

E-commerce Negotiations at the WTO

A gender lens for action



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About the paper

E-commerce is a vital part of commercial activity, yet few provisions on digital trade reference gender equality. This report explores policy reforms needed to bridge the gender divide on digital access, adoption and usage.

The report recommends building e-commerce capacity focused on gender through responsive, well-targeted programmes designed to jump-start women-owned businesses. It recommends a global framework containing provisions on gender equality as well as domestic e-commerce policies that include targets to close the digital gender divide. Better data are needed to evaluate commitments to gender in trade agreements and the private sector can educate governments on gender e-commerce issues.

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Foreword

Gender equality isn't a 'nice to have'. It is a fundamental human right and the foundation on which all our freedoms stand. Without equality, economies cannot grow to their full potential and societies cannot fully rebuild.

But reaching gender equality isn't a straightforward path. It requires everyone to take an active stance to create a more just society – to dig into and improve underlying structures, rules and institutions.

We know that policies can increase both the participation of businesses in global value chains and the benefits they accrue. We also know that these opportunities and benefits differ for women and men.

It has taken years of effort by a dedicated group of women and men around the world to put the women and trade agenda firmly on the table. Trade policies are finally beginning to respond to gender equality.

The fact that 127 countries have joined the 2017 Buenos Aires Joint Declaration on Trade and Women's Economic Empowerment is a testament to the growing recognition that trade is central to gender equality and achieving our collective commitments under the United Nations Sustainable Development Goal 5.

The establishment of the World Trade Organization (WTO) Informal Working Group on Trade and Gender in 2020 was an additional step to bring gender equality within the work of the WTO. The challenge for many governments is how to translate political will into practical guidelines and recommendations across WTO agreements and processes.

This publication answers that challenge. It responds to the call from policymakers for a practical guide to create WTO rules and processes that are more inclusive. Gender mainstreaming ensures that trade and trade-related policies promote more equitable opportunities rather than perpetuate inequalities.

E-commerce has become a mainstay in the global economy. While it can bring many benefits to women-led businesses – such as lower initial entry costs, better access to buyers and suppliers, greater time flexibility, more opportunities, knowledge and skills – major barriers still stand in their way. These challenges range from gender-blind e-commerce policies and agreements, online harassment and algorithmic bias to poor infrastructure and digital literacy – to name just a few.

This guide offers a tool to mainstream gender into ongoing WTO negotiations and presents options on negotiations, implementation and monitoring issues.

I would like to thank the European Commission for its longstanding support of our work on women and trade over the past decade and the SheTrades Initiative, which made this publication possible.

Advancing inclusive e-commerce at the firm, policy and ecosystem levels lies at the heart of what we do at the International Trade Centre, notably through our 2022–2025 Gender and Digital Moonshots. We will continue to do our part by helping policymakers make their trade strategies more inclusive, through specialized policy technical assistance and programmes. We call on governments to work with us to embed gender equality considerations into the DNA of e-commerce work at the WTO.

We hope this knowledge sparks thought, commitment and action in the trade and development community.



Pamela Coke-Hamilton
Executive Director
International Trade Centre

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Acronyms

Unless otherwise specified, all references to dollars (\$) are to United States dollars, and all references to tons are to metric tons.

DEPA	Digital Economy Partnership Agreement
EU	European Union
GBA+	Gender Based Analysis Plus
IFC	International Finance Corporation
ITC	International Trade Centre
JSI	E-commerce Joint Statement Initiative
SMEs	Small and medium-sized enterprises
UNCTAD	United Nations Conference on Trade and Development
We-Fi	Women Entrepreneurs Finance Initiative
WTO	World Trade Organization

Executive summary

In recent years, e-commerce has emerged as a critical part of commercial activity. From a policy perspective, it is now firmly part of the international trade world, with negotiations in multilateral and bilateral trade agreements as well as at the WTO designed to facilitate increased cross-border e-commerce activity.

E-commerce offers both benefits and disadvantages to the development of gender equality. Reinforcing the importance of a gender-responsive policy design, a thorough implementation of its framework can address mounting concerns about the growing gender divide when it comes to e-commerce.

Implementing internet policy initiatives to increase network access for women cannot succeed without the empowerment of women. As more focus is directed at supporting women to succeed in e-commerce, anecdotal evidence points to programmes catering specifically to women in e-commerce.

These programmes cultivate an environment that supports women in e-commerce, backed by tracking data that help to identify how policy decisions, programmes and platforms affect women-run small and medium-sized enterprises (SMEs). As women shift to the digital space for commerce, they are reportedly more open than men to support offered through training, programmes, financial advice and support, as well as help from online platforms.

As consumers, business owners and employees, women face challenges when trying to operate and succeed in the e-commerce space. While infrastructure and many logistical challenges are universal to all, women still face barriers that restrict them from reaching their full potential. These barriers include financing, government procurement, logistics and supply chains, information technology infrastructure, online payments, workplace protections, consumer protection, competition, online harassment and risks associated with artificial intelligence.

Notwithstanding the many concerns associated with e-commerce and gender, including gender-equality concerns/principles in e-commerce trade agreements remains a relatively novel concept that continues to dispute the notion that e-commerce is a gender-neutral platform. While many trade agreements reference gender equality, the trade commitments are typically modest and rarely address the many challenges identified in this brief. Indeed, the inclusion of e-commerce in the agreements or at the WTO primarily focuses on trade facilitation without due regard for the broader policy and societal impacts of e-commerce.

The e-commerce gender issues discussed in this report have been largely absent from proposals put forward by WTO member states. One notable exception is a 2019 concept paper submitted by the Government of Canada on preventing the use of personal information for the discrimination or persecution of natural persons.

The absence to date of substantive gender commitments in the WTO Joint Statement Initiative on E-commerce may reflect the fact that advanced e-commerce work at the WTO remains a relatively new phenomenon. Delegations may only be learning about e-commerce more broadly and have yet to fully incorporate gender-based analysis in their policy development. Given the current state of negotiations, there is still time to enhance the role of gender within the work programme. Alternatively, negotiators may consider that the rules they are negotiating will provide notable benefits to SMEs and women.

This briefing report is based on two key premises. First, e-commerce is becoming an increasingly important part of global commerce, yet without policy actions, that growth threatens to widen the gender divide. Second, gender has begun to attract attention within global e-commerce trade policy, most notably at the WTO and in regional and bilateral trade agreements, yet has largely been hampered by the absence of enforceable measures and consistent data collection to benchmark progress.



Given these two premises, there is an urgent need for further policy reforms to ensure that the next 10 years better account for e-commerce gender concerns and actively work to bridge the gender divide. To that end, this report identifies the following key recommendations:

■ **E-commerce capacity building focused on gender**

Building more e-commerce capacity focused on gender-related concerns is essential. Indeed, e-commerce gender-divide concerns touch on a wide range of issues including who has access to e-commerce, who uses e-commerce and who ultimately benefits from e-commerce. Development of this capacity can be enhanced through responsive, well-targeted programmes. There is a need to build on these efforts with further short-term programmes that are designed to jump-start women-owned businesses. Gender-focused capacity building extends to the WTO and its work on e-commerce.

■ **Trade policies and global e-commerce frameworks**

Although 75 bilateral and regional trade agreements include explicit provisions on gender and another 170 refer indirectly to gender equality through references to human rights, sustainable development and labour discrimination, the absence of a global framework may amplify discrimination for women in e-commerce. There are opportunities to address these frameworks in several forums, including the WTO, the International Labour Organization and the United Nations Conference on Trade and Development.

■ **Better data**

Supplemented through the formulation of joint committees at the WTO that facilitate the exchange of information and best practices, the impossibility of evaluating commitments to gender in trade agreements remains. Through the identification of participation rates, access to capital funds, employment and education rates for women, a global framework is far better equipped to isolate mechanisms for change and allows for the refining of existing structures that are inhibiting progress. Such an agreement must include data-collection benchmarks.

■ **Domestic gender e-commerce policies**

The gender divide must become a national, domestic priority with design and implementation of national digital strategies that are attuned to the issue. This can include actively aiming to close the gender divide on digital access, adoption and usage gaps, and improving the affordability of digital technologies while enhancing online safety. National digital strategies should include targets (both numbers and dates) for closing the digital gender divide.

■ **E-commerce company policies**

While governments must lead by example on gender and e-commerce, the private sector must do its part. Some of the world's most powerful and profitable companies are e-commerce businesses that have the financial means and wherewithal to foster positive change. While many regulatory issues affect e-commerce companies, including competition law, taxation policy and labour standards, some of the measures specific to gender that should be prioritized include a focus on transparency, data collection, hiring practices and education.

Chapter 1

Gender dimensions of e-commerce

E-commerce has emerged in recent years as a critical part of commercial activity. From a policy perspective, it is now firmly part of the international trade world, with negotiations in multilateral and bilateral trade agreements as well as at WTO designed to facilitate increased cross-border e-commerce activity. The resulting provisions could have significant implications for commerce around the globe in the years ahead.

The WTO Work Programme on Electronic Commerce defines e-commerce as the 'production, distribution, marketing, sale or delivery of goods and services by electronic means'.¹ The e-commerce private sector takes a similar approach. For example, Shopify, one of the world's leading e-commerce platforms, describes e-commerce as 'the buying and selling of goods or services using the internet, and the transfer of money and data to execute these transactions. E-commerce is often used to refer to the sale of physical products online, but it can also describe any kind of commercial transaction that is facilitated through the internet'.²

E-commerce allows businesses to operate entirely or partially online, thereby reducing costs associated with physical stores and other physical infrastructure and enabling access to international markets. With these incentives, more vendors enter the market, leading to greater competition. The reference to platforms typically suggests that the internet company offers a range of services and its website serves as the forum for interaction between buyers and sellers, workers and employers, or business both big and small. These forums are considered a 'platform' for engagement.

There are unquestionably advantages associated with e-commerce platforms. For example, consumers enjoy convenience, greater choice and lower costs. However, an unintended consequence has been the use of consumer data by platforms enabling businesses to operate.

Indeed, the European Commission opened a formal antitrust investigation in 2019 to assess whether Amazon's use of sensitive data from independent retailers who featured their products on its platform was in breach of European Union (EU) competition rules.³ Amazon has also been accused of promoting select retailers as well as its own 88 private label brands to oust competition.⁴ Similarly, India has opened antitrust investigations against Amazon and Walmart's Flipkart for allegedly promoting select sellers on their e-commerce platforms and employing business practices that stifle competition.⁵

Global e-commerce growth is rapidly transforming commercial activity around the world. For example, the United Nations Conference on Trade and Development (UNCTAD) estimates that global e-commerce sales were valued at \$26.7 trillion, representing 19% of total retail sales in 2020.⁶

That number increased dramatically during the COVID-19 pandemic. With lockdowns due to the crisis, many consumers sought to adjust their purchasing behaviour by shifting to online stores and shopping.⁷ This was true for both men and women. Indeed, with many women facing increased household responsibilities that prevented them from being able to leave their homes to buy goods and services, e-commerce created a way for them to gain access to more goods and services.⁸

1 WTO (1998). Work Programme on Electronic Commerce, World Trade Organization, Geneva, WT/L0274, https://www.wto.org/english/tratop_e/ecom_e/wkprog_e.htm (accessed on 7 October 2022).

2 Shopify (n.d.). What is Ecommerce? (accessed 21 August 2021). Available at <https://www.shopify.ca/encyclopedia/what-is-ecommerce>.

3 European Commission (17 July 2019). Antitrust: Commission opens investigation into possible anti-competitive conduct of Amazon. See https://ec.europa.eu/commission/presscorner/detail/en/ip_19_4291.

4 Ecomcrew (11 August 2022). 'In-Depth Study of All 88 Amazon Private Label Brands.' See <https://www.ecomcrew.com/amazons-private-label-brands/>.

5 Reuters (9 August 2021). 'Amazon, Walmart's Flipkart must face India antitrust probe, top court says.' See <https://www.reuters.com/world/india/india-top-court-says-antitrust-probe-amazon-walmarts-flipkart-should-continue-2021-08-09/>.

6 UNCTAD (3 May 2021). Global e-commerce jumps to \$26.7 trillion, COVID-19 boosts online sales. See <https://unctad.org/news/global-e-commerce-jumps-267-trillion-covid-19-boosts-online-sales>.

7 Ismail, Y., and Hiral Hirani (2021). *Addressing the Gender Dimension of E-commerce: Towards a Holistic Analytical and Policy Framework*, CUTS International, Geneva, p. 11.

8 *Ibid.*: 14.



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E-commerce offers many benefits as well as drawbacks to the development of gender equality. Reinforcing the importance of a gender-responsive policy design, a thorough implementation of its framework can address concerns about the growing gender divide when it comes to e-commerce.⁹ At its most extreme, many women lack the freedom to own land, obtain loans, make a living or advance their careers without facing discrimination.¹⁰ Women in some developing countries are often excluded from local decision-making, especially in rural areas where patriarchal norms dictate that men make decisions.¹¹

While these gender-equality issues touch on all aspects of daily life, this brief examines the specific challenges and opportunities associated with e-commerce, for women. These include data on the gender divide, the opportunities and the barriers. The brief aims to identify how trade policy, notably e-commerce work at the WTO and within trade agreements, can address the e-commerce gender divide and enhance opportunities for women as entrepreneurs, workers, consumers and care providers.

9 Thystrup, Amalie Giødesen (2020). 'Gender-Inclusive Governance for E-Commerce.' *The Journal of World Investment & Trade*, vol. 2020, no. 4, pp. 595–629, p. 18.

10 Ismail and Hirani, *op. cit.*: 12.

11 *Ibid.*: 14.

Chapter 2

The gender divide in e-commerce

Internet policy initiatives aimed at increasing network access for women cannot be implemented successfully without the empowerment of women's rights. Empowerment requires securing civil and political rights in addition to economic, social and cultural rights. Women living in poverty are often the furthest removed from accessing growth initiatives, with their participation limited by their burden of domestic responsibilities as well as discriminatory norms.¹²

The gender divide in internet use is widening despite years of policy pronouncements. The gender divide between men and women using the internet globally remained almost unchanged in 2013–17, with an 11% difference. However, the gap between developed and developing countries widened in that period, led by an increase in the gender internet usage gap of least developed countries at 3% and Africa at 4%.¹³

Globally, 48% of women and 55% of men have access to the internet.¹⁴ The lack of access also extends to deficiencies in education and digital skills, which branches into the workforce. For example, in the EU artificial intelligence labour market, women with two years or fewer of work experience represent just 20% of the total workforce, and women with at least 10 years of work experience represent just 12%. When compared regionally, there are only marginal differences, with European women still representing only 16% of artificial intelligence professionals with more than 10 years of work experience.¹⁵

- The gender gap with respect to mobile phone ownership varies by region, with no gender gap in some parts of the world and significant gaps in some regions, most notably South Asia, sub-Saharan Africa and the Middle East and North Africa.¹⁶

- Middle East and North Africa: 9% gender gap, 82% of women have mobile phone ownership.
- Latin America and the Caribbean: 1% gender gap, 87% of women have mobile phone ownership.
- Sub-Saharan Africa: 13% gender gap, 75% of women have mobile phone ownership.
- Europe and Central Asia: -2% gender gap, 92% of women have phone ownership.
- South Asia: 19% gender gap, 67% of women have mobile phone ownership.
- East Asia and Pacific: 1% gender gap, 96% of women have mobile phone ownership.

Given the gender gap, it is unsurprising, though deeply problematic, that women are 16% less likely than men to use mobile internet services.¹⁷ In fact, the gap in South Asia and sub-Saharan Africa is particularly pronounced, where mobile phone ownership is in the 70% range, but actual mobile internet use hovers below 40%. Indeed, although access to the internet through mobile phones has grown substantially recently, women across low- and middle-income countries are 20% less likely than men to use the internet on a mobile phone. Literacy, digital skills, affordability and safety and security remain the primary barrier to women's mobile internet use.

Beyond regional variations in use, there are also differences between urban and rural areas, with the gender gap being widest in rural and remote areas. Globally, 300 million fewer women than men access mobile internet.¹⁸

The mobile internet usage gender gaps are shown below by region as of 2021:¹⁹

12 Office of the United Nations High Commissioner for Human Rights (n.d.). 'Empowerment, Inclusion Equality: Accelerating sustainable development with human rights,' p. 3. See <https://www.ohchr.org/sites/default/files/Documents/Issues/MDGs/Post2015/EIEPamphlet.pdf>.

13 Organisation for Economic Co-operation and Development (2018). *Bridging the Digital Gender Divide: Include, Upskill, Innovate*, p. 14. See <https://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf>.

14 International Telecommunication Union (2020). The digital gender gap is growing fast in developing countries. See https://www.itu.int/hub/publication/d-ind-ict_mdd-2020/.

15 LinkedIn (November 2019). 'AI Talent in the European Labour Market,' p. 14. See <https://economicgraph.linkedin.com/content/dam/me/economicgraph/en-us/reference-cards/research/2019/LinkedIn-AI-Talent-in-the-European-Labour-Market.pdf>.

16 Ismail and Hirani, *op. cit.*: 11.

17 GSMA (2022). *The Mobile Gender Gap Report 2022*, p. 8. See https://www.gsma.com/r/wp-content/uploads/2022/06/The-Mobile-Gender-Gap-Report-2022.pdf?utm_source=website&utm_medium=download-button&utm_campaign=gender-gap-2022.

18 *Ibid.*: 8.

19 *Ibid.*: 13.



- Middle East and North Africa: 16% gender gap.
- Latin America and the Caribbean: 1% gender gap.
- Sub-Saharan Africa: 37% gender gap.
- Europe and Central Asia: 5% gender gap.
- South Asia: 41% gender gap.
- East Asia and Pacific: 2% gender gap.

The gender gap data is especially notable when viewed by region as it highlights significant variations in economic activity. For example, in Africa, data from 2020 indicate that the split across sectors changed from the situation pre-pandemic. Men-owned businesses dominated the appliance and automotive, clothing and accessories, and household sectors. Women-owned firms dominated beauty and perfume and electronics.

Women in Africa are slightly more likely than men to operate a microenterprise.²⁰ Women-owned businesses

in Africa are more likely to have self-financed (women-owned, 74%; men-owned, 70%) or obtained a loan (women-owned, 11%; men-owned, 9%), while men have been able to rely on earnings from another business or external advisers at a higher rate than women.²¹

The same is true in South-East Asia, where women starting a business are more likely to rely on their personal savings for start-up funds than men, who are more likely to get a loan from family or a bank.²²

Even the focal points of their businesses often differ. For example, in Indonesia, women sell more electronics and fashion, while men dominate sales in fast-moving consumer goods and general merchandise.²³ By contrast, women in the Philippines sell more fashion and fast-moving consumer goods, while men sell more electronics and general merchandise.²⁴ Before the pandemic, however, women in the Philippines sold more electronics than men.²⁵

20 International Finance Corporation [IFC] (2021a). *Women and E-commerce in Africa*, p. 26.

21 *Ibid.*: 31.

22 IFC (2021b). *Women and E-commerce in Southeast Asia*, p. 33.

23 *Ibid.*: 30.

24 *Ibid.*

25 *Ibid.*

Chapter 3

The opportunities

As more focus is directed at helping women succeed in e-commerce, anecdotal evidence points to programmes catering specifically for women in e-commerce. These programmes cultivate an environment that supports women in e-commerce, backed by tracking data that help to identify how policy decisions, programmes and platforms affect women-run small and medium-sized enterprises (SMEs).

As women shift to the digital space for commerce, they are reportedly more open than men to support offered through training, programmes, financial advice and support, as well as help from online platforms.²⁶ E-commerce has enabled women to enter more lucrative areas such as electronics and sales of appliances and automotive merchandise with higher success rates than in regular commerce.²⁷

Furthermore, the opportunities are not limited to entrepreneurial initiatives. Women-related employment in areas such as software coding or data processing may benefit from the e-commerce sector. Similarly, e-commerce has key implications and opportunities for women as consumers, including the prospect of greater choice, better pricing and electronic-based services such as banking that may be more convenient for women facing many demands on their time.

E-commerce also allows for a new level of flexibility for women-run SMEs. Throughout the pandemic, many women faced enormous challenges involving providing primary care in the home and other domestic responsibilities that rendered non-flexible workplaces all but inaccessible.²⁸ Through e-commerce, women may be able to run their businesses with flexible time commitments, hours and locations.²⁹

Notwithstanding the benefits, an inherent danger to flexibility is the looming reinforcement of gender roles. With women's motivation to work online rooted in flexibility, which allows them to take care of household responsibilities and supplement household income, the motivating factors highlight existing issues in society.

Stereotypical gender norms that create expectations even among highly educated women force women to bear the double burden of disproportionately taking on household responsibilities while engaging with their online e-commerce endeavours. This burden is greater in developing countries, where women prefer to work from home, over women from developed countries.³⁰

While this brief examines barriers and risks associated with gender equity and e-commerce, there are also notable opportunities for women. Digitization may enable women to gain a comparative advantage by relying on the social skills that they are more likely than men to possess.³¹ Indeed, research has found that women's social strengths give them advantages for interacting with others online, particularly in consumer-specific product fields where there is greater customization and differentiation.³²

For example, research by e-commerce giant Alibaba found that women-led businesses received higher ratings on their platforms for customer service and better reviews on communicating accurately about their goods.³³ Digital technologies require communication and collaboration skills, and women tend to excel and take on more digital work rather than rigid physical work, aligning with the demanded skill set of the digital technologies.³⁴ More women are choosing digital work because of its flexibility and alignment with their skills.

26 *Ibid.*: 3.

27 IFC (2021a), *op. cit.*: 3, 27–29.

28 IFC (2021b), *op. cit.*: 22.

29 *Ibid.*

30 Digital Future Society (2022). *Global perspectives on women, work, and digital labour platforms: A collection of articles from around the world on women's experiences of digital labour platforms*, https://digitalfuturesociety.com/app/uploads/2022/07/Global_Perspectives_on_Women_Work_and_Digital_Labour_Platforms_eng.pdf.

31 World Bank Group and WTO (2020). *Women and Trade: The Role of Trade in Promoting Gender Equality*, p. 142. https://www.wto.org/english/res_e/booksp_e/women_trade_pub2807_e.pdf.

32 *Ibid.*

33 *Ibid.*

34 *Ibid.*



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Further, women may gravitate towards e-commerce positions given the potential for greater workplace flexibility that offers the promise of better balance of their own economic situations and their caregiver responsibilities.³⁵ Women tend to face more time constraints in their lives with unpaid domestic labour and caregiver expectations, so e-commerce offers some women a flexible work environment where they can still financially support themselves and their families.³⁶

Digital agriculture platforms

While much e-commerce attention is focused on platforms and opportunities for small firms, another sector that is very important for women and which stands to benefit from e-commerce is agriculture. Agriculture digital platforms in particular may create opportunities to reduce the gender gap in access to digital services and audience reach within that sector.³⁷

These platforms, which connect farmers with buyers and provide commercial agricultural data, may enable women to increase their bargaining power and enhance

their ability to earn income, and help reduce gender violence in the workplace through safety reporting mechanisms on the platforms.³⁸

These opportunities are a function of levelling the information playing field, especially for smaller farms and farmers, who can access the platforms on an equal basis. By offering access to real-time pricing and larger markets, women may find new commercial opportunities and access better pricing. In fact, proponents argue that agricultural digital platforms can help to improve digital skills, ease access to finance and credit, and reduce information asymmetry through training and access to information.³⁹

While women make up more than 55% of the population working in agriculture and upwards of 90% in farm-level primary processing operations, many barriers make it difficult for women to succeed in this field.⁴⁰ Basic connectivity affects all agricultural workers, especially in rural and remote communities. That digital divide serves as a reminder of the critical importance of prioritizing affordable, universal access for all.

³⁵ *Ibid.*: 143 and IFC (2021a), *op. cit.*: 22.

³⁶ World Bank Group and WTO (2020), *op. cit.*: 141–144.

³⁷ Krishnan, Aarti, Banga, Karishma, Raga, Sherilyn, Pettinotti, Laetitia, and Maximiliano Mendez-Parra (2020). *Ag-Platforms as disruptors in value-chain: evidence from Uganda*, ODI AgriTech Report Series, p. 16. https://cdn.odi.org/media/documents/odi-jr-eif-agrtechreport4-may20-proof01_final2311.pdf.

³⁸ *Ibid.*

³⁹ *Ibid.*: 30–32.

⁴⁰ *Ibid.*: 37.

Assuming the access barrier is addressed, women still face major barriers arising from reduced access to the internet and digital skills compared with men, alongside the lack of job security in agriculture, domestic household responsibilities and the financial strain to enter the agriculture field and use a digital agriculture platform.⁴¹ However, data suggest that women who use digital agricultural platforms tend to perform better and have more access to loans than those who do not use such platforms.⁴²

Digging into the data

Some e-commerce digital platforms have begun collecting sex-disaggregated data showing trends for their sellers based on gender and other factors. These initiatives offer greater insights into the realities of e-commerce, though there are risks that the data are ultimately controlled by large, private corporations that may not be subject to mandated data-disclosure requirements.

For example, the Digital2Equal Initiative in partnership with the European Commission brings technology companies together to boost opportunities for women in emerging markets. One programme under the initiative is to improve Elo7, a Brazilian online marketplace for women-owned business.⁴³ Gaining insights from its users, women are given an opportunity to shape how the platform will develop in the future.

The Idol Group has created a decentralized community platform as a new type of digital platform where women are enabled to have self-employment opportunities while sharing their feedback as consumers and promoters.⁴⁴

This section highlights two sites – Africa-based Jumia and South-East Asia-based Lazada – that have introduced data collection that enables them to identify when women-owned firms are successful, what may impede that success and what women prioritize on digital platforms. While neither is a formally accredited

educational institution, both Jumia and Lazada also offer free training to help their sellers succeed in their online businesses. These initiatives do not provide certifications but, as noted, businesswomen tend to value and use training and support on how to run a successful online business more than businessmen.⁴⁵

Jumia

Jumia is an e-commerce platform active in 11 African nations, serving more than 6.8 million users.⁴⁶ Similar to Amazon, Jumia offers a digital platform for entrepreneurs to sell their products. It not only gives sellers access to buyers through its platform, but also offers Jumia University, access to financial advice and the availability of secure transactions and digital payments.

Jumia University is an educational platform, focused on teaching sellers how to run a successful online business. This programme is offered for free to all Jumia sellers. Through Jumia, women entrepreneurs and women-led SMEs can develop their businesses, receive access to tracking and delivery data, carry out online payments and transactions, and receive support from Jumia's seller centre.⁴⁷

Jumia's sex-disaggregated data highlight the similarities and differences between men- and women-owned businesses on a wide range of issues, such as when a digital platform like Jumia is used, sales preferences, use of the support offered by the digital platform and payment for promotions.⁴⁸

For example, the data – which are compiled through in-depth interviews with leaders of women-owned companies on the Jumia platform and a representative survey of Jumia's businesses that covers motivations, pathways and barriers to success in e-commerce – suggest that women tend to use Jumia to expand their firms rather than start a new one.⁴⁹ This follows a trend of women seeking to develop their businesses with support and training from a platform or experts in e-commerce.⁵⁰

41 *Ibid.*: 16, 31–33.

42 *Ibid.*: 37.

43 IFC (August 2020). Elo7 grows its e-commerce platform by helping women become digital entrepreneurs. See https://www.ifc.org/wps/wcm/connect/e58a9129-94bc-442b-8c46-237b55b1edea/202008_D2E_Elo7.pdf?MOD=AJPERES&CVID=nfvxyMD&ContentCache=NONE&CACHE=NONE.

44 United Nations (2020). New Infrastructure of E-Commerce empowers women employment and career development in the digital era. See <https://sdgs.un.org/partnerships/new-infrastructure-e-commerce-empowers-women-employment-and-career-development-digital>.

45 IFC (2021a), *op. cit.*: 3 and IFC (2021b), *op. cit.*: 3.

46 IFC (2021a), *op. cit.*: 25.

47 *Ibid.*

48 *Ibid.*: 25–38.

49 *Ibid.*: 27.

50 *Ibid.*: 34–35.

Women are also more likely to integrate selling on Jumia with other social media platforms, most notably Meta-owned WhatsApp.⁵¹

Data from Jumia also show that women own half of the Kenyan and Nigerian firms using the platform.⁵² Further, the number of women-owned businesses in Côte d'Ivoire is on the rise. For example, women-owned firms constitute 31% of the businesses on Jumia.⁵³

Lazada

Lazada is a digital marketplace operating in six countries in South-East Asia: Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.⁵⁴ Lazada collects survey data from its sellers to identify characteristics of companies using the platform and identify whether they can be classified as women-owned businesses.⁵⁵

Much like Jumia, Lazada offers sellers access to supply chain logistics, secure online transactions and a support centre.⁵⁶ It also created Lazada University, where sellers have free access to business training and support on how to succeed in e-commerce.⁵⁷

Lazada's survey data found that during the pandemic, one-third to two-thirds of sellers in Indonesia and the Philippines were women-owned firms.⁵⁸ Lazada collected sex-disaggregated data from its sellers to identify how gender demographics and other vulnerable groups compete and succeed on its platform. Its data largely mirror those of Jumia: the tech company also found that women-owned firms were more likely to sell through social media channels and to use Lazada to expand an existing business, rather than to start a new one.⁵⁹



⁵¹ *Ibid.*: 26.

⁵² *Ibid.*: 5.

⁵³ *Ibid.*

⁵⁴ IFC (2021b), *op. cit.*: 25.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*: 26–28.

Chapter 4

The barriers

As consumers, business owners and employees, women face numerous barriers when trying to operate and succeed in the e-commerce space. While infrastructure and many logistical challenges are universal to all, certain obstacles make it especially challenging for women to reach their full potential.

Financing

Financing is a challenge for women-owned SMEs. As noted above, businesswomen are less likely than men to finance their firms through a bank loan. Instead, they tend to rely on personal savings or funding from friends and family. For those who turn to financial intermediaries, gender-based barriers remain. Women are not only less likely than men to have a bank account, but they are also less likely to be permitted to have a bank account or financial independence.⁶⁰ This creates a gender-specific barrier to create and scale a firm.

Few financial intermediaries, particularly in developing countries, have internal systems to target lending to women-owned SMEs.⁶¹ As a result, data are limited on whether loans are being directed to these firms.⁶² Where data are collected, they point to major barriers. For example, women-owned/led businesses were twice as likely during the COVID-19 pandemic to have their loan applications rejected than men-led firms.⁶³ Loans to women-owned SMEs also tend to be smaller than those granted to men-led companies.⁶⁴

Programmes to assist small women-owned firms include the Women Entrepreneurs Finance Initiative (We-Fi) and the IFC ScaleX. The former aims to increase access to finance through mixed financial instruments, developing digital financial solutions for women-owned SMEs

to access online loans, working with banks to adjust internal processes to better serve women and leading gender-sensitivity training for loan officers to decrease gender discrimination.⁶⁵

Yet room remains to improve businesswomen's access to finance, with an ongoing need to emphasize financial literacy and clear opportunities and to create internal infrastructure in banks and with other investors for working with women-owned SMEs.⁶⁶

Finance-related examples are available from around the world.⁶⁷ These include:

- The Self Employed Women's Association, which has 2 million members across 10 Indian states. Started as a trade union for women working in the informal sector, it has grown to become a direct provider of loans. Women can empower themselves through the organization, which offers health insurance and life insurance as well as financing.
- Bangladesh's Vulnerable Group Development income-generation programme, which offers microfinancing for women. The programme targets women with few or no income-earning opportunities and attempts to combine food security with skills development and microcredit. Community committees comprised of women determine the beneficiaries.
- The Child Grant Programme in Zambia, which provides unconditional cash transfers to women who meet the criteria. The programme, which aims to incentivize women to save for their children, has been shown to increase savings and economically empower women.

60 IFC (2021a), *op. cit.*: 19 and Ismail and Hirani, *op. cit.*: 12.

61 We-Fi (2021). *Pivoting toward a resilient future: Annual Report 2021*, p. 33. <https://we-fi.org/wp-content/uploads/2022/03/We-fi-2021-Annual-Report.pdf>.

62 *Ibid.*

63 *Ibid.*: 15.

64 *Ibid.*

65 *Ibid.*: 30–35

66 *Ibid.*

67 Cameron, Lisa (2019). 'Social protection programs for women in developing countries,' *IZA World of Labor*. See <https://wol.iza.org/uploads/articles/471/pdfs/social-protection-programs-for-women-in-developing-countries.pdf?v=1>.



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Government procurement

Women-owned businesses have less access to and success in public procurement projects.⁶⁸ Public procurement can produce up to 30%–40% of the gross domestic product of some developing countries, yet some data suggest that women-owned SMEs supply just 1% of these projects.⁶⁹

This points to barriers including awareness of government procurement opportunities and limited skill and experience in navigating the government procurement process.⁷⁰ In fact, the emergence of mandated electronic procurement for government services is likely to widen the digital divide, adding to the challenges women-owned businesses face. As noted in a World Bank blog:

There are opportunities for countries, particularly those in initial stages of digital development, to 'leapfrog' through learning from the lessons of other countries' e-procurement experiences and take advantage of the latest technology that exists. However, basic building blocks have

to be in place first, including legal, institutional, capacity building and related arrangements.⁷¹

The emphasis on basic building blocks is well-placed and speaks to the potential e-commerce barriers.

In some cases, the issue of public procurement can be addressed through specific targets. For example, the

Indian government has established rules that target 25% of procurement awards to micro and small enterprises, including at least 3% owned by women entrepreneurs.⁷²

Supply chain and logistics

Supply chain issues directly affected women during the pandemic⁷³ – in fact, one study estimated that logistical barriers had added an astonishing 320% to final costs.⁷⁴ Throughout the crisis, businesses with local connections to merchandise and materials were better positioned to adapt to supply-chain shortages than those that relied on imported materials.⁷⁵

68 We-Fi (2021), *op. cit.*

69 *Ibid.*

70 *Ibid.*

71 Taylor, Y., and N. Langburd Wright (July 2018). The Future of Public Procurement in the Era of Digitalization. World Bank Blogs, <https://blogs.worldbank.org/governance/future-public-procurement-era-digitalization>.

72 See <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1580277>.

73 IFC (2021a), *op. cit.*: 21 and World Bank Group and WTO (2020), *op. cit.*

74 IFC (2021a), *op. cit.*: 21.

75 *Ibid.*: 17.

E-commerce logistical challenges are particularly pronounced in Africa, where the absence of a universal addressing system in some countries creates barriers to consumer deliveries.⁷⁶ While larger digital platforms may alleviate this issue by reaching a wider audience, smaller firms may find it challenging to scale their businesses to compete effectively with larger entities.⁷⁷

Information technology infrastructure

Limited internet connectivity and poor information technology infrastructure are major barriers in developing and least developed countries.⁷⁸ Women-owned SMEs reported that gaps in connectivity resulted in reduced logistical capacity, online payment constraints and difficulty engaging with consumers.⁷⁹ Women also tend to have less access to internet-connected devices to operate online companies.⁸⁰

Reliable internet access remains a challenge across areas of Africa and South-East Asia.⁸¹ Without reliable internet access, women-owned/led SMEs struggle to maintain or start e-commerce businesses and work in e-commerce jobs.

Online payments

Online payment systems are both an e-commerce opportunity and barrier. Online payments enable sellers to reach a broader market and facilitate faster transactions. However, they also pose security and privacy risks given the possibility of hacks or other cybercrime.⁸²

The costs associated with using online payments can make it difficult for women to operate within limited

budgets.⁸³ Moreover, the emergence of 'informal' e-commerce through online platforms presents another set of risks, notably involving payment processing or onerous terms and conditions imposed by social media services.⁸⁴

Workplace protections

While the entrepreneurial opportunities for women in e-commerce are frequently emphasized, the reality is that many gravitate to e-commerce for work opportunities. The ability to work from home with flexible hours is extremely important to women in both developing and developed countries.⁸⁵ These jobs may offer the benefits of flexibility, but suffer from drawbacks such as limited workplace protections, no pensions or equal pay assurances, and few labour safeguards.⁸⁶

Indeed, workers for e-commerce firms are often misclassified as self-employed when they are employees.⁸⁷ This prevents them from getting social security benefits and the rights that come with employment.⁸⁸ They also do not enjoy union or collective negotiation rights, and competition laws in some regions prevent self-employed workers from collective bargaining.⁸⁹ Gaining this bargaining and negotiation power could advance rights, wages and benefits for e-commerce workers who interact with platforms in a manner where work hours are frequently determined by the workers themselves (known as gig workers).⁹⁰

In some instances, there may be a risk that these workers will not be paid their full fees. This can also amount to being penalized for not taking on certain tasks or creating flexibility in their workdays.⁹¹ This can

⁷⁶ *Ibid.*: 16.

⁷⁷ *Ibid.*: 21.

⁷⁸ World Bank Group and WTO (2020), *op. cit.*: 140.

⁷⁹ *Ibid.*: 141 and IFC (2021a), *op. cit.*: 14.

⁸⁰ United Nations (2021). *COVID-19 and E-Commerce: A Global Review*. https://unctad.org/system/files/official-document/dt1stict2020d13_en_0.pdf.

⁸¹ IFC (2021a), *op. cit.*: 48-49 and World Bank Group and WTO (2020), *op. cit.*: 14.

⁸² IFC (2021a), *op. cit.*: 16; Asia-Pacific Economic Cooperation (2020). *Supporting Women in Starting Online Businesses Program*, p. 26-27; IFC (2021b), *op. cit.*: 20-21; World Bank Group and WTO, *op. cit.*: 14.

⁸³ Gurumurthy, Anita, and Nandini Chami (2019). *From ill-founded delusions to real possibilities: An e-commerce agenda for women's empowerment*. Feminist digital justice, Issue Paper 2. https://itforchange.net/sites/default/files/1786/Feminist%20Digital%20Justice%20Issue%20Paper%20_%20updated%20name%20and%20logo.pdf.

⁸⁴ IFC (2021a), *op. cit.*: 26.

⁸⁵ International Labour Organization (2021). *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*, p. 22.

⁸⁶ Gurumurthy and Chami, *op. cit.*

⁸⁷ Berg, Janine, Furrer, Marianne, Harmon, Ellie, Rani, Uma, and M Six Silberman (2018). *Digital labour platforms and the future of work: Towards decent work in the online world*, p. 105. International Labour Organization, Geneva. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_645337.pdf.

⁸⁸ International Labour Organization (2021), *op. cit.*: 23.

⁸⁹ Berg, Furrer, et al., *op. cit.*: 105-106.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*: 106

happen to all platform workers, but women are already often paid less than men for the same work.⁹² As discussed below, women working in e-commerce also face a greater risk of discrimination and harassment, including risk of physical assault when working delivery or taxi digital platform jobs.⁹³

Consumer protection

Limited consumer protections create risks for women as consumers. In particular, women who are in difficult financial situations are generally more likely to be more vulnerable than other consumers. Consumer vulnerability is most frequent when consumers face complex marketing and are unable to make the best choices.⁹⁴ Consumer protections are frequently missing in countries – especially in developing economies.

For example, some estimates find that only 6% of African countries have adequate consumer protection laws.⁹⁵ For their citizens, businesses and economy to benefit from e-commerce, countries must enact laws that protect consumers who buy goods or services online. Such laws should confer protection comparable to that enjoyed by consumers in offline transactions, with special consideration given to the unique circumstances of e-commerce. Moreover, these laws must be backed by effective enforcement mechanisms.

Competition

The power imbalance between women-owned/led SMEs and large e-commerce platforms may also represent a major barrier. The former rarely have input into how e-commerce platforms are designed or operate, yet have few alternatives but to work with these platforms. They lack negotiation power with major e-commerce platforms.

Competition laws are a critical tool to ensure a fair marketplace that does not disadvantage SMEs, including those owned by women. Yet concerns with

fair competition even extend to how those rules are enforced, notably gender bias with the enforcement (and enforcers) of competition rules.⁹⁶

The competition issues associated with large e-commerce platforms extend beyond these gender concerns, however. In some countries, large platforms are viewed as the internet, with many users rarely venturing outside the platform that offers communication services, e-commerce and social media interaction. This creates power imbalance risks and suggests that competition authorities must more aggressively ensure that antitrust and competition laws are effectively enforced to prevent marketplace abuse, self-dealing and unfair pricing.

Online harassment

The COVID-19 pandemic increased women's vulnerability to gender-based violence both at home and online.⁹⁷ Online harassment and violence against women has grown in recent years, including through e-commerce platforms and e-commerce work.⁹⁸ Women and girls are also more likely to be targets of bullying, cyberstalking and harassment.⁹⁹

E-commerce platforms have often been slow to implement policies to curb gender-based harassment and violence.¹⁰⁰ With real-world implications of digital privacy threats, the platforms' privacy approach may put privacy at risk for users, while making it easier for bad actors to monitor, harass and pursue others.

A 2017 study by Hyperwallet found that 33% of women work online under a pseudonym, or have a username that does not reveal their gender, in an attempt to avoid discrimination. Among them, 72% choose to work under a gender-neutral name to maintain anonymity; 14% do so to increase bids on online selling platforms and the remaining 14% explicitly do so to avoid sexism or hostility.¹⁰¹

92 International Labour Organization (2021), *op. cit.*: 163–165.

93 *Ibid.*: 171.

94 European Commission (2016). Understanding Consumer Vulnerability in the EU. See https://ec.europa.eu/info/sites/default/files/consumer-vulnerability-factsheet_en.pdf.

95 IFC (2021a), *op. cit.*: 16.

96 Tonazzi, Alessandra (24 September 2020). *Gender Inclusive Competition Policy*. See <https://www.oecd.org/daf/competition/gender-inclusive-competition-policy-other-proposals.pdf>.

97 IFC (2021a), *op. cit.*: 18; United Nations (2021), *op. cit.*; and IFC (2021b), *op. cit.*: 19.

98 International Labour Organization (2021), *op. cit.*: 165, 171; United Nations (2021), *op. cit.*; and IFC (2021b), *op. cit.*: 19.

99 Ismail and Hirani, *op. cit.*: 15.

100 *Ibid.*

101 Hyperwallet (2017). *The Future of Gig Work is Female: A study on the behaviors and career aspirations of women in the gig economy*. See https://www.hyperwallet.com/app/uploads/HW_The_Future_of_Gig_Work_is_Female.pdf.

Technology and artificial intelligence barriers

Artificial intelligence and machine learning have emerged as critical elements of e-commerce as platforms use the technology for a wide range of decision-making processes. The implications for gender bias within these systems can create serious barriers for women in e-commerce.

Data scientists have identified at least two ways in which artificial intelligence perpetuates gender bias. First, algorithm and design bias/flaws may lead to unfair decisions made towards people of a certain gender, ethnicity, religion or geographic location.¹⁰² Second, reproduction of gender stereotypes in new digital products may occur due to artificial intelligence.¹⁰³ Despite its outward gender-neutral presence, technology is frequently gendered, with users affecting daily outputs and creating a framework of understanding around

women despite being largely underrepresented in the design process.

Several tools may help address artificial intelligence/algorithmic gender bias. For example, multi-accuracy auditing improves the transparency of artificial intelligence systems by quantifying how their performance varies across race, age, sex and intersections of these attributes.¹⁰⁴ Word-embedding association tests, which measure the impact of removing part of the training data, can be used to test the fairness of artificial intelligence systems.¹⁰⁵ White box automatic machine learning models can help address the transparency and accountability of artificial intelligence systems.¹⁰⁶

These models are interpretable and can explain how they behave, produce predictions and identify the influencing variables.

102 Kochling, Alina, and Marius Claus Wehner (2020). 'Discriminated by an algorithm: a systematic review of discrimination and fairness by algorithmic decision-making in the context of HR recruitment and HR development,' 13: *Business Research* pp. 795–848.

103 *Ibid.*

104 United Nations Educational, Scientific and Cultural Organization (2020). 'Artificial Intelligence and Gender Equality: Key Findings of UNESCO's Global Dialogue,' p. 25. See <https://unesdoc.unesco.org/ark:/48223/pf0000374174>.

105 *Ibid.*: 36.

106 Sugali, Kishore, Sprunger, Chris, and Venkata N. Inukollu (2021). 'Software Testing: Issues and Challenges of Artificial Intelligence & Machine Learning,' p. 103. 12:1 IJAI 101.

Chapter 5

Trade agreements: Provisions

Notwithstanding the many concerns associated with e-commerce and gender, including gender-equality concerns/principles in e-commerce trade agreements remains a relatively novel concept that continues to challenge the notion that e-commerce is a gender-neutral platform. While many trade agreements reference gender equality, the trade commitments are typically modest and rarely address the numerous challenges identified in this brief. Indeed, the inclusion of e-commerce in the agreements or at the WTO primarily focuses on trade facilitation without due regard for the broader policy and societal impacts of e-commerce.

E-commerce at the WTO

E-commerce is not a new issue at the WTO. In fact, the WTO first officially recognized the growth of global e-commerce and the new opportunities it created for trade in the Declaration on Global Electronic Commerce adopted at the Second Ministerial Conference held in Geneva in May 1998.¹⁰⁷

This declaration called for a Work Programme on Electronic Commerce, which was established four months later and covered issues related to trade arising from global e-commerce. It also affirmed that '[w]ithout prejudice to the outcome of the work programme or the rights and obligations of Members under the WTO Agreements, we also declare that Members will continue their current practice of not imposing customs duties on electronic transmissions'.¹⁰⁸

This moratorium does not include goods – meaning that offering and selling products on the internet is subject to tariffs and other General Agreement on Tariffs and Trade obligations in force.

The e-commerce customs moratorium was designed to stop countries from applying tariffs or duties on electronic transmissions across borders. The approach ensured that merely transmitting information across

borders would not be subject to additional customs duties that might slow or block electronic transmissions.

However, the moratorium does not prevent a country from imposing internal taxes, fees or other charges on electronic transmissions, including content transmitted electronically, provided that those taxes, fees or charges are applied in a manner consistent with the WTO Agreements. In other words, while electronic transmissions, including content transmitted therein, are exempt from customs duties, internal taxes can be applied such that the online sale of physical goods may still be subject to taxes, tariffs or other fees.

After years of little change with respect to e-commerce, the chair of the WTO General Council convened an informal open-ended meeting in November 2017 to consider a request by India and South Africa for a fresh examination of the moratorium's revenue impact. Both countries expressed concern that the growing size of e-commerce transactions might call for a re-evaluation of the long-standing customs moratorium. The two countries suggested that its continuation, if any, should be based on concrete facts and statistics.

Several delegations saw merit in further studying the scope of the moratorium and factoring in other issues, including implications beyond revenues, such as the developmental dimension.

The review session of the Work Programme on Electronic Commerce held in December 2018 resulted in the continued discussion on the moratorium on WTO Members' custom duties for electronic transmissions, with the expectation that a decision on the issue would be made by the end of 2019. That deadline was extended in December 2019.¹⁰⁹ While the initial plan was to address the issue at the 12th WTO Ministerial Conference in Kazakhstan in June 2020, the meeting was postponed in March of that year due to the pandemic.¹¹⁰

107 WTO General Council (September 1998). Work Programme on Electronic Commerce, Adoption, WT/L/274. WTO <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/274.pdf&Open=True>.

108 WTO General Council (May 1998). Declaration on Global Electronic Commerce. WTO Doc WT/MIN(98)/DEC/2. WTO https://www.wto.org/english/thewto_e/minist_e/min98_e/ecom_e.htm.

109 WTO (10 December 2019). Work Programme on Electronic Commerce, Decision, WTO Doc WT/L/1079. See <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/1079.pdf&Open=True>.

110 WTO (26 November 2021). 'General Council Decides to Postpone MC12 Indefinitely.' See https://www.wto.org/english/news_e/news21_e/mc12_26nov21_e.htm.

Another important milestone in the WTO e-commerce work occurred in January 2019, when 49 Members plus the European Union issued the Joint Statement on Electronic Commerce.¹¹¹ The document noted the intention of Members to negotiate trade-related aspects of e-commerce, while recognizing the challenges faced by developing and least developed countries, as well as SMEs.

Members held seven rounds of negotiations in 2019, categorized under six themes: enabling e-commerce, openness and e-commerce, trust and e-commerce, cross-cutting issues, telecommunications and market access. Each round, referred to as 'focus groups', dealt with a particular set of issues, which included:

- cybersecurity
- capacity building
- paperless trading
- open government data
- open internet access
- business trust
- telecommunications
- e-commerce moratorium
- data-free flow
- consumer protection
- data and privacy protection
- market access

Most recently, in December 2021, the envoys of Australia, Japan and Singapore to the WTO issued a joint statement saying significant progress was being made in digital regulation among the 86 Members¹¹² taking part in the E-commerce Joint Statement Initiative

(JSI).¹¹³ Reflecting the ambitions and concerns of both developed and developing nations, a global framework would represent a major development for e-commerce regulation and an important moment to include gender-related issues in global e-commerce legal frameworks.

While the draft text has not been released publicly, there have been some well-publicized leaks of earlier drafts.¹¹⁴ These leaks suggest that the JSI is broadly following the structure found in the digital trade and e-commerce chapters of bilateral and regional trade agreements, discussed further below.

Work is ongoing, with plans for continued discussion in 2023. Reports from the talks suggest that convergence has been achieved in several areas, including online consumer protection, electronic signatures and authentication, unsolicited commercial electronic messages, open government data, electronic contracts, transparency and paperless trading. Issues that remain subject to discussion include the e-commerce moratorium, data flows and privacy.¹¹⁵

The e-commerce gender issues discussed in this report have been largely absent from proposals put forward by WTO Members. One notable exception is a 2019 concept paper submitted by the Government of Canada on preventing the use of personal information for the discrimination or persecution of natural persons.¹¹⁶ The paper proposes the following provision in the data protection and privacy section of the JSI:

No Party/Member shall use the personal information of users of digital trade to persecute or discriminate against a natural person on the basis of race, colour, sex, sexual orientation, **gender**, language, religion, political or other opinion, national or social origin, property, birth or other status, or disability. [emphasis added]¹¹⁷

111 WTO (25 January 2019). Joint Statement on Electronic Commerce WTO Doc WT/L/1056. See <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/1056.pdf&Open=True>.

112 The 86 Members participating in the JSI: Albania; Argentina; Australia; Austria; Bahrain; Belgium; Benin; Brazil; Brunei Darussalam; Bulgaria; Burkina Faso; Cameroon; Canada; Chile; China; Chinese Taipei; Colombia; Costa Rica; Côte d'Ivoire; Croatia; Cyprus; Czechia; Denmark; Ecuador; El Salvador; Estonia; Finland; France; Georgia; Germany; Greece; Guatemala; Honduras; Hong Kong, China; Hungary; Iceland; Indonesia; Ireland; Israel; Italy; Japan; Kazakhstan; Kenya; Korea, Republic of; Kuwait; Lao People's Democratic Republic; Latvia; Liechtenstein; Lithuania; Luxembourg; Malaysia; Malta; Mexico; Moldova; Mongolia; Montenegro; Myanmar; Netherlands; New Zealand; Nicaragua; Nigeria; North Macedonia; Norway; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Qatar; Romania; Russian Federation; Saudi Arabia; Singapore; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; Penghu, Kinmen and Matsu; Thailand; Türkiye; Ukraine; United Arab Emirates; United Kingdom; United States and Uruguay. WTO (28 September 2022). Joint Initiative on E-Commerce. See https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm.

113 WTO (December 2021). Joint Statement Initiative on E-commerce: Statement by Ministers of Australia, Japan and Singapore. See https://www.wto.org/english/news_e/news21_e/ji_ecom_minister_statement_e.pdf.

114 See, for example, <https://www.bilaterals.org/?wto-plurilateral-e-commerce-draft>.

115 WTO (13 June 2022). Co-convenors welcome good progress in e-commerce talks, launch capacity building framework. https://www.wto.org/english/news_e/news22_e/jsec_13jun22_e.htm.

116 Government of Canada (4 September 2019). Concept Paper: Preventing the use of Personal Information from being used for the Discrimination or Persecution of Natural Persons. See <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/statement-concept-ecom-declaration-reflexion-09.aspx?lang=eng>.

117 *Ibid.*



The absence of substantive gender commitments in the JSI may reflect the fact that advanced e-commerce work at the WTO remains a relatively new phenomenon. Delegations may only be learning about e-commerce more broadly and have yet to fully incorporate gender-based analysis in their policy development.

Given the current stage of negotiations, there is still time to enhance the role of gender within the work programme. Alternatively, negotiators may consider that the rules they are discussing will provide notable benefits to microenterprises, SMEs and women. The issue seems most salient with member states that have already grappled with the issues within the context of regional or bilateral trade agreements.

E-commerce and free trade agreements

With work continuing on e-commerce regulations in the WTO, countries often rely on free trade agreements to address e-commerce issues. In developed nations such as Canada, these agreements have sought to establish gender as a priority.

For example, the Canada-Chile Free Trade Agreement, which entered into force in February 2019,¹¹⁸ says ‘the Parties acknowledge that international trade and investment are engines of economic growth, and that improving women’s access to opportunities and removing barriers in their countries enhances their participation in national and international economies, and contributes to sustainable economic development’.¹¹⁹

A review of global free trade agreements identifies at least five with explicit chapters referencing gender.¹²⁰ None requires a change in domestic regulations. Rather, most refer to cooperation changes, without requirements to achieve measurable results.

For example, the four agreements where Chile is a signatory – Chile–Uruguay, Chile–Argentina, Chile–Canada and Chile–Brazil) – contain nearly identical provisions focused on skills enhancement, financial inclusion, access to technology and leadership. Yet there are no specific targets, budgets or objectives that can be evaluated.

Similar limitations can be found in multilateral accords. While agreements such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership explicitly identify gender equality as a priority, no targets or standards are in place.

The remaining 75 free trade agreement that refer to gender do so in a passive, non-binding manner.¹²¹ Generally referring to the importance of greater inclusion and equal treatment of women, the provisions are merely a recognition of gender with limited impact.

Despite limited enforceability or specific regulatory commitments, these agreements reaffirm support for the United Nations Sustainable Development Goal for the promotion of gender equality. While recognizing that the promotion of gender equality improves the socioeconomic development of society, whether tangible effects are produced remains to be seen. Instead of creating gender-related standards for trade

118 Government of Canada (5 February 2019). Canada-Chile Free Trade Agreement. See https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/chile-chili/fta-ale/index.aspx?lang=en&_ga=2.232675101.321642341.1660269162-1603950834.1658169228.

119 *Ibid.*

120 Ko, Bomin (October 2020). ‘Analysis of Gender Chapter in Five Free Trade Agreements and Its Lessons for Korea,’ p. 89. *Journal of Korea Trade*. See https://www.researchgate.net/publication/346757054_Analysis_of_Gender_Chapters_in_Five_Free_Trade_Agreements_and_Its_Lessons_for_Korea.

121 Monteiro, José-Antonio (July 2020). Gender-related Provisions in Regional Trade Agreements Database. WTO Economic Research and Statistics Division.

in the agreements, they simply mention implementing gender-equality commitments.

Although progress at the WTO and in most bilateral and regional trade agreements has been limited, there are some promising signs. For example, Canada's agreement with Israel envisions forming a more comprehensive committee to assess changes and issues that arise with gender equality and trade.¹²² A dedicated chapter on gender encourages corporate responsibility, hiring practices and supporting SMEs, though again, no measurable results are tracked.

This chapter includes provisions such as: 'The Parties also acknowledge that women's enhanced participation in the labour market and their economic independence and access to, and ownership of, economic resources contribute to sustainable and inclusive economic growth, prosperity, competitiveness and the well-being of society.'¹²³

Canada has adopted a three-pronged strategy on trade and gender in its free trade agreements, including a trade and gender chapter, gender mainstreaming across departments and Gender Based Analysis Plus (GBA+).¹²⁴ Seen as a pivotal instrument in policymaking, GBA+ seeks to inform policymakers that trade and various policies affect the genders differently. Under this approach, the objective is to evaluate policies regularly with a gendered lens to narrow the divide.

The agreement with Israel signals a change towards binding mechanisms between countries for gender commitments. Most related commitments remain binding, with the language updated to include that 'parties may consent to submit the matter to dispute settlement in accordance with Chapter Nineteen Dispute Settlement'.

Digital Economy Partnership Agreement

The Digital Economy Partnership Agreement (DEPA) ratified by New Zealand, Singapore and Chile provides an example of balancing digital trade and domestic

policies.¹²⁵ A dedicated digital trade agreement – in contrast to other trade accords that have chapters on digital trade – DEPA works as a modular agreement.

It consists of 16 different modules designed to increase digital business and trade. These modules were created to work in conjunction with one another to combine issues that are inherently affected by the digital economy. Working independently or together with any combination of the 16 modules, the flexibility of the agreement remains one of its foremost strengths.

DEPA mandates collaboration on artificial intelligence, government procurement and competition policy to foster inclusion. Based on building trust with data flows between nations, DEPA is guided by the principle that the trade of products and services can increase when the cross-border digital environment is more open. With several exceptions to the sharing of information available, the continued flexibility poses an appealing approach to governance in the digital space. Using a capacity-based approach, DEPA explicitly recognizes that SMEs require greater engagement with policymakers.

In addition, underrepresented groups including women are governed through mandated programming aimed at increasing digital skills and the evidence base for policymaking.¹²⁶ For example, Article 11.3 says:

To this end, the Parties shall cooperate on matters relating to digital inclusion, including participation of women, rural populations, low socio-economic groups and Indigenous Peoples in the digital economy. Cooperation may include: (a) sharing of experiences and best practices, including exchange of experts, with respect to digital inclusion.¹²⁷

DEPA is a marked departure from standard trade agreements and its ratification signals a willingness among nations to tackle challenges. Given the rapid development of digital technologies in modern trade, changing the approach in the formulation of trade agreements from static to flexible will not only increase responsiveness, but will help to address regulatory challenges, improve social development and ultimately boost digital trade.

122 Ko (2020), *op. cit.*: 89.

123 Government of Canada (25 May 2018). Canada-Israel Free Trade Agreement. See <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/text-texte/13.aspx?lang=eng>.

124 UNCTAD (n.d.). Gender and Trade: Assessing the Impact of Trade Agreements on Gender Equality: Canada–EU Comprehensive Economic and Trade Agreement, p. 15. See https://unctad.org/system/files/official-document/UNWomen_2020d1_en.pdf.

125 Government of Canada (9 June 2022). Background: Canada's possible accession to the Digital Economy Partnership Agreement. See <https://www.international.gc.ca/trade-commerce/consultations/depa-afen/background-information.aspx?lang=eng>.

126 DEPA (12 June 2020) Module 11 Digital Inclusion. See http://www.sice.oas.org/trade/DEPA/DEPA_Module11_e.pdf.

127 *Ibid.*: Article 11.3.

Chapter 6

Trade agreements:

Negotiations and implementation

While new trade agreements increasingly include measures to narrow the gender divide, these accords represent a small fraction of enacted free trade agreements. And much of this progress has been limited to countries in the developed world. Developing economies have traditionally been cautious about incorporating indirect trade concerns in trade agreements, fearing these considerations may lead to trade barriers or that their implementation may constitute an excessive burden in terms of financial and human resources.

Trade agreements require both short- and long-term approaches to remedy the current situation. In the short term, gender-related commitments need to be tailored to the economic and political contexts of the countries involved. An explicit reference to gender in the core text of agreements helps increase political commitment and may improve the availability of capital for funding women-owned SMEs.

In some trade agreements, such as the North American Agreement on Labour Cooperation (a subsidiary of the North America Free Trade Agreement), gender has been raised in accords that accompany the core text. By targeting labour practices affecting women, the specific measures allow goals to be evaluated and critiqued more effectively. For example, the free trade agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand includes the following provision:

- The Parties recognize the role played by SMEs, including Maori-led and women-led enterprises, in economic growth and job creation, and the need to address the barriers to participation in digital trade for those entities. To this end, the Parties shall:
 - a) foster close cooperation on digital trade between SMEs of the Parties;

- b) encourage their participation in platforms that help link them with international suppliers, buyers, and other potential business partners; and
- c) share best practices in improving digital skills and leveraging digital tools and technology to improve access to capital and credit, participation in government procurement opportunities, and other areas that could help SMEs adapt to digital trade.¹²⁸

The free trade agreement between the United Kingdom and Australia has a near-identical provision.¹²⁹

While considerable room remains to incorporate gender issues further in global e-commerce work, it is notable that many of the lead facilitators of the JSI working groups at the WTO are women. In fact, according to a WTO source, 80%–90% of small group facilitators today are women, including those leading on cybersecurity, privacy, source code, telecommunications and the customs moratorium. Gender equality is a concern for all, but ensuring women hold leadership positions with respect to the negotiations is encouraging.

In the long term, initiatives targeting digital education for both women and girls are needed. Improving the digital literacy standards for women is not only an empowering measure for gender equality, but an expected requirement for future labour participation.

Reducing information asymmetry and training gaps is important to level the gender playing field. Educational programming and technological competency effectively reduce deterrents to entry and level the playing field for women. Compounded with financial intermediaries providing initial capital for women-owned SMEs, the likelihood of success is exponentially increased for new and emerging small firms.

¹²⁸ New Zealand Ministry of Foreign Affairs & Trade (28 February 2022). Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand, Chapter 15. See <https://www.mfat.govt.nz/assets/Trade-agreements/UK-NZ-FTA/Chapters/Chapter-15-Digital-Trade.pdf>.

¹²⁹ United Kingdom (16 December 2021). Free Trade Agreement (FTA) between the United Kingdom of Great Britain and Northern Ireland and Australia, Chapter 14. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040551/uk-australia-free-trade-agreement-fta-chapter-14-digital-trade.pdf.



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As women play an increasingly important role in the JSI working groups, it is notable that delegations identified gender issues in the outcome document from the 12th WTO Ministerial Conference in June 2022. It states:

We recognize women's economic empowerment and the contribution of MSMEs to inclusive and sustainable economic growth, acknowledge their different context, challenges and capabilities in countries at different stages of development, and we take note of the WTO, UNCTAD and ITC's work on these issues.¹³⁰

The statement is a positive indicator for future prioritization of gender issues within e-commerce.

Multilateral development assistance initiatives have used Aid for Trade as a mechanism for developing countries to adopt measures aimed at tackling the

gender divide.¹³¹ Incentivizing programmes to narrow the gender gap, partnerships target developmental goals that would otherwise be overlooked. The United Nations Development Assistance Framework, which guides programming supported by the United Nations at the country level, targets gender mainstreaming in its Aid for Trade approach.

This methodology can be expanded to combine public and private partnerships to encourage women-led enterprises to enter the market and narrow the divide. Despite these mechanisms, institutional approaches fail to prioritize gender in areas of the economy such as trade, which are largely perceived as gender-neutral. This perception remains a policy failure and requires calls to action for policymakers to include women and consult the experiences of women when advancing e-commerce objectives.

¹³⁰ WTO (22 June 2022). MC12 Outcome Document. See <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/24.pdf&Open=True>.

¹³¹ WTO (2019). Making Aid for Trade work for women. See https://www.wto.org/english/tratop_e/womenandtrade_e/a4t_women_e.htm.

Chapter 7

Data challenges

Developing a data set based on the gender dimensions of e-commerce is challenging, because very few data have been collected on women specifically, especially before 2018. Given the limited data, key questions looking forward would include:¹³²

- The extent to which the research reflects attention to diversity and whether the analysis is objective or biased and perpetuating stereotypes.
- Which factors and aspects of identity have been considered.
- The extent to which addressing diversity in the sample would have yielded different findings.

Since the start of the COVID-19 pandemic, there has been greater emphasis on including women in e-commerce data, how policies affect women in e-commerce and on the gender divide in accessing e-commerce. This renewed emphasis promises to provide dividends in the future, but turning back the clock to enhance the longitudinal data set is obviously not possible.

More recently, there have been calls for more sex-disaggregated data to be collected on e-commerce issues and successes.¹³³ This is important both for industry analysis and to identify the effects of recent gender-focused policies. These data, which include deeper information on e-commerce SMEs started by women, access to financial support, labour protections and disputes, would help to assess whether policies are targeting the right areas and if they are working to

support objectives for e-commerce. Without these data, it is extremely hard to track or assess the actual effects of policies on the targeted groups.

Some efforts have been made to collect sex-disaggregated data. As noted above, digital platforms are spaces where these data are easier to collect and compare, with e-commerce companies such as Jumia and Lazada releasing reports on sex-disaggregated data on their sellers' preferences and performance through their platforms.¹³⁴ This is a first step and covers only some women in e-commerce.

Moreover, not all platforms are willing to provide access to their internal data. Without data disclosure requirements as part of an e-commerce regulatory framework, access to data remains somewhat precarious and subject to changes in private-sector policies.

Collecting evidence-based data on gender effects of trade policies not only highlights the existing gaps, but also points towards areas for improvement. The absence of a targeted approach for policy due to the lack of data hampers efforts to increase institutional capacities. Building knowledge of the trade and gender nexus and collecting, monitoring and reporting activities – prioritized by the WTO Informal Working Group on Gender and Trade – is essential to create more inclusive policymaking practices. This includes building WTO databases to track gender-responsive trade agreements and gender-responsive trade policies, as well as a database of trade and gender articles.

¹³² Government of Canada (n.d.). Gender Based Analysis Plus Research Guide. See <https://women-gender-equality.canada.ca/en/gender-based-analysis-plus/resources/research-guide.html>.

¹³³ IFC (2021a), *op. cit.*; IFC (2021b), *op. cit.*; World Bank Group and WTO (2020), *op. cit.*; United Nations (2021), *op. cit.*; and Gurumurthy and Chami, *op. cit.*

¹³⁴ IFC (2021a), *op. cit.*, and IFC (2021b), *op. cit.*

Chapter 8

Key recommendations

This briefing report is based on two central premises. First, e-commerce plays an increasingly important role in global commerce, but policy actions are needed to ensure that this growth does not widen the gender divide. Second, while gender has begun to attract attention in global e-commerce trade policy – most notably at the WTO and in regional and bilateral trade agreements – it has been greatly hampered by the absence of enforceable measures and consistent data collection to benchmark progress.

Given these two premises, there is an urgent need for further policy reforms to ensure that the next 10 years better account for e-commerce gender concerns and actively work to bridge the gender divide. To this end, this report makes the following recommendations:

E-commerce capacity building focused on gender

E-commerce presents new challenges for countries at all stages of development, and including a gender-based analysis and policy framework has too frequently been absent from the policy and regulatory discussion. While there has been a gradual and important shift in this regard, greater e-commerce capacity building focused on gender-related concerns is essential. Indeed, e-commerce gender divide concerns touch on a broad range of issues, including who has access to e-commerce, who uses e-commerce and who ultimately benefits from e-commerce.

The development of this capacity can be enhanced through responsive, well-targeted programmes. Models for such programmes already exist. For example, We-Fi, UPS Online Learning and IFC ScaleX are helping women access financing for their businesses and incentivizing start-up incubators to support women-owned/ led firms. There is a need to build on these efforts with further short-term programmes that are designed to jump-start women-owned enterprises.

Gender-focused capacity building extends to the WTO and its work on e-commerce. While women have been placed in leadership positions by facilitating much of the work on the JSI, substantive proposals from member states related to e-commerce gender concerns have lagged behind. Increasing the capacity of WTO delegations vis-à-vis e-commerce generally and gender-related e-commerce policy specifically should be a top priority. This can be best accomplished through technical workshops and other education programming that run alongside the WTO negotiations.

Trade policies and global e-commerce frameworks

Although 75 bilateral and regional trade agreements include explicit provisions on gender and another 170 refer indirectly to gender equality through references to human rights, sustainable development and labour discrimination, the absence of a global framework may add to the existing discrimination towards women in e-commerce.¹³⁵ There are opportunities to address these frameworks in several forums, including the WTO, the International Labour Organization and UNCTAD.¹³⁶

Formulating new regional or bilateral trade agreements that apply a gender lens is a positive step, but countries that have neglected these issues may need capacity-building assistance. Empowered by the consensus-based framework of the WTO, developing nations are better suited under a global framework rather than regional and bilateral free trade agreements that can create imbalances in their negotiation and implementation stages.

Even with a global framework, pressure may build on developing and small nations to sign on to trade agreements that are neither free nor equitable, but are viewed as the cost for participating in global trade. Agreements such as the Regional Comprehensive Economic Partnership that incorporate exceptions

¹³⁵ International Institute for Sustainable Development (November 2021). *Mainstreaming Gender in Trade Policy: Practice, evidence, and ways forward*, p. 2. See <https://www.iisd.org/system/files/2021-11/mainstreaming-gender-in-trade-policy.pdf>.

¹³⁶ International Labour Organization (2021), *op. cit.*



for public policy or security interests are a necessary balancing tool for countries deterred by their negotiating power when ratifying any proposed agreement. Beyond international consensus at the WTO and trade agreements, other measures could include:

- Removing trade barriers by lowering or eliminating tariffs, increasing access to trade facilitation measures and improving access to trade finance.
- Working with established WTO programmes and initiatives on services, agriculture, e-commerce and micro, small and medium-sized enterprises to further empower women.
- Adopting policies that complement trade policies, such as improving access to education, financial resources, digital technologies, information and infrastructure.
- Adopting targeted and well-funded labour market adjustment policies to maximize benefits for women of trade openings and mitigating potential risks.

The WTO and regional/bilateral trade agreement experience points to the potential to include

gender-sensitive e-commerce policies in the policy development process, with implications for both domestic and international rules. Capturing that potential requires both the capacity building identified in the first recommendation and systemic frameworks designed to ensure that gender is a core policy consideration throughout the development process.

While there are no easy mechanisms to achieve this, Canada's implementation of GBA+ analysis throughout its policy development process acts as an example of how to better ensure that gender issues are placed at the forefront rather than as an afterthought. Applying GBA+ to policy development is important, because diverse group of people can experience the same issue differently.

Even in cases where the issues do not seem gendered, there may be varying impacts on diverse populations that extend beyond gender. GBA+ enhances policy development by guiding the gathering of information and analysis needed to inform the best decisions.

Indeed, indirect discrimination against women and detrimental effects on women traders can occur if a



gendered lens is not taken when trying to address issues involving women in trade and e-commerce.¹³⁷ Without a well-rounded analytical approach that considers different aspects of women's lives, it is extremely difficult to produce productive and proactive solutions to gender-divide issues in trade and e-commerce.

Moreover, mechanisms at the WTO and at national levels could be used to ensure broad consideration of the gender impacts of e-commerce and broad representation of women's interests in the development and monitoring of e-commerce trade commitments and national digital policies.

Better data

The challenge associated with evaluating the implementation of commitments to gender in trade agreements remains a major impediment to assessing the effectiveness of those measures. Under a global

framework dedicated to removing barriers to women-owned e-commerce firms, the implementation and path forward become much clearer.

By identifying participation rates, access to capital, employment and education rates for women, a global framework is far better equipped to isolate mechanisms for change and allows structures that are inhibiting progress to be refined. Such an agreement must include data collection benchmarks, many of which are identified above.

Internet platforms must actively participate in data-collection initiatives. However, it should be noted that relying on these platforms creates risks in terms of full disclosure, data control and consistency of data collection. If self-regulatory data disclosure models prove to be inadequate, there may be a need to consider regulatory approaches that provide greater certainty and reliability.

¹³⁷ Dommen, Caroline (14 September 2021). 'How can WTO talks on e-commerce benefit women? If only we knew.' Human Rights Economics. See <https://humanrightseconomics.ch/2021/gender-equality/gendered-impacts-of-wto-e-commerce-talks/>.

Domestic gender e-commerce policies

This briefing document has focused mainly on global or international measures to eliminate the e-commerce gender divide. It should be acknowledged, however, that much of the most essential work does not occur in Geneva or through trade agreement negotiations. Rather, the gender gap must become a national, domestic priority with design and implementation of national digital strategies that are attuned to the issue.

This can include actively aiming to close the gender divide on digital access, adoption and usage gaps, and improving the affordability of digital technologies while improving online safety. National digital strategies should include targets – both numbers and dates – for closing the digital gender divide across at least four dimensions, namely:

- Extending networks and digital access (e.g. through satellite) to rural areas.
- Promoting access to and affordability and use of connected digital devices (e.g. smart phones, tablets, laptops), especially for low-income individuals.
- Boosting availability and promotion of e-banking and mobile money, especially to women and other disadvantaged categories.
- Increasing online safety and addressing online harassment.
- Providing education and training to improve digital literacy.

Developing domestic gender and e-commerce policies has the potential to enhance the expertise of member states' delegations at the WTO. Indeed, experience to date suggests that domestic policy experimentation can often serve as the foundation for new member state proposals at the WTO.

E-commerce company policies

While governments must lead by example on gender and e-commerce, the private sector must do its part. Some of the world's most powerful and profitable companies are e-commerce giants that have the financial means and wherewithal to foster positive change. While many regulatory issues pertain to e-commerce companies – including competition law, taxation policy and labour standards – some of the measures specific to gender that should be prioritized include:

- Collecting and sharing gender data on sellers to help track and understand the seller base and to assess opportunities to enhance the platform and services for women.
- Gathering sex-disaggregated data on those in leadership positions at e-commerce companies.
- Monitoring seller preferences and performance by gender to track gender gaps.
- Making women aware of loans and other financing options available through the digital platform.
- Educating women on other available options including grants or other saving programmes should loans be considered too risky.
- Increasing training and networking opportunities for women through the digital platforms.
- Encouraging women sellers to use paid promotional features.
- Facilitating greater algorithmic transparency.
- Addressing hiring practices to ensure women are promoted within companies.

These companies should also be encouraged to support the WTO's work on e-commerce. While only member states can negotiate, the private sector can better educate governments on gender e-commerce issues, technical concerns, data collection and other developments. Where education does not fully address the issues, regulatory measures may be required.

References

- Asia-Pacific Economic Cooperation (2020). *Supporting Women in Starting Online Businesses Program: APEC Small and Medium Enterprises Working Group*. <https://www.apec.org/publications/2020/03/supporting-women-in-starting-online-business-program>.
- Australia and the United Kingdom of Great Britain and Northern Ireland (2021). Free Trade Agreement. <https://www.dfat.gov.au/trade/agreements/not-yet-in-force/aukfta/official-text>.
- Berg, J., Furrer, M., Harmon, E., Rani, U., and Silberman, M.S. (2018). *Digital labour platforms and the future of work: Towards decent work in the online world*. Geneva: International Labour Organization. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_645337.pdf.
- Bilaterals.org (n.d.) WTO plurilateral ecommerce draft consolidated text. <https://www.bilaterals.org/?wto-plurilateral-ecommerce-draft>.
- Bomin, K. (2020). 'Analysis of Gender Chapter in Five Free Trade Agreements and Its Lessons for Korea,' 24(6). *Journal of Korea Trade*. <http://www.koreascience.or.kr/article/JAKO202018248689519.pdf>.
- Chile, New Zealand and Singapore (2020). Digital Economy Partnership Agreement. Module 11 Digital Inclusion. http://www.sice.oas.org/trade/DEPA/DEPA_Module11_e.pdf.
- Dommen, C. (2021). 'How can WTO talks on e-commerce benefit women? If only we knew,' Human Rights Economics. <https://humanrightseconomics.ch/2021/gender-equality/gendered-impacts-of-wto-e-commerce-talks/>.
- Global Affairs Canada (2019). Preventing the use of Personal Information from being used for the Discrimination or Persecution of Natural Persons. Concept Paper (4 September 2019). <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/statement-concept-ecom-declaration-reflexion-09.aspx?lang=eng>.
- Government of Canada (2018). Canada-Israel Free Trade Agreement. <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/text-texte/13.aspx?lang=eng>.
- Government of Canada (2019). Canada-Chile Free Trade Agreement. https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/chile-chili/fta-ale/index.aspx?lang=en&_ga=2.232675101.321642341.1660269162-1603950834.1658169228.
- Government of Canada (2022). Background: Canada's possible accession to the Digital Economy Partnership Agreement. <https://www.international.gc.ca/trade-commerce/consultations/depa-afen/background-information.aspx?lang=eng>.
- GSMA (2022). *The Mobile Gender Gap Report 2022*. https://www.gsma.com/r/wp-content/uploads/2022/06/The-Mobile-Gender-Gap-Report-2022.pdf?utm_source=website&utm_medium=download-button&utm_campaign=gender-gap-2022.
- Gurumurthy, A., and Chami, N. (2019). 'From ill-founded delusions to real possibilities: An e-commerce agenda for women's empowerment,' *Feminist Digital Justice*, 2. https://itforchange.net/sites/default/files/1786/Feminist%20Digital%20Justice%20Issue%20Paper%20_20updated%20name%20and%20logo.pdf.
- Hyperwallet (2017). *The Future of Gig Work is Female: A study on the behaviors and career aspirations of women in the gig economy*. https://www.hyperwallet.com/app/uploads/HW_The_Future_of_Gig_Work_is_Female.pdf.
- International Finance Cooperation (2021a). *Women and E-commerce in Africa*. <https://www.ifc.org/wps/wcm/connect/47361305-6ebe-431a-8dd9-db2290919823/202105-digital2equal-women-and-e-commerce-africa.pdf?MOD=AJPERES&CVID=nCGRGTr>.
- International Finance Corporation (2021b). *Women and E-commerce in Southeast Asia*. <https://www.ifc.org/wps/wcm/connect/04f295ac-172b-4c74-8957-700609c293d4/202105-digital2equal-women-and-e-commerce-southeast-asia.pdf?MOD=AJPERES&CVID=nCGTdWq>.
- International Labour Organization (2021). *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*. Geneva: ILO. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_771749.pdf.
- International Telecommunications Union (2020). The digital gender gap is growing fast in developing countries. <https://itu+.foleon.com/itu/measuring-digital-development/gender-gap>.
- Ismail, Y. and Hirani, H. (2021). *Addressing the Gender Dimension of E-Commerce: Towards a Holistic Analytical and Policy Framework*. Geneva: CUTS International. https://www.cuts-geneva.org/pdf/KP2021-Study-Gender_Dimension_of_E-Commerce.pdf.
- Krishnan, A., Banga, K., Raga, S., Pettinotti, L., and Mendez-Parra, M. (2020). *Ag-platforms as disruptors in value-chains: evidence from Uganda*. ODI AgriTech Report Series. https://cdn.odi.org/media/documents/odi-jr-eif-agrtechreport4-may20-proof01_final2311.pdf.
- Kochling, A., and Wehner, M.C. (2020). 'Discriminated by an algorithm: a systematic review of discrimination and fairness by algorithmic decision-making in the context of HR recruitment and HR development,' 13. *Business Research*, pp. 795–848.
- Lin, Ying (2022). Global Ecommerce Sales Growth Report for 2021-2026. Shopify. <https://www.shopify.com/blog/global-ecommerce-sales>.
- LinkedIn (2019). *AI Talent in the European Labour Market*. <https://economicgraph.linkedin.com/content/dam/me/economicgraph/en-us/reference-cards/research/2019/LinkedIn-AI-Talent-in-the-European-Labour-Market.pdf>.
- Monteiro, J.A. (2018). Gender-related Provisions in Regional Trade Agreements. WTO Economic Research and Statistics Division, Staff Working Paper ERSD-2018-15. Geneva: WTO. https://www.wto.org/english/res_e/reser_e/ersd201815_e.pdf.
- Shopify (2022). What is Ecommerce? Definition and Guide. <https://www.shopify.com/ca/blog/what-is-ecommerce>.
- Sugali, K., Sprunger, C., and N Inukollu, V. (2021). 'Software Testing: Issues and Challenges of Artificial Intelligence & Machine Learning,' *International Journal of Artificial Intelligence and Applications*, 12(1), pp. 101–112. <https://doi.org/10.5121/ijaia.2021.12107>.

Taylor, Y., and Wright, N.L. (2018). 'The future of public procurement in the era of digitalization.' World Bank Blogs. <https://blogs.worldbank.org/governance/future-public-procurement-era-digitalization>.

World Bank and World Trade Organization (2020). *Women and Trade: The Role of Trade in Promoting Gender Equality*. Washington, DC: World Bank. https://www.wto.org/english/res_e/booksp_e/women_trade_pub2807_e.pdf.

Women Entrepreneurs Finance Initiative (2021). *2021 Annual Report: Pivoting toward a resilient future*. <https://we-fi.org/wp-content/uploads/2022/03/We-fi-2021-Annual-Report.pdf>.

World Trade Organization (1998a). Declaration on global electronic commerce – adopted on 20 May 1998, WT/MIN(98)/DEC/2. https://www.wto.org/english/thewto_e/minist_e/min98_e/ecom_e.htm.

World Trade Organization (1998b). Work Programme on Electronic Commerce – Adopted by the General Council on 25 September 1998, WT/L/274. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/274.pdf&Open=True>.

World Trade Organization (2019a). Joint Statement on Electronic Commerce, WT/L/1056 (25 January 2019). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/1056.pdf&Open=True>.

World Trade Organization (2019b). Making Aid for Trade work for women. https://www.wto.org/english/tratop_e/womenandtrade_e/a4t_women_e.htm.

World Trade Organization (2019c). Work Programme on Electronic Commerce – General Council Decision, WT/L/1079 (11 December 2019). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/L/1079.pdf&Open=True>.

World Trade Organization (2021a). General Council decides to postpone MC12 indefinitely https://www.wto.org/english/news_e/news21_e/mc12_26nov21_e.htm.

World Trade Organization (2021b). WTO Joint Statement Initiative on e-commerce statement by Ministers of Australia, Japan and Singapore. https://www.wto.org/english/news_e/news21_e/ji_ecom_minister_statement_e.pdf.

United Nations (2021). *COVID-19 and e-commerce: A global review*. https://unctad.org/system/files/official-document/dtlstict2020d13_en_0.pdf.

United Nations Conference on Trade and Development (2020). *Gender and Trade: Assessing the Impact of Trade Agreements in Gender Equality: Canada-EU Comprehensive Economic and Trade Agreement*. https://unctad.org/system/files/official-document/UNWomen_2020d1_en.pdf.

United Nations Educational, Scientific and Cultural Organization (2020). *Artificial Intelligence and Gender Equality: Key Findings of UNESCO's Global Dialogue*. Paris: UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000374174>.

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