



Submission by the Gender and Trade Coalition
To the Office of the High Commissioner of Human Rights (OHCHR)
Responding to the [Call for Inputs on the Impact of Trade Agreements on Women's Economic Empowerment](#)

Introduction

As the Gender and Trade Coalition, we represent over 300 civil society organisations from around the world that work on trade from a feminist perspective. As feminists actively working towards the intertwined goals of trade and gender justice, we are keenly aware of the multiple intersecting crises facing our world– including economic, political, ecological, and social– and the significant role trade has played in the formation and exacerbation of each of these crises. In turn, it is women, girls, and gender-diverse people who are most impacted by each of them, and who have been most negatively impacted by the current fundamentally unjust trade regime, including the recent intensification of tariff and trade wars. Indigenous, rural, and migrant women are among the hardest hit.

Trade can either propel countries forward or act as an anchor around their necks. This is clear when comparing the historical experience of now-developed countries to today's developing countries. Markets in developing countries have been pried open by loans conditioned on trade liberalisation and deregulation, whereas now-developed countries gave their domestic industries significant subsidies and shielded them from international competition with protectionist policies. Developing countries' unequal integration into international trade promotes a regressive pattern of productive and trade specialisation which perpetuates a logic of colonial appropriation. In other words, widespread mandated trade liberalisation across developing countries has undermined, rather than propelled, development.

The modern global trade architecture is centered around the World Trade Organisation (WTO). Since its establishment in 1995, global trade has become more unequal, not least due to the implementation of WTO rules that unequally benefit Global North

countries. The WTO's legally binding agreements on far-reaching aspects of trade include the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS), the Agreement on Agriculture (AoA), and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Developing countries are effectively prevented from exercising their right to pursue domestic priorities, as needed policies are often in contradiction to WTO rules, but violation of these rules carries the threat of fines or other sanctions. At the same time, bilateral and regional free trade agreements (FTAs) have increased exponentially, creating a web of agreements that trap developing countries in a cycle of production for export.

This has directly led to worsening rates of poverty, gender inequality, water and food insecurity, forced migration and displacement, and failures to uphold human rights such as access to education, secure housing, and healthcare including sexual and reproductive health services. Trade has facilitated and financed the joint projects of imperialism and militarism, including the ongoing genocide in Palestine, illegal aggression in Iran, and widespread violence and land theft of Indigenous communities. While the recent proliferation of aggressive and unilateral trade policies have hurt both developed and developing countries, the latter have been forced to make much wider policy sacrifices within and outside the WTO, in turn impacting women and other marginalised constituencies. As detailed in the below examples, national trade policy space needs to be carefully tailored and customised for each country, as predatory and insensitive trade agreements push women further into the margins.

Women Fishers in Asia

The fisheries sector, which is crucial for people in many developing countries both in terms of livelihoods and food,¹ has been particularly impacted by the framework of trade liberalisation pushed by the WTO. These impacts have been felt disproportionately by people in Asia, as the region is a major contributor to global fisheries. Asia accounts for 88.8% of global aquaculture production and 53.2% of capture production, in addition to 34.9% of global fisheries exports and 33.9% of global fisheries imports.² For developing countries in Asia, the fisheries sector accounts for large amounts of GDP, employment, and food consumed.³ The fisheries sector is composed of an array of different actors, including large-scale fisheries (LSF) and small-scale fisheries (SSF). While there is no universal definition, SSF encompasses subsistence and artisanal fisheries— mostly in low-to middle income countries— that use low-tech and traditional

¹ See for example FAO 2006. "[Status and potential of fisheries and aquaculture in Asia and the Pacific 2006.](#)"

² FAO 2023. "[Fishery and Aquaculture Statistics Yearbook 2023.](#)"

³ Danish Institute for Human Rights 2022. "[The Human Rights Impacts of Fisheries Subsidies.](#)" FAO 2023.

methods to fish for subsistence and/or to earn income. LSF, on the other hand, is typically accepted to encompass industrial and semi-industrial fisheries, including state-subsidised distant-water vessels– often in or controlled by corporations based in middle- to high-income countries– that use capital-intensive, high-tech methods to catch, process, and distribute fish for sale.

The contributions of SSF remain obscured and are frequently overlooked,⁴ making them vulnerable actors in the sector despite their importance. SSF produce 44% (US \$77.2 billion) of the total value of all fish caught, yet receive only an estimated 15% of global fisheries subsidies.⁵ Moreover, an estimated 64% of subsidies to LSF are considered capacity-enhancing,⁶ directly contributing to overcapacity and overfishing. Countries including China and Russia, who operate massive LSF fleets, provide an estimated 73% of all global subsidies to LSF.⁷ SSF are thus chronically under-subsidised, creating structural precarity for workers.

Women make up 40% of employment in global fisheries⁸ and are heavily involved in pre-harvest and post-harvest sectors.⁹ They fulfill essential processing roles in aquaculture and fisheries value chains, particularly in SSF, including constructing fishing gear, fish sorting, fish handling, and fish processing.¹⁰ Despite the essential roles they fill, women are disproportionately employed as seasonal or part-time workers, and disproportionately represented among the informal, lowest paid, and most precarious segments of the workforce.¹¹ Because women largely engage informally in SSF, this limits their inclusion in social protection programmes and exposes them to greater work hazards.¹² The contributions of small-scale women fishers are also frequently dismissed.¹³ Equitably valuing and remunerating the contributions of women fishers in SSF is a major priority when it comes to women’s economic empowerment– yet, negotiations on fisheries at the WTO have set this agenda back.

⁴ Basurto et al. 2025. “[Illuminating the multidimensional contributions of small-scale fisheries.](#)” *Nature* 637: 875–884.

⁵ Ibid.

⁶ Schuhbauer et al. 2020. “[The Global Fisheries Subsidies Divide Between Small- and Large-Scale Fisheries.](#)” *Frontiers in Marine Science* 7: 539214; World Fish Center 2018. “[Gender and fisheries: Do women support, complement or subsidize men’s small-scale fishing activities?](#)”

⁷ Schuhbauer et al. 2020.

⁸ Ibid.

⁹ World Fish Center 2018.

¹⁰ Ibid.

¹¹ FAO 2023; Basurto et al. 2025..

¹² Ibid.

¹³ Chambon et al. 2024. “[A synthesis of women’s participation in small-scale fisheries management: why women’s voices matter.](#)” *Reviews in Fish Biology and Fisheries* 34: 43–63.

After nearly 20 years of negotiations, beginning at the Doha Round in 2001, the first phase (“Fish 1”) of the WTO Agreement on Fisheries Subsidies (AFS) entered into force in 2025. The AFS is presented primarily as a step toward regulating fisheries subsidies that contribute to illegal, unreported, and unregulated (IUU) fishing. But the definition of IUU often involuntarily includes SSF, as they often cannot use registration and monitoring mechanisms, which are not always available in poorer countries. This raises the issue of how countries can differentiate under the AFS between ‘harmful’ and ‘non-harmful’ subsidies, which is synonymous with subsidies to large- and small-scale fisheries sectors, respectively. Furthermore, non-specific fuel subsidies are excluded from the AFS, despite the fact that these subsidies reduce the total operating costs of the biggest perpetrators of IUU fishing– industrial and distant water fleets– by 30-50%.¹⁴ Meanwhile, the second phase of the AFS (“Fish 2”) is currently being negotiated. Once again, the proposed rules will provide escape clauses (based on false sustainability criterion) for advanced fishing countries, including for distant water vessels, while restricting subsidies for developing countries. While there are exemptions for subsidies to SSF in developing countries, they are conditional, based on operational definitions of SSF determined by individual countries that could potentially be challenged by other members.

If exceptions for the most vulnerable cannot adequately be made, and the major problems of overcapacity and overfishing by LSF are largely untouched, such an agreement can only worsen existing inequalities. In many countries, domestic support for SSF entitles small-scale fishers to fuel subsidies, healthcare coverage, access to fishing gear, and the right to operate without a permit.¹⁵ By cutting these supports without taking action on overcapacity and overfishing for LSF, it is only those fishers operating large-scale fishing fleets– who depend far less on government benefits and subsidies– that will be able to continue operating. This will worsen overfishing and overcapacity by LSF, not only damaging the marine ecosystem but also reducing fish stocks and fishing grounds for SSF, ultimately shrinking the sector. Women will face disproportionate impacts as workers, as they are more dependent than men on employment in the SSF sector. They will also face disproportionate impacts as caregivers, since declines in household incomes leave women to absorb the economic shock, through mechanisms including increased unpaid labour, informal work, and debt management. The AFS can therefore ultimately be seen as a market liberalising measure, since a homogenous rule for WTO members to curb fisheries subsidies stands to disproportionately reduce the ability of SSF to remain in the fisheries sector

¹⁴ Mari 2025. “[WTO Agreement on Fisheries Subsidies: Progress with many open questions.](#)” Coalition for Fair Fisheries Arrangements.

¹⁵ Gokken 2020. “[Indonesia’s new deregulation law to hurt small fishers, coastal communities.](#)”

while failing to reduce subsidies to LSF that worsen overcapacity and overfishing. It therefore stands to have huge negative impacts on food sovereignty in developing countries, particularly Asian and Pacific countries, at the expense of small-scale fishers, especially women fishers.

Women Affected by the ESA-EU EPA

Similarly, unequal trade between the European Union (EU) and African countries has been deeply shaped by the WTO's paradigm. Today, seven Economic Partnership Agreements (EPAs) govern trade between the EU and nearly half of all countries in Africa, the Caribbean, and the Pacific (ACP)¹⁶ These agreements were designed to replace the Lomé Convention, which instituted non-reciprocal trade preferences for certain goods from ACP countries in the EU market.¹⁷ After the Lomé Convention's expiry in 2000, it had to be replaced by WTO-compatible trade arrangements, leading to a proliferation of EPAs.

Following protracted negotiations, the EPA between the EU and Eastern and Southern Africa (ESA)¹⁸ entered into force in 2012.¹⁹ The ESA-EU EPA provides duty-free and quota-free access for exports from ESA countries to the EU market, but also requires ESA countries to grant duty-free access to their markets for "substantially all" EU goods within a "reasonable time."²⁰ In October 2019, the EU started negotiations with the five ESA partners to deepen and expand the existing EPA.²¹ Ongoing negotiations aim to arrive at an even more comprehensive agreement covering all trade-related issues: services (including digital trade), investment, technical barriers to trade, customs and trade facilitation, sanitary and phytosanitary standards, intellectual property rights (IPRs), rules of origin, public procurement, agriculture, and trade and sustainable development.²²

The ESA-EU EPA has been widely criticised, as it has created greater market access for the EU at the expense of African countries' ability to pursue their own development priorities.²³ Recent trade data²⁴ shows that ESA exports to the EU reached €2.02 billion, while exports from the EU to ESA countries reached €1.82 billion, nearly the same in

¹⁶ European Commission n.d. "[Economic Partnership Agreements \(EPAs\)](#)."

¹⁷ Hormeku-Ajei 2017. "[The Road from Lome: Issues at Stake for a Post-Lome Framework](#)"

¹⁸ Madagascar, Mauritius, Seychelles, and Zimbabwe were the original four ESA parties, and Comoros joined in 2019.

¹⁹ European Commission 2025. "[ESA EPA Deepening Negotiations Reports, 15th Round](#)."

²⁰ Oxfarm 2026. "[How EU-ACP Economic Partnership Agreements \(EPAs\) could harm the development prospects of many of the world's poorest countries](#)"

²¹ European Union 2019. "[Eastern and Southern Africa Agreement: Documents](#)."

²² Trade Law Center 2016. "[EU-Ghana EPA Infographic](#)."

²³ African Women's Development Fund 2020. "[Bread and Butter Series: African Feminist Reflections on Future Economies](#)."

²⁴ Ibid.

value.²⁵ This reflects the problem with the WTO paradigm of market liberalisation. Furthermore, low-cost goods from the textile and garment sectors account for nearly a quarter of the ESA region's exports to the EU. Women constitute a significant proportion of the workforce in these export-oriented 'feminised' sectors, performing mostly low-skilled jobs in precarious conditions.²⁶ Women are therefore disproportionately impacted both directly (e.g., wage changes and increasing labor exploitation) and indirectly (e.g., reductions in state services) by changes in trade patterns, including those prompted by WTO rules or fluctuations in tariff rates.

Trade liberalisation has also not translated into strong or growing tax revenues.²⁷ Overall tax revenue as a share of GDP between 2009 to 2019 remained largely stagnant across several ESA countries, indicating limited fiscal gains despite increased trade flows. Revenues from customs and import duties either stagnated or declined in Madagascar and Mauritius. Although some ESA countries saw increases in revenue from other tax categories, such as goods and services taxes, this did not fully compensate for the weakening performance of trade-related tax revenues. This loss of revenue has constrained governments' fiscal space to adequately fund essential social protection systems. In Madagascar, for example, the health sector receives only about 5% of the national government budget, and roughly one doctor for every 11,000 people.²⁸ Geographic access is also highly unequal, with more than 60% of the population living over 5 kilometres from the nearest health centre.²⁹ Public health systems in Madagascar have now begun to be privatised, which also particularly affects women, who often earn low and irregular incomes in both formal and informal work. As primary users of healthcare services, as well as the main providers of unpaid care work within households, women are disproportionately affected when social protection systems are reduced or privatised. It is thus women, and in particular rural women, who have been most impacted by unequal trade arrangements and their far-reaching effects on government care and support systems.

Women in the Digital Economy

Another key area worth mentioning is digital trade. Digital trade negotiations and agreements are increasingly becoming arenas in which the rules of governance of the

²⁵ Ibid.

²⁶ Marslev and Whitfield 2023. "[Working Conditions in Madagascar's Apparel Industry: Comparing Export and Domestic Market Firms.](#)"

²⁷ London School of Economics 2021. "[Sustainability Impact Assessment in Support of Negotiations with Partner Countries in Eastern and Southern African in view of Deepening the Existing Interim Economic Partnership Agreement.](#)"

²⁸ Ramamonjisoa and Lang 2018. "[Health Financing Innovations in Madagascar on the Path to Universal Health Coverage.](#)" World Health Organisation 2025. "[Madagascar: Public Health Situation Analysis.](#)"

²⁹

entire digital economy are written. The global digital economy is characterised by extreme concentration of power, with a handful of transnational corporations located in the Global North holding disproportionate control over key digital infrastructures. Women, particularly in developing countries, are largely incorporated into this economy as low-wage workers, consumers, and data providers, rather than owners of digital infrastructures or beneficiaries of their profits. Digital trade rules, while often presented as technical measures intended to facilitate innovation and cross-border e-commerce, predominantly serve to embed this deeply unequal nature of the digital economy.

The normative campaign against digital customs duties has infiltrated not only the WTO but also regional and bilateral trade agreements, many of which now contain provisions that prohibit the imposition of customs, duties, and other forms of taxation on cross-border e-commerce and digital services. Initiatives by developed countries at the WTO include including the Moratorium on Customs Duties For Electronic Transmissions, the Joint Statement Initiative (JSI) on E-Commerce, and other emerging proposals, as well as through regional and bilateral trade agreements. Starting in 1998, WTO members have repeatedly renewed a two-year moratorium preventing countries from imposing customs duties on “electronic transmissions,” which still lacks a clear definition but is commonly held to encompass all digitally transmitted goods, from emails and text messages to software, digital music, movies, and video games.³⁰ The prohibition of customs duties on digital goods cuts off a vital source of revenue for developing countries, who provide an enormous user base and market for digital corporations. This in turn deprives these countries of resources that could bolster the public care and support infrastructure that women depend on. While the moratorium finally lapsed at the WTO’s 14th Ministerial Conference this year, there is an ongoing campaign by the US to revive it at the WTO General Council and to implement it via bilateral trade deals.³¹ This is particularly worrying given the huge amounts of revenue that developing countries have already lost due to the moratorium,³² and given that the value generated by cross-border digital services is only expected to rise in the years to come.

Another problematic provision contained in digital trade agreements is the prohibition of source code disclosure. Source code disclosures are prohibited in many of the most lucrative FTAs in recent memory, including the US-Mexico-Canada FTA,³³ the Trans-Pacific Partnership Agreement,³⁴ and more recently, the EU-Singapore Digital

³⁰ There is an ongoing debate over whether the moratorium includes services.

³¹ United States Trade Representative n.d. “[Presidential Tariff Actions](#).”

³² UNCTAD 2020. “[Should digitally delivered products be exempted from customs duties?](#)”

³³ United States Trade Representative n.d. “[United States-Mexico-Canada Agreement](#).”

³⁴ United States Trade Representative n.d. “[Trans-Pacific Partnership \(TPP\) Full Text](#).”

Trade Agreement.³⁵ Prohibitions on source code disclosures effectively mean that AI and algorithmic systems controlled by foreign digital service providers cannot be audited or regulated, including for gender-discrimination. This is troubling given that AI is proliferating in both public and private sectors. For instance, AI is being used to determine access to rations and food security, pensions, welfare schemes, subsidies, and more in the public sector. In the private sector, AI is being used by health insurers, educational institutions, and HR departments alike.

Finally, provisions requiring the liberalisation of cross-border data flows are now also included in a range of agreements involving major economies such as the US, Japan, Canada, and Australia. These provisions prevent developing countries from requiring companies to store data within their jurisdictions, even where such data relates to services offered domestically. In effect, this means that data in developing countries cannot be used to determine autonomous development pathways based on the needs of their populations. Taken together, the sovereign regulatory capacity of developing countries to craft their digital futures centering development priorities and gender justice is becoming hollowed out, creating the perfect conditions for extraction, exploitation, and inequality to thrive.

Conclusion

States, multilateral institutions and policymakers pursuing gender justice must acknowledge that one-off gender policies will never be able to solve problems unleashed by unfair trade agreements. Furthermore, enabling women's full enjoyment of their economic, social and cultural rights requires increased investment in public services and social protection systems, which trade is currently serving to decrease. Building on the proposals of feminist activists and scholars, below are some recommendations on how the Human Rights Council can play a part in facilitating the pathway towards women's economic empowerment through trade:

1. Call on States and policymakers to ensure women and gender-diverse people are equals in trade policy design and implementation. This requires ensuring the meaningful participation of progressive, constituency-based women's rights groups in all trade and investment agreement negotiations, including at bilateral, regional, and multilateral levels, recognising their analysis and expertise on the gendered impacts of trade.³⁶

³⁵ European Commission n.d. "[The EU-Singapore agreements explained.](#)"

³⁶ Gender and Trade Coalition 2025. "[A Feminist Trade Agenda.](#)"

2. Affirm the call from Global South states demanding that policy space be restored to enable them to pursue their own objectives according to domestic priorities, including offering subsidies and protections in sectors where women represent high proportions of employment, such as garment and agriculture.
3. Advance the adoption of a legally binding instrument to (i.) regulate and hold business enterprises (including transnational corporations) accountable with respect to human rights and (ii.) to facilitate pathways for recourse to address any violations.
4. Urge States and multilateral institutions to ensure that social impact assessments are carried out before, periodically during, and after the implementation of trade and investment agreements. The assessments should be conducted by government-funded independent civil society commissions in consultation with affected communities and contribute to participatory decision-making processes. In cases where assessments identify adverse human rights and social impacts, agreements should be amended in order to address the issues identified by assessments. If it is not possible to address these issues while adhering to agreements, then States should pull out of them.³⁷
5. Request States to assess the quality and type of employment created for women under international trade agreements, ensuring compliance with ILO conventions and international human rights instruments such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

³⁷ Ibid.