



## A GENDER-RESPONSIVE APPROACH TO EU EXTERNAL FINANCING

### RECOMMENDATIONS FOR THE NEW COMMON IMPLEMENTING REGULATION<sup>1</sup>

#### JUSTIFICATION

Gender equality is a fundamental value of the European Union (EU).<sup>2</sup> The EU has committed to furthering gender equality, including through its external financing. The EU Strategic Approach to Women, Peace and Security calls for gender analysis, gender mainstreaming of programs and gender sensitive evaluation in EU external action financing.<sup>3</sup> The EU Gender Action Plan (GAP) II also calls for gender analysis to inform all programming, for gender mainstreaming programming and for evaluating achievements towards gender equality.<sup>4</sup> However, as a Staff Working Document, GAP II is not legally binding and responsible parties have not taken it as seriously as an EU regulation.<sup>5</sup> Therefore, gender has not been mainstreamed in programming as part of a standardized, institutionalized approach.<sup>6</sup>

At present, the Common Implementing Regulation (CIR) No. 236/2014 of the European Parliament and of the Council “laying down common rules and procedures for the implementation of the Union’s instruments for financing external action” (2014) is gender blind.<sup>7</sup> It lacks clear guidance and requirements for ensuring that that funding instruments meet the EU’s commitments to furthering gender equality. The forthcoming adoption of a new seven-year EU Multiannual Financial Framework and the accompanying new CIR provides an opportunity for improving requirements for furthering gender equality through EU financing. This brief provides an example of what gender mainstreaming the CIR might look like.

#### PROPOSAL

Several principles and best practices outlined in GAP II should be institutionalized by making them legally binding. Consider introducing in the forthcoming CIR basic requirements towards furthering gender equality through all external financial instruments. This could be done in a manner similar to the current CIR requirement for appropriate environmental screening for impacts.<sup>8</sup> Recommendations from the EP FEMM Committee have called for “gender-specific indicators to be applied in the project selection, monitoring and evaluation phases of all actions that receive funding from the EU budget” and “mandatory gender impact assessment as part of general ex-ante conditionality, and for the collection of gender-disaggregated data on beneficiaries and participants”.<sup>9</sup> Specifically, the new CIR could require:

- Mandatory gender impact assessment, as part of a general ex-ante conditionality to inform programming, in accordance with European Institute for Gender Equality (EIGE) guidance,<sup>10</sup> and the OECD DAC criteria requirements.<sup>11</sup>
- Gender impact assessment as part of all evaluations, such as within the present CIR section on “Monitoring and evaluation of actions”.
- Gender responsive budgeting, including related to programs and EU consolidated systems for tracking, monitoring and evaluating overall expenditures related to gender equality.<sup>12</sup>

## SPECIFIC EXAMPLES OF GENDER MAINSTREAMING THE CIR

Using the current CIR as a sample template, consider introducing in the new CIR the following requirements marked in bold and underlined. Revise paragraph 4 to include:

Financing decisions should include in an annex a description of each action, specifying its objectives, main activities, expected results, methods of implementation, **gender impact analysis**, budget and indicative timetable, any associated support measures and performance monitoring arrangements, and should be approved in accordance with the procedures provided for in Regulation (EU) No 182/2011.

Revise paragraph 9 to more specifically make clear EU commitments to gender equality, as follows:

Pursuant to Article 21 of the Treaty on European Union (TEU) and **Article 8 of the TFEU**, the Union's action on the international scene is to be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world, namely democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, ~~the principle of equality and solidarity,~~ **gender equality** and respect for the principles of the United Nations Charter and international law.

Revise paragraph 15 to render obligatory consultations foreseen in the EU GAP II:

Without prejudice to cooperation mechanisms developed with civil society organisations at all levels in accordance with Article 11 TEU, stakeholders of beneficiary countries, including civil society organisations and local authorities, have a prominent role to play regarding the external policy of the Union. During the ~~implementation process, in particular the~~ preparation, implementation, monitoring and evaluation of measures taken under this Regulation, it is important to duly consult them to ensure that they play a meaningful role in this process and to duly consider their specificities, **including by consultation with women's rights groups and national gender equality mechanisms, respectively.**

Then, establish a paragraph similar to the current paragraph 20, ensuring that advancing the principles of gender equality are "implemented, inter alia, through support to civil society organisations, **particularly women's rights organisations**, and independent institutions active in this area". For Article 1, paragraph 6, clarify commitments to gender equality specifically:

The Union shall seek to promote, develop and consolidate the principles of democracy, the rule of law, ~~and~~ respect for human rights, **gender equality** and fundamental freedoms on which it is founded, on the basis of, where appropriate, dialogue and cooperation with partner countries and regions. The Union shall integrate those principles in the implementation of the Instruments.

Similarly, in Article 2, paragraph 5:

On duly justified imperative grounds of urgency, such as crises or immediate threats to democracy, the rule of law, human rights, **gender equality**, or fundamental freedoms, the Commission may adopt individual or special measures or amendments to existing action programmes and measures, in accordance with the procedure referred to in Article 16(4).

After this paragraph, according to a logic and phrasing similar to paragraph 6 on environmental screening, add a paragraph on gender impact assessment:

Gender impact assessment shall be undertaken at project level, as part of a general ex-ante conditionality to inform programming, in accordance with European Institute for Gender Equality guidance,<sup>13</sup> and the OECD DAC criteria requirements.<sup>14</sup> Gender mainstreaming shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in gender impact assessments and public access to the results of such assessments shall be ensured.

To Article 4, paragraph 2, add specific attention to gender equality:

General or sector budget support as referred to in point (c) of paragraph 1 is based on mutual accountability and shared commitments to universal values, and aims at strengthening contractual partnerships between the Union and partner countries in order to promote democracy, human rights, **gender equality**, and the rule of law, support sustainable and inclusive economic growth and eradicate poverty. [...] One of the key determinants of that decision shall be an assessment of the commitment, record and progress of partner countries with regard to democracy, human rights, **gender equality** and the rule of law. The general or sector budget support shall be differentiated in such a way as to respond better to the political, economic and social context of the partner country, taking into account situations of fragility.

Notably the latter would contribute more directly to the EU GAP II aim of furthering gender responsive budgeting. This could provide a foundation for the introduction of indicators and thus conditionalities pertaining to furthering gender equality as part of direct budget support financing.

Then, in Article 8, paragraph 8 add:

Natural and legal persons who have been awarded contracts shall comply with applicable environmental **and gender equality** legislation including multilateral environmental agreements, as well as internationally agreed core labour standards.

While Article 12, paragraph 1 mentions gender equality in relation to monitoring and evaluation, its language needs to be strengthened to make it obligatory:

[...] Evaluations shall be based on OECD-DAC good practice principles, seeking to ascertain whether the specific objectives have been met. **This shall include evaluating how the program has affected diverse women and men, as well as the extent to which it has contributed to equality among them.** This shall contribute to recommendations towards improving future operations.

Towards gender-responsive budgeting,<sup>15</sup> introduce an article similar to Article 14, after Article 14:

**Gender Equality and Women's Rights Expenditure**

An annual estimate of the overall spending related to gender equality, women's rights, and on women's rights groups, respectively, shall be made based on the indicative programming documents adopted. These shall be recorded within evaluations and the annual report.

Revise Article 15 to include obligations for meaningful consultations with women's rights groups:<sup>16</sup>

The Commission shall, whenever possible and appropriate, ensure that, in the implementation process, relevant stakeholders of beneficiary countries, including civil society

organisations, **particularly women's rights groups**, and local authorities, are or have been duly consulted and have timely access to relevant information allowing them to play a meaningful role in that process.

Article 17 on midterm review and evaluation could contain attention to gender-responsive budgeting.<sup>17</sup>

The report shall also contain consolidated information from relevant annual reports on all funding governed by this Regulation, including external assigned revenues and contributions to trust funds offering a breakdown of spending by beneficiary country, **gender-responsiveness**, use of financial instruments, commitments and payments.

This may also be introduced into paragraph 5:

The longer-term outcomes and impacts and the sustainability of effects of the Instruments shall be evaluated in accordance with the monitoring, evaluation and reporting rules and procedures applicable at that time. **This shall include gender impact assessment.**

## ENDNOTES

<sup>1</sup> This proposal is put forth by the [Kosovo Women's Network](#) (KWN), a network of 158 diverse women's rights organisations in Kosovo, which seeks to protect and promote the rights of women and girls based on its [Strategy](#). The EU Office in Kosovo has contracted KWN to support the implementation of GAP II, including annual reporting since 2016. KWN also has collaborated with the Kvinna till Kvinna Foundation and women's rights groups in the region to independently monitor progress in implementing GAP II in the WB, publishing [Mind the GAP](#) (2018). This brief draws from these experiences.

<sup>2</sup> Article 1 of the [Treaty of Lisbon](#), Amending the Treaty on European Union and the Treaty Establishing the European Community, 2007; and Article 8 of the Treaty on the Functioning of the European Union.

<sup>3</sup> Council of the European Union, [Council Conclusions on Women, Peace and Security](#), Brussels, 10 December 2018, Annex 1, EU Strategic Approach to Women, Peace and Security, p. 50. The EU, Member States, as well as contractors funded by the EU must implement the Strategic Approach.

<sup>4</sup> European Commission, [SWD\(2015\) 182 final](#), "Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020", 2015.

<sup>5</sup> For example, see KWN, *Mind the GAP*.

<sup>6</sup> For example, in WB countries, the fact that the midterm review of the Instrument for Pre-Accession (IPA) II did not contain any gender analysis or gender perspective was telling; GAP II seemingly was considered irrelevant to the external financing of the EU in the WB. See: KWN, "[A Gendered Reading of the 'External Evaluation of the Instrument for the Pre-Accession Assistance'](#)", 2017.

<sup>7</sup> The Common Implementing Regulation (EU) No. 236/2014 of the European Parliament and of The Council of 11 March 2014 "laying down common rules and procedure for the implementation of the Union's instruments for financing external action".

<sup>8</sup> Ibid, Article 2, section 6.

<sup>9</sup> 2016/2144(INI), 2017, at: [http://www.europarl.europa.eu/doceo/document/A-8-2017-0033\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/A-8-2017-0033_EN.html?redirect).

<sup>10</sup> See: <https://eige.europa.eu/gender-mainstreaming/toolkits/gender-impact-assessment/what-gender-impact-assessment>.

<sup>11</sup> For further information regarding OECD/DAC requirements related to the gender marker, see: <https://www.oecd.org/dac/gender-development/dac-gender-equality-marker.htm>.

<sup>12</sup> For example, this could be included in a paragraph after the current CIR, Article 14. EIGE guidance can be followed: <https://eige.europa.eu/publications/gender-budgeting-mainstreaming-gender-eu-budget-and-macroeconomic-policy-framework>.

<sup>13</sup> See: <https://eige.europa.eu/gender-mainstreaming/toolkits/gender-impact-assessment/what-gender-impact-assessment>.

<sup>14</sup> For further information regarding [OECD/DAC requirements](#) related to the gender marker.

<sup>15</sup> Notably this also would contribute to monitoring GAP implementation, as per its indicators which at present cannot be monitored due to the lack of data.

<sup>16</sup> This would contribute to GAP II implementation as well.

<sup>17</sup> Methodology and tools put forth by EIGE can be utilized.