

QUADERNI FORUM

Gender and the European Union

edited by
SONIA LUCARELLI



STRUMENTI PER LA DIDATTICA E LA RICERCA

— 161 —

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Preface

Sonia Lucarelli

Gender equality, understood as equal rights, responsibilities and opportunities for women and men, is still a chimera in several parts of the world. International organization and NGOs alike denounce gender imbalances in terms of education, access to work, type of jobs, lower pay, and so on. Indexes such as the Gender Inequality Index, the Gender Related Development Index or the Gender Empowerment Measure¹ portray the image of a world in which a lot still needs to be done to reach gender equality. In the worst cases this turns into gender-based violence, one of the gravest human rights violations.

The situation in Europe is in several respects better than that in other areas of the world, but not such that we can give up attention to this topic. Women's participation in the economic and political environment of their country at top levels is still limited to a minority. Among the first 50 countries for gender equality, 4 out of the first 10 are members of the European Union (EU) (Finland, Sweden, Ireland, Denmark). However, in the rest of the EU the situation is much worse: among the first 50 countries only 15 are EU members. France ranks 57th, Italy 80th; Greece 83rd, far behind countries such as Nicaragua (9th), Mozambique (23rd), Burundi (24th) or Kazakhstan (31th) (*Global Gender Gap Report* 2012). The gap is particularly evident in the economic and political areas. Employment rates for women are lower than for men (62% vs 75%) and their salary is 17.5% lower than that of their male colleagues. Very few are the women in the European companies' managing boards (16% in 2012) and even less are President of these companies (3%). In the large majority of European countries, the percentage of women in parliament is much lower than the parity: if in Sweden 45% parliamentarians are women, in France the percentage is 20%, in Slovenia 11%, in Greece 17%, in Poland 18%, (*Gender Inequality Index* 2011). Given this situation and given the importance of the EU in terms of both active policies, and model it could represent, what is the policy of the EU in the field and what its own performance in terms of gender equality?

¹ http://hdr.undp.org/en/statistics/indices/gdi_gem/

The aim of this volume is precisely to provide an overview of both EU gender policies and gender balance in EU institutions. This analysis is long due. As a matter of fact, although a huge amount of literature analyses the EU's institutional framework and internal and external policies (e.g. Jørgensen et al 2007; Wallace et al. 2010), scarce attention has been paid to its gender dimension. This task seems particularly urgent given the importance of the EU in setting standards of conduct in Europe and beyond.

To be honest, the EU has devoted attention to gender issues since the beginning (Kantola 2010), an example of this being the Treaty of Rome's clause on equal pay between men and women. The initial EU's approach was one focusing attention on equal opportunities and anti-discrimination, mainly concerned with women's employment rights. This approach has gradually shifted towards the crosscut principle of 'gender mainstreaming'. The principle involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities. Such a principle has been mainly applied to evaluate policies, but its implications are much larger. As a matter of fact, the EU has an impact on gender issues not only through its purposeful adoption of gender anti-discrimination policies (both within the EU and in its foreign policy), but also promoting legislation and debates that have a gendered and gendering character and therefore produce 'acceptable' understandings of feminization and masculinization. At the same time, legislation and discourses on gender at the subnational, national and transnational level have a relevant impact on gender policies at the EU level. This framework makes policy (any policy) in the EU highly complex and interesting at the same time. Frequently, national cultures and styles interact among themselves, with those developed at the EU (institutional) level and with further international actors to produce something new. This has been partially the case also for gender protection in the EU. The EU legislation on gender protection has been influenced by international trends, the diversified national regimes at the level of the Member States and the influence and pressure of crucial EU institutions such as the European Parliament, the Commission and the Court of Justice. EU Member States' gender regimes range from the Nordic egalitarian regimes, to the Centre-Eastern Europe's conservative welfare states, to the Mediterranean model, to the British liberal conservative pattern (Roth 2008, Lombardo and Forest 2012). This variety inevitably influences the Union's own gender regime, as defined by both hard and soft law: while the former comprises primary law, treaties, directives and the rulings of the European Court of Justice that are all binding measures on Member States, the latter is formed by documents and recommendations that although based on the power to persuade through the dissemination of good practices, result nonetheless powerful in setting trends. By and large, as will emerge throughout this work, the EU gender regime which emerges from this complex network is characterized by the co-existence of anti-discrimina-

tion law, positive action and gender mainstreaming. While historically the EU has focused on the labour market, the introduction of soft law has gradually expanded the original, narrow scope to include gender violence and stereotypes; gender mainstreaming, in turn, has required European actors to recognize the gender dimension and impact of all policy fields. The Amsterdam Treaty represents a further legitimization and expansion, from the hard law point of view, of the UE commitment toward anti-discrimination. The inclusion of race, ethnicity, religion, age, disability and sexual orientation along with the traditional national and gender dimensions of equality, has fostered the adoption of a ‘multiple discriminations’ approach in the EU gender policy.

When trying to assess the concrete ways in which the EU has tackled gender inequalities, fundamental achievements co-exist with structural limits: together, they draw a picture of mixed and even contradictory trends and results (Van Der Vleuten 2007). Among the achievements, an increased women’s participation in the labour market as well as a better representation of women in the political sphere and in decision-making processes. Women’s organizations, movements and agencies have been playing a crucial role in lobbying and mainstreaming gender equality with the result that certain issues (like violence against women) have been successfully included in the Union’s political agenda. Despite these undoubted results, many are the challenges that still need to be tackled: gender segregation (vertical and horizontal) in the labour market, a high pay gap, women’s low presence in the European companies’ managing boards, job typologies that penalize women’s security and pension’s schemes, are just few examples of open problems. Gender role’s patterns that still assign women the almost exclusive responsibility in family care, expose them to a higher risk of poverty and require a stronger action in devising more effective life-work balance policies. Gender inequalities do not concern only the economic, political and social sphere but extend to civil rights as well. The first step to tackle these problems is to know them better and to better explore what has been already done and achieved. This work is a small but hopefully useful contribution in this direction.

Volume Outline

The work is organized in three parts: the first essay, by Alessandra Viviani, Professor at the University of Siena, consists of three sections. The first one is dedicated to the EU gender equality policy and describes the evolution of the EU legal system concerning gender equality, starting with the development of the Directives on equal pay to the more recent steps of the EU institutions. The analysis points out at the different role EU institutions have played in shaping the European policy on gender equality. The second section gives an

overview of the question of representation within the EU institutions. In particular, data are provided about women participation in the EU Parliament, Commission and European Court of Justice. The analysis shows that these figures have increased in the last decades, but women are still underrepresented within all EU institutions. The section also considers that there is a strict connection between women representation at national level (high variability) and women representation within European Commission and Council. Finally, it deals with the question of gender rights as human rights. The human rights approach to gender issues is considered by the author as capable of having a great impact within EU policy, by giving the EU institutions the chance to deal with particularly sensitive areas such as women trafficking and violence against women. Focusing on gender when debating human rights issues enables the EU to overcome its original labour market orientation when discussing and implementing actions regarding women representation.

The second contribution, by Simon Duke, Professor at Maastricht University, considers gender balance in the specific context of the European External Action Service (EEAS). The essay is arranged around a number of inter-related sections which are designed to explore the notion of balance and, indeed, what an 'adequate balance' might comprise. It portrays gender balance at the EEAS, especially at the administrative grades. The contribution suggests that there have been some improvements in gender balance, even in the short life of the Service, but that any further significant changes should be seen as part of a longer-term strategic 'rebalancing'.

The third essay, written by Marta Martinelli, researcher at the Open Society European Policy Institute in Brussels, focuses on the EU approach to gender protection in its external policies (such as human rights, development and peace and security). The author sustains that although an acceleration of gender mainstreaming in all EU policies, documentation and programming from the late 1990s and early 2000s has led to a favourable environment for gender protection in EU external policies (so much so that the EU is now a major actor within the field), the transformative effects of gender mainstreaming remain relatively limited. Far from being exhaustive, the work nevertheless tackles relevant and unavoidable aspects of the gender/EU relationship thus offering a useful tool for the readers to orientate themselves in the lights and shadows of the European polity.

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Women and the EU

Alessandra Viviani

Abstract: The chapter examines the question of gender equality within the EU framework from a legal point of view and briefly describes the evolution of the EU legal system concerning gender equality, starting with the development of the Directives on equal pay to the more recent steps of the EU institutions, pointing out at the different role that the EU institutions have played in shaping the European policy on gender equality.

Within the EU gender equality policies, questions related to women's representation in the EU institutions (such as EU Parliament, Commission and European Court of Justice), are often perceived as very important, if not crucial. The chapter argues that, although data on women's representation have increased in the last decades, there is a strong under-representation in all EU institutions (being 35% of representation within the Parliament the highest percentage in the EU), which is strictly connected to women's representation at the national level and within the EU Council. Such a situation brings the author to consider that there should be a shift on the attention for the question of representation, that cannot be properly dealt with at EU level, and EU institutions should better concentrate their efforts on different directions.

In particular, the chapter maintains, in its third section, that the question of gender rights as human rights should be the real focus of EU action. The human rights approach to gender issues is in fact considered by the author as capable of having a great impact on EU policy. For example, such an approach has already given EU institutions the chance to deal with particularly sensitive areas such as women trafficking and violence against women. Focusing on gender when discussing human rights issues and women's rights gives also the possibility to avoid concentrating attention predominantly on the representation of women in the labor market. The attention devoted to economic factors while discussing gender issues is considered by the author an inevitable consequence of the structure of the original EU treaties, but, at the same time, as an approach which needs to be changed with the entering into force of the Lisbon Treaty and the emergence of a more central role for human rights.

Introduction

According to the 2012 EU Council Strategic Framework and Action Plan on Human Rights and Democracy, EU institutions undertake to:

continue to promote freedom of religion or belief, and to fight discrimination in all its forms through combating discrimination on grounds of race, ethnicity, age, gender or sexual orientation and advocating for the rights of children, persons

belonging to minorities, indigenous peoples, refugees, migrants and persons with disabilities. The EU will continue to campaign for the rights and empowerment of women in all contexts through fighting discriminatory legislation, gender-based violence and marginalization.

These are very interesting and very important objectives both from a legal and from a political point of view. The question arising is whether the EU action, so far, seems apt to the task and whether the policy on gender equality as it has been developed at the European level is really contributing to a clear fight against discrimination on grounds of sex and to the recognition of women's rights.

The EU Gender Equality Policy

Over decades, the European Union has evolved considerably and its competencies have expanded. Today the EU is a multi-level organization where Member States and European institutions interact in a very complex manner, sharing responsibilities in many economic areas, but also building upon the harmonization of national standards on environment, consumer protection, labor market, industrial and agricultural policies. The EU, although in a less stringent manner, has also some competences in areas such as education, welfare and health.

The question of women's rights and women's position in both politics and society is at the core of the European Union action since the very beginning. In fact, the treaty of Rome of 1957 represents the first step not only on European integration but also on European gender policy, for it contained a single article stating that women and men should receive equal pay for equal work (article 119). The deadline for Member States to comply with such obligation was 1964, but it was clearly violated. Although the Commission was drawing reports on the issue, no real action was taken. It was only in 1975, that the principle of equal pay for equal work was successfully invoked before the European Court of Justice to defend Gabrielle Defrenne, who was an air hostess working for the Belgian national airline. Even though the case had a negative outcome, for the Court ruled in favor of the State, the judgment had far reaching consequences and established that the concept of 'pay' within article 119 comprised equality in social security, and, more importantly, that the obligation vis-à-vis the Member States was sufficiently precise to have direct effects. The rights stemming from the Defrenne case are an unshakable legacy for women in the European Union. The case led to the adoption of the first European directives on gender equality¹ (Directives on Equal pay 1975,

¹ Within this chapter the author has chosen to deal with the question of gender equality from a legal point of view, aware of the fact that there are many possible approaches to the question

Equal Treatment 1976 and Social Security 1978) and, at the same time, put equal opportunities policy at the center of the Commission's Social Action Program (Kantola 2010: 31).

During the 1980's, development of EU gender policies continued to grow, even though at a lesser speed than during the previous decade. The period was characterized by high unemployment, governmental cuts and new state policies on 'flexible' workforce, thus only two directives on minor issues were adopted (the Occupational Social Security Directive and the Self Employed Directive, 1986), whereas a number of proposals were rejected (Directives on Parental Leave, Widows' Pensions, Retirement Age etc.). During such a period of stagnation, the development of EU gender policy was to be observed with the emergence of soft law (guidelines, recommendations and action programs)² as well as an increase of the presence of women networking at the EU institutional level. Moreover, during this period the Commission took seriously its mandate to oversee the implementation of the existing directives, sending warrants and opinions to the Member States concerning their gender equality measures. At the same time, the Commission took action by bringing the Member States before the European Court, complaining about their violation of equality directives. The rulings of the Court in these important cases strengthened the content and the impact of those norms within the national legal systems, thus acting in a perfect match with the behavior of the Commission itself. In this way, the Commission on the one hand guaranteed the implementation of anti discriminative legislation and, on the other hand, introduced positive action to avoid that equal treatment could generate fur-

and definition of gender equality. The chosen definition is adopted at the United Nation level and seems appropriate also when discussing EU policies on women rights. According to such a definition: «Equality between women and men (gender equality) refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men» (available at <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>). Such a definition has as foundation the idea that men and women have the same intrinsic value as human beings, thus they should enjoy the same rights, which are universal and indivisible.

² Within an international organization law framework, such as the one represented by the EU legal system, the organization itself is given by its treaty the competence and the power to adopt legislation which is compulsory *vis-à-vis* its Member States. Such norms are usually referred to as 'hard law' to differentiate them from the so called 'soft law' which is usually a body of rules which are not compulsory and have the status of recommendation which the organization addresses to its members. Due to the specificity of the international law system and the lack of a central executive power, soft law normally gives the opportunity to the organization to deal with issues which are not covered by its competence according to the treaty, and thus to expand the reach of its action towards its members.

ther inequality for women, shifting emphasis from equality of access (anti discrimination laws) to creating conditions bringing about equality of outcome (positive actions). It is clear that both approaches are and were necessary to move forward towards the result of a most effective EU gender policy. The role of the European Court is particularly relevant if one takes into account also subsequent case law. In *Marschall*³, for example, in 1997 the European judges considered structural inequality recognizing that women are often excluded from jobs and promotions not only for their direct involvement in family care but also because it is assumed that they will interrupt their careers or will be absent from work more frequently. Thus, accordingly, it is necessary to have legislation which guarantees the adoption of measures providing for special advantages for women. Such positive discrimination measures were also recognized by the Amsterdam Treaty (article 141(4))⁴.

Fifteen European directives have been adopted between 1975 and 2010 to ensure the equal treatment of men and women at work, prohibit discrimination in social security schemes, set minimum requirements on parental leave, guarantee protection to pregnant workers and recent mother, set rules on

³ *Marschall v Land Nordrhein Westfalen* (1997) C-409/95. Mr Marschall was a teacher. He applied for promotion and did not get it while a woman did. The school rules allowed for promotion of women «unless reasons specific to an individual candidate tilt the balance in his favour». According to the ECJ «For these reasons, the mere fact that a male candidate and a female candidate are equally qualified does not mean that they have the same chances. It follows that a national rule in terms of which, subject to the application of the saving clause, female candidates for promotion who are equally as qualified as the male candidates are to be treated preferentially in sectors where they are under-represented may fall within the scope of Article 2(4) if such a rule may counteract the prejudicial effects on female candidates of the attitudes and behavior described above and thus reduce actual instances of inequality which may exist in the real world». However, since Article 2(4) constitutes a derogation from an individual right laid down by the Directive, such a national measure specifically favoring female candidates cannot guarantee absolute and unconditional priority for women in the event of a promotion without going beyond the limits of the exception laid down in that provision.

⁴ It has to be noted that within this Treaty changes to the Community Treaty include the addition of new tasks in Article 2 EC: promotion of equality between women and men is explicitly mentioned as a task. Moreover, there is the introduction of a new non-discrimination provision in Article 13 EC, which expressly confers legislative competence on the Community to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation. A second new paragraph inserted by the Amsterdam Treaty art.141 (4): «With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex [formerly: women] to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers». The Amsterdam Treaty positive actions are also laid down in the EC primary law. The formulation of Article 141 of SES recognizes that its purpose is the achievement of equality in the substantive sense. The formulation seems to allow a wider application of positive actions, because the term «equal opportunities» is replaced for the term «full equality» and the action can also serve for the compensation of disadvantages.

access to employment, working conditions, remuneration and legal rights for the self-employed. Together with these specific legislative measures and with soft law instruments, the European institutions have also used gender mainstreaming in the shaping of their policies and actions. Both specific measures and gender mainstreaming⁵ are crucial to the development of gender equality at the European level.

Even if it can be said that both the Commission and the Court have exerted pressure on Member States to implement and expand the reach of equality directives, the action of the EU institutions cannot be considered a full success. The EU institutions have played a different role, the Commission sometimes taking initiatives and at other times avoiding conflicts with the Council which has been more conservative on these issues, being it the clear representation of Member States' positions; the Court has acted promoting equality as in *Defrenne*, but also taking restrictive views in cases such as *Kalanke*⁶. It is quite evident that often Member States have lacked the political will to implement equality directives and to move towards a real non discriminative approach on gender issues. Some encouraging recent trends include the increased number of women on the labor market and their better education and training. However, gender gaps remain in many areas and in the labor market women are still over-represented in lower paid sectors and under-represented in decision-making positions.

At the same time, one has also to examine not only women's position within the labor market and the society at large, but also women's representation at the institutional and political level. The EU institutions have over the decades made efforts to promote gender balance in the EU decision making process. The success of such measures will be discussed hereinafter.

⁵ In July 1997, the United Nations Economic and Social Council (ECOSOC) in its Agreed Conclusions defined the concept of gender mainstreaming as follows: «Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality». See <http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>

⁶ *Kalanke v Freie Hansestadt Bremen* (1995) C-450/93 is an EU labour law and UK labour law case, concerning positive action, where the European Court of Justice held that «where women and men who are candidates for the same promotion are equally qualified, women are automatically to be given priority in sectors where they are underrepresented, involved discrimination on grounds of sex». The derogation under the Equal Treatment Directive art 2(4) for «measures to promote equal opportunity for men and women», in particular by removing existing inequalities which affect women's opportunities, had to be narrowly construed.

The EU and Gender Political Representation

The question of political representation of women within the EU has formed the object of many discussions, reports and initiatives both from European institutions and women's lobby in Brussels. Women's political representation both in the European Parliament and in the Commission is far from the parity. At the national level the situation is even more difficult, varying from a very low rate in certain countries such as Greece, to a very high one in northern States such as Finland, although women continue to be concentrated in some ministerial positions (such as education and social welfare).

The data published in the World Forum Global Gender Gap Index 2012 (here below some of the most interesting features on European States: Table 1) show clearly that there is not such a thing as an 'European' approach to the question of gender representation among EU members, where women enjoy a very different position in society. For our analysis the sub-index on Political Empowerment is particularly relevant, for it «measures the gap between men and women at the highest level of political decision-making through the ratio of women to men in minister-level positions and the ratio of women to men in parliamentary positions» (p. 4), including also the *ratio* of women to men in terms of years in executive office (Prime Minister or President).

In practice, in national Parliaments, less than one in four members is a woman (with major differences across the EU). Given such a situation, the data referring to women representation in the EU institutions will not come as a surprise for the reader. In fact, as it is demonstrated by the following tables, there is a strict connection between women's representation at the national level and within the EU institutions.

At the European level, the members of the European Parliament (2009-2014) comprise 35% women and 65% men. This is a better balance than in national Parliaments, where, as we have seen above, only 24 % of members are women⁷.

The situation is different when looking at other EU institutions, where the proportion of women in the top two levels of the hierarchy is just below 22%, as the data concerning the European Commission and other Committees demonstrate.

One could argue that data concerning national bodies and those referring to EU institutions should not be compared, due to the profound differences still existing between national and European legislative power. It is

⁷ The increased number of women within the EU Parliament is an element which contributes to explain the stronger action that this institution is taking, as we shall see in below, on issues concerning the protection of women's fundamental rights. The active contribution made in these fields by the EU Parliament supports the position of authors such as Phillips (1998) and Dovi (2007) discussing the reasons for a stronger women presence within legislative bodies.

Table 1. Gender Gap in Europe (Source: WF Global Gender Gap Index 2012, Table 3b: Detailed rankings 2012. Available at http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf; range:0=max gap; 1= full parity).

Country	Overall	Economic participation	Education	Health	Political Empowerment
	Rank	Score	Score	Score	Score
Finland	2	0.7847	1.0000	0.9696	0.6162
Sweden	4	0.7957	0.9969	0.9735	0.4976
Ireland	5	0.7514	0.9988	0.9737	0.4115
Denmark	7	0.7724	1.0000	0.9739	0.3645
Netherlands	11	0.7578	1.0000	0.9697	0.3362
Belgium	12	0.7241	0.9918	0.9787	0.3664
Germany	13	0.7399	0.9848	0.9780	0.3488
Latvia	15	0.7618	1.0000	0.9796	0.2875
Luxembourg	17	0.8147	0.9960	0.9719	0.1931
United Kingdom	18	0.7305	0.9993	0.9698	0.2737
Austria	20	0.6515	0.9946	0.9787	0.3318
Spain	26	0.6462	0.9971	0.9791	0.2841
Lithuania	34	0.7551	0.9954	0.9791	0.1469
Slovenia	38	0.7139	0.9981	0.9730	0.1677
Portugal	47	0.6788	0.9936	0.9724	0.1834
Bulgaria	52	0.6960	0.9924	0.9791	0.1409
Poland	53	0.6503	0.9981	0.9791	0.1786
France	57	0.6687	1.0000	0.9796	0.1452
Estonia	60	0.7193	0.9936	0.9791	0.0989
Romania	67	0.6815	0.9943	0.9791	0.0885
Slovak Republic	70	0.6282	1.0000	0.9796	0.1220
Czech Republic	73	0.6026	1.0000	0.9788	0.1254
Cyprus	79	0.6149	0.9780	0.9701	0.1298
Italy	80	0.5913	0.9923	0.9733	0.1348
Hungary	81	0.6591	0.9915	0.9791	0.0574
Greece	82	0.6329	0.9940	0.9737	0.0858
Malta	88	0.5498	0.9936	0.9737	0.1494

well known that such a power at the EU level is shared among three different institutions (Parliament, Commission and Council) and finally rests upon the will of Member States represented within the Council. Moreover, the Council and the Commission are not elected bodies and thus might need a different approach to the issue of gender representation. At the same time, the question on how women are and should be represented in the EU institutions derives

Table 2. Composition of the European Parliament 2009-2014 (Source: http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/eu-parliament/index_en.htm, last visited February 2013).

(i) Men/Female

Members				
President	Women (N)	Men (N)	Women (%)	Men (%)
M	265	488	35	65

(ii) Composition of the European Parliament by country

Members				
	Women (N)	Men (N)	Women (%)	Men (%)
EU-27	265	488	35	65
Belgium	8	14	36	64
Bulgaria	6	12	33	67
Czech Republic	4	18	18	82
Denmark	6	7	46	54
Germany	38	61	38	62
Estonia	3	3	50	50
Ireland	5	7	42	58
Greece	7	15	32	68
Spain	22	32	41	59
France	34	40	46	54
Italy	16	57	22	78
Cyprus	2	4	33	67
Latvia	3	6	33	67
Lithuania	3	8	27	73
Luxembourg	1	5	17	83
Hungary	8	14	36	64
Malta	0	6	0	100
The Netherlands	12	14	46	54
Austria	6	13	32	68
Poland	11	40	22	78
Portugal	9	13	41	59
Romania	12	21	36	64
Slovenia	4	4	50	50
Slovakia	5	8	38	62
Finland	8	5	62	38
Sweden	9	11	45	55
United Kingdom	23	50	32	68

Table 3. European Commission and other EU Committees (Source:http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/eu-committees/index_en.htm, last visited February 2013).

Institution	Members				
	President	Women (N)	Men (N)	Women (%)	Men (%)
European Commission	M	9	17	35	65
Committee of the Regions	M	64	267	19	81
Economic and Social Com.	M	84	259	24	76

also from the more general and debated question as to whether it is relevant if women are represented in legislative bodies. Feminists scholars (Phillips 1998 and Dovi 2007) have identified various reasons according to which such a representation is necessary. Among them the idea that only women can fully understand and represent women's interests, or that women's political representation revitalizes democracy. Women's presence can therefore be considered as a benefit in itself for democracy and justice within the legislative power, as it can be stated for the presence of other social groups such as ethnic and religious ones. If one considers women as a diverse group (as one would consider minorities, for example) then their political representation plays an essential role in democracy.

Precisely for these reasons, measures to increase women's presence within the EU institutions have been adopted in the last decades by the European Union. The question remains whether such measures have been and are effective or not. Measures adopted include soft ones, such as campaigns to change attitudes towards the presence of women, and 'positive' ones, such as the quotas system.

The EU action on women's political representation dates back to the 1990s. At the beginning of the 1990s the EU adopted the Third Action Program on Equal Opportunities which provided for the establishment of an experts' network on 'Women in Decision-Making'. The network was particularly active and its measures contributed directly to raising figures, as women's representation in the European Parliament rose to 85% from 27% in 1995. At the same time, other events such as the Athens Declaration in 1992 at the first European Summit of Women in Power and the Charter of Rome in 1996, represent important steps in the right direction. The Commission and the Council both also took action in the promotion of gender equality in political representation through the 1996 Council Recommendation on the promotion of positive actions for achieving a gender balance in decision making (European Council 1996), and the Commission Decision of 19 June 2000 relating to gender bal-

ance within the committees and expert groups established by it (European Commission 2010). Following such steps, in 2000 the Commission published a Report in which it established the 40% share as a threshold for minimum women's participation. The Commission has also launched a European database Women and Men in Decision Making, and, recently, in its *Commission Communication Strategy for equality between women and men 2010-2015* (European Commission 2010) has restated the necessity to carry on its initiatives to promote gender equality in decision making for «Despite progress towards a gender balance in political decision-making, much remains to be done». The same approach is followed by the *European Pact for Gender Equality (2011-2020)*, adopted by the European Council in March 2011, annexed to the Council Conclusions dated 7 March 2011, where «The Council urges action at Member State and, as appropriate, Union level in the following fields:.. d) promote women's empowerment in political and economic life and advance women's entrepreneurship» (European Council 2011: 12).

It is quite evident from what we have briefly outlined that the action of both the Council and the Commission has been mainly centered on soft measures. The effectiveness of such a choice is open to question for it leaves a greater space to discretionary interpretation by both Member States and EU institutions; moreover, the implementation of such measures within Member States has been quite poor as it is clearly shown by the results on Table 4 below.

The below figures when compared with analogous data from previous years show an increase in women's representation at the European level.

Notwithstanding these encouraging elements, the number of women in the highest positions of power at the EU institutions, such as the Commission and the Council, demonstrates that the most important locations of power continue to be male dominated. Moreover, data concerning EU institutions cannot be evaluated without considering national systems, due to the fact that representation in both the Council and the Commission directly derives from the decision of Member States governments. It is not by chance that the action of the EU on promoting women in political decision-making is mainly focused on soft law measures, for these are the only measures upon which Member States can be brought to agree. The weakness of women's position is self-evident and clearly showed by the pictures of the Nobel ceremony this year, where the three European representatives to whom the Nobel prize for peace was awarded were all male. Gender segregation continues to take place. Such segregation at the European level is particularly shocking when one looks at the European Court of Justice's figures, where women judges are only 15%. This under-representation needs to be specifically addressed while considering the position of women within the European Union, for the Court of Justice has always played a key role in advancing and monitoring the implementation of European legislation, including that referring to the principle of equality.

Table 4. Women representation in the European Parliament over time (by country) (Source <http://www.europarl.europa.eu/aboutparliament/en/00622bc71a/Distribution-of-men-and-women.html>).

	1994-1999		1999-2004		2004-2009	
	Men	Women	Men	Women	Men	Women
BE	68 %	32 %	72 %	28 %	67 %	33 %
DK	56 %	44 %	62 %	38 %	57 %	43 %
DE	65 %	35 %	63 %	37 %	67 %	33 %
IE	73 %	27 %	67 %	33 %	62 %	38 %
FR	70 %	30 %	60 %	40 %	55 %	45 %
IT	87 %	13 %	89 %	11 %	79 %	21 %
LU	50 %	50 %	67 %	33 %	50 %	50 %
NL	68 %	32 %	65 %	35 %	52 %	48 %
UK	82 %	18 %	76 %	24 %	74 %	26 %
EL	84 %	16 %	84 %	16 %	71 %	29 %
ES	67 %	33 %	66 %	34 %	74 %	26 %
PT	92 %	8 %	80 %	20 %	75 %	25 %
SE			59 %	41 %	53 %	47 %
AT			62 %	38 %	72 %	28 %
FI			56 %	44 %	57 %	43 %
CZ					79 %	21 %
EE					50 %	50 %
CY					100 %	0 %
LT					62 %	38 %
LV					67 %	33 %
HU					62 %	38 %
MT					100 %	0 %
PL					85 %	15 %
SI					57 %	43 %
SK					64 %	36 %
BG					56 %	44 %
RO					71 %	29 %
Total EU	74 %	26 %	70 %	30 %	69 %	31 %

Table 5. European courts (Source: http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/judiciary/european-court/index_en.htm. Data collected between 30/05/2012-21/08/2012).

	President		Members			
	Women (N)	Men (N)	Women (N)	Men (N)	Women (%)	Men (%)
European Court of First Instance	0	1	6	20	23	77
European Court of Human Rights	0	1	17	29	37	63
European Court of Justice	0	1	4	23	15	85
European Union Civil Service Tribunal	0	1	3	5	38	62
Total	0	4	30	77	28	72

In fact, in order to speak of a real women's presence at institutional level the question of the representation within the judiciary is crucial, although often underestimated. It must therefore be favorably outlined that within national Supreme Courts the presence of women is increasing and has reached the same level as the European Parliament.

Table 6. National Supreme Courts (Source: http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/judiciary/supreme-courts/index_en.htm. Data collected between 30/05/2012 -21/08/2012).

	President		Members			
	Wom. (N)	Men (N)	Wom. (N)	Men (N)	Wom. (%)	Men (%)
EU-27	6	21	560	1 086	34	66

There are also some other interesting developments at the EU level which suggest a further step into the promotion of gender equality policies. The Standing Committee on Women's Rights and Gender Equality is a driving force behind important women's and gender-equality policy initiatives within the European Parliament. The Committee is actively involved in the debate on the new gender equality strategy of the EU as pursues the current Roadmap for Equality and is supporting its implementation advocates more consistent consideration of gender equality, with particular attention to EU economic and external policy.

An important novelty has been also the new Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding, who is dealing with the issue of the representation of women in decision-making positions, through the introduction of a statutory quota. Another interesting development has been - and could even be more so in the future - the establishment of the European Institute for Gender Equality (EIGE), which, following a lengthy and difficult process, was finally able to commence work in June 2010. Of particular importance in this respect has been the development of equality indicators aimed to improve the assessment of EU policy from the gender perspective⁸.

Gender Rights as Human Rights: the Strategy for Equality Between Women and Men 2010-2015

As demonstrated in the previous paragraphs, the EU's gender equality policy primarily focuses on employment market, where numerous instruments to accelerate access to the labor market have been provided. Equal pay for women and equal representation of women in the management echelons of companies (women on boards), are at the core of the discussion within the EU institutions.

Such an 'economic' approach to questions related to gender discrimination should be subject to close scrutiny and analysis. As a matter of fact, such approach contains in itself discrepancies. For example, there is a clear discrepancy between the directives on gender equality and the economic goals of the EU. In the Lisbon Treaty, the evaluation of gender issues and gender mainstreaming are still somewhat subordinated to the new economic and growth strategy «Europe 2020» and the current initiatives to combat the financial and economic crisis. Gender equality is not addressed in the legislation concerning the protection of monetary and stability policy rules. Macroeconomics is 'gender neutral', whereas in contrast labor market policies have a gender effect, impacting on the relationship between work and family life.

It is quite obvious that currently, the concern should be less one of equality between women and men and more of the risk presented by the increasing escalation of the financial and economic crisis in the European Union: the crisis is affecting women workers far more than men, and that 'spending review' policies adopted by most Member States have side effects within the society, which are capable of affecting women's lives and their duties as family care takers. This situation threatens to wipe both equality and anti-discrimination

⁸ EIGE publishes its data on an yearly basis. See <http://www.eige.europa.eu/content/women-and-men-in-the-eu-facts-and-figures>.

policy from the current political agenda, which is more and more concentrated on the financial aspects of the crisis.

With these aspects in mind, it is essential to restate that the question of discrimination against women and the lack of women's representation is not only an issue from a sociological point of view to be discussed possibly with a feminist paradigm, but also and essentially a human rights question and should be addressed as such.

Inequalities between women and men violate fundamental rights. Equality is one of the five values on which the Union is founded. The Union is bound to strive for equality between women and men in all its activities. As it is well known, the history of human rights protection within the European Union is quite peculiar and has started with the case law of the European Court of Justice, following the same process applied to the discussion on equal pay as stated in section one above. Once the issue of human rights took presence within the European Union system, developments took place also at treaty level and the final result is the relevant position that norms on human rights have found within the Lisbon Treaty. Under the provision of this document, in fact, Member States have agreed to put human rights at the center of the system, the Charter of Fundamental Rights approved in Nice in 2000 has finally become a part of the treaty and the EU has provided for the future signature and ratification of the European Convention on Human Rights. The Treaty on the Functioning of the European Union provides that the Union will aim to eliminate inequalities and promote equality between men and women (Article 8). It also stipulates that the Union will aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 10). These are very important changes both from a legal and from a practical point of view.

The Charter of Fundamental Rights provides for equality between women and men and prohibits sex discrimination (*Article 23: Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the underrepresented sex*). Moreover, the case law of the European Court of Human Rights (the judicial body created by the European Convention on Human Rights) is now to be considered as binding also for the European Union and it clearly makes reference to the principle of non-discrimination, while judging matters referring to women's rights. The international movement on women's rights has also played a crucial role in shaping the attitude of the European Union institutions. As an example, one could mention that in March 2010, to mark the 15th anniversary of the declaration and platform for action adopted at the Beijing UN World Conference on Women and the 30th anniversary of the UN Convention on the Elimination of All Forms of Discrimination

against Women, the Commission adopted A Women's Charter (European Commission 2010b), in which it renewed its commitment to gender equality and to strengthening the gender perspective in all its policies. In particular, the Commission outlined five principles underpinning the actions under its office: Equal economic independence, Equal Pay, Equality in decision making, Dignity, Integrity and to end gender based violence and, finally, Gender equality beyond European Union borders. These five principles continue to represent the structure of the European Commission action as of today, and represent the five chapters of the Commission Communication dated 21 September 2010, Strategy for equality between women and men 2010-2015 (European Commission 2010).

Principle n° 3 on Equality on decision making is engaging the Commission at several levels. For instance, the Commission has established to monitor the 25% target for women in top level decision-making positions in research, considering that only 19% of full professors in EU universities are women. More recently, the Commission is working to collecting data on the current situation.

The 2012 Special Eurobarometer Report, *Women in Decision making positions*, also concentrates the attention on the position of women in business. According to current data, boards are dominated by one gender: 85% of non-executive board members and 91.1% of executive board members are men, while women make up 15% and 8.9% respectively. The Report shows that European citizens seem to believe that such a situation is largely due to the fact that women have less freedom to work due to their family responsibilities. At the same time, the large majority of the interviewees consider that, given equal competence, women should be equally represented in positions of leadership in companies. Following the result of the survey, the Commission has engaged itself on proposing legislation in order to impose new obligations on Member States with the aim of attaining the 40% objective of the under-represented sex in non-executive board-member positions in publicly listed companies, with the exception of small and medium enterprises (European Commission 2012). Viviane Reding, the EU's Justice Commissioner, has declared:

It is good news that the European Parliament supports the European Commission's approach towards more women in economic decision-making positions. Today's vote confirms that the Commission is acting at the right time and in the right way. We need to act now because in economically difficult times it's essential to use the untapped potential of the well-educated female workforce. I have called on publicly listed companies in the EU to sign the «Women on the Board Pledge for Europe» to voluntarily increase women's presence on corporate boards to 30% by 2015 and to 40% by 2020 (Reding 2011).

Table 7. Women presence in highest decision making bodies of largest quoted companies. (Source: http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/business-finance/supervisory-board-directors/index_en.htm. Data collected between 26/09/2012-15/10/2012).

	Number of companies		President		Members	
	Covered	With data	Women (%)	Men (%)	Women (%)	Men (%)
EU-27	582	582	3	97	16	84
Belgium	19	19	0	100	13	87
Bulgaria	15	15	7	93	12	88
Czech Republic	12	12	17	83	16	84
Denmark	18	18	0	100	21	79
Germany	30	30	3	97	18	82
Estonia	14	14	0	100	8	92
Ireland	19	19	0	100	9	91
Greece	18	18	0	100	8	92
Spain	34	34	3	97	12	88
France	36	36	6	94	25	75
Italy	38	38	0	100	11	89
Cyprus	20	20	5	95	8	92
Latvia	31	31	13	87	28	72
Lithuania	25	25	8	92	18	82
Luxembourg	10	10	0	100	10	90
Hungary	11	11	0	100	7	93
Malta	20	20	0	100	4	96
The Netherlands	20	20	0	100	22	78
Austria	20	20	0	100	12	88
Poland	19	19	5	95	12	88
Portugal	18	18	0	100	7	93
Romania	10	10	0	100	12	88
Slovenia	19	19	11	89	19	81
Slovakia	10	10	10	90	14	86
Finland	23	23	4	96	29	71
Sweden	26	26	0	100	26	74
United Kingdom	47	47	0	100	19	81
Croatia	25	23	4	96	15	85
Macedonia, the former Yugoslav Republic of	10	10	20	80	16	84
Turkey	50	50	12	88	10	90

	Number of companies		President		Members	
	Covered	With data	Women (%)	Men (%)	Women (%)	Men (%)
Republic of Serbia	14	12	17	83	18	82
Iceland	9	9	11	89	36	64
Liechtenstein	-	-	-	-	-	-
Norway	19	19	11	89	44	56
All countries	709	705	5	95	16	84

The analysis of the Commission's documents demonstrates again that the approach of the institution even when discussing discrimination from a human rights perspective focuses on economy and labor issues. Within the Commission Strategy Paper, only Principle n° 4 is clearly devoted to fundamental rights protection. The Commission affirms:

Europe does not tolerate gender-based violence. We will step up efforts to eradicate all forms of violence and to provide support for those affected. We will put in place a comprehensive and effective policy framework to combat gender-based violence. We will strengthen our action to eradicate female genital mutilation and other acts of violence, including by means of criminal law, within the limits of our powers (European Commission 2010b: 4).

Some would argue that issues of violence against women such as trafficking or domestic violence fall completely outside the competence of EU institutions, but it is worth noting that this would be a far too traditional approach to the EU legal system, one which is definitively surpassed by the EU action (Kantola 2010: 158). As far as human trafficking is concerned, this is a violation of most fundamental human rights and it affects especially women and children. In order to combat such phenomenon, due to the action of women's lobbies at EU institutional level, in 2002 two binding legal instruments have been adopted (the *Framework Decision on combating trafficking in human beings* and the *Directive on short terms residence permits for the victims of trafficking*). Moreover, there has been the adoption of an Action Plan for greater EU police cooperation (European Commission 2004). Although critiques to the above mentioned instruments can be put forward, for the phenomenon is considered as a part of the EU policy to control borders and illegal migration more than to protect the victims' rights, the relevance of these norms cannot be underestimated and directly contribute to focus the actions of the EU institutions on questions related to gender protection. The same can

be said when one considers the action taken by the EU institutions on violence against women and domestic violence. Violence against women is the single most prevalent and universal violation of human rights, for there is no geographical area, nor age limit, or cultural and racial groups which are safe from this phenomenon, and it clearly has strong implications with reference to gender equality. As stated above, elimination of gender-based violence is a priority for the European Commission's Women's Charter (2010b) and for its Strategy for equality between women and men (2010–15) (European Commission 2010). While Member States have the primary responsibility to combat violence against women, EU institutions still have an important role to play through funding support (through the Commission's Daphne III), awareness-raising activities, and soft law measures regarding the adoption of good practices⁹. In this context, the first action has been undertaken by the Parliament which issued reports and started campaigns, followed by actions of the Commission, and published surveys on the matter¹⁰, including the question within its framework strategy on gender equality. The Parliament and the Commission have some difficulties in tackling the questions related to gender violence, for their competence in this issue is open to doubt. So far, the legal basis under which EU institutions have been acting is public health and this explains why no specific hard law has been promoted on domestic violence¹¹. But it is nonetheless very important to note that the human rights approach has given EU institutions the opportunity to devote closer attention to the position of the victims and has increased the role of women lobbies and women NGOs' advocacy¹².

⁹ See the Report by the Expert Group on Gender Equality and Social Inclusion, Health and Long-Term Care Issues (EGGSI), *Violence against women and the role of gender equality, social inclusion and health strategies*, 2010.

¹⁰ According to the survey *Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe Member States* presented by the Directorate General of Human Rights of the Council of Europe in 2006, «The figures for prevalence, that is the proportion of women in the general population who have experienced acts of violence, vary by methodology, but an overview suggests that across countries, one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force. Figures for all forms of violence, including stalking, are as high as 45%» (Hagemann 2006: 7). See also the EIGE's *Study to identify and map existing data and resources on sexual violence against women in the EU 2012*.

¹¹ Questions related to sexual violence are also been dealt with as issues of public health (thus within EU competence) even when discussing sexual education for young people at school. See Directorate General for Internal Policies, *Policies for Sexuality Education in the European Union*.

¹² This is particularly important within an area, such as the one on violence against women, where still «there is a lack of available and systematically collected data referring specifically to sexual violence» at EU Members States level and, more relevant, there are still «significant differences between Member States in providing materials for victims of sexual violence and for professionals dealing with sexual violence». See EIGE 2012: 12.

Conclusions

The role of the EU institutions on gender equality and the representation of women is a very variegated one, going from the problematic attitude of the Council, who has often blocked more progressive legislation, to the more positive action taken by the Parliament. As to questions related to fundamental women's rights, EU institutions have made several political commitments, for instance to eradicating violence against women and girls, over a number of years. In practice, however, financial programs such as Daphne have been the main instrument to deliver results in this challenging area. Within the EU's agenda on gender equality and women rights, the role of the Commission is particularly difficult to assess: on the one hand the importance of the directives on equal pay has been outlined, but, on the other, the action on fundamental rights has proven to be more timid, based on soft law and financing programs. This is certainly due to the lack of a proper legal basis for a clearer action, but it is also due to the fact that the Commission is often tied too strictly to political reasoning and to the will of Member States, especially at present, when economic and financial crisis is the focus of the attention. Moreover, the positions within the Commission structure continue to be male dominated. Although it is argued that promoting gender equality will also contribute to the solution of the crisis, such a discourse does not seem to obtain sufficient recognition¹³.

As stated at the beginning of this chapter, gender discrimination was the first form of discrimination acknowledged at the European level, although that was done from an economical perspective while discussing questions related to equal pay. In the development of EU gender policies women's rights, nongovernmental organizations and the European Women's Lobby (EWL) have significantly contributed to such a process, also by receiving relevant resources by the Union. These social actors have been crucial in forging the EU gender equality regime. Anyhow, even though these NGOs have often cooperated on common campaigns, they have been and are competing for EU funding and political space. This competition causes a continuous tension with the EWL which demands that gender inequality receives privileged status within discussions at the EU level (Cullen 2010). According to some authors, such situation produces a negative effect in the sense that it contributes to the fact that «EU policies and provisions juxtapose inequalities rather than intersecting them creating an uneven hierarchy of legal protection for different forms of discrimination» (Cullen 2010: 2).

In order to achieve the results promoted by the European Commission's Women's Charter, it is important to remind that the action of the European

¹³ See European Commission Vice President Viviane Reding's declarations during her meeting with leaders of Europe's business schools and industry in Brussels 2012.

Union on gender equality is not capable *per se* to have a full impact on Member States' policies and legislations unless there is a clear political will to do so by national governments. Being that so, the competition between human rights NGOs and EWL may have an even greater negative impact at the national level, undermining the capabilities of these organizations to represent an effective tool to pressure Member States' implementation of EU standards and objectives. Possibly a stronger focus on gender equality as a human rights issue could contribute to give human rights NGOs and EWL a common platform for action both at the national and EU level.

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Women's presence in the European External Action Service

Simon Duke

Abstract. This contribution considers gender balance in the specific context of the European External Action Service (EEAS). It is designed to complement the other contributions by Viviani and Martinelli, although the focus is confined to the European External Action Service (EEAS) which, strictly speaking, is not an EU institution. Some of the patterns encountered below are reflected in many parts of the Commission and, indeed, it could be claimed that the EEAS merely reflects a number of legacy problems stemming from the EU institutions which comprised much its initial composition.

The contribution is arranged around a number of inter-related sections which are designed to explore the notion of gender (with less focus on geographical balance which is nevertheless a variable that has an impact on the primary issue at hand) balance and, indeed, what an 'adequate balance' might comprise. It also hopes to reflect the position in the EEAS as it stands regarding gender balance, especially at the administrative grades. The chapter suggests that there have been some improvements in gender balance, even in the short life of the Service, but that any further significant changes should be seen as part of a longer-term strategic 'rebalancing'. Nor, it is argued, are there any obvious panaceas to this issue. This includes, incidentally, the possibility of achieving any perceived rebalancing through temporary assignment from the Member States, many of whom exhibit similar tendencies to the Service itself. The suggested longer-term solutions will not necessarily require vast amounts of expenditure, but they will certainly require considerable political will.

Introduction

The Council decision of July 2010 establishing the functioning and organisation of the EEAS stipulates that:

Recruitment should be based on merit whilst ensuring adequate geographical and gender balance. The staff of the EEAS should comprise a meaningful presence of nationals from all the Member States. The review [foreseen for 2013] shall also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible imbalances (Council of the European Union 2010a: Article 6.6).

The decision also mentions that recruitment to the Service shall be through a transparent procedure 'based on merit' with the objective of:

[...] securing the services of staff of the highest standard of ability, efficiency and integrity, while ensuring adequate geographical and gender balance, and a meaningful presence of nationals from all Member States in the EEAS (Council of the European Union, 2010a: Article 6.8).

This apparently straightforward text raises a number of questions. The first issue is the relationship between the notion of merit and that of balance. The use of the term 'adequate' balance also suggests the presence of some form of benchmark against which (in)adequacy might be assessed. The second main theme is to consider the *status quo* within the Service. Is there evidence of any imbalance and, if so, how and where is this manifest within the EEAS? The third related issue arises if there is perceived to be imbalance, what can be done to correct it? The final section will suggest that the attainment of any meaningful gender balance in the EEAS, and indeed elsewhere in the EU institutions, should be considered as a longer-term issue that will require careful assessment, monitoring and, above all, policy support. While the significance of short-term symbolic gestures should not be dismissed, they are unlikely to prove sufficient in the longer-term.

Merit and balance

The notion of merit is notoriously difficult to define, especially since no specific definition is offered in the context of the Council decision quoted above. Existing guidelines elsewhere in the EU institutions help, however, to suggest some parameters. The Commission's Compilation Document on Senior Officials Policy which devoted a section to merit, states that:

The assessment of merit involves not only taking account of the candidates' ability, efficiency and conduct within the service during their career to date, but also evaluating their capacity to carry out senior management duties (authority, leadership, ability to manage a team and to work in a multicultural, multilingual environment, etc.) (European Commission 2010: 2).

The same document also observes that 'merit' applies to internal promotions which are based on a comparison of 'staff reports and the level of responsibility of the functions held' (European Commission 2010: 12). The Staff Regulations of Officials of the European Union make it clear that when considering comparative merits, particular account shall be taken of «reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance... and, where appropriate, the level of responsibilities exercised by them» (Staff Regulations 2004: Art. 45).

More specific criteria relating to merit also appear in EEAS position announcements including years of professional experience, educational attainments, linguistic knowledge and aptitude and, where relevant, existing grade eligibility. For higher positions (AD 12 and above) a requirement of 'proven experience in leading and motivating multi-disciplinary and multi-cultural teams' also regularly appears among the requirements.

Responsibility for ensuring that merit as well as adequate balance is ensured falls, ultimately, to the High Representative herself. She is assisted by the Consultative Committee on Appointments (CCA) who act as a selection committee for senior appointments (Directors and above). The CCA has an important and sometimes overlooked secondary role to «monitor selection procedures at other levels in the EEAS and the development of EEAS staffing, including with regard to gender and geographical balance. It shall provide advice to the High Representative in these matters» (Council of the European Union 2010b: 3). The CCA meets periodically to review appointments, the selection procedures, gender issues and personnel related matters such as promotion, mobility and career mobility.

The frequent mention of gender 'balance' in the official documents raises the question of whether a benchmark, as such, exists. No specific benchmarks are offered with regard to either gender (or geographical, for that matter)¹ balance in the official documents. At the most general level «equality between women and men is one of the founding principles of the European Union» (European Commission 2011: 3). In the absence of specific benchmarks some rather general statistical indicators might be employed. For instance, there are more women than men across the EU (in 2012 there were 104.8 women per 100 men) and, in some cases, like the Baltic states, appreciably more women than men (Eurostat 2012a). In terms of employment rates throughout the EU27, 75% of men between the ages of 20 and 64 were employed in 2011, while the figure for females was 62.3%. In some countries (like Denmark, Finland Germany and Sweden) the percentage of females employed is appreciably higher (over 70%) while in others (notably Hungary, Italy and Romania) the figures are appreciably lower (in the mid-fiftieth percentile except Italy which is just below) (Eurostat 2012b).

A more specific and useful indicator is the number of women among tertiary students in the EU, given the high skills and qualifications necessary to serve at administrative level in the EEAS. Overall women represented 55.4% of all students in tertiary education in 2010. In some cases there are notably more women in tertiary education (Denmark, Estonia, Latvia, Lithuania,

¹ Geographical balance within the EEAS is in many ways a distinct issue, although there is some overlap with gender issues. This contribution will not consider the geographical dimensions, which is not to belittle its importance. Ultimately, both forms of balance are about encouraging greater ownership of the EEAS on the part of the Member States and EU officials alike.

Poland, Slovakia and Sweden all have percentages of between 59.2% and 62.7%). Cyprus, Greece, Luxembourg and the Netherlands are all below the EU27 average, but for a variety of different reasons (Eurostat 2012c).

A further way of looking at the balance would be to take the Viviane Reding's aspirations to increase the presence of women on corporate boards to 30% by 2015 and 40% by 2020 (European Commission 2012: 5). With two of the five EEAS Corporate Board members being female, the EEAS currently compares rather favourably to the private sector where one in three (34%) large companies in the EU and at least half of the companies surveyed in ten countries had men-only boards and another third (32%) of companies had just one female representative; in Europe's largest publicly quoted companies, on average, only one out of ten board members is a woman and so are only 3% of board chairpersons (European Commission 2012: 22). With such a small corporate board, however, it would only take the appointment of a new male High Representative to throw the ratio well below the desired level.

There is evidently no ideal balance and the idea of quotas, which was briefly considered in the case of geographical balance, should be resisted since it is incompatible with the concept of merit. Of the balances discussed above, the one pertaining to tertiary education is perhaps the most relevant for the EEAS, at least as an ideational goal. As will be seen in the following sections, the EEAS currently fails most of the balance tests mentioned above but the Service is not alone in this regard since it signifies more general imbalances in many of the EU institutions and the foreign ministries of the Member States. The notion of balance will therefore continue to be debated and will remain politicised, but at least the benchmarks discussed may serve as reference points for the following sections.

Gender balance in the EEAS

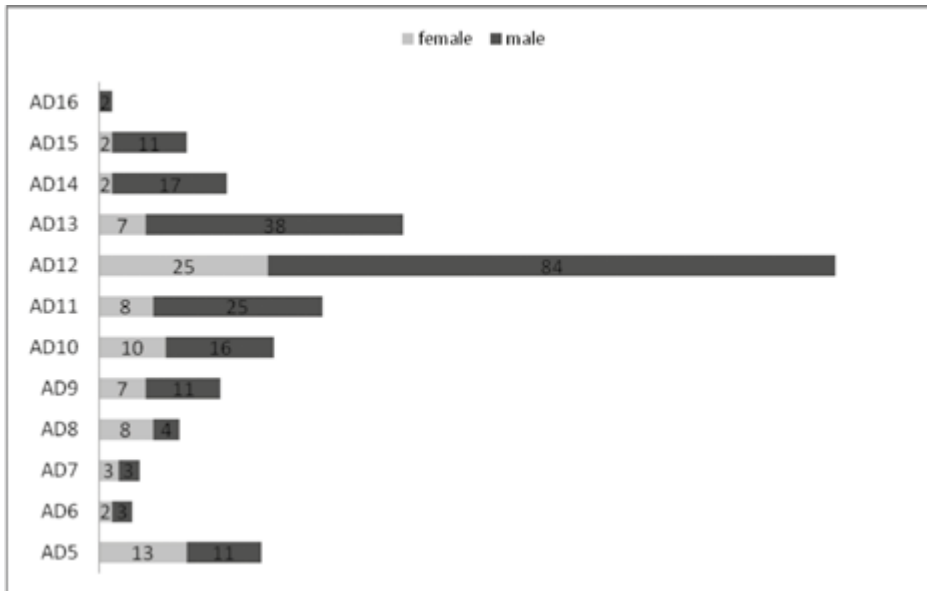
The new Service came into being on 1 January 2011 based upon the Council decision of 26 July 2010 and following the necessary amendments to the staff and financial regulations and the 2011 budget. In the lead up to the creation of the EEAS much of the concern with balance was aimed at the geographical aspects, with less attention being paid to the gender dimensions, until the Swedish Presidency Report of 23 October 2009 which first underlined the need for «a meaningful presence of nationals from all EU Member States in the EEAS and aiming towards gender balance» (Swedish Presidency 2009: 7). The Greens in the European Parliament have claimed that it was at their insistence that «gender balance plays an important role in the role of the new service and women are to be proactively promoted» (Brantner, 2010). Thereafter, the issue of gender balance was consistently reflected in the positions of the

European Parliament as well as the speeches of the newly appointed High Representative for Foreign Affairs and Security Policy, Catherine Ashton.

The initial size of the EEAS, excluding the national diplomats on temporary assignment was 1,643. This consisted of 585 posts transferred from DG Relex (Directorate-General for External Relations); 436 from Commission delegations under DG Relex; 93 from DG DEV; 411 from the Council Secretariat; and 118 new AD posts (EU Press Release RAPID 2010). As of June 2012, 3,346 people worked for the EEAS. Of these, 1,443 work in the headquarters, while 1,903 work in the delegations. But, it should be borne in mind that of the latter, 1,129 are local agents based in the delegations. National diplomats working on temporary assignment in the EEAS were, according to the Council decision of July 2010, to constitute no more than one-third of the administrative (AD) staff.

These general figures give rise to the question of whether the EEAS faced a significant legacy problem based on its initial composition. Figures from DG Relex, just prior to its dissolution, suggest that this may be the case.

Figure 1. Composition of DG Relex. December 2010 (Administrative grades) (Source: SysPer.2 snapshot, European Commission, 21 Dec. 2010).



These figures immediately suggest small numbers of females at most grades, other than the most junior (AD 5). The imbalance is most obvious at AD12-13. The high overall numbers at this grade also suggest that access to

Figure 2. Composition of DG Relex December 2010 (Assistant grades) (Source: SysPer.2 snapshot, European Commission, 21 Dec. 2010).

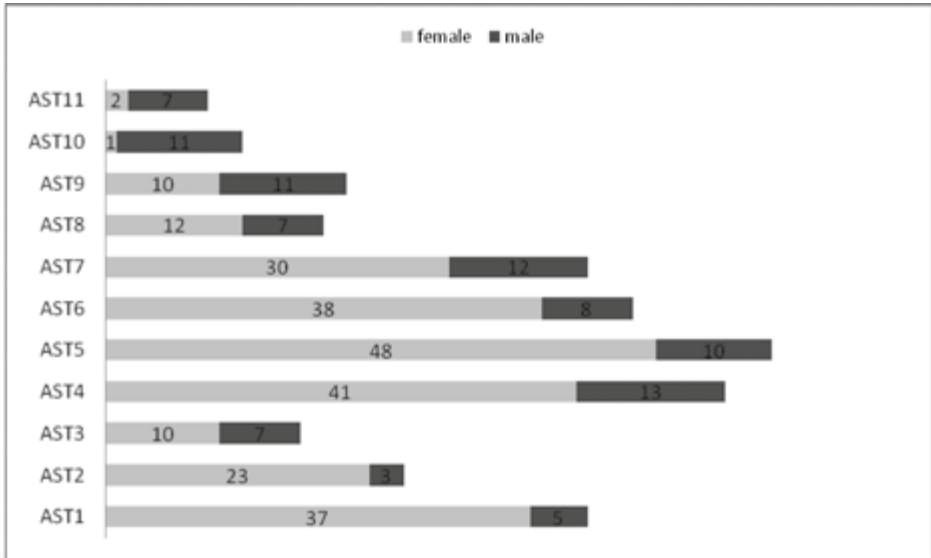
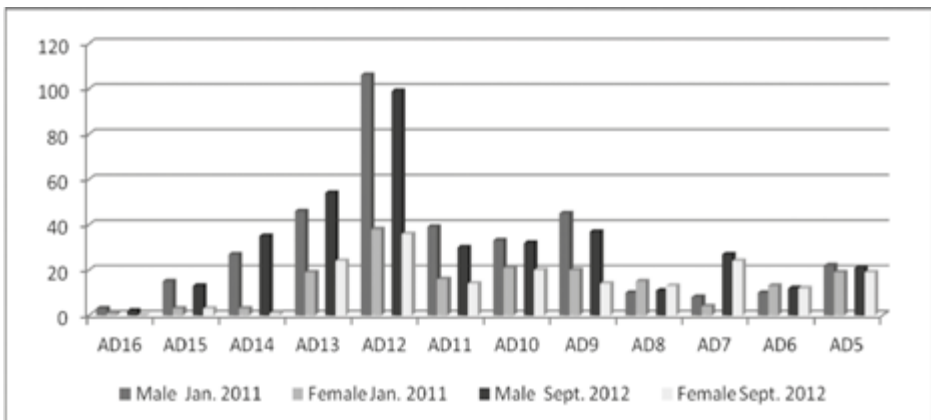


Figure 3. Staffing in the EEAS by grade and gender (Administrative grades) (Source: Staffing in the EEAS, European External Action Service, 1 June 2012).



the highest grades is highly competitive and restrictive. Although DG Relex was only one of the constituent parts of the new Service, similar patterns emerged from the staff transferred from the Council Secretariat (although the relatively high numbers of seconded staff working in various aspects of crisis management, who are predominantly male, introduced its own dynamics and complications).

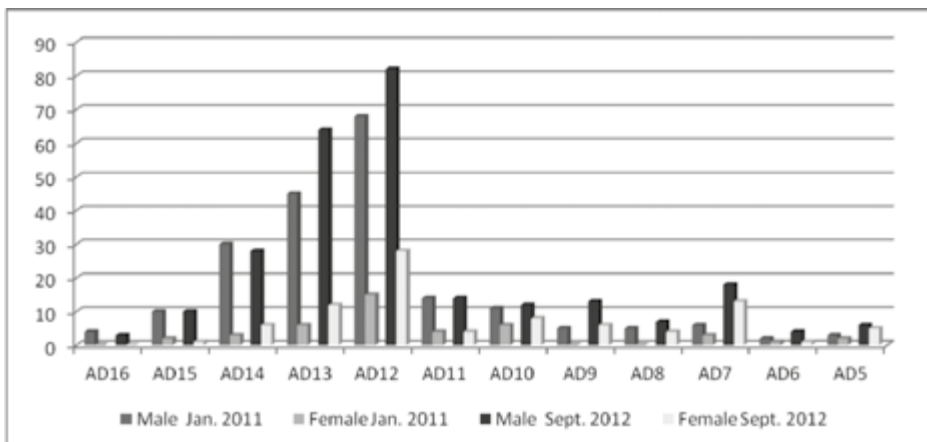
If we look at the assistant (AST) grades for DG Relex, the picture is dramatically reversed. The numbers of female AST employees is dramatically higher compared to males, with the notable exception of the two highest grades (AST 10-11).

Much of the concentration in terms of gender balance has been on the AD levels, in part because these are more politically visible and prestige is attached to these positions by the incumbents and, in the case of national diplomats serving in the EEAS, the Member States themselves. It is possible to argue that some form of overall 'balance' could be struck by considering all grades, but this is clearly not where the political interest in gender (and geographical) balance lies.

The broad trends sketched above are, unsurprisingly, now reflected in the current gender composition of the EEAS in the headquarters. Men are numerically dominant in most grades, with the inequality becoming more apparent at the senior levels. The figure suggests that in time more women may rise to the higher grades within the Service, but this presupposes that the evident 'bulge' at grades AD12-13 will have dissipated naturally – through promotion in a few cases, but otherwise by retirement.

If we turn briefly to the delegations, the picture is broadly similar with an even more apparent imbalance at AD-12-13. The delegations are subject to special considerations since a whole host of considerations come into play such as spousal employment opportunities, family considerations, parental leave as well as safety and security. These problems are by no means gender specific, but the figure above again suggests that the senior positions in the 141 delegations are dominated by males.

Figure 4. Staffing in the EU Delegations by grade and gender (Administrative grades) (Source: Staffing in the EEAS, European External Action Service, 1 June 2012).



Women in the most senior positions in the EEAS headquarters between the grades AD14-16 currently represent 4 (compared to 49 men) and 7 in the delegations (compared to 44 men). At the level of heads of delegation, which has been subject to considerable attention from both the gender and geographical perspectives, there are 24 women (19.2%) among the 125 heads of delegation (or equivalent). Of the 125 Heads of Delegation posts, 40 are occupied by Member State diplomats, of which 8 are women (or 23.5%). More generally, women constitute 29.0% of staff at AD level and 24.3% of staff in delegations. They represent 47.4% of staff in headquarters (38.2% in delegations) at AD5-8. At AD 9-12 the figures are 29.4% and 27.5% respectively and, at AD13-16, 21.7% and 15.0%.

Table 1. Women in the EEAS (Source: Directorate General for External Policies-Policy Department (2013), *Achieving geographical and Gender Balance in the European External Action Service, AFET*).

Women in the EEAS: overall numbers, separated for headquarters (HQ) and delegation (EUDEL) and across the ranks.

AD level (overall) = 257 (29.0%)
 In EUDEL (overall) = 24.3%
 AD5-AD8 = 47.4% in HQ, 38.2% in EUDEL
 AD9-12 = 29.4% in HQ, 27.5% in EUDEL
 AD13-16 = 21.7% in HQ, 15.0% in EUDEL

National contributions – not a panacea

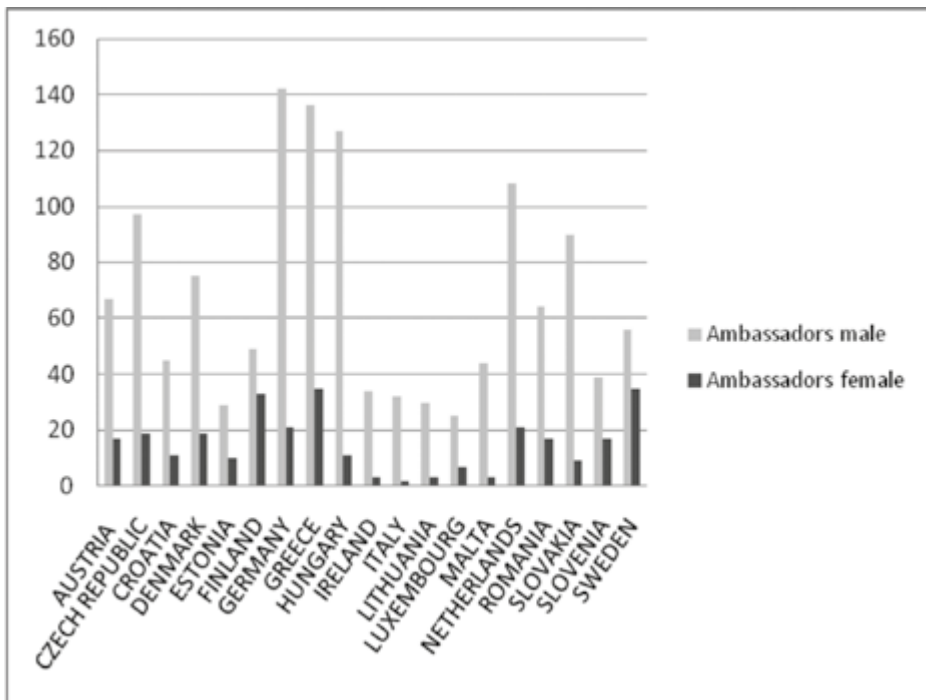
The third issue posed above is how any rebalancing might be attained (albeit with an ill-defined concept of balance). The first and most obvious way would be through recruitment. The short-term possibility for this was limited by the initial composition of the Service, with only around 100 allocated new positions (20 in the headquarters and 80 in the delegations). The second possible way would be to rebalance through the temporarily assigned national diplomats coming into the Service. It will be recalled that up to one-third of the AD posts in the Service should be allocated to national diplomats which, in numerical terms, means around 250 appointments spread over the headquarters and the delegations. Critically, any attempts at rebalancing in this manner rest upon the assumption that the Member States, generally speaking, exhibit different gender distribution patterns than the EEAS. This, as we shall see, is not the case.

In research conducted by the author and Sabina Lange for the European Parliament on gender distribution in diplomatic services of the EU Member States, Italy was fairly typical in terms of the general trend (Duke and Lange

2013). In July 2012, a conference on Women in Diplomacy was organised in the Palazzo della Farnesina. Foreign Minister Giulio Terzi noted that women constitute only 18.5 % of the entire Italian diplomatic service, and represent only 49 heads of diplomatic and consular missions (out of a total of 123 diplomatic and 531 consular missions). Women, however, represent only 8% of Italian Ambassadors, Envoys Plenipotentiaries and Ministers Plenipotentiaries. Having said this, the numbers of female recruits are rising, reaching 30 % in 2011. A number of women have recently been appointed to top management positions (Terzi 2012).

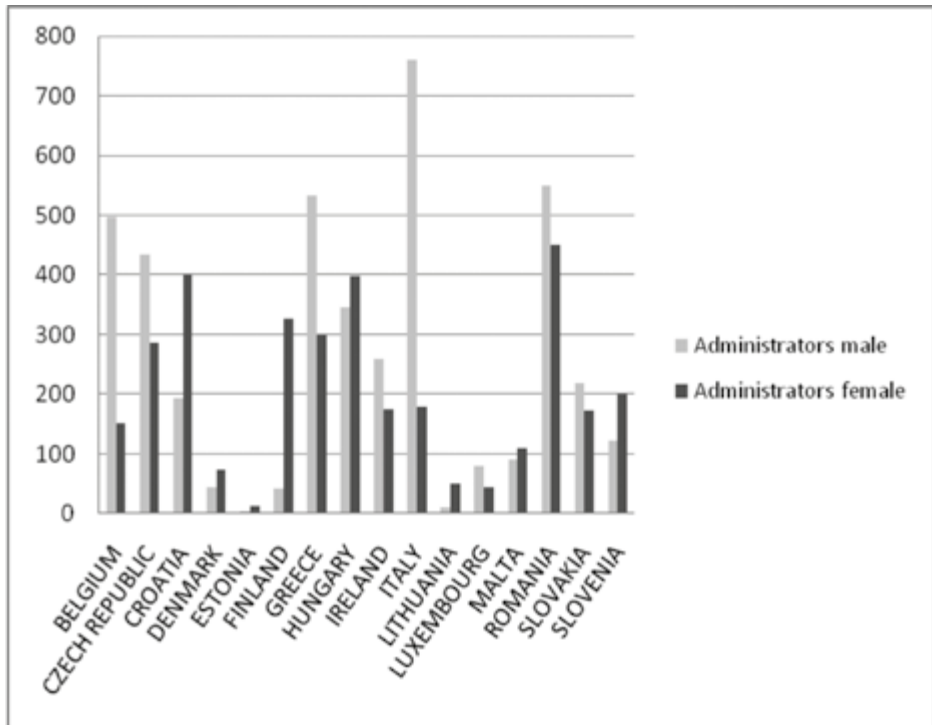
The number of ambassadors extraordinary and plenipotentiary in our selected EU Member States (and Croatia) illustrates similar trends to those in the EEAS with the vast majority being male (with Croatia, Finland and Sweden being the most balanced numerically and Germany one of the most unbalanced in the sample).

Figure 5. Gender of Ambassadors of selected national foreign ministries (Source: Duke and Lange 2013).



The same information, but this time for administrative grade staff (AST equivalent in the EEAS), illustrates broadly similar trends to those witnessed in the EEAS. At these grades females are far better represented and in several

Figure 6. Gender of the administrative grade staff in selected national foreign ministries (Source: Duke and Lange 2013).



cases (Croatia, Denmark, Estonia, Finland, Hungary and Slovenia) they even represent majorities. As in the EEAS though, there is no automatic jump from administrative grades to higher grades.

Even if the lower diplomatic grades are considered, such as minister counsellor grade staff, the same countries exhibit broadly the same patterns as those in evidence at ambassadorial/plenipotentiary grades (the only notable exceptions being Croatia, Finland and Slovenia where equal or majority female appointments exist).

The implications of these broad trends, which are admittedly not comprehensive, is that any short-term rebalancing of any perceived gender imbalance in the EEAS is unlikely to be secured through national appointments to the Service. The predominance of men, especially at the higher echelons of the national diplomatic services, obviously implies that most of the successful applicants for the politically visible jobs in the EEAS will be men.

This rather glum picture needs to be slightly rebalanced by the observation that there have been improvements, mainly at the higher levels of the Service through appointments to delegations. Although these appointments may be

dismissed as symbolic, or even as tokenism, it is important to bear in mind the earlier observation that the High Representative has made a personal commitment to ensure geographical and gender balance in the Service and that there is relatively little scope for rebalancing through normal appointments, with only 118 new appointments at AD level scheduled at the beginning of the Service's operations. The regular rotation from and to the EU's delegations, which fall under the EEAS, provides an exception to this rule by providing the chance to visibly try and rebalance in a politically visible manner. In addition, the stipulation that the 2013 review of the Service shall cover the geographical and gender balance aspects has, presumably, concentrated minds.

The rotation of staff to and from the delegations occurs on an annual basis, with the normal 'tour' being around four years. This implies that roughly one-quarter of the Head of Delegations (and deputy) posts become available each year. Although there are 141 delegations, there are 125 Head of Delegation positions.² In 2010, 32 posts were available (three were subsequently re-advertised), of which seven went to women. The following year saw 29 positions available, with eight appointments (all heads of delegation) going to women. Data provided by the EEAS shows that the 2012 rotation saw 42 posts available at management and non-management levels with 1,769 applications being received for all positions (EEAS 2012: 6). Of these applications, 12.1% of the applications for management positions were made by women and 28.4% of the applications for non-management positions. At the management level, 22 (13.4%) of the 164 pre-selected applications were made by women, while at non-management level 39 (22.5%) of the 173 pre-selected applications were made by women. Hence, the proportion of applications from women for management positions goes up after pre-selection, while the proportion goes down in the case of non-management positions. At the management level, 3 of the 17 (17.6%) individuals finally selected were female, while for non-management positions 7 of 24 (29.2%) were female. For heads of delegation positions, the High Representative herself will conduct the second interviews with the candidates and ultimately make a selection. Of the 36 shortlisted for a second interview by the High Representative, 5 were women (13.8%) and of the 15 finally selected, 3 were female (20.0%). The situation in 2012 for the delegations was that 24 of the 125 (19.2%) Heads of Delegation positions were occupied by women. 40 of the 125 Heads of Delegation posts are occupied by Member State diplomats and, of these, 8 are women (23.5%). Of the 27 Deputy Heads of Delegation, 7 are women (25.9%).

Similar efforts have been made to recruit national diplomats, including those from the Member States who joined in 2004 and 2007 (in all, 12 Member

² The EEAS Staffing Report from 2012 notes that there are 121 Heads of Delegation; 2 Heads of Office (Kosovo and Hong Kong); 1 Head of Office/Commission Representative (West Bank and Gaza Strip); and 1 Special Envoy (Somalia). There are also 27 Deputy Heads of Delegation.

States). The gradual improvement in the recruitment of both national diplomats and women at senior levels in the delegations led the EEAS to conclude in its 2012 staffing report that:

... the process of recruitment of Member State diplomats into the EEAS as Head of Delegation level is assisting the achievement of greater geographical and gender balance at that level... The marked increase in the percentage of women, and the percentage of nationals from these 12 Member States, at Head of Delegation level compared to the situation before the entry into force of the Lisbon Treaty reflects the importance attached by the High Representative to this issue (EEAS 2012: 8).

Ashton herself had already been quick to note the improvement in the presence of women at senior levels in the delegations at the end of the previous year. She noted that there have been «significant improvements» in the presence of women «including in management and head of delegation positions» (from 11 female Heads of Delegation in 2009, there are now more than 30 women in management positions) (EEAS 2011: Para. 26).

The situation regarding the headquarters is not so rosy. The initial focus prior to the actual beginning of operations of the EEAS in January 2011 was to fill the senior positions in the EEAS, comprising the Corporate Board, the seven Managing Directors of the Divisions, the Chair of the Political and Security Committee and the Crisis Response and Operational Coordination. In addition, other posts, like the Head of the Joint Situation Centre and the Directors, were highly contested. The situation regarding the Corporate Board has already been reflected upon above with two of the five members being female. Other than the Corporate Board, it is difficult to find women at the most senior levels. Of the seven Managing Directors for the geographical or thematic divisions, one is female (her position was the last appointment to be made at that level and had to be re-advertised several times). Of the 26 initial senior appointments, three are women (11%). Perhaps more revealingly, of the 32 former Special Representatives none were female and, of the current twelve, only two are women. At the unit level women have been appointed, even in the heavily male dominated crisis management area. This, however, takes us back to the more general picture sketched above where women are heavily outnumbered by men at senior grades in the EEAS.

The overall picture is therefore one of some short-term and symbolic (whose importance should not be dismissed) improvement in female representation at the senior levels of the EEAS, but with the clear implication that longer-term and more structural solutions will have to be found to achieve any more meaningful gender balance.

Addressing imbalance: longer-term prospects

The arguments above suggested that any major gender rebalancing may be aided marginally by recruitment of national diplomats, but that this is unlikely to be sufficient by itself given the gender imbalances exhibited in many national diplomatic services. The situation with regard to the Member States is not static and inspiration may therefore be sought through national best practice and incorporated where relevant.

Best practice can obviously be divided into sub-components such as recruitment, promotion, posting overseas, family-oriented approaches and mainstreaming. Space prohibits a discussion of all of these. A number of respondents to an earlier study on this issue conducted for the European Parliament, which included Austria, Germany, Italy, the Netherlands and Romania, noted that they had specific measures to encourage women to apply to join the diplomatic service. Others, like the Czech Republic, Finland, Germany, Hungary and Ireland, have dedicated schemes to support women's career paths (Duke and Lange 2013).

Individual cases may offer inspiration. In Ireland's case there is an online Gender Equality Forum within the MFA (Ministry of Foreign Affairs) and a Women's Manager's Network is to be launched shortly. The Management Advisory Committee has a sub-group on Gender Equality (established in July 2012) and the committee may also call on advice from a Gender Equality Expert. In addition, specific training ('confident communications') has been offered to female employees. The Dutch MFA has instituted a policy «aimed at promoting diversity and inclusiveness». Specific attention is paid to achieving a balanced gender composition during the rotation of posts. When it comes to recruitment, the 'commissions' (selection committees) consists of equal numbers of men and women. The Dutch MFA has also set themselves specific targets to achieve (30% women in grades 14 and higher and 4% in grades 15 and above). The Austrian MFA also has a specific mentoring programme for women.

The Italian MFA has made a commendable commitment to facilitating the appointment of its married staff to the same office abroad or to cities where different branches of the Italian diplomatic and consular structure are deployed. The provision of a kindergarten for Italian MFA employees is also noteworthy. In other cases, like that of the United Kingdom, gender equality has been promoted as part of a wider drive supported by legislation for greater equality and diversity in the civil service generally. The United Kingdom is also of interest since the Foreign and Commonwealth Office has set as an objective for its 'senior management structure gender profile' to increasingly represent the «gender profile of the UK's working population», which suggests a possible criteria for 'balance' (Foreign and Commonwealth Office 2012: 21).

The national MFAs might usefully be encouraged to systematically collect data on the role and rank of women in their respective diplomatic services and to share this information, along with any 'best practices' so that national experience can be distilled into internal guidelines on gender and other forms of balance. This exercise might usefully be complemented by regular conferences, hosted alternately by the EEAS and a Member State (perhaps the rotating Presidency), on issues of balance and diversity. The results of the information shared by the Member States and conferences should then be used to formulate a longer-term strategy for gender balance in the EEAS.

Beyond this, there is the need to promote longer-term solutions to any perceived gender imbalance – the danger is that awareness may dip after the hurdle of the 2013 review is crossed. Hence, continuing recognition on the need to attract, retain and promote women is warranted. In addition to the more strategic dimensions of gender (im)balance, mentioned above, some more simple and relatively low-cost structural changes might be considered. These include the insertion of standard clauses into all EEAS vacancy notices which includes a reference to the gender (and geographical) balance objectives of the Service and its support for a family-friendly work environment. All promotion and selection panels should include at least one representative of each gender.

The general responsibilities befalling the CCA with regard to gender balance were noted above. With this in mind a *rapporteur* could be attached to the CCA, acting under the authority of the chair, to promote successful career development and to instil best practices in recruitment policy – including gender aspects. The *rapporteur* should be charged with specific responsibilities for gender and geographical oversight and to develop criteria, to monitor and report on these aspects. The *rapporteur's* observations should be routinely included in the EEAS's annual staffing report, as well as information provided to the European Parliament and the Council. The CCA should also incorporate gender sensitive practices into the composition of its selection and promotion panels which may imply the use of more national expertise.

A Partners and Children's Facility might also be created in the EEAS in order to encourage more partners to serve in delegations, or to accompany partners, with specific information on job prospects at the location of the delegation in question, as well as re-entry advice upon return from delegations. Information on local employment at the site of the delegation might usefully be shared and pooled with the local EU Member State representations.

Mentoring roles are generally underdeveloped in the EEAS and, given the heavy responsibilities incumbent upon senior women in the Service, time is an important consideration. Nevertheless, informal mentoring networks that have been promoted informally at high level in the Service might usefully be expanded and emulated. The degree of formality will depend upon what

is envisaged; the sharing of advice and experience can be done informally, while the possible implementation of policies designed to promote the role of women would require more formal preparation and training, as well as possible external support and guidance.

Conclusions

This brief overview of gender balance in the EEAS suggests three principal conclusions. First, the notion of 'balance' remains hazy but in the case of the EEAS it is obviously important that the Service (as well as the EU institutions) should reflect the societies in which EU citizens live, if any longer-term sense of ownership of the Service is to develop.

Second, the EEAS is facing several imbalances (gender, geographical and seniority) which should not be conflated but, by the same token, they cannot be entirely separated. More thought needs to be devoted to longer-term strategic solutions to each of these forms of imbalance. Existing measures to address gender imbalances have been focussed on mainly high-level appointments where differences can be made; this is most notable when it comes to the appointment of heads and deputies of delegations. The symbolic nature of these appointments should not be under-estimated, but at the same time it does not detract from the urgent need for a far more focussed and longer-term strategic approach to gender issues within the Service.

Third, the role of the Member States is critical. As has been illustrated, they are both part of the problem and the solution. They are the former since many EU members exhibit similar trends to those found in the EEAS. They are the latter in the sense that there is growing consciousness of gender-related issues in the MFAs of the Member States and a number may be looked upon as sources of inspiration for potential best practices that the EEAS might usefully integrate when it can. There is also much that could be done within the EEAS to promote the role of women. Many of the suggestions made in the previous section are low-cost but, more importantly, all would require a certain measure of political will to change the *status quo*.

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Gender protection in the context of the EU's external relations

Marta Martinelli

Abstract. The horrifying reports of sexual violence during the conflicts in Bosnia and Rwanda at the beginning of the 1990s forced the door open to international reflection on the place of women in peace and security matters. It had become blatantly clear to policy makers that women and girls experience war in a different and gendered specific way than men.

Several UN Security Council Resolutions established the overall reference framework for gender protection. These, together with the EU impressive work on gender equality in its internal policies, opened the way for the EU's own approach to gender protection in its external policies (such as human rights, development and peace and security).

The EU understands gender protection in a comprehensive way leading to several implications: political – in that gender, peace and security issues are meant to be an integral part of the EU political dialogues and consultations with third countries and regional organizations; operational – as the EU commits to mainstreaming a gender equality approach in its policies and programs; and strategic – as comprehensiveness guides the EU's funding of gender relevant initiatives to include protecting, supporting and empowering women in a disadvantaged position (and ensuring that men are involved in the process of improving the status of women and gender equality).

Acceleration of gender mainstreaming in all EU policies, documentation and programming from the late 1990s and early 2000s has led to a favourable environment for gender protection in EU external policies and the EU is now a major actor within the field of gender protection and promotion. However, the policy goals of gender mainstreaming continue to be hindered by dominant policy frames based on a hierarchical gender distribution of power. Not only there is a need to increase the number of women across all the spectrum of the EU institutions that implement EU's external policies but visible and sustainable effects on the ground can only be achieved when the attitude of those in leading positions becomes truly receptive to gender issues. Difficulties relate to lack of resources and expertise; poor engagement with local civil society and women's organizations; lack of systematic and reliable data allowing for evidence and needs based programming; imperfect learning mechanisms; inconsistency in mandates as well as unclear objectives, lines of responsibility and weak Monitoring and Evaluation mechanisms. Member States' unwillingness to invest resources that are proportionate to such commitments is also responsible for implementation shortcomings.

This leads the chapter to conclude that although the framework of the EU gender policies is well developed, the transformative effects of gender mainstreaming remain relatively limited.

Introduction

Since the Beijing Fourth World Conference on Gender and Development in 1995, Gender Mainstreaming (GM) was introduced as a strategy in international gender equality policy. The Conference concluded that «Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that before decisions are taken, an analysis is made of the effects on women and men, respectively» (UN 1996).

The ensuing Beijing Global Platform for Action, sets out a programme for equality between women and men in twelve critical areas: Women and Poverty, Education and Training of Women, Women and Health, Violence Against Women, Women and Armed Conflicts, Women and Industry, Women in Positions of Power and Decision-Making, Mechanisms for Promoting Women, Women's Human Rights, Women and Media, Women and the Environment, and Girls. These were considered by delegates at the Conference as areas of fundamental importance if equality between women and men is to be achieved 'worldwide'.

Since the 1995 landmark event, gender mainstreaming has become the process through which donor organizations have attempted to integrate gender into development analysis, political dialogue with partner countries, sector development interventions and operations, with the aim of making gender a key element of policy making for donors and recipients alike in order to improve gender equality and the prospects for equitable and sustainable development. Whilst the initial focus was on development and economic policies, gradually gender mainstreaming has been extended to other areas of donors' external relations: from peace and security to human rights, and has included mainstreaming, protection and promotion components.

This contribution looks at developments in the area of gender mainstreaming in EU foreign policies and will focus more particularly on the notion of gender protection. Protection has a distinctive reactive character and applies in particular to situations where gender relations are under increased stress due to conflict or unstable contexts. Whilst the EU work on gender mainstreaming and its promotion continues to date, the international security dynamics of the 1990s have dramatically brought to the fore the need for policy makers to reflect in terms of protecting women and girls from specific gender based violence during conflict or in times of state fragility. The research focus will thus make specific reference to EU policies fostering a protection agenda and applicable examples of implementation, particularly in the areas of development, human rights and peace and security policies.

The EU and Gender Mainstreaming: a long, bumpy path

Gender equality as a value and a policy to pursue in the European Union has been elevated to 'constitutional status' from the very beginning of the history of the EU as it is enshrined in the constitutive treaty of the European Economic Community. Article 119 of the 1957 Treaty of Rome provided for equal pay for equal work for both women and men. Although the aim of the article, at the time, was one of harmonising labour costs (thus with an economic finality) the EC debate took place within the framework of an ongoing international post-World War II discourse of expanding human rights of women and men in general (Lister 2005).

In spite of promising beginnings, the path to promoting gender equality within the EU was going to be a long and difficult one. Commission President Prodi acknowledged in 2000 that while the EU had made progresses in terms of employment rights for women lagged behind (Prodi 2000). Despite some gains mostly marked by decisions of the European Court of Justice, the EU's policies on gender have not been as bold as wished for: for instance, EU support for 'positive discrimination' in employment in favour of women in order to balance past discrimination, and measures to combat sexual harassment in the workplace, have been partial. As recently as 2012, at odds with EU commitments to promote gender equality, Commissioner Reding's proposal to enforce a 40 percent quota of the «under-represented sex» on the boards of publicly listed companies in the EU by 2020 has been refused by nine Member States (amongst them the traditionally progressive UK and the Netherlands) and several members of the European Commission (amongst them, Ms Ashton herself).

EU's gender policies have generally suffered from a 'top down' approach focused on law, employment and infrastructure to the benefit of mainly middle class and professional women. They were less focused on promoting the rights of grassroots organizations and poor or socially excluded women. Traditionally excluded categories such as immigrant women and men, for instance, have often had their social and family reunification rights subordinated to immigration control laws in the EU.

The «pay for equal work» clause of the Treaty of Rome, was significantly expanded in the 1992 Treaty of Maastricht. Article 141 prescribed also equal treatment of men and women in employment and occupation and allowed for 'positive actions' to facilitate access to a vocational activity by, or to compensate for disadvantages in professional careers for the under-represented sex (Lister 2005).

Following the 1995 Beijing Fourth World Conference on Women, the EU has progressively committed to gender equality as a goal and to gender mainstreaming as a tool for accomplishing it (European Commission 2003a). Gender mainstreaming implies that both women and men participate jointly

in planning and setting the development agenda, so that the interests and needs of both sexes are met in practice. The same year the Commission issued a Communication to the Council and the Parliament on *Integrating Gender issues in Development Cooperation*, followed in 1996 by another communication entitled: *Incorporating Equal Opportunities for Women and Men into all Community policies and activities*. The Commission's communiqués of 1995 and 1996 both focus on gender mainstreaming in the context of development and external relations. The European Council recommendation *On the balanced participation of women and men in the decision making process* specifically referred to the Beijing Platform for Action and argued that balanced participation was a requirement for democracy and would result in more justice and equality *in the world* for both sexes (European Council 1996). Interestingly, the issue of participation in decision-making will be later echoed in several UN Security Council Resolutions that have been instrumental in placing men and women equal participation at the core of peace and security processes.

The European Council also committed the EU to a strategy of Gender Mainstreaming at the time defined by the Commission as aimed at ensuring

...that in all phases of the political process – planning implementation, monitoring and evaluation – account is taken of the gender perspective. The goal is the promotion of gender equality between women and men. Under the Gender Mainstreaming concept, all policy measures must constantly be monitored for their effects on the life situation of women and men and, if necessary, revised. Only in this way can equality of the sexes become a reality in the lives of women and men. All people – within organisations and communities – must be given the opportunity to make their contribution to the development of a communal vision of sustained human development and to the realisation of this vision (European Commission 1996).

In the 1996-2000 EU fourth medium term program for action on equal opportunities for women and men, GM is extended to national, regional and local levels.

The Parliament has also contributed to the development and implementation of gender equality policies through its European Parliament's Committee on Women's Rights and Equal Opportunities (FEMM). Since 1999, the Committee has been active in monitoring the Commission's performance on gender issues. It is responsible for: the definition, promotion and protection of women's rights in the Union and related Community measures; the promotion of women's rights 'in third countries'; equal opportunities policy; the removal of all forms of discrimination based on sex; the implementation and further development of gender mainstreaming in all policy sectors; the follow-up and implementation of international agreements and conventions involving the rights of women and information policy on women.

EU Policy framework enabling gender protection

Work on combating gender discrimination took up an added connotation in 2008 when gender protection and women's rights were prioritized in the *EU Guidelines on violence against women and girls and combating all forms of discrimination against them* (2008a); the same year the EU adopted a *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security* (CA) (Council of the European Union 2008b). The comprehensive approach provides guidance to ensure that the EU's external actions are shaped to protect women from violence and that they contribute to greater gender equity for both men and women during and after armed conflict. In realizing that the biggest challenge to effective implementation of UNSCR 1325 remained the prevention and response to Sexual and Gender-Based Violence (SGBV), the guidelines tend to emphasize the peace and security dimension. However, they also refer to fragility contexts and to reconstruction and development work, thus framing EU action beyond the peace and security agenda and beyond a merely reactive approach. Furthermore, they establish at the onset that the notion of gender refers to the roles of both sexes and that a gender perspective includes the role of men. In referring to gender mainstreaming, the EU adopts the Council of Europe definition that understands it as:

The (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by the actors normally involved in policy-making.

Specific gender equality policies and gender mainstreaming are dual and complementary strategies and must go hand in hand to reach the goal of gender equality' (Council of the European Union 2008c: 5).

Finally, in advocating a holistic approach to gender protection the EU «recognizes the close links between the issue of peace, security, development (including the promotion of women's economic security and opportunities and access to health services and education) and gender equality» (Council of the European Union 2008c: 7-9).

Political, operational and strategic implications for EU foreign policy

The EU Comprehensive Approach has several implications: 'political' – in that gender, peace and security issues are meant to be an integral part of political dialogues and consultations with third countries and regional organizations; 'operational' – as the EU commits to mainstreaming a gender equality

approach in its policies and programs; and 'strategic' – as it guides its relevant instruments such as the European Development Instrument, the European Instrument for Democracy and Human Rights and the Stability Instrument to be targeted at protecting, supporting and empowering women in a disadvantaged position (and ensuring that men are involved in the process of improving the status of women and gender equality).

The political dimension of the CA is evident in the insistence that EU political dialogues with the authorities in third countries are as many opportunities to raise gender protection concerns. For instance, since 2009 the EU has systematically included an item on women peace and security in the EU-Africa Union Human Rights Dialogue. Political dialogue is key to ensuring that women's rights are not treated as a footnote in policies but are consistently and automatically discussed in policy and programming debates. Political dialogues also provide the occasion for EU actors to act as facilitators of contacts between local authorities and civil society organizations. This is all the more relevant for EU actors on the ground. EU-Partners' political dialogues are important also to ensure alignment between donor and government's priorities. However, the extent to which gender is mainstreamed into dialogue with partner countries is variable because not all donors place equal importance on including gender in their aid modalities (hence the EU and Member States harmonization on the ground in this regard is paramount to the success of GM in political dialogue processes); and partner governments do not always include gender mainstreaming as part of their poverty reduction strategies.

The EU's commitment to gender mainstreaming in its external policies is strengthened by the inclusion of gender elements in the EU Special Representatives' (EUSR) mandates: with their geographic and thematic mandates they must not only keep regular contact with the relevant national authorities, human rights observers and civil society organizations but also include gender aspects in their reporting back to Brussels. However, this is not yet fully harmonized across all the EUSRs' mandates: for instance, the EUSR for Bosnia and Herzegovina's (BiH), extended to 2015, includes only a general reference to contributing to development and consolidation of respect for Human Rights and engaging BiH authorities on their full cooperation with the international criminal tribunal for Former Yugoslavia (which, admittedly, deals with a large case-load of gender based violence crimes committed during the wars in the area). Furthermore, most of the EUSR's mandates wording is in the sense of contributing to developments and consolidation of respect for EU HR (Human Rights) guidelines, the guidelines with regard to women and children in armed conflict and on consolidating the EU guidelines on violence against women and girls. However, when it comes to the methods there are wide discrepancies with EUSRs at times requested to contribute developments, other times to monitor and address developments in this regards, yet other

times being requested to monitor, report on development and formulating recommendations (as in the case of the EUSRs for the Middle East Peace Process and the Southern Mediterranean Region).

Heads of EU delegations, now having full ambassadorial status since the establishment of the EEAS (European External Action Service), also have a role to play in ensuring that gender protection and promotion are included in discussions with the authorities of countries they operate in. Furthermore, they have a responsibility to coordinate EU and Member States policies on the ground, including in relation to responses to sexual and gender based violence. They are requested to systematically include in their reports a section on compliance with human rights and a specific focus on women's fundamental rights, particularly physical integrity and non-discrimination. Finally, the delegations' role in relation to gender protection is strengthened by the inclusion of a gender and human rights focal person per delegation.

In 2013, the EU's priorities for gender promotion in external policies focus on: a) increased work on empowering women, abolish discrimination and tackle violence against women; b) increased cooperation with regional and multilateral bodies to follow in particular the revolutions in the Arab world, the EU plans to increase contacts with the Arab League with a focus on political participation (including women); c) promote the adoption of National Action Plans in third countries. Whilst aware that NAPs (National Action Plan) are strategic documents and that implementation remains problematic, the EU considers that NAPs provide the occasion for states' administrations and bureaucracies to engage in joint reflection on the place of gender issues in national policies. They are thus important processes to increase gender awareness across all state institutions and represent a first step towards shared understandings and joint programming.

The HR dimension

The *EU Guidelines on violence against women and girls and combating all forms of discrimination against them* (cit 2008a) albeit with a specific focus, intend to reaffirm the EU's commitment to the universality of human rights. The guidelines provide a three-pillar framework whereby initiatives to combat violence against women include prevention, protection and support for victims and prosecution of perpetrators. Political dialogue, individual cases, reporting and programmatic initiatives to combat impunity are as many parts of the tools at the EU disposal.

In its relations with local authorities the EU must focus on the degree to which the national legal framework complies with international standards and the effective implementation and follow up to internationally derived

commitments. Individual cases are also meant to be given particular prominence, such as in the case of violence, threats, harassment, and repression of female human rights defenders.

A striking oddity in the system is the lack of reference to gender protection issues in the mandate of the recently appointed EU Special Representative for Human Rights. However, the *EU Strategic Framework and Action Plan on Human Rights and Democracy* that he is meant to implement, includes references to UNSCR 1325 and 1820 and states that «The EU will continue to campaign for the rights and empowerment of women in all contexts through fighting discriminatory legislation, gender-based violence and marginalization» (Council of the European Union 2012b: 4).

Fight against impunity is also a key element of gender protection in EU human rights policy. It is operationalized through specific budget allocations from the Development Cooperation Instrument, the Instrument for Stability, the European Instrument for Democracy and Human Rights and relevant geographic instruments to support justice institutions.

Existing forms of justice often discriminate against women and strengthen gender power imbalances particularly on issues of access to property and economic rights. Thus, EU development projects with a gender protection focus go from improving women's access to justice, to increasing the interface between women and the judicial institutional actors and strengthening the institutional capacities of local justice systems. For instance, in the Democratic Republic of Congo through the REJUSCO program for the restoration of the judicial system in Eastern Congo, the EU has contributed to improving women's access to justice and training women magistrates and lawyers. Linking to the CSDP (Common Security and Defence Policy) missions present in the country—EUSEC (European Security Sector Reform Mission) and EUPOL (European Police Reform Mission) - REJUSCO has also supported the organization of two workshops on the role of women in the security sector with political and administrative authorities and women's organizations active in the Kivus. The debate focused on equal opportunities in the security sector; the participation of women's organizations in security debates; and security forces' perceptions and recommendations on the impact of the reform on gender issues. Finally, the EU has supported the *Comité mixte de justice*, a forum where local authorities, civil society and international donors work to implement a commonly agreed justice reform plan.

The development dimension

The concept of women in development (WID) emerged in the early 1970s in reaction to the perceived exclusion of women from development interven-

tions. Women were perceived as neglected economic resources who had been ignored or sidelined as caregivers and housewives. The belief emerged that if women were incorporated into development processes, they would improve a country's economic development. This led to setting up intervention modalities with a focus on micro-credit, education, and technology that aimed at improving the status and livelihoods of women. However, as the WID framework did not challenge existing gendered social relations of male dominance it became increasingly criticised. This led to the development of the concept of gender and development (GAD), later adopted by donor organizations as a key tenet of their development policies. The GAD approach aims to understand the power dynamics between men and women and use that understanding to generate development processes that effectively empower women resulting in sustainable socio-economic change. In this respect, EU gender mainstreaming in its development policies, is established within a GAD agenda.

The European Consensus on Development (2005); the 2007 European Commission *Communication on Gender Equality and Women's Empowerment in Development Cooperation*; the subsequent Council *Conclusions on Gender Equality and Women's Empowerment in Development Cooperation*; the 2008 *EU Agenda for Action on Millennium Development Goals* and the 2010 *EU Action Plan on Gender Equality and Women's Empowerment in Development* (2010-2015) firmly establish gender equality as a core value of the EU development policy. The latter in particular, concentrates on a «number of objectives where the EU has a clear comparative advantage» (European Commission 2010: 4) and develops a three pronged approach consisting of political and policy dialogue; gender mainstreaming and specific actions.

Country Strategy Papers (CSP) provide the basis for development financing and programming and must include a specific gender dimension. CSPs are prepared every five years in close consultation with partner governments. As such, they provide the main framework for an inclusive EU/third parties dialogue on gender and development issues and for the promotion of the participation of women in development as well as for their inclusion in conflict prevention, peace building and reconstruction at the programmatic level. Gender is also mainstreamed in the mid-term review of the CSPs. Following political dialogue with third parties, the EU can offer to support efforts in the implementation of their international obligations on women's rights. For instance, funds may be allocated to support the development of national action plans to implement the 1325 UN Security Council Resolution and the organization of national consultation processes to engage women's and civil society organizations.

EU delegations use a wide variety of financial tools to support gender protection objectives in host countries. The 2011 Council report on EU Indicators for the CA to the EU implementation of the UNSCRs (Un Security Council

Resolution) on women, peace and security, states that in 2009 and early 2010 the EU and the Member States spent about 200 million euros on women, peace and security related activities (such as Security Sector Reform, Disarmament Demobilization and Reintegration programs, human rights, civil society, health and education, humanitarian aid and development cooperation). For instance, the European Commission provided funding for 4.8 million euros in Afghanistan and the EU delegation in Kabul spent an additional 900.000 euros on gender relevant initiatives in the areas of human rights and civil society.

The European Instrument for Democracy and Human Rights (EIDHR) which provides direct support to local civil society organizations, is most widely used together with the European Development Fund and the Development Cooperation Instrument (which has a specific gender budget line). In Somalia, for instance, the EU has supported Somali women's groups to develop an advocacy movement (the Somali Women Agenda) for gender equality and women empowerment that has opened the space for women's participation in crucial legislative and policy processes such as the Constitution Commission. In Palestine, in 2009, the EU supported the production of four documentaries on gender, produced by young Palestinian women filmmakers, to document abuse and violence against women. Screening of the documentaries has led to an increase in reports of abuses to the local police. Furthermore, the European Commission humanitarian response to SGBV largely focuses on medical and psychological assistance to survivors. In 2010 in the DRC (Democratic Republic of Congo), 1,4 million euros were allocated to fund the provision of free medical care and services, as well as psychological activities to help survivors reintegrate in their communities.

Delegations also participate in the implementation of the EU comprehensive approach by seeking coherence with other donors in the countries where they operate. For instance, the EU delegation in Uganda, participates monthly in the Donor Coordination Group comprised of all gender focal points from all missions in Uganda, including EU Member States. Several EU delegations also organize monthly or bi-monthly meetings with civil society where women's rights are discussed.

The peace and security dimension: UN precursors

The horrifying reports of sexual violence during the conflicts in Bosnia and Rwanda at the beginning of the 1990s forced the door open to international reflection on the place of women in peace and security matters. It had become blatantly clear to policy makers that women and girls experience war in a different and gendered specific way than men. UN Security Council Resolution 1325 adopted on 31 October 2000 acknowledged the negative impact of armed

conflicts on women and was instrumental in reframing the discourse around women's role not only as victims but as key actors in conflict prevention, peace negotiations and peace building initiatives.

The EU gender protection initiatives implemented under the banner of its security and defence policies are tightly linked to UNSCR 1325 and subsequent UNSCRs 1820, 1888 and 1889 that together make up the now widely recognized Women's Peace and Security Agenda. This is best conceptualized by using four pillars (Dornig and Goede 2010: 5)

- (i) Participation: the agenda encourages UN Member States to increase the representation and active participation of women in all aspects of peace processes and security policy, particularly in decision-making roles and in institutions at the national, regional and international levels.
- (ii) Protection: the agenda highlights the need for respect, protection and promotion of human rights of women and girls. Conflict parties are called to take special measures in this regard and to end impunity for crimes with a specific gender dimension (such as gender-based violence).
- (iii) Prevention: the agenda encourages gender perspectives to be included at all levels of peacemaking, peacekeeping, peacebuilding and post conflict reconstruction with an aim of preventing and mitigating the impact of conflict on women and to ensure that women are key stakeholders in conflict prevention.
- (iv) Relief and Recovery: in addition to the above, the agenda includes a specific programmatic focus requesting that women and girls' needs should be duly taken into account in and addressed by relief, early recovery and economic recovery programs. Processes of national dialogue, transitional justice, reconciliation and post-conflict governance reforms such as Disarmament, Demobilisation and Reintegration (DDR) of ex-combatants and Security Sector Reform (SSR) should be gender-sensitive.

The UN-led Women Peace and Security agenda provides international actors including the EU, with an important reference framework. A key component of that agenda is the adoption of National Action Plans, meant to detail how partners will carry out its implementation in a context specific way. The EU itself has thus adopted its own AP, in 2010¹. However, criticisms highlight that the UN insistence on referring to 'women' in its policy documents and guidelines contributes to a distorted understanding of gender (Dornig and Goede *cit*: 7-8). When a genuine 'gender perspective' is adopted, the needs of both men and women should be taken into account and the special focus on the threats suffered by women and girls should contribute to overcoming

¹ EU Member States that have adopted a NAP to this date include: Austria, Belgium, Denmark, Estonia, Finland, France, Ireland, Italy, Lithuania, the Netherlands, Portugal, Slovenia, Spain, Sweden and the United Kingdom.

hierarchical and unbalanced gender relations. Social injustices however, are not tackled by the agenda and leave untouched the structural causes of gender inequality that contribute to women's insecurity. In spite of policy developments, protection of civilians and of women in particular, remains a challenge as UN and multinational operations tend to have as their primary aim the re-establishment of stability conditions so that political reconciliation and governance reforms can take place. Whilst 'protection' in UN parlance refers mostly to armed conflict situations as a critical area of concern, key international instruments for the promotion of women's rights go beyond the peace and security agenda: these include the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its optional protocol (1979); the Beijing Platform of Action (1995) focusing on women's empowerment; and the work carried out by international criminal courts to combat impunity of war crimes including gender ones, such as the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for Yugoslavia, the Special Court for Sierra Leone and other similar structures.

Equally important is the recognition that the protection of civilians and the promotion of a gender perspective do not apply only to conflict situations and do not rest only with peacekeeping and other forms of international operations. The primary responsibility for protecting civilians falls upon the respective governments, authorities and other bodies which control a given territory. These include: national and local authorities, the affected individuals and communities, and humanitarian and human rights organizations. Thus, diverse initiatives should be adopted to foster an environment conducive to protection. This is particularly relevant with reference to the EU's own response to women gender protection. In the framework of EU external policies, local actors are essential stakeholders and the EU's development, human rights and security and defence policies represent as many tools through which the EU can contribute to the wider international agenda.

Advancing gender concerns through the EU Common Security and Defence Policy

The EU policy on WPS (Women, Peace and Security Agenda) in the context of the Common Security and Defence Policy (CSDP) is informed by the three Ps - protection, prevention, participation - and is based on: the 2006 Council *Conclusions on Gender Equality and Gender Mainstreaming in Crisis Management* (doc. 14884/1/06); the *Revised Guidelines on the Protection of Civilians in CSDP Missions and Operations* (2010); the *Comprehensive Approach to the EU Implementation of UNSCR 1325 and 1820 on WPS* (2008b); the EU Council Document *Implementation of UNSCRs on Women Peace and Security*

in the Context of CSDP missions and operations (2012); and the *Indicators for the Comprehensive Approach to the EU implementation of the UNSCRs 1325 and 1820 on Women, Peace and Security* (2010) followed by a progress report adopted in May 2011. In addition, in November 2009 the EU Council adopted the document *Implementation of the UNSCR 1325 and 1820 in the context of training for the ESDP missions and operations – recommendations on the way forward*, with specific recommendations to improve the coherence and quality of pre-deployment training for staff deployed in CSDP missions.

Indications on concrete actions provided by the policy documents are surprisingly varied. The EU will strive to achieve gender balance in all relevant bodies involved in CSDP missions and recommends that Member States and the EEAS consider gender balance when nominating and appointing positions on all levels including senior positions in missions and operations as well as in the EEAS crisis management structures. Gender and HR issues must be considered throughout the mission cycle and across the spectrum of CSDP operations (rule of law, security sector reform, contributing to DDR processes, etc): from fact finding to planning and conducting activities (including through the provision of gender expertise). Furthermore, all CSDP staff should receive training in these areas; mission reporting must include elements of HR and gender and CSDP missions are required to coordinate with local and international partners on the ground (both institutional and non-governmental organizations) and other EU initiatives relating to gender and HR to ensure coherence. Gender protection is also included in monitoring and lessons learned processes of CSDP operations.

With the drafting of the CA the EU agreed to intensify training at all levels of the Common Security and Defence Policy. This has been reflected in the development of a training module at the European Security and Defence College which trains representatives from Member States in decision-making positions and offers courses to participants in EU crisis management missions as well as a distance learning module. The training practices that the EU has developed are exchanged with other regional bodies: for instance, the EU and AU (African Union) have decided to explore possibilities for cooperation in the field of human rights and gender trainings for AU peacekeeping missions and the Africa Stand-by Force.

EC delegations staff also undergo regular trainings on gender in the countries where they operate (such trainings are also open to Member States representatives in the countries concerned). Further to that, a Women Peace and Security Task force has been set up at HQ (Head Quarters) level to increase interinstitutional coordination and promote coherence in the EU gender-related approaches. It is composed of personnel working on gender equality and security issues in the European External Action Service and in the Commission and it is mandated to consult regularly with civil society rep-

representatives. A community of practice has also been established with gender advisors attached to EU CSDP missions meeting once a year in Brussels and invited to engage regularly with the EU delegations in the countries where they operate for exchanging best practices and sharing information (without prejudice to the Chain of Command).

Ongoing challenges

In spite of all the above, the EU has a long way to go to make tangible progress on the ground given the scale of the issues affecting women in development, existing EU commitments and the potential diplomatic and development resources that the EU has at its disposal towards this end. Political dialogue needs to be more stringently focused on accountability of partner countries to progress in gender mainstreaming, promotion and protection. Such dialogue takes place between officials from the partner government and delegations/embassies/HQ staff. They are thus relatively high level meetings from where women's organizations or civil society representatives with a specific gender focus are excluded. These are normally met by EU representatives on the margins of the actual meeting. However, their absence prevents the effective and ongoing monitoring of authorities, commitments both on the EU and local partners' side and disempowers their ability to contribute to accountability of protection processes. As they stand, political dialogues, albeit full of potential, also shield authorities from public scrutiny and the responsibility to implement their commitments.

Whilst there is an increase in reference to gender and human rights in calls for applications of funding, more could be done on assessment of the proportion dedicated to gender protection, as well as evaluation of impact. Developing gender disaggregated indicators of development funds allocation would be a useful first step. The difficulty in identifying reliable local women's organizations to partner with for programs implementation is often mentioned by donors (including the EU) as a reason for turning to local authorities or international civil society organizations. In a sense, 'intermediaries' are used with the result that women and men beneficiaries of gender specific measures, are treated as exclusively 'passive beneficiaries' rather than actors. Across all the EU's short, medium and long-term measures such as humanitarian/emergency response, CSDP missions, and long-term development programmes, the EU needs to deepen its partnerships with local organizations that can better understand how to work within their cultural and political constraints. This has the added value of strengthening confidence between partners, reinforcing local capacities and in so doing paving the way for locals to be less reliant on external actors.

It is undeniable that in spite of progresses over the past few decades, women and girls still constitute the large majority of the world's poorest subjects and are under-represented in decision-making bodies. The current financial and economic crisis has a gender-specific impact (contributing to the 'feminization' of poverty) and the same is true for climate change issues, compounded by food security crises that hit women and their young dependents the hardest. However, whilst there is evidence of a gender perspective in the analytical component of Country Strategy Papers, the response strategy remains weak in its ability to adequately address gender concerns linked to poverty. Collecting evidence on how EU development funds are allocated to address gender protection concerns in the framework of poverty reduction, is very difficult and remains a major gap in the EU policy.

As a silver thread across all these policy areas, gender protection requires that coordination between the different EU instruments used in external action is increased. Furthermore, adequate financial and human resources must be allocated to the pursuit of gender mainstreaming. Both internally and in external policy-making GM is not a financial or resource-free process. The lack of adequate resources is largely a symptom of the inconsistent or absent leadership focus on gender equality. Human resources, in terms of the numbers of gender specialists, remain quite low even if things are improving, and often responsibility for mainstreaming gender equity is relegated to staff that are not really in a position to influence either policy dialogue or the design, implementation, and monitoring and evaluation of interventions. Resources are also inadequate at the implementation level. As an example: gender advisors in CSDP missions often lack any budget to develop initiatives on the ground; at EU Head Quarters, dedicated and expert staff working full time only on gender issues can be counted on the fingers of one hand (normally they will be dealing with human rights or civil society issues too) and similarly for EU delegations on the ground. In 2011, when the first report on EU indicators for the CA to the EU implementation of the UNSCRs was adopted, only one out of the 36 heads of delegations concerned by the report was a woman and women represented only 10% of all staff deployed in CSDP missions.

Gender promotion and protection measures have gained in prominence as inequality between men and women has become more and more unacceptable and egregious violations of human rights based on gender have become a consistent feature of contemporary conflict and fragility situations. One of the most important obstacles to effective action is the lack of reliable data on all forms of gender based violence, compounded by disaggregated quantitative and qualitative comparable data. As it is generally accepted that women have been mostly the victims of this state of affairs, international donors' approaches as well as national plans tend to neglect the male component of 'gender programs'. For instance: rarely ever are men understood as stakehold-

ers in programs targeting women's reproductive health issues such as with implementation of family control projects; male politicians are often left out of the debate on the empowerment of female political candidates; men that take part in conferences or meetings that address gender issues can be counted as white flies. The difficulty is not just in programming that neglects the role of men in addressing gender unequal power relations, but also in the cultures of masculinity and femininity that prevent a frank negotiation of men and women's respective roles. Limitations come also from the unwillingness of those in power (mostly men) to cede place to those that are not (mostly women): hence, the lack of women in prominent peacebuilding and conflict prevention initiatives at high decision-making levels is not always the result of bad programming but of entrenched interests that indicate how long the road to gender protection (and promotion) still is.

Finally, as in other areas of EU external policies, harmonization of Member States and EU's priorities in gender protection and promotion requires further engagement. The EU loses its credibility in gender protection externally when only 15 out of its 27 Member States have adopted an action plan for the implementation of UNSCR 1325 or when Member States do not agree on including gender requirements in the mandates of the EUSRs in a consistent manner and in the strongest of terms or do not strengthen their offices with specific gender expertise. Member States themselves do not seem to prioritise the fight against gender based violence in their own domestic realm, further contributing to weakening the EU's credibility in promoting gender issues externally.

Conclusions

In spite of the acceptance in policy-making circles of the principle of gender mainstreaming, promotion and protection and substantial progress in policy, the international community maintains different understandings by different actors over agendas, roles and responsibilities. The EU is certainly committed to gender mainstreaming in its foreign policy and contributes substantially to the development of the international policy agenda in this area. However, key elements that help ensure implementation, such as clear objectives, timelines, budgets, lines of responsibility and Monitoring and Evaluation mechanisms are generally missing in the plans and strategies for the implementation of UNSCR 1325 and related commitments. The effect could be ineffectiveness, confusion and most importantly, gap between expectations by local populations and the concrete capacity by external actors to address them. Member States' unwillingness to invest further resources (not just financial) in helping the EU meet its commitments is largely responsible for these shortcomings. The absence of accountability and incentive mechanisms to systematize gen-

der equality integration into organizational processes and external interventions also causes limited results.

It is undeniable that acceleration of gender mainstreaming in all EU policies, documentation and programming from the late 1990s and early 2000s has led to a favourable environment for gender sensitive EU external policies. However, the policy goals of gender mainstreaming are hindered by dominant policy frames based on a hierarchical gender distribution of power. There are, thus, ongoing perceptions that the transformative effects of GM remain relatively limited. Unfortunately, in the absence of reliable data and performances' reviews at EU levels, such perceptions are not sufficient to establish general root causes and influence policy or operational change. This gap in evaluative knowledge needs to be filled.

The tendency to rely on large, non-specific organizations such as UN agencies or local authorities for the implementation of EU development or peace and security policies, also deprives the EU gender protection agenda of the local expertise, energy and enthusiasm of women's civil society organizations.

Policy advice

(i) Structure, staffing and resources – In the absence of a dedicated EU Special Representative for gender issues, monitor and evaluate the EU Special Representative for Human Rights' initiatives to ensure implementation of EU gender commitments in its external policies levels. Strengthen the EUSR for Human Rights office with provision of gender expertise. Refine database/information on number and position of staff working on UNSCR 1325/1820/gender and HR both at HQ and in delegations/CSDP missions. Ensure that specific complaint mechanisms and procedures are adopted in all CSDP missions and provide detailed instructions/guidelines on how to act further in the case of abuses in the mission or cases of sexual and gender based violence by mission staff.

Ensure EUSRs and Heads of Delegations work assessment includes their contribution to implementation of gender/1325/human rights. Encourage and reward EUSRs and HoDs (Head of Delegations) special attention to individual cases of gender protection and defence in relation to local authorities. Increase mention of individual cases in EU's public statements at the highest level.

(ii) Learning: ensure obligatory gender awareness in job descriptions and pre-deployment training for CSDP missions. Establish an intra/internet forum to exchange information and course details and ensure an ongoing system of lessons learning from CSDP gender advisors to feed into case studies for training; speed up work methodologies for data collection so as to ensure appropriate policy responses based on sound analytical evidence. Improve

assessment of how CSDP missions impact on the situation of men and women in the area of operation.

(iii) Financial Instruments – further develop details of 1325/1820 as a thematic area with specific progress benchmarks (building on the initial progress under the EIDHR and Instrument for Stability). Develop gender disaggregation of project data and funds. Strengthen coherence of EIDHR and recommendations of EU Electoral Observation Missions in relation to projects supporting women’s participation in elections (both as voters and candidates). Ensure gender disaggregated analyses of EU’s development aid expenditures across its relevant financial instruments.

(iv) Budget – ensure allocation of increased resources for re-organization and policy improvement. Establish a dedicated budget for monitoring, assessment and evaluation of gender protection work across the relevant policy areas. Consistently ensure adequate levels of financing and adoption of specific budget lines for gender relevant projects and activities in CSDP missions.

(v) Partnerships – strengthen local partnerships and awareness of the EU initiatives in gender protection. Enhance coordination with implementing partners from project planning to monitoring, reporting and evaluation (MRE); continue to develop indicator mechanisms with supporting human and financial resources. Strengthen communication and information mechanism of EU initiatives on gender protection

(vi) Progress assessment and review – develop indicators to measure fight against impunity. Review and assess implementation of the EU Comprehensive Approach to the EU implementation of the UNSCR 1325 and 1820 on WPS every 12-24 months. Evaluate implementation of EU guidelines on violence against women with implementation partners and beneficiaries.

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Sonia Lucarelli, 1 March 2013

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