

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **D**  
BUDGETARY AFFAIRS

Budgets

Budgetary Control



# The EU Budget for Gender Equality

STUDY for the FEMM Committee





**DIRECTORATE-GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT D: BUDGETARY AFFAIRS**

**GENDER EQUALITY**

# **The EU Budget for Gender Equality**

**ANALYTICAL STUDY**

**Abstract**

This study subjects the EU budget to a gender budgeting analysis revealing revenue and spending decisions' impacts on gender equality. It covers the operational expenditure of six selected policy areas, in an attempt to pave the way for further, more comprehensive analysis. The authors adopt the capability approach, based on a broad definition of human wellbeing, following bottom-up logic. The analysis leads to the following conclusions:

- Many titles of the EU budget do not follow the EU's high level commitment to gender equality and gender mainstreaming;
- The EU budget is not entirely transparent, since the amounts allocated to different policy objectives and actions are not always specified;
- Finally, specific gender indicators and gender-disaggregated data are not systematically used in the monitoring and evaluation of different actions that are funded by the budget.

This study was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

## **AUTHORS**

Dr. Firat Cengiz, University of Liverpool  
Prof. Fiona Beveridge, University of Liverpool

## **COORDINATOR**

Ms. Margarita Sanz González, Blomeyer & Sanz

## **RESPONSIBLE ADMINISTRATOR**

Ms Beata Grzebieluch  
Policy Department on Budgetary Affairs  
European Parliament  
B-1047 Brussels  
E-mail: [poldep-budg@europarl.europa.eu](mailto:poldep-budg@europarl.europa.eu)

## **LINGUISTIC VERSIONS**

Original: EN  
Translation: DE, FR

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Manuscript completed in May 2015.  
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## LIST OF ABBREVIATIONS

<b>AMIF</b>	Asylum, Migration and Integration Fund
<b>CEDAW</b>	United Nations Convention on the Elimination of All Forms of Discrimination against Women
<b>CSF</b>	CSF Common Strategic Framework
<b>EaSI</b>	EaSI Employment and Social Innovation
<b>EIGE</b>	European Institute for Gender Equality
<b>ESF</b>	European Social Fund
<b>EU</b>	European Union
<b>EURES</b>	European Employment Services
<b>FGM</b>	Female genital mutilation,
<b>FTE</b>	Full time equivalent
<b>GDP</b>	Gross Domestic Product
<b>ICSP</b>	Instrument contributing to stability and peace
<b>ISF</b>	Internal Security Fund
<b>MFF</b>	Multiannual Financial Framework
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PROGRESS</b>	Community Programme for Employment and Social Solidarity
<b>STEM</b>	Science, Technology, Engineering and Mathematics
<b>TFEU</b>	Treaty of Functioning of the European Union
<b>UNHCR</b>	United Nations High Commission for Refugees

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## EXECUTIVE SUMMARY

Gender budgeting is increasingly advocated as an instrument of **democratic governance**. The key objective of gender budgeting is to reveal the **revenue and spending activities' impacts on gender equality** with a view to increase sensitivity to gender equality within the budgetary process. Gender budgeting also provides an opportunity to reveal different policies' gender impacts using the budgetary process as a platform.

The EU's strategy for equality between women and men 2010-15<sup>1</sup> is about to come to an end. This provides an opportunity for a stocktaking exercise to identify achievements and pitfalls with a view to adopt **more ambitious equality goals and more effective implementation strategies** for the future. The key purpose of this report is to **subject the EU budget to gender budgeting analysis with a view to contribute to this stocktaking exercise**.

Since gender budgeting is essentially a tool of democratic governance, in this report we follow a **capability approach** based on capabilities that are essential for women's and/or men's wellbeing, such as access to education, employment, politics, shelter, leisure activities and hobbies; equal share in nonpaid labour and care duties, equal voice in decisions within the family and other social structures, the freedom from sexual, physical, economic and emotional violence, the ability to live in a clean environment, etc. In this, we take as our starting point **the group of capabilities that are affected by each budget title to reveal that budget title's gender equality impact**. We focus in particular on policy areas and issues where there is **an identified gender element which EU policies might ignore, exacerbate or address**. This may therefore be a pre-existing inequality or an inequality between women and men which is an outcome of the proposed or existing policy.

In this report, we propose a gender budgeting methodology that follows five steps:

- Step 1:** Identifying capabilities key to women's and/or men's well-being and gender equality
- Step 2:** Matching those capabilities with policies to define policies' gender equality spectrum and impact
- Step 3:** Analysing policy objectives and resource allocations in the light of conclusions reached at step 2.
- Step 4:** Identifying beneficiaries & participants of projects and programmes financed by the budget
- Step 5:** Reflection & recommendations for policy change

In this report we analyse the following titles of the EU budget in the light of this methodology: employment, social affairs and inclusion (title 04), home affairs (title 18), justice (title 33), development and cooperation (title 21), research and innovation (title 08) and finally education and culture (title 15). This is due to the space and time constraints in the context of this report. However, if gender budgeting is to be adopted as a formal process in the EU **it is essential that it is applied horizontally in all policy areas**. All policies impact on gender equality, even though this impact may occur through indirect and covert ways in

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<sup>1</sup>Strategy for equality between women and men, available at [http://ec.europa.eu/justice/gender-equality/files/strategy\\_equality\\_women\\_men\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/strategy_equality_women_men_en.pdf).

certain policies. Thus, it is essential that a handful of certain policies are not selected for gender budgeting on the basis of their prima facie expected impact on gender equality. Otherwise, the results will suffer from a selection bias.

In addition, this study looks only at the EU Budget and does not take into account the ability of Member States to address deficits in gender mainstreaming through implementation actions. Neither is the role of EU agencies taken into account, since this report focuses on section III of the EU budget with regard to the European Commission and does not investigate the gender effects of resources allocated to EU agencies within section III. EU actions and programmes constitute the main subject of our inquiry, because deficits at this higher level, notwithstanding the commitments of other national and EU actors would be expected to result in (at best) patchy results.

Moreover, since the budget will have already determined the allocation of resources to different EU programmes, it may be impossible to overcome the structural deficits introduced in this way. Nonetheless it is important to remember that substantial capacity does exist in Member States and EU agencies to themselves introduce robust gender mainstreaming within EU actions at a subsequent stage in implementation.

The analysis leads us to the following general findings:

- Gender equality is not recognised as a policy objective in all budget titles. Similarly gender mainstreaming is not recognised as an implementation method in all budget titles. As a result, **the EU's high level political commitments to gender equality and gender mainstreaming do not penetrate spending decisions in all policy areas**. Particularly in the context of cross-cutting gender issues that fall within the remit of several policy areas (such as poverty, immigration and asylum seeking, violence against women, human trafficking and sexual exploitation) one policy area's strong commitment to gender equality can be rendered ineffective if equally strong gender equality objectives are not pursued in other relevant policy areas. Thus, **it is vital that all budget titles pursue equally strong gender equality targets and that they follow equally strong gender mainstreaming standards**.
- **Several budget titles are not fully transparent**, in that they do not specify the amount allocated to individual policy objectives and actions. They tend to include several umbrella items that bring together diverse policy objectives and actions. This **jeopardises financial and budgetary accountability and raises the risk of gender equality objectives being overshadowed and relegated in the context of actual spending decisions**.
- Several budget titles do not incorporate specific gender indicators and they do not require collection of gender-disaggregated data as part of the monitoring and evaluation of actions that receive funding from the EU budget. **The absence of gender-disaggregated data not only makes it impossible to evaluate EU policies' actual gender equality effects but also poses impediments to financial and budgetary accountability**.

In the light of these findings we suggest the following:

- The EU's macro political level commitment to gender equality should be followed through at the micro policy level in the context of all policies that receive funding from the EU budget. **Thus, gender equality should be embedded as a distinct policy objective in all titles of the EU budget.**
- Similarly, the EU's commitment to gender mainstreaming as an implementation method at the macro political level should be followed through at the micro policy level in the context of all policies that receive funding from the EU budget. Thus, **gender mainstreaming should be embedded as an implementation method in all aspects of the EU's resource system, including all titles of the EU budget.**
- Particularly in cross-cutting issues that fall within the remit of several budget titles, it is essential that **gender equality objectives and gender mainstreaming obligations are followed consistently in all budget titles that are relevant for the issue in question.**
- In order to increase the transparency of the budget **specific amounts allocated to individual actions and policy objectives should be specified in the budget.**
- In all actions that receive funding from the EU budget **gender specific indicators should be adopted to be applied in project selection, monitoring and evaluation phases.** Target groups should be identified on the basis of gender and other characteristics. Similarly, **gender-disaggregated data with regard to beneficiaries and participants of all actions that receive funding from the EU budget should be collected systematically as part of the monitoring and evaluation of the action.** In order to ensure financial accountability and transparency **the data should be made available to the public.**

## 1. INTRODUCTION

In this report we subject the EU budget to a 'gender budgeting' analysis. Gender budgeting does not mean allocation of a specific amount of resources to be spent on gender equality objectives. It means taking into consideration in the design of the budget different effects of spending and revenue decisions on women and men. In a way, gender budgeting means gender mainstreaming of the budget.

Gender budgeting is an extremely powerful process that can be used to reveal different policies' gender effects with a view to further increase positive effects and eliminate the negative ones. Gender budgeting also contributes to budgetary and financial accountability as it reveals the gender equality effects of spending and revenue decisions. Similarly, gender budgeting can contribute towards the legitimacy of future policies if existing policies are amended to improve their gender effects in the light of the feedback provided by the gender budgeting exercise. Thus, a systematic gender budgeting exercise has the potential not only to improve the gender equality effects of EU policies but also to improve the accountability and the legitimacy of the EU budgetary process.

The EU budget is fundamentally different to the budget of a nation state. The EU has no macroeconomic and fiscal policies other than those governing the Economic and Monetary Union; nor does the EU run a welfare state and collect revenues from citizens to invest in distributive and redistributive policies. However, the EU operates policies that result in significant gender effects due to the incentives they give to national and local authorities and public and private actors. Consequently, gender budgeting should be considered a useful and vital exercise in the context of the EU.

Gender budgeting analysis of the EU budget is particularly timely. As the EU strategy for equality between women and men 2010-15<sup>2</sup> is about to expire, this provides an opportunity for a stocktaking exercise with the aim of identifying more ambitious equality objectives and adopting more effective implementation methods. Gender budgeting can play a significant role in this stocktaking exercise by revealing the gender effects of spending decisions in the context of different EU policies.

Gender budgeting aims to contribute towards the making of a more egalitarian society. So, it is essentially a tool of democracy. We believe that the democratic quality of gender budgeting should not be compromised by the often technocratic and bureaucratic discourse of the budgetary process. In the light of this premise, we propose a capability approach to gender budgeting in the EU. In this, we start by identifying the capabilities that are essential for individuals' wellbeing (such as the capabilities to work, to combine professional and family life in an egalitarian way within the family, to engage in leisure activities, to live free from violence etc.). Then we look into individual policies addressed in the EU budget in terms of their gendered impacts on those capabilities, specifically how they impact differently on women and men. If we expect particular policies to also have an impact on intersecting inequalities, such as minority and immigration status, sexual and gender identity, social class, income and education level, geographical location, age and so on, we also highlight those

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<sup>2</sup>Strategy for equality between women and men, available at [http://ec.europa.eu/justice/gender-equality/files/strategy\\_equality\\_women\\_men\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/strategy_equality_women_men_en.pdf)

potential impacts. We explain our methodology and the capability approach in detail in section 2 and Annex I of this report.

Given the limited time and space devoted to this report, our analysis of the EU budget is selective. We focus on Section III of the EU Budget with regard to the European Commission, as this is where EU spending in substantive policies is determined. We look specifically into the budget titles on employment, social affairs and inclusion (title 04), home affairs (title 18), justice (title 33), development and cooperation (title 21), research and innovation (title 08) and education and culture (title 15). In this, we scratch the surface in terms of subjecting the EU budget to a gender budgeting analysis. For the gender budgeting analysis to be complete all thirty-four titles of section III, and the resource-raising elements of the budget, should be subjected to the same analysis without making a *prima facie* choice on the basis of expected gender effects of policies. Due to the different gender roles assigned to women and men and their differing socio-economic situations all policies affect them differently even though in the context of certain policies those effects take place in more indirect and covert ways. There is extensive research on these effects, among others, in the context of the Common Agricultural Policy<sup>3</sup> (that takes up more than 40% of EU spending) and climate action.<sup>4</sup>

The EU is fully committed to gender equality as one of its fundamental values and objectives, as stated, among others, in Arts. 2 and 3 of the Treaty on European Union (TEU) and Arts. 21 and 23 of the Charter of Fundamental Rights of the European Union. Similarly, particularly since the entry into force of the Amsterdam Treaty, gender mainstreaming has been adopted as the key method of incorporating gender equality into the making and implementation of all EU policies.<sup>5</sup> Our analysis shows that this commitment to gender equality at the macro political level is not fully followed up at the micro policy level, particularly in the context of spending decisions.

This report identifies, for the EU policies covered, the impact of those policies in terms of the capability groups that are essential for wellbeing and the consequent impact on gender equality. Similarly, we identify where these policies are also likely to significantly impact on intersecting inequalities, such as minority and immigration status, sexual and gender identity, social class, income and education level, geographical location, age and so on. We identify where their impact on gender equality and other intersecting inequalities is not fully reflected in policy objectives and implementation methods regarding the EU budget.

We also consider the transparency of the EU budget, since imperfect transparency in the budget is an impediment to the Commission's financial accountability towards the European Parliament and EU citizens. It also brings with it the danger of gender equality goals being overshadowed by other policy goals that are addressed in the same action when it comes to spending decisions.

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<sup>3</sup>Sally Shortall, 'Gender Mainstreaming and the Common Agricultural Policy', *Policy, Gender, Place & Culture* (2015), 22(5): 717-730.

<sup>4</sup>Gill Allwood, 'Gender Mainstreaming and EU Climate Change Policy', *European Integration Online Papers*, Vol.18 (2014), Article 6.

<sup>5</sup>See e.g. European Commission (1996) 'Communication from the Commission: Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities', COM(96)67 final of 21 February 1996.

Finally, we verify whether the budget titles we study require systematic collection of gender-disaggregated data of beneficiaries and participants of actions funded by the title as part of monitoring and evaluation. We point out where EU actions and funds do not identify target groups on the basis of gender and other characteristics as their potential beneficiaries and participants. Similarly, we check which budget titles do not incorporate specific gender equality indicators to be applied in project selection, monitoring and evaluation phases of all actions funded by that title. In the absence of systematic gender equality indicators and gender-disaggregated data, it is impossible to evaluate the actual impact of EU policies and actions on gender equality. The absence of target groups results in the absence of benchmarks to evaluate the success of different actions and programmes in reaching to their potential beneficiaries and participants. This renders the already limited data with regard to participants and beneficiaries of different EU funds and actions meaningless. Identification of target groups and collection of gender-disaggregated data are essential to assess whether EU actions have delivered the policy objectives they promised; thus, to make sure that spending decisions are being subject to effective accountability.

The structure of this report is as follows: section 2 of the report begins with explaining the concept of gender budgeting. Afterwards, it presents the capability approach that we apply in this report. This is followed by a summary of our methodology. Sections 3-8 contains analyses of selected titles of the EU budget in the light of the capability approach. The budget titles that we look at are: employment, social affairs and inclusion (title 04), home affairs (title 18), justice (title 33), development and cooperation (title 21), research and innovation (title 08) and finally, education and culture (title 15). Final section summarises our conclusions and policy recommendations. More detailed information with regard to the methodology is provided in Annex I of the report.

## 2. GENERAL REMARKS ON GENDER BUDGETING AND METHODOLOGY

### 2.1. GENDER BUDGETING

Budgets are extremely powerful policy tools. Not only do governments prioritise spending for preferred policy objectives in the context of the budgetary process, but they are also questioned and held to account on their past spending and revenue activities by state and non-state actors. Feminist political economists have long established that budgets are not gender neutral. On the contrary, states' spending and revenue activities often result in significant consequences for the social and economic status of women and men.<sup>6</sup> These consequences are likely to further differ on the basis of intersecting inequalities defining the social status of women and men, including their socio-economic situation and class, age group, sexual and gender identity, location, ethnicity, minority status, religion etc.<sup>7</sup>

Due to this significant effect of budgets on gender equality, the United Nations Beijing Platform for Action called in 1995 for a gender sensitive approach to budgetary processes.<sup>8</sup> Since then, 'gender budgeting' has emerged as an increasingly popular gender mainstreaming tool. Gender budgeting has been defined as follows:

*Gender budgeting is an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.<sup>9</sup>*

Gender budgeting does not mean allocation of a specific public budget for gender equality purposes, but it requires a holistic gender equality-based approach to the entire budgetary process. In this, gender budgeting serves three key purposes: 1) it helps gender mainstream all policies covered by the budget; 2) it promotes accountability and transparency as regards governments' commitment to gender equality; 3) it provides a platform for the changing of policies with gender-differentiating effects.<sup>10</sup>

<sup>6</sup>Diane Elson, 'Integrating Gender Issues into National Budgetary Policies and Procedures: Some Policy Options', *Journal of International Development*, (1998), 10(7): 929-41; Diane Elson, 'Integrating Gender into Government Budgets within a Context of Economic Reform', in Debbie Budlender (et. al. eds.) *Gender Budgets Make Cents: Understanding Gender-Responsive Budgets* (2002, London: Commonwealth Secretariat), 23-47; Rhonda Sharp and Ray Broomhill, 'Budgeting for Equality: The Australian Experience', *Feminist Economics* (2002), 8(1): 25-47; Janet Stotsky, 'Budgeting with Women in Mind', *Finance and Development* (2007), 44(2): 12-15.

<sup>7</sup>Sharp and Broomhill (2002), *ibid.*

<sup>8</sup>United Nations, 'Fourth World Conference on Women: Platform for Action and the Beijing Declaration' (New York: UN Department of Public Information, 1995).

<sup>9</sup>Council of Europe 'Gender Budgeting: Final report of the Group of specialists on gender budgeting' (Strasbourg, Council of Europe, 2005), at p.10.

<sup>10</sup>Sharp and Broomhill, note 6 above. See also Council of Europe (2005), *ibid.*, above; Kate Bellamy, 'Gender Budgeting' A Background paper for the Council of Europe's Informal Network of Experts on Gender Budgeting (UK Women's Budget Group, 2002); Janet Stotsky, 'Gender Budgeting', IMF Working Paper, WP/06/232; Nallari Raj, *Gender and Macroeconomic Policy* (World Bank, 2011).



An effective gender budgeting process requires cooperation between governmental and non-governmental actors that remain committed to gender equality goals throughout the process.<sup>11</sup> First and foremost, public officials from all state authorities involved in spending and revenue decisions must be informed and trained sufficiently to understand the effects of their decisions on gender equality. The cooperation of state authorities can be secured by emphasising the contribution of gender budgeting towards the achievement of not only gender equality goals but also good governance principles such as transparency and accountability<sup>12</sup>, as well as its contribution towards the achievement of macroeconomic targets such as growth and efficiency.<sup>13</sup> Gender budgeting should be designed to enhance accountability between political actors by making it possible for parliaments, for example, to ensure that gender has been prioritised appropriately and to identify where trade-offs against other goals have been made. Finally, where political actors such as parliaments have integrated gender budgeting into their audit and discharge processes, this should be designed to enhance their ability to debate and reflect on the effects of past spending and revenue activities on gender equality with a view to amend and improve revenue/spending decisions and/or gender equality targets if necessary.

The burgeoning popularity of gender budgeting has resulted in an abundant literature, reporting experiences of feminist political economists and gender budgeting experts from different parts of the world and providing guidance to practitioners new in the field.<sup>14</sup> These studies report diverse experiences that do not always satisfy the criteria for an effective gender budgeting exercise summarised above.

In general, gender budgeting practices follow either an 'inside government' or 'outside government' model.<sup>15</sup> The advantage of the former model, which was applied most prominently in Australia as well as some European Union (EU) Member States such as Belgium and Austria<sup>16</sup>, is the abundance of data available to state officials. Nevertheless, gender budgeting practices following this model are likely to become overly bureaucratic and lack the transparency and other good governance principles gender budgeting is supposed to achieve. In contrast, the latter model, most prominently applied in the UK by the non-governmental Women's Budget Group<sup>17</sup>, may not always result in effective outcomes, either because civil society actors do not have access to sufficient data or because they lack the clout necessary to bring about changes in budgetary decisions. More recently, gender budgeting initiatives have suffered from the 2008 financial crisis and the following austerity policies, due to the decreasing commitment to equality policies.<sup>18</sup>

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<sup>11</sup>For instance the Council of Europe's model integrates gender budgeting into the planning and preparation, adoption, implementation, audit and evaluation phases; Council of Europe, note 9 above, at 16. Lois Woestman suggests a similar model based on four stages in 'Engendering EU General Budget Support' (2009, WIDE, Brussels), at 5-6. See also Debbie Budlender, who suggests a model based on a 'triangle of players' (politicians, state bureaucracy and civil society) and on a 'triangle of goals' (awareness, accountability and change of budgets), in 'A Global Assessment of Gender Responsive Budget Initiatives' in Budlender et al. (2002), note 6 above, at 37.

<sup>12</sup>See e.g. Council of Europe, note 9 above, at 11-12.

<sup>13</sup>For instance Stotsky connects gender budgeting directly to the internalising of negative economic externalities. See, note 6 above, at 13.

<sup>14</sup>See e.g. Debbie Budlender and Guy Hewitt, 'Engendering Budgets – A Practitioners' Guide to Understanding and Implementing Gender-Responsive Budgets' (2003, Commonwealth Secretariat); Rhonda Sharp, 'Budgeting for Equity – Gender budget initiatives within a framework of performance oriented budgeting' (2003, UNIFEM); Sheila Quinn, 'Gender Budgeting: Practical Implementation' (2009, Council of Europe); Nathalie Holvoet, 'Gender Budgeting in Belgium: Findings from a Pilot Project' *European Societies* (2007), 9(2): 275-300; Divya Pandey, Aruna Kanchi, K. K. Akolkar, 'Gender Audit of Maharashtra Budget', *Economic and Political Weekly* (30 October 2004).

<sup>15</sup>Sharp and Broomhill (2002), note 6 above, at 29.

<sup>16</sup>See European Commission (2014) 'Exchange of good practices on gender equality, Discussion Paper Austria', available at [http://ec.europa.eu/justice/gender-equality/files/exchange\\_of\\_good\\_practices\\_at/at\\_discussion\\_paper\\_at\\_2014\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/exchange_of_good_practices_at/at_discussion_paper_at_2014_en.pdf)

<sup>17</sup><http://wbg.org.uk/>

<sup>18</sup>Stephanie Seguino, 'The Gender Perspective of the Financial Crisis', United Nations Commission on the Status of Women, Fifty-third Session (2009, New York); European Women's Lobby, 'The Price of Austerity – The Impact on Women's Rights and Gender Equality in Europe' (2012).



In the EU, gender budgeting has not officially been integrated into the budgetary process, despite the calls of women's rights organisations and of the European Parliament.<sup>19</sup> At the national level, unsurprisingly, Member States with a strong welfare state, including the Nordic states, Germany, Austria and Belgium have been active in gender budgeting, whereas in southern Member States, such as Spain and Italy, there have been a few local initiatives without a national follow-up.<sup>20</sup>

## 2.2. THE CAPABILITY APPROACH

The approach taken in this study assumes that gender budgeting is, essentially, a tool of democratic governance, involving a process of budget scrutiny from a distinct gender equality perspective to develop an understanding of how far the budget has been aligned to the high level commitment to the promotion of gender equality expressed in the EU Treaties. As such, thought should be given to, firstly, who is best equipped to provide input into this particular gender perspective on the budget and, secondly, how the exercise is conducted to ensure that the democratic quality of gender budgeting is not compromised in the choice of methodology and the design of the gender budgeting process.

Budgetary processes are very bureaucratic and have a very technocratic and expertise-driven discourse. There is a real risk of this technocratic nature of budgetary process penetrating also to the gender budgeting exercise and compromising its democratic qualities. We argue that this risk can be avoided by following a 'capability approach' to gender budgeting. Essentially, this approach provides an external framework against which both internally-driven EU goals and budgetary support for EU actions to meet these goals can be assessed. It seeks to ensure that gender budgeting in the EU is not reduced to a circuitous self-assessment exercise, but that progress is assessed against externally-set benchmarks.

In short, the capability approach follows a bottom-up logic. It does not take income and other macro-economic indicators as the main proxies of wellbeing. Instead, the capability approach focuses on the elements of individuals' being and aspirations that are essential to pursue a happy and fulfilling life.

There is much debate in the literature with regard to what should be considered as capabilities essential for wellbeing. Several scholars have attempted to bring together lists of capabilities that they consider essential (the academic debates with regard to capabilities and different capability lists are summarised in Annex I to this report). In this study we do not follow a particular list of capabilities, but apply a general categorisation, as we believe that this more flexible approach contributes to the accuracy of our analysis. Using too rigid a list might result in an overly formalistic approach and ultimately lead to the overlooking of issues that are essential to wellbeing, but do not fall under any of the capabilities in the list.

Essentially, all capability lists envision women and men living complete, happy and fulfilling lives, realising their potential freely in the way they wish and decide. Capabilities considered essential for wellbeing in different lists can be categorised in five groups that are presented in table 1 below.

<sup>19</sup> European Parliament Resolution of 3 July 2003 on gender budgeting - building public budgets from a gender perspective (2002/2198(INI)); European Women's Lobby, WIDE and CONCORD Statement, 'Towards a Gender Responsive, Accountable and Participatory Post-2013 EU Multi-Annual Financial Framework and EU financing Instruments', (May 2011).

<sup>20</sup> Council of Europe (2005) note 9 above; Deborah Budlender (ed.), 'Gender Budgeting in South Eastern Europe: UNIFEM Experiences', (2010, UNIFEM).

**Table 1: Categories of capabilities used in this report**

<b>Category a</b>	<b>Women’s and men’s engagement with the society</b>	Capabilities to have equal shares in non-market labour and care economy, to have equal voice in family decisions, to engage in social activities, to move etc.
<b>Category b</b>	<b>Women’s and men’s engagement with the political and social system</b>	Capabilities to have equal access to education, market, employment and politics etc.
<b>Category c</b>	<b>Women’s and men’s engagement with the environment</b>	Capabilities to have shelter and to live in a safe, clean environment in harmony with the environment and other species etc.
<b>Category d</b>	<b>Women’s and men’s engagement with their personality</b>	Capabilities to plan one’s own time, to have hobbies, to engage in spiritual and religious activities, to choose the education and profession one desires etc.
<b>Category e</b>	<b>Women’s and men’s engagement with their physicality</b>	Capabilities to feel safe, to live a dignified life, to be free from physical, psychological or emotional violence, to express thoughts, desires and personality in any way, including physical appearance, without the fear of violence or intimidation

The categories that we offer are not exhaustive, although they do not miss out any of the capabilities that are considered essential for gender equality in the existing lists. Also, the categories are not mutually exclusive: for instance, the capability to feel safe inevitably includes financial and economic safety as well as having access to shelter, resulting in overlap between the categories of engagement with the political and social system, environment and their physicality. Similarly, individuals’ engagement with their personality is closely related to their engagement with the political and social system, since the capability to have equal access to employment, market and politics will presuppose the capability to have access to the desired education in the first place. Such examples of crosscutting and overlapping categories can be multiplied. This is only natural, since human wellbeing is a complex phenomenon with several crosscutting and overlapping dimensions.

Additionally, even though we do not propose a hierarchy between different capability groups, capabilities regarding engagement with the political and social system appear to have key importance to improve gender equality in all capability groups. This is because

without having access to equal economic resources and political power structures, women and men are not very likely to have equal decision-making powers within the family and other social structures or equal capacity to set a political agenda to voice their needs in other capability groups.

We will use this categorisation as our main guideline in the gender budgeting exercise. Having a general categorisation rather than a definitive set of capabilities renders gender-budgeting a more flexible, accessible and less technical exercise, thus contributing towards its democratic quality. Nevertheless, if any particular policy has a significant effect on a particular capability we will pay particular attention to the capability in question. Similarly, although we do not offer a specific category of intersecting inequalities, in case of a significant potential impact on intersecting inequalities in any policy area is reported that impact.

Our categorisation covers all the capabilities used in the context of the European Gender Equality Index (see Annex I to this report) and additionally, the capability of being free from violence. Similarly, our categorisation also covers all gender equality targets identified in the EU's Strategy for Equality between Women and Men 2010-15.<sup>21</sup> Thus, whilst having a democratic quality thanks to its roots in the capability approach, our categorisation also fits coherently with the EU's legislative and policy framework on gender equality.

### **2.3. METHODOLOGY FOR A CAPABILITY-BASED EU GENDER BUDGETING EXERCISE**

As we argued above, identifying the relevant capabilities is the first essential step of the methodology for a capability-based gender budgeting exercise. We have completed this first step in the section above. We argue that in a capability-based gender budgeting exercise, it should be followed by four more steps.

As a second one, the capabilities that are considered essential for individual wellbeing should be matched with policies that are likely to have a positive or negative gender-specific impact on them. In that way, policies can be flagged in terms of their potential impact on gender equality: for instance, if a certain policy is likely to impact on more than one group of capabilities and/or have a particularly significant impact on capabilities, it is scrutinised more carefully.

In the context of this study we focus on Section III of the EU budget with regard to the European Commission. This is the part of the EU budget in which EU spending in different substantive policy areas by its main administrative authority (i.e. the Commission) is determined. We identify the gender equality spectrum (the number of capabilities affected by the policy in question) of different EU policies addressed in section III of the budget and their gender equality impact (the intensity of their effect on capabilities as direct or indirect and none, low, moderate or high). Whilst defining the gender equality spectrum and impact of different budget titles, we follow a rule of thumb approach.

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<sup>21</sup>Communication from The Commission to the European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions, Strategy for Equality Between Women and Men 2010-2015, Brussels, 21.9.2010, COM(2010) 491 final.

**Box 1: Capabilities approach to gender budgeting**

**Step 1:** Identify capabilities key to women's well-being and gender equality

**Step 2:** Match those capabilities with policies, define gender equality spectrum and impact

**Step 3:** Analyse policy objectives and resource allocations in the light of conclusions reached at step 2.

**Step 4:** Identify beneficiaries & participants

**Step 5:** Reflection & policy change

Once policies are flagged in terms of their gender equality spectrum and impact, the third step involves a scrutiny of the policy objectives and budgetary choices in each substantive policy area. The question directing the inquiry at this step is whether the relevant capabilities have been taken into consideration while determining policy objectives and, if so, whether those policy objectives are reflected in the budgetary choices made and in the budgetary process. In this we pay particular attention as to whether the EU annual budget and the supporting documents identify gender equality as an objective and if so, if they specify the amount to be allocated to this objective.

The fourth step that naturally follows is the analysis of data with regard to the implementation of the policy in question. In this step we particularly take into consideration the gender of individuals who implement the policy and those who are the beneficiaries of the policy, and other characteristics of these groups that are key to the equality outcomes of the policy in question. This analysis helps us to evaluate whether and to what extent the policy in question takes account of existing gender imbalances in the relevant area and seeks to address them through measures which will improve the capabilities of disadvantaged groups.

As the fifth and the final step, policies in which objectives and budgetary decisions do not reflect the gendered impact on capabilities in that area (i.e. gender-blind policies) can be identified as potentially resulting in or exacerbating gender inequality. For example, in this move we identify policies that, although having promising potential to improve women's capabilities, benefit men more than women when it comes to implementation. This may be because in those policy areas women do not have access to the resources they need in order to realise the capabilities that are crucial for their well-being.<sup>22</sup> Identification of policies with a significant effect on gender (in) equality through this step is a very real added value of gender budgeting.

For gender budgeting to contribute to gender equality, the process should be completed with a holistic debate on policies and budgetary choices with a view to formulate proposals to strengthen those policies contributing to gender equality and to reverse or change those resulting in or exacerbating existing inequalities.

In this pilot study we illustrate what would be the methodology and substantive outcomes of a gender budgeting exercise for the EU. We do this by looking into the EU's 2014 and 2015 budgets and the Multiannual Financial Framework 2014-2020 (hereinafter MFF).

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<sup>22</sup>See also, Ingrid Robeyns, 'Sen's Capability Approach and Gender Inequality', in Bina Agarwal, Jane Humphries and Ingrid Robeyns (eds.), *Amartya Sen's Work and Ideas – A Gender Perspective*, (Routledge, 2005), at 66.

The EU budget consists of ten sections regarding the individual budgets of different EU institutions and bodies. As mentioned above, Section III of the EU budget regarding the European Commission is key when it comes to the EU's spending, as the Commission administers the majority of EU policies. Excluding administrative costs of the running of this institution, the Commission's budget brings together 27 budget titles regarding different policies. In the context of this study it would not be possible to conduct an equally in-depth gender budgeting analysis for all of these 27 budget titles. Since we have limited time and space, we limit our analysis to a number of selected titles. We analyse: Employment, Social Affairs and Inclusion (Title 04), Home Affairs (Title 18), Justice (Title 33), Development and Cooperation (Title 21), Research and Innovation (Title 08) and Education and Culture (Title 15). However, as explained in the introduction to this report, a complete gender budgeting analysis should target all budget titles without differentiating them on the basis of their presumed impact on gender equality, as the selective approach taken here inevitably overlooks policies that have significant, albeit indirect or covert, impacts on gender equality. Similarly, as noted above, this study does not cover resource-raising aspects of the EU budget, though these may similarly have major impacts on gender equality and should be included in a more comprehensive review.

We apply the five-step methodology proposed here to the EU budget in the following way: we start our analysis with individual titles, chapters, articles or items identified as relevant in each policy area of section III of the budget, excluding administrative costs, pilot projects, one-off payments and payments for the conclusion of projects from previous financial years. As a second step, we look into the founding policy documents of each title, chapter, article or item in order to identify its policy objectives. As a result, we identify the number of capabilities potentially affected by that title, chapter, article or item (gender equality spectrum) and its influence on each capability as direct or indirect and as none, low, moderate or high (gender equality impact). We also comment on whether and to what extent we expect the title, chapter, article or item in question to make an impact on other intersecting equalities. We then investigate whether the potential gender equality spectrum and impact have been taken into consideration in the definition of policy objectives and the principles for implementation. We identify the amount allocated to the budget line in 2014 and 2015 budgets as well as in the MFF.<sup>23</sup> Finally, we check whether gender-disaggregated data with regard to the participants and beneficiaries of the title, chapter, article or item is available. We summarise this information in a table in the following format:

**Table 2: Example for gender budgeting exercise, EU Budget Section 3, Chapter 04 06 – Fund for European Aid to the Most Deprived**

Stated policy objective	To support Member States' actions to provide material resources to the most deprived	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, d	b
Gender equality impact	Direct, high	Indirect, low
Are gender equality spectrum/impact reflected in policy objectives?	Gender equality is recognised as a principle	
Amount (in EUR) attached (in commitments)	2014	501 280 000
	2015	524 657 709
	MFF	3.8 billion
Availability of gender-disaggregated data on participants/ beneficiaries	Not yet available	

<sup>23</sup>All figures are taken from the EU's 2014 and 2015 budgets and the MFF (2014-20) and are stated in Euros.

After analysing all budget chapters, articles or items that fall under the same title (for instance, in the example given above the title 'Employment, Social Affairs and Inclusion'), we summarise our observations regarding that title's impact on gender equality. Our general findings for the title are also summarised in a similar table. This is followed by policy proposals based on our observations to improve that policy's positive effects on gender equality and to eliminate its negative effects.

There are certain potential risks facing a gender budgeting exercise applied to the EU budget. Gender budgeting itself is a relatively novel exercise and experiences with it in different contexts have not yet produced a common recommended methodology that is known to produce the desired results. Additionally, the EU budgetary process is extremely technical and it can be criticised for being not sufficiently transparent, with the compromises between the European Parliament, European Commission and the Council not always clear. As far as we are aware, the EU budget has not been subject to a gender budgeting analysis before except for one particular study looking into the proposal for the MFF (2014-20) from a gender equality perspective.<sup>24</sup> Thus, in the context of this study we explore unknown territories to a certain extent.

As a remedy to these risks, we interviewed three national gender budgeting experts from Austria, Germany and Sweden and one European Commission official in order to make sure that our methodology is robust. These were semi-structured phone interviews in which we talked about the experts' experiences in gender budgeting and what they would perceive as a robust methodology for a gender budgeting exercise in the EU. The interviews took place in March-April 2015. The following were used as guiding questions during the interviews:

- 1) Could you summarise your experience in gender budgeting and your current engagement with gender budgeting?
- 2) Could you summarise the role and importance given to gender budgeting at the national and local levels in your country?
- 3) What are the conditions that make a stronger or weaker case for gender budgeting in your country compared with other European countries? Could you give some information with regard to the political context of gender budgeting?
- 4) What would you consider as the key elements of a robust gender budgeting methodology? What are the key issues and pitfalls one should particularly be aware of?
- 5) How can a gender budgeting process be made more democratic and appealing for citizens with a view to increase citizen participation in the process?
- 6) Could you summarise your experience with regard to gender budgeting in the European Union or in the context of European Union funded projects and programmes?
- 7) What would you consider as strengths and weaknesses of gender budgeting at the European Union level?
- 8) What would be your suggestions to improve gender budgeting at the European Union and national levels?

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<sup>24</sup>The Multiannual Financial Framework (2014-2020) from a Gender Equality Perspective (European Parliament, 2012, Brussels).



### 3. GENDER BUDGETING ANALYSIS OF EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION (TITLE 04)

#### KEY FINDINGS

- Individual budget chapters, articles and items in this policy are expected to impact highly on capability groups with regard to individuals' engagement with society, the political and social system, the environment, their personality and their physicality, with women generally having significantly less capability in many areas than men.
- A high impact on intersecting inequalities, particularly of economic and social class, income, minority status and geographical location is also likely.
- The complex multi-level implementation enforcement structure of this title, particularly in the context of the ESF, might result in gender budgeting fatigue.
- Different budget items in this title are not consistent in terms of their commitment to gender equality and gender mainstreaming.
- Gender-disaggregated data with regard to participants and beneficiaries of actions funded by this title is not collected systematically.

#### 3.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

This title of the budget consists of five key chapters: European Social Fund (hereinafter ESF, chapter 04.02), employment, social affairs and inclusion (chapter 04.03), European globalisation adjustment fund (chapter 04.04), pre-accession assistance (chapter 04.05), and finally, the fund for European aid to the most deprived (chapter 04.06).

These chapters are concerned with primarily economic activity, in particular employment, as reflected in the Heading 1.A of the European 2020 Strategy with regard to 'Competitiveness for Growth and Jobs'.<sup>25</sup> Given the existing structured gender differences in almost all areas of economic activity it might be expected that the EU's commitment to gender mainstreaming would be reflected in the EU budget expenditure in all these areas, in the objectives set for different programmes and activities, in the targets and goals established for activities, and in the reporting and monitoring disciplines associated with these areas of expenditure. The key risk relating to gender is that differences between women's and men's participation in economic activities are not recognised and addressed through expenditure programmes, and that EU expenditure contributes to and deepens gender inequalities in the economic sphere rather than reducing them.

To address this risk all budget lines under Employment, Social Affairs and Exclusion will be scrutinised for their contribution towards women's economic independence. Women's economic independence has been recognised as a goal since 1995, when it was adopted in the Beijing Platform for Action.<sup>26</sup> The EU committed itself to pursuing this objective.<sup>27</sup>

<sup>25</sup>Draft General Budget of the European Commission for the Financial Year 2015, Working Document Part I, Programme Statements of Operational Expenditure, COM(2014)300 June 2014; p.31 *et seq.*; Draft General Budget of the European Commission for the Financial Year 2014, Working Document Part I, Programme Statements of Operational Expenditure, COM(2013)450 June 2013; p.33 *et seq.*

<sup>26</sup>United Nations, Beijing Declaration and Platform for Action (1995), paras. 21 and 26.

<sup>27</sup>See e.g. Council Conclusions on the 20-year review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action Employment, Social Policy, Health and Consumer affairs Council meeting, Brussels, 11 December 2014.

In terms of the capabilities approach outlined above, women's economic independence is most immediately linked to:

- 1) Capability category b regarding 'engagement with the political and social system' (e.g. economy, politics, education, market).
- 2) Additionally, women's economic independence is expected to play a key role in their access to other capabilities. For instance, economically independent women have a greater voice in family and social matters and might be able to outsource their care duties. As a result, their capabilities in category a regarding 'engagement with society' (e.g. family and other social structures) will also improve.
- 3) Similarly, economic independence gives women greater choice in their access to shelter and personal leisure activities improving capabilities in categories c and d regarding engagement with the environment and with personality respectively. Finally, economic independence does not prevent violence towards women but it could help women take a stance against violence thanks to the self-confidence and access to resources that come with independence. Thus, economic independence might even improve capabilities in category e regarding women's engagement with their physicality, even though we expect the relationship with this category to be less immediate and more indirect compared with other categories.

Finally, certain budget lines in this group are also clearly associated with Heading 1.B. of the MFF: Economic, Social and Territorial Cohesion.<sup>28</sup> This leg of the MFF aims to support inclusive growth by reducing economic disparities between different European regions. This aim is primarily reflected in the allocation of preferential funding to projects and programmes implemented in less developed regions (see further the analysis of ESF related budget items 04 02 60, 61 and 62 below). We expect actions falling under this category to have a significant impact on intersecting inequalities of class, economic situation and geographical location. This is because, if designed and implemented in line with gender equality targets, those actions would be likely to improve the situation of women coming from more deprived economic backgrounds and regions. As a result, those intersecting inequalities need to be paid particular attention in the budgetary process and in the design and implementation of particular actions.

### **3.2. INITIAL OBSERVATIONS**

The MFF budget fiches recognise gender equality only as a secondary policy objective in this area and only in the context of the European Social Fund.<sup>29</sup> This implies that the fundamental impact of the policies and projects falling under 'Employment, Social Affairs and Exclusion' on gender equality might have been missed in the budgetary process. If gender equality is not recognised as a primary policy objective at the macro level, micro level programmes or projects that are designed to improve gender equality are unlikely to achieve their objectives. In the academic literature on gender budgeting this is referred to as the policy bias in gender budgeting.<sup>30</sup>

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<sup>28</sup>Draft General Budget of the European Commission for the Financial Year 2015, note 25above, p.143*et seq.*; Draft General Budget of the European Commission for the Financial Year 2014, note 25above, p.117 *et seq.*

<sup>29</sup>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee of the Regions, A Budget for Europe 2020 - Part II: Policy fiches, Brussels, 29.6.2011 COM(2011) 500 final, Part II, p.33.

<sup>30</sup>Regina Frey, 'Paradoxes of Gender Budgeting', paper presented at the First International Conference on Gender Responsive Budgeting and Social Justice, available at [http://www.gender-budgets.org/index.php?option=com\\_joomdoc&view=documents&path=resources/by-type/meeting-reports-and-presentation/paradoxes-of-gender-budgeting-in-berlin-germany&Itemid=154](http://www.gender-budgets.org/index.php?option=com_joomdoc&view=documents&path=resources/by-type/meeting-reports-and-presentation/paradoxes-of-gender-budgeting-in-berlin-germany&Itemid=154).



Finally, there is a lack of gender-differentiated data with regard to the participants and beneficiaries of programmes. As a result, it becomes impossible to evaluate whether those policies have had a negative or positive effect on gender equality. Without having such a clear evaluation in the first place, the potentially negative effects of those policies and programmes cannot be eliminated and their potentially positive effects cannot be further increased. This substantial data gap should be closed with the collection of gender-differentiated data regarding the participants and beneficiaries of Union programmes if the Union is to pursue gender equality as a primary objective and if gender budgeting is to be used as a process contributing towards that objective.

### 3.3. CHAPTER 04 02 – EUROPEAN SOCIAL FUND (ESF)

#### *A general note on gender equality within the ESF*

The ESF finances individual projects and programmes that contribute towards its policy goals. The projects and programmes are selected and implemented at the national, regional and local levels under the supervision of national authorities and the European Commission as determined in the ESF regulations. The overall implementation of the ESF relies on a complex multi-level governance framework involving the EU, national, regional and local levels. Also, some EU actions and programmes in this title are co-financed with Member State contributions. Thus, the amounts specified do not always represent the full amount spent in those particular actions and programmes.

The purposes of the ESF are to improve employment opportunities, raise standards of living and improve the take-up of skills training, contributing towards both individuals' employment opportunities and the competitiveness of the economy.<sup>31</sup> The current regulation focuses in particular on stimulating smart, sustainable and inclusive economic growth and contributing towards economic, social and territorial cohesion.<sup>32</sup>

Gender equality has long been recognised as a policy goal within the ESF. Given the long-standing EU commitment to pursuing gender equality in this area, and the persistence of gender inequality in economic activity, the budgetary process should reflect the gender objectives in this area, in particular by setting gender-specific objectives or targets, or ring-fencing some funding to address particular gender-related issues. In particular areas of concern, such as youth unemployment which is highlighted as a particular concern in relation to some regions,<sup>33</sup> we expect some gender-specific problems and issues to be highlighted. Examples might include the low numbers of females entering STEM-related training or employment, or the relatively low number of males entering care-focused training or employment, since intervention at an early stage as young people enter the labour market is likely, we assume, to be more effective than trying to address structural deficits by addressing older workers. Similarly the mobility of workers affects women and men differently and it might be expected that gender concerns would be addressed in this context.

Art.7 of Regulation 1304/2013<sup>34</sup> makes gender mainstreaming a compulsory part of all phases of programmes and projects financed by the ESF, including preparation, implementation, monitoring and evaluation:

<sup>31</sup> Article 162 TFEU.

<sup>32</sup> Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund, L347/470 OJ 20.12.2013, Article 9.

<sup>33</sup> Ibid., Preamble para. 83.

<sup>34</sup> Ibid.

*'The Member States and the Commission shall promote equality between men and women through mainstreaming as referred to in Article 7 of Regulation (EU) No 1303/2013 throughout the preparation, implementation, monitoring and evaluation of the operational programmes. Through the ESF, the Member States and the Commission shall also support specific targeted actions within any of the investment priorities referred to in Article 3, and in particular Article 3(1)(a)(iv) of this Regulation, with the aim of increasing the sustainable participation and progress of women in employment, thus combating the feminisation of poverty, reducing gender-based segregation, combating gender stereotypes in the labour market and in education and training, and promoting the reconciliation of work and personal life for all as well as the equal sharing of care responsibilities between men and women.'*

National authorities involved in the ESF previously established a network called the European Community of Practice on Gender Mainstreaming (Gender-CoP). The aim of this network was to improve the integration of gender mainstreaming into the ESF through cooperation, information exchange and sharing of best practices.<sup>35</sup> Nevertheless, this was a voluntary, informal network and not all relevant Member State authorities were members to it.<sup>36</sup> Also, although the network proposed the European Standard<sup>37</sup> as the most effective method of gender mainstreaming, at present there is no systematic overarching method for the implementation of gender mainstreaming within the ESF. As a result, experiences differ between the Member States and remain patchy (interview with expert 1). In countries where gender mainstreaming and gender budgeting are applied consistently within the ESF, such as Germany, there is resistance by the national governments and authorities to apply mainstreaming to national and local policy areas and budgets that are not subject to the EU standard (interview with expert 2). This causes inconsistencies in the application of gender mainstreaming and budgeting at the national level (interview with expert 2).

Annex I of Regulation 1304/2013 imposes an obligation for authorities involved in the reporting on ESF financed projects to break down all data by gender. Similarly, Regulation 1303/2013<sup>38</sup> determines the existence of '*administrative capacity for the implementation and application of Union gender equality law and policy*' as an ex ante condition for the release of ESF related funds. The same Regulation foresees in Art.111 that the national authorities responsible for reporting on the management of funds should illustrate in the 2017 and 2019 reporting periods how the actions taken promote equality between women and men and prevent discrimination. However, so far gender related data has not been systematically collected and made publicly available. EU wide data on the gender of participants was collected with regard to the year 2012 (see Figure 1 below). It shows a relatively equal participation by women and men in all Member States, except for the Netherlands and the United Kingdom where the number of male participants appears to be substantially higher than female participants.

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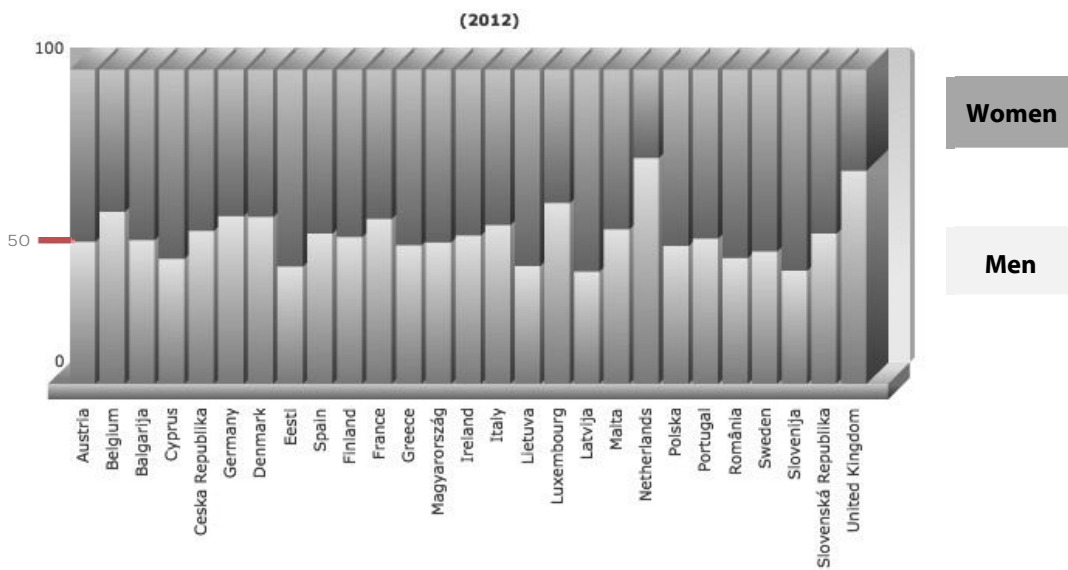
<sup>35</sup>See [www.gendercop.com](http://www.gendercop.com)

<sup>36</sup>National members were Sweden (Lead Country), Austria, Belgium (Flanders and Wallonia), Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, the Bolzano Province of Italy, Poland and Spain.

<sup>37</sup>See <http://standard.gendercop.com/about-the-standard/why-a-standard-on-gender-mainstreaming/>.

<sup>38</sup>Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, L347/470 OJ 20.12.2013.

**Figure 1: Participants in the ESF in 2012 on the basis of gender**



Source: <http://ec.europa.eu/esf/main.jsp?catId=66&langId=en>

The number of participants is only one criterion in the assessment of the gender equality effects of an action and it is not sufficient by itself for a proper gender impact assessment. This quantitative data must be supported with qualitative analysis of the broader social and economic objectives and effects of each action and an assessment of whether those effects and objectives are in line with gender equality. Thus, it is vital that gender mainstreaming is applied consistently and coherently in all Member States and in all policy cycles; and that gender related data is collected consistently in all financial years with regard to all actions.

**3.3.1. Investment for Growth and Jobs in the Less Developed, Transition and More Developed Regions (Articles 04 02 60, 61 and 62)**

**Table 3: Less developed regions, investment for growth and jobs (article 04 02 60)\***

Stated policy objective	Investment for growth and jobs in regions where GDP per capita is less than 75% of the average of the EU 27	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, b, c, d	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Yes, gender equality a goal in ESF – see commentary above	
Amount (in EUR) attached (in commitments)	2014	5 636 300 000
	2015	6 500 532 038
	MFF**	23 264.1 million
Data on the gender of participants/beneficiaries	Not yet available	

\* See Annex II for the map of EU regional policy on the basis of the development status of regions.

\*\*Overall amount attributed to the investment for growth and jobs goal in the less developed regions within the MFF.

**Table 4: Transition Regions, investment for growth and jobs goal (article 02 61)\***

Stated policy objective	Investment for growth and jobs in regions where GDP per capita is between 75-90% of the average of the EU 27	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, b, c, d	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Yes, gender equality a goal in ESF – see commentary above	
Amount (in EUR) attached (in commitments)	2014	1 832 300 000
	2015	1 668 335 386
	MFF**	4 697.7 million
Data on the gender of participants/beneficiaries	Not yet available	

\* See Annex II for the map of EU regional policy on the basis of the development status of regions.

\*\*Overall amount attributed to the investment for growth and jobs goal in the transition regions within the MFF.

**Table 5: More developed regions, investment for growth and jobs goal (article 04 02 62)\***

Stated policy objective	Investment for growth and jobs in regions where GDP per capita is above 90% of the average of the EU 27	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, b, c, d	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Yes, gender equality a goal in ESF – see commentary above	
Amount (in EUR) attached (in commitments)	2014	3 752 500 000
	2015	2 675 531 087
	MFF	Not specified in the MFF documents
Data on the gender of participants/beneficiaries	Not yet available	

\*See Annex II for the map of EU regional policy on the basis of the development status of regions.

In the 2014-2020 MFF, ESF is distributed between different regions on the basis of their status of development within the Union measured in comparison to the average of EU 27 (now 28) GDP. We expect this leg of ESF to have a high impact on all capability groups other than group e. This is because the ESF aims to improve development in those regions substantially by investing in growth and jobs. If this aim is achieved, the social and economic landscape and the general infrastructure of those regions will improve substantially, resulting in a potentially high impact on gender inequalities in engagement with the society, the political and social system, environment and personality. We also expect a potentially high impact on the intersecting inequalities of class and economic background, as individual actions, if designed and implemented in line with the gender equality impact and spectrum, would be likely to impact on gender inequalities within populations living in more deprived regions.

These articles represent this leg of the ESF at the macro level. As explained in the commentary above, gender equality as a policy objective has been strongly embedded within the founding regulations of the ESF (see above, 'A general note on gender equality within the ESF'). Nevertheless, as previously explained, there is no consistent method for the implementation of gender mainstreaming within the ESF in different Member States. Thus, the mainstreaming of this goal in each action will very much depend on the individual Member State where the action is implemented. There is no data available yet with regard to the number of participants/beneficiaries on the basis of gender. Data with regard to the previous periods is limited and not systematically collected in line with the general analysis of the ESF provided above.

### 3.3.2. Youth Employment Initiative (article 04 02 64)

**Table 6: Youth Employment Initiative**

Stated policy objective	To support young people who are not in education, employment or training in regions with a youth unemployment rate above 25%	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, b	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Subject to the general ESF Regulations but gender equality not strongly emphasised in policy specific documents	
Amount (in EUR) attached (in commitments)	2014	1 804 100 000
	2015	1 407 161 806
	MFF	1 804.1 million
Data on the gender of participants/beneficiaries	Not yet available	

More than 5 million young people (aged 15-24) in the EU are unemployed and are not involved in training and education.<sup>39</sup> In the Member States that experienced the financial and economic crisis the hardest, such as Spain and Greece, one in two young people are unemployed.<sup>40</sup> The Youth Employment Initiative, with the Youth Employment Guarantee, is expected to tackle the high levels of youth unemployment by contributing towards the establishment of high quality apprentice schemes and towards the employment of young people in jobs matching their skills. The Initiative is implemented at the Member State level through programmes designed to match the specific conditions of that particular Member State's employment market.<sup>41</sup>

Tackling youth unemployment is likely to have a high impact on capabilities regarding women's engagement with the society and those regarding women's engagement with the political and social system. This is because women who do not enter employment at an early age tend to stay out of employment due to family related care obligations or the long-term structural effects of youth unemployment on their employability in later life.<sup>42</sup> Such long-term effects are also likely to result in social exclusion. Thus, increasing women's chances of entering employment at an early age is likely to significantly improve their chances of employment for the rest of their lives. Youth employment is also likely to extend women's choices in later life with regard to family and care obligations, impacting on their engagement with society. Moreover, as noted earlier, programmes which address youth unemployment should address structural gender segregation in the workforce to enhance the economic opportunities of both young women and young men. Nevertheless, we do not see an immediate impact on other capability groups, since this article aims to tackle unemployment alone but not its structural reasons particularly in the Member States hit hard by the crisis and governed by austerity.

The Initiative is also likely to have an impact on the intersecting inequality of age, particularly in the context of discrimination against first time inexperienced job-seekers.

<sup>39</sup>See [http://ec.europa.eu/europe2020/pdf/themes/21\\_youth\\_unemployment.pdf](http://ec.europa.eu/europe2020/pdf/themes/21_youth_unemployment.pdf).

<sup>40</sup>Ibid.

<sup>41</sup>See <http://ec.europa.eu/social/main.jsp?catId=1094&langId=en>.

<sup>42</sup>For age-gender relationship in access to employment see Michelle Gander, 'The Intersection of Gender and Age: an Exploration', *Perspectives*, (2014), 18(1):9-13; Deborah Dean, 'Age Gender and Performer Employment in Europe', Report on Research for the International Federation of Actors Project, available at <http://www.fia-actors.com/uploads/ENGLISH.pdf>; TUC Report, 'Age Immaterial – Women over 50 in the Work Place' available at [https://www.tuc.org.uk/sites/default/files/Age\\_Immaterial\\_Women\\_Over\\_50\\_Report\\_2014\\_LR.pdf](https://www.tuc.org.uk/sites/default/files/Age_Immaterial_Women_Over_50_Report_2014_LR.pdf).

In principle, the article is subject to the general ESF Regulations that incorporate gender equality as a policy objective. Nevertheless, individual policy documents in this area do not specifically refer to gender equality, other than stating that Member States should pay attention to it.<sup>43</sup> Neither do they clarify whether and to what extent gender mainstreaming will play a role in the implementation of national projects. This appears to be a significant caveat in relation to the potential of this article to achieve a high and positive impact on gender equality. Since the article has recently come into place, data regarding its implementation is not available. For an accurate evaluation of the article's gender effects, it is vital that data regarding the gender of participants in national projects is collected systematically.

### 3.4. EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION (CHAPTER 04 03)

#### *A general note on gender equality within Employment, Social Affairs and Inclusion*

The European Employment Strategy constitutes the underlying foundation of this chapter. As explained in section 3.1 above ('identifying the gender objectives of this policy field'), access to employment has a substantial impact on all capability categories but primarily on capability category b regarding engagement with the political and social system. Relying on the capabilities listed as essential for the capability category 'work' in the European Gender Equality Index, we can identify in further detail in what ways employment policy should improve gender equality:<sup>44</sup>

- **Participation:** for equal and effective access to employment the number of both women and men in full-time employment and the FTE equivalent rate of both women and men should be increased. Equal participation also means equal and effective participation of women and men in the decision-making structures regarding employment, including unions.
- **Segregation and quality of work:** for equal and effective access to employment, segregation between women and men in terms of the sector they work in must be eliminated. There should also be no segregation between women and men within the sector with regard to the type of work they do, the quality of work they do and other working conditions. Improving the quality of work also requires flexible working options for both women and men who want to combine their care duties with their professional life. Similarly, there should not be a gender gap in health and safety at work or access to occupational health services. Finally, women and men should have equal access to training that is paid by their employers.
- **Income/pay:** for equal and effective access to employment, existing gender pay gaps must be closed in both overall and hourly terms. There shouldn't be a gender gap in access to healthcare and pensions, neither, as these services that are fundamental for an individual's wellbeing, tend to be financially and legally embedded into employment conditions.

The Union's Broad Guidelines for Economic Policy<sup>45</sup> determine the key principles of the Union employment strategy at the macro level. The Broad Guidelines establish the Europe 2020 targets of smart, sustainable and inclusive growth for all economic policies and

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<sup>43</sup>Commission Staff Working Document Accompanying the Proposal for a Council Recommendation on Establishing a Youth Guarantee, Brussels, 5.12.2012 SWD(2012) 409 final; Council Recommendation on Establishing a Youth Guarantee, Brussels, 5.12.2012, COM(2012) 729 final.

<sup>44</sup>See Appendix I for categories used in European Gender Equality Index.

<sup>45</sup>Council Recommendation of 13 July 2010 on broad economic guidelines for the economic policies of the Member States and of the Union (2010/410/EU).



strategies, including the employment strategy. The Broad Guidelines state that the Union and the Member States should take a gender perspective into account without further substantiating this requirement.<sup>46</sup>

In contrast to previous policy documents in the field<sup>47</sup>, the Guidelines do not explicitly address any specific gender issues. The accompanying guidelines for the employment policies of the Member States, whilst mentioning gender equality in passing in several places, do not disaggregate targets by gender.<sup>48</sup> As a result, the Guidelines present targets which are achievable by improving the situation of either women or men or both, or by improving the situation of women or men despite deteriorations in the situation of the other group. Similarly, the 2012 Employment Package,<sup>49</sup> which brings together policy documents that determine the relationship between EU employment policies and Europe 2020 targets, is largely 'gender blind' with only a few exceptions.<sup>50</sup>

The Europe 2020 Strategy recognises entrepreneurship and self-employment as key for achieving smart, sustainable and inclusive growth.<sup>51</sup> Nevertheless, self-employment and entrepreneurship should not be seen as easy alternatives to keep unemployment figures low in the shadow of the financial and economic crisis<sup>52</sup>. Similarly, gender analysis of these areas should not be based on a simple measurement of numbers. Although the EU in some budget lines places considerable emphasis on measures to increase self-employment,<sup>53</sup> this is contested territory from a gender perspective. This is because individuals can become self-employed for non-genuine reasons, for instance when they do not have access to otherwise full-time employment or when they assume responsibilities previously held by their employer without gaining additional control or independence. Similarly self-employed individuals and entrepreneurs might face significant start up costs, thus might not make profit for a significant amount of time until that cost is recovered. In such cases, being self-employed or an entrepreneur does not necessarily provide individuals with economic independence and improve their capabilities, and should be treated with caution as an alternative to overcoming gender inequalities in labour markets.

Finally, women and men experience poverty very differently: this is primarily because women often shoulder a higher proportion of care duties and unpaid housework, as a result of which they will be hit harder by poverty and tend to give up their share of nutrition or other resources to the benefit of other members of the household.<sup>54</sup> Therefore, policies and programmes aiming to reduce poverty should take these different experiences into account

<sup>46</sup>Ibid, Preamble, para.10.

<sup>47</sup>Under the four-pillar structure for European Employment Strategy adopted in 1997, gender equality ('equal opportunities') formed one pillar, see e.g. Commission Communication Proposal for Guidelines for Member States Employment Policies 1998, Brussels, 01.10.1997, COM(97) 497 final, especially Part V; Council Decision on guidelines for Member States' employment policies for the year 2000, Brussels, 14.12.1999, COM(1999) 712 final, especially Part IV. See further J Goetsche, 'The European Employment Strategy: Genesis and Development', *European Journal of Industrial Relations* (1999), 5(2): 117-137; A Serrano Pascual and U Behning, *Gender Mainstreaming in the European Employment Strategy*(EGL, Brussels, 2001).

<sup>48</sup>Council Decision 2010/707/EU of 21 October on guidelines for the employment policies of the Member States, para.12; Guidelines 7, 8 and 10.

<sup>49</sup>See <http://ec.europa.eu/social/main.jsp?catId=1039>.

<sup>50</sup>See e.g. EIGE Factsheet: Gender equality and economic independence: part-time work and self-employment, published 12/01/2015, available at [eige.europa.eu/sites/default/files/MH0414754ENC\\_PDF%20Web.pdf](http://eige.europa.eu/sites/default/files/MH0414754ENC_PDF%20Web.pdf).

<sup>51</sup>See <http://ec.europa.eu/social/main.jsp?catId=952&langId=en>.

<sup>52</sup>See e.g. Nida Broughton, Social Market Foundation Report, 'Is the Rise in Self-Employment Good for the Economy?', available at <http://www.smf.co.uk/is-the-rise-in-self-employment-good-for-the-economy/>; World Bank Report, 'Impact of the Financial Crisis on Employment', available at

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21039894~menuPK:34480~pagePK:116743~piPK:36693~theSitePK:4607,00.html>

<sup>53</sup> See e.g. European PROGRESS Micro-Financing Facility, Commission Staff Working Paper, A Budget for Europe 2020: the current system of funding, the challenges ahead, the results of stakeholders consultation and different options on the main horizontal and sectoral issues, 29.6.2011, SEC(2011) 868 final, at p. 81.

<sup>54</sup>See, Women's Budget Group, 'Women and Poverty', (Joseph Rowntree Foundation, 2008).

and incorporate a thorough gender analysis in order to reduce gender inequalities in households facing poverty.

### 3.4.1. Industrial relations and social dialogue (item 04 03 01 08)

**Table 7: Industrial Relations and Social Dialogue**

Stated policy objective	To strengthen the role of social dialogue and promote the adoption of agreements and other joint actions between the social partners	
Associated category in MFF	Not specified in the budgetary documents	
Gender equality spectrum	a, b	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	No	
Amount (in EUR) attached (in commitments)	2014	15 935 000
	2015	15 641 000
	MFF	Not specified in the MFF documents
Data on the gender of participants/beneficiaries	Not available	

The European social dialogue takes its legal basis directly from Arts. 154 and 155 of the Treaty on the Functioning of the European Union that gives the European Commission the task of promoting the consultation of management and labour at the Union level. The dialogue consists of sectoral social dialogue committees between worker and employer organisations as well as cross-industry committees. Even though the European Union's contribution to social dialogue appears modest in monetary terms, the social dialogue has significant agenda setting power at the Union level with regard to all aspects surrounding the worker-employer relationships, access to work and the quality of work.

Agreements reached in the context of social dialogue are likely to significantly affect Union and national legal standards with regard to these issues. As a result, we expect the European social dialogue to have a high impact on capabilities regarding gender inequality in current patterns of engagement with the political and social system and with society: for example, if women are equally represented in dialogue committees, social and economic issues facing them as both employers and workers are more likely to be raised and addressed at the Union and national levels. This will improve women's effective access to work both as employers and workers. Also improved work conditions would allow women to handle their family relationships and care duties more flexibly. The social dialogue has directly fed into the Union legislative and policy processes regarding several initiatives improving the situation of women.<sup>55</sup> The measures that the social dialogue directly contributed to include the Framework Agreements on parental leave (1996), part-time work (1997), fixed-term contracts (1999), work related stress (2002), violence at work (2007), inclusive labour markets (2010) as well as the Parental Leave Directive (2010/18/EU).

Nevertheless, at present there is no legal requirement for gender equality either in terms of the representation of women in social dialogue committees or in terms of the policy objectives to be taken into consideration and prioritised by the committees.

<sup>55</sup>See Anni Weiler (2013), 'Social Dialogue and Gender Equality in the European Union', International Labour Office, Working Paper No.44.



### 3.4.2. Progress (item 04 03 02 01)

**Table 8: Progress – Supporting the development, implementation, monitoring and evaluation of Union employment and social policy and working conditions legislation**

Stated policy objective	Coordination of EU Policies in areas of employment, social inclusion, working conditions, antidiscrimination and gender equality	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Indirect, high	
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality is recognised as an objective	
Amount (in EUR) attached (in commitments)	2014	71 176 000
	2015	72 494 000
	MFF	100 million
Data on the gender of participants/beneficiaries	Limited and indirect	

PROGRESS constitutes the first leg of the Employment and Social Innovation (EaSI) framework. It aims to contribute towards the promotion of Europe 2020 objectives in policy areas where competence primarily lies within the Member States by providing analysis and policy advice, monitoring and reporting on the implementation of EU legislation and policies, promoting policy transfer, learning and support among Member States on EU objectives and priorities, and relaying the views of the stakeholders and society at large.<sup>56</sup> The beneficiaries and participants of this programme are national authorities and organisations but not individuals.

Since gender equality and non-discrimination are stated as macro level objectives and key areas of coordination, we expect this programme to impact highly on all capability categories. Nevertheless, this impact will be indirect, through improvement of structural conditions that result in inequalities at the national level. The Regulation establishing EaSI recognises gender equality as an objective and gender mainstreaming, including gender budgeting, as an implementation method.<sup>57</sup> Also, the programme guidelines recognise gender equality as an objective and gender mainstreaming as an implementation method.<sup>58</sup> There is some data with regard to the gender equality projects financed by the programme, such as the European Network of Legal Experts in the Field of Gender Equality and a database with regard to the number of women and men in key decision-making positions in politics, public administration, the judiciary and other areas of the economy.<sup>59</sup> Nevertheless, the data is limited. Also, on the basis of available data, it is difficult to comment on to what extent these indirect projects translated into direct improvements on gender equality.

<sup>56</sup>European Commission, Draft Strategic Framework for the implementation of the Community Programme for Employment and Social Solidarity – PROGRESS, Brussels, 18 March 200801/FB(2007).

<sup>57</sup>Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion, L347/238 OJ 20.12.2013, Art.4(2)(b).

<sup>58</sup>European Commission, Community Programme for Employment and Social Solidarity (PROGRESS), Brussels, 21 December 2006 01/FB D(2006).

<sup>59</sup>See European Commission, Progress Annual Performance Monitoring Report 2012, available at <http://ec.europa.eu/social/BlobServlet?docId=10387&langId=en>.

**3.4.3. EURES (item 04 03 02 02)****Table 9: EURES – Promoting worker’s geographical mobility and boosting employment opportunities**

Stated policy objective	To provide information, advice and recruitment/ placement (job-matching) services for the benefit of workers and employers as well as any citizen wishing to benefit from the principle of the free movement of persons	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b	c, d, e
Gender equality impact	Direct, high	Indirect, moderate
Have gender equality spectrum/impact reflected in policy objectives?	Yes, at the macro policy level	
Amount (in EUR) attached (in commitments)	2014	21 300 000
	2015	21 392 000
	MFF	149 million
Data on the gender of participants/beneficiaries	Not yet available	

EURES (European Employment Services) constitutes the second leg of the Employment and Social Innovation (EaSI) framework. It is a cooperation network designed to facilitate the free movement of workers within the European Economic Area and Switzerland.

We expect this network to have a high impact on capabilities with regard to gender inequality in current patterns of engagement with the political and social system and with society. This is because we expect (better) employment options available to women in other Member States to support their developing economic independence, and as a result their position and decision-making powers within family and other social structures. Also, we perceive mobility as a key human functioning that is highly relevant for all capability groups, although we expect the impact on other capability groups to be less immediate and indirect: for instance, work experience in another country will not only make women and men potentially more employable in the future, but it will also provide them with valuable social and personal experiences contributing towards their engagement with society. Similarly, mobility will give women and men an opportunity to leave inferior living conditions or structural and persistent discrimination behind<sup>60</sup>, contributing towards capabilities regarding their engagement with the environment and with their physicality.

The Regulation establishing EaSI recognises gender equality as an objective and gender mainstreaming, including gender budgeting, as an implementation method at the macro policy level.<sup>61</sup> However, we have found no indication that the impact on gender equality has been taken into consideration within the micro programme level of EURES. Also, there is no data available with regard to the gender of the beneficiaries of the programme.

<sup>60</sup>For the relationship between mobility and women’s empowerment see UN Women Watch, ‘Gender Equality and Trade Policy’, available at <http://www.un.org/womenwatch/feature/trade/Labour-Mobility-and-Gender-Equality-Migration-and-Trade-in-Services.html>; Tanu Priya Uteng, ‘Gender and Mobility in the Developing World’, World Development Report 2012, available at <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/uteng.pdf>.

<sup>61</sup>Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation (“EaSI”) and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion, L347/238 OJ 20.12.2013, Art.4(2)(b).

### 3.4.4. Microfinance and Social Entrepreneurship (item 04 03 02 03)

**Table 10: Microfinance and Social Entrepreneurship – Facilitating access to finance for entrepreneurs, especially those furthest from the labour market and social enterprises**

Stated policy objective	To increase access to, microfinance for vulnerable groups; to build up the institutional capacity of microcredit providers; to support the development of social enterprises	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b	D
Gender equality impact	Direct, high	Indirect, moderate
Have gender equality spectrum/impact reflected in policy objectives?	Yes, the facility aims to target women as a vulnerable group	
Amount (in EUR) attached (in commitments)	2014	26 500 000
	2015	24 957 000
	MFF	Not specified in the MFF documents
Data on the gender of participants/beneficiaries	Limited	

The microfinance facility constitutes the third leg of the Employment and Social Innovation (EaSI) framework. The facility aims to financially support entrepreneurs from vulnerable groups, including women, young people, minorities and low-skilled workers, through enabling microcredit providers and social enterprises. We expect the facility to have a high impact on capabilities with regard to gender inequality in current patterns of engagement with the political and social system and society. This is because the facility specifically aims to provide women who do not have effective access to employment with an alternative route to economic independence. Currently only 30% of entrepreneurs in the EU are women so there is clear scope for improvement.<sup>62</sup> However, this is subject to the caveat that entrepreneurship might be presented by political authorities as an easy option to keep unemployment figures low post-economic and financial crisis. In this case, self-employment and entrepreneurship would lead only to more covert forms of unemployment or marginal employment and would not contribute towards women's economic independence.

We expect economic independence to improve women's position and decision-making powers within family and other social structures. We also expect starting and running a business to significantly improve options open to women in their economic, social, family and personal life. We expect this improvement in options and empowerment that comes with running a business also to contribute towards capabilities regarding women's engagement with their personality. Nevertheless, the impact in this capability group will be indirect. Also, we expect the microfinance facility to have a significant impact on intersecting inequalities of age, minority background and imperfect access to education, since the facility specifically aims to assist individuals who face these inequality structures.

The Regulation establishing EaSI recognises gender equality as an objective and gender mainstreaming, including gender budgeting, as an implementation method at the macro policy level.<sup>63</sup> Additionally, the facility specifically aims to assist women and individuals from other vulnerable groups. Nevertheless, data regarding the implementation of the facility is not sufficient to conclude whether this aim has been achieved. So far only 39% of the

<sup>62</sup>European Commission, Statistical Data on Women Entrepreneurs in Europe (2014), available at [http://ec.europa.eu/growth/smes/promoting-entrepreneurship/we-work-for/women/index\\_en.htm](http://ec.europa.eu/growth/smes/promoting-entrepreneurship/we-work-for/women/index_en.htm)

<sup>63</sup>Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion, L347/238 OJ 20.12.2013, Art.4(2)(b).

beneficiaries of the facility have been women.<sup>64</sup> There is no data with regard to the potential intersecting inequalities facing those women beneficiaries.

### 3.4.5. European Globalisation Adjustment Fund (Chapter 04 04)

**Table 11: European Globalisation Adjustment Fund**

Stated policy objective	To provide support to people losing their jobs as a result of major structural changes in world trade patterns due to globalisation	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b	d
Gender equality impact	Direct, high	Indirect, moderate
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality is recognised as an objective	
Amount (in EUR) attached (in commitments)	2014	150 000 000*
	2015	150 000 000*
	MFF	1 050 million
Data on the gender of participants/beneficiaries	Limited	

\* Stated as p.m. in 2014 and 2015 budgets. Amount specified in the document, European Commission, 'Multiannual Financial Framework 2014-2020 and the EU Budget 2014, the Figures', available at [http://ec.europa.eu/budget/news/article\\_en.cfm?id=201401281520](http://ec.europa.eu/budget/news/article_en.cfm?id=201401281520), p.9.

The European Globalisation Adjustment Fund aims to provide temporary and targeted support for workers made redundant as a result of major structural changes in world patterns due to globalisation, trade agreements, or an unexpected crisis and to provide for their rapid reintegration into stable employment. The Fund co-finances projects providing help looking for a new job, careers advice, education, training and re-training, mentoring, coaching, entrepreneurship and business creation.

Rapid reintegration of unemployed individuals prevents potential long-term unemployment patterns that might be caused by redundancy due to unexpected structural reasons, such as global economic externalities. Thus, we expect reintegration of unemployed individuals to highly impact their capabilities regarding their engagement with the political and social system. Similarly, we expect the reintegration to also support individuals' capabilities regarding their engagement with society by protecting the economic independence that gives them decision-making power within the family and other social structures. Reintegration to employment after unexpected redundancy would prevent isolation and low self-esteem that individuals are likely to experience in cases of long-term unemployment. Thus, we expect the fund also to impact women's capabilities with regard to their engagement with their personality, although this impact will most probably be indirect and secondary.

Overall, we would therefore expect significant impact on gender inequalities in all capability areas. Also, we expect the fund to have a high impact on intersecting inequalities of class, economic status and geographical location. This is because the fund specifically aims to support individuals from those regions of the Union that are hit hardest by the 2008 financial and economic crisis. The Regulation establishing the fund recognises gender equality as a key principle to be observed in the implementation process.<sup>65</sup> There is limited data with

<sup>64</sup>Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Implementation of the European Progress Microfinance Facility — 2013, Brussels, 20.10.2014 COM(2014) 639 final.

<sup>65</sup>Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006, 20.12.2013 OJ L347/855, Art.10.

regard to projects funded that shows that the fund has not accomplished its potential of contributing towards gender equality in several capability groups: for instance, in 2012, only 38% of beneficiaries of funded projects were women.<sup>66</sup>

### **3.5. INSTRUMENT FOR PRE-ACCESSION ASSISTANCE – EMPLOYMENT, SOCIAL POLICES AND HUMAN RESOURCES DEVELOPMENT (CHAPTER 04 05)**

#### *A general note on gender equality in pre-accession assistance*

During the EU accession process candidate countries are expected to go through significant legal and political transformations, which would make them ready to be members of the EU. Most substantially, candidate countries are expected to bring their legal system in line with that of the EU through the adoption of the entire EU *acquis communautaire* before becoming members.

Accession to the EU can bring about significant shifts in gender equality in a number of ways: first and foremost, candidate countries need to incorporate EU standards of gender equality into their domestic legal regimes before they can become members. Secondly, adoption of EU standards in other various areas, such as fiscal and monetary policies, internal market, agriculture, maritime and fisheries are also likely to have indirect effects on gender equality in candidate countries. Finally, accession itself results in free movements of goods, persons, services and capital which likewise can have significant gender impacts. Such impacts may come into place because women gain access to employment, investment and business opportunities in their own or other Member States that were not previously open to them, or because free movement and the internal market bring about more structural changes in the society that impact on gender equality.

Pre-accession projects can help to prepare candidate countries for some of these shifts in gender equality in a number of ways. Most obviously, pre-accession funds can help to prepare candidate countries to adopt the gender *acquis*, establishing the laws, policies and gender equality bodies required under EU law. Preparations for accession also require countries to transition towards the fiscal and monetary policies required to gain entry, to tackle issues such as the informal economy and to adopt a wide range of laws and policies in agriculture, fisheries, manufacturing and services which can have variable gender impacts. Finally, since accession itself brings additional free movement of goods, persons, services and capital which likewise can have significant gender impacts, pre-accession assistance could be expected to take account of these gender impacts in the allocation of funds, design and delivery of projects, and monitoring and evaluation activities.

Accession is a costly and cumbersome process. The Pre-Accession Assistance facility is expected to support this process in the candidate countries by providing them funds to improve their administrative capacity and by providing public and private projects and programmes that contribute towards the country's satisfaction of the EU accession criteria.<sup>67</sup> However, information with regard to individual projects to support the improvement of gender equality in candidate countries is limited. EIGE has run a pilot project, with the financial support from the Instrument for Pre-accession Assistance (IPA), to establish contacts, to assess the needs and expectations of candidate countries and potential

<sup>66</sup>Report from the Commission to the European Parliament and the Council on the activities of the European Globalisation Adjustment Fund in 2012, Brussels, 14.11.2013 COM(2013) 782 final, p.9.

<sup>67</sup>Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance, 31.07.2006 OJ L210/82; Commission Regulation (EC) 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) as amended by Commission Regulation (EC) 80/2010 and Commission Regulation (EC) 1292/2011, 29.06.2007 OJ L170/1, in particular, Preamble, para.13.

candidates, and to explore ways of cooperation with EIGE in the future.<sup>68</sup> Similarly, EIGE is also increasingly integrating candidate countries into its databases so that the Institute can become a source of reliable data and information on gender equality in the candidate countries<sup>69</sup>, and continues with *ad hoc* initiatives to support candidate and potential candidate countries in aligning gender equality standards and practices to those applied in the EU.<sup>70</sup>

Beyond this there is little obvious commitment in the relevant policy instruments to addressing the gender impacts of accession. Gender mainstreaming in individual accession chapters is weak: attention has focussed more on general broadly defined fundamental rights issues.<sup>71</sup> Gender equality is not one of the areas for which assistance may be given directly, so that gender equality concerns can only be addressed through pre-accession assistance to the extent that they are incorporated into other areas of concern such as ‘the promotion and protection of the fundamental rights and freedoms’ in the political sphere<sup>72</sup> or ‘improvement of access to financial facilities for small and medium enterprises’ in the economic sphere,<sup>73</sup> or ‘reform of health care systems’ in the social sphere.<sup>74</sup>

Finally, the EU accession process has been perceived as a mixed blessing in terms of its contribution to the improvement of gender equality in candidate countries.<sup>75</sup> Particularly in the case of positive discrimination, conservative players tend to opt for EU minimum standards of protection and argue against adoption of more ambitious anti-discrimination standards at the national level.<sup>76</sup>

**Table 12: Instrument for Pre-Accession Assistance**

Stated policy objective	To support the EU accession process of the candidate countries	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality is a part of the <i>acquis</i> but mainstreaming in individual accession chapters is weak	
Amount (in EUR) attached (in commitments)	2014	p.m.
	2015	p.m.
	MFF	1578.4 million*
Data on the gender of participants/beneficiaries	Limited (mostly assessed in academic research)	

\* The entire amount attached to pre-accession assistance and not only in this particular policy area.

The EU accession process results in significant transformations in the political, legal and at times social dynamics of the candidate countries. Most notably, candidate countries are expected to adopt the necessary reforms to bring their political and democratic system in line with the EU standards (democratic conditionality) and to adopt the entire EU *acquis communautaire* (*acquis* conditionality) before becoming members. Finally, becoming a

<sup>68</sup>See <http://eige.europa.eu/content/ipa-project>.

<sup>69</sup>See <http://eige.europa.eu/content/ipa-project>

<sup>70</sup>EIGE 2015 Work Programme (2014) p.23.

<sup>71</sup>See e.g. Council Regulation (EC) 1085/2006, Article 21.

<sup>72</sup>Commission Regulation (EC) 718/2007, Article 64(1)(b).

<sup>73</sup>*Ibid*, Article 64(1)(l).

<sup>74</sup>*Ibid*, Article 64(2)(f).

<sup>75</sup>For instance, it is argued that strict conditionality in gender equality follows a colonial-like logic in which countries with very different socio-economic structures and underlying gender roles are subjected to the same standards. See E. Weiner, ‘Dirigism and Déjà vu Logic: The Gender Politics and Perils of EU Enlargement’, *European Journal of Women’s Studies* (2009), 16(3): 211-28.

<sup>76</sup>See F. Acaret *al.*, *Issue Histories in Turkey: Series of Timelines of Policy Debates* (2007, Vienna, Quing Project, Institute for Human Sciences).



member of the EU, and particularly the single market, is expected to result in significant socio-economic shifts in candidate countries. Thus, we expect the accession process to impact highly on all capability categories. We also expect the accession process to have a potentially high impact on intersecting inequalities, since the candidate countries are expected to adopt other equality and non-discrimination standards required by the EU, including those regarding minority protection.

Although candidate countries are required to adopt the EU standards of gender equality and non-discrimination as part of their accession process, gender mainstreaming in other accession chapters with regard to political and economic criteria has been weak. The European Commission publishes annual progress reports with regard to each individual candidate country. However, these reports measure the progress made in the adoption of reforms required by the EU, rather than actual improvements in the situation of individuals in areas subject to EU conditionality. There is only limited data with regard to the actual impact of the EU accession process on gender equality in the candidate countries. This data is made mostly available through academic research,<sup>77</sup> rather than EU resources.

### 3.6. FUND FOR EUROPEAN AID TO THE MOST DEPRIVED (CHAPTER 04 06)

**Table 13: Fund for European Aid to the Most Deprived**

Stated policy objective	To support Member States' actions to provide material resources to the most deprived	
Associated category in MFF	Economic Social and Territorial Cohesion	
Gender equality spectrum	a, d	B
Gender equality impact	Direct, high	Indirect, low
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality is recognised as a principle	
Amount (in EUR) attached (in commitments)	2014	501 280 000
	2015	524 657 709
	MFF	3.8 billion
Data on the gender of participants/beneficiaries	Not yet available	

The Fund for European Aid to the Most Deprived aims to assist individuals, in cooperation with the Member States, in their first steps out of poverty by providing them with basic material resources, including food and clothing. This is to be complemented by social inclusion measures, such as guidance and support to end poverty.

Women and men experience poverty differently, particularly due to their different care duties within the family. Most notably, women in poverty tend to give up resources available to them to the benefit of those under their care.<sup>78</sup> We expect this facility to have a high impact on capabilities with regard to women's engagement with their personality, since having access to basic resources and assistance to end social exclusion are expected to contribute towards women's self-confidence and enjoyment of life significantly. Also, if this facility achieves its aim of ending social exclusion of the most deprived, this would significantly contribute towards women's capabilities with regard to their engagement with society. Likewise, social inclusion and access to basic resources might be the first steps of access to employment in the future.

<sup>77</sup>See e.g. Quality in Gender+ Equality Policies (QUING) Project, available at [http://www.quing.eu/component/option.com\\_frontpage/Itemid,1/](http://www.quing.eu/component/option.com_frontpage/Itemid,1/)

<sup>78</sup>See Women's Budget Group, note 54 above.

However, there is no built-in capacity or objective within this facility for the integration of the most deprived to employment or to address structural reasons behind poverty. Thus, we expect the impact on capabilities with regard to engagement with the political and social system to be low and indirect at best. Actions under this facility might then either increase, perpetuate or decrease existing gender inequalities in various degrees in relation to different capabilities.

We expect this facility to have a high impact on intersecting inequalities of class, economic status and minority status. This is because the facility specifically targets individuals living in poverty, and because individuals with a minority status are more likely to live in poverty.

The Regulation founding this facility recognises gender equality as a principle to be observed in all stages of the facility’s implementation.<sup>79</sup> Since the facility has only recently been launched, there is no data available with regard to its impact on gender equality.

### 3.7. CONCLUSIONS – GENDER EQUALITY IN EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

**Table 14: Employment, Social Affairs and Inclusion (overall analysis, Title 04)**

Stated policy objective	To support Europe 2020 objectives of smart, sustainable and inclusive growth	
Associated category in MFF	Competitiveness for growth and jobs & Economic, social and territorial cohesion	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality recognised as policy objectives in most budget lines at the macro level with variations at the micro level	
Amount (in EUR) attached (in commitments)	2014	13 839 015 158
	2015	13 091 305 018
	MFF	Not specified in the MFF documents
Data on the gender of participants/beneficiaries	Limited	

Our analysis in the field of Employment, Social Affairs and Inclusion has produced mixed results. First and foremost, the MFF documents recognise gender equality **only as a secondary objective in this area** and **only in the context of the ESF**. This implies that the fundamental importance of this area for gender equality might have been missed in the budgetary process.

Individual budget chapters, articles and items in this policy are expected to impact on capability groups with regard to current gender patterns of engagement with society, the political and social system, the environment, their personality and their physicality, and particularly that of women who are disadvantaged in almost all areas covered by this title. We expect this impact to be direct and high in most budget items. Similarly, several items are also highly likely to impact on a range of intersecting inequalities, including social and economic status and class, geographical location and minority status. Nevertheless, this impact is not always recognised in the macro level legislation and policy guidelines. For instance, the Broad Guidelines for Economic Policy mention gender only in passing without specifying the gender related issues and the EU’s and the Member States’ gender related

<sup>79</sup> Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived, 12.3.2014 OJ L72/1, Art.5.



obligations. This is particularly worrying in the light of employment policies' high impact on gender equality. Gender equality is also not recognised as a policy goal in the context of 'Industrial Relations and Social Dialogue', despite this item's potentially high impact on women's empowerment in the work place.

In other items, where gender equality is observed at the macro level, there are inconsistencies with regard to its embeddedness into the micro project and programme guidelines. For instance, the programme guidelines of the 'Youth Unemployment Initiative' (article 04 02 64) that is subject to the ESF Regulations mentions gender only in passing. In contrast, gender budgeting is recognised as an implementation method in the context of Micro-finance and Social Entrepreneurship (item 04 03 02 03). Finally, none of the legislation and policy documents regarding the budget items analysed here recognise or address directly the potential impacts on intersecting inequalities.

In projects and programmes where gender equality is recognised as an objective at both the macro and micro level, there is still a danger of **gender mainstreaming fatigue** due to **the complex multi-level governance structures** involving the implementation of those projects and programmes. This is particularly the case for the ESF that is potentially the most complex programme in the context of Employment, Social Affairs and Inclusion. ESF not only comprises several individual projects and programmes, but also its enforcement relies on a complex framework of cooperation between the local, regional, national and the EU levels. Thus, even though gender equality is recognised as a policy goal and gender mainstreaming is recognised as an implementation method, ensuring consistent and effective gender mainstreaming in individual projects and programmes and in all regions of Europe requires **both the national and the EU levels** to dedicate **the necessary resources to vigorous gender equality assessment**. Such assessment should be conducted both at the project selection stages (to make sure that projects that are selected for funding can deliver the potential gender impacts in this area), and after projects have been concluded (to assess whether the promised impacts have actually been delivered). Similarly this is essential for all other budget lines that give funding to private and public projects and on the basis of a multi-level implementation framework.

Finally, there is a significant **data gap** with regard to the gender effects of projects and programmes financed under individual budget lines. Even in those budget items where the collection of gender related data is required by the project and programme guidelines, the data available is mostly very limited and superficial. The data identifies only the number of women and men who benefitted from the particular programme in a particular year. This data at times implies that the potential high gender impacts of certain budget items have not materialised: for instance, in 2012 only 38% of the beneficiaries of the European Globalisation Adjustment Fund were women. There is no publicly available data, for instance, with regard to the total amount spent on women and men, how such spending actually improved gender equality or specifically women's capabilities, the breakdown of the amount spent on the basis of the Member States and the impact on intersecting inequalities facing participants/beneficiaries.

On the basis of these observations, our **recommendations** in the context of Employment, Social Affairs and Inclusion are as follows:

- **Gender equality** should be **recognised as a policy objective** and **gender mainstreaming** should be recognised as one of the **key implementation methods** in each budget item. The potential **impacts on gender equality** with regard to individuals' capabilities and intersecting equalities should similarly be recognised.

- **Legislation and policy documents** regarding each budget item should address **how the budget item will deliver its potential impact on the relevant capabilities.**
- **Gender mainstreaming** should be **consistently embedded into the implementation phase** and should **be followed consistently** in all budget items and in all Member States.
- This should be followed by the **collection of data** regarding the gender of participants/beneficiaries, the amount spent on women and men and individual projects' and programmes' impacts on relevant capabilities and intersecting inequalities.

## 4. GENDER BUDGETING ANALYSIS OF HOME AFFAIRS (TITLE 18)

### KEY FINDINGS

- This title is likely to have a high impact on all capability groups.
- The title is likely to have a high impact on the intersecting inequality of immigration status.
- The EU legal framework with regard to immigration and asylum seeking is almost entirely silent with regard to gender equality. In general security concerns overshadow human rights concerns.
- Women are recognised as a 'vulnerable group' in the context of this title. This denies women's agency.
- The budget under this title is not entirely transparent, as spending on individual policy objectives and actions are not always identified.
- Gender-disaggregated data with regard to participants and beneficiaries of actions funded by this title is not collected systematically.

### 4.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

In the field of home affairs, gender related issues are particularly likely to arise in the context of migration and asylum policies. Europe is increasingly under pressure from immigration flows from the rest of the world.<sup>80</sup> This flow results in serious security and human rights consequences. Arguably, security consequences attract more attention than human rights consequences in the political discourse on immigration. These security concerns are often addressed in a gender-blind way, resulting in a lack of sensitivity regarding the particular women's human rights issues arising in the context of immigration and asylum seeking. Such human rights issues may arise either when immigration policies and procedures are gender blind or when women's will with regard to immigration decisions is suppressed, as happens most commonly in human trafficking and sexual exploitation cases. In these contexts, women are often seen only as victims and as lacking actual or potential agency.

Women and men are likely to experience immigration and refugee status differently due to the gender roles assigned to them. Nevertheless, the gendered context of asylum and immigration has been acknowledged at the international and Union levels only recently and partially.<sup>81</sup> For instance, the United Nations 1951 Refugee Convention does not refer to gender as a ground of discrimination, as discrimination on the basis of gender was understood to be a matter of national law and politics at the time.<sup>82</sup> The United Nations High Commission for Refugees (UNHCR) produced two sets of guidelines in order to promote a gender-sensitive approach to the interpretation of the 1951 Convention respectively in

<sup>80</sup>See migration and migrant population statistics at

[http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics#Migration\\_flows/](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics#Migration_flows/)

<sup>81</sup> Alice Edwards, 'Transitioning Gender: Feminist Engagement with International Refugee Law and Policy 1950-2010', (2010) *Refugee Survey Quarterly* 29(2), at p.22.

<sup>82</sup>Nathalia Pendo Berkowitz, 'Gender and EU Asylum Law', in Steve Peers and Nicola Rogers (eds.), *EU Immigration and Asylum Law*, at p.542; See 1951 Refugee Convention, Art.3.

1991<sup>83</sup> and 2002.<sup>84</sup> These are accompanied by specific guidelines and recommendations of the UNHCR Executive Committee with regard to the protection of women asylum seekers.<sup>85</sup> Art. 18 of the EU Charter of Fundamental Rights and Freedoms refers to the UN Refugee Convention in the context of recognition of refugee status. Thus, it arguably makes the UN framework a part of the EU legal framework with regard to the status of refugees and asylum seekers. Nevertheless, the rest of the EU legal framework is almost entirely silent when it comes to the gender aspects of immigration and asylum policies. The Qualification Directive<sup>86</sup> makes a few very limited references to gender, whereas the Procedures Directive<sup>87</sup> and the Reception Conditions Directive<sup>88</sup> make no reference to gender. Similarly the EU's now expired Stockholm Programme (2010-2014)<sup>89</sup> that provided the framework for policies in the field of justice, freedom and security made very limited references to gender without fully acknowledging impediments to women's human rights raised by international organised crime and in particular human trafficking. The European Council Conclusions with regard to the future direction of EU Home Affairs, similarly, are silent as regards the gender aspect of security issues.<sup>90</sup>

In the absence of a strong legal framework at the European Union level, experiences with regard to the gender aspects of immigration, asylum and security policies at the national level have been mixed.<sup>91</sup> In general, it is argued that immigration and asylum policies all around the world have been designed on the basis of a stereotype: a young adult male immigrant or asylum seeker.<sup>92</sup> This is because women are mostly expected to be dependants of breadwinning adult men who make the primary immigration decisions for the rest of their family. As a result, in many cases asylum and immigration policies and procedures do not show sensitivity to the gender context. For instance, in many countries professions that are identified as high priority for immigration are mostly male occupied professions, which prevents highly educated and skilled women from taking advantage of preferential immigration policies.<sup>93</sup> In a way, women are presumed to be unskilled migrants or caretakers of skilled male migrants. Similarly, immigration and family unification criteria with relating to income force immigrant women to make a choice between fulltime work at the expense of their care duties or leaving their family members behind.<sup>94</sup>

What is more, not all countries acknowledge practices that target women – such as female genital mutilation (FGM), honour killings, forced marriages, domestic violence, sexual violence and forced abortions – as persecution in the context of a decision whether or not to grant refugee status to actual and potential victims of those practices.<sup>95</sup> For instance in

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<sup>83</sup>UNCHR (1991) Guidelines on the Protection of Refugee Women, Geneva: UNHCR.

<sup>84</sup>UNCHR (2002) Guidelines on International Protection: Gender-related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating the Status of Refugees, UNHCR, HCR/GIP/02/01.

<sup>85</sup>See e.g. Executive Conclusion No.39 (1985) and 64 (1990) on refugee women and international protection and No.73 (1993) on refugee protection and sexual violence.

<sup>86</sup>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, L304/12 OJ 30.09.2004.

<sup>87</sup>Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, L 326/13 OJ 13.12.2005.

<sup>88</sup>Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, L31/18 OJ 6.2.2003.

<sup>89</sup>Notices from European Union Institutions, Bodies, Offices and Agencies, European Council, the Stockholm Programme — an open and secure Europe serving and protecting citizens, C 115/1 OJ 4.5.2010.

<sup>90</sup>European Council, 26/27 June 2014 Conclusions, Brussels 27 June 2014 EUCO 79/14.

<sup>91</sup>'Gender Related Asylum Claims in Europe', European Parliament, Directorate General for Internal Policies, Policy Department C (Brussels, 2012).

<sup>92</sup>Amandine Bach, 'Immigration, Integration and Asylum Policies from a Gender Perspective', European Social Watch Report, 2009, available at [http://www.socialwatch.org/sites/default/files/B15ImmigrationEuropeanLobby2010\\_eng.pdf](http://www.socialwatch.org/sites/default/files/B15ImmigrationEuropeanLobby2010_eng.pdf).

<sup>93</sup>Bach, *ibid.*, p.14.

<sup>94</sup>Bach, *ibid.*

<sup>95</sup>ICAR Briefing, 'Women Refugees and Asylum Seekers in the UK' (July 2007), available at [http://www.icar.org.uk/ICAR\\_briefing\\_on\\_Women\\_Refugees.pdf](http://www.icar.org.uk/ICAR_briefing_on_Women_Refugees.pdf).

France, Hungary, Romania, Spain and Sweden previously-inflicted FGM is not considered persecution.<sup>96</sup> In Sweden domestic violence is not consistently recognised as a form of persecution.<sup>97</sup> Similarly in Spain, trafficking and forced prostitution is not considered persecution.<sup>98</sup> Overall, it could be argued that the gender angle of the Common European Asylum System is very weak.<sup>99</sup>

Countries that acknowledge practices targeting women as forms of persecution, such as the UK, might still look into whether the country of origin provides protection against those practices and apply 'white country' lists to reject asylum applications without sufficiently understanding the cultural and institutional context of the country in question.<sup>100</sup> Women who are victims of human trafficking and sexual exploitation might be held in detention until they go through asylum procedures, which causes further trauma to them.<sup>101</sup> They are not always offered a choice of female asylum officers or childcare for minors under their care during asylum interviews; as a result, they face a choice between withholding information that is essential for asylum decision-making or facing embarrassment and causing trauma for their children.<sup>102</sup>

## 4.2. INITIAL OBSERVATIONS

The policy objectives of this area, as defined in the context of the MFF, are to design 'a forward looking legal immigration and integration policy (...) to enhance (...) the EU's competitiveness and cohesion' and 'to address irregular migration and combat trafficking in human beings and other forms of slavery'.<sup>103</sup>

The key observation that we made in this field is lack of transparency in the budget. The EU spending in the field of Home Affairs consists of two substantial chapters, namely 'Internal Security' and 'Asylum and Migration', in addition to administrative spending in this area. EU funding programmes or projects with a substantial gender impact, such as the European Return Fund, European Refugee Fund and the European Fund for the Integration of third-Country Nationals appear only as parts of general budget chapters without any further clarification of spending attached to them and their budgetary objectives. Individual spending attached to these programmes or projects might be small compared with the rest of spending in the relevant chapter. Nevertheless, for the purposes of a thorough gender budgeting analysis as well as for the general purposes of financial accountability, it is essential that these projects and programmes appear separately and transparently in the budget and that spending attached to them as well as their objectives are clearly identified.

Additionally, security concerns seem to overshadow general human rights concerns in budgetary choices as well as in the structure of the budget where the EU's investment in security appears to be pronounced more strongly than its investment in human rights protection. In the overall budgetary discourse EU activities against terrorism and organised crime seem to receive greater attention than human rights issues. This tallies with the general European and global political discourse in the post-9/11 world. Organised international crime, particularly human trafficking and sexual exploitation, results in severe

<sup>96</sup>'Gender Related Asylum Claims in Europe', note 91 above, p.37.

<sup>97</sup>Ibid., p.39.

<sup>98</sup>Ibid., p.41.

<sup>99</sup>Ibid., p.18.

<sup>100</sup>ICAR Briefing, note 95 above, p.8; 'Gender Related Asylum Claims in Europe', note 91 above, p.69.

<sup>101</sup>ICAR Briefing, note 95 above, p.9; 'Gender Related Asylum Claims in Europe', note 91 above, p.121.

<sup>102</sup>ICAR Briefing, note 95 above, p.9; 'Gender Related Asylum Claims in Europe', note 91 above, pp.127-130.

<sup>103</sup>Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee and the Committee of Regions, A Budget for Europe 2020 – Part II: Policy Fiches, Brussels, 29.06.2011, COM(2011) 500 final, p.52.

infringements of human rights, and particularly women's and children's human rights. Thus, human rights issues caused by international organised crime need to receive the same level of transparency and attention as security issues.

### 4.3. INTERNAL SECURITY FUND (ISF, ARTICLE 18 02 01)

In its founding Regulation the objectives of the ISF are defined as 'to contribute to ensuring a high level of security in the Union while facilitating legitimate travel, through a uniform and high level of control of the external borders and the effective processing of Schengen visas, in compliance with the Union's commitment to fundamental freedoms and human rights'.<sup>104</sup> In other words, the key objectives of the ISF are to contribute to a high level of security within the Union while supporting legitimate travel.<sup>105</sup> The ISF is composed of two instruments: ISF borders, which contributes to the security goal through effective border controls, and the ISF Visa, which contributes to the legitimate travel goal of the ISF through the implementation of the Schengen visa system.<sup>106</sup>

#### 4.3.1. Support of border management and a common visa policy to facilitate legitimate travel (Item 18 02 01 01)

**Table 15: Support of border management and a common visa policy to facilitate legitimate travel**

Stated policy objective	To tackle illegal immigration whilst respecting human rights	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, e	b, c, d
Gender equality impact	Direct, high.	Indirect, high.
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality spectrum/impact have not been recognised in legal basis and reference acts.	
Amount (in EUR) attached (in commitments)	2014	272 963 542.
	2015	252 153 194.
	MFF	3 764 million*
Data on the gender of participants/beneficiaries	Not available.	

\* Overall amount attached to the ISF.

This is an umbrella item that brings together several programmes and projects. The policy objectives of this item that are key for the purposes of this study include the tackling of illegal immigration whilst ensuring equal treatment of third country nationals and guaranteeing access to international protection for those needing it in accordance with Member State obligations in the field of human rights (including the principle of non-refoulement). In order to achieve these objectives, this item provides funding for capacity building, infrastructure, training of officials and other resources and facilities at the national level. The item also provides funding for the monitoring of national enforcement of the EU legal framework. However, individual projects and programs that receive funding under the framework of this item are not further specified in the budget. The same also goes for the European Commission's Programme Statements of Operational Expenditure which do not

<sup>104</sup>Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC, L150/143 OJ 20.5.2014, Art.3(1).

<sup>105</sup>See [http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-borders/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-borders/index_en.htm).

<sup>106</sup>ibid.

offer any gender-related objectives or indicators with regard to spending in Internal Security Fund.<sup>107</sup>

As explained in section 4.1 above, women's experiences of immigration can be different from those of men. Respect for women's human rights in the context of immigration requires different resources to be made available to them that include trained staff and female immigration officials and interpreters, childcare and facilities that are suitable for women, children and breastfeeding mothers. Also, women's first experience with immigration is likely to have an impact on their future movement and settlement decisions. This is likely to have long-term impact on women's access to education, work, shelter and other resources that are keys for their wellbeing.

Thus, we expect this item to have a direct and high impact on women's engagement with their physicality (as a result of the impact on women's physical wellbeing and comfort during the immigration process) and their engagement with the society (as a result of the impact of the immigration process on their role within the family and as caregivers and as a result of its impact on long term movement and settlement decisions). We also expect an indirect but high impact on other capability groups regarding women's access to resources vital for their wellbeing. Since this item concerns immigrant women and men, we expect a high impact on intersecting inequality of immigration status.

The item's legal basis<sup>108</sup> and reference acts<sup>109</sup> do not acknowledge gender differences in immigration or the particular impact on women's human rights and intersectional inequalities. Likewise data with regard to the gender of beneficiaries and participants of projects and programmes funded by this item is not available.

#### **4.3.2. Prevention and fight against cross-border organised crime and better management of security related risks and crisis (Item 18 02 01 02)**

**Table 16: Prevention and fight against cross-border organised crime and better management of security related risks and crisis**

Stated policy objective	To tackle illegal immigration whilst respecting human rights	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	e	a, b, c, d
Gender equality impact	Direct, high.	Indirect, high.
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality spectrum/impact have not been recognised in legal basis and reference acts.	
Amount (in EUR) attached (in commitments)	2014	148 955 846.
	2015	139 644 154.
	MFF	3 764 million*
Data on the gender of participants/beneficiaries	Not available.	

\* Overall amount attached to the ISF.

<sup>107</sup>See European Commission Working Documents 2014 and 2015, note 25 above, at pp.199 and 241 respectively.

<sup>108</sup>Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, L295/27 OJ 6.11.2013.

<sup>109</sup>European Commission Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Brussels, 15.11.2011 COM(2011) 752 final; European Commission Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa, Brussels, 15.11.2011 COM(2011) 750 final.



The objectives of this item include combatting cross-border, serious and organised crime including terrorism and managing effectively security related risks and crisis. Under the framework of this item funding is provided to strengthen national infrastructure and capacity and for joint, cross-border operations as well as to coordination and cooperation activities at the EU level. We expect this item to have a high and direct impact on capabilities with regard to women's engagement with their physicality. This will be through the addressing of international organised crime targeting women, particularly human trafficking and sexual exploitation. We expect also a high but indirect impact on all other capability groups, since safety and freedom from threats to physical and emotional integrity constitute the essential bare minimum preconditions for one's access to all other capabilities. Since this item concerns immigrant women and men, we expect a high impact on intersecting inequality of immigration status, similar to the item discussed above.

Reference acts for this item do not mention gender equality as a principle or a general objective.<sup>110</sup> Similarly, whilst acknowledging human trafficking and sexual exploitation of children as a fundamental threat, the reference acts do not specifically acknowledge security threats targeting women.<sup>111</sup>

#### **4.4. ASYLUM, MIGRATION AND INTEGRATION FUND (ARTICLE 18 03 01)**

In the founding Regulation the objectives of the Asylum, Migration and Integration Fund (AMIF) are defined as *'to contribute to the efficient management of migration flows and to the implementation, strengthening and development of the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy, while fully respecting the rights and principles enshrined in the Charter of Fundamental Rights of the European Union'*.<sup>112</sup> The Regulation specifically recognises women at risk as a 'vulnerable group' in the context of the resettlement of refugees.<sup>113</sup> The Regulation also states that AMIF should 'take account' of gender mainstreaming and anti-discrimination principles, without further specifying the role of gender equality and mainstreaming in implementation.<sup>114</sup> In the 2014 work programme of AMIF, identification of special needs of asylum seekers, in particular those of women and children, is identified as a priority area for funding.<sup>115</sup> This article provides funding for several EU actions with a high impact on gender equality, such as the Refugee Fund, the Integration Fund and the Return Fund. These actions are addressed in an umbrella title of the budget and the spending attached to them and their individual policy objectives are not further substantiated in the budget.

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<sup>110</sup>European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Brussels, 15.11.2011 COM(2011) 753 final; European Commission, Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Brussels, 15.11.2011, COM(2011) 752 final.

<sup>111</sup>See European Commission Proposal, COM(2011) 753 final, Annex, List of Strategic Priorities Article 6(2).

<sup>112</sup>Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, L150/168 OJ 20.5.2014, Art.3.

<sup>113</sup>Ibid, Art.17(5)(a).

<sup>114</sup>Ibid, Recital 59.

<sup>115</sup>Annex to the Commission Implementing Decision concerning the adoption of the work programme for 2014 and the financing for Union actions and emergency assistance within the framework of the Asylum, Migration and Integration Fund, Brussels, 8.8.2014, C(2014) 5652 final, Art.9.

#### 4.4.1. Completion of operations and programmes

**Table 17: Completion of operations and programmes**

Stated policy objective	Different objectives of different Funds as summarised below	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, b, c, d, e*	
Gender equality impact	Direct, high**	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality spectrum/impact have not been recognised in legal basis and reference acts	
Amount (in EUR) attached (in commitments)	2014	p.m.
	2015	p.m.
	MFF	3.137 billion***
Data on the gender of participants/beneficiaries	Not available	

\* See further the analysis of each Fund below.

\*\* See further the analysis of each Fund below.

\*\*\* The overall amount attached to Asylum, Migration and Integration Fund.

The key EU programmes and actions in this article for the purposes of this study are the European Refugee Fund, the European Return Fund and the European Integration Fund.

The objective of the **European Refugee Fund** is *'to support and encourage the efforts made by the Member States in receiving, and in bearing the consequences of receiving, refugees and displaced persons'*.<sup>116</sup> The amount attached to the Integration Fund was over 630 million EUR for the period 2008-2013. The Fund supports Member State efforts in receiving refugees and displaced persons and in guaranteeing access to consistent, fair and effective asylum procedures.<sup>117</sup> All EU Countries, except for Denmark participate in the Fund.

Similar to the items discussed above in the context of the ISF, we expect this item to have a direct and high impact on capabilities with regard to women's engagement with their physicality and with the society. This is due to the generally different experiences of women of refugee status and asylum seeking as well as to practices targeting women's physical and emotional integrity that result in the women's refugee status and asylum seeking. We expect an indirect and high impact on other capabilities that are likely to be substantially affected in the long term by women's movement and settlement decisions. Since this item concerns refugee women and men, we expect a high impact on intersectional inequality of immigration.

The legal framework of the Refugee Fund does not reflect its high impact on gender equality. In the founding Decision it is stated that the Fund will pay attention to gender-related issues, without further substantiating how this will take place in practice.<sup>118</sup> Likewise, the Decision does not refer to gender mainstreaming as an implementation method. The implementing Decision defines as priority areas the implementation of EU *acquis* in the field of asylum, the improvement of the quality of procedures for the examination of international protection claims, the improvement of administrative structures for cooperation between the Member States and enhancement of the sharing of responsibility between the Member States and third countries.<sup>119</sup> The Decision makes no reference to gender equality. Finally, there is no

<sup>116</sup>Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund, 6.6.2007 OJ L144/1, Art.2.

<sup>117</sup>See [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index_en.htm).

<sup>118</sup>Decision No 573/2007/EC, note 116 above, Art.4(9).

<sup>119</sup>Commission Decision of 29 November 2007 implementing Decision No 573/2007/EC of the European Parliament and of the Council as regards the adoption of the strategic guidelines 2008 to 2013, 12.12.2007 OJ L326/29.

data available with regard to the gender of the beneficiaries and participants of projects and actions supported by the Fund.

The aim of the **European Integration Fund** is *'to support the efforts made by the Member States in enabling third-country nationals of different economic, social, cultural, religious, linguistic and ethnic backgrounds to fulfil the conditions of residence and to facilitate their integration into the European societies'*.<sup>120</sup> The Fund's specific focus is the integration of newly arrived immigrants. All EU Member States apart from Denmark partake in the Fund. The Fund is complementary to ESF actions with regard to the integration of migrants into employment. The budget of the Fund for the period 2007-2013 was 57 million.<sup>121</sup>

We expect the Refugee Fund to have a high and direct gender impact on capability groups. This is because migrants' integration into the society that they live in constitutes an essential prerequisite for their access to education, employment, shelter, equal decision-making power in the family and other social structures, and prevention and enforcement mechanisms against actions that target their physical and emotional integrity, including domestic violence. We also expect a high impact on intersecting equalities, not only of immigration but also of class and economic and social status, since refugees are also more likely to live in economic hardship and poverty.<sup>122</sup>

The founding Decision states that the common basic principles of the Fund will be complementary to and in full synergy with the EU principles of gender equality and non-discrimination.<sup>123</sup> The Decision also identifies women as one of the target groups to which national actions supported by the Fund should aim to reach out.<sup>124</sup> However, the implementing Decision does not make any reference to gender mainstreaming as an implementation principle.<sup>125</sup> Examples of projects and actions that are supported by the Fund are specified in the individual country reports as well as the general European Union report.<sup>126</sup> There are a few examples of actions that specifically targeted women among other groups that are considered 'vulnerable' in the context of the Fund. However, data on the gender of participants and beneficiaries of individual actions is not available.

The objective of the **European Return Fund** is to *'support the efforts made by the Member States to improve the management of return in all its dimensions'*.<sup>127</sup> The Fund assists the voluntary return and reintegration to home of refugees, when the conditions for their refugee status cease to exist, particularly by providing them with high quality information. The Fund also supports Member State actions for the enforced return to home of refugees for whom a return decision has been issued.<sup>128</sup> All EU Countries, apart from Denmark, participate in the Return Fund. For the 2008-2013 period the amount allocated to the Fund was 676 million.<sup>129</sup>

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<sup>120</sup>Council Decision of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows', 28.06.2007 OJ L168/18, Art.2(1).

<sup>121</sup>[http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm).

<sup>122</sup>Jennifer Allsopp, Nando Sigona and Jenny Phillimore, 'Poverty among refugees and asylum seekers in the UK', University of Birmingham, IRIS Working Paper Series, No.1/2014.

<sup>123</sup>Council Decision, note 120 above, Recital 6.

<sup>124</sup>Ibid., Art.4(2)(c).

<sup>125</sup>See Commission Decision of 5 March 2008 laying down rules for the implementation of Council Decision 2007/435/EC, 27.6.2008 OJ L167/69.

<sup>126</sup>See [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/national-actions/index_en.htm).

<sup>127</sup>Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows', L144/45 OJ 6.6.2007, Art.2.

<sup>128</sup>Art.2(a).

<sup>129</sup>[http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/return-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/return-fund/index_en.htm).

We expect refugee's return and reintegration to home to have a direct and high gender impact on all capability groups. This is because it is essential that return takes place only after the conditions that resulted in the leaving of the home country in the first place have ceased to exist, and these conditions themselves often have a strong gender element. Otherwise returning refugees might have to face the same conditions that in most cases threaten their life and physical and emotional integrity, which as a result would prevent them from having access to any of the capability groups that are essential for wellbeing. Similarly for returnees to have access to those capabilities the conditions in the home country need to have been dramatically improved so that returnees can have access to employment, education, family and other social structures in the home country, and this may also have a strong gender element. Similarly, we expect the Fund to have a high impact on intersecting inequalities not only with regard to immigration status but also class, economic and social status, since refugees are likely to face economic hardship and poverty.<sup>130</sup>

The high impact of the Fund on gender equality is not reflected in its legislative framework. The founding Decision does not make reference to either gender equality as a principle or gender mainstreaming as an implementation mechanism. The Decision only refers to pregnant women as a vulnerable group.<sup>131</sup> Similarly the Implementing Decision does not mention gender-specific issues among priorities to be addressed.<sup>132</sup> Data on the gender of participants and beneficiaries of actions supported by the Fund is not available.

#### 4.5. CONCLUSIONS – GENDER EQUALITY IN HOME AFFAIRS

**Table 18: Home Affairs (overall analysis, Title 18)**

Stated policy objective	Creating an area of free movement where security is provided and human rights are respected	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact reflected in policy objectives?	Gender equality spectrum/impact have not been recognised in legal basis and reference acts	
Amount (in EUR) attached (in commitments)	2014	1 201 391 889
	2015	1 171 416 554
	MFF	9.26 billion
Data on the gender of participants/beneficiaries	Not available.	

Women and men experience immigration and refugee status differently. Gender equality requires the differences in the experiences of women to be reflected in immigration and asylum policies and procedures. The Home Affairs title aims to create an area of free movement where fundamental human rights are respected. Thus, spending decisions in this area are highly relevant for the protection of immigrant and refugee women's human rights. However, the legal and budgetary framework in this area does not reflect the high and direct impact on several capabilities that are essential for women's wellbeing. **Individual budget items and EU actions do not recognise gender equality as a key priority and gender mainstreaming as an implementation method.** Similarly, the lack of data with regard to beneficiaries and participants of different EU and Member State actions and programmes

<sup>130</sup>Allsopp et. al., note 122 above.

<sup>131</sup>Decision No 575/2007/EC, note 127 above, Art.5(2).

<sup>132</sup>Commission Decision of 30 November 2007 implementing Decision 575/2007/EC of the European Parliament and of the Council as regards the adoption of the strategic guidelines for 2008 to 2013, 15.12.2007 OJ L330/48.

makes it very difficult to assess the effects of spending decisions on gender equality in this title.

At present, **the EU budgetary framework in Home Affairs seems to largely overlook the substantial women's rights issues** that are directly relevant for policies falling under this title and the title's high and direct impact on several capability groups that are essential for women's wellbeing. The framework seems to refer to women only when they appear as a vulnerable group that is in need of protection. This denies women's agency<sup>133</sup>, i.e. the fact that women as individuals can make informed choices under any conditions and that they can influence the social and political environment.

In order to address these caveats, substantial changes need to be implemented in the context of the Home Affairs title:

- Ideally, **gender equality goals should be incorporated into the Home Affairs title beyond the mere aim of protecting women when they are vulnerable.**
- In the light of the EU framework of gender equality, **gender mainstreaming should be made a part of the implementation** of the budget in this title.
- Similarly, data with regard to the **gender of beneficiaries and participants of actions and projects in this title should be collected systematically.**
- Also, **individual amounts attached to each action and programme need to be specified** for an accurate gender impact assessment of this title.

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<sup>133</sup>See Lois McNay, 'Gender and Agency: Reconfiguring the Subject in Feminist and Social Theory', (Hoboken, Wiley, 2013).

## 5. GENDER BUDGETING ANALYSIS OF JUSTICE (TITLE 33)

### KEY FINDINGS

- This title directly and strongly impacts on all capability groups and several intersecting inequalities, as its specific objective is to promote equality and fight discrimination.
- The current uncertainty with regard to the objectives of the previous programmes replaced with the Rights, Equality and Citizenship programme poses risks for gender equality.
- Even though individual budget items require collection of gender-disaggregated data for the monitoring of actions funded by this title, this appears as a rather soft requirement.

### 5.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

The Justice Title is the most straightforward among the budget titles in terms of gender equality objectives. This is because items in this title specifically target protection of the rights and freedoms of citizens enshrined in the EU legal framework, including the legal framework of gender equality.

In the context of the MFF 2014-2020 a new programme called 'Rights, Equality and Citizenship' has been introduced to replace the three previous funding programmes entitled Fundamental Rights and Citizenship, Daphne III and Progress. All three programmes expired in 2013. The Fundamental Rights and Citizenship Programme was the EU's umbrella programme for the protection of rights and the fight against discrimination.<sup>134</sup> Progress is the EU's employment and social solidarity programme and it is analysed in detail in section 3 regarding Employment, Social Affairs and Inclusion, above. Daphne III was the EU's key programme in the fight against violence against women.

In its Resolution<sup>135</sup> adopted in 2011, the European Parliament proposed an EU policy framework to combat violence against women, including female genital mutilation and domestic violence, through different strategies including criminalisation of these practices in the Member States. The international legal framework against gender-based violence includes the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Council of Europe Convention on preventing and combating violence against women and domestic violence adopted on 7 April 2011 (The Istanbul Convention). The European Union Agency for Fundamental Rights suggested that the EU should accede to the Istanbul Convention.<sup>136</sup> The Victims Directive (2012/29/EU) constitutes the key EU legislation relevant to violence against women. The Directive defines gender-based violence as violence '*that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately*' and that '*may result in physical, sexual, emotional or*

<sup>134</sup>Council Decision of 19 April 2007 establishing for the period 2007-2013 the specific programme Fundamental rights and citizenship as part of the General programme Fundamental Rights and Justice, 8.1.2008 OJ L110/33.

<sup>135</sup>European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women, OJ C 296 E, 2.10.2012.

<sup>136</sup>European Union Agency for Fundamental Rights, 'Violence Against Women: An EU-wide Survey', available at [http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-factsheet\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-factsheet_en.pdf), at p.1.



*psychological harm, or economic loss, to the victim*'.<sup>137</sup> The Directive's key objective is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.<sup>138</sup> Thus, it is primarily the Member States' national legal frameworks and their enforcement that play the key role in the fight against gender-based violence.

The EU actions under the Justice title, in general, are complementary to national actions. Rather than providing direct funding for the protection of rights and freedoms and the fight against discrimination, the EU supports the implementation of the EU legal framework at the national level through activities including the training and networking of officials, data collection and civil society support. This is also evident from the relatively small amounts of funding attached to items in the Justice title. Nevertheless, despite the purely supportive role of EU funding in this area, Daphne III (and previously Daphne II and the original Daphne) have been considered extremely effective programmes that tackle gender-based violence through transnational networking and capacity building.<sup>139</sup>

At present it is not altogether clear how the objectives of the three previous programmes will be pursued in the context of the new Rights, Equality and Citizenship Programme and what exact amount of funding will be spent on gender equality targets. The European Commission's programme statements accompanying the EU annual budget refer to the general objectives of increasing women's presence in economic life and inducing zero tolerance against gender-based violence within society. However, the statements do not specify through which actions these objectives will be achieved and what will be the specific amount attached to those actions.<sup>140</sup>

This is worrying given that particularly violence against women continues to be a substantial and persisting problem across Europe. The European Union Agency for Fundamental Rights' survey with regard to violence against women has found that an estimated 13 million women in the EU have experienced physical violence in the course of the 12 months before the survey interviews.<sup>141</sup> This still is likely to be an underestimate due to the differences between national legal regimes' definitions of gender-based violence and the tendency of victims not to report violence particularly when it happens within the family.<sup>142</sup> In addition to its devastating effects on the victims and on society, violence against women also results in tremendous economic costs in the form of lost economic output, healthcare costs, legal costs and social costs (housing aid, financial assistance, child protection and family support etc.).<sup>143</sup> This is estimated at EUR 258 729 million in EU 28.<sup>144</sup>

As will be explained below in the context of individual items, gender mainstreaming is embedded as an implementation method in this title and all actions and programmes funded by this title are required to collect gender-based data. Nevertheless, this does not mean that gender mainstreaming and gender budgeting is consistently applied in EU actions related to gender equality. Gender equality issues are cross-cutting in nature and

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<sup>137</sup>Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14.11.2012 OJ L315/57.

<sup>138</sup>*Ibid.*, Art. 1.

<sup>139</sup>Celeste Montoya, 'The European Union, Capacity Building and Transnational Networks: Combating Violence Against Women Through the Daphne Programme', International Organization (2008), 62: 359-72.

<sup>140</sup>European Commission Working Documents 2014 and 2015, note 25 above, at pp. 213 and 263 respectively.

<sup>141</sup>European Union Agency for Fundamental Rights, note 136 above.

<sup>142</sup>EIGE, 'Eliminating Violence Against Women in Europe – Intersectoral Approaches and Actions', available at [http://eige.europa.eu/sites/default/files/MH0114324ENC\\_Web.pdf](http://eige.europa.eu/sites/default/files/MH0114324ENC_Web.pdf), at p.6.

<sup>143</sup>EIGE, 'Estimating the Cost of Gender-Based Violence in the European Union', available at <http://eige.europa.eu/sites/default/files/MH0414745ENC.pdf>.

<sup>144</sup>*Ibid.*, at p.142.



they are likely to fall within the scope of several policies at the same time. For instance, the Progress programme with its cross-cutting socioeconomic dimensions falls within the scope of both the Employment, Social Affairs and Inclusion and Justice titles. Similarly, gender-based violence is relevant not only for Justice policies but also for Home Affairs policies discussed in the previous section and for Development and Cooperation that will be discussed in the next section. Thus, for gender violence and gender related issues to be addressed effectively, it is vital that a cross-sectoral approach involving all relevant policies and budget titles is adopted and gender mainstreaming and budgeting are applied consistently in the context of all relevant policies and budget lines.

## 5.2. INITIAL OBSERVATIONS

The structure of the budget in this area is relatively straightforward. We do not have any significant observations with regard to the structure of the budget.

As mentioned above, the budgetary framework does not provide any clarity with regard to how the objectives of previous programmes will be pursued within the Rights, Equality and Citizenship Programme and what will be the amount attached to those objectives. This poses a significant risk to gender equality and non-discrimination goals. Similarly, as mentioned above, it is not sufficient and satisfactory that gender mainstreaming and the collection of gender related data are required in the context of the Justice title unless a cross-sectoral approach is taken and these methods are consistently applied in all titles aiming to address the same issues as the Justice title.

## 5.3. RIGHTS, EQUALITY AND CITIZENSHIP (CHAPTER 33 02)

**Table 19: Ensuring the protection of rights and empowering citizens (Item 33 02 01)**

Stated policy objective	Exercise of EU citizenship rights	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high.	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality is recognised as a goal.	
Amount (in EUR) attached (in commitments)	2014	23 007 000
	2015	24 196 000
	MFF	439 million*
Data on the gender of participants/beneficiaries	Not yet available.	

\*Overall amount attached to the Rights, Equality and Citizenship Programme.

**Table 20: Promoting non-discrimination and equality (Item 33 02 02)**

Stated policy objective	Promotion of non-discrimination and equality	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high.	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality is recognised as a goal.	
Amount (in EUR) attached (in commitments)	2014	31 151 000
	2015	32 073 000
	MFF	439 million*
Data on the gender of participants/beneficiaries	Not yet available.	

\*Overall amount attached to the Rights, Equality and Citizenship Programme.

These are umbrella items that aim to contribute to the citizen’s exercise of their rights stemming from EU citizenship. Diverse objectives of these items include protection of personal data, respect for rights of the child, combating all forms of violence against women, empowering consumers and businesses to trade and purchase in trust within the internal market and promoting the effective implementation of the principles of non-discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation. The amount that will be attached to gender equality goals is not specified in the budget or in the Commission’s programme statements.

Promotion of equality between women and men and advancement of gender mainstreaming is recognised as an objective in the founding Regulation of the Rights, Equality and Citizenship Programme.<sup>145</sup> The Regulation requires collection of gender-based data as part of the monitoring and evaluation of action funded by this budget item.<sup>146</sup> Nevertheless, this is not an absolute but a soft requirement, which applies where it is ‘relevant’.<sup>147</sup> Thus, it is unlikely to make an impact unless it is turned into a compulsory requirement with teeth and applied consistently.

We expect these items to have a high and direct impact on all equality groups, since the item specifically aims to improve gender equality and to target discrimination, including gender-based violence. We also expect the item to have a high impact on other intersecting inequalities, such as race, religion, gender and sexual identity and age that also fall within the scope of the items’ objectives.

#### 5.4. CONCLUSIONS – GENDER EQUALITY IN JUSTICE

**Table 21: Justice (Overall analysis, title 33)**

Stated policy objective	Effective exercise of EU citizens’ rights & promotion of non-discrimination and equality	
Associated category in MFF	Security and Citizenship	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality recognised as policy objectives in most budget lines at the macro level with variations at the micro level	
Amount (in EUR) attached (in commitments)	2014	1 201 391 889
	2015	1 171 416 554
	MFF	9.26 billion
Data on the gender of participants/beneficiaries	Not yet available	

Justice specifically aims to improve citizens’ enjoyment of their rights stemming from EU citizenship by *inter alia* promoting equality and non-discrimination. Thus, it has a **direct and significant impact on all capability groups and also on other intersecting inequalities that are specifically targeted by this title**. EU actions in this field are mostly supportive and complementary of national actions. Thus, the amount of EU spending in this title is rather modest. Nevertheless, EU actions in this title have been observed to target gender inequality, and in particular violence against women, effectively. Thus, **the current uncertainty with regard to the future of the previous programmes replaced with the Rights, Equality**

<sup>145</sup>Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020, 28.12.2013 OJ L354/62, Art.1(d).

<sup>146</sup>*ibid.*, Art.14.

<sup>147</sup>*ibid.*

**and Citizenship programme poses risks for gender equality.** As a remedy, the Commission should clarify how the objectives of previous programmes will be pursued in the context of the Rights, Equality and Citizenship programme and the European Parliament should hold the Commission to account within the budgetary process by making sure that gender equality objectives are not overshadowed by other objectives in the context of spending decisions.

Similarly, even though individual budget items require collection of gender-based data for the monitoring of actions funded by this title, this appears as a rather soft requirement. As we have emphasised throughout this report, **collection of gender-disaggregated data is essential for an effective gender budgeting analysis** and ultimately to evaluate whether policies have achieved their gender equality objectives. Thus, the currently soft data collection requirement needs to be strengthened. Finally, unless **a cross-sectoral approach** is taken that **pursues gender equality goals effectively in multiple policy areas**, it is unlikely that this title alone will achieve its ambitious objectives, such as combating violence against women.

We therefore recommend that:

- The current **uncertainty with regard to the future of the existing equality programmes should be addressed**, with a clarification of the specific amounts to be spent on gender equality goals;
- The current rather **soft requirement for the collection of gender related data be strengthened**;
- For the Justice title to be able to achieve its gender equality objectives, it is vital that **equally strong gender equality objectives and gender mainstreaming requirements are embedded in other titles** that run in parallel and pursue similar goals to that of the Justice title.

## 6. GENDER BUDGETING ANALYSIS OF DEVELOPMENT AND COOPERATION (TITLE 21)

### KEY FINDINGS

- This title directly and strongly impacts all capability groups and several intersecting inequalities. This is because in the presence of conflict and without an effective democratic system protecting individuals' rights, neither women nor men can be expected to have access to capabilities that are essential for their wellbeing.
- Development and Cooperation is one of the most ambitious titles in terms of gender equality objectives. However, gender equality objectives are not reflected on equally strongly and gender mainstreaming is not implemented as effectively in all budget items.
- Gender-disaggregated data with regard to participants and beneficiaries of actions funded by this title is not collected systematically.

### 6.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

The EU and the Member States are the largest donors of official development assistance. In 2013 development aid provided by the EU and the Member States was EUR 56.5 billion which amounted to 52% of the overall global development aid provided across the world.<sup>148</sup>

In the context of the 2014-20 MFF, the EU provides development aid to its periphery primarily through the Development and Cooperation Instrument, the European Neighbourhood Instrument, the Instrument for Democracy and Human Rights and the Instrument Contributing to Stability and Peace (previously the Instrument for Stability). The Development and Cooperation Instrument provides financial assistance for those countries that appear as recipients in the OECD's Official Development Assistance list (with some exceptions).<sup>149</sup> The European Neighbourhood Instrument provides assistance to the EU's 16 closest neighbours (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia and Ukraine) in the light of the European Neighbourhood Policy's objectives.<sup>150</sup> The Instrument for Human Rights and Democracy provides assistance worldwide to all countries other than the EU Member States.<sup>151</sup> The Instrument Contributing to Stability and Peace provides assistance to countries all around the world that experience ongoing or emerging conflicts and crises.<sup>152</sup>

EU financial assistance in the context of Development and Cooperation serves two key political objectives: firstly and fundamentally, financial assistance enables the EU to spread and diffuse EU norms and values, first and foremost to its periphery and also to the rest of the world. This is achieved through financing of actions and projects that serve norms and values promoted by the EU or by attaching conditions to the release of aid for the enactment

<sup>148</sup>The European Union explained, International Cooperation and Development, available at [http://europa.eu/pol/pdf/flipbook/en/development\\_cooperation\\_en.pdf](http://europa.eu/pol/pdf/flipbook/en/development_cooperation_en.pdf).

<sup>149</sup>Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, 15.3.2014 OJ L77/44, Art.1(a). See the DAC list of ODA recipients at <http://www.oecd.org/dac/stats/49483614.pdf>.

<sup>150</sup>See [http://eeas.europa.eu/enp/about-us/index\\_en.htm](http://eeas.europa.eu/enp/about-us/index_en.htm).

<sup>151</sup>Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide, 15.3.2014 OJ L77/85.

<sup>152</sup>Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, 15.3.2014 OJ L77/1.

of reforms that similarly serve the EU promoted norms and values. As a result, the EU aims to contribute towards security in its region and the wider world using its 'soft power' on the basis of its key values and norms (such as democracy, the rule of law and human rights), notwithstanding its lack of military power.<sup>153</sup>

Secondly, the EU draws its boundaries through the Development and Cooperation policies. Countries that receive assistance in the context of development cooperation are strictly separated from the countries that receive assistance in the context of the EU accession framework that also has a strong reform component on the basis of conditionality. Nevertheless, it remains an open question whether conditionality without the promise of EU membership can translate into effective implementation of democratic and human rights reforms in countries financially assisted by the EU. It has been argued that financial assistance alone does not provide a sufficiently strong incentive for those countries to address structural causes of inequality and human rights problems.<sup>154</sup>

Development policies impact gender equality substantially in several interconnected dimensions that include the fight against poverty, the fight against diseases and health issues that target women, international trade policies that affect women's employment, improvement of women's access to education, sustainable development and agriculture and its gender effects.<sup>155</sup> This also goes for security and peace building, not only because women are particularly adversely affected by conflict as targets of sexual and other types of violence and combatants but also because they have a significant role to play in conflict resolution and the establishment of societal and political structures that prevent future conflicts.<sup>156</sup>

Since the 2006 Consensus on Development<sup>157</sup>, EU external policy documents and guidelines have adopted strong language with regard to gender equality in development and security. The EU Plan of Action on Gender Equality and Women's Empowerment established a twin-track approach with regard to the role of gender equality in development that consists of gender mainstreaming and financing of measures that support women's empowerment.<sup>158</sup> The Action Plan promised to respect women's agency by making not only the recipient countries but also the women beneficiaries themselves a part of the development and cooperation processes.<sup>159</sup> The Action Plan also recommended that recipient countries adopt gender budgeting at national and local levels to measure the concrete effects of development aid on gender equality.<sup>160</sup>

Nine specific objectives with individual indicators were identified in order to make the gender dimension of development aid concrete. Those objectives include gender mainstreaming of all actions and programmes, including 80% of the financing proposals.<sup>161</sup> The Council made those objectives a formal component of its objective of achieving the

<sup>153</sup>Maxine David, Roberta Guerrina, 'Gender and European External Relations: Dominant Discourses and Unintended Consequences of Gender Mainstreaming', *Women's Studies International Forum* (2013): 53-62; Richard Witman (ed.), *Normative Power of Europe. Empirical and Theoretical Perspectives*, (2011, Basingstone: Palgrave); Anna van Der Vleuten, 'Gender Mainstreaming in the EU-SADC Relations: the Capabilities-Expectations Gap', in Astrid Boening; Jan-Frederik Kremer; Aukje van Loon (eds.), *The Global Power of Europe* (Volume 2), (2013, Heidelberg: Springer).

<sup>154</sup>David and Guerrina, *ibid.*, at p.59.

<sup>155</sup>See Janet Momsen, *Gender and Development*, (Abington, Routledge, 2010) pp.1-20.

<sup>156</sup>United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security.

<sup>157</sup>Joint declaration by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on the development policy of the European Union entitled "The European Consensus" [Official Journal C 46 of 24.2.2006].

<sup>158</sup>Communication from the European Commission to the Parliament and Council, Gender Equality and Women Empowerment in Development Cooperation, Brussels 8.3.2007, COM(2007)100 final.

<sup>159</sup>*Ibid.*, at p.7.

<sup>160</sup>*Ibid.*, at p.8.

<sup>161</sup>*Ibid.*, at p.14.

United Nation’s Millennium Development Goals by 2015.<sup>162</sup> Similarly, the Council fully committed to the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security on the basis of a three-fold approach that consists of integrating women in conflict resolution and peace-building dialogues, gender mainstreaming of the EU’s crisis management activities and supporting strategic actions that empower women.<sup>163</sup>

In contrast to the strong formal commitment to gender equality objectives in development and cooperation, the implementation of the 2010-15 Action Plan has not translated into concrete achievements. Gender mainstreaming has been applied in the context of development and gender inconsistently and depending on whether the European Commission DG in charge is fully committed to gender equality objectives.<sup>164</sup> For instance, previous studies found a sharp contrast between the DG Development and Cooperation and DG Trade, the latter of which has shown little evidence that it has observed gender equality objectives in its activities in the field of development.<sup>165</sup> Overall, more than 75% of the EU’s neighbourhood instrument budget between 2002-13 was not gender mainstreamed.<sup>166</sup> Similarly, only nine of 45 EU delegations achieved the target of 75% of all new project proposals scoring G-1 or G-2 on the OECD Gender Equality Marker scale, which are respectively assigned to projects that include gender equality as principal or significant objectives.<sup>167</sup>

It is argued that whereas a high level of commitment to gender equality is voiced in the political sphere in the context of relations with recipient countries and their women’s rights organizations this does not penetrate into the technical policy implementation level.<sup>168</sup> This is not only because financial assistance alone without a promise of EU membership does not give sufficient incentives for reform to the recipient countries but also because there are significant levels of variation between different EU delegations’ commitments to gender equality and their staff’s experience and training in gender equality.<sup>169</sup>

## 6.2. DEVELOPMENT COOPERATION INSTRUMENT (CHAPTER 21 02)

**Table 22: Development Cooperation Instrument**

Stated policy objective	Poverty reduction	
Associated category in MFF	Global Europe	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality and women’s empowerment is recognised as an objective and an area of cooperation	
Amount (in EUR) attached (in commitments)	2014	2 260 039 588
	2015	2 369 581 901
	MFF	19 661,64 million
Data on the gender of participants/beneficiaries	Limited	

<sup>162</sup>Council Conclusions on the Millennium Development Goals, Brussels 15 June 2010, 11080/10.

<sup>163</sup>Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, Brussels 1 December 2008, 15671/1/08.

<sup>164</sup>Petra Debusscher, ‘The Post-2015 Framework for Gender Equality Policy in Foreign Affairs and Development Cooperation’, in A New Strategy for Gender Equality post 2015 – Part 1, European Parliament, Brussels, 2014, p.83.

<sup>165</sup>Ibid.

<sup>166</sup>Petra Debusscher, ‘Mainstreaming Gender in European Union Development Policy in the European Neighborhood’, Journal of Women, Politics & Policy, (2012), 33(4): 322-344.

<sup>167</sup>UK Parliament, House of Commons, European Scrutiny Select Committee Report, ‘Gender Equality and Women’s Empowerment in Development 2010-15’, available at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeuleg/219-xxxvi/21930.htm>.

<sup>168</sup>David and Guerrina, note 153 above, at p.61.

<sup>169</sup>UK Parliament, note 167 above.



Individual budget items in this chapter include environment and climate change (item 21 02 07 03), sustainable energy (21 02 07 04), human development (21 02 07 05), food security and sustainable agriculture (21 02 07 06), migration and asylum (21 02 07 07), civil society in development (21 02 08 03) and local authorities in development (21 02 08 04). The overarching objective of this chapter is the pursuit of poverty reduction, sustainable development and establishment and enjoyment of human rights, including those reflected in the Millennium Development Goals, in particular, the promotion and consolidation of democracy, the rule of law and good governance.<sup>170</sup> In the light of these broad and ambitious objectives, we expect this chapter to have a direct and high impact on all capability groups. We also expect this chapter to have a high impact on other intersecting inequalities that are relevant for its objectives, including poverty and economic status, immigration status, geographical location and being subject to violence, conflict and crisis.

The founding Regulation recognises gender equality, empowerment of and equal opportunities for women as a specific sub-area of cooperation to be pursued in geographic programmes as a part of the human rights, democracy and good governance objective.<sup>171</sup> The Regulation also further clarifies gender equality goals on the basis of each geographic programme.<sup>172</sup> Gender is also recognised as a cross-cutting issue that should be mainstreamed.<sup>173</sup> The Regulation earmarks at least 27,5% of the total envelope of 7 008 million for the human rights, democracy and good governance budget to be spent on gender equality goals under the 2014-20 MFF.<sup>174</sup> However, the Regulation does not clarify whether and how gender equality goals are to be pursued in the context of other cooperation areas, such as inclusive and sustainable growth for human development, and migration and asylum.

The Regulation foresees tailor-made enforcement of objectives for each individual recipient country on the basis of their individual development needs.<sup>175</sup> Those individual needs are identified in country strategy papers<sup>176</sup> and the progress made as a result of EU funding is reported in evaluation reports.<sup>177</sup> The Commission also publishes financing accountability reports<sup>178</sup> in which it explains the management of funds for its own accountability purposes. Country strategy papers and evaluation reports make occasional reference to gender equality issues in each specific country and they also clarify how much money has been spent on gender equality objectives. Nevertheless, neither strategy papers nor evaluation reports match EU funding of specific projects with gender related development goals. Thus, the data with regard to the gender of beneficiaries and recipients of EU funded projects and actions are very limited. On the other hand, gender equality does not appear to be a category addressed in the European Commission's own accountability reports.

<sup>170</sup>Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, 15.3.2014 OJ L77/44, recital 2, Art.2

<sup>171</sup>Ibid., Art.5(3)(a)(ii).

<sup>172</sup>Ibid., Annex I.

<sup>173</sup>Ibid., Art.3(3).

<sup>174</sup>Ibid., Annex IV.

<sup>175</sup>Ibid., Art.5.

<sup>176</sup>See [http://eeas.europa.eu/sp/index\\_en.htm](http://eeas.europa.eu/sp/index_en.htm).

<sup>177</sup>See [http://ec.europa.eu/europeaid/how/evaluation/evaluation\\_reports/2014/1327\\_docs\\_en.htm](http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2014/1327_docs_en.htm).

<sup>178</sup>See [https://ec.europa.eu/europeaid/eu-accountability-report-financing-development-2014\\_en](https://ec.europa.eu/europeaid/eu-accountability-report-financing-development-2014_en).



### 6.3. EUROPEAN NEIGHBOURHOOD INSTRUMENT (CHAPTER 21 03)

**Table 23: European Neighbourhood Instrument**

Stated policy objective	Improvement of democracy and integration to the EU	
Associated category in MFF	Global Europe	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality is recognised as an indicator of good governance but not as an objective itself	
Amount (in EUR) attached (in commitments)	2014	2 132 480 712
	2015	1 966 403 376
	MFF	15 432,63 million
Data on the gender of participants/beneficiaries	Limited	

The overarching policy objectives of this chapter can be summarised as the improvement of democratic governance and reception of norms and values promoted by the EU in countries in the European periphery that are not considered eligible to become EU members at present.<sup>179</sup> More specific objectives include:<sup>180</sup>

- The promotion of human rights and fundamental freedoms, the rule of law, principles of equality and the fight against discrimination in all its forms,
- Achieving progressive integration into the Union internal market and enhanced sectoral and cross-sectoral cooperation, including through legislative approximation and regulatory convergence towards Union and other relevant international standards,
- Creating conditions for the better organisation of legal migration and the fostering of well-managed mobility of people,
- Supporting smart, sustainable and inclusive development in all aspects,
- Promoting confidence-building, good neighbourly relations and other measures contributing to security in all its forms and the prevention and settlement of conflicts,
- Enhancing sub-regional, regional and European Neighbourhood-wide collaboration as well as cross-border cooperation.

The Neighbourhood Instrument consists primarily of three items that provide funding to Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine) and to Mediterranean countries (Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, Palestine, Syria (suspended membership), Tunisia and Turkey). These items specifically concern human rights and mobility (items 21 03 01 01 and 21 03 02 01), poverty reduction and sustainable development (items 21 03 01 02 and 21 03 02 02), confidence building, security and the prevention and settlement of conflicts (items 21 03 01 03 and 21 03 02 03).

In the light of its broad socio-economic and political objectives that include democratic and socio-economic development as well as prevention of conflicts and peace building we expect this item to have a direct and high impact on all capability groups. We also expect this

<sup>179</sup>Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, 15.3.2014 OJ L77/27, Art.2.

<sup>180</sup>ibid.

item to have a high impact on other intersecting equalities that are relevant for its objectives, including but not necessarily limited to socio-economic status, immigration status, geographical location and being subject to violence, conflict and crisis.

The chapter's high impact on gender equality is not reflected on in the policy objectives identified in its founding Regulation. The Regulation does not recognize gender equality as an objective itself but only as an indicator to be used in the evaluation of other good governance principles in the recipient countries.<sup>181</sup> The Regulation identifies gender as a priority area for EU funding among other cross-cutting issues.<sup>182</sup> However, the Regulation does not recognise gender mainstreaming as an implementation method.

Similar to the Development Cooperation Instrument, in the context of the Neighbourhood Instrument, EU funding is released on the basis of the specific structural problems and needs of the recipient country in question. These are identified in country specific action plans.<sup>183</sup> The specific amount to be spent on individual policy objectives in each recipient country is further specified in bilateral programmes.<sup>184</sup> Country specific reports summarise the progress made in each recipient country with regard to the objectives of the Neighbourhood Instrument.<sup>185</sup> Gender specific problems and progress made to address them are mentioned occasionally in these documents. However, the documents do not specify the specific amount spent on gender equality goals. Also, gender equality objectives are not matched with projects and actions financed by the EU. As a result, there is very limited data at best with regard to the gender of beneficiaries of EU funds allocated to the development of countries neighbouring the EU.

#### 6.4. EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS (CHAPTER 21 04)

**Table 24: European Instrument for Democracy and Human Rights**

Stated policy objective	Promotion of democracy and human rights where most needed	
Associated category in MFF	Global Europe	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality recognised as an objective	
Amount (in EUR) attached (in commitments)	2014	132 782 020
	2015	130 166 185
	MFF	1 332,75 million
Data on the gender of participants/beneficiaries	Not available	

The primary objective of the Instrument for Democracy and Human Rights is to contribute towards the strengthening of participatory and representative democracy and the protection of human rights in non-EU countries where these institutions are particularly weak.<sup>186</sup> The Instrument fills in the gap particularly with regard to those countries that are not party to an existing development cooperation mechanism. The instrument finances

<sup>181</sup>Ibid., Art.2(3).

<sup>182</sup>Ibid., Annex II.

<sup>183</sup>See [http://eeas.europa.eu/enp/documents/action-plans/index\\_en.htm](http://eeas.europa.eu/enp/documents/action-plans/index_en.htm).

<sup>184</sup>See [http://eeas.europa.eu/enp/documents/financing-the-enp/index\\_en.htm](http://eeas.europa.eu/enp/documents/financing-the-enp/index_en.htm).

<sup>185</sup>See [http://eeas.europa.eu/enp/documents/progress-reports/index\\_en.htm](http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm).

<sup>186</sup>Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide, 15.3.2014 OJ L77/85, Art.1.

primarily civil society organisations. To date 90% of the recipients of the fund have been civil society organisations, whereas 10% have been international organisations.<sup>187</sup> The Instrument also allows re-granting of funds from national civil society organisations to human rights activists when they are not recognised as a legal entity in their country.<sup>188</sup>

An established and strong representative and participatory democracy and respect for human rights are the key fundamental conditions for all women and men’s access to capabilities that are essential for their wellbeing. Without these institutions it would be extremely difficult to expect individuals to have access to capabilities regarding their engagement with society, the political and social system, environment, their personality or their physicality, with women generally having significantly less capability in many areas than men. Thus, we expect this chapter to have a high and direct gender impact on all capability groups. Similarly, we expect this chapter to have a significant impact on all intersecting inequalities, including but not exclusive to race, religion, minority and immigration status, poverty and economic status, gender and sexual identity, as the effective addressing of these inequalities also essentially depend on the establishment of a democratic regime respecting human rights.

The founding Regulation of the instrument recognises gender equality and participation of women in decision-making as an objective.<sup>189</sup> The Regulation also recognises as an objective the strengthening of the international framework on gender equality.<sup>190</sup> Although the Regulation makes a reference to gender mainstreaming in implementation, this appears as a rather soft requirement to be observed where relevant.<sup>191</sup>

Although success stories and project examples are publicised on the Instrument’s website,<sup>192</sup> the outcomes and achievements of the instrument are not reported systematically. Thus, the financed projects and actions are not matched with the instrument’s objectives. Finally, data regarding the gender of beneficiaries and participants of those projects and actions is not available.

## **6.5. INSTRUMENT CONTRIBUTING TO STABILITY AND PEACE (ICSP) – GLOBAL AND TRANS-NATIONAL THREATS (CHAPTER 21 05)**

**Table 25: Instrument contributing to stability and peace**

<b>Stated policy objective</b>	Prevent and respond to actual and emerging conflicts	
<b>Associated category in MFF</b>	Global Europe	
<b>Gender equality spectrum</b>	a, b, c, d, e	
<b>Gender equality impact</b>	Direct, high	
<b>Have gender equality spectrum/impact been reflected in policy objectives?</b>	Gender equality recognised as a cross-cutting issue	
<b>Amount (in EUR) attached (in commitments)</b>	2014	82 255 223
	2015	64 000 000
	MFF	2 338,72 million
<b>Data on the gender of participants/beneficiaries</b>	Not available	

<sup>187</sup>See <http://www.eidhr.eu/who-are-our-partners>.

<sup>188</sup>Ibid.

<sup>189</sup>Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide, Art.2(1)(a)(vii), and Annex, objective 2.

<sup>190</sup>Ibid., Art.2(1)(c).

<sup>191</sup>Ibid., Art.2(2).

<sup>192</sup>See <http://www.eidhr.eu/success-stories>.

ICSP provides support for EU external policies by increasing the efficiency and coherence of EU actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats.<sup>193</sup> ICSP funded actions include urgent short-term actions complementing the EU humanitarian assistance and long-term capacity building actions in crisis response and peace building.<sup>194</sup> EU delegations located in the recipient countries play a key role in the implementation of the ICSP.

Crisis prevention and peace building has a direct and high impact on gender equality. This is not only because women in particular are directly affected by crises as combatants and victims of gender-based violence but also because women have a significant role to play in the resolution of crises and peace building. Likewise in the presence of an actual or imminent crisis it would be very difficult to expect women to have effective access to capabilities that are essential for their well-being, including those regarding their engagement with society, the political and social system, the environment, their personality and their physicality. Thus we expect the ICSP to have a high and direct impact on all capability groups. Similarly, we also expect a high and direct impact on other intersecting inequalities that will result in particular or more severe threats to gender equality in the presence of a conflict, such as race, religion, minority and immigration status, gender and sexual identity.

In the founding Regulation of the ICSP, gender equality is recognised as a cross-cutting issue, to be included in the programming 'where possible' rather than an objective in itself.<sup>195</sup> The Regulation establishes that technical and financial assistance from the ICSP may be provided to support the implementation of UN Security Council Resolutions 1325 and 1820 on women, peace and security<sup>196</sup>, to support the specific needs of women and children in crisis situations including exposure to gender-based violence<sup>197</sup>, for the rehabilitation and reintegration of women and children<sup>198</sup> and to increase the role of women in political processes through civil society support.<sup>199</sup> The Regulation does not make a reference to gender mainstreaming as a method to be observed in the implementation of the ICSP. However, the Commission's implementing decision states that all actions funded by the ICSP will be gender mainstreamed.<sup>200</sup> In the Implementing Decision Women, Peace and Security is identified as a priority area.<sup>201</sup> The Decision has allocated 3,5 million to a specific action entitled 'Gender and Transitional Justice' (action 2) that aims to ensure that transitional justice measures are gender sensitive in collaboration with UN women.<sup>202</sup>

The annual reports of ICSP often summarise projects and actions with a gender impact and success stories.<sup>203</sup> However, the reports do not systematically provide gender disaggregated data or match gender equality objectives with specific actions and programmes. The external evaluation report of the ICSP finds that gender appears to receive increasingly more attention in the context of the ICSP but gender mainstreaming is not observed systematically in the implementation.<sup>204</sup>

<sup>193</sup>Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, 15.3.2014 OJ L77/1, Art.1(1).

<sup>194</sup>See [http://ec.europa.eu/dgs/fpi/what-we-do/instrument\\_contributing\\_to\\_stability\\_and\\_peace\\_en.htm](http://ec.europa.eu/dgs/fpi/what-we-do/instrument_contributing_to_stability_and_peace_en.htm).

<sup>195</sup>Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, 15.3.2014 OJ L77/1, Art.2(4)(d).

<sup>196</sup>*Ibid.*, Art.3(2)(b).

<sup>197</sup>*Ibid.*, Art.3(2)(k).

<sup>198</sup>*Ibid.*, Art.3(2)(l).

<sup>199</sup>*Ibid.*, Art.3(2)(p).

<sup>200</sup>Commission Implementing Decision of 12.8.2014 on the Annual Action Programme 2014 for the Instrument contributing to Stability and Peace, Brussels, 12.8.2014 C(2014) 5706 final.

<sup>201</sup> *Ibid.*, at p.5.

<sup>202</sup>*Ibid.*, at p.2.

<sup>203</sup>See [http://eeas.europa.eu/ifs/docs/index\\_en.htm](http://eeas.europa.eu/ifs/docs/index_en.htm).

<sup>204</sup>Evaluation of the Instrument for Stability Crisis Preparedness Component, Final Report, available at [http://ec.europa.eu/dgs/fpi/documents/pbp\\_evaluation\\_2014\\_report\\_en.pdf](http://ec.europa.eu/dgs/fpi/documents/pbp_evaluation_2014_report_en.pdf).

## 6.6. CONCLUSIONS – GENDER EQUALITY IN DEVELOPMENT AND COOPERATION

**Table 26: Development and Cooperation (overall analysis, Title 21)**

Stated policy objective	Crisis prevention, peace-building, promotion of democracy and human rights, integration of the EU's periphery to EU promoted norms and values and the single market	
Associated category in MFF	Global Europe	
Gender equality spectrum	a, b, c, d, e	
Gender equality impact	Direct, high	
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality recognised either as an objective or a cross-cutting issue	
Amount (in EUR) attached (in commitments)	2014	
	2015	
	MFF	
Data on the gender of participants/beneficiaries	Limited or not available	

The EU does not have military power. In the absence of military power, the EU relies on its soft power that it derives from the norms and values that it promotes as well as its economic power to contribute towards security in its periphery and the wider world. In the light of this premise individual chapters funded by development cooperation aim to contribute towards the prevention of crises and peace-building, promotion of representative and participatory democracy and the protection of human rights and the promotion of other norms recognised by the EU. In addition to contributing towards security, EU actions in the context of development cooperation are also expected to serve the economic goal of integrating neighbourhood countries into the single market.

We expect all chapters in this title to have a high and direct gender impact on all capability groups that are essential for individuals' wellbeing, including by addressing the particular difficulties faced by women in crisis and conflict situations. **In the presence of conflict and without an effective democratic system in which human rights are protected neither women nor men can have access to capabilities that are essential for their wellbeing.**

Similarly, we expect all chapters to have a **high impact on intersecting inequalities**, such as race, religion, minority and immigration status and sexual and gender identity. This is particularly so in the presence of conflict, as conflict may result in violence targeting individuals facing intersecting inequalities, such as minority or immigrant women or women from a particular religious group.

Among all the titles analysed so far, Development and Cooperation appears as one of the most promising ones in terms of the role given to gender equality. Nevertheless, the fundamental impact of this title on gender equality is **not reflected in the policy objectives of all chapters**. As summarised above, some chapters recognise gender equality only as a cross-cutting issue or an indicator of good governance rather than an objective in itself. Similarly, **gender mainstreaming is not applied systematically and consistently**. Although reports of individual funding instruments generally summarise some actions with gender equality impact, **gender equality objectives are not matched with individual actions** and **gender disaggregated data of the participants and beneficiaries is not available**.

Gender equality commitments in the context of Development and Cooperation at the higher political level seem to not have been reflected further down at action and policy implementation levels. Different chapters in this title differ significantly in terms of their recognition of gender equality as a policy objective and gender mainstreaming as an implementation method. There tend to be similar variances also within the same chapter, for instance in the context of European Neighbourhood Policy, depending on the responsible European Commission DG's and the EU delegation's dedication to and training in gender equality. Thus, we recommend that;

- **Gender equality** as a policy objective and **gender mainstreaming** as an implementation method **should be embedded horizontally into all actions** funded by development cooperation;
- **Spending** in those actions should be **matched with the specific gender equality objectives of this title**;
- **Gender disaggregated data** with regard to the beneficiaries and participants should be **collected systematically** across all actions as part of the monitoring and evaluation process.

## 7. GENDER BUDGETING ANALYSIS OF RESEARCH AND INNOVATION (TITLE 08)

### KEY FINDINGS

- This title incorporates very strong gender equality objectives.
- This title directly and strongly impacts on capabilities regarding, in particular, women's engagement with society and the political and social system. The title impacts on other capability groups indirectly.
- The multiplicity of institutions and actors that can benefit from EU funding implies that if gender equality objectives are implemented effectively, a positive impact can be made in several and diverse institutional cultures.
- Although several 'carrots' are attached to gender equality objectives, there are not enough 'sticks'. Particularly the absence of mid-term review means that there will be no correction mechanism to intervene before the end of Horizon 2020, if it emerges that gender equality objectives are not being followed effectively.

### 7.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

In contrast to the analyses provided in previous sections, in the research and innovation title our analysis focuses on the MFF rather than the individual annual budgetary items. Given the rather long-term policy objectives of research and innovation, an analysis of items in the annual budget is unlikely to lead to meaningful conclusions.

In the field of research and innovation, gender equality has been an issue of long-standing concern that previous programmes have sought to address. In 2002 the Helsinki Group specifically identified that successful gender mainstreaming in science and technology would require the following elements:<sup>205</sup>

- Legislation on equality extending to higher education institutions, with legislation on gender balance in decision-making being particularly effective;
- The effective integration of gender issues into science, including understanding of the dynamics of gender and science and of science careers,
- The modernisation of human resource management,
- Gender-proofing the pedagogy of science education,
- And finally, measures to address work/life balance issues, including gender difficulties arising from expectations regarding mobility for scientists and the difficulties posed for those with caring responsibilities.

However, attempts to pursue these elements seem to have made little impact. For example, one Commission study in 2008 examined how far the principle of gender balance in research teams and in decision making, and the principle that gender issues should be fully integrated into scientific research projects, were evident in the EU's funding activities in

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<sup>205</sup>Rees, T. (ed.), *National Policies on Women and Science in Europe - A Report about Women and Science in 30 countries*, European Commission, Directorate-General for Research / RTD-C5— Women and Science, (Office for Official Publications of the European Communities, Luxembourg, 2002).



relation to Sustainable Energy.<sup>206</sup> The report concluded that despite the inclusion of a gender mainstreaming obligation in both the Sixth and Seventh Framework Programmes, problems persisted, including the following<sup>207</sup>:

- The 'leaky pipeline' in scientific careers whereby the higher the grade/status of researchers, the lower the representation of women<sup>208</sup>;
- The uneven distribution of research resources, including lab space, travel funds, prizes;
- The unsatisfactory nature of employment and promotion processes in many universities and research institutions, which lacked transparency and objectivity;
- The absence of women from decision-making positions in science communities;
- And the role of stereotypes in dissuading girls and women from following scientific careers.

The report identified a failure to mainstream gender effectively in the Sixth and Seventh Framework Programmes, despite apparent commitments, and made a number of recommendations. The recommendations included mandatory levels of female representation, explicit recognition of the gender dimension in work programmes, specific evaluation of gender at content level as a relevant component of 'excellence', and active intervention to improve gender action plans (GAPs) for funded projects through negotiations.<sup>209</sup>

A tougher approach to gender related issues appears to have been taken by the European Research Council in the establishment of the Horizon 2020 research funding Programme, where the decision was reached to make gender a cross-cutting issue in all elements of the Programme.<sup>210</sup>

Three objectives underpin the strategy on gender equality in Horizon 2020<sup>211</sup>:

- Fostering **gender balance in research teams**, in order to close the gaps in the participation of women.<sup>212</sup>
- Ensuring **gender balance in decision-making**, in order to reach the target of 40% of the under-represented sex in panels and groups and of 50% in advisory groups.<sup>213</sup>
- **Integrating the gender dimension in research and innovation** (R&I) content, to improve the scientific quality and societal relevance of the produced knowledge, technology and/or innovation.<sup>214</sup>

More specifically, Horizon 2020 expert groups and evaluation panels have been set a target of having 40% women members, and Advisory groups a higher target of 50% women

<sup>206</sup>European Commission, *Monitoring Progress towards Gender Equality in the Sixth Framework Programme, Executive Summary*, DG Research, February 2008

<sup>207</sup>Ibid., pp.3-9.

<sup>208</sup>See also Etzkowitz, H., Kemelgor, C. and Uzzi, B., *Athena Unbound: The Advancement of Women in Science and Technology* (Cambridge University Press, Cambridge, 2000).

<sup>209</sup>Ibid., pp.10-15.

<sup>210</sup>Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (hereinafter Horizon 2020 Regulation), OJ L 347/104 of 20.12.2013, Art. 16. Annual monitoring of this cross-cutting issue is required under Art. 31.

<sup>211</sup>Horizon 2020 Regulation and European Commission Guidance, Gender Equality in Horizon 2020, available at [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/gender/h2020-hi-guide-gender\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/gender/h2020-hi-guide-gender_en.pdf), p.2.

<sup>212</sup>H2020 Model Grant Agreements (Multi and Mono participant versions), Art. 33.

<sup>213</sup>Ibid., pp. 3-4.

<sup>214</sup>Horizon 2020 Regulation, Article 16.

experts, including at least one expert on gender equality in each panel. In research teams 'balanced representation' is required, and is included in the ranking factors for applications: where applications score equally, gender becomes important.<sup>215</sup> Once funds are offered, the contract which researchers have to sign includes an obligation to promote equal opportunities between women and men in the implementation of the funded action. Researchers must also aim, as far as possible, for gender balance at all levels of personnel assigned to the action, including at supervisory and managerial level. There are possible penalties or claw-backs for non-compliance with these obligations. Particular Work Programmes specifically require that gender is addressed in the research which is carried out, in recognition that taking proper account of gender in research and innovation leads, ultimately, to the production of better goods and services.

The EU also invests more widely in the improvement of gender equality in the areas of science and technology. The 'Science with and for Society' Work Programme for 2014-15<sup>216</sup> launched programmes, as part of a wider range of programmes to boost science and technology, to: encourage girls to study science and female students to further embrace a career in research; analyse the impact of gender diversity in research teams on research and innovation outcomes; develop a common framework to evaluate national initiatives to promote gender equality in research policy and research organisations; and support research organisations to implement gender equality plans.

There is therefore a clear set of gender priorities in the research and innovation title set by legislation which includes gender balance in research teams, gender balance in decision-making, and attention to gender issues in scientific programmes. These same three priorities – 'fix the numbers, fix the institutions, fix the knowledge' – are recognised as equally important to innovation as to scientific research.<sup>217</sup>

## 7.2. INITIAL OBSERVATIONS

The policy objectives of the research and innovation title, as defined in the context of the MFF, are to create job opportunities, drive growth and competitiveness, and address pressing societal challenges. Collaborative work, across national boundaries and disciplines, is also emphasised as a priority. A Common Strategic Framework (CSF) is identified to bring together previously separate strands of activity (the Seventh Framework Programme, the innovation part of the Competitiveness and Innovation Framework Programme, and the European Institute for Innovation and Technology).<sup>218</sup> The Framework establishes a single set of objectives, and creates a single set of rules. This more simplified framework *inter alia* aims at opening up research and innovation funding to SMEs.

It is implicit in the way funds are distributed under this item that the gender impact can only be assessed afterwards, through systematic and effective monitoring. One concern is how quickly weaknesses in the rules determining allocations can be identified and addressed if necessary.

On the other hand, the multiplicity of private and public institutions across the Member States (i.e. universities and research institutes, SMEs and other industrial organizations) that can benefit from EU Research and Innovation funding appears as a strength, as it means that

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<sup>215</sup>H2020 Work Programme 2014-15, Annex H 'Evaluation'.

<sup>216</sup>See [http://ec.europa.eu/research/participants/data/ref/h2020/wp/2014\\_2015/main/h2020-wp1415-swfs\\_en.pdf#14](http://ec.europa.eu/research/participants/data/ref/h2020/wp/2014_2015/main/h2020-wp1415-swfs_en.pdf#14).

<sup>217</sup>See [http://ec.europa.eu/research/science-society/gendered-innovations/index\\_en.cfm](http://ec.europa.eu/research/science-society/gendered-innovations/index_en.cfm)

<sup>218</sup>Horizon 2020 Regulation, Preamble, paras. 5-7.

if gender equality goals are implemented effectively, EU funding can have a positive impact on equality in various institutional cultures.

Since Horizon 2020 is a multi-annual programme of funding for scientific projects, whereby funds are released year on year and projects themselves typically run for several years, it will be difficult to evaluate the success of several elements of the cross-cutting gender commitment until the monitoring processes established in the different programmes have been implemented and acted upon. Thus it is important to identify what can be monitored at an early stage in Horizon 2020 and which issues can only be assessed after several years have passed. It is encouraging, however, that such a strong lead has been set in relation to science funding.

### **7.3. HORIZON 2020 AND ITS PRIORITIES**

Horizon 2020 Regulation identifies three key priority areas for Science, Industrial Collaboration and Societal Challenges.

#### **7.3.1. Priority - 'Excellent Science'**

The Horizon 2020 Regulation gives priority to extending and reinforcing the science base and consolidating the European Research Area through competitive processes. The cross cutting gender objectives – ensuring gender balance in research teams, and in decision-making, and integrating the gender dimension into research – are of central importance here. The priority seeks to ensure that funding is directed towards talented and creative researchers and teams to pursue frontier science. Through European-wide collaboration and sometimes high-risk projects it seeks to support the development of innovative, paradigm-shifting, cutting edge technologies. The Marie-Slodowska Curie actions seek to promote mobility to enable individual researchers to access excellent training and career development opportunities. In addition, the EU seeks to develop research infrastructure to attract and train world-leading talent to work in the EU. The regulation specifically recognises the focus within these priorities on the next generation of researchers and the development of talent and the EU's reliance on a 'bottom up' strategy to achieve its goals.<sup>219</sup>

#### **7.3.2. Priority - 'Industrial Leadership'**

In this priority area, three specific objectives are identified: to foster leadership in enabling and industrial technologies; to promote access to risk finance; and to stimulate innovation in SMEs, especially those able to grow and internationalise. In this area, activities are to be business-driven, often demand led and responsive to the needs of SMEs in a bottom-up fashion.<sup>220</sup>

#### **7.3.3. Priority - 'Societal challenges'**

In this priority area, the Horizon 2020 Strategy establishes a list of 7 Societal Challenges on which funding should be focused:

- (a) Health, demographic change and well-being;
- (b) Food security, sustainable agriculture and forestry, marine, maritime and inland water research, and the bioeconomy;
- (c) Secure, clean and efficient energy;

<sup>219</sup>Horizon 2020 Regulation, Part I.

<sup>220</sup>Horizon 2020 Regulation, Part II.

- (d) Smart, green and integrated transport;
- (e) Climate action, environment, resource efficiency and raw materials;
- (f) Europe in a changing world - Inclusive, innovative and reflective societies;
- (g) Secure societies - Protecting the freedom and security of Europe and its citizens.

The objective here is to bring together researchers, innovators and users in an end-to-end way, and to drive a critical mass of activity in these areas, in response to the challenges identified.<sup>221</sup>

Alongside these Priorities the Regulation identifies two specific objectives: ‘spreading excellence and widening participation’; and ‘science with and for society’.

Gender is not specifically addressed in any of the priority areas but is identified as a cross-cutting priority for all three areas. However there are exceptions: in the ‘Health, demographic change and wellbeing’ theme, gender is recognised as a relevant determinant of health to be studied.<sup>222</sup> In the ‘Europe in a changing world’ theme, inequalities, including the gender pay gap, are recognised as a drag on societal development that ultimately reduces the research and innovation capacities within and across countries.<sup>223</sup> The same theme recognises research as valuable in supporting policy-makers to tackle inequality, including gender and intersectional inequality.<sup>224</sup> Finally, in the ‘Science with and for society’ theme, activities to be supported include structural changes in research institutions and in the content and design of research activities, which may include equality and gender equality.<sup>225</sup>

#### 7.4. RESEARCH AND INNOVATION (TITLE 08, OVERALL ANALYSIS)

**Table 27: Research and Innovation**

Stated policy objective	To create job opportunities, drive growth and competitiveness, and address pressing societal challenges	
Associated category in MFF	Common Strategic Framework for Research and Innovation	
Gender equality spectrum	a, b	c, d, e
Gender equality impact	Direct, high.	Indirect, medium-high.
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality spectrum/impact has been recognised in legal basis and reference acts	
Amount (in EUR) attached (in commitments)	Excellent Science	24,441.1 million
	Industrial Leadership	17,017.5 million
	Societal Challenges	29,679 million
	Spreading Excellence and Widening Participation	816.5 million
	Science with and for Society	462.2 million
	Non-nuclear direct actions of the JRC	1,902.6
	<b>Total MFF</b>	<b>80 billion</b>
Data on the gender of participants/beneficiaries	Not yet available.	

<sup>221</sup>Horizon 2020 Regulation, Part III.

<sup>222</sup>The Horizon 2020 Regulation, Part III, Societal Challenges, 1. Health, demographic change and wellbeing, at 1.3.

<sup>223</sup>The Horizon 2020 Regulation, Part III, Societal Challenges, 6. Europe in a Changing World, 6.1.

<sup>224</sup>The Horizon 2020 Regulation, Part III, Societal Challenges, 6.3.1 ‘Inclusive Societies’

<sup>225</sup>The Horizon 2020 Regulation, Part V, Science with and For Society, 3(b).

This is an umbrella item that brings together several programmes and projects, many of which will be driven in a 'bottom-up' way by researchers and research institutions, SMEs, and other beneficiaries. The policy objectives of this item that are key for the purposes of this study include the development of the talent base in science, the promotion of inclusive science decision-making, the development of science 'excellence', the fostering of innovation, particularly in SMEs, and the tackling of societal challenges. In order to achieve these objectives, this item has established several cross-cutting objectives and a set of priorities which will figure highly in individual Programmes and initiatives.

Gender has been established as one of a group of cross-cutting issues to be addressed across the whole Horizon 2020 framework. Also, clear expectations have been established about how gender equality in this framework will operate and how it will be monitored, including the possibility of claw back of funds if agreed actions are not completed satisfactorily. One issue of particular note is that much of the activity under this title will be explicitly 'bottom up' and/or demand-led, establishing clearly that the success or failure of the gender objectives lies principally with researchers and research teams, universities and research institutes, SMEs and other beneficiaries. While the distribution of funds provides a great deal in the form of 'carrots', there are very few 'sticks' through which compliance can be sought. The other side of this coin, however, is that the very nature of this programme means that it has the capacity to have a very wide impact very close to the ground by providing incentives to stimulate cultural change on gender issues in both public and private institutions which wish to access even the smallest levels of Horizon 2020-linked funding.

We expect this item to have a direct and high impact on women's engagement with society (as a result of the mandate to ensure gender balance in decision-making) and on women's engagement with the political and social system (due to the requirement to ensure gender balance in research teams at all levels). We expect the integration of the gender perspective into science and innovation to have an indirect impact over time on women's engagement with the environment, with their personality and with their physicality, as research and innovation become more sensitively attuned to gender differences in demand, expectation, well-being and need.

Since this item explicitly addresses the widening of the science base, the widening of participation across Europe in science education and innovation, and the development of science careers through mobility and better training and opportunities, we expect that there will be a high impact on the intersectional inequalities that also result in low representation in science careers, such as minority and immigration status and socio-economic background. Similarly, we would expect to see progress in the representation of people from different backgrounds in society in technologically-driven innovation, start-ups and SMEs, and in 'hi-tech' career positions.

## 7.5. CONCLUSIONS – GENDER EQUALITY IN SCIENCE AND INNOVATION

The problems relating to gender and science and technology have been well-understood for a long time in the Member States and in the EU institutions. Previous measures have been of limited effectiveness, probably because the implementation and monitoring mechanisms and sanctions were too weak. The needs for robust and mandatory targets and for monitoring and sanctions appear to have been recognised in the Horizon 2020 Regulation and the associated measures. However, **until monitoring has been carried out it cannot be evident whether better results will flow from these apparently tougher measures.** One particular area for concern is that much of the funding will be distributed in response to 'bottom-up' demand, albeit subject to competitive strictures and a contractual process.

We recommend carrying out an **interim review** after the initial rounds of funding in order to establish:

- **How far the objectives have been met** and to enable **interventionist actions such as training, awareness-raising and identification of best practices, if necessary;**
- **Whether adjustments to the rules governing specific actions are required.**

## 8. GENDER BUDGETING ANALYSIS OF EDUCATION AND CULTURE (TITLE 15)

### KEY FINDINGS

- This title impacts highly and directly on capabilities with regard to women's engagement with society, the political and social system and their personality. It indirectly impacts on other capability groups.
- Items in this title differ in terms of their commitment to gender equality and gender mainstreaming.
- The absence of strong gender equality targets is worrying, particularly in the context of Creative Europe, given the persistent gender inequalities in the media industry.
- Gender-disaggregated data with regard to participants and beneficiaries of actions funded by this title is not collected systematically.

### 8.1. IDENTIFYING THE GENDER OBJECTIVES OF THIS TITLE

Gender equality concerns with regard to women's status and representation appear much more acute in the context of research and innovation compared with education and culture. In the context of education and culture, attention has shifted over time from girls' lower representation rates in early education to boys' underperformance and their high drop-out rates.<sup>226</sup> Recent studies have not found any statistically significant data across the Member States with regard to boys' and girls' performances in different subject areas, other than boys' slight underperformance in reading.<sup>227</sup> In their later years of education women seem to suffer from disadvantages, as they appear to be underrepresented in science-related higher education subjects.<sup>228</sup> Men, on the other hand, appear to face entry problems to care-related professions.<sup>229</sup> Additionally, women appear to be underrepresented in academic and administrative positions with decision-making power in both early and higher education institutions.<sup>230</sup> Women's underrepresentation in decision-making in science and education results in the denial of a voice to female perspectives on science and education. Thus, it is likely to translate into more structural gender inequalities in science and education systems. This tallies with the strong gender equality standards set in the context of research and innovation title with the objective of increasing female representation in science and academia. These objectives are discussed in the previous section of the report.

Additionally, rather than gender inequalities alone, complex intersecting inequalities, including immigration status, disability, socio-economic status of the parents and the family and the family's location (rural and urban) seem to play significant and complex roles in girls' and boys' access to education and their performance. Also, early and over-sexualisation of girls and bullying and alienation of LGBT children appear to be other substantial and acute problems.<sup>231</sup>

<sup>226</sup>European Commission, Education and Training Monitor 2014, available at [http://ec.europa.eu/education/library/publications/monitor14\\_en.pdf](http://ec.europa.eu/education/library/publications/monitor14_en.pdf).

<sup>227</sup>European Commission, 'Gender Differences in Educational Outcomes', 2009, available at [http://eacea.ec.europa.eu/education/eurydice/documents/thematic\\_reports/120EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/120EN.pdf).

<sup>228</sup>Ibid., pp.13-14.

<sup>229</sup>Ibid., p.109.

<sup>230</sup>Ibid., pp.13-14.

<sup>231</sup>See Network of Experts on Social Aspects of Education and Training, <http://www.nesetweb.eu/policy-priorities/policy-themes-outlines/#dyp>.



The EU's current strategic framework for education and training, namely 'Education and Training 2020', sets four key objectives:<sup>232</sup>

- Making lifelong learning and mobility a reality;
- Improving the quality and efficiency of education and training;
- Promoting equity, social cohesion and active citizenship;
- Enhancing creativity and innovation, including entrepreneurship, at all levels of education and training.

The Council Conclusions that identify the objectives for Education and Training 2020 state that 'education and training systems should aim to ensure that all learners — including those from disadvantaged backgrounds, those with special needs and migrants — complete their education, including, where appropriate, through second-chance education and the provision of more personalised learning'.<sup>233</sup> Similarly, Council Conclusions on the education of children with a migrant background foresee targeted individual support, staff training and networking with local communities as key methods in the fight against discrimination and disadvantages facing migrant children in education.<sup>234</sup>

The EU enjoys only supporting competences in the field of education and culture. This means that the power to take legislative and regulatory action to address gender inequalities in these areas primarily falls with the Member States and the EU can only support, coordinate and supplement those actions through financial and other means.<sup>235</sup> Thus, the key responsibility to take action to implement the methods identified in the Council Conclusions falls with the Member States.

Arguably, Directive 77/486/EEC<sup>236</sup> that was adopted in the light of the free movement provisions to support the equal access to education of migrant children constitutes the only key EU legislation in this area. Accordingly, the EU primarily relies on the open method of coordination and networking between the national officials and experts in the implementation of the Education and Training 2020 Framework.<sup>237</sup> Additionally a specialised policy network has been established between the stakeholders with the sole purpose of improving the access to education of children and youngsters with a migrant background.<sup>238</sup> The situation of the most deprived groups, such as the Roma, is addressed in specific guidelines.<sup>239</sup> However, these are horizontal guidelines that do not set an elaborate strategy with regard to social inclusion in education.

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<sup>232</sup>Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020'), 28.5.2009 OJ C 119/2.

<sup>233</sup>*Ibid.*, para.4.

<sup>234</sup>Council conclusions of 26 November 2009 on the education of children with a migrant background, 11.12.2009 OJ C301/5.

<sup>235</sup>Treaty on the Functioning of the European Union, Art.6.

<sup>236</sup>Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers, 06.08.1977 OJ L199.

<sup>237</sup>See the list of expert groups and their work at [http://ec.europa.eu/education/policy/strategic-framework/archive/index\\_en.htm](http://ec.europa.eu/education/policy/strategic-framework/archive/index_en.htm).

<sup>238</sup>The Sirius Education and Migration Network, see <http://www.sirius-migrationeducation.org/about-us/>.

<sup>239</sup>European Commission, proposal for a Council Recommendation on Effective Roma Integration Measures in the Member States, Brussels, 26.6.2013 COM(2013) 460 final.

## 8.2. INITIAL OBSERVATIONS

The education and culture budget has been substantially simplified compared with the complex structure of the budget in the previous MFF period. For instance, in the context of the Erasmus + Programme seven pre-existing programmes have been brought together and the sports programme has been launched for the first time. This is a very positive development from the perspective of financial and budgetary accountability, since the previous complexity used to result in a lack of transparency in the organisation of the budget.<sup>240</sup>

Additionally, similar to the research and innovation title discussed above, the multiplicity of actors that can take advantage of funding from the education and culture programmes and actions potentially increases the likelihood of equality objectives being embedded in different institutional structures through actions of various actors.

On a sceptical note, particularly in the context of the Erasmus+ chapter, the allocation of resources to individual priority areas is not clarified. This results in a lack of transparency and uncertainty with regard to the implementation of the Erasmus + programme.

## 8.3. ERASMUS + (CHAPTER 15 02)

**Table 28: Erasmus**

Stated policy objective	Europe 2020 and the Education and Training 2020 Programme targets	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b	c, d, e
Gender equality impact	Direct, high	Indirect, high
Have gender equality spectrum/impact been reflected in policy objectives?	General EU equality rules are recognised as part of the objectives	
Amount (in EUR) attached (in commitments)	2014	1 392 302 198
	2015	1 592 003 000
	MFF	14 774,52 million
Data on the gender of participants/beneficiaries	Limited	

Erasmus+ is the EU programme for education, training, youth and sport. It brings together the seven previous EU education programmes (the lifelong learning programme, the youth in action programme, the Erasmus Mundus higher education programme, Alfa, Edulink and bilateral cooperation programmes with industrialised countries in the field of higher education) and it launches the sports action for the first time.<sup>241</sup> The programme consists of five key components: mobility of individuals, cooperation for innovation and the exchange of good practices, support for policy reform and the Jean Monnet activities, and sport.<sup>242</sup> In the EU annual budget, the Erasmus + Programme is substantiated on the basis of four different priority areas that are allocated individual funding:

- Promoting excellence and cooperation in the European education and training area and its relevance to the labour market (item 15 02 01 01),

<sup>240</sup>European Commission Staff Working Paper, A Budget for Europe 2020, Brussels 29.6.2011, SEC(2011)868 final, at p.174.

<sup>241</sup>See Erasmus+ Programme Guide, available at <http://ec.europa.eu/programmes/erasmus-plus/documents/erasmus-plus-programme-guide%5fen%2e%70%64%66>, p.10.

<sup>242</sup>ibid., pp.15-16.

- Promoting excellence and cooperation in the European youth area and the participation of young people in European democratic life (item 15 02 01 02),
- Promoting excellence and cooperation in teaching and research activities in European integration through the Jean Monnet activities worldwide (article 15 02 02),
- Developing the European dimension in sport (article 15 02 03).

However, the budget does not clarify how the spending in these individual areas will match with the key components of the Erasmus+ programme. This results in uncertainty with regard to the implementation of the Erasmus+ programme and lack of transparency in the budget.

We expect this chapter to have a high and direct impact on capabilities regarding women's engagement with the society and the formal political and social system. Similar to funding in the field of research and innovation, investment in women's access to education and mobility, particularly in the earlier phases of education, is likely to have a durable positive impact on women's equal access to societal and other power structures, including employment, decision-making within the family and politics. Additionally, if gender equality targets are pursued effectively in their implementation, Jean Monnet activities can also contribute towards the improvement of women's representation in high profile higher education and academic positions, including professorships. Effective access to education and mobility is also likely to make an indirect positive impact on women's engagement with the environment, with their personality and with their physicality. Improved access to education and training should also result in the reduction of barriers which men face in accessing certain types of careers, such as in the care sector.

We expect this item also to have a high impact on intersecting inequalities of minority status, disability, socio-economic status, parents' and the wider family's education status and geographical location. As discussed above, these intersecting inequalities constitute the key reasons for underachievement of European youth and children particularly in early education. Similarly, if equality targets are implemented effectively, particularly actions and programmes in the field of sport can contribute towards the social inclusion of the most deprived social clusters.

The founding Regulation of Erasmus + defines a broad set of objectives that tally with the general education and research targets of the Europe 2020 strategy and the Education and Training 2020 Programme.<sup>243</sup> In the context of objectives the Regulation makes a reference to Art.2 TEU that identifies the set of values that the EU enshrines, including gender equality and non-discrimination. However, the Regulation does not specifically refer to gender equality as an objective or to gender mainstreaming as an implementation method. The Regulation states that social inclusion and the participation of people with special needs and fewer opportunities should be promoted in the implementation of the programme.<sup>244</sup> However, the Regulation does not specify any particular implementation method to achieve the social inclusion objective.

Similarly, the Regulation refers to gender specific indicators as part of programme evaluation but only in the context of education and training and youth programmes.<sup>245</sup> Likewise, social

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<sup>243</sup>Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+', 20.12.2013 OJ L347/50, Art.4.

<sup>244</sup>*ibid.*, Art.23(2).

<sup>245</sup>*ibid.*, Annex I.

inclusion and equal opportunities are recognised as indicators but only in the context of sport.<sup>246</sup>The Erasmus + programme entail a specific inclusion and diversity strategy but this only affects actions in the field of the youth programme.<sup>247</sup>

There is limited data with regard to the gender of participants in the previous Erasmus programme. This shows that in the context of student mobility female participants outnumbered male participants with 56.6% and 43.4% participation rates respectively.<sup>248</sup> Nevertheless this data is not entirely meaningful, as it is not further substantiated on the basis of other indicators, such as the level of study, country of origin, the subject field of the study etc.

#### 8.4. HORIZON 2020 (CHAPTER 15 03)

**Table 29: Horizon 2020**

Stated policy objective	Increase international and intra-EU mobility to achieve excellence in science.	
Associated category in MFF	Competitiveness for growth and jobs	
Gender equality spectrum	a, b	c, d, e
Gender equality impact	Direct, high	Indirect, medium-high
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality spectrum/impact has been recognised in legal basis and reference acts.	
Amount (in EUR) attached (in commitments)	2014	966 671 359.
	2015	1 013 671 359.
	MFF	79 401,83 million*
Data on the gender of participants/beneficiaries	Not yet available.	

\* The overall amount attached to Horizon 2020 in the MFF.

We discussed Horizon 2020 in detail in the previous chapter on Research and Innovation. The only Horizon 2020 action that is addressed in the budget as part of education and culture is the Marie Skłodowska-Curie actions (item 15 03 01 01) as part of the excellent science article (15 03 01). The key objective of Marie Skłodowska-Curie actions is to contribute towards excellence in science in Europe by encouraging international and intra-European mobility of scientists and by granting researchers access to excellent working conditions and facilities.<sup>249</sup>As we discussed in the previous section regarding science and innovation, women are seriously underrepresented in science and academia particularly in higher academic posts including professorships, and particularly in subjects relating to science and engineering. EU funding could play a substantial role in tackling this underrepresentation by providing female researchers access to excellent research institutions and facilities. EU funding is likely to have a substantial positive impact on the future career trajectories of female researchers.

As a result we expect Marie Skłodowska-Curie actions to have a high and direct impact on capabilities regarding women's engagement with the society and with the political and social system. This is not only because women who benefit from EU funding are likely to enjoy access to better employment conditions but also because they are more likely to become research leaders in the future and have a say in the future direction of their fields.

<sup>246</sup>ibid.

<sup>247</sup>See [http://ec.europa.eu/youth/news/2015/0130-youth-inclusion-diversity-strategy\\_en.htm](http://ec.europa.eu/youth/news/2015/0130-youth-inclusion-diversity-strategy_en.htm).

<sup>248</sup>See <http://www.statisticsforall.eu/maps-erasmus-students.php>.

<sup>249</sup>Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020), 20.12.2013 OJ L347/104, Annex I, Part I-Excellent Science, 3.1.

Similarly, we expect an indirect and medium-high impact on other capability groups, since women who have promising career trajectories and who are satisfied and fulfilled with their profession are likely to have better engagement with the environment, with their personality, and with their physicality.

Gender equality objectives have been strongly embedded into the founding Regulation of Horizon 2020. The Regulation identifies gender equality in research and innovation as a cross-cutting issue<sup>250</sup>, establishes gender equality in projects, programmes and expert panels as a principle<sup>251</sup>, and gender as part of the monitoring and evaluation of Horizon 2020 projects.<sup>252</sup> The Regulation also refers to the principle of gender equality specifically in the context of the Marie Skłodowska-Curie Actions.<sup>253</sup>

The strong emphasis on gender equality in the context of Horizon 2020 is very promising for the future. Since Marie Skłodowska-Curie actions have only recently been launched, data regarding the gender effects is not yet available. However a report on the career development of researchers who were funded by the Marie Curie actions (the predecessor of Marie Skłodowska-Curie actions), found that female researchers made only 32.2% of the group of beneficiaries.<sup>254</sup> It will therefore be interesting to see if the gender equality objectives of Horizon 2020 will be observed in the implementation of specific actions and if this will contribute towards improved access to funding for female researchers. Thus, the Commission should collect data with regard to the profile of researchers benefiting from Marie Skłodowska-Curie actions and the European Parliament should hold the Commission to account if the Commission fails to do so.

## 8.5. CREATIVE EUROPE (CHAPTER 15 04)

**Table 30: Creative Europe**

Stated policy objective	To support the EU's creative sector and cultural and linguistic diversity through networking and access to know-how, new markets and networks	
Associated category in MFF	Security and citizenship	
Gender equality spectrum	a, b, d	c, e
Gender equality impact	Direct, high	Indirect, medium-high
Have gender equality spectrum/impact been reflected in policy objectives?	Gender equality is not recognised as an objective	
Amount (in EUR) attached (in commitments)	2014	2 820 016 221
	2015	2 893 896 218
	MFF	1 462,72 million
Data on the gender of participants/beneficiaries	Not available	

Creative Europe supports the EU's creative and audio-visual industries and Europe's cultural and linguistic diversity by supporting access to equipment, know-how and new technical skills, networks and new markets.<sup>255</sup> The programme has two main pillars, media (article 15 04 03) and culture (article 15 04 03) that are both supported by the micro-financing facility

<sup>250</sup>Ibid., Art.14.

<sup>251</sup>Ibid., Art.16.

<sup>252</sup>Ibid., Arts.31 and 32.

<sup>253</sup>Ibid., Annex I, Part I-Excellent Science, 3.1.

<sup>254</sup>European Commission, Marie Curie Researchers and Their Long Term Career Development: A Comparative Study, 2014, available at [http://ec.europa.eu/research/fp7/pdf/mca/marie\\_curie\\_researchers\\_and\\_their\\_long-term\\_career\\_development.pdf](http://ec.europa.eu/research/fp7/pdf/mca/marie_curie_researchers_and_their_long-term_career_development.pdf).

<sup>255</sup>Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020), 20.12.2013 OJ L347/221, Arts.3 and 4.

for SMEs active in the creative sector (article 15 04 01). The types of actions supported by this chapter are various and they include cross-border cooperation projects between creative organisations, the European Capitals of Culture and the European Heritage Label, the European prizes for literature, architecture, heritage protection, cinema and rock and pop music, translation and promotion of literary works, and a financial guarantee instrument to help the culture and creative sectors get better access to finance which is set at 121 million for 2016.<sup>256</sup>

We expect this chapter to have a direct and high impact on capabilities with regard to women's engagement with the society and with the political and social system. Effective access to resources for women leading or involved in SMEs active in the creative sector would substantially contribute to their future career opportunities and their potential leadership in the creative sector. Similarly, improved dissemination of women's creative work would also provide them with better opportunities to influence political and social structures. Given the intimate connection between creative work and one's personality we expect this chapter also to have a direct and high impact on capabilities with regard to women's engagement with their personality. We expect this chapter to have an indirect and medium-high impact on capabilities with regard to women's engagement with the environment and their physicality. This is because women who have access to better dissemination and creative and economic opportunities are likely to enjoy an improvement in their wellbeing which will ultimately improve their engagement with the environment and their physicality. The article's potential impact on gender equality appears all the more important in the light of the fact that the media remains one of the sectors subject to persistent gender inequalities, particularly when it comes to decision-maker positions in which women are seriously underrepresented.<sup>257</sup>

We also expect this chapter to have a high impact on intersecting inequalities, particularly in relation to cultural and linguistic background, since the chapter specifically aims to contribute towards Europe's linguistic and cultural diversity.

The Regulation founding Creative Europe does not recognise gender equality as an objective. There is no evidence that actions supported by this chapter are gender-mainstreamed. Also data with regard to the gender of participants and beneficiaries of actions financed by this chapter is not available.

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<sup>256</sup>See [http://ec.europa.eu/programmes/creative-europe/documents/creative-europe-flyer\\_web\\_en.pdf](http://ec.europa.eu/programmes/creative-europe/documents/creative-europe-flyer_web_en.pdf).

<sup>257</sup>See EIGE, 'Advancing gender equality in decision-making in media organisations', available at <http://eige.europa.eu/sites/default/files/MH3113742ENC-Women-and-Media-Report-EIGE.pdf>; Gill, Rosalind, 'Cool, creative and egalitarian?: exploring gender in project-based new media work in Europe', *Information, Communication and Society* (2002), 5(1): 70-89.

## 8.6. CONCLUSIONS – GENDER EQUALITY IN EDUCATION AND CULTURE

**Table 31: Equality and culture (Title 15, overall analysis)**

Stated policy objective	Europe 2020 education targets, excellence in science, support to the creative sector.	
Associated category in MFF	Security and citizenship& competitiveness for growth and jobs	
Gender equality spectrum	a, b, d	c, e
Gender equality impact	Direct, high	Indirect, medium-high
Have gender equality spectrum/impact been reflected in policy objectives?	Varying reference to gender equality across individual chapters.	
Amount (in EUR) attached (in commitments)	2014	2 820 016 221.
	2015	2 893 896 218.
	MFF	16.8 billion
Data on the gender of participants/beneficiaries	Limited/not available.	

This title brings together diverse items with diverse policy goals that include the Europe 2020 education targets, excellence in science, and support for the European creative sector. Irrespective of differences in the policy objectives, we expect all chapters to have a significant impact on several capability groups. Women’s improved access to education, research funding and creative outlets is expected to immensely improve women’s future employment and career options. Beyond this positive effect on women’s economic wellbeing, **access to these resources is also likely to empower women and give them an opportunity to achieve leadership positions** in these sectors with the further potential of **influencing political and societal structures**.

Nevertheless **this immense impact on key capabilities is not reflected in the policy objectives of all chapters**: Erasmus + recognises gender equality as a part of general norms and values promoted by the EU, Marie Skłodowska-Curie actions incorporate very strong and ambitious gender equality targets, whereas Creative Europe does not refer to gender equality at all. Meaningful gender-disaggregated data with regard to the participants and beneficiaries is not available in any of the chapters. Data with regard to the participants of Erasmus+ should be further substantiated with indicators, such as the level of study, country of origin, the subject field of the study.

The absence of gender equality objectives is worrying particularly in the context of Creative Europe, as the creative and the media sectors are known to suffer from persistent gender inequalities. The strong emphasis on gender equality in the context of Marie Skłodowska-Curie actions is promising. It will be interesting to see whether these targets are actively pursued in the implementation of this action and if they contribute towards an increase in the number of female researchers benefitting from this action. Thus, it is vital the Commission collects gender-disaggregated data in the context of this action and the Parliament uses accountability mechanisms effectively to make sure that the Commission collects data systematically and effectively.



We recommend that:

- Strong **gender equality targets** should be embedded in all chapters of this title.
- **Gender mainstreaming** should be **recognised as an implementation method**.
- **Gender disaggregated data** with regard to participants and beneficiaries should be **collected systematically**.
- Similar to the research and innovation title discussed above, **interim monitoring mechanisms** should be incorporated into the Marie Skłodowska-Curie actions in order to ensure that **the gender equality objectives are observed throughout the life cycle** of this long term action.

## 9. CONCLUSIONS AND RECOMMENDATIONS

The EU's strategy for equality between women and men 2010-15<sup>258</sup> is about to come to an end. This provides an opportunity for a stocktaking exercise to identify achievements and pitfalls with a view to adopt **more ambitious equality goals and more effective implementation strategies** for the future. Having this objective in mind, we subjected the EU budget to a gender budgeting analysis in this report.

Gender budgeting is increasingly adopted in several countries at national and local levels as a powerful process to reveal the revenue and spending activities' impacts on gender equality. Gender budgeting is also a tool of democracy that aims to make the budgetary process more democratic, transparent and participatory. In the light of these qualities of gender budgeting, in this report we followed a **capability approach** focusing on wellbeing.

Given the limited space and time, we were selective in terms of the budget titles we analysed. Nevertheless, **if gender budgeting is to be adopted** as an official budgetary process in the EU, **it should cover all aspects of the EU's resource system, including all policy areas covered by the budget** and not only the ones that are most obviously related to gender equality. This is because all policies impact gender equality, even though such impact might take place in indirect and covert ways.

We found that all budget titles that we analysed in the context of this report had a high impact on capabilities that are essential for individual wellbeing, and that associated EU policies had an identified role to play in addressing the inferior situation of women in relation to these capabilities. Thus, these budget titles have a very **high gender equality impact**. Similarly, we found that those policies are also likely to have a **high impact on several intersecting inequalities**, such as minority and immigration status, sexual and gender identity, social class, income and education level, geographical location, age and so on.

Nevertheless, we found that **not all budget titles reflect on this high impact** in their policy objectives. Similarly, gender mainstreaming is not recognised as an implementation method systematically and consistently in all budget titles. Thus, the key finding of this report is that **the EU's high level commitments to gender equality and gender mainstreaming are not followed consistently and systematically** in policy implementation and spending in all budget titles.

This particularly is a problem for gender issues with a cross-cutting nature that are addressed in the context of several different EU policies (and budget titles), such as poverty, immigration and asylum seeking, violence against women, human trafficking and sexual exploitation. It means that even though a high level of commitment to gender equality is shown in a budget title relevant for a cross-cutting issue (in the examples given above in the justice title), the objectives cannot be realistically achieved if the same level of commitment is not shown in other titles that are relevant for the same issue (in the examples given above,

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<sup>258</sup>Strategy for equality between women and men, available at [http://ec.europa.eu/justice/gender-equality/files/strategy\\_equality\\_women\\_men\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/strategy_equality_women_men_en.pdf).

the home affairs and development and cooperation titles). Thus, it is vital that **the same level of commitment to gender equality is consistently followed through in policymaking, implementation and spending decisions in all budget titles** that deal with a single **cross-cutting gender issue**.

We also identified **several budget titles that are not sufficiently transparent**, as they do not specify the amount to be allocated to individual policy objectives and actions. Naturally, the European Commission and the EU agencies need to enjoy flexibility and discretion in spending decisions. However, in many of the budget titles EU spending is presented in umbrella items that bring together several actions and that serve diverse policy objectives. The specific amount that will be spent on individual actions and policy objectives is not always further specified. This particularly is the case for the home affairs (title 18) and justice (title 33) titles. In these titles the budgetary framework incorporates umbrella items that aim to finance several equality objectives at the same time and it does not identify concrete gender equality objectives and the specific amount to be allocated to them.

This brings the danger of gender equality objectives being overshadowed and given low priority when it comes to actual spending decisions. In the justice title (title 33), the previous Fundamental Rights and Citizenship, Daphne III and Progress programmes were replaced with a single overarching 'Rights, Equality and Citizenship 'programme. Given the past success and the pioneer role particularly of Daphne in the fight against gender-based violence, it needs to be clarified how the equality objectives of the previous programmes will be pursued in the context of the new single overarching programme.

Finally, we found that several budget titles **do not incorporate specific gender indicators** and that they **do not require collection of gender-disaggregated data** as part of the monitoring and evaluation of actions that receive funding from the EU budget. Similarly, different EU actions and funds **do not identify target groups on the basis of gender and other characteristics**. In the absence of target groups that would work as benchmarks to assess whether EU actions and funds have achieved their potential beneficiaries and participants, the already very limited gender-disaggregated data becomes completely unhelpful to assess the gender effects of EU spending. **The absence of gender-disaggregated data not only makes it impossible to evaluate EU policies' actual gender equality effects but it also poses impediments to financial and budgetary accountability.**

In the light of these findings, we recommend the following:

- The EU's macro political level commitment to gender equality should be followed through at the micro policy level in the context of all policies that receive funding from the EU budget. **Thus, gender equality should be embedded as a distinct policy objective in all titles of the EU budget.**
- Similarly, the EU's commitment to gender mainstreaming as an implementation method at the macro political level should be followed through at the micro policy level in the context of all policies that receive funding from the EU budget. Thus, **gender mainstreaming should be embedded as an implementation method in all titles of the EU budget.**

- Particularly in cross-cutting issues that fall within the remit of several budget titles, it is essential that **gender equality objectives and gender mainstreaming obligations are followed consistently in all budget titles** that are relevant for the issue in question.
- In order to increase the transparency of the budget **specific amounts allocated** to individual actions and policy objectives **should be specified in the budget**.
- In all actions that receive funding from the EU budget **gender specific indicators should be adopted to be applied in project selection, monitoring and evaluation phases**. Target groups should be identified on the basis of gender and other relevant characteristics. Similarly, **gender-disaggregated data with regard to beneficiaries and participants of all actions** that receive funding from the EU budget **should be collected systematically as part of the monitoring and evaluation of the action**. In order to ensure financial accountability and transparency **the data should be made available to the public**.

In the light of the EU budgetary and legislative process these recommendations require dedication to gender equality of several actors involved in the process. First and foremost, we suggest that **the European Commission screens the legal bases** of the titles analysed in this report to make sure that **gender equality and gender mainstreaming are recognised horizontally** in all the titles analysed in this report and the rest of the budget. In titles, in which gender equality and mainstreaming are not embedded to the legislative framework, the Commission should start the legislative process with a view to **amend the legislation** in question to address this weakness

The EU budgetary process starts with the drafting of estimated budgets by individual EU institutions and bodies, which are consolidated by the European Commission in an overall draft and adopted upon the agreement of the European Parliament and the Council. All stages of the process are subject to strict time limits (Art. 314 TFEU). When drafting their individual budgets, **EU institutions and bodies** should **clarify the gender equality impacts** of their spending targets and they should **specify target groups of beneficiaries and participants of their actions on the basis of gender and other characteristics**. The European Commission should make sure that individual EU institutions and bodies follow these general guidelines in the drafting of the budget. Once the Commission submits the draft budget to the Council and the Parliament, **the European Parliament should monitor that these guidelines have been followed** in the drafting process of the budget.

As suggested above, similar guidelines should also be followed in the budgetary discharge process. European Commission and other institutions and bodies that receive funding from the budget should **collect systematic gender-disaggregated data** with regard to the participants and beneficiaries of their actions and programmes. Similarly, the Commission and other bodies and institutions should also provide data as to how their spending decisions impacted on gender equality on the basis of **gender equality indicators**. As the principal budgetary accountability forum, in the context of the budgetary discharge procedure (Art. 319 TFEU), **the European Parliament should monitor that such data is collected systematically and made available to public** as well as to other EU institutions.

For gender budgeting to achieve its key objective of contributing towards the making of a more egalitarian society, it should be applied systematically at all these stages of the budgetary process following a mixture of inside and outside government models.<sup>259</sup> All steps

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<sup>259</sup>See Sharp and Broomhill, note 6 above.

of the gender budgeting exercise should be carried out using **deliberative methods** in which key civil society organisations such as **women's organisations and equality-focussed NGOs representing different equality groups** are actively involved. As we argue in Annex I regarding the drawing of a list of capabilities, active external engagement is required for gender budgeting to fulfil its potential as a democratic process.

In a vast and culturally and linguistically diverse polity such as the EU, a truly deliberative method might be an unrealistic objective to achieve, particularly given the limitations imposed by the budgetary process. Nevertheless, **a network of external experts and organisations should be involved in all stages of the process to increase its transparency and democratic quality.** This network should bring together EU-level organisations based in Brussels as well as national and local organisations in order to reflect the diversity of Europe and the resulting diversity of inequalities facing women and men from different nationalities and different cultural, educational and economic backgrounds. As one arm of the budgetary process and the principal budgetary accountability forum, **the European Parliament should ensure that an open and participatory process is followed in gender budgeting.** To achieve this objective, the European Parliament should communicate and actively engage with external experts and organisations working in the field of equality during the adoption process of the budget as well as the budgetary discharge procedure.

## ANNEX 1 – THE CAPABILITY APPROACH TO GENDER BUDGETING

### 1. The Capability Approach

The capability approach to gender equality originates from Amartya Sen's work criticising utilitarian, value and macro-economics driven approaches to human wellbeing. Sen criticises such utilitarian approaches for failing to depict the true and whole picture of people's satisfaction with their lives. Firstly, income and other material goods are not desired for their own sake. Thus, our understanding of equality and people's wellbeing should centre on the outcomes people want to achieve using their income and material goods as means.<sup>260</sup>

Secondly, people differ remarkably in terms of the natural and social environments they live in as well as their external and personal characteristics (e.g. age, sex, physical and mental abilities). Therefore, the satisfaction they get from the same amount of material goods differs remarkably.<sup>261</sup> For instance, people with disability or illness may face difficulties in performing activities that make life more enjoyable for them (e.g. travel, sports, jobs that require physical strength etc.). Thus, the utility they get from a certain level of income will be lower than the utility the same amount of income brings to a person without disability or illness. The same goes also for women who in general dedicate more of their time to care duties and household work compared with men. The utilitarian approach to wellbeing is a male-centric approach, as it ignores non-market-based activities that are mostly carried out by women.<sup>262</sup>

Thus, rather than income and other material goods, our understating of equality should centre on people's capabilities (the options and freedoms available to them) to achieve certain functionings (activities that make life an enjoyable experience). This goes also for gender equality. Gender equality can be much better understood by comparing those things that intrinsically matter to women and men, rather than resources available to women and men.<sup>263</sup> After all, the problem of gender equality essentially is a problem of disparate freedoms.<sup>264</sup>

So, how would the capability approach inform gender budgeting? Most of the existing gender budgeting processes look at the allocation of public resources as the first step of analysis and then assess the effects of resource allocation decisions on gender equality. Resource allocation decisions have significant effects on gender equality and such effects are precisely what gender budgeting aims to analyse. Nevertheless, a gender budgeting exercise that is limited to resource allocation decisions ultimately becomes a top-down bureaucratic exercise overshadowing the potential democratic qualities of the gender budgeting process. We propose that, in order to achieve its democratic potential, an EU gender budgeting exercise should follow a 'capability approach'.<sup>265</sup> in the context of gender budgeting we should first identify the capabilities that are essential to women's and men's wellbeing and look into the relationship between those capabilities and budgetary decisions. Thus, the first step of a capability approach to gender budgeting should be the identification of capabilities crucial for women's and men's wellbeing and gender equality.

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<sup>260</sup>Amartya Sen, 'Capability and Well-Being', in Martha Nussbaum, Amartya Sen (eds.), *The Quality of Life* (Oxford University Press, 1993), at 41.

<sup>261</sup>Amartya Sen, 'Equality of What?', in Amartya Sen, *Inequality Reexamined* (Oxford University Press, 1995), at 20.

<sup>262</sup>Robeyns, note 22 above, at 68.

<sup>263</sup>Sen (1995), note 260above, at 125.

<sup>264</sup>Ibid.

<sup>265</sup>See also Tindara Addabo, Diego Lanzi, Antonella Picchio, 'Gender Budgets: A Capability Approach', *Journal of Human Development and Capabilities* (2010), 11(4): 479-501, at 481.

## 2. The list of capabilities

Whilst advocating a capability approach to equality, Sen does not suggest a list of capabilities that are key to one's wellbeing, which could be used as a benchmark in the assessment of equality. This is a deliberate choice, as the capabilities approach is supposed to be a general, open and universal framework for understanding inequality rather than a set list that superimposes capabilities highly valued in one cultural context on others. Nevertheless, this deeply democratic and highly flexible approach causes significant methodological problems once one attempts to apply the capabilities approach to a practical framework. Indicators are needed if we are to measure women's and men's wellbeing and living conditions and disparities between them.<sup>266</sup> Thus, a list of capabilities is necessary after all, even though it compromises the flexibility of the capability approach.

How can such a list be drawn? In order to be legitimate, the capabilities list should be drawn as a result of a democratic process.<sup>267</sup> Ideally, the list should be drawn up as a result of an open deliberative process in which women debate and decide for themselves which capabilities are vital for their wellbeing.<sup>268</sup> Nevertheless, such a deliberative process brings with it two key problems: one methodological and one normative.

Deliberative practices work best at local levels and in small groups.<sup>269</sup> Thus, deliberation might not be a realistic option for gender budgeting exercises particularly in large and linguistically and culturally diverse polities.

Secondly, individuals' aspirations for their wellbeing are very much limited by the physical, social and economic constraints they are facing. For instance, if women feel that the options open to them are limited compared with men, they will adjust their expectations accordingly. Thus, in a deliberative process women might not be able to define the capabilities vital for their wellbeing as generously as they should because of the very inequalities they are facing.<sup>270</sup>

As a result, some abstraction becomes necessary if one is to draw a list of capabilities. Nevertheless, still, the list should not reflect a particular culture or world-view and universalise the capabilities considered vital by that culture and world-view. So, how can feminist political economists and gender budgeting experts strip themselves from their cultural and political background in order to draw a perfectly objective list? One alternative is to follow a backwards approach and to rely on the power of observation: in this approach one first observes inequalities between women and men in real life, such as those in terms of access to education, certain professions and political powers etc.; and then questions whether there are objective justifications or rational explanations for those inequalities. If there are none, this implies that injustice indeed exists in those functionings (i.e. activities that make life an enjoyable experience for individuals). Thus, capabilities underlying them should go on the list as vital for gender equality.<sup>271</sup>

However, the backwards approach gives too much power to the observation skills of the individual. It is also likely to miss covert forms of gender inequality, such as the notorious

<sup>266</sup>Addabo et. al., *ibid.*, at 486.

<sup>267</sup>Robeyns, note 22 above, at 71.

<sup>268</sup>Iris Marion Young, 'Communication and the Other: Beyond Deliberative Democracy', in Seyla Benhabib (ed.), *Democracy and Difference* (Princeton University Press, 1996).

<sup>269</sup>S.R. Arnstein, (1996), 'A Ladder of Citizen Participation', *Journal of the American Planning Association*. (1996), 35(4): 216-224.

<sup>270</sup>Julia Annas, 'Women and the Quality of Life: Two Norms or One?', in Martha Nussbaum, Amartya Sen (eds.), *The Quality of Life* (Oxford University Press, 1993), at 282.

<sup>271</sup>Annas, *ibid.*, at 294.



‘glass ceilings’ facing women in politics, economy and science that can only be ‘shattered’ by those elite women who come from a certain class and cultural and educational background. In order to avoid this risk and come up with a truly holistic list, it is essential to test the list in several different contexts; and to discuss it with women and women’s organisations representing a diversity of backgrounds as well as others working in the field of equality. Robeyns argues that, once this list has been drawn up, those who argue e.g. that women systematically prefer different options than men in those capabilities (for instance, who argue that women stay out of employment due to their own choices) should shoulder the burden of proving their argument.<sup>272</sup>

Students of the capability approach have drawn lists of capabilities to make the capability approach applicable to specific contexts. The most popular of those lists belong to Nussbaum<sup>273</sup> and Robeyns<sup>274</sup>. Robeyns criticises the Nussbaum list for being descriptive and overly ambitious in its objective of universal applicability. Robeyns instead aims to reach a definitive list through the method of exhaustion (i.e. eliminating of those capabilities covered already by others) that is applicable only to the context of Western societies. Addabbo et al.<sup>275</sup> have also proposed a list to be applied specifically in the context of gender budgeting. The capabilities included in these lists are summarised in the table below.

**Table 32: existing lists of capabilities relevant for gender equality**

Nussbaum’s capabilities list	Robeyns’s capabilities list	Addabbo et. al.’s capabilities list
1) Life	1) Life and physical health	1) Bodily integrity, normal lifespan
2) Bodily health	2) Mental well-being	2) Physical and psychological safety
3) Bodily integrity	3) Bodily integrity and safety	3) Comprehension, education and learning
4) Senses, imagination and thought	4) Social relations	4) Play, curiosity
5) Emotions	5) Political empowerment	5) Self-respect, dignity, empathy, friendship, respect for nature and other species
6) Practical reason	6) Education and knowledge	6) Freedom of religious, artistic, cultural, political speech and practice, a critical conscience
7) Affiliation	7) Domestic work and non-market care	7) Political voice, freedom of association
8) Other species	8) Paid work and other projects	
9) Play	9) Shelter and environment	
10) Control over one’s environment	10) Mobility	
	11) Leisure activities	
	12) Time-autonomy	
	13) Respect	
	14) Religion	

<sup>272</sup>Robeyns, note 22 above, at 87.

<sup>273</sup> Martha S. Nussbaum, ‘Capabilities as Fundamental Entitlements: Sen and Social Justice’, *Feminist Economics* (2003), 9(2-3): 33-59.

<sup>274</sup>Robeyns, note 22 above.

<sup>275</sup>Addabbo et. al., note 265above.

We do not offer our own list in the context of this study. The existing literature has reached a certain level of abstraction and exhaustion. Thus, it will be extremely difficult, if not impossible, to offer an original list that does not substantially duplicate the existing lists. In fact, as can be seen in the table above, there are already significant overlaps in terms of what different lists perceive as key capabilities for gender equality. Robeyns's list is the most generous in terms of the number of capabilities, whereas Addabbo et. al.'s is the most elaborate, as the list was designed to be used in the context of a gender budgeting exercise.

In addition to students of gender equality, international organisations with a mandate on gender equality have also developed their own lists of capabilities to be used in the context of indices measuring gender equality. These include, among others, the United Nations Development Programme's Gender-Related Development Index, the Gender Empowerment Measure and Gender Equality Index and the World Economic Forum's Gender Gap Index.<sup>276</sup> Nevertheless, these lists tend to be minimalistic and technical, covering mostly the economic aspects of women's wellbeing in line with the mandate and interest of the organisation developing them. Arguably, the most comprehensive list developed by an international organisation is that of European Institute for Gender Equality (EIGE) that is used in the context of the European Gender Equality Index. EIGE's list of capabilities consists of six key capabilities and two satellite domains all with a number of sub-capabilities (see Box 2 and 3 below).<sup>277</sup>

**Box 2: Main capabilities used in European Gender Equality Index**

- **Work**
  - Participation
  - Segregation
  - Quality of work
- **Money**
  - Financial resources
  - Economic situation
- **Knowledge**
  - Educational attainment
  - Segregation
  - Lifelong learning
- **Time**
  - Economic activities
  - Core activities
  - Social activities
- **Power**
  - Economic
  - Social
  - Political
- **Health**
  - Status
  - Behaviour
  - Access

<sup>276</sup>All summarised in EIGE Gender Equality Index Report (2013), at 11.

<sup>277</sup>See also Gender Equality Index, *ibid.*

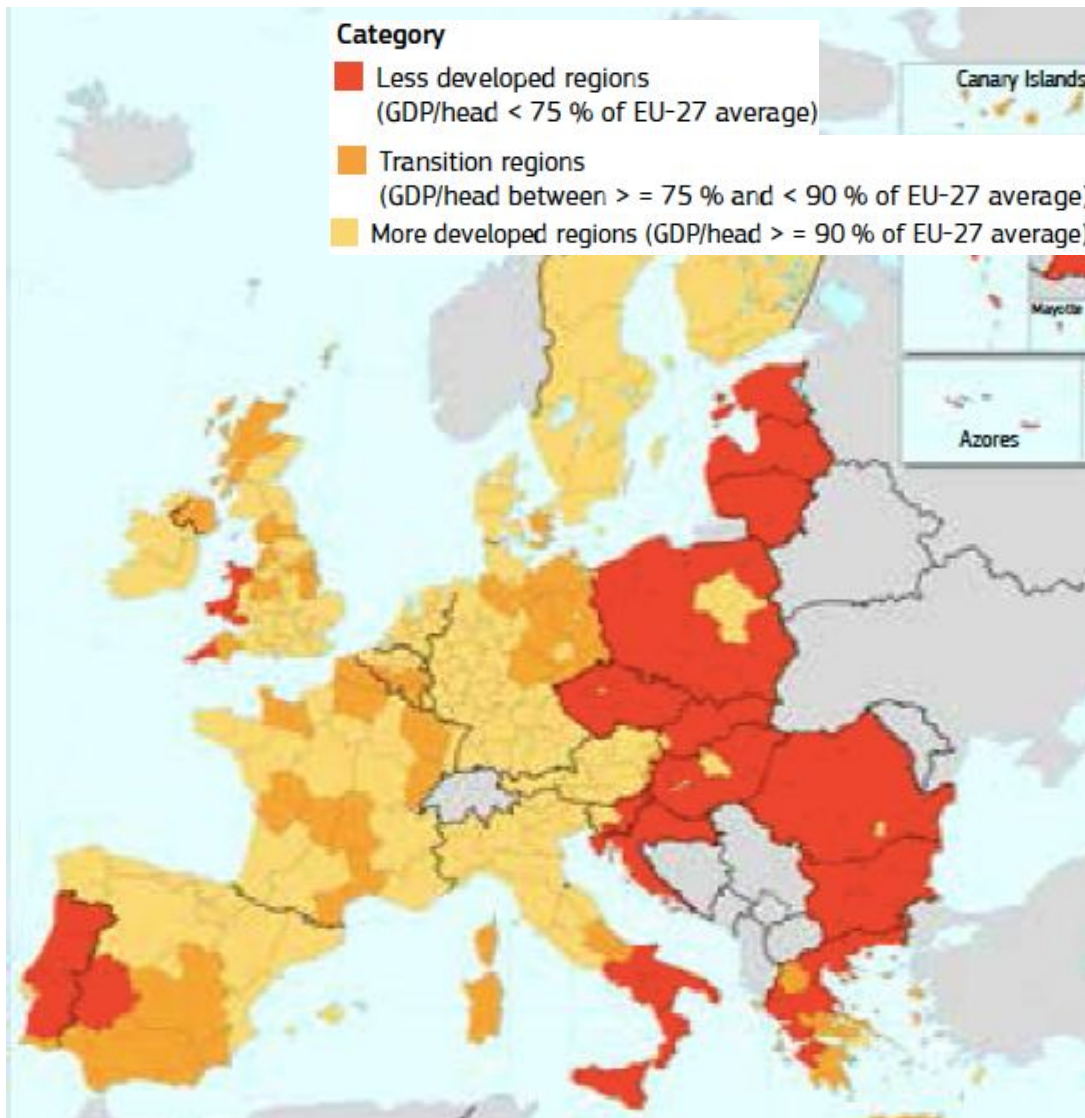
**Box 3: Satellite capabilities used in European Gender Equality Index**

- **Violence**
  - Direct
  - Indirect
- **Intersecting inequalities**
  - Age
  - Citizenship
  - Disability
  - Ethnicity
  - Religion
  - Sexual orientation
  - Social class
  - Other intersecting inequalities...

Violence and intersecting inequalities are considered as satellite domains in the context of the European Gender Equality Index for a technical reason: the purpose of the index is to depict the picture of difference in the positions of women and men in EU Member States in the light of a formula. Violence cannot be incorporated into the formula, because the index searches for differences between women and men in different capabilities, but not whether women are free from violence or not. In other words, in the domain of violence there is no comparison between the situation of women and men.

Futhermore, incorporating intersecting inequalities into the formula would be impossibly complex, as it would require a different formula for each intersecting inequality. As a result, intersecting inequalities are captured and partially measured in the context of employment, but for reasons relating to statistical rigour, are not included in the index. Similarly, in contrast to the capability approach proposed here, the index does not take as a starting point capabilities considered vital for women's wellbeing in the population of the main capabilities used in the measurement of equality. Instead, it takes as starting point capabilities addressed in the EU's legal and policy framework of gender equality. As a result, although the index aims to follow a capability approach, it achieves this aim partially at best.

## ANNEX 2 – EU REGIONAL POLICY MAP ON THE BASIS OF THE DEVELOPMENT STATUS OF REGIONS \*



\* Source: The European Union Explained - Regional Policy, available at [http://europa.eu/pol/pdf/flipbook/en/regional\\_policy\\_en.pdf](http://europa.eu/pol/pdf/flipbook/en/regional_policy_en.pdf).

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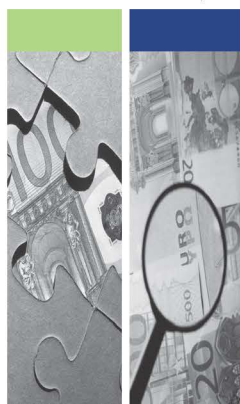
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ISBN 978-92-823-7151-0 (print)

ISBN 978-92-823-7152-7 (PDF)

doi:10.2861/814 (print)

doi:10.2861/13750 (PDF)