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Bachelor Thesis

The Promotion of Women's Rights in the External Relations of the European Union

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List of Abbreviations

ACP	Africa, Caribbean and Pacific
AIDS	Acquired immunodeficiency syndrome
CFREU	Charter of Fundamental Rights of the European Union
CSP	Country Strategy Paper
EEAS	European External Action Service
ENP	European Neighbourhood Policy
EU	European Union
GII	Gender Inequality Index
HIV	Human immunodeficiency virus
ICCPR	International Covenant on Civil and Political Rights
ICESC	International Covenant on Economic, Social and Cultural Rights
MDG	Millennium Development Goal
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations

Chapter 1: Introduction

1.1 Background

“The EU’s agreements with its partners around the globe go beyond trade and traditional development assistance. [...] They also provide a framework for discussing political issues like democracy and human rights” (European Commission Directorate-General for Communication, 2007). While the human rights policy of the European Union in its external relations addresses the prominent areas of civil, political, economic, and social rights, it also works towards the enhancement of women’s rights (European External Action Service, n.d.a). In particular, the European External Action Service attests “[t]he EU’s political will to protect and promote women’s rights” and describe women’s rights as a priority of the Union’s human rights policy abroad (European External Action Service, n.d.b). This shows that when it comes to external relations, the European Union paints a very clear picture about its goals and intentions. Furthermore, these goals and intentions are also enshrined in EU law. The European treaties and pieces of secondary legislation do not only prescribe the structure and the mechanisms of the external relations but also include clear aims which are to be achieved in the dialogue with third states.

Therefore, this thesis will analyse in how far and in what way the legal agreements between the EU and third countries contribute to the promotion of women’s rights. After working out the provisions included in the EU founding treaties and the Charter of Fundamental Rights of the European Union which require the EU to promote women’s rights in its external relations, this thesis will turn to secondary law addressing women’s rights in particular. Based on this, the thesis will then analyse the provisions on women’s rights included in the EU agreements with third states. Thereby, it will be ascertained in how far these international agreements comply with and interpret the provisions of EU law. Furthermore, the thesis will look at the legal agreements concluded with two different groups of states. Thereby, it will be possible to describe the different manifestations of women’s rights in the external relations of the EU. This comparison will therefore make it possible to depict how the very same clauses governing the external relations of the EU are interpreted in different ways when entering into relations with different countries.

1.2 Research Question and Structure of the Thesis

This Bachelor thesis addresses the research question “*To what extent does the European Union promote women’s rights in its external legal relations with Papua New Guinea, Jamaica, Egypt, and Algeria?*”. By analysing the legal agreements concluded between the EU and these countries, this thesis will describe the character of clauses pertaining to women’s rights. Furthermore, the analysis will be guided by the question “*How are women’s rights conceptualised in the respective documents?*”. This question will be answered by determining whether the provisions promoting women’s rights use an equal treatment, a positive action, or a gender mainstreaming approach. The rest of this chapter will describe the relevance of this study and outline the methodology of this thesis. The latter will include a description of the research design, the case selection, data collection and data analysis, as well as the concepts employed to characterise women’s rights.

The second chapter will answer the two sub-questions “*What obligations to promote women’s rights are contained in the EU founding treaties and the Charter of Fundamental Rights of the European Union?*” and “*What obligations to promote women’s rights are contained in pieces of secondary legislation which are specifically devoted to women’s rights?*”. The second chapter thus portrays the legal obligations of the European Union to promote women’s rights in its external relations. In this, the thesis will look at primary law, i.e. the Treaty on European Union, the Treaty on the Functioning of the European Union, and the Charter of Fundamental Rights of the European Union, and at secondary legislation focusing on women’s rights in particular. Next to the three Commission Communications “A Strengthened Commitment to Equality between Women and Men - A Women's Charter”, “Strategy for equality between women and men 2010-2015”, and “Strategy for gender equality in development policy”, this also includes the “EU guidelines on violence against women and girls and combating all forms of discrimination against them”.

Furthermore, chapter three will present women’s rights in the relations with the countries of the African, Caribbean and Pacific group of states while chapter four will address these rights in the relations with the countries of the Mediterranean basin. In this, the analysis will address both relations with the group of states as such and with the two countries chosen to represent the bilateral relations. These countries are Papua New Guinea and Jamaica for the ACP group of states and Egypt and Algeria for the Euro-Mediterranean Partnership.

Finally, chapter five will sum up the conclusions drawn from the analysis. In this, it will also identify the differences in the promotion of women's rights between the two analysed regions. Furthermore, it will present possibilities for further research building on the findings of this thesis.

1.3 Relevance of the Study

This Bachelor thesis is relevant for two reasons. Firstly, it will shed light on the way the EU commitments to promote women's rights in its external relations are reflected in the agreements concluded between the European Union and third countries. As the two founding treaties, the CFREU, and specific pieces of secondary legislation on women's rights contain obligations for the EU to promote women's rights in its external relations it will be interesting to ascertain in how far and in what ways these obligations are reflected in the agreements underpinning the EU relations with third countries. This is especially relevant as no study thus far has focused on analysing the clauses pertaining to women's rights in the international agreements of the European Union and their relation to the legal obligations of the EU to promote women's rights. By examining the different international agreements concluded with the ACP states and the Mediterranean partner countries it will be possible to compare the different approaches towards the promotion of women's rights in these two regions. Further studies on the reasons for such differences will then allow the European Union to optimise its promotion of women's rights.

Secondly, the scientific relevance of this thesis lies both in the combination of three different concepts to describe women's rights and in the covering of different areas of external relations. The analysis will address two countries from the African, Caribbean and Pacific group of states and from the Mediterranean region each. In this, the thesis will compare the approach towards the promotion of women's rights of the European Neighbourhood Policy with the EC-ACP Partnership Agreement. In contrast to this, existing literature on the promotion of women's rights in the external relations of the EU is usually characterised by a narrow focus on only one geographic area (e.g. Debusscher, 2011; Ulmer, 2004; Weiner, 2009) or one or two countries (e.g. Chiva, 2009; Stivachtis & Georgakis, 2011). Thus, this thesis will present a more comprehensive picture of the promotion of women's rights in the EU external relations than most studies so far. Additionally, the analysis will employ a threefold distinction between equal treatment, positive action, and gender mainstreaming.

This differs from the traditional approach which is characterised by relying on one concept alone (e.g. Chiva, 2009; Debusscher, 2011; Van der Molen & Novikova, 2005). As the analysis will show, the external relations of the EU are not restricted to one conceptualisation of women's rights. Therefore, it has to be assumed that existing literature which is focused on one single concept has either neglected substantial parts of the promotion of women's rights or paid very little attention to the inherent differences of these concepts. Consequently, this thesis will provide a link between the different articles which either focus on one single concept or address only part of the external relations of the European Union.

1.4 Methodology

1.4.1 Research Design, Case Selection, Data Collection, and Data Analysis

The research design employed in this thesis is a cross-sectional study. Thus, the analysis is based on observations which roughly focus on one point in time. Additionally, the study constitutes a comparative case study as it compares the promotion of women's rights by the European Union in the ACP region and the Mediterranean basin.

The case selection is based on purposive sampling. Firstly, two areas of EU external relations have been selected. One is the cooperation with the African, Caribbean and Pacific states which is governed by the ACP-EC-Partnership Agreement. The other one is the Euro-Mediterranean Partnership guided by the Barcelona Declaration and the European Neighbourhood Policy. For each of these groups of states, two countries have been chosen representatively on the basis of their Gender Inequality Index score. Thus, one country where gender inequality is high, i.e. one extreme case, and one where gender inequality is at a medium level have been selected for each group. As this measure reflects the loss in human development caused by gender inequalities, it allows for inferences about the local situation of women. The GII scale ranges from 0 which reflects complete gender equality to 1 which indicates that women are maximally disadvantaged (UNDP, n.d.). For countries falling under the ACP-EC Partnership Agreement, Papua New Guinea with a GII of 0.674 and Jamaica with a GII of 0.450 are selected, while Egypt with a GII of 0.578 and Algeria with a GII of 0.412 are selected from the Mediterranean partner countries (UNDP, 2011).

The analysis will employ qualitative data. It will be based on the main legal agreement between the European Union and the countries in question. For the African, Caribbean and

Pacific states this will be the ACP-EC Partnership Agreement. Additionally, the relation between the EU and the two selected countries will be analysed on the basis of the Country Strategy Papers. These are prepared by the EU and the respective ACP state and outline the objectives and areas of cooperation (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 110). For the relations between the EU and the countries of the Mediterranean region, the analysis will be based on the Barcelona Declaration. This is the founding document of the Euro-Mediterranean Partnership and guides the cooperation (European Union, 2011). Additionally, the “Ministerial Conclusions on Strengthening the Role of Women in Society” will be taken into account as they contain “the most important political references for promoting women’s rights and gender equality in the Euro-Mediterranean Partnership” (European Union & Euromed, 2006, p. 2). The bilateral relations will then be examined on the basis of the Association Agreements.

The data analysis in this thesis will use unobtrusive measures. Content analysis and in particular a form of indexing and a thematic analysis will be used. The first allows for the identification of references to women’s rights and the application of the concepts of equal treatment and positive action while thematic analysis is necessary to apply the concept of gender mainstreaming.

1.4.2 Concepts

As this thesis aims to give a comprehensive characterisation of the promotion of women’s rights, it is important to apply concepts which reflect the variations of women’s rights. Therefore, the analysis will employ the definition used by Rees (2005). She identifies three approaches towards women’s rights employed by the EU over the years. These three concepts of equal treatment, positive action, and gender mainstreaming also correspond to historical stages in the promotion of women’s rights in the European integration process. While equal treatment was the prominent approach in the 1970s, positive action and gender mainstreaming emerged in the 1980s and 1990s respectively. (Rees, 2005, pp. 557-558)

Firstly, equal treatment is defined as “an individualised rights-based approach to gender equality” (Rees, 2005, p. 557). It uses legal remedies to compensate for the discrimination women face in a legal system created for men. Thus, this approach provides for equal starting

points. One weakness of this approach is said to be its exclusive focus on formal rights (Pollack & Hafner-Burton, 2000, p. 433).

Secondly, positive action came to the forefront of the policy dialogue when it was recognised that the legal approach to women's rights was insufficient in its results due to its neglect of the underlying causes of gender inequality. It shifts the focus to group disadvantages and uses special projects and measures to make up for the discrimination of women through policies designed to meet the needs of men (Rees, 2005, p. 558). Positive action can thus be distinguished from equal treatment by its emphasis on equality of outcome instead of equality of access (Rees, 1998, as cited in Pollack & Hafner-Burton, 2000, p. 433).

Finally, gender mainstreaming gained international recognition following the United Nations Conference on Women held in Beijing in 1995. It turns away from the focus on individuals' rights to equal treatment or groups and their historically based disadvantage. Instead, it looks at the way that systems and structures violate these rights and account for disadvantages. Therefore, gender mainstreaming advocates "the promotion of gender equality through its systematic integration into all systems and structures, into all policies, processes and procedures" (Rees, 2005, p. 560). Even though Rees describes this as an evolution and allocates a decade to each approach, she acknowledges that EU policies still reflect all three approaches.

Chapter 2: The Legal Basis for the Promotion of Women's Rights

2.1 European Union Treaties

EU primary law includes detailed provisions guiding the external relations of the EU. This section will therefore examine the Treaty on European Union and the Treaty on the Functioning of the European Union and outline the clauses affecting the promotion of women's rights in the external relations. Additionally, this part will look at the Charter of Fundamental Rights of the European Union and describe its provisions for women's rights.

The Treaty on European Union establishes respect for human rights in its preamble and the status of human rights as a founding value of the EU in Article 2. Particularly, Article 2 also mentions equality between men and women as a distinctive feature of EU society. Moreover, Article 3 TEU identifies the promotion of its values as one of the Union's aims. As established by paragraph 3 of this article, this explicitly includes the fight against discrimination and the support for equality between men and women. Pivotal for the issue at hand, Article 3.5 specifically requires the EU to uphold its values and to protect human rights in its external relations. Even though this paragraph does not expressly refer to women's rights, the context of the whole article makes clear that women's rights are included in this requirement. Similarly, Article 21 TEU which applies specifically to the Union's external relations states that the "Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world" (European Union, 2008a, p. 28). Among other things, this includes the universality and indivisibility of human rights and the principle of equality. Article 21 paragraph 2(b) extends this guideline and requires the EU to "consolidate and support" (European Union, 2008a, p. 29) human rights in its external relations. Although there is no explicit reference to women's rights, these must be understood as falling under the category of human rights and are therefore included in this clause. (European Union, 2008a)

Next to that, the Treaty on the Functioning of the European Union also contains provisions for the promotion of women's rights. Firstly, Article 8 TFEU states that "[i]n all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women" (European Union, 2008b, p. 53). Since this article refers to all EU activities, it also applies to the Union's external relations. Furthermore, Article 10 TFEU requires the EU to strive to fight discrimination when defining and implementing its policies. (European Union, 2008b)

Finally, the Charter of Fundamental Rights of the European Union addresses women's rights in two Articles. Firstly, Article 21 establishes the principle of non-discrimination including discrimination based on sex. Even though this article does not contain any explicit provision on the territorial scope of applicability it can be interpreted as applying to the Union's external relations when taking into consideration Article 51 on the scope of the Charter. This article requires the European institutions and bodies as well as the Member States when they are applying EU law to respect, observe and promote the application of the principles as laid down in the Charter (European Union, 2000, p. 21). Secondly, Article 23 addresses equality between men and women and explicitly requires that the principle of gender equality "must be ensured in all areas" (European Union, 2000, p. 13). Additionally, it is stated that the "principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages" (European Union, 2000, p. 13). Thus, this article specifically allows for positive action measures to enhance women's rights.

Concluding, the founding treaties show that the European Union has committed itself to the promotion of human rights in its external relations. While the provisions on the promotion of human rights comprise women's rights in general, the more specific provisions pertaining to women's rights refer either to equality between men and women or to gender-based discrimination. In that, these documents clearly endorse the equal treatment approach. None of the provisions of the founding treaties, however, go beyond this and require for instance positive action or gender mainstreaming measures. Additionally, the Charter of Fundamental Rights of the EU merits special attention. While it is in line with the founding treaties in endorsing gender equality and condemning discrimination it specifically states that the commitment to gender equality does not prevent positive action measures to support women.

2.2 Secondary Law Pertaining to Women's Rights

Next to the provisions contained in the founding treaties and the CFREU, there are also several pieces of secondary legislation addressing women's rights. While many of the more general pieces contain appropriate clauses, this section will focus on four documents which are specifically devoted to women's rights.

In 2010, the European Commission adopted the communication "A Strengthened Commitment to Equality between Women and Men - A Women's Charter" (European

Commission, 2010a). It identifies five principles: equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and an end to gender-based violence; and gender equality beyond the Union. Concerning the latter, the Commission affirms that the promotion of women's rights is not confined to the internal politics of the EU. Instead, it holds that "[g]ender equality must be fully incorporated into [the] external policies" (European Commission, 2010a, p. 4) to improve the social and economic status of women. In particular, it is acknowledged that to support sustainable development and the advancement of democracy it is necessary to decrease gender inequalities, fight gender-based violence, and support women's rights. The Women's Charter thus contains the commitment to advance gender equality, increase awareness of women's rights, and foster the implementation of relevant international instruments. (European Commission, 2010a)

In its statement about the promotion and protection of women's rights, the EEAS refers to the "EU guidelines on violence against women and girls and combating all forms of discrimination against them" to underline the EU commitment to the promotion of women's rights (European External Action Service, n.d.b). While these guidelines identify women's rights as a priority area for the European Union, the main focus is on the fighting of violence and discrimination against women. This text therefore constitutes a strong commitment to address these topics when entering into dialogue with third countries. Additionally, the guidelines also include an EU commitment to promote the ratification of international instruments on women's rights. (European Union, 2008c)

The "Strategy for equality between women and men 2010-2015" outlines the priorities of action for this period. In this, one chapter is devoted to gender equality in external actions. This Commission Communication acknowledges that the EU has the possibility to "exercise significant influence in fostering gender equality and women's empowerment worldwide" (European Commission, 2010b, p. 9). Regarding the European Neighbourhood Policy, this communication states that the EU supports the efforts of its neighbouring partners to promote gender equality. However, it also affirms that the specific measures and actions to be implemented are left to the specific Action Plans concluded by the EU and each partner country. This means that the concrete measures will consist in a compromise between the Union's commitments to promote women's rights and the third countries' interests. Concerning the EU-ACP relations, the provisions on development policy have to be

considered. In this context, this communication contains the commitment to “promote gender equality and women’s empowerment” (European Commission, 2010, p. 9). However, the communication does not elaborate on what the term “women’s empowerment” entails.

The last relevant document to be taken into consideration for this thesis is the Commission Communication “Gender Equality and Women Empowerment in Development Cooperation”. It identifies gender equality as one of the five common principles of the European development policy. Although it reiterates the commitment to gender equality in the EU agreements with all geographical areas, thus including the EU cooperation with its Mediterranean partners (European Commission, 2007a), the focus of this communication is on development aid. Therefore, the provisions of this document will only apply to the EU-ACP relations. The strategy confirms the commitments made in the Roadmap for Equality between Men and Women of 2006, i.e. equal rights, equal access to resources, and equal opportunities for political and economic influence. In this, the strategy endorses an equal treatment approach. While the document places a strong emphasis on the term “gender equality”, it also addresses gender mainstreaming and positive action as the objectives of the Union’s strategy. This strategy therefore reflects the three concepts applied in the analysis. (European Commission, 2007b)

Concluding, these pieces of secondary legislation reiterate the obligations included in EU primary law requiring that gender equality is addressed in the external relations. Only few of the provisions extend the promotion of women’s rights to include positive action, gender mainstreaming, or the advancement of relevant international instruments.

2.3 Conclusion

Firstly, the TEU, the TFEU, and the CFREU have a strong focus on the equal treatment approach. Thus, the obligations pertaining to women’s rights are confined to the promotion of gender equality and the fight of gender-based discrimination. Additionally, the CFREU allows for the adoption of positive action measures to support the underrepresented sex. However, this does not amount to an obligation to apply this approach. Gender mainstreaming, however, has had no influence on the provisions of women’s rights in these treaties.

Secondly, gender-specific secondary legislation is mainly in line with the provisions contained in EU primary law in affirming the goal to achieve gender equality and combat discrimination. Thereby, they contain the same focus on equal treatment. Only the communication “Gender Equality and Women Empowerment in Development Cooperation” is more specific. While it endorses equality of access to resources and equal opportunities for the participation in the economic and political spheres, it also calls for mainstreaming and specific actions to strengthen women’s rights. Moreover, the Commission Communication “A Strengthened Commitment to Equality between Women and Men - A Women's Charter” contains the commitment to raise awareness of women’s rights and to support the implementation of international instruments concerning women’s rights.

Concluding, the legal basis for the promotion of women’s rights in the external relations of the European Union as laid down in primary law concentrates on the two aims of promoting gender equality and fighting gender-based discrimination. In this, it emphasises the equal treatment approach. Only the gender-specific documents, then, extend the aims beyond gender equality and non-discrimination and implement a positive action or gender mainstreaming approach. Additionally, they also aim at awareness-raising and the promotion of the ratification and implementation of international instruments on women’s rights. As will be shown in the next two chapters, the agreements concluded with third states are not limited to the equal treatment approach, either. Instead, they often endorse women’s rights in very specific policy fields using a combination of equal treatment, positive action and mainstreaming.

Chapter 3: Women's Rights in the External Relations with the ACP States

3.1 Women's Rights in the Cotonou Agreement

The ACP-EC Partnership Agreement is the framework for the relations between the European Union and 79 states from the African, Caribbean and Pacific region. It is also known as the Cotonou Agreement named after the city Cotonou where it was signed in 2000. Since then, it has been revised twice, first in 2005 in Luxembourg and a second time in Ouagadougou in 2010. (European Commission, 2012)

The first reference to women's rights in the Cotonou Agreement is in the preamble which mentions both general human rights instruments and the Convention on the Elimination of all forms of Discrimination against Women. A similar dedication to women's rights is included in Article 8.3 on political dialogue which affirms that gender and sexual discrimination will be topics to be addressed in the regular dialogue between the parties. Another statement of intent is found in Article 9 containing essential elements of human rights. In this provision, paragraph 2 states the parties' intent to "promote and protect all fundamental freedoms and human rights" (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 22) and puts a special emphasis on equality between men and women. While these clauses affirm the joint commitment to address women's rights they are phrased very broadly and therefore express basic values or principles of cooperation.

The first substantial clause affirming women's rights is found in Article 1 of the Cotonou Agreement which outlines the objectives of the partnership. It states that "[s]ystematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social" (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 21). This aim reflects the concept of gender mainstreaming.

Indeed, women's rights are included in a number of specific provisions such as article 11 on peace building and conflict prevention. While paragraph 2 of this article lays the basis for active involvement of women in peace building, paragraph 3 commits the parties to address the problem of violence against women. Taking into account Rees' definition of the three manifestations of women's rights, this appears to be an example of a positive action approach

because Article 11 calls for specific measures to balance the disadvantaged situation of women.

Article 13 on migration reaffirms the parties' obligation to eliminate sexual discrimination. Thus, this article builds on the intent to address gender-based discrimination as laid down in Article 8. By establishing the obligation to fight gender-based discrimination, Article 13 focuses on equal treatment. Similarly, Article 72 establishes that there may be no discrimination between the victims of an armed conflict on the grounds of their gender. Thus, the commitment to address discrimination as established in Article 8 is incorporated into the issue areas of migration and humanitarian assistance.

Article 20 outlining the approach towards the cooperation between the EU and the ACP states provides details on the specific actions to be taken. Firstly, the cooperation shall ensure that the profits of economic growth will be equitably shared by men and women. This emphasis on equality of outcome constitutes a positive action approach. Secondly, gender issues shall be mainstreamed into all areas of cooperation.

Concerning the issue of health, Article 25 states the aim to prevent female genital mutilation and to include women's rights in the fight against HIV/AIDS. In the context of the rights of children in Article 26, girls are specifically mentioned. The special focus on women and girls in these two articles characterises a positive action approach in the area of health politics.

Thus, gender issues are included in the chapters outlining the objectives and the approach towards the cooperation between the EU and the ACP countries, and in the chapters on human rights, peace building and conflict prevention, humanitarian assistance, health, migration, and of course on gender issues as will be demonstrated below. Additionally, Article 20 provides explicitly for the mainstreaming of gender issues into all areas of cooperation. Even though Rees' definition of gender mainstreaming requires the integration of gender equality into all policy areas, it is remarkable that gender issues are indeed explicitly addressed in so many different chapters, especially if one takes into consideration that the agreement contains a separate chapter on gender issues.

Indeed, the clearest manifestation of the promotion of women's rights in the Cotonou Agreement is Article 31 on gender issues. It calls for "equal participation of men and women

in all spheres of political, economic, social and cultural life” and the improvement of “the access of women to all resources required for the full exercise of their fundamental rights” (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 43). Since this clause specifically talks about equality of access, it concentrates on equal treatment. Additionally, the article employs a mainstreaming approach in its requirement that gender issues are to be addressed at every level of cooperation. And finally, Article 31 also provides for positive action to encourage the participation of women in national and local politics, support women’s organisations, improve access to social services such as education and health care, enhance access to productive resources such as land and credit, and to take “specific account of women in emergency aid and rehabilitation operations” (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 43).

In this context it is interesting to note that the topic of HIV/AIDS is included as Article 31a and thus in relation to gender issues. While the article also addresses general issues central to the strategy to combat HIV/AIDS, one paragraph is specifically devoted to gender issues. It raises the point of “gender inequality, gender-based violence and abuse, as drivers of the HIV/AIDS pandemic” (Members of the African, Caribbean and Pacific Group of States & European Community and its Member States, 2010, p. 44) and calls for an increased safeguarding of women’s and girls’ rights, the development of gender-sensitive HIV/AIDS programmes, and the inclusion of women into the planning and decision-making process of the HIV/AIDS strategies. Thus, this article puts the mainstreaming approach into practice by including women in the decision-making structures. Additionally, the special emphasis on safeguarding women’s rights and setting up gender-specific programmes reflects a positive action approach.

Finally, the Cotonou Agreement also contains several references to international instruments promoting women’s rights. This attests that the EU has fulfilled its commitment to support the implementation of international instruments as laid down in the Commission Communication “A Strengthened Commitment to Equality between Women and Men - A Women's Charter”. In its preamble, the Cotonou Agreement invokes the principles of the Charter of the United Nations which affirms the equal rights of men and women in its preamble (United Nations, 1945, p. 2). Furthermore, it refers to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights which both establish the principle of gender

equality in Article 3 (United Nations General Assembly, 1966a; United Nations General Assembly, 1966b). The latter also contains the right for equal pay and equal working conditions. Additionally, the Cotonou Agreement refers to the Convention on the Elimination of all forms of Discrimination Against Women and confirms the countries' commitment to the Millennium Development Goals which aim among other things at the promotion of gender equality, the empowerment of women, the improvement of maternal health and the achievement of universal primary education for boys and girls alike by 2015 (Millennium Project, 2006). Last but not least, the Cotonou Agreement confirms the parties' will to adhere to the standards established by the International Labour Organization which has not only adopted specific conventions for the promotion of gender equality such as Convention No. 100 on equal remuneration between men and women, Convention No. 111 on discrimination, or Convention No. 183 on maternity protection, but also promotes gender equality in more general conventions (International Labour Organization, 2007, pp. 5-6). All these international instruments endorse the principle of equal treatment.

Concluding, the Cotonou Agreement presents a comprehensive demonstration of the promotion of women's rights in the external relations of the European Union. While an equal treatment approach is also found in this agreement, both gender mainstreaming and positive action play a prominent role in the substantive provisions on women's rights. The following two sections will show that this sets the Cotonou Agreement apart from the bilateral agreements concluded with Papua New Guinea and Jamaica. These agreements do not include a specific focus on women's rights and rely mainly on a gender mainstreaming approach to indicate that gender issues affect and therefore require action in a variety of fields.

3.2 Papua New Guinea

The analysis of the promotion of women's rights in Papua New Guinea will be based on the Papua New Guinea - European Community Country Strategy Paper and National Indicative Programme for the period 2008–2013. Even though women's rights are not one of the priority areas of the cooperation between the EU and Papua New Guinea, the section on strategic objectives recognises gender equality as a cross-cutting issue. Thereby, it is acknowledged that this issue impacts many different fields and consequently requires attention in these different fields, too. In particular, this section states the aim of strengthening the

mainstreaming of gender equality. (Government of Papua New Guinea & European Commission, 2007, p. 7)

The analysis of the political situation in Papua New Guinea describes the political scene as male-dominated. This includes that since 1982 only two women were elected into parliament and that at the time of preparing this CSP only one out of 109 Members of Parliament was a woman. Additionally, women “are poorly represented at senior levels of both the public service and the private sector, in the professions, and in politics and the judiciary” (Government of Papua New Guinea & European Commission, 2007, p. 14). At the same time, the paper recognises that Papua New Guinea is party to the Convention on the Elimination of all forms of Discrimination Against Women and has adopted a law paving the way for the participation of women at the highest decision-making levels. In this context, the CSP also mentions that violence against women is one of the most common human rights violations in this country. (Government of Papua New Guinea & European Commission, 2007, p. 8)

Concerning the social situation which is described as being among the worst in the Pacific region, women are said to be particularly disadvantaged. Thus, school enrolment rates for girls are significantly lower than for boys and maternal mortality rates are strikingly high. Additionally, the literacy rate for women is with 37% notably lower than that for men with 44% (Government of Papua New Guinea & European Commission, 2007, p. 13). The CSP addresses gender equity as a separate sub-item of the social situation. While reflecting on the issues addressed previously, it elaborates that women and girls suffer from a general lack of respect which in turn makes them particularly vulnerable. This manifests itself in rising HIV infections due to abuse and sexual violence. The analysis of the poverty reduction strategies shows that despite the fact that the government’s development strategy has identified gender equality as a key policy, there has been little progress in the way towards achieving the MDGs, including the respective clauses on gender equality. (Government of Papua New Guinea & European Commission, 2007, pp. 16-17)

In the description of past and present cooperation, there are overall three mentions of women’s rights. This concerns firstly the financial support for sexual health service information aiming at the prevention of sexually transmitted diseases. This project targets both the general public and vulnerable groups such as women and girls. This special attention to women and girls can be interpreted as a positive action approach as it employs special

measures to make up for the disadvantaged situation of this gender. Secondly, there is a special reference to gender equity as a cross-cutting issue in the support for good governance. And finally, there is a general reaffirmation of the attention on cross-cutting issues such as gender equity. They will be integrated into the programmes to support the two focal sectors of the bilateral cooperation, i.e. firstly, education, training and human resource development and secondly, rural water supply and sanitation. (Government of Papua New Guinea & European Commission, 2007, pp. 23-27)

Concluding, it becomes apparent that women in Papua New Guinea are fairly disadvantaged. While there is no detailed information given about the economic situation of women such as employment rates, the information about the social and political situation illustrates the disadvantages women face. Nevertheless, the bilateral cooperation does not focus on women in particular. Instead, the Country Strategy Paper follows the gender mainstreaming approach to integrate women's rights into all policy areas.

3.3 Jamaica

The promotion of women's rights in Jamaica will be examined on the basis of the Jamaica – European Community Country Strategy Paper and National Indicative Programme for the period 2008–2013. The section on strategic objectives for the cooperation between the European Union and Jamaica identifies several key areas including human rights. Even though there is no specific reference to women's rights, gender equality is identified as a cross-cutting issue. Furthermore, this CSP requires the strengthening of the mainstreaming approach. (Government of Jamaica & European Community, 2007, p. 12)

The description of the economic situation registers a decline in the unemployment rates. Nevertheless, these rates are still characterised by strong gender inequalities with the female unemployment rate being over twice as high as that for men. This is especially remarkable given that women have higher rates of academic achievements. Additionally, gender poverty is identified as an important topic and said to require further mainstreaming efforts. (Government of Jamaica & European Community, 2007, pp. 15-20)

Jamaica is generally successful on its way towards achieving the MDGs. Still, the issue of maternal health care impedes this progress and is together with child mortality rates one of the

areas noting little change. Furthermore, the social situation is characterised by the prevalence of gender-based violence, raising numbers of HIV infections among adolescent girls, and a high number of female headed households living below the poverty line. (Government of Jamaica & European Community, 2007, p. 18-20)

Furthermore, the CSP notes that the Jamaican development strategy is based on cross-cutting priorities with a gender equality perspective. Concerning EU assistance, the programme supporting the banana industry is said to aim at diversification to “promote sustainable agricultural and non-agricultural development in traditional banana growing areas” (Government of Jamaica & European Community, 2007, p. 31). It is expected that this will also result in decreasing gender-based income disparities. Finally, the paper asserts that the cross-cutting issues such as gender equity have been considered in devising the development strategy for Jamaica. Thus, gender issues have been mainstreamed. (Government of Jamaica & European Community, 2007, p. 24-35)

In conclusion, it is apparent that the situation of women’s rights in Jamaica is characterised by severe gender inequalities. While the Country Strategy Paper describes the disadvantages women face in Jamaican society, it also documents that the cooperation with the EU does not include a specific focus on women’s rights but instead includes gender equality as a cross-cutting issue which is to be mainstreamed.

3.4 Conclusion

The basic values included in the preamble and the first articles of the Cotonou Agreement reflect the commitment to promote gender equality and fight discrimination as established by the European treaties. Thus, Articles 8 and 9 fulfil the commitments as laid down in the TEU, the TFEU, and the CFREU. Additionally, the articles on migration and humanitarian assistance reaffirm the principle of non-discrimination in these issue areas. This equal treatment approach is also reflected in Article 31 calling for equal access to all resources.

The main focus of the Cotonou Agreement, however, is on the inclusion of gender issues into specific thematic contexts. Thus, women’s rights are addressed in the articles on the objectives of and the approach towards the cooperation between the EU and the ACP countries, human rights, peace building, migration, humanitarian work, and the chapter on

gender issues which in turn broaches the subject of HIV/AIDS. This comprehensive approach towards women's rights in addition to the commitment to incorporate gender issues into all areas as laid down in Article 1 and the explicitly stated intent to mainstream gender issues as stated in Article 20 bears witness to the strong influence of the mainstreaming approach on the Cotonou Agreement.

Additionally, many of the articles reflect a positive action approach in that they aim at creating equal outcomes for men and women or place specific emphasis on the need for attention on women's rights. This is visible in Article 11 providing for special measures to enable the involvement of women in peace building initiatives and to combat violence against women. Similarly, several articles provide for positive action measures to establish equality of outcome with regard to the equal sharing of the benefits resulting from economic growth (Article 20), pay particular attention to the health rights of women (Article 25), place a special emphasis on girls in the context of children's rights (Article 26), envisage measures to foster women's participation in politics, support women's organisations, and help women access social and health services (Article 31), and finally set up gender-specific HIV programmes (Article 31a).

This illustrates that the Cotonou Agreement relies strongly on all three approaches to promote women's rights. In this, it goes beyond the strict obligations of the European treaties which solely rely on equal treatment and instead aligns itself with the Commission Communication "Gender Equality and Women Empowerment in Development Cooperation".

In contrast to the Cotonou Agreement, the two Country Strategy Papers exclusively employ a gender mainstreaming approach. In light of the many areas identified in these papers where women are in great need of support, the mainstreaming approach is the obvious choice. As it requires the incorporation of women's rights into all the different policy fields it constitutes an answer to all identified problems at once. Only the CSP of Papua New Guinea mentions an existing programme which follows a positive action approach. Additionally, the monitoring of the progress towards achieving the MDGs in Papua New Guinea and Jamaica is in line with the EU commitment to promote the implementation of international instruments as laid down in the communication "A Strengthened Commitment to Equality between Women and Men - A Women's Charter". In general, however, both CSPs do little but describe the problems

women face in these countries and affirm that gender equality is a cross-cutting issue which is to be included into all areas of cooperation.

Finally, when one compares the clauses of these agreements with the projects actually in place in these two countries it appears that the reality is somewhat short of the rhetoric. Of the twenty programmes funded by the European Union in Jamaica, only the Community Upliftment and Human Rights Awareness Project which focuses on after-school education for adolescents and social development programmes addresses the issue of women's rights (Delegation of the European Union to Jamaica, Belize, The Bahamas, Turks and Caicos Islands and Caiman Islands, 2012). In Papua New Guinea, two out of the sixteen EU-funded projects refer to women's rights. Firstly, the Haus Ruth project aims to support women and their children who have suffered from abuse (Delegation of the European Union to Papua New Guinea, n.d.a) and secondly, the Rural Water Supply and Sanitation Programme helps to decrease drudgery for women (Delegation of the European Union to Papua New Guinea, n.d.b). Additionally, the two CSPs mention one programme in each country which takes account of gender issues. This shows that even though the CSPs recognise gender equality as a cross-cutting issue which requires action in multiple fields, the majority of programmes does not take this into account. Therefore, the mainstreaming approach used in the CSPs seems to have little impact on the situation of women. Considering the many disadvantages for women as attested by the CSPs the absence of concrete results should call the mainstreaming approach into question. Additionally, given the comprehensive obligations established by the Cotonou Agreement, the country-specific strategies fall far short of realising their potential. Concluding, the promotion of women's rights in the ACP region largely seems to be a commitment on paper only and much remains to be done to achieve a substantial improvement in the local situation of women.

Chapter 4: Women's Rights in the Euro-Mediterranean Partnership

4.1 Women's Rights in the Euro-Mediterranean Partnership

The Barcelona Declaration is the guiding document of the Euro-Mediterranean Partnership. Adopted in 1995, it addresses the three aspects of this partnership, i.e. political dialogue, economic and financial cooperation, and the social, human and cultural dimension. Furthermore, it reaffirms existing commitments such as those included in the Charter of the United Nations.

Concerning the political aspects of cooperation, the partnership aims to establish a common area of peace and stability. In this context, the respect for human rights “without any discrimination on grounds of race, nationality, language, religion or sex” (European Union & Countries of the Mediterranean Basin, 1995, p. 3) is one of the basic principles. Thus, one of the core principles for the cooperation follows the equal treatment approach to promote women's rights.

Regarding economic and financial cooperation, the parties aim to create “an environment conducive to [...] recognize the key role of women in development and undertake to promote their active participation in economic and social life and in the creation of employment” (European Union & Countries of the Mediterranean Basin, 1995, pp. 4-5). This special emphasis and the focus to achieve a certain outcome characterises this clause as a positive action approach. Similarly, positive action is employed in the social, human and cultural dimension. To foster the development of human resources “particular attention will be paid to the role of women” (European Union & Countries of the Mediterranean Basin, 1995, p. 12). Additionally, the aim to improve living conditions and to increase employment levels puts a special emphasis on women.

Concluding, the Barcelona Declaration reflects a very narrow approach to the topic of women's rights. The reference to non-discrimination is in line with the obligations included in Article 3 TEU and Article 10 TFEU. It is, however, remarkable that there is no mention of gender equality at all. It is also noteworthy that there is no explicit reference to any goals to be achieved through this cooperation. And finally, the Barcelona Declaration reflects only the positive action and equal treatment approaches while gender mainstreaming has had no influence.

Regarding the issue of women's rights in the Euro-Mediterranean Partnership it is also necessary to include the "Ministerial Conclusions on Strengthening the Role of Women in Society" in this analysis. Based on the Barcelona Declaration, the first conference of the Euro-Mediterranean Ministers to address the promotion of women's rights in the Euro-Mediterranean Partnership was held in 2006 in Istanbul (European External Action Service, n.d.c). While these conclusions reaffirm the commitments of the Barcelona Declaration, they also refer to international instruments such as the two International Covenants on Human Rights. Thereby, the conclusions renew the commitments towards gender equality as contained in Article 3 ICCPR (United Nations General Assembly, 1966a) and Articles 3 and 7 ICESCR (United Nations General Assembly, 1966b). Additionally, the conclusions refer to the Convention on the Elimination of all forms of Discrimination Against Women, Security Council Resolution 1325 on Women, Peace and Security which addresses the role of women in conflict prevention, the Beijing Declaration and Platform of Action, the Millennium Development Goals and a few regional agreements (European Union & Euromed, 2006, pp. 1–2). These references show that the European Union fulfils its commitments to support the implementation of international instruments on women's rights as established in the Commission Communication "A Strengthened Commitment to Equality between Women and Men - A Women's Charter" and the "EU guidelines on violence against women and girls and combating all forms of discrimination against them".

In the Ministerial Conclusions, gender equality and the full realisation of women's rights are recognised as core elements of democracy and as a prerequisite to attain the main goal of the Barcelona Declaration, i.e. building "a common area of peace, stability and shared prosperity" (European Union & Euromed, 2006, p. 3). Therefore, it is agreed that women's political, civil, social, cultural, and economic rights will factor in the dialogues between the parties and in the policy documents and programmes of the European Neighbourhood Programme. In particular, the Ministerial Conclusions define a holistic approach which is to be taken by the Mediterranean partner countries to promote women's rights. This approach comprises three independent but interlinked priorities for women's rights: firstly, political and civil rights, secondly, social and economic rights and sustainable development, and thirdly, cultural rights and the role of communications and mass media (European Union & Euromed, 2006, p. 4). The terming of this approach as holistic entails that women's rights are incorporated into all policy areas. Thereby, these conclusions endorse a gender mainstreaming approach. The conclusions also refer explicitly to gender mainstreaming as a measure to promote women's

rights. Specifically, the conclusions provide for the “mainstreaming of full enjoyment of human rights by women and needs into all plans, projects and other relevant activities of the Euro-Mediterranean Partnership” (European Union & Euromed, 2006, p. 4). This provision also envisages “specific measure in favour of women” which fits a positive action approach.

The Istanbul Conclusions then list specific goals to ensure the full enjoyment of women’s rights in the spheres of civil and political rights, social and economic rights and sustainable development, and the cultural sphere and the role of communications and the mass media. While the variety of these points in themselves reflects a gender-mainstreaming approach, single provisions also constitute equal treatment and positive action measures. Thus, clauses providing for equal access to justice or equal participation in decision-making are examples of the equal treatment focus while a particular emphasis on women’s organisations in the context of civil society organisations is an example for positive action. (European Union & Euromed, 2006)

The Ministerial Conclusions of the Istanbul Conference are termed “the most important political references for promoting women’s rights and gender equality in the Euro-Mediterranean Partnership” (European Union & Euromed, 2006, p. 2). By providing for a “holistic approach” (European Union & Euromed, 2006, p. 4) the Conclusions constitute a comprehensive framework for mainstreaming women’s rights into all policy areas. Even though the document is dominated by the mainstreaming approach, it also contains specific provisions for equal treatment and positive action.

Regarding recent developments in the Mediterranean region, it is also appropriate to take into consideration the EU response to the “Arab Spring”. On the occasion of the economic and political transition in the region, the Commission and the High Representative of The Union For Foreign Affairs And Security Policy Catherine Ashton adopted the two joint communications “A partnership for democracy and shared prosperity with the Southern Mediterranean” (European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, 2011a) and “A new response to a changing Neighbourhood – a review of European Neighbourhood Policy” (European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, 2011b). While the first communication affirms that women have played a crucial role in the changes which have taken place and that gender issues will continue to be an important factor in the

support provided by the EU, it does not address women's rights. Instead, new funds are provided for issues such as humanitarian assistance or the increased refugee flow from that region. The second communication also recognises the role played by women in the recent developments and takes this to reinforce the commitment to promote gender equality. At the same time, however, it is acknowledged that the commitments included in the international agreements are not always translated into action.

Concluding, this shows that while the Barcelona Declaration as the founding document of the Euro-Mediterranean Partnership has taken only limited steps to promote women's rights, the Ministerial Conferences on Strengthening the Role of Women in Society have since then expanded the focus on this issue considerably. In fact, these conferences are now the main drivers in the promotion of women's rights in the Euro-Mediterranean Partnership. Considering recent developments in the region, however, the approach towards women's rights has not been affected much and the EU has at most used the occasion to reaffirm previous commitments. The next two sections will describe the promotion of women's rights in the bilateral relations with Egypt and Algeria. In this, it will be shown that the Ministerial Conferences are indeed the most influential factor in the promotion of women's rights in this region as the Association Agreements take a very limited approach in this field.

4.2 Egypt

The Euro-Mediterranean Agreement Establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, in the following referred to as the EU-Egypt Association Agreement, was signed on June 25th 2001. It constitutes the legal basis of the relations between the European Union and Egypt. (European External Action Service, n.d.d)

The first reference to women's rights in the EU-Egypt Association Agreement is in the context of education and training in Article 42. The parties commit themselves to improve education and vocational training and state that "the access of women to higher education and training will receive special attention" (European Communities and their Member States & Arab Republic of Egypt, 2001, p. 31). As this clause focuses on equality of access instead of equality of outcome it endorses equal treatment.

Next to this, women's rights are addressed in the field of social cooperation. In this, two of the seven priority areas of interest contain women's rights. Firstly, the role of women is to be promoted in economic and social development. Secondly, family planning and mother and child protection programmes are to be set up and strengthened. Both these clauses contained in Article 65 reflect a positive action approach in that they take the form of special actions and programmes. (European Communities and their Member States & Arab Republic of Egypt, 2001, p. 48)

Concluding, it is noteworthy that women's rights are not specifically mentioned as a value or principle on which the cooperation between the EU and Egypt is based. Instead, Article 2 merely refers to "democratic principles and fundamental human rights" (European Communities and their Member States & Arab Republic of Egypt, 2001, p. 5). Furthermore, women's rights are only included in two issue areas, namely cooperation in the social field and education and training. In this, the agreement endorses equal treatment in the area of education and training and positive action in the social field. The mainstreaming, approach, however, is absent.

4.3 Algeria

On April 22nd 2002, the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, in the following called EU-Algeria Association Agreement, was signed. This treaty is the legal basis of the relations between the EU and Algeria. (European External Action Service, n.d.e)

In Article 74 under the heading of "Cooperation in the social field", the agreement provides for two measures to strengthen the position of women. Firstly and in keeping with Algerian policy, education and the media shall help "promoting the role of women in the economic and social development process" (European Community and its Member States & People's Democratic Republic of Algeria, 2002, p. 20). Secondly, programmes to strengthen Algerian family planning and the protection of mothers and children shall be fostered. As these clauses take the form of special programmes they clearly employ a positive action approach.

Furthermore, Article 78 which addresses cooperation in the areas of education and training calls for a “special emphasis on giving the female population access to education” (European Community and its Member States & People’s Democratic Republic of Algeria, 2002, p. 21). This focus on equality of access is in contrast to the equality of outcome approach of Article 74 and thus constitutes an equal treatment measure.

Similar to the EU-Egypt Association Agreement, this agreement does not contain a reference to women’s rights as a value or principle but merely refers to “democratic principles and fundamental human rights” in Article 2 (European Community and its Member States & People’s Democratic Republic of Algeria, 2002, p. 3). Only in the areas of social cooperation and education, the agreement endorses women’s rights through a positive action and equal treatment approach respectively. Gender mainstreaming, however, plays no role in this agreement.

4.4 Conclusion

Regarding the two Association Agreements analysed above, it is remarkable how similar these two are in their approach towards women’s rights. Not only are women’s rights addressed in the same contexts, i.e. social cooperation and education, but they are also promoted using the same approaches, i.e. equal treatment in the field of education and positive action in matters of social cooperation. Considering that the agreements between the EU and Egypt and Algeria respectively have been negotiated on an individual basis and should therefore reflect specific national characteristics, the apparent similarity is striking. This is especially so when keeping in mind that the gender inequality levels in these two countries are very different and that women in Algeria are therefore in greater need of support for their rights than women in Egypt. It is also remarkable that gender mainstreaming as the newest approach has not been incorporated into these agreements at all. Instead, the agreements employ equal treatment and positive action without, however, specifically referring to women’s rights as a core principle. Moreover, neither of the two agreements endorses non-discrimination even though both the TEU and the TFEU require the EU to include this principle in its external relations.

This notwithstanding, non-discrimination is included in the Barcelona Declaration. Therefore, the obligation laid down in Article 3 TEU and Article 10 TFEU to combat discrimination is

fulfilled with regard to the Mediterranean partner countries. Additionally, the Barcelona Declaration also advocates positive action to enhance the participation of women in the economic and social sphere. In particular, special attention is given to women in the development of human resources, the improvement of living conditions, and the increase of employment levels. Gender mainstreaming, however, does not figure in the Barcelona Declaration, either. Thus, in applying equal treatment and positive action the Association Agreements and the Barcelona Declaration take similar approaches. Additionally, both focus on the issue areas of economic and social cooperation. The Barcelona Declaration, however, also addresses political cooperation. This shows that the Barcelona Declaration which has been concluded with all the partner countries of the Mediterranean region contains more comprehensive provisions to promote women's rights than the Association Agreements concluded on an individual basis.

In the Euro-Mediterranean Partnership, only the Ministerial Conclusions on Strengthening the Role of Women employ the mainstreaming approach to promote women's rights. They specifically endorse gender mainstreaming and in adopting what is called a "holistic approach" they put gender mainstreaming into action by promoting women's rights in the spheres of political and civil rights, social and economic rights and sustainable development, and cultural rights and communications. In presenting specific goals to be achieved in these three fields, the conclusions also contain equal treatment and positive action provisions. Nevertheless, the Ministerial Conclusions which constitute after all a specific initiative to promote women's rights in the Mediterranean region are dominated by a gender mainstreaming approach.

Taken together, the Barcelona Declaration and the Ministerial Conclusions on Strengthening the Role of Women complement each other and promote the entire range of women's rights in all its manifestations. Also, they refer to a great number of international instruments on women's rights and reaffirm the parties' commitments to the goals contained in these instruments. While both of them recognise the role of women in development and their importance in achieving the goal of "a common area of peace, stability and shared prosperity" (European Union & Euromed, 2006, p. 3), the Barcelona Declaration focuses strongly on economic aspects such as employment levels and human resource development while the Ministerial Conclusions cover a wider range of issues and claim to take a "holistic approach". In this, the Conclusions also go far beyond the provisions of the Association Agreements.

This shows that the regional documents provide for a stronger promotion of women's rights than required by the obligations contained in either primary or secondary EU law.

Regarding specific action to put the commitments of the different agreements into practice neither the EU Delegation to Egypt (Delegation of the European Union to Egypt, n.d) nor the EU Delegation to Algeria (Délégation de l'Union européenne en Algérie, n.d.) mention any projects currently in place which take specific account of gender issues or are even directly devoted to this matter. And while the Euromed Gender Equality Programme was launched as part of the follow-up process to the Ministerial Conference held in Istanbul and provided expertise and training to the government officials in the Mediterranean partner countries to achieve the goals set out in the Ministerial Conclusions, this programme was only in place from 2008 to 2011 (Euromed Gender Equality Programme, n.d.). Thus it becomes apparent that there is at the moment no evidence of either the country-specific or the regional commitments being put into practice. Instead, and similar to the promotion of women's rights in the ACP region, the promotion of women's rights in the Euro-Mediterranean Partnership appears to be a commitment on paper only.

Chapter 5: Conclusion

5.1 The Promotion of Women's Rights in the External Relations of the EU

One important finding of this thesis is that most of the legal agreements analysed in this thesis are not limited to one single approach in their promotion of women's rights. Instead, they usually employ a mixture of equal treatment, positive action, and gender mainstreaming or employ at least two of these approaches. This supports the argument that in order to understand women's rights fully and to receive a complete description of the promotion of women's rights it is necessary to include all three concepts in the analysis and to be aware of the differences.

Concerning the conceptualisation of women's rights, the external agreements differ from the Treaty on European Union and the Treaty on the Functioning of the European Union which only endorse the equal treatment approach. Similarly, most of the pieces of secondary legislation outlining the EU policy towards the promotion of women's rights in its external relations employ an equal treatment approach. The Charter of Fundamental Rights of the European Union, however, allows for the promotion of women's rights through positive action measures. Additionally, the Commission Communication "Gender Equality and Women Empowerment in Development Cooperation" provides for equal treatment, positive action and gender mainstreaming to foster women's rights. While this shows that the internal EU documents favour the equal treatment approach, it also affirms that EU action is by no means limited to this.

Among the bilateral agreements, it is only the two Country Strategy Papers concluded with Papua New Guinea and Jamaica which focus exclusively on a gender mainstreaming approach to incorporate gender equality into every policy area. The CSP with Papua New Guinea, however, also mentions one of the existing programmes which is financed through the EU and constitutes a positive action measure. Nevertheless, beyond this mention positive action measures are not included in the CSPs. Apart from that, all the external agreements show different manifestations of women's rights. While the Cotonou Agreement and the Ministerial Conclusions on Strengthening the Role of Women employ all three approaches, the Barcelona Declaration and the two Association Agreements rely on equal treatment and positive action.

Regarding the EU relations with the ACP states it is noteworthy that while the Cotonou Agreement presents a comprehensive approach towards women's rights, the Country Strategy Papers constitute only restricted attempts at the promotion of women's rights. As the CSPs are based on the Cotonou Agreement it is not strictly speaking necessary to reaffirm the commitments to the promotion of women's rights since the countries have already accepted these commitments with their signature of the Cotonou Agreement. Nevertheless, it is indicative of the negotiation process that the CSPs point out several areas where women require assistance and support for their rights without reaffirming the intent to provide this help. This leads to the conclusion that women's rights were either not a core issue during the negotiations or that the ACP partner countries were reluctant to extend their commitments in this field.

Concerning the Euro-Mediterranean Partnership, it is striking that gender mainstreaming which has been described as the prominent approach of the 1990s (Rees, 2005, p. 558) is neither reflected in the Barcelona Declaration of 1995, nor in the two Association Agreements concluded in 2001 and 2002. In general, both the Barcelona Declaration and the two Association Agreements contain only limited provisions for the promotion of women's rights. Nevertheless, these limited provisions suffice to fulfil the obligations contained in the TEU, the TFEU, and the CFREU. The main focus of the promotion of women's rights in the Mediterranean region, however, is on the specific conferences on the "Strengthening of the Role of Women in Society". The conclusions of these conferences go well beyond the commitments included in either the Barcelona Declaration or the Association Agreements.

The promotion of women's rights in the external relations analysed in this thesis therefore exhibits two main differences. Firstly, the promotion of women's rights in the relations with the ACP states relies mainly on the overarching ACP-EC Partnership Agreement. The bilateral agreements, however, contribute little to the topic of women's rights. Also, the Cotonou Agreement provides a comprehensive framework, addressing women's rights in many different issue areas, providing for specific goals and measures, and reflecting all three approaches used in this analysis. In contrast to this, the Barcelona Declaration as the guiding document of the Euro-Mediterranean Partnership promotes women's rights in a limited number of issue areas and relies exclusively on equal treatment and positive action. The promotion of women's rights in the Mediterranean region does instead mainly benefit from the conferences which are conducted specifically to this end. Therefore, it is not necessary to

include women's rights in the main legal documents as the countries manifest their commitments through the conclusions of these conferences.

Secondly, the strong commitment towards the promotion of women's rights in the Euro-Mediterranean Partnership goes beyond any legal obligation the EU has in this context. Both the Cotonou Agreement and the Euromed Ministerial Conclusions on Strengthening the Role of Women in Society as the most comprehensive ones of the analysed documents in the two regions extend the promotion of women's rights beyond the obligations contained in the European treaties or most of the documents addressing women's rights in particular. These obligations focus on equal treatment measures to achieve gender equality and non-discrimination. Only the Commission Communication "Gender Equality and Women Empowerment in Development Cooperation" reflects all three approaches towards women's rights, too. This communication, however, only contains commitments applicable to the relations with the ACP group of states and the obligations for the promotion of women's rights in the Euro-Mediterranean Partnership are actually limited to a minimum. Thus, the Euromed Ministerial Conclusions seem to attest to a shared interest in this matter.

In addition to these main differences, it is striking that the promotion of women's rights in both regions is strongest in the regional agreements. Both the Country Strategy Papers and the Association Agreements analysed in this thesis show little to no consideration to country-specific circumstances in the promotion of women's rights. Instead, the commitments remain general and more restricted than those made on the regional level. It therefore appears that the partner countries are reluctant to commit to the obligations contained in the regional agreements on a bilateral basis and assume direct responsibility for the realisation of these clauses.

Considering the general scarcity of projects putting the commitments included in the different agreements into practice it is difficult to assess the concrete impact of these. While positive action measures should be expected to manifest themselves in specific programmes, the consequences of equal treatment or gender mainstreaming clauses are rather oblique as they are targeted at legal remedies and changes in the structures and systems of a country. Yet, even the specific positive action programmes can take the form of national measures which are not advertised on a large scale. Therefore, it is at this point not possible to draw conclusions about the effectiveness of the different approaches taken in the ACP region or in

the context of the Euro-Mediterranean Partnership. Nevertheless, it is possible to conclude that the EU not only fulfils its legal obligations to promote women's rights but even extends this promotion beyond any obligations. Thereby, it provides a comprehensive legal basis for the promotion of women's rights in its relations with third countries.

5.2 Suggestions for Further Research

Based on the differences in the promotion of women's rights as ascertained in this thesis, a value of future research would be the inclusion of further countries to expand the analysis of EU relations with the ACP region and the Mediterranean region. This study has shown that there were barely any differences between the countries selected representatively for the two regions even though the countries differed considerably in their GII. Thus, the inclusion of more countries from each region would make it possible to determine whether the agreements between the EU and third countries differ at all and in how far they take account of the local situation of women. Furthermore, it would also add to the understanding of the promotion of women's rights in the external relations of the EU if it was possible to include further regions in the analysis. Thereby, the conclusions drawn about the differences between the regions and countries could be based on a greater sample of data and increase the validity of the findings.

Additionally, this study as well as studies including a greater sample of countries or regions can pose as the basis for studies analysing the underlying reasons for the differences in the promotion of women's rights. Thus, building on the finding of differences between the analysed agreements one could conduct an explorative study to determine the factors which influence the character and extent of clauses pertaining to women's rights. As shown in this study, the situation of women measured by the GII is not necessarily a factor. Instead, future research could include for example other measures of gender inequality, the dependence of the country or region on the European Union, the extent of cooperation between the EU and the country or region in question, the overall economic situation of the country or region, or the like. Additionally, the difference in the promotion of women's rights would have to be compared to the actual achievements and the improvements in the local situation of women. As this study has pointed out that women's rights are only rarely addressed in the projects funded and established in the partner countries by the EU, it will be necessary to investigate the measures undertaken by the partner countries alone to put the commitments included in the agreements into practice. By understanding the reasons for the differences in the

promotion of women's rights and the consequences of the different approaches it would then be possible to incorporate these factors into the negotiations and to optimise the promotion of women's rights.

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