support of the 2017 Buenos Aires Declaration. As noted in Figure 6, CEDAW has flagged possible incompatibility between intellectual property provisions and women's rights.

¹¹⁰ European Commission, *Trade Policy Review – An Open, Sustainable and Assertive Trade Policy*, 2021, page 10.

¹¹¹ Ramona Vijayarasa, »Quantifying CEDAW: Concrete Tools for Enhancing Accountability for Women's Rights«, *Harvard Human Rights Journal* 34, 2021.

¹¹² International Labour Organization, *ILO and Gender Equality*.

¹¹³ ILO, *C100 - Equal Remuneration Convention*, 1951.

¹¹⁴ Caroline Dommen, *Mainstreaming Gender in Trade Policy: Practice, evidence, and ways forward*, International Institute for Sustainable Development, 2021.

The CEDAW Committee could in the future ask states parties to, for instance, identify which women are particularly vulnerable to economic reforms and new trade regulations. It could encourage states to apply methodologies on Distributional Impacts of Trade, such as those developed by the World Bank,¹¹⁵ to determine the differential impacts of trade on different groups – particularly women – within their country.

The CEDAW Committee could also encourage states parties to describe the gender equality policies they have implemented in the trade policy arena and ask them to assess their outcomes, so as to help identify which approach work and which are less successful. Conversely, to facilitate policy coherence and inter-organisational exchanges, the WTO TPR Secretariat reports for members' trade policy reviews could in future cover reviewed countries' trade-related measures as described in that country's recent exchanges with CEDAW, or the relevant ILO Convention monitoring bodies.

¹¹⁵ Jakob Engel et al. *The Distributional Impacts of Trade: Empirical Innovations, Analytical Tools, and Policy Responses*, World Bank, 2021. doi: 10.1596/978-1-4648-1704-5.

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CONCLUSION

The EU is committed to gender equality, as is Germany. The EU's recent Trade Policy Review represented an opportunity to consider how WTO members consider the impacts of trade and trade rules on gender equality and how gender equality (or the lack of it) affects the desired outcomes from trade. A detailed analysis of the review from a gender equality perspective finds that there is an improvement in the focus of gender-related questions in comparison to previous TPRs.

However, the fact remains that the focus is overwhelmingly on the second side of the trade–gender equality relationship (see Figure 1); that is to say on initiatives to improve women's access to trade opportunities, whether as workers or business owners. The impacts of trade and trade rules on women is still neglected. Furthermore, the tendency remains for members to dedicate relatively more attention to initiatives that remain one step removed from gender equality outcomes, such as support for the Buenos Aires Declaration or other texts on trade and gender equality. If the TPRM is to fulfil the monitoring and data collection role that a significant number of WTO members would like it to, it must broaden its gender lens to consider both sides of the trade and gender relationship and the many ways that trade and gender equality intersect.

Moreover, there seems to be no consistent approach in the way WTO members or the Secretariat present gender-equality related information in the TPRs. For instance, Secretariat reports occasionally present detailed data on women in trade, as was the case for the Dominican Republic's 2023 TPR,¹¹⁶ whilst remaining completely silent in others.¹¹⁷ The Secretariat reports for the recent EU and Malaysia¹¹⁸ TPRs touch on gendered labour market outcomes in a couple of sentences.

If WTO members are serious using the TPR to report their trade-related measures in favour of gender equality, a useful next step would be to identify clearly what they are seeking to elucidate in the process, and what questions or specific reporting could be useful in achieving that aim. For instance, when formulating their questions on trade and gender equality, members should be clear as to whether they are seeking to understand the impacts of trade measures designed to promote or affect gender equality, and if so, whether they are looking at the domestic effects of these or the gender equality impacts in trading partners. They should also clarify whether they are seeking information about how trade measures can cause or entrench gender inequality, and whether they are also seeking to gauge the extent gender equality measures can limit trade or affect members rights and obligations under WTO rules.

To assist in this effort, the present working paper has identified some questions that members could raise in future TPRs. In the process, it has also identified some areas in which further research is needed and some questions that it may be more fruitful to leave to gender equality experts to monitor.

¹¹⁶ WTO TPRB, *Report by the Secretariat – Dominican Republic*, WTO Doc. WT/TPR/S/435, November 2022, page 40.

¹¹⁷ WTO TPRB, *Report by the Secretariat – Barbados*, WTO Doc. WT/TPR/S/431, September 2022.

¹¹⁸ WTO TPRB, *Report by the Secretariat – Malaysia*, WTO Doc. WT/TPR/S/436, December 2022, page 22.

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