

# The EU as a Gender Equality Actor in Mexico: An Active Agent with a Potential for Further Engagement

Sofia Marin



DEPARTMENT OF EU INTERNATIONAL RELATIONS AND DIPLOMACY STUDIES

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**Sofia Marin** 

#### About the Author

Sofia Marin is an alumna from the College of Europe in Bruges, where she obtained an MA in EU International Relations and Diplomacy Studies in 2022. She also holds a Master's degree in French and International Relations from Tampere University in Finland. She has gained work experience at the UN Migration Agency in Finland and at two Finnish Embassies, in Paris and in Santiago de Chile. In addition, she has volunteered as a journalist covering human rights and development issues in Latin American countries. This paper is based on her Master's thesis written at the College of Europe (Éliane Vogel-Polsky Promotion 2021-2022).

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Dijver 11 | BE-8000 Bruges, Belgium | Tel. +32 (0)50 477 251 | Fax +32 (0)50 477 250 | E-mail ird.info@coleurope.eu | www.coleurope.eu/ird

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#### Abstract

The European Union (EU) is committed to promoting human rights and gender equality in its external relations. Mexico, a strategic partner of the EU, continues to face serious challenges regarding gender equality, gender-based violence being the most pressing one. This paper examines to what extent and how the EU is promoting gender equality in this country by assessing the EU's actorness and forms of engagement. It argues that the EU enjoys a high level of actorness, but that it does not fully exploit its potential and could further build on existing activities and deepen cooperation with Mexico. The EU and Mexico have institutionalized their relations by establishing a strategic partnership and a free trade agreement. These set the basis for various dialogues, such as the Joint Parliamentary Committee and the High-Level Dialogue on Human Rights, which provide a platform for the parties to exchange views and share best practices in improving gender equality. In addition, the EU finances many projects in Mexico with the goal of supporting the country in its pursuit of gender equality.

#### Introduction: The EU as Gender Equality Actor

The European Union (EU) has established itself as a global human rights actor. Gender equality has been recognized as a part of human rights since the adoption of the Universal Declaration of Human Rights in 1948. This Declaration also binds the EU. In addition, the Treaties of the EU state that it aims to counter inequality through all of its actions.

Traditionally, EU external action on gender equality has concentrated on its neighborhood and on the African, Caribbean and Pacific (ACP) countries. However, this paper examines to what extent and how the EU promotes gender equality in Mexico, as well as how it engages with the country in this field. To answer these questions, the paper draws on the concept of actorness by assessing the EU's opportunity, presence, and capability for gender equality promotion in the region, and identifies the forms of EU gender action.

The next section outlines the framework for analyzing the EU's promotion of gender equality. The paper then proceeds with the analysis of EU actorness in the field of gender equality in Mexico. Subsequently, the forms and mechanisms of EU external engagement are examined. The final section summarizes the results of the analysis.

#### Framework of Analysis

#### Actorness

To assess the ability of the EU to act on gender equality, this paper uses the conceptualization of 'actorness' suggested by Bretherton and Vogler<sup>5</sup> and further developed by Schunz, Damro, and Gstöhl in their analytical framework for assessing the forms and extent of EU external engagement.<sup>6</sup> This approach is well-suited for an

<sup>&</sup>lt;sup>1</sup> European External Action Service, Shared Vision, Common Action, a Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy (Brussels: EEAS, 2016), 8, 18.

<sup>&</sup>lt;sup>2</sup> United Nations, "Global Issues, Human Rights".

<sup>&</sup>lt;sup>3</sup> European Union, "Consolidated Versions of the Treaty on European Union and of the Treaty on the Functioning of the European Union of 3 December 2007", Official Journal of the European Union, C326, 26, October 2012, art. 21 (1) TEU [hereinafter "Lisbon Treaty"].

<sup>&</sup>lt;sup>4</sup> Ibid., art. 8 TFEU.

<sup>&</sup>lt;sup>5</sup> Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, 2<sup>nd</sup> ed. (London: Routledge, 2006), 22-34.

<sup>&</sup>lt;sup>6</sup> Simon Schunz, Chad Damro and Sieglinde Gstöhl, "Analytical framework: understanding and explaining EU external engagement", in *The European Union External Engagement*. *Towards New Sectoral Diplomacies*?, eds. Chad Damro, Sieglinde Gstöhl and Simon Schunz (Abingdon: Routledge, 2018), 15-34.

analysis of EU action on gender equality because it helps examine EU action beyond a specific policy area. Gender equality is a cross-cutting objective that should be considered in every policy area.

The concept of EU actorness is composed of three elements: opportunity, presence and capability.<sup>7</sup> Opportunity "denotes the external environment of ideas and events – the context which frames and shapes EU action or inaction".<sup>8</sup> Schunz, Damro, and Gstöhl explain how the external environment can be understood widely, including factors, such as institutions and interests.<sup>9</sup> Ideas represent "the subjective claims or beliefs that individuals hold about the world" and denote different international norms on acceptable behavior. <sup>10</sup> Institutions are "stable and recurring patterns of behaviour", for instance international organizations.<sup>11</sup> Interests refer to the goals of foreign policy actors.<sup>12</sup>

Presence is "the ability to exert influence externally; to shape perceptions, expectations and behaviour of others". <sup>13</sup> It is the result of the EU's mere existence, related to its political system and identity. <sup>14</sup> In practical terms, the EU's legal and policy acquis in a specific sector can be examined to study its identity. Furthermore, presence "refers to the external, often unanticipated or unintended, consequences of the Union's internal priorities and policies". <sup>15</sup> The EU's presence has increased over time because more member states have joined the EU and it has amplified its policy competences. <sup>16</sup>

Capability refers to "the internal context of EU action or inaction". <sup>17</sup> In other words, the EU's ability to influence others and their perceptions or behaviors and respond to external events. <sup>18</sup> When analyzing capability, one must focus on the Union's "ability to formulate effective [external] policies" and on "the availability of appropriate policy instruments". <sup>19</sup> Therefore, assessing capability means examining the EU's legal

<sup>&</sup>lt;sup>7</sup> Bretherton and Vogler, op. cit., 12.

<sup>8</sup> Ibid., 22.

<sup>&</sup>lt;sup>9</sup> Schunz, Damro and Gstöhl, op. cit., 18.

<sup>&</sup>lt;sup>10</sup> Ibid.

<sup>&</sup>lt;sup>11</sup> *Ibid*.

<sup>&</sup>lt;sup>12</sup> Ibid.

<sup>&</sup>lt;sup>13</sup> Bretherton and Vogler, op. cit., 25-26.

<sup>14</sup> Ibid., 26.

<sup>&</sup>lt;sup>15</sup> Ibid.

<sup>&</sup>lt;sup>16</sup> Ibid., 27.

<sup>17</sup> Ibid., 28.

<sup>&</sup>lt;sup>18</sup> Ibid.

<sup>&</sup>lt;sup>19</sup> Ibid.

competences for external action, its policy objectives, and the strategies and instruments to reach those objectives. Bretherton and Vogler introduce four sub-elements of capability:

- 1. the EU institutions' and member states' commitment to the shared values, laid out in the Treaties;
- 2. domestic legitimation of the EU foreign policy objectives and decisions;
- 3. consistency between the EU's and member states' foreign policies; and coherence, meaning absence of contradictions between the EU and member-state level, as well as between the different EU foreign policies, and
- 4. "[t]he availability of, and capacity to utilize, policy instruments".20

The EU's actorness in the field of gender equality can be determined by evaluating the strength of the EU's opportunity, presence and capability, which can be either 'weak', 'moderate' or 'strong' for each category. Based on these evaluations, the EU's actorness can be rated as 'low', 'medium' or 'high'.<sup>21</sup> A high degree of actorness requires at least two of the above-mentioned components to be strong, and the third at least moderate.<sup>22</sup> A medium degree of actorness requires at least two components evaluated as moderate, and a low degree of actorness means at least two components are weak.<sup>23</sup>

#### Forms of EU External Engagement

In this paper, EU external engagement refers to any kind of interaction, be it intentional or unintentional, between the EU, comprised of its institutions, agencies and its member states, and the actors in the outside world. Schunz, Damro and Gstöhl have identified four forms of EU external engagement:

- 1. unintended impacts, representing a kind of external spill-over effects of EU internal policies;
- 2. externalization of internal EU policies;
- 3. integration of policy objectives into external policies; and
- 4. EU sectoral diplomacy.<sup>24</sup>

<sup>&</sup>lt;sup>20</sup> Ibid., 28.

<sup>&</sup>lt;sup>21</sup> Schunz, Damro and Gstöhl, op. cit., 17.

<sup>&</sup>lt;sup>22</sup> Ibid., 18.

<sup>&</sup>lt;sup>23</sup> Ibid.

<sup>&</sup>lt;sup>24</sup> Ibid., 18-20.

The first form is based on the EU's presence derived from the EU's identity, its internal policies and laws which have an impact on third countries or regions. The second form consists in extending the scope of an EU internal policy outside of the EU's borders. This can be accomplished by providing incentives, such as in the case of candidate countries implementing EU acquis. The third form of external engagement is about mainstreaming the EU's goals in one area by including them in other policies, for example when it negotiates free trade agreements (FTAs) that include a human rights clause. Finally, EU sectoral diplomacy pursues objectives that are in line with the EU's rules and norms but are adapted to fit into a bilateral or multilateral context, for example in the form of bilateral dialogues between the EU and a third country.<sup>25</sup>

Each form of EU external engagement can be analyzed by answering the following questions: "who (agency) does what (objectives) and how (mechanisms) with whom/in which fora (interlocutors/arenas)?"26 Börzel and Risse have identified four types of mechanisms to answer the 'how' question: coercion, utility calculations, socialization, and persuasion.<sup>27</sup> Coercion refers to an obligation to comply with EU law, which is mainly relevant to EU member states and candidate countries.<sup>28</sup> Manipulation of utility calculations is about providing positive or negative incentives - rewarding behavior by, for example, offering financial or technical assistance, or sanctioning undesirable behavior.<sup>29</sup> Conditionality also falls under this category.<sup>30</sup> Socialization refers to the adoption of the EU's norm-set because the other actors consider it as appropriate, and persuasion refers to convincing other actors to adopt EU norms and rules through communicative means.<sup>31</sup> This paper groups socialization and persuasion into the same mechanism since the EU aims to mainstream its norms and rules through both. Additionally, Schunz, Damro and Gstöhl highlight a mechanism called '[u]nintentional spill-over of internal policies or laws', but it is not included in this study because it mainly relates to the EU's internal policy objectives.<sup>32</sup> Therefore, the range of mechanisms for the EU's external engagement in the analytical framework of this

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<sup>&</sup>lt;sup>25</sup> Ibid., 20.

<sup>&</sup>lt;sup>26</sup> Ibid., 19.

<sup>&</sup>lt;sup>27</sup> Tanja A. Börzel and Thomas Risse, "From Europeanisation to Diffusion: Introduction", West European Politics 35 no. 1 (2012), 6-8.

<sup>&</sup>lt;sup>28</sup> Ibid., 6.

<sup>&</sup>lt;sup>29</sup> Ibid.

<sup>&</sup>lt;sup>30</sup> Ibid., 7.

<sup>&</sup>lt;sup>31</sup> Börzel and Risse, op. cit., 7-8.

<sup>&</sup>lt;sup>32</sup> Schunz, Damro and Gstöhl, op. cit., 20.

paper covers: 1) coercion, 2) manipulation of utility calculations, and 3) persuasion, which includes socialization.

#### Methodology and Research Design

Mexico was chosen as a case study for this paper because research on EU-Mexico relations related to gender equality promotion is scarce, despite a growing feminist movement in the country over the last decades. Furthermore, Mexico has had a strategic partnership with the EU since 2008, and the two partners have amplified their cooperation and established different dialogues within the framework of this partnership. They are often like-minded actors on international issues, such as climate change and the Agenda 2030, and both strongly support multilateralism. Moreover, the EU and Mexico have solid trade relations based on a FTA that has been in force since 2000 and is currently in the process of substantial modernization.<sup>33</sup>

This paper uses the same definition of 'gender' as the EU's current external action agenda for achieving a gender equal world, entitled the EU Gender Action Plan III (hereinafter, 'GAP III'): gender consists of "the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men". <sup>34</sup> GAP III also distinguishes between girls and boys when referring to gender equality. Thus, as its definition indicates, the EU has adopted a traditional approach which understands gender as binary, and uses the term gender equality very much in parallel with women's rights and women's empowerment. To be able to analyze the EU's documents relating to gender equality, this study uses the EU's definition of gender equality, namely "[e]qual rights, responsibilities and opportunities of women and men and girls and boys". <sup>35</sup> 'Gender mainstreaming' refers to analyzing the gendered impacts of every policy at every stage of policymaking and taking action to ensure gender equality. <sup>36</sup> Gender mainstreaming is not a policy itself but a cross-cutting activity conducted in all policy fields.

In this paper, the EU is understood as encompassing its institutions and bodies, as well as its member states acting on behalf of the EU. The materials for this case study are

<sup>&</sup>lt;sup>33</sup> European Commission, "Countries and Regions, Mexico".

<sup>&</sup>lt;sup>34</sup> European Commission, EU Gender Action Plan III, An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action (Brussels: European Commission, 25 November 2020), 2 [hereinafter, "GAP III"].

<sup>35</sup> European Institute for Gender Equality, Glossary & Thesaurus, "gender equality".

<sup>&</sup>lt;sup>36</sup> European Commission, EQUAL Guide on Gender Mainstreaming (Luxembourg: Office for Official Publications of the European Communities, 2005), 42.

collected by mapping the EU's activities related to gender equality in Mexico. The study mainly relies on qualitative analysis to evaluate whether the contents of the activities match Mexico's needs. An document from the European External Action Service (EEAS) provides an overview of the state of gender equality in Mexico and lists the EU or member state-funded projects related to gender equality in Mexico that were active in 2021.<sup>37</sup> The total number of these projects is 22.<sup>38</sup> They are implemented by different civil society organizations (CSOs), EU member states, UN agencies or universities.<sup>39</sup> Information on the contents and focus of the projects was gathered from the EEAS document and when needed from the projects' websites provided in the document.<sup>40</sup> Table 1 lists all the documents analyzed for this paper.

Table 1: Documents analyzed

All of the EU's 22 gender equality related projects in Mexico<sup>41</sup>

EU-Mexico Strategic Partnership Joint Executive Plan<sup>42</sup>

Global Agreement between the EU and Mexico (a free trade agreement) 43

Commissioner Malmström's answer to a question on the incorporation of gender perspectives in the modernized Global Agreement<sup>44</sup>

Joint Declaration of the 27<sup>th</sup> meeting of the EU-Mexico Joint Parliamentary Committee, 2020<sup>45</sup>

Joint Declaration of the 28<sup>th</sup> meeting of the EU-Mexico Joint Parliamentary Committee, 2022<sup>46</sup>

Press release on the 9th EU-Mexico High Level Dialogue on Human Rights, 202047

Press release on the 10th EU-Mexico High Level Dialogue on Human Rights, 202248

<sup>&</sup>lt;sup>37</sup> EEAS, "Igualdad de género en México".

<sup>&</sup>lt;sup>38</sup> Ibid., 4-8.

<sup>&</sup>lt;sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>&</sup>lt;sup>41</sup> Ibid.

<sup>&</sup>lt;sup>42</sup> Council of the European Union, "Mexico-European Union, Strategic Partnership, Joint Executive Plan", 9820/10, 16 May 2010, Comillas [hereinafter, "Strategic Partnership Plan"].

<sup>&</sup>lt;sup>43</sup> European Union, "Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part", Official Journal of the European Communities, L 276/45, 28 October 2000 [hereinafter, "The Global Agreement"].

<sup>&</sup>lt;sup>44</sup> European Parliament, "Answer given by Ms Malmström on behalf of the European Commission", Parliamentary question, E-002106/2019(ASW), 20 June 2019.

<sup>&</sup>lt;sup>45</sup> European Parliament, "EU-Mexico Joint Parliamentary Committee, Joint Declaration, 27<sup>th</sup> Meeting of the EU-Mexico Joint Parliamentary Committee", 3 February 2020, Brussels [hereinafter, "27<sup>th</sup> EU-Mexico JPC"].

<sup>&</sup>lt;sup>46</sup> European Parliament, "XXVIII Reunión de la Comisión Parlamentaria Mixta Unión Europea-México (CPM), Declaración conjunta" [XXVIII Meeting of the Mixed Parliamentary Commission European Union-Mexico (MPC), Joint Declaration], 3-5 November 2022, Mexico City and Quintana Roo [hereinafter, "28<sup>th</sup> EU-Mexico JPC"].

<sup>&</sup>lt;sup>47</sup> EEAS, "9<sup>th</sup> EU-Mexico High Level Dialogue on Human Rights" [hereinafter, "9<sup>th</sup> EU-Mexico HRD"].

<sup>&</sup>lt;sup>48</sup> EEAS, "X EU-Mexico High Level Dialogue on Human Rights" [hereinafter: "10<sup>th</sup> EU-Mexico HRD"].

The EU and Mexico have negotiated a modernization of their FTA, called Global Agreement. They reached an 'agreement in principle' on 21 April 2018 and concluded the negotiations of a modernized trade pillar on 28 April 2020.<sup>49</sup> However, the final text is not publicly available because the agreement is not ratified. Therefore, Ms Malmström's answer on behalf of the European Commission to a question on the incorporation of gender perspectives in the new agreement has been analyzed as a substitute. As the minutes of the Human Rights Dialogue (HRD) are not publicly available, this study relies on EEAS press releases summarizing the topics covered during these dialogues. Moreover, the EU engages with Mexico via other institutionalized dialogues, such as the EU-Mexico Summits and Joint Councils, but information on the contents of these meetings is not publicly available, and they are therefore not part of this study.

This study focuses purely on the bilateral cooperation platforms and the EU projects taking place in Mexico. It is important to note, however, that besides the bilateral level, the EU supports gender equality in Latin America on the regional level through different diplomatic means. In addition, both the EU and Mexico promote gender equality in multilateral settings, such as in the United Nations (UN).

#### The EU as a Gender Equality Actor in Mexico

The following sub-sections identify the elements of EU actorness for this case study.

Opportunity to Act on Gender Equality in Mexico

The ideas, events, institutions, and interests shaping the EU's opportunity as a gender equality actor are manifold. The EU's opportunity in Mexico is comprised of aspects of its wider opportunity in external gender promotion, as well as specific elements that relate to the Mexico-EU relationship. The global elements consist of international agreements and conferences that have been held based on the prevailing ideas of human rights, gender, and women's rights during the past decades, whereas the country-specific elements are events and ideas that invite the EU to act specifically in Mexico.

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<sup>&</sup>lt;sup>49</sup> European Parliament, "Modernisation of the trade pillar of the EU-Mexico Global Agreement", op. cit.

On the international level, a major opportunity is provided by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly in 1979.50 It was the product of several decades of work in the field of women's rights carried out by the UN Commission on the Status of Women, and it constitutes one of the building blocks of the global gender equality agenda. 51 CEDAW defines discrimination of women and establishes "an international bill of rights for women", as well as "an agenda for action by countries to guarantee the enjoyment to those rights". 52 All of the EU's member states are parties to the Convention, which is legally binding. 53 Other important international documents addressing gender equality or women's rights were agreed on during the 1990s, including the World Conference on Human Rights and its Vienna Declaration and Programme of Action adopted in 1993, and the Declaration on the Elimination of Violence against Women adopted in the same year, focusing on promoting women's rights and protecting women from violence. 54 Furthermore, the International Conference on Population and Development in 1994 covered sexual and reproductive health.55 Another building block of the global gender equality agenda is the Beijing Declaration and Platform for Action, adopted in 1995.56 It establishes a framework for empowering women around the world and emphasizes gender mainstreaming in all policy fields.<sup>57</sup>

In the new millennium, two other building blocks of global gender equality were agreed upon. First, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, was opened for signatures in 2011.<sup>58</sup> To this date, the EU and all its member states have signed the Convention, but it is yet to be ratified.<sup>59</sup> In turn, the UN

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<sup>&</sup>lt;sup>50</sup> OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979".

<sup>&</sup>lt;sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>&</sup>lt;sup>53</sup> European Parliament's Committee on Gender Equality, Violeta Neubauer (rapporteur), How Could the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Be Implemented in the EU Legal Framework?, PE453.193 (Brussels: The European Parliament Directorate General for Internal Policies, 2011), 14.

<sup>54</sup> UN Women, "Global Norms and Standards: Ending Violence against Women".

<sup>&</sup>lt;sup>55</sup> Ibid.

<sup>&</sup>lt;sup>56</sup> United Nations, Beijing Declaration and Platform for Action, Beijing+5 Political Declaration and Outcome (United Nations, 1995, Reprinted by UN Women, 2014), 3-29.

<sup>&</sup>lt;sup>57</sup> Ibid., 3-29, 62, 79-80, 91.

<sup>&</sup>lt;sup>58</sup> Council of Europe, "10 Years of the Istanbul Convention".

<sup>&</sup>lt;sup>59</sup> European Parliament, "EU Accession to the Council of Europe Convention on Preventing and Combating Violence against Women ('Istanbul Convention')", Legislative Train Schedule, February 2022.

2030 Agenda for Sustainable Development was adopted by all UN member states in 2015.<sup>60</sup> Its fifth Sustainable Development Goal (SDG) aims to achieve a gender equal world. Furthermore, in the context of peace and security, a key event was the adoption of the UN Security Council Resolution 1325 on Women, Peace and Security, which highlighted the important role of women in conflict resolution and peacekeeping.<sup>61</sup>

When it comes to public discussion, gender equality has become a prominent topic both in Mexico and the EU. The emergence of the Me Too movement exposing sexual abuse cases and raising awareness on sexual harassment has increased the visibility of inequality and gender-based violence. Indeed, women's social movements and feminist movements have been visible in Latin America for many decades and have increased in the region since the 1980s. 62 In Mexico, for example, women have mobilized to achieve economic justice and to protest violence as well as dangerous working conditions near the border with the United States. 63 The recent increase in feminist movements has been a response to the rising numbers of feminicides and other types of violence against women, a normalization of gender-based crimes, the impunity of perpetrators and groups of men who openly manifest against women's empowerment and autonomy.<sup>64</sup> To make insecurity visible and to demand action, women have started campaigns and organized marches with slogans such as "Ni una más" ("Not One More"), "Vivas y sin miedo" ("Alive and Not Afraid"), "Disculpe las molestias, pero nos están matando" ("Sorry for the Inconvenience, But They Are Killing Us"), among many others.65

The COVID-19 pandemic also impacted the EU's opportunity as a gender equality actor since all crises have gendered aspects. In the case of COVID-19, men faced globally a higher fatality rate, but the economic and social consequences hit women

<sup>&</sup>lt;sup>60</sup> United Nations, "Sustainable Development, History".

<sup>&</sup>lt;sup>61</sup> United Nations, Security Council, Resolution 1325 (2000), 31 October 2000.

<sup>&</sup>lt;sup>62</sup> Helen Icken Safa, "Women's Social Movements in Latin America", *Gender and Society* 4, no. 3 (September 1990), 354.

<sup>&</sup>lt;sup>63</sup> Diana M. Barrero Jaramillo, "How Latin American Feminists Shifted Global Understanding of Gender-Based Violence", *The Conversation*, 5 December 2021.

<sup>&</sup>lt;sup>64</sup> Lucía Álvarez Enríquez, "El movimiento feminista en México en el siglo XXI: juventud, radicalidad y violencia", Revista mexicana de ciencias políticas y sociales 65, 240 (September/December 2020), 148, 150. The term 'feminicide' is used instead of the more common 'femicide' because Mexico uses the term 'feminicide' ('feminicidio' in Spanish) in its legislation. For more information, see Gender Equality Observatory for Latin America and the Caribbean, "Notes for Equality".

<sup>65</sup> Ibid., 160.

harder. 66 Moreover, the crisis reduced efforts to increase sexual and reproductive health and rights of women, since the institutions and organizations promoting these received less funding than usual. 67 Lockdowns increased violence against women, as well as the burden of unpaid care and domestic work. 68

Overall, during the past decades, gender equality has received increasing global attention, and the constellation of gender equality-relevant events, institutions, ideas, and interests presented in this section contributed to the EU's opportunity to act. Based on these findings, the EU's opportunity for gender equality promotion in Mexico is considered 'strong'.

The EU's Presence as a Gender Equality Actor in Mexico

The EU's legal acquis constitutes part of its presence in the field of gender equality. Gender equality is a core value for the EU. Already in 1957, the principle of equal pay for equal work was introduced in the Treaty of Rome. <sup>69</sup> The idea of pay and employment equality developed during the following decades and spread into other policy fields. <sup>70</sup> There was a shift from reactive policies to proactive ones to overcome obstacles to gender equality. <sup>71</sup>

In the Lisbon Treaty, article 2 of the Treaty on the European Union (TEU) states that the foundational values of the Union are:

respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.<sup>72</sup>

Article 3(1) TEU reinforces the importance of the EU's values by stating that the Union's aim is to promote its values.<sup>73</sup> Article 3(3) TEU declares that the EU "shall combat social exclusion and discrimination, and shall promote social justice and protection, equality

<sup>&</sup>lt;sup>66</sup> UN Women, From Insights to Action: Gender Equality in the Wake of COVID-19 (New York: UN Women, 2020), 1.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>&</sup>lt;sup>69</sup> European Commission, "Questions and Answers – Equal Pay: Commission Proposes Measures on Pay Transparency to Ensure Equal Pay for Equal Work", 4 March 2021.

<sup>&</sup>lt;sup>70</sup> European Parliament, European Parliamentary Research Service, Martina Prpic and Rosamund Shreeves with Alina Dobreva, (rapporteurs), *Promoting Equality between Women and Men*, PE 628.272 (Brussels: Members' Research Service, June 2019), 2.

<sup>&</sup>lt;sup>71</sup> Ibid.

<sup>&</sup>lt;sup>72</sup> European Union, Lisbon Treaty", art. 2 TEU.

<sup>&</sup>lt;sup>73</sup> *Ibid.*, art. 3(1) TEU.

between women and men, solidarity between generations and protection of the rights of the child".<sup>74</sup> Article 3(5) TEU stipulates that in its external relations, the Union shall uphold and promote its values, protect human rights, and contribute to the compliance of the UN Charter, among other values and principles.<sup>75</sup> Gender equality is part of human rights and therefore also part of the UN Charter. General provisions on the EU's external action are laid down in article 21 TEU. Among them are:

the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.<sup>76</sup>

In article 8 of the Treaty on the Functioning of the European Union (TFEU), gender equality is mentioned again: "In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women."<sup>77</sup> This reflects the fact that the EU institutions have been legally obliged to mainstream gender in all policy sectors since the entry into force of the Amsterdam Treaty in 1997.<sup>78</sup> The Union's external action on the global scene is to be conducted following the same values on which it has been founded:

democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respects for the principles of the United Nations Charter and international law.<sup>79</sup>

This article, and in particular the above mentioned principle of equality, establishes the EU's mandate as global gender equality actor.

The Charter of Fundamental Rights has been legally binding on the EU since the entry into force of the Lisbon Treaty. In its article 21, it prohibits any discrimination based on sex, and in article 23 it states that "equality between men and women must be ensured in all areas". 80 Besides its primary law, Šimáková notes that the European Court of Justice has played a role in elaborating gender equality action. 81 Furthermore, the

<sup>74</sup> Ibid., art. 3(3) TEU

<sup>&</sup>lt;sup>75</sup> *Ibid.*, art. 3(5) TEU.

<sup>&</sup>lt;sup>76</sup> *Ibid.*, art. 21(1) TEU.

<sup>&</sup>lt;sup>77</sup> Ibid., art. 8 TFEU.

<sup>&</sup>lt;sup>78</sup> Roberta Guerrina and Katharine A. M. Wright, "Gendering Normative Power Europe: Lessons of the Women, Peace and Security Agenda", *International Affairs* 92, no. 2 (2016), 293.

<sup>&</sup>lt;sup>79</sup> European Union, "Lisbon Treaty", art. 21 TEU.

<sup>&</sup>lt;sup>80</sup> European Union, "Charter of Fundamental Rights of the European Union", Official Journal of the European Union, C364/13, 18 December 2000, art. 21, 23.

<sup>81</sup> Šimáková, op. cit., 70.

EU also has a variety of soft instruments, such as recommendations and exchanges of best practices.<sup>82</sup>

The EU is committed to making its internal and external policies compatible with UN SDGs. 83 Goal 5 is of particular relevance, as it aims to achieve gender equality and end all harmful practices against women and girls. 84 The EU states also that gender "needs to be enshrined in the other SDGs", 85 which shows the all-encompassing nature of these goals. EU policies must also respect the UN Universal Declaration of Human Rights, the first article of which lays down the basis for gender equality: "All human beings are born free and equal in dignity and rights." 86

Gender equality, at least at the level of public statements, has received a boost under the Presidency of Ursula von der Leyen and her Commission. She has declared that the Commission is committed to achieving a Union of equality and has taken several actions towards this goal. One of the ways through which her Commission aims to fulfil its commitment is the Gender Equality Strategy 2020-2025. It "sets out key actions for the next 5 years and commits to ensure that the Commission will include an equality perspective in all EU policy areas".87 It aims to achieve a Europe "where women and men, girls and boys, in all their diversity, are equal", and can freely "pursue their chosen path in life and reach their full potential, where they have equal opportunities to thrive, and where they can equally participate in and lead our European society".88 Its main policy objectives are combating violence against women, closing gender gaps in the labor market (including equal pay for equal work and work-life balance), and promoting equality between men and women in decision-making.89 Despite the fact that the Gender Equality Strategy was designed as an EU internal plan, its "objectives will also be reflected in EU's actions around the world, promoting women empowerment and tackling gender-based violence".90

<sup>&</sup>lt;sup>82</sup> European Parliament, European Parliamentary Research Service, Martina Prpic and Rosamund Shreeves with Alina Dobreva, (rapporteurs), op. cit., 5.

<sup>&</sup>lt;sup>83</sup> European Commission, "Promoting Gender Equality & Women's Rights beyond the EU, Sustainable Development Goals".

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> United Nations, "Universal Declaration of Human Rights".

<sup>&</sup>lt;sup>87</sup> European Commission, "Gender Equality Strategy: Striving for a Union of Equality", 5 March 2020.

<sup>&</sup>lt;sup>88</sup> European Union, A Union of Equality: Gender Equality Strategy 2020-2025 (Brussels, European Commission, 5 March 2020), 2.

<sup>89</sup> Ibid.

<sup>90</sup> European Commission, "Gender Equality Strategy: Striving for a Union of Equality", op. cit.

The Gender Action Plan III for the years 2021-2025 guides the EU's actions to promote gender equality throughout all its external action. It establishes a five-pillar policy framework for the EU to enhance its efforts: 1) mainstreaming gender in policy and programming work and adoption of a "gender-transformative, rights-based and intersectional approach", 2) promoting strategic EU engagement and boosting the implementation of GAP III, 3) "[f]ocusing on key areas of engagement", such as freedom from gender-based violence and strengthening economic and social rights, 4) "establishing gender-responsive and gender-balanced leadership at top EU political and management levels, and 5) reporting and monitoring results. 91 GAP III is connected with global development and thus with the Agenda 2030. 92

Presence can be seen as connected to normative power, which is about shaping others' perceptions on what is considered normal and defining norms. The EU, as an integrated region founded on values such as democracy, rule of law and human rights, diffuses its norms also unintentionally by merely existing as an entity. Manners argues that, for example, the regional integration of Mercosur can be seen as an attempt to replicate the integration on the European continent. Other examples of the EU's norm diffusion are the EU's policy initiatives and declaratory communications, but these belong to the category of forms of EU external engagement, covered further below.

To summarize, the EU's legal and policy acquis includes a clear gender equality promotion agenda. In addition, the EU aligns its policy acquis with the UN and with international human rights commitments. Its external policy agenda is connected with global development agenda. Considering all the elements presented, the EU presence can be considered 'strong'.

The EU's Capability as a Gender Equality Actor in Mexico

As article 8 TFEU states, the EU has a treaty-based obligation to mainstream gender in all its policies and activities, including its external action. 97 This means taking into

<sup>91</sup> European Commission, GAP III, 3.

<sup>92</sup> Ibid., 2.

<sup>&</sup>lt;sup>93</sup> Ian Manners, "Normative Power Europe: A Contradiction in Terms?", *Journal of Common Market Studies* 40, no. 2, 2002, 239.

<sup>94</sup> Ibid., 244.

<sup>&</sup>lt;sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>&</sup>lt;sup>97</sup> European Union, "Lisbon Treaty", art. 8 TFEU.

account gender impacts when planning, implementing, and monitoring any policy. However, the EU's capability to mainstream gender depends on its competence in each policy field. For example, the EU has exclusive competence in trade policy, therefore it has, at least in theory, the ability to mainstream gender, whereas in development policy the competence is shared between the EU and its member states, meaning that each one conducts their own development cooperation policies and defines the degree of gender equality promotion.

Even though gender mainstreaming should be conducted in every policy field, it is more advanced in some policy fields than in others. According to Guerrina, most of the EU's gender mainstreaming action is done through development aid, neighborhood policy and trade policy. 8 As the EU is the world's largest aid donor, it is capable of making an impact in the development cooperation and humanitarian aid fields. 9 It is able to respond to the most pressing development aid needs and provide humanitarian aid in crisis situations.

The European Commission has a crucial role in gender equality promotion because it is the 'guardian' of the Treaties, and it can propose and implement laws that are in line with the objectives of the EU Treaties. The Commissioner for Equality, Helena Dalli, has the responsibility to implement the European Gender Equality Strategy, to ensure the EU's commitment to inclusion and equality, and to lead the EU's fight against discrimination and gender-based violence. <sup>100</sup> She can rely on a team within the Secretariat General, dedicated to support her in her efforts to institutionalize gender mainstreaming. <sup>101</sup> The current European Commission has declared that a Union of Equality is one of its priorities. <sup>102</sup> To that end, it has set up a Task Force on Equality, led by the Commissioner for Equality, with the goal of gender mainstreaming all the EU policies and major initiatives. <sup>103</sup>

The Directorate-General (DG) of Justice has a Gender Equality Unit responsible for coordinating the Commission's gender equality efforts. 104 Moreover, there is an Inter-

<sup>100</sup> European Commission, "Commissioner (2019-2024), Helena Dalli, Equality".

<sup>&</sup>lt;sup>98</sup> Guerrina, Roberta, "Gendering EU External Action: Feminist Insights", in *The External Action of the European Union, Concepts, Approaches, Theories*, eds. Sieglinde Gstöhl and Simon Schunz, (London: Red Globe Press, 2021), 259.

<sup>&</sup>lt;sup>99</sup> Šimáková, op. cit., 68.

<sup>&</sup>lt;sup>101</sup> Lut Mergaert and Rachel Minto, "Gender Mainstreaming in the European Commission", European Policy Analysis (Sieps, May 2021), 5.

<sup>&</sup>lt;sup>102</sup> European Commission, "Gender Equality Strategy: Striving for a Union of Equality", op. cit. <sup>103</sup> Ibid.

<sup>&</sup>lt;sup>104</sup> Mergaert and Minto, op. cit., 6.

Service Group for Gender Equality, which consists of a representative from each DG and the EEAS and has the task of coordinating the implementation of gender equality actions. <sup>105</sup> Knowledge of gender issues and its level of mainstreaming in policymaking by different Commission DGs varies. In 2021, the EEAS appointed an EU Ambassador for Gender and Diversity, Stella Ronner Grubačić, who promotes gender equality in the EU's external action.

The European Parliament and the Council of the European Union are involved in the negotiations of international agreements. The Council provides the negotiation mandate to the Commission. The European Parliament is informed during the negotiation process, and both the Parliament's and the Council's agreements are needed to conclude agreements. This means that they play a role when concluding international agreements related to gender equality. The European Parliament has a Committee on Women's Rights and Equal Opportunities (FEMM), which defines, promotes, and protects women's rights in the EU. <sup>106</sup> It works to ensure equal opportunities for all genders in the labor market, eradicating gender-based discrimination, developing the Union's gender mainstreaming practices, and monitoring the implementation of international agreements related to gender equality the EU has signed. <sup>107</sup> Externally, it promotes women's rights in third countries. <sup>108</sup>

The EU tries to advance human rights through its trade policy. In trade, its influence is based mainly on the fact that it is "the world's largest trading block" and "the world's largest trader of manufactured goods and services". 109 It links human rights and trade based on the idea that "an openness to trade, combined with good governance and sound domestic policies, is a major contributor to inclusive growth and sustainable development, and thus to improved human rights conditions". 110 Since the 1990s, the EU has included a general human rights clause in all of its free trade agreements with third countries or regions. 111 The EU considers that "[t]he principal value of a human

<sup>&</sup>lt;sup>105</sup> Šimáková, op. cit., 72. However, Mergaert and Minto point out that there is uncertainty on whether the Inter-Service Group for Gender Equality is still running. See Mergaert and Minto, op. cit., 6.

<sup>&</sup>lt;sup>106</sup> Marta Martinelli, "Gender Protection in the Context of the EU's External Relations", Gender and the European Union (2014), 54.

<sup>&</sup>lt;sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>&</sup>lt;sup>109</sup> European Commission, "EU Position in World Trade".

<sup>&</sup>lt;sup>110</sup> Council of the European Union, EU Annual Report on Human Rights and Democracy in the World in 2013, 11107/14 (Brussels 23 June 2014), 47.

<sup>&</sup>lt;sup>111</sup> European Parliament, European Parliamentary Research Service, Ionel Zamfir (rapporteur), Gender Equality and Trade, PE 633.163 (Brussels: Members' Research Service, January 2019), 1.

rights clause is to demonstrate the shared commitment of the parties to human rights". <sup>112</sup> It is important to note that Mexico reluctantly accepted the inclusion of this human rights clause because it affects its domestic affairs, and the EU needed to insist on including the clause. <sup>113</sup> With regards to capability, this implies the EU faced difficulties in influencing Mexico, but eventually managed to have its way.

GAP III explicitly states that the EU "should continue to promote gender equality through its trade policy". <sup>114</sup> It stipulates that trade agreements between the EU and third countries should contain clauses referring to the International Labor Organization and UN Conventions related to gender equality and combating gender-based violence and discrimination. <sup>115</sup> However, the Global Agreement was negotiated before the year 2000, therefore it was not yet as ambitious. In any case, GAP III highlights the EU's capability by providing guidelines for future trade agreement negotiations.

On the project level, the EU's capability consists mainly of being a sponsor. The EU institutions or member states fund projects that seek to promote gender equality in Mexico through the EU's own financing mechanisms or instruments, or alternatively through joint financing with the UN.<sup>116</sup>

Many different actors of the EU are involved, but none of them has a strong capability to act in Mexico, which hinders the development of a coherent approach to support gender equality. GAP III, the Task Force on Equality and the Inter-Service Group for Gender Equality seek to bring coherence to the EU's gender equality promotion, but much work remains to be done. The EU's capability is thus considered 'medium'.

Conclusion on the EU's Actorness in External Gender Equality Action

Since EU opportunity and presence were rated as 'strong', and the EU's capability as 'medium', EU actorness is considered 'high'. A wide range of opportunities provide for an environment where the EU can act on gender equality. The EU Treaties and policy

<sup>&</sup>lt;sup>112</sup> Council of the European Union, EU Annual Report on Human Rights and Democracy in the World in 2013, op. cit., 47.

<sup>&</sup>lt;sup>113</sup> European Parliament, European Parliamentary Research Service, Isabelle Ioannides (rapporteur), The Effects of Human Rights Related Clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement, Ex-Post Impact Assessment, PE 558.764 (Brussels: Ex-Post Impact Assessment Unit, February 2017), 53.

<sup>114</sup> European Commission, GAP III, op. cit., 5.

<sup>&</sup>lt;sup>115</sup> Ibid., 5.

<sup>116</sup> EEAS, "Igualdad de género en México".

documents pave the way for external gender action. The EU's capability in external gender action constitutes a varied yet fragmented field of action. The following section analyzes the ways in which the EU engages externally.

#### Forms of EU Gender Equality Action in Mexico

To analyze which forms the EU utilizes in its external gender equality action with and in Mexico, the 'what', 'who', 'how', and 'with whom' questions need to be answered. In other words, all the materials considered in this study are analyzed in order to define what the EU's objectives for gender equality are, who acts on behalf of it, what its mechanisms of engagement and interlocutors in Mexico are.

The analysis begins with the Global Agreement and its modernization. It then proceeds by assessing the High-Level Dialogue on Human Rights, the Joint Parliamentary Committee and the Strategic Partnership Plan. Finally, the paper assesses the forms of EU gender equality action through the EU-funded projects in Mexico, and provides an assessment.

#### Global Agreement

The objective of the Global Agreement is to ensure free trade in goods and services and to set a basis for political dialogue and cooperation. The FTA is handled mainly by representatives of DG Trade and Mexico. Regarding gender equality, the EU has integrated some of its objectives related to human rights and gender equality in the Global Agreement. The first article of the agreement requires respect for democratic principles and fundamental human rights, and it constitutes an 'essential element'. The free trade agreement could thus be suspended in case of serious violations of these rights by either one of the parties.

However, despite having detected several grave human rights violations in Mexico, the EU has not suspended the agreement. <sup>118</sup> In addition, according to its assessments, no evidence has been found on the clauses' positive impact on Mexico's human rights situation. <sup>119</sup> It is difficult to evaluate whether progress in human rights is attributed to

<sup>117</sup> European Union, "The Global Agreement", art. 1.

<sup>&</sup>lt;sup>118</sup> European Parliament, European Parliamentary Research Service, Isabelle Ioannides (rapporteur), op. cit., 52.

<sup>&</sup>lt;sup>119</sup> European Commission, "European Commission Services' Position Paper on the Sustainability Impact Assessment in Support of Negotiations for the Modernisation of the Trade Part of the Global Agreement with Mexico", 4.

the FTA, domestic policies, or other external effects. <sup>120</sup> Nevertheless, it is possible that improvements in workers' rights have occurred as a consequence of the FTA.

The EU favored the conclusion of an FTA with Mexico, given the overall benefits it would provide to European firms. In addition, it would reinforce cooperation and trade between the EU and Mexico and serve as a reconfirmation of human and social rights principles. The inclusion of articles on human rights and the development of women's role and living standards result from persuasion, as the EU wanted the agreement to reflect its norms and rules on human rights in the agreement. The human rights clause is also an element of conditionality (manipulation of utility calculations). EU action via the Global Agreement takes two forms: 'integrating policy objectives into external policies' and 'EU sectoral diplomacy'.

Examining the agreement reveals that gender is not mentioned at all, and women's rights only twice. 121 Article 36(1-2) is about developing Mexico both economically and socially while respecting the basic rights and improving the living standards of the rural poor, women on low incomes and others living in poverty. 122 Women constitute the majority in all these groups, which means that ensuring the basic rights of these people contributes to gender equality. However, the article remains vague and "is empty of any effective content as it does not impose any legal obligation of a result". 123 The goal of article 37(3) is to enhance regional cooperation in trade and as part of that, developing the role of women. 124 The agreement refers to gender equality mainly by talking about human rights. The first article refers to gender equality through fundamental rights and the Universal Declaration of Human Rights. 125 The fact that the first article constitutes an 'essential element' gives it more weight. Article 39(1, 2c) states the parties' agreement to cooperate in human rights promotion. 126 Overall, gender equality is far from mainstreamed in the FTA despite the EU's commitment to gender mainstreaming. Moreover, instead of presenting women as active and having a role in the improvement of their position, the agreement simply states that the parties

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<sup>&</sup>lt;sup>120</sup> European Parliament, European Parliamentary Research Service, Ionel Zamfir (rapporteur), Human Rights in EU Trade Agreements, The Human Rights Clause and Its Application, PE 637.975 (Brussels: Members' Research Service, July 2019), 8.

<sup>121</sup> European Union, "The Global Agreement".

<sup>122</sup> Ibid., art. 36(1-2).

European Parliament, European Parliamentary Research Service, Isabelle Ioannides (rapporteur), op. cit., 86.

<sup>124</sup> Ibid., art. 37(3).

<sup>&</sup>lt;sup>125</sup> *Ibid.*, art. 1.

<sup>126</sup> Ibid., art. 39(1, 2c).

shall give attention to or should cooperate in ameliorating women's rights without providing specific or concrete plans for action.

According to the European Commission, the pending modernized Global Agreement includes commitments of both parties "to combat discrimination and to promote gender equality, empowerment of women and girls, as well as to explore cooperation in gender policies and initiatives", especially regarding to economic empowerment. <sup>127</sup> In addition, both parties commit to developing international trade in a direction that ensures decent work for all, in particular women, young people and persons with disabilities. <sup>128</sup> Furthermore, the Agreement includes commitments to enhance the implementation of the International Labor Organization Conventions regarding non-discrimination in employment, which imply measures to ensure gender equality, equal remuneration, and non-discrimination. <sup>129</sup> These reforms indicate a stronger focus on gender issues compared to the Agreement currently in force.

#### High-Level Dialogue on Human Rights

The goal of the High-Level Dialogue on Human Rights is to improve human rights and share best practices. The EEAS represents the EU in the dialogue. Both the 9th EU-Mexico HRD held on 10 July 2020 and the 10th EU-Mexico HRD organized on 4 July 2022 were preceded by a civil society organizations' seminar, which produced a set of concrete human rights-related recommendations for the EU and Mexican authorities. During both dialogues, gender equality promotion and the fight against gender-based violence were directly mentioned. 130 More precisely, during the 9th EU-Mexico HRD, the parties exchanged views on stepping up the fight against gender-based violence and domestic violence. The importance of the Spotlight Initiative, which aims to tackle these issues, was also raised. 131 The parties discussed "all types of violence against women and girls" during the 10th HRD, according to the respective press statements of the parties. 132

Among the topics covered, the press releases do not provide specifics on the extent to which gender questions were raised during the dialogues when addressing human

<sup>&</sup>lt;sup>127</sup> European Parliament, "Answer given by Ms Malmström on behalf of the European Commission", op. cit.

<sup>&</sup>lt;sup>128</sup> Ibid.

<sup>&</sup>lt;sup>129</sup> Ibid.

<sup>&</sup>lt;sup>130</sup> Ibid.

<sup>&</sup>lt;sup>131</sup> Ibid.

<sup>132</sup> EEAS, "9th EU-Mexico HRD".

rights issues other than gender equality or gender-based violence. For example, the discrimination and the protection of journalists are related to gender equality in the sense that most journalists and human rights defenders facing discrimination are in need of protection are women. Moreover, the agenda of the HRDs could be considerably broader; many important issues, such as economic inequalities and teenage pregnancies, were not included in the agenda of 9th nor 10th dialogue.

The presence of the EU Special Representative for Human Rights, Mr Eamon Gilmore, gave the dialogues a certain political weight and highlighted Mexico's importance to the EU given that he does not participate in all the EU's human rights dialogues. As an example, he is not present at the EU-Ecuador Human Rights Dialogues. 133

The mechanism of engagement is persuasion by communicative means and socialization, as the EU is spreading its norms via these interactions. The EU engages by radiating its internal human rights policies, integrating policy objectives into external policies, as well as sectoral diplomacy.

#### Joint Parliamentary Committee

The European Parliament is acting on behalf of the EU in the EU-Mexico Joint Parliamentary Committee. Based on the Joint Declarations, the 27th and the 28th meetings of the EU-Mexico Joint Parliamentary Committee, held on 3 February 2020 and 3–5 November 2022, dealt with four or five main topics, one of which was about gender equality. 134 Both parties declared that these issues are among their top priorities and need to be addressed both unilaterally as well as bilaterally. The 27th Joint Declaration stressed that more work needs to be done in strengthening CSOs and improving current policies. The 28th Joint Declaration highlights the need for improved access to justice and strengthening of public policies countering feminicides.

The 27<sup>th</sup> Joint Declaration underlined the importance of the Spotlight Initiative and declared that fighting against gender-based violence is among their priorities. <sup>135</sup> Moreover, the parties reconfirmed the need for action to fulfill the objectives of the

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<sup>&</sup>lt;sup>133</sup> Charles-Michel Geurts, Ambassador at the EU Delegation to Ecuador, Lecture at the College of Europe, Bruges, 22 February 2022.

<sup>&</sup>lt;sup>134</sup> European Parliament, "27<sup>th</sup> EU-Mexico JPC", 2-3; European Parliament, "28<sup>th</sup> EU-Mexico JPC", 4.

<sup>&</sup>lt;sup>135</sup> Ibid., 2.

Beijing Declaration and Platform for Action and welcomed Mexico's co-chairing of the Generation Equality Forum.<sup>136</sup>

During the Joint Parliamentary Committee meetings of 2020 and 2022 the parties formally acknowledged or expressed their satisfaction with several gender equality promotion measures. For example, in 2020, they stated that they were pleased with Mexico's launch of its feminist foreign policy and the measures taken under President Andrés Manuel López Obrador to combat gender violence.<sup>137</sup>

In the gender equality section of the Joint Declarations from 2020 Mexico's problems and improvements are mentioned more often than those of the EU's, whereas in the Joint Declaration from 2022, all the gender equality-related sub-points are common for both parties, or for each of Mexico's challenges there is also one of the EU's challenges presented. In other words, both parties must make greater strides to achieve gender equality, which shows that both are facing problems, even though they might be of different nature and scale.

One fourth of the Joint Declaration from 2020 is dedicated to gender questions, which means that it plays an important role in the Joint Committee. <sup>138</sup> This is in line with Velasco Pufleau's study which found that the European Parliament can influence the Mexican government on human rights matters. <sup>139</sup> Gender equality is understood broadly because the declaration states that a cultural shift and gender mainstreaming in all forms of cooperation are necessary. <sup>140</sup> However, gender is treated as a separate topic and therefore not taken into account in all joint action, as mainstreaming would require. The proportion of gender equality-related statements is smaller in the Joint Declaration from 2022 compared to the one from 2020. <sup>141</sup>

The forms of EU external engagement are (un)intentional spill-over of internal policies and EU sectoral diplomacy. When it comes to mechanisms, a joint committee is a suitable forum for exercising persuasion: during the discussions, the parties can learn

<sup>136</sup> Ibid., 2.

<sup>&</sup>lt;sup>137</sup> Ibid., 3.

<sup>&</sup>lt;sup>138</sup> Ibid.

<sup>&</sup>lt;sup>139</sup> Mónica Velasco Pufleau, "The Impact of Parliamentary Diplomacy, Civil Society and Human Rights Advocacy in EU Strategic Partners: The Case of Mexico", in Parliamentary Diplomacy in European and Global Governance, eds. Stelios Stavridis and Davor Jančić (Leiden: Brill/Nijhoff, 2017), 134-155.

<sup>&</sup>lt;sup>140</sup> Ibid., 2.

<sup>&</sup>lt;sup>141</sup> European Parliament, "28th EU-Mexico JPC".

from each other and become convinced by the other's arguments. Moreover, socialization can occur through the EU's interactions with Mexican counterparts.

#### Strategic Partnership Plan

The EU-Mexico Strategic Partnership Plan lays down cooperation in a wide range of policy sectors. The objectives of the EU-Mexico Strategic Partnership include the protection of human rights and therefore gender equality too. The words 'gender' or 'gender equality' are not used in the partnership plan. 142 References to gender equality are made by mentioning the EU's and Mexico's joint agreement to step up their cooperation on the protection of human rights and fundamental freedoms. 143 Human rights are dealt with among bilateral issues. Furthermore, the document states that the dialogue on human rights should give special attention "to the promotion of the situation of the most vulnerable groups, such as [...] and women". 144 However, as no concrete measures follow, the sentence remains a vague political statement probably leading to little, if any action. Gender-based violence or feminicides are not mentioned in the document, even though it has specific sub-chapters on security and law enforcement, and human rights. 145 Given that it does not incorporate any gender aspects besides a few general sentences on women or human rights, the partnership document can be considered close to gender-blind.

The possible forms of EU external gender action are (un)intentional spill-over of internal policies and EU sectoral diplomacy. Based on the various points of cooperation presented in the Strategic Partnership Plan, the mechanisms the EU is probably using fall within the category of manipulation of utility calculations: financial or technical assistance and capacity-building.

#### EU-Funded Projects in Mexico

The EU has set up projects that are aligned with Mexico's needs. A major challenge for Mexico is gender-based violence. 13 of the 22 EU-funded projects in Mexico focus on countering violence and feminicides. 146 As gender-based violence is the gravest of Mexico's problems in the field of gender equality, directing more than half of the

<sup>&</sup>lt;sup>142</sup> Council of the European Union, "Strategic Partnership Plan".

<sup>&</sup>lt;sup>143</sup> Ibid., 4, 29.

<sup>&</sup>lt;sup>144</sup> Ibid., 29.

<sup>145</sup> Ibid., 37-30.

<sup>146</sup> EEAS, "Igualdad de género en México", 4-8.

projects to tackle the problem tells that it is in the EU's priorities as well.<sup>147</sup> COVID-19 and its effects are visible in the array of projects: two of the 13 projects are specifically directed to counter violence in the context of COVID-19.<sup>148</sup> The indirect effects of violence are also addressed by one project, which empowers female human rights defenders whose family members have disappeared.<sup>149</sup>

Adolescent pregnancies are connected to gender-based violence, as they often result from sexual violence. Preventing them has been high on Mexico's agenda due to the country's alarming number of teen pregnancies among the OECD countries. <sup>150</sup> Mexico has developed a National Strategy for the Prevention of Teen Pregnancies. <sup>151</sup> One of the EU-funded projects seeks to strengthen this strategy. <sup>152</sup> There is also one project which is directed at protecting children from sexual abuse, as well as countering restrictive gender norms imposed on children. <sup>153</sup> In addition, one project seeks to improve the protection of female victims of cyberbullying and online violence. <sup>154</sup>

The other projects correspond to Mexico's needs as well. Three projects aim to increase women's economic empowerment and mitigate negative economic effects on women. One of these projects concentrates on the possession and use of land because, in general, it is more complicated for women to buy land or be legally recognized as the owner of their land, as The National Women's Institute (Instituto Nacional de las Mujeres) has reported. Another project is about improving women's social security. One project has been established to improve policy transparency and access to information of all genders. In Mexico, many women lack appropriate

<sup>&</sup>lt;sup>147</sup> Statista, "Gender Gap Index in Mexico from 2015 to 2021".

<sup>&</sup>lt;sup>148</sup> Ibid., 4, 7.

<sup>&</sup>lt;sup>149</sup> EEAS, "Igualdad de género en México", 7.

<sup>&</sup>lt;sup>150</sup> Mexican Government, "Estrategia nacional para la prevención del embarazo en adolescentes".

<sup>&</sup>lt;sup>151</sup> Mexican Government, Estrategia nacional para la prevención del embarazo en adolescentes (ENAPEA), Informe 2020.

<sup>152</sup> EEAS, "Igualdad de género en México", 5.

<sup>&</sup>lt;sup>153</sup> Ibid., 8.

<sup>154</sup> Ibid., 5.

<sup>&</sup>lt;sup>155</sup> Statista, "Gender Gap Index in Mexico from 2015 to 2021"; EEAS, "Igualdad de género en México", 6-7.

<sup>156</sup> EEAS, "Igualdad de género en México", 7.

<sup>&</sup>lt;sup>157</sup> Mexican Government, Instituto Nacional de las Mujeres, "Las mujeres y el acceso desigual a la propiedad de la tierra en México", 11 June 2020.

<sup>158</sup> EEAS, EEAS, "Igualdad de género en México", 6.

<sup>&</sup>lt;sup>159</sup> Ibid., 5.

access to information, which hampers women's economic, political, social, and cultural rights.<sup>160</sup>

According to the Mexican Public Policy Research Center, there is a gender imbalance in the field of science, technology, engineering, and mathematics (STEM): only three out of ten professionals in these fields are women. This affects for example the salary gap: people who have graduated from STEM studies have the highest salaries. Here is no gender balance in these fields, women cannot benefit equally as much as men. The EU therefore funds a project with the goal of engaging more women to study STEM.

Indigenous people, especially women, face additional discrimination due to their minority status. The EU has thus dedicated two of its projects to improve indigenous women's situation. One seeks to make the voices of indigenous and afro descendant women heard by providing training for online work. The other promotes indigenous women's human rights and a life free from violence.

Lastly, two projects address migrants' rights, in particular women's, girls', boys' and LGBTI people's rights, as they are the most vulnerable. Due to violence in Mexico and in Central American countries, there are many migrants in Mexico who either try to stay in the country or are just crossing it as part of their journey to the United States.

Many projects aim to support the already existing mechanisms to provide better response to the issues Mexico is dealing with. 163 This indicates that the EU is not taking away local ownership and ignoring local ways of addressing the problems. Several projects also focus on empowering women, which means that women can be active agents in the transformation towards a gender equal society. 164 The projects help women to develop their skills in certain areas, for example providing them with information about their economic rights and how to defend their land ownership. 165

As most of the projects are implemented by local CSOs, they benefit from particular expertise of people familiar with the Mexican society. <sup>166</sup> Besides local CSOs, international organizations, like the United Nations Entity for Gender Equality and the

<sup>&</sup>lt;sup>160</sup> Mexican Government, "En tiempos de COVID-19, el acceso a la información recobra relevancia para las mujeres".

<sup>161</sup> IMCO, "En México, sólo 3 de cada 10 profesionistas STEM son mujeres".

<sup>&</sup>lt;sup>162</sup> Ibid.

<sup>163</sup> EEAS, "Igualdad de género en México", 4-8.

<sup>&</sup>lt;sup>164</sup> Ibid.

<sup>&</sup>lt;sup>165</sup> Ibid., 7.

<sup>&</sup>lt;sup>166</sup> Ibid., 4-8.

Empowerment of Women (UN Women) and the United Nations Population Fund (UNFPA), as well as big non-governmental organizations, like Oxfam, are involved. 167 These organizations have solid experience in conducting different kinds of development projects, which gives them expertise, knowledge, and stability. They also have a comprehensive understanding of gender issues, therefore the likelihood for them to have mainstreamed gender in these projects is high.

In the EU-funded gender equality projects, the actors on the EU's side are the EEAS, which monitors the situation on the ground and identifies the project needs, and the Commission which cooperates with the EEAS and controls the financing of the projects. The mechanisms of EU external engagement belong to the category of manipulation of utility calculations: providing incentives (funding) to achieve a certain result (gender equality). Besides this, socialization occurs when the EU sets norms and rules regarding the funding it provides. Based on these characteristics, the EU's form of external action is 'integrating policy objectives into external policies'.

#### Conclusion on the Forms of EU External Engagement

The EU as a gender equality actor in Mexico takes forms of mostly sectoral diplomacy but is very often also about radiation of the Union's internal policies and/or integrating policy objectives into external policies. The mechanisms the EU uses with Mexico are mostly persuasion and/or socialization. Modifying utility calculations is also present in several forms of engagement. Overall, the EU's gender action is varied and rather extensive.

#### Conclusion: The EU as an Active Gender Actor with a Potential to Do More

The EU seeks to advance gender equality in Mexico through its projects and as part of its bilateral political and economic cooperation with the country. The projects are varied, and they address the most urgent gender equality challenges of Mexico. In the bilateral cooperation, the European Parliament stands out with its activism for gender equality through the Joint Parliamentary Committee. The HRD also addresses various gender equality issues, but in the Strategic Partnership Plan and the Global Agreement gender equality goals are often included in the wider concept of human rights and are not addressed directly. Consequently, gender equality is not given much attention and gendered aspects of policies risk being dealt with as a separate

<sup>&</sup>lt;sup>167</sup> Ibid.

issue or even completely ignored. The minor role of gender questions in the Strategic Partnership Plan and the Global Agreement is surprising – one would expect the EU to have taken advantage of the platform provided by the strategic partnership for promoting gender equality in all cooperation.

Although EU actorness is rated 'high', capability being the only component considered 'medium', it is possible for the Union to increase its gender equality action in Mexico. The EU Treaties and GAP III establish an ambitious gender agenda, and the EU could step up its efforts via existing fora. For example, human rights clauses in the Global Agreement could be strengthened by making them "more specific, using formulations similar to those included in EU association agreements with neighbourhood countries". 168 As a comparison, the EU-Chile Association Agreement has more progressive human rights provisions than the EU-Mexico Global Agreement. 169 However, based on the information available on the modernized agreement's gender perspectives, it will be significantly more gender focused than the current one.

The challenges of Mexico in the field of gender equality are multiple and multifaceted. Not all women share the same experience. Therefore, the EU must adopt an intersectional approach in its external engagement in Mexico. This involves recognizing that individuals and groups can be affected by many forms of inequality or disadvantage which exacerbate each other.<sup>170</sup>

EU action can be limited because of several factors. First, the EU often finds itself with clashing interests. On the one hand, it has a Treaty-based obligation to promote certain core values, such as human rights and gender equality, and it aspires to be a 'role model' in human rights. On the other hand, trade and economic gains are usually higher on its agenda, which can deprioritize or even undermine the EU's value-based aspirations. An example of this is the already mentioned case of not suspending the EU-Mexico FTA even though there would have been grounds for the suspension. Second, even if promoting gender equality was genuinely a priority for the EU, it may fall short of gender mainstreaming expertise among the staff dedicated to external action. Third, the EU may lack credibility as a global gender equality promoter when it

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<sup>&</sup>lt;sup>168</sup> European Parliament, European Parliamentary Research Service, Isabelle Ioannides (rapporteur), op. cit., 39.

<sup>&</sup>lt;sup>169</sup> Ibid., 38.

<sup>&</sup>lt;sup>170</sup> Katy Steinmetz, "She Coined the Term 'Intersectionality' Over 30 Years Ago. Here's What It Means to Her Today", *Time*, 20 February 2020.

has not yet reached gender equality internally. Even though 14 EU member states rank among the 'top 20' on gender equality worldwide, 33% of women in the EU have experienced physical and/or sexual violence and 55% have been sexually harassed. How much can it advise and push others to improve their policies when its own situation is a work in progress? Fourth, the colonial past of Europe is problematic. The EU portraying itself as a global human rights advocate, defining its own gender equality mandate, and setting human rights norms for Mexico to follow may be perceived as a 'neocolonial' exercise. 172 Fifth, the sovereignty of each state over its domestic affairs limits the EU's action.

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<sup>&</sup>lt;sup>171</sup> European Union, A Union of Equality: Gender Equality Strategy 2020-2025, op. cit., 1, 3. <sup>172</sup> Ian Manners, "Europe and the World: The Impact of Globalisation", in Contemporary Europe, eds. Richard Sakwa and Anne Stevens (Basingstoke: Palgrave Macmillan, 2000), 182, quoted in Petra Debusscher and Ian Manners, "Understanding the European Union as a Global Gender Actor: The Holistic Intersectional and Inclusive Study of Gender+ in External Actions", Political Studies Review 18, no. 3 (2020), 546.

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