



# Kosovo Women's Network

Serving, Protecting and Promoting the Rights of Women and Girls

## POLICY BRIEF<sup>1</sup>

# 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),<sup>2</sup> Regulation establishing the Instrument for Pre-Accession (IPA) II (231/2014),<sup>3</sup> and CIR on Rules for Implementing IPA II (No 447/2014)<sup>4</sup> were all gender blind. To date, 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.<sup>5</sup> While the EU Gender Action Plan (GAP) 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,<sup>6</sup> as a Staff Working Document it has had insufficient requirements for programming, monitoring, reporting and evaluation.<sup>7</sup>

Considering the significant gender inequalities that exist in the Western Balkans (WB),<sup>8</sup> 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<sup>9</sup> needs to improve attention to furthering gender equality. While the European Parliament proposed introduction

<sup>1</sup> Written by Nicole Farnsworth and Valmira Rashiti for the Kosovo Women's Network (KWN), February 2020.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> 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)

<sup>5</sup> See, KWN, "[A Gender-Responsive Approach to EU External Financing: Recommendations for the New Common Implementing Regulation](#)", 2019.

<sup>6</sup> 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.

<sup>7</sup> See, KWN, "[Policy Brief: Following through on EU Commitments to Gender Equality: Lessons Learned from GAP II to Inform GAP III](#)", 2019.

<sup>8</sup> 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.

<sup>9</sup> 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.

of an index that would include gender equality among other measures, this is insufficient.<sup>10</sup> This brief contains specific recommendations for better mainstreaming gender equality within the IPA III Regulation, towards realizing EU commitments to furthering gender equality, particularly in the WB.

## 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 of its resolution on IPA III.<sup>11</sup> The same modification in terminology should be made in ANNEX II, Thematic priorities for assistance, where paragraph I I 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 [...]. *[Emphasis added.]*

**Recommendation:** this paragraph should be amended to strengthen the language, such as:

**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** [...]

## 2. Include Indicators towards Gender Equality in the IPA III 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

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<sup>10</sup> 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))

<sup>11</sup> 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, particularly Article 3 - Amendment 34, Article 7 - Amendment 123, Annex II, Paragraph I - Amendment 92.

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 Gender Equality Policy Marker,<sup>12</sup> which the EU has committed to using in GAP II, 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, monitored or evaluated within IPA programming. The parliamentary resolution on IPA III calls for a composite indicator that includes gender equality, among others. However, it is essential to establish an individual indicator related to gender equality, thereby 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 to be implemented under GAP III.

### **3. Require Gender Impact Assessments and Transparently Allocated Funds to Address Gender Inequalities**

Considering that gender equality is mentioned as a specific objective in Article 3 of the Regulation and that extensive evidence of gender inequalities exists in the WB, resources should be allocated explicitly to furthering gender equality (OECD-DAC gender marker 2). Additionally, firmer requirements must be established for gender mainstreaming all programs (OECD-DAC gender marker 1). As per the OECD-DAC Gender Equality Policy Marker, all IPA action documents must undergo and be informed by gender impact assessments, similar to presently required environmental impact assessments. This is required by the OECD to ensure the appropriate gender marking of contracts. The EU has upheld this requirement in GAP II, towards the appropriate gender marking of action documents when encoding contracts in OPSYS (formerly CRIS). Based on these obligatory gender impact assessments, explicit indicators and achievable targets relating to gender equality must set within each action. It follows that actions towards achieving these targets, thereby towards furthering gender equality, must be budgeted for appropriately and transparently.

Unfortunately, to date, only in a few instances have gender impact assessments been conducted to inform actions. Thus, several actions likely have been mismarked and encoded incorrectly in OPSYS/CRIS. Moreover, programs have tended not to transparently track the amount of funding allocated towards furthering gender equality.<sup>13</sup> Nor is the OECD-DAC Gender Equality Policy Marker sufficient, taken alone, for tracking actual expenditures, particularly for gender marker 1 projects. It does not provide accurate information regarding the precise expenditures towards gender equality.

The European Parliament has urged the Commission to 'recognize gender equality as an objective in the MFF [Multiannual Financial Framework], mention gender equality in one of the MFF headings with an individual budget line per gender equality-related objective with a view to

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<sup>12</sup> See, OECD, "[Handbook on the OECD-DAC Gender Equality Policy Marker](#)", 2016.

<sup>13</sup> KWN et al., *Where's the Money for Women's Rights*, forthcoming 2020.

increasing transparency'.<sup>14</sup> Moreover, the Parliament has emphasized that 'gender budgeting is a methodology that needs to be applied in all EU budget lines, and not only for the programmes where implications for a gender impact seem most relevant'.<sup>15</sup> The same, encouraged best practices in gender-responsible budgeting should be used by the EU in WB states. Notably, such an approach would dually support WB states in implementing their own laws and commitments towards gender equality and gender-responsive budgeting.<sup>16</sup>

Moreover, the European Institute for Gender Equality has stated: 'In view of the dual approach to gender equality and the evidence of its positive economic effects, the combination of a standalone goal for gender equality and implementation of gender mainstreaming in all priorities would be the most effective approach to advance gender equality'.<sup>17</sup>

**Recommendation:** Stronger requirements are necessary within the IPA III Regulation to ensure: a) gender impact analyses are conducted to inform all actions; b) objectives, indicators and targets towards gender equality are identified based on these analyses; and c) resources towards furthering gender equality based on these analyses are transparently allocated, implemented, monitored and evaluated, as per best practices in gender-responsive budgeting. Set clear guidance for gender responsive budgeting. Allocate specific resources for actions focused on furthering gender equality (Gender Marker 2) to address inequalities in areas identified through country gender analyses in the WB. For gender mainstreamed actions, establish a bare minimum that at least 5% of every action must be allocated to furthering gender equality, based on the gender assessment findings, established objectives and set indicators.

#### **4. Improve Consultations with WCSOs to Inform 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.

As foreseen in EU GAP II, this should include more specific phrasing to ensure that women's rights organisations (hereafter, 'WCSOs') are consulted, particularly during the required gender impact assessments. 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**

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<sup>14</sup> 'EU Parliament Resolution on Gender Budgeting in the EU Budget – The way forward', paragraph 6. For more on introducing a gender perspective into the MFF, see: European Institute for Gender Equality (EIGE), [Gender budgeting. Mainstreaming gender into the EU budget and macroeconomic policy framework](#), 2018.

<sup>15</sup> Ibid, Article 9.

<sup>16</sup> Several WB countries have requirements for gender-responsive budgeting, to which such requirements could contribute to implementation.

<sup>17</sup> EIGE, p. 38.



particularly women's rights organisations, local and regional authorities, are duly consulted, their expertise recognized and that they have timely access to relevant information allowing them to play a meaningful role during the design, implementation and associated monitoring processes of programmes.

## **5. Earmark Funding for Gender Equality and WCSOs**

Forthcoming research on funding trends for women's rights in the WB suggests that few funders have earmarked funds for gender equality or WCSOs.<sup>18</sup> Considering that WCSOs have been recognized as key actors in furthering gender equality, and that they operate in a context of shrinking space,<sup>19</sup> strongly consider earmarking funds within the IPA III regulation specifically for WCSOs specialized in furthering gender equality.

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, IPA III can increase attention to social protection for persons who have suffered violence. Earmark 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 (rule of law) and the quality of social services provided, thereby holding institutions accountable. They also have a proven track record in supporting institutions to develop improved social protection systems. However, to play their watchdog role and ensure quality services, they need long-term, dependable support that ensures their autonomy. 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. Establishing earmarked funding would be similar to that of Daphne.<sup>20</sup> **Recommendation:** Similar to Daphne, clearly earmark funding under IPA III for autonomous WCSOs specialized in providing services to persons who have suffered violence and independently monitoring institutions' provision of services and access to justice.

## **6. The EU Should Manage the Civil Society Facility**

A key aim of the Civil Society Facility is to empower and strengthen civil society actors as partners in furthering the EU accession process. Civil society is well-placed to monitor the government and to hold officials accountable to commitments related to EU Accession, including the rule of law, environment and other 'windows' of IPA III. Discussions have surrounded the idea that the Civil Society Facility could be managed by WB governments. However, considering the actual situation in the region, government management of these funds could undermine CSOs' ability to hold governments accountable. Experience suggests that some CSOs receiving government funding have been silenced in terms of advocacy, for fear (and threats) that the government would cut their funding. Moreover, in some countries, evidence suggests that governments tend to allocate funds to government-oriented organisations 'GONGOs' that are close to and/or supportive of ruling governments. **Recommendation:** We strongly urge against the EU having governments manage the Civil

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<sup>18</sup> KWN et al., *Where's the Money for Women's Rights*, forthcoming 2020.

<sup>19</sup> See the Kvinna till Kvinna Foundation, [Suffocating the Movement – Shrinking Space for Women's Rights](#), 2018.

<sup>20</sup> Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme Fundamental Rights and Justice.

Society Facility, which could seriously jeopardize the autonomy of CSOs whose independence is crucial for furthering the rule of law and holding government accountable.

## **7. 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, sexuality 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.

## **8. Ensure Gender Mainstreaming of the IPA III Regulation**

**Recommendation:** Prior to finalizing the IPA III regulation, 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.