

EUSA Tenth Biennial International Conference  
Montreal, Canada \* May 17-May 19, 2007

**Reconfiguring State Feminism in the European Union:  
Changes from 1995-2006**

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## **Abstract**

State Feminism refers to the interaction between women's equality machineries and the women's movement and politics. The European Union has been a major factor in shaping the scope for State Feminist activities. New treaties, new competencies and the challenges of diversity in new member states have meant that just as the machineries in the nation states have changed, so too has the machinery at the European level. This article traces the developments in European Union institutions from 1995-2005. It analyses the major changes in the political context (new competencies, new civil society actors and political constellations) and relates them to changes in the women's policy agencies. What effects have changes such as the adoption of gender mainstreaming and the addition of institutional structures had on the European gender equality policy making and what have been the major developments? Using measures from the work of the Research Network on Gender and the State allows comparison with developments in the Member States.

## **Introduction**

*What is becoming clear is that 'gender' cannot be 'integrated' without far more change taking place in society than is at present acceptable to the majority of its male elites. The EU experience, however...shows that cracks in the edifice exist and that these can be exploited, given an undogmatic approach, a willingness to act inside and outside the formal system and political will. (Hoskyns 1996:209-210)*

In 1996 the EU stood on the brink of making revolutionary changes in its approach to gender equality. Catherine Hoskyn's history emphasized that the cracks in the edifice needed to be exploited by social actors within and outside of the system. With the structures and actors that have emerged since 1995, the developments in EU gender equality architecture seem a text book example of coalitions gaining substantial victories. While the victories may seem far from the feminist utopia intended by some of the actors, many recognize women's gender activists inside and outside the European institutions as an illustration of successful mobilization to transform social policy in Europe (Hoskyns 1996, Hubert 1998, Mazey 2001, Pollack and Hafner-Burton 2000, Zippel 2006, Caporaso and Juppil 2001, Ruzza 2004, Imig and Tarrow 2000, Greenwood 2003, 2007) Kantola and Outshoorn's comparative study of policy (1995-2005) to improve women's status in 12<sup>1</sup> countries concludes overwhelmingly that supranational influences have been important in shaping national equality action. For European Union members, the supranational forces par excellence have been the actors and institutions of the European Union itself, often short-handed as 'Brussels'. The study uses the research framework of the Research Network Gender and the State (RNGS) to review of the state of women's equality agencies ('state feminism'), the women's movement and policy in the nation state. In this article, using the same framework, we examine the EU itself in the parallel period of 1995-2006.

### **State Feminism and the Research Network Gender and the State**

The notion of state feminism has been used to describe the role of actors inside the state in promoting goals of the women's movement. *Comparative State Feminism* (Stetson and Mazur 1995) described 15 countries in terms of their 1995 policy for women's equality. In the ensuing years participating scholars in the Research Network Gender and the State (RNGS) devised a framework (Stetson and Mazur 2000) to analyze the impact of the women's movement and contextual factors on the development of policy with positive impact on women's status. The model has been used to look particularly at concrete policy debates

from the 1970's to the 1990's in the areas of labor training programs (Mazur 2001), abortion (McBride Stetson 2001), political representation (Lovenduski et al 2005) prostitution (Outshoorn 2004), and key political debates (Haussman and Sauer 2007). It evaluates the extent to which the women's movement and women's policy Agencies were effective in gendering policy in line with feminist demands. In the most recent work, the lead coordinators draw together the implications of the data gathered for these comparative case studies for the individual nation states involved (capstone book forthcoming<sup>ii</sup>).

Much has changed in state feminism since 1995. The Kantola and Outshoorn research critically reflects on the evolution of the notion of the 'state' in a period of globalization, regionalization, and neo-liberal currents, and of 'feminism' facing the challenges of gender mainstreaming and diversity. It focuses on the nation state level, and thus does not include the EU as a separate case, even if the EU is considered as an important background factor. In the older debates on abortion, political representation and prostitution, transnational actors were only important in about a fourth of the cases (McBride and Mazur 2006a:237). Today, the impact of the European Union and supranational policy is much greater (MacKinnon 2007; Ellina 2003), as is the level of organization of transnational women's movements (Ferree and Tripp 2006, Moghadam 2005, Hawkesworth 2006).

The analytical framework of the RNGS studies can also be used to describe the developments in the European Union itself from 1995-2006 and explore the interactions between actors in the institutions of the states and European Union, the civil society organized women's movement and academic actors around the advancement of policy for gender equality. In this way, the situation of the European Union can be compared with the states studied in Kantola and Outshoorn work. The evaluation is based on consultation of the General Annual Reports produced by the European Union, the Annual Reports produced since 1996 by the European Commission on Equal Opportunities for Women and Men<sup>iii</sup>, the reports and opinions produced by the Advisory Committee to the Unit on Equal Opportunities for Women and Men, reports filed by the European Commission to the European Parliament, information from the Inter service group on Gender Mainstreaming and interviews with informants as well as the evidence collected by academics on various facets of the European Union institutions' own experiences with gender mainstreaming.

The RNGS indicators evaluate the extent to which women's policy machineries been successful in advancing women's concerns, and the contextual conditions that have made for success or failure. The Women's Policy Agencies (WPA) are seen as being the link between the women's movement and the state. Central concerns in analyzing the national cases have

been the extent to which the Women's Policy Agencies advocates goals of the women's movement, and the extent to which this has been effective in concrete cases. Summing up the findings of the national studies thus far, it seems that Women's Policy Agencies are successful in subsystems of policy making that are relatively open to input, in systems where the left has a powerful position, and where the women's movement itself is leftist in color. Success is also related to the extent that the issue is a high priority for the women's movement, and the extent to which the movement seems to be unified (Kantola and Outshoorn forthcoming, *Research Network Gender and the State* 2005).

In the case of the EU, these positive conditions of open policy systems, relative left orientation and a progressive women's movement voice seem to be present in the early part of the considered period. As Women's Policy Agencies becomes more spread across the institutions, different policy sectors offer different opportunity structures, and considerations of resources and conflicting demands play in. At the same time changes in the contextual factors of 'left' political context and the nature of the Women's Movement (as Enlargement pulls in new actors) come into play.

The article describes the starting point of the period, looking at the three elements of the European Union policy on gender equality, the state of the women's movement and the prominent problems facing women's equality advocates. Second, it treats the political context of EU with implications for the women's policy Agencies, focusing on the shifts in political winds, and new memberships and resources during this period. The development of the women's policy machinery is described, as well as major policy achievements during the period. Finally the description concludes with a consideration of the challenges of diversity and new configurations for women's policy Agencies

### **Other research perspectives**

Approaching EU policy through the RINGS perspective provides a complementary focus to other recent research on the EU gender equality policy. Much research has either been carried out in a framework of International Relations conceptions of the European Union, or from the perspective of specific policy issues such as gender mainstreaming or violence. For example<sup>iv</sup>, Prügl (2007), Ellina (2003) and van der Vleuten (2007) investigate the development of gender policy using theoretical approaches from international political studies and international relations theory. From a realist approach, van der Vleuten looks at initiatives in terms of costs to member states, concluding that actions taken in gender in the nineties have generally been at low cost to Member States. As van der Vleuten (2007) argues there is a fundamental shift in equality policy in the mid-nineties. This can be related to the

new competencies and decision making procedures in the EU, the enlargement to new member states, and a new élan for the European project in the nineties and the effect of the massive increase of women's labour force participation in the eighties. The UN's Beijing conference provided an opportunity for the mobilization of actors and decision makers around gender equality at national and EU level and contributed to embed gender mainstreaming into European policy (Joachim and Locher 2007). Liebert and colleagues(2003) illuminate how this supranational frame affects policies in member states, but do not bring in the contextual factors of politics, machineries and the women's movement that are the hallmark of the RNGS approach. In that study the EU is seen as an independent variable rather than the object of analysis.

### **Starting Points: European Union and Gender Equality in the landscape of the mid-nineties**

The European Union as compared to the other states was a proactive leader in promulgating gender equality policy and expanding the scope of policy at the beginning of the decade under consideration. A number of important directives with implications for equality between men and women were passed and have had to be transposed at the Member State level (See Table 2 in Appendix). While the European Union actions never go as far as the women's movement would like (Prügl 2007, Stratigaki 2005; Hoskyns 2004, Threlfall 2006, Guerrina 2005, Liebert 2003, Rossilli 2000, Duncan 1996), it is also surely the case that actions by the European Union have prodded countries to make changes (Walby 1999, 2005, Ellina 2003, Valiente 2003, Mazey 2001, van der Vleuten 2007). On balance, the EU processes and tools can be said to have had an effect promoting more gender equality, even if as Prügl charges the gender order has not been fundamentally challenged. This impact affects more people during this period thanks to the process of enlargement- beginning with the inclusion of Austria, Sweden and Finland in 1995. By the mid nineties, a series of Action Plans and funding initiatives had been influential in stimulating research and civil society reorganization around gender equality issues. The second area where EU action left a real mark is in the area of the development of the concept of gender mainstreaming and of machinery to set it in motion. EU actors were highly influential in the launching of Gender Mainstreaming at the UN level.<sup>v</sup> The UN Platform for Action (1995) opens the decade, as EU actors begin translating the ambitions of the platform into concrete initiatives and directives to the Member states.

### *The state of the women's movement in the mid-90's*

The transnational European organization of women's interests grew exponentially in the mid nineties, thanks to a number of changes in the European Union itself, which encouraged the professionalization and grouping of interest groups. In the mid-nineties the European Commission aided the establishment of transnational associations representing social interests including the European Women's Lobby (Greenwood 2003, Cullen 2004, Pudrovska and Feree 2004, Cram 2006) but the formally organized 'European women's movement' can also be found both within the established social partners (Women's Committee of ETUC), as well as independently in many different constellations (Wiercx and Woodward 2004). The number of women's groups is still increasing thanks to new countries joining in the Enlargement process (Greenwood 2007). The operations of the European Women's Lobby (EWL) as exponent of the Women's Movement in Europe are particularly important as EWL is the favored dialogue partner with the European Institutions (Helfferich and Kolb 2001). The EWL saw its membership dramatically increase and consolidated its role as 'the spokesperson' for the women's movement during this period, even if several other organizations have also been important in policy decisions.<sup>vi</sup>

### *Institutionalization of Women's Policy Agencies in the mid nineties*

In 1995, gender equality machinery can be said to be in place in two major institutions of the European Union, the Commission and the European Parliament (Refer to Table 1).. There was a dedicated women's policy office in a Directorate General (DG-V), The Unit on Equal Opportunities for Women and Men (which later became the Directorate General for Employment, Social Affairs and Equal Opportunities). It had been making pluri-annual European Community Action plans on gender equality since 1982 (Hoskyns 1996: 142, Hubert 1998). During the first half of the nineties, Commission staff working on equality had increased from 10 to 25, while 9 networks of experts from the Member States provided the Commission with advice from 1991-95 (Hubert 1998). The Committee on Women's Rights and Equal Opportunities of the European Parliament began after the first direct elections in 1984. The Joint Committee for Equal Opportunities (COPEC) in the Directorate General for Personnel diagnosed the situation of women in the Commission personnel (1986) and this gave rise to an actual policy managed by a specific unit from 1990. Finally, at the highest level, the European Commission installed a group at the level of the Commissioners (High Level Group of Commissioners on Equality between Men and Women (1996) .

The unit in DG V- Employment and Social Affairs for Equal Opportunities for Women and Men was under the directorship of Commissioner Padrig Flynn (IER) in 1995,

who is sometimes characterized as relatively gender unfriendly. However, the political context for gender equality comes under a friendly star with the accession of Sweden, Finland and Austria. These countries had strong social democratic traditions and egalitarian social agendas. The Santer commission that takes office in 1995 includes 5 women of 20. Three (Gradin, Cresson, Wulff-Matthis) demand that the Commission take gender equality seriously. All three will make a difference by expanding the coverage of their portfolios to take up gender issues. Gradin's Justice portfolio takes up the issue of violence against women and the Daphne program (Hubert 2003, Zippel 2006, Elman 2003). Cresson's Research and Development portfolio initiates major conferences on women and science and the ETAN report on women and science (Dewandere 2005). Wulff-Matthis's Regional Policy responsibilities spread to the integration of gender into the structural funds (Braithwaite 2005).

### **The Political Context and legislative developments during the decade \**

#### *The decade as seen by the EU*

Gender equality is hardly mentioned in the annual EU General Reports from 1995-2005. In the EU's eyes, the most important developments in the period are related to the legitimacy of the European Union, and reconsiderations of its role. The Reports see the European Treaty signed in Amsterdam in 1997 the ratification process involving the Danish and Irish protest and near French rejection, and the launching of the Lisbon Targets (2000) as particularly important. The negotiations for the Charter of Fundamental Rights in the Intergovernmental Conference in Nice 2000 and later in the Constitutional Convention (2002-2003) are reported as absolutely key debates. The run-up to the introduction of the Euro is also seen as crucial. The expansion to 25 members in 2004, the European parliamentary elections, the appointment of the Barroso Commission (2004) and the rejection of the Constitutional Treaty by major members states France and Netherlands (2005) close the period on a somber note for social agendas. While the European Union became much larger in terms of population during the decade, it failed to nail its claims to democratic legitimacy and its ability to protect the Fundamental Rights of its citizens. The rejection of the Constitutional Treaty has been read and interpreted in many ways, but for the actors working on equality issues the constitutional provisions providing for democratic legitimacy and a solid legal framework for consultation and action in terms of positive duties were important and the developments put a damper on their hopes.



### *Shifts in power relations between political groups*

The RNGS framework links Left Politics to gender equality, but the indicator of Degree of Left Politics is difficult to pin on the ever changing EU political landscape. The composition of the Commission and the heads of service, the composition of the European Parliament and headship of important committees, and the national government compositions and their representations all evolve, changing the left-right complexion of the whole. During this decade the Commission shifted from the pro-active and progressive color of the Jacques Delors' (French socialist) Commission to the moderate leadership of Jacques Santer (Luxembourg Christian Democrat). The discussion around the control of finances and potential corruption led to the resignation of the entire Santer Commission in 1999, to be replaced by a Commission led by Italian Socialist Romano Prodi until 2004. Today, Center Right Portuguese José Manuel Barroso heads the current very large Commission of 27. . Since 1995 there has been a significant presence of female Commissioners, ranging around one fourth of the members. At present 8 are women. The European Parliamentary majority was Center Left until 2004. Today, the European Parliament is in the hands of a non-socialist majority. The percentage of women in this body has steadily if minutely increased in this period.

In this decade, the Commission had a left accent for about half the time, while the EP had a left-of-center profile for 9 years. The Prodi period was the strongest left overlap, and coincided with a social activist phase including the Lisbon agenda. At the end of 2005, the institutions of the EU can be characterized as being in a reactive phase. Both the Parliament and the Commission are dominated by moderate Center-Right identified political figures.

In the European Parliament the most important organ for gender equality issues is the Committee on Women's Rights and Equal Opportunities. During this period the Committee was threatened twice with dissolution (1998 and 2003) and then saddled with a more conservative chairperson (Anna Záborská, Slovakia, Christian Democrat) after the elections in 2004. The Committee made considerable efforts to widen the scope of coverage of gender rights activities and competencies, most notably in work on the Amsterdam Treaty, the Constitution, the Directives on Equal Treatment between men and women in the labour market (2002/73/CE) the access to and supply of goods and services (2004/113/EC and the interpretation of the role of the EU in the trafficking of women and children and in violence against women. In the EP reviews of the Commission activities (European Parliament Report 2000) it consistently holds a pro-active mirror up to the Commission urging it not just to report its activities, but to evaluate them and indicate what future actions are needed to

remedy the inequalities that persist in European societies. However in a negative development, the Commission used the request under the Greek presidency in 2004 that a yearly report be made to the Council for their spring meeting as an excuse to cease its annual report to the European Parliament.

Statements that the EU will avoid the use of directives to achieve its aims and the replacement of Community Action programs for Gender equality by a Road Map (with no attached resources) are not indicative of a progressive stance (Stratigaki 2007). Another threat is the dilution of gender equality in the wider and less operational framework of anti discrimination. In the program of the European year against discriminations 2007, gender is not mentioned as a transversal issue (European Commission 2006 ). Several studies of the European Employment Strategy as it has been revised in 200x and 2005 note how equality between men and women has been shuttled out of a role as part of the pillars of the strategy to a footnote, disguised in the discourse of mainstreaming and diversity (Villa 2007, Pfister 2007, Jenson 2007)

The most important political reconstitution for equality issues during this period is undoubtedly the Treaty of the European Union (Amsterdam 1997), including its new provisions for gender equality and instruments for expanding coverage to other equality target groups. Article 13's prohibition of discrimination on the grounds of sex, racial or ethnic origin, religion or belief, age, disability and sexual orientation and commanding that member states not merely prohibit but may combat discrimination can have a revolutionary impact. In effect the Treaty Articles 2, 3, 13, 137 and 141 of the Treaty of Amsterdam have established the principle of equal treatment for men and women on an entirely new basis. Moreover, the recasting of Equal Treatment legislation into one directive which was finally signed in 2006 makes it easier for local and national courts to refer to European gender equality legislation.

### **III. Developments in Women's Policy Agencies**

The European Union was instrumental in seeing that gender mainstreaming was included at the conclusion of every chapter in the UN Beijing Platform for Action (Hubert 1998, Labourie Racape ) having already been active in thinking about transversal approaches in the early nineties (see 3<sup>rd</sup> Medium Term Action Program for Equal Opportunities 1991-95). The period begins with the run up to the Amsterdam Treaty which includes significant breakthroughs for legal foundations of action for women's and men's equal opportunities. This Treaty and the Charter of Fundamental Rights are also important targets for the

European Women's Lobby, who hope to get a firmer legal footing for gender equality measures.

On the basis of the Treaty, the principle of gender mainstreaming was established for EU policy, allowing the development of legal tools for enforcement and policy action to enable gender mainstreaming and monitor it. Further, the Treaty gives countries positive duties to not only prohibit discrimination but also promote gender equality. From 1996, the Commission is required to file a report on progress on Equality between Men and Women which is sent to the European Parliament and the Council. From 2003 on the European Council also demands a report to the Spring Council on progress on gender mainstreaming from the Commission which is in part prepared by a High Level Group on Gender Mainstreaming composed of senior level civil servants from the member states. In 2004, however, this group is restructured and renamed and the frequency of meetings is reduced to (once a year). The High level group of commissioners for equality between women and men was renamed the High Level group of Commissioners for Fundamental rights, anti discrimination and Equality between Women and Men.

Thanks to these developments requiring monitoring, by the end of the period the policy machinery in terms of official appointments had virtually doubled. Within every DG there was at least one person with some responsibility for monitoring gender equality issues delegated to participate in the Inter-service Group within the Commission. Four Directorate Generals had a separate unit dealing with gender (employment and social affairs, women and science in research, equality between women and men in personnel and administration and gender in Development Aid and Cooperation), but the extent to which this has had a real impact is still debatable if one considers the resources devoted to gender. The actual level of overall community budget resources devoted to gender equality has not been monitored thus far. The period was covered by the Fourth (1996-2000) and Fifth (2001-2005/6) Medium Action Programs which had budgets of respectively xxx Million Euros and xxx Million Euros. However there is some information on the dedicated budget of the Equal Opportunities Unit in DG Employment. In this respect, one should note that dedicated budget Line 3412 had increased from 6 to 10 million ECU in the early nineties but has remained at the same level since then in spite of 2 enlargements. A concern at the end of the period is that no new earmarked Action Program was coupled to the Roadmap for Gender Equality but rather actions were buried for example in the PROGRESS scheme (Program for Employment and

Social Solidarity 2007-2013). This scheme will be funded for a total budget of 630 Million Euros (European Commission Putting Equality into Action 2006: p. 26)

**Table 1: Women’s Policy Agencies in the European Union**

<b>EU Women’s Policy Agencies</b>	<b>Year founded</b>	<b>Members &amp; Work Conditions</b>
DG V- Employment and Social Affairs Unit Equal Opportunities for Women and Men	1979	Creation as an independent unit
European Parliament Committee on Women’s Rights and Equal Opportunities	1984	Creation decided after first direct EP election thanks to work of ad hoc committee chaired by Y. Roudy
The Fundamental Rights, Anti-Discrimination and Equal Opportunities Group <sup>vii</sup> – formerly High Level Group of Commissioners on Equality between Men and Women (1996)	1996  [new name 2005]	Commissioners concerned with these issues met 3-4 times yearly to hear presentations on special subjects In 2004 the group’s mandate was expanded to include issues under the responsibility of the commissioner responsible for Justice and Security. Gender equality becomes one of the many issues but on March 8 a yearly special meeting is maintained.
High Level Group on Gender Mainstreaming	2002	Meets 2 x year 1 rep (from equality service) per country plus 4 officials from DG-Employment Participates in preparing Report to Council
Advisory Committee on Equal Opportunities <sup>viii</sup>	1981 amended 1995	1 government member/civil servant from each MS 1 advisory board member from each MS 5 social partner members 2 observers from EWL
Inter-service Group on Gender Equality of the European Commission	1996	Monitors Annual Work Plans on Gender Mainstreaming in the Commission
EU Expert Group on Gender and Employment <sup>ix</sup>	1983	Coordinator Professor Jill Rubbery, team member in every member state Monitors NAP from gender perspective
DG Employment, Social Affairs and Equal Opportunities Unit on Equal Treatment of Women and Men: Legal Questions	1983 (2005)	Coordinator Sacha Prechal, The group treating legal questions is hived off for the external world in 2005. There are team members in every Member State. This group advises on legal issues

(Based on information from Website of DG-Employment, Social Affairs and Equal Opportunities 9 September 2006 (<http://europa.eu/scadplus/leg/en/s02310.html>) with own amendments)

Not only structures but also people are important in the women’s policy machinery in Europe. There is a policy community around European gender issues that has been characterized as a Velvet Triangle (Woodward 2004) including policy makers, politicians, academic researchers and women’s movement activists. These people move between functions bringing ideas and potential alliances for launching new policy initiatives. Women from the women’s movement have entered the European administration from backgrounds in law, journalism and the academy, and then have been instrumental agents in supporting and communicating gender equality agendas. This is complemented by the practice of the Unit on Equal Opportunities to

attract detached experts, often feminists coming from gender-progressive national administrations, who for periods of 5 years helped staff the unit. These experts came from Scandinavia (including Norway), the UK, and other countries with advanced policy ideas, but also from Mediterranean countries with combative feminist traditions. They created a synergy with the permanent staff of the Unit and introduced new frames such as mainstreaming or more strategic ways to combat violence against women. Examples of such figures might be Helle Jacobssen, Evelyn Collins, Maria Stratigaki, or Ann Havnoer. The EU ‘femocrats’, former movement activists working in the European institutions, and experts combined have networks with actors outside the institutions to both anchor policies with Member State reality, and support women’s movement actors at the Member State level. At the end of the period the Unit on Equal Opportunities has to struggle to remain in place as a policy unit dedicated solely to the gender issue. Using the RNGS frame, this period sees an initial expansion of the Women’s Policy Agencies and then the period concludes with what might be seen as backlash or at least stagnation as the gender equality agencies struggle to maintain an independent profile but are increasingly enfolded in wider anti-discrimination discourses.

*Major policy developments as reported by the European Commission*

The Annual Reports on Equal Opportunities between Men and Women are prepared beginning in 1996 by the Equal Opportunities Unit. The reports are initially lively and thick compendiums of information about the status of the relations between men and women in Europe including available statistics and discussion. The published report from 1997 is 139 pages long, while the report for 2006 is 16 pages long<sup>x</sup>. From 2004 the report is officially requested by the Council of the European Union for its Spring meetings, which could be interpreted as a higher formal engagement of the Member States, although as noted above this may have been exploited by the Commission to obviate their responsibilities toward the European Parliament. However, a more comprehensive score-card report, initially modeled on ‘Employment in Europe’, produced since 1996 disappears.

An unavoidable conclusion from the gender equality annual reports is that quite a lot happened during this decade. While the decade from 1985-1995 seemed to focus primarily on ‘soft law’ (Ross); from 1995 on, there was a broadening of issues coming under a gender approach, as well as landmark legislation. Some of the most significant developments to be distilled from the reports are the following:

**1.The introduction and implementation of gender mainstreaming approaches**

There can be no doubt that this decade was shaped by the attempts to develop a gender mainstreaming strategy, combined with battles to maintain affirmative action and targeted programs for gender equality. Both Hoskyns (2000) and Stratigaki (2004) underline the tensions from the first alternating between the backlash against women's efforts, and the new potential that GM offered to transform policy in many different corners. While the total report card still remains to be delivered, the Annual Reports indicate gender activities in almost every corner of European Union competence. Machinery for mainstreaming came into place in several DG's (see above). New thinking allowed instruments to be developed such as Impact Assessment and Gender Budgeting and an awareness of gendered power relations and violence in European society surfaced. The first Annual Reports indicate a flurry of activity (backed up by budget) but this seems to peak around 2000. Kantola and Outshoorn's work implies that Gender Mainstreaming is everywhere in Europe in part thanks to supranational bodies and the work of the EU, but it is clear that in the EU itself as well as elsewhere, Gender Mainstreaming has been a mixed blessing, so that it is hard to generalize about its *overall* impact. (Kantola & Outshoorn 366). That the approach is attractive as an equality strategy is evidenced in the commissioned report on mainstreaming other themes produced by a consultancy for the anti-discrimination unit (Center for Strategy and Evaluation Studies, 2007). Curiously, however, and indicative of the more troubled times for gender equality, gender mainstreaming and the experience with it receives virtually no attention except when it is part of a policy package.

## ***2.The expansion of definition of relevant policy areas beyond the labor market***

A second major achievement of this period is the extension of the discourse around equality, from constituting women solely as workers, to women and men as citizens in society. Stretching the definitions using the new theoretical tools of gender and of mainstreaming as transversal analysis, actors from the Commission, Parliament and the women's movement worked to frame other areas of policy as relevant for gender analysis. Examples of this are action on new issues of violence against women (Elman and Hubert, Daphne) and the fight to extend competency over the opinion of the legal services (European Women's Lawyers Association). The definition of sexual harassment as discrimination (Zippel 2006) and its inclusion in equal treatment provisions is dramatic and significant of a new and much more aggressive turn. Article 13 is translated into a broader directive on equal treatment for men and women in access to goods and services even if some areas have to be left aside temporarily? such as advertising and the media because of the very strong opposition of the professions concerned.

### ***3. The strengthening of legislative tools***

This period saw the adoption of a number of ‘Hard Law’ measures (Directives) after a decade of soft law. A number of proposals that had been pending finally made it into legal code, often thanks to skillful maneuvering by Member State presidencies, such as the Directive on Parental Leave (1996) and the directive on Part-time Work (1997). Almost ½ of the EU legislation regulating gender equality issues was adopted or significantly amended during this period (parental leave 1996, part time work protection, burden of proof 97/98, revision of directives on equal treatment 1976 in 2002 and recasting 2006 and equal treatment for goods and services 2004). Transnational women’s organizations such as EWL and advocacy networks such as the European Women’s Lawyers Association were extremely active in attempting to obtain far-reaching protection. Affirmative action approaches, the positive duties of the Member States to work for equality between women and men, legislation prohibiting discrimination in the Treaty of Amsterdam and draft documents of the Charter of Fundamental Rights (Guerrina 2005) and Constitution for Europe (Lombardo 2005) and their transposition in Directives on Equal Treatment (2002, with amendments in 2006) all appeared in this decade. The Treaty of Amsterdam allows gender equality to escape the narrow bounds of employment (Rossilli 2000), even as its passage also holds a threat of a pending potential struggle for continued momentum and resources as equality principles are also extended to new identity groups.

### ***4. Women in European Decision Making***

A key concern in the ambitious Third Community Action Program(1991-95) for equal opportunities between women and men was the necessity to increase the number of women in positions of decision-making in all powerful sites in society. Efforts, supported by a panel of experts and campaigns, led to a significant increase in the number of women MEPs, a recommendation in 1996, and to significant electoral developments in some member states (Lepinard 2007). The EU also focused specifically on its own personnel and became increasingly aggressive. By 2003 there were clear numerical targets for the recruitment and nomination of senior women in top functions in the Commission and the Services (Hubert and Lorenzi 2007). Although the record has been uneven, the optimistic targets were sometimes reached, even if some areas of the Commission (close to finance and trade) remain male bastions. Also primarily positive has been the effort to increase the number of women MEP’s. Following the success in the 1994 election (from 19 to 27%), the percentage of women MEP’s grew to 29.8% in 1999 and managed to hold even in 2004 (30%) when new member states with significantly lower records in terms of the participation of women in politics



joined the European Parliamentary elections. In 2000 a Decision was made regulating the gender composition of Expert Panels and commissions in the EU (Decision 2000/407/EC), which increases pressure to reach at least 40% of the underrepresented sex in such bodies.

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***5. An increasing focus on the international role of the European Union in gender issues.***

The expertise of the Union plays an important role at the level of the UN as highlighted at the Beijing +5 and Beijing +10 meetings. The EU also claims to support the Millennium Goals, and recognizes the significant role of gender in reaching them. Across the decade the sections and resources devoted to third-countries, in the Accession process as well as in terms of external relations with developing countries receive increasing attention. This can be related to the growing importance given to the role of women in promoting development. The debate and new competences in the area of Fundamental Rights in Union activity, with the charter and the second pillar in the Treaty of Amsterdam, provide new sites for gender activism in a different forum (Bretherton & Vogler 2006, European Commission G.1 2006: 9,12) and will affect development cooperation.

***6. Improving position of women in science and technology***

DG Research & Development was very active in highlighting the potential of women in science and collecting indicators about women scientists in teams and funding applications, ultimately requiring Gender Action plans for applications in the scientific framework Programmes. In this way research on gender issues received support from another DG than DG Employment, which is a positive reflection of the spirit of mainstreaming. Webster's reviews (2005 and 2006) indicates that the gender oriented research under the 5th framework provided substantial insights. The ETAN and ENWISE initiatives were perhaps one of the most important in demonstrating in graphic terms the gendered inequalities in scientific endeavor in new member states in comparative perspective, and the implications for reaching the economic goals that the Union had set itself in the Lisbon commitments.

***7. Loss of research potential but hope for Gender Institute***

Although in many ways the EU institutions and machinery grew in this decade, in one area there was an internal reduction. The EU had stimulated the development of transnational academic expertise through funding 9 expert networks on gender policy concerns ranging from child care to the representation of women in politics. All of these networks and observatories but two were subsequently dissolved at the end of the Third program, in 1996 and responsibility was ceded to a consultancy called ANIMA. External groups of academics

were called on to do occasional reports but the continuity of policy supporting research was undermined. Nonetheless, the expert groups under J. Rubbery on employment and the group of legal experts under S.Prechal continued to provide directed support to policy initiatives and were widely relied upon

The discontinuity in the collection of statistics in such areas as the representation of women in decision making has played havoc with policy making and the monitoring of mainstreaming. Even though consecutive Council presidencies delivered efforts to design suitable indicators for the Beijing Platform concerns, without decent statistics and expertise, the efforts were doomed to be a dead letter. An optimistic sign at the end of the tunnel was the decision to establish a Gender Institute in Vilnius by 2007 to provide policy studies and supporting policy research (Stratigaki and Hubert 2007).

#### ***8. New target groups and challenges of collaboration***

The provisions of the Treaty of Amsterdam can be seen as mixed news for 'state feminism' in the EU. While before the Treaty, the only equality issue was that between men and women, after the Treaty, Article 13 and other provisions make the considerations of issues such as race, disability, age, ethnicity, religion and sexual orientation pertinent. Naturally all these identities have both male and female faces and thus gender equality is a transversal concern. However the treaty framework has led to reconfigurations of administrations, policy instability and new alliances between different civil society organizations and within the European Commission policy framework itself. Because of the provisions of Article 13, an Anti-Discrimination Unit was established in DG Employment, Social Affairs and Equal Opportunities which did not include gender expertise. The Directives implementing the Article were also uneven in their effect, with the Race Directive achieving much broader coverage in one blow than had been available in previous gender legislation. For the European and transnational Women's Movement actors and the people who might have been called EU state feminists the times have been challenging, and issues of intersectionality and multiple discriminations are not at all clear in a context where different categories are put in competition for resources. While the issue of equality between men and women has maintained a separate unit, the anti-discrimination unit's avoidance of the gender theme in much of its published material does not reflect the position of the women's movement in Brussels.

#### *Future Concerns- and EU in the RNGS comparative perspective*

An analysis of the actual spending during this period is necessary to see whether the economic resources for gender equality efforts have stayed constant or not. The Annual

Reports do not provide consistent and comparable figures. On each of these points future research needs to investigate the extent to which the formally organized transnational women's actors have had an impact, and also the extent to which women's policy machinery has been effective in maintaining feminist goals.

As discussed in the beginning of this article, a main concern in analyzing the RNGS country cases has been the extent to which the Women's Policy Agencies advocates goals of the women's movement. At this point the conclusion of this preliminary analysis of the actions of women's policy Agencies in the European Union and their coincidence with feminist goals is very cautious. There is ample evidence that there is an intertwining of European women's movement actors and actors in the European Union institutions. The nineties introduced new ways of looking at the equality questions influenced by feminist theory and including the concepts of gender and transversal policy approaches that were translated into policy initiatives in supranational organizations and settings such as the EU. On the basis of documentation provided by the EU authorities, it seems comparatively speaking that much has been done, but that the successful efforts peaked at the beginning of the millennium. It became a question of retaining and solidifying victories. A number of changes in the context of the European Union including enlargement, the new Treaty structures and temporary halt of the Constitutional Process make the environment for pro active approaches on gender itself look less promising. Using the RNGS framework, the political context moves from Left to Center, while the Women's Policy Agencies stagnates in its growth after 2000, even if it continues to work for women's movement goals. It is difficult at this point to make a judgment about the status of the European women's movement, given a relative lack of research on developments in Central and Eastern Europe. This leaves the state of the women's movement in an expanded Europe and a reconfigured lobbying landscape as an open question. To what extent is there a unified voice to further advance gender equality through the available channels? The establishment of a Gender Institute may provide more continuity for the monitoring and reporting of progress, but given the new means of financing equality actions, the danger that gender gets lost as a universal theme among the rainbow of inequalities is more pertinent than ever. The challenges of gender mainstreaming and diversity that face the Member States are also a challenge for the EU, given the proven importance of the EU taking a leadership role in gender equality policies.

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**Table 2: Time Line of Interaction between International Level and EU Level**

	UN	Events	Actions	Actions	
1995	Beijing Gender Mainstreaming in every chapter at request of EU	EP -Flynn challenged at hearing by Women's Rights Committee Gradin does not get = Portfolio Kalanke case ECJ mid-October(Backlash)			
1996			Gender Mainstreaming Communication (COM96/97) Directive on Parental leave Recommendation on Balanced participation of women and men in decision making	4th Action Plan 1996-2000 Fight as Flynn had argued that with GM there is no action program needed	Trafficking in women for sexual purposes Communication
1997		-Marschall Case -Luxembourg -Employment Summit -Demonstrations around Amsterdam Treaty -	-Initiation of NAP's in employment-employment guidelines -Directive on protection of part-Time Workers -Amsterdam Treaty –crucial articles 2, 3(2) 13, 141 and establishment of EES -Violence: DAPHNE Program and financing of Observatory in EWL	Year against Racism and Xenophobia	
1998					
1999		European Employment Strategy with Gender pillar- Larsson crucial in defending it	European Employment Strategy		
2000	Beijing +5	Amsterdam Treaty goes into effect- - IGC Nice and Charter of Fundamental Rights	ESF-EQUAL strategy to handle Article 13 in relation to Employment) -Article 13 needs new anti-discrimination structures	Battle for 5th Action Plan 2001-2005 Direct input from EWL	Daphne 2000-2003 Gender Balance in committees and Expert Groups: Commission Decision 2000/407/EC
2001		Laeken demonstrations and demand for Civil Society input		COM(2001) 295 final – Gender mainstreaming in development policy- Program of Action 2001-2006	
2002			Directive Sexual Harrassment-Equal Treatment(1976 amended)		Convention (few women, but women present in civil society)
2003			Expert Group on Trafficking established	EQUAL second round approved- 4th pillar Gender Equality	Convention continues
2004			Anti Discrimination Directive -Goods and Services Equal Treatment Anti discrimination directive battle Directive 2004/113/EC [adoption: consultation CNS/2003/0265]-finally signed 13 December	Gender Institute decided (Irish presidency) COM(2005) 81 final	Daphne 2004-2008
2005				Road Map for Equality 2006-2010 (with no budget line thanks to budget streamlining – money for Gender Equality is now in general social program: PROGRESS)	
2006			DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) : (signed July 2006)		

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<sup>i</sup> List and authors

<sup>ii</sup> Data presented in Mazur and McBride 2006 b.

<sup>iii</sup> Naturally the use of this material means that the evaluation runs the risk of being unduly flattering to the record of the European Union, but in the papers produced by the Advisory Committee and reactions of the Women's Committee of the European Parliament, the EU is not spared criticism, and the tone of these documents is quite independent. The EU documents are essential for chronology and actual texts, however.

<sup>iv</sup> It is beyond the ambitions of this article to provide a review of all recent research on gender equality policy in the EU. This section highlights a few of the more characteristic contributions.

<sup>v</sup> van der Vleuten notes that Helle Jacobssen uses the term in a document in 1989 (2007:261), and EU delegates helped prepare the Fourth conference on Women in Beijing in crucial regional meetings. Bretherton book also notes this.

<sup>vi</sup> However, as van der Vleuten points out, the involvement of civil society in general is not always favorable to women's movement aims. The Trade Union movement was implicated in decisions on social issues (Social Dialogue) on the Directives on part time work and parental leave and was often split, undermining the influence of supranational gender activists inside the EU institutions (van der Vleuten 2007:240 forward) and leading to directives that were less powerful than wished by women's movement advocates.

<sup>vii</sup> The group met four times a year under Santer and Prodi. After the rejection of Butiglione by the European Parliament in the confirmation interviews of the Barroso Commission, the group got broader competencies in the new frame of rights and anti-discrimination. It is now co-chaired by Frattini, only treating gender issues once a year.

<sup>viii</sup> This group is reinforced in 1996 under the 4th Action Program by a financial committee considering how budget should be allocated.

<sup>ix</sup> 9 networks (education (officials of education ministries), training (coordinated by IRIS), affirmative action, child care (P. Moss and team in each Member State), women in decision making (Sabine de Bethune and member state experts), etc.) were created between 1983-1993 but were all discontinued except for the legal and employment groups at the end of the Third Action Program in 1995. In the 4th Program period, a structure/consultancy called ANIMA won the bid to coordinate expert advice to the Commission and the previous expert networks were disbanded.

<sup>x</sup> A rather hallucinatory development is that while the other Annual Reports are completed after the conclusion of the year, the Report on 2006 is completed in February of the same year!