

**The EU Aid Budget 2014-2020 –
Fit to Ensure Human Rights,
Gender Equality and Women's and
Girls' Empowerment?**

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The EU Aid Budget 2014-2020 – Fit to Ensure Human Rights, Gender Equality and Women's and Girls' Empowerment?

The EU and its member states are currently finalising their aid instruments for the period 2014-2020, whereof the Development Cooperation Instrument (the DCI) and the European Development Fund (the EDF) are the main financing instruments. The final negotiations on what should be included in these instruments will, amongst other things, determine the EU's future commitments and programme support to gender equality and women's and girls' empowerment, as well as human rights. This paper analyses the aid budget proposal which is currently being negotiated by the Commission, the Council (the EU member states), and the European Parliament¹ and presents the recommendations of CONCORD Europe for the current negotiations.

Guiding EU Principles on Gender Equality and Women's and Girls' Empowerment

The EU has a long list of agreements, actions plans and guiding principles with strong commitments and recommendations on how to work for gender equality and women's and girls' empowerment in development. The most important documents are the *European Consensus on Development*, and the *Agenda for Change*, as they should underpin all of the EU's development work. According to the *European Consensus*, the empowerment of women is the key to all development and gender equality should be at the core of all political analysis. The *European Consensus* also states that the promotion of gender equality and women's rights is not only crucial in itself, but is a fundamental human right and a question of social justice as well as being instrumental in achieving all the MDGs and in implementing the *Beijing Platform for Action* (1991) and the *Cairo Programme* (1994). In the *Agenda for Change* (2011) it is stated that gender equality and the inclusion of women as development actors and peace-builders will be mainstreamed in all EU development policies and programmes².

Two other important EU documents are the *EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015* (2010) and the *EU guidelines on violence against women (VAW) and girls and combating all forms of discrimination against them* (2008). These documents are of particular relevance in the process of designing the future programmes of EU aid, as they set out how the political commitments to GEWE and VAW should be operationalised in EC programmes. The *EU Action Plan on GEWE*, which aims to “strengthen the lead role of the EU in promoting gender

¹ The European Parliament is included in the trilogue negotiations concerning the DCI, but not the EDF, as the EDF is financed outside of the common EU budget.

² European Commission, *Increasing the impact of EU Development Policy: an Agenda for Change* (2011), p.6

*equality in development*³, clearly states that the European Commission should use a twin-track approach to integrate GEWE in development cooperation and ensure that gender is mainstreamed in EU funded projects, but also addressed as a separate goal with its own financing and indicators⁴. Whereas *the EU Guidelines on VAW* conclude that the strategies of the Member States and of the EU in its external action must particularly focus on legislation and public policies which discriminate against women and girls, and the lack of diligence in combating discrimination practised in the private sphere and gender stereotyping.

Analysis and Recommendations

This analysis sets out to clarify and evaluate whether the EU's guiding principles on gender equality and women's and girls' empowerment are reflected in the proposals for the DCI and the EDF programmes and their regulations in EU's Multiannual Financial Framework (2014-2020).

1) The Development Cooperation Instrument (DCI)

In line with the EU's recognition that gender equality and women's empowerment have a great impact on poverty reduction and are the key to all development, as enshrined in the *European Consensus* and the *Agenda for Change*, *the European Commission's Proposed DCI regulation*⁵ highlights gender equality as a cross cutting-issue which should be mainstreamed in all DCI programmes. However, it does not set out gender equality and women's and girls' empowerment as a goal in itself with a specific budget allocation or an earmarked percentage, as prescribed in *the EU Plan of Action for GEWE*. There is also no mention of the importance of combatting violence against women and girls, despite the fact that this is supposed to be a priority within the framework of bilateral and multilateral cooperation in defending human rights, according to both the *EU guidelines on VAW (2008)* and the *EU Action Plan on GEWE (2010)*.

In the *DCI proposal for 'Areas of Cooperation under Geographic Programmes'*⁶, gender equality and the empowerment of women is a proposed area of cooperation in several regions⁷. *Gender equality and women's empowerment* is suggested for Latin America, *gender equality* is suggested for Asia and the Middle East and *addressing sexual and gender-based violence and health issues* is suggested for South Africa. However, thus far we do not know to what extent these recommendations will be reflected in the final regulations and regional programmes.

In addition to regional areas of cooperation, the geographic programmes also include country-specific programmes. The priorities for the country-specific programmes are decided together with the relevant government and local stakeholders at the country level, in accordance with the principle of country ownership. Ahead of the discussions on country priorities, the Commission and the European External Action Service (EEAS) jointly sent out instructions⁸ and guiding principles for sector concentration and the choice of sectors⁹. In these instructions the EEAS and the European Commission fall short in giving specific advice on the importance of lifting gender equality and women's empowerment as prioritised sectors. A final, completed list of country priorities has not been shared with CONCORD, however, in the draft list of priorities circulated in January 2013, gender equality and the empowerment of women and girls was not included as a focal sector in any country, with the exception of "*Health, Including Gender-Based Violence*" in the Democratic Republic of Congo. We are concerned that the lack of prioritisation of these issues in the draft list will also be reflected in the final list of country priorities.

In addition to the geographic programmes, the DCI includes two thematic programmes which are relevant to all EU development cooperation partners; the Global Public Goods and Challenges

³ Ibid. p.6

⁴ European Commission, EU Plan of Action on Gender Equality and Women's Empowerment (2010), p.5

⁵ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (2011)

⁶ European Commission, Annex IV, A. Areas of Cooperation under Geographic Programmes, p.36

⁷ European Commission, Annex IV, B. Specific Areas of Cooperation Per Region, p. 37-40

⁸ European Commission and EEAS, Instruction for the Programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) – 2014-2020, Annex 2 Guiding Principles for Sector Concentration and the Choice of Sectors

⁹ Ibid.

programme (GPGC) and the CSO and Local Authorities in Development programme (CSO-LA). With regards to the new GPGC programme, the Commission has proposed that this should replace all previous thematic programmes (except the CSO-LA) and cover, amongst other things, the area of “*Human Development*”. Under “Human Development”, “*Gender Equality and Women’s Empowerment*” is recognised as a priority, with specific focus on women’s economic and social empowerment and political participation. Other priorities under Human Development which include a gender perspective are “*Health*” and “*Education*”. Under “Health”, the Commission has included maternal health, sexual and reproductive health and rights, and access to family planning. Under “*Education*”, the importance of ensuring equal access to education for women and girls is highlighted¹⁰. While this is very encouraging, considering that we have not seen the detailed draft of the GPGC programme yet, we do not know to what extent these elements will be included. Furthermore, it is important to include a gender perspective not only in the “*Human Development*” area of the GPGC programme, but also in the other areas of cooperation which are *Environment and Climate Change, Sustainable Energy, Food Security, and Migration and Asylum*. Lastly, in contradiction to the *EU Action Plan on GEWE*, there is no indication that any funds will be earmarked for gender equality and women’s and girls’ empowerment in the GPGC programme.

The second thematic programme in the DCI is the CSO-LA programme. The CSO-LA programme is open to civil society and local authorities in all countries, going beyond the identified partner countries in the geographic instrument of the DCI. In the part of the Commission’s DCI proposal which describes the CSO-LA programme there is no mention of gender equality or the role of women and girls. However, in the more detailed draft of the programme ‘*the Preparatory Document for the Elaboration of the Thematic Programme Civil Society Organisations and Local Authorities*’, the Commission highlights the importance of supporting the work of women’s organisations in partner countries, but fails to include an overall strategy for gender equality and women’s and girls’ empowerment. Once again, there is no specific funding allocated to gender equality and women and girls’ empowerment under the CSO LA-programme.

2) The European Development Fund (EDF)

The *Cotonou Agreement* (revised in 2010) is the partnership agreement that has been mutually developed and revised by the ACP countries and the European Union and its member states. The *Cotonou Agreement* is the main guideline for the EU’s development cooperation under the EDF. All development cooperation within the EDF shall be founded on the objectives and principles laid out in the *Cotonou Agreement*. The *Cotonou Agreement* present clearly agreed-upon commitments to gender equality and women’s empowerment, including sexual and reproductive health and rights and combatting gender-based violence. It states that “*systematic account shall be taken of the situation of women and gender issues in all areas – political, economic and social*”¹¹. In the same agreement the parties conclude that systematic account shall be taken in mainstreaming, amongst other issues, gender issues¹².

With these principles and priorities in regards to gender equality agreed on by the ACP-EU, it is unacceptable to find that there is no commitment or clarification on the importance of gender equality and women’s and girls’ empowerment in the available documents¹³ related to the implementation and programming of the 11th EDF. Further, in the *Instructions for the Programming of the 11th European Development Fund (EDF) and The Development Cooperation Instrument (DCI) 2014-2020*, the EEAS and the EC fall short in giving specific instructions on prioritising gender equality and women’s and girl’s empowerment.

Recommendations on Gender Equality and Women’s and Girls’ Empowerment

- The EU must live up to its own commitments in the *EU Plan of Action on GEWE*¹⁴, when programming and implementing all its external instruments (including the DCI and the EDF) by

¹⁰ European Commission Annex V, A. Programme on Global Public Goods and Challenges, p.42-43

¹¹ Ibid. p. 16

¹² ACP and European Commission, The Cotonou Agreement, (revised 2010), p. 34

¹³ Council decision on the position to be adopted on behalf of the European Union within the ACP-EU Council of Ministers (...), (14 May 2013), Internal Agreement – Common Guidelines, (14 May 2013), Proposal for a Council Regulation on the implementation.

¹⁴ European Council, EU Plan of Action on Gender Equality and Women’s Empowerment in Development (2010)

using the indicators in the operational framework, aiming to ensure that gender is mainstreamed in EU-funded projects, but also addressed as a separate goal with its own financing and indicators. Specific benchmarks set out in *the EU Plan of Action on GEWE*¹⁵ which must be reflected in all development instruments are; at least 75% of all projects/programmes should score G-2 (gender as a principle objective) or G-1 (gender as a significant objective); and at least 50% of Multiannual Indicative Programmes should identify gender equality-related actions. The EU must also implement the EU guidelines on VAW by prioritising actions to combat violence and all forms of discrimination against women and girls.

- The EU must earmark at least 20% of the DCI and the EDF funds for health and basic education. To ensure the achievement of the MDGs and a maximum level of human development, this should include sexual and reproductive health, in line with the *Cairo Programme* (1994) adopted at the International Conference on Population and Development in Cairo, as well as quality basic education and ensuring equal access to education.
- The EU institutions should make use of the gender auditing of the Commission's programmes, planned for 2014, to ensure that future programmes will be implemented in accordance with the *EU Plan of Action on GEWE*. The EU should also promote common values, in line with the aid effectiveness agenda, while respecting partner countries' ownership and national priorities. The common values include, as stated in the *European Consensus*, gender equality and women's and girls' empowerment.

Guiding EU Principles on the Promotion of Human Rights

In the Communication on the *Agenda for Change* (2011), building on the 2005 *European Consensus on Development* (2005), the Union proposes to focus EU development efforts where EU assistance can have the greatest impact. In these documents the EU clearly states that the EU should increase its commitment to promoting human rights. In *Agenda for Change* (2011) the Commission states that human rights is an area that all EU action should center around¹⁶. Further, the *Agenda for Change* proposes that an enhanced importance should be placed on human rights trends when determining instruments and aid modalities at the national level¹⁷. In the *European Consensus on Development*, paragraph 53, the Commission states that one of the major roles of the EU is to promote human rights; hence the Commission's experience in promoting human rights is positive and will therefore be a continued priority de¹⁸. This is further developed in the *EU Strategic Framework and Action Plan on Human Rights and Democracy*, adopted by the European Council in 2012. In the *Action Plan on Human Rights and Democracy* it is stated that the "EU will work with partner countries to identify areas where EU geographic funding instruments can be used to support projects which bolster human rights"¹⁹. The *Global Europe Communication*²⁰ mirrors the EU's commitment to human rights, and states that a greater focus should be placed on EU investments in enablers and drivers of inclusive and sustainable development and in supporting human rights, democracy and other key elements of good governance.

In 2006, the EU adopted the European Instrument for Democracy and Human Rights (EIDHR) for the period of 2007-2013, a financing instrument for the promotion of democracy and human rights. The proposed EIDHR regulation for 2014-2020, which is currently being negotiated, should be viewed in the context of all external financing instruments and programmes of the EU budget 2014-2020. The purpose of the EIDHR is the promotion and realisation of fundamental human rights. It further notes that gender equality and women's rights are fundamental human rights that must be promoted²¹. The EIDHR should complement the EU's geographic and other thematic programmes (including those in the DCI and the EDF), and all of the EU's geographic and thematic programmes should mainstream

¹⁵ Ibid.

¹⁶ European Commission, *Agenda for Change* (2011), p.6

¹⁷ Ibid. p.4

¹⁸ European Council, *European Consensus on Development* (2005), para.53

¹⁹ European Commission, *EU Strategic Framework and Action Plan on Human Rights and Democracy* (2012), p.3

²⁰ European Commission, *Joint Communication to the European Parliament and the Council, Global Europe: A New Approach to financing EU external action* (2011)

²¹ Proposal for a regulation of the European Parliament and of the Council – establishing a financing instrument for the promotion of democracy and human rights worldwide (2011), p.8

and promote democracy and human rights²².

Analysis and Recommendations

This analysis sets out to clarify and evaluate whether the EU's various agreements, commitments and guiding principles on human rights and a Human Rights Based Approach to Development are reflected in the Commission's proposals for the regulations and programmes of the DCI and the EDF in the EU's Multiannual Financial Framework (2014-2020).

1) The European Development Cooperation Instrument (DCI)

Reflecting the language of the *Agenda for Change*, the DCI proposal also reiterates that human rights is a general principle and a cross-cutting issue that shall be mainstreamed in all programmes. However, it is not described how this will be ensured, nor does the proposal include any specific goal or earmarked funding for human rights. Other issues to be mainstreamed include the rights of the child, indigenous peoples' rights and the rights of people with disabilities.

In the DCI proposal for '*areas of cooperation under geographic programmes*'²³, human rights, democracy and other key elements of good governance is one proposed area of cooperation. Under the '*specific areas of cooperation per region*',²⁴ protection of human rights is suggested for Latin America and the Middle East, but not for Asia, Central Asia or South Africa. Since we have not seen the final regional programmes, we do not know if the recommendation of prioritising human rights in Latin America and the Middle East has been adopted.

As previously mentioned, the priorities for the country-specific programmes are decided upon together with the relevant partner government and local stakeholders at the country level, in accordance with the principle of country ownership. In the *Instructions for the programming of the 11th European Development Fund (EDF) and The Development Cooperation Instrument (DCI) 2014-2020* and its guiding principles for sector concentration and the choice of sectors,²⁵ the EEAS and the EC fails to give specific instructions on prioritising human rights. As previously mentioned, a final, completed list with country priorities has not been shared with CONCORD, however, in the draft list of priorities circulated in January 2013, human rights was only included as a focal sector in one country. We are concerned that the lack of prioritisation of the promotion of human rights in the draft list will be reflected in the final list of country priorities, resulting in human rights not being reflected in the programming phase at the national level.

Furthermore, with regard to the new Global Public Goods and Challenges programme (GPGC), in the Commission's DCI proposal, human rights is neither identified as an area of cooperation, nor as a sub-priority. The only area which mentions any human right in the GPGC so far is the area of Migration and Asylum, which recognises the importance of promoting migrants' rights. Thus, not only is human rights missing as a priority, but it is also not mainstreamed, and there is no indication that the Commission will prescribe a Human Rights Based Approach (HRBA) in the GPGC programme, with the exception of the work concerning migration.

In the Commission's CSO-LA preparatory document,²⁶ the Commission encourages CSOs to promote human rights, only in the context of Development Education. However, the CSO-LA programme does not make any explicit references as to how human rights should be mainstreamed in the programme and how to ensure a Human Rights Based Approach in the implementation of the programme.

The lack of explicit reference to human rights in the Global Public Goods and Challenges programme and the CSO-LA programme is worrying. CONCORD recognises that these thematic programmes are to be complemented by the European Instrument for Development and Human Rights (EIDHR) and other thematic programmes. However, the promotion of human rights must not be limited to the

²² Ibid. p.3

²³ European Commission, Annex IV, A. Areas of Cooperation under Geographic Programmes, p.36

²⁴ European Commission, Annex IV, B. Specific Areas of Cooperation Per Region, p. 37-40

²⁵ European Commission and EEAS, Instruction for the Programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) – 2014-2020, Annex 2 Guiding Principles for Sector Concentration and the Choice of Sectors

²⁶ European Commission, Preparatory Document for the Elaboration of the Thematic Programme CSO-LA (2013)

EIDHR. Instead, human rights must be mainstreamed within all EU policies and programmes, and all programmes should be implemented through a Human Rights Based Approach.

2) The European Development Fund (EDF)

The Cotonou Agreement which is the main guideline for the EU's development cooperation under the EDF presents clearly agreed-upon commitments to human rights, including sexual and reproductive health and rights. Further, in Article 9 of the Cotonou agreement, the parties refer to their international obligations and commitments regarding the promotion and respect for human rights, democratic principles and the rule of law. The agreement states that the ACP-EU partnership shall be underpinned by these core values through the domestic and international policies of the parties. The ACP-EU further has concluded that systematic account shall be taken into mainstreaming human rights into all areas of cooperation. It is therefore disappointing to find that there is no commitment or clarification on the importance of human rights in the available documents related to the implementation and programming of the 11th EDF.

In the Instructions for the programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) 2014-2020 and its guiding principles for sector concentration and the choice of sectors, the EEAS and the EC does not give specific instructions on prioritising human rights. A complete list of country priorities has not been shared with CONCORD Europe; however, the lack of reference to human rights is a major concern. If no specific recommendations are provided on this topic, there is reason to expect that human rights will not be prioritised in the programming phase at the national level.

Recommendations on the Promotion of Human Rights

The EU must live up to its own commitments concerning the promotion and protection of human rights and a Human Rights Based Approach to development when programming and implementing all of its external instruments (including the DCI and the EDF).

- All programmes in the EDF and the DCI must be designed and implemented in accordance with the principles of the *UN Common Understanding on a Human Rights Based Approach to Development*, while ensuring the essential elements of the *Cotonou Agreement* and the *EU Strategic Framework and Action Plan on Human Rights and Democracy* are respected. While the GPGC and the CSO-LA programmes are to be complemented by the European Instrument for Democracy and Human Rights (EIDHR) and other thematic programmes, the promotion of human rights must not be limited to the EIDHR.
- The Union should also promote common values by highlighting the importance of focusing on sectors where EU assistance can have the greatest impact, while respecting partner countries' ownership and national priorities, in line with the aid effectiveness agenda. These common values include human rights, as stated in the *European Consensus*²⁷ and the *Cotonou Agreement*.

²⁷ European Council, European Consensus on Development (2006), p. 3, '3. Common Values'

Table 1 – EU development commitments with relevance to the EU budget (2014-2020)

Issue	EU policies and commitments
General	<ul style="list-style-type: none"> • European Consensus on Development (2005) • The European Commission, Increasing the Impact of the EU Development Policy: An Agenda for Change (2011)
Human Rights	<ul style="list-style-type: none"> • EU Strategic Framework and Action Plan on Human Rights and Democracy (2012)ⁱ • EU Guidelines for the Promotion and Protection of the Rights of the Child (2007)ⁱⁱ • EU Action Plan on Children's Rights in External Action (2008)ⁱⁱⁱ
Gender Equality and Women's and Girls' Empowerment	<ul style="list-style-type: none"> • EU Plan of Action on Gender Equality and Women Empowerment in Development Cooperation (2010-2015)^{iv} • EU toolkit on mainstreaming gender equality in EC development cooperation (2004)^v • EU guidelines on violence against women and girls and combating all forms of discrimination against them (2008)^{vi}

ⁱ Council of the European Union (2012): EU Strategic Framework and Action Plan on Human Rights and Democracy (25 June 2012)

ⁱⁱ Council of the EU (2007): EU Guidelines for the Promotion and Protection of the Rights of the Child

ⁱⁱⁱ Commission of the European Communities (2008): Commission Staff Working Document - The European Union's Action Plan on Children's Rights in External Action (5 February 2008)

^{iv} Commission of the European Communities (2007): Communication from the Commission to the Council and the European Parliament - Gender Equality and Women Empowerment in Development Cooperation (8 March 2007)

^v European Commission: Toolkit on mainstreaming gender equality in EC development cooperation. Available at: <http://ec.europa.eu/europeaid/sp/gender-toolkit/index.htm>

^{vi} Council of the EU (2008): EU guidelines on violence against women and girls and combating all forms of discrimination against them.