

Women workers rights in EU legislation and standards

Baseline study Decent Work for Women



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1. Context

Hivos has launched its 5-year “Decent Work for Women” program in 2016, with the objective to implement the right to decent work for women under poor conditions in global horticulture value chains. Hivos will focus its efforts on the following eight African countries: Ethiopia, Kenya, Malawi, Rwanda, Tanzania, Uganda, Zambia, Zimbabwe. In order to design and monitor an effective program, a baseline measurement of the current state of affairs is required, as well as an assessment of possible routes to improve working conditions of these women. This research helps Hivos with achieving two out of eight desired program outcomes, one focused around EU legislation, the other on voluntary standards.

1.1 The Decent Work for Women program

Hivos has recently finished its program “Women@Work”, that ran from 2011 to 2015. Its successor program is “Decent Work for Women”, runs from 2016 to 2020. The program is implemented by Hivos in partnership with the Dutch Ministry for Development Cooperation. “Decent Work for Women” focuses on horticulture value chains in eight countries in East and Southern Africa, where women represent the majority of the workforce and perform mainly the unskilled, lowest paid and most flexible jobs.

“Decent Work for Women” works towards an ambitious Objective: *“The implementation of the right to decent work for women under poor conditions in global horticultural value chains by making global horticultural value chains gender inclusive”*. Here, gender inclusive value chains mean that women workers and female entrepreneurs are being integrated in a stable and beneficial supply chain. The road to the Objective is supported by eight targeted Outcomes, as given in the figure below. Outcomes 1, 4, 5 and 6 take a upstream perspective, by defining targets for the targeted countries and producers in these countries. Outcomes 2, 3, 7 and 8 take a downstream perspective by focusing on the EU, the Netherlands and consumers in these markets.

Central in achieving the Outcomes is Hivos’ Theory of Change, in which a Lobby and advocacy strategy is key (Hivos, 2015).

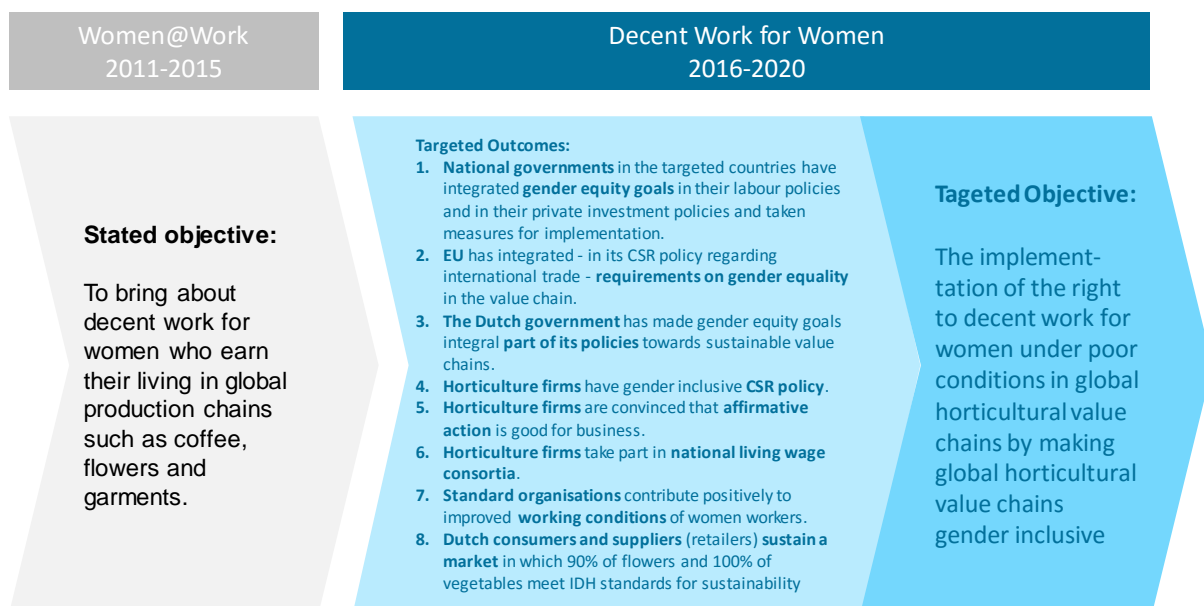


Figure 1: The Decent Work for Women program builds on the Women@Work program (Hivos, Terms of Reference, 2016)

1.2 Objective and general approach

Hivos has asked True Price to research and establish the baseline for the outcomes around European CSR policies and standard organizations (Outcomes 2 and 7):

- Outcome 2: EU has integrated - in its CSR policy regarding international trade - requirements on gender equality in the value chain
- Outcome 7: Standard organisations contribute positively to improved working conditions of women workers.

Objectives of this research are two-fold. First, to provide an overview of how (women’s) working conditions are currently covered in EU legislation and standards. Secondly, to discuss expected developments and possibilities in which Hivos can promote further improvement of criteria around working conditions in EU legislation and standards.

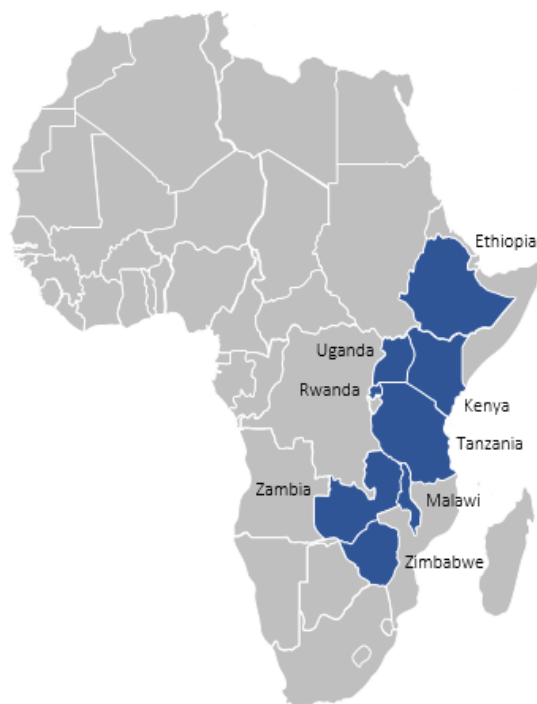
1.3 Outline of this report

The structure of this report is as follows.

Chapter 2 discusses the results with regards to EU legislation (Outcome 2), starting with an outline of the research approach (2.1); followed by a discussion on the current state of criteria on working conditions in EU legislation (2.2); the potential for change (2.3); a deeper analysis of selected legislation (2.4); and possible ways in which Hivos can shape its Theory of Change to achieve the outcome (2.5).

Chapter 3 follows a similar structure for discussing the voluntary standards (Outcome 7), starting with an outline of the research approach (3.1), followed by a the current state of social and gender criteria in standards (3.2) and the potential for change (3.3). A deeper analysis of selected standard (3.4) and possible ways in which Hivos can shape its Theory of Change to achieve the outcome (3.5).

Chapter 4 finalizes with a summary of this research.



■ “Decent Work for Women” countries Hivos

Figure 2: The Decent Work for Women program targets eight adjacent countries in Eastern Africa

2. Results on EU legislation

From a thorough desk research and interviews with experts it is concluded that EU legislation regarding workers' conditions in Africa is almost absent and mainly covered in trade law and legislative documents on EU-African development cooperation. Most EU legislation that include worker requirements refer to requirements as set in multilateral agreements, such as the ILO convention.

The impact of the EPA on women workers is yet unknown, but as four target countries are expected to sign an EPA, Hivos could monitor the impact compared to the baseline and non-signatories. This will enable Hivos to take an informed stand and use evidence based arguments.

2.1 Approach

This part of this research focuses on EU legislation that plays or can play a role in further improving decent work for women in value chains. Since horticultural value chains from the target countries are expected to be mostly governed by EU trade and CSR legislation, this has been the main focus of the desk research. Individual EU or African country law is part of the other baseline studies. Several interviews have been conducted to validate the data selection and to confirm and complement the analyses and results.

The relevancy of legislative instruments for the Decent Work for Women program has been assessed using multi-criteria analysis on five dimensions as shown in Table 1. To establish the relevancy, legislative instruments are scored on a [0=Low; 5=High] scale on each of the dimension, where higher scores indicate higher relevance. Also, results of the multi-criteria analysis were discussed during interviews with relevant experts and stakeholders in the horticultural value chains.

Dimension	Description
Current situation	
Social criteria	Indicates whether social criteria are included and how specific and granular these criteria are defined. General social criteria also apply to women and indicate opportunities for gender criteria.
Gender criteria	Indicates if gender criteria are included in the current form of the legislation and how specific and granular these criteria are defined.
Potential for change	
Enforceability	Indicates how binding and enforceable the legislation is as indication of the power of the legislative instrument.
Proximity	Direct impact of inclusion of more social criteria in the legislation on workers in the value chain.
Changeability	Indicates likelihood that legislation is adapted in the near future - based on information on a. planned revisions and b. the required change process. Revisions may lead to additional social and gender criteria being part of the legislation.

Table 1 Dimensions of EU legislations

Selection of legislative instruments to be assessed in the multi-criteria analysis was done in a four - step process, as also shown in *figure 1*.

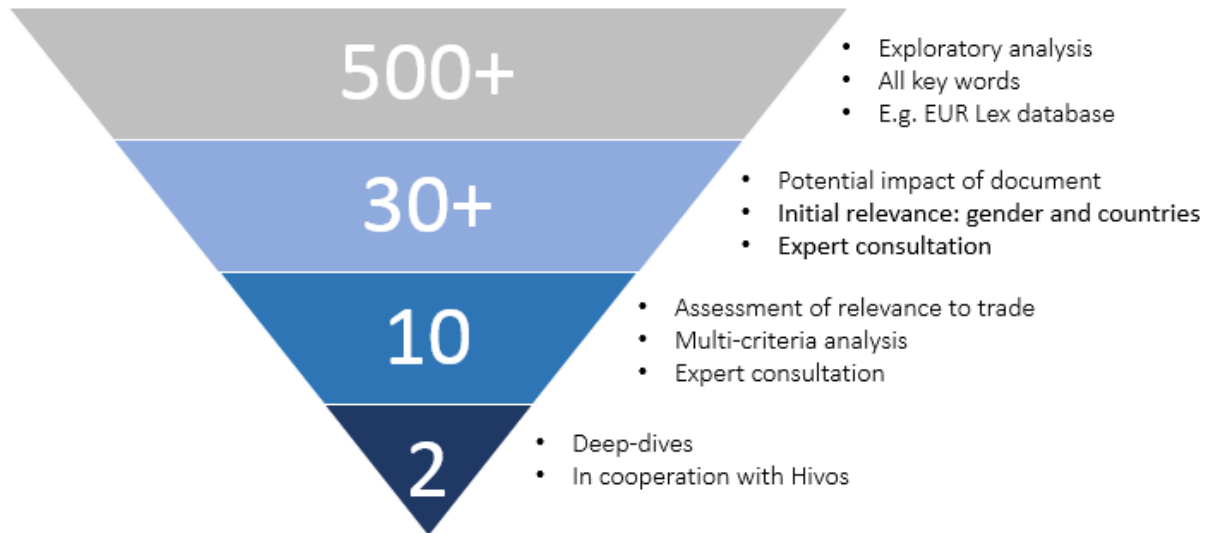


Figure 3: process of selecting sources for multi-criteria analysis and deep-dive (simplified)

Firstly, laws and other legislative instruments were collected from public key sources, including the EUR Lex database on EU legislation, based on simple (combinations of) key words, such as ‘Working Conditions’, ‘Working Conditions’ and ‘Female’. This resulted in >500 hits. Note that these hits do not only contain laws and regulation made by the EU, but also by institutions such as the ILO and OECD, as their conventions and recommendations are widely accepted in the EU and frequently are referred to by EU legislation.

Secondly, out of the long-list of sources most were discarded as their titles implied irrelevancy. More than 30 legislative instruments remained based on the apparent relevance for Hivos. References to these legislations can be found within the appendix of this report. Thirdly, of these sources the relevant articles were scanned and ten sources were selected and assessed in the multi-criteria analysis. These are key documents to guide corporate conduct in the value chain, mandated by the EU in other international institutions. Hivos could use these documents for her lobbying activities towards international institutions to make them more effective by pushing for adjustment of the texts as well as for enforcement. The ten sources are summarized in table 2. Lastly, from this ten, two have been chosen in consultation with Hivos as most interesting legislative for an in-depth investigation. The selection and the in depth investigation has been complemented with expert interviews.

2.2 Current situation: European legislation

In this paragraph we provide an overview of the current EU legislative situation with regards to imported horticultural products from the target countries that can influence workers labour rights. We selected ten documents that appeared to be most important based on the approach described in the previous section: Cotonou Agreement, Democracy and human rights, East African Community - EPA, East and Southern Africa - EPA, European Development Fund, Generalised System of Preferences, ILO Declaration, OECD Guidelines, Products originating from ACP and the UN Guiding Principles for Business and Human Rights. Expert interviews confirmed that these documents determine the legislated context for EU horticulture import and workers’ rights.

Name	Type	Regulatory body	Description
Cotonou Agreement	Partnership agreement	European Union	Partnership agreement between the African, Caribbean and Pacific Group of States and European Community.
Democracy and human rights	Regulation	European Union	Regulation establishing a financing instrument for the promotion of democracy and human rights worldwide.
East African Community – EPA	Partnership agreement	European Union – EAC countries	Trade agreement with Europe, mainly based on facilitation of import taxes, and entails a number of intentions to work on social issues.
East and Southern Africa - EPA	Partnership agreement	European Union – ESA countries	Trade agreement with Europe, mainly based on reduction of poverty and improvement of trade conditions.
European Development Fund	Regulation	European Union	Regulation establishing a financing instrument for development cooperation for the period 2014-2020.
Generalised System of Preferences	Regulation	European Union	Regulation applying a scheme of generalised tariff preferences, explanation of GSP, GSP + and EBA.
ILO Declaration	Principles and guidelines	ILO	Fundamental principles and rights at work (taking up challenges of globalization).
OECD Guidelines	Principles and guidelines	OECD	Non-binding principles and standards for responsible business conduct in a global context.
Products originating from ACP	Trade agreement	European Union	Agreement applying the arrangements for products originating from ACP Group of States, document lead to EPA.
UN Guiding Principles	Principles and guidelines	United Nations	Fundamental responsibilities in the areas of human rights, labour, environment and anti-corruption.

Table 2: Overview of 10 sources used in the multi-criteria analysis

2.2.1. Inclusion of social criteria

Table 3, illustrated below, indicates what the current situation is with regards to focusing on workers' social issues. Social topics are mentioned in all ten documents, but are phrased in abstract terms limiting the power of these requirements. The ESA EPA phrase “promote sustainable agriculture” and the EAC EPA phrase on the tackling of “socio-cultural barriers” are exemplary. The ILO Declaration seem to be the most elaborate and specific document, although this content is not enforceable. The ILO provides supporting documents for its principles discussing what organizations can do to improve social standards. Moreover, as mentioned before, some of the regulations and agreements refer to the guidelines set by ILO, OECD and UN.

Name	Formal position social criteria	Human Rights and Local Communities	Conditions of Work and Social Protections	Employment and Employment Relationships	Human Development and Social Dialogue	Brief summary social criteria
Cotonou Agreement	Articles 9, 13, 20, 25-33, 48, 50, 56, 69, 72, 73.	✓	✓	✓	✓	The objectives of ACP-EU development cooperation shall be pursued through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that must be locally owned.
Democracy and human rights	Articles 1 – 3.	✓		✓	✓	Respect, promote and protect human rights: essential element of contractual relations with third countries.
East African Community – EPA	Articles 31 83, 93, 128, Specific on Agriculture: Articles 57-59, 72.	✓	✓	✓	✓	Sustainable agricultural development, which include but is not limited to food and livelihoods security, rural development and poverty reduction in the EAC Partner States.
East and Southern Africa - EPA	Articles 18, 21, 38, 43, 56, 60.	✓	✓	✓	✓	Promote sustainable agriculture, improve production, productivity and diversification, develop agro-industry, trade and ensure food security.

Name	Formal position social criteria	Human Rights and Local Communities	Conditions of Work and Social Protections	Employment and Employment Relationships	Human Development and Social Dialogue	Brief summary social criteria
European Development Fund	Articles 2, 3, 5, 7, 10, 12, Annex I	✓	✓	✓	✓	Geographic programs shall be drawn from, among others, the following areas of cooperation: <ul style="list-style-type: none"> - Human rights, democracy and good governance; - Inclusive and sustainable growth for human development.
Generalised System of Preferences	Article 9, Annex VIII.	✓	✓	✓	✓	The reasons for temporary withdrawal of the arrangements under the GSP should include serious and systematic violations of the principles laid down in certain international conventions concerning core human rights and labour rights.
ILO Declaration	Fundamental principles and rights.	✓	✓	✓	✓	The declaration considers social justice as the essential to universal and lasting peace. Elaboration of these principles and rights.
OECD Guidelines	Recommendation and implementation	✓	✓	✓	✓	International cooperation can encourage the positive contribution which multinational enterprises can make to economic, social and environmental progress.
Products originating from ACP	-					-
UN Guiding Principles	Principle 1-6	✓	✓	✓	✓	Principles are completely based on human rights and labour.

Table 3: overview of social criteria

2.2.2. Inclusion of gender criteria

“Promotion of gender equality”, “equal opportunities for men and women” and “elimination of discrimination” are the main gender criteria used in the legislative instruments, see table 4. Like the social criteria, the documents do not set hard requirements concerning gender criteria. Existing legislation mostly emphasize the basic promotion of gender equality or refer to the principles and guidelines set by ILO, OECD and UN. E.g. the Cotonou Agreement states that countries should “promote human and social development helping to ensure that the fruits of growth are widely and equitable shared and promoting gender equality”.

Name	Formal position gender criteria	Brief summary gender criteria
Cotonou Agreement	Article 9.2; Article 20.2b.	<ul style="list-style-type: none"> - Protection of all fundamental freedoms and human rights: equality of men and women. - Promoting gender equality.
Democracy and human rights	Article 2.1b(iii); Article 2.1b(v); Article 2.2.	<ul style="list-style-type: none"> - Fight against racism and discrimination, including sex. - Promotion and protection of gender equality. - Take into account: empowerment, participation and non-discrimination of vulnerable groups.
East African Community – EPA	Article 83(i)(iii); Article 89(g)(ii).	<ul style="list-style-type: none"> - Addressing socio-cultural barriers, such as gender biases - Promotion of gender equity, only in fisheries section of the document.
East and Southern Africa - EPA	Article 25.1(f)(ii); Article 38.2(h); Annex (IV).	<ul style="list-style-type: none"> - Promotion of gender equality in fishing industry. - Gender mainstreaming.
European Development Fund	Article 3.2(c); Article 5.3(a)(ii); Annex I, Annex II.	<ul style="list-style-type: none"> - Gender equality is a general principle. - Gender equality, empowerment of and equal opportunities for women in geographic programs. - Promoting equality, protection women rights. - Supporting national, regional and global initiatives.
Generalised System of Preferences	Article 9.5; Article 9.11.	<ul style="list-style-type: none"> - Core human and labour rights: eliminate all forms of discrimination against women, equal remuneration.
ILO Declaration	Fundamental principles and rights.	<ul style="list-style-type: none"> - The elimination of discrimination in respect of employment and occupation. - Equality of opportunity.
OECD Guidelines	Recommendation V.1(e).; Recommendation IV.40; 54; 58.	<ul style="list-style-type: none"> - Promote greater equality of employment opportunity. - Principle of equality of opportunity and treatment in employment and no discrimination. - Equal criteria for selection, remuneration, and promotion
Products originating from ACP	-	-

UN Guiding Principles	Principle 1; Principle 6	<ul style="list-style-type: none"> - Human rights, special attention to vulnerable groups (including women). - Elimination of discrimination
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Table 4: overview of gender criteria

2.3. Potential for change

The ILO Declaration is identified as the legislative instrument with the most and elaborated social and gender criteria. However, the ILO Declaration is not directly legally binding. To identify the most potential legislation(s) for Hivos, a multi-criteria analysis has been conducted on three dimensions: enforceability, proximity and changeability. Interesting could be to look into the possibilities of extending the social and gender criteria within the binding legislations, for example by referring to the ILO.

Below the results of the multi-criteria analysis and a discussion of the results.

Name	Current situation		Potential for change		
	Social criteria	Gender criteria	Enforceability	Proximity	Changeability
East and Southern Africa Economic Partnership Agreement (ESA - EPA)	Low	Low	High	High	High
East African Community Economic Partnership Agreement (EAC- EPA)	Low	Low	High	High	High
Generalised System of Preferences (GSP)	High	High	High	High	High
Cotonou Agreement	High	High	High	High	High
European Development Fund (EDF)	High	High	High	High	High
Products originating from ACP	Low	Low	High	High	High
Democracy and human rights	Low	Low	High	High	High
UN Guiding Principles	High	High	High	High	High
ILO Declaration	High	High	High	High	Low
OECD Guidelines	High	High	High	High	Low

Legend	Low =						= High
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Table 5 Multi-criteria analyses of selected legislation

2.3.1. Enforceability

The enforceability dimension is focused on the legal power of the content of the document. A legislative document is considered as enforceable in case you can make a statutory demand to the

court. Seven out of the ten selected legislative instruments are legally enforceable (regulations, trade agreement and partnership agreements). The remaining three are important principles and guidelines that are often referred to in laws and other enforceable legislation, but they are generally speaking not directly binding and enforceable in and on itself. The Cotonou Agreement, the European Developed Fund (EDF) and the Generalised System of Preferences (GSP) regulation all refer to the ILO Declaration on Fundamental Principles and Rights at Work. GSP also refers to the ten principles of the UN Global Compact in its content. The UN Declaration on the Right to Development is referred in the EDF and in the GSP regulation as well. Furthermore, these two documents contain criteria established by the OECD.

2.3.2. Proximity

The proximity dimension shows that the ESA EPA, the EAC EPA and the GSP regulation have the highest potential impact when it comes to improving social working conditions in value chains. The ESA and EAC EPAs are trade agreements that jointly cover all target countries governing the full value chains. These legislative instruments are also of importance for the producers within the ACP countries. Producers are directly affected by the EPAs by receiving more export opportunities. For example, the Kenyan horticultural sector pushed hard for Kenya to rejoin the EAC EPA negotiations as they faced European import duties of 5% to 8.6% harming their exports after Kenya left the negotiations (Otieno, 2014).

The unilateral agreement on the GSP scheme provides similar benefits. The GSP regulates a trade preferential system for ACP countries. It states, among other things, that development countries are eligible for preferential trade conditions under the condition that human rights in those countries are not severely infringed upon. In this way, it has potential to stimulate improvement in working conditions. This incentive is lighter than with the EPA's as the threshold for penalizing violations is perceived to be much higher. However, Myanmar was suspended for a period of sixteen years as a result of the country's serious and systematic violations of core international conventions on forced labour (Commission, EU re-opens its market to Myanmar/Burma, 2013). Part of the GSP scheme is the GSP+ status. This status provides more advantages compared to GSP, often with full removal of tariffs on the condition that they ratify and implement core human and labour rights in ILO/UN conventions.

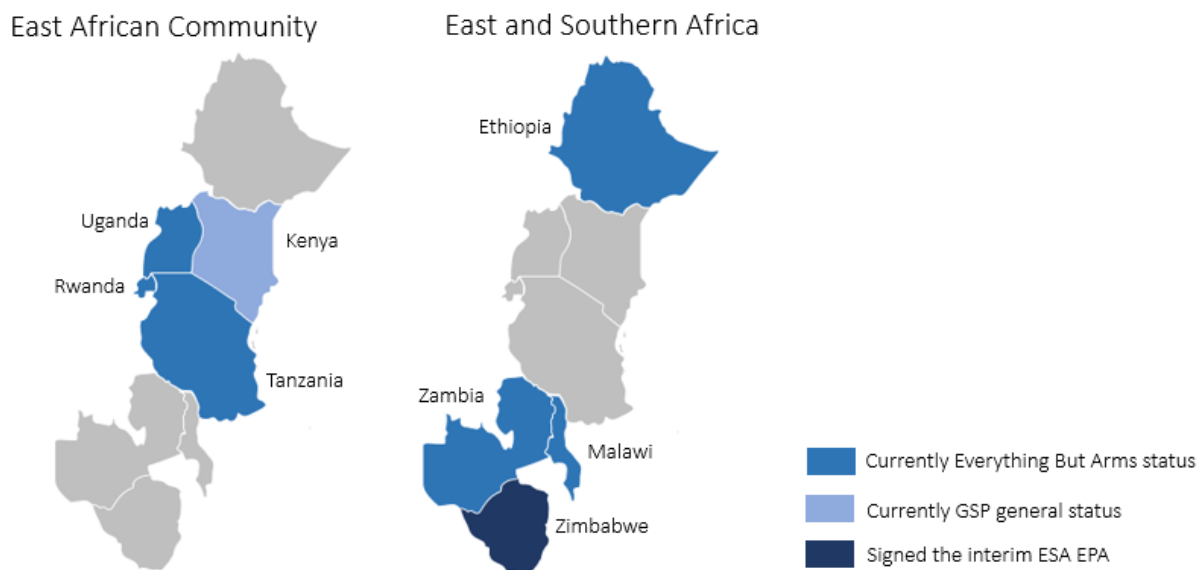


Figure 4: Current trade status of target countries

The Cotonou Agreement is one shade lighter, because on itself this legislation can have a high potential impact. But, the Cotonou Agreement sets the framework for ACP-EU cooperation on trade, development and political cooperation and does not affect the African producers directly.

The ILO, OECD and UN documents mostly target multinational enterprises and therefore have indirect impact on value chains including more stringent social criteria. This lower impact also counts for the EDF, Democracy and human rights and products originating from ACP documents, since these are not directly regulating the value chains between the European Union respectively and the African countries. These three legislative documents are a guidance for the final policy.

2.3.3. Changeability

The EPAs, the Cotonou Agreement, the GSP and the EDF seem most changeable for different reasons. First, the EPA processes are still ongoing and the documents are not signed yet. Second, the Cotonou Agreement and GSP regulation will both expire within the upcoming years, 2020 and 2023 respectively. However, the expiration of the GSP regulation does not apply to the Everything But Arms (EBA) arrangement. The EU's EBA arrangement provides the least developed countries (LDCs) full duty free and quota-free access to the EU for all their exports with the exception of arms and armaments. Concerning the EDF policy, the document indicates that the content of the programs may be reviewed where necessary.

The three principles and guidelines documents seem less changeable within the timeframe of the Hivos program, since revisions require a long multi-stakeholder process. Also, revisions have been made recently, e.g. the OECD Guidelines were revised in 2014 and 2015 (OECD, 2014-15 Revision of the OECD Guidelines on Corporate Governance of State-Owned Enterprises, 2015) and the ILO conventions between 1995 and 2002 (indicating the long-length process of revisions) (ILO, 2016). The regulation on Democracy and Human Rights contains communication on the establishment of a framework for the promotion of democracy and human rights worldwide. This document is unlikely to be changed, as it provides the base for this policy goal of the EU Internal Cooperation and Development Commission. It will be more likely that other legislative documents will be implemented in accordance to this law. Lastly, the agreement on products originating from ACP has become obsolete, since it will be followed up by EPAs.

2.3.4. Selection of deep-dive

Altogether, the multi-criteria analysis shows that the EPAs, the Cotonou Agreement and regulation on GSP score highest on the five dimensions and are therefore most interesting to Hivos. The four concerning documents are thus enforceable and proximity and changeability are both high. As Europe is pushing the EPAs as replacement of the Cotonou agreement and GSP in conjunction with Hivos we selected the EPAs for further assessment

2.4. A closer look at Economic Partnership Agreements

The East and Southern Africa (ESA) and East African Community (EAC) EPA are described in further detail below, since these two agreements cover the eight target countries of Hivos in Africa.

2.4.1. Current status of the EPAs

The Economic Partnership Agreements (EPAs) are reciprocal trade agreements aimed at economic development and regional economic integration of ACP countries. These agreements are negotiated between the ACP countries and the European Union. The stated aim of the EU with the EPAs is to boost economic development, prosperity and integration into the world economy of ACP countries (Commission, Benefits of Economic Partnership Agreements, 2013). EPAs have been announced already within the setting of the Cotonou agreement in 2000. Their main scope is cooperation within the fields of trade, development and politics. International trade is seen as a main driver of economic

development in ACP countries. The focus of the agreement is on trade provisions, but the agreement does also shape the development cooperation between the EU and the ACP countries; ACP countries can set their own priority areas for development aid, which are summarized in the so-called development matrix in the EPA. Development projects falling within the topics mentioned in the development matrix can be financed through the European Development Fund.

There are currently seven EPAs under development, two of which cover the African target countries of Hivos: The East African Community and the East and Southern Africa, see figure 3. The East African Community EPA includes, Kenya, Rwanda, Tanzania and Uganda. The negotiations on this agreement finished in 2014 and the agreement is expected to be signed this summer and ratified this year.. Figure 4 shows the expected situation of the EPA participants. Next to the EAC EPA, the negotiations on the East and Southern Africa EPA includes Ethiopia, Malawi, Zambia and Zimbabwe. Zimbabwe already signed the provisional interim ESA EPA, which is applied since 2012. There are still some open issues, and the last known formal negotiation round between the EU and the ESA countries has already been a while ago, in November 2011. In March 2015 the ESA countries decided to resume the negotiations with the EU, but, no date has been announced yet (Commission, Overview of EPAs - State of Play, 2016) and the European Commission is not aware of any new initiative reviving the negotiations (personal communications, 2016).

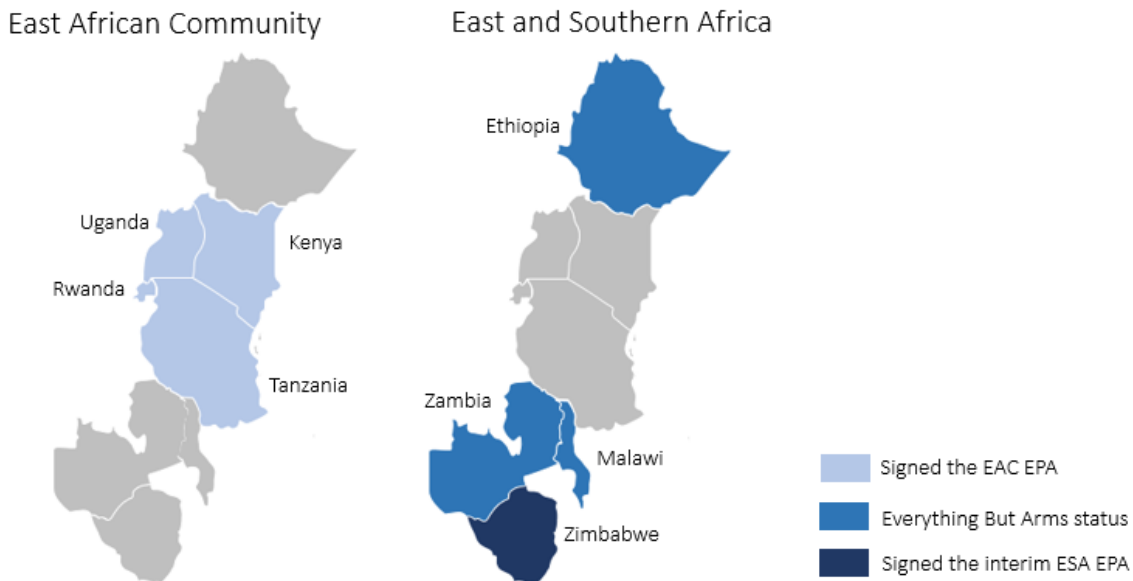


Figure 4: Expected trade status of the target countries

2.4.2. EPAs and workers' conditions

The agreements contain relatively little on improving social conditions and do not explicitly specify any social and gender requirements regarding working conditions. First, the document is mainly a trade agreement and covers relatively little on improving social conditions, although not infringing human rights is a key condition for participating in the EAC EPA. Second, the ESA EPA does contain a reference to the ILO standards, but only in the section on cooperation on marine fisheries (Lerch, 2015). One of the explanations given for the lacking criteria on working conditions, is that social criteria should be set per individual value chain and not in a general trade agreement: dynamics and needs are too different across value chains to set general social criteria.

2.4.3. Stakeholders and their positions in the EPA negotiation process.

The two main formal stakeholders involved in the EPA negotiation processes are the European Commission and the ACP Group of States, the overarching representative of the ACP countries in the

EPA negotiation process. Below the views of main stakeholders in Europe involved in the EAC and ESA EPA negotiations. Focus has been on identifying relevant stakeholders from within Europe, in line with the overall focus of this research.

According to the European Commission (Commission, Benefits of Economic Partnership Agreements, 2013), EPAs provide participating ACP countries full duty free and quota free access to the EU market, whereas the ACP countries are required to open at least 75% of their markets to the EU for export. The European Commission claims that EPAs will produce healthy competition on the EU market, increase the variety of goods, and grow the ethical choices for EU countries. Moreover, despite the existence of the EBA scheme for LDCs, the European Commission indicate that EPAs have more to offer to these African countries comparing to the EBA scheme. E.g. as a reciprocal agreement legal certainty for EPA countries is higher, EPAs contain more flexible rules of origin (products with input from other countries), provide provisions for business and economic development of the countries, and EPAs help promote regional trade and development solutions.

However, the effectiveness of EPAs in realizing economic development is contested (Aid, 2004). On the one hand decreasing the trade barriers could boost export from the target countries to the EU. This would then stimulate production and labor demand, which would result in increased economic welfare. On the other hand, EPAs could also have an adverse effect on the competitive position of the target countries. Contesters state that the conditions of the EPAs are more in favor of the EU and will unevenly boost its own international trade. If this is this case, then pressure on costs would be a result, which subsequently could harm the working conditions and economic welfare in the African countries.

African countries are quite reluctant towards EPA's, but are not provided a suitable alternative to EPAs, (Aid, 2004) forcing them to sign the EPA EPAs. When Kenya exited the EPA negotiations EU the EU raised import duties on Kenyan horticultural products .This resulted in significant EU export losses concerning cut flowers and horticultural products (Otieno, 2014). Cornered by this measurement, Kenya stepped back into the EPA negotiations in order to regain their preferential trade status.

Civil Society is very critical to the EPA negotiation process. A wave of protests by civil society organizations came up after the beginning of the EPA negotiations with South and Eastern Africa in 2004 (ANP, 2004). Oxfam Novib, ICCO, Both ENDS and SOMO have been the most active protesting NGOs in the Netherlands in the years after, pledging for better representation of the African countries in the EPA negotiations. These four organizations have published several public briefing notes, reports and letters to the Dutch government on the adverse effects of the EPAs (Koenders & Heemskerk, 2010). Oxfam Novib headed the 'Stop EPA'-campaign in 2004, which involved many European NGOs, political and entertainment celebrities (Faber & Orbie, 2009). Many protests attended by these and other NGOs were held in the years after. As a result, local governmental and non-governmental stakeholders in Africa were more involved in the negotiations, and EU member countries gave more attention to the EPA negotiations.

Although in the period from 2004 to 2007 many attention was drawn to the ACP EPA negotiations, attention seems to have dropped steeply after 2009, short after the signing of the interim EPAs (BuZa, 2009). From then, attention has been shifted to different topics, although an annual ‘Stop EPA’-day is organized by among others Belgian NGO 11.11.11 (11.11.11, 2014). In 2012, Both ENDS organized a discussion evening on the EPAs together with other NGOs (BothENDS, 2012). Most recently, ActionAid published a report on the socio-economic effect of the interim-EPA in Ghana in 2014, but the launch of this report seemed not part of a wider EPA movement (Ghana, 2013).

“As long as negotiating partners are not equal and certain pre-conditions are not met, the proposed trade agreements pose a serious threat to the development of the developing countries. Improvement of social and economic position of people should be one of the key central points in the discussion” – Jack van Ham, general director of ICCO

“The African countries are put under pressure in an unacceptable way. The EU committed itself to definition of alternatives to the EPAs and said it would not force countries to sign. Now, the approaching deadline is misused to impose the agreements that can be economically disastrous to these countries” – Adrie Papma, director Trade and Businesses at Oxfam Novib

“The European Commission obviously ignores the official question posed by African countries to protect their development approach and not to further liberalize investments via EPAs. This contradicts the new coalition agreement that states that Europe must make a case for the position of developing countries in these trade negotiations” – Myriam Vander Stichele, senior researcher at SOMO

Box 1: Citations of ICCO, Oxfam Novib and SOMO representatives on the EPAs (SOMO, 2007)

In the African countries, both governmental and non-governmental stakeholders are formally involved in the EPA process. This is done through three levels of negotiating committees (11.11.11. & ERO/FOS, 2005): **1.** A technical committee, including experts from African countries and regions, e.g. representatives from the Common Market for Eastern and Southern Africa (COMESA) and the South African Development Community (SADC); **2.** Regional and National negotiation platforms with governmental representatives and civil society organizations. These committees have an advisory role; **3.** Regional Preparatory Task Forces are in most regions present that work on specific files or topics related to the EPAs.

2.5. Potential for Hivos

As the EAC EPA is expected to be signed and implemented and there are no signs of further developing the ESA EPA the best option for Hivos seems to be to influence implementation of the EPA’s and non-EPA’s. There are various options for this:

1. Through the **EPA Consultative Committee**. This committee has the task to assist the governing bodies of the EPA (the Committee of Senior Officials and the EPA Council) and “to promote dialogue and cooperation between representatives of the private sector, organisations of civil society, including the academic community, and social and economic partners”. Focal point for this committee could be the small scale farmers mentioned in the EPA, the schedule for monitoring and reviewing of the EPA and the development matrix (Annex III) guiding the development assistance priorities within the EPA (This matrix is updated regularly)

2. Another interesting option for Hivos could be to influence the **Joint African European Strategy (JAES)**. This strategy guides the general development assistance and priorities regarding European African collaboration and thereby guides the priorities for European Development Fund. The JAES strives for stakeholder involvement, providing opportunities for Hivos to participate, more specifically Hivos could try and get involved in:
 - a. the **Joint Annual Forum (JAF)** covering all areas of cooperation within the framework of the Joint Strategy. Sectoral experts from member states, institutions, civil society organisations and other relevant stakeholders gather once a year to assess the progress made with regard to the implementation of the JAES. The next JAF is expected to take place in October 2016.
 - b. the **Africa-EU Civil Society Forum** gathers representatives from African and European civil society organisations with the aim to develop ideas to review the implementation of the Joint Africa-EU Strategy, to ensure full participation of civil society in the EU-Africa Partnership and to evaluate past experiences and discuss the future of the partnership.

Alternatively, Hivos could launch an advocacy campaign on the EAC EPA before the upcoming ratification phase of the agreement, since social requirements are not at all included in the current content. However, such advocacy would need to be implemented on the very short term and allowing for very limited time to prepare and execute a good advocacy strategy.

3 Voluntary standards

Certification standards aimed at consumers in Europe can play an important role in improving (women) working conditions in African horticulture through the value chain. Four key EU standards for horticulture products have been identified and assessed in a multi-criteria analysis: Fairtrade, MPS, Rainforest Alliance and EU organic farming label.

The EU Organic Farming Label was assessed in more depth as Hivos was least familiar with this label and it does have a high potential impact through the high market presence and legal base. Results of this deep dive suggest that inclusion of social criteria in the EU organic farming label might have large effect on working conditions of horticulture workers in Africa; however, it seems difficult to achieve in the nearby future, since inclusion of social criteria in the EU organic farming label are not a focus area of the labels current strategy. Instead Hivos could target various initiatives with multiple stakeholders involved, such as Kenyan national standard (KFC), the East African Organic Products Standards or ISEAL in which multiple global standards are collaborating.

3.1 Approach

There are several voluntary standards applied within the EU, including for horticulture products. Based on experience and a market scan, four voluntary standard organizations have been identified in consultation with Hivos as most relevant EU labels for horticulture: Fairtrade, MPS, Rainforest Alliance and EU organic farming label. The standards have been selected on their potential contribution to better working conditions on African horticulture farms via inclusion of more effective social and gender criteria. Fairtrade, MPS and Rainforest Alliance are selected because they are the main applied social standards for horticulture in Africa that include gender inclusion criteria. The EU organic farming label is selected for its strong market position in the EU market. These four labels are key standards guiding corporate conduct in the targeted value chains. Hivos could use these documents for her lobbying activities, both by pushing for enforcement as well as adjustment of the criteria, to make them more effective.

A multi-criteria analysis along three dimensions, outlined in Table , helped with assessing the potential effect of including more social criteria in the standards on the working conditions of women in Africa. Standards are scored on a relative [0=Low; 5=High] scale on each dimension, with higher scores indicating higher relevance compared to the other standards assessed. Interviews with experts have been conducted in order to test and enrichen the results of the multi-criteria analysis.

Dimension	Description
Current situation	
Social criteria	indicates if social criteria are included and how specific and granular these criteria are defined in the current version of the standards
Gender criteria	indicates if gender criteria are included and how specific and granular these criteria are defined in the current version of the standards
Potential for change	
Coverage	Indicates to what extent target countries and products of Hivos are in scope
Monitoring system	Indicates the strictness of the monitoring process
Market presence	Indicates the market presence and visibility of the standards in the Netherlands

Table 2 Dimensions of standards

Information on the standards has been collected from the ITC Standard Map database, annual reports, press releases and publications of the standard organizations, complemented by general reports.

3.2 Current situation: EU voluntary standards

A general outline of the current status of Fairtrade, MPS, Rainforest Alliance and EU organic farming label, including a discussion of the current social and gender criteria is provided below. The EU organic farming label is described in brief in this section; a deeper discussion of this label is given in the deep-dive, in section 3.4.

3.2.1 General situation standards

Fairtrade was founded in 1988 under the initiative of Solidaridad. Fairtrade currently represents more than 1.65 million smallholders farms and workers. Its mission is “to connect disadvantaged producers and consumers, promote fairer trading conditions and empower producers to combat poverty, strengthen their position and take more control over their lives (International, 2016)”. One of the activities of Fairtrade is standard setting for different sectors, including for example vegetables, flowers and plants, coffee and textile. These standards include an elaborate set of criteria on working conditions, where core ILO conventions are the main reference. There is a good fit between the strategic goals of Fairtrade and the Decent Work for Women Program; both see international value chains an important driver for poverty reduction and both aim to realize an equal distribution of trade benefits along the value chain to promote social development, social justice and respect of human rights (International, 2016).

MPS currently operates in over 55 countries, with around 4,000 participating growers. The association was founded in 1993 as the start of the ‘Milieu Project Sierteelt’, purely an environmental initiative, in the Westland region. Nowadays the organization aims to improve both environmental and social conditions along the value chain. Activities of MPS are fully focused on the horticulture sector. Its mission is to “ensure a better image for the entire international horticulture sector by making sustainability and quality demonstrable and by showing instructive urges towards improvement”. It does so by among others operating a set of eight different MPS standards, of which MPS-SQ and Fair Flowers Fair Plants cover social criteria. MPS-SQ is its main social standard, applicable to all horticultural products, while Fair Flowers Fair Plants focuses on flowers and plants only. MPS-SQ can be seen as one of the better standards in terms of social criteria: MPS-SQ has recently passed the international benchmark with the Global Social Compliance Program (GSCP), meaning that the standard complies with the high standards imposed by the GSCP (FloraCulture, 2016). Also, certificate holders of MPS standards are required to provide four-weekly reports as monitoring instrument, indicating control is high.

Rainforest Alliance was launched as a response to the destruction of rainforest and loss of biodiversity in 1986. Started as certificate for forest conservation, Rainforest Alliance expands to certification for horticulture in 1992 and has developed itself into a certificate scheme with a broad range of social and environmental criteria. Nowadays, horticulture products covered include among others fruit, vegetables and flowers, although coffee, tea and fruit (bananas) seem the most represented products when looking at the current list of certified farms (SAN, 2016). Rainforest Alliance currently has over 1,800 certified farms. These farms meet the standards set by the Sustainable Agriculture Network, of which Rainforest Alliance is one of the founders. This standard includes criteria on environmental topics, but also on for examples working conditions and occupational health and safety. Its mission is to “conserve biodiversity and ensure sustainable livelihoods by transforming land-use practices, business practices and consumer behaviour”.

The EU organic farming label is embedded in EU law since 2007, in Council Regulation 834/2007. The regulation lays down EU-wide minimum standards that ensure consumers in the EU can buy organic products under the certainty that minimum requirements are met. The standard includes criteria on organic farming; no social criteria are included. The EU organic farming label has been chosen as deep-dive in consultation with Hivos. More information on the background of and expected developments around this label are provided in section 3.4.

3.2.2 Inclusion of social criteria

Fairtrade has the most elaborate set of social criteria in its standards for smallholder and hired labour farms. From the ITC Standard Map database it can be seen that Fairtrade and MPS-SQ have the most elaborate set of social requirements along the themes “conditions of work and social protections”, “employment and employment relationships” and “human development and social dialogue”. Rainforest Alliance follows, with requirements on “human rights and local communities”, “conditions of work and social protections” and “employment and employment relationships”. EU Organic Farming currently does not cover any social criteria. The below table shows the amount of criteria per label for the different themes.

Theme	Fairtrade	EU organic farming label	MPS-SQ	Rainforest Alliance
Human rights and local communities	16	0	10	14
Conditions of work and social protections	25	0	18	14
Employment and employment relationships	31	0	31	14
Human development and social dialogue	12	0	10	4
Total	84	0	69	45

Table 7 Number of social criteria mentioned in label

3.2.3 Inclusion of gender criteria

Fairtrade and MPS have relatively most requirements related to gender issues according to the ITC Standard Map, including equal remuneration policies, women’s rights at work and incentives to women to develop their careers. Fairtrade currently implements twelve different gender criteria, MPS-SQ ten. Rainforest Alliance too covers gender criteria, but approximately half of what Fairtrade and MPS-SQ include. The EU organic farming label does not include any requirements related to gender issues. See Table 8 for a full overview of the gender criteria in the four labels.

Gender criteria	Fairtrade	EU organic farming label	MPS-SQ	Rainforest Alliance
Gender issues: general principle	✓		✓	✓
Gender policies and best practices	✓		✓	
Women's access to health and safety services	✓			
Gender considerations in impacts and risks assessment of production			✓	
Gender considerations in stakeholder engagement process			✓	

Women's rights at work	✓		✓	✓
Sexual exploitation / harassment	✓		✓	✓
Equal remuneration	✓		✓	✓
No discrimination at work	✓		✓	✓
Participation of women / minorities in management	✓			
gender policies at work - general principles	✓		✓	✓
Gender policies - Family-friendly policies to increase the labour force participation of women	✓		✓	
Gender policies - Development assistance policies which promote the economic role of women	✓			
Gender policies - Incentives to women to develop their careers	✓			

Table 8 Type of gender issues governed by the criteria, in accordance to the ITC Standards Map

3.3 Potential for change

Fairtrade and EU Organic farming are identified as the standards with highest potential influence on further improving working conditions. This is mainly explained by the fact that both labels have a relatively strong infrastructure in place to enable certification of African horticulture producers and high market share within the EU. An important side-note is that the EU organic farming label currently does not include any social criteria and fully focuses on environmental requirements. This makes it interesting to look into the possibilities of extending the criteria of this label with social criteria, as the upside potential is high. In light of the upcoming EPAs and expected intensification of ACP-EU trade, including social criteria in a legalized EU farming label could be a way to improve worker conditions of workers in African horticulture.

Below the results of the multi-criteria analysis and a discussion of the results.

Standard	Current situation		Potential for change		
	Social criteria	Gender criteria	Country coverage	Monitoring system	Market presence
Fairtrade	High	High	High	High	High
EU Organic Farming	Low	Low	High	High	High
MPS – MPS - SQ	High	High	High	High	Low
Rainforest Alliance (no veg./flow.)	High	High	Low	High	Low

Legend Low = = High

Table 9 Multi-criteria analyses of selected standards

3.3.1 Country coverage

Fairtrade and EU organic farming label have systems in place that cover all eight target countries: Ethiopia, Kenya, Malawi, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe. Fairtrade has relatively high presence in Kenya, with more than 80 certified hired labour flower and vegetables farms, and fewest certified farms in Malawi, Rwanda and Zambia. EU organic farming label has certifying bodies in all target countries. Though, the actual number of certified organic farms in these countries seems to be low, and data on organic export (to the EU) is even lacking or limited for most of the target countries (Willer, H.; Lernoud, J., 2016). MPS is active with its MPS-SQ label in six target countries, excluding Malawi and Rwanda. Moreover, with its new MPS Fruit and Vegetables label MPS targets producers in the EU, not African producers. This is why a lower score is given compared to Fairtrade. Rainforest Alliance operates in seven of the target countries, excluding Zambia. In Kenya Rainforest Alliance has over 150 certified farms in total, but these are mainly tea and coffee farms (Rainforest Alliance, 2016). Malawi, Rwanda and Uganda combined have less Rainforest Alliance certified farms than Kenya and also mostly on other agricultural products.

3.3.2 Monitoring system

From an outside-in perspective little distinction between the monitoring processes of the standard organizations can be made, except for MPS. According to ITC Standard Map all standard organizations work with regular and surprise audits, including a representative from a third, independent party. MPS stands out with a sophisticated monitoring system, including 4-weekly direct reports by certified farms to MPS.

3.3.3 Market presence

EU organic farming label is the standard with the highest market share in the EU followed on a distance by Fairtrade. Consumers in the Netherlands spent €900 mln on EU Organic certified products and €271 mln on Fairtrade labelled products (UR, 2016). This amounts to 34%, respectively 10% of the total amount spent on products with sustainability labels. No statistics on specific market shares for vegetables have been found. MPS has significantly smaller market share compared to Fairtrade and EU organic farming label. In addition, Rainforest Alliance is nearly absent as a label for flowers and vegetables in Europe as a whole.

3.3.4 Selection of deep-dive

Fairtrade scores highest with regards to the multi-criteria analysis. Given its market share and the current absence of social and gender criteria the EU organic farming label shows the highest potential for improvement. As Hivos is already familiar with Fairtrade with Hivos we selected the EU organic farming label for more in-depth analysis.

The three main reasons why EU organic farming label is chosen over the Fairtrade label are:

- 1.** Hivos is already very familiar with the activities and standards of Fairtrade, while they are less informed on the EU organic farming label. Exploring the EU organic farming label in more detail will help Hivos assess whether this label offers novel opportunities of improving (women's) working conditions.
- 2.** The label currently has limited presence in Africa, but is of potential interest given that: **a.** market presence of the label is high in the Netherlands and Europe; **b.** the label can provide in the demand for harmonization **c.** the demand for organic food is growing in Europe; and **d.** the production of organic food in the target countries is growing as well, with Uganda on top (Willer, H.; Lernoud, J., 2016);
- 3.** A scenario where a label extends its criteria with social criteria is likely, as has been the case for MPS and Rainforest Alliance. Since social criteria are currently absent, the upside potential is high.

3.4 A closer look at the EU organic farming label

The EU organic farming label is the common EU label for organic products, regulated by EU law. The label includes only environmental, and no social criteria. Regulation of the EU organic farming label is recently revised and is expected to enter into force in 2017. Based on the deep-dive results it seems unlikely that the EU intends to extend the label with social criteria.

3.4.1 Background and rationale for EU organic farming label

The implementation of the EU regulation (Council Regulation 834/2007) on the EU organic farming label in 2007 was a response to the growing demand for organic products, the growing agricultural share of production in the EU member states and the growing number of labels that created a need for a uniform, strong, and trustworthy organic label in Europe. The consumer value for organic food products amounted € 24 billion in 2014, with a 7.4% growth rate from 2013-14 (Commission, The EU Organic Farming (R)evolution, 2016). In the Netherlands, currently around 4% of total vegetables sales is organic, but this share varies per country. For example, shares of frontrunners Germany and Switzerland are 9%, respectively 15%. Growth in sales of organic vegetables are lower than the overall growth in organic sales (Willer & Meredith, 2016).

The EU organic farming label includes criteria aimed at contributing to high-quality and safe consumer products, biodiversity, environmental and animal protection. The legal base of the legislation is to ensure product quality to EU consumers, which explains why the label currently does not include criteria on social justice. Food products can currently be labelled “organic” if a minimum of 95% of the agricultural ingredients meet the necessary standards.

For plants requirements are for example that no nitrogen fertilizers are permitted, that farmers use multiannual crop rotation and apply livestock manure or organic material to increase soil fertility. Also, use of synthetic pesticides or herbicides are not allowed.

Although the focus of the label is on EU countries, products from non-EU countries too can use the EU organic farming label. This is possible via two routes:

1. a country’s organic regulation is perceived as equivalent to EU rules on organic production; In Africa, Tunisia is currently the only country with an equivalence status, meaning that organic products labelled as organic in Tunisia, can be automatically be labelled with the EU organic farming label.
2. a producer receives the EU organic certificate via a local Control Body recognized by the EU for that purpose. All eight target countries have Recognized Control Bodies, so growers in all target countries can qualify. Currently 130 countries outside the EU export products with an organic status to the EU. However, the certification process is costly and the control intensive which hinders EU Organic certification of horticulture producers in the target countries (Muwanga, 2011).

3.4.2 Expected developments

The EU has not demonstrated any intention to extend the EU organic farming label with social criteria yet. Recent developments and the published action plan of the EU in 2014 (Action Plan for the future of Organic Production in the European Union) focus on improving production rules on organic (e.g. moving towards 100% organic ingredients) and development of an electronic certification system for EU imports. Legislation around the EU organic farming label is currently under revision. The EC has proposed a revision to the European Parliament and Council that does not include any social criteria. In the proposed revision exemptions have been removed, making the set of production rules clearer but also more rigid and more difficult to apply for African farmers. For the target countries, the enabling of group certification might provide an opportunity to small farms for a collaborative certification process and costs (IFOAM-EU, 2014). Also, the legal base for including social product criteria is absent

on the EU level and no evidence has been found that the EU is considering to change this in the near future.

3.5 Potential for Hivos

The update of the certification is currently being discussed in the tripartite negotiations of the European Commission with the EU Parliament and Council. This could potentially provide opportunities to influence the final outcome and possibly exclude undesirable aspects and include social criteria. However, introducing new elements at this stage will be difficult and including social criteria even more so as the legal base for the certification is in product quality and environment. However raising the topic now, could be necessary to have social and gender criteria included in the next revision. IFOAM Organic International, the worldwide umbrella organization for the organic agriculture movement is perceived to be the most influential (external) stakeholder in this process. As the name suggests, IFOAM Organic International focuses on agricultural practices and does not have a labour and gender agenda (yet).

Two other potential routes have been identified. First, Hivos could consider directing her attention to Fairtrade. As Fairtrade **1.** has a large market share, **2.** already includes gender criteria and **3.** is familiar with and to Hivos, Fairtrade seems a logical option. Since Fairtrade is already focusing on adjusting its policies and criteria on working conditions to increase effectiveness of its standards, there seems no role for Hivos here. Hivos could play a role though in advocating for a better, enforceable control system, as that is a current issue.

In addition, there is second potential interesting route: advocacy for better criteria on working conditions at collective or harmonization standard initiatives, involving multiple stakeholders. Rationale for this is three-fold. **1.** The market scale, and thus potential impact, is usually bigger than the potential of single standards; **2.** When the collective aims for harmonization, this could possibly increase the uptake of certification. In that case, one certification scheme would give access to multiple sales channels, while currently producers need multiple certificates in order to access multiple channels. This would in turn lower the certification costs and the administrative burden to producers; **3.** Consumers are sometimes confused by the amount of labels in the marketplace and unable to understand the differences (Atkinson, 2014) (UTZ, 2016). Cooperation between standards could solve this issue when labels converge, which could promote demand for sustainable products.

Different types of collective or harmonization initiatives exist, of which three are discussed here: Non-African, regional African and national African initiatives. The ISEAL Alliance is the primary example of the first type, and includes Fairtrade and the Rainforest Alliance as members. Hivos might be able to benefit from the existing relationships with Fairtrade. The East African Organic Products Standard initiated by Kenya, Rwanda, Tanzania, Uganda and Burundi initiated in 2007 is an example of a region-based cooperation in Africa. The EAOP thus covers four of the target countries and already includes a set of social criteria (OECD, 2007). One aim of the EAOP is to strengthen its competitive position and boost export to a.o. the EU, in order to tap into increasing demand for organic. Organic production in these countries has been growing already in the last years, indicating producers have an incentive to work towards more sustainable production. An example of a country-based initiative in Africa is the Kenya Flower Council (KFC), which currently aims to develop a single, overarching sustainability standard that is embedded in national law and includes all criteria set in different standards into one KFC standard. The aim is to strengthen the competitive position of Kenyan floriculture in the international market. Although the Kenya Flower Council is limited in product and geographical scope, it includes non-organic production and is a well-established label with a market presence of 75% of Kenyan flowers, according to the Kenya Flower Council.

4. Summary

This research has two main objectives. Firstly, to set the baseline for the two outcomes of Hivos' Decent Work for Women Program, around European CSR policies and standard organizations: **1.** EU has integrated - in its CSR policy regarding international trade - requirements on gender equality in the value chain; **2.** Standard organisations contribute positively to improved working conditions of women workers. Secondly, to identify expected developments and develop ways in which Hivos can shape its Theory of Change to realize these two outcomes.

4.1 Improving women worker's rights via EU legislation

Social criteria in EU legislation that secure sound working conditions in international value chains is currently limited. This won't change with the expected implementation of the EPA with Kenya, Rwanda, Tanzania and Uganda (EAC EPA) in the second half of 2016. The EAC EPA does not include social criteria and since the EAC negotiations have recently been finalized, it seems too late to still advocate for inclusion of social criteria in this EPA. In addition, including social criteria in trade agreements is politically sensitive. The status of the EPA that includes Ethiopia, Malawi, Zambia and Zimbabwe (ESA EPA) is as follows: a provisional interim ESA EPA applies since 2012. Zimbabwe is the only target country that has signed so far. The last formal public negotiation round between the EU and ESA has been in 2011. The ESA countries announced in 2015 the intention to resume the EPA negotiations with the EU, to resolve open issues. However, this intention does not seem to materialise.

There are several ways in which Hivos can exert influence on the implementation of the EAC EPA. One is via the consultative committee that supports the governing bodies of the EPA and provide advice on necessary provisions. Focal points could be development priority areas and the EPA monitoring and reviewing process. A second way is to target the Joint African European Strategy (JAES), the formal channel through which the EU and Africa work together. Two ways for this have been identified: **1.** Hivos could try to attend the Joint Annual Forum, an annual multi-stakeholder meeting on the progress of the JAES; **2.** Hivos could try to connect to or join the Africa-EU Civil Society Forum, a group of African and EU civil society organisation that discuss the future of the partnership, come up with ideas for reviewing the strategy and discuss past effectiveness.

For the ESA countries possible actions are only slightly different. Since the JAES applies to both EPA and non-EPA countries, advocacy towards the JAES means the needs of all eight target countries, including ESA countries, can be covered. In addition, Hivos could keep track of the ESA negotiation process to be able to identify possible opportunities in the future for involvement in the ESA EPA negotiation process.

4.2 Improving women worker's rights via standard organizations

Several social standards are operating on the EU market that are relevant to African horticulture value chains. Two standards with high market presence are the Fairtrade label and the EU organic farming label. Fairtrade standards already includes many requirements aimed at ensuring sound and equal working conditions for male and female workers. The EU organic farming label does not include social criteria yet. This will not be different in the short future, since no social elements are included in the revision of the regulation proposed by the EC. In addition the legal base for the label is product quality and safety of organic products and does not provide a legal base for ensuring sound working conditions within production processes. The success of a lobby for social criteria in the label is therefore not likely to succeed in the short run. If Hivos wants to explore the opportunities to create gender awareness and equity through this route IFOAM Organic International is an important stakeholder to take into account.

Alternative advocacy and lobby strategies could be to focus on FairTrade and/or collective and harmonization standard initiatives, with multiple stakeholders involved. This is also interesting in light of the expected implementation of EPAs and potentially increased trade with the target countries. Well established criteria on working conditions in standards can be an effective response to the absence of social criteria in the EPAs. Different types of collective initiatives exist, for example Non-African, regional-African and national African initiatives. The ISEAL Alliance in which major consumer standards like Fairtrade and Rainforest Alliance collaborate is a well-known EU initiative aimed at harmonization of standards. The East African Organic Products Standard, initiated by the targeted countries Kenya, Rwanda, Tanzania and Uganda is an example of a regional collective standard in Africa. The sector initiative led by the Kenya Flower Council could be an example of a collective country initiative.

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Annex A Explanation of regulations and standards

Regulations

Name: Cotonou Agreement
Title: Partnership Agreement
Publication year: 2000
Type: Partnership agreement
Jurisdiction: Region specific Africa – European Community
Description: Partnership agreement between the African, Caribbean and Pacific Group of States and European Community.
Reference: https://ec.europa.eu/europeaid/where/acp/overview/cotonou-agreement/index_en.htm_en

Name: Democracy and Human Rights
Title: Regulation (EC) No 1889/2006
Publication year: 2006
Type: Regulation
Jurisdiction: European Community includes third countries in regulations
Description: Establishing a financing instrument for the promotion of democracy and human rights worldwide.
Reference: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1889>

Name: East African Community - EPA
Title: East African Community – Economic Partnership Agreement
Publication year: 2014
Type: Partnership agreement
Jurisdiction: Region specific Africa – European Community
Description: Trade agreement with Europe, mainly based on facilitation of import taxes, and entails a number of intentions to work on social issues.
Reference: <http://ec.europa.eu/trade/policy/countries-and-regions/regions/eac/>

Name: East and Southern Africa - EPA
Title: Council decision on the signing and provisional application of the Interim Economic Partnership Agreement
Publication date: 2009
Type: Partnership agreement
Jurisdiction: Region specific Africa – European Community
Description: Interim Trade agreement with Europe, mainly based on reduction of poverty and improvement of trade conditions.
Reference: <http://ec.europa.eu/trade/policy/countries-and-regions/regions/esa/>

Name: European Development Fund
Title: Regulation (EU) No 233/2014
Publication year: 2014
Type: Regulation
Jurisdiction: European Community includes third countries in regulations

- Description:** Establishing a financing instrument for development cooperation for the period 2014 – 2020.
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0233>
- Name:** Generalised System of Preferences
- Title:** Regulation (EU) No 978/2012
- Publication year:** 2012
- Type:** Regulation
- Jurisdiction:** European Community includes third countries in regulations
- Description:** Applying a scheme of generalised tariff preferences, regulation on GSP, GSP+ and EBA.
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AL%3A2012%3A303%3ATOC>
- Name:** ILO Declaration
- Title:** ILO Declaration on Fundamental Principles and Rights at work and its follow-up
- Publication year:** 1998 (revised in 2010)
- Type:** Principles and guidelines
- Jurisdiction:** Global, overall
- Description:** Fundamental principles and rights at work (taking up challenges of globalization).
- Reference:** <http://www.ilo.org/declaration/lang--en/index.htm>
- Name:** OECD Guidelines
- Title:** OECD Guidelines for Multinational Enterprises
- Publication year:** 2011 Edition
- Type:** Principles and guidelines
- Jurisdiction:** Global, overall
- Description:** Non-binding principles and standards for responsible business conduct in a global context.
- Reference:** <http://www.oecd.org/corporate/mne/>
- Name:** Products originating from ACP
- Title:** Council Regulation (EC) No 1528/2007
- Publication year:** 2007
- Type:** Trade agreement
- Jurisdiction:** Region specific Africa – European Community
- Description:** Applying the arrangements for products originating from ACP Group of States, document leads to EPA.
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L .2013.165.01.0059.01.ENG>
- Name:** UN Principles
- Title:** The Ten Principles of the UN Global Compact

Publication year: 2004 Edition
Type: Principles and guidelines
Jurisdiction: Global, overall
Description: Fundamental responsibilities in the areas of human rights, labour, environmental and anti-corruption.
Reference: <https://www.unglobalcompact.org/what-is-gc/mission/principles>

Other regulations

Title: Charter of Fundamental Rights of the European Union
Publication year: 2012
Jurisdiction: European Community includes third countries
Description: Fundamental rights protected in the EU under six titles: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice.
Reference: http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm

Title: Commission Staff Working Document
Publication year: 2015
Jurisdiction: European Community includes third countries
Description: on Implementing the UN Guiding Principles on Business and Human Rights - State of Play
Reference: http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8374

Title: Communication from the Commission
Publication year: 2001
Jurisdiction: European Community
Description: A sustainable Europe for a better world: A European Union strategy for sustainable development
Reference: http://ec.europa.eu/regional_policy/archive/innovation/pdf/library/strategy_sustdev_en.pdf

Title: Communication from the Commission
Publication year: 2002
Jurisdiction: European Community
Description: Corporate social responsibility: a business contribution to sustainable development
Reference: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3An26034>

Title: Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee
Publication year: 2001
Jurisdiction: European Community includes third countries
Description: Promoting core labour standards and improving social governance in the context of globalisation

- Reference:** <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52001DC0416>
- Title:** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions
- Publication year:** 2009
- Jurisdiction:** European community
- Description:** Contributing to Sustainable Development: The role of Fair Trade and nongovernmental trade-related sustainability assurance schemes
- Reference:** http://trade.ec.europa.eu/doclib/docs/2009/may/tradoc_143089.pdf
- Title:** Council Decision
- Publication year:** 2013
- Jurisdiction:** European Community includes third countries
- Description:** establishing the specific programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013D0743>
- Title:** Council Directive 2000/78/EC
- Publication year:** 2000
- Jurisdiction:** European Community includes third countries
- Description:** Establishing a general framework for equal treatment in employment and occupation
- Reference:** <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32000L0078>
- Title:** Council Regulation (EC) No 2836/98
- Publication year:** 1998
- Jurisdiction:** European Community
- Description:** Integrating gender issues in development cooperation
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Ar12501>
- Title:** Development Policy of the European Community
- Publication year:** 2000
- Jurisdiction:** European Community
- Description:** Strategy for the EC's development cooperation policy with a view to maximising the Community value-added in this area, improving the quality and impact of its actions and responding to the new global challenges.
- Reference:** <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ar12001>
- Title:** EU Annual Report on Human Rights and Democracy in the World in 2014
- Publication year:** 2015

Jurisdiction:	European Community includes third countries
Description:	The EU addressed many human rights violations around the world, on the staunch belief that defending and promoting human rights, inclusive and democratic societies are the only way to guarantee security and stability throughout the world.
Reference:	http://www.consilium.europa.eu/en/press/press-releases/2015/06/22-fac-human-rights-report/
Title:	EU Strategic Framework and Action Plan on Human Rights and Democracy
Publication year:	2012
Jurisdiction:	European Community includes third countries
Description:	The European Union is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law.
Reference:	http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf
Title:	FAO-OECD Guidance for Responsible Agricultural Supply Chains
Publication year:	2015
Jurisdiction:	European Community includes third countries
Description:	The guidance considers existing standards and principles that are relevant for responsible business conduct in agricultural supply chains
Reference:	http://www.oecd.org/daf/inv/mne/FAO-OECD-guidance-responsible-agricultural-supply-chains.pdf
Title:	Guide to Corporate Sustainability – United Nations Global Compact
Publication year:	2015
Jurisdiction:	Global, overall
Description:	Five defining features of corporate sustainability, which the Global Compact asks businesses to strive towards
Reference:	https://www.unglobalcompact.org/library/1151
Title:	Guiding Principles on Business and Human Rights – UN Human Rights
Publication year:	2011
Jurisdiction:	European Community
Description:	Implementing the United Nations ‘Protect, Respect and Remedy’ Framework
Reference:	http://ec.europa.eu/growth/industry/corporate-social-responsibility/in-practice/index_en.htm
Title:	Management Plan 2015 – Directorate-General for Trade
Publication year:	2015
Jurisdiction:	European Community
Description:	General objectives that contribute to shaping a trade environment that is good for European citizens and European business
Reference:	http://trade.ec.europa.eu/doclib/docs/2015/september/tradoc_153812.pdf

- Title:** Presidency Conclusions – Göteborg European Council
Publication year: 2001
Jurisdiction: European Community
Description: Conclusions on the forthcoming enlargement in 2004, sustainable development and issues related to peace and security.
Reference: http://www.cvce.eu/en/obj/presidency_conclusions_goteborg_european_council_15_and_16_june_2001-en-2e32bf9b-009d-4e63-b606-a424c3a53257.html
- Title:** Regulation (EC) No 806/2004
Publication year: 2004
Jurisdiction: European Community includes third countries
Description: Promoting gender equality in development cooperation
Reference: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004R0806>
- Title:** Regulation (EC) No 1922/2006
Publication year: 2006
Jurisdiction: European Community includes third countries
Description: Establishing a European Institute for Gender Equality
Reference: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006R1922>
- Title:** Regulation (EU) No 1291/2013
Publication year: 2013
Jurisdiction: European Community includes third countries
Description: establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC
Reference: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0104:0173:EN:PDF>
- Title:** Social Sustainability in Trade and Development Policy
Publication year: 2013
Jurisdiction: European Community includes third countries
Description: A life cycle approach to understanding and managing social risk attributable to production and consumption in the EU-27
Reference: <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC87786/lb-na-26483-en-n.pdf>
- Title:** Sustainable development in the European Union
Publication year: 2015
Jurisdiction: European Community
Description: 2015 monitoring report of the EU sustainable development strategy
Reference: <http://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-GT-15-001>

Title: The Treaty on European Union
Publication year: 2012
Jurisdiction: European Community includes third countries
Description: a set of international treaties between the European Union (EU) member states which sets out the EU's constitutional basis.
Reference: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>

Title: Women, peace and security, Security Council Resolution 2122
Publication year: 2013
Jurisdiction: Global, overall
Description: Collectively the resolutions provide UN Peacekeeping with a framework for implementing and monitoring the Women Peace and Security agenda.
Reference: <http://www.un.org/en/peacekeeping/issues/women/wps.shtml>

Standards

Standard Organization: EU Organic Farming

Foundation year: 1991

Label: Organic Farming
Product: Vegetables
Focus: Organically produced products

Reference: http://ec.europa.eu/agriculture/organic/index_en.htm



Standard Organization: Fairtrade

Foundation year: 1988

Label: Fairtrade, Hired Labour
Product: Flowers and Vegetables
Focus: Standards applied to organizations which employ hired labour to supply Fairtrade certified products

Reference: <http://www.fairtrade.net/standards/our-standards/hired-labour-standards.html>



Label: Fairtrade, Small Producer Organizations
Product: Flowers and Vegetables
Focus: Standards applied to small-scale producers that supply Fairtrade products

Reference: <http://www.fairtrade.net/standards/our-standards/small-producer-standards.html>



Standard Organization:MPS

Foundation year: 1933

Label: Fair Flowers, Fair Plants
Product: Flowers
Focus: Environmental and social labelling scheme based on both the ICC and MPS-A criteria
Reference: <http://www.my-mps.com/en/certificates-producer/fair-flowers-fair-plants>



Label: Fruit and Vegetables
Product: Vegetables
Focus: Certification system for the vegetable and fruit sector, emphasis is placed on sustainability, reliability, hygiene, and transparency
Reference: <http://www.mps-food.com/>



Label: MPS-SQ
Product: Horticulture
Focus: Certification system for social aspects and working conditions
Reference: <http://www.my-mps.com/en/certificates-producer/mps-sq>



Standard Organization:Rainforest Alliance

Foundation year: 2001

Label: Flowers and Ferns
Product: Flowers
Focus: Certification system for conservation of biodiversity and sustainable livelihoods
Reference: <http://www.rainforest-alliance.org/>

