

CHAPTER 27

TRADE AND GENDER EQUALITY

Article 27.1

Context and objectives

1. The Parties agree on the importance of incorporating a gender perspective into the promotion of inclusive economic growth, and the key role that gender-responsive policies can play in this regard. These include removing barriers to women's participation in the economy and international trade, including improving equal opportunity for men and women in the labour market in access to work functions and sectors.
2. The Parties acknowledge that international trade and investment are engines of economic growth and also recognise the important contribution by women to economic growth through their participation in economic activity, including business and international trade.
3. The Parties recognise that women's participation in international trade can contribute to advancing their economic empowerment and economic independence. Furthermore, women's access to, and ownership of, economic resources contribute to sustainable and inclusive economic growth, prosperity, competitiveness, and the well-being of society. Accordingly, the Parties underline their intention to implement the provisions in this Agreement in a manner that promotes and enhances equality between men and women.
4. The Parties recall the United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals pertaining to trade and gender equality, in particular Goal 5, which is to achieve gender equality and empower all women and girls.
5. The Parties recall the objectives of the Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires in December 2017.
6. The Parties recall their commitments under Article X [General Principles, Advanced Framework Agreement] on mainstreaming gender equality and the empowerment of women and girls as well as the respect for democratic principles and human rights and fundamental freedoms, as set out in the Universal Declaration of Human Rights and other relevant international human rights instruments related to gender equality to which they are party.
7. Each party reaffirms their commitments under the Beijing Declaration and Platform for Action, noting in particular the objectives and provisions related to women's equal access to resources, employment, markets and trade.

8. The Parties reaffirm the importance of inclusive trade policies which contribute to the promotion of equal rights, treatment and opportunity between men and women as well as to the elimination all forms of discrimination against women.
9. The Parties emphasise the role of the private sector in fostering gender equality by applying non-discrimination and diversity policies in their corporate operations in line with international guidelines and standards endorsed or supported by the Parties.
10. The Parties aim to:
 - a. enhance their trade relations, cooperation and dialogue in ways that are conducive to equal opportunities and treatment for women and men, as workers, producers, traders or consumers, in accordance with their international commitments.
 - b. facilitate cooperation and dialogue with the aim of enhancing women's capacity, conditions and access to opportunities created by trade.
 - c. further improve their capacities to address trade-related gender issues, including through exchange of information and best practices.

Article 27.2 Multilateral Agreements

1. Each Party reaffirms its commitment to effectively implement its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, noting in particular its provisions related to eliminating discrimination against women in economic life and in the field of employment.
2. The Parties recall their respective obligations under Article 26.16 Multilateral Labour Standards and Agreements of the Trade and Sustainable Development Chapter regarding the ILO Conventions related to gender equality and the elimination of discrimination in respect of employment and occupation ratified by Chile and Member States of the European Union.
3. Each Party reaffirms its commitment to effectively implement the obligations under other multilateral agreements addressing gender equality or women's rights to which it is a party.

Article 27.3 General provisions

1. The Parties recognise the right of each Party to establish its own scope and guarantees of equal opportunities for men and women and to adopt or modify accordingly its relevant laws and policies, consistent with each Party's commitment to international agreements referred to in Article 27.2 (Multilateral Agreements).

2. Each Party shall strive to ensure that its relevant law and policy provide for, and promote equal rights, treatment and opportunities between men and women, in accordance with their international commitments. Each Party shall strive to improve such law and policies.
3. Each Party shall endeavour to gather sex-disaggregated data related to trade and gender with a view to better understanding the different impacts of trade policy instruments on women and men in their roles as workers, producers, traders or consumers.
4. Each Party shall domestically promote public awareness of its law and policies related to gender equality, including their impact on and relevance for inclusive economic growth and for trade policy.
5. [EU: The Parties shall, when relevant, take into account the objective of equality between men and women when formulating, implementing and reviewing measures in the areas covered under this Agreement.]
6. The Parties shall encourage trade and investment by promoting equal opportunities and participation for women and men in the economy and international trade. This includes inter alia measures that aim at: progressively eliminating all types of discrimination on grounds of sex, promoting the principle of equal pay for work of equal value in order to addressing the gender pay gap; as well as facilitating that women are not discriminated in employment and occupation, including for reasons of pregnancy and maternity.
7. The Parties shall not, in order to encourage trade or investment, weaken or reduce the protection granted under their respective laws aimed at ensuring gender equality or equal opportunities for women and men.
8. The Parties shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their respective laws aimed at ensuring gender equality or equal opportunities for women and men, in a manner that weakens or reduces the protection granted in those laws in order to encourage trade or investment.
9. The Parties shall not fail to effectively enforce, through a sustained or recurring course of action or inaction, the protection granted under their respective laws aimed at ensuring gender equality or equal opportunities for women and men in a manner affecting trade or investment.

Article 27.4 Cooperation Activities

1. The Parties acknowledge the benefit of sharing their respective experiences in designing, implementing, monitoring and strengthening trade-related aspects of gender equality measures.
2. Accordingly, the Parties shall carry out cooperation activities designed to improve the capacity and conditions for women, including workers, businesswomen and entrepreneurs, to access and fully benefit from the opportunities created by this Agreement.
3. Cooperation activities shall be carried out on issues and topics agreed upon by the Parties.

4. Cooperation activities can be developed and implemented with the participation of UN, WTO, ILO, OECD and other international organisations as well as with third countries, businesses, employers' and workers' organizations, education and research organizations, other non-governmental organizations, as appropriate.

5. Areas of cooperation may include sharing experiences and best practices relating to policies and programmes to encourage women's increased participation in international trade as well as trade-related aspects of:

- a) promoting women's financial inclusion and education as well as access to financing and financial assistance;
- b) advancing women's leadership and developing women's networks;
- c) promoting women's full participation in the economy by encouraging their participation, leadership and education, in particular in fields in which they are underrepresented such as science, technology, engineering, mathematics (STEM), as well as innovation and business;
- d) promoting of gender equality within enterprises;
- e) Women's participation in decision-making positions in the public and private sectors;
- f) Public and private initiatives aimed at the promotion of female entrepreneurship, including the integration of women in the formal sector of the economy, enhancing the competitiveness of women-led enterprises to allow them to participate and compete in local, regional, and global value chains, and activities to promote the internationalisation of small and medium sized enterprises (SMEs) led by women;
- g) Policies and programmes to improve women's digital skills and access to online business tools and e-commerce platforms;
- h) Advancing care policies and programmes as well as work-life balance measures with a gender perspective;
- i) Exploring the link between increased women's participation in international trade and the reduction of the gender pay gap;
- j) Gender-based analysis of trade policies, including design, implementation and monitoring of their effects;
- k) The collection of sex-disaggregated data, the use of indicators, monitoring and evaluation methodologies, and the analysis of statistics related to trade from a gender perspective;
- l) Exploring linkages between women's participation in international trade and areas such as decent work, occupational segregation, and working conditions of women, including the safety and health at work of pregnant workers and workers who

have recently given birth, in line with literal f of Article 18 of the chapter on Trade and Sustainable Development;

- m) Policies and programs to prevent, mitigate and respond to the differentiated economic impact that crises and emergencies have on women and men.
- n) Other issues as agreed by the Parties.

6. The priorities for cooperation activities will be decided jointly by the Parties based on areas of mutual interest and available resources.

7. Cooperation, including in the areas set out in paragraph 5, may be undertaken in person or by any technological means available to the Parties, through activities such as: workshops, seminars, conferences, collaborative programmes and projects; exchange of experiences, and sharing of best practices on policies and procedures; and the exchange of experts.

8. Through the TSD Sub-Committee, the Parties shall encourage efforts by the bodies established in this Agreement to integrate gender-related issues, considerations and activities in their work.

9. The Parties shall encourage inclusive participation of women in the implementation of the cooperation activities established under this article, as appropriate.

Article 27.5 Institutional arrangements

1. The Sub-Committee on Trade and Sustainable Development established by Article X.4 (Sub-Committees) shall be the body responsible for the implementation of this chapter. Article 26.19 of the chapter on Trade and Sustainable Development shall apply to this Chapter *mutatis mutandis*¹.
2. When interacting with the civil society mechanism established under Article XX (General Institutional Chapter) of this Agreement, the Parties shall encourage the participation of organisations promoting equality between men and women.

Article 27.6 Dispute resolution

1. Article 26.20 [Dispute Resolution], Article 26.21 [Consultations] and Article 26.22 [Panel of Expert] of the chapter on Trade and Sustainable Development shall apply to this Chapter *mutatis mutandis*².

¹ For greater certainty, any reference to the Trade and Sustainable Development Chapter, or to environmental and labour issues or matters, in that Article shall be understood as referring to this Chapter, or gender issues or matters, as applicable.

² For greater certainty, any reference to the Trade and Sustainable Development Chapter, or to environmental and labour issues, matters or laws, in those Articles shall be understood as referring to this Chapter, or gender issues, matters or laws related to these issues or matters, as applicable.

Article 27.7
Review

1. The Parties agree on the importance of monitoring and assessing, jointly or individually, the impact of the implementation of this Agreement on equality between men and women and opportunities provided for women in relation to trade through their respective processes and institutions, as well as those set up under this Agreement.
2. The Parties may review these provisions in light of experience gained in their implementation and if necessary, suggest how they may be strengthened.