Civil Society Recommendations to upcoming draft Report 'Gender Equality in EU Trade Agreements'
Rapporteurs Malin Björk and Eleonora Forenza

To: Rapporteurs of the draft report on Gender Equality in EU Trade Agreements
c.c. Chairs and Vice-Chairs of the Committee on International Trade and Committee on Women's Rights and Gender Equality

17 July, 2017, Brussels, Belgium

Dear Rapporteurs,

We welcome the process and planned report on Gender Equality in EU Trade Agreements. We agree with you that gender issues have been neglected in EU trade policy. In particular, women’s rights are marginalized in EU Trade Agreements. In current multilateral and bilateral agreements with non-European trading partners only 20% of the agreements have a reference to women’s rights; in total 40% of these agreements includes references that aim to promote gender equality. We also agree with the recommendations in the Working Document and want to share with you our additional proposals for the draft report.

EU’s gender blindness in trade is a matter of serious concern as it assumes that investment and trade agreements are gender neutral. We need to smash the illusion of gender neutrality as there is not one single country in the world where gender equality exists and therefore trade agreements will reinforce gender inequalities in the absence of a gender perceptive. In addition, the EU needs to make its internal and external policies with regards to gender equality coherent. This implies that both the Gender Action Plan 2016-2020 (GAP II) and the Strategic engagement for equality between women and men 2016-2019 should be mirrored in EU trade policy.

Current EU external trade policy should promote the human rights of women, men and children and the preservation of our planet. EU external trade policy should avoid making livelihoods more precarious, enhancing inequalities, fostering the financialisation of the economy, reducing access to medicines (and other common goods), undermining food sovereignty and threatening environmental sustainability.

We propose the following additions/elaborations to the draft report:

The EP Working Document suggests binding clauses on labour standards and against discrimination. We propose that **EU Trade agreements should include binding clauses on women’s rights, gender equality and gender mainstreaming with an appropriate body appointed or an explicit mechanism to monitor compliance**. Currently all references to promoting women’s empowerment in bilateral and multilateral trade agreements with non-European states are voluntarily and almost all relate to the non-trading aspects of the agreements (collaboration, development and dialogue). Gender clauses can be added through a stand-alone gender article, like the ones in the EU-Chile and EU-Central America Agreement, or through including them in the Sustainable Development Chapter.

**We also recommend to strengthen women’s rights as part of ILO standards, including Convention No. 189 on Domestic Workers and No. 156 on Workers with Family Responsibilities.**

1 A detailed exploration of the contours of EU Trade policy from a women’s rights perspective can be find in WIDE+ position paper How to transform EU Trade policy to protect women's rights, 2017: [https://wideplus.org/2017/06/25/wide-gender-and-trade-position-paper-is-available/](https://wideplus.org/2017/06/25/wide-gender-and-trade-position-paper-is-available/)
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standards, human rights principles and environmental protection should be part and parcel of binding
Interstate Dispute Settlement mechanisms.

The Working Document refers to the Convention on the Elimination of All forms of Discrimination
against Women (CEDAW), as a reference to ensure that trade agreements are framed within this
context. While we fully agree with this, it should nevertheless be noted that the EU has not acceded to
CEDAW and therefore, **we propose that the report calls for the EU accession to and ratification of
the CEDAW Convention** in a similar way it has ratified the UN Convention on the Rights and
Responsibilities of Disabled Persons and more recently, the Istanbul Convention on violence against
women.

We support the recommendation in the Working Document to ensure that the impact on Intellectual
Property Rights (IPR) to women’s health is carefully taken into consideration. We would like to
suggest that the impact of IPR on women’s food sovereignty is considered as well. **Concretely we
recommend that IPR is reduced in revisions to WTO TRIPS, at minimum not strengthened in bi-
and multilateral agreements, and that the EU stops promoting UPOV (International Convention for
the Protection of New Plant Varieties) in bi- and multilateral agreements.**

We agree with the proposal in the Working Document to ensure that an Investor State Dispute
Settlement (ISDS) Mechanism is left out of bi- and multilateral agreements. It is indeed especially
important that no provision in any chapter of the new agreements undermines the capacity of
individual governments to promote the progressive realization of women’s rights. **It is a worrying
trend that two recently signed EU trade agreements with this mechanism, the CETA (EU - Canada
Comprehensive Economic and Trade Agreement) and the Vietnam-EU trade agreement, include
only one reference to protecting gender equality and it is in the context of investor rights. We are
very concerned that this would imply that governments can’t change their laws to include stronger
measures to promote gender equality.**

We also welcome the suggestion to ensure a more comprehensive gender approach in the sustainable
impact assessments (SIAs). We believe this can be achieved by incorporating an intersectional analysis
that looks at how a trade agreement would impact different categories of women intersected with
other factors, such as ethnicity and poverty. **SIAs should answer how a trade agreement will impact
economic inequality and in this context how it will affect the poorest and most marginalised
women in terms of their income and work conditions, access to public goods and services, their
unpaid work burden and discriminations they face** (for example in a lot of countries women do not
receive the same access to land rights and financial services compared to men).

The level of secrecy and involvement around trade agreements needs to be addressed. **We propose
that the EU helps to ensure a transparent participation of women’s rights groups and civil society
in the pre-negotiations of trade agreements and of follow-up monitoring mechanisms.**

The Working Document suggests to create coherence between liberalization commitments in trade
agreements and gender equality, for example through developing a list of gender-sensitive sectors to
exempt. We want to suggest that **services and goods needed for human dignity and life should not
be part of public procurement and trade liberalization** (energy for households, sanitation, basic
health care, education and similar provisions). Privatization and commercialisation of these goods and
services will increase the unpaid care burden mostly done by women and limit their opportunities to
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gain or increase paid employment. It will also worsen the working conditions of many women working in social sectors.

The Working Document refers to development cooperation frameworks in the context of trade, such as the Aid for Trade programme. We want to propose that the GAP II is used to include gender equality objectives in such programmes. In October 2015, all EU Member States and all relevant EU institutions have committed themselves to the following target: By 2020, 85% of all new development programmes must score Gender marker 1 (gender as a significant objective) or Gender marker 2 (gender as a principle objective). Furthermore, scoring Gender marker 0 (no gender relevance) needs to be justified. GAP 2 offers a framework for mainstreaming gender equality that should be part of EU trade policy, since trade is a key policy in EU’s external policy and necessary for achieving any development objective. GAP 2 includes some specific objectives related either directly to equal access by women to trade (Objective 15) or indirectly to women’s participation in decision-making (eg Objective 17 on policy and governance).

While the Working Document is comprehensive in suggesting areas for action, we would like to add some further recommendations:

The Working Document does not mention the Beijing Platform for Action, which should remain the cornerstone of EU policies with regards to all areas, including trade. We propose that reference to the Beijing Platform for Action is added in the report.

We suggest to adopt gender-sensitive binding human rights regulations on an international level to regulate Transnational Companies (TNCs) and other companies.

We suggest to add further measures to address the negative effects of trade liberalisation. Among other, liberalisation focuses on the reduction of transnational tariffs which means a reduction in tax revenue that many developing countries cannot easily recover through increasing other forms of taxation (also given that some forms of taxation are regressive like VAT, and will still impact the poor more compared to richer households, if increased). In particular, income tax revenue is difficult to increase in countries where there is a significant informal economy. A sharp drop in governments’ revenue results in fewer resources to invest in public services and cuts in public expenditure in areas where women are the prime beneficiaries (health, care and education).

Global, bi- and multilateral trade agreements currently in place and negotiated should put a stop to the liberalisation of agricultural markets to instead allow for nation’s flexibility in safeguarding mechanisms and subsidies, while increasing regulations for food speculation and ending subsidies for agro-fuels. Women around the world are hugely affected by EU’s agricultural policies and lack of environmental protection in trade policies. Women make up a majority of small scale farmers in many developing countries in Sub-Saharan Africa and South Asia and due to the structural discrimination they face combined with an increased care burden, they are especially affected by natural disasters.

The EU and its Member States should limit the commitments undertaken in the TiSA (Trade in Services Agreement) negotiations in the WTO, only to cover high-skilled professions and service providers, and do not list in the schedules of commitments categories of workers that must be protected under national labour law, for instance services provided by midwives, nurses and para-medical personnel.
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Both ENDS
European Trade Union Confederation
European Women's Lobby
FOKUS
International Trade Union Confederation
WIDE+, Women In Development+
WO=MEN Dutch Gender Platform

Both ENDS works towards a sustainable, fair and inclusive world together with environmental justice groups from poor and developing countries. It gathers and shares information about policy and investments that have a direct impact on people and their livelihood. And it engages in joint advocacy, stimulates the dialogue between stakeholders and promotes and supports sustainable local alternatives. Further information: http://www.bothends.org/

The European Trade Union Confederation (ETUC) was set up in 1973 and now comprises 89 national trade union confederations in 39 countries, plus 10 European trade union federations. The ETUC aims to ensure that the EU is not just a single market for goods and services, but is also a Social Europe, where improving the wellbeing of workers and their families is an equally important priority. The ETUC believes that this social dimension, incorporating the principles of democracy, social justice and human rights, should be an example to inspire other countries. The European social model – until the onset of the crisis – helped Europe to become a prosperous, competitive region with high living standards. Further information: www.etuc.org

The European Women's Lobby (EWL) brings together the women's movement in Europe to influence the general public and European Institutions in support of women’s human rights and equality between women and men. We are the largest European umbrella network of women’s associations representing a total of more than 2000 organisations in all EU Member States and Candidate Countries, as well as 19 European-wide organisations representing the diversity of women and girls in Europe. EWL envisions a society in which women’s contribution to all aspects of life is recognised, rewarded and celebrated - in leadership, in care and in production; all women have self-confidence, freedom of choice, and freedom from violence and exploitation; and no woman or girl is left behind. Further information: www.womenlobby.org

FOKUS – Forum for Women and Development – is a knowledge and resource center for international women's issues with an emphasis on the spreading of information and women-centered development cooperation. It's primary goal is to contribute to the improvement of women's social, economic, and political situation internationally. The organization consists of over 60 women's organizations and women's committees in political parties, trade unions, and solidarity and aid organizations. Further information: http://www.fokuskvinner.no/en/Frontpage-EN/
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The International Trade Union Confederation (ITUC) is the global voice of the world's working people. The ITUC’s primary mission is the promotion and defence of workers’ rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions. Its main areas of activity include the following: trade union and human rights; economy, society and the workplace; equality and non-discrimination; and international solidarity. Further information: https://www.ituc-csi.org/?lang=en

WIDE+ is a Europe-based network of gender and feminist specialists, women’s rights advocates, activists, researchers and women’s rights and development organizations as well as networks. It works through interlinked strategies of policy analysis, movement building (enhancing capacity and enabling networking) and advocacy informed by a feminist perspective. WIDE+ advocates, raises awareness and builds a collective vision on Europe’s external policy, in particular trade and development policies, from a gender equality and social justice perspective. WIDE+ connects Europe’s external policies and global challenges with internal ones and promotes a feminist vision of policy learning from global experiences. Further information: https://wideplus.org/

WO=MEN Dutch Gender Platform is a network with over 200 members of women’s rights and gender justice organizations, development and Diaspora organizations, peace movements, activists, academics, entrepreneurs, military, labour unions and opinion multipliers. WO=MEN monitors gender policies within the Dutch foreign policies and the EU and those within NATO and UN. Some of the other strategies of the network are to connect, coordinate and support institutional and individual members and to share and provide relevant knowledge about Sustainable Economic Development and Gender, Peace and Security. Further information: https://wo-men.nl/