

## **A European Institute for Gender Equality<sup>1</sup>**

Experiences of the German GenderCompetenceCentre at Humboldt  
University of Berlin<sup>2</sup>

### **Suggestions to Amend the Proposed Regulation of the European Institute for Gender Equality**

The German GenderCompetenceCentre congratulates the Council, the Commission and the European Parliament on its efforts to further the cause of gender equality by moving forward to create a European Institute for Gender Equality. Relevant **starting points** are:

- Equality for men and women is a fundamental right and policy field which EC law prioritizes – Art. 2, 3, 13, 141, 13 guidelines, about 200 ECJ decisions. Sex or gender equality has to be addressed in the context of different ethnicities, sexual orientation, age, belief or social background, which presents lasting challenges to all actors.
- Efforts to combat sex/gender discrimination have been part of EU policy in several policy fields, yet gender mainstreaming is not systematically and thoroughly realised in the EU and its member states.
- Equality and the implementation of Gender Mainstreaming are a cross sectional concern. Gender Equality is not a policy field, but part of all policies.
- Uneven developments regarding the progress made towards equality of men and women in different policy fields, in different Directorates etc., and EU-member states and the differences in causes and effects of gender inequality require
  - a broad policy-mix,
  - a solid base of information on gender in the EU, including statistical data, qualitative analysis, evaluation and monitoring schemes,
  - wide spread gender competence (awareness, knowledge, skills) to guarantee professional work in the area,
  - a wide range of effective instruments – normative, financial, programmatic, institutional - to implement gender equality.

The European Institute for Gender Equality can help to **provide access to these resources**. However, although new institutions are created to solve problems, they also do contribute to the recognition of new ones, and they have to **master certain**

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<sup>1</sup> Comments are based on the Regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality, presented by the Commission, COM(2005) 81 final; the Feasibility Study for a European Gender Institute as of January 2002, the Final Report on the Role of a Future European Gender Institute as of 15 June 2004, for the European Parliament, by Lut Mergaert, Yellow Window Management Consultants, a division of eadc n.v.

<sup>2</sup> [www.genderkompetenz.info](http://www.genderkompetenz.info)

**challenges** themselves. In the case of an Institute dedicated to work towards gender equality, the complexity of gender relations will certainly lead to the detection of more or more complex problems. Based on the experience of a national Gender Institute, several risks of such a creation should be proactively addressed. First, there are **two political risks** – and ways to avoid them - well known in the field of feminist politics:

- **Risk of “delegation” – clear mandate to support and enable:** Many actors tend to feel released from their genuine (cross sectional!) responsibility to strive towards gender equality. Sometimes, it is argued that “doubling of tasks” should be avoided. However, since gender is a cross-sectional concern, a Gender Institute does not usually not double a task, but complement a mainstream task with gender expertise. The only risk of “doubling tasks” exist in the area of gender expertise. Therefore, the European Institute for Gender Equality should be obliged
  - to support European agencies, national or regional institutes with expertise in issues around gender equality,
  - to pass on gender-related questions and tasks to the responsible actor (rather than “do it yourself”),
  - to actively encourage the strategy of gender mainstreaming by monitoring, offering advice and support training activities to build genuine gender competence.
- **Risk of “alibi” – independence:** In many cases, there is a tendency to use the creation of a specific actor committed to gender equality as an excuse for actors not to implement gender mainstreaming. This may happen to a European Institute as well. Therefore, autonomy (or independence) of such an institute is key for success – which means that no institution should have the right to define the operative tasks and activities of the Institute in detail, but that a framework (or roadmap) should suffice to collaborate, and that a defined set of actors should have the right to get advise and support to optimize their work and output. Art. 5 should be refined in light of this.

In addition, there are **administrative and structural risks** – and ways to avoid them - relevant to the creation of such institutes in terms of task and structure. The institutional “framing” of a Gender Institute is a factor of high relevance regarding its acceptance, and the long-term success of such efforts directed at the implementation of gender mainstreaming.

- **Risk of excess – clear mandate:** Gender is relevant in every sphere of life, thus in all EU policies. Thus there is a risk of excess if tasks are defined too broadly. No Institute will be able to address it all, nor should an institute be reduced to

specific policy fields. A clear mandate is thus key for success, and Art. 3 should be revised in light of this. The German GenderCompetenceCentre did limit its task in that it directs its work at structural effects for specific actors, rather than at expertise in all policy fields. In the German case, those primarily addressed are not the public nor politicians, but government agencies, and even more specifically: people working in government. The approach is to enable within institutions, rather than comment from outside. In the European case, one might consider to allow for a proactive approach of the Institute addressing actors relevant to an issue or action, yet one should be hesitant to oblige the Institute with too many tasks, particularly in the formative years.

- **Risk of mistrust and marginalization – proximity to research and science – distance to lobbying and partisan politics:** Since gender equality has been marginalized in the past, and is still often labeled a “special interest”, there is a high risk that even a Gender Institute will fail, based on such stereotypes. Generally, the first phase of institutionalisation has to result in firm roots and create positive recognition of the institute.<sup>3</sup> As an example, the German GenderCompetenceCentre in two ways: first, it rooted itself in cooperative structures with independent gender experts, and second, it created roots in work relations with people inside mainstream institutions. In the European case, one should define a structure within and a network of working relations around the European Gender Institute. Looked at from the German experience, non-partisan expert standing is key to success, and proximity to science one way to guarantee this. The quality of gender mainstreaming is based on the quality of knowledge and analytical skills which shall be inserted in mainstream policies. Science indicates independence from political parties, lobby groups, and administration, which is extremely important in a field which shall move from a political side issue to a professional mainstream task. Again, and in addition, the right to proactive (rather than just reactive, predefined<sup>4</sup>) intervention or comments will help the Institute to establish standing, yet the Institute should not and cannot replace lobbying and political action per se. The composition of the Bodies of the Institute and the tasks defined in Art. 3 may have to be refined here.
- **Task related to data:** Experience shows a growing demand and necessity for continuous comparable information on gender aspects in all policy fields, which is particularly important for European actors. Tasks may be to collect, support, analyse

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<sup>3</sup> This point was made by Prof. Paolo Feltrin, Hearing, Brussels 13.9.2005.

<sup>4</sup> This analysis has profited greatly from the expert testimony by Prof. Paolo Feltrin, Hearing, Brussels 13.9.2005. However, the suggestion to establish regular tasks to comment on commission activities for the Institute

or evaluate data, or, more generally, information on gender equality. In Germany, one regional institute G/I/S/A provides general policy field data (collected from other public statistics), but the national GenderCompetenceCentre provides access to data (but no genuine statistics) and supports actors to create, acquire, use and interpret data from usual sources (Eurostat et. al.). A European Equality Institute should best work to improve the comparability, objectivity and reliability of data on the EU level. If it shall provide data on its own, resources have to be allocated accordingly. If it shall evaluate data and policies, it will run the risk to loose its standing as a source of information rather than as a political lobbyists on gender equality. The Institute could efficiently support Eurostat et.al. to develop a standardised gendered system of data collection and analysis. In any case, the Instuitute will need access (and related resources) to data to prepare advisory work.

- **In particular: Public relations:** Gender competent analysis offers critical insight in many fields. Sometimes, it is marginalized as a political particularity, and sometimes, it is fought because of traditional views on equality, contrary to EU law, norms, and goals of integration. Such voices are heard within and outside of institutions. Therefore, a successful Institute needs the right to be an independent voice in gender matters. Part of this is the right to autonomous public relations. It enables the Gender Institute to establish its own "brand", with regular visbile events and products will also fight the risk of marginalization. Both the composition of the management board of a European Institute for Gender Equality (art. 10 enactment) and the definition of tasks in art. 3 should thus be refined.

All in all, a European Institute for Gender Equality can be an important step to further efforts to implement gender mainstreaming in the EU, to support and partially co-ordinate the national and European efforts, and to monitor success and optimize processes. A board and an advisory body will be important assets of the institute, the structure of which has to be carefully drafted. Gender mainstreaming needs well-founded gender competence precisely at the interface between science and politics. The creation of awareness among mainstream actors is, on the long run, the most important factor of success, which should thus be central to the work of such an institute. This will mean that "success" needs t be measured against the objective of long lasting change, rather than give oneself to the illusion to quikly create that one agent who does it all.

## **Suggested Modifications of the Proposed Regulation on the European Gender Institute**

Based on research on administrative change, the development of gender equality strategies in Europe and elsewhere, and the experiences of a national gender institute, the proposed regulation meets many of the requirements which follow from the factors explained above. However, some modifications seem to be needed to also effectively combat the risks known.

### **Article 2: Objectives**

Insert s. 2: *"The Institute strives toward implementation of gender mainstreaming, in accordance with Art. 1, 2, 13 ECT, thus towards equality of men and women in recognition of differences pertaining to age, belief, disability, ethnicity, or sexual orientation."*

Argument: The Institute shall enable mainstream actors to strive towards gender equality – and shall not replace, give excuses to anyone, or function as an alibi. It shall do so in line with today's approach to issues of sex discrimination, which look at problems in context of other social structures, rather than in isolation.

### **Article 3: Tasks**

1. ... [as proposed]

(a) insert that the Institute shall *"disseminate to specific actors and the public"*;

Argument: (a) is directly linked to (h), and (h) is overly specific. To allow the Institute to cater to the needs of a variety of actors, it should be free to decide which method of information to use.

(b) ...

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(d) replace with: *"establish criteria and indicators to monitor gender equality in Europe;"*

Argument: Surveys are too large a task for which the institute does not seem to be equipped. A long lasting effect towards gender equality will be gained if other actors are enabled to do adequate surveys which integrate gender.

(e) replace with: *"presents its work annually, in adequate format, to relevant actors or the public;"*

Argument: The proposed regulation is overly specific, given that the Institute needs to find effective and adequate ways to establish itself as a "brand". The obligation to report to the Board and Community actors is regulated in art. 10.

(f), (g) replace with: *"cooperate with gender experts, be they academic, private or public actors, social partners, agencies, or non-governmental organisations, which includes dissemination of information on relevant activities, conferences, or publications"*

Argument: Proposed regulation 1. (f) and (g) are overly specific and will limit the Institute's capability to establish itself as a "brand". "Stakeholders" is a term which needs to be reconsidered if the Institute shall be a source of expertise and not a site of lobbying. Task (g) seems to ask too much of the Institute in light of its budget, and is already done throughout Europe by independent actors.

#### **Art. 4: Areas of activity and working methods**

1. remove *"the objectives adopted and"*

Argument: The Institute, if it shall be successful as an independent body, should follow the Community road-map, yet set its own operative objectives. It is sufficient – and necessary to enable the Institute to work proactively - to have the objectives stated in Art.2, and set priorities according to Community policies.

2. Comment: It should be understood that *"in line"* indicates the roadmap, yet not the operative route taken on every journey. Otherwise, the Institute will be a reactive subcontractor of the Commission, rather than a proactive developer and engine in the field.

3. replace with: *"In pursuing its activities, the Institute shall cooperate closely and use all data and information generated by other actors in the field, as well as disseminate information on relevant activities of such actors, including Commission services. It shall ensure appropriate cooperation and support to be determined in a memorandum of understanding where appropriate."*

Argument: The formula *"to avoid duplication"* carries a risk described above. If gender mainstreaming is the objective, the Institute needs the right to work proactively and to comment on activities, data or information already generated by others, to insert gender expertise. Therefore, this par. needs to be refined.

4. ...

5. ... add: *"The Institute shall, if approached by qualified actors, host European projects relevant to the objectives defined in Art.2, which may be financed by third parties"*

Argument: This would explicitly allow the Institute to host additional projects, thus generating synergy effects in the field.

#### **Art. 5: Independence**

Replace with: *"The Institute shall carry out its activities independently from national authorities, political parties, lobby groups, and other organizations and shall be*

*autonomous as regards the Community institutions. This includes the right to disseminate information proactively to relevant actors and the public, to address institutions and to comment on activities relevant in the field.”*

Argument: Independence is key to success. It seems insufficient to only name independence from national authorities and civil society, given the risk an Institute in this area faces.

### **Art. 10: Management Board**

Replace with:

*1. The Management Board shall be composed of six Council representatives, six Commission representatives, and six representatives of qualified stakeholders in the area of gender equality. The latter shall be selected by the Commission in a transparent, public and competitive procedure, from the field of in NGO´s, grassroots-activists, institutes, and the social partners.*

*2. All members of the Management Board and their alternates have to be able to secure the highest standard of gender competence, of established recognition in the field, and must represent a broad range of relevant expertise in the area of gender equality. The list of members of the Board shall be published by the Council in the OJ and on all relevant web sites.*

*3. ...*

*4. ...*

*5. The Management Board shall take the decisions necessary for the setting of priorities and outstanding activities of the Institute. In particular, it shall:*

*(a) ...*

*(b) evaluate the work of the Institute based on regular reports or specifically requested reports on particular activities from the Director to the Board, and adopt an annual report of the Institute to be forwarded to the European Parliament, the Council, the Commission, the Court of Auditors, the European Economic and Social Committee and the Committee of Regions;*

*© ...*

*(d) ...*

*6. ...*

*7. ...*

*8. ...*

*9. insert “or her” own initiative*

*10. ...*

*11. ...*

Argument: The Management Board will be an important part of the structure of a successful Institute. To build widespread acceptance, it seems important that expertise and representation are both well cared for in its composition. The proposal does not yet mirror the diversity of expertise in the field, also among NGO's and lobbyists. Six such perspectives should be represented, which would not endanger a EU institution majority on the Board.

#### **Art. 11: Director**

1. insert s. 2: *"The Director shall be a person which secures the highest standard of gender competence, with an excellent reputation of objective independence in the field, with experiences in working in an international and cross-sectional field with a diverse team regarding qualification and background, and with the strategic and communicative skills needed to cooperate with the relevant actors".*

change s. 2, then 3: *before being "proposed"* (rather than appointed)

Argument: Particularly in the beginning, people will be more important than an institution not yet known. Therefore, expectations and profile of the Director should be transparent. The Director should be appointed after the Parliament has had the opportunity to discuss his or her declaration.

2. insert *evaluation "by the Management Board"*

Argument: The Board is the proper body to competently evaluate the Director's work.

3. cut out *"under the supervision of the management board"*.

Argument: The Regulation implies a direct hierarchy between the Board and the Director, which contradicts the idea of independence and flexibility. The supervisory powers of the Board are listed in Art. 10.

(d) cut out *"annual"* (in line with proposed change in Art. 3)

(g) cut out s. 2 (because this is part of proposed Art. 10, 5. (b)).

#### **Article 12: Advisory Forum**

1. cut out *"three"* and insert after nominated by the Commission *"in a public and transparent procedure"*

Argument: The number of non-voting members of the Forum should not be limited per se. The Forum – if it is a forum! – will be an important actor to support the work and monitor as well as inspire the effectiveness of the Institute. It may thus be wise to integrate additional experts.

4. replace with: *"The Advisory Forum shall create close links between the Institute and competent bodies and experts, independent institutes, NGO's and the social partners in the Member States."*



5. ...

6. replace with: *"Representatives of the Commission have the right and shall be invited to join the Forum as non-voting guests."*

Argument: The proposed regulation constitutes the Forum as an additional working unit of the Institute and as a strategic cooperation device. Since the task of the Institute is defined as a cooperative task, only the latter is needed. The Forum will not be the proper place to gather knowledge, but will be, at best, be a forum for exchange of strategic advice and for plans to cooperate. In addition, the Forum – just as the Institute – should be based on expertise, and work independently in line with the Community priorities, which can best be guaranteed if Members of the Commission may not just, but shall be actively sought to take part in the Forum.

7. ...

8. ...

#### **Art. 14: Drawing up the Budget.**

3 (b) suggests that the Institute charges money for its services, which might contravene its effectiveness in a field which is not seen as economically profitable and will most likely not be something actors willingly pay for. The regulation should clarify what kind of services for who are meant here.