Gender-related Provisions in Regional Trade Agreements

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Gender in RTAs

Analytical Framework

• Gender-related provisions:
  – **Explicit** reference to gender and women
  – **Implicit** reference to gender by referring to human rights, minorities, sustainable development or labour discrimination but without any direct reference to gender

• Analysis of 560 RTAs (including 298 RTAs in force and notified to the WTO)

<table>
<thead>
<tr>
<th>RTAs</th>
<th>Side document(s)</th>
<th>Post-RTA document(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Preamble</td>
<td>• Side letter</td>
<td>• Joint declaration</td>
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<tr>
<td>• Non-specific article</td>
<td>• Joint declaration</td>
<td>• Directive</td>
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<tr>
<td>• Specific article</td>
<td>• Memorandum</td>
<td>• Resolution</td>
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<td>• Specific chapter</td>
<td>• Protocol</td>
<td>• Agreement</td>
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<td>• Annex</td>
<td>• Agreement</td>
<td>• ...</td>
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</table>
Inclusion of gender-related provisions is not a recent phenomenon ... 

... but the scope of gender-related provisions has expanded only recently.
Gender-related provisions do not follow a specific and unique template...

... but most PTAs share at least one common type of gender-related provisions

Note: Node size represents the average number of gender-related provisions in RTAs by country

Note: Node size represents the number of gender-related provisions by RTA
Cooperation provisions are the most common gender-related provisions ... with gender-based labour discrimination being the most common cooperation area.

- Principles: 16
- International agreements: 8
- Domestic gender-related policies: 36
- Exemptions measures: 7
- Corporate social responsibility: 5
- Cooperation: 64
- Transparency: 5
- Institutional arrangements: 9
- Consultations: 5
- Dispute settlement: 5

- Cultural, economic, political and social development: 16
- Access to education and skills: 22
- Access to social policy: 11
- Violence: 4
- Access to finance/resources: 9
- Labour discrimination: 35
- Access to science and innovation: 7
- Entrepreneurship: 7
- Access to market: 11

Number of RTAs
Sporadic inclusion of gender-related provisions in bilateral investment treaties...

- **BITs**: 4 (0.78%)
- **RTAs**: 78 (14%)

...but similar type of gender-related provisions found in RTA’s investment chapter

- **BIT**
  - Fair and equitable treatment: 4

- **RTA’s investment chapter**
  - Corporate social responsibility: 3

Number of agreements/treaties with explicit gender-related provisions
Conclusion

• Explicit gender-related provisions in PTAs are not a recent phenomenon...

• ... but their scope have only expanded significantly in the last three years

• Inclusion of gender-related provisions is a dynamic process...

• ... but gender-related provisions do not follow a specific and unique template

• Cooperation is the most common type of gender-related provisions

• But gender-related provisions are likely to keep evolving
Thank you for your attention!

More info: https://www.wto.org/English/res_e/reser_e/ersd201815_e.pdf