

Mind the GAP: the EU as a transformative gender justice actor in an increasingly interest-driven EU foreign policy environment

Elise Ketelaars, PhD Candidate University of Ulster

Abstract:

In October 2015, the EU adopted the Gender Action Plan 2016-2020 (GAP II). It is the EU's framework for equality and women and girls' empowerment abroad. In view of the EU's consistent failure to live up to its commitments in this regard under the previous GAP, GAP II prioritizes measures to shift the EU's institutional culture in order to increase the use of gender mainstreaming, which is the EU's core strategy for promoting gender equality abroad. In 2018 the EU also updated its Comprehensive Approach towards the implementation of the Women, Peace and Security Agenda, signalling increased EU investment in its approach towards support for gender equality and women's empowerment (GEWE) abroad. However, around this period the EU's foreign policy has made a shift from a more value inspired to a more interest based approach. As academics have linked the EU's commitment to the promotion of gender equality and women's rights in third countries to its nature as a 'normative power', this paper examines whether and how this changing policy environment is impacting the EU's potential to deliver upon its GEWE commitments in from a security point of view challenging contexts. The paper analyses the EU's engagement with Tunisia and Ukraine in the area of security and justice. Based on documentary analysis, and interviews with 89 EU officials and civil society representatives in Brussels, Tunis and Kyiv, the paper provides a detailed overview of the extent to which gender considerations have been taken into account in the EU's efforts in this regard. It finds that in spite of the adoption of GAP II the EU has continued to only engage selectively with gender justice issues according to what best suits the EU's overall foreign policy interests. This is in line with the approach described in the EUGS, but severely hampers the EU's potential to fulfil its role as a transformative gender justice actor as set out in GAP II and the revised strategy in the area of WPS.

1. Introduction

In October 2015, the EU adopted the Gender Action Plan 2016-2020 (GAP II). It is the EU's framework for equality and women and girls' empowerment abroad. In view of the EU's consistent failure to live up to its commitments in this regard under the previous GAP, GAP II prioritizes measures to shift the EU's institutional culture in order to increase the use of gender mainstreaming, which is the EU's core policy tool for promoting gender equality abroad. In 2018 the Council adopted Council conclusions on the EU's updated approach towards implementation of the WPS Agenda abroad; a major overhaul of the 2008 Comprehensive Approach document that was still guiding EU engagement with WPS abroad in spite of the fact that it was written when the United Nations Security Council had only published two out of a total

of now nine resolutions.¹ However, around this period the EU's foreign policy has also made a shift from a more value inspired to a more interest based approach. As academics have linked the EU's commitment to the promotion of gender equality and women's rights in third countries to its nature as a 'normative power', this paper examines whether and how this changing policy environment is impacting the EU's potential to deliver upon its GEWE commitments. After a discussion of significance of GAP II, and the updated strategy on WPS in light of feminist critiques on EU foreign policy (section 2), and the recent shift towards 'principled pragmatism' in EU foreign politics (section 3), the paper analyses the EU's engagement with Tunisia and Ukraine in the area of security and justice to enhance understanding of the impact of this shift on the delivery of its GEWE commitments. Based on documentary analysis, and interviews with over 90 EU officials and civil society representatives in Brussels, Tunis and Kyiv, the paper provides a detailed overview of the extent to which gender considerations have been taken into account in the EU's efforts in this regard. It finds that in spite of the adoption of GAP II the EU has continued to only engage selectively with gender justice issues according to what best suits the EU's overall foreign policy interests. This is in line with the approach described in the EUGS, but severely hampers the EU's potential to fulfil its role as a transformative gender justice actor as set out in GAP II and the revised strategy in the area of WPS.

2. A recent upgrade of the EU's support for GEWE abroad

Despite the fact that gender equality is a central value underpinning EU foreign policy, feminist scholarship has been highly critical of the EU's implementation of this commitment in practice.² Various contributions to this field have identified the EU's prioritization of gender mainstreaming to deliver on its gender equality goals, as a reason for its flawed track record in this field. Picking up on these critiques the EU published a Gender Action Plan (GAP), that announced a thorough overhaul of its strategy for the integration of a gender perspective in its foreign policy in 2015: *Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020*. As this framework constituted the follow up to an earlier strategy with a similar aim it became known under the shorthand GAP II. This section argues that with its insistence on a shift in institutional culture and the combination of gender mainstreaming with targeted action in selected domains GAP II has the potential to address some of the key weaknesses identified in feminist scholarship on EU support for gender equality abroad.

¹ The Strategy covers eight resolutions, as a ninth, UNSCR 2467, was only adopted in April 2019

² Bretherton C, 'Gender mainstreaming and EU enlargement: swimming against the tide?' (2001) 8(1) *Journal of European Public Policy* 60; Anderson LS, 'European Union gender regulations in the East: the Czech and Polish accession process' (2006) 20(1) *East European Politics and Societies* 101; Weiner E, 'Dirigism and déjà vu logic: The gender politics and perils of EU enlargement' (2009) 16(3) *European Journal of Women's Studies* 211; Spehar A, 'This Far, but No Further? Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans' (2012) 26(2) *East European Politics & Societies* 362; Elgström O, 'Norm negotiations. The construction of new norms regarding gender and development in EU foreign aid policy' (2000) 7(3) *Journal of European Public Policy* 457; Debusscher P, 'Mainstreaming gender in European commission development policy: conservative Europeanness?' (*Women's Studies International Forum Elsevier*, 2011) 39; Garcia M and Masselot A, 'The Value of Gender Equality in EU-Asian Trade Policy: An Assessment of the EU's Ability to Implement Its Own Legal Obligations' in *Importing EU norms* (Springer 2015).

The notion that the EU has not kept up with its commitment to gender mainstreaming in the realm of external action has been confirmed in a review of the EU's first 2010-2015 GAP (GAP I), which was commissioned by the European Commission itself.³ The overall assessment of the researchers was that, while:

Some important and inspirational GEWE [gender equality and women's empowerment] results have been achieved, ... they are patchy and poorly documented. With a few exceptions, EU Delegations (EUDs) do not adopt an integrated three-pronged approach that effectively combines gender mainstreaming, gender-specific actions with political and policy dialogue to maximise outcomes. Nor do they consider how various instruments and modalities can be used to support GEWE outcomes. Despite successes at the international level, work on 'women, peace and security', including gender-based violence (GbV), is not well reflected in country cooperation.⁴

According to this report the key obstacle to the effective implementation of the EU women's rights and gender equality commitment is its institutional culture. It finds there is a lack of both leadership on these issues, as well as organisational capacity to deliver on the EU's GEWE commitments.⁵

The review of GAP I highlighted the gaps in EU support for GEWE abroad, and put gender mainstreaming and women's rights promotion abroad more prominently on the EU's foreign policy agenda. This is reflected in the contents of GAP II. First of all, it acknowledges the need to seriously implement gender mainstreaming commitments by identifying as its horizontal goal shifting the EU's institutional culture to more effectively deliver on the EU's GEWE commitments. This commitment most directly addresses the key conclusion of the GAP I review, i.e. that a chronic lack of commitment was at the core of the EU's weak delivery against its objectives in this field. Important innovations brought about by GAP II in this regard are the imposition of stricter annual reporting requirements on the EEAS and Commission services, and the insistence on evidence based policy making in the field of GEWE.⁶ Second, recognizing the need to combine gender mainstreaming with targeted action, it delineates three thematic areas for targeted EU support to women's rights abroad - being: ensuring girls' and women's physical and psychological integrity, (2) Promoting the social and economic rights / empowerment of women and girls, and (3) Strengthening girls' and women's voice and participation. Taken together, GAP II is supposed to contribute to ensuring that the EU's 'commitments on gender equality are translated into clear and tangible outcomes and are

³ European Commission, *Evaluation of EU Support to Gender Equality and Women's Empowerment in Partner Countries Final Report Volume 1: Main Report April 2015*. Available at: https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-gender-1338-main-report-201504_en.pdf, accessed 25 July 2018.

⁴ Idem: vi.

⁵ Idem: 96.

⁶ The fourth objective under Institutional Culture Shift (Annex 1) is fundamental: 'Robust gender evidence used to inform all EU external spending, programming and policy making'.

accompanied by improved coordination, coherence, leadership, gender evidence and analysis, and adequate financial and human resources.”

When it comes to the area of security and justice the EU’s GEWE efforts have been guided traditionally by its commitments under the WPS Agenda. GAP II only makes sporadic references to this Framework. However, in December 2018 the Council adopted conclusions on a revised EU strategy for the implementation of UNSCR 1325 and its successor resolutions.⁷ As the previous strategy (comprehensive approach) dated from 2008 this marks a major improvement as at the UN level the WPS Agenda has rapidly evolved, expanding its scope from just two to now nine resolutions. Gender mainstreaming also is central to the EU’s approach towards WPS. In this regard the document states that the EU will:

Promote gender mainstreaming as a key strategy, together with gender balance, specific actions and dialogue, to achieve gender equality. Do this by integrating a gender perspective into all policy frameworks, including common foreign and security policy, development, trade, migration, justice, education, preventing and countering violent extremism, counterterrorism, finance and humanitarian policies.⁸

As is the case in GAP II this approach is combined with the identification of areas for targeted action such as support for women’s participation in decision-making processes and combating the continuum of violence experienced by women and girls. Due to this combination of insistence on a more structured approach towards gender mainstreaming which consists of evidence-based policy making and the allocation of tangible human and financial resources to its implementation, and the recognition of areas for targeted action GAP II and the new WPS Strategy combined could greatly enhance the EU’s contribution to the advancement of GEWE abroad.

3. Principled pragmatism and the potential consequences for promotion of GEWE abroad

The adoption of GAP II has coincided with broader developments in EU foreign policy, most notably the adoption of the EU Global Strategy (EUGS).⁹ This section argues that provided that EU strategies can indeed help us to understand the EU’s role in the world, the EUGS marks a shift from the EU being a *sui generis* normative or civilizing actor to the EU being a more common interest driven presence at the foreign policy case. As support for women’s rights – or any other type of human rights - in essence is a normative

⁷ Council of the European Union, Council Conclusions on Women, Peace and Security, Brussels, 10 December 2018, 15086/18.

⁸ *Idem*: 25.

⁹ European Union, European Security Strategy: A Secure Europe in a Better World (2003). Available at: <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>, accessed 22 February 2019.

act, the EU's shift towards a less normative foreign policy approach could have significant consequences for the success of its revised strategy for its support for women's rights in foreign policy.

According to Malksoo EU strategies help us to understand the EU's role in the world.¹⁰ If so, the adoption of the EUGS by the European Council in 2016 provided the world with fresh insight in the EU's position at the global stage after over a decade of radio silence. The last time the EU published a foreign policy strategy was the 2003 publication of the European Security Strategy (2003).¹¹ Its title 'A Stronger Europe in a Better World' neatly summarizes the optimist notion that the promotion of EU values such as human rights and democracy abroad, was at the core of the EU's proper security. The EUGS is titled 'Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy'. While the EU's own strength is still at the core of this title, the 'better world' part has been forsaken. This shift of focus to the EU itself rather than the outside world is reflected in the five EU foreign policy priority concerns it identifies: (1) the security of the EU itself; (2) the neighbourhood; (3) how to deal with war and crisis; (4) stable regional orders across the globe; and (5) effective global governance. These are remarkable mostly in terms of what they do not mention: the promotion of democracy abroad. Back in 2003 the EU posited that '[t]he best protection for our security is a world of well-governed democratic states'.¹² In 2016 democracy no longer figures between EU foreign policy priorities.¹³ Instead, the EU has pledged allegiance to the promotion of resilience,¹⁴ which it defines as 'the ability of states and societies to reform, thus withstanding and recovering from internal and external crises'.¹⁵ A word count by Wagner and Anholt neatly demonstrates this primacy of resilience in the EUGS:

One of the most striking differences between the EU Global Strategy of 2016 and the European Security Strategy of 2003 is the ubiquity of resilience as a new *leitmotif*. Whereas the term was entirely absent in the 2003 document, the EU Global Strategy of 2016 mentions it no less than 40 times. This puts 'resilient/resilience' ahead of 'human rights' (mentioned 31 times), 'democratic/democracy/democratization' (23 times), and 'human security' (4 times).¹⁶

¹⁰ Mälksoo M. 'From the ESS to the EU Global Strategy: external policy, internal purpose' (2016) 37(3) Contemporary security policy: 374-388.

¹¹ European Union, European Security Strategy: A Secure Europe in a Better World (2003). Available at: <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>, accessed 22 February 2019.

¹² European Union, European Security Strategy: A Secure Europe in a Better World (2003). Available at: <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>, accessed 22 February 2019.

¹³ Wagner W and Anholt R, 'Resilience as the EU Global Strategy's new leitmotif: pragmatic, problematic or promising?' (2016) 37(3) Contemporary security policy 414.

¹⁴ Juncos AE, 'Resilience as the new EU foreign policy paradigm: a pragmatist turn?' (2017) 26(1) European Security 1.

¹⁵ European Union, European Security Strategy: A Secure Europe in a Better World (2003). Available at: <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>, accessed 22 February 2019: .

¹⁶ Wagner W and Anholt R, 'Resilience as the EU Global Strategy's new leitmotif: pragmatic, problematic or promising?' (2016) 37(3) Contemporary security policy 414:

The embrace of resilience fits in with and serves the EU's overall goal of being a 'principled pragmatic' actor on the global stage. This presents a break with its past insistence on being a force for good.¹⁷ The EUGS explains this shift referring to the changing security environment, and the realization on the EU's behalf that other countries are not necessarily interested in the adoption of values and institutions prescribed by the EU. In this regard Nathalie Tocci, the penholder of the EUGS, has remarked that:

'the EUGS stands firm on the affirmation of the EU's internal values ... [and] its firmness on this point is all the more important given that those values are being questioned within, as evident with the rise of extreme-right populism across the continent. But this does not mean that the EU expects its internal liberal values to be adopted externally too'.¹⁸

The reception of the EUGS has been mixed amongst EU foreign policy scholars interested in the more value-centred aspects of EU foreign policy. Most scholars agree that the adoption of more modest language when it comes to the promotion of values abroad presents a much needed recalibration of the high-spirited, policy rhetoric the EU espoused in previous documents.¹⁹ As in many instances the EU has been found to not being willing or able to live up to this language it created a credibility deficit.²⁰ Davis Cross remarks that the level of ambition voiced in the EUGS captures what is possible under the current circumstances while at the same time it emphasizes more clearly that the EU's additional value as a foreign policy actor is the fact that its foreign policy is driven by ideals:

In the past, the EU's idealism was taken for granted. Its aspirations were simply stated, whether to create a United States of Europe, a defence community, a supranational foreign policy, or a common identity. It went without saying that, to a significant degree, the power of possibility itself, embodied in the European project, was what inspired its leaders and citizenry. The EUGS is distinct, in that it points out in a more self-conscious way the fact that the EU's added value is its idealism, and that this is something that should be nurtured and not taken for granted.²¹

However, when it comes to the substance of the EUGS a fault-lines exist between scholars who believe that some aspects of the approach set out in the EUGS could actually increase the EU's capacity to act as a force for good,²² and those who believe the EUGS embodies an undesirable shift in the direction towards

¹⁷ Barbé, Esther, and Pol Morillas. "The EU global strategy: the dynamics of a more politicized and politically integrated foreign policy." *Cambridge Review of International Affairs* (2019): 1-18.

¹⁸ Tocci N, *Framing the EU global strategy. A stronger Europe in a fragile World* (2017 Basingstoke, United Kingdom: Palgrave Macmillan), 61.

¹⁹ Biscop S, *The EU Global Strategy: Realpolitik with European Characteristics* (2016) Egmont Security Policy Brief 75;

²⁰ Mišík, Matúš. "The EU's Democratization: Normative Power Europe Meets External EU Perception Literature." *Democracy Promotion and the Normative Power Europe Framework*. Springer, Cham, 2019. 37-51.

²¹ Cross, Mai'A. K. Davis. "The EU global strategy and diplomacy." *Contemporary Security Policy* 37.3 (2016): 402-413.

²² Juncos AE, 'Resilience as the new EU foreign policy paradigm: a pragmatist turn?' (2017) 26(1) *European Security* 1.

an almost purely interest-based, more militarized approach towards foreign policy.²³ In the former category Juncos, while critical of the EU's failure to problematize the tensions inherent in the notion of principled pragmatism, in principle welcomes the EU's embrace of a more pragmatic foreign policy approach. This point of view aligns with that of scholars such as Snyder and Vinjamuri who think that an approach rooted in realism has a bigger potential to advance values than one rooted in 'liberal utopianism':²⁴

Snyder and Vinjamuri refer to principled pragmatism as "an approach that evaluates the costs and benefits of different strategies on the basis of their ability to deliver or secure a set of designated principles". This approach, according to the authors, focuses on the conditions that allow for those norms or principles to flourish. In this way, principled pragmatism takes into consideration the "reality" of power and interests by recognising that norms can only be advanced when they are "anchored in a supportive configuration of power and interest". This also means that we need to consider the consequences of norm-driven actions. Sometimes pragmatic tactics will need to be employed to avoid undesired social outcomes, but with the view of promoting moral principles down the line. According to Snyder and Vinjamuri, "[s]ince what we all really care about is improving people's lives, we need to assess strategies using act consequentialist criteria, not just rule consequentialist standards".²⁵

Moreover, like others she believes the EU's embrace of resilience to be 'an opportunity to move beyond the "liberal peace" towards a more bottom-up approach to building peace'. In this regard Wagner and Anholt have remarked that the ambiguous, less prescriptive nature of the concept – when compared to 'democratization' - allows it to be 'applied in various contexts, adapted to different institutional visions, and translated into diverse strategies'.²⁶ This leaves room for taking local practices and needs as a starting point, and a focus on creating local ownership of reform. While some are critical about the EU's actual ability or willingness to deliver upon such an approach,²⁷ Edjus and Juncos believes that in theory the advancement of a more pragmatic approach that prioritizes the support for state and societal resilience is a step in the right direction.²⁸

²³ Davis L, *Kissing the frog: Gender equality in EU conflict prevention and other fairy tales* (2018) EU-CIVCAP.

²⁴ Snyder, Jack, and Leslie Vinjamuri. "Principled pragmatism and the logic of consequences." *International theory* 4.3 (2012): 434-448.

²⁵ Juncos AE, 'Resilience as the new EU foreign policy paradigm: a pragmatist turn?' (2017) 26(1) *European Security* 1.

²⁶ Wagner W and Anholt R, 'Resilience as the EU Global Strategy's new leitmotif: pragmatic, problematic or promising?' (2016) 37(3) *Contemporary security policy* 414.

²⁷ Korosteleva, Elena. "Paradigmatic or critical? Resilience as a new turn in EU governance for the neighbourhood." *Journal of International Relations and Development* (2018).

²⁸ Edjus, Filip, and Ana E. Juncos. "Reclaiming the local in EU peacebuilding: Effectiveness, ownership, and resistance." *Contemporary Security Policy* 39.1 (2018): 4-27.

The importance of local ownership and equal partnerships with local (gender justice) actors has also been emphasized in feminist critiques of EU foreign policy,²⁹ and is central to the EU's updated strategy in the area of WPS, which points out that:

Full support (political and financial) to local, national, and international civil society organisations, including women's groups and grassroots activists, who help build peace, challenge violent gender norms and prevent sexual and gender-based violence, will be central to EU success in this field. This includes EU engagement with CSOs where women are in leadership roles, define strategy formulation, promote local ownership and contribute to building national capacities.³⁰

In this light, the EUGS' focus on resilience, understood as a tool to contribute to a more 'bottom-up peace' could contribute to a more effective EU approach towards the promotion of gender equality abroad particularly in difficult contexts.

However, not everyone shares this guardedly positive attitude towards the EU's embrace of pragmatism. According to Davis a more critical feminist reading of the EUGS 'reveals a more exclusive, patriarchal and Othering foreign policy than that envisaged in 2003. The EUGS focuses on hard security to protect (explicitly) EU citizens, particularly from terrorism within the Union and from dangers emanating from Europe's (Southern) neighbourhood, and to support the EU "defence community." The primary and intertwined priorities of EU foreign policy are now preventing or countering violent extremism, counter-terrorism and stemming migration into the EU'.³¹ These foreign policy concerns speak directly to the EU's security interests and also happen to be foreign policy areas where the EU has demonstrated increasing willingness to set aside its human rights commitments in the service of these 'security goals'.³² She finds that this inward-looking focus on hard security is reflected in the type of references the EUGS contains to 'women' and 'gender':

For instance, the EUGS refers to "thousands of men and women serving under the European flag for peace and security" (p. 4) in civilian and military Common Security and Defence Policy missions around the world.

²⁹ Muehlenhoff, Hanna L. "Victims, soldiers, peacemakers and caretakers: the neoliberal constitution of women in the EU's security policy." *International Feminist Journal of Politics* 19.2 (2017): 153-167.

³⁰ Council of the European Union, Council Conclusions on Women, Peace and Security, Brussels, 10 December 2018, 15086/18.

³¹ Davis L, *Kissing the frog: Gender equality in EU conflict prevention and other fairy tales* (2018) EU-CIVCAP.

³² Another challenge for the EU is to carve out space for human rights in a highly unfavourable policy environment dominated by counterterrorism objectives. It is not uncommon for different EU actors and member states to work at cross-purposes on the ground in a particular area. When this has been the case in Afghanistan, it has constrained significantly the ability of the EU to promote a justice and accountability agenda, and to gain leverage with the United States on these issues. Some member states consistently support justice efforts while others have been reluctant to challenge US policies that undermine such efforts (personal communication, EU official, 2011). Divisions have been particularly pronounced between Europeans who work in NATO and those who work on behalf of the EU.

European women here are active, if subordinated to male colleagues, in masculine hard-security roles. The EUGS also states that the participation of (European) women in foreign policy making will be strengthened (p. 48). ... Other women in the EUGS are passive recipients of aid, often lumped together with youth: “decent work opportunities, notably for women and youth” (p. 26) and with children: “We will significantly step up our humanitarian efforts ... focusing on education, women and children” (p. 27). While the (potential) agency of European women is partially recognised within a masculinised security apparatus, Other women are infantilised, vulnerable, weak and passive recipients of European largesse.³³

What Davis here seems to imply is that in spite of the EUGS’ commitments to a foreign policy approach that prioritizes local ownership, its policy language on gender and women betrays little willingness to think through the consequences of such an approach.³⁴

The difference between the former and latter assessment seems to reside in the extent to which they focus on just an aspect of the EUGS or the EUGS as a whole, and the extent to which commitment to ‘values’ is considered to be key to the achievement of end goals such as ‘peace’, ‘human security’ and ‘women’s rights’. A properly implemented commitment to resilience could indeed result in more recognition on the EU’s behalf of local ownership and therefore contribute to more durable peace. However, if the EU’s core priorities are in the area of ‘hard security’ the question is to what extent resilience actually is an EU foreign policy goal or just a euphemism for prioritizing interests over values. Second, from a feminist perspective a reduction in adherence to values could look more problematic than from a peacebuilding perspective rooted in the notion that ‘sometimes pragmatic tactics will need to be employed to avoid undesired social outcomes, but with the view of promoting moral principles down the line’. Yes, if one considers stability for local communities to be the primary goal, this might be a sensible approach. However, if one’s goal is transforming deeply ingrained patriarchal social norms and attitudes, the potential of this approach seems significantly less promising. As feminists have found that various ‘local actors’ are more of an impediment than a support to the promotion of GEWE abroad, from a feminist perspective questions around the exact outline of the definition of ‘local actors’ seem particularly pertinent.

4. The EU’s promotion of GEWE in Tunisia and Ukraine: selective engagement to accommodate overarching foreign policy agendas

³³ Davis L, *Kissing the frog: Gender equality in EU conflict prevention and other fairy tales* (2018) EU-CIVCAP.

³⁴ Korosteleva, Elena A. "Paradigmatic or critical? Resilience as a new turn in EU governance for the neighbourhood." *Journal of International Relations and Development* (2018): 1-19.

This section looks into the EU's support for GEWE in Tunisia and Ukraine in the wake of the adoption of the EUGS focusing on the EU's activities in the area of security and justice focusing specifically on the extent to which these efforts have contributed to the tangible goal of combating the continuum of violence. It distinguishes between gender mainstreaming and targeted action as approaches to reach this goal. Based on analysis of policy documents, budgets and data derived from in-depth interviews with 89 EU officials, representatives of women's groups in Brussels, Tunisia and Ukraine, it argues that the nature of the type of activities that the EU does and does not support in both countries seems directly linked to the gender justice priorities of local political elites. While this is in line with the overall direction of the EU's foreign policy set out in the EUGS, it hampers the EU's potential to be a transformative GEWE actor as it aims to be according to its GEWE focused policy documents.

The EU in Tunisia and Ukraine

Tunisia in the Southern Neighbourhood, and Ukraine within the context of the Eastern partnership, both qualify as beacons of hope in an otherwise turbulent neighbourhood. In the EU's own terms, Tunisia is 'a key partner country' in the Mediterranean region.³⁵ In the wake of Euromaidan and the subsequent annexation of the Crimea by Russia and the eruption of the Russia-backed separatist war in Donbass, the EU has significantly intensified its support to Ukraine. It has signed an ambitious Association Agreement that aims at political association and economic integration through a comprehensive set of reforms.³⁶ EU has provided Ukraine with approximately 15 billion euro to support these efforts,³⁷ and in order to successfully implement EU support and monitor Ukraine's progress; the Delegation in Kyiv is the largest EU Delegation in the world. In Brussels, a special Support Group for Ukraine (SGUA) was created to assist with the implementation of the Association Agreement.³⁸ Moreover, on the invitation of the Ukrainian authorities, the EU has also deployed an advisory mission, EUAM to:

³⁵ European External Action Service & European Commission, *Cadre Unique d'Appui pour l'appui de l'UE à la Tunisie (2014-2015)* (2014): 7

³⁶ The full text of the association agreement is available at: https://trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf, accessed 15 July 2018.

³⁷ Jarábik B, Sasse G, Shapovalova N, De Waal T, 'The EU and Ukraine: Taking a Breath', Carnegie Endowment for International Peace (27 February 2018). Available at: <https://carnegieendowment.org/2018/02/27/eu-and-ukraine-taking-breath-pub-75648>, accessed 28 August 2018.

³⁸ For more information see: European Commission, Support Group for Ukraine. Available at: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/ukraine/sgua_en, accessed 29 August 2018.

assist the Ukrainian authorities towards a sustainable reform of the civilian security sector through strategic advice and practical support for specific reform measures based on EU standards and international principles of good governance and human rights.³⁹

The EU's investment in both countries is, however, also serves core EU security interests. Faced with socio-economic decline in the wake of the Arab Spring and political unrest in the region Tunisia has become one of the main exporters of both jihadist fighters aspiring to join Daesh in the Middle East, as well as terrorists involved in attacks on the EU's soil.⁴⁰ In this light The goal of safeguarding stability through constructive cooperation with Tunisia's current leading forces – who do not always take all principles of good governance at heart – therefore has sometimes been at odds with the EU's objective to support democratic values and the rule of law. Safeguarding Ukraine's transition, serves the vital security interest of curbing Russia's sphere of influence in the Eastern Neighbourhood. As governments of both countries are on relatively good terms with the EU, and seem to share the EU's security goals, this requires the conservation of these ties through constructive engagement.

The continuum of violence experienced by women in Tunisia and Ukraine and local avenues for change

Tunisia and Ukraine are both countries experiencing significant societal and political change in the wake of the Arab Spring and Euromaidan respectively. In theory these periods constitute 'windows of opportunity' to deal with legacies of and ongoing instances of GBV.⁴¹ In practice, Tunisia and Ukraine have indeed witnessed both formal - state-sanctioned - and informal efforts to deal with different types of past and ongoing violence against women. In Tunisia the fight against GBV is fought alongside two axes: transitional justice efforts to deal with politically motivated violence inflicted on Tunisian women during almost six decades of dictatorship, and forward-looking legislative reform to improve legal protection of women against this type of violence in the future.⁴² In Ukraine efforts can also be divided in forward-looking legislative attempts – most notably the

³⁹ See EUAM website: <http://www.euam-ukraine.eu/our-mission/about-us/>, accessed 15 July 2018.

⁴⁰ Dworkin A & Zohra El Malki F 'The southern front line: EU counter-terrorism cooperation with Tunisia and Morocco', ECFR (25 February 2018). Available at: https://www.ecfr.eu/publications/summary/the_southern_front_line_eu_counter_terrorism_cooperation, accessed 31 August 2018. E Gall C, 'Tunisia Fears the Return of Thousands of Young Jihadists', The New York Times (25 February 2017). Available at: <https://www.nytimes.com/2017/02/25/world/europe/isis-tunisia.html>, accessed 31 August 2018.

⁴¹ Reilly, Niamh. "Seeking gender justice in post-conflict transitions: towards a transformative women's human rights approach." *International Journal of Law in Context* 3.2 (2007): 155-172.

⁴² Ketelaars, Elise. "Gendering Tunisia's Transition: Transformative Gender Justice Outcomes in Times of Transitional Justice Turmoil?." *International Journal of Transitional Justice* 12.3 (2018): 407-426.

failed ratification of the Istanbul Convention – and more past-focused efforts to pursue accountability for instances of conflict-related SGBV taking place in the context of the Donbass conflict.⁴³ In addition, both countries are engaged in a process of justice and security sector reform that allows for gender mainstreaming to be applied as a way to improve the responses of these sectors to GBV.

However, buy in of local political elites in each of these efforts has not been consistent. While in Tunisia the governing party has presented itself as a women's rights champion and has been supportive of legislative reform to improve women's position in society, it has actively obstructed the country's transitional justice process. While local women's rights organizations have started to explore the relevance of the WPS Agenda, and particularly UNSCR 2242 (2015) which for the first time links the WPS Agenda to efforts to counter violent extremism, gender mainstreaming of the security sector has not been a priority for the Tunisian government. The government has not published a National Action Plan (NAP) on WPS.

In Ukraine the integration of women in security efforts has been high on the authorities' agenda with one of the most remarkable women's rights victories of the post-Maidan era having been the pursuance of legislative reform to remove discriminatory provisions that prohibited Ukrainian women from entering the security forces. In December 2017 the Ukrainian government abolished a Soviet era list of 450 professions deemed too dangerous for women to take up including various jobs in the security sector. In addition, it has also taken steps to facilitate the integration of women in its security forces. This includes the publication of a NAP on Women, Peace and Security.⁴⁴ However, when it comes to targeted action to address different instances of GBV the picture looks less encouraging. In 2016 the parliament has voted against the ratification of the Istanbul Convention in 2016, preventing the adoption of a comprehensive legislative framework to combat violence against women. Instead, it opted to only ensure the criminalization of domestic violence through the adoption of an isolated Statute in December 2017.⁴⁵ The adoption of the Istanbul Convention would provide more robust protection to Ukrainian women, and advocacy efforts for the adoption of this tool continue. The government has also failed to pursue justice for the grave

⁴³ DCAF and La Strada-Ukraine, *Criminal Justice Practice and Violence Against Women*, Kyiv, 2017. Available at: https://dcaf.ch/sites/default/files/publications/documents/Criminal%20justice%20practice%20and%20violence%20against%20women_engl.pdf, accessed 15 August 2018; OHCHR, *Conflict-Related Sexual Violence in Ukraine* – 14 March 2014 to 31 January 2017 (2017).

⁴⁴ O'Sullivan, Mila. "“Being strong enough to defend yourself”: untangling the Women, Peace and Security agenda amidst the Ukrainian conflict." *International Feminist Journal of Politics*(2019): 1-22.

⁴⁵ Bill No. 4952 on the criminalization of domestic violence. Read more on UNIAN: <https://www.unian.info/society/2285764-domestic-violence-now-criminal-offense-in-ukraine.html>

human rights violations that are taking place in the context of the conflict in the Donbass even though OHCHR reports indicate that Ukrainian security forces have also engaged in this type of violations.

The EU's support for combating the continuum of violence in Tunisia and Ukraine – targeted action

The notion that support for women's rights is vital to EU engagement with countries in the neighbourhood gained recognition in the context of EU relations with southern neighbours in the wake of the Arab Spring. The 2011 revision of the ENP which was conducted in response to the Arab Spring identifies support for gender equality and women's rights as a key component of the EU's support for 'deep democracy' in the neighbourhood 'in line with the major role once again played by women in recent events in the South'.⁴⁶ When it comes to Tunisia specifically, EU policy documents have quite prominently figured women's rights since 2011,⁴⁷ and this has continued to be the case since 2015. In relation to the Eastern Partnership the EU had remained virtually silent on women's rights and GBV until that point. However, the 2015 Review ENP significantly geared up rhetoric on support for women's rights in reference to the recently adopted GAP:

Particular attention will be paid to implementing the EU Gender Action Plan 2016-2021, which should inform ENI programming, and to supporting ENP partners in delivering on their commitments to gender equality and girls' and women's empowerment, in line also with the universal 2030 Agenda. **Emphasis will be given to ensuring girl's and women's physical and psychological integrity, promoting the social and economic rights and empowerment of women and girls, their access to justice,** education, health care and other social services, strengthening their voice and political participation and shifting the institutional culture to deliver on these commitments.⁴⁸

When it comes to the fight against GBV, the EU displays awareness of the need for targeted action in Tunisia and Ukraine. In the context of the Southern Neighbourhood the notion that violence

⁴⁶ European Commission & High Representative of the European Union for Foreign Affairs and Security Policy 2011, supra n. 2: 4.

⁴⁷ See for example: Commission Européenne & La Haute Représentante de l'Union Européenne pour les Affaires Étrangères et la Politique de Sécurité, DOCUMENT DE TRAVAIL CONJOINT DES SERVICES Mise en œuvre de la politique européenne de voisinage en Tunisie Progrès réalisés en 2013 et actions à mettre en œuvre, Bruxelles, le 27.3.2014 SWD(2014) 97 final: 10.

'La question de l'égalité des sexes et de la défense des droits des femmes est restée d'actualité en Tunisie en 2013. Le phénomène de la violence verbale et physique à l'égard des femmes reste une source de souci majeur. Un comité de pilotage a été institué pour la formulation d'un projet de loi contre toute forme de violence basée sur le sexe. Le ministère des affaires de la femme a essayé de relancer la mise en œuvre de la stratégie nationale pour la prévention de toute violence à l'égard des femmes et d'associer les autres ministères dans une approche horizontale en matière d'égalité hommes-femmes, mais cette démarche rencontre beaucoup de difficultés.'

⁴⁸ European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, *JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Review of the European Neighbourhood Policy*, Brussels, 18.11.2015 JOIN(2015) 50 final: 6.

against women is an issue of concern in the Southern neighbourhood was already sporadically mentioned in ENP documents before the 2015 Review was published.⁴⁹ However, in the Tunisian context EU attention for this topic has really surged since 2014 with the EU using terms such as ‘*une préoccupation majeure*’ and ‘*une source de souci majeur*’ to refer to the issue of violence against women in Tunisia.⁵⁰ In the Ukrainian context, the previously mentioned 2018 Annual Action Plan also specifically addresses the issue of non-ratification of the Istanbul Convention in Ukraine,⁵¹ building on previous priorities identified in the 2017 association implementation report for Ukraine.⁵²

Particularly in Tunisia the EU has manifested itself as an important ally in the fight for gender equality through support for advocacy for legislative reform and implementation of the Integral Law on violence against. Here the EU has translated its rhetoric on women’s rights in targeted action to support the adoption and implementation of legislative measures aimed at combatting violence against women, and other forms of discrimination. Between 2013 and 2015 the EU funded various civil society initiatives aimed at improving women’s position in Tunisian society through the European Instrument for Democracy and Human Rights.⁵³ In 2015 the EU stepped up its (financial) support by signing a bilateral programme with the Tunisian authorities that allocates 7 million euro from the EU’s bilateral budget for Tunisia to the support of women’s rights.⁵⁴ With these resources the EU supports a range of activities in various domains (including economic development, political participation, and the fight against GBV), in close cooperation with Tunisian authorities, local NGOs and other international organizations. A large share (1.8 million euro) of the EU’s 7-million-euro gender was allocated to UNFPA to support its efforts to secure the adoption and implementation of a the comprehensive legislative framework to combat

⁴⁹ E.g. European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, JOINT STAFF WORKING DOCUMENT Partnership for Democracy and Shared Prosperity: Report on activities in 2011 and Roadmap for future action - Accompanying the document JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Delivering on a new European Neighbourhood Policy, Brussels, 15.5.2012 SWD(2012) 121 final: 6): 6.

⁵⁰ In respectively the 2015 Progress report at 8, and the 2014 Progress report at 10.

⁵¹ European Commission, COMMISSION IMPLEMENTING DECISION of 25.7.2018 *on the Annual Action Programme 2018 (part 1) in favour of Ukraine to be financed from the general budget of the Union*, Brussels, 25.7.2018 C(2018) 5022 final.

⁵² European Commission & High Representative of the European Union for Foreign Affairs and Security Policy, JOINT STAFF WORKING DOCUMENT Association Implementation Report on Ukraine, Brussels, 14.11.2017 SWD(2017) 376 final: 3.

⁵³ For an overview of EU supported activities in the field of gender justice in Tunisia see: Délégation de l’Union européenne en Tunisie, Rapport d’activité Edition (2017). Available at: https://eeas.europa.eu/sites/eeas/files/rapport_activite_due_2017_fr_20062017.pdf. Accessed 18 July 2018.

⁵⁴ See: European Commission, Document relatif à l’action “Programme de promotion de l’égalité homme-femme en Tunisie”. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/c_2014_7273_f1_annex_fr_v2_p1_782356.pdf, accessed 10 July 2018.

violence against women.⁵⁵ Various civil society actors indicated that the EU had played a crucial supporting role in the battle for the adoption of a legislative framework to combat violence against women.⁵⁶

In Ukraine, at the time that the fieldwork for this research was conducted, the EU did not financially support any project or programme designed specifically with the ratification of the Istanbul Convention in mind. However, since 2018 the EU has started to support targeted projects on women's rights and GBV in Ukraine. In Donbass the EU has supported the project 'Mobilization of internally displaced women for addressing domestic and gender-based violence',⁵⁷ which aims to strengthen 'the role of Ukrainian women's community in ensuring gender equality and women's rights', with its primary objectives being 'to empower internally displaced women by drawing public attention to the problem of domestic and gender-based violence; ensure organizational, resource and educational support to the women's groups interested in the implementation of measures to combat violence; significantly improve capacity to implement preventive measures to combat domestic violence against internally displaced women; enhance their role in identifying and helping those who have suffered or suffer from various types and manifestations of violence'. Besides this project the EU has also started to support the Kharkiv Regional Gender Resource Centre to provide 'informal gender education [to] young people and women, with the aim of helping them to grow into "gender sensitive leaders" and become active in decision-making process at both the local and regional levels'.⁵⁸ However, the funding and political commitment invested in the fight against GBV in Ukraine through legislative reform is significantly lower than in Tunisia.

The EU's support for combating the continuum of violence in Tunisia and Ukraine – gender mainstreaming

The fact that the EU has not allocated significant resources to support the fight against GBV in Ukraine was acknowledged by the gender focal point in the EU Delegation in Kiev. However, she defended this choice arguing that it is 'better, really to mainstream, to make sure that the gender component is ensured in all our policies, in all our assistance that is coming up, the new assistance

⁵⁵ Other aspects include economic development and technical training Ministry of Women.

⁵⁶ Interview Tunisian feminist activist/representative international NGO, 12 September 2018, Tunis.

⁵⁷ More information available at:

https://ceas.europa.eu/delegations/ukraine_lo/27178/Mobilization%20among%20internally%20displaced%20women%20for%20addressing%20domestic%20and%20gender-based%20violence, accessed 3 December 2018.

⁵⁸ More information available at:

https://ceas.europa.eu/delegations/ukraine_me/49255/Centre%20of%20Gender%20Culture%20as%20a%20Platform%20for%20empowerment%20of%20women%20and%20youth, accessed 3 December 2018.

let's say from 2018 to 2022, because it is going to touch upon the education, upon the governance, judiciary etc., etc.', specifying that:

It is rather... Again it is a question of where you want to put the money on. For the time being, we are thinking that we have to really invest in the reforms. We have to invest in the Association Agreement to make this country more prosperous, more stable and so on, again the fight against corruption and all those issues, but without leaving gender you know completely, I mean we understand that we also have to integrate this perspective in. So I think for the benefit of the country it is better to have it incorporated than having it as a separate priority.⁵⁹

According to this analogy two areas of EU support to Ukraine could contribute to the fight against the continuum of violence provided that the activities in this sector are properly mainstreamed: justice & security sector reform.

In Ukraine two EU institutions are engaged in this type of efforts. The EU Delegation coordinates the justice reform programme and EUAM provides council to the Ukrainian government agencies engaged in justice and civilian security sector reform. In view of the big sums of money the EU is spending in these areas via the Delegation, and the direct access it has to Ukrainian security forces through EUAM, well implemented gender mainstreaming efforts could indeed turn the EU in a meaningful supporter of women's rights. The fieldwork in Ukraine implied that this was still a struggle,⁶⁰ but that significant progress had been made especially in EUAM over the last two years, meaning that also in Ukraine forward-looking gender justice measures have been the ones that have received relatively most EU support.

In this light, it is encouraging to see that the EU's overall framework for EU support to Ukraine between 2018-2020 contains 47 times the term gender, and 13 times the term women.⁶¹ The documents distinguishes four priority sectors of intervention, of which one is 'Strengthening institutions and good governance, including the rule of law and security'. Within this sector the document specifies that one of the main expected results is strengthened effectiveness and efficiency in the fight against organised crime and against sexual and gender-based violence

⁵⁹ Interview EU official EU Delegation Ukraine, 8 November 2017, Kiev.

⁶⁰ In relation to EUAM recent research by other feminist academics has reached a similar conclusion: Ansorg N and Hastrup T, 'Gender and the EU's Support for Security Sector Reform in Fragile Contexts' (2018) 56(5) JCMS: Journal of Common Market Studies 1127.

⁶¹ On a total of 29 pages. European Commission, *Programming of the European Neighbourhood Instrument (ENI) - 2017-2020 - Single Support Framework for EU support to Ukraine (2018-2020)*.

including domestic violence, and that progress will be assessed based on the number of sexual, gender-based and domestic violence offences prosecuted.⁶²

The new EU justice reform support package (52.2 million euro) focuses on consolidation of sector-wide justice reforms.⁶³ Its programming document does repeatedly refer to the importance of incorporating a gender perspective and identifies the pursuance of gender equality as a 'significant objective' in addition to the main objective of supporting good governance.⁶⁴ The document contains one page which concretizes which actions the EU is planning to take to realize this goal.⁶⁵ The guiding framework is UNSCR 1325, and the focus very much is on including more women in the national police forces, and ensuring that more women take on leading roles in this institution.⁶⁶ The rationale behind this focus is that 'support to policewomen has the potential to enact a cultural change within the police system, [which] is particularly relevant when the police is being transformed into a new type of "civilian" institution very different from the "Militsia" of the past'.⁶⁷ In cooperation with Ukrainian CS 'there will be a coordinated work on development of specialised modules on gender-based violence, domestic violence and hate crimes for the National Police'.⁶⁸

In view of women's absence in the Tunisian security sector, and the fact that reluctance of police forces to properly process cases of domestic violence is a core obstacle to implementation of the new legislative framework, gender mainstreaming of EU efforts in the field SSR in Tunisia could significantly contribute to successful implementation of the Integral law. Therefore, one would expect the EU to focus on WPS and participation in Tunisia in particular. However, during interviews the picture arose that this aspect has been near absent from the EU's SSR

⁶² Commission, *Programming of the European Neighbourhood Instrument (ENI) - 2017-2020 - Single Support Framework for EU support to Ukraine (2018-2020)*: 8 & 18.

⁶³ European Commission, ANNEX 1 of the Commission Implementing Decision on the Special Measure III 2016 on Support to Rule of Law Reforms in Ukraine (PRAVO) (2016). For more information about this programme visit: <https://www.pravojustice.eu>, accessed 1 September 2018.

⁶⁴ European Commission, ANNEX 1 of the Commission Implementing Decision on the Special Measure III 2016 on Support to Rule of Law Reforms in Ukraine (PRAVO) (2016):

⁶⁶ However, the document does mention that women's participation should also be increased in other institutions.

⁶⁷ European Commission, ANNEX 1 of the Commission Implementing Decision on the Special Measure III 2016 on Support to Rule of Law Reforms in Ukraine (PRAVO) (2016): 19.

⁶⁸ European Commission, ANNEX 1 of the Commission Implementing Decision on the Special Measure III 2016 on Support to Rule of Law Reforms in Ukraine (PRAVO) (2016): 20.

programming.⁶⁹ EU officials with insight in the EU's SSR activities in Tunisia indeed mentioned that:

You can notice that it is not so easy for them to conduct the required reforms. And the gender reform is something more, and I don't want to say that we have to be patient, but when for instance the Berlin wall collapsed it took many years to reconcile Western and Eastern Germany. Here sometimes the international community wants that everything changes in five years, and I think if we want really to be able to change mentalities and to enhance the place of women, to allow women who want to become a police man, or to become part of the military to be able to do that stuff, we just have to keep in mind that when you want to have a better police here on the ground, I think it will take one generation of police men, the next twenty years. And for instance right now in only two years, since, I mean in only two years the Tunisian authorities were able to provide more security in this country. That means the Bardo attack was just two years ago, and what I want to say is that in two years they made huge efforts to shift from the protection of state to the protection of citizens. Perhaps now it becomes more and more possible to go deeper in the gender issue, but I think logically during these two last years it couldn't be in the top of the agenda in terms of security.⁷⁰

The EU's support for efforts to pursue accountability for politically motivated SGBV – nothing at all?

Both Tunisia and Ukraine are struggling to deal with how to respond to cases of politically motivated SGBV inflicted on both men and women either in the past (Tunisia), or at present (Ukraine). In literature on international engagement with women's rights it is generally assumed that this type of gendered harms animates most international interest at the expense of other types of gender justice support and particularly attention to the continuum of violence experienced by women in societies in transition. However, in Tunisia and Ukraine the EU has only very sparsely engaged with efforts to support the pursuance of justice for victims of politically motivated SGBV. While, this is partly a consequence of a lack of a failure to implement its commitment to gender mainstreaming in the area of transitional justice, it also reflects a generic reluctance on behalf of the EU to provide meaningful support – be it of a financial or political nature – to the fight against impunity.

In Tunisia the EU has provided funding to UNDP to support the establishment of the Specialized Chambers.⁷¹ The Specialized Chambers were created with the aim of adjudicating those individuals whose file has been transferred by the IVD based on the suspicion that they are guilty of grave

⁶⁹ Interview official EU Delegation in Tunisia, 11 August 2017, Tunis.

⁷⁰ Interview official EU Delegation in Tunisia, 11 August 2017, Tunis.

⁷¹ For an extensive description of the project see: European Commission ANNEXE 2 de la décision d'exécution de la Commission approuvant le programme d'action annuel 2014 en faveur de la Tunisie: Document relatif à l'action « Programme d'Appui à la Réforme de la Justice 2 » (2014).

human rights violations.⁷² In Ukraine the EU has supported the UN's Human Rights Monitoring Mission in Ukraine (HRMMU),⁷³ which 'monitors, reports publicly and advocates on the human rights situation in Ukraine with the aim of fostering access to justice and bringing perpetrators to account',⁷⁴ and the OSCE Special Monitoring Mission (SMM). The OSCE SMM was deployed in Ukraine in 2014 after a request by Ukraine's government and a consensus decision by all 57 OSCE participating States, including Russia. It is 'an unarmed, civilian mission, of which the 'main tasks are to observe and report in an impartial and objective way on the situation in Ukraine; and to facilitate dialogue among all parties to the crisis'.⁷⁵

In both countries the UN agencies that received the EU's transitional justice support have integrated a gender dimension. The UNDP project in Tunisia incorporates a small component on witness protection and victims, which focusses on vulnerable groups including women, girls and minors.⁷⁶ In Ukraine the OHCHR report on SGBV was published in the context of a project funded by the EU.⁷⁷ These past-focused gender justice efforts prioritize the pursuance of accountability for female victims of politically motivated SGBV. This approach confirms feminist critiques on international actors' engagement with only a narrow set of gendered harms.

However, a closer look at the way in which this inclusion of a gender dimension has materialized shows that the narrow nature of these efforts is only of secondary concern. Instead the fact that none of these efforts resulted from EU insistence on the integration of a gender dimension should give most pause. The EU's own documents pertaining to the UNDP project on the Specialized Chambers in Tunisia, for instance, do not mention the need for UNDP to integrate a gender

⁷² Article 8 Loi organique relative à l'instauration de la justice transitionnelle et à son organisation.

⁷³ As no comprehensive transitional justice trajectory has been put in place to address human rights violations that have taken and are still taking place in the context of the Donbass conflict, this thesis considers EU support for 'preparatory efforts' such as monitoring of human rights violations as support for transitional justice. Ní Aoláin has for instance also identified international actors' lack of attention for a gender perspective in this stage as a core obstacle to the integration of a gender dimension in transitional justice efforts at later stages. See: Aoláin FN, 'Women, security, and the patriarchy of internationalized transitional justice' (2009) 31(4) Hum Rights Q 1055:

⁷⁴ The HRMMU functions under the auspices of the Office of the High Commissioner for Human Rights. For more information about the EU's support for its work, see: European Commission, *Instrument Contributing to Stability and Peace – EU support to the UN Human Rights Monitoring Mission in Ukraine* (2016-2018) Available at: https://icspmap.eu/pdf/?format=single&contract_number=379842, accessed 24 August 2018. This is the second time the EU provides funding to the UN HRMMU.

⁷⁵ For more information see United Nations in Ukraine. Available at: <http://www.un.org.ua/en/resident-coordinator-system/human-rights>, accessed 1 December 2018.

⁷⁶ For more information see: OSCE Special Monitoring Mission to Ukraine. Available at: <https://www.osce.org/special-monitoring-mission-to-ukraine>, accessed 1 December 2018.

⁷⁷ This is not mentioned in the EU description of the project, but was conferred to me by the EU official responsible for transitional justice programming in the EU Delegation in Tunisia. Interview representative EU Delegation in Tunisia, 12 September 2017, Tunis.

⁷⁸ See chapter ... for a more in-depth discussion of the report.

dimension in its activities.⁷⁸ Moreover, during the interviews both EU officials as well as representatives of implementing partners conceded that these partners had indeed been the driving forces behind the inclusion of gender specific considerations. For instance, while the OHCHR's report on SGBV has benefited from EU funding, interviewees in Kiev specified that it was not the EU's demand that had resulted in the integration of a gender component in the OHCHR's activities.⁷⁹ The HRMMU took the initiative to conduct research on the occurrence of conflict-related SGBV after it noted in the field that stories about SGBV increasingly popped up in local media reports, without the EU having had a role in identifying priority areas of concern.⁸⁰

In Tunisia the EU official responsible for the monitoring of the Delegation's efforts to implement GAPII was not aware whether in its support for transitional justice the Delegation had taken into account its obligation to gender mainstream.⁸¹ This indicates that she has not played an active role in either designing or monitoring the transitional justice programme. Generally speaking, EU interviewees in Tunis and Ukraine indicated that while the EU requires implementing partners to gender mainstream, EU representatives do not play an active role in determining priorities or monitoring the actual integration of a gender dimension in projects.⁸²

However, according to the civil society activists and representatives of international organizations implementing and defending transitional justice in Tunisia and Ukraine the financial and technical support the EU is or could provide to transitional justice is only of secondary importance.⁸³ In this regard most agreed that the real potential for the EU to make a contribution to transitional justice in Tunisia and Ukraine, resides in the effective use of its political/economic leverage in both countries.⁸⁴ Regarding the EU's potential to advance transitional justice goals in Ukraine, one Brussels based NGO representative remarked:

⁷⁸ Interview EU official EU Delegation Tunisia, 12 September 2017, Tunis.

⁷⁹ European Commission ANNEXE 2 de la décision d'exécution de la Commission approuvant le programme d'action annuel 2014 en faveur de la Tunisie: Document relatif à l'action « Programme d'Appui à la Réforme de la Justice 2 » (2014).

⁸⁰ These publications in local media contained explosive accusations about the behaviour of combatants on both sides, but had not been subjected to any type of verification. As both the gravity of the reported incidents was reason for extreme concern, as well as the way in which these (unsubstantiated) accusations were used to further dehumanize the enemy, the HRMMU decided to devote extra attention to the issue. Interview representatives HRMMU, 27 October 2017, Kiev.

⁸¹ Interview representative EU Delegation in Tunisia, 16 August 2017, Tunis.

⁸² Interview representative international NGO Tunisia, 9 August 2017, Tunis.

⁸³ Interview representative international NGO working on human rights in the Eastern Neighbourhood, 12 June 2017, Brussels; Interview representative international NGO active in Tunisia, 4 October 2017, Tunis.

⁸⁴ The EU seems to share this opinion: 'EU is Ukraine's strongest supporter, says Mogherini in Kyiv'. Available at: https://eeas.europa.eu/delegations/ukraine/41258/eu-ukraines-strongest-supporter-says-mogherini-Kyiv_en, accessed 2 December 2018.

Conditions should be imposed especially on important issues related to accountability, related to corruption, because these are very important things which affect mind sets of people who run the country, but which also affect millions of citizens in the country. So yes, the Ukrainian government needs support, a lot of support, but this support should not be unconditional. The EU has a lot of leverage over Ukraine, because it supports the Ukrainian government not only politically, but also economically. The EU puts a lot of money in reforming the Ukrainian state, and into saving it from bankruptcy, and to put it back on its feet again, but what is important is, that this support does not go unconditionally. There should be conditions, and not conditions which are only put on paper; when the conditions are not met the EU has to respond, adequately.⁸⁵

Without this type of pressure neither the Ukrainian nor the Tunisian authorities are likely to support any type of efforts to pursue accountability for grave human rights violations. Quite the opposite is the case. In Tunisia the authorities have been engaged in a structural effort to sabotage all aspects of the transitional justice process,⁸⁶ including the Specialized Chambers,⁸⁷ and in Ukraine virtually no serious attempts to prosecute war criminals have been undertaken at all.⁸⁸ Many interviewees expressed the conviction that international pressure is the only means to change this course of affairs,⁸⁹ and that the EU is one of the only actors in both countries that has the power to shift attitudes of local governments. In this regard they remarked, that the EU has successfully used its economic and political leverage in relation to other policy priorities such as migration and the fight against terrorism in Tunisia,⁹⁰ and the fight against corruption in Ukraine.⁹¹

Interviews in Brussels and Kiev with representatives of human rights organizations and other international actors, however, found that the EU has not used its leverage in relation to the fight against impunity.

⁸⁵ Interview representative international NGO working on the former Soviet Union countries, 12 June 2017, Brussels.

⁸⁶ Belhassine O, Tunisie : la justice transitionnelle en peril, JusticeInfo.net (29 March 2018). Available at: <https://www.justiceinfo.net/fr/commissions-verite/36891-tunisie-la-justice-transitionnelle-en-peril.html>, accessed 2 December 2018.

⁸⁷ Commission Internationale de Juristes, 'Tunisie: inquiétudes des organisations de la société civile suite aux récentes attaques à l'encontre du processus de justice transitionnelle' (6 November 2018). Available at: <https://www.icj.org/fr/tunisie-inquietudes-des-organisations-de-la-societe-civile-suite-aux-recentes-attaques-a-lencontre-du-processus-de-justice-transitionnelle/>, accessed 2 December 2018.

⁸⁸ Pavliuk A, 'Investigation of war crimes: what's the situation in Ukraine?' UHHRU (18 April 2018). Available at: <https://helsinki.org.ua/en/articles/investigation-of-war-crimes-what-s-the-situation-in-ukraine/>, accessed 2 December 2018.

⁸⁹ Interview representatives Ukrainian think tank, 3 November 2017, Kiev.

⁹⁰ Zardo F and Cavatorta F, 'Friends will be friends? External-domestic interactions in EU-Tunisia and EU-Morocco security cooperation after the uprisings' (2018) International Politics 1.

⁹¹ Lacoski J, How EU conditionality is helping to transform Ukraine, ECFR (22 March 2016). Available at: https://www.ecfr.eu/article/commentary_how_eu_conditionality_is_helping_to_transform_ukraine6046, accessed 2 December 2018.

The EU has this format with the countries in the neighbourhood, human rights dialogues which they use to promote rule of law and human rights, and the format is, that there are a bunch of EU officials who meet with a bunch of officials of the country and they discuss some human rights issues, and the progress that has been made ... but the problem is that raising issues with [Ukrainian government representatives] in bilateral meetings does not change anything. They come, they listen, they say: 'yes, yes we do this, we do that', but they do nothing. And when this happens, then there have to be consequences, conditionality, real conditionality, and these consequences have to be related to concrete, real stuff such as money. And there the EU is much weaker. They are good at raising points, raising issues, expressing concern, but when it comes, you know hard stuff, they are more cautious.⁹²

This concern was echoed by another interviewee representing an international organization active in Ukraine:

After Euromaidan the Ukrainian government was indulged in unconditional international support, which gave the government the feeling that they could do everything as they wished. The EU excused much of the inexcusable behaviour of the Ukrainian government pointing at the fact that the country was going through a transition and fighting a war at the same time. This was a lost opportunity as at that time there was the right momentum for reforms. Once the EU started realizing that it was not an effective strategy and started criticizing the government, it was too late, as it had already lost a lot of its credibility. The international community should act as a good friend to Ukraine, and a good friend should not be afraid to give honest feedback, because he wants the best for you.⁹³

Similarly, representatives of (international) NGOs working on transitional justice in Tunisia said that they believed the EU Delegation had not been responsive to their requests to put more pressure on the Tunisian government to support the transitional justice process. One interviewee for instance recalled that when she raised the issue of the adoption of the Administrative Reconciliation Law during a meeting between the Delegation and representatives of civil society, the EU representative responded by mentioning the progress Tunisia had made in the field of women's rights under the current government.⁹⁴ A Member State diplomate working on transitional justice in Tunisia also confirmed that he was not aware of any coordinated efforts to put pressure on the Tunisian authorities to guarantee the continuation of the transitional justice process.⁹⁵

⁹² Interview representative human rights organization, 12 June 2017, Brussels. In this regard EU officials active in Ukraine themselves also noted that one of the problems with the human rights dialogues was that the individuals they held the dialogues with usually agreed with the issues raised, but that their counterparts did not have the power to change actual decision-making on these matters. Interview EU official, 15 November 2017, Kiev.

⁹³ Interview representatives international organization Ukraine, 27 October 2017, Kiev.

⁹⁴ Interview representative international NGO working on transitional justice in Tunisia, 4 October 2017, Tunis.

⁹⁵ Interview EU MS diplomate, 25 September 2017, Tunis.

Therefore, even if the EU would – superficially – gender mainstream the support it is currently providing to transitional justice in Tunisia and Ukraine, this would not result in a meaningful EU contribution to the fight against impunity for politically motivated SGBV. The next paragraphs show that in its engagement with Tunisia and Ukraine reluctance rather than enthusiasm has characterized the EU’s engagement with transitional justice overall. This is reflected in the – previously discussed - absence of engagement with core transitional justice mechanisms in Tunisia, and the general lack of effective use of diplomatic tools/political leverage to support the fight against impunity in both Tunisia and Ukraine. This absence of meaningful support for transitional justice as such is the root cause of the EU’s lack of engagement with any type of past-focused gender justice efforts. As most feminist transitional justice scholars take international support for transitional justice as a given this issue has received little attention, even though it is a key factor diminishing the potential contribution international actors could make to gender justice in the wake of conflict and repression.

Conclusion: EU engagement with gender justice in Tunisia and Ukraine in light of the EUGS

While EU support for gender justice in Tunisia and Ukraine is partly in line with the agendas of grassroots (feminist) gender justice actors, the exact nature of what it does and does not support betrays that the real driver behind EU engagement with gender justice in both countries are the agendas of local political elites. In both countries the absence of meaningful EU engagement with efforts to pursue accountability for past crimes reflects local authorities’ reluctance to engage with or active objection against mainstream transitional justice efforts. The type of forward-looking gender justice issues the EU does support are also reminiscent of the priorities of local elites. This is nicely illustrated by a comparison between EU gender justice efforts in Tunisia and Ukraine. In Tunisia the EU’s readiness to support progressive legislative reform to improve Tunisian women’s legal standing, is reminiscent of Nidaa Tounes’ gender justice priorities. In Ukraine similar efforts have been pursued by local and international gender justice advocates, which means that also here the EU could have profiled itself as a champion of legislative reform aimed at combating GBV. However, in Ukraine the EU’s engagement with this issue has been rather subdued. This is in line with the lack of serious buy in from local political elites in the Istanbul Agenda. This suggests that also when it comes to forward-looking gender justice support local gender politics rather than EU gender justice principles are at the core of the EU’s efforts in this realm. Linking these findings back to the EUGS it shows that despite the EU’s recently increased commitments to the promotion of GEWE abroad, overarching foreign policy interests still trump what type of gender

justice issues the EU does or does not engage with. While these issues reflect preferences of local political elites, in line with the EU's embrace of resilience, they impede its potential to act as a transformative GEWE force.