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Following through on EU Commitments: Recommendations for Gender Mainstreaming IPA III

Gender equality is a fundamental value of the European Union (EU). However, the prior EU Common Implementing Regulation for financing external action (CIR, No 236/2014),¹ Regulation establishing the Instrument for Pre-Accession (IPA) II (231/2014),² and CIR on Rules for Implementing IPA II (No 447/2014)³ were all gender blind. Therefore, the EU has failed to establish obligatory requirements and systems that would ensure attention to furthering gender equality as part of the EU's external financing.⁴ While the EU Gender Action Plan II expressed EU commitments to furthering gender equality through the “three-pronged” approach of political dialogue, gender mainstreaming and targeted efforts to further gender equality,⁵ as a Staff Working Document it has had insufficient requirements for programming, monitoring, reporting and evaluation.⁶

Considering the significant gender inequalities that exist in the Western Balkans (WB),⁷ it is essential that the new IPA III Regulation include clear requirements and accountability mechanisms for furthering gender equality. The initial proposal for IPA III needs to improve attention to furthering gender equality.⁸ While the European Parliament proposed introduction of an index that would include gender equality among other measures, this is insufficient.⁹ This brief contains recommendations for better mainstreaming gender equality within the IPA III Regulation, towards realizing EU commitments to furthering gender equality, including specifically in the WB.

¹ Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

² Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

³ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)

⁴ See, Kosovo Women's Network (KWN), “A Gender-Responsive Approach to EU External Financing: Recommendations for the New Common Implementing Regulation”, 2019.

⁵ Joint Staff Working Document, [Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020](#), SWD(2015) 182 final, Brussels, 21.9.2015.

⁶ See, KWN, “Policy Brief: Following through on EU Commitments to Gender Equality: Lessons Learned from GAP II to Inform GAP III”, 2019.

⁷ For example, see: Kvinna till Kvinna Foundation, [Women's Rights in the Western Balkans](#), 2019; KWN, [Gender-based Discrimination and Labour in the Western Balkans](#), 2019; and the EU country gender analyses.

⁸ Council of the European Union, Proposal for a Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III) (First reading), Brussels, 20 March 2019.

⁹ P8_TA-PROV(2019)0299 Instrument for Pre-accession Assistance (IPA III) ***I, European Parliament legislative resolution of 27 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III) (COM(2018)0465 – C8-0274/2018 – 2018/0247(COD))

1. Strengthen Preamble Phrasing

The preamble of the draft regulation (paragraph 7) states:

(7) [...] Assistance should mainly focus on assisting the beneficiaries listed in Annex I to **strengthen** democratic institutions and the rule of law, reform the judiciary and public administration, **respect** fundamental rights and **promote** gender equality, tolerance, social inclusion and non-discrimination. [Emphasis added.]

The term ‘promote’ is comparatively weaker than terms used in reference to other EU values, such as ‘strengthen’ and ‘respect’. Recommendation: Use stronger language in reference to gender equality, such as:

(7) [...] Assistance should mainly focus on assisting the beneficiaries listed in Annex I to strengthen democratic institutions and the rule of law, reform the judiciary and public administration, respect fundamental rights and **further** gender equality, tolerance, social inclusion and non-discrimination, including **promoting and protecting these values**.

The latter addition would be in line with amendments suggested by the European Parliament in other paragraphs. The same modification in terminology should be made in ANNEX II, Thematic priorities for assistance, where paragraph 11 currently states:

Promoting gender equality and women’s and girls’ empowerment. Interventions in this area shall aim at establishing a more enabling environment for the fulfilment of girls’ and women’s rights and to achieve real and tangible improvements on gender equality, including through ensuring girls’ and women’s physical and psychological integrity, promoting their economic and social rights, and strengthening girls’ and women’s voice and participation, including through supporting gender budgeting and the collection of sex- and age-disaggregated data. [Emphasis added.]

Recommendation: this paragraph should be amended to:

Furthering gender equality and women’s and girls’ empowerment. Interventions in this area shall aim at establishing a more enabling environment for the fulfilment of girls’ and women’s rights and to achieve real and tangible improvements on gender equality, including through **implementation of gender equality legislation**, ensuring girls’ and women’s physical and psychological integrity, promotion of their economic and social rights, strengthening girls’ and women’s voice and participation, including through supporting gender budgeting and the collection of **gender**- and age-disaggregated data.

2. Proposal for a Regulation

At present, Article 7, paragraph 5 states:

The IPA programming framework shall include indicators for assessing progress with regard to attainment of the expected results targets set therein in accordance with the specific objectives referred to in Article 3(2). These indicators shall be coherent with the indicators referred to in Annex IV.

Although gender equality is mentioned as a specific objective in Article 3, no specific indicator corresponds to gender equality in the list of indicators presented in Annex IV. In accordance with the OECD-DAC criteria, each gender equality objective must be accompanied by at least one indicator of gender equality. Moreover, experience has suggested that unless clear indicators are

established, gender equality tends not to be adequately addressed within programming. The parliamentary amendment calls for a composite indicator that includes gender equality, among others. However, an individual indicator is important for demonstrating the EU's commitment to gender equality, facilitating monitoring, and ensuring implementation.

Recommendation: IPA programming must involve clear and verifiable performance indicators regarding progress towards gender equality in beneficiary countries. This will set the ground for qualitative reporting on progress and measures that will be implemented in accordance with GAP III.

3. Improve Requirements for Gender Analysis and Consultations in Programming

Related to Strategic Planning, Article 6, paragraph 3a specifies that:

In line with the principle of inclusive partnership, where appropriate, the Commission shall ensure that relevant stakeholders of beneficiaries listed in Annex I, **including civil society organizations**, local and regional authorities, are duly consulted and have timely access to relevant information allowing them to play a meaningful role during the design, implementation and associated monitoring processes of programmers.

Following on GAP II and the OECD-DAC criteria, IPA action documents should firmly require gender analysis to inform all programs. This is a requirement in order to ensure the appropriate gender marking of contracts, required by the EU in the GAP II and OPSYS. As foreseen in the EU GAP II, this should include more specific phrasing to ensure that women's rights organisations (hereafter, 'WCSOs') are consulted. Meanwhile, provisions should be in place for compensating them for their time and expertise. Extensive time is spent providing input to program designers, which takes time and resources away from WCSOs' activism. Moreover, seldom is WCSOs' expertise recognized, particularly financially, by programmers or implementers. This should be encouraged.

Recommendation: Reformulate Article 6, paragraph 3a:

In line with the principle of inclusive partnership, the OECD-DAC criteria, and the Gender Action Plan of the EU for its external policies and financing instruments, the Commission shall ensure that relevant stakeholders of beneficiaries listed in Annex I, **including civil society organizations and particularly women's rights organisations**, local and regional authorities, are duly consulted, their expertise recognized and have timely access to relevant information allowing them to play a meaningful role during the design, implementation and associated monitoring processes of programmes.

4. Revise Annex II, Thematic Priority on Employment

The Annex II Thematic Priority, 'Fostering quality employment and access to the labour market', paragraph 13 states:

Interventions in this area shall aim at: tackling high unemployment and inactivity by supporting sustainable labour market integration in particular of young people (especially those not in employment, education or training (NEET)), women, long-term unemployed and all underrepresented groups. Measures shall stimulate quality job creation and support the effective enforcement of labour rules and standards across the entire territory. Other key areas of intervention shall be to support gender equality and youth, promoting employability and productivity, the adaptation of workers and enterprises to change, the establishment of a sustainable social dialogue and the modernisation and strengthening of labour market institutions such as public employment services and labour inspectorates.

Recommendation: Considering the widespread prevalence of gender-based discrimination, include additional reference to this, in the second part of this paragraph:

[...] Other key areas of intervention shall be to support gender equality in employment, including among youth; to promote equal opportunities in employability and productivity; to diminish discrimination based on gender, age, ethnicity and/or ability; to adapt workers and enterprises to change; to establish a sustainable social dialogue; and to modernise and strengthen labour market institutions, including public employment services and labour inspectorates.

5. Require Gender Analysis; Earmark Funding for Gender Equality and WCSOs

Considering that gender equality is mentioned as a specific objective in Article 3 of the Regulation and the evidence of extensive gender inequalities in the WB, resources should be allocated explicitly to furthering gender equality (OECD-DAC gender marker 2), as well as firmer requirements established for gender mainstreaming all programs (OECD-DAC gender marker 1). As per the OECD-DAC criteria, all project documents must undergo and be informed by gender impact assessments, similar to presently required environmental impact assessments. Moreover, explicit indicators and achievable targets relating to gender equality must set in relation to overall funding. Best practices in gender-responsible budgeting should be used by the EU, setting a positive example for WB states. Notably, such an approach would dually support WB states in implementing their own laws and commitments towards gender equality.

Findings from KWN recent research on funding trends for women's rights in the Western Balkans, suggest that few funders earmarked funds for gender equality or WCSOs. Additionally, considering that WCSOs have been recognized as key actors in furthering gender equality, and that they operate in a context of shrinking space,¹⁰ earmark funds within the IPA III regulation specifically for WCSOs specialized in furthering gender equality. Earmarked funds for gender equality as well as enhanced donor coordination and communication with diverse WCSOs about their needs could support the development of improved interventions in the region, as well as further gender equality as important in its own right.

More specifically, considering the widespread prevalence of violence against women, the particularly vulnerable situation of women who have suffered violence, and the lack of functioning state social protection mechanisms, increase attention to social protection for these groups. Earmark annual financing for autonomous WCSOs specialized in supporting women who have suffered violence, which possess several years of experience and expertise. They are well-placed to support women, monitor institutions' provision of justice and social services thereby holding them accountable, and support institutions in developing improved social protection systems. However, to play their watchdog role and ensure quality services, they need long-term dependable support. The EU should support them as part of the process of improving social protection services, and holding officials accountable to appropriate provision of such services in the future. Such an approach would be similar to that of DAPHNE.

6. Ensure Gender Mainstreaming

Prior to finalizing IPA III, share the final draft with gender experts, including those working for the European Commission, to review it from a gender perspective, towards ensuring that it is gender mainstreamed.

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