



Women's Economic Empowerment and Trade Policy

Linda Schmid,¹ October 2021

Abstract

This paper examines the intersection of women's economic empowerment and trade policy recognizing that policy choices can expand women's access to productive resources and thereby strengthen their ability to earn an income. Common provisions in trade agreements, such as transparency, financial services, and communications services commitments do facilitate women's economic empowerment. Challenges to women's economic empowerment and pertinent policy measures are illustrated in a cross-country comparison of female labor force participation rates, female account ownership at financial institutions, and the cost of business start-up procedures for women. Trading partners do address gender equality with specific provisions, chapters, and implementation instruments in regional and bilateral trade agreements. Gender equality obligations enshrined in international conventions and affirmed in trade agreements can ameliorate the persistent obstacles women face in the marketplace. Governments are acting independently to assess and amend laws, regulations, or administrative practices that discriminate against women in the workplace, in the financial sector, and in terms of movement. Governments can choose from a variety of distinct activities to implement fundamental gender equality principles in a practical way that levels the playing field for women in the economy.

Keywords

Gender obligations, trade policy, international trade, women's economic empowerment, non-discrimination, investment climate, trade commitments, implementation.

Introduction

Women's economic empowerment expands women's access to productive resources and strengthens their ability to earn an income and navigate the economy. Distinct domestic and trade practices can reduce gender income gaps and increase labor force participation rates while promoting women's economic and social well-being. For example, women are able to effectively use productive assets, such as, land, capital, and their own labor, when laws and regulations governing domestic property, identity certification,² and employment are non-discriminatory and enforceable. National laws and international conventions that prohibit employment discrimination

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² Carolina Trivelli and Benno Ndulu, "Empowerment Begins with Identity," FinDev Blog, March 6, 2020, <<https://www.findevgateway.org/blog/2020/03/empowerment-begins-identity>>.

and require equal remuneration can expand employment opportunities for women and reduce income inequality, when publicly promoted and enforced.³ Fair, equitable, and non-discriminatory access to finance, licensure, and customs procedures can help women compete as business owners, entrepreneurs, and traders. Trading partners can work together to actively increase public knowledge and enforcement of the laws, regulations, and practices that prohibit gender discrimination to deepen women's economic engagement and reduce poverty.

Trade agreements do support women's economic empowerment.

Trade agreements are designed to enable market participants to understand the rules of the road and conduct business efficiently and fairly. For example, transparency and anti-corruption provisions are a mainstay of contemporary trade agreements and require governments to publish rules, regulations, and administrative procedures that govern trade and investment.⁴ If aligned with domestic policies that support an open marketplace, such as, equitable tax treatment, subsidization of education, and consistent infrastructure investment, trade agreements can expand business and employment opportunities, lower the cost and improve the quality of productive resources, and bring a wider variety of financial services to the marketplace. For example, a fundamental aspect of contemporary trade agreements are investment provisions that attract financial services into the market deepening the financial sector and expanding credit opportunities for entrepreneurial growth and development. For instance, Chapter 17 on Financial Services of the United States-Mexico-Canada Agreement (USMCA) allows "lending of all types, including consumer credit, mortgage credit, factoring, and financing of commercial transactions" across borders in accordance with prudential regulations.⁵ Trade agreements that liberalized and reformed telecommunications markets broadened access to and lowered the cost of digital platforms for communications, provision of business and professional services, and as a means of executing commercial transactions.⁶ Women are able to exchange goods and services physically and virtually with individuals and businesses on a global basis due to the multilateral, rules-based, trading system.

Challenges to women's economic empowerment.

A cross country comparison of female labor force participation rates, female account ownership at financial institutions, and the cost of business start-up procedures for women provide a snapshot of challenges to women's economic empowerment. For example, a cross country comparison of the labor force participation rates offers a stark contrast in practices that constrain women's employment. The female labor force participation rate from 2015 to 2019 for Canada, Chile, Israel, Jordan, Kenya, Mexico, the USA, and West Bank Gaza illustrates a significant variation in women's full engagement in the employment arena as figure 1 shows. Discriminatory treatment,

³ Katrin Elborgh-Woytek, Monique Newiak, Kalpana Kochhar, Stefania Fabrizio, Kangni Kpoder, Philippe Wingender, Benedict Clements, and Gerd Schwartz, "Women, Work, and the Economy: Macroeconomic Gains from Gender Equity," International Monetary Fund Discussion Note, September 2013 (SDN/13/10), <<https://www.imf.org/external/pubs/ft/sdn/2013/sdn1310.pdf>>.

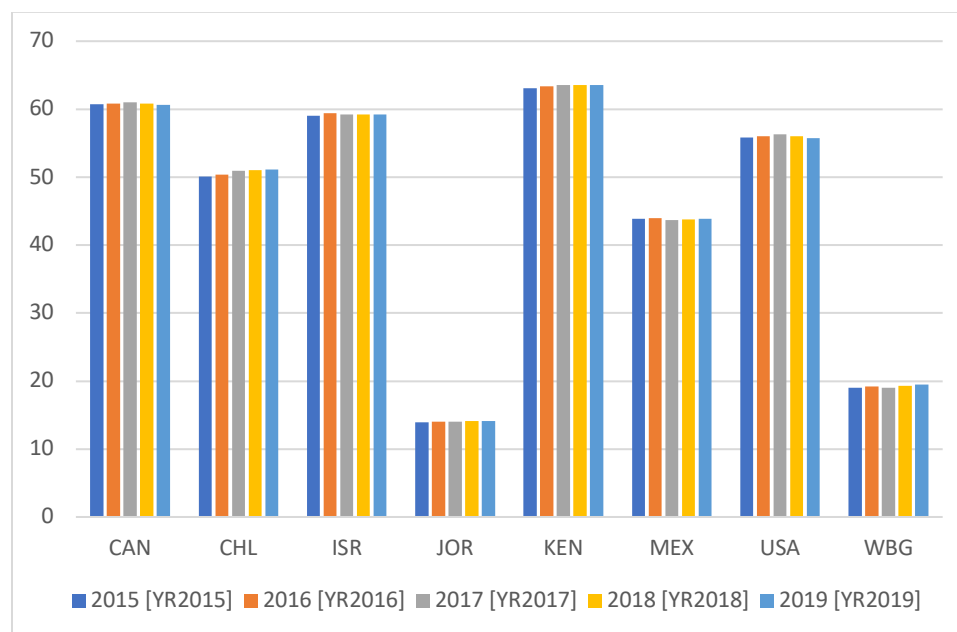
⁴ "Progressive Agreement for Trans-Pacific Partnership (CPTPP) Outcomes: Transparency," Australian Government, January 2019, <<https://www.dfat.gov.au/sites/default/files/cptpp-transparency.pdf>>.

⁵ "United States-Mexico-Canada Agreement," Opened for signature November 30, 2018, <<https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/17-Financial-Services.pdf>>.

⁶ "Trade Policy Brief: OECD Services Trade Restrictiveness Index," Organization for Economic Cooperation and Development, February 2020, <<https://oecd.org/trade/topics/services-trade>>.

employment opportunities, and income need in the household are competing forces in women’s labor force participation.⁷

Figure 1: Female labor force participation rate (% female population ages 15+)



Source: WorldBank Gender Statistics Database, <https://databank.worldbank.org/source/gender-statistics/>.

Social norms that support women’s agency and mobility can propel labor force participation. Trading partners have worked together to actively address negative social norms that impair women. For example, Members of the East African Community have agreed to use public awareness programs to promote non-discriminatory treatment of women in the economic and political arena.⁸ Trade provisions that address employment discrimination and require the equal application of remuneration criteria to men and women can reduce barriers to women’s participation in the labor force. Many trading partners in their trade agreements do affirm the OECD Guidelines for Multinational Enterprises (MNE), which state, “Enterprises are expected to promote equal opportunities for women and men with special emphasis on equal criteria for selection, remuneration, and promotion.”⁹ As a practical matter, infrastructure investment that helps women travel to work, travel to the marketplace, and telework online can draw women into the labor market. Trading partners can also diversify their economies to expand employment and entrepreneurial opportunities for women with astute trade policies. For example, with investment in education, liberalization of cross-border trade in services, and a transparent, rules-based, trade policy environment, governments can attract foreign investment into sustainable agriculture,

⁷ Sher Verick, “Female Labor Force Participation in Developing Countries,” IZA World of Labor September 2014: 87 doi: 10.15185/izawol.87, <<https://wol.iza.org/uploads/articles/87/pdfs/female-labor-force-participation-in-developing-countries.pdf>>.

⁸ “The Treaty for the Establishment of the East African Community,” Amended August 20th, 2007, <<https://www.eacj.org/wp-content/uploads/2012/08/EACJ-Treaty.pdf>>.

⁹ OECD (2011), Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, 2011 Edition, OECD Publishing, Paris, <<https://doi.org/10.1787/9789264115415-en>>.

manufacturing, and services industries. This includes environmental, health, and information technology services, which represent fast growing services industries. A vibrant economy and high-quality employment can draw women into the labor market.

For women with children, the cost and quality of childcare is particularly important in deciding whether to enter the labor force outside the home. Trading partners have recognized the needs of families. For example, Argentina and Chile, in the Argentina and Chile Free Trade Agreement (ACFTA), affirmed their commitments under the International Labor Organization (ILO) Workers with Family Responsibilities Convention (No. 156) of 1981, which states in Article 5, “All measures compatible with national conditions and possibilities shall further be taken to develop or promote community services, public or private, such as child-care,” services and facilities.¹⁰ Trading partners can work together to promote the development of child-care services and facilities. For example, they can share models and best practices and facilitate research exchanges to examine high-quality, child-care services and facilities that work well for families.

Women's ability to effectively engage in the employment market depends on the accessibility and quality of education including continuing education. International and regional trade in educational services in person and online offers women a means to build their technical skills and compete in the marketplace. Trading partners have used services provisions in trade agreements to expand trade in technical and professional education services. For example, the United States-Mexico-Canada Agreement (USMCA) increases confidence in service industry investment, promotes online trade in services, and facilitates cross-border trade in services, which includes private educational services.¹¹ Women are also increasing their numbers as a percentage of students who study abroad.¹² Educational attainment remains a decisive factor in effectively engaging in the employment market and earning an income.

Supportive and complementary policies can advance women's economic empowerment. Women require access to education, digital technologies, and transport infrastructure to move from employment in declining industries to rising industries.¹³ It is commonly understood that the benefits of trade are widely dispersed while the costs can be concentrated in industry sectors, businesses, or agricultural producers hit hard by increased competition. Trade agreements that provide broad and deep access to trade in services including education, digital, and transport services can support women as they engage in the employment cycle and move from contracting sectors to burgeoning sectors. To obtain gains from trade and address dislocation due to trade, governments do have a responsibility to offer displaced workers gender neutral adjustments programs including income support, training, job search, and relocation allowances. Adequate

¹⁰ “ILO Workers with Family Responsibilities Convention (No. 156),” Adopted June 3, 1981, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156>.

¹¹ Parties use a “negative list” format for cross border trade in services, which includes all service sectors unless expressly listed as an exception. Angeles Villarreal and Ian Fergusson, “NAFTA Renegotiation and the Proposed United States-Mexico-Canada Agreement,” Congressional Research Service, February 26, 2019, <https://www.everycrsreport.com/files/20190226_R44981_8aaa20dea9fab7a1148d72c464b20bfe9800d45d.pdf>.

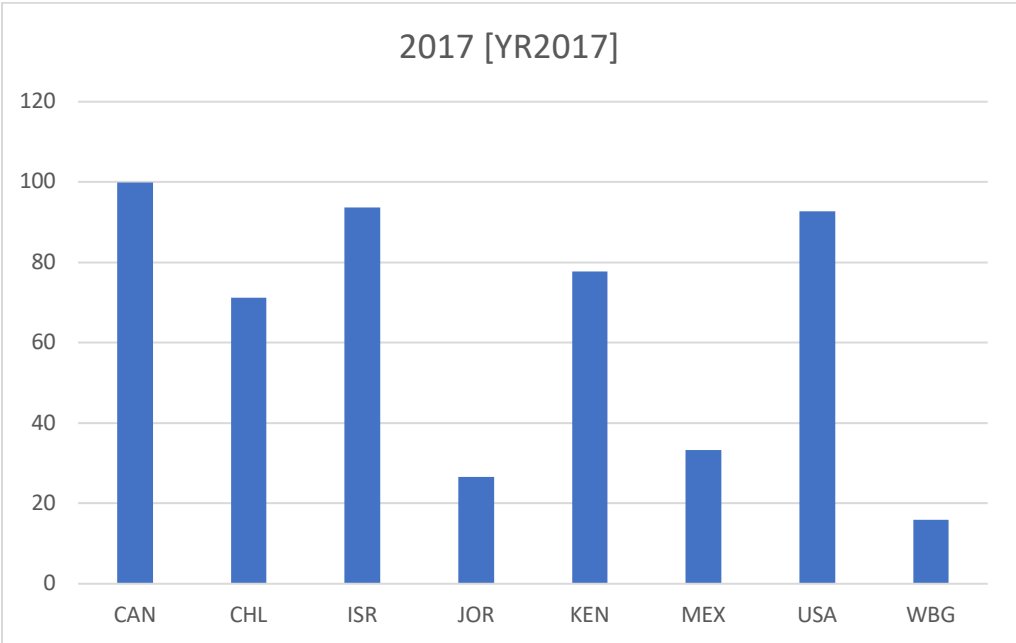
¹² Rajika Bhandari, “Women on the Move: The Gender Dimension of Academic Mobility,” Institute of International Education, March 8, 2017, <<https://www.iie.org/Research-and-Insights/Publications/Women-on-the-Move-The-Gender-Dimensions-of-Academic-Mobility>>.

¹³ “Making Globalization More Inclusive Lessons from Experience with Adjustment Policies,” World Trade Organization, Geneva 2019, <https://www.wto.org/english/res_e/booksp_e/makingglobalinc_e.pdf>.

domestic and international investment in continuing education, transport, and digital infrastructure are fundamental to supporting an open trade regime.

Engagement in the labor market at a competitive wage will have knock on effects in terms of women’s income and capital accumulation. A cross country comparison of female account ownership highlights disparities in wealth. For example, data from 2017 is available for female account ownership with financial institutions and mobile money service providers for Canada, Chile, Israel, Jordan, Kenya, Mexico, the USA, and West Bank Gaza as figure 2 shows. Over 90% of women in Canada, Israel, and the USA maintain a financial account. Over 77% of women in Kenya and over 71% of women in Chile maintain a financial account. Only 33% of women in Mexico, 26% of women in Jordan, and 15% of women in West Bank Gaza maintain a financial account. The disparities in financial account ownership reflect income disparities and access to financial institutions and mobile money service providers. Trading partners can facilitate trade in financial services, including, banking, mobile money providers, insurance, and securities to expand employment opportunities and help women as consumers, workers, and entrepreneurs build their financial security and wealth.

Figure 2: Female account ownership at financial institution or mobile-money-service provider (% population ages 15+)



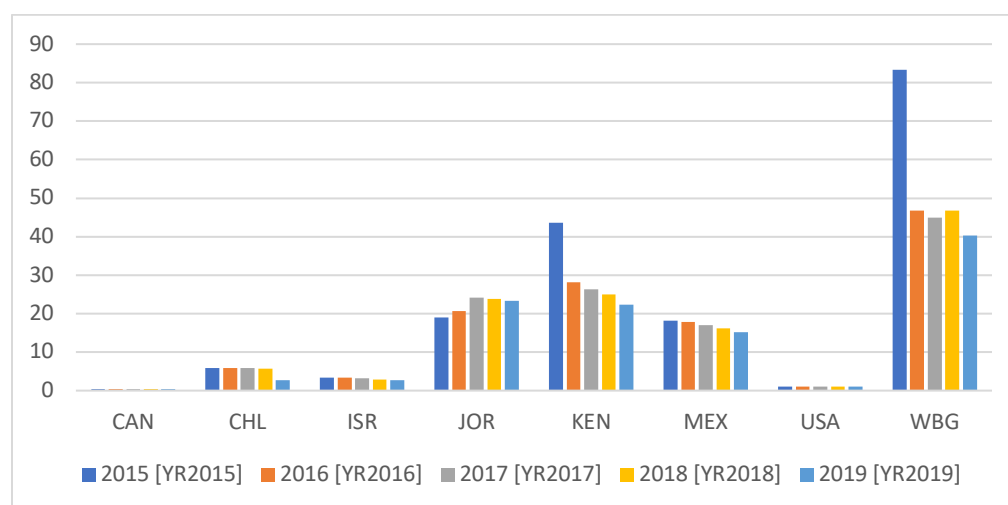
Source: WorldBank Gender Statistics Database, <https://databank.worldbank.org/source/gender-statistics/>.

Governments can also design tax and tariff policies on a gender-neutral manner so as not to disproportionately lower women’s disposable income. Direct and indirect taxes may disproportionately impact women’s income and create disincentives to their participation in the labor force. For example, a higher income tax rate on second incomes can deter second income

earners, frequently women, from seeking paid employment outside the home.¹⁴ In addition, consumption tax may disproportionately impact women due to their consumption patterns and tax exemptions may favor men for the same reason.¹⁵ Similarly, tariffs act as a flat consumption tax; compared to men, women may experience a disproportionately higher tariff burden on products they consume or produce, such as, textile or agricultural products.¹⁶ As a consequence, women’s disposable income is diminished. Ministries of trade can evaluate their tariff schedules to assess how they may disproportionately impact women as consumers, agricultural producers, and cross-border traders.

Improving transparency in the investment climate can foster women’s entrepreneurship. A practical measure of the quality and clarity of the investment climate reflects, "the procedures, time, cost and paid-in minimum capital required for a small or medium-size limited liability company to start up and formally operate."¹⁷ A cross country comparison of the cost of business start-up procedures for women in Canada, Chile, Israel, Jordan, Kenya, Mexico, the USA, and West Bank indicates a downward trend as shown in figure 3. The cost of business start-up procedures for women from 2015 to 2019 ranged from 1% of gross national income (GNI) per capita to 40% of GNI per capita as shown in figure 3.

Figure 3: Cost of business start-up procedures, female (% of GNI per capita)



Source: WorldBank Gender Statistics Database, <https://databank.worldbank.org/source/gender-statistics/>.

¹⁴ “Gender & Taxation,” Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), January 1, 2011, <<https://www.genderingermandevelopment.net/custom/images/contentBilderGalerie/bilderGalerie1000512/GTZ-BMZ-Gender-and-taxation-2007-EN.pdf>>.

¹⁵ Ibid.

¹⁶ Arthur Gailles, Tamara Gurevich, Serge Shikher, Marinos Tsigas, “Gender and Income Inequality in United States Tariff Burden,” Economic Working Paper Series Working Paper 2018–08-B, U.S. International Trade Commission, August 2018, <https://www.usitc.gov/publications/332/working_papers/ggst_-_gender_and_income_inequality_in_tariffs.pdf>.

¹⁷ Meta data for cost of business start-up procedures, female (% of GNI per capita), see details, <<http://data.worldbank.org/indicator/IC.REG.COST.PC.FE.ZS>>.

Women’s access to investment and trade opportunities can expand in a transparent and non-discriminatory investment climate where laws, regulations, and administrative procedures are published and made easily available to the public. Implementing transparent, easily accessible, and economically priced, business start-up procedures in West Bank Gaza, Jordan, Kenya, and Mexico can decisively improve women’s ability to navigate commercial rules and regulations. For example, women in Mexico can benefit from the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which requires regulations that affect trade or investment to be published in an official journal or website, which contributes to accountability and transparency in the marketplace.¹⁸ Prioritizing the implementation of transparency obligations in trade agreements can improve transparency in the marketplace, reduce operating costs, and foster women’s entrepreneurship.

How trading partners may address gender equality

Nations use trade agreements to open markets and adopt common principles of economic engagement including gender equality. Gender provisions are increasing in trade agreements and are distinctly heterogeneous.¹⁹ A review of five regional and bilateral trade agreements illustrates how gender equality is addressed with specific provisions, chapters, and implementation

Agreements reviewed:

- Canada-Israel Free Trade Agreement (CIFTA) 2018
- United States-Mexico-Canada Agreement (USMCA) 2018
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) 2018
- The Treaty for the Establishment of the East African Community (EAC) 2007
- Argentina and Chile Free Trade Agreement (ACFTA) 2019

instruments to advance women's economic empowerment. Some agreements harness international conventions and multilateral guidelines to bolster gender equality principles and bring them to fruition at home and with their trading partners. Negotiating parties may decide to subject gender obligations to dispute settlement to hold each other accountable. Implementing provisions may include specialized committees working with civil society to monitor and propel implementation. Cooperation initiatives may include exchanges, internships, and on-the-job training. Parties may choose to conduct legislative and regulatory reviews to ensure

non-discrimination. Many agreements recognize the practical importance of strengthening women's leadership networks. Gender equality initiatives originating from agreements often advance women’s access to finance, technology, and businesses contacts. Trade agreements, international conventions, and targeted initiatives can decisively strengthen women’s economic empowerment and national prosperity.

¹⁸ Chapter 26 on Transparency and Anti-corruption, CPTPP, entered into force December 30, 2018 for Australia, Canada, Japan, Mexico, New Zealand, Singapore; entered into force January 14, 2019 for Vietnam, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-ptp/text-texte/26.aspx?lang=eng>>.

¹⁹ José-Antonio Monteiro, “Gender-Related Provisions in Regional Trade Agreements,” World Trade Organization Economic Research and Statistics Division Staff Working Paper ERSD-2018-15, December 18, 2018, <https://www.wto.org/english/res_e/reser_e/ersd201815_e.pdf>.

Trading partners may incorporate disciplines on gender equality in trade agreements in a variety of ways. Gender equality provisions may appear in the preamble, in a special gender and trade chapter, or often in the labor chapter. For example, in the preamble of the Canada-Israel Free Trade Agreement (CIFTA), Canada and Israel, "Seek to increase women's access to and benefit from the opportunities created by this Agreement by advancing cooperative activities and removing constraints to their full participation in their economies and international trade."²⁰ As another example, The Treaty for the Establishment of the East African Community (EAC) dedicates a chapter to enhancing the role of women in socioeconomic development with articles on development and the role of women in business. Importantly the EAC illustrates how it will carry out its objectives on gender. The EAC will use legislation, awareness programs, technology, and other measures to promote gender quality.²¹ The USMCA contains significant provisions to eliminate employment discrimination and promote women's equality in Chapter 23 on Labor. Members affirm commitments under the ILO Declaration on Fundamental Principles and Rights at Work including, "the elimination of discrimination in respect of employment and occupation."²² Parties commit to implementing policies that deter discrimination, sexual harassment, and wage discrimination. They highlight protecting workers from sexual orientation or gender identity discrimination. The parties to the USMCA in Chapter 23, "seek to eliminate all forms of workplace discrimination including, "age, disability, race, ethnicity, religion, sexual orientation, and gender identity."²³

A comparison of recent trade agreements illustrates structural approaches to gender. Several trading partners have designed their trade agreements to include a specific gender chapter to address the particular challenges of women in the marketplace. Frequently such agreements also include a labor chapter dedicated to issues of non-discrimination in employment. Many trading partners have also decided that a specific committee is necessary to help implement gender and non-discriminatory employment provisions. Only a few agreements subject gender provisions to dispute settlement. For example, the CIFTA is unique among recent trade agreements as it subjects the Trade and Gender Chapter to dispute settlement. Canada and Israel hold each other accountable to their commitments on gender and can challenge each other if they fail to live up to their commitments. All the agreements reviewed reference international or regional conventions that address gender equality, non-discriminatory treatment in employment, the advancement of women, and labor rights. Trading partners also use a variety of implementation measures to change the dynamics for women in the marketplace. Figure 4 shows gender components in five bilateral and regional agreements.

²⁰ "Canada-Israel Free Trade Agreement," Amended May 28, 2018, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/index.aspx?lang=eng>>.

²¹ "The Treaty for the Establishment of the East African Community," Amended August 20th, 2007, <<https://www.eacj.org/wp-content/uploads/2012/08/EACJ-Treaty.pdf>>.

²² "ILO Declaration on Fundamental Principles and Rights at Work," Adopted June 18, 1998. (Annex revised 15 June 2010), <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf>.

²³ "United States-Mexico-Canada Agreement," Opened for signature November 30, 2018, <<https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/23-Labor.pdf>>.

Figure 4: Gender in trade agreements

Agreement	Chapters with gender or non-discrimination provisions	Committee & Council	Subject to Dispute Settlement?	Affirmation of International & Regional Conventions
ACFTA	Gender and Commerce Chapter Labor Chapter	Gender Committee w/ specific responsibilities	No	CEDAW OECD MNE Guidelines UNSD Goal 5 ILO Conventions 100, 111, & 156
CIFTA	Trade and Gender Labor Chapter	Trade and Gender Committee w/ specific responsibilities	Yes	CEDAW OECD MNE Guidelines UNSD G5
CPTPP	Development Chapter Labor Chapter	Development Committee w/ specific responsibilities	No	ILO Declaration on Fundamental Principles and Rights at Work
EAC	Enhancing the Role of Women in Socio-Economic Development	Coordination Committee	Yes	African Charter on Human and Peoples' Rights
USMCA	Labor Chapter	Labor Council	Yes	ILO Declaration on Fundamental Principles and Rights at Work OECD MNE Guidelines

Source: Individual Agreements including ACTFA, CIFTA, CPTPP, EAC, USMCA

International and regional conventions with gender equality principles are sometimes affirmed in trade agreements, which renews the shared gender equality principles, introduces implementation practices, and strengthens the conventions. For example, The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) requires signatories to, “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”²⁴ CEDAW signatories maintain a working committee to monitor and report on the implementation of the convention by reviewing and reporting on legislative, judicial, administrative or other measures associated with non-discriminatory treatment of women.²⁵

The Committee is somewhat akin to the Trade Policy Review Mechanism of the World Trade Organization except the CEDAW committee tracks and concentrates on gender equality measures. For example, as a signatory to CEDAW, Peru reported on its 2017 public awareness campaign to combat gender discriminatory stereotypes; initiatives to narrow the gaps between women and men in terms of employability, entrepreneurship, and business ownership; and promulgation of Act No. 30709, which prohibits wage discrimination and reflects commitments under the ILO Equal Remuneration Convention, 1951(No. 100).²⁶ As another example, as a signatory to CEDAW, South Sudan reported on Section 13 of its Land Act of 2009 that empowers women to own and inherit property as well as initiatives to eliminate, “gender inequalities in access to capital, credit and other financial services.”²⁷ As a third example, as a signatory to CEDAW, Mexico reported on amendments to the General Equality between Women and Men Law of 2006 that makes obligatory allocations in state budgets to promote national equity policy as well as training

²⁴ “The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),” Adopted December 18, 1979, <<https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>>.

²⁵ Ibid.

²⁶ “Ninth Periodic Report Submitted by Peru under Article 18 of the Convention,” United Nations Committee on the Elimination of Discrimination Against Women, July 23, 2020 (CEDAW/C/PER/9).

²⁷ “Initial Report Submitted by South Sudan under Article 18 of the Convention,” United Nations Committee on the Elimination of Discrimination Against Women, February 19, 2020 (CEDAW/C/SSD/1).

programs for the federal judiciary on non-discriminatory treatment of women.²⁸ CEDAW's Article 18 reporting requirements offer an assessment of the legislative, judicial, administrative, and other measures focused on gender equality undertaken by signatories to CEDAW. The reports demonstrate that governments do and can make meaningful legislative and administrative changes to fulfill gender obligations in international conventions.

In addition to CEDAW, trade negotiating partners often reference private sector guidelines, the UN Sustainable Development Goals, ILO conventions, and regional charters. Each instrument's respective gender provisions illustrate the international consensus on gender principles. For example, The MNE obligates businesses to adhere to gender non-discrimination. The MNE states, "Enterprises are expected to promote equal opportunities for women and men with special emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria, and prevent discrimination or dismissals on the grounds of marriage, pregnancy or parenthood."²⁹ The UN Sustainable Development Goal 5 urges nations to undertake reforms to give women equal rights to economic resources.³⁰ The ILO Declaration on Fundamental Principles and Rights at Work includes, "the elimination of discrimination in respect of employment and occupation."³¹ Several ILO conventions also promote gender equality, for example the: ILO Equal Remuneration Convention (No. 100),³² the ILO Discrimination (Employment and Occupation) Convention (No. 111),³³ the ILO Workers with Family Responsibilities Convention (No. 156),³⁴ and the ILO Maternity Protection Convention (No. 183).³⁵ The African Charter on Human and Peoples' Rights states under Article 18, "The State shall ensure the elimination of every discrimination against women and ensure the protection of the rights of women..."³⁶ Many of these conventions have been in place for decades but discrimination persists. When trading partners affirm and renew internationally recognized gender equality principles they create momentum for realizing gender equality with distinct implementation practices.

Governments are acting independently to assess their respective legislative and regulatory landscape to identify and amend laws, regulations or administrative practices that discriminate against women in the workplace, in the financial sector, and in terms of movement. For example, around the world governments are:

²⁸ "Consideration of Reports Submitted by States Parties under Article 18 of the Convention," United Nations Committee on the Elimination of Discrimination Against Women, February 2, 2017 (CEDAW/C/MEX/9).

²⁹ OECD (2011), OECD Guidelines for Multinational Enterprises, 2011 Edition, OECD Publishing, Paris, <<https://doi.org/10.1787/9789264115415-en>>.

³⁰ "The UN Sustainable Development Goal 5," Adopted September 25, 2015, <<https://sustainabledevelopment.un.org/sdg5>>.

³¹ "ILO Declaration on Fundamental Principles and Rights at Work," Adopted June 18, 1998. (Annex revised 15 June 2010), <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf>.

³² "ILO Equal Remuneration Convention (No. 100)," Adopted June 29, 1951, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100>.

³³ "ILO Discrimination (Employment and Occupation) Convention (No. 111)," Adopted June 4 1958, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_717510.pdf>.

³⁴ "ILO Workers with Family Responsibilities Convention (No. 156)," Adopted June 3, 1981, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156>.

³⁵ "ILO Maternity Protection Convention (No. 183)," Adopted May 3, 2000, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C183>.

³⁶ "The African Charter on Human and Peoples' Rights," Adopted June 28, 1981, <<https://www.achpr.org/legalinstruments/detail?id=49>>.

- Adopting legislation, civil remedies, and criminal penalties for sexual-harassment in the workplace;
- Adopting legislation for equal remuneration for work of equal value;
- Lifting restrictions on women's ability to work at night;
- Lifting restrictions on women's ability to work in mining, construction, or industries deemed dangerous;
- Prohibiting the dismissal of pregnant workers;
- Providing parental leave benefits for mothers and fathers;
- Prohibiting gender-based discrimination in access to financial services; and
- Amending regulations to allow women to obtain passports the same way as men without additional documentation.³⁷

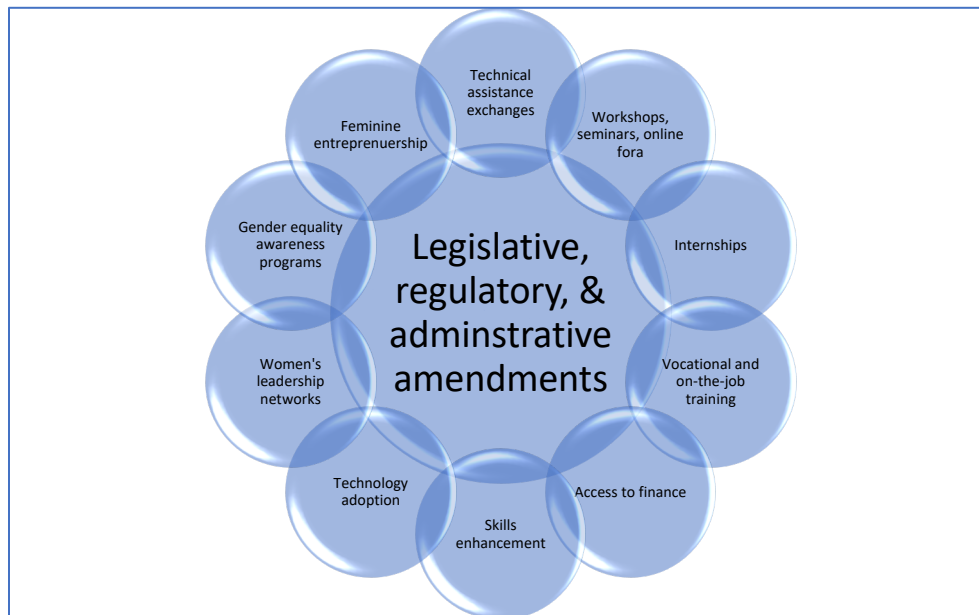
As a practical matter, governments can also ensure systems are in place to provide national identification certificates to men and women equally and without discrimination.

Trade negotiating partners have approached implementation of gender obligations with distinct activities. For example, Canada and Israel may use cooperation activities, such as, exchanges, internships, research, and workshops to advance financial inclusion, skills enhancement, and leadership networks. Under the USMCA, members may share technical expertise, conduct research and seminars, and leverage online fora to create a non-discriminatory climate for workers. EAC partners may use vocational and on-the-job training to enable women to improve skills and strengthen women's professional associations. Argentina and Chile may use seminars, dialogues, and technical assistance exchanges to promote women's use of technology, access to finance, professional networks, and best labor practices in gender equality. The members of the CPTPP may undertake cooperative activities and training to expand women's skills, market access, technology adoption, and access to finance. Negotiating parties may also employ review clauses, impact assessments, and ex post evaluations. For example, the European Union uses such implementation tools to assess the human rights impact of trade agreements.³⁸ Figure 5 shows examples of gender equality implementation activities.

³⁷ "Women, Business, and the Law 2020." World Bank, Washington DC, 2020. doi: 10.1596/978-1-4648-1532-4, <<https://openknowledge.worldbank.org/bitstream/handle/10986/32639/9781464815324.pdf>>.

³⁸ "Strategic Plan 2016-2020 Directorate General Trade," European Commission, December, 22, 2017, <https://ec.europa.eu/info/publications/strategic-plan-2016-2020-trade_en>.

Figure 5: Sample Activities for the Implementation of gender provisions



Source: Individual Agreements including ACTFA, CIFTA, CPTPP, EAC, USMCA

Existing ad hoc measures that support women's economic empowerment can also be found in the Trade Policy Reviews of countries that are members of the World Trade Organization (WTO). These include for example:

- Agricultural input subsidies, loan, and credit programs;
- Agricultural production extension programs;
- Food aid and nutritional support;
- Funding for micro, small, and medium enterprises;
- Infrastructure investment in transport and digital services;
- Preferences for enterprises demonstrating wage-equity;
- Preferences for women-owned enterprises;
- Skills training for women returning to formal employment;
- Tax credits for the employment of women;
- Training to expand women's skills in business management, exporting, and marketing; and
- Transparency in licensing procedures.³⁹

Trade obligations that require governments to ensure non-discriminatory treatment of women in their use of productive assets, such as, land, capital, and their own labor are also necessary to economically empower women. Adopting and enforcing trade obligations that require the elimination of discrimination in employment and occupation as well as wage discrimination can

³⁹ Anoush der Boghossian, "Trade Policies Supporting Women's Economic Empowerment: Trends in WTO Members," WTO Staff Working Paper ERSD-2019-07, May 20, 2019, <https://www.wto.org/english/res_e/reser_e/ersd201907_e.pdf>.

reduce obstacles to women's employment in all types of occupations, raise women's wages, and increase income.

The challenge for those interested in advancing women's economic empowerment is to take the gender equality principles in international conventions and trade agreements and implement them in a practical way unilaterally or in conjunction with trading partners to improve women's ability to earn an income and navigate the economy. The CEDAW convention offers a model as it infuses transparency into national obligations on gender equality via an operating committee that works with national governments to report on gender equality measures and their implementation through consultations and reporting. For example, CEDAW encourages signatories to the Convention to develop, "gender equality plans, policies and programs," and allocate financial resources to these initiatives.⁴⁰ CEDAW offers the fullest account of national gender measures in its collection of country reports developed in cooperation with national governments found in the UN Treaty Body Database under CEDAW.⁴¹ Those reports in conjunction with trade commitments in bilateral or regional agreements are a good starting point for designing gender equality implementation initiatives.

Conclusion

Gender equality implementation initiatives should address the demand and supply factors that constrain women's ability to enter the workforce as employees or entrepreneurs and earn an income. For example, such initiatives should:

- Ensure laws and regulations governing property, identity certifications, and employment are equitable and enforced;
- Promote women's self-determination or agency to pursue education, employment, and entrepreneurship with the active promotion of positive societal and cultural norms;
- Expand access to and the quality of education including continuing education and skills training;
- Advance a transparent and non-discriminatory business climate;
- Expand access to information technology, as well as competitive banking, securities, insurance, and other business services;
- Support and expand professional and commercial networks;
- Implement a sustainable trade regime that attracts investment, offers access to quality goods and services, and provides access to foreign markets; and
- Subsidize childcare and early childhood education.

These implementation activities complement each other and reinforce a commitment to women's economic empowerment. Dedicated implementation initiatives rooted in gender equality principles can deepen women's economic engagement and reduce poverty at the national level.

⁴⁰ "Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada," UN CEDAW Committee on the Elimination of Discrimination Against Women, Geneva, November 25, 2016, (CEDAW/C/CAN/CO/8-9).

⁴¹ UN Treaty Body Database under CEDAW Treaty, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29>.

Annex of Agreements and Conventions

Canada-Israel Free Trade Agreement (CIFTA) 2018

Canada and Israel renewed their trading relationship with an updated Canada-Israel Free Trade Agreement (CIFTA) containing an important Trade and Gender Chapter. In the Chapter, the parties assert the importance of women's economic engagement, reaffirm obligations on gender in international conventions, and establish a Committee on Gender to facilitate cooperation activities. The CIFTA is unique among recent trade agreements as it subjects the Trade and Gender Chapter to dispute settlement. Canada and Israel hold each other accountable to their commitments on gender and can challenge each other if they fail to live up to their commitments.

CIFTA's Trade and Gender provisions highlight the value of inclusive economic growth that provides equitable opportunities for engagement in industry and labor. The parties affirm the importance of empowering women and girls and ensuring their equal rights under the UN's Sustainable Development Goal 5. They note the OECD Guidelines for Multinational Enterprises, which state, "Enterprises are expected to promote equal opportunities for women and men with special emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria, and prevent discrimination or dismissals on the grounds of marriage, pregnancy or parenthood."⁴²

Canada and Israel recognize reducing trade barriers as a means to increase women's economic engagement at home and abroad. The parties acknowledge legislation and a sound regulatory environment support gender equality. Canada and Israel confirm their obligations under the 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The signatories to the Convention participate in a review of their respective laws, regulations, and administrative procedures associated with non-discriminatory treatment of women.

Canada and Israel commit themselves to cooperation activities to enable women as economic actors to benefit from the Agreement. Cooperation activities involve the public sector, academia, and all segments of civil society and focus on: analysis, best practice, financial inclusion, leadership, networks, professional advancement, skills enhancement, and statistics. Means of cooperation include: exchanges, internships, research, and workshops. The parties establish a Trade and Gender Committee with the responsibility of facilitating, reporting, and proposing cooperation activities; calling experts; and recommending "gender-related commitments" into the work of other councils, committees, subcommittees, and contact points under the Agreement.⁴³

United States-Mexico-Canada Agreement (USMCA) 2018

The United States, Mexico, and Canada revived their trading relationship with the United States-Mexico-Canada Agreement (USMCA). The USMCA Preamble states the parties, "Seek to

⁴² OECD (2011), OECD Guidelines for Multinational Enterprises, 2011 Edition, OECD Publishing, Paris, <<https://doi.org/10.1787/9789264115415-en>>.

⁴³ "Canada-Israel Free Trade Agreement," Amended May 28, 2018, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/index.aspx?lang=eng>>.

facilitate women's and men's equal access to and ability to benefit from the opportunities created by this Agreement and to support the conditions for women's full participation in domestic, regional, and international trade and investment."⁴⁴ The primary provisions on gender are found in the Labor Chapter. The parties chose not to include a chapter on gender.

The USMCA Chapter 23 on Labor contains significant provisions to eliminate employment discrimination and promote women's equality. Members affirm commitments under the ILO Declaration on Fundamental Principles and Rights at Work including, "the elimination of discrimination in respect of employment and occupation."⁴⁵ Parties commit to implementing policies that deter discrimination, sexual harassment, and wage discrimination. They highlight protecting workers from sexual orientation or gender identity discrimination. The three countries seek to eliminate all forms of workplace discrimination including, "age, disability, race, ethnicity, religion, sexual orientation, and gender identity."⁴⁶ The U.S., Mexico, and Canada will create, "analytical and enforcement tools," to assess equal pay for equal work. They will promote, "labor practices that integrate and retain women in the job market."⁴⁷ The U.S., Mexico, and Canada will cooperate, share technical expertise, conduct research, hold seminars, and leverage online fora to create a non-discriminatory climate for workers.

Despite the absence of a gender chapter, the USMCA does offer chapters on financial services (17), cross-border trade in services (15), and digital trade (19), which can materially expand access to finance, reduce the costs of international trade, and expand the online marketplace for women entrepreneurs, business owners, and consumers. The USMCA Investment Chapter (14) also references the OECD Guidelines for Multinational Enterprises' recommendations on gender equality noting parties will encourage enterprises to adhere to gender non-discrimination. Under the USMCA, parties can hold each other accountable for their labor practices.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) 2018

The CPTPP has a broad geographic base of membership and allows new members to join.⁴⁸ The Agreement promotes gender equality in the Preamble. The Labor Chapter (19) affirms members commitments under the ILO Declaration on Fundamental Principles and Rights at Work including, "the elimination of discrimination in respect of employment and occupation."⁴⁹ Members will also cooperate to promote, "productive, quality employment" as well as the, "equality of, elimination of discrimination against, and the employment interests of women."⁵⁰ The Development Chapter (23) addresses women and economic growth in Article 23.4. Parties agree on the benefits of

⁴⁴ "United States-Mexico-Canada Agreement," Opened for signature November 30, 2018, <<https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>>.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam are parties to the CPTPP. Seven of the eleven have ratified the agreement; Brunei, Chile, Malaysia, and Peru have yet to ratify. "What is the CPTPP?" Government of Canada, February 21, 2020, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/index.aspx?lang=eng>>.

⁴⁹ "CPTPP," Opened for signature March 8, 2018, <<https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/text-texte/cptpp-ptpgp.aspx?lang=eng>>.

⁵⁰ Ibid.

women's engagement in international trade. They express interest in sharing how to design, implement, and strengthen initiatives, such as, expanding skills, market access, technology adoption, and access to finance. The parties highlight the expansion of, "women's leadership networks."⁵¹ A Committee on Development is established to facilitate cooperation, exchange information, propose activities, and call on donors, the private sector, and non-government organizations. The CPTPP does not subject the development chapter to dispute settlement.

The Treaty for the Establishment of the East African Community (EAC) 2000⁵²

The EAC Treaty has decisive and unique provisions on trade and gender. Partner States of the EAC, in Chapter 2 Establishment and Principles of the Community, endeavor to enhance, "the role of women in cultural, social, political, economic and technological development."⁵³ They recognize the provision on gender equality of the African Charter on Human and Peoples' Rights and agree to, "gender balance...in the appointment of staff and composition of the organs and institutions of the community."⁵⁴

Partner States agree, under Chapter 22, Article 122, The Role of Women in Socio-Economic Development, to promote women's engagement in decision-making. Members of the EAC agree to, "abolish legislation and discourage customs that are discriminatory against women."⁵⁵ Parties will use awareness programs to promote positive attitudes towards women. Partner States of the EAC will harness technology to advance women's professional progress. Parties will work to eliminate prejudice and promote equality.

Under Chapter 22, Article 122, the EAC focuses on the Role of Women in Business. Partner States agree to raise the level of women's engagement in the creation of business policy and implementation. They will advance unique programs for women in business. EAC members will eliminate obstacles to finance for women. They agree to use vocational and on-the-job training to enable women to improve skills. Partner States recognize and support women's professional associations to advance trade engagement.

Argentina and Chile Free Trade Agreement (ACFTA) 2019

Argentina and Chile renewed their trade relationship with the signing of a new Free Trade Agreement on May 2, 2019.⁵⁶ The preamble of the agreement references gender and Chapter 8 on Investment highlights the OECD Guidelines for Multinationals on gender equality. In Chapter 12 on Labor, the parties outline areas of cooperation including equal rights and the elimination of discrimination. Argentina and Chile include a distinct chapter on Gender and Commerce (15). The parties recognize the importance of a gender perspective in inclusive economic growth, they

⁵¹ Ibid.

⁵² Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda are parties to the EAC, "Overview of the EAC," East African Community Website, <<https://www.eac.int/overview-of-eac>>.

⁵³ "The Treaty for the Establishment of the East African Community," Amended August 20th, 2007, <<https://www.eacj.org/wp-content/uploads/2012/08/EACJ-Treaty.pdf>>.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Argentina and Chile Free Trade Agreement (ACFTA) Opened for signature May 2, 2019, <http://www.sice.oas.org/Trade/ARG_CHL/ARG_CHL_Index_s.asp>.

reaffirm their commitment to the UN Sustainable Development Goal 5, and the benefits of women's engagement in the economy and international trade. The parties recognize that women's economic autonomy contributes to sustainable economic growth. The parties agree to increase public knowledge of the laws, regulations, and practices related to gender equality.

Argentina and Chile confirm their commitments to CEDAW and the ILO Equal Remuneration Convention, 1951 (No. 100), ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and ILO Workers with Family Responsibilities Convention, 1981 (No. 156). The parties will share respective experiences and strengthen the participation of women in the economy at the national and international level. Argentina and Chile will cooperate in strengthening the skills of women in the marketplace including workers, business women, and entrepreneurs. Each party agrees to consult with government institutions, business organizations, unions, academics and other representatives of civil society to identify areas of mutual interest.

Argentina and Chile identify specific areas of cooperation including programs focusing on, inter alia, technology innovation, access to finance, professional networks, best labor practices in gender equality, women's involvement in decision making, feminine entrepreneurship, and gender statistics. Cooperation activities may take the form of seminars, dialogues, forums, study visits, collaborative studies, technical assistance exchanges, and other activities as the parties agree. Argentina and Chile also establish a Gender Committee. The Gender and Commerce Chapter is not subject to dispute settlement.

UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

The Convention was adopted by the UN General assembly in 1979 and entered into force in 1981.⁵⁷ The text sets out the principle of equal treatment of men and women in social and economic spheres and contains 30 articles divided into five parts. The Preamble recognizes persistent discrimination against women and the need to take specific actions to eliminate discriminatory treatment of women. The Convention outlines the duty of states to promote equality, address stereotyping and cultural prejudices, stop trafficking and prostitution, ensure women have equal access to political and public life, support participation of women in international organizations, provide equal rights in terms of nationality of women and their children, secure equal access to education, and establish equal access to employment, health, economic and social benefits. States must also ensure equal treatment of women before the law and support equal treatment of women in rural areas. Parties to the Convention commit to the full development and advancement of women.

Under article 17, a Committee on the Elimination of Discrimination against Women is established to monitor the implementation of the Convention. The 23 Members of the Committee are selected by the parties to the Convention and serve for four years on a rotating basis. Under Article 18, states report on the "legislative, judicial, administrative or other measures" adopted to fulfill commitments under the Convention.⁵⁸ The Committee conducts, in cooperation with states, periodic reviews of the legal and regulatory landscape governing the elimination of discrimination. The Committee just concluded its 75th session in February 2020 and published reports on

⁵⁷ "The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)," Adopted December 18, 1979, <<https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>>.

⁵⁸ Ibid.

Afghanistan, Bulgaria, Eritrea, Kiribati, Latvia, Pakistan, Republic of Moldova, and Zimbabwe. The Committee can recommend initiatives to fulfill the commitments of the Convention.

UN Sustainable Development Goal 5

In 2015, the UN adopted 17 sustainable development goals to achieve by 2030. Goal 5 focuses on gender equality with specific targets that are reflected in some trade agreements. Targets include, for example: eliminate all forms of discrimination against women and girls everywhere; ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life; undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws; enhance the use of enabling technology, in particular information communications technology, to promote the empowerment of women. Trade agreements that expand market access in financial services and digital trade are a practical means of supporting Goal 5.

ILO Conventions

The ILO Declaration on Fundamental Principles and Rights at Work, ILO Convention 100, 111, 156, and 183 each touch on gender equality. The ILO Declaration on Fundamental Principles and Rights at Work obligates signatories, "to respect, to promote and to realize...the elimination of discrimination in respect of employment and occupation."⁵⁹ The ILO Equal Remuneration Convention (No. 100) of 1951 requires signatories to, "Ensure the application to all workers of the principle of equal remuneration interesting for men and women workers for work of equal value."⁶⁰ The ILO Discrimination (Employment and Occupation) Convention (No. 111) of 1958 commits parties to, "promote...equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination."⁶¹ The ILO Workers with Family Responsibilities Convention (No. 156) of 1981 states, "Enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination."⁶² The ILO Maternity Protection Convention (No. 183) of 2000 directs parties to ensure, "Women to whom this convention applies shall be entitled to a period of maternity leave of not less than 14 weeks."⁶³

⁵⁹ "ILO Declaration on Fundamental Principles and Rights at Work," Adopted June 18, 1998. (Annex revised 15 June 2010), <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf>.

⁶⁰ "ILO Equal Remuneration Convention (No. 100)," Adopted June 29, 1951, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100>.

⁶¹ "ILO Discrimination (Employment and Occupation) Convention (No. 111)," Adopted June 4 1958, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_717510.pdf>.

⁶² "ILO Workers with Family Responsibilities Convention (No. 156)," Adopted June 3, 1981, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156>.

⁶³ "ILO Maternity Protection Convention (No. 183)," Adopted May 3, 2000, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C183>.

Annex of Acronyms

ACFTA	Argentina and Chile Free Trade Agreement, 2019
C100	ILO Equal Remuneration Convention, 1951 (No. 100)
C111	ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
C156	ILO Workers with Family Responsibilities Convention, 1981 (No. 156)
C183	ILO Maternity Protection Convention, 2000 (No. 183)
CEDAW	UN Convention on the Elimination of all Forms of Discrimination Against Women, 1979
CIFTA	Canada-Israel Free Trade Agreement, 2018
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership, 2018
EAC	The Treaty for the Establishment of the East African Community, 2007
Goal 5	UN's Sustainable Development Goal 5, 2015
MNE	OECD Guidelines for Multinational Enterprises, 2011
OECD	Organization for Economic Cooperation and Development
USMCA	United States-Mexico-Canada Agreement, 2018
WTO	World Trade Organization

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