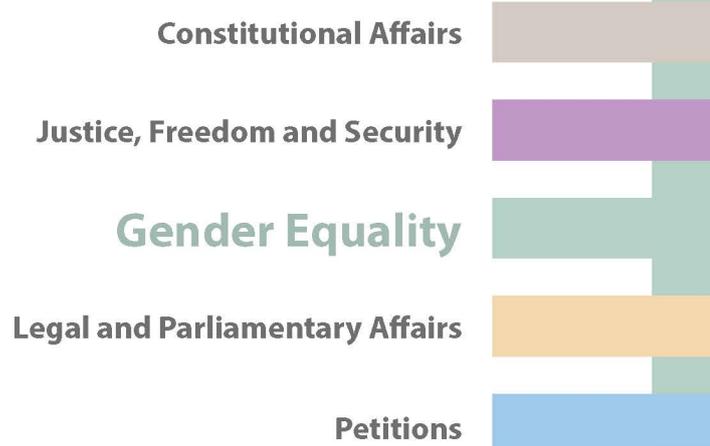


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Gender Equality in Trade Agreements

Study for the FEMM Committee



DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND
CONSTITUTIONAL AFFAIRS

WOMEN'S RIGHTS & GENDER EQUALITY

Gender Equality in Trade Agreements

STUDY

Abstract

Trade policies have different impacts on different groups of women and men. Carefully assessing the likely gender implications of specific trade agreements is therefore essential to ensure that both women and men benefit from the gains from liberalisation and are adequately protected from its negative effects. This study, commissioned by the European Parliament Policy Department for Citizens' Rights and Constitutional Affairs upon request by the FEMM Committee, reviews evidence and makes recommendations on how to ensure that new trade agreements such as CETA, TTIP and TiSA take gender equality objectives more fully into account.

ABOUT THE PUBLICATION

This research paper was requested by the European Parliament's Committee on Women's Rights and Gender Equality and commissioned, overseen and published by the Policy Department for Citizen's Rights and Constitutional Affairs.

Policy departments provide independent expertise, both in-house and externally, to support European Parliament committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU external and internal policies.

To contact the Policy Department for Citizen's Rights and Constitutional Affairs or to subscribe to its newsletter please write to: poldep-citizens@europarl.europa.eu

Research Administrator Responsible

Eeva ERIKSSON
Policy Department C: Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

AUTHOR

Marzia FONTANA, PhD

LINGUISTIC VERSION

Original: EN

Manuscript completed in November 2016
© European Union, 2016

This document is available on the internet at:
<http://www.europarl.europa.eu/supporting-analyses>

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the publisher is given prior notice and sent a copy.

CONTENTS

LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	6
1. INTRODUCTION	8
2. A NEW GENERATION OF TRADE (AND INVESTMENT) AGREEMENTS: CETA, TTIP AND TISA IN A NUTSHELL	11
2.1. Overview	11
2.2. CETA	13
2.3. TTIP	14
2.4. TiSA	14
3. THEORY AND EVIDENCE ON THE GENDER EFFECTS OF GREATER TRADE INTEGRATION	16
3.1. Analytical frameworks for assessing and monitoring the gender effects of trade	17
3.1.1 Gender and trade: two-way interaction, and differentiated effects	17
3.1.2 Three main channels: employment, consumption and public provision	18
3.2. Empirical evidence on the gender effects of trade in goods and services	20
3.2.1 Gender and trade in goods	20
3.2.2 Gender and trade in services	24
3.3. The distributional effects of NAFTA	26
3.3.1 Employment effects in Mexico	27
3.3.2 Employment effects in the United States	28
3.3.3 Consumption effects in Mexico	28
3.3.4 Other aspects of the agreement	28
3.3.5 Lessons from NAFTA for the new trade agreements	29
4. ASSESSMENT OF CURRENT EU TRADE AGREEMENTS FROM A GENDER PERSPECTIVE	31
4.1. EU trade policies and Gender Equality	31
4.2. Gender equality concerns in Economic Partnership Agreements (EPAs)	32
4.3. Gender equality concerns in Sustainable Impact Assessments (SIAs)	33
4.3.1 A review of the CETA SIA from a gender perspective	33
5. RECOMMENDATIONS	36

5.1 How to strengthen the gender analytical lens of SIAs	36
5.2 How to encourage commitment to gender equality in the practice of trade analyses and negotiations	37
REFERENCES	38
ANNEX	43

LIST OF ABBREVIATIONS

ACP	Africa, Caribbean and the Pacific
ATC	Agreement on Textiles and Clothing
CAP	Common Agriculture Policy
CETA	Comprehensive Economic and Trade Agreement
CGE	Computable General Equilibrium
EPA	Economic Partnership Agreement
EPZ	Export Processing Zone
EU	European Union
FDI	Foreign Direct Investment
GATS	General Agreement on Trade and Services
GDP	Gross Domestic Product
ISDS	Investor-State Dispute Settlement
NAALC	North American Agreement on Labor Cooperation
NAFTA	North American Free Trade Agreement
NHS	National Health System
NTAE	Non Traditional Agricultural Export
OECD	Organization for Economic Cooperation and Development
RTA	Regional Trade Agreement
SIA	Sustainable Impact Assessment
TiSA	Trade in Services Agreement
TTIP	Transatlantic Trade and Investment Partnership
WBG	Women's Budget Group

EXECUTIVE SUMMARY

Different groups of women and men are differently affected by trade and investment agreements. The formulation of equitable policies must take these differences in impact into account. However, despite a growing body of evidence on gender and trade liberalisation, gender analysis at all levels of trade policy-making and implementation remains limited.

This paper examines the extent to which consultations and assessments leading up to trade and investment agreements such as CETA, TTIP and TiSA have so far given sufficient consideration to gender equality objectives. The paper also offers recommendations on what can be done to strengthen commitment to gender equality in EU trade policies. Existing literature on the gender effects of greater trade integration is reviewed to draw lessons for both policy formulation and further research.

The available evidence illustrates that goods trade liberalisation does not automatically provide increased employment opportunities for women, as this is highly dependent on the sectors that expand or contract in each country. Nor is greater international competition demonstrated to reduce the scope for employers to discriminate against female workers. The evidence also shows that women are more likely to be incorporated into international trade as wage workers than as self-employed workers in agriculture or other sectors. This is because, as independent producers, women often face greater constraints than men in terms of access to infrastructure and productive assets and hence frequently remain confined to small businesses in local markets. These gender-intensified constraints tend to be more pronounced in low-income developing countries but are nonetheless present also in European agriculture. In many countries of the EU, women farmers have received less institutional support than men farmers under the Common Agriculture Policy, and are more likely than men to play subsidiary roles. Attention needs therefore to be put in avoiding that any possible losses brought about by CETA or TTIP in the agricultural sector are disproportionately borne by rural women.

Another insight from the existing literature is that the gender effects of greater trade integration vary greatly depending on the stage of development and related socio-economic institutions of the countries involved. Thus, carrying out both country-specific and sector-specific comprehensive gender assessments before committing to any new trade agreement is essential. Great diversity can be observed both between countries and within countries of the EU in terms of production structures, female labour force participation rates, welfare regimes and other gender norms. It is important that this diversity is reflected in the data used in trade impact assessments. This will ensure that the new trade and investment deals do not exacerbate gender-based differences.

Gender effects related to possible changes in the quality of social services, and equity of access, are less documented in the literature. It is important to carry out comprehensive research on these aspects to fully assess the gender implications of CETA, TTIP, and TiSA in particular. Greater liberalisation in services may open up opportunities for women's employment and, under certain circumstances, improve the quality of service provision for both women and men. But there is also a high risk that, without appropriate public resources and government's commitment, services liberalisation and privatisation may lead to the replacement of state-based entitlements by market-based individualized

entitlements for those who can afford them, and poverty and overwork for those who cannot.

Governments can in principle protect their social services from liberalisation but there is growing concern that government regulations designed to ensure equal access to good quality care may be seen as a trade barrier by a foreign service supplier and therefore be challenged through the framework stipulated by the relevant trade agreement. This risk is more likely in situations characterised by markedly unequal power relations between trading partners. TiSA, which includes countries very diverse in both economic and political power, indeed presents this risk. Under these circumstances, it is essential that actions be taken to ensure that provisions to guarantee low-income women's access to basic social services are always in place.

One of the main findings from research on NAFTA is that the overall employment gains in both Mexico and the United States were fewer than predicted and very unequally distributed across different categories of workers and across regions within each country. Some of the most disadvantaged workers such as unskilled workers in the United States and small agricultural producers in Mexico, many of which were women, were not at all able to recover from the negative effects of NAFTA and integrate in expanding sectors of the economy. The lesson for CETA and TTIP from this experience is therefore that effective measures need to be put in place by the respective governments to compensate groups of workers and consumers likely to suffer losses. Measures to overcome gender-specific constraints are particularly needed. It is especially important to ensure that no provision in any chapter of the new agreements undermines governments' capacity (and resources) to act in support of the progressive realization of women's rights.

Measures to strengthen the gender analytical lens of the CETA Sustainable Impact Assessment (and by extension the TTIP SIA and other future SIAs) as well as to foster stronger commitment to gender equality in the practice of trade analysis and negotiations are much needed. These could include among others: ensure that impact assessments examine gender effects in every single sector of the economy concerned (to include both goods and services), rather than in a few isolated instances, and use sex-disaggregated statistics throughout; promote in depth research on the likely gender effects of changes in public provision of services in particular; ensure that gender experts (including gender-aware economists) are appointed to work in the main research team carrying out SIAs; and encourage more regular training on gender and trade of government officials and negotiators.

1. INTRODUCTION

KEY FINDINGS

- Different groups of women and men are differently affected by trade and investment agreements, and yet gender analysis at all levels of trade policy-making remains limited.
- CETA, TTIP and TiSA go beyond traditional trade liberalisation and involve services, investments, regulations and standards. The gender characteristics of the economies involved in the agreements will be important determinants of their distributional effects.
- Severe concerns have been expressed about the likely distributional consequences of the new trade rules and rights accorded to foreign investors under these new trade agreements.
- It is important to better understand the gender dynamics likely to be associated with the proposed agreements and advocate for trade rules that respect women's rights. More in depth research and better policy practice are both needed to ensure gender-equitable trade outcomes.

Different groups of women and men face different economic opportunities and constraints and are often assigned different roles and responsibilities both in the market economy and at home. This fact tends to hold true in both low income and high income countries, although the nature and extent of gender inequalities are likely to vary, depending on a country's economic structure, prevailing institutions and the socio-economic circumstances of the individuals concerned. *These differences mean that women's and men's ability to benefit from trade and investment agreements and/or adjust to possible negative effects resulting from their implementation, is also likely to vary.* This will depend not only on the sectors in which women and men work, but also their skills, their family circumstances, their consumption needs, and the assets, public resources and services they are able to access. The formulation of equitable policies must take these differences in impact into account. However, despite a growing, and by now large, body of research on gender and trade liberalisation, gender analysis at all levels of trade policy-making and implementation remains limited.

Current trade agreements go beyond negotiation of tariffs and quotas on manufactured goods, and increasingly involve agricultural goods, services, investment agreements and 'trade-related' areas such as government procurement and various other domestic regulations and standards. These new areas are an important component of the new free trade agreements that the European Union is considering at present, such as CETA (Comprehensive Economic and Trade Agreement), TTIP (Transatlantic Trade and Investment Partnership) and TiSA (Trade in Services Agreement), and are highly contested.

These three agreements are at different stages in the negotiation process. Both CETA and TTIP would involve a new trade and investment regime between the European Union (EU) as a whole on one side, and one major high income North American country (Canada and the United States respectively) on the other side, and hence are North-North trade agreements, unlike most other EU trade agreements which involve also countries from the global South. TiSA is being negotiated among a group of very diverse countries ranging

from high income countries across Europe, East Asia and the Pacific, to a number of upper-middle income countries mostly from Latin America, to a few lower-middle income countries such as Pakistan. The stage of development (and hence structure of production) of the countries involved in the agreements as well as their gendered economic structures will be important determinants of the distributional outcomes (both between and within countries) likely to result from the proposed trade and investment reforms.

All three agreements appear to be quite controversial. In particular, a number of civil society organizations and trade unions have variously expressed concerns about the possible consequences of the new 'regulatory coherence' and rights accorded to foreign investors that are proposed among trading partners. It is feared these new rules may negatively affect food safety, labour rights, the environment and public provision of key services. *It is important to better understand the gender dynamics that may be associated with changes in each of these areas and advocate for trade rules that respect the economic and social rights of women.* For instance, the liberalisation of social services such as healthcare may have negative implications for the distribution of unpaid care work, with women in poor and marginalized households most likely to bear the brunt.¹

Some commentators also mention the lack of publicly available information on the content and terms of the negotiations that are taking place. This restricted information limits the capacity of independent institutions and researchers to carry out comprehensive assessments of the possible distributional implications (including gender implications) of these trade agreements.²

Keeping these limitations in mind, the present 'in-depth analysis' commissioned by the Committee on Women's Rights and Gender Equality (FEMM) aims to contribute to a better understanding of the likely gender implications of these future trade agreements by:

(a) reviewing recent analytical and empirical literature on the gender effects of greater trade integration in general;

(b) examining, in particular, the final text of the existing Trade Sustainable Impact Assessment (SIA) for CETA, published by the European Commission in 2011, in order to assess the extent to which gender concerns have been integrated in the analysis; and

(c) making recommendations on areas requiring further investigation through a gender lens with regard to not only CETA but also TTIP and similar trade deals.

The paper is organised as follows. Section 2 briefly explains the core features of the trade agreements and why some of these features (e.g. provisions regarding services and foreign investments) have important implications for gender equality. Drawing on existing literature, Section 3 then outlines the key ingredients of a comprehensive gender analysis of trade policies and reviews available evidence on the gender effects of trade liberalisation. Section 4 reviews EU trade policies from a gender perspective and provides in particular a thorough examination of the existing Sustainable Impact Assessment of CETA. Section 5 concludes by offering two sets of recommendations: one set is about knowledge gaps: (a) how to make the analysis of the gender impact of CETA (and by

¹ Bakker, I. (2015) 'Towards gendered global economic governance: a three-dimensional analysis of social forces' and Sinclair, S. 'Trade agreements and progressive governance' both in Gill, S. ed. (2015) *Critical Perspectives on the Crisis in Global Governance* Palgrave Macmillan: New York.

² But see for example the useful resources available on the Heinrich Boll Foundation's website at <https://eu.boell.org/en/TTIP-Index> and various discussion papers from the Global Development and Environment Institute at Tufts University at http://ase.tufts.edu/gdae/policy_research/ttip_simulations.html http://ase.tufts.edu/gdae/policy_research/ttip_simulations.html.

extension TTIP and TiSA) more robust and relevant to gender-equitable policy formulation; the other set is about processes: (b) what mechanisms can strengthen commitment towards gender concerns in the various stages of negotiation, implementation and monitoring.

2. A NEW GENERATION OF TRADE (AND INVESTMENT) AGREEMENTS: CETA, TTIP AND TISA IN A NUTSHELL

KEY FINDINGS

- Most regional and bilateral trade agreements signed in the last twenty years include rules and provisions aimed at ensuring non-discriminatory treatment of foreign investors and services suppliers. But they do not necessarily protect small local businesses or small farms. This can have important implications for gender equality since women are often overrepresented among these disadvantaged groups.
- The liberalisation of trade in services such water and sanitation, education and health, and restrictions on governments' ability to ensure quality access to these services for all citizens, may have particularly negative effects on the distribution of unpaid care work and hence on gender equality.
- CETA has just been adopted by the Council and signed at the EU-Canada Summit on 30 October 2016. The European Commission is keen to stress that the approved deal contains all the necessary guarantees to protect consumers' health and safety.
- It is difficult to predict at present how negotiations on TTIP and TiSA will evolve.

2.1. Overview

Multilateral and bilateral trade agreements now extend to agricultural products, services as varied as health care, education, finance, and water, and trade-related areas such as foreign investments, government procurement, and intellectual property rights. In many countries, a number of services traditionally provided by the public sector are now increasingly subject to competition from foreign companies. Some commentators note that current trade rules seem often to be designed to give national governments a strong incentive to adjust their laws and regulations to conform to trade-panel decisions, even at the expense of other international commitments or other domestic policies.³ One such rule, which is routinely included in recent trade agreements, has to do with investor-state dispute-settlement (ISDS) provisions. ISDS provisions allow business to take legal action against governments if these are perceived to act in ways that undermine business' expected profits. Since the mid-1990s, over 200 regional trade agreements (RTAs) that include these additional areas and provisions have been signed.⁴ The North American Free Trade Agreement (NAFTA) between Mexico, Canada and the United States is one of the early examples of this 'new generation' of trade agreements and some of its distributional effects will be examined in chapter 3.

It is argued that existing investment and services rules included in trade agreements are aimed at ensuring non-discriminatory treatment of foreign investors and services suppliers. But as aptly noted by Balakrishnan and Elson,⁵ trade treaties adopt a different understanding of the concept of "non-discrimination" from human rights treaties. While in a human rights context "non-discrimination" allows for positive discrimination in favour of

³ Gill, R. ed (2015) *Critical Perspectives on the Crisis of Global Governance: Reimagining the Future* Palgrave Macmillan: Basingstoke; Gammage, S., H. Jorgensen, E. McGill, with M. White (2002) *Trade Impact Review*, Women's Edge Coalition: Washington DC.

⁴ Gill (2015), *ibidem*.

⁵ Balakrishnan, R. and Elson, D. (2011). These arguments are more fully elaborated in Khor, M. (2007) Keynote speaker address in *Reconciling Trade and Human Rights: the New Development Agenda*, A. Simpson ed., conference report.

those who are most vulnerable, in trade agreements it is considered as requiring most-favoured-nation treatment and national treatment. Under national treatment, countries are required to treat foreign products at least as well as local products. *This rule does not allow positive discrimination in favour of marginalized groups such as small local business or small farms by their governments especially when extended to services, investment and competition rules.* This can have important implications for gender equality objectives since women are often overrepresented among these marginalised groups.

Because the new provisions regarding trade in services and foreign investment tend to limit regulatory actions by governments, one major concern is that this may undermine the equitable provision of public services. For example, in Poland and Slovakia, trade agreements have led to challenges to national health policies by private investors. More specifically, Hall⁶ reports that in Slovakia, in 2007 a new government changed the law on health insurance to require that health insurance companies only use their profits to reinvest in the health insurance business (in the host country i.e. Slovakia). Following this policy change, a Dutch insurance company, owning two subsidiaries operating in Slovakia since 2004, took action under a bilateral investment treaty between the former Czechoslovakia and the Netherlands, and was later awarded a significant amount of Euros in compensation by the investor-state tribunal. Outside of Europe, a more positive outcome has involved the Plurinational State of Bolivia, where in 1999 the government privatized the municipal water system in Cochabamba, granting a 40-year contract to Bechtel, a multinational based in the United States. It subsequently cancelled the contract in the face of extensive protest due to the company's failure to supply adequate water, especially to poor communities. Bechtel sued the Bolivian government for compensation but eventually, in 2006, settled for only a token amount following from an international campaign against the company.⁷

All these issues are of great relevance for the promotion of gender equality since the liberalisation of trade in services and restrictions on governments' ability to ensure equitable and quality access to all their citizens may have particularly negative effects on the distribution of unpaid care work. As services such as water or health increasingly rely on private companies and market-based user fees, access becomes more unequal and poor households are forced to use low quality services or are excluded altogether. This is likely to lead women and girls in these poor households to spend more time and energy on daily livelihood activities such as caring for the ill, young and the elderly, housework, cooking and, in the case of low-income developing countries, also collecting and treating water for long hours.⁸

CETA (Comprehensive Economic and Trade Agreement), TTIP (Transatlantic Trade and Investment Partnership) and TiSA (Trade in Services Agreement) all belong to this new generation of trade agreements. Both CETA and TTIP would involve a new trade and investment regime between the EU as a whole on one side, and one major high income North American country (Canada and the United States respectively) on the other side, while TiSA is currently being negotiated among a group of very diverse countries ranging from high income countries across Europe, East Asia and the Pacific, to a number of upper-

⁶ Hall (2010) cited in Sinclair, *ibidem*.

⁷ Sinclair (2015).

⁸ UN Women (2015) *Progress of the World's Women 2015-2016* United Nations: New York, especially chapter 4; Bakker (2015).

middle income countries mostly from Latin America, to a few lower-middle income countries such as Pakistan.⁹

All three agreements appear to have raised serious concerns among a number of civil society organizations and trade unions across EU countries as well as Canada.¹⁰ In the United Kingdom, for instance, there have been worries about the potential privatisation of the National Health System (NHS).¹¹ It is also feared the new rules may negatively affect food safety and the environment. For instance, a paper by the Heinrich Boll Foundation points to the risk that TTIP might lead the EU to lower standards on genetically modified crops and hormone-treated meats, and discourage initiatives such as bidding preferences for sustainable and organically grown foods in public procurement programmes.¹² *It is important to better understand the gender dynamics that may be associated with each of these measures at the level of each EU Member State.* The next sections provide a brief background on key features and current status for each of the three trade agreements.

2.2. CETA

The Comprehensive Economic Trade Agreement between the EU and Canada was adopted by the Council of the EU and signed at the EU-Canada Summit on 30 October 2016 after about 7 years of negotiations. The European Parliament will need to give its consent to the agreement before it can be provisionally applied. CETA's full entry into force will be subject to the EU's conclusion, through a Council decision with the consent of the European Parliament, and by all Member States through the relevant national ratification procedures.¹³

CETA has an ambitious scope which includes liberalisation of trade in goods and services, investment, government procurement, competition policy, and intellectual property. Liberalisation of goods trade comprises industrial, agricultural and fishery products and involve tariff and non-tariff measures, technical barriers to trade (TBT), sanitary and phytosanitary (SPS) measures, trade facilitation and rules of origin. The agreement also covers a number of regulatory principles regarding services and investment.

It is worth highlighting that CETA has agreed to the operation of a new Investment Court System (ICS), which is meant to replace the more traditional form of investor-state dispute settlement (ISDS). The ICS will be for now out of the scope of the provisional application of CETA.¹⁴ This decision most likely responds to ongoing controversies over the issue of ISDS and power this can give to foreign investors over national governments.

The European Commission's website page on CETA is keen to stress that the final agreement 'upholds Europe's standards in areas such as food safety and worker's rights.

⁹ The full list of countries which have agreed to be part of the TiSA deal is provided in section 2.4.

¹⁰ See for example G.Monbiot 'The transatlantic trade deal TTIP may be dead but something even worse is coming' *The Guardian*, 6 September 2016 and P. Magnette 'Wallonia blocked a harmful EU trade deal but we don't share Trump's dreams' *The Guardian*, 14 November 2016. See also Heinrich Boll Foundation's paper series on TTIP at <https://www.boell.de/en/tags/ttip> <https://www.boell.de/en/tags/ttip>

¹¹ UNISON (2015).

¹² Hansen-Kuhn and Suppan (2013).

¹³ http://ec.europa.eu/trade/policy/in-focus/ceta/index_en.htm http://ec.europa.eu/trade/policy/in-focus/ceta/index_en.htm

¹⁴ *Ibidem*: ICS will only be implemented once all Member States will have concluded their national ratification procedures. Until that time, the Commission will work with Canada to further elaborate some of the parameters of the new system, such as the selection of judges, the access of smaller businesses to the new system and the appeal mechanism.

It contains all the guarantees to make sure that the economic gains do not come at the expense of democracy, the environment or consumers' health and safety'.¹⁵

2.3. TTIP

The Transatlantic Trade and Investment Partnership (TTIP) is a proposed trade agreement between the EU and the United States. If successful, TTIP will be the largest bilateral trade and investment agreement ever to be negotiated. The scope of TTIP is similar to that of CETA: alongside tariff liberalisation it seeks significant commitments on regulatory cooperation and a joint rules-based framework for bilateral trade and investment. The agreement is expected to consist of three pillars: market access, regulatory co-operation and rules. Within each of these pillars, TTIP aims to remove nearly all customs duties, improve EU and United States access to each other's services and public procurement markets, reduce behind-the-border barriers to trade and investment, and similar.

The negotiations for TTIP started in June 2013 and have now reach their 15th round, which was held in New York this last October. Not all the details of what is being negotiated are known to the public.¹⁶ Recent political events in the United States suggest that further negotiations may now be put on hold for some time.¹⁷

2.4. TiSA

The Trade in Services Agreement (TiSA) is the most ambitious attempt in recent years to expand trade in services. Initiated by the United States and Australia, TiSA is based on the WTO's General Agreement on Trade in Services (GATS). It includes all GATS provisions and aims to open up markets and standardize rules in areas such as licensing, financial services, telecoms, e-commerce, maritime transport, and professionals moving temporarily abroad.¹⁸

TiSA is currently negotiated among 23 WTO members: Australia, Canada, Chile, Chinese Taipei (Taiwan), Colombia, Costa Rica, the EU, Hong Kong China, Iceland, Israel, Japan, Korea, Liechtenstein, Mauritius, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Switzerland, Turkey and the United States. Of these, the EU has currently no free trade agreements on services with Taiwan, Israel, Pakistan or Turkey. The talks started formally in March 2013, with participants agreeing on a basic text in September 2013. By the end of 2013, most participants had indicated which of their services markets they were prepared to liberalise and its extent. As of November 2016, 21 negotiation rounds have taken place. There is no formally set deadline for ending the negotiations.¹⁹

Countries participating in TiSA usually meet in Geneva. Talks are based on proposals made by the participants. The European Commission negotiates based on a mandate issued by the governments of the EU's 28 member countries. Its team of negotiators provide regular

¹⁵<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1567>

¹⁶ <http://ec.europa.eu/trade/policy/in-focus/ttip/documents-and-events/#negotiation-rounds>.

¹⁷ <http://www.bloomberg.com/news/articles/2016-11-11/eu-s-malmstrom-signals-free-trade-talks-with-u-s-to-be-frozen>

¹⁸http://ec.europa.eu/trade/policy/in-focus/tisa/index_en.htmhttp://ec.europa.eu/trade/policy/in-focus/tisa/index_en.htm

¹⁹*Ibidem*.

briefings to the Council and to the European Parliament. The Commission also organises meetings with business and civil society.

TiSA is open to all WTO members who want to liberalise trade in services. Recently China has asked to join the talks. The EU supports its application because it wants as many countries as possible to join the agreement. It is argued that if enough WTO members join, TiSA could be turned into a broader WTO agreement and its benefits extended beyond the current participants.²⁰

Like any other trade negotiations, the TiSA talks are not carried out in public and the documents are available to participants only. The EU, however, has made some of the papers and reports related to the negotiations public.

²⁰*Ibidem.*

3. THEORY AND EVIDENCE ON THE GENDER EFFECTS OF GREATER TRADE INTEGRATION

KEY FINDINGS

- Trade affects various dimensions of gender inequality through three many channels: employment, consumption and public provision of services.
- In the developing world, women have benefitted from trade related job creation in countries where light manufacturing expanded but not in countries with other export structures. Even within manufacturing, women workers have mostly remained confined to "female" jobs with limited access to secure or long-lasting opportunities.
- The employment gains of women in some countries have come at the expense of women workers in other countries. In the 1980s and the 1990s the increase in developing countries' labour intensive manufacturing exports produced by female workers resulted also in the destruction of jobs held by women through import competition in high-income developed economies.
- Women are more likely to be incorporated into international trade as wage workers than as self-employed workers in agriculture or other sectors. As self-employed, women often face greater constraints than men in accessing infrastructure and productive assets and hence remain confined to small businesses in local markets.
- These gender-intensified constraints tend to be more pronounced in low-income developing countries but are nonetheless present also in European agriculture. Attention needs to be put in avoiding that possible losses brought about by CETA or TTIP in the agricultural sector are disproportionately borne by rural women.
- Gendered effects related to possible changes in the quality of social services, and equity of access to them, are less understood and documented in the literature. It is important to carry out comprehensive research on these aspects to fully assess the gender implications of TiSA in particular.
- Greater liberalisation in services may open up opportunities for women's employment and, under certain circumstances, improve the quality of service provision for both women and men. But there is also a high risk that, without appropriate public resources and government's commitment, services liberalisation and privatisation may lead to the replacement of state-based entitlements by market-based individualised entitlements for those who can afford them, and poverty and overwork for those who cannot.
- One of the main lessons from NAFTA is that more effective measures need to be put in place by the respective governments of the EU and Canada/United States to compensate groups of workers and consumers experiencing losses, and to overcome gender-specific constraints in particular. It is especially important that no provision in any chapter of the new agreements undermines governments' capacity (and resources) to act in support of the progressive realization of women's rights.
- Great diversity can be observed both between countries and within countries of the EU in terms of production structures, female labour force participation rates, welfare regimes and other gender norms. It is important to ensure that the new trade and investment deals do not exacerbate these differences.

3.1. Analytical frameworks for assessing and monitoring the gender effects of trade

A number of analytical frameworks and tools have been developed since the early 2000s to assess the gender distributional effects of trade.²¹ These frameworks spell out with various levels of detail the main channels through which changes in the trade structure of a country (resulting from domestic liberalisation policies or international agreements, or both) affect various dimensions of gender inequality. The interaction mechanisms are often complex. These frameworks provide useful checklists and enable identification of key questions to be asked, ideally both at the stage of generating relevant evidence to inform trade negotiations and, later, at the stage of promoting interventions on the ground to enable successful implementation and monitoring.²² Unfortunately, the evidence so far is that none of these frameworks appears to be systematically used in any of the impact assessments accompanying recent trade negotiations, and this includes the Sustainable Impact Assessments (SIAs) commissioned by the European Commission. As documented in Viilup²³ among others, when some gender analysis is present in SIAs, this is often limited to a mention of possible employment effects in specific sectors (e.g. sectors traditionally dominated by women such as garments) or in relation to specific groups of women (e.g. women involved in informal cross-border trade) in isolation. *But the gender implications of trade and investment agreements are wider and much more complex.*

The premise of a proper gender-aware analytical approach is that trade policies take place in the context of economic structures that are shaped by gender difference and hence will have invariably gender effects. These effects can be either positive or negative and can lead to contradictory outcomes. In most cases, individual women or men will experience positive and negative effects at the same time, depending on the dimension of gender inequality one looks at (e.g. more paid jobs for women but also more total overall paid and unpaid work burdens for them).

3.1.1 Gender and trade: two-way interaction, and differentiated effects

Gender-based norms about what is men's work and what is women's work mean that women tend to have access to fewer paid jobs and occupations than men in the labour market and are expected to take on the bulk of caring responsibilities at home. This fact tends to hold true in both low income and high income countries, although the nature and extent of gender inequalities vary. The gendered structure of markets and other socio-economic institutions has two implications for the way gender and trade interact in a country. The first implication is that existing gender inequalities affect trade strategies for competitiveness, and they also affect whether particular trade reforms will actually translate into desired economic outcomes. For example, research from Asia shows that in some countries trade and investment liberalisation has been associated with widening gender wage gaps.²⁴ This has been mostly because firms have relied on women's cheap labour to cut costs and used this as their main strategy to maintain export competitiveness. Apart from violating labour rights, this strategy is also likely to have

²¹ Gammage *et al* (2002) and Fontana, M. (2003) are among the most widely quoted and used in training, but there are also others such as Atthill *et al* (2007) and, more recently, UNCTAD Virtual Institute's *Training Material on Gender and Trade* (2014) available at <http://vi.unctad.org/tag/vol1.html> <http://vi.unctad.org/tag/vol1.html>

²² One of such checklists (developed by Fontana) is provided in an annex.

²³ Viilup (2015).

²⁴ Berik and Rodgers (2012); Busse and Spelman (2006); Seguino (2000).

serious negative effects on economic development in the long run, by discouraging skill development and technical innovation.

The second implication is that trade has gender-differentiated distributional effects. *Differences in impact are likely to be observed not only between men and women, but also between different groups of women, depending on their stage in life, education level, ethnicity, migration status and the social obligations prevailing in their households.* In other words, a gender-aware perspective also encourages attention to differences across social and cultural contexts, and in particular to the ways in which gender intersects with other sources of disadvantage. This emphasis is important, as some policymakers still tend to treat “women” and “men” as homogenous categories.

3.1.2 Three main channels: employment, consumption and public provision

The trade and inequality literature usually distinguishes three main channels through which goods trade liberalisation affects individuals in a country: the employment channel, the consumption channel and the public provision channel. Thus different groups of women and men are affected in their multiple roles as workers and producers, as consumers, and as citizens and taxpayers entitled to public services.²⁵

As for *the employment effect*, trade expansion and liberalisation leads to changes in the structure of production, with sectors producing for export likely to expand and other sectors sensitive to import competition likely to contract. This, in turn, may cause changes in the level and distribution of employment of different categories of workers employed with different intensities by different sectors. It is not only the quantity of employment which can be affected but also its quality. The economic volatility frequently associated with production for world markets as well as possible trade-related changes in the regulatory environment are likely to affect the quality and security of employment differently for various groups of workers and producers, *with small-scale producers and low-skill workers more often bearing the brunt.* Gendered employment effects from greater trade openness are to be expected because of the different distribution of women and men across tradable and non-tradable sectors and employment statuses, combined with limited substitutability between female and male labour due to rigid gender roles in the labour market. For example, *a high proportion of women tends to be in disadvantaged job categories such as small-scale producers and low-skill workers in many countries.* Gender-based segmentation is a persisting feature of labour markets not only in developing regions but also in high income countries. For example, as reported in *Progress of World's Women 2015-16*²⁶, women tend to be disproportionately represented among clerical and support workers but underrepresented in managerial positions both in developing and developed countries. Over the last two decades, predominantly female occupations with lower status and pay have remained feminized or become more so. Although the category of contributing family workers, the most vulnerable of all employment categories, is smaller in Europe than in African and Asian countries, women constitute a higher share than men in many EU countries too.²⁷

As for *the consumption effect*, trade-induced changes in relative prices of goods and services bring about changes in real incomes that affect different households and

²⁵ The edited book *The Feminist Economics of Trade* (van Steveren *et al*, 2007) is still one of the best collections of contributions which examine both sides of the gender and trade relationship.

²⁶ UN Women (2015: 91).

²⁷ ILO (2016).

individuals within households differently, depending on their consumption needs as well as their access and control over income. Gendered effects may result, for instance, because of prevailing norms assigning women primary responsibility for the purchase and preparation of food for their children and families. As will be discussed later in section 3.2.3, one of the effects of NAFTA, for instance, has been a significant increase in the consumer price of tortillas and other locally produced staples but a decline in the consumer price of junk food imported from the United States. This change in the relative price of various food items contributed to the worsening of the diet of many Mexicans, including children.²⁸

As for *the public provision effect*, the main concern with reference to developing countries is that goods trade liberalisation can reduce tariff revenues, which is still an important source of tax revenue for them, and this, in turn, may have gender-specific effects on the size and composition of government expenditure. For example, fewer government resources may become available for spending on social programmes and infrastructure to support care provision, which usually affects women more negatively than men. In their examination of 128 developing countries, Ortiz and Cummins²⁹ show that the main measures taken in most countries during fiscal contraction included reducing social safety nets, reforming old age pensions and cutting wage bills, with disproportionately negative impact on children and women. The contractionary fiscal policies examined in Ortiz and Cummins' study are not necessarily related to trade reforms, nonetheless their findings give good ammunition for what might happen when trade liberalisation causes loss of government revenue, or limits the capacity of the government to protect its vulnerable citizens.

A related concern raised in the context of current trade agreements seeking to liberalise not only goods but also services and investment has to do with the consequences for equity in access to basic social services and their quality, as already mentioned in Section 2. For example, especially in high income and middle income countries, privatised and liberalised health services for the elderly are likely to affect women more than men, because women tend to live longer but be poorer than men, and also because they play a greater role as care providers for other family members even in their old age.³⁰ In low-income developing countries the privatisation of water provision is another important area with potentially negative gender implications since it is women and girls who overwhelmingly carry out the task of collecting and treating water when access to piped water on household premises is limited or unaffordable.³¹

It is worth stressing once again that an important emphasis of the gender-aware trade literature is on the need to consider how these employment, consumption and public provision effects affect not only the gender distribution of employment and income but also the gender distribution of unpaid domestic work and care.

²⁸ Serdan Rosales and Salas (2011).

²⁹ Ortiz and Cummins (2013).

³⁰ Grown (2006); Williams (2007); United Kingdom's Women Budget Group (2015) 'Social care for the elderly in England' at <http://wbg.org.uk/wp-content/uploads/2015/07/social-care-briefing-june-2015.pdf>

³¹ Bakker (2015); Fontana and Elson (2014) on low income countries.

3.2. Empirical evidence on the gender effects of trade in goods and services

This section offers only a selective review of available evidence. Existing gender and trade research mostly examines employment effects of goods trade liberalisation, especially in manufacturing. Some evidence is also available on the gender employment effects of agriculture liberalisation. Other effects such as changes in consumption patterns, access to services and intra-household relations are less documented. Most of the literature focuses on developing countries but a few studies look also at gender patterns in job gains and losses in manufacturing in both the global South and the global North.

The gender effects of services trade liberalisation, and indeed any other distributional effects resulting from services liberalisation, are more difficult to measure and not yet fully understood.³² Some evidence is available on the gendered employment effects of expansion of specific sectors such as tourism, information and communication. Other gendered effects, such as those related to possible changes in the quality of, and equity of access to, social services, are less documented. *It would be important to carry out more in depth research on these latter aspects in order to fully assess the gender implications of agreements such as CETA, TTIP and TiSA.*

3.2.1 Gender and trade in goods³³

As far as the gendered employment effects of trade in developing countries are concerned, the argument still most frequently put forward in trade policy circles is that, given that developing economies' relatively abundant factor endowment is unskilled labour, greater openness to international trade should be expected to increase the economic return to unskilled labour. Thus, it is maintained, developing countries' trade liberalisation would be particularly beneficial to women since in these countries women are more concentrated in unskilled jobs than men. These arguments have been challenged on empirical grounds. First, women in developing countries are not always positioned to benefit from trade-related employment creation and may also be disproportionately affected by import displacement. Whether trade liberalisation contributes to narrowing gender gaps in the labour market depends on the economic structure of the country concerned, the composition of its exports and imports and other institutional characteristics. Second, whether women really benefit from increased paid job opportunities generated by trade depends not only on the number of jobs they have access to, but also on the quality of these jobs and their working conditions.

3.2.1.1 Manufacturing

Women have benefitted from trade related job creation in countries where light manufacturing such as garments and footwear have expanded but not in countries with other export structures. In the early stages, the female gains in manufacturing employment have been particularly strong in Asia (especially the four East Asian "tigers", but also Bangladesh and Sri Lanka in South Asia; and Malaysia, Indonesia, Thailand, and the Philippines in South East Asia), with expansion also in Latin America (most notably Mexico, but also Central America and the Caribbean).³⁴ This trend found in earlier studies seems to have continued for middle-income countries, but only on average, for there are

³² Macrory and Stephenson (2011).

³³ This section draws mostly on Fontana (2003) and Fontana (2009).

³⁴ Pearson (1999); Joeke (1995); Seguino (1997, 2000).

important differences across regions, industrial structures and processes. For example, while a few Latin American and Caribbean middle-income countries have experienced rising female intensity (at least until the mid-2000s), most East Asian and Pacific countries have experienced a defeminisation since the 1990s.³⁵

Evidence from developing countries also suggests that women workers have remained confined to “female” jobs with little opportunity to enter previously male-dominated sectors and occupations, and that the jobs women can access do not provide secure or long-lasting opportunities. Most of the evidence on the quality of trade-related female jobs comes from case studies of Export Processing Zones (EPZs) and, to a less extent, non-traditional agricultural export (NTAE) sectors. Employers in EPZs often segregate women in unskilled position and do not provide opportunities for training and promotion; their union rights are at times suppressed.³⁶ Especially in apparel and footwear industries, where suppliers face tight shipping deadlines and seasonal picks in demands, excessive overtime is widespread.³⁷ Female unskilled international migrants, working in countries far away from their own, face particular hardship, as they are often denied access to even the basic economic and social rights offered to local populations.³⁸ Hiring home-based workers is another cost-cutting strategy increasingly practiced by local firms producing for global supply chains. Home-based workers tend to be more vulnerable than other categories of workers and unable to improve the terms of employment. While home-based work predominantly draws on women’s labour, men have been also increasingly employed to work from home, for instance in India’s import-competing manufacturing sectors.³⁹

The employment gains of women in some countries should not obscure the fact these gains may have come at the expense of women workers in other countries. In the 1980s and the 1990s the increase in developing countries’ labour intensive manufacturing exports produced by female workers resulted also in the destruction of jobs held by women through import competition *in high-income developed economies*. A study by Kucera and Milberg shows for example that the expansion of the OECD trade with developing countries during the 1980s and 1990s resulted in disproportionate job losses for women in OECD countries, who constituted the majority of workers in import-competing industries such as textiles, footwear and leather goods.⁴⁰ More specifically, using disaggregated data for 22 manufacturing industries over the 1978-95 period for 10 OECD countries, they find that in Australia, Canada, Japan, the Netherlands and the United States in particular, trade expansion with non-OECD countries resulted in employment declines disproportionately affecting women. The gender bias in the decline in employment associated with the expansion of non-OECD trade was however negligible in most continental European countries (such as France, Germany and Italy).⁴¹ Trade related job losses with disproportionately negative impact on women workers have continued in the United States in the late 1990s and early 2000s.⁴² These job losses for women in the US manufacturing sector have been compensated to some extent by the growth of service sector jobs but whether the wage levels and the gender wage gaps in these growing sectors are more favorable is the subject of ongoing research. The gender wage gap in the United States

³⁵ Tejani and Milberg (2016).

³⁶ Doriasami (2008); Berik (2008).

³⁷ Berik and Rodgers (2010); Amengual and Milberg (2008).

³⁸ Maher (2009) among others.

³⁹ Rani and Unni (2009).

⁴⁰ Kucera and Milberg (2007).

⁴¹ Differences in the gender gap in participation rates across OECD countries are also due to different labour markets, health care and family related policies. Variation in industrial composition also matters.

⁴² Callahan and Vijaya (2009).

services sectors widened between 1990 and 2001 even as occupational segregation declined.⁴³

In high income countries, more in general, greater trade integration seems to have created jobs for skilled workers but often undermined jobs for unskilled ones. Trade liberalisation and foreign direct investment leading to the offshoring of medium and high-skill jobs tend also to raise job insecurity. For example, in the United Kingdom workers in sectors with high foreign investment are more likely to report greater economic insecurity.⁴⁴ And US workers in service activities and occupations that are potentially tradable report both greater insecurity and a greater desire for a strong government safety net.⁴⁵ *Anecdotal evidence suggests that this greater job insecurity is experienced differently by women and men workers and therefore more systematic research is needed on the gender dimension of these trends.*

Diverging outcomes between women working in different countries have also been observed within the South itself. The intensified trade competition among developing countries following the end of the Agreement on Textiles and Clothing (ATC) in 2005, for instance, has brought a shift in exports and employment from Central America and Africa towards Asia, and especially towards China. China and India increased their shares of imports to the EU and the United States while economies such as the Dominican Republic, El Salvador, Fiji, Nepal, South Africa and Mauritius, among others, experienced absolute declines in their textile and garment exports with female jobs being especially affected.⁴⁶

3.2.1.2 Agriculture

Employment gains for women through export orientation have been more common in the manufacturing sector and in semi-industrialised economies than in agriculture-based economies or in mineral resource rich countries. *The limited evidence, both from Sub-Saharan Africa and elsewhere in developing countries, shows that the impact of growing agricultural exports is generally less favourable to women than to men.*

Rural women and men can be involved in the production of goods traded in global markets either as farmers, unpaid contributing family labour, wage workers or intermediaries processing or selling products at any node of the value chain. As far as producers are concerned, emerging trends seem to indicate that small farmers, many of which are women, are often not in a position to compete in overseas markets while frequently having to compete with foreign food imports in the domestic market. They face a particular set of constraints relating to land tenure systems, poor infrastructure, limited access to credit, and often a lack of the technical expertise required to comply with regulations and output standards.⁴⁷

Poor farmers in many developing countries have been increasingly abandoning or selling farms, leading to land concentration in the hands of a few large commercial enterprises, including foreign companies. For example, in the Philippines, a study reported that female farmers had been pushed by large NTAE businesses into increasingly less fertile land or

⁴³ Kongar (2008).

⁴⁴ Scheve and Slaughter (2004).

⁴⁵ Anderson and Gascon (2007).

⁴⁶ Berik (2011); Otobe (2008).

⁴⁷ Fontana with Paciello (2010).

even been displaced to cities and tourist zones, where they would find work as domestic workers or sex workers.⁴⁸

Even if not directly involved in export production, women often increase the amount of time they contribute to their husbands' commercial crops, leading to higher female unpaid (productive) work burdens. In spite of their significant contribution in this regard, women often have no control over the income generated from their work.⁴⁹ Further, there is evidence that even when a crop is traditionally female intensive, commercializing it causes men to enter the sector and take over production.⁵⁰

Women in agricultural-based economies seem to be benefiting from incorporation into international trade more through wage employment opportunities on estate farms or packing houses than directly through product markets. Wage employment in non-traditional agricultural export (NTAE) production has emerged as a significant source of employment for rural women, particularly in Latin America countries such as Colombia, Ecuador, Brazil, Chile, Mexico and Peru as well as in some Sub-Saharan African countries such as Kenya, Uganda, Zambia, South Africa and, more recently, Ethiopia. The NTAE sectors, however, employ a very small share of the rural labour force and the scope for their future expansion is limited.

3.2.1.3 Insights for CETA and TTIP

As the preceding review of the evidence illustrates, goods trade liberalisation does not automatically provide increased employment opportunities for women, as this is highly dependent on the sectors that expand or contract in each country. Nor is greater international competition demonstrated to reduce the scope for employers to discriminate against female workers. The evidence also shows that women are more likely to be incorporated into international trade as wage workers than as self-employed workers in agriculture or other sectors. This is because, as independent producers, women often face greater constraints than men in terms of access to infrastructure and productive assets and hence frequently remain confined to small businesses in local markets. These gender-intensified constraints tend to be more pronounced in low-income developing countries but are nonetheless present also in European agriculture. A study by Prugl for example documents that in many countries of the EU, women farmers have received less institutional support than men farmers under the Common Agriculture Policy (CAP) throughout the years.⁵¹ They are also more likely to play subsidiary roles (e.g. as contributing family workers). *Attention needs therefore to be put in avoiding that any possible loss brought about by CETA or TTIP in the agricultural sector is disproportionately borne by rural women.*

Another insight from the existing literature is that the gender effects of greater trade integration vary greatly depending on the stage of development and related socio-economic institutions of the countries involved. *Thus the main lesson is that carrying out both country-specific and sector-specific comprehensive gender assessments before committing to any new trade agreement is essential.* Most of what we know about the gender impact of goods trade refers either to cases of domestic trade liberalisation in developing countries, or liberalisation following international trade agreements between

⁴⁸ UNCTAD (2004).

⁴⁹ For example Dolan and Sorby (2003) for Kenya and Maertens and Swinnen (2009) for Senegal.

⁵⁰ This was the case for groundnuts in Zambia (Wold, 1997), rice in The Gambia (von Braun et al., 1994) and leafy vegetables in Uganda (Shiundu and Oniang'o, 2007).

⁵¹ Prugl (2012).

countries in the North and countries in the South. These findings might therefore seem of less relevance for understanding the gender implications of agreements such as CETA or TTIP, which involve relatively “homogenous” countries only from the North. The similarities between countries involved in CETA and TTIP, however, are less obvious than at first sight. Great diversity can indeed be observed both between countries and within countries of the EU in terms of production structures, female labour force participation rates, welfare regimes and other gender norms. For instance agriculture – the economic sector which is likely to be most affected by CETA – tends to be dominated by men in Europe as a whole, but the share of agricultural jobs in female employment ranges from 35 percent in Romania to less than 1 percent in Denmark, Sweden and the United Kingdom.⁵² Average maternal employment rates range from 64 percent in Southern Europe, where assistance to families tend to be limited, to 80 percent or more in Nordic countries, where continuous support is offered to working parents of children younger than 3 years.⁵³

It is also worth noting that even according to the European Commission’s own assessment of CETA and TTIP, the net effects from tariff reduction on EU countries’ GDP, exports and jobs in goods producing sectors are going to be very small. In the case of CETA, for instance, the European Commission’s own Sustainable Impact Assessment predicts a real total GDP growth of only 0.03 per cent in the EU and 0.07 per cent in Canada.⁵⁴ As for TTIP expectations, GDP is set to be 0.5 percent higher each year for the EU and 0.4 percent higher for the US (after 2030, when TTIP would be fully implemented).⁵⁵ Changes in agriculture as a whole appear quite modest too, but more significant impacts both in Europe and Canada are predicted in specific sub-sectors such as dairy and meat products. No evidence exists of any study being conducted on the gender characteristics of production and consumption of dairy or meat in any of the regions concerned.

3.2.2 Gender and trade in services⁵⁶

Services as diverse as water, health care, transport and accountancy have started to be liberalised under the General Agreement on Trade in Services (GATS) which came into effect into 1995.⁵⁷ More efforts are currently being put into further liberalising services under new regional trade agreements such as TiSA. These agreements seek to further liberalise all measures affecting trade in services including government laws, regulatory and administrative rules such as grants, subsidies, licensing standards and qualifications; food safety rules, technology transfer requirements, tax measures and similar. The right of a country to regulate services to protect the economic and social rights of its citizen is recognized so that governments in principle can exclude their public services from liberalisation and privatisation. There are growing concerns, however, that countries may be pressured to also include public services in the agreements.⁵⁸

In the United Kingdom for example, UNISON, a member of the European federation of public service unions, and other civil society organizations such as War on Want and

⁵² ‘Women in EU agriculture and rural areas: hard work, low profile’ *EU Agricultural Economic Brief N.7* (June 2012). Available at http://ec.europa.eu/agriculture/rural-area-economics/briefs/pdf/07_en.pdf, http://ec.europa.eu/agriculture/rural-area-economics/briefs/pdf/07_en.pdf

⁵³ UN Women (2015) *Progress of the World’s Women* United Nations: New York, Figure 2.4. p. 85.

⁵⁴ EC SIA (2011): pp. 43-44.

⁵⁵ <http://www.trade-sia.com/ttip/wp-content/uploads/sites/6/2014/02/TSIA-TTIP-draft-Interim-Technical-Report.pdf>

⁵⁶ This section draws mostly on Williams (2007).

⁵⁷ http://www.wto.org/English/tratop_e/serv_e/gatsintr_e.htm
http://www.wto.org/English/tratop_e/serv_e/gatsintr_e.htm

⁵⁸ <http://www.world-psi.org/en/issue/Trade>, <http://www.world-psi.org/en/issue/Trade>

Friends of the Earth, have been alerting to the possible risks CETA and TTIP may pose for the provision of health care.⁵⁹ UNISON points out that the EU has indeed negotiated exclusions for public services from market liberalisation under CETA (including health, education and other social services), but public services have not been excluded from the scope of the investment chapter. This could mean that a government seeking to end the liberalisation of a service and bring it back “in-house” (e.g. in the United Kingdom, Labour party’s intention to reverse National Health Service (NHS) privatisation brought in by the Health and Social Care Act, if in power) could be sued in an arbitration tribunal as such a move could impact on the profit of the private service provider.

3.2.2.1 Gender perspectives on health care liberalisation

The GATS distinguishes four ways (or modes) in which a service can be traded and sets rules on how countries should treat foreign service providers. For example, foreign telephone companies providing international phone calls are covered by “cross-border services” (mode I); tourism and travel for health are covered by “consumption abroad” (mode II); subsidiaries of foreign banks and foreign fast food providers are covered by “commercial presence” (mode III); foreign nurses, doctors and management consultants are covered by “temporary movement of natural persons” (mode IV).

Williams⁶⁰ is one of few that articulates the possible gender implications of service liberalisation and pays particular attention to health services: *“The impact of trade liberalization in health services is particularly important for gender equality as it can change the quality, geographical coverage and cost of different types of services, procedures and technologies as well as access of different populations groups to them.”*⁶¹ *There may also be effects on women’s unpaid work providing health care to family members and women’s paid employment in the services sector as both domestic and migrant workers”.*

Each GATS mode has potential gender consequences related to health care activities but unfortunately research on specific impacts is still sparse. As for Mode I, greater trade integration may create employment for women through for example the outsourcing of medical transcription services. However it is important to avoid reproducing in this sector the same gender-based segregation often found in other data processing global value chains (with women concentrated in low skill position and men dominating management and higher paid positions).⁶² As Williams notes, Mode II could have a positive effect for health care provision in developing countries. In order to increase the desirability of their countries as medical care destinations, governments may decide to invest more in training of medical staff and improving wages and working conditions of health sector workers, many of whom tend to be women. However there is also the risk that hosting countries become increasingly characterized by a dualistic system consisting of a high quality expensive structure catering to foreigners and rich nationals, and a lower quality and resource-constrained structure for the poor.⁶³ As for sending countries, this type of service liberalisation is likely to have little benefit for the majority of low and middle income groups who cannot afford to travel abroad and pay for health services out of pocket. Mode III opens up the provision of health services within a country to foreign firms. This may in principle increase employment for women who work in the health sectors and increase

⁵⁹ UNISON (2015).

⁶⁰ Williams (2007: 283).

⁶¹ For example Grown (2006).

⁶² Stiaritz and Reis (2013).

⁶³ Grown (2006).

provision of specific health services to women. But it may also have the effect of diverting health service staff from the provision of public health services to low-income groups to the provision of private health services to high-income groups. Women's health services may be undermined and women's burdens of unpaid health care may increase especially in poor households if there is no system for poor people to obtain subsidised treatment. Mode IV concerning temporary movement of natural persons might have positive employment effects for some women, such as female health care professionals in low-income countries, if it would allow them to migrate abroad and gain higher wages and experience working for health care facilities in higher-income countries. There is evidence however that so far Mode IV has been mostly used in relation to highly skilled professionals, who are more likely to be men.

3.2.2.2 Insights for TiSA

A few useful lessons for TiSA can be drawn from these observations. Greater liberalisation in services, and in particular care services, may open up opportunities for women's employment and, under certain circumstances, even improve the quality of service provision for the benefit of both women and men. But there is also a high risk that, without appropriate public resources and government's commitment, this process may lead to what Elson and Cagatay call "commodification or marketization bias":⁶⁴ the replacement of state-based entitlements by market-based individualized entitlements for those who can afford them, and poverty and overwork for those who cannot.

As noted, governments can in principle protect their social services from liberalisation but there are growing concerns that government regulations designed to ensure equal access to good quality care may be seen as a trade barrier by a foreign service supplier and may therefore be challenged through the framework stipulated by the relevant trade agreement. This risk is more likely in situations characterised by markedly unequal power relations between trading partners. TiSA, which includes countries as diverse in both economic and political power as the United States, Pakistan, Peru and Norway among others, indeed presents this risk. *Under these circumstances, it is essential that actions be taken to ensure that provisions to guarantee access to basic social services by low-income women are always in place.*

3.3. The distributional effects of NAFTA

The North American Free Trade Agreement (NAFTA) was adopted in the mid-1990s between Mexico, the United States and Canada. It is one of the first agreements to include not only liberalisation of trade but also of investment. In addition to liberalising trade in both manufactured and agricultural goods, it has comprehensive rules on cross-border trade in services. The NAFTA is also the first trade agreement to include investor-to-state dispute settlement (ISDS). It has also a side agreement that is supposed to protect labour rights but affords labour rights far less protection than is afforded to the rights of corporations.⁶⁵

Now in place for longer than 20 years, NAFTA has been extensively studied. Different studies have produced different and at times conflicting results over the years, for example on the extent of job gains and losses in different sectors and regions both in the United States and Mexico. These differences in results are partly due to methodological

⁶⁴ Elson and Cagatay (2000).

⁶⁵ Balakhrisnan and Elson (2011).

differences, and partly to the difficulty of disentangling the specific effects of NAFTA from the effects of other policies taking place at the same time. Nonetheless broad lessons can be learnt from these findings on which specific categories of female and male workers have been losers or gainers from trade liberalisation and the extent to which the respective governments have taken adequate measures to reduce negative effects.

A thorough and useful assessment of the impact of NAFTA in both Mexico and the United States through a human rights and gender equality lens, is provided by Balakrishnan and Elson.⁶⁶ Their final assessment is that NAFTA failed to support the progressive realization of the right to work as well as the progressive realization of the right to just and remunerative conditions of work in both countries. In particular, the rights of low income small-scale farmers in Mexico and unskilled poorly educated workers in manufacturing and services in the United States were undermined. Women workers are disproportionately represented in these groups of disadvantaged workers and, because of limited skills and assets, when they lose their jobs, struggle to find alternative forms of livelihoods.

3.3.1 Employment effects in Mexico

As for agriculture, NAFTA rules required the Mexican government to reduce price supports for domestic farmers and consumers and to reduce food import restrictions. Although NAFTA provided for a 15-year period in which to eliminate quotas for imported corn, Mexico eliminated its quotas within 30 months, because the government thought that it would be less expensive to purchase corn from the United States and because it believed that small corn producers would easily find new employment opportunities generated by NAFTA. In reality, small farmers were unable to find comparable jobs in rural areas. More than 2 million jobs were lost in agriculture from 1995 to 2007. Small producers of corn and wheat suffered the most, and women among them. Only a few Mexican farmers were able to increase exports of fruit and vegetables to the United States but these were largely better-off male farmers located in a small number of states with relatively good infrastructure. As documented in White *et al*, many Mexican women farmers produce food only for own consumption, tend to own very small plots of land and have limited access to other assets, hence could not take advantage of the Mexican government's plan under NAFTA to grow crops for export.⁶⁷ The fall in corn prices did not benefit urban consumers either. The government eliminated subsidies for tortilla mills, and prices rose by 50 per cent in Mexico City and by even more in rural areas. White *et al* report that households headed by women suffered the most. Quantitative analysis of national sex-disaggregated data showed that poverty increased by 50 per cent in the poorest, female-headed households between 1992 and 2000.⁶⁸

The reduction in tariffs and quotas also lead to a significant loss of revenue for the Mexican government, reducing its capacity to compensate vulnerable farmers. There was concern that Mexican small farmers would not be able to compete with capital-intensive large-scale farmers from the United States, who could produce staple crops like corn at considerably lower unit costs. A programme was created to mitigate some of these negative distributional effects but it was never adequately funded and implemented.⁶⁹

⁶⁶ *Ibidem*.

⁶⁷ White *et al* (2003).

⁶⁸ *Ibidem*.

⁶⁹ Balakrishnan and Elson (2011).

Despite initial optimistic predictions, foreign direct investment (FDI) did not manage to promote overall sustainable industrial development either. Relying heavily on cheap mostly female labour, and imported productive inputs, the foreign manufacturing sector remained largely disconnected from the domestic Mexican economy.⁷⁰ The growth of manufacturing jobs was not sustained and by 2008 manufacturing employment had fallen to 1997 levels.⁷¹ Even in the manufacturing sectors social inequalities deepened. For instance, the wage gender gap among blue collar workers in the *maquila* factories grew.⁷²

3.3.2 Employment effects in the United States

Although the US government introduced compensation measures for low-income workers who lost their jobs as result of NAFTA (among them racial/ethnic minorities were overrepresented), these have been grossly inadequate. Men disproportionately lost jobs as compared to women; but women who had lost their job found it more difficult to get re-employed and find new comparable jobs.⁷³

3.3.3 Consumption effects in Mexico

As for effects on consumption patterns, NAFTA in principle might have supported securing a minimum level of enjoyment of the right to food for low-income Mexicans as it facilitated imports of corn and other key staples from lower cost United States farmers. But this did not result in lower prices for tortillas bread and cereals for Mexican consumers. Moreover, the relative prices of less nutritious food likely to undermine health fell and the diet of Mexicans worsened.⁷⁴ More specifically, whereas the average consumer price of tortillas, bread, cereals and fruits and vegetables increased the average price of meat and “junk” food declined. The average price of medicines and educational products also increased whereas the prices of shoes and clothing, electric and electronic equipment, automobiles and entertainment goods fell. These changes in relative prices are likely to have had gender effects given different patterns of consumption of different groups of women and men but this aspect seems not to have been investigated. One important negative consequence of the decline in the relative price of junk food relative to cereals, fruit and vegetables has been a deterioration in the quality of low-income Mexicans’ diet and related increases in health problems, including among children.⁷⁵

3.3.4 Other aspects of the agreement

NAFTA is one of the first trade agreements introducing an investment dispute settlement mechanism. A number of studies⁷⁶ concur in finding a lack of adequate provision for accountability, transparency and participation in the operation of this mechanism. By the end of 2012, there had been over 75 NAFTA investor-state claims challenging a broad range of policy measures. It appears that Mexico had lost or settled five claims, Canada six claims, while the United States has yet to lose an investor-state arbitration. Millions of dollars in legal costs have been involved.

⁷⁰ Gallagher and Zarsky (2004).

⁷¹ Peters (2009).

⁷² Serdan-Rosales and Salas (2011).

⁷³ Balakrishnan and Elson (2011).

⁷⁴ Serdan-Rosales and Salas (2011).

⁷⁵ Hawkes (2006).

⁷⁶ Aydiner-Avsar and Elson (2011); Sinclair (2015).

NAFTA has also a side labour agreement. The related North American Agreement on Labour Cooperation (NAALC) marks the first time that workers' rights considerations, including the equality of women and men in employment and pay, were ever linked to a trade agreement in more than a passing manner. Unfortunately, a number of studies find its enforcement mechanisms appear to be weak. Lack on an independent oversight body is a key weakness. Another weakness is its limited coverage. For instance, non-compliance with the laws related to key labour rights – namely freedom of association, the right to organise, bargain collectively and strike – cannot be brought before the enforcement bodies.⁷⁷ White *et al* find that gender-specific labour laws on matters such as non-discrimination and equal-pay standards were given secondary status. This means that Mexico cannot convene a panel or withdraw trade benefits if women workers' rights are violated, for instance. Given that there have been well-documented cases of sexual harassment and forced pregnancy-testing in the export-processing zones, this oversight is a serious concern.⁷⁸ Women working in export-processing zones thus have had no avenue to redress their grievances when the owner of the factory was foreign.

3.3.5 Lessons from NAFTA for the new trade agreements

There continues to be controversy over the actual overall effects of NAFTA on employment, consumption and governments' ability to protect vulnerable citizens, across countries and over time. There are however broad lessons to be learnt on which areas are less likely to experience clear gains in any trade deal similar to NAFTA, and hence need more attention in terms of mitigation and support, with particular emphasis on women's rights.

It is clear that overall employment gains in both Mexico and the United States were fewer than NAFTA enthusiasts predicted and that these gains were very unequally distributed across different categories of workers and across regions within each country. Some of the most disadvantaged workers such as unskilled workers in the United States and small agricultural producers in Mexico were not at all able to recover from losses caused by NAFTA and/or reintegrate in expanding sectors of the economy. In other words, there seems to have been no proper mechanism in place to ensure that "losers" would be compensated by "winners", as many traditional trade textbooks suggest should happen. Women have been particularly vulnerable to this problem both in Mexico and the USA. NAFTA and similar trade agreements carry also the risk of exacerbating within country inequalities. Europe is especially vulnerable to this latter risk given the great diversity of economic structures, labour market features and gender regimes between and within EU member states.

All this calls therefore for robust and effective measures to be put in place by the respective governments of the EU and Canada/ United States participating in CETA/TTIP. These measures should aim at compensating those groups of workers and consumers who will experience losses and in particular at overcoming gender-specific constraints preventing women from benefitting from the new opportunities generated by greater trade integration. It is especially important that there are no provisions in any chapter of these agreements undermining governments' capacity (and resources) to act in support of the progressive realization of women's rights.

The other main insight from NAFTA relates to mechanisms such as the investment dispute mechanism and the agreement on compliance with labour laws, which were poorly

⁷⁷ White *et al* (2003).

⁷⁸ *Ibidem*.

enforced and lacked transparency and accountability. This calls for greater attention to be paid to more democratic ways of running the bodies overseeing decisions regarding rights of investors, workers and consumers alike, with special care in ensuring greater and more substantive participation of vulnerable women and other vulnerable groups in these decisions.

4. ASSESSMENT OF CURRENT EU TRADE AGREEMENTS FROM A GENDER PERSPECTIVE

KEY FINDINGS

- Promoting gender equality is a core priority for the EU but progress is uneven across areas and departments. Attention to gender equality objectives appears especially limited in the area of trade policies. This is reflected in a lack of systematic gender analysis in the Sustainable Trade Impact Assessments (SIAs).
- A review of the CETA SIA from a gender perspective indicates that its treatment of gender is very narrow.
- A more comprehensive gender analysis would have been perfectly possible given that sex-disaggregated labour statistics for both Canada and the EU are of higher quality and more easily available than for developing countries. The same applies to the extent of the gender analysis that could be carried out for the TTIP SIA.
- The modelling approach adopted in both CETA and TTIP SIAs neglects within-country income distribution effects, which is a serious limitation for understanding the gender implications of these trade agreements at the level of each EU member state.
- A strong emphasis on distributional effects across a variety of workers and households in trade modelling exercises is essential to help in selecting the appropriate policies to compensate and protect those who might lose out from trade and investment liberalisation.

4.1. EU trade policies and Gender Equality

Promoting gender equality is a core priority for the EU as reflected in its treaties and its commitment to various labour and human rights conventions. Many strategies and action plans are in place within the EU to ensure that gender equality objectives are taken into account in all aspects of its policy-making but progress is uneven across areas and departments. A recent review by Viilup⁷⁹ notes that the Directorate General for Trade (DG Trade) in particular seems to display limited willingness, and capacity, to fully implement a gender strategy and has shown weak commitment to gender mainstreaming so far. “Brussels-based diplomats and officials working on trade issues have... pointed out that trade policies are per se gender-neutral... or deemed the trade policy area too difficult to analyse from the gender perspective for lack of data. In some cases, they... have questioned whether these aspects belong to EU competence at all and suggested they be dealt at the level of the Member States, who implement trade policy... All in all, the lack of full understanding of and commitment to gender equality goals seems to be evident at all administrative levels”.⁸⁰

It is quite disappointing that these views about the “gender-neutrality” of international trade are still held despite a growing and by now significant body of gender-aware economic research suggesting otherwise. As outlined in Section 3, the key principle of this research is that trade policies take place in the context of economic structures that are

⁷⁹ Viilup (2015).

⁸⁰ *Ibidem* p. 13.

shaped by gender difference (in the distribution of both paid and unpaid work) *and hence will have invariably gender effects*. These gender effects can be either positive or negative depending on a range of factors and pre-conditions such as a country's level of development, its sectoral structure, its labour legislation, the availability of physical and social infrastructure, cultural norms, and so on. Because trade practices and gender relations are diverse, there are likely to be contradictory effects. *Thus the aim of any trade impact assessment should be not to give a simple yes or no answer, but to understand the many channels through which reforms may affect specific groups of women and men in specific contexts.*

4.2. Gender equality concerns in Economic Partnership Agreements (EPAs)

In the context of EU trade policies, one example of how commitment to gender equality on paper has not yet translated into effective action on the ground is provided by the case of Economic Partnership Agreements (EPAs), some of which are still being negotiated. EPAs originated from the proposal of the EU to negotiate with six regional groupings from African, Caribbean and Pacific (ACP) countries on the basis of reciprocal free trade agreements, by contrast with previous agreements (such as Lome') based on trade preferences. A broad trade and development strategy known as Cotonou Agreement was approved in 2000 to provide guiding principles for the future negotiations.⁸¹ The Cotonou Agreement does indeed include several gender-relevant provisions, but a study conducted in 2009 found that most of the specific EPAs texts and related working documents contained no reference to gender aspects of trade, neither in terms of predicted impacts nor in terms of recommended "flanking measures"/complementary policies.⁸²

The same study went on to assess the likely gender-differentiated import competition effects and revenue effects in three countries, each belonging to a different regional grouping: Jamaica (Caribbean Forum), Mozambique (Southern Africa Development Community) and Tanzania (East African Community), based on the specific tariff liberalisation schedules for goods agreed at the time by these three countries. It found that the liberalisation of import tariffs stipulated by the specific EPA between Mozambique and the EU, for example, would not favour poor women as claimed by the proponents of the agreement. The analysis showed that possibly cheaper consumer goods imported from the EU would only benefit wealthy households, while increased imports of intermediate goods (such as irrigation pumps and agro-processing machinery) would unlikely benefit small female farmers, who would have neither the capital nor the knowledge to invest in the adoption of new technologies. The analysis also stressed that losses in government revenue could be significant, and warned against the risk that social expenditure supporting poor women could be cut as a result.⁸³ This kind of analysis should preferably be undertaken before trade agreements are signed so to better inform the terms and conditions of such agreements and help in influencing the negotiating process.

⁸¹ European Commission (2014a).

⁸² Fontana (2009).

⁸³ Further details on the three country case studies can be found in Fontana (2009).

4.3. Gender equality concerns in Sustainable Impact Assessments (SIAs)

Another manifestation of DG Trade's seemingly lukewarm commitment to gender equality objectives is the lack of a systematic gender analysis in Sustainable Impact Assessments (SIAs) — this issue is carefully documented in Viilup (2015).

SIAs have been carried out since 1999 and intended as "independent evaluations" of the potential economic, social and environmental effects of the specific reforms being negotiated within a particular trade agreement. They usually involve economic simulations of alternative trade scenarios carried out by a team of expert consultants appointed by DG Trade staff as well as consultations with various relevant stakeholders.⁸⁴ According to the main SIA Handbook, gender equality is supposed to be addressed under the so called "social chapter".⁸⁵ The SIAs are singled out in the EU 2010–2015 Gender Equality Strategy as the main tool for addressing gender concerns in trade negotiations. The Handbook's guidelines on how to conduct gender analysis, however, are only vaguely specified and less clearly spelt out than guidelines for other policy areas.⁸⁶

In her careful analysis, Viilup reviews 25 SIAs, both completed ones and ongoing ones, and concludes that "in most cases SIAs include some gender aspects, but the gender component is usually minimal and the analysis is not carried out in a systematic way".⁸⁷ This assessment confirms earlier assessments which found there is little evidence of gender being systematically included in SIAs and of gender considerations being actually used by trade negotiators".⁸⁸

Viilup goes on to show how the quality and depth of gender analysis is variable across SIAs. She points to some sound gender analysis in the SIAs of the EU-Morocco and EU-Tunisia for example. She also singles out the SIAs where gender analysis is especially weak. The CETA SIA⁸⁹ belongs to this latter group of SIAs. My own further inspection of the CETA SIA document confirms Viilup's assessment. A detailed evaluation is provided in the next section.

4.3.1 A review of the CETA SIA from a gender perspective

4.3.1.1 Text analysis

In a document which is almost 500 pages long, the word "women" is used only six times and the word "gender" three times. No mention of possible gender implications, either positive or negative, is made in the executive summary or in the recommendations of the main report.

⁸⁴http://ec.europa.eu/trade/policy/policy-making/analysis/sustainability-impact-assessments/index_en.htm
http://ec.europa.eu/trade/policy/policy-making/analysis/sustainability-impact-assessments/index_en.htm

⁸⁵ European Commission (2006).

⁸⁶ Viilup (2015) also reports that DG Trade officials have stated that the 2006 Handbook is "not a solid source to guide the evaluation process" and the document is currently being revised. A cursory reading of the second edition of the Handbook (available at http://trade.ec.europa.eu/doclib/docs/2016/april/tradoc_154464.PDF) suggests that its gender analytical lens remains weak.

⁸⁷ Viilup (2015: p. 17).

⁸⁸ Beveridge, F., Corsi, M., Szelewa, D., Lepinard, E., Alten, L., Debusscher, P (2014).

⁸⁹ European Commission (2011) *A Trade SIA relating to the negotiation of a Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada*, Trade 10/B3/B06, Final Report June 2011, Brussels.

In describing the likely employment impacts of CETA on EU agriculture, the SIA report simply states that women in EU agriculture tend to experience the highest level of non-fatal accident of all workers.⁹⁰ In a later section discussing expected employment effects in the textiles and apparel sectors, it is noted that a large proportion of workers in these sectors are women.⁹¹ It is also noted that workers in these sectors tend to have lower skills than the average EU workforce, but the two pieces of information taken together do not seem to be considered as problematic and are not further elaborated upon. Moreover, throughout the whole document, none of the tables reporting employment numbers disaggregate data by sex.⁹² All this suggests that the (very few) references to women in the text must have been somewhat an afterthought and do not certainly come from having consistently adopted a gender lens throughout the analysis.

A more systematic gender analysis with reference to employment quantity and quality would have been perfectly possible given that sex-disaggregated labour statistics for both Canada and the EU are of higher quality and more easily available than for other countries (e.g. developing countries). There is also a growing number of gender-aware computable general equilibrium (CGE) models – the main methodological tool used in the SIA to estimate macro and employment impacts – that could have been used as a template.⁹³ More discussion on this aspect will be provided in section 4.3.1.2.

In a similar vein, the word “gender” is mentioned in the context of a discussion on public procurement.⁹⁴ But this is literally just a mention and is not followed by a clear articulation of possible gender implications in relation to the policy measures that are described.

Particularly indicative of the research team’s limited understanding of “gender” is a comment made in the report in relation to possible employment effects in the mining sector: “... as the impacted industries discussed herein are predominantly populated by male workers, it is not expected that there will be an impact on gender equality or poverty”.⁹⁵ It is odd that the authors seem to think that gender relations, and gender gaps, can only be affected by changes in women’s employment opportunities but not by changes in men’s employment opportunities. And that changes in men’s employment do not have implications for poverty either.

4.3.1.2 Computable General Equilibrium (CGE) simulations of macro and sectoral impacts of goods trade in CETA and TTIP SIAs

As described in the methodological section of the CETA SIA report, economic modelling simulations for the CETA SIA are carried out using a multi-region Computable General Equilibrium model which is based on the well-known Global Trade Analysis Project (GTAP) framework.⁹⁶ The same modelling approach is usually adopted in other SIAs as well, including in the ongoing TTIP SIA.⁹⁷ This modelling approach allows for detailed sectoral analyses of CETA (and TTIP) economies but neglects within-country income distribution effects. In other words, the model is designed to measure the impact that the agreement would have on aggregate economic activity in member countries but cannot provide any insight on how gains and losses will be distributed between genders or other specific

⁹⁰ *Ibidem*: 83.

⁹¹ *Ibidem*: 192-193.

⁹² See for example Table 21, Table 23, Table 47 and Table 48, *ibidem*.

⁹³ For a recent review of CGEs with gender features see Fontana (2014).

⁹⁴ European Commission (2011: 312)

⁹⁵ *Ibidem*: 130.

⁹⁶ *Ibidem*: Chapter 2.

⁹⁷ European Commission (2014) *A Trade SIA on the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the United States*, Draft Interim Technical Report, Brussels.

categories of workers and consumers within each country. The simulations only show whether workers in a country will earn *on average* more or less than in the base scenario, and whether households will be *on average* better or worse off. They cannot capture how effects will differ depending on households' specific circumstances (e.g. a single female pensioner household vs. a couple without children).

This is a serious limitation from the point of view of gender analysis. Analysis of distributional effects within each member country would be crucial to identify who the real winners and losers from trade and investment liberalisation are likely to be. It is only this type of information that can enable the design of adequate measures to protect those groups of women and men who are most vulnerable to the negative consequences of liberalisation. For example, a recent study by the Women's Budget Group (WBG) on the gender impact of austerity within the United Kingdom disaggregate effects by family type and finds that lone parents households and single pensioner households are the worst affected by spending cuts in public services.⁹⁸ Both these households are frequently headed by women, thus pointing to significant negative consequences for gender equality. A strong emphasis on distributional effects across a variety of groups, workers and households in modelling exercises is essential to help in selecting the appropriate policies for reducing not only gender inequalities but inequalities more broadly. This attention for policies to compensate and protect those who might lose out from trade liberalisation is strongly in line with the mandate of the United Nations 2030 Agenda for Sustainable Development and its core commitment of "leaving no one behind".⁹⁹

A close inspection of the Technical Annexes suggests that none of the model variables are disaggregated by sex and this applies even to labour variables. As noted earlier, many gender-aware CGE models already exist and some of their gender features could have been borrowed for use in the SIA modelling exercise. Beyond the lack of gender features, a few scholars have raised concerns about the strong and somewhat unrealistic assumptions of various other aspects of the SIA model, for example regarding labour factor mobility and assumptions of full employment.¹⁰⁰ In light of these shortcomings, they question the reliability of the SIA predictions on growth, exports and employment related to both CETA and TTIP effects.

CGE modelling enables only an analysis of goods trade and its consequences, leaving other important components of CETA/TTIP such as investment, standards and regulations on the margin. Other methodologies and approaches are therefore needed to examine the effects of these other dimensions. The CETA SIA indeed complements the CGE analysis with other studies and tools but none of these additional analyses contains any discussion of possible gender implications.

⁹⁸ UK WBG (2013).

⁹⁹ United Nations (2015) *Transforming our world: the 2010 Agenda for Sustainable Development*, New York.

¹⁰⁰ Capaldo (2014).

5. RECOMMENDATIONS

The final recommendations are organised around two broad issues: (a) how to strengthen the gender analytical lens of the CETA SIA (and by extension the TTIP SIA as well as other SIAs to come) and (b) how to encourage stronger commitment to gender equality in trade analysis and negotiations in practice.

5.1 How to strengthen the gender analytical lens of SIAs

- a. It would be important to use sex-disaggregated statistics throughout the analysis, examine gender effects in every single sector of the economy concerned rather than in a few isolated instances (as it is the case in the current CETA SIA and other SIAs), and remember that gender analysis means looking not just at numbers for women but also for men, and compare them alongside each other
- b. It would be also important to ensure that the economic model used to run SIAs simulations of trade deals involving the EU as a whole is designed to capture the diversity in female employment rates and welfare regimes across countries within Europe itself. For example, with regard to agriculture, a sector likely to be significantly affected by CETA, the share of agricultural jobs in female employment ranges from 35 percent in Romania to less than 1 percent in Denmark, Sweden and the United Kingdom. Moreover, while Nordic countries in Europe are characterized by universal coverage and high levels of public provision of services for children, the elderly and disabled people, Southern European regimes offer only limited support to care and in ways that tend to encourage traditional sexual divisions of labour. All these structural factors are going to influence the way in which trade and investment liberalisation will affect gender equality and need therefore to be explicitly represented in any modelling exercise that aims to be rigorous and gender-aware
- c. A comprehensive analysis of the gender effects of trade should not be limited to employment effects, but also investigate consumption effects and public provision effects to the extent possible. These aspects were not explored at all in the CETA SIA
- d. The issue of public provision of social services is especially salient for gender equality since changes in access to such services, and their quality, are going to have implications for the distribution of unpaid care work. The authors of the CETA SIA consider civil society's concerns about the possible privatisation of basic services such as health but conclude they are not sufficiently founded. They however do not provide a full explanation of why the risk is minimal in their view, nor do they carry out any investigation of the gender effects that changes in public provision of care services could have on the distribution of unpaid care work and gender equality
- e. There is a strong need to undertake more in depth and comprehensive research on the gender effects likely to result from changes in services provision, quality and equity in access at the level of each EU Member State. A few recent studies on the gender effects of austerity in European countries provide initial insights and could constitute a starting point for further research.

5.2 How to encourage commitment to gender equality in the practice of trade analyses and negotiations

- a. It is essential to ensure participation of women's groups in trade consultations as well as encourage other stakeholders to articulate possible gender interests. The CETA SIA Annexes describe extensive consultations with a variety of stakeholders during the process of writing the SIA. It also notes a rather low response rate among the various groups and organizations invited to participate in some instances. A few women's networks appear to have been included in the consultations both in Canada and Europe but it is not possible to ascertain whether women's interests were at all represented among other stakeholders such as industry associations, government bodies and other organizations
- b. It is equally essential to ensure that a few gender experts are appointed to be members of the main research team. Encouraging inclusive consultations is an obvious first step to ensure that gender concerns are seriously taken into account into a SIA, but it is not a sufficient step. When stakeholders raise issues relevant to gender equality, it is unlikely these will be adequately addressed unless there is relevant expertise in the research team. Thus, it would be crucial to ensure that gender experts as well as researchers with other technical skills are selected to work in the main research team. Since gender experts cannot be experts of everything, it would be useful to have in the team at least one gender expert who is an economist and one gender expert with another disciplinary background
- c. Training of government officials and negotiators on gender and trade must be promoted. It would be useful to offer training on gender and trade on a regular basis to government officials, staff in relevant ministries and negotiators. Many excellent manuals and tools have been developed over the years to support training on these matters.

REFERENCES

- Amengual, M. and Millberg, W. (2008) *Economic Development and Working Conditions in Export Processing Zones: a survey of trends* Geneva: ILO
- Anderson, R. G. and Gascon, C. (2007) 'The Perils of Globalization: Offshoring and Economic Insecurity of the American Worker' *Working Paper Series 2007-004A*, Federal Reserve Bank of St. Louis
- Atthill, C., Thakur, S., Carr, M. and M. Williams (2007) *Gender and Trade Action Guide: a Training Resource* The Commonwealth Secretariat: London
- Aydiner-Avsar, N. and Elson, D. (2011) 'Trade Policy and Human Rights Obligations of the USA: NAFTA' in Balakrishnan, R. and Elson, D. (2011) *Economic Policy and Human Rights: Holding Governments to Account* Zed Books: London.
- Bakker, I. (2015) 'Towards Gendered Global Economic Governance: a three-dimensional analysis of social forces' in Gill, S. ed. (2015) *Critical Perspectives on the Crisis in Global Governance* Palgrave Macmillan: New York
- Balakrishnan, R. and Elson, D. (2011) *Economic Policy and Human Rights: Holding Governments to Account* Zed Books: London
- Berik, G. (2011) "Gender Aspects of Trade", in Jansen, M. ed (2011) *Trade and Employment: from Myths to Facts*, ILO: Geneva
- Berik, G. (2008) "Growth with Gender Inequity: Another Look at East Asian Development" in Berik, G., Rodgers, Y. and Zammit. A. eds. *Social Justice and Gender Equality: Rethinking Development Strategies and Macroeconomic Policies* Routledge: London
- Berik, G. and Rodgers. Y. (2010) 'Options for Enforcing Labour Standards: Lessons from Bangladesh and Cambodia' *Journal of International Development* 22 (1): 56-85
- Beveridge, F., Corsi, M. Szelewa, D., Lepinard, E., Alten, L., Debusscher, P. (2014) *A New Strategy for Gender Equality Post 2015*, Compilation of in-depth Analyses, Policy Department A, European Parliament: Brussels
- Busse, M. and Spielmann, C. (2006) "Gender Inequality and Trade" *Review of International Economics* 14 (3): 362-70.
- Callahan, D. and Vijaya, R. (2009) *Hidden Casualties: Trade, Employment Loss and Women Workers* Demos: New York
- Capaldo, J. (2014) 'The Transatlantic Trade and Investment Partnership: European Disintegration, Unemployment and Instability' *Global Development and Environment Institute Working Paper No. 14-03*, Tufts University
- Dolan, C. and Sorby, K. (2003) "Gender and Employment in High-Value Agriculture Industries" *Agriculture and Rural Development Working Paper*, No. 7 The World Bank: Washington, D.C.
- Doraisami, A. (2008) 'The Gender Implications of Macroeconomic Policy and Performance in Malaysia' in Berik, G., Rodgers, Y. and Zammit. A. eds. *Social Justice and Gender Equality: Rethinking Development Strategies and Macroeconomic Policies* London: Routledge
- Elson, D. and Cagatay, N. (2000) 'The Social Content of Macroeconomic Policies' *World Development* 28 (7): 1347-1364

- Elson, D., Grown, C. and Cagatay, N. (2007) "Mainstream, Heterodox, and Feminist Trade Theory" in van Staveren, I., Elson, D., Grown, C. and Cagatay, N., eds., *The Feminist Economics of Trade*, Routledge: London
- Esquinca, M.T. (2008) *Special Report on Labour* quoted in Balakrishnan, R. and Elson, D. (2011) *Economic Policy and Human Rights: Holding Governments to Account* Zed Books: London
- European Commission (2014) *A Trade SIA on the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the United States*, Draft Interim Technical Report, Brussels
- European Commission (2014a) *The Cotonou Agreement*, Development and Cooperation EuropeAid: Brussels
- European Commission (2011) *A Trade SIA relating to the negotiation of a Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada*, Trade 10/B3/B06, Final Report June 2011, Brussels
- European Commission (2006) *Handbook for Trade Sustainability Impact Assessment*, 1st edition, Brussels
- Fontana, M. (2014) 'Gender in Economy-wide Modelling' in Ray, S. and Waylen, G. *New Frontiers in Feminist Political Economy* Routledge: London
- Fontana, M. (2009) *Gender Justice in Trade Policy: the Gender Effects of Economic Partnership Agreements (EPAs)* Synthesis Report. One World Action: London
- Fontana, M. (2003) "The Gender Effects of Trade Liberalization in Developing Countries: A Review of the Literature." *Sussex Discussion Paper in Economics DP101*, republished in Bussolo, M. and de Hoyos, R.E. (2009) *Gender Aspects of the Trade and Poverty Nexus: A Macro-Micro Approach*, Palgrave and McMillan for the World Bank: Washington D.C.
- Fontana, M. with Paciello, C. (2010) *Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways out of Poverty* FAO, IFAD and ILO: Rome
- Fontana, M. and Elson, D. (2014) "Public Policies on Water Provision and Early Childhood Education and Care: Do They Reduce and Redistribute Unpaid Work?" *Gender and Development* 22(3)
- Gallagher, K. and Zarsky, L. (2004) "Sustainable Industrial Development? The Performance of Mexico FDI-led Integration Strategy" *G-DAE Working Papers Global Development and Environment Institute*, Tufts University
- Gammage, S., H. Jorgensen, E. McGill, with M. White (2002) *Trade Impact Review*, Women's Edge Coalition: Washington D.C.
- Gill, S. ed. (2015) *Critical Perspectives on the Crisis in Global Governance* Palgrave Macmillan: New York
- Grown, C. (2006) "Trade Liberalization and Reproductive Health: a Framework for Understanding the Linkages" in Grown, C., Braunstein, E. and A. Malhotra (2006) *Trading Women's Health and Rights* Zed Books: London
- Hansen-Kuhn, K. and Suppan, S. (2013) "Promises and Perils of the TTIP: Negotiating a Transatlantic Agricultural Market" Institute of Agriculture and Trade and Heinrich Boll Foundation
- Hawkes, C. (2006) "Uneven Dietary Development: Linking the Policies and Processes of Globalization with Nutrition Transition, Obesity and Diet-related

Chronic Diseases" in *Globalization and Health 2006*, FCND International Food Policy Research Institute (IFPRI) Washington D.C.

- ILO (2016) *Women at Work 2016* ILO: Geneva
- Joekes, S. (1995) "Trade-related Employment for Women in Industry and Services in Developing Countries" *UNRISD Occasional Paper 5*, UNRISD: Geneva
- Kongar, E. (2008) "Is Deindustrialization Good for Women? Evidence from the United States" *Feminist Economics* 14 (1):73-92
- Kongar, E. (2007) "Importing Equality or Exporting Jobs? Competition and Gender Wage and Employment Differentials in U.S. Manufacturing" in van Steveren, I., Elson, D., Grown, C. and N. Cagatay eds. (2007) *The Feminist Economics of Trade*, ed. Routledge: London
- Kucera, D. and Milberg, W. (2007) "Gender Segregation and Gender Bias in Manufacturing Trade Expansion: Revising the "Wood Asymmetry"" in van Steveren, I., Elson, D., Grown, C. and N. Cagatay eds. (2007) *The Feminist Economics of Trade*, ed. Routledge: London
- Macrory, P. and Stephenson, S. (2011) "Supporting the Development of Trade in Services in Low-income Countries" *Commonwealth Trade Hot Topics Briefing Series* London
- Maertens, M. and Swinnen, Johan F.M. (2009) "Are Modern Supply Chains Bearers of Gender Inequality?" Paper for the FAO-IFAD-ILO Workshop on Gaps, trends and current research in gender dimensions of agricultural and rural employment: differentiated pathways out of poverty. Rome, 31 March-2 April 2009
- Maher, S. (2009) "False Promises: Migrant Workers in the Global Garment Industry" *Clean Clothes Campaign Discussion Paper*
- Ortiz, I. and Cummins, M. (2013) "Austerity Measures in Developing Countries: Public Expenditure Trends and the Risks to Children and Women", *Feminist Economics* 19 (3): 55-81
- Otohe, N. (2008) "The Impact of Globalization and Macroeconomic Change in Mauritius: What Next in the Post-MFA Era" *Employment Working Paper n.9*, ILO: Geneva
- Pearson, R. (1999) "'Nimble Fingers' Revisited: Reflections on Women and Third World Industrialisation in the Late Twentieth Century" in Jackson, C. and Pearson, R., eds., *Feminist Visions of Development*, Routledge: London
- Peters, E.D. (2009) "Manufacturing Competitiveness toward a Regional Development Agenda" in the *Future of North American Trade Policy: Lessons from NAFTA* Boston University
- Prugl, E. (2012) "The Common Agricultural Policy and Gender Equality" in *Gendering the EU*, eds. Gabriele Abels and Joyce Mushaben, Palgrave
- Rani, U. and Unni, J. (2009) "Do Economic Reforms Influence Home-Based Work? Evidence from India" *Feminist Economics* Vol 15, No.3, pp.191-225
- Scheve, K. and Slaughter, M.J. (2004) "Economic Insecurity and the Globalization of Production" *American Journal of Political Science* 48 (4): 662-74.
- Seguino, S. (2000) "Accounting for Gender in Asian Economic Growth" *Feminist Economics* 6 (3):27-58

- Seguino, S. (1997) "Gender Wage Inequality and Export-led Growth in South Korea" *Journal of Development Studies* 34 (3):102-137
- Serdan-Rosales, A. and Salas, C. (2011) "Trade Policy and Human Rights: Mexico" in Balakrishnan, R. and Elson, D. (2011) *Economic Policy and Human Rights: Holding Governments to Account* Zed Books: London
- Shiundu, K.M. and Oniang'o, R. (2007) "Marketing African Leafy Vegetables: Challenges and Opportunities in the Kenyan context" *African Journal of Food, Agriculture Nutrition and Development* 7(4)
- Sinclair, S. (2015) "Trade Agreements and Progressive Governance" in Gill, S. ed. (2015) *Critical Perspectives on the Crisis in Global Governance* Palgrave Macmillan: New York
- Stiaritz, C. and Reis, J.G. eds. (2013) "Global Value Chains, Economic Upgrading and Gender: Case Studies of Horticulture, Tourism and Call Centers" PREM The World Bank: Washington D.C. Tejani, S. and Milberg, W. (2016) "Global Defeminization? Industrial Upgrading and Manufacturing Employment in Developing Countries" *Feminist Economics* 22 (2)
- van Staveren, I., Elson, D., Grown, C. and Cagatay, N., eds. (2007), *The Feminist Economics of Trade*, Routledge: London
- UN Women (2015) *Progress of the World's Women 2015-2016* United Nations: New York,
- UNCTAD (2014) *Training Material on Gender and Trade* Virtual Institute, UNCTAD: Geneva
- UNCTAD (2004) *Trade and Gender: Opportunities and Challenges for Developing Countries* UNCTAD: Geneva
- UNISON (2015) "TTIP, CETA and TiSA: What You Need to Know" *UNISON Briefing* March 2015, London
- United Kingdom's Women Budget Group (2015) "Social care for the elderly in England" *WBG Briefing*: London
- United Kingdom's Women Budget Group (2013) "To ensure economic recovery for women, we need Plan F" *WBG Briefing*: London
- United Nations (2015) *Transforming our world: the 2010 Agenda for Sustainable Development* New York
- Viilup, E. (2015) "The EU's Trade Policy: from Gender-blind to Gender-sensitive?" Policy Department, Director General for External Policies, European Parliament, European Union, Brussels. DGEXPO/B/PolDep/NOTE/ 2015-194
- White, M. Salas, C. and Gammage, S. (2003) "Trade Impact Review: Mexico Case Study, NAFTA and the FTAA: A Gender Analysis of Employment and Poverty Impacts in Agriculture" Women's EDGE Coalition: Washington D.C.
- Williams, M. (2007) "Gender Issues in the Multilateral Trading System" in van Staveren, I., Elson, D., Grown, C. and Cagatay, N., eds. (2007), *The Feminist Economics of Trade*, Routledge: London
- Wold, B.K. (1997) *Supply response in a Gender-perspective: the case of Structural Adjustment in Zambia*, Statistics Norway

ANNEX

Gender and trade impact assessment: six basic questions

1. <i>In which economic sectors do women and men work? What is the difference between female employment patterns and male patterns? What is the proportion of female and male workers in sectors with potential for export expansion? What is the proportion of female and male workers in sectors which will be exposed to import competition?</i>	✓ <i>Trade leads to some sectors expanding and some other sectors contracting. It is important to know if the expanding/contracting sectors are female-intensive and hence whether gains/losses in employment from trade are likely to be disproportionately female/male.</i>
2. <i>Do working conditions vary by gender (i.e. enforcement of labor rights weaker for female workers)? How easily can workers/producers move from one sector to another? Are opportunities for upward mobility equally available to male and female workers/producers? Is access to training gender-differentiated?</i>	✓ <i>It is important to know not just how many jobs are likely to be created/destroyed by trade reforms, but also whether such jobs respect labor standards. Some semi-industrialized countries focused their export strategy on labor intensive goods produced by cheap female labour, taking advantage of gender wage inequalities. Such strategies may stimulate profits in the short run but are counter-productive in the longer run. Greater gender equality in access to skills, capital and infrastructure promotes higher returns on investments and sustainable growth</i>
3. <i>How much time do women and men spend on activities such as cooking, cleaning, child care, fetching water and fuel? Does this vary depending on location, age, family circumstances or ethnicity?</i>	✓ <i>Unpaid domestic work is mostly carried out by women and is particularly heavy in remote rural areas. It is a barrier to women seizing new opportunities related to trade: e.g. by preventing female farmers from participating in extension services or by limiting female wage workers' access to new paid employment conflicting with family responsibilities</i>
4. <i>Do women and men have equal access and control over resources such as land, credit and inputs?</i>	✓ <i>Gender intensified constraints on the use of productive resources limit women's ability to respond to economic opportunities created by trade and weakens supply response. E.g. a lack of secure tenure and limited access to agricultural inputs constrain women's options for crop diversification</i>
5. <i>Who is in charge of food expenditure in the household? How is family consumption distributed among girls and boys, women and men?</i>	✓ <i>Trade leads to some goods becoming cheaper relative to other goods. Changes in prices of food and household items may especially affect women in their role as home managers</i>
6. <i>What is the proportion of social sector spending that supports gender equality? Is this likely to be protected in the event of a decline in public revenue? How is the promotion of gender equality objectives affected by changes in the regulation of public services?</i>	✓ <i>In developing countries, tariff liberalisation is likely to reduce an important source of public revenue, and this might be especially detrimental to women. The new regulatory coherence promoted by the new generation of trade and investment agreements might affect both quality of, and equity of access to, public services with detrimental effects for low income women</i>

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website:
<http://www.europarl.europa.eu/supporting-analyses>

PHOTO CREDIT: iStock International Inc.



ISBN 978-92-846-0239-1 (paper)
ISBN 978-92-846-0238-4 (pdf)

doi: 10.2861/28667 (paper)
doi: 10.2861/637143 (pdf)