



Kosovo Women's Network

Serving, Protecting and Promoting the Rights of Women and Girls

POLICY BRIEF¹

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

Gender equality is a fundamental value of the European Union (EU). However, to date, the EU has not established sufficient obligatory requirements and systems that would ensure attention to furthering gender equality as part of the EU's external financing.² The prior EU Common Implementing Regulation for financing external action (CIR, No 236/2014) mentioned gender equality in Article 12. Otherwise, the CIR was rather gender blind in the rest of its content, lacking obligatory requirements for *ex ante* gender impact assessment and gender budgeting, among other issues. 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,³ it is a Staff Working Document. As a policy document, it is not legally binding, so it has not had binding *obligatory* requirements for integrating a gender perspective in programming, monitoring, reporting, and evaluation.⁴ Towards better implementation, it is important that gender equality requirements are legally binding.

Considering the significant gender inequalities that exist in the Western Balkans (WB),⁵ it is essential that the IPA III Regulation include clear requirements and accountability mechanisms for furthering gender equality, including in relation to programming. The original draft IPA III Regulation lacked attention to gender equality; it was only referred to twice.⁶ This brief contains recommendations for better mainstreaming gender equality within the IPA III Regulation, towards realizing EU commitments to furthering gender equality.

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

² See, KWN, “[A Gender-Responsive Approach to EU External Financing: Recommendations for the New Common Implementing Regulation](#)”, 2019.

³ 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.

⁴ See, KWN, “[Policy Brief: Following through on EU Commitments to Gender Equality: Lessons Learned from GAP II to Inform GAP III](#)”, 2019.

⁵ 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.

⁶ In paragraph 7 of the introduction and Article 6 ([Proposal for a regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance \(IPA III\)](#)), 2018.

1. Include “Strengthen Gender Equality” as an Objective of IPA III

The draft IPA III Regulation did not have a specific objective or accompanying indicator related to gender equality. Thus, gender equality would not be given enough attention in IPA III programming, and the EU would not achieve its commitments to gender equality. To address the substantial gender inequalities in the WB, the IPA III Regulation should include strengthening gender equality as an objective. The European Institute for Gender Equality (EIGE) has emphasized the importance of supporting “stand alone goals” focused on improving gender equality.⁷ Moreover, having gender equality as a clear objective would support the EU in meeting its commitments to increase the number of OECD Gender Marker 2 actions.⁸

Recommendation: Include gender equality as a specific objective in Article 3 of the IPA III Regulation, in line with the proposed amendment of the Council of the European Union,⁹ and the European Parliament (EP),¹⁰ as follows:

- (a) to **strengthen** the rule of law, democracy, the respect of human rights, including those of minorities and children, **gender equality**, fundamental rights and international law, civil society, academic freedom, peace and security, the respect for cultural diversity, non-discrimination and tolerance;¹¹

2. Include a Specific Indicator of Strengthened Gender Equality in the IPA III Regulation

Experience suggests that unless clear indicators are established, gender equality tends not to be adequately addressed, monitored, or evaluated in IPA programming. In accordance with the OECD-DAC Gender Equality Policy Marker,¹² which the EU has committed to using in GAP II, every gender equality objective must be accompanied by at least one indicator.

Article 7, paragraph 5 of the European Commission’s (EC) [draft IPA III Regulation](#) states: “The IPA programming framework shall include indicators for assessing progress with regard to attainment of the targets set therein”. The EC proposal does not reference any indicators related to gender equality, but the EP’s [amendment](#) 1a suggests a composite indicator (index) that includes gender equality, among other indicators: “Composite indicator on partners’ efforts related to reconciliation, peacebuilding, good neighbourly relations and international obligations, gender equality and women’s rights”.

Since strengthening gender equality is proposed as a specific objective in Article 3 of the EP’s [amended proposal](#) for the draft IPA III Regulation, a single, specific indicator (not as part of a broader index) should be used for measuring strengthened gender equality, among the

⁷ “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” (*Gender budgeting. Mainstreaming gender into the EU budget and macroeconomic policy framework*, 2018, p. 38).

⁸ [EU GAP II](#), Indicator 5.3.2. “% of new programmes that score G1 or G2 (Target: 85% of new programmes score G1 or G2 by 2020”.

⁹ [Annex Proposal for a Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance \(IPA III\)](#), 2019, Article 3, paragraph 2.

¹⁰ Amendment 34, Article 3, Paragraph 2, [European Parliament legislative resolution of 27 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing IPA III](#), 2019.

¹¹ For all boldface text in this document, emphasis added by KWN.

¹² See, OECD, [“Handbook on the OECD-DAC Gender Equality Policy Marker”](#), 2016.

indicators presented in Annex IV. Ideally, the same indicator would be included within GAP III, harmonizing efforts towards strengthening gender equality, as well as reporting, monitoring, and evaluation of progress. A logical choice for such an indicator would be the [EU Gender Equality Index](#), a composite indicator that measures various dimensions of gender equality throughout the EU. Most WB countries have established or are in the process of establishing the EU Gender Equality Index, which could serve as a rather comprehensive, comparable indicator for measuring strengthened gender equality, as an IPA III objective.

Recommendation: Ensure that the IPA III Regulation includes a single indicator to measure improved gender equality, related to GAP III, rather than including gender equality within an index comprised of various indicators not directly related to gender equality. Use the following indicator: “Improved score on the EU Gender Equality Index”.

3. Require *Ex Ante* Gender Impact Assessments

To identify the appropriate specific objectives and related indicators towards strengthening gender equality, and as recommended by the EP,¹³ all IPA action documents must be informed by *ex ante* gender impact assessments, similar to presently required environmental impact assessments. Gender analysis also is required by the OECD to inform the appropriate gender marking of actions with the OECD Gender Equality Policy Marker.¹⁴ The EU observed this requirement in GAP II. Despite these commitments, however, to date gender impact assessments rarely have been conducted to inform actions.¹⁵ Thus, several actions likely have been mismarked and encoded incorrectly in OPSYS/CRIS. This evidences the need to establish firmer requirements for gender impact assessments to inform program design.

Recommendations: In line with the [EP’s amendment](#) for Article 21, ensure that the IPA III Regulation clearly **requires** that: *ex ante* gender impact assessments must be conducted to inform **all** actions; and these analyses must inform the program design, including objectives, baselines, indicators, and targets towards strengthening gender equality. More specifically, the IPA III Regulation, Chapter II, Strategic Planning, Article 2, can include:

Programmes and actions under this Regulation shall mainstream climate change, environmental protection and gender equality and shall, where applicable, address interlinkages between Sustainable Development Goals, to promote integrated actions that can create co-benefits and meet multiple objectives in a coherent way. **Obligatory ex ante gender impact assessments shall be conducted to inform all actions, including objectives, baselines, indicators, and targets towards strengthening gender equality.**

4. Earmark and Transparently Allocate Funds to “Strengthen Gender Equality”

According to the [EP’s amendment](#) on IPA programming framework, Article 7, paragraph 1: “The Commission shall submit to the European Parliament the relevant programming documents in due time prior to the start of the programming period. Those documents shall lay down the indicative allocations per thematic window and, where available, per country/region”.

¹³ The EP suggests: “ex-ante human rights, gender, social and labour impact assessments, as well as conflict analysis and risk assessment shall be conducted” (Article 8.4, [European Parliament legislative resolution of 27 March 2019](#)).

¹⁴ [“Definition and minimum recommended criteria for the DAC gender equality policy marker”](#).

¹⁵ KWN rapid gender analysis of all IPA II programming, currently untitled paper, forthcoming 2020.

Funds must be allocated to realise the objective to strengthen gender equality. The Council has stressed the need for “gender-responsive policies, programmes and regulations, including budgeting that is gender sensitive and addresses inequalities”.¹⁶ In the recently adopted EU Gender Equality Strategy, the EC proposed that the Multiannual Financial Framework (MFF) ensure the integration of a gender dimension throughout the financial framework and more specifically in various EU funding and budgetary guarantee instruments.¹⁷ The EP also has urged the EC to “recognize gender equality as an objective in the MFF, mention gender equality in one of the MFF headings with an individual budget line per gender equality-related objective with a view to increasing transparency”.¹⁸ Moreover, the EP 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”.¹⁹ Gender-responsive budgeting should be used in IPA III. Such an approach also would support WB states in implementing their own laws and commitments towards gender equality and gender-responsive budgeting.

Recommendation: The IPA III Regulation should allocate specific resources for strengthening gender equality, addressing key inequalities in priority areas identified through country gender analyses in the WB. The IPA III Regulation should explicitly require gender-responsive budgeting, following an additional article similar to that on expenditures regarding climate change, specified in the next recommendation (5).

5. Require Transparent Tracking of Expenditures for Gender Equality

Programs have tended not to transparently track or report the amount of funding allocated towards gender equality.²⁰ The OECD-DAC Gender Equality Policy Marker is insufficient, taken alone, for tracking expenditures; it only tracks budget allocations and not actual expenditures. Moreover, projects that involve “gender mainstreaming”, including actions marked with the OECD gender marker 1, rarely track expenditures towards gender equality accurately, if at all.

Therefore, at present, the EU is unable to report expenditures on gender equality, towards women’s rights, or in support of women’s rights organisations, respectively. To facilitate reporting to taxpayers, among others, as well as to better track progress on indicators in GAP III, the IPA III Regulation should require tracking expenditures towards gender equality. Such systems for tracking also are needed to inform gender-responsive budgeting.

Once gender equality is included as an objective in the IPA III Regulation, the EC should add an article in reference to gender equality, similar to that requiring attention to climate change, in paragraph (13) and (17) of the Council and the EP’s amendment. In their proposed text in paragraph (13), it is currently specified that “the programme should contribute to mainstream climate action in the Union’s policies and to the achievement of an overall target of 25% of the EU budget expenditures supporting climate objectives”, and paragraph (17) requires that “the programming framework should identify the areas to be supported through assistance with an indicative allocation per area of support, **including an estimate of climate-related expenditure**”.²¹

¹⁶ European Council (2015), as cited in EIGE, 2018, p. 21.

¹⁷ [A Union of Equality: Gender Equality Strategy 2020-2025](#). Similar commitments were raised in the EP Resolution of 19 November 2013, as cited in EIGE, 2018, p. 21.

¹⁸ [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: EIGE, 2018.

¹⁹ Ibid, Article 9.

²⁰ Farnsworth et al., *Where’s the Money for Women’s Rights?*, forthcoming 2020.

²¹ [Proposal for a regulation of the European Parliament and of the Council establishing IPA III](#), 2019.

A similar article should be added in the regulation with requirements for tracking all expenditures on gender equality.

Recommendation: Include in the regulation: “[...], including an estimate of climate-related and gender-related expenditures, through gender-responsive budgeting”.

6. The EU Should Manage the Civil Society Facility

A key aim of the Civil Society Facility (CSF) is to empower and strengthen civil society actors as partners in EU Accession processes. Civil society is well-placed to monitor governments 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 WB governments could manage the CSF. However, considering the actual situation in the region, government management of these funds could undermine CSOs’ ability to hold governments accountable.²² 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 supportive of and/or obedient to ruling governments. If all CSF funds are directed through governments, this could limit support to independently operating CSOs, particularly advocacy organisations.

Recommendation to the European Commission: Do not to entrust governments with managing the CSF, as this could seriously jeopardize the autonomy of CSOs whose independence is crucial for furthering the rule of law and holding governments accountable. Such an approach would not preclude governments from engaging CSOs in other IPA programming.

7. Revise Annex II, Thematic Priority on Employment

Considering that the Regulation proposed by the EC will consider amendments made by the Parliament and the Council of the European Union based on the [Interinstitutional Agreement](#) between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, the EC should consider the Council’s proposal on Annex II, regarding Thematic Priorities for assistance on “Fostering quality employment and access to the labour market”. The proposed paragraph (h), suggests that interventions addressing unemployment, should include unemployment among women as well. However, the language can be further specified in the Regulation, to reflect the differences that exist among women and the need to address the widespread prevalence of gender-based discrimination in the WB.²³

Recommendation: Rephrase and extend paragraph (h) of the [Council’s proposal for Annex II](#) of the Regulation, as following:

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 in employment, including among youth; to promote equal opportunities in employability and productivity; to diminish discrimination based on gender.

²² See: Farnsworth et al., *Where’s the Money for Women’s Rights?*, forthcoming 2020.

²³ See: KWN, [Gender-based Discrimination and Labour in the Western Balkans](#), 2019.

age, ethnicity, sexuality, and/or ability: to establish a sustainable social dialogue; and to modernise and strengthen labour market institutions, including public employment services and labour inspectorates.²⁴

8. Enhance Gender Equality Requirements within External Financing

As mentioned, the current EU Common Implementing Regulation for financing external action (CIR, No. 236/2014) is rather gender blind in terms of specific, obligatory requirements. As a result, most implementers and contractors neither considered EU commitments to gender equality a priority, nor monitored or reported on progress.²⁵ Moreover, as clear requirements have not existed, EU tracking mechanisms like CRIS/OPYSYS have not required reporting on or evaluation of progress. Several principles and best practices outlined in GAP II should be institutionalized *within* regulations on external financing, making them legally binding.

The Neighborhood, Development, and International Cooperation Instrument (NDICI) is set to include most articles previously included in the CIR, basically replacing it. The NDICI is relevant to IPA III in that the [draft IPA III Regulation of the EC](#), Article 5, paragraph 2, on Cross-programme provisions, states that the NDICI Regulation “shall apply to activities implemented under this Regulation where referred to in this Regulation”. Thus, for IPA III as well as external financing more generally, it is essential that the NDICI is gender mainstreamed. The EC’s proposal for the NDICI regulation, paragraph (13), states:

Pursuant to the Sustainable Development Goals, this Regulation should contribute to reinforced monitoring and reporting with a focus on results, covering outputs, outcomes and impacts in partner countries benefiting from the Union’s external financial assistance. [A]ctions under this Regulation are expected to contribute 20% of the Official Development Assistance funded under this Regulation to social inclusion and human development, **including gender equality and women’s empowerment**.²⁶

To achieve these aims, the NDICI Regulation should specifically require obligatory ex-ante gender impact assessments to inform the appropriate planning of actions. As with IPA III and foreseen in GAP II, consultations with civil society in planning processes must involve discussions with WCSOs specifically and recognition of their expertise. Where gender analysis identifies needs, resources should be allocated specifically to treating gender inequalities. Attention to gender equality could be integrated into the NDICI Regulation in a manner similar to the current CIR requirements related to the environment.²⁷

Recommendation: Introduce gender equality requirements within NDICI similar to those in the current CIR related to the environment. Ensure that NDICI **requires:** i) *ex-ante* gender impact assessments for all programming; ii) consultations with WCSOs in planning programs, through consultations with civil society mentioned in NDICI, Article 23 Forms of Union funding and methods of application, paragraph 2; iii) clear objectives towards gender equality based on gender analysis; iv) clear, related indicators; and v) monitoring and reporting on these, including tracking and reporting expenditures towards gender equality.

²⁴ Annex, [Proposal for a Regulation of the European Parliament and of the Council establishing IPA III](#), 2019.

²⁵ KWN observations in supporting the EU Office in Kosovo and discussing this issue with others in the WB.

²⁶ [Proposal for a Regulation of the European Parliament and of the Council, establishing the Neighbourhood, Development and International Cooperation Instrument](#), 2018.

²⁷ Article 2, Paragraph 6, Regulation (EU) No 236/2014 of the European Parliament and of the Council.