

What Is the Problem of Gender?

Mainstreaming Gender in Migration and Development Policies
in the European Union

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Abstract

This dissertation deals with the analysis of representations and discourses of gender (in)equality contained in policy texts at the EU level. The period under examination is 2005–2010. Following the academic debate, I show that there is certainly agreement on the fact that gender mainstreaming at the EU level has not fulfilled its promise of being a transformative strategy. In this context, my main aim is to contribute to an understanding of why a gender perspective has failed to be introduced into mainstream policy by showing how gender is constructed in policy discourse. I examine how the ‘problem’ of gender (in)equality is represented in policy documents and interviews in the context of the strategy of gender mainstreaming at the EU level in general and within the policy areas of development cooperation and migration in particular.

The representation of the ‘problem’ of gender (in)equality as a problem of women’s lack of participation (in the labour market, in political life, and in education) includes two arguments: the usefulness of women as resources for the economy and the right of women to participation. In this representation, the argument of gender equality as an instrument is important, but at the same time, the argument of gender equality as a value or human right is also central. In the same vein, the argument of gender inequality as both a problem for the economy and a moral problem also has an important role to play. Thus, tensions between efficiency or utilitarian arguments and human rights arguments can be identified across all policy texts. By looking at arguments, understandings, and representations of the ‘problem’ of gender inequality, I identify discourses of gender equality at the EU level: efficiency, economic independence–labour market, human rights, and feminist discourses of gender equality.

In policy texts at the EU general level as well as at the level of development cooperation and migration policy areas, gender is understood as a fixed category, in terms of the binary male/female. This understanding contributes in part to undermining the conceptualisation and practice of gender

mainstreaming itself. To understand gender as an essential characteristic or a fixed trait is unproductive, rather, in terms of any transformation of the gender structure. The process of (re)producing gender hierarchies and understandings entails relations of power and conflict, and its result is never final in that gender as a process is never ending; in policy texts, all of this dynamic is replaced by a dichotomy.

Keywords: European Union – Gender Mainstreaming – EU Gender – Gender Theories – Women – Discourse Analysis – EU Development Cooperation – EU Migration – EU Asylum – EU Trafficking – Feminism

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Dolores Calvo
Stockholm, 2012.

Abbreviations

ACP	African, Caribbean and Pacific States
CBOs	Community Based Organisations
CEAS	Common European Asylum System
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSOs	Civil Society Organisations
CSP	Country Strategy Paper
DAC	Development Assistance Committee
DG	Directorate-General
DG Development	DG Development and Relations with African, Caribbean and Pacific States
DG JHA	DG Justice and Home Affairs
DG JFS	DG Justice, Freedom and Security
EC	European Commission
EIGE	European Institute for Gender Equality
EU	European Union
EWL	European Women's Lobby
FRA	Fundamental Rights Agency
GAD	Gender and Development
GBS	General Budget Support
ILO	International Labour Organisation
IOM	International Organization for Migration
MDGs	Millennium Development Declaration and Goals
MSs	Member States

OECD	Organisation for Economic Co-operation and Development
PRSP	Poverty Reduction Strategy Paper
SAPs	Structural Adjustment Policies
UN	United Nations
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
WID	Women in Development

1

Gender and Gender Mainstreaming

Overview: Background and Research Questions

This dissertation deals with the European Union's policy-making processes and gender issues, focusing on the shifts in gender equality policy and how gender (in)equality is represented in policy texts within the strategy of gender mainstreaming at the European Union (EU) level. The analysis focuses on two related policy areas: development cooperation and migration. It aims to explore the integration of a gender perspective in development cooperation and migration policies – at the policy and programme formulation stage¹ – and to identify how the 'problem' of gender (in)equality is represented in policy texts during the period 2005–2010. Policy documents and interviews are analysed to find different understandings, representations, and assumptions that constitute different discourses of gender equality. The representations presented in policy documents are analysed also in relation to the context in which they are produced. To this end, the actors and structures involved in the governance of gender² are explored, and a description of the gender mainstreaming strategy itself and its evolution at the EU level is provided later in this chapter.

¹ I leave aside the discussion about actual outcomes or implementation. The question of the extent to which the gender mainstreaming strategy has been introduced into different policy areas is a question to be answered at the level of formulation of policy proposals.

² This is approached in chapter 2.

WHAT IS THE PROBLEM OF GENDER?

When I started my doctoral research, I found the conceptual shift that the strategy of *gender mainstreaming* entailed very interesting in that the causes of gender inequality are understood to be different compared to the previous conceptualisation supposed by the strategies of *equal treatment* and *positive action*. I was interested in how gender mainstreaming had informed policies in development cooperation and migration at the EU level. But as I reviewed academic literature and delved into policy documents and other material, I also became interested in how the gender mainstreaming strategy had proven to be difficult to implement in the sense of actually incorporating a gender perspective into mainstream policy and in the kind of critiques the strategy had encountered. I thus started to think in terms of representations of the ‘problem’ of gender (in)equality, including how gender itself is represented in policy documents, how gender equality is understood, and how other related concepts are defined as well. I thought there has to be something in the way ‘gender’ is defined that influences how the strategy of gender mainstreaming is put into action. This thesis presents the results of this exploration.

Carol Lee Bacchi proposes an approach called ‘What’s the problem represented to be?’ The main idea in this approach is that ‘every policy proposal contains within it an explicit or implicit diagnosis of the “problem”’ (1999: 1); that is, every policy proposal contains a ‘problem representation’. Therefore, policies constitute ‘competing interpretations or representations of political issues’ (ibid.: 2). Policy is understood as a discourse that creates problems and solutions to these problems (ibid.). Policies discursively construct a ‘problem’ and, at the same time, propose a solution to this problem. The formulation of a solution is influenced by the very definition of the problem, so that the definition of a problem influences the sorts of solutions that are to be proposed, and the solution, in turn, constructs the ‘problem’ in a specific way. Hence, the object of study is not ‘problems’ but *problematizations* (ibid.). This approach opens up such issues as ‘how every proposal necessarily offers a representation of the problem to be addressed, how these representations contain presuppositions and assumptions which often go unanalysed, how these representations shape an issue in ways which limit possibilities for change’ (ibid.: 12). The *What’s the Problem?* approach proposes to examine different representations of the ‘problem’ in question to find particular assumptions or presuppositions that lie behind them. Once competing interpretations and representations of an issue/‘problem’ are identified, examined, and the assumptions behind them teased out, the task is to compare and evaluate them, which means to comment on these different representations (ibid.: 10, 207). In sum, the *What’s the Problem?* approach

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provides ‘a tool for uncovering the frames that construct policy problems’ (ibid.: 207). This approach also focuses on the effects of problem representations (ibid.: 2, 6). Bacchi distinguishes three categories of effects: ‘the ways in which subjects and subjectivities are constituted in discourse; the effects which follow from the limits imposed on what can be said; and the “lived effects” of discourse’ (ibid.: 200).³ I will focus on the first two categories.⁴

Helle Poulsen works on Bacchi’s ideas to study the ‘ways in which gender equality is being constructed – ascribed meaning – in the context of the International Labour Organisation (ILO)’ (2006: 1). The object of study in Poulsen’s research is the ILO, and the main questions ask about the meaning of gender equality in the context of ILO’s gender mainstreaming approach (ibid.: 24). The assumption is that ‘gender’ and ‘equality’ are ascribed different meanings in different contexts (ibid.: 25). She explores how gender is defined in relation to the strategy of gender mainstreaming and how this definition is used in international development cooperation (ibid.: 4). Poulsen argues that ‘all too often the meanings of “gender” and “equality” are taken for granted and not explicitly defined’ (ibid.: 25). Poulsen is not looking for the ‘right’ definition of gender equality but is trying ‘to analyse the discourses of the ILO that demarcate what can be said, thought and done in relation to gender equality and who – what subject positions – legitimately can say, think and do this. That is, what are the concepts, objects and subjects that are being produced by these discourses?’ (ibid.: 92).

Poulsen’s and Bacchi’s studies have served as points of departure for my own research. There is certainly agreement on the fact that gender mainstreaming at the EU level has not fulfilled its promise of being a transformative strategy (see the section on the academic debate, later in this chapter). In this context, my main aim in this thesis is to contribute to a better understanding of why a gender perspective fails to be introduced into mainstream policy by showing how gender is constructed in policy discourse. My research questions can be formulated as follows:

How are gender and gender (in)equality defined in relation to the strategy of gender mainstreaming at the EU level in general and within the policy areas of development cooperation and migration in particular? The idea is to examine how the ‘problem’ of gender (in)equality is presented/defined in

³ For Bacchi, the idea of ‘lived effects’ of policy discourses or problem representations refers to the *real* impacts of problem representations on people’s lives. Bacchi points out that ‘the notion of lived effects thereby highlights the way in which policies create representations of problems that have effects *in the real* by materially affecting our lives’ (Bacchi 2009: 18).

⁴ This will be explained further in chapter 3.

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different texts (including policy documents and interviews). This examination includes asking:

1. How are gender and gender equality defined?
2. What concepts appear related to gender (in)equality?
3. What issues are identified as gender issues?
4. Why are these issues represented as problems to be solved?
5. Why is gender inequality regarded as a problem?
6. For what kind of issues is it a problem?
7. What are the causes of gender inequality thought to be?

More specifically, I aim to identify what is the ‘problem’, what is/are the proposed solution/s, and also to try to uncover the implications/effects of such definitions in terms of what kinds of subjects are constructed and what limits are imposed on what can be thought and said. I will try to understand hidden meanings in policy documents, to uncover the presuppositions and assumptions that underlie and constitute different discourses of gender equality, and to identify the implications of these.

In the rest of this chapter, I will introduce a discussion around the concept of gender in relation to the research questions. I will then present an overview of gender mainstreaming at the EU level. More specifically, I will describe how gender mainstreaming as a policy approach has come up at the EU level. I will follow with an account of the research on gender mainstreaming at the EU level. And, finally, I will present an outline for the rest of the thesis.

Approaching Gender

The academic production on the conceptualisation of gender is vast. I will present a discussion on gender following mainly R. W. Connell (1985, 1987, 2005, 2009) and Barbara J. Risman (2004, 2009). Connell understands gender as practice and process, and also provides an account of different theories of gender; I find of particular importance for my analysis her discussion on sex role theory and the implications of this kind of understanding on the formulation of social policy. Risman defines gender as a social structure and identifies different dimensions of the gender structure as well as social processes producing gender within those dimensions.

Gender as a Process

Following these authors, I understand gender as both social structure and practice. This understanding integrates structural and constructionist approaches to gender. It entails a conception of gender as a process (Connell 1987: 140). Gender is a process of (re)production of differentiation and hierarchies, including social relations of power. The production side of the process can be thought in terms of a constructionist approach to gender, while reproduction alludes to the structural aspect of the process. From this perspective, it makes sense when Connell says, 'If we could use the word "gender" as a verb [...] it would be better for our understanding' (ibid.). Eveline and Bacchi similarly argue for a conceptualisation of gender 'as a verb rather than a noun' (2005: 501). 'Viewed as a verb,' they contend, 'gender could be seen as an inescapably unfinished gender-*ing* process in which the body both informs and resonates with relations of power and privilege' (ibid., emphasis in the original). As West and Zimmerman argue, 'Gender is not a set of traits, nor a variable, nor a role, but the product of social doings of some sort' (1987: 127).

Connell's understanding of gender is 'practiced-based' (1987: 61), and it is there that most of its value rests. Gender needs to be framed sociologically, as gender relations are a social question (ibid.). A theory of gender has to be elaborated as a sociological theory able to elucidate the relation between action and structure, between personal experience and structural conditions, escaping all kinds of determinisms from voluntarism to categoricism to biologically-based explanations (ibid.). To focus on the interconnections between structure and practice, Connell draws on Giddens and Bourdieu, among others (ibid.: 62). She proposes a theory of practice that focuses on 'what people do by way of constituting the social relations they live in' and understands 'the structure of social relations as a condition of all practices' (ibid.).

For Connell, gender is a historical process through which 'reproductive biology is socially dealt with' (1987: 79). Connell defines gender as 'the structure of social relations that centres on the reproductive arena, and the set of practices that bring reproductive distinctions between bodies into social processes.' (2009: 11). The reproductive dichotomy male/female does not, by any means, determine gender but the connection between nature and the social is 'a connection through practice' (1987: 78). Practice '*deals with* the natural qualities of its objects, including the biological characteristics of bodies' (ibid., emphasis in the original). The body is therefore dealt with, modified, through practice (ibid.: 83). In other words, 'Gender is social

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practice that constantly refers to bodies and what bodies do, it is not social practice reduced to the body. [...] Gender exists precisely to the extent that biology does *not* determine the social' (Connell 2005: 71, emphasis in the original; see also Scott 2011: 6–8).

Connell works on Giddens' idea of structure and defines it as 'the pattern of constraint on practice inherent in a set of social relations' (Connell 1987: 97). Connell identifies three major structures in the field of gender relations: 'the division of labour, the structure of power and the structure of cathesis' (ibid.: 98). These structures constrain and, at the same time, are likely to be modified by practice. The idea of structure of power refers to the extension and continuity of social relations of power beyond particular acts of open violence or oppression (ibid.: 107). The structure of cathesis is the structure that organises emotional and sexual relations among persons (ibid.: 112).⁵ As for the sexual division of labour, it refers to the systematic correspondence between certain groups of people and certain types of jobs (ibid.: 99). It alludes to the permanence of labour market (sexual) segregation. It is important to keep this in mind when analysing policy documents, because these structures can be identified in them. For instance, elaborations around 'training' and 'women's empowerment' as specific measures to achieve gender equality are of major relevance when discussing representations and discourses of gender (in)equality. Training, for example, and also differential skilling are, according to Connell, mechanisms that enforce the structural constraint of labour arrangements. 'Through such mechanisms', Connell says, 'the sexual division of labour is transformed into an apparently technical division of labour, resistant to the most obvious antidiscrimination strategies' (ibid.: 100). When gender is talked about in policy documents, the structures of labour, power, and sexuality as well as their different segregation mechanisms are implicitly or explicitly referred to.

These three structures are closely related to each other. Power relations are reflected in the structure of cathesis, and the sexual division of labour is also made up of relations of cathesis and is influenced by the structure of power, and vice versa (Connell 1987: 116). These structures are the main elements of gender regimes within all kinds of institutions (ibid.: 99).

All institutions contain gender relations (Connell 1987: 120). From the family to the state to global institutions, all are crossed by gender relations.

⁵ Connell points out that within the hegemonic 'pattern of desire', the structure of cathesis assumes sexual difference (1987: 113). I will not focus on specific aspects of this structure. But I will take it into consideration, given that ideas closely related to its functioning – such as conceptions of hegemonic heterosexuality or the docile and 'receptive' character of womanhood and femininity – can be found in policy documents.

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Moreover, institutions play a key role in the construction of gender categories while regulating social practices and relations (ibid.: 130). This is important because categories such as men and women are historically constructed. Connell defines 'construction' as 'giving a particular content to a social category, establishing particular contrasts with and distances from other social categories, and constituting an interest around which identity and action can be organized' (ibid.: 137). The biological categories (male/female) can define or influence only some very specific practices such as giving birth or breastfeeding; the rest is socially constructed (ibid.). The construction of discourses of gender equality that this thesis analyses is a good case for examining some aspects of this process of social construction of categories.

Gender as a Social Structure

In an article published in 2004, Barbara J. Risman argues for a conceptualisation of gender as 'a social structure' and in fact proposes an integrative approach that understands gender 'as a socially constructed stratification system' (2004: 430). Risman also follows Giddens' (1984) structuration theory to point out that attention has to be paid both to how structure limits human agency and influences social relations *and* to how human agency produces, maintains, and transforms structure (2004: 433).

Risman defines the gender social structure as 'deeply embedded in society' (2004: 432) and identifies three levels or dimensions of the gender structure: the individual, interactional (of cultural expectations), and institutional dimensions (ibid.: 433). Risman argues that being so rooted in society, gender acts as a source of intertwined stratification at personal, relational, and institutional levels (ibid.). By understanding gender as a social structure, it is possible to analyse how gender is embedded at these three dimensions (ibid.: 446). Thinking of gender as a social structure thus requires focusing the analysis on different levels. Within each dimension, there are certain social processes or causal mechanisms producing gender. These are, at the individual level: socialisation, internalisation, identity work, and construction of selves; at the interactional level: status expectations, cognitive bias, othering, trading power for patronage, and altercasting; at the institutional level: organisational practices, legal regulations, distribution of resources, and ideology (ibid.: 437). The idea is that it is not socialisation or internalisation alone, nor only status expectations or ideology, that explains the reproduction of the gender structure but the combination of all of these. These causal mechanisms are just some of the processes that can be explored to get an understanding of how gender is (re)produced (ibid.: 438, 440).

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Gender as Practice, Process, and Structure

My analysis focuses on different aspects that, in Risman's terms, are related to the institutional and the interactional domains. At the level of institutions, this thesis explores organisational practices (the doings of policy-making), legal regulations (i.e. policies and proposals), and ideology.⁶ Connell argues that apart from giving attention to institutions, discourses and processes of symbolisation have to be brought into the analysis (1987: 242). Discourses are also practices that need to be analysed in relation to the institutional context and institutional dynamics (ibid.). By teasing out representations and discourses contained in texts (policy documents and interviews), I will be approaching the interactional dimension of the gender structure as well – exploring mechanisms such as what Risman calls othering.

I would argue that organisational practices and the gender policies themselves work as social mechanisms producing gender inequality at the institutional level and thus influencing the interactional and individual levels. Gender inequality is also (re)produced through representations and discourses contained in those policies that construct subject positions and delimit what can be said and done. By identifying and analysing representations and discourses and taking into consideration the organisational context in which they are produced,⁷ I aim to show how gender inequality is (re)produced. The idea is that policy documents *do* gender. Or, which is the same thing, gender *is done* through policy documents. Moreover, policy documents and policy discourse in general do gender in a specific way, contributing to the reproduction of gender inequality. In exploring and analysing this *gender work* that can be spotted in policy documents and policy practice, I aim to contribute to a feminist critique of gender relations.

There exists a relation between the gender analysis and the feminist critique or feminism as political project. My gender analysis is based on an understanding of gender as structure, process, and practice. My feminist critique, on the other hand, seeks to contribute to the transformation of the gender structure. Feminism is about the emancipation of women, and as a political project, far from being homogeneous or monolithic, it includes and has included diverse experiences. To my view, the feminist project ought to aim to transform the gender structure and should include all women's

⁶ According to Connell, ideology is also practice-based. Ideology should be understood as 'things people do [...] ideological practice has to be seen as occurring in, and responding to, definite contexts' (1987: 244).

⁷ I deal with this when analysing gender governance in chapter 2.

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experiences and contexts in which gender, race, nationality, class, and sexuality intersect. Women's rights, their necessities, wishes, and wants, which may be different from those of men, as we are not all the same, have to enter into the picture and be valued equally. This is not a matter of setting men as the norm and having women comply with it but rather of valuing differences equally. This project implies understanding, contesting, and transforming the power relations that (re)produce the gender structure. It is in this sense that gender theory becomes fundamental, indispensable, to the feminist project. (See, for instance, Connell 1987; Mohanty 1984, 2003; Risman 2004; Scott 1988, 2010, 2011; Walby 1989, 2002, 2011.)

A Critical View of Other Gender Theories

I will now come back to Connell (1987: 34, 49, 50, 66, 191ff.) for her critique of other gender theories, theories which I find underlying most EU policy proposals. I will refer here to what I think is of value to my analysis in Connell's critique, and I will then put that critique to work within the chapters containing the analysis of specific policy documents.

What is called *sex role theory* can be traced in most EU policy documents. According to sex role theory, represented mainly by Talcott Parsons' elaborations, society assigns specific stereotyped roles to the members of each sex. These stereotypes are internalised by women through socialisation and are also held by men. Social expectations are thus normative standards that regulate social relations between men and women. Connell criticises sex role theory (1985: 262–264; 1987: 29–54). The problems of sex role theory are related to its inherent voluntarism (given by the individual decision to apply sanctions or not to follow 'expectations') (1987: 50), the absence of power in its interpretations (ibid.: 34), its ahistoricism (ibid.: 54), and its dependence on normative sex ideals (ibid.: 53). But most importantly, social structure is missing in sex role theory. Instead, the structural element is provided by the biological category of sex (ibid.: 50–51, 53). Sex role theory ends up depending on the biological dichotomy as an explanatory basis and thus fails to elaborate a *social* analysis of gender.

Sex role theory has been widely used as the 'theoretical language of feminist reform' (Connell 1987: 34). It perfectly serves a 'politics of reform'. The argument is simple: role expectations are the cause of women's subordination, therefore changing those expectations is the only way out (ibid.: 49). Connell argues that most critiques by 'liberal feminism' suppose that stereotyped expectations are the cause of women's disadvantages (1985: 262; 1987: 34). Hence, according to this stance, gender inequality is expected

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to be eventually eliminated through specific measures such as elimination of stereotyped role models, affirmative action programmes, better education (including anti-sexist programmes) and training for girls, and equal-treatment legislation in general, etc. (Connell 1987: 34; see also Risman 2004: 436). From a common-sense point of view, these kinds of strategies, such as legislation or changes in socialisation, are the easiest to think of as a way of combating inequality (Risman 2004: 446). This theoretical and political viewpoint is held in most EU policy proposals that are later analysed in this thesis. Role expectations are understood as the basis of gender inequality, and therefore equal treatment legislation and specific measures such as awareness raising, education, training, and ‘women’s empowerment’ are supposed to be key to promoting equality between women and men. The problem with this approach is that it focuses almost entirely on women, leaving men and power relations out of the analysis.

The idea of *socialisation* is closely related to sex role theory (Connell 1987: 192). Connell summarises the argument around ‘socialisation’ as follows: all human beings are born with one sex, either male or female. Different ‘agencies of socialisation’ such as the family, the school, the peer group, and the mass media do their work of building up a set of different models of conduct for each of the sexes. In this way, ‘social gender’ is constructed (ibid.: 191–192). This idea is also connected to additive conceptions of gender that I refer to below.

Connell also criticises what she calls *categorical theories*. These theories take women and men as ‘internally undifferentiated general categories’ to investigate the relation between the two groupings (1987: 55). Even though categorical theories give more importance to power and conflicts of interests in exploring the relationship between categories (ibid.: 54), the resulting gender analysis does not differ much from biologically-based analyses that end up resorting to the biological dichotomy as a final explanation (ibid.: 56). This is because most categorical authors presuppose that human beings are likely to be divided up in two categories according to reproductive biology (ibid.: 57). The problem is when the categories ‘women’ and ‘men’ are not the first approximation but the end of the analysis, when the categories are not analysed or discussed (ibid.). This categorical thinking has political implications in that it gives place to a ‘politics of access’ in the form of, for instance, quota systems to increase the participation of women in leadership positions in both business and politics (ibid.: 60). This approach does not challenge the structural conditions that generate inequality in the first place (ibid.). In this sense, the political and policy consequences of categorical

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thinking are similar to those of liberal feminism inspired by sex role theory (ibid.).

This kind of assumption abounds in policy documents dealing with gender questions. As argued by Connell:

The spread of this kind of [categorical] thinking is indicated by shifts in language. We now often hear phrases like 'male power', 'male violence', 'male culture', 'malestream thought', 'male authority'. In each of these phrases a social fact or process is coupled with, and implicitly attributed to, a biological fact. The result is [...] to collapse together a rather heterogeneous group (do gays suffer from malestream thought, for instance; or boys?). (1985: 266)

Another related kind of assumption that can be found in policy documents and policy practice is the essentialist idea that the physical appearance of our body is the 'basis' from which a 'social' gender is built up (Connell 1987: 67). Dichotomic arguments always follow this line of reasoning. Of course, there is a relation between biology and society, between the body and what persons do with it (ibid.). But, as already stated above, this relation is one of practical transformation (ibid.). Biology, the natural properties of the body, is experienced in practice and thus transformed through social practice (ibid.).

Connell discusses two different *natural difference* theories. The one of interest here is the theory characterised by 'an *additive* conception of society and nature' (1987: 73). Sex role theory, liberal feminism, and the idea of socialisation all assume this additive conception of gender (ibid.). Its basic idea is that society '*culturally elaborates* the distinction between the sexes' (ibid.). This vision can be traced in most EU policy documents. It is indeed believed to be quite a sociological approach to gender, as gender is defined as the 'social element' elaborated on given sex differences.⁸ Connell argues that the only difference is that liberal feminism perspectives – and I would say that some EU discourses could be included in this line of thought – criticise the specific way in which society constructs that distinction, while *natural difference* proponents obviously find the addition 'natural' and do not challenge it (ibid.).⁹ Connell goes further to say that the idea that natural differences act as a 'basis' for gender has to be entirely ruled out (1985: 268). Social practice and structures do not, in any sense, *follow* a natural dichotomy; instead, there is a relation of 'practical transformation' between

⁸ See chapter 5, for instance, for examples of these kinds of definitions – very explicitly in the 'guidelines for gender equality in development cooperation'.

⁹ See also Razavi and Miller (1995) on liberal feminism.

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nature and human agency and history (1985: 268–269; 1987: 67). This is the whole point of a practice-based theory of gender.

Gender Mainstreaming: Definition, Policy Developments, and Academic Debate

Three Different Approaches to Gender Equality

Within the EU, three different approaches to equal opportunities have dominated gender equality policy over time: equal treatment, positive action, and mainstreaming (Rees 1998, 2000, 2002). There is a developmental or evolutionary logic that links these three approaches, with each successive logic developing on the foundation (and shortcomings) of its predecessor. It would be extremely unlikely for them to have unfolded in an alternate order. Nevertheless, as discussed later, the three approaches should be understood as complementary rather than competing (see Council of Europe 1998; Daly 2005: 438; Squires 2005: 370; Walby 2005: 329). Also, there is overlap in the phases.

Equal treatment is based on the idea that women and men should be treated the same (Rees 2002). *Positive action* aims to secure equality of outcome by equalising the starting positions, instead of focusing on securing equality of access (Rees 1998: 34). *Mainstreaming* is the systematic integration of gender equality into all systems and structures, policies, programmes, processes, and projects, as well as into ways of seeing and doing and into cultures and their organisations (Rees 2002: 2; also 1998: 40–42, 188–200).

In the 1970s, gender equality policies implemented by EU countries were mainly oriented to equal treatment. In the decade that followed, the focus shifted to positive action. It was in the 1990s that the mainstreaming approach started to gain importance (Rees 2002: 2–3).

The origin of the **equal treatment** approach at the EU level can be traced back to Article 119 of the Treaty of Rome on equal pay for men and women (Carson 2004: 103; European Union 1957; Hantrais 2000b: 115; Hoskyns 2000: 2; Lewis 2006: 420; Stratigaki 2005: 169–170). The introduction of this article became the foundation for one of the European Community's main commitments to social policy in general (Lewis 2006: 420).

Even if equal treatment is based on the idea that women and men should be treated the same, it often implied that men were taken as the norm (Rees 2002: 2). Treating women and men the same does not necessarily mean treating them equally (*ibid.*). Moreover, by focusing on equal treatment of

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men and women as workers, the European law on equal opportunities has not dealt with the causes of inequality that lie – more broadly – in the ‘gender contract’ (Rees 1998: 32).¹⁰

As Rees explains, equal treatment legislation does not cope with the causes of inequality but only attempts to moderate its symptoms. Since it does not analyse the causes of inequality, equal treatment fails to produce equal outcomes (1998). It does not problematise, for instance, the implications of social hierarchies. This gap in the analysis limits equal treatment’s actual achievements. Equal treatment proposes that all individuals should be equally treated as such. It does not acknowledge that individuals are part of particular groups and hold positions in bigger structures, nor the significance of this in cultural reproduction (ibid.). Positive action and positive discrimination measures have been introduced on many occasions to balance the shortcomings of equal treatment (ibid.: 32, 34).

Given women’s unequal position in society, **positive action** measures intend to create conditions to overcome the resulting disadvantaged starting point. The positive action approach recognises that men and women are different. It recognises ‘sameness’ and ‘difference’. That is, it is rooted in the idea that even if there are similarities between women and men, there are also differences. Positive action, then, attempts to reduce the gap for these differences, which are interpreted as deficit in women (Rees 2002: 2). However, ‘Positive action measures do not challenge the culture and practice of mainstream: they simply assist women to fit in. This is where gender mainstreaming comes in’ (Rees 2000: 3).

Mainstreaming, unlike equal treatment and its focus on individuals’ rights to equality, and unlike positive action and its focus on group disadvantage, looks into the institutions and structures that constitute the root of individual and group disadvantage (Rees 2000: 4). Mainstreaming aims at transforming the gender hierarchy by identifying the hidden and unrecognised ways in which all systems and structures are ‘male-centred’, i.e. biased in favour of men, and seeks to redress the balance (Lewis 2006: 426; Rees 1998: 189; 2002: 2). As such, mainstreaming also represents an effort to expand the application of gender equality principles beyond the sphere of work and economy. Hence, there would be both (a) the opportunity for transformation – addressing root causes rather than symptoms, and (b) extension beyond the economic sphere. Yet, as Mazey points out, gender mainstreaming is not

¹⁰ The concept of gender contract refers to a social contract that specifies what women and men are supposed to do and think. It informs ‘expectations about the domestic division of labour and power relations which, in turn, shape systems and structures that reinforce those expectations’ (Rees 1998: 23, see also 194–199).

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supposed to replace positive action measures and equal treatment legislation, but rather to complement them (2002: 231). The three approaches to gender equality in fact coexist in the EU's programmes (Walby 2005: 329; see also Daly 2005: 437–439).

Rees suggests that although mainstreaming has long-term goals and relies on the law and concrete positive action measures, it is probably the only strategy with the capability to produce real transformations on gender equality issues (2000: 4). Being an approach that seeks to transform institutions, the adoption of gender mainstreaming represents a breakthrough in the ways of dealing with gender equality issues within the EU (Rees 1998, 2000, 2002).¹¹ More specifically, Rees holds the view that 'mainstreaming entails a paradigm shift in thinking towards the development of policy and practice. It requires being able to see the ways in which current practice is gendered in its construction, despite appearing to be gender-neutral' (1998: 194).

From equal treatment to positive action to mainstreaming, the problem definition, the proposed solution, and the attribution of responsibilities have changed. The major breakthrough thus lies in the change in conception of what gender inequality means, what should be done about it, and who is supposed to do it.¹² Carol Lee Bacchi's *What's the problem represented to be?* approach supposes that every policy proposal contains a 'problem' representation (1999: 1). Following Bacchi's approach, a number of general questions and their likely responses could be formulated at this point. What is the problem with gender inequality? Gender inequality lies neither in the fact that the law is different for men and women to the detriment of the latter nor in the fact of group disadvantage; it lies, rather, in unequal structures and systems. What should be done? For gender inequality to be tackled, those structures and systems have to be transformed. It is not a question of changing one or more laws or of implementing specific positive discrimination measures (although these are important) but of transforming structures by reorganising policy processes and systems. Who is to do it? The authorities for addressing the problem are not just legislators or gender experts but 'all actors routinely involved in policy-making' (Verloo 2004: 8).

¹¹ Several scholars have noted that there are considerable risks in this shift to mainstreaming. See the discussion about risks and shortcomings of mainstreaming below.

¹² To say this does not imply that there is any actual change in practice.

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Figure 1: Different approaches to gender equality at the EU level¹³

Strategy/Paradigm	Problem definition	Solution	Responsibility
Equal Treatment 1957–1980 ¹⁴	Inequality in law. Women and men are not treated the same but are differently represented in and protected by law, women being worse off. Individual disadvantage.	Change the laws to secure formal equal rights for women and men.	Legislators.
Positive Action 1981–1990	Unequal starting positions for women and men. Women are disadvantaged as a group. Group disadvantage.	Specific measures to address specific problems caused by disadvantaged starting positions.	Gender experts, specialists, gender equality units and agencies.
Mainstreaming 1991–present ¹⁵	Gender inequality is caused by male-centred systems and structures. Structural inequality: institutions and structures constitute the root of individual and group disadvantage.	Transform the gender hierarchy by incorporating a gender perspective into all systems and structures, policies, programmes, processes, and projects, and into ways of seeing and doing and into cultures and their organisations.	All actors involved in the policy-making process.

¹³ Adapted from Verloo (2004).

¹⁴ However, it was not until the 1970s that Article 119 of the Treaty of Rome was followed up by a series of Directives (Rees 1998: 52).

¹⁵ The 1996 Communication from the Commission (COM(96) 67 final) constituted a turning point in the dominant gender approach at the EU level. However, the process of introducing mainstreaming started some years before with the 1990 Third Community Action Programme on Equal Opportunities for Women and Men and, also, with the preparation for Beijing, where the EU delegation had a leading role in pushing the mainstreaming principle onto the Platform. Beijing then gave a new impulse to the introduction of mainstreaming at the EU level, so that once back from Beijing, it was just a question of writing the Communication. The 1996 Communication was written basically at Directorate-General (DG) Employment; some drafts circulated before Beijing from this DG to other services (interview with a Commission functionary who participated in the process, May 2008).

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In sum, the EU approach to equal opportunities has evolved during the past three decades. It shifted from an approach focused on equal pay and equal treatment in the workplace to a progressive introduction of positive action measures, and finally to an institutional commitment to mainstreaming gender equality in all policy areas (Pollack & Hafner-Burton 2000: 432). Indeed, this new agenda comprises a 'dual-track approach' or 'dual strategy' that combines gender mainstreaming and specific actions to promote gender equality (Hantrais 2000b: 124; Mazey 2002: 234; Pollack & Hafner-Burton 2000: 432, 450; see also Stratigaki 2005: 178; Walby 2005: 329).

The Unfolding of Gender Mainstreaming

As early as 1990, the Third Community Action Programme on Equal Opportunities for Women and Men (1991-1995) introduced the idea of gender mainstreaming within the EU (Stratigaki 2005: 170; see also Hantrais 2000b: 122–123), recognising that 'existing policies were failing to have any impact on the majority of women's lives and lacked coherence' (Booth & Bennett 2002: 439).

However, it was the 1995 Platform for Action of the Fourth World Conference on Women in Beijing that represented the entry of gender mainstreaming into the core of international public policy. The Platform defined the term 'gender mainstreaming' and secured the commitment of governments and United Nations institutions to incorporate a gender perspective in all policy-making areas (Booth & Bennett 2002: 438; Carson 2004: 200–210; Pollack & Hafner-Burton 2000: 435; Stratigaki 2005: 172–173).

The EU delegation in Beijing played a leading role in putting forward the principle of mainstreaming in the context of the Fourth World Conference on Women and returned from Beijing with a renovated and even more extended gender agenda. In 1996 the EC officially adopted the gender mainstreaming approach (Hantrais 2000b: 124). While the 1995 Platform for Action of the Fourth World Conference on Women in Beijing provided the general frame able to legitimise the introduction of gender mainstreaming into public policy at the international level, the major shift in the dominant gender approach at the EU level was reflected in the 1996 Communication from the Commission Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities (COM(96) 67 final), and was later formalised by the Treaty of Amsterdam.

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The 1996 Commission Communication referred to the challenge of building ‘a new partnership between men and women’ and the necessity of incorporating a gender mainstreaming approach in order to achieve this ‘new partnership’. In the document, gender mainstreaming was defined as involving

not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them. (COM(96) 67 final: 2, emphasis in the original)

The Fourth Action Programme on Equal Opportunities for Women and Men (1996-2000), proposed by the European Commission (EC)¹⁶ and adopted by the Council, presented mainstreaming as its most important component, together with previous specific actions (Pollack & Hafner-Burton 2000: 436; see also Hantrais 2000b: 123; Stratigaki 2005: 177). As Hoskyns says, the Fourth Action Programme introduced three general themes (2000: 53). The first was mainstreaming as an ‘organising principle’, implying that gender issues should go beyond the boundaries of the then Directorate-General (DG) Employment and Social Affairs (DG Employment, Social Affairs and Equal Opportunities between 2005 and 2010) to be introduced into *all* Community policies. The second theme in the Programme was ‘subsidiarity’;¹⁷ here the concern was to identify the specific roles that Member States (MSs) and EU institutions should play in the making of gender equality policy (ibid.). It was proposed that Member States should develop methods in order to integrate a gender perspective into all policy areas (Booth & Bennett 2002: 439). The third concern was to promote the reconciliation of work and family responsibilities for both men and women. The limits of the workplace were – to some extent – trespassed, as the focus moved also to the boundary between paid and unpaid work and the (traditional) roles of women and men (Hoskyns 2000: 54).

¹⁶ I refer to the European Commission as EC or as ‘the Commission’ interchangeably.

¹⁷ The ‘subsidiarity’ principle included in the Treaty of Maastricht stipulates that ‘in areas which do not fall within its exclusive competence, the Community shall take action [...] only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community’ (Article 3b, European Union 1992).

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The 1997 Treaty of Amsterdam (effective in 1999) with its new provisions reflected the EU's new approach to equal opportunities and the deeper development of its competence in this area (European Union 1997). Article 141 replaced Article 119 of the Treaty of Rome, strengthening the original language on equal pay and the legal basis for gender equality. Yet the most important and advanced of the provisions in the new Treaty were the amendments to Articles 2 and 3 (Lewis 2006; Pollack & Hafner-Burton 2000). The reformulated articles made the promotion of equal opportunities for women and men *throughout all Community areas* – instead of just equal pay and equal treatment in the workplace – a central goal of the EU, formalising the commitment to gender mainstreaming (Booth & Bennett 2002: 443; Lewis 2006: 426; Pollack & Hafner-Burton 2000: 437).¹⁸

Later on, the Fifth Community Action Programme on Equal Opportunities (2001-2006) presented as its main objectives the coordination, support, and financing of different transnational projects as part of the implementation of the 'Community's global framework strategy on gender equality' that had been adopted by the Commission in June 2000 (Booth & Bennett 2002: 431–432; Mazej 2002: 234–235).¹⁹

The EU gender equality strategy for the period 2006-2010 is formulated in the Roadmap for Equality between Women and Men.²⁰ Adopted by the EC in March 2006, the Roadmap builds on the dual-track approach to gender equality combining gender mainstreaming and specific measures for the advancement of women. It is a tool that serves to monitor gender mainstreaming in the policy-making process at the different DGs, functioning as a framework for the mainstreaming of gender in policy proposals and projects. According to the Roadmap, the six priority areas for EU action on gender equality are: Economic independence for women and men (employment, social security, etc.); Reconciliation of private and professional life; Equal representation in decision-making; Eradication of all forms of gender-based violence and trafficking; Elimination of gender stereotypes; and Promotion of gender equality in external and development policies – i.e. beyond the frontiers of the EU (COM(2006) 92 final: 2). For each area, the

¹⁸ Article 2 of the Treaty of Amsterdam states: 'The Community shall have as its task [...] to promote throughout the Community a harmonious, balanced and sustainable development of economic activities, a high level of employment and of social protection, equality between men and women...' (European Union 1997: 22). Article 3 of the Treaty states that in all its activities the Community 'shall aim to eliminate inequalities, and to promote equality, between men and women' (European Union 1997: 23).

¹⁹ See also http://ec.europa.eu/employment_social/gender_equality/actions/index_en.html, accessed in February 2007.

²⁰ The Roadmap is the successor to the Community Action Programmes on Equal Opportunities for Women and Men. I explore other questions about the Roadmap in chapter 2.

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Roadmap identifies both priority objectives and actions to be followed. Every year the DG Employment, Social Affairs and Equal Opportunities (DG Employment hereafter) releases a Work Programme where a follow-up to the Roadmap is presented, specifying what has been done and what remains to be done for each priority area (SEC(2007) 537; SEC(2008) 338; SEC(2009) 1113 final).²¹

The Treaty of Lisbon, signed on 13 December 2007 and entered into force on 1 December 2009, amends previous references to equality between women and men. Article 1.a declares:

The Union is founded on the values of 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. (European Union 2007: 11)

And in Article 2, Paragraph 3 the Treaty of Lisbon specifies:

The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced. (European Union 2007: 11)

Gender mainstreaming is thus extended to all policy areas. However, at the same time, it is put in a *mixed bag* together with several other issues that are supposed to be mainstreamed. As one of the interviewees observes, 'It's a very general article where you've got a lot of things which are mixed up.'²²

In sum, the EU made gender equality a core goal. In making gender equality a core goal, the EU evolved from its previous approach, which limited the issue to the labour market only, to an extended approach that looks into gender relations from a broader perspective (Carson 2004: 7; Hoskyns 2000:

²¹ Available at <http://ec.europa.eu/social/main.jsp?catId=422&langId=en>, accessed in May 2010.

²² Interview with senior gender expert at EC, May 2008. See also Bisio and Cataldi (2008).

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3). The introduction of gender mainstreaming at the EU level in general, and the consequent expansion of the gender equality agenda, have taken place within a broader context of policy developments characterised by a growing concern on social issues within the EU. With a recurrent reference to the 'European social model' in EU documents – many times presented as an alternative to the 'US model', social policy in general has 'achieved a higher profile at EU level' (Lewis 2006: 424). Despite positive trends, the conceptualisation and practice of gender mainstreaming constitute a contested issue. I will now turn to the academic debate around the concept and practice of gender mainstreaming.

Gender Mainstreaming under Debate

The assessments of mainstreaming among scholars can be characterised as ambivalent and sometimes conflicting (Bennett & Booth 2002; Daly 2005; Hantrais 2000a, 2000b; Lewis 2006; Lombardo 2005; Lombardo & Meier 2006, 2008; Mazey 2000, 2002; Pollack & Hafner-Burton 2000, 2002; Rees 1998, 2000, 2002; Shaw 2002; Squires 2005; Stratigaki 2005; Verloo 2004, 2005; Walby 2004, 2005, 2011). The reasons for the lack of consensus may have to do with the fact that while it is a 'potentially radical strategy' (Mazey 2000: 342), the concrete impacts of gender mainstreaming have been uneven (Lombardo & Meier 2008: 102). Even the very content of mainstreaming is under dispute. However, most agree that the concept of gender mainstreaming challenges patriarchal structures and the 'gender contract' (Rees 1998; Stratigaki 2005; among others), even though gender mainstreaming as a strategy is weakly institutionalised and much about it remains uncertain and unpredictable (Mazey 2002; Pollack & Hafner-Burton 2000).

The expansion of EU gender equality policy that mainstreaming entails – moving equality between women and men beyond the workplace to become an EU core goal – is considered by some commentators to be a loss of specificity with regard to what, exactly, gender equality means. As Mazey mentions, one of the risks that the adoption of mainstreaming strategy entails is that 'gender equality becomes everybody's – and nobody's – responsibility' (2002: 228). Hoskyns suggests that contrary to the single focus on labour market legislation that characterised the early days of gender equality policy, the current increased scope of gender policy, which has reached areas such as trafficking in women and violence against women, has a much lower level of legal enforcement (2002: 1). Hoskyns says that 'the EU has gone from a "narrow but deep" policy on women's rights to one

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which at first glance at least appears “broad but shallow” (ibid.). Moreover, even if, in principle, mainstreaming represents an effort to expand the application of gender equality principles beyond the sphere of work and economy, Bennett and Booth suggest that the policy development of mainstreaming has been limited by the too narrow economic focus of the EC (2002: 443). Lombardo and Meier apply frame analysis to selected EU policy documents on ‘family policies’, ‘domestic violence’, and ‘gender inequality in politics’ (2008). And, in a similar vein, they conclude that ‘the broadening of the EU approach to these new areas has not necessarily led to a deeper framing of them as gender equality problems, but rather to an uneven development of their goals, diagnosis, and solutions’ (Lombardo & Meier 2008: 117). They hypothesise that this lack of a gendered understanding of the issues at stake and the EU ‘broadening-without-deepening’ approach to gender policies in general may be due to the absence of feminist voices in the EU official discourse, the lack of binding measures associated to gender mainstreaming, and the still too narrow labour-market focus of the EU (ibid.: 119).²³

According to Rees, gender mainstreaming represents a ‘paradigm shift in thinking about gender equality’, though ‘misappropriated and misunderstood’ (2002: 11). Lombardo and Meier regard gender mainstreaming definition as an ‘open signifier that can be filled with both feminist and non-feminist meanings’ (2006: 161). Stratigaki argues that mainstreaming has become an ‘abstract “principle” or “empty rhetoric” (2005: 174–175). More generally, Stratigaki points out that ‘EU policy discourse may evolve rhetoric devoid of substance’ (ibid.: 180).²⁴ This concern about the content of mainstreaming is shared also by Bennett and Booth (2002: 433), who suggest that since mainstreaming ‘remains a “fuzzy” concept’, the practice of mainstreaming is still chaotic, and that ‘mainstreaming gender equality has been interpreted as merely a new set of methods’ (ibid.: 442). Similarly, Rees refers to the dangers of paying too much attention to the technical aspects of mainstreaming instead of its content (1998: 191–194). Pollack and Hafner-Burton point out that while gender mainstreaming is a ‘potentially revolutionary concept’ that aims at including a gender dimension in all EU policies, it demands that all central actors in the policy process adopt a gender perspective; certainly one of the main problems in this regard is that

²³ Lombardo and Meier’s work (2008) is part of the MAGEEQ (Mainstreaming Gender Equality in Europe) Project (www.mageeq.net). See also Verloo (2004).

²⁴ The author’s argument goes even further, concluding that gender mainstreaming implementation ‘was manipulated so that it served to counteract the emerging demand of women for binding positive action measures in decision-making bodies’ (2005: 181).

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some of these actors have little experience, knowledge, or interest in gender issues (2000: 434). Stratigaki points out that, in principle, gender mainstreaming questions the whole policy cycle by considering the gender perspective in all phases, unlike positive action, which considers only the policy delivery phase. However, in practice, policy measures and strategies are still produced within gender hierarchies, and the result in many cases is still the reproduction of inequalities. Therefore, for gender mainstreaming to be effective, gender-specific policies, legislation, and strategies against accumulated inequalities are all required (2005: 169).

The gender mainstreaming strategy seems to be inspired by both economic concerns and social justice goals (Hantrais 2000b: 124; Pollack & Hafner-Burton 2000; Rees 1998, 2000, 2002). Most scholars argue that what dominates gender equality policy is a rhetoric of efficiency in which statements abound about the necessity of using women's skills – or not wasting the human capital women have to offer – to achieve economic growth (Lewis 2006; Lombardo & Meier 2006; Pollack & Hafner-Burton 2000).²⁵ Lewis points out that, historically, gender equality has appeared pursuing both market-making and social justice objectives (2006: 421). Even after the transformations and important shifts in the 1990s, gender equality still is an instrument of a wider agenda of employment and economic growth within the EU (ibid.: 432–433). Stratigaki argues that it has been more feasible to include equality priorities in the agenda when they were in line with broader economic goals. In this process, gender equality has been co-opted by economic priorities and its meaning and purpose adapted accordingly (2005: 180).

Pollack and Hafner-Burton affirm that there is some evidence showing that a gender perspective has been gradually introduced into existing policies²⁶ with the likely consequence of transforming EU discourses and policy procedures and even national policies, but a radical change of the EU agenda from a gender perspective will hardly occur (2000: 453). Mazey also considers that, while it is not fully institutionalised, gender mainstreaming has offered European feminists, particularly the European Women's Lobby (EWL), new opportunities to engender EU policies and debates, even within policy areas

²⁵ In relation to the problem of violence against women, Carson points out that defining the problem of domestic violence as an economic problem, a problem of waste of human resources, or as an obstacle to economic development instead of in terms of a framework of women's human rights risks 'weakening the problem definitions the women's movement has worked so diligently to establish' (2004: 207). Moreover, given that the very definition of the problem guides the formulation of solutions and the subsequent policy development, ill-defined problems can lead to flawed outcomes.

²⁶ Pollack and Hafner-Burton examine five issue areas: Development, Structural Funds, Employment and Social Affairs, Competition, and Science, Research and Development.

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that had been traditionally 'gender blind' (2002: 228, 236, 238). According to Pollack and Hafner-Burton, advocates of gender mainstreaming have strategically framed the issue to 'fit' the dominant frame of a given DG by underlining the 'efficiency' dimension of mainstreaming, that is, how much can be achieved in terms of economic growth and competition if gender is included in the policy process; nevertheless, the advance of gender mainstreaming has been uneven within the different DGs they examined (2000: 440, 450).

Lombardo and Meier point out that this 'strategic framing' that defines the necessity of gender equality in terms of its being a means to achieve higher efficiency may eventually de-gender the issue, 'since the goal is efficiency rather than gender equality' (2006: 158; see also Verloo 2005).²⁷ In this regard, Lewis argues that mainstreaming runs the risk of 'being used instrumentally to serve the dominant policy frame' and of being reduced to a 'tick-box',²⁸ within the policy-making process (2006: 427). In a similar vein, Shaw suggests the dangers of mainstreaming because its 'apparent inclusiveness' can lead either to including or to excluding radical standpoints, and, again, this inclusiveness can reduce mainstreaming to an additional box in a checklist without having any concrete consequence in real people's lives (2002: 221).

Pollack and Hafner-Burton even argue that this strategic framing has watered down mainstreaming. Instead of raising it as an overt challenge to the ends sought by EU policy-makers, women's advocates have 'sold' mainstreaming as a 'means' to those ends. As a result, mainstreaming has become an 'integrationist' rather than an 'agenda-setting' approach, integrating gender issues into particular policies – without challenging the dominant policy paradigm – instead of rethinking the core purposes of the EU from a gender perspective (Pollack & Hafner-Burton 2002: 351, 364; see also Poulsen 2006: 4–6; Squires 2005: 373–374).²⁹

In this regard, Mieke Verloo poses the questions: 'What happens in processes of strategical framing? Why would it be that integration rather than transformation is the inevitable result of strategical framing processes?' and

²⁷ The idea would be that the 'strategical framing' of mainstreaming makes it difficult to challenge the gendered power relations that constitute the basic social relations structure causing gender inequality.

²⁸ Gender mainstreaming as an item in a list of tasks that should be performed. If a mark is put in the tick-box, it shows that something has been already done. To say that mainstreaming might be reduced to a tick-box in policy-making processes is a way of saying that there is a risk that nothing more is needed than just ticking the box.

²⁹ Pollack and Hafner-Burton follow Jahan (1995) in identifying these two different approaches to mainstreaming.

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she argues that strategical framing entails a process of establishing a connection between a feminist goal – e.g. gender equality – and some major goal of a given organisation that should engage or is engaging in gender mainstreaming, thus gaining the commitment of this organisation to gender mainstreaming. The framing links the two goals by ‘stretching’ the gender equality goal, without challenging the mainstream goals of policy-makers. While framing strategically, the principles are adjusted to fit in the dominant frame. The gender equality goal is adapted to fit the mainstream goal/s. This ‘dual agenda’, Verloo says, is presented as if a ‘win-win situation’ were possible. In these conceptualisations, power is ‘put into brackets’ and gender mainstreaming is depicted as a ‘harmonious process’. She argues, however, that ‘if gender inequality is about power and privileges, then gender mainstreaming should be about abolishing privileges’. Thus, the question is: why is a process of abolishing privileges conceptualised as harmony? And, as a possible answer, the author suggests that this conceptualisation ‘helps in organising acceptance of gender mainstreaming, by making it less threatening’. Verloo also suggests that radical feminist voices are excluded as a consequence of the prevention of struggle and that the conceptualisation of mainstreaming gender equality as harmony, which is meant to facilitate the process of change, is eventually counterproductive (2005: 357–360).

Further Analysis: Representations and Discourses

Several different aspects or dimensions of the problem seem to structure part of the current debate on mainstreaming so far. There is agreement that mainstreaming is a potentially transformative strategy that is, however, still weakly institutionalised and not fully implemented. There is also contention about the problem with the concept of mainstreaming itself. The gap between mainstreaming rhetoric and actual outcomes seems to be still considerable. This gap between what mainstreaming promises and what it fulfils raises the question of whether mainstreaming means the incorporation of a ‘gender perspective’ into all policies, and therefore the possibility of transforming gender-biased structures, or whether it represents just political rhetoric to avoid real structural changes. Yet more importantly, in following the academic debate, it is worth emphasising that the most interesting aspect of mainstreaming is that it supposes a change in assumptions about the causes of gender inequality. As previously stated, mainstreaming supposes a definition of the problem of gender inequality, the solution to it, and the attribution of responsibilities that is quite different from previous approaches to gender equality. It is in this sense that gender mainstreaming can be said to

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represent a paradigmatic shift in the way of thinking about and dealing with gender equality within the EU. Nonetheless, the question remains to what extent this process of paradigmatic shift has taken place, or put differently, to what extent the general mainstreaming strategy has been adapted or concretised to work into different policy areas³⁰ such as development cooperation and migration, and what representations of the ‘problem’ of gender (in)equality and discourses of gender equality are produced in this context of the gender mainstreaming strategy.

Therefore, the fact that gender mainstreaming represents a change in problem definition, proposed solutions, and attribution of responsibilities constitutes a starting point from which I try to identify underlying representations of the ‘problem’ of gender (in)equality (a problem that mainstreaming, by definition, aims to solve). I keep the idea of paradigmatic shift as a metaphor in trying to understand the changes and continuities when it comes to gender equality policies at the EU level. Put simply, I attempt to identify what gender (in)equality means in the context of the gender mainstreaming strategy.

Structure of the Thesis

Chapter 1 has presented the research problem and questions. It has also introduced the discussion around the concept of gender in relation to the research questions, an overview of gender mainstreaming at the EU level, including an account of how gender mainstreaming as a policy approach has come up at the EU level, and an overview of the academic debate on gender mainstreaming at the EU level.

Chapter 2 contextualises the production of representations and discourses of gender (in)equality that are then analysed in the subsequent chapters. The chapter examines the governance of gender relations at the EU level. It discusses the concept of governance and describes the internal dynamic and the workings of the Commission when it comes to the governance of gender for the period 2005–2010.

Chapter 3 presents the methodological approach and conceptual model of analysis, including a discussion of the concepts of discourse and the

³⁰ As I said at the beginning of this chapter, I leave aside the discussion about actual outcomes or implementation. The question of the extent to which the general mainstreaming paradigm has been adapted or concretised to work into different policy areas is a question to be answered on the level of formulation of policy proposals.

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discourse analysis approach. The chapter also gives an account of the material under analysis, which is further detailed in the appendixes.

Chapter 4 is the first analytical chapter. This chapter approaches representations of gender (in)equality in the context of gender mainstreaming at the EU level in general. Material on gender mainstreaming as EU-level strategy is analysed. Representations of gender (in)equality are teased out and discussed and discourses of gender equality are identified.

Chapter 5 continues with the analysis of the material, but centres on the policy area of development cooperation. The chapter presents the analysis of selected policy proposals formulated by DG Development and Relations with African, Caribbean and Pacific States (DG Development). It explores the integration of a gender perspective in development policies (at the policy-making and programme formulation stage) and tries to identify how the 'problem' of gender (in)equality is represented in policy documents within the area of development cooperation. It analyses the material to find different understandings, representations, and assumptions that constitute different discourses of gender equality.

Chapter 6 focuses on the policy area of migration, including labour migration, asylum, and trafficking in human beings. The chapter thus presents the analysis of selected policy proposals formulated by DG Justice, Freedom and Security (DG JFS). It explores the integration of a gender perspective in immigration policies (at the policy-making and programme formulation stage) and tries to identify how the 'problem' of gender (in)equality is represented in policy documents within the area of migration. It analyses the material to find different understandings, representations, and assumptions that constitute different discourses of gender equality.

Chapter 7 explores the relation between development and migration in policy documents. The guiding question is how these two policy issues are related to each other and why they are related in this way. More specifically, the aim is to identify what the 'problem' of migration and development is represented to be at the EU level. The chapter also explores how these representations and discourses of migration and development are related to discourses of gender equality identified in previous chapters.

Finally, chapter 8 wraps up the main arguments presented throughout the thesis and draws some conclusions.

2

Gender Governance in the European Union

Introduction

This chapter examines the governance of gender relations at the European Union (EU) level.³¹ It discusses the concept of governance and looks at the internal dynamic and the workings of the European Commission (EC)³² when it comes to the governance of gender for the period 2005–2010.

The idea of governance helps in understanding processes in which several different actors are involved and in which different types of institutional arrangements are developed. Governance refers to social steering processes in which competencies are shared among multiple actors, public as well as private. The concept of governance is useful in understanding the political dynamics and the workings of policy formulation within the EU in general and the EC in particular.

The analysis of gender governance at the EU level includes examining how gender is done, by identifying what actors and structures are involved in the governance of gender and investigating the relationships among them.³³ The EC is a main actor when it comes to gender governance in Europe. However, it is not the only one, and within the Commission itself the workings of gender are very complicated, calling for detailed examination.

³¹ Sections of this chapter have been previously published in Carson et al. (2009).

³² I refer to the European Commission as EC or as 'the Commission' interchangeably.

³³ I leave out labour unions, though they are a relevant actor in the governance of gender – as well as in the making of discourses on gender.

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The examination of gender governance arrangements within different policy sectors at the EU level is of particular relevance because the governance of gender constitutes the context in which gender discourses are produced. This context of gender governance has implications for how gender is produced and how (and why) gender inequality is reproduced. In other words, it is important to take into consideration the institutional environment of policy-making as contextualisation for the production of gender discourses.³⁴

Governance and Gender Governance

The EU represents a ‘new form of supra-national authority’ (Burns and Carson 2003: 142; Carson 2004: 63).³⁵ The ideas of state and government in the conventional sense are not suitable for approaching what the EU represents. Instead, the concept of governance – or even better, the idea of ‘multi-level governance’ (Hooghe & Marks 2001) – has proved to be more adequate to explain EU policy-making processes and the governing process in general (Carson 2004: 64; also Rossilli 2000: 5).³⁶

The idea of governance is useful in understanding governing processes where several different actors are involved and where different types of institutional arrangements are developed. Governance refers to a complex of social steering and coordinating processes where knowledge and power are shared among multiple actors, public and private, and result in changes in activities, outcomes, and developments (Burns & Stöhr 2010: 1). The actors –either

³⁴ The interaction between discourses and governance is a two-way process. Changes in governance are due to specific transformations in the policy-making process (including changes in ways of doing things) and political dynamics. But transformations in governance take place also because of changes in representations, ideas, and justificatory discourses present in policy-making activities. More on this dynamic below.

³⁵ There is a considerable amount of literature on EU policy-making process, institutions, actors, policy instruments, institutional arrangements, and forms of governance; see e.g. Andersen and Eliassen (1996), Christiansen et al. (2001), Fligstein and Stone Sweet (2002), Jachtenfuchs (2002), Jachtenfuchs and Kohler-Koch (2003), Marks et al. (1996), Rosamond (2000).

³⁶ In their article ‘Types of Multi-Level Governance’, Liesbet Hooghe and Gary Marks argue that the case of the EU presents a combination of what they call ‘Type I and Type II governance’. They put forward the idea that ‘the bulk of EU policies, with the major exception of monetary policy, apply to a single unified jurisdiction. The EU bundles together a variety of internationalized policy competencies that are handled elsewhere by numerous, overlapping, and functionally specific jurisdictions. However, some salient features of EU architecture appear consistent with Type II governance: variable territorial jurisdictions as a result of treaty derogations; distinct governance systems or “pillars” for different policies; the multiplication of independent European agencies; the flexibility clause of the Amsterdam Treaty specifying the conditions under which a subset of member states can engage in greater integration’ (Hooghe & Marks 2001: 10). Moreover, they argue that the Commission has ‘actively supported Type II governance’ by funding programmes and networks at the EU level (ibid.: 11).

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directing or subject to governance systems, may be ‘political’ (states, regional bodies, international organisations, international government organs), economic interests (private companies, business alliances and associations), community-based organisations, grassroots movements, NGOs, experts, policy networks, and the like (ibid.: 2).

To analyse a given governance system it is necessary to identify its constitutive elements. The ‘organisational dimension’ (Burns & Stöhr 2010: 3–4) includes actors, agents, and bodies in charge of dealing with the ‘problem’ (public authorities, policy-makers, experts, stakeholders, agencies, and committees), the relationships among them (relations of power/authority, i.e. who does what and in relation to whom), the internal dynamics of decision-making including deliberation and conflicts, and also those policy mechanisms and tools that, in terms of structure, facilitate or impede action.

Burns and Stöhr identify another dimension of a governance system. The ‘cognitive’ dimension refers to the dynamics around the definition of the problem/solution(s), including definition both of values to represent the problem and of strategies to solve it (2010: 3–4). This second dimension can, in fact, be understood in terms of what I identify as ‘discourses of gender equality’. These discourses also contribute to the governing of gender relations. Discourses of gender equality to some extent ‘talk about’ and justify the mechanisms of the governance of gender, and at the same time, governance systems *need* representations and discourses to operate successfully. I deal with what Burns and Stöhr call the ‘cognitive dimension’ when I analyse ‘problem’ representations and discourses of gender (in)equality later in this thesis. Within the limits of this chapter, I look at the organisational dimension of gender governance, those processes and relations that organise the decision-making activities around gender work. The organisational dimension of gender governance is understood to be the context in which gender discourses are produced.

When it comes to the analysis of a governance arrangement, there is also the question of defining what is being governed; that is, what the object being governed is (Burns & Stöhr 2010: 2). The object of gender governance is not gender relations per se but the policy strategies (i.e. gender mainstreaming, positive actions, and equal treatment legislation) through which gender relations are regulated – or are aimed to be regulated. Within the limits of this chapter, the focus will be on the governance of gender through different policy strategies, focusing mainly on the gender mainstreaming approach, at different levels: the European level and the EU level in general, the Commission level in particular, and also the policy areas of migration and development cooperation.

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Among the elements that need to be taken into consideration when analysing governance arrangements there are power, knowledge, conflict (Burns & Stöhr 2010: 4), instruments, and action (Kooiman et al. 2008: 7). These elements play a role in the foundation, dynamics, and also transformation of governance systems.

Relations of power, control, authority, and responsibility are central to governance systems (Burns & Stöhr 2011: 237). The ways power is organised and distributed within governance systems vary a great deal (Burns & Stöhr 2010: 4). Power can be asserted hierarchically via bureaucratic arrangements, it can be distributed (or circulated) through networks in a more horizontal pattern, committees practice yet another horizontal way of power, and there are also democratic forms of power, together with an array of hybrids (ibid.). It is important to note that in governance systems in which horizontal arrangements predominate there is still exercise of power (Peters 2002). That means that it is not only hierarchical types of governance systems which suppose relations of power. Certainly, different forms of power are used in governance systems to govern different kinds of objects. Power may be not of a central kind but of a kind 'rather with multiple centres, power that [is] productive of meanings, of interventions...' (Miller & Rose 2008: 9). In the case of gender governance, elaborations of meanings around what gender (in)equality is and the use of specific instruments to deal with it are issues of power(s): relations of power are at work when actors construct meanings and interventions to deal with the 'problem'. The process of production of discourses and interventions itself is a powerful operation. For this process entails power struggles, contestation, and conflict, is informed by processes of production of knowledge, and, in turn, discourses influence what can be thought, said, and done.

The production and use of knowledge play a key role in the governance of different kinds of objects, especially when that knowledge has a certain level of technicality and is believed to be crucial for the efficient functioning of the governance system (Burns & Stöhr 2010). In most cases, knowledge is required for the success of the governing process. There are usually different bodies of knowledge in place, as governance systems are made of diverse mechanisms of regulation (ibid.: 5). Thus, as in the case of gender governance, knowledge is produced and circulates at the Commission level, and also through networks of experts, EU-level institutes, and EU-level lobbies (i.e. European Women's Lobby (EWL)³⁷).³⁸

³⁷ I refer to the European Women's Lobby as EWL or as 'the Lobby' interchangeably.

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Instruments are what connect knowledge to action; in other words, instruments make it possible to transform knowledge into action (Kooiman et al. 2008: 6). Instruments include different policy mechanisms and tools (such as legislation, programmes, and funding), information, and also lobbying processes. For instance, at the EU level there has been an extended use of 'soft means' to deal with social policy in general and gender policy in particular (policy means and methods such as benchmarking, best practices, and awareness-raising activities) (Carson et al. 2009). Action is clearly what puts instruments to work (Kooiman et al. 2008: 7). In the case of gender governance, this is basically the process of formulating policies and implementing policy strategies.

Since different actors with their (sometimes competing) knowledge and power relations are part of governance complexes, conflict and contestation are also a constitutive part of governance (Burns & Stöhr 2010: 5). Diverse and contradictory bodies of knowledge occasion contestation and conflicts. Knowledge is not neutral, rather it serves to ground specific visions (and divisions) of the social world. Conflicting visions exist among the different actors who are producing knowledge and expertise within the gender governance system at the EU level. Actors involved in governance may have differing opinions on how the system should work, its goals, procedures, and how the object being governed should be understood as well as how 'problems' and 'solutions' should be defined (Burns & Stöhr 2011: 238). This can be observed in the case of relations between the EWL and the EC. There is conflict over the mechanisms at work, including the functioning of bodies and committees such as the Inter-Service Group on Gender Equality (see below). There is also conflict when it comes to the understandings of what the 'problem' of gender (in)equality is about, how it is defined, how related concepts (of gender, gender equality, and even gender mainstreaming) are understood, and so forth. In many instances, the EWL articulates a critical voice at the EU level, in particular when it comes to migration issues. On many occasions, women's advocates (including experts, 'femocrats', and lobbies) have framed the 'problem' of gender (in)equality in terms of what can be called 'efficiency discourse' to fit into the agenda of the EC – an

³⁸ Knowledge is very much connected to the question of representations and discourses I referred to above. In this chapter I deal with knowledge, but without delving into the analysis of representations, presuppositions, and assumptions that are certainly linked to knowledge. For instance, later in the thesis, opposite representations around gender equality are analysed, i.e. gender equality as a human right and gender equality as a precondition for economic growth and efficiency.

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agenda defined by economic growth and efficiency.³⁹ This has not, however, erased conflict or disagreements.

The idea is that we are governed through problematisations (Bacchi 2009: 25ff.): ‘we are governed *through* problematisations rather than through policies’ (ibid.: 31, emphasis in the original). There are not problems out there to be identified and to be solved through policies but government itself is a ‘*problematizing* activity’ (Miller & Rose 2008: 61, emphasis in the original). In this sense, the role of expertise (ibid.: 26ff.) and knowledge is crucial to understand how problematisations are constructed. (See also ibid.: 14–16.) It is in this sense that it is relevant to explore how different actors within the gender governance system define, understand, and represent the ‘problem’ of gender (in)equality. In exploring this, I seek to point to conflicting visions and relations of power among different actors.

First Level of Gender Governance

From a basis in structuration theory (Giddens 1984), Kooiman et al. deal with what is called, above, the ‘organisational dimension’ of governance, presenting an interactive perspective on governance. This perspective suggests that society comprises several different governance actors, including organised actors (experts and policy-makers), networks, agencies, committees, and other bodies. These actors operate within structures that, consistent with a sociological analysis, facilitate and/or constrain their action (Kooiman et al. 2008: 3). These structures encompass, for instance, institutional arrangements, administrative rules, policy mechanisms and instruments, legislation, laws, and also channels of negotiation and representation.

At the EU level, a broad range of organised actors, special interests, and organisations (such as Member States, regional and transnational business associations, regional and transnational NGOs, and Brussels-based lobbies) take part in governance processes (Carson 2004: 64–65). As stated, the idea of governance is useful for understanding the workings of policy and programme formulation within the EU in general and the Commission in particular.

On a more structural note, the EU institutional arrangements consist of bureaucratic and administrative arrangements (the European Commission), democratic representation (the Parliament), a legislative body with quasi-

³⁹ See chapters 1 and 4.

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national representation (the Council of the European Union, also called the Council of Ministers or just ‘The Council’), an inter-governmental negotiative body (the European Council), and judicial arrangements (the European Court of Justice) (Carson 2004: 65; Carson et al. 2009). Each of these institutions, in place since the 1950s, has a different role.⁴⁰

While the **European Council** sets the priorities and political direction of the European Union,⁴¹ the **Council of the European Union** (The Council) is the main decision-making body of the Union. The Council is comprised of ministers of the Member States. To reach decisions on a given issue, the Council convenes the ministers responsible for that specific issue to discuss and decide about it.⁴²

The **European Parliament** (EP) has legislative,⁴³ budgetary, and supervisory powers. Its power and relevance have been increasing relative to the rest of the European institutions with each Treaty revision.⁴⁴ Within the Parliament, the **Women’s Rights Committee** (FEMM) is an important actor in gender governance. Like any other parliamentary committee, the FEMM Committee elaborates, discusses, and votes on reports. Which areas are considered to be more relevant very much depends on the political leadership of the Committee. In general, though, there has been an interest both in promoting women’s rights (related to questions such as the labour market, discrimination, and violence) and in gender mainstreaming.⁴⁵

The mission of the **European Court of Justice** (ECJ) is to apply EU law and to interpret general Treaty provisions. Since its constitution in 1952, the ECJ

⁴⁰ In the sections that follow, I use information gathered mainly through my interviews, including the references to institutional websites.

⁴¹ Available at <http://www.european-council.europa.eu/the-institution.aspx?lang=en>, accessed in December 2010.

⁴² Available at <http://www.consilium.europa.eu/showPage.aspx?id=242&lang=en>, accessed in March 2011.

⁴³ In practical terms, the legislative process goes like this: drawing on a proposal from the Commission, a report is presented by a MEP working in one of the Parliament’s committees. The Committees then vote on the report and once the text is adopted in a plenary session, the Parliament adopts its position. If necessary, this process is repeated until there is agreement with the Council. There is a distinction here between the ‘ordinary legislative procedure’ (co-decision), in which the Parliament has the same power as the Council, and the ‘special legislative procedures’, which apply to cases in which the Parliament has only a consultative role. For instance, in questions such as taxation the EP can give only an advisory opinion (the ‘consultation procedure’). Also, depending on the legal base of the Treaty, there are cases when consultation with the EP is obligatory and the Council is not able to adopt a decision alone. See e.g. <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=2&language=EN>, accessed in April 2011. See also several interviews at DG JFS and DG Employment during May 2008.

⁴⁴ See e.g. <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?language=EN&id=46>, accessed in April 2011.

⁴⁵ See interview with MEP, May 2008.

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has made European integration its main task, in the sense of working towards the 'supremacy of EU law over the law of member states' (Carson et al. 2009: 134).⁴⁶ Up to 1995, the ECJ had passed more than one hundred judgements related to equal opportunities (Schmidt 2005: 161). The role of the ECJ has been fundamental in giving force to gender equality legislation (see, for instance, Hoskyns 1996; Ostner & Lewis 1995).

When it comes to gender equality policies, however, **the Commission** (EC) is the main actor (Schmidt 2005: 139–141). The EC has at least four main functions: it elaborates and proposes legislation to the European Parliament and the Council (the EP and the Council will then approve it or not through the co-decision procedure); it implements EU policies and manages the EU budget; together with the ECJ, the Commission is responsible for enforcing European Law; and it represents the EU in the international arena.⁴⁷ For gender governance, what is most relevant is that the Commission prepares and proposes gender legislation, actions, and programmes, and coordinates the strategy of gender mainstreaming, which means that every piece of proposed legislation should include a gender perspective. The Commission also has a central position in the process of building consensus around its legislative proposals, including negotiation within and outside the Commission itself (Carson et al. 2009). In regard to this function, it is important to take into consideration that its composition is heterogeneous, as different Directorate-Generals (DGs) and Commissioners have very different goals and priorities.

Although each of these European institutions has a role, the boundaries between roles and functions of different EU policy-making institutions, between their jurisdictions and authorities, are not clearly or comprehensibly defined, resulting in arrangements where public and private actors interrelate and public authority is scattered. In sum, 'As a multi-level policy-making system, the EU is highly open and dynamic' (Carson 2004: 65; see also Hooghe & Marks 2001).

Among EU policy instruments are formal legislation and more informal means to promote policies. Formal legislation includes Regulations and Directives ('hard law'), Recommendations (non-binding), Commission

⁴⁶ See also http://curia.europa.eu/jcms/jcms/Jo2_6999/, accessed in March 2011.

⁴⁷ See http://europa.eu/institutions/instit/commission/index_en.htm, accessed in July 2010. See also the Commission's document 'Governance Statement of the European Commission', which states that 'the mission of the European Commission is to promote the general interest of the European Union. It does so by participating in the decision-making process, in particular by presenting proposals for European law, by overseeing the correct implementation of the Treaties and European law, and by carrying out common policies and managing funds' (Commission of the European Communities 2007: 2).

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Communications, and the Open Method of Coordination (OMC), which would classify as ‘soft law’. Less formal policy instruments – also defined as ‘soft law’ – include Commission Action Programmes, White Papers, Green Papers, and other modes of consensus building (Carson 2004: 68–69). Social policy and gender equality policy in particular have remained largely within the ‘soft law’ terrain (Mazey 2002: 232). However, in many cases, ‘the use of soft measures has set the stage for the eventual development of formal, “hard law” measures, and arguably, even to Treaty reforms’ (Carson 2004: 68). According to Hantrais, a wide range of instruments have been utilised by the EU to promote equality of treatment and opportunity for women, from treaty commitments to action programmes proposed and implemented by the Commission. The instruments have also included Council Directives, Council and Commission Recommendations and Resolutions, Conclusions, and Communications (2000b: 118).

There are other actors that are part of the governance of gender at the EU level. The **European Women’s Lobby** (EWL) was created in 1990 with the aim of representing women at the EU level.⁴⁸ Today more than 2,500 organisations are part of the EWL across 30 countries in Europe. Around 80 per cent of EWL’s budget comes from the Commission. The rest of its funding is composed of membership fees and other independent sources. Among the partners or institutions with which the Lobby has relations are the Commission, the Council, the EP, and the Advisory Committee on Equal Opportunities for Women and Men, as well as the Council of Europe (where the Lobby has consultative status) and the United Nations (UN).⁴⁹ The EWL is also a member of the advisory body of the European Institute for Gender Equality (see below). Beyond this, the EWL has been pushing to further open the participation of women’s organisations in the gender governance process, lobbying for ‘an EU Strategy to **promote, implement and facilitate civil society** and specifically **women’s organisations input** into the European debate as an essential part of the European social model’ (European Women’s Lobby 2005a: 6, emphasis in the original).

The Lobby plays a central role with respect to gender governance at the EU level in general, and also in relation to the EC, by producing knowledge in the form of reports, evaluations, and position papers; convening activities such as workshops and conferences; and pushing on specific issues such as women in decision-making, social policy and employment, migrant women, trafficking, and gender violence, among others. Lobbying defines most of the

⁴⁸ See e.g. Hoskyns (1991).

⁴⁹ See <http://www.womenlobby.org/?lang=en>, accessed in April 2011.

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EWL's relations with the different DGs at the Commission, but the EWL also provides expert knowledge on many occasions. Power, knowledge, and conflict interweave in complicated manners. The EWL holds a position of providing democratic representation for women in Europe – from which derives its lobbying power – and of having expert knowledge in gender questions. This is not to say that the EWL holds a position of authority. In many instances, as I said above, the EWL is a critical voice. The EWL may push issues onto the agenda, lobby directly at the EC level, organise campaigns of any kind at the EU level, but it can certainly not decide on how gender issues in general or the strategy of gender mainstreaming in particular are dealt with at the EC level. Besides, in the case of gender much is taken for granted and, in many cases, specific knowledge is not taken into account at all. The relationship between the EWL and the Commission is also complicated because, as many commentators have pointed out, it is the Commission itself (through direct funding) that has facilitated the constitution of 'identity-based' organisations such as the Lobby (Woodward 2003: 77).

There is another important women's organisation at the EU level, this one working specifically on development issues. Created in 1985, **Women in Development Europe (WIDE)** is a European network of women's organisations, NGOs, gender experts, and activists acting in the development field. They define themselves as feminists and aim at influencing and monitoring economic, trade, and development policies and practices at the international level. They do so by lobbying (the EU as well as international institutions such as the UN and the World Trade Organization), networking, researching and disseminating knowledge, and capacity building.⁵⁰ Relations between WIDE and DG Development and Relations with African, Caribbean and Pacific States (DG Development) at the EC are quite regular, especially when a Communication or Action Plan dealing with gender issues is under process.⁵¹ Both the EWL and WIDE may work as knowledge sources at many stages in the policy-making process.

In December 2006, the European Parliament and the Council adopted the Regulation (EC) No 1922/2006 creating the **European Institute for Gender Equality (EIGE)** (European Commission 2007b: 8). The Institute was then established in May 2007. The mandate of the EIGE is to 'provide expertise,

⁵⁰ 'WIDE's mission is to articulate the relevance of the principles of gender equality and equity to the development process through research, documentation, information dissemination, economic empowerment, capacity building and advocacy, networking, and the organisation of conferences.' Available at <http://www.wide-network.org/index.jsp?id=11>, accessed in April 2011.

⁵¹ See interviews with policy director at EWL and gender coordinator at DG Development, May 2008.

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improve knowledge and raise visibility of equality between men and women'.⁵² Formally, the EIGE is an agency and is therefore independent from the Commission. However, the Commission is in charge of guaranteeing the nomination of the Institute's management board. Apart from this management board, on which there is one representative per Member State, the EIGE has an advisory body or 'Experts' Forum' in which each Member State, the EP, the Commission, the EWL, an EU-level employers' organisation, an EU-level workers' organisation, and a non-governmental organisation (NGO) at the Community level have appointed members.⁵³ The process of setting up the EIGE was quite long, and there was much discussion about its likely operation. The EWL was active in the process of constituting the EIGE and referred to the making of the EIGE in several reports and position papers. It asked, for instance, that civil society be included on the management board and in the advisory forum, that duplication of work be avoided between the future EIGE and other agencies and bodies (including the EWL itself), that links be strengthened between EIGE and other European agencies working on issues related to gender equality (for instance, the future Fundamental Rights Agency), and that EIGE's training capacity be strengthened (European Women's Lobby 2005b: 5).

Another actor to take into consideration is the **Committee of the Regions** (CoR). It was established in 1994 and has a consultative role on questions that affect the local and regional levels. When the Commission elaborates a proposal within policy areas dealing with such issues as economic and social cohesion, health, education, and social policy, among others, it must consult the CoR. And the CoR has the right to opinion. It has issued opinions regarding migration and women, for instance (Committee of the Regions 2007). The role of the Committee was reinforced with the Treaty of Lisbon.⁵⁴

Outside the institutional setting of the EU, the **Council of Europe** (CoE) is also a player in gender governance at the European level. Created in 1949 and based in Strasbourg, the Council of Europe comprised 47 countries in 2007. Since its creation, its mission has been to promote and protect human rights in Europe.⁵⁵ Functioning within the CoE are the European Court of Human Rights, the Parliamentary Assembly of the Council of Europe (PACE), and the Committee of Ministers. Agreements and conventions such as the European Convention of Human Rights of 1950 or the European

⁵² Available on <http://ec.europa.eu/social/main.jsp?langId=en&catId=418>, accessed in March 2011.

⁵³ See http://www.eige.europa.eu/expert_forum, accessed in March 2011.

⁵⁴ See e.g. <http://www.cor.europa.eu/pages/HomeTemplate.aspx>, accessed in March 2011.

⁵⁵ For a general introduction, see <http://www.coe.int/>.

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Social Charter of 1961 have been adopted by the Committee of Ministers, which is composed of the ministers of foreign affairs of the CoE member states. All the preliminary work for this Committee of Ministers is prepared by different intergovernmental expert committees, depending on the subject under consideration. One of those expert committees is the Steering Committee for Equality between Women and Men (CDEG) (Verloo 2005: 349). This committee organises its expertise in Groups of Specialists on different issues. The Group of Specialists on Mainstreaming is one such group, and in 1998 it produced a text (Council of Europe 1998) that is considered to be one of the foundational texts on gender mainstreaming at the EU level (Verloo 2005: 350–354). Even if within the Council of Europe itself the progress of the gender mainstreaming strategy has been rather slow (ibid.: 350), the text presents one of the most widely accepted and used definitions of gender mainstreaming (see also Council of Europe 2004).

Second Level of Gender Governance: The Practice of Mainstreaming

Within the Commission, the DG that formally deals with much of the gender equality agenda in general is DG Employment, Social Affairs and Equal Opportunities (DG Employment hereafter).⁵⁶ It does so, on the one hand, by formulating and overseeing legislation as well as implementing specific programmes aimed at improving equal opportunities and, on the other hand, by ‘ensuring that the gender issue is taken into account in all fields of Community action’;⁵⁷ that is, by coordinating and monitoring the

⁵⁶ In 2010, DG Employment, Social Affairs and Equal Opportunities became DG Employment, Social Affairs and Inclusion. For the sake of simplicity I will refer to DG Employment when dealing with both DG Employment, Social Affairs and Equal Opportunities (until 2010) and DG Employment, Social Affairs and Inclusion (from 2010 onwards). As this thesis covers the period 2005–2010, this change in denomination is not very relevant, especially because the portfolio of DG Employment remained the same during the whole period between 2005 and 2010. Only from January 2011 was the bulk of work, policies, programmes, and actions concerning gender equality transferred to the newly created DG for Justice, Fundamental Rights and Citizenship (DG for Justice or DG Justice). Also, the Strategy for Equality between Women and Men (2010–2015) was adopted on 21 September 2010, building on the experience of the Roadmap for Equality between Women and Men (2006–2010) (available at <http://ec.europa.eu/social/main.jsp?catId=422&langId=en>, accessed in March 2011). The creation of DG Justice in July 2010 was the result of the division of DG Justice, Freedom and Security into two separate DGs: DG Justice and DG for Home Affairs. In July 2010 four directorates were put in place within DG Justice: Civil Justice, Criminal Justice, Fundamental Rights, and Union Citizenship. It was in January 2011 that the Directorate for Equality was added to the structure of DG Justice (available at http://ec.europa.eu/dgs/justice/index_en.htm, accessed in March 2011; see also chapter 6 on Gender and Migration).

⁵⁷ Available at <http://ec.europa.eu/social/main.jsp?langId=en&catId=656>, accessed in May 2010.

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mainstreaming of gender in the different DGs of the Commission. Therefore, even if gender equality policy is to be mainstreamed within the Commission as a whole, it is DG Employment that sets the general objectives for each policy area and is in charge of coordinating and evaluating the strategy.

More specifically, within DG Employment, two Units deal with gender equality issues. These are the 'Equality between Women and Men' Unit and the 'Equality, Action against Discrimination: Legal Questions' Unit, both at Directorate G 'Equality between Men and Women, Action against Discrimination, Civil Society'. Through its 'Equality between Women and Men' Unit, and assisted by the Advisory Committee on Equal Opportunities for Women and Men, the High Level Group on Gender Mainstreaming, and the Commission's Inter-Service Group on Gender Equality, DG Employment coordinates the gender mainstreaming strategy and assists other DGs and services of the Commission to gender mainstream their policies.⁵⁸ The EU's strategy for the period 2006-2010 is to focus on a relatively few areas, which are expressed in the Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final) adopted by the Commission in March 2006 and coordinated by the 'Equality between Women and Men' Unit at DG Employment.

The **Roadmap** is a framework policy instrument, *the* mechanism or tool to coordinate the strategy of gender mainstreaming throughout all DGs. Given its significance as a framework policy document, an examination of it helps in understanding how gender mainstreaming works within the Commission. The Roadmap is the tool to monitor gender mainstreaming in the policy-making process in all of the different DGs, functioning as the framework for the mainstreaming of gender into policy proposals, programmes, and projects. The formulation, monitoring, and evaluation of the Roadmap are coordinated by the 'Equality between Women and Men' Unit at DG Employment. The formulation of the Roadmap in 2006 was the result of a process of consultation among gender officials at different DGs. DG Employment first asked all of the different DGs to contribute proposed actions within their policy areas, and then put together the Roadmap on the basis of these contributions. Part of the consultation for monitoring and evaluating the Roadmap is done at the meetings of the Commission's Inter-Service Group on Gender Equality, where likely objectives and actions are defined.

In sum, the Roadmap is the main framework for the process of mainstreaming gender in the period under examination. And it is formulated,

⁵⁸ Interview with gender coordinator at DG Employment, May 2008.

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coordinated, and evaluated by DG Employment. All policy proposals within every policy area in the Commission have to follow the directives set in the Roadmap. In this sense, DG Employment holds the power to define what gender mainstreaming is and how it should be implemented.⁵⁹

Nonetheless, even if DG Employment has a coordinating and monitoring role, each DG is responsible for mainstreaming gender into its policy proposals. As one of the interviewees at DG Employment puts it:

We are responsible to identify with the other DGs all the actions that will be implemented for gender equality for all the policies and then we are responsible for monitoring that, but of course it is always with the other DG involved in the implementation of those actions. So, we are responsible... we are coordinating the mechanism for gender mainstreaming in the Commission Services.⁶⁰

The Roadmap, then, is not a manual or a set of practical instructions to follow in order to properly mainstream gender in policy proposals. Rather, it is a sort of structure or framework that states fixed objectives for the period 2006-2010, and for each of those objectives, key actions are identified.

Every year, in order to evaluate the Roadmap, DG Employment releases a Work Programme (SEC(2007) 537; SEC(2008) 338; SEC(2009) 1113 final) with a follow-up to the Roadmap that specifies what has been done and what remains to be done for each priority area. The Work Programme, then, is an evaluation tool, and it too is coordinated by DG Employment. The dynamic of this Work Programme is that every DG informs DG Employment of what has been done and what remains to be done in relation to the objectives set in the Roadmap for each policy area. With this information, DG Employment then presents the Work Programme, which includes a table identifying all the actions, likely delays in their implementation, specific steps to follow, and the DGs responsible for each of the identified actions. Thus, in the Work Programme it is possible to see which DG is doing what.⁶¹

For instance, for the policy area of migration, one of the interviewees says:

This is for gender, you have the Roadmap and that's the main tool for mainstreaming that each DG, each... in every Unit, whenever proposing anything new, being legislation, being new funding, being any other non-legislative measure, we have to think whether is

⁵⁹ See more about the relation between the Roadmap and other policy proposals in chapter 3. Also, for further elaboration about the Roadmap and specific policy areas such as development cooperation and migration, see chapters 5 and 6 respectively.

⁶⁰ Interview with gender coordinator at DG Employment, May 2008.

⁶¹ However, it is important to note that this tool does not provide an assessment of policy impact. It is not about policy implementation but policy formulation.

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related to gender and if so, then have to write it down and then they follow up, those people from the Gender Unit [at DG Employment]. They keep asking you: 'So, OK, what happened? How did you take it into account? What specific things you found for gender issues.' [...] In practical terms it looks like they have this Gender Mapping [the Roadmap] and they ask all the DGs to put it with regards to the specific activities, their specific objectives, actions, and the target deadlines and so on and to tell if those programmes are, or legislations or wherever they do – their actions – are related to, by any means, gender questions. So, then in practical terms, what everybody in the European Commission does is to update these [tables for the Work Programme]. [...] In practice there is a Communication from the Commission, a couple of pages and it has extensive tables. [...] In those tables you really could see what the Commission does, which the Commission regards as related to gender issues. That's what we do, that's one of the basic things we have to do on a permanent basis: to update this information...⁶²

I will now examine more in detail different actors and other structures working at this level, trying to identify who does what and in relation to whom. During the period under examination, it was mainly the Roadmap and the Work Programmes that operated as structures gluing together different actors around gender work.

I have already referred to the Advisory Committee on Equal Opportunities for Women and Men, the High Level Group on Gender Mainstreaming, and the Commission's Inter-Service Group on Gender Equality. These three bodies work closely with the 'Equality between Women and Men' Unit at DG Employment to coordinate the gender mainstreaming strategy and to assist other DGs in gender mainstreaming their policies.

The Advisory Committee on Equal Opportunities for Women and Men was created in 1981 by a Commission Decision (82/43/EEC) to establish an arrangement for regular consultation and evaluation of EU gender equality policies (COM(2006) 92 final: 18). The Committee has no decision-making power but works as adviser to the EC.⁶³ It is formed by representatives of Member States, social partners at the EU level, and NGOs.⁶⁴ The Committee collaborates with the EC in the formulation and implementation of activities for the promotion of equality between women and men. The Advisory Committee 'fosters ongoing exchanges of experiences, policies, and practices

⁶² Interview with gender coordinator at DG JFS, May 2008.

⁶³ Interview with policy director at EWL, May 2008.

⁶⁴ Available at <http://ec.europa.eu/social/main.jsp?langId=en&catId=418>, accessed in December 2010. See also interview with policy director at EWL, May 2008.

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between Member States and the various parties involved'.⁶⁵ In order to do so, the Committee 'delivers opinions to the Commission on issues of relevance to the promotion of gender equality in the EU'.⁶⁶

Since 2001, the **High Level Group on Gender Mainstreaming**, formed by ministers from Member States, has been meeting twice a year to discuss gender equality issues in relation to employment (questions such as the gender pay gap), work on drafts of the annual EU Report on Gender Equality, and follow up the UN Beijing Platform for Action, looking specifically at the evolution of Beijing indicators.⁶⁷

Created in 1996, the **Inter-Service Group on Gender Equality** brings together representatives from all the Commission services (COM(2006) 92 final: 18). Each representative for each of the Commission Directorates participating in the Inter-Service Group is usually the person in charge (at least partially) of gender issues within his/her DG. DG Employment is in charge of coordinating the regular meetings of the Inter-Service Group, which take place about four times per year. The Group's core activities are to coordinate and implement the introduction of gender mainstreaming into all policies and programmes at the Commission level, which includes also coordinating the activities connected to the Roadmap and the yearly Work Programmes on gender equality (follow-up to the Roadmap) prepared by all Commission services (COM(2006) 92 final: 18).⁶⁸ This coordination of the Work Programmes involves not only monitoring the implementation of the strategy set in the Roadmap but also sharing experiences and best practices (European Women's Lobby 2007b: 13).

The work of the Inter-Service Group on Gender Equality within the Commission seems to be central to the elaboration, implementation, and following up of the Roadmap. Besides this, the Inter-Service Group maintains contacts with other groups working on gender issues at the Commission level (COM(2006) 92 final: 12). Nevertheless, not much information about the functioning of the group is available. The EWL has several times referred to this lack of visibility: 'The work of the group is not very visible, thus there is limited possibility to influence the process and evaluate the results' (European Women's Lobby 2007b: 14). One of the interviewees, policy director at the EWL, articulates her concerns:

⁶⁵ Available at <http://ec.europa.eu/social/main.jsp?langId=en&catId=418>, accessed in December 2010. See also interview with policy director at EWL, May 2008.

⁶⁶ Available at <http://ec.europa.eu/social/main.jsp?langId=en&catId=418>, accessed in December 2010. See also interview with policy director at EWL, May 2008.

⁶⁷ Interview with gender coordinator at DG Employment, May 2008.

⁶⁸ See also interview with gender coordinator at DG Employment, May 2008.

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There is something that is called Inter-Service Group on Gender Mainstreaming and they are in charge of... they seem to be in charge of coordinating what is done, but we know very little about what they are doing. [...] If mainstreaming is to be taken seriously, the work of that group should have a higher status and should be more visible, it's very difficult to have information at all of what they are doing. Because there is not a web site, the meetings are not public, we've been asking if it was possible to participate or... our organisation, because we thought it could be good to know these people so that we can maybe to support that group, it could be interesting for them as well, and that is not possible.⁶⁹

These criticisms have arisen on many occasions in interviews. Conflicts are always present (open or latent) between the different actors involved in policy-making. There are contacts and 'good relations' between the EWL and Commission officials in different bodies. However, the EWL is quite critical of all the mechanisms in general within the EC: 'While some new mechanisms for gender equality have been set up within the European Commission since 2000, their efficiency is hampered by lack of adequate human and financial resources, inadequate training, an unclear mandate and the absence of effective political leadership at the highest level' (European Women's Lobby 2005: 3).

At the Commission level there is also the **Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities**. The group of Commissioners was created in 2005 on the initiative of the President of the Commission (Juan Manuel Barroso) and brings together those Commissioners who deal with policies related in some way to gender (COM(2006) 92 final: 18).

There is also a **Network of Experts** created in 2007. It is actually two different networks of experts from all 27 Member States that give external gender expertise to the Commission (more specifically to DG Employment) in the form of policy-oriented research in the field of gender equality. One of the networks deals with employment and gender equality issues and the other focuses on gender equality, social inclusion, health, and long-term care. The expert knowledge produced is to a great extent independent of the Commission, as it does not necessarily express EC position or opinion.⁷⁰

Also providing knowledge and advice is the **Bureau of European Policy Advisers** (BEPA) at the EC. Restructured and working under this name since

⁶⁹ Interview with policy director at EWL, May 2008.

⁷⁰ See <http://ec.europa.eu/social/main.jsp?catId=748&langId=en>, accessed in December 2010.

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2004,⁷¹ BEPA's main function is to elaborate policy analysis and provide advice to DGs, Commissioners, and the President of the Commission.⁷² Gender is one of the issues about which knowledge is produced to influence policy-making. Thus, the gender expert at BEPA elaborates reports, keeps the President of the Commission updated on gender issues, reacts to Commission proposals, and advises other Commission services.⁷³

Third Level of Gender Governance: The Policy Areas

Within the specific policy areas of development cooperation and migration, some other actors are also at work. There is at least one gender coordinator responsible, among other things, for gender issues within each policy area. In the case of development, the gender coordinator usually does things like 'looking at different Commission strategies and policies and giving gender inputs to them'⁷⁴ or 'preparing briefings and speeches for the Commissioner and other high-level functionaries at the DG who have to negotiate on gender issues or to hold a speech, because they are very often invited to talk on gender'.⁷⁵ Similar tasks are performed by gender coordinators at DG JFS: that is, giving gender input in relation to different service proposals, producing gender briefings for the superiors, and also reacting to reports from other bodies like the Committee of the Regions or the European Parliament.⁷⁶

The dynamics of the relationships between these gender officials and, for instance, the EWL or WIDE are quite informal and intermittent. Gender governance can be said to be informal by definition (Woodward 2003), and contacts among different actors in governance do not occur on a regular basis. As general rule, contacts are initiated by the EWL or WIDE (in the specific case of development cooperation). If the formulation of a policy proposal is going on, contacts are more frequent. Otherwise, if there is nothing pending on the agenda, contacts hardly occur. In this context, then, one of the main activities of the EWL and WIDE consists precisely of pushing issues onto the agenda. Peters, following the 'garbage can model',

⁷¹ For an account of BEPA's beginnings, see http://ec.europa.eu/bepa/about/history/index_en.htm, accessed in December 2010.

⁷² See http://ec.europa.eu/bepa/about/index_en.htm, accessed in December 2010.

⁷³ Interview with senior gender expert at EC, May 2008.

⁷⁴ Interview with administrator working with gender issues at DG Development, May 2008.

⁷⁵ Interview with administrator working with gender issues at DG Development, May 2008.

⁷⁶ Interviews with gender coordinator for migration and asylum at DG JFS and with coordinator for fundamental rights for the whole DG JFS, May 2008.

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argues that agenda-setting is always a crucial aspect of policy-making, but especially so in contexts where, as in the EU, decision situations are more unstructured and very much depend on the 'confluence of streams of problems, solutions, opportunities and actors' (Peters 2002: 21, 9). Here, the EWL and WIDE have been skilful in both creating and using windows of opportunity for the advancement of a gender equality agenda.

Since 1999, the Commission has been organising meetings of the **Informal Group of Experts on Gender Equality in Development Cooperation**. This group brings together gender experts from different Member States to discuss policy developments in relation to gender and development in the context of the EU (COM(2006) 92 final: 18).

Within the area of development cooperation there is great emphasis on fostering collaboration with women's organisations, in particular when it comes to the elaboration of countries' development strategies, which are set forth in Country Strategy Papers (CSPs). Delegations (in partner countries) are supposed to include women's organisations and civil society organisations (CSOs) in the process of negotiation, policy dialogue, and the formulation and monitoring of CSPs (European Commission 2008: 6–8).⁷⁷

In each of the Commission delegations involved with external relations there are focal point persons whose work is more or less framed by gender manuals; they receive gender training, carry out awareness-raising activities, and disseminate best practices in gender issues.⁷⁸ These gender focal point persons are brought together at the **Informal Network of Gender Focal Points**. The network includes representatives from all DGs dealing with external relations⁷⁹ and also representatives from EC delegations (COM(2006) 92 final: 20). By 2007 there was another informal group within external relations as well, this one, the **Inter-Service Group for Gender**

⁷⁷ As the 2008 Programming Guide for Strategy Papers specifies, 'The operationalisation of a gender-sensitive approach in the programming process requires a strong gender analysis and country profile, the integration of gender issues in the political and policy dialogue; [...] and promoting civil society participation (particularly women's groups and networks). The gender analysis and the outcome of the consultations with women's civil society groups should inform all sections of the CSP to ensure that gender inequalities are effectively addressed throughout the EC general development strategy' (European Commission 2008c: 8). See e.g. the education strategy for Sudan 2005-2007 and the proposed role of NGOs in gender training and awareness raising (European Commission 2005c: 24).

⁷⁸ Interviews with administrator working with gender issues at DG Development and gender coordinator at DG Employment, May 2008.

⁷⁹ The Relax Group includes all of the six DGs working within the area of External Relations, i.e. DG Development, DG External Relations, DG AidCo (EuropeAid – Co-operation Office), the European Community Humanitarian Aid Office (ECHO), DG Enlargement, and DG Trade. The acronym 'relex' comes from the French abbreviation for 'External Relations'.

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Equality in External Relations, working at the director level and aiming to get the management level committed to gender issues.⁸⁰

In the area of migration there are no specific actors at work, apart from the gender coordinators within DG JFS. In the specific case of trafficking, there is the Expert Group on Trafficking in Human Beings. Although it does not have a particular focus on gender, its opinions are usually relevant to gender questions. This Expert Group 'is a consultative group that has been set up in 2003 and consists of 20 persons appointed as independent experts' (COM(2006) 92 final: 20). The Expert Group has a consultative character and it formulates Opinions and Reports to the Commission on specific topics related to trafficking in human beings, always within the framework of the Brussels Declaration (ibid.).

The EWL has been noting the lack of channels of participation for migrant women's organisations and NGOs active in the field, and is therefore pushing for greater participation by those organisations. According to the EWL, EU institutions should 'guarantee' the involvement of migrant women's NGOs in the formulation, follow-up, and evaluation of EU immigration policies (European Women's Lobby 2004: 9). On the other hand, the EWL also acknowledges that there is still much to be done by the NGOs and women's organisations in terms of the empowerment of migrant women (European Women's Lobby 2007a). And even within the EWL itself, the integration of migrant women needs to be strengthened: 'Solidarity between women's organisations and migrant women's organisations should be reinforced, including by opening EWL to migrant women's organisations, in order to guarantee to migrant women a representation at European level' (European Women's Lobby 2007a: 13).

Final Comments

Gender governance is complex, flexible, dynamic, informal, and always changing. Gender governance and the policy-making process itself include different levels of structures (basically, institutional arrangements, legislation, and policy instruments) that function as a framework for gender work, as well as organised actors (including bodies, agencies, committees, informal groups, and networks), 'femocrats', academics, organisations such as the EWL or WIDE, and policy-makers within EU institutions (Commission officials who are not necessarily 'femocrats').

⁸⁰ Interview with administrator working with gender issues at DG Development, May 2008.

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As gender governance is flexible and changing, those who occupy these positions may move from one to another: academics who participate in networks of experts within the Commission may later be in an organisation such as the EWL and vice versa (Woodward 2003). Policy instruments and mechanisms function as a framework within which gender work is done. Knowledge and information play a central role in gender governance, while power and conflict are constitutive of its dynamics.

There is a certain bureaucratic overlap among these institutions and actors when it comes to gender governance; I try to express this through figure 2 below. The boundaries between roles and functions of different EU policy-making institutions are not plainly defined. This overlapping occurs not only among institutions such as the EC, the EP, and the ECJ but especially among different groups, bodies, agencies, or lobbies such as the EIGE and the EWL.

However, even if actors and institutions overlap in the governance of gender, all these actors, institutions, and bodies are not at the same level in terms of influence, and relations of power/authority exist among them. They do not all have the same power to define the 'problem' of gender (in)equality or the same degree of influence in policy formulation or law enforcement. As stated at the beginning of this chapter, the EC is the 'main actor' in gender governance. And it is the main actor because it is the EC that produces the Roadmap, coordinating and evaluating its implementation. This applies, however, to the policy strategy of gender mainstreaming. When it comes to equal treatment legislation, it is the ECJ that concentrates most regulatory power by means of law enforcement. In fact, the two institutions govern different objects, i.e. gender mainstreaming and equal treatment legislation, respectively (see the section on governance and gender governance above).

Are some actors more influential than others when it comes specifically to the strategy of gender mainstreaming? In the case of the mainstreaming strategy, the EC certainly has the most important role. The EC has power over the definition of the strategy of gender mainstreaming. But even within the EC, not all DGs have the same kind of role and degree of influence; DG Employment coordinates, monitors, and evaluates the Roadmap (and therefore the strategy of gender mainstreaming) throughout the EC. And at the EC level there are other actors, such as the Inter-Service Group on Gender Equality, which also coordinates the gender mainstreaming strategy; the other DGs; the Advisory Committee; BEPA; Groups of Experts within specific issue areas; and other informal networks. In addition, the EWL, WIDE, EIGE, and the FEMM Committee at the EP also play influential roles, in particular as producers of knowledge. This may also be an empirical question, however, because the different levels of influence may depend on

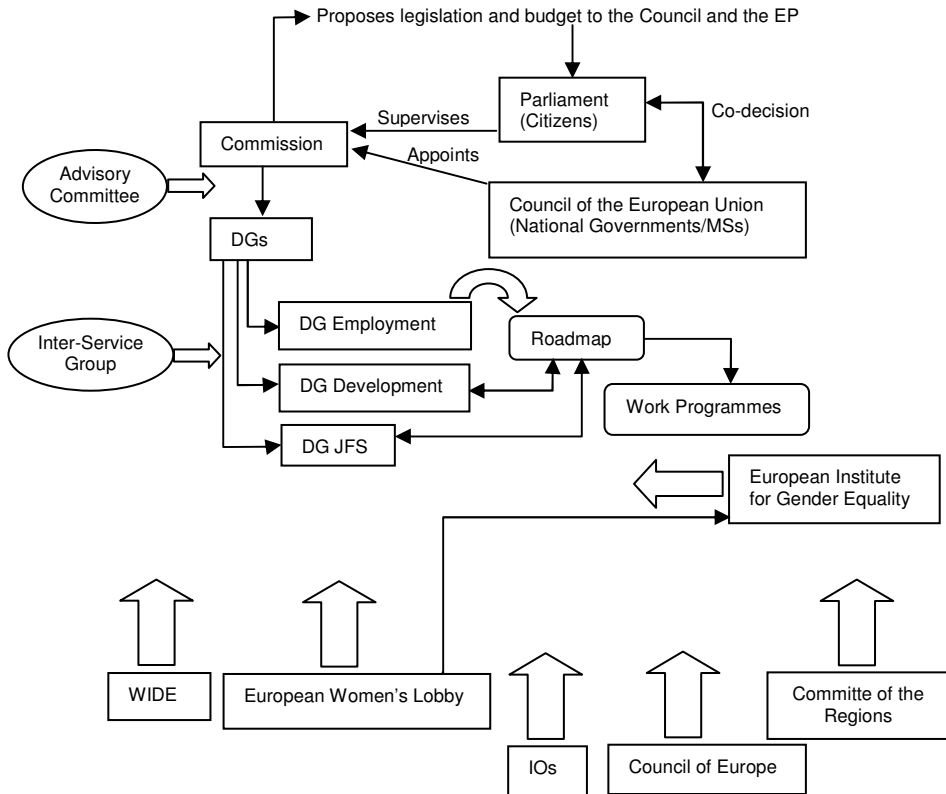
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the specific policy area at issue. For instance, WIDE has a certain degree of influence in the development policy area, and it may have none in connection with other policy areas. Hence, it is difficult to determine which of these actors is more influential in the governance process, for each of these actors has a different role (even though these roles may overlap), and the process of policy formulation always entails power struggles and negotiations in which positions are (re)defined.

In any case, how the bureaucratic overlapping occurs is an empirical question and, as such, it will be taken up as I present the analysis of the material. I would hypothesise that the bureaucratic overlapping may be related both to the question of gender mainstreaming versus a focus on women (or specific actions): either mainstreaming is something for which all actors are responsible or there should be specific units responsible for women's issues; and to the apparent failure of gender mainstreaming: by creating new units, EU actors in the gender governance system intend to solve flaws in gender mainstreaming (the creation of the EIGE can be seen in this light). The question, in sum, would be: How do these actors relate/overlap/complement each other at the level of practice of policy formulation in the context of the gender mainstreaming strategy, and how does this overlapping or complementarity influence different discourses of gender equality?

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Figure 2: Actors in gender governance⁸¹



⁸¹ Figure 2 summarises the actors taking part in gender governance at the EU level, including the relationships among actors and structures (relations of power/authority).

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Figure 3: Gender governance system⁸²

<p>EU Gender Governance System</p> <p>Aim of gender governance system → Equality between women and men (gender equality as a core EU value)</p>	
<p>Problem definition / Solution⁸³</p>	
<p>Problem definition</p>	<p>Inequality between women and men. Gender inequality is caused by male-centred systems and structures. Institutions and structures constitute the root of individual and group disadvantage.</p>
<p>Solution (strategies)</p>	<p>Dual-track approach: Transform the gender hierarchy by incorporating a gender perspective into all systems and structures, policies, programmes, processes, and projects, and into ways of seeing and doing and into cultures and their organisations (gender mainstreaming). Also implement specific measures to address specific problems caused by disadvantaged starting positions (positive action). Equal treatment legislation still in place. Tools and mechanisms to tackle inequality vary among policy areas.</p>
<p>Organisational dimension⁸⁴</p>	
<p>Actors taking part in gender governance – bodies, policy-makers, and experts</p>	<p>All actors involved in the policy-making process (mainstreaming principle). High-level officials as well as desk officers. At general level: Commission, Council, and Parliament; also Gender Agencies, Lobbies, and Women's Organisations. At second level: Committees and Inter-Service Groups at Commission level (special gender equality units and programmes at some DGs). At third level:</p>

⁸² Based partly on the classification by Burns and Stöhr (2010), Figure 3 summarises the main components of the gender governance system.

⁸³ The analysis of the problem representations is presented throughout the thesis, including the examination of the policy areas migration and development cooperation. Within the limits of this chapter there is only a general reference to this aspect (presented in this table) while the organisational dimension of governance is dealt with.

⁸⁴ The organisational dimension also includes the relationships among actors and structures (relations of power/authority) and the internal dynamics of decision-making, including deliberation and conflicts over knowledge (see figure 2).

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	<p>gender coordinators at most DGs.</p> <p>Gender experts acting at all three levels – networks of specialists, experts in agencies (EIGE), social scientists, knowledge produced by EWL and NGOs as well as WIDE in the case of development.</p>
<p>Frameworks, structures, instruments, and mechanisms at work</p>	<p>Institutional arrangements, administrative rules, policy mechanisms and instruments, legislation, white papers, green papers – the Roadmap is the main structure in the governing of gender, period 2005–2010; also other Commission Communications, programmes, and instruments such as the Work Programmes, gender manuals, benchmarking, best practices, awareness raising activities, and reports such as the yearly Reports on Gender Equality.</p>

3

Methodological Approach and Conceptual Model of Analysis

Introduction

In this chapter I present the analytical framework of my research and discuss some aspects of discourse analysis that will be applied. I further present Bacchi's approach to policy analysis (1999, 2009) that was introduced in chapter 1 and I define discourse and discourse analysis following mainly Fairclough (2010). I also describe the material under analysis, including a list of interviews, a list of documents, and a figure presenting the main policy documents analysed and the relation between them.

The Model of Analysis

As mentioned in chapter 1, this thesis aims to investigate how the 'problem' of gender (in)equality is represented in policy proposals and to identify the discourses of gender equality elaborated in the context of the gender mainstreaming strategy. The idea is that policies are discourses that give shape to policy problems. Policies represent 'problems' in a specific way. How a problem is represented has consequences for 'how the issue is thought about and [...] how the people involved are treated' (Bacchi 2009: 1). Those are the 'effects' – subtle effects, by definition – of 'problem' representations. That is why it is important to uncover the assumptions and presuppositions lodged in policy proposals. As Bacchi puts it, 'The task is to identify *deep conceptual premises* operating within problem representations' (ibid.: xix). More specifically, 'Looking at what is proposed as a policy intervention will

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reveal how the issue is being thought about' (ibid.: 3). The analysis should thus proceed from what the concrete proposal is within a given policy to finding out what the 'problem' is represented to be in that proposal (ibid.). In other words, identifying the concrete policy intervention would show how the 'problem' is understood. This is a complex endeavour, as policy proposals usually contain more than one 'problem' representation and, moreover, these representations are often contradictory or competing (ibid.: 4). It is also important to take into account the origins and context of 'problem' representations and to identify what is left unproblematised in the 'problem' representations under scrutiny (ibid.: 10–13). A rough step-by-step guide, following Bacchi, would look like this:

- i. Identify problem representation/s by looking at what concrete action/s is/are proposed for dealing with the 'problem' (Bacchi 2009: 2–4).
- ii. Identify and critically analyse/assess the understandings (presuppositions and assumptions, and from there the conceptual premises or 'conceptual logic') that lie behind that 'problem' representation/s: 'What is assumed? What is taken-for-granted? What is not questioned?' (ibid.: 5)
- iii. Identify 'the conditions that allow a particular problem representation to take shape and to assume dominance' (ibid.: 11), that is, the practices and processes that have brought about specific problem representations (ibid.: 43). This implies an analysis of the context of 'problem' representations (see chapter 2). The process of identification also involves examining the 'origins, history and mechanisms' of problem representations (ibid.: 12). Questions such as 'When did gender inequality start being a 'problem'?' and 'How did gender inequality come to be a 'problem'?' can be formulated here.⁸⁵
- iv. Identify what aspects are left unproblematised in the given problem representation, what issues and alternative perspectives are being silenced within this representation of the problem (ibid.: 12–14). Some speculation would be needed at this point (ibid.: 40). Making reference to other theories and accounts framing or interpreting the 'problem' would be useful (ibid.: 66).
- v. Identify the effects of problem representations: 'the ways in which subjects and subjectivities are constituted in discourse' (ibid.: 15)

⁸⁵ In this regard, chapter 1 has traced the policy developments and presented an account of which policies and proposals set the stage for gender mainstreaming and some of the representations of the 'problem' of gender (in)equality within that context.

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and 'the effects which follow from the limits imposed on what can be thought and said' (ibid.: 15–17).

- vi. Consider how and where 'problem' representations were produced and became dominant. And how they can be questioned (ibid.: 19, 48). Is it there room for change?

As Bacchi argues, focusing on representations – and therefore presuppositions, assumptions, conceptual grounds, context, silences, and effects – requires a focus on discourse (1999: 2). That is, finding out representations within policy proposals requires an analysis of discourse. Bacchi defines discourse as 'the language, concepts and categories employed to frame an issue' (ibid.).

Discourse Analysis

Norman Fairclough (2010) provides some useful insights for undertaking a more detailed discourse analysis. I will not follow his extended model in full, but I will use what I find helpful for my analysis. Fairclough understands discourse as social practice (ibid.: 64). It is the practice of constituting social reality by representing and signifying the world (ibid.). As he says:

Discourses do not just reflect or represent social entities and relations, they construct or 'constitute' them; different discourses constitute key entities (be they 'mental illness', 'citizenship' or 'literacy') in different ways, and position people in different ways as social subjects (e.g. as doctors or patients), and it is these social effects of discourse that are focused upon in discourse analysis. (ibid.: 3–4)

Fairclough tries to combine language analysis and social theory in his approach to discourse analysis. His concept of discourse and discourse analysis is three dimensional. As he describes it:

Any discursive 'event' (i.e. any instance of discourse) is seen as being simultaneously a piece of text, an instance of discursive practice, and an instance of social practice. The 'text' dimension attends to language analysis of texts. The 'discursive practice' dimension [...] specifies the nature of the processes of text production and interpretation, for example which types of discourses [...] are drawn upon and how they are combined. The 'social practice' dimension attends to issues of concern in social analysis such as the institutional and organizational circumstances of the discursive event and how that shapes the nature

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of the discursive practice, and the constitutive/constructive effects of discourse. (2010: 4)⁸⁶

In other words, discourse analysis must include not only the analysis of the text but should also comprise the analysis of the processes of text production, distribution, and consumption, including the identification of discourse/s in the text, as well as the analysis of the social effects of discourse (Fairclough 2010: 56). This implies that in the process of doing discourse analysis, there is a continuous shift in focus from the text under examination (text analysis) to the different types of discourses that appear within it (discursive practice dimension) to the social conditions and effects of these discourses (social practice dimension) (ibid.: 231).

Text Dimension of Discourse

Fairclough uses the term text 'to refer to any product whether written or spoken, so that the transcript of an interview or a conversation, for example, would be called a "text"' (2010: 4). The analysis of discourses as texts, i.e. analysing the *text dimension of discourse*, includes (here I am only referring to those aspects presented by Fairclough that I find useful for my analysis) identifying the text's general thematic structure and its assumptions (ibid.: 236). More specifically, this text analysis entails paying attention to aspects of interactional control (ibid.: 152–158, 234–235), which is relevant for the analysis of interviews in particular; cohesion (ibid.: 174–177, 235); transitivity (ibid.: 177–185, 235); word meaning (ibid.: 185–190, 236); and wording (ibid.: 190–194, 236–237). The analysis of a text deals with words, grammar (that is, words combined into clauses and sentences), cohesion (that is, how clauses are linked together to form sentences and how sentences are also linked to each other, making up the structure of the text), and the whole structure of the text under analysis (ibid.: 75). All of this implies dealing with word meaning and more formal properties of the text as well as questions of text production and interpretation, both of which are part of what Fairclough calls the discursive practice dimension.

⁸⁶ The term 'discourse' is used to refer to this three-dimensional understanding of discourse. Discourse can also be used when talking about a given discourse, i.e. a discourse of gender equality. Also, the idea of 'discourse practices' of organisations is useful (Fairclough 2010: 5).

Key Concepts and Categories

Policies contain concepts (Bacchi 2009: 8). Key concepts presented in policies usually are contested concepts and, therefore, different competing meanings are assigned to them. Hence, as part of the analysis, it is necessary to ‘identify key concepts in problem representations and to see which meanings are given to those concepts’ (ibid.). The identification of key terms, key words, or key (contested) concepts usually constitutes a first step into the analysis. For instance, Bacchi shows how ‘welfare dependency’ and ‘mutual obligation/dependency’ work as ‘keywords’ in Australian welfare policy by emphasising citizens’ responsibilities instead of rights and constituting the opposite ‘deserving *active* citizens’ versus ‘undeserving *passive* citizens’ (ibid.: 60–61, emphasis in the original).⁸⁷ Working together with key concepts, categories, and categorisations are central in policy-making. Categories such as women or citizen help to organise a given understanding of policy ‘problems’. The task, then, would be to identify how the categories ‘function to give particular meanings to problem representations’ (ibid.: 9).

Word Meaning

Regarding word meaning, it is important to keep in mind that ‘words typically have various meanings, and meanings are typically “worded” in various ways’ (Fairclough 2010: 185). Those who are to produce a text have to choose meaning for words and words for meanings (ibid.). This is a complex question: ‘The meanings of words and the wording of meanings are matters which are socially variable and socially contested, and facets of wider social and cultural processes’ (ibid.). A word has different meaning potentials that can be identified in texts (ibid.: 187). That is why it is important to establish the meaning of ‘key words’ as part of the analysis of discourses (ibid.: 236). Some of the key words, key concepts or categories whose meanings I seek to identify in policy texts are gender, women, poverty, trafficking, and victim, among others. I try to find the word meaning of these concepts or categories and to identify which other concepts they are associated with or which terms are used in defining them.

⁸⁷ The concept of ‘empowerment’ presented within development policy (see chapter 5) can be thought of as a key word in this sense.

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Wording

When it comes to wording, there are always alternative ways of signifying what a word means (Fairclough 2010: 193–194). The idea is that different wordings (and the relation between them) can be identified in texts and compared.⁸⁸ I thus identify wordings of gender equality, gender inequality, gender mainstreaming, and women’s empowerment, among other key terms. For example, alternative and competing wordings of gender equality can be found: gender equality as a ‘means’ to economic growth (efficiency discourse of gender equality), or as a ‘human right’ or a ‘value’ in itself (human rights discourse of gender equality), or as a ‘means’ for integration and social cohesion (economic independence–labour market discourse of gender equality).⁸⁹ Different wordings carry different meanings and thus signify reality differently. This is part of the process of the constitution of reality – although, as Fairclough points out, there is a dialectical relation between the constitutive capacity of discourse and the ‘objective’ conditions upon which this constitution work is done (ibid.: 65, 191). Words are not floating in the air but refer to specific processes, practices, and social relations.

Binaries

There are different interpretative perspectives underlying different wordings and these should be identified as part of the analysis as well (Fairclough 2010: 237). As Bacchi proposes, the idea is to uncover underlying assumptions and presuppositions contained in ‘problem’ representations (Bacchi 2009). Policies create meaning (ibid.: 7). They construct ‘problems’ through discourse/s. It is therefore necessary ‘to engage in a form of discourse analysis, identifying and interrogating the binaries, key concepts and categories operating within a policy’ (ibid.). About binaries, Bacchi specifies:

A good deal of public debate rests on binaries or dichotomies.⁹⁰ Consider as examples: nature/culture, public/private, national/international, mind/body, male/female, equality/difference, economic/social, licit/illicit, responsible/irresponsible, legal/illegal. [...] what is on one side of a binary is considered to be excluded from the other side. Invariably binaries simplify complex relationships. Hence, *we need to watch where they appear in policies and how they function to shape the understanding of the issue.* (ibid.: 7, emphasis in the original)

⁸⁸ Fairclough refers also to overwording, when more than one wording is offered in the same discourse sample (ibid.: 193), and rewording, when new wordings are generated as alternatives to existing ones (ibid.: 194).

⁸⁹ See chapters 4, 5, and 6.

⁹⁰ Remember Connell’s critique of different theories on gender (chapter 1).

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Binaries that I identify are, for instance, male/female, economic/social, equality/difference, desirable/undesirable, and wanted/unwanted.

Agency and Nominalisation

The analysis of agency in discourse is also a useful element to take from Fairclough's model of discourse analysis (2010: 178ff.). The issue here is to identify which perspective is adopted by the text (ibid.: 179). In the case of my material, questions that should be asked are: Do texts talk about women from their perspective, as active agents, or do texts instead refer to women as targets of policies, as passive recipients of policies? Are women in my material referred to as agents? Are they active participants in action processes? (See, for instance, ibid.: 178, 181.) I may find differences in this regard between different types of texts – interviews, texts produced by WIDE, by EWL, or by the EC. Closely related to agency are questions of nominalisation, process, and participants in texts (ibid.: 179, 182). Fairclough defines nominalisation as 'the conversion of processes into nominals, which has the effect of backgrounding the process itself – its tense and modality are not indicated – and usually not specifying its participants, so that who is doing what to whom is left implicit' (ibid.: 179). Hence, actions and processes are converted into states and objects through nominalisation (ibid.: 182), erasing both the process and the agent (ibid.). This is the case, for instance, when poverty is represented not as a relational process but as a state, a 'natural' fixed condition. All this can be identified in texts by looking at what kinds of processes are alluded to in clauses: action, event, relational or mental processes (ibid.: 180–181). For instance, action clauses are generally used to indicate action with a purpose, while event clauses emphasise the event itself, thus eliminating who makes it happen, who is responsible for it. The use of the passive voice also produces the omission of the agent (ibid.: 181). The factors of agency, nominalisation, and use of passive or active voice that will be analysed are part of what Fairclough calls 'transitivity' (ibid.: 235). Through looking at these aspects, questions of causality and attribution of responsibility can also be identified (ibid.: 236).

The issue of agency is related to what Bacchi identifies as effects of problem representations (see point v of the guide above) – in particular, the question of subject positions made available in discourses. The idea here is to identify and to critically analyse the subject positions being constructed and presented in policies. For instance, which are the target groups in policies, in which terms are the targets of policies being defined? And, related to this, who is

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held responsible for the ‘problem’? Here, the (very common) process of individualisation of ‘social problems’ implies that those who are the target of policies are, at the same time, responsible for their ‘problem’ (see, for instance, Bacchi 2009: 16–17, 63–67). The identification of agency and the examination of the effects of problem representations are also to be investigated as part of the social practice dimension of discourse analysis (see below).

Discursive Practice Dimension of Discourse

Attending to the *discourse (or discursive)*⁹¹ *practice dimension* of discourse involves taking into consideration processes of text production, distribution, and consumption. In other words, the *conditions* and context of discourse practice are to be explored: how texts are produced, distributed, and consumed or interpreted (Bacchi 2009: 78–80, 233). The context described and analysed in chapter 2, the governance of gender, is important for an understanding of the discursive practice dimension of discourse. It should be kept in mind which actors and structures are involved in the governance of gender and thus in the production and distribution of discourses of gender equality. The idea is that ‘texts are produced [consumed, and distributed] in specific ways in specific social contexts’ (ibid.: 78). More specifically, the analysis of discursive practice requires examining aspects of intertextuality and interdiscursivity.

Intertextuality

Intertextuality (Fairclough 2010: 101–136, 233) refers to the ways in which texts use previous texts, transforming them and thus changing current discourses and genres and even creating new ones (ibid.: 102). This can be the case, for instance, when a policy proposal refers explicitly to another policy document or when a theory of gender (see chapter 1) is drawn upon or referred to explicitly or implicitly in the policy text under analysis. Intertextuality can be seen as a way, for a text, of incorporating or responding to or ‘having a discussion’ with other texts (ibid.: 103). Manifest intertextuality is a dimension of intertextuality and it occurs when a text draws upon other text/s in an explicit way (ibid.: 117). Its analysis thus includes the identification of the texts that are drawn upon for the construction of the text under analysis (ibid.: 233). This can also be thought

⁹¹ Throughout Fairclough’s work (2010), discourse practice and discursive practice appear to be used interchangeably.

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of in terms of the negotiation of meaning that is always behind a text, so that when a text is being analysed, different voices can be identified. Fairclough has a further reflection on intertextuality that is of interest:

Intertextuality is the source of much of the ambivalence of texts. If the surface of a text may be multiply determined by the various other texts which go into its composition, then elements of that textual surface may not be clearly placed in relation to the text's intertextual network, and their meaning may be ambivalent; different meanings may coexist, and it may not be possible to determine 'the' meaning. (ibid.: 105)⁹²

A common form of intertextuality is discourse representation. This occurs when a text contains explicit references to another text, or parts of it, by quoting it or using reporting clauses (ibid.: 107). Discourse representation can be used as well to articulate different discourse types (ibid.: 113), and it is also used between texts from different levels or belonging to different bodies of texts (see below). In this way, texts from particular policy areas (development cooperation or migration) are related to more general texts (framework documents, for instance), or to 'pioneering' texts such as the 1996 Communication, or to texts by the EWL.

Interdiscursivity

The combination of different types of discourses within a text is called interdiscursivity or constitutive intertextuality (Fairclough 2010: 114–115). Put differently, interdiscursivity (ibid.: 114–130, 232) refers to the process by which a given type of discourse is constituted by a mix of different pre-existing discourse types or elements of them (ibid.: 114–115, 118). Interdiscursivity means that different discourse types coexist within a text. The analysis of interdiscursivity requires finding out what discourse types are being drawn upon in the text under analysis. Genres and styles can be mixed as well.⁹³ Some questions to answer here would be: Is there more than one discourse type present in the text? Can the text be defined according to a discourse type? (See, for instance, ibid.: 232.) It is important to keep in mind that within a given institution, different discourses can coexist in texts; they can be ambivalent, competing, contradictory, complementary, and so forth. Many of the texts analysed later in this thesis show the coexistence of different discourses of gender equality (efficiency discourse of gender equality, economic independence–labour market discourse of gender

⁹² Note that 'the' is in quotation marks, as there is never only one meaning or 'a true meaning'.

⁹³ See Fairclough (2010: 128–129) about the relation between discourses, genres, and styles.

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equality, human rights discourse of gender equality, and feminist discourse of gender equality). Two or more discourses can be articulated to produce a sense of consensus or to avoid conflicting representations of the ‘problem’ of gender (in)equality. In EU texts, for example, efficiency discourses coexist with feminist voices, and it can also be the case that the voices are blended (ibid.: 108).

Coherence

Also important for the analysis of the dimension of discourse practice are questions of coherence (Fairclough 2010: 83–84, 233) and intertextual chains (ibid.: 130–133, 232). The coherence of a text has to do with how it is interpreted, that is, how the text is consumed or put into practical use. The process through which policy documents are put to work is a significant aspect of policy practice: here, policy-makers interpret both the documents and their own practice.⁹⁴ A text is coherent when it ‘makes sense’ to someone, to an interpreter (ibid.: 83–84, 134). The aspect of intertextual chains has to do with the process of the distribution of texts. Through their distribution, texts participate in intertextual chains and are accordingly transformed in the process (ibid.: 131).

Social Practice Dimension of Discourse

The analysis of the *social practice dimension* of discourse (Fairclough 2010: 86–96, 200–224, 237–238) includes taking into consideration aspects such as the transformations of orders of discourse⁹⁵ (understood as discursive structures) and the political effects of discourses on social relations, social identities, and knowledge (ibid.: 86–96, 238). Fairclough refers to the relation between orders of discourse and discursive events (or discursive practices) as dialectical (ibid.: 96). That is, ‘Orders of discourse structure and are restructured by discourse practice’ (ibid.: 100). The role of ideology as signification of social reality is important here (ibid.: 86–91; also, remember the definition of ideology in chapter 1). Ideology is part of orders of discourse and of discursive events (ibid.: 89) and is located at structural and practice levels. Discursive practices within specific institutions or in society at large ‘are ideologically invested in so far as they incorporate significations

⁹⁴ This is explored in analysing the interviews in relation to policy documents (see, in particular, chapters 5 and 6).

⁹⁵ The idea of ‘orders of discourse’ refers to the discursive practices within a given institution (Fairclough 2010: 43).

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which contribute to sustaining or restructuring power relations' (ibid.: 91). Thus, there is a dialectical relation between discourse and social structure: discourse is shaped by social structure and, at the same time, it constitutes social reality (ibid.: 60, 64, 65). The relationship between discourse and subjectivity is also dialectical. Discourse constitutes social subjects, 'But they also engage in practice which contests and restructures the discursive structures (orders of discourse) which position them' (ibid.: 123).

Effects of 'Problem' Representations

Discourse thus helps to construct subject positions, social relations between people (including relations of power), and systems of knowledge and belief (Fairclough 2010: 64). The question is then how meanings and understandings, sometimes competing, sometimes contradictory, influence social relations and social change (Bacchi 2009: 181). More specifically, this is related to Bacchi's questions v and vi (see above) about the *effects* of 'problem' representations and how things can be thought differently (see also ibid.: 69–71). Bacchi suggests a set of questions to deal specifically with the *effects* of 'problem' representations (point v above):

- What is likely to change with this representation of the 'problem'?
- What is likely to stay the same?
- Who is likely to benefit from this representation of the 'problem'?
- Who is likely to be harmed by this representation of the 'problem'?
- How does the attribution of responsibility for the 'problem' affect those so targeted and the perceptions of the rest of the community about who is to 'blame'? (ibid.: 18)

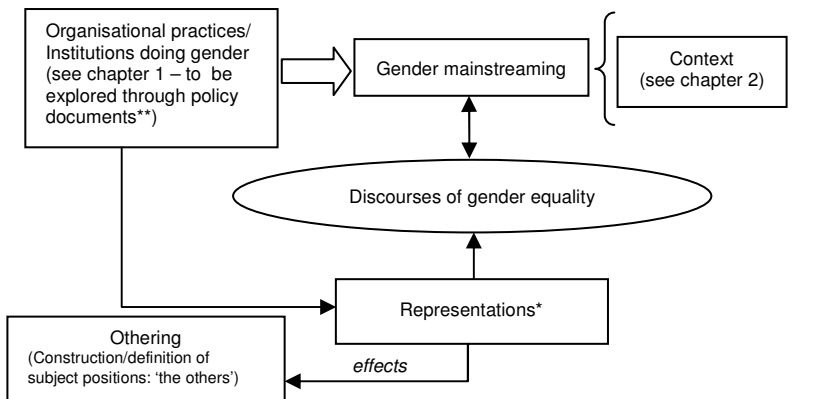
General Trends of Change

Fairclough identifies democratisation, commodification, and technologisation as tendencies of change of discursive practices in society. For my analysis of discourses of gender equality, I find what he explains about commodification particularly interesting. Commodification alludes to 'the process whereby social domains and institutions, whose concern is not producing commodities in the narrower economic sense of goods for sale, come nevertheless to be organized and conceptualized in terms of commodity production, distribution and consumption' (Fairclough 2010: 207). Fairclough refers to the case of commodification of educational discourse, which, he observes, has resulted in a discourse 'dominated by a vocabulary of skills, including not only the

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word “skill”, and related words like “competence”, but a whole wording [...] of the process of learning and teaching based upon concepts of skill, skill training, use of skills, transfer of skills, and so forth’ (ibid.: 207). Bacchi refers to similar trends specifically in public policy discourses: a tendency towards the individualisation of policy ‘problems’⁹⁶ and the predominance of words such as ‘skills’, choice, and opportunities,⁹⁷ together with the idea of consumers, which takes over from citizens (2009: 63–67). All this should be taken into account in analysing discourses of gender equality. These general tendencies are not only expressed in discourses but also (re)produced through them. My interest when analysing representations of the ‘problem’ of gender (in)equality would be to point to these and other tendencies that can be identified throughout the different discourses of gender equality.⁹⁸

Figure 4: Model of analysis⁹⁹



* See figure 5 for a summary of tasks to be done as part of the discourse analysis. Also see Bacchi's step-by-step guide points i–vi above.

** See figure 8 in the appendix to chapter 3 for a detail of the main policy documents under analysis and the relation between them (in a decreasing level of generality).

⁹⁶ The representation of the ‘problem’ of unemployment as lack of skills or a question of ‘character’, which assumes that the responsibility lies on the unemployed person, can be understood as part of this trend towards individualisation (Bacchi 2009: 63).

⁹⁷ Choice and opportunities are ideas very much related to the definition of key concepts such as empowerment, as defined within development policy texts (see chapter 5).

⁹⁸ Also important, as part of this analysis, is to identify those ‘discursive frames’ that become ‘dominant’ (Bacchi 1999: 204).

⁹⁹ Here I also take chapters 1 and 2 into consideration.

Figure 5: Summarising discourse analysis¹⁰⁰

Discourse Analysis		
Text Analysis	Discursive Practice	Social Practice
Key words / Key concepts Categories Word meaning Wording Binaries Agency (transitivity) Nominalisation (transitivity)	Context (production of texts: who, how, when? ¹⁰¹) Intertextuality (look for other texts in the text – it can occur through discourse representation) Interdiscursivity (look for discourse type/s within the text) Coherence	Effects of ‘problem’ representations and discourses Identify relation to more general trends (of change or permanency)

The delimitation of particular types of discourses is an analytical operation made by the researcher; discourses do not have ‘real’ boundaries but constitute analytical constructs. By identifying different word meanings of categories and concepts, wordings of key terms, binaries, by pointing to different arguments presented in policy texts, distinguishing ‘problem’ representations, and taking into account questions of discursive and social practice dimensions of discourses, I delimit different discourses of gender equality (see chapters 4–7).

The Material

The analysed material is made up mainly of interviews and policy documents (policy proposals, policies, reports, evaluations, briefings, and position papers). The period under examination is 2005–2010.

I first started searching for key policy documents and building up a corpus of material ultimately covering the period 2005–2010. My reason for choosing this period has to do with the process of selecting documents, which I explain below. I read a rather large body of texts to find elaborations on gender that would be interesting for a deeper analysis. I then selected the documents to include in the final corpus for analysis. The interviews, on the other hand, not only provided inside information, accounts of practices within the policy-

¹⁰⁰ This is not an exhaustive presentation but gives only the main tasks to undertake.

¹⁰¹ See chapter 2.

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making process, and the interviewees' perspectives on the research questions but also helped me in deciding which other policy documents would be appropriate to add to the corpus. I used the software for qualitative analysis ATLAS.ti to code all the material, that is, interviews and policy documents. I first elaborated a list of codes that I then repeatedly modified through the process of analysis. The documents and interviews refer to the EU in general and to two specific policy areas.

The policy areas under examination are development cooperation and migration (including legal migration, asylum, and trafficking). I chose the policy areas of development cooperation and migration because while they are closely related, they can also be seen as extremes; that is, development cooperation has a long history of gender mainstreaming in policy, while migration is a 'new' area to gender mainstreaming and its documents show little awareness on gender questions so far (see chapters 5 and 6). These two areas can be said to have the same 'object' of policy; i.e. third-country nationals and more specifically non-EU women. But at the same time, this 'object', 'the other women', varies a great deal in the sense that for development it is located 'outside' the EU: it is *there*, while for migration this 'object' embodies another kind of materiality: it is *here*. Further, there is also a policy relation between the issues of development and migration that is worth exploring (see chapter 7).

Regarding the interviews more specifically, the interviews were made during the spring of 2008 in Brussels. I conducted eight semi-structured interviews of persons who work with gender issues at the EU level: at the Commission, the European Parliament, and the EWL. In order to find the interviewees I first contacted a few key persons who helped me in finding likely interviewees. I also found interviewees by locating them in the organisational charts of different DGs and contacting them directly. Each interview lasted for about two hours. I transcribed all interviews verbatim. The transcription of the interviews constituted a first step in the interpretation and analysis of the data. The interviewees at the Commission were working at DG Employment; DG Development; DG Justice, Freedom and Security; and the Bureau of European Policy Advisers (BEPA). Some of the interviewees were senior gender experts and were able to provide a historical overview of gender mainstreaming as a process and strategy at the EU level, while others were working as gender coordinators or gender administrators mainstreaming gender within policy proposals. I was interested both in their understandings of gender and in how they mainstream gender in policy proposals and projects. To reach the more concrete level of practice, I asked them to tell me about their work, what they did and do: they would narrate their trajectories

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at the EU and what they were doing at the moment of the interview; how they mainstream gender; what obstacles they find or which problems they have to deal with in their work on gender equality issues. In order to explore understandings and conceptualisations, I asked what they think about gender mainstreaming; and how they define gender, gender equality, gender inequality, and gender mainstreaming. The interviews were thus treated in two ways: by asking about the interviewees' work, I used the interviews to grasp the more concrete level of policy practice, and by doing a discourse analysis of 'problem' representations, I analysed them like any other policy text. In the interview at the EWL I looked for a more general perspective and a critical overview of gender mainstreaming, but I also asked about understandings of gender and related concepts.

Experience in the Field: Interviewing and Collecting Documents

Interviewing was a very interesting and insightful experience. When I first started trying to contact likely interviewees, I did not have a clear idea of what I was looking for with the interviews. As the endeavour of getting interviewees got more and more complicated, I was forced to really think through the 'interview question'. In a way, I was compelled to prioritise. What kind of interviewees do I need? (Do I need any interviews at all?!) What kind of position should the likely interviewees hold? What kinds of issues am I really interested in? In doing this clarification work, I came to define more precisely the issues I was interested in tackling and the persons who could help me in that undertaking. This also involved gaining a better understanding of the way the many EU institutions work and the relations among them. To dive into the sometimes messy EU structures was definitely the first big important step into my exploration of policy-making processes at the EU level. Once I gained this general, and at the same time very detailed, view of the EU, I was able to succeed in finding persons willing to talk with me about their work there. And that was the second big important step into figuring out how the policy-making processes actually work. It was not easy to get interviews with these extremely busy people, but it was extremely rewarding.

Concerning policy documents, I worked on framework documents, Directives, policy proposals, Communications, Reports, and impact assessments for the period under examination, 2005–2010. But the delimitation of this period was part of the process of selecting documents.

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The process of collecting documents was almost continual. I did not at first have the period that I was going to cover clearly defined. Starting from 1957 (Treaty of Rome) to reach the present was too unrealisable a project, given the kind of analysis I wanted to do. I had to find some criteria to shorten the time period under analysis. The documents themselves gave me the answer. When I started looking for material connected to ‘gender issues’ at the EU level in general, I found that there were some framework documents. One of those is the Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final).¹⁰² The Roadmap is the Commission’s framework programme for gender equality for the period 2006-2010. This framework policy document is an umbrella for other framework documents as well as for a bulk of specific policy proposals for each of the two policy areas of development cooperation and migration. Thus, moving on from the Roadmap as a point of departure, I collected specific policy documents and reports referring to the EU general level and the two policy areas.

In the case of the policy areas of development cooperation and migration, there are specific policy frameworks for the period 2005–2010. These framework documents are to be taken into particular consideration, as they work as an umbrella for all policy proposals and policy documents that are meant to include a gender perspective; these are therefore analysed as well. The lists of these framework documents and the several policy proposals for the areas of development cooperation and migration are presented in the appendix.

I also included documents from 2005 to provide some background information concerning the EU general level, especially from reports and evaluations, in order to get a view of the ‘starting point’ for the Roadmap. Further, although the period under examination is 2005–2010, key policy documents elaborated before 2005 are also taken into consideration because they are considered pioneering texts and therefore useful for identifying turning points, changes, and continuities in definitions and categorisations of the ‘problem’ of gender (in)equality.¹⁰³ I analysed EWL and WIDE material as well. The list of all these EU materials is quite long, and so it is provided in the appendix.

¹⁰² See the methodological appendix for a detailed description of the material as well as the figure that shows the relation between framework documents and proposals, reports, and directives.

¹⁰³ References to these documents have already been made in chapter 1.

Strategy with the Material: Three Groups of Texts

My strategy is to look at the material as three different bodies of texts simultaneously, as if they were three different contexts.¹⁰⁴ The first body of texts comprises policy proposals, papers, and reports regarding gender equality at the EU level in general. These include policy documents written by the Commission, reports by the EWL, and some of the expert interviews (those with people who deal with the strategy of mainstreaming at the general level, and with senior gender experts). This is the more general level, where the ‘problem’ of gender (in)equality is identified and proposed solutions are formulated, where general stated goals, purposes, and definitions are to be found. In analysing these texts, I am exploring the introduction of gender mainstreaming – or, better said, how gender mainstreaming is said to be introduced – and identifying different representations of the ‘problem’ of gender (in)equality and discourses of gender equality at the EU level in general.

Second, there is the group of policy documents, proposals, and Directives within the selected policy areas in which gender may be included or not; evaluation reports written by the EWL on specific issue areas (migration, asylum, and trafficking in particular); and also CSPs and WIDE briefings for the area of development cooperation. The specific policy areas are particular contexts where mainstreaming as strategy has been introduced (or not) and where representations and discourses are also elaborated. In this context, I explore the adaptation of the general strategy to this policy area, thinking of it as a process of contextualisation of the strategy, and I identify specific problem representations of the ‘problem’ of gender (in)equality and discourses of gender equality.

WIDE material is also important for my analysis because it represents a critical point of view on the ‘problem’ of gender (in)equality. I use WIDE documents for their critical input on development issues.

When it comes to EWL material, I have analysed EWL reports in order to explore discourses at the EU general level, i.e. the first body of texts. I have also analysed EWL material as part of the discourse analysis of the migration policy area, i.e. the second body of texts. The EWL is an important actor in defining the ‘problem’ of gender (in)equality both at the EU general level and in relation to the migration policy area. In many instances EWL documents conflict with EC policy texts and I think it is important to present these

¹⁰⁴ I thank Cecilia Hansen Löffstrand for first sharing with me her idea of looking at the material as being in different contexts or at different levels.

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discussions. Conflicting perspectives and understandings do exist within the gender governance system. In particular, there is a rather large amount of material produced by the EWL on migrant women, asylum, and trafficking from a critical perspective. I therefore use EWL material to explore how the 'problem' of gender (in)equality is represented in relation to migration, asylum, and trafficking issues. But I also use EWL texts to critically analyse migration questions from a gender perspective. In sum, as the EWL is part of gender governance at the EU level, I think it is important to analyse its documents to find representations and discourses of gender (in)equality. I find it important, however, that within specific issue areas such as migration, the EWL has put forward significant critiques. This is why I use EWL material in this twofold fashion.

The third group of texts with which I deal includes interviews with persons working within the two specific policy areas, those who implement¹⁰⁵ the strategy of gender mainstreaming in development cooperation and migration, including the issue areas of asylum and trafficking. This is the more concrete level. Here I am on the level of policy practice, asking questions to people who adapt general formulations, trying to identify definitions and likely contradictions. In short, this third body of texts comprises what the actors say about their work of doing the policy proposals and programming within the policy areas while trying to include a gender perspective in them.

The idea is that from one body of texts to the other, the problem and solution definitions may change. At the level of policy proposals within the selected policy areas, something is done to the general formulations of the first group of texts: gender experts adapt the definitions within the general strategy to the specific context when formulating policy proposals for their policy areas; different concepts, representations, and contradictions may appear here. At the more concrete level there is what gender experts say about their work of formulating policy documents and the mainstreaming of gender into these policy documents: gender experts adapt even further; they may adapt both the general formulations and the more specific formulations presented in the policy proposals for their areas, they may define and represent the 'problem' in a different way. It is important to understand this differentiation as analytical. The interviewees (third body of texts) are the persons who formulate the policy documents that constitute the second body of texts.

This differentiation between three bodies of texts is, first of all, a way to organise the material and a first step into the analysis. But also, if the

¹⁰⁵ *Implement* here does not mean implementation of projects and programmes in the field but the introduction of gender mainstreaming at the level of policy and programme formulation.

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different bodies of texts are thought of in relation to Fairclough's elaborations on discourse analysis (2010), the relation among the texts at the different levels can be understood in terms of intertextuality (manifest and constitutive). There will be references, contradictions, and discussion between the texts. I may also differentiate the texts in terms of who produces them (EC, EWL, WIDE, etc.) so that I can identify different discourses and the interdiscursivity among them. Further, there is a decreasing level of generality attached to the organisation of the material in three levels. It may thus be possible that I find that in some texts at the second or third level there are no references to gender questions even if there were on the first level. This differentiation between bodies of texts may also allow the possibility of indicating, for instance, that some documents are more influential than others and/or to distinguish main analytical points.

The text is the material, or, which is the same thing, the material makes up the texts that are analysed for the purpose of identifying different 'problem' representations and discourses.¹⁰⁶ I use the material to find different representations of the 'problem' of gender (in)equality, presuppositions and assumptions that constitute different discourses. The idea is to analyse the texts to find, following Bacchi's approach, what the 'problem' of gender (in)equality is represented to be in policy documents in the context of introducing the mainstreaming strategy, and the implications of these definitions, assumptions, and representations with regard to what remains unproblematised and what kinds of subjects are constructed. In this way, different discourses are to be identified by analysing policy documents, interviews, and other empirical material – different discourse types such as 'efficiency discourse of gender equality', 'economic independence–labour market discourse of gender equality', 'human rights discourse of gender equality' and 'feminist discourse of gender equality'. The aim is thus to identify different discourses throughout interviews, EU policy documents and reports, EWL reports, and WIDE material. In addition, I use the interviews and some policy documents to 'extract' factual information about practices and processes¹⁰⁷ at the organisational level.

Roughly, the analysis of the first body of texts is presented in chapter 4, while the analysis of the second and third bodies of texts is laid out in chapters 5 (development) and 6 (migration). Chapter 7 brings the three

¹⁰⁶ I understand the relation between representations and discourses as discourses being made up of, among other things (remember that discourse is social practice), representations.

¹⁰⁷ For a discussion about the factist approach to qualitative interview data versus discourse analysis, see Talja (1999).

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groups of texts together for an analysis of the relation between the two policy areas at the EU level.

4

Gender Mainstreaming as EU-Level Strategy

The integration of a gender dimension into policies will contribute to attaining the overall Lisbon objectives. (COM(2005) 44 final: 3)

Introduction

In this chapter, I present the discourse analysis of interviews and policy documents framed within the strategy of gender mainstreaming at the EU level during the period 2005–2010, that is, the material I have classified as the first body of texts (see chapter 3). Among the selected policy documents I analyse are the Roadmap for Equality between Women and Men 2006-2010, its Impact Assessment and its Work Programmes,¹⁰⁸ the yearly EU Reports on Equality between Women and Men (from 2005 to 2010), the European Pact for Gender Equality, EWL evaluations such as its exhaustive 2007 Roadmap implementation report or EWL's 2005 Road Map. These texts are not actual policies or policy proposals but reports, evaluations, and, as in the case of the Roadmap, framework documents. In addition, the 1996 Commission Communication on mainstreaming is analysed as the document that marked the formal introduction of gender mainstreaming at the EU level.

¹⁰⁸ As explained in chapter 3, the general strategy for gender mainstreaming at the EU level for the period is formulated in the Roadmap. The Roadmap sets the general objectives for all of the policy areas within the Commission. The Roadmap is a tool that serves to monitor gender mainstreaming in the policy-making process at the different DGs, functioning as a framework for the mainstreaming of gender in policy proposals and projects. Further, every year, DG Employment releases a Work Programme with a follow-up to the Roadmap that specifies what has been done and what remains to be done for each priority area.

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I aim to present a discourse analysis including the three dimensions explained in chapter 3: textual analysis, discursive practice, and social practice. I will be referring to issues of word meaning, binaries, categories, key words, and agency, but also to context, intertextuality, general trends of change, effects of problem representations, and interdiscursivity.

Therefore, I will first approach the analysis of documents and interviews that make up the first body of texts by identifying definitions, key terms, concepts, categories, and binaries in order to be able then to explore how the 'problem' of gender (in)equality is represented to be at this level and to trace discourses of gender equality contained in the texts. In tracing these discourses, I will incorporate the other dimensions of discourse analysis, i.e. discursive and social practice dimensions.

I start by exploring the concept of 'gender' and the category of 'women'. Categories help to organise a given understanding of policy 'problems', and it is therefore important to find out how they are defined and how they relate to each other and to key terms, words, or concepts. Thus, I identify and explore the relation between these categories and key words such as 'gender equality', 'gender inequality', and 'gender mainstreaming'. I also investigate wordings and definitions of those key words. Simultaneously, I find other terms that are used in defining the categories and key words or that are in relation to them, terms such as economic growth, efficiency, human rights, discrimination, social justice, and social cohesion.¹⁰⁹

At the same time, although I will sum it up by the end of the chapter, I identify representations of the problem of gender (in)equality by looking at what concrete actions are proposed for dealing with the 'problem' and identifying assumptions and presuppositions that lie behind those representations. This is part of the discourse analysis, since in defining the 'problem' and proposing solutions to the 'problem' so defined, policy documents construct discourses. Hence, by looking at problem representations, definitions of categories, key terms and concepts, and the relation between them, I identify, describe, and assess discourses of gender equality.

¹⁰⁹ Some of these terms can be, at the same time, moral or political values.

Gender and Women

Where Are You, Gender? Looking for Definitions of Gender

When it comes to definitions – and theorisation – of gender in EU policy documents and interviews, most texts lack an explicit definition of the concept of gender but refer to the ‘gender dimension’ or ‘gender issues’. Of course, policy texts might not be expected to contain explicit definitions. But texts lack even a discussion of how gender is understood. I will then trace that understanding of gender by examining what texts say and do not say about gender; what terms are presented or what kind of associations texts make between ‘gender’ and other terms. For instance, the Reports on Equality between Women and Men released by the Commission every year focus mainly on the importance of taking ‘gender issues’ into consideration in relation to labour market questions. The 2005 Commission Report on Equality between Women and Men says:

The integration of a gender dimension into policies will contribute to attaining the overall Lisbon objectives. There is a need for new initiatives to increase employment in order to meet the challenge of an ageing society, including providing adequate pensions for women and men. Particular attention must be paid to mobilising the full potential of female employment and to boosting labour market participation of older women and immigrant women who have the lowest employment rates. (COM(2005) 44 final: 3)

It could be illuminating to trace definitions of gender (or the lack thereof) back by looking at a founding text on gender mainstreaming. The 1996 Commission Communication titled Incorporating Equal Opportunities for Women and Men into all Community Policies and Activities (COM(96) 67 final) marked a turning point by formally introducing the concept of gender mainstreaming into EU policy-making. Its definition of gender mainstreaming has been cited extensively since then.

It is important to note, however, that the Communication does not present any definition of gender. This is not a minor fact, given that the document is considered to be a *foundational text* when it comes to gender mainstreaming. The document contains several references to ‘the concept of gender’, but it gives no definition. Instead, it emphasises the importance of both women and men in attaining gender equality. It refers to ‘partnership’ in dealing with equality between women and men:

The challenge is to build a new partnership between men and women to ensure that both participate fully on an equal footing in all areas and that the benefits of progress are

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evenly distributed between them. Such a change requires not only progress in the field of legislation but also nothing short of a cultural transformation of individual behaviour as much as of attitudes and collective practices, and determined political action based on the broadest possible mobilisation. (COM(96) 67 final: 2)

It is interesting to see in this definition that the text seems to adopt a relational perspective on gender. This relational approach can also be spotted in this paragraph:

The promotion of equality must not be confused with the simple objective of balancing the statistics: it is a question of promoting long-lasting changes in parental roles, family structures, institutional practices, the organisation of work and time, etc. and does not merely concern women, their personal development and independence, but also concerns men and the whole of society, in which it can encourage progress and be a token of democracy and pluralism. This applies not only to Europe and industrialized countries but also to developing countries. (COM(96) 67 final: 5)

In its references to parental roles, institutional practices, and the organisation of work and time, this passage can be read in terms of Risman's three dimensions of gender structure or Connell's three structures of labour, power, and cathesis. The understanding of gender seems to take structural dimensions into account here. But now let us look at some paragraphs that refer to proposed actions.

The document says of employment that it 'is one of the key areas for equal opportunities: access to employment is one of the basic elements necessary for equal opportunities for women, and job structure and conditions of work and pay are important indicators of progress – as yet insufficient – in the field of equal opportunities' (COM(96) 67 final: 6).

On the issue of education and training, the Communication specifies:

Education and training are powerful springboards towards obtaining equal opportunities for women, even though they alone cannot guarantee occupational integration equivalent to that of men. Enhancing women's skills also enriches the pool of human resources, which is good for competitiveness and growth, and persistent unwillingness or opposition to the recognition of women's skills on the labour market and in the organisation of work and their contribution to development can be considered a waste of human resources. By paving the way towards a change in mentalities, education and training may also have a significant influence on social and professional relationships between women and men, making it possible for each to develop their respective roles, thus promoting the reconciliation of family and working life for both men and women. [...] In this context, education and training can contribute to equal opportunities by making those concerned

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aware of the importance of this diversification of choice, by supporting women who choose less popular career paths and those who need another chance or assistance to transform an unstable job into the first stage of an integration process and, more generally, by encouraging changes in attitudes and mentalities with regard to trades and occupations. (COM(96) 67 final: 9)

It is not just that education and training are so important for participation in employment; it is also implied (and hoped) that the more general objective would be that women's 'occupational integration' is 'equivalent to that of men'. This is something that appears repeatedly in documents: men are the norm and 'women' is a homogeneous category. By making a note about intertextuality (see chapter 3), I would say that a gender theory is drawn upon implicitly here. I refer to categorical thinking. Connell criticises what she calls *categorical theories*. Categorical theories assume that women and men constitute 'internally undifferentiated general categories'. These theories proceed from that assumption to investigate the relation between the two groupings (1987: 55). The presupposition is that human beings are likely to be divided up in two categories according to reproductive biology (ibid.: 57). The problem appears when the categories 'women' and 'men' are not the first approximation but the end of the analysis, when the categories are not called into question (ibid.). This approach does not challenge the structural conditions that generate inequality in the first place (ibid.). Instead, the argument centres on the binary distinction male/female.

Another term that occupies a central place is 'skills', either as something that everyone 'naturally' possesses and that can be enhanced, or as something that can be acquired and developed. I will say a bit more on this 'language of skills' below.

Alongside the labour market and education, the document refers to fundamental rights of women and girls as part of any equal opportunities action:

Recognition of the principle that the fundamental rights of women and girls are an inalienable, integral and indivisible part of universal human rights was reaffirmed at the Beijing Conference.

The Community has contributed to the substantial progress made in the field of recognition of rights, and the European model of equality comprises a unique collection of knowledge, laws, institutions and practices which have conferred formal rights on women and have promoted their standing in the European Union. (COM(96) 67 final: 10)

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Following this paragraph that underlines the human rights dimension, actions regarding violence against women, women refugees, and trafficking in persons are presented. Human rights questions are thus linked to the situation of certain groups of women. This is related, as I will argue later, to a distinction presented in texts between women in the labour market and 'the others'; i.e. women in need of special attention.

Thus, when it comes to proposed actions, the document emphasises women's employment, education, and training as key to gender equality. The text keeps referring to relations even when, for instance, it says that 'education and training may also have a significant influence on social and professional relationships between women and men, making it possible for each to develop their respective roles, thus promoting the reconciliation of family and working life for both men and women' (COM(96) 67 final: 9).

Nevertheless, the emphasis is on education, training, and roles. As the analysis will show, the approach to education and training in relational terms gets diluted in further documents. Instead, by stressing the improvement of 'women's skills', education, and training as key to gender equality and justifying it as something important to the economy, a shift in focus from relations to women only, and specifically women in the labour market, is produced. This is quite straightforward when the document says, 'Enhancing women's skills also enriches the pool of human resources, which is good for competitiveness and growth' (COM(96) 67 final: 9). The ideas in this argument echo a great deal of thinking in sex role theory (see chapter 1). Because role expectations and stereotypes are understood to be the basis of gender inequality, equal treatment legislation and specific measures such as education and training are assumed to be key to promoting equality between women and men.¹¹⁰

Fairclough (2010: 207) refers to commodification as a tendency of change in discursive practices in society (see chapter 3). Commodification is the process by which social relations and institutions that are not involved directly in producing goods adopt practices and discourses that can be defined as market-oriented. The process of commodification implies that things, values, relations, and activities, which are not goods in the economic sense, get transformed into commodities. I would say that the commodification of gender equality discourse produces discourses mainly

¹¹⁰ Of course, equal treatment legislation was an important step forward for gender policy. But it seems to me that in the context of the gender mainstreaming strategy, these proposed actions fall short. The fact that the proposed solutions focus on measures of that kind may be coherent in the context of equal treatment legislation, but it is not enough if the declared aim is the transformation of the gender structure, as gender mainstreaming supposes.

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defined by such words as skills, training, and competitiveness. Bacchi also refers to similar trends of change specifically in public policy discourses: a tendency towards the individualisation of policy 'problems' (2009: 63–67). The 'locus' of responsibility is moved from the social to the individual (Miller & Rose 2008: 77). This implies that responsibility for questions such as unemployment, poverty, or delinquency is shifted away from the government (state or society at large) to individuals (see also Miller & Rose 2008: 76ff., 79, 103–105). This tendency can be identified in the predominance of words such as choice and opportunities. These two general tendencies (commodification and individualisation) are not only expressed in discourses but also (re)produced through them.

In sum, there are two points that I would like to make in relation to the further analysis of texts. First, the lack of a definition of gender in this pioneering document, a lack that is to be found also in the framework document Roadmap for Equality between Women and Men, has influenced the understanding of gender itself as well as of gender mainstreaming and, consequently, its introduction in policy proposals. 'Gender' and 'women' are used as synonyms in most policy documents, not only at the general EU level but also within the specific policy areas. This is actually more so in policy proposals and policy practice within the policy areas of migration and development cooperation (see chapters 5 and 6). In using 'women' or even 'sex' as synonymous with 'gender', gender is understood as a noun (Eveline & Bacchi 2005). There is no discussion of the power relations that construct gender. Gender is not a structure or a process of (re)producing hierarchies but a category that can be filled out by 'male' or 'female' (and only those two options), it is static, it is a thing. Second, these tendencies of commodification and individualisation can also be identified in most policy documents and interviews within the period under examination, 2005–2010. These are general trends of change that impact on discourses. Thus, gender equality becomes a marketable thing and individuals are held responsible for their 'free choices'. In particular, the discourse that I call the 'efficiency discourse of gender equality' is made up of arguments that resonate very much with these tendencies of commodification and individualisation.

I will now turn to the category of women. How is the category 'women' defined in policy documents at EU level in general?

Women and Intersectionalities

When it comes to the category of women in documents at the general EU level, the terms to which it appears most related are labour market, social

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exclusion, poverty, discrimination, vulnerable persons, violence (violence against women), fundamental rights, human rights, and gender inequality (I will take up gender inequality in a separate paragraph, below).

The category of women is far from homogeneous; it includes dimensions such as class, age, ability, ethnicity, nationality, religion, and sexual orientation. The concept of intersectionality is useful in thinking about this heterogeneity. It tells us about how different axes of inequality interact with each other. Gender, ethnicity, nationality, religion, class, age, sexual orientation, and ability intersect and interact with each other, and the outcome of that interaction is not a mere addition. The specific ways in which inequality axes intersect, and the result of those intersections, is an empirical question. In relation to my discussion, what is important is how this issue appears in policy documents when it comes to the understanding of women as a category in the context of the gender mainstreaming strategy.

In tune with the binary thinking male/female and categorical theories of gender that are more or less implicitly contained in the texts, there is a predominant understanding of women as a homogeneous group and an additive conception of the different axes of inequality that do exist. It is important to note, however, that there are contradictions, and sometimes the category of women presents a certain diversity in the analysed texts. There are, for example, references to 'women in precarious jobs, older women workers, single parents, disabled women, migrant/ethnic minority and Roma women' (European Commission 2010: 16).

When it comes to the labour market, for instance, most references are to women in general, as if this were a homogeneous group. But the texts refer also to the labour market or employment in relation to migrant women, working women within informal sectors, and family-based business. Elderly women and single mothers are referred to as well, in particular when the texts deal with social protection systems, as this is very much connected to labour market questions. The 2006 Report, for instance, refers to the relation between women, the labour market, and trafficking in the case of sexual and domestic labour exploitation. It says¹¹¹:

The Commission has also been actively addressing the problem of trafficking in human beings, of which women continue to be the primary victims. It presented an integrated approach and proposals for an action plan which underlined the importance of the gender perspective in prevention strategies and in the elimination of all forms of exploitation, including sexual exploitation and domestic labour exploitation. (COM(2006) 71 final: 10–11)

¹¹¹ I will take up this question further in chapter 6.

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Social exclusion, discrimination, violence, fundamental rights, and human rights appear most times related to migrant women, asylum seekers, trafficked women, or women in developing countries.¹¹² For instance, the Roadmap refers to the category of women in relation to discrimination in these terms: ‘Women members of disadvantaged groups are often worse off than their male counterparts. The situation of ethnic minority and immigrant women is emblematic. They often suffer from double discrimination’ (COM(2006) 92 final: 4).

The term ‘vulnerable persons’ relates mostly to migrant women, asylum seekers, and trafficked women, but it also appears in relation to women in (the margins of) the labour market who work in less privileged sectors of the economy. Poverty is mostly related to women in developing countries, but the 2010 Report refers also to different situations/conditions within the category of women. It says that ‘poverty especially affects women in vulnerable situations, such as lone mothers, elderly single women, women with disabilities as well as women with immigrant and ethnic minority backgrounds. Roma women are at particular risk of marginalisation and exclusion’ (European Commission 2010: 12).

Even though texts present these considerations about different situations and dimensions within the category ‘women’, there is really no treatment of the issue in terms of intersectionality, as there is no analysis of how these different dimensions intersect – i.e. how different mechanisms of oppression intersect, combine, and mutually amplify their effects; how ethnicity amplifies class differences or how sexual orientation influences gender inequality. Instead, inequalities are merely listed and either added one to another or treated separately, hardly ever intersecting. This lack of analysis of how different axes of inequality intersect influences gender equality policies, as the same policy affects migrant women, lone mothers, or women belonging to religious minorities differently, for instance.

Johanna Kantola and Keväät Nousiainen argue that EU anti-discrimination policy is based on a ‘multiple discrimination’ model instead of on an ‘intersectionality’ approach (2009: 467–468). One of the problems of this multiple discrimination model is that it implies that ‘the different axes of inequality are similar to one another, matter to the same extent and can be treated with an anti-discrimination approach’ (ibid.: 468). In her article of 2006, Mieke Verloo shows that ‘a “one size fits all” approach to multiple discrimination is based on an incorrect assumption of sameness or

¹¹² More about this in chapters 5 and 6.

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equivalence of the social categories connected to inequalities and of the mechanisms and processes that constitute them' (2006: 223) and concludes that 'strategies addressing differentiated inequalities at the structural level cannot be "the same", and that an individualistic anti-discrimination policy is insufficient' (ibid.: 224). Emanuela Lombardo and Mieke Verloo, investigating the development from a unitary to a multiple approach to inequalities at the EU level, conclude that 'the EU legal framework is merely juxtaposing inequalities rather than understanding them as intersecting, and is not giving equal importance to the different inequalities' (2009: 489). Different inequalities 'are treated separately in Commission policy practice' (ibid.: 484). Within this framework, some inequalities are more relevant than others (ibid.: 481).

Further, Lombardo and Verloo argue, an approach centred on anti-discrimination may imply a return to a plain equal opportunities strategy entailing an individualistic approach to inequalities instead of the structural approach that mainstreaming, by definition, supposes (2009: 489). I agree that this anti-discrimination model may create tensions with gender mainstreaming (ibid.).¹¹³ The structural perspective is missed in the context of mainstreaming and this may appear to be contradictory and paradoxical.

Moreover, there is, I would say, an oversimplification around the axes of inequality attended to in this 'multiple discrimination' approach. The category of women seems to be defined as including, on the one hand, 'normal' women and, on the other hand, 'the other' women in need of special attention. And not even all the 'others' are presented in documents: as I will show, references can be found to migrants, asylum seekers, and lone mothers, but none to lesbians, for instance. This is related, as I will make reference to below, to the question of the effects of 'problem' representations and the subject positions constructed through policy discourses. I will now present more in detail this basic distinction that goes across all the texts: women are either resources for the economy (potential or wasted) or victims that need special policy attention.

¹¹³ The authors refer more specifically to this question by pointing out that 'in general, gender advocates such as the EWL (2007) and Stratigaki (2008) also worry that the anti-discrimination approach is taking the EU away from a more holistic or structural approach to fighting gender inequality and reducing the scope of EU gender equality policy. The risk here is the potential loss of not only a conceptual category useful for challenging power relations between women and men, but also a representation of inequality as a structural and institutional problem, instead of a problem of discrimination between individual citizens. Moreover, the integrated approach of the EU could be used as an excuse to avoid broadening its concern with gender to other areas outside employment' (Lombardo & Verloo 2009: 489).

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Women in the Labour Market

The category of 'women' appears related to the labour market, economic independence, efficiency, and employment. The 2006 Report on Equality between Women and Men presented the situation in these terms: 'Substantial gaps persist between women and men: women's employment is concentrated in a limited number of sectors and professions, the gaps in employment and pay remain at unacceptably high levels, women's access to political and economic decision-making positions remains insufficient' (European Commission 2006a: 5).

And also:

It must be acknowledged that the main areas of growth for female employment continued to be concentrated in activities and occupations already predominantly feminine. This has reinforced segregation in the labour market. [...] Although recourse to part-time work may reflect personal preferences and may help people to (re-)enter and stay in the labour market, the high gender gap is also an evidence of differences of time use patterns between women and men and of the role of carer predominantly assumed by women and the greater difficulties they face in trying to reconcile work and private life. (European Commission 2006a: 11)

This paragraph more or less summarises the argument:

To meet the challenge of an ageing society, Europe needs to mobilise people to enter the **labour market** and to create policies to further **promote women's employment** in all age brackets but in particular in the older ages, and to **fully utilise the female employment potential** among immigrants. The challenge is **also** to close the gender pay gap and to facilitate reconciliation of work and family life for both women and men. (COM(2005) 44 final: 6, emphasis added)

The integration of women in the labour market and the improvement of women's employment in qualitative terms are presented as the main objectives of both gender and employment policies. The 2005 Report points out that 'strengthening the position of women in the labour market, guaranteeing a sustainable social protection system, and creating an inclusive society remain fundamental in order to reach the Lisbon goals' (COM(2005) 44 final: 6). The 2005 Report also emphasises that in order to foster women's employment, it is necessary to ensure care facilities for dependants (COM(2005) 44 final: 7). Here, it is important to note that the emphasis is not much on the necessity of men's sharing family responsibilities but on increasing care facilities.

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Stratigaki shows that the idea of ‘reconciliation of working and family life’ in EU policies has changed its content meaning from the potentially transformative feminist meaning of *sharing* family responsibilities between men and women to a meaning of *reconciling*, which is more economy-oriented and focuses on increasing women’s employability without challenging the unequal division of care/domestic work within the family. The author points out:

The original policy goal, the redistribution of domestic and caring work between women and men, has been obscured, if not abandoned, to accommodate a growing policy priority on the creation of employment. Reconciliation, reformulated to mean improving women’s ability to combine paid work and family work in their own lives, eventually became an integral part of the EU employment policy in the late 1990s, but reconciliation now served the goal of legitimating more flexible work conditions rather than changing gender relations within the family. (Stratigaki 2004: 32)

I would say that, beyond legitimating the flexibilisation of the labour market, one of the main policy objectives in this regard is also to provide care facilities to ‘relieve’ women of the load of care work. It is not clear, though, whether that should take the form of making 24-hour day care available or having someone else at home doing the care work. This is connected with the fact that care work is undervalued (see chapters 6 and 7). Also important is that the question of (‘the other’) women doing domestic and care work in Europe goes absolutely unproblematised, as does their role as transnational mothers (see, for instance, the case of Filipina women doing domestic work in Italy, chapter 7).

Hence, the main policy objective is to prepare women to enter and stay in the labour market by providing not only education and training but also flexible work arrangements and care facilities for dependants. Women who are already part of the labour force are expected to be able to work more. Women in the margins, ‘in the older ages’ or ‘immigrants’, may also have ‘employment potential’ that has to be utilised. In my view, this can be interpreted as these women being ‘wasted resources’ otherwise.

Beyond the Labour Market: ‘The Others’

Beyond the labour market, women are defined as a target group mostly in relation to poverty and social exclusion. It is recognised that women face a greater risk of falling into poverty than men and so are defined as a ‘target group’ (COM(2008) 760 final: 4). The 2008 Mid-term Report continues,

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‘Women are a disadvantaged group and are frequently subject to multiple discrimination’ (ibid.).

The 2010 Report still presented women as disadvantaged, vulnerable, and in need of extra policy attention. The report says that it is necessary to ‘ensure that policies pay attention to women in particularly vulnerable positions – for example, women in precarious jobs, older women workers, single parents, disabled women, migrant/ethnic minority and Roma women’ (European Commission 2010: 16).

Also, in connection to gender-based violence and trafficking: ‘The Commission is very concerned at the number of women who are victims of domestic violence, the scale of trafficking and prostitution, and the persistence of acts of violence committed under the cloak of traditions and religion’ (COM(2008) 760 final: 6).

Policy texts present women as a disadvantaged group and women who are in vulnerable positions as victims. I would say that being in a vulnerable position does not necessarily mean being a helpless victim. Agency and transformation are not necessarily ruled out in situations of vulnerability (Calvo 2006). I would argue that in victimising women, policy discourses deny women’s agency.

Women’s Agency and Subject Positions

The category ‘women’ calls for an analysis of agency. Do texts talk about women from their own perspective, as active agents, or do texts instead refer to women as a target of policies, as passive recipients of policies? Are women in my material referred to as agents? Are they active participants in action processes?

Policy documents, in particular, refer to women as a target of policies. Women are presented as passive recipients, as objects of policy. For instance, the 2005 Report on Equality between Women and Men states that ‘Europe needs to mobilise people to enter the labour market and to create policies to further promote women’s employment [...] and to fully utilise the female employment’ (COM(2005) 44 final: 6). It is Europe the agent, and women’s employment is to *be used*, rather than women being the actor.¹¹⁴ Women’s agency is left out and what is emphasised instead is the instrumentality of women’s employment in the sense of its being something useful for the market economy.

¹¹⁴ See chapter 3 on agency and nominalisation.

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There are differences in this regard between different types of texts, i.e. interviews, EC-produced texts, and EWL documents. The EWL is openly critical of EU policy documents that define women as ‘specific groups’ or as ‘weaker groups’ (European Women’s Lobby 2007b: 2).

This issue is related to the question of the effects of problem representations and the subject positions constructed through policy discourses (Bacchi 2009: 15; Risman 2004: 437).¹¹⁵ It should be asked in this regard: Which is the target group in policies? In which terms is the target of policies being defined? And, related to this: Who is held responsible for the ‘problem’? As said, the answer quite straightforwardly would be: the target of policies is ‘women’. This target includes women in the labour market, who find themselves, however, in a disadvantaged position compared to men. Women in the margins of the labour market, working in informal sectors, are also a target. Both of these groups are defined either as ‘potential’ or ‘wasted’ resources for the economy. The other target group within the category of women is made up of women outside the labour market, i.e. migrant women, asylum seekers, and victims of trafficking and gendered violence. Migrant women can be defined as ‘potential resources’ for the economy (more on this in chapter 6), but mostly, women outside the labour market are victims or women ‘in need’ of special attention. In sum, the target of policies is women as a disadvantaged group that can be resources for the economy or victims in need of extra policy attention. Furthermore, as said above, the process of the individualisation of ‘social problems’ implies that those who are the target of policies are, at the same time, held responsible for their ‘problem’: for not being able or not having the necessary ‘skills’ (see, for instance, Bacchi 2009: 16–17, 63–67; also Miller & Rose 2008: 48ff., 79ff., 103–105).¹¹⁶

Gender Equality and Gender Inequality

Gender Equality: Policy and Context

There are some aspects of context and policy developments that are useful to keep in mind. Many of the documents refer to the origins of gender equality policy and what has been done up to now. These references and descriptions can be seen as justification and explanation of why gender mainstreaming has

¹¹⁵ Risman refers to that process as ‘othering’ (see chapters 1 and 3).

¹¹⁶ As Miller and Rose contend in relation to the ‘problem’ of unemployment, ‘In the huge and murky industry of “training”, unemployment is re-problematized as a matter of the lack of individual and marketable skills among the unemployed themselves, to be countered by a multitude of training organizations that are private and compete in a market for public contracts and public funds’ (2008: 105).

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to be introduced in policy-making (this is related to Bacchi's point iii, see chapter 3). In contextualising and describing, most texts present references to other documents. These cross-references constitute what Fairclough (2010) calls intertextuality (see chapter 3). For instance, the 2007 Report says:

This is the fourth European Commission Report on equality between women and men. It concludes the year 2006, which was marked by several key initiatives to promote gender equality. The adoption of a **Roadmap for gender equality** by the Commission and of a **European Pact for gender equality** by the Member States, as well as the creation of the European Institute for gender equality all point to the commitment and efforts made by the European Union to achieve equality between women and men in Europe, both **by law and in practice**.

These efforts continue the action taken at Community level over the past 50 years to promote gender equality, during which **considerable progress** has been achieved. For example, the present report demonstrates **the sharp increase in the employment rate for women and points out their improved educational level** – which is now higher than that of men.

Nevertheless, important challenges remain and it is striking to note that women in all the Member States, without exception, are still at a disadvantage compared to men in fields such as their participation in employment, pay levels or the sharing of family and domestic tasks. (European Commission 2007: 5, emphasis added)

It is important to note that the example of 'considerable progress' refers to employment issues. This has very much to do precisely with a kind of justificatory discourse that is presented in the texts. The justification for the introduction of a gender perspective into policies is presented, for instance, in these terms:

Gender equality is not only a question of diversity and social fairness, it is also a **precondition for meeting the objectives of sustainable growth, employment, competitiveness and social cohesion**. Investing in gender equality policies pays off in terms of higher female employment rates, women's contribution to GDP, tax revenues and sustainable fertility rates. It is important that gender equality continues to be a core element of the EU 2020 strategy, because **equality between women and men has proven to be a sustainable solution to old and new challenges**. Gender equality policies should therefore be considered as a **long-term investment and not as a short-term cost**. [...] Efficient gender equality policies must be considered as part of the solution for exiting the crisis, supporting recovery and building a stronger economy for the future. [...] Gender equality on the labour market can enable Member States to take advantage of the full potential labour supply, notably in view of future skills shortages. (European Commission 2010: 13, emphasis added)

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The first sentence of this paragraph clearly shows a deliberate effort to 'raise the status' of gender equality by stressing that it is not only a question of 'social fairness' (note that the idea of social justice is avoided; it would surely have sounded more 'extreme') but also a tool towards concrete economic goals. In case this is not clear enough, the verb 'invest' is used in the second sentence. The binary or dichotomy economic/social is in place, and it is quite straightforward which side of the binary is more valued. The complexity of the relation between the economy and the social is simplified in this operation as well (Bacchi 2009: 7).

Gender Equality as Key Term in Texts

'Gender equality' is a key term that relates the concepts of gender and equality. This section therefore includes a discussion of this key term as it is defined in the texts, as well as a discussion of the concept of equality.

I will identify what words are used in defining gender equality; as stated in chapter 3, alternative and competing wordings of gender equality can be found in the texts. As an example, the Roadmap for Equality between Women and Men 2006-2010 defines gender equality as 'a fundamental right, a common value of the EU' (COM(2006) 92 final: 2). It also states that 'gender equality is a goal in itself, a human right' (ibid.: 9). On the other hand, gender equality is defined by the Roadmap as 'a necessary condition for the achievement of the EU objectives of growth, employment and social cohesion' (ibid.: 2) and it 'contributes to reducing poverty' (ibid.: 9).

Hence, the definition of gender equality in the Roadmap contains both substantive and instrumental dimensions. More specifically, gender equality is presented as a 'means' to economic growth and efficiency; also as a 'means' for integration and social cohesion; or as a 'human right' or a 'value' in itself. Different wordings carry different meanings and thus signify reality differently. Words are not floating in the air but refer to specific processes, practices, and social relations. These two aspects of substance and instrument can be thought of in relation to what Walby argues about the tension between the two projects for Europe: the economic community and the social model (Walby 1997: 198ff.). It is possible to identify those two models lying behind these competing understandings of gender equality. Gender equality as a value 'belongs' to Europe's social project, while gender equality as an instrument shares the logic of Europe's economic project. In a sense, the efficiency discourse of gender equality tries to fit the social project into the economic. I will now try to show in more detail these wordings of gender equality in the texts and the construction of discourses.

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Gender Equality as a Value

Gender equality is defined in substantive terms as a value or as a fundamental principle of the EU in several documents (Roadmap; Reports on Equality between Women and Men 2005, 2008, and 2010). The 2005 Report on Equality in the EU defines gender equality as a fundamental principle:

Equality between women and men is a **fundamental principle** of the European Union's policies and actions. This principle has created a genuine **European model of society** which has contributed to significant advances in all Member States. Progress has been made concerning the status of women and men in the main areas such as education, research policy, social and employment policies, balanced participation in the decision-making process, violence against women and trafficking in women. (European Commission 2005a: 3, emphasis added)

Another example from the 2010 Report, where equality is defined as fundamental right:

Equality between women and men is a fundamental right and a common principle of the European Union. The EU has made a major contribution to the advancement of women and the improvement of women's and men's lives through a substantial body of equal treatment legislation and the explicit integration of the gender dimension into EU policies and instruments. There is a positive trend towards a more gender-equal society and labour market, yet gender inequalities persist, mainly to the disadvantage of women. (European Commission 2010: 9)

Gender Equality as Instrument

Gender equality is defined as an instrument in several documents. This understanding is part of the general thinking at the EU level and it serves to justify gender policies and the strategy of gender mainstreaming itself. Under the heading 'Fully exploit the gender equality policy contribution to the European strategy for growth and employment', the 2006 Report explains that 'gender equality policies are instrumental to growth and employment. Removing structural inequalities between women and men will help to release the employment potential of women while contributing to social cohesion and to the viability of the social protection system' (European Commission 2006a: 13).

In the same vein, the 2007 Report points out:

The Spring European Council of 2006 stressed that policies on gender equality are essential instruments for **economic growth, prosperity and competitiveness**. The

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European strategy for growth and employment also recognises the contribution of gender equality to meeting the Lisbon objectives. In order fully to **exploit the potential of European workforce productivity**, it is essential to promote women's long-term participation in the labour market and to eliminate the disparities between men and women right across the board. To meet these challenges, equality policies will need the active support of cohesion policy and effective implementation of legislation on equal treatment. The Commission will support the Member States' actions in a number of key areas where significant progress has yet to be achieved, in line with the priorities set out in the Roadmap for gender equality. (European Commission 2007: 13, emphasis added)

The 2008 Mid-term Progress Report on the Roadmap for Equality between Women and Men contains several references to labour market integration/participation in relation to the achievement of gender equality:

The roadmap reaffirmed that economic equality between women and men would only be achieved through greater participation of women in employment. The rate of employment among women in the Union will very probably reach the target of 60% in 2010. However, the pay gap between women and men remains wide (15%). [...] legislation will not be enough to eliminate what is still a complex phenomenon, caused in particular by a higher proportion of women in the less well-paid sectors or less secure jobs. There will also be a need to improve the quality of employment for women,¹¹⁷ an area highlighted in the 2008 report on equality between women and men. (COM(2008) 760 final: 3)

It also says that 'in order to increase participation in employment, the workforce potential of women needs to be fully exploited and all economic operators need to be more committed' (COM(2008) 760 final: 4). And in this connection, it is important that 'despite a more balanced participation in employment, women continue to take on the majority of family and domestic responsibilities. Achieving the objectives in relation to employment involves strengthening policies aimed at reconciling work, private and family life in order to make full use of the Union's potential workforce' (COM(2008) 760 final: 5).

Following the argument, gender equality is a question of participation in the labour market and economic independence:

Since the founding Treaties and under the combined action of the Community and the Member States, the situation of men and women in Europe has undergone **genuine**

¹¹⁷ This question of quantity and quality is interesting. It alludes to the content of gender policies and it is related to the value dimension of gender equality. In a way, it is argued that it is not enough to have more women in the labour market without taking into account the conditions of this participation. This question is taken up in some manner when texts argue for the utility or instrumentality of gender equality policies.

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change in many fields. This third report on equality between women and men shows that women today account for the majority of **university graduates** and that their **access to employment, and hence their economic independence**, has been steadily growing. (European Commission 2006a: 5, emphasis added)

Employment and economic independence are key to gender equality in EWL's documents as well. In EWL's texts, however, the emphasis lies on women's autonomy instead of economic growth and competitiveness. In its proposed Road Map, the EWL states: 'Women's employment remains key to their economic autonomy and to greater equality between women and men in society as a whole' (European Women's Lobby 2005a: 6).

Other Key Words Connected to the Instrumental View of Gender Equality: Education, Stereotypes, and Awareness Raising

As said above when discussing the concept of gender, improving education and combating stereotypes are seen as main tools to achieve gender equality. The 2008 Mid-term Progress Report on the Roadmap for Equality between Women and Men says:

In identifying the combating of stereotypes as a priority, the roadmap pointed out that feminine and masculine stereotypes give rise to many inequalities. [...] Sexist stereotypes influence the choice of education pathways and, as the Commission has stressed, result in women frequently being more represented in lower-paid professions. The objectives set by the European Council aim to increase by 15% the number of graduates in mathematics, sciences and technology while at the same time reducing the imbalance between women and men. In order to achieve these objectives and reduce stereotypes in general, gender equality has been integrated as a priority into Community education and training programmes. Stereotyped perceptions, particularly regarding women's ability to carry out certain tasks within undertakings, have led the Commission to launch awareness-raising actions in the business sector. (COM(2008) 760 final: 7)

The idea is that stereotypes influence choices in education which, in turn, hinder the quality of women's employment. Awareness raising is therefore a tool to combat those stereotypes. This is also part of the argument by the EWL:

Awareness raising of European citizens and work with the media are both central to the realisation of gender equality. European-wide campaigns and media work could potentially have a large impact on the change of mentalities in relation to gender stereotypes and stereotypes linked to the image that women have of the EU for example. (European Women's Lobby 2005b: 4)

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The 2005 Report presented a somewhat competing understanding of what is to be done to change certain patterns, saying that ‘Member States should promote adequate parental leave schemes, shared by both parents. It is particularly important to facilitate men’s possibilities to take up leave by developing financial and other incentives’ (COM(2005) 44 final: 8). But the same 2005 Report continues, ‘Member States and the Social Partners should initiate awareness raising activities to encourage men to share responsibilities for care of children and other dependants’ (ibid.). This is interesting because it is the same document I was referring to above when questioning the lack of discussion of men’s role in domestic/care work (see the section on women in the labour market above). Thus, it is not for employment or social policies to influence the way domestic/care work is shared between women and men but a question of ‘awareness raising’.

It seems that stereotypes rest on the basis of inequality. What is emphasised in documents is that these stereotypes impede the full utilisation of women’s abilities. It is also argued that, in a sense, this is a question of individual choices and wishes. This argument can be identified in this paragraph:

Stereotyping constitutes a barrier to individual choice for both men and women. It helps to preserve inequalities by influencing the choice of education, training or employment, participation in domestic and family duties, and representation in decision-making jobs. It can also affect how an individual’s job is valued. Getting rid of stereotypes is one of the priorities of the Roadmap and the European social partners’ framework of action on gender equality. (European Commission 2008a: 13)

The underlying idea is that women will be just fine once they get rid of stereotypes and are able to reach men’s standards. The arguments presented in the documents focus on women as workers. Better education, skills, and training would result in more equality in the labour market.

Men as the Norm: Equality and Difference

I have already referred to the presence in the texts of the idea of men as the norm, and I undertake now to discuss this issue a bit further.

One of the interviewees argues that policy-makers

still consider men to be the norm: what is good for men is good for everyone. What they want is what everyone wants, if they suffer from something it is a common suffering. So, when you have something that is specific for women, it’s not even seen. It’s not even noticed. [...] And I think it’s very important also to say that this is not to say that we

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should be the same, men and women should be sort of similar or the same. We should be equal, I'm sure that for a very very long time at least men and women will want different things, we want to do different things, and we want to devote our lives to different things, and I don't think that it is a problem. But it should be considered people's wants, and needs, and desires as *equally* important.¹¹⁸

In this regard, another interviewee says, 'The myth of the equal policy is "one policy for all".' She sees this as a core problem in policy-making and gender issues:

If you develop a policy because you think that the target group is male and white and this type of worker, you have a policy that there is not the policy for the reality, you have a policy that deals with a certain group of people and would give advantages to a certain group of people, but not to all citizens, it creates inequality, although you think that your policy is 'one policy equal for all', but reality is different.¹¹⁹

Another interviewee also refers to this belief, this illusion, of all being the same. She refers specifically to a 'sort of French thinking', which she says is quite strong among EC policy-makers, that supposes that 'everybody is equal and [has] universal rights'. It is difficult, therefore, for some people to think of differences as compatible with equality. She says, 'Very often, people I work with, men or women, do not want to see any difference.' The idea is that 'they do not want' to recognise differences between women and men because 'they fear' that, in doing so, they will risk equality.¹²⁰

On the other hand, it is possible to find counterarguments or competing definitions within the very same texts. What the 2005 Report on Equality says is interesting in this regard. It states that gender equality 'is achieved when the different behaviour, aspirations and needs of women and men are equally valued and favoured and do not give rise to different consequences that reinforce inequalities' (European Commission 2005b: 10).

Hence, recognition does exist in policy texts that there are differences and that it is necessary to include them in equality, though these arguments do not abound in policy documents. On the contrary, the idea that women should fulfil certain conditions in order to achieve equality is very much emphasised. Joan Scott argues that the binary opposition equality/difference actually obscures the interdependence that exists between equality and difference in

¹¹⁸ Interview with MEP, May 2008. The emphasis is added to reflect the interviewee's spoken stress on the word.

¹¹⁹ Interview with gender expert at EC, May 2008.

¹²⁰ Interview with senior gender expert at EC, May 2008.

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the sense that equality does not mean ruling out differences and difference does not presuppose that equality has to be denied (1988: 38).

The opposition equality/difference is powerful in that it still functions to *corroborate* that men are the norm. The opposition is powerful because it is simple: equality *has to* entail that we are all equals, that we are all the same, which means that women are the same as men, that men are the norm. If not, if instead we are different, equality is a difficult enterprise. Thus, it is necessary to think about equality and difference not as an oppositional pair but as complementary. As Scott says:

Equality, in the political theory of rights that lies behind the claims of excluded groups for justice, means the ignoring of differences between individuals for a particular purpose or in a particular context. [...] This presumes a social agreement to consider obviously different people as equivalent (not identical) for a stated purpose. In this usage, the opposite of equality is inequality or inequivalence, the noncommensurability of individuals or groups in certain circumstances, for certain purposes. [...] The political notion of equality thus includes, indeed depends on, an acknowledgment of the existence of difference. Demands for equality have rested on implicit and usually unrecognized arguments from difference; if individuals or groups were identical or the same there would be no need to ask for equality. Equality might well be defined as deliberate indifference to specified differences. (1988: 44)

The alternative to the binary construction of sexual difference is not sameness, identity, or androgyny. [...] It is not sameness or identity between women and men that we want to claim but a more complicated historically variable diversity than is permitted by the opposition male/female, a diversity that is also differently expressed for different purposes in different contexts. In effect, the duality this opposition creates draws one line of difference, invests it with biological explanations, and then treats each side of the opposition as a unitary phenomenon. Everything in each category (male/female) is assumed to be the same; hence, differences within either category are suppressed. In contrast, our goal is to see not only differences between the sexes but also the way these work to repress differences within gender groups. The sameness constructed on each side of the binary opposition hides the multiple play of differences and maintains their irrelevance and invisibility. (ibid.: 45–46)

Scott tackles several of the issues referred to above (1988). If the gender mainstreaming strategy is meant to work, the question of gender equality cannot be thought of in terms of binary distinctions (male/female; equality/difference) nor based on a principle of sameness. Conceptually, gender mainstreaming does imply the transformation of the gender structure (Rees 1998; Walby 2011).¹²¹ Moreover, together with transformation, the EU

¹²¹ See discussion in chapter 1.

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dual-track approach to gender mainstreaming incorporates the idea of difference, which lies behind positive action strategies.

Gender Inequality: A Policy ‘Problem’

What Is Gender Inequality?

Most interviewees maintain that gender inequality means unequal opportunities and outcomes for women and men. And some argue, on a more general level, that it is, basically, subordination of women to men.¹²² One of the interviewees says:

[Gender inequality means] that the policies have a different impact on women and men, that there are still, for instance, imbalances in the different fields like the pay gap between women and men, that women are less represented in decision-making process, in the policy, in the economics, so that there is inequality everywhere.¹²³

Yet another interviewee presents a slightly different voice:

[Gender inequality means that] what men say, do, decide, want, wish for, or things like that, it’s always considered more important, so if men have a common interest, like football, it can cost how much money, I mean, astronomical figures, to have the police out to defend, you know, separate the gangs from each other, I mean, you couldn’t imagine an interest like that, which is almost completely male, to be completely female, where you have to use so much tax money to defend women from killing each other on the streets. So, I say that to me as a feminist I believe that gender inequality is *the* basic structure of society. And it is, I mean, it’s very easy to see it once you start checking [...] men are considered the norm and I can give you thousands of examples in the same way, men are considered the norm and we are sort of abnormal, just being a women we are in many circumstances abnormal.¹²⁴

In a similar vein, one of EWL’s documents defines gender inequality in these terms:

Despite existing European and national legislation, numerous political commitments at all levels, and the existence of equality before the law in most EU Member States, equality between women and men is not a reality in Europe in 2005. In every country in the European Union, access to resources, rights and power are unequally distributed between women and men and gender inequality is pervasive at every level and across all groups

¹²² Interview with senior gender expert at EC, May 2008.

¹²³ Interview with gender coordinator at DG Employment, May 2008.

¹²⁴ Interview with MEP, May 2008. The emphasis is added to reflect the interviewee’s spoken stress on the word.

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within society. Supporting this structured inequality are still widespread and related prejudices, stereotypes and cultural patriarchal attitudes that undermine women as independent autonomous actors in all spheres of life. (European Women's Lobby 2005a: 1)

It is interesting that in this quote from a EWL document, stereotypes and attitudes appear as 'supporting' structural gender inequality. This contrasts with EC policy texts that point to stereotypes as 'root causes' of gender inequality (see quote below from European Commission 2009a: 13). Also in EWL documents, gender inequality is described as a democratic deficit: 'Women's under-representation in politics represents a serious democratic deficit. It is not acceptable to leave half of the population outside positions of power, while claiming that our societies foster democratic values of equality, justice and participation' (European Women's Lobby 2008: 5).

The key term 'gender inequality' is defined on the one hand as a social issue, as subordination and democratic deficit, and on the other hand as an economic issue, economic dependence, and as a question of inefficiency for the economy. I would argue that, as in the case of gender equality, gender inequality is understood in terms of value and instrument. These two arguments sometimes mix, as in the case of this interviewee:

If you believe in human rights, if you believe in people being able to express themselves autonomously or freely or as free persons, it is not fair or efficient to have one sex subordinated to the other, all the persons of one sex subordinated to all the persons of the other.¹²⁵

When gender inequality is defined in instrumental terms, the main focus is on the labour market and how to encourage the inclusion of women in it so that resources are not wasted and economic growth is guaranteed. The argument goes like this: economic independence is considered fundamental to gender equality. It is then argued that 'paid work is a precondition of economic independence during the active ages as well as a basis for pension in older ages' (COM(2005) 44 final: 11) or, similarly, that 'access to high-quality paid employment is the guarantor of the economic independence of both women and men' (European Commission 2007: 13). Thus, the question is how to tackle all the obstacles that hinder women's employment.

One aspect has to do with work/private life balance. Access to paid employment should be assured by sound reconciliation policies. According to

¹²⁵ Interview with senior gender expert at EC, May 2008.

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the 2005 Report, 'Helping people reconcile work and private life opens up access to paid employment. At the same time, it aids social inclusion by reducing the risk of poverty' (European Commission 2005b: 26). But then again, the Roadmap points out, 'However, the fact that far more women than men make use of such arrangements [part-time work and parental leave] creates a gender imbalance which has a negative impact on women's position in the workplace and their economic independence' (COM(2006) 92 final: 5). In this regard, the 2008 Report also affirms that 'participation in employment and the amount of time worked by women between 20 and 49 years are closely linked to the number and age of their children, which is less the case for men' (European Commission 2008a: 15).

It is argued that gender inequality expressed as gender gaps affects the labour market and the economy in general:

Labour market imbalances have many causes, some based on culture and tradition. But with the pressure of an ageing population, they risk exacerbating skills gaps in certain sectors and occupations where few women work. For example, a number of key economic sectors traditionally dominated by men (like science, technology, engineering and construction) are experiencing shortages of skilled labour. On the other hand, the care sector – dominated by female employees – is also suffering shortfalls. These gaps could be partly filled by encouraging more women (or men) to enter the sectors. In this way, tackling the gender gap also serves to tackle skills gaps. (European Commission 2005b: 23)

And, in turn, tendencies within labour markets may trigger gender inequality:

Inequalities remain and may widen, as increased global economic competition requires a more flexible and mobile labour force. This can impact more on women, who are often obliged to choose between having children or a career, due to the lack of flexible working arrangements and care services, the persistence of gender stereotypes, and an unequal share of family responsibilities with men. (COM(2006) 92 final: 2)

But what is gender inequality, then? Is it economic dependence? Does it have to do with democracy and human rights? To better grasp definitions of gender inequality in policy documents, I have tried to identify those issues or questions that are presented as indicators of gender inequality. The Reports on Equality between Women and Men refer, as indicators of gender inequality, to all the gender gaps – in education, in pay, gaps that reflect labour market segregation and differences in working arrangements, and so forth.

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For instance, the 2007 Report points out that ‘very major disparities persist between the sexes, in particular regarding arrangements for working time (part-time work, temporary contracts) and sectors and professions’ (European Commission 2007: 13). Working time is thus identified as an indicator of gender inequality. One of the Reports states that ‘the gap between average hours worked by women and men with children shows that women with children work 11 hours per week less than men with children’ (COM(2005) 44 final: 12).¹²⁶

The EWL makes a similar evaluation:

Gender gaps remain in employment. While women’s employment rate has increased, albeit in varying degrees in different Member States, the type[s] of jobs women occupy continue to maintain the traditional gender division of paid and unpaid work. The working patterns of women, including over representation in part time work and atypical forms of work, concentration in women-dominated sectors of the economy, have not led to achieving true equality of outcome between women and men. Economic equality is still not a reality in relation to salaries in employment and in relation to unpaid work. (European Women’s Lobby 2008: 6)

The gender gaps appear somehow interrelated. According to the 2007 Report, labour market segregation ‘originates in stereotype choices of education, training and careers’ (European Commission 2007: 11). The 2008 Report similarly mentions that ‘the choice of study fields certainly impacts on the gender segregation of the labour markets evidenced both for occupations and economic sectors’ (European Commission 2008a: 16). The 2009 Report on Equality between Women and Men offers a definition:

Gender stereotypes are cultural and social attitudes towards what is traditionally considered ‘male’ or ‘female’ roles and functions. They may influence women’s and men’s choices of studies and jobs, and may lead to a gender-segregated labour market. These stereotypes influence the unequal sharing between women and men of working time, income and family responsibilities; they also constitute barriers to women’s career advancement and appointment to decision-making positions. Combating gender stereotypes therefore means tackling the root cause of persisting gender gaps in the labour market. (European Commission 2009a: 13)

Hence, the argument goes something like this: certain choices in education are made, influenced by certain stereotypes. As a consequence of those stereotyped choices, imbalances in the labour market are produced.

¹²⁶ The data refers to 2003. However, it is pertinent as an illustration of what is pointed out as relevant in terms of gender inequality.

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Therefore, it seems to be urgent to combat stereotypes and promote untypical/non-stereotyped choices in career and training. The 2005 Report had also referred to that question:

While women's increased qualifications have had a positive effect on their employment rate, pay levels, and promotion to managerial positions, imbalances in subject choices in education still feed through to gender segregation in the labour market. [...] while women students are well represented in higher education as a whole in the EU, they remain too few in scientific and technological fields. Encouraging women to study these subjects and subsequently follow careers in science and technology could provide a boost to Europe's research and development performance. (European Commission 2005b: 32)

Again, role expectations and stereotypes are understood as the causes of gender inequality, and improving education and simultaneously combating stereotypes are identified as primary tools for achieving gender equality.

Why Gender Inequality Is a Problem

In giving reasons for why gender inequality is a problem, both interviews and documents show the two aspects of value and instrument. Gender inequality is a moral problem; it is a question of democracy and human rights. However, there are only a few references to democracy or human rights as reasons for why gender inequality is a problem in documents at the general level (though there are some references in development and migration). The idea of gender inequality being a problem because it undermines democracy and human rights can be found in some interviews. One of the interviewees defines gender inequality as a problem because it implies 'different life opportunities and health and access to resources of half the population'.¹²⁷ Another interviewee refers more specifically to the question of democracy:

Because it affects the whole of the society, to me, equal rights for everyone is one of the basic ideas behind democracy and, as long as you have a group, half of humanity, who is constantly degraded because of just belonging to the second sex, then you will never have proper true democracy. [...] Because, well, I think it's quite obvious, it's uh if you believe in democracy, if democracy is something you value, you have to consider as a problem that half of humanity is not considered as important as the other half.¹²⁸

On the other hand, gender inequality is a problem for the normal functioning of the economic system. By looking at the references to gender inequality in

¹²⁷ Interview with policy director at EWL, May 2008.

¹²⁸ Interview with MEP, May 2008.

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policy documents in the paragraph above, it becomes clear that gender inequality is a problem because it holds back economic growth and social cohesion. Policy documents stress the necessity of tackling inequality to boost economic growth and social cohesion as well as to combat poverty (European Commission 2007: 11). Women's employment is key in reaching the objectives set in the Lisbon Strategy. As the 2005 Report indicates, 'Strengthening the position of women in the labour market, guaranteeing a sustainable social protection system, and creating an inclusive society remains fundamental in order to reach the Lisbon goals' (COM(2005) 44 final: 6).¹²⁹

Some interviewees also echo these interpretations of why gender inequality is problematic. One of the interviewees says:

You could find different reasons, one, it could be just an economic reason. The first, normally the first is that all the citizens have equal rights, right? But it's also the case that if you lose the women's capital represented by women you are losing... in a liberal trade economy, you are losing a potential that could bring women for the world, that's another example.¹³⁰

The interviewee recognises that there is a 'first' reason: 'all the citizens have equal rights,' but she emphasises the fact that there is also an economic reason.

Gender Mainstreaming: Concept and Practice

The Concept of Mainstreaming

In the context of the introduction of gender mainstreaming strategy at the EU level, gender mainstreaming means both the introduction of gender into mainstream policies and programmes *and* specific measures targeted to women. This dual approach to gender mainstreaming is clearly stated from the outset of the concept in the 1996 Communication, Incorporating Equal

¹²⁹ Nonetheless, as the 2007 EWL Report on the implementation of the Roadmap evaluates, 'Although the Lisbon Strategy affirmed the necessity to increase the employment rate of women and to take into account the needs in relation to childcare as a precondition for growth, gender is still not taken systematically into account in European macro-economic policies. The need for coherence between macro-economic and gender mainstreaming policies needs to be acknowledged and implemented in policy making' (European Women's Lobby 2007b: 2-3).

¹³⁰ Interview with gender coordinator at DG Employment, May 2008.

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Opportunities for Women and Men into All Community Policies and Activities. The 1996 Communication defines gender mainstreaming as

not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them. (COM(96) 67 final: 2, emphasis in the original)

This definition in the 1996 Communication supposes a dual-track approach, as it includes both 'the implementation of specific measures to help women' and 'systematically examining measures and policies and taking into account such possible effects [effects on the respective situation of men and women] when defining and implementing them'. The dual-track approach implies that gender is everywhere, while at the same time specific measures are targeted to specific groups of women. There is a general and systematic gender perspective aimed at being combined with a specific approach to women's particular situations.

In addition, the 1996 Communication refers to the challenge of building 'a new partnership between men and women' and the necessity of incorporating a gender mainstreaming approach in order to achieve this 'new partnership'. This idea of partnership alludes to a change in responsibilities. Equal opportunities is no longer an area of concern limited to women and their advocates, gender experts, feminists, and 'femocrats'; instead, within the strategy of mainstreaming, the responsibility for equal opportunities rests on all actors involved in the policy-making process.

As I said above, the idea of partnership when dealing with gender issues may imply an understanding of gender as including both women *and* men; the text seems to adopt a relational perspective of gender. However, as I showed, that approach is not taken further. Instead, the binary distinction (Bacchi 2009; Scott 1988) between 'male' and 'female' remains as both starting and ending point in the analysis.

Moreover, despite the recognition of different situations women live in (see above), in the context of gender mainstreaming, the main distinction remains between men and women, and it is assumed that women constitute a homogeneous group – what I referred to, following Connell's critique, as categorical thinking (see above).

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The Practice of Gender Mainstreaming

Documents do not refer much to the practice of gender mainstreaming. I find a reference to it in the 2005 Report on Equality between Women and Men:

In practice, this [mainstreaming the gender dimension] means assessing how policies impact on the life and position of both women and men – and taking responsibility to re-address them if necessary with a view to promoting gender equality. This is the way to make gender equality a concrete reality in the lives of women and men, and forms the basis for gender mainstreaming. (European Commission 2005b: 15)

The interviews present an interesting opportunity to approach the understanding of gender mainstreaming not only as a concept but also as policy practice. Some of the interviewees were not involved in implementation of gender mainstreaming at the time of the interview, but all of them were involved in it at some point in their careers. The understanding of the concept of gender mainstreaming and its being put into practice by those involved in policy-making has to do with what Fairclough defines as coherence (2010: 83–84, 233). Coherence issues are important for the analysis of the dimension of discourse practice. The coherence of a text refers to how it is interpreted, that is, how the text is consumed or put into practical use. The point at which policy documents are put to work is an important aspect of policy practice: there is a process of interpretation here by those making policy. A text is coherent when it ‘makes sense’ to someone, to an interpreter (ibid.: 83–84, 134).

Apart from the definition of gender mainstreaming in the 1996 Communication, there is another definition that has influenced policy-makers’ understanding of gender mainstreaming and it, too, is intertextually referred to. This is the definition elaborated by the Council of Europe (CoE), ‘Gender Mainstreaming Conceptual Frameworks’, one of the pioneering documents on gender mainstreaming, which was produced at the CoE in 1998 (published again in 2004) by the Group of Specialists on Gender Mainstreaming. Although it is not an EU document, it has greatly influenced policy formulation and policy-making at the EU level. The document states:

The Group of Specialists agreed upon the following definition:

Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.

The definition of gender mainstreaming highlights the goal of mainstreaming, the process, the objects and active subjects of mainstreaming. The objects of mainstreaming are all policies at all levels and at all stages, while the active subjects of mainstreaming

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are the ordinary actors. Gender mainstreaming can mean that the policy process is reorganised so that ordinary actors know how to incorporate a gender perspective. It can also mean that gender expertise is organised into the policy process by including gender expertise as a normal requirement for policy-makers.

This definition also highlights the way in which gender mainstreaming intercepts the shortcomings of specific gender equality policy. Gender mainstreaming means that gender equality is part of common policies. Gender mainstreaming implies a broader and more comprehensive definition of gender equality, giving value to differences and diversity. In stressing the need to (re)organise, improve, develop and evaluate policy processes, gender mainstreaming makes it possible to challenge the male bias that characterises society and the structural character of gender inequality. Mainstreaming also gets gender equality issues out of the isolation of gender equality machineries and involves more and new actors in building a balanced society. In doing so, the process of transforming gender relations in the direction of gender equality can be accelerated and strengthened. (Council of Europe 1998: 15)

I will now try to identify what the interviewees make of those formal definitions and their own practice. One of the interviewees, referring specifically to the CoE definition of gender mainstreaming, points out:

The Council of Europe came out with a definition of gender mainstreaming that was about half a page, right? So, it explains that it's not an easy concept, right? It's not an easy concept. I would say that there is a number of [...] resistances, of course. But there was... I mean, we took time to develop a number of tools to actually say how you actually can take this into account without overburdening the administration as well. When we talk now about gender budgeting, gender budgeting as a tool to mainstream gender issues, the first reaction of budgeting officers was 'Still another thing to take into account, it's going to overburden our services.'¹³¹

In wording gender mainstreaming, the interviewee says that 'it was very positive that the Commission has introduced this idea at EU level, it really marked a different step, a turning point into gender policy' and that while gender mainstreaming can be 'something major and structural' – it 'can mean changing mentalities' – it is also 'about introducing tools that are going to help people taking into account that gender equality is an objective and that any action that they take should take into account the impact on the relations between women and men'.¹³² Gender mainstreaming is about changing mentalities and it is also a tool to achieve objectives of gender equality. The interviewee, however, stresses the complexity of gender mainstreaming as a

¹³¹ Interview with senior gender expert at EC, May 2008.

¹³² Interview with senior gender expert at EC, May 2008.

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concept and how difficult it is to make it feasible in policy-making, in particular when policymakers have no experience of or interest in gender questions.

One of the interviewees working on monitoring gender mainstreaming at the EC level defines it as the integration of ‘the gender dimension in each policy or area of policy to address the imbalances between women and men’.¹³³ In more practical terms, another interviewee argues that, in practice, gender mainstreaming means that ‘you look at the real situation, you try to have your gender statistics and look at the situation of men and women and other target groups [...] You analyse the problems and you think about the impact of your policies afterwards [...] looking at the target group, looking at differences, trying to find the way.’¹³⁴

Critiques in Practice

On the one hand, there was a turning point in gender policies with the introduction of mainstreaming, and DG Employment has had a vigilant role in monitoring and evaluating the strategy. On the other hand, a great deal depends on the specific policy areas. Many times the objectives are not well defined, but the guideline (from DG Employment) is to ‘take gender always into consideration’, and consequently, much depends on the person in charge of gender issues within the given policy area (his/her willingness, knowledge, and resources).¹³⁵

The 2009 Report on Equality between Women and Men says in this regard: ‘Gender mainstreaming needs to be reinforced by intensified training and capacity-building for those involved in policy-making, aiming at more efficient use of this tool for integrating the gender perspective into all policies and actions’ (European Commission 2009a: 15).

As a 2005 EWL document states:

Gender mainstreaming has, for some years been stated as a major instrument of the EC gender equality strategy, but implementation has been uneven and ineffective in most areas, due partly to insufficient resources and partly to the absence of sufficient political will at the highest level with the EC. [...] A successful gender mainstreaming policy

¹³³ Interview with gender coordinator at DG Employment, May 2008.

¹³⁴ Interview with gender expert at EC, May 2008.

¹³⁵ See e.g. the interview with gender coordinator at DG Justice, Freedom and Security, May 2008. Also, the 2005 Report recognises that ‘gender mainstreaming has gone further in some policy areas than in others. Employment, social inclusion, economic and social cohesion policy, Structural Funds (in particular the ESF), science and research, and external relations provide some examples of good practice at EU level’ (European Commission 2005b: 16).

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would necessitate more concrete timeframes, budgets, objectives, monitoring tools, training and guidance for officials in all sectors. (European Women's Lobby 2005b: 3)¹³⁶

One interviewee, working within the EWL, says:

It is a good point that the EU started to look at other areas than only employment, and also the Roadmap on Gender Equality that was adopted in 2006 looks at a number of areas going beyond employment. But we really would like to see much stronger action than what it is, because the Roadmap is quite weak in general [...] the Roadmap has some goals, but the problem is that it's pretty vague in many, they don't include... in some instances they have extremely concrete, very concrete things, but in many other ways is like 'sharing of information', or 'sharing of good practices' [...] it lacks concrete measures because the problem is its lack of budget, because if you consider that the European Roadmap is the main tool, the main instrument, apart from the Progress Programme, for example, there is no specific budget attached to it and for each of the measures it is up to the different DGs to do the programmes that they have. So in this sense it's a bit too vague and it's a bit... it can't really work if there is no budget.¹³⁷

Therefore, the situation is that

on the one hand, you have the gender equality policy where there is [...] sometimes a good analysis of the situation and then when you look at issues of poverty, pension, or social exclusion, it can be documents or it can be policies, where women are not mentioned. So, there is not always consistency, and in some respects... situations where gender mainstreaming is stated at the beginning of the document and that's all. [...] I don't think it's been completely implemented. And now it really depends, I think that it's the kind of strategy that it's properly implemented only if you have enough resources, and it doesn't seem really to be the case.¹³⁸

Besides resources, another interviewee, working within the Commission, referred to commitment as a question at issue, 'a work of awareness raising that has to be done, because it may be good in one area because of the motivated officials who know what it is, in what interest, and then he changes

¹³⁶ See also, by the EWL e.g. the Roadmap implementation Report of 2007, which says that 'effective gender mainstreaming that brings transformative results presupposes training for Commission officials, continuous and rigorous gender impact assessment and gender budgeting, but none of these are discernible in any systematic way' (European Women's Lobby 2007b: 1). And it also argues that 'according to a study carried out in 2007, the importance of gender impact assessment is usually acknowledged by Member States, but the commitment is formal, since GM strategies rarely surface in concrete implementing strategies, and they can usually not be found in fields other than labour market issues' (ibid.: 14).

¹³⁷ Interview with policy director at EWL, May 2008.

¹³⁸ Interview with policy director at EWL, May 2008.

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his job and it's left again. So I think it's a continuing job trying to have it on the agenda.¹³⁹

One of the main criticisms of the practice of mainstreaming has been that it serves as an excuse to cut down on women's specific actions, projects, programmes, and structures.¹⁴⁰ One of the interviewees explains:

Gender mainstreaming is very much seen as a way to die out policies, I mean to die out gender policies – no, I mean, not that I would say consciously, but I mean you say, 'Well we're going to mainstream gender issues so there is no more need for other specific service dealing with gender equality, everybody will deal with gender equality.' If you know what I mean. So, at that time, already in the [1996] Communication and in all the papers that came out later on, we insisted that in our view, the Commission – I mean, this was adopted by the Commission, we were insisting or we were always thinking that a double approach was necessary, which means that you should have gender mainstreaming and positive action, specific actions. Which mean that you always preserve the idea that – I mean, obviously you have to integrate a gender perspective in all policies, but, as well, things were probably not [good] enough or the culture [of] equality was not diffuse enough, and you really have to make sure that you were addressing the structural obstacles to the promotion of gender equality by looking specifically at the situation of women.¹⁴¹

Another interviewee says:

In some areas it's [gender mainstreaming] been well done, in others, for example, it's been used as a reason to stop with specific programmes for women, which is not very positive. In some areas there is a start of gender mainstreaming, but it's sometimes also only words and not really any activities. So, it really depends ... what has been constant in the action of the Commission is that to make sure that there is gender mainstreaming, but also specific actions for women [...] I don't think [gender mainstreaming] can work alone, by no means. I think it's potentially, as I said, revolutionary because it would necessitate to do policies in a different way and to do the monitoring and to do the evaluation and to do the budgeting always taking into account the different situations of women and men in the different areas. So in this sense it's a... it would be quite revolutionary because it's not been done in many areas, but at the same time, now, I think that specific measures for women to compensate for the disadvantages are still necessary in many different areas, and that's because from – I don't know, employment policies where there is specific training for women to re-enter the labour market, specific measures to break the gender

¹³⁹ Interview with gender expert at EC, May 2008.

¹⁴⁰ For a discussion of the academic debate around mainstreaming, see chapter 1.

¹⁴¹ Interview with senior gender expert at EC, who participated in the process of elaborating the 1996 Commission Communication, May 2008.

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pay gap, or specific measures to fight domestic violence. Yes, in almost all areas I would say we need specific measures and gender mainstreaming comes as a complement.¹⁴²

The definition of gender mainstreaming as a dual-track approach often leads to confusion: If gender mainstreaming means that gender is overall and everywhere, why is it that we need specific measures for the advancement of women? Or if we still have specific actions and programmes targeted to women, why would we need to spend time and resources in mainstreaming gender? This has implications for the practice of mainstreaming. There is a fundamental confusion behind this: the confusion between gender and women; that is, the understanding of ‘gender’ as meaning ‘women’.

What Eveline and Bacchi argue in their study on gender mainstreaming in Canada and the Netherlands is interesting in this connection (2005). They explain that in each of the two contexts under analysis there were different understandings of gender in place, and therefore the policy approaches were different. Moreover, they show that the failure of gender mainstreaming has to do with conceptualising gender as a *noun*, instead of understanding it as a *verb*.¹⁴³ The authors argue that for gender mainstreaming strategy to be successful, gender has to be understood ‘as a verb rather than as a noun, so that the focus is on the processes of gendering rather than on the static category of “gender”’ (Eveline & Bacchi 2005: 496), and they argue that ‘the focus on gender as a political process contests the tendency to deploy gender as a euphemism for sex – as an attribute of bodies rather than attributional processes’ (ibid.: 507).

The problem seems to be that it is much more complicated to talk about structures and processes while formulating policies and much easier to declare that there is an interest in ‘gender issues’ by referring to gender and women. But if ‘gender’ is thought to be synonymous with ‘women’, then to address both gender and women may seem redundant. On the contrary, if gender is something else than *just* women, if gender is defined as a social structure (Risman 2004), or as a process and practice (Connell 1987), there is no reason for denying the necessity of specific measures.

It is interesting in this regard how the CoE explains the differences between gender mainstreaming *and* specific measures:

Gender mainstreaming cannot replace and render redundant specific equality policy and machineries. When mainstreaming is mentioned as a new strategy to achieve gender equality, it is always stressed that this strategy does not replace ‘traditional’ gender

¹⁴² Interview with policy director at EWL, May 2008.

¹⁴³ I have already referred to Eveline and Bacchi’s (2005) conceptualisation of gender as a verb in chapter 1.

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equality policy, but complements it. They are two different strategies to reach the same goal, i.e. gender equality, and must go hand in hand, at least until there is a real culture and consensus regarding gender equality in the whole of society. The question is how gender mainstreaming relates to specific equality policy and why it is still necessary to have 'traditional' forms of equality policy. The main difference between mainstreaming and specific gender equality policies is the actors involved and the policies that are chosen to be addressed. The starting point for 'traditional' forms of equality policy is a specific problem resulting from gender inequality. A specific policy for that problem is then developed by an equality machinery. The starting point for mainstreaming is a policy which already exists. The policy process is then reorganised so that the actors usually involved take a gender perspective into account, and gender equality as a goal is reached. Mainstreaming is a fundamental strategy – it may take some time before it is implemented, but it has a potential for a sustainable change. 'Traditional' forms of equality policy can act much faster, but they are usually limited to specific policy areas. (Council of Europe 1998: 17)

And it further specifies that 'mainstreaming requires a gender perspective and not a focus limited on women's issues. Gender mainstreaming requires taking into account the relations between women and men, and not simply reducing the concept to the two categories of women and men' (Council of Europe 1998: 19). Gender mainstreaming aims for a system transformation, and this aim definitely demands a holistic approach able to incorporate and take into account relations, processes, and structures.

Representations and Discourses

In analysing my material, I have been referring to arguments that construct certain problems' definitions. This is part of identifying problem representations. I will continue now with the identification of proposed solutions (some of which I have already identified), to then try to wrap up the argument and present the main representations of the problem of gender (in)equality and the discourses of gender equality that those representations constitute.

Proposed Solutions

I have been referring to some of the proposed solutions to the 'problem' of gender inequality presented in policy documents. Among the proposed actions for reaching gender equality are, first and foremost, employment

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policies and, second as well as closely linked to employment policies, policies concerning education and training. The Roadmap and all of the Reports, as well as the European Pact for Gender Equality emphasise these areas of concern (see, for instance, European Commission 2005b: 17, 32).

For the sake of clarity, I will now centre my analysis on two examples. Before continuing, I would like to note that I have chosen these two documents on the basis not only of questions of relevance but also of intertextuality. By intertextuality I mean, in this case, explicit references among the texts. The Roadmap for Equality between Women and Men, the European Pact for Gender Equality, and the Reports on Equality between Women and Men all refer explicitly to the others on many occasions in order to support and legitimate their evaluations, conclusions, and recommendations. The two examples that follow condense most of what is presented as proposed solutions to the problem of gender (in)equality in policy documents at the EU level in general.

These clarifications made, I continue with the texts. The European Pact for Gender Equality states:

Considering the gender equality road map proposed by the Commission and the need to:

- contribute to fulfilling EU ambitions on gender equality as mentioned in the Treaty,
- close the gender gaps in employment and social protection, thus contributing to make full use of the productive potential of the European labour force,
- contribute to meeting the demographic challenges by promoting better work-life balance for women and men,

the European Council has adopted a European Pact for encouraging action on Member State and Union level in the following fields:

Measures to close gender gaps and combat gender stereotypes in the labour market

- promote women's employment in all age brackets and reduce gender gaps in employment, including by combating all forms of discrimination;
 - equal pay for equal work;
 - combat gender stereotypes, in particular those related to the sex-segregated labour market and in education;
 - consider how to make welfare systems more women's employment friendly;
- promote women's empowerment in political and economic life and women's entrepreneurship;

– encourage social partners and enterprises to develop initiatives in favour of gender equality and promote gender equality plans at the workplace;

– mainstreaming the gender perspective into all public activities.

Measures to promote a better work-life balance for all

- achieve the objectives set at the European Council in Barcelona in March 2002 on the provision of childcare facilities;
- improve the provision of care facilities for other dependents;

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- promote parental leave for both women and men.
- Measures to reinforce governance through gender mainstreaming and better monitoring
- ensure that gender equality effects are taken into account in impact assessments of new EU policies;
 - further develop statistics and indicators disaggregated by sex;
 - fully utilise opportunities presented by the establishment of the European Institute for Gender Equality. (Council of the European Union 2006: 28–29)

The 2007 Report on Equality between Women and Men refers to the European Pact for Gender Equality and justifies the instrumental view of policies regarding gender equality:

At the European Council of 23 and 24 March 2006, the Member States approved a European Pact for Gender Equality. The Pact demonstrates the Member States' determination to implement policies aimed at promoting the **employment** of women and guaranteeing a better balance between professional and private life in order to meet the challenges of demographic change. In this context, it would appear essential to develop childcare services in order to achieve the Barcelona objectives.

[...] It is clear that policies on gender equality will contribute significantly to meeting those challenges: on the one hand, by stimulating the **employment** of women, thus compensating for the forecast decline in the working population; and, on the other, by supporting the **individual choices** of women and men, including decisions on the number of children they wish to have. (European Commission 2007: 10, emphasis added)

And then it concludes:

Building on this report and in line with the priorities set out in the Roadmap and the European Pact for equality between women and men, the European Council is invited to urge the Member States to urgently take up the challenges described above, in cooperation with the various stakeholders.

Particular emphasis will need to be placed on:

- taking all possible steps to eliminate the gender pay gap;
- strengthening gender mainstreaming in the implementation of employment policies;
- continuing the efforts aimed at allowing men and women to reconcile their professional, private and family lives, and supporting the social partners in implementing measures in that area;
- adopting an approach to issues of demographic change which takes account of and supports gender equality. (European Commission 2007: 15)

The European Pact for Gender Equality frames its proposed solutions within three general objectives. The first one is more of a declaration of principles ('contribute to fulfilling EU ambitions on gender equality as mentioned in the

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Treaty'), the second has to do with increasing women's participation in the labour market ('close the gender gaps in employment and social protection, thus contributing to make full use of the productive potential of the European labour force'), and the third is related to the issue of an ageing population ('contribute to meeting the demographic challenges by promoting better work-life balance for women and men'). Three groups of measures can be distinguished in a more political set of actions ('measures to reinforce governance') and two sets of practical measures ('close gender gaps and combat gender stereotypes in the labour market' and 'promote a better work-life balance for all'). It is symptomatic that gender mainstreaming appears as a tool only in the case of the measures to improve governance, and it seems to be directly related to the need to 'contribute to fulfilling EU ambitions on gender equality as mentioned in the Treaty'. The solutions concerning the labour market focus on the inclusion of women in paid employment on an 'equal' basis with men. These solutions are framed within the instrumental logic of gender equality that I referred to above.

In the case of the 2007 Report, it is interesting that gender mainstreaming is presented in relation to the 'implementation of employment policies' and also that reconciliation is referred to as a question of both men and women. However, here again, the solutions proposed point to securing the inclusion of women in the labour market. That is the big question. Adequate provision of care facilities has to exist and, closely related to this, women's earnings have to be competitive, so that women can enter and stay in the labour market.

Representations of the 'Problem' of Gender Inequality

When referring to gender inequality, EU reports allude mainly to data concerning labour market segregation and gender gaps in employment and education. The 'problem' of gender inequality is constructed mainly in terms of labour market questions and the economy.

Part of the problem is represented to be women's lack of participation in the labour market and this lack, in turn, is due to women's lack of skills and training and the permanence of stereotyped role expectations. Women are expected to work more outside the home, to get training and gain new skills. In order to facilitate this, policies should promote more favourable arrangements at home and for the care of dependants, since, it is assumed, women usually shoulder the responsibility for the care of children and elderly and disabled relatives. And this is not very much about sharing family

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responsibilities at home, much more about reducing the 'burden' on women to enable them to enter and remain in the labour market.

Bacchi elaborates on the representation of women's inequality as a labour market problem. Although she deals specifically with the case of pay equity legislation, her findings are very illuminating. She argues that it was in the 1960s that 'the problem [of women's inequality] became women's lack of access to the labour market' in Western democracies (1999: 67). As in Bacchi's study, the underlying presupposition in most texts I have analysed is that 'women become equal to men when and only when they have equal access to the labour market' (ibid.).

Related to what I said above in dealing with women's agency and subject positions, problem representations produce effects in terms of what kinds of subject positions are constituted. Women as a target of policies are defined as a disadvantaged group that can be either resources for the economy or victims in need of extra policy attention. Women are resources for the economy if they are likely to be included in the labour market. In that case, women can be potential or wasted resources, depending on whether policies are successful or fail to include them in the labour market. If they are outside the labour market, women are defined as victims in need of extra policy attention. In either case, women are disadvantaged and, at the same time, responsible for their situation.

Problem representations also produce effects in terms of limiting what can be said and thought, and therefore limiting the possibilities of change. The representation of the problem of gender inequality as women's lack of participation in the labour market assumes that 'paid work produces freedom' (Bacchi 1999: 72). The argument is that paid work allows women to attain economic independence and this, in turn, produces gender equality. I agree with Bacchi that this argument 'ignores the numbers of women who have long had access to labour market participation, and who have not been "freed" by the experience' (ibid.: 68). The exploitation of those women is left unproblematised. And this, of course, limits the possibilities of change. If paid labour cannot be questioned, the range of 'solutions' available to gender inequality is circumscribed to the rationality of the economy and the labour market. Another limitation of this representation comes from 'the emphasis on independence at the expense of those who are and must be dependent' (ibid.). Bacchi explains:

The achievement of financial *independence* seemed to be and continues to appear a logical goal. Social structures, currently in place, penalize the dependant, and many of these are women. Still, we need to think through the full implications of a model of human existence predicated on 'independence'. Some of us will never achieve that status.

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Children and the elderly will always need forms of support. (ibid.: 70, emphasis in the original)

This last limitation, I would like to note, has to do precisely with the overvaluation of paid work, the consequent disregard for non-market activities (Bacchi 1999: 72), and the subvaluation of care work; there exists a ‘discriminatory hierarchy between “prestigious” gainful employment and “unprestigious” unpaid, mainly female, care work’ (WIDE 2010b: 28).

This representation of the ‘problem’ of gender inequality as women’s lack of participation in the labour market appears in EU policy documents in general as well as in EWL reports (that could be defined as feminist discourse) and contributes to building both an efficiency discourse and an economic independence–labour market discourse of gender equality. Thus, the cause of gender inequality does not lie in male-centred structures and systems, as gender mainstreaming supposes, but in women’s lack of participation in the labour market, women’s lack of education and training, and women’s lack of political involvement.¹⁴⁴ The individualisation of an otherwise structural problem results in blaming women for their destiny.

Discourses of Gender Equality

By examining problem representations at the EU general level, I have identified traces of different discourses: an efficiency discourse of gender equality, an economic independence–labour market discourse of gender equality, a human rights discourse of gender equality, and a feminist discourse of gender equality. I can also identify the idea of women as disadvantaged, which is not a discourse but an understanding of women that crosses most discourses.

Efficiency discourse of gender equality. The argument is that gender equality is a means to economic growth, market competitiveness, and social cohesion. The discrimination against and exclusion of women in/from the labour market, especially of those who are highly qualified, is a waste of human resources that the EU cannot afford.

Economic independence–labour market discourse of gender equality. The argument is that women’s economic independence is a precondition for gender equality. To guarantee their inclusion in the labour market is therefore key to gender equality. This discourse may have an emphasis on women’s

¹⁴⁴ I further elaborate on this in chapter 5.

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autonomy, moving the focus away from economic growth and competitiveness.

Human rights discourse of gender equality. The argument is that gender equality is a human right, and therefore it is necessary to guarantee equal opportunities and equal outcomes to women. Key words in this discourse are human rights, fundamental rights, women's rights, value, and principle. This wording and this discourse are used, in particular, when women are defined as 'in need' or as victims; mainly in relation to issues of gender-based violence, gender-based persecution, trafficking, and labour exploitation. There is something important to bear in mind about this discourse: on many occasions 'fundamental rights' and 'human rights' are presented as synonymous. This may have to do with the characteristics of the anti-discrimination strategy that has been put forward (see below).

Feminist discourse of gender equality. Feminist arguments can be found in WIDE's and EWL's texts and in some interviews, but feminist voices can also be found in some EU policy proposals and reports. In looking at what has been analysed, I would say that a feminist discourse of gender equality recognises the structural character of gender inequality, takes up women's rights, and also includes a gender perspective in the analysis of women's situation and experiences. The category of women in this discourse appears mostly connected with the idea of agency and not much with that of victims as in other discourses. This discourse is related as well to the project of changing the unequal distribution of resources and power between women and men in all spheres of life. I would say that EWL's texts present a feminist discourse at times blended with some arguments from other discourses of gender equality; employment and economic independence are presented in EWL texts as key to gender equality, and women's employment is seen as key in terms of their economic autonomy. Following Connell (1985: 262; 1987: 34), it would be possible to think of a EWL discourse in terms of what he defines as 'liberal feminism' (see also Risman 2004: 436; see chapter 1). I would argue that a more radical feminist discourse of gender equality can be spotted in texts by WIDE (see chapters 5, 6, and 7).

Interdiscursivity means that different discourse types coexist within a text. Neither policy documents nor interviewees can be defined according to one discourse type only. As stated in chapter 3, within a given institution different discourses can coexist in texts; they can be ambivalent, competing, contradictory, complementary, and so forth. An efficiency discourse of gender equality, an economic independence–labour market discourse of gender equality, a human rights discourse of gender equality, and a feminist discourse of gender equality coexist in the same text. This is especially

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evident in texts at the general level. In general texts such as the yearly reports on gender equality, two or more discourses are articulated to produce a sense of consensus or to make otherwise conflicting representations of the 'problem' of gender (in)equality seem compatible.

And this is the case because policy texts are the result of negotiations and power struggles. Many of the texts analysed show the coexistence of different discourses of gender equality. Feminist voices are included in EU documents as a result of advocacy on the part of feminist activists, functionaries, and/or researchers. Efficiency arguments are contained in EWL texts in part as a result of processes of strategic framing to fit the dominant discourses.¹⁴⁵

Something that is interesting about EWL discourse is that in texts at the general level (these are, in methodological terms, the analysed texts in this chapter that make up what I call the first body of texts), its arguments, although partly of a feminist discourse, are more conservative than the arguments to be found in texts within specific policy areas such as migration (see chapter 6), i.e. from the third body of texts. Further, as I said in chapter 2, the EWL is (like WIDE) at the same level of governance as the EC, influencing the process of policy formulation and overlapping in a way that gets expressed in the interdiscursivity (i.e. the coexistence of different discourses in the same text). But the EWL is, at the same time, an 'outsider' in the sense of representing a critical voice from a feminist perspective with the objective of attaining feminist goals, while the EC is not.

In her extensive account of feminisms, Sylvia Walby adopts an inclusive definition of feminism that 'includes some projects that do not define themselves as feminist, but nonetheless share feminist goals' (2011: 5). Walby argues that feminism

is focused on the pursuit of the goal of gender equality by individuals, groups, projects and governmental programmes, but it expands so as to encompass the wider goal of the advancement of women, on the grounds that both these goals require the project of the transformation of gender relations before they can be achieved. (ibid.)

While I agree partially with this inclusive definition, especially because the feminist project includes so many different experiences and looks more like a

¹⁴⁵ It is important to remember that, as I review in chapter 1, Pollack and Hafner-Burton have noted that advocates of gender mainstreaming strategically framed the issue to 'fit' the dominant frame of a given DG by underlining the 'efficiency' dimension of mainstreaming, i.e. how much can be achieved in terms of economic growth and competition if gender is included in the policy process (2000: 440, 450). Thus, I would say that there is a two-way process. While gender mainstreaming has been framed strategically to fit the efficiency logic, the efficiency logic markets gender equality in terms of its usefulness for objectives of economic growth and social cohesion.

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mosaic than a plain fabric,¹⁴⁶ I also think that to be defined as feminist, a political project needs to embrace the goal of both advancing women's rights *and* transforming the gender structure, which always implies conflicts of power – since it is about challenging and transforming power relations. And in this regard, I would say there are feminist projects that are more conservative and feminist projects that are more radical.

Final Thoughts

Gender inequality is explicitly defined as a problem in policy texts because it constitutes an obstacle to economic growth and social cohesion. Gender inequality is understood as an efficiency problem; it is a problem for the functioning of the economic system. Gender inequality is also defined as a problem because it hinders democracy and human rights. Gender inequality is a moral problem; it is a problem for the functioning of the democratic system.

It is important to make clear that how gender inequality is defined in documents and interviews, and what it is considered to be a problem for, is one thing. And what the 'problem' of gender (in)equality is represented to be in texts is another, different thing. To unveil that representation, it is necessary to identify not only the explicit definitions presented in texts but also the proposed solutions; the understandings, meanings, assumptions, and presuppositions lying behind those proposed solutions; the categorisations in use; and the context in which discourses are produced.

Understandings of gender (in)equality as value (the social dimension) and instrument (the economy) are at work in constructing the 'problem' of gender (in)equality. The proposed solutions find justification in the value or moral argument while emphasising the instrumentality of gender policies. It is not surprising that the most recurring representation of the 'problem' of gender (in)equality in policy texts at the EU general level is the representation of gender inequality as women's lack of participation in the labour market or women's lack of economic independence. Here the argument of gender

¹⁴⁶ As an example of the diversity of the feminist project here in Western Europe alone, the magazine *FEM 21* that the EWL published on the occasion of its 20th anniversary, 'exploring the meaning of feminism in the 21st Century', is very interesting (available at <http://womenlobby.org/spip.php?article651&lang=en>, accessed in March 2011). Of particular interest are the different visions of feminism that are presented in reports and interviews and are also represented by pictures participating in the 'EWL Photo Competition 2010'. It is worth taking a look at the three first prizes. Although feminism includes diverse experiences, its backdrop can still be characterised as Ann Snitow did more than 20 years ago: as a divide or tension between sameness and difference (Snitow 1989, quoted in Scott 2011: 39).

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equality being an instrument plays an important role, but the idea of gender equality as a value or human right is also cardinal. The representation of the problem of gender (in)equality as women's lack of participation in the labour market contains both arguments: the usefulness of women's labour and the value of women's economic *independence*.

It is argued that women's employment participation has to be encouraged by training, flexible work arrangements, and care facilities, while the formulation of policies that may encourage a more equal sharing of domestic and care work between women and men is almost entirely out of discussion. The goal of 'reconciliation' is to fully utilise women's labour force; it is not a more equal distribution of domestic and care work within the family. Men's role in the unequal division of domestic labour is not properly discussed but is taken into account only as a question of attitudes or 'awareness raising'. Drawing on Esping-Andersen's ideas, what is needed is a total rethinking of the 'problem' of balance between work and family life from a more child-oriented perspective that challenges the gender order by making men take more responsibility in the share of domestic and care work (2002, quoted in Bacchi 2009: 159). This needs to be done together with a revaluation of care work as central to society. The transformation of the gender structure as it is requires, among other things, rethinking the place of care and its relation to paid labour. Caring for the young and the elderly cannot continue to be considered a 'no-job', unproductive, and the natural (and therefore 'for free') thing for women to do. (See, for instance, Franck & Spehar 2010; Sevenhuijsen 1998.)

It is important to stress, connecting to what has been said in chapter 2, that the institutional place of EU gender equality policy is located within the issue area of employment (i.e. DG Employment). The emphasis on the labour market in policy formulations on gender may be produced to a great extent by the fact that gender questions are dealt with within DG Employment and that the monitoring and evaluation of gender mainstreaming as well is coordinated by DG Employment. On the other hand, there have been some organisational changes, and the future does not look very promising for gender equality and gender mainstreaming strategy in particular. In January 2011, programmes and actions concerning gender equality were transferred from DG Employment to the newly created DG for Justice.¹⁴⁷ It is to be seen how this organisational change impacts problem representations. So far, this change can be seen as part of the EU anti-discrimination strategy that, as said

¹⁴⁷ DG for Justice was created on July 2010 and consists of four directorates: Civil Justice, Criminal Justice, Fundamental Rights and Union Citizenship, and Equality. Available at http://ec.europa.eu/justice/mission/index_en.htm, accessed in January 2012.

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above, may entail a return to an approach more oriented to equal treatment (Lombardo & Verloo 2009: 489).

The introduction of gender as a concept and gender mainstreaming as strategy could be seen as a promise for a more structural analysis of gender inequality. Conceptually, gender mainstreaming implies the transformation of the gender structure (Rees 1998; Walby 2011), while including the idea of difference. However, there is a logical disconnection between gender mainstreaming as a concept and representations and discourses presented in policy documents within the context of the mainstreaming approach. There is no clear definition of gender. At the same time, the category of women has been brought back into gender work. 'Gender' and 'women' are very often used as synonymous. And, most frequently, women are portrayed either as resources for the economy (potential or wasted) or as victims in need of especial policy attention. There are feminist voices and even feminist discourses (represented by the EWL) trying to challenge these dominant ideas and advance women as active agents. But there is no analysis concerning the structural causes of gender inequality beyond stereotypes and role expectations. In most texts, role expectations and stereotypes are understood as the basis of gender inequality, and thus equal treatment legislation and specific measures such as education and training are believed to be key in promoting equality between women and men. The binary distinction male/female (Bacchi 2009; Scott 1988) remains as both starting and ending point in the analysis.

Further, the definition of gender mainstreaming as a dual-track approach often leads to confusion: If gender mainstreaming means that gender is overall and everywhere, why is it that we need specific measures for the advancement of women? Or if we still have specific actions and programmes targeted to women, why would we need to spend time and resources in mainstreaming gender? These questions have implications for the practice of mainstreaming. The fundamental confusion underlying them revolves around the understanding of gender as meaning women. Gender is understood as a noun (Eveline & Bacchi 2005), and the role of men and of power relations in the process of doing gender are both silenced. Gender needs to be understood as a verb (Connell 1987; Eveline & Bacchi 2005). Gender is a social structure and a social process, and it is not a category that can be filled out by 'male' or 'female'. It is certainly much more difficult to draw attention to structures and processes while formulating policies, much simpler to refer to women or to gender as a category as if gender were an issue of concern.

I must say that structural questions are recognised in some of the analysed texts. As one of the interviewees says, there is sometimes a 'good analysis of

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the situation' (see above). The very concept of gender mainstreaming involves the understanding of gender inequality as lying in structures and practices. As I showed in chapter 1, gender policies have significantly changed from a focus on equal pay to become a central element of what is called the European social model. That said, the definition of gender equality as a means to economic growth, employment, social cohesion, and competitiveness has emptied the very content of gender equality and gender mainstreaming itself. The cause of gender inequality does not lie in the gender structure, as gender mainstreaming supposes, but in women's lack of participation in the labour market, women's lack of education and training (and women's lack of political involvement, see chapter 5). The individualisation of an otherwise structural problem results in blaming women for their destiny.

I have pointed to some general tendencies of change that can be identified in discourses. These tendencies have an impact on discourses and therefore can be identified in them; that is, general trends shaping discourses and being shaped by discourses.¹⁴⁸ These tendencies are individualisation (with its wording of 'choices' and 'opportunities') and commodification (expressed in a language of 'competence' and 'skills' and related terms such as 'training'). Further, related in some way to these tendencies and also to the lack of a clear conceptualisation of gender and gender mainstreaming, there is the question of the technocratisation of policy practice and, more specifically, the 'tendency toward "technocratization" of gender mainstreaming' with its disproportionate emphasis on tools and techniques over conceptual policy frameworks (Daly 2005: 436); Daly actually argues that the tendency towards technocratisation can be attributed to 'lack of clarity in definition and conceptualization' (ibid.: 439).

Gender mainstreaming is without doubt too complex a concept to put into action in policy-making, which requires prompt outcomes. The need to reach determined (and urgent) objectives related to the economy (clearly expressed in the Lisbon targets) combines with the growing technocratisation of policy practice. Gender equality is made marketable and gender mainstreaming is sold as a useful tool. In this context, gender mainstreaming stays as a general (and nice) declaration of principles, while the focus remains on specific measures targeted to women. And most of the time the analysis is so individualised that the whole point of gender mainstreaming is missed. This individualisation becomes clear through looking at the kind of solutions

¹⁴⁸ This has to do with the political effects of discourses on social relations, social identities, and knowledge (see chapter 3). Discourses and also representations contribute to processes of social change. At the same time, tendencies of change can be identified in discourses. These tendencies are (re)produced in discourse.

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proposed, which focuses on women's lack of participation and revolves around a language of 'choices', 'opportunities', and 'skills'. Has gender mainstreaming led to a cul-de-sac from which the only way out seems to be bringing the category of 'women' back in, returning to a focus on women's issues? It seems that gender mainstreaming has become a cul-de-sac of meaning through processes of technocraticisation, individualisation, and commodification, resulting in a return to 'women' in policy documents dealing with gender questions.

5

Development Cooperation and the Gender Question

How policies work in organisations depends on a host of factors, from organisational culture to the nature of existing bureaucratic fiefdoms. Every development organisation is a complex agent, not just an actor whose views and positions can be personified and treated as singular. The published policies of development agencies may be products of successful discourse coalitions, but may neither represent nor even resonate with the perspectives of those charged with their implementation. Without privileging words over actions, we suggest here that discursive framings are important in shaping development practice, even if a host of other factors also affect what actually happens on the ground.

(Cornwall & Brock 2005: 1044–1045)

Introduction

The EU is one of the world's largest providers of official development aid (European Commission 2007a; Pollack & Hafner-Burton 2000: 445). EU's declared development mission is 'to help to reduce and ultimately to eradicate poverty in the developing countries through the promotion of sustainable development, democracy, peace and security'.¹⁴⁹ DG Development and Relations with African, Caribbean and Pacific States (ACP countries) (DG Development) deals with the formulation of the EU's development cooperation policies. The implementation side of development policies is taken by the EuropeAid Co-operation Office (EuropeAid, also

¹⁴⁹ Available at http://ec.europa.eu/development/About/Mission_en.cfm, accessed in May 2010.

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AidCo).¹⁵⁰ DG Development together with DG EuropeAid has been working on the introduction of the mainstreaming strategy within development cooperation, with DG Employment as coordinator.¹⁵¹ The EC defines the promotion of gender equality as a high priority for its development cooperation policy (DG Development 2006; European Union 2005). According to the Commission, by mainstreaming gender equality in development policy, the EU would be able to promote equality worldwide, reducing poverty, as women are particularly affected, and to accomplish the United Nations Millennium Development Goals.¹⁵²

Within development cooperation, gender equality policy is defined by the Beijing Declaration and Platform for Action of the Fourth World Conference on Women in Beijing (United Nations 1995) and also by different EC policy documents such as the 1995 Commission Communication titled On Integrating Gender Issues in Development Co-operation (COM(95) 423 final), the 1995 Council Resolution titled On Integrating Gender Issues in Development Cooperation (12874/95), the EC Regulation 2836/98, and the Regulation 806/2004 implemented during 2004-2006 (DG Development 2006: 1). For the period 2005-2010 in particular, the main policy frameworks are the Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final) and the European Consensus on Development (European Union 2005). Apart from the 1995 Beijing Declaration and Platform for Action, other international agreements signed by the EC and Member State (MS) donors contain commitments to gender equality that guide gender policy within development cooperation. These agreements include the Convention on the Elimination of all Forms of Discrimination

¹⁵⁰ 'When implementing projects, EuropeAid takes account of EU strategies and long-term programmes for the delivery of aid. These strategies and related policies are designed by other directorates-general of the European Commission, including DG Development for the ACP regions and DG External Relations for the other regions and countries of the world. Humanitarian aid is managed by a separate Directorate-General (European Community Humanitarian Aid Office (ECHO)), because its immediate and short-term relief activities are very different from the long-term objectives of development aid.' Available at http://ec.europa.eu/europeaid/who/about/index_en.htm, accessed in May 2010.

¹⁵¹ Several Council and Parliament regulations and Commission Communications have been formulated in order to mainstream gender in development cooperation; for example, the Council Regulation (EC) No 2836/98 of December 1998 on integrating gender issues in development cooperation, the Regulation of the European Parliament and of the Council on promoting gender equality in development cooperation (EC) 806/2004 of April 2004, and the Communication from the Commission to the Council and the European Parliament – Programme of Action for the mainstreaming of gender equality in Community Development Cooperation adopted in June 2001. Available at http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/devel/development_cooperation_en.html, accessed in March 2007.

¹⁵² Available at http://ec.europa.eu/development/policies/crosscutting/genderequ_en.cfm, accessed in May 2010.

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Against Women (CEDAW) and the Millennium Development Declaration and Goals (MDGs). In addition, the Monterrey Consensus (2002) and the Paris Declaration on Aid Effectiveness (2005) signed the introduction of 'new aid modalities' into development policies and practices.¹⁵³ Among these 'new aid modalities' there is General Budget Support (GBS).¹⁵⁴ The changes introduced by GBS may have an impact on both gender mainstreaming and the channelling of specific measures targeted to women (see, for instance, Woestman 2009a).

Background in the EU

According to Ole Elgström, the first Communication from the Commission dealing with gender issues in the area of development cooperation launched in 1995 (COM(95) 423 final) was the result of norm negotiations within an advocacy network providing input to the EU gender officials who were to produce the Communication (2000: 463–466).

At the beginning of the 1990s, gender issues had already been introduced into the aid policies of some northern MSs – as well as future MSs such as Sweden (Elgström 2000: 463). Within the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD) existed an 'advocacy network', a network of gender experts from different MSs that promoted women's issues within the field of foreign assistance and aid, exchanging information and expertise (*ibid.*).

At the EU level, the proposal to produce a 'gender resolution' in relation to EU development cooperation policies was partly due to pressures from NGOs and some MSs, such as Denmark (Elgström 2000: 463). However, Elgström suggests that 'even more important probably was the emerging perception

¹⁵³ New aid modalities are 'a set of commitments of the international community to eradicate poverty and achieve the Millennium Development Goals (2000)' (Woestman 2009a: 3). These new aid modalities 'include the establishment of some overarching principles to redefine the relationship between donor and recipient countries, and the channeling of aid through relatively recently introduced mechanisms – or modalities' (*ibid.*). Some of these new aid modalities are General Budget Support (GBS), Poverty Reduction Strategy Papers (PRSPs), Sector-Wide Approaches (SWAs), the Joint Assistance Strategy (JAS), and Programme-Based Approaches (PBA)/Programme-oriented Joint Financing (PJF). These aid modalities have been introduced in development policies by the EC and Member States (MSs) since the Monterrey Consensus (2002) and the Paris Declaration on Aid Effectiveness (2005).

¹⁵⁴ GBS is one of the 'new aid modalities'. GBS 'constitutes a shift of focus away from project- toward programme-based assistance. GBS monies are channelled by EC or MS donors directly into the partner country government budget, and are not earmarked to specific expenditures. Internally, the EU has targeted to reach 50% of EU ODA [Official Development Assistance] through budget support by 2010' (Woestman 2009a: 4).

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among high-level DG officials that the Union had to have a gender policy to present at the forthcoming Women's Conference in Beijing' (ibid.). The author argues that 'all relevant decision-makers agreed that the formulation of some kind of women-oriented document was necessary to provide the EU with a platform for the conference' (ibid.). In May 1993, the Council officially resolved to produce a gender policy document (ibid.: 464). The decision coincided with the renaming of the small gender desk of DG Development: 'Women in Development' (WID) was renamed 'Gender and Development' (GAD). According to Elgström, this organisational change indicated 'an ideological shift from 'women projects' to a broader emphasis on the roles of women and men in development (the GAD approach)' (ibid.; see also Poulsen 2006; Razavi & Miller 1995).

In October 1994, the gender expert group first met to work towards the formulation of the EU gender policy document (Elgström 2000: 464). Different possible formulations of a Communication were discussed and 'three conceptual pillars' were proposed: equity, empowerment, and efficiency (ibid.: 464–465).¹⁵⁵ Finally, in September 1995, with the advice of the expert group, the EU gender officials presented the Commission Communication on Integrating Gender Issues in Development Cooperation (COM(95) 423 final) (ibid.: 466). Also in September 1995, the Conference on Women in Beijing, with its emphasis on gender mainstreaming, provided further support and inspiration for women advocates and gender experts within the EU (ibid.: 464).¹⁵⁶

While the Beijing Conference on Women in 1995 offered new opportunities for mainstreaming gender equality, fifteen years later there are still several obstacles to the success of mainstreaming in the EU development policy area (Pollack & Hafner-Burton 2000: 446). Nevertheless, development cooperation is one of the policy areas in which mainstreaming has been pioneered and has had the most significant impact (Mazey 2002: 236). Even before Beijing, gender was an important issue within development cooperation. When gender mainstreaming made its entrance at the EU level, gender issues had already been part of the policy practice within development cooperation for quite some time.¹⁵⁷ The mainstreaming strategy was introduced against a backdrop of favourable conditions provided by prior experience in gender issues, institutional arrangements, and policy

¹⁵⁵ Note that the ideas of efficiency and empowerment in development discourse were being discussed already in 1994. Even so, the 1995 Commission Communication on Integrating Gender Issues in Development Cooperation (COM(95) 423 final) did not include empowerment among its proposed ideas.

¹⁵⁶ See also interview with senior gender expert at EC, May 2008.

¹⁵⁷ Interview with senior gender expert at EC, May 2008.

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instruments, as well as the availability of gender expertise and ‘change agents’ pushing the new conceptions of gender and gender inequality that mainstreaming entailed (Mazey 2002).

When analysing gender equality discourses within development cooperation, it is important to keep in mind that gender discourses are framed, in turn, within development discourse and practice in general. Rosalind Eyben characterises the way of thinking of international aid institutions as substantialist and argues that ‘this mode of thinking, “substantialism”, is concerned with entities – “poverty”, “basic needs”, “rights”, “women”, “results” – as distinct from a more relational mode of thought concerned with connections, patterns and processes (“relationism”)’ (2010a: 383). ‘A substantialist perspective’, she points out, ‘sees the world primarily in terms of pre-formed entities’ (ibid.: 385). From this substantialist perspective, the world is likely to be classified by defining it in terms of ‘essential properties’ (ibid.). This substantialist perspective erases social relations in that, according to this point of view, the entities that form the world are made of essences instead of relations. Hence, for this kind of analysis, poverty is a state rather than a social relation (ibid.: 385). A relational approach, on the other hand, allows us to see and understand social phenomena in terms of relations, connections, patterns, and processes (ibid.). This is very much in tune with Charles Tilly’s approach to understanding inequality, and social processes in general (1995, 1998). He puts forward an approach that assumes ‘not essences but bonds: relational models of social life beginning with interpersonal transactions or ties’ (Tilly 1998: 18). Eyben quotes Bourdieu’s definition: ‘A relational mode of thinking “identifies the real not with substances but with relations”’ (Bourdieu 1989: 15, quoted in Eyben 2010a: 387) and even identifies the ‘discourse of efficiency and results’ as an expression of ‘substantialist’ thinking within international aid (2010a: 386). It is from this perspective that the understanding of gender is constructed in the texts under analysis. I will turn now to the presentation of this analysis.

Presentation of the Material

The next section presents the analysis of selected policy proposals formulated by DG Development,¹⁵⁸ where I explore the integration of a gender

¹⁵⁸ As said, DG Development deals with the formulation of the EU’s development cooperation policy. The implementation side of development policies is taken by EuropeAid. DG Development is thus in charge of gender mainstreaming in development policies at the policy-making and programme formulation stage and DG Employment has a coordinating and monitoring role in that mainstreaming of gender. The objectives regarding

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perspective in development policies (at the policy-making and programme formulation stage) and try to identify how the ‘problem’ of gender (in)equality is represented in policy documents within the area of development cooperation. I then analyse the material to find different understandings, representations, and assumptions that constitute different discourses. The discourse analysis includes a textual analysis as well as the analysis of discursive and social practice dimensions of discourse (see chapter 3). Before beginning the presentation of the analysis, however, I first briefly describe the material I have worked on and refer to some introductory aspects of the text analysis of the material.¹⁵⁹

Through the interviews with people working with gender issues at DG Development, I tried to find out how gender is mainstreamed in policy proposals and projects. I asked how they mainstream gender; what obstacles they find; what they think about gender mainstreaming; how they define gender, gender equality, and gender inequality.

Regarding policy documents, I have worked on framework documents. The European Consensus on Development (European Union 2005) is the current policy framework for development cooperation and aid. In addition, I have analysed some Programming Guidelines for Gender Equality and for Strategy Papers in particular (European Commission 2006b; European Commission 2008c).

I have also analysed specific policy proposals in the area of development. Among them are the following policy documents: the Commission Communication on Gender Equality and Women Empowerment in Development Cooperation (COM(2007) 100 final) with its annexes (SEC(2007) 332); the Conclusions of the Council and of the Representatives of the Governments of the Member States on Commission Communication on Gender Equality and Women’s Empowerment in Development Cooperation (Council of the European Union 2007); documents on Policy Coherence for Development (COM(2005) 134 final); and policy proposals on the development strategy for Africa such as the EU Strategy for Africa (COM(2005) 489 final) and Strategy for the Horn of Africa (COM(2006) 601 final), and Country Strategy Papers (CSPs).¹⁶⁰

Although the period under examination is 2005–2010, the 1995 Commission Communication on Integrating Gender Issues in Development Cooperation

gender equality for the area of development are set in the Roadmap for Equality between Women and Men 2006-2010.

¹⁵⁹ The material is described in detail in the appendix to chapter 3. I provide here only a brief introduction.

¹⁶⁰ For a detail of policy documents, see the appendix to chapter 3.

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(COM(95) 423 final) is also included in order to get a richer picture of the representation of the ‘problem’ of gender (in)equality within development cooperation.

I have analysed these policy documents and other EU material such as WIDE¹⁶¹ evaluations, briefings, and reports, trying to identify different underlying representations of the ‘problem’ of gender (in)equality. The idea is to elaborate a discourse analysis (see chapter 3) to find, following Bacchi’s approach, what the ‘problem’ of gender (in)equality is represented to be in development cooperation policy proposals in the context of the introduction of the mainstreaming principle, and the implications of these definitions, assumptions, and representations with respect to what remains unproblematised and what kinds of subjects are constructed.

To start with, I will refer briefly to some of the selected policy documents. First, I have analysed the Roadmap for Equality between Women and Men 2006-2010. Even though it is a policy document that refers to the strategy of gender mainstreaming at the EU level in general and I have presented it in chapter 4, it is relevant to take it into consideration in the context of development cooperation because it is in the Roadmap that the general objective for development is stated. Gender equality is defined in the Roadmap as a human right and a goal in itself (COM(2006) 92 final: 9), but also as a means to reduce poverty, to achieve economic growth, employment, and even social cohesion (ibid.: 2). It is one of the Roadmap objectives to promote gender equality in development policies (point 6.2 of the Roadmap).

Second, within the period 2005–2010 there is the policy framework for development cooperation: The European Consensus on Development (European Union 2005) is a document that puts forward a framework of common principles to coordinate EU’s development cooperation policies and defines gender equality as a human right (European Union 2005: 17). Another important policy document within development cooperation formulated during the period under examination is the Commission Communication titled Gender Equality and Women Empowerment in Development Cooperation (COM(2007) 100 final) with its annexes (SEC(2007) 332). This Communication ‘builds on [...] the policy framework of the European Consensus, and [...] also responds to the commitments made in the Roadmap for Equality between Women and Men’ (COM(2007) 100 final: 2). It puts forward the EU dual-track approach to gender equality in development cooperation that includes the *mainstreaming of gender* into all policies and programmes and the financing of *specific actions to advance*

¹⁶¹ I will be using WIDE material mostly as a critical input.

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women's empowerment (twin-track approach of gender mainstreaming and women's empowerment) (ibid.). The 2007 Communication aims to establish a common set of principles to be agreed on, shared, and followed by all MSs. By this means it is stressed that gender equality is a shared value and practice within the EU and that this can be a model for countries outside the Union. In the Communication, gender equality is defined as follows: 'Gender Equality is not only crucial in itself but is a fundamental human right and a question of social justice. Furthermore, Gender Equality is essential for growth and poverty reduction, and it is key to reaching the Millennium Development Goals' (COM(2007) 100 final: 2). At the same time, the 2007 Communication aims to be a critical voice and to provide some arguments on the causes of gender inequality (see also SEC(2007) 332). It also states that 'the MDGs [Millennium Development Goals] focus on the health and education aspects of Gender Equality and fail to capture other multifaceted dimensions of Gender Equality' (COM(2007) 100 final: 4). More importantly, the 2007 Communication brings the concept of empowerment back in, as I will discuss in detail below.

There is also the Council Conclusions on the Commission Communication on Gender Equality and Women's Empowerment in Development Cooperation (Council of the European Union 2007). In its Conclusions, the Council, too, defines gender equality as a human right and 'a question of social justice and also a core value of the EU' (Council of the European Union 2007: 2). This understanding of gender equality as a human right and as a question of social justice is presented in several policy documents and contributes to constructing the 'human rights discourse of gender equality'. Beside this definition of gender equality as a human right and as a value in itself, there is an instrumental aspect of gender equality. The Council Conclusions specifies that 'the promotion of gender equality and the enjoyment of human rights by women and girls are goals in their own right and also instrumental and key to achieving internationally agreed development goals' (ibid.: 2). This representation of gender equality as instrumental is part of the 'efficiency discourse of gender equality', an argument that stresses the importance of gender equality to the economy. Gender equality is thus instrumental in bringing economic growth and sustainable development. Several authors refer to the 'efficiency discourse' (see, for instance, Lewis 2006; Lombardo & Meier 2006; Pollack & Hafner-Burton 2000).¹⁶² Traces of this efficiency discourse mixed with human rights discourse can indeed be found everywhere in the policy documents and

¹⁶² See chapter 1 for references to the academic debate on the idea of efficiency.

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interviews (see also chapter 4), and there is an intertextual connection among the texts.

Analysis of the Material

As part of the analysis, I will refer to the introduction of gender mainstreaming in the area of development cooperation – how it is or is not being done at the policy and programme formulation stage.¹⁶³ Next, within this context of the introduction of gender mainstreaming, I identify and analyse representations of the ‘problem’ of gender (in)equality. As explained in chapter 3, this entails an analysis of discourse. Accordingly, I begin this section by exploring definitions, word meanings, binaries, categories, agency, understandings, and underlying assumptions of key words and concepts such as gender, women, empowerment, gender equality, gender inequality, gender mainstreaming and other related terms that appear in policy formulations. I then introduce elements of the discursive and social practice dimensions of discourse analysis such as coherence (in policy practice), intertextuality, interdiscursivity, general trends of change, and effects of problem representations.

Many of the documents and proposals within the area of development cooperation mention gender as a key issue and refer to specific actions aimed towards gender equality. Gender (in)equality is spoken of in connection with different aspects such as employment, health, and education, as well as trade, agriculture, migration, gender-based violence, trafficking, security, and post-conflict situations. The likely causes of gender inequality are also discussed to some extent in policy documents (see, for instance, Council of the European Union 2007; COM(2007) 100 final; SEC(2007) 332).

On the other hand, throughout the material there seem to be discrepancies between stated goals and development practices as well as between negotiation processes and resulting Country Strategy Papers. As stated in the Council Conclusions on the Commission Communication on Gender Equality and Women’s Empowerment in Development Cooperation, ‘Despite the considerable progress made so far, an effective gender perspective still has to be fully mainstreamed into country strategies and in the practice of EU development cooperation’ (Council of the European Union 2007: 5).

¹⁶³ The evaluation of the implementation of development cooperation policies which are the charge of the Commission’s EuropeAid Co-operation Office is left aside. As said before, when I refer to implementation I do not mean implementation of policies in the field but the introduction of gender mainstreaming at the level of policy and programme formulation.

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According to the Commission Communication on Gender Equality and Women Empowerment in Development Cooperation, existing organisational practices and mechanisms within development cooperation still impede the full mainstreaming of gender in policies, actions, and programmes (COM(2007) 100 final: 4). One of the interviewees, a desk officer at DG Development, says that the objectives for DG Development set in the Roadmap fit the policy area well, but that there are obstacles:

For example, it is clear in the Roadmap that gender equality should be part of the political dialog with partner countries. And I know about some good examples because sometimes we get letters or notes from delegations of the Commission, and in these notes I can read that the head of our delegation... I don't know... in Democratic Republic of Congo told the Prime Minister and said something which is important in terms of gender equality, and then I see that it is part of our political dialog. But, you know, it's on an ad hoc basis and I can't really control whether it is regular in the political dialog. But probably even more difficult – issues which I can't control, but I have a lot of negative feedback – is that in our policies it is clear that when we are preparing these Country Strategy Papers, which I already told you about, which are the basis of bilateral cooperation, and we made for these financial perspectives – these Country Strategy Papers were drafted, including 2006 and which we also commented from a gender perspective, and it is a very clear policy that we should include the civil society of our partner countries when drafting the Country Strategy Paper. And a very obvious reason for this is that of course we are talking about 'ownership' of partner countries. But it shouldn't be only the ownership of the partner government but it should be the ownership, really, of the people, including women, and it should mean that we also include women's organisations in this dialog. And very often there are NGOs or NGOs' representatives, women's organisations' representatives, coming here to Brussels. They come from a given country and they say, sorry, but they were never asked or no one asked their opinion. It is a negative feedback. So I would say that implementation is not always going very easily, even if in terms of policy we have clear policies. So this is something where I say that it may be difficult, the implementation of the Roadmap.¹⁶⁴

The interviewee argues that even if the Roadmap set clear objectives for the area of development, the practice of policy formulation within the policy area shows some shortcomings. Most of the time, gender is not an issue systematically included in the political dialog between the EU and partner countries and, consequently, a gender perspective fails to be introduced in CSPs. These kinds of interpretations on the part of policy-makers are very important in terms of coherence (Fairclough 2010: 83–84, 233), as the interviewee evaluates the relation between policy frameworks and specific

¹⁶⁴ Interview with administrator working with gender issues at DG Development, May 2008.

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policy agreements such as CSPs. Policy-makers and practitioners try to make sense of what the guidelines and proposals say, and those working within these policy frameworks are usually those who write them in the first place. This does not imply, however, that there are no contradictions in policy practice afterwards. Moreover, as Eyben argues, given the way international aid thinks, in terms of entities rather than relations, those formulating CSPs usually have a hard time trying to fit complex realities into ‘neat categories’ (2010a: 391). This problem has become even worse since the Paris Declaration with its emphasis on donors having ‘a shared diagnosis of a country’s problems, which tends to lead to simplistic statements of the obvious’ (ibid.). The text of the 2007 Council Conclusions also points out:

The Council recognises that real ownership of development processes by partner countries requires the full participation of all actors of civil society, particularly women’s organizations, in cooperation with governments. The Council therefore calls on the Commission and Member States to ensure the participation and contribution of civil society in the negotiation process on country strategies with partner countries. (Council of the European Union 2007: 7)

Also important with respect to the elaboration of country-specific proposals is that instead of taking into account context and culture, ‘country ownership’ assumes too narrow an idea of participation and thus has failed to actually engage Civil Society Organisations (CSOs) in negotiation processes (Cornwall & Brock 2005: 1052). Cornwall and Brock criticise the meanings and practice of ownership in the context of Poverty Reduction Strategy Papers (PRSPs) that generate a dynamic of exclusion from participation (ibid.). They find that “Ownership” is created through witnessing an inaudible rendition of problems, and an illegible rendering of solutions’ (ibid.: 1054).

The same interviewee attempts some explanation for this failure to introduce a gender perspective:

I see two major components when I [think about] this problem of implementation. One is probably, which is a problem we have, a lack of commitment from the higher management, the hierarchy. And the other is the training of our own colleagues, because our colleagues, they know that they should mainstream gender but they don’t really know how to do that. So they should be trained. In terms of training we’re doing quite well.¹⁶⁵

¹⁶⁵ With regard to the reference to training, the Commission working document annexed to the 2007 Communication on Gender Equality and Women’s Empowerment states: ‘At the European Commission in 2005-2006 more than 1000 persons working in Headquarters or in Delegations received gender training. 25 gender workshops took place in EC Delegations, a package of methodological tools is now available and easily accessible to staff (Toolkit on mainstreaming gender equality in EC development cooperation). The

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During the last three years we have trained more than one thousand officials, mainly in delegations, but when I say one thousand it sounds very much, but you should know that we have one hundred twenty-something delegations, and many of these officials in delegations are contracted, so they come for one year, two years. So even if three years I got someone receiving gender training, maybe then it is not working for us anymore. So the one thousand sounds good, it is a big number, but it's not, not that much in reality. So in terms of training I think that we still are doing quite well. In terms of management commitment it is difficult, but we're trying to push our management to good examples. [For] that, we have created recently an inter-service group for gender equality in external relations at director level, so this is a group where we have directors from DG Development, from DG External Relations, from DG AidCo [EuropeAid Co-operation Office], from ECHO [European Community Humanitarian Aid Office] which is Humanitarian Aid [...], from DG Enlargement, and from DG Trade, so basically the RELEX group.¹⁶⁶ [...] And one of the aims of this group is to mobilise directors as well. Because, if I want to be honest, I am here... I'm a small point at the end of the structure, at the lowest level of the structure, and I do my job, but if the management is not supporting it then [it's worthless]. [...] I would say that [lack of] commitment is the biggest, it's far the biggest obstacle. And then of course, something which is related to commitment, that is also budget. We have relatively little budget available for gender equality. [...] Coming from commitment is lack of resources, human resources. Actually, each delegation would be good if they had a gender expert, someone who really knows how to mainstream gender into projects, but of course they don't.¹⁶⁷

It should be said that almost all the interviewees refer to these factors (lack of commitment, training, and budget) as the major obstacles to gender mainstream policies in all policy areas. Even the Roadmap is clear about the consequences of the lack of commitment, saying: 'Gender equality can only be achieved with a clear commitment at the highest political level' (COM(2006) 92 final: 11). Thus, it is widely accepted within the Commission that commitment, together with budget and training, is a crucial component for the success of the gender mainstreaming strategy and the achievement of gender equality. These three factors are very much interrelated. The fact that those who should be mainstreaming gender may

wide scope of participation provided opportunity for dialogue and exchange of views between the EC and its partners, since the workshops are attended by EC delegation staff, and national counterparts, national institutions for the promotion of gender equality, NGOs, other donors and international agencies. An innovative online course which offers the possibility to learn about mainstreaming gender equality in development cooperation has been launched in 2005' (SEC(2007) 332: 4).

¹⁶⁶ RELEX means 'External Relations'. The RELEX Group includes all of the six DGs working within the area of External Relations.

¹⁶⁷ Interview with administrator working with gender issues at DG Development, May 2008.

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not be interested in doing so, or may not have a clear understanding of what that means, obviously influences the way in which the strategy is actually put into action. In this regard, it is relevant to examine how the problem of gender (in)equality is represented.

Within the context of the introduction of gender mainstreaming, I will now analyse the texts to identify and describe different definitions, finding out how different categories and key words are related to each other in constructing representations of the 'problem' of gender (in)equality in policy documents. These representations constitute different discourses. The discourse analysis also includes the analysis of elements of the discursive and social practice dimensions.

Gender, Is It Useful? Gender Equality and Poverty Reduction

The policy framework document, the European Consensus on Development, does not contain an explicit definition of gender but, in constructing word meanings for gender, states: 'The gender aspect must be addressed in close conjunction with poverty reduction, social and political development and economic growth, and mainstreamed in all aspects of development cooperation' (European Union 2005: 38). This framework document directly links 'the gender aspect' to poverty reduction strategies and economic growth. Poverty also appears related closely to gender equality in the 2007 Communication on Gender Equality and Women Empowerment (COM(2007) 100 final). The document contends that 'Gender Equality is essential for growth and poverty reduction' (COM(2007) 100 final: 2) and claims that 'the eradication of poverty demands that women and men be given equal opportunities in the economic and social spheres and have equal access to, and control over, the resources of society' (ibid.: 10).¹⁶⁸ Also, as noted above, the 2007 Communication states that 'Gender Equality is not only crucial in itself but is a fundamental human right and a question of social justice.' (ibid.: 2).

¹⁶⁸ To speak of poverty alleviation, reduction, or eradication is not the same thing. As Cornwall and Brock argue, 'The term poverty reduction, for example, rings with measurability, and harks to the rationality of policies that can bring poverty into check. Poverty alleviation carries quite a different set of meanings, a making-better rather than making-less; and to talk of eradication, as the UN so fulsomely did some years ago, before being swept up in the discourse of poverty reduction once more, is to evoke another world altogether' (2005: 1047). 'Poverty reduction' appears six times in the 2007 Communication, while 'eradication of poverty' only once, and poverty alleviation none (COM(2007) 100 final). In the European Consensus, 'poverty reduction' occurs seventeen times, 'poverty eradication' fourteen times, and there are no references to 'poverty alleviation' (European Union 2005).

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Following this wording of gender equality, the Council Conclusions on Gender Equality and Women's Empowerment (Council of the European Union 2007) makes a defining statement: 'Gender equality is a fundamental human right, a question of social justice and also a core value of the EU, including EU development policy' and continues:

The promotion of gender equality and the enjoyment of human rights by women and girls are goals in their own right and also instrumental and key to achieving internationally agreed development goals, including the Millennium Development Goals (MDGs), and the implementation of the Beijing platform for Action, the Cairo Programme of Action, and the Convention on the Elimination of All Forms of Discrimination against Women. The Council stresses the close inter-linkages between sustainable achievements in poverty reduction and development and the empowerment of women, including their political empowerment. Gender equality should therefore be a core aspect in the EU development policy's programming, implementation, monitoring and evaluation. (Council of the European Union 2007: 2)

The Programming Guidelines for Gender Equality and for Strategy Papers (European Commission 2006b; European Commission 2008c) are a group of interesting documents. They function as guidelines for the introduction of gender into CSPs, explaining how to address gender equality in the formulation of CSPs. The 2008 Programming Guide for Strategy Papers defines the concept of gender as 'the socially constructed differences, as opposed to the biological ones, between women and men; this means differences that have been learned, are changeable over time, have wide variations both within and between cultures' (European Commission 2008c: 1). The 2008 Programming Guide goes on to specify that 'it is important to note that gender is not only about women, but about gender roles of both sexes, and that a gender perspective thereby also concerns the role of men' (European Commission 2008c: 1). The 2006 Programming Guidelines for Gender Equality defines gender as 'an important determinant of inequality in access to and control over societal resources and benefits' (European Commission 2006b: 1). And it defines gender equality as 'an important goal in its own right as an issue of economic and social justice and an issue that cuts across all aspects of development planning and implementation. The promotion of gender equality is instrumental in achieving all the Millennium Development Goals (MDGs) and in reducing and eventually eradicating poverty' (ibid.). The 2008 Programming Guide also relates gender equality to poverty reduction by stating, 'Gender equality, which involves equal rights and equal opportunities for all, is crucial for poverty reduction and for a sustainable democratic development' (European Commission 2008c: 1).

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Besides referring to the relation between poverty and gender equality, these guidelines offer an explicit definition of gender that is worth discussing. This understanding is present in some way in most texts. The main conceptualisation revolves around the idea of gender as a socially constructed difference and sex as a biological difference. This is what Connell criticises as ‘an additive conception of society and nature’ (1987: 73). The assumption is that there is a biological basis upon which society elaborates a distinction (see chapter 1).

This understanding is in tune with arguments that present a binary distinction between women and men, between sexes (male/female), and between genders (masculine/feminine). Connell refers to this thinking as categorical theories. Even if these theories aim to investigate the relation between women and men, they assume that women and men are ‘internally undifferentiated general categories’ (1987: 55). While categorical theories do give importance to power and conflicts of interests while exploring the relationship between categories (ibid.: 54), the resulting gender analysis does not differ much from biologically-based analyses that end up resorting to the biological dichotomy as final explanation (ibid.: 56). This is because most authors engaged in categorical thinking in this area presuppose that human beings are likely to be divided up in two categories according to reproductive biology (ibid.: 57). According to Connell, the problem is that the categories ‘women’ and ‘men’ are not the first approximation but the end of the analysis: the categories are taken for granted and are not analysed or discussed (ibid.: 57). This approach does not challenge the structural conditions that generate inequality in the first place (ibid.: 60).

This kind of thinking can be spotted in texts through wordings that identify gender as an individual attribute (see also West and Zimmerman 1987), for instance, when the European Consensus on development refers to ‘people of either gender’ (European Union 2005: 15). In that case, ‘gender’ is even used as synonym for ‘sex’, as when the same text claims that ‘equality between men and women and the active involvement of both genders in all aspects of social progress are key prerequisites for poverty reduction’ (European Union 2005: 38).

The biological dichotomy as final explanation also lies behind understandings of gender in terms of ‘gender roles’. The 2008 Programming Guide says that ‘gender is not only about women, but about gender roles of both sexes’ and ‘that a gender perspective thereby also concerns the role of men’ (European Commission 2008c: 1). The *sex-role theory* can be identified in many EU policy documents. Connell argues that sex role theory has been widely used as the ‘theoretical language of feminist reform’ (1987: 34). It

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serves a 'politics of reform' quite well. The argument is rather straightforward: role expectations are the cause of women's subordination, and therefore changing those expectations is the best way out (1987: 49). Connell contends that most of the critiques by 'liberal feminism' suppose that stereotyped expectations are the cause of women's disadvantages (1985: 262, 1987: 34). Hence, according to this stance, gender inequality is expected to be eventually eliminated through specific measures such as the elimination of stereotyped role models, affirmative action programmes, better education (including anti-sexist programmes) and training for girls, and equal treatment legislation in general (Connell 1987: 34; see also Risman 2004: 436). From a common-sense point of view, strategies of this kind, such as legislation or changes in socialisation, are the easiest to think of as a way of combating inequality (Risman 2004: 446). Role expectations are understood as the basis of gender inequality, and therefore specific measures such as 'women's empowerment' are assumed to be key to promoting equality between women and men. And even if the text refers to 'the role of men', men and women are understood as two separate categories. And, I would say, it is not that role expectations are not important in terms of doing gender. Socialisation (re)produces gender as a social structure at the individual level, while expectations work at the interactional level (Risman 2004: 437). The problem starts when role expectations understood as the cause of gender inequality are the final explanation of how and why gender inequality is (re)produced.

When it comes to specific Country Strategy Papers, references to gender also appear mainly in relation to objectives of poverty reduction. For instance, the Sudan's Country Strategy Paper for the period 2005-2007 points out that 'gender is a sensitive and critical issue across the Sudan' (European Commission 2005: 25). And it also explains that 'opportunities exist for reducing dependency on humanitarian assistance through support to gender, ethnic and environmentally sensitive recovery and development initiatives, which provide the only path to sustainable poverty reduction and food security' (European Commission 2005: 19). The argument is that development strategies which take gender into account can help to reduce dependence on aid and increase food security.¹⁶⁹

Providing a critical input to this issue, Lois Woestman refers in a WIDE report to a UNIFEM study which shows that

all EC country strategy papers list gender among several cross-cutting issues. Some include gender in their description of particular sectors. However, there is little evidence of how gender would be addressed beyond general statements about this being a cross-

¹⁶⁹ See also CSP for Angola (European Commission 2002a) or Ghana (European Commission 2002c).

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cutting issue. Few funds are set aside specifically for gender; where such funds exist, they are small compared to the overall size of donor assistance. (Woestman 2009a: 9)

Within development at the EU level, the most critical feminist stance, a feminist discourse of gender equality, is actually held by WIDE. What WIDE has to say about the understanding of gender in the field of development cooperation is interesting. The 2008 WIDE Annual Report points out that ‘women’s rights and struggles have been co-opted by international organisations that “mainstream” gender, so that **gender becomes a technical fix and loses its political content**’ (WIDE 2008a: 11, emphasis added).

When it comes to the word meaning of ‘poverty’ in particular, the European Consensus on Development presents the eradication of poverty as its main goal (European Union 2005: 14, 23) and goes on to say, ‘Reducing poverty and promoting sustainable development are objectives in their own right’ (ibid.: 23). The European Consensus says, ‘Poverty includes all the areas in which people of either gender are deprived and perceived as incapacitated in different societies and local contexts. The core dimensions of poverty include economic, human, political, socio-cultural and protective capabilities’ (ibid.: 15). The 2006 Programming Guidelines for Gender Equality states:

Poverty is understood not simply as a lack of income and financial resources, but also as encompassing the notion of inequalities in access to and control over the material and non-material benefits of any particular society. These resources and benefits include human and basic rights, political voice, employment, information, social services, infrastructure and natural resources. (European Commission 2006b: 1)

The 2007 Communication on Gender Equality and Women Empowerment presents the relation between poverty and gender in these terms:

The gender situation of a country has to be analysed across sectors with an eye to understanding its implications for growth and poverty. In this context, the EU’s ongoing process of political dialogue with partner countries will be used to ensure that Gender Equality issues are included in the analysis of poverty variables. This political dialogue will be complemented by EU assistance to reinforce the gender capacities of national authorities. Emphasis will be put on defining poverty not simply as a lack of income or financial resources, but as encompassing the notion of inequalities in access to, and control over, the material and non-material benefits in society. This will involve the inclusion of a number of issues on the political agenda such as securing acceptance for a broader multi-dimensional conception of poverty beyond income poverty including time poverty and measures of the differential impact of poverty on both women and men, as well as the promotion of technology that reduces time poverty. (COM(2007) 100 final: 8)

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Eyben argues that the influence of economic rational choice theory in development policy has defined the growth versus equality debate (2006). As noted above, she later called this mode of thinking substantialism (Eyben 2010a). Within this frame, the understanding of poverty in development discourse and practice is non-relational, even though a multidimensional idea of poverty is put forward (Eyben 2006: 597, 603). Eyben puts it in these terms:

The multidimensional understanding of poverty promoted at the beginning of the 1990s and confirmed in the definitional statement at Copenhagen and in the Millennium Development Goals did not substantially change the paradigmatic view that outcomes were a result of individual rational choice. It rather built on this by recognising the lack of a level field where each individual could play the game equally. Hence, because individuals vary to the extent they possess what Rawls referred to as 'primary goods' and Sen converted into means or 'capabilities', poverty becomes defined as a constraint on making choices and the role of development policy is to help enhance people's capabilities (Sen, 1992). This is the position taken in the UNDP's Human Development Reports.

Inside the world of aid, the contest was between those economists who accepted the capabilities proposition as a justification for an interventionist state and those who argued for a minimalist state and saw poverty as simply a market failure. (2006: 10)

In sum, gender is defined as 'the socially constructed differences' between women and men (European Commission 2008c: 1). Gender is also a 'critical issue' in some contexts and, if taken into account, it can help to achieve development objectives such as poverty reduction, economic growth, and social justice, among others. Indeed, the concept of gender appears closely related to poverty reduction strategies throughout all the policy documents analysed for the area of development cooperation. Gender questions are supposed to be taken into consideration when dealing with poverty reduction strategies, economic growth, and development policies in general. The underlying idea is that gender matters because it is a variable likely to influence *main, core, or fundamental* aspects of (an orthodox perspective of) development, i.e. economic growth and poverty reduction. Gender is something to take into consideration because it serves to attain other main goals. The argument being that gender considerations and, more specifically, gender equality, are tools for development. This argument is part of the efficiency discourse of gender equality.

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Gender and Gender Equality in Development

The European Consensus is important for us because it includes a very strong commitment towards gender equality. It says that gender equality should be an integral part of our development policy and that the European Union is committed to include a strong gender component in all its policy directions, but of course it's only one paragraph on gender [laugh], but it's OK.¹⁷⁰

As explained in chapter 4, the definition of gender equality in the Roadmap contains both substantive and instrumental dimensions. Texts within development cooperation also show these two arguments, i.e. gender equality as instrument and gender equality as a value. These arguments are part of the 'efficiency discourse of gender equality' and the 'human rights discourse of gender equality'.

The framework policy document European Consensus on Development refers to gender equality in some of its sections. Most often, gender equality appears as an item in a long list of many other areas of concern or as another 'common value' among several others. The document states, for instance, that 'EU partnership and dialogue with third countries will promote common values of: respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice' (European Union 2005: 15).

However, finding wordings of gender equality in the European Consensus, if one is looking carefully, is still possible. The document declares:

The promotion of gender equality and women's rights is not only crucial in itself but is a fundamental human right and a question of social justice, as well as being instrumental in achieving all the MDGs and in implementing the Beijing platform for Action, the Cairo Programme of Action and Convention on the Elimination of All Forms of Discrimination Against Women. Therefore the EU will include a strong gender component in all its policies and practices in its relations with developing countries. (European Union 2005: 17)

Here again, as in the Roadmap, gender equality is a value as well as an instrument to achieve some other objective/s.

The topic of 'Concentration', presented in the European Consensus on Development (European Union 2005: 31–37), can be seen as an example of how gender mainstreaming is dealt with and what understandings of gender and gender (in)equality are being constructed. Concentration 'means

¹⁷⁰ Interview with administrator working with gender issues at DG Development, May 2008.

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selecting a strictly limited number of areas for action when Community aid is being programmed, instead of spreading efforts too thinly over too many sectors' (ibid.: 31). In other words, it means concentrating resources in some selected areas. These areas are considered to be key to development and are therefore chosen focuses, having economic and human resources concentrated on them. This principle of concentration is supposed to be decisive to guarantee 'aid effectiveness', which is one of the main themes in the Paris Declaration on Aid Effectiveness. Among the areas on which the Commission aims to concentrate resources are the following: Trade and regional integration; The environment and the sustainable management of natural resources; Infrastructure, communications and transport; Water and energy; Rural development, territorial planning, agriculture and food security; Governance, democracy, human rights and support for economic and institutional reforms; Conflict prevention and fragile states; Human Development (which includes education); and Social cohesion and employment.

According to the logic of the European Consensus, all of these areas should contain gender as a fundamental dimension to be taken into account in dealing with the specific issue (of Trade, the Environment, Infrastructure, and so on). However, of all these areas, the only ones which refer to gender are 'Conflict prevention and fragile states' (in the statement that, as a root cause of violent conflict, gender inequality has to be addressed), 'Human development' (saying, for instance, that 'particular attention will be devoted to promoting girls' education and safety at school' (ibid.: 37)), and 'Social cohesion and employment' (the document says, 'In the context of poverty eradication, the Community [...] will promote social dialogue and protection, in particular to address gender inequality' (ibid.)). The rest of the areas present no reference to gender.

This silence is very telling. In a way, it is saying that gender does not have any role to play in questions such as rural development, water supply, or governance. On the one hand, as already noted, gender is defined as instrumental to development. Somewhere else, the Commission recognises that 'different sectors of the economy can have a crucial impact on Gender Equality: e.g. poor infrastructure can undermine girls' schooling because of insecure transport or if the lack of nearby water sources "forces" the parents to use girls for house work' (COM(2007) 100 final: 3). But on the other hand, in the European Consensus those questions that can be said to be *core* or *hard* development issues such as trade or infrastructure are not gendered (although the centrality of these issues to sustainable development can also be questioned). Even though gender is presented as closely related to poverty

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reduction strategies, it seems that trade policies and the construction of roads affect women and men *equally*, or that the role of women and men on rural development is *the same*.

Certain traces of a work of constructing the concept of gender can be identified. Gender is defined in connection with poverty and with poor women in particular. Most often, gender is understood to be synonymous with women in need. As shown in chapter 4, 'gender' becomes an issue of concern in policy documents when women are identified or defined as victims. Thus, in 'Social cohesion and employment' women are represented as discriminated against in the labour market; or in 'Conflict prevention and fragile states' women are victims of violence in the context of conflict/post-conflict situations. In the same vein, when talking about women, the 2007 Communication refers to such issues as the lack of decent jobs, gender-based violence, and trafficking in women (COM(2007) 100 final: 4).

In this way, there is no place for women's agency, much less for an understanding of gender as *done by* women and men. Gender is taken into account when there seem to be women to be protected. In terms of agency, as seen also in chapter 4, this means that women are presented as passive objects of policy, either as victims or as potential resources for development.

Women and the Causes of Gender Inequality

One of the interviewees working with mainstreaming gender in development cooperation policies says:

Why is gender inequality a problem? Very simply. Only in economic terms women make up one half of the population, and if we don't use this potential... I think that we, in economic terms, we should use it much more. Of course it's much more strikingly in African countries where many women cannot be legally employed, [...] go to school, read and write, their talents are not used. I think that these countries [could make] money of it. Even in economic terms. But it is also part of our argument, it's also part of the gender communication [the 2007 Communication] that in purely economic terms a country needs to empower women and raise women to the same level as men.¹⁷¹

According to the interviewee, gender inequality is a problem because of the waste of economic resources it produces. And that is why women need to be raised 'to the same level as men'. Here again, as I observed in chapter 4, men

¹⁷¹ Interview with administrator working with gender issues at DG Development, May 2008.

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are taken as the norm and women have to be assisted so that they can reach men's standards.

The 2007 Communication and its annexed working document refer to some factors hindering gender equality.¹⁷² The main argument that can be found about gender inequality presents it as something negative for the economy. The Commission Staff Working Document annex to the 2007 Communication argues that women are key to development. Since women are more likely to reinvest their earnings in benefits for their household, 'in such things as nutrition, health and education', women's entrepreneurial activity 'is very likely to increase the sustainability of a country's economic growth' (SEC(2007) 332: 7).¹⁷³ However, the document continues, women's capabilities are still largely 'an under-utilised resource' (ibid.). And in purely quantitative terms, it underlines, 'Women constitute half of the adult labour force and any denial of their equal access to the labour market is a great obstacle in the fight against poverty' (ibid.).

The 2007 Communication on Gender Equality and Women Empowerment defines gender inequality in relation to women by saying: 'Women are at the centre of sustainable social and economic development, poverty reduction and environmental protection. Despite this, gender inequality is part of the daily experience of a large proportion of the world's women' (COM(2007) 100 final: 3). The working document says in this regard:

Women are also particularly subject to physical stress associated with the gathering of environmental resources and are most vulnerable to indoor air pollution. [...] Women also play a determining role in the protection of environment and the sustainable management of natural resources (MDG 7). In many regions of the developing world they bear major responsibility for domestic food production as well as for protection of soils and other natural resources. This makes them key players in the food security sector. (SEC(2007) 332: 3)

The 2007 Communication remarks that 'gender inequalities are still ingrained in the cultural, social and political systems of many countries' (COM(2007) 100 final: 2). The Communication points out:

Traditional social structures [...] may offer only limited incentives for changing the existing distribution of power between men and women, especially to those with a vested

¹⁷² The Annex working document to the 2007 Communication (SEC(2007) 332) is an important text for tracing representations of the 'problem' of gender (in)equality, as it presents indicators of gender inequality and arguments about its causes.

¹⁷³ For an example of this kind of argument, see 'the girl effect' campaign. Though well meant, it constitutes a good instance of individualistic perspectives so hegemonic within the development field (film available at http://www.youtube.com/watch?v=W1vmE4_KMNw, accessed in September 2011).

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interest in maintaining the *status quo*. This may go some way to explaining why specific gender-related actions are not always regarded as high priority and why, in most country strategies, gender is a subsidiary issue. (COM(2007) 100 final: 4)

The 2007 Commission Staff Working Document refers in particular to gender inequalities in the labour market and education. It states that ‘gender inequalities in the labour market persist in terms of access to formal employment and level of pay as well as a disproportionate share of labour in the informal and rural economy’ (SEC(2007) 332: 6). About gender inequalities in education, the same working document notes that the majority of children out of school are girls and that women make up two-thirds of world’s illiterate adults (SEC(2007) 332: 7). Further, it says, ‘With respect to disparities in educational choices it appears that globally girls tend to enrol in non-scientific and non-technical disciplines, and that these disparities are reflected in gender-based occupational segregation and consequent rigidities in the labour market’ (ibid.).

In sum, women are defined as key to development, but gender inequality makes them unable to play their key role. As the definitions of gender equality in policy documents and interviews contain substantive and instrumental dimensions, the ideas of women’s human rights and efficiency are both presented together in arguments on gender inequality and its causes. The idea is that gender inequality is a problem because it hinders economic growth and sustainable development and, at the same time, contradicts all human rights and women’s rights in particular. Women are key to development, but remain the most affected by poverty. What would be the proposed solution to this?

Gender Equality, Gender Inequality, and Women’s Empowerment

As said before, texts lack a definition of women as active agents. Women are again and again defined as passive and presented as victims in the texts. Paradoxically, through the idea of empowerment there seems to be an attempt to present an active woman whose ‘participation’ can contribute to poverty alleviation and sustainable development. Since women are defined as key to development, women’s empowerment is understood as fundamental to development as well. However, there is no narrative of empowered women, no narrative about the achievements of women as a collective actor that could

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contribute to a different representation of women than that of victims. Instead, there are women *to be* empowered through specific measures.

There is a vast amount of research on empowerment and women's empowerment in particular, within development studies both conceptual and empirical. I will not make an exhaustive account of it. I would rather point to some elaborations that I have found useful as a starting point for the analysis of my material. Hence, before examining how women's empowerment is defined in EU texts, I will refer briefly to the history and context of the concept of empowerment within development discourse in general.

I agree with Naila Kabeer when she says that the concept of empowerment is 'inescapably bound up with the condition of disempowerment and refers to the processes by which those who have been denied the ability to make choices acquire such an ability. In other words, empowerment entails a process of change' (Kabeer 2001: 19). And thus, 'Empowerment is not just about women acquiring something, but about those holding power relinquishing it' (Young 1993: 159).

After the hegemony of the Washington Consensus and the implementation of Structural Adjustment Policies (SAPs) in the 1980s, the 1995 UN Women's Conference in Beijing brought the idea of participation and 'women's empowerment' to the fore of development discourse (Eyben & Napier-Moore 2009: 286). The idea of women's empowerment was defined by feminist meanings and a social relations approach. As Eyben and Napier-Moore say, 'The seeming triumph of the 1990s was that women's empowerment became a matter of justice rather than something necessary for development' (ibid.).

This would change. Ten years after Beijing, the wording of empowerment is no longer constructed in terms of 'women's active participation', power, and social justice (see Beijing Platform for Action: 6). Growth-centred arguments have come back with renewed strength. Growth is understood to deliver development, and gender has to fit into this growth/efficiency rationale. As Eyben and Napier-Moore argue, 'Today a privileging of instrumentalist meanings of empowerment associated with efficiency and growth are crowding out more socially transformative meanings associated with rights and collective action' (2009: 285).

When it comes to formulations around empowerment in EU development policies and proposals, 'governance', 'accountability', 'efficiency', and 'ownership' are key words that appear associated with it in most texts. There are, of course, contradictions and ambiguities around the understandings of empowerment. Arguments about efficiency are sometimes combined with ideas of human rights, and references to ownership appear associated with the

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participation of Civil Society Organisations (CSOs) and Community Based Organisations (CBOs) and not only partner governments (see, for instance, COM(2007) 100 final: 7). As others have noticed, empowerment is both a buzzword and a fuzzy concept within development discourse (Cornwall & Brock 2005; Cornwall 2007; Eyben & Napier-Moore 2009).¹⁷⁴

The Roadmap for Equality between Women and Men identifies the promotion of women's rights and empowerment outside the EU as one of its priority areas (COM(2006) 92 final: 9). The European Consensus on Development declares, 'The empowerment of women is the key to all development' (European Union 2005: 15). The 2007 Communication on Gender Equality and Women Empowerment aims to present the concept and practice of women's empowerment as a fundamental component for a successful EU development strategy. However, the category of 'women' always appears in relation to inequality and/or some kind of condition of lack: i.e. 'poor women being particularly affected' or 'most women work in the informal sectors, often with low productivity and incomes, poor working conditions, with little or no social protection' (COM(2007) 100 final: 3).

The argument that stresses the relevance of empowerment to development is part of the discourse that revolves around the ideas of growth and efficiency. This argument can be clearly identified in the 2007 Communication. The idea is that in order for the economy to be efficient and sustainable development to be a reality, partner countries need to work towards the empowerment of women. The question for EU policy-makers is 'how to empower women and make the best use of women's competences'.¹⁷⁵ According to the 2007 document, girls and women may be able to empower themselves by going to school, working, and participating in 'civic activities' (COM(2007) 100 final: 3). Even though this ability 'is constrained by their responsibility for everyday tasks in the household division of labour' (ibid). The idea is to direct resources to women through specific measures.¹⁷⁶

The 2007 Communication refers to the 'twin-track strategy' as including the mainstreaming of gender equality in all policies and programmes and, on the other hand, the financing of specific measures to empower women (COM(2007) 100 final: 2). According to the document, targeted actions to empower women constitute a complement to gender mainstreaming and are

¹⁷⁴ Eyben and Napier-Moore point out that 'fuzziness of policy concepts does not result from the conscious choice of any individual or group, but is a collective response to organisational tensions. Good intentions are foiled by organisational requirements to keep all parties on board' (2009: 288).

¹⁷⁵ Interview with senior gender expert, May 2008.

¹⁷⁶ Resources such as property rights or financial incentives to send girl children to school. See the list of proposed interventions by the EC and MSs in the working document (SEC(2007) 332 final: 10ff.).

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supposed ‘to address key strategic issues that impact on the well-being and opportunities of particular vulnerable groups’ (ibid.: 11). These specific actions point towards the lack of women’s participation in employment and economic activities, education, and governance (ibid.: 6). These measures encompass the idea of both economic empowerment and political empowerment.

The working document (SEC(2007) 332) containing the annexes to the 2007 Communication presents a list of specific interventions to support gender equality that can be promoted and that, in turn, can foster women’s empowerment; for instance: support ‘women’s participation in decision making at all levels in governance structures’ (SEC(2007) 332: 10), enable and establish women’s property rights (ibid.: 11), promote the enrolment of girl children in school via financial incentives to families (ibid.), support the advance of legislation on violence against women (ibid.: 12).¹⁷⁷ In its Conclusions on the Commission Communication on Gender Equality and Women’s Empowerment in Development Cooperation, the Council also emphasises ‘the importance of equal access of women to employment and economic resources, including land, credit, science and technology, decent work, education, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls’ (Council of the European Union 2007: 8).

On the other hand, as said above, the 2007 Communication stresses the importance of the participation of women’s organisations for the success of ownership and the promotion of women’s empowerment by declaring: ‘For actions that promote Gender Equality and Women’s Empowerment it has been shown that “ownership” must not only be taken by partner governments, but also by the women beneficiaries themselves. In practice this often means ownership through the involvement of CSOs and CBOs’ (ibid.: 7). The political participation of women’s organisations is thought to be part of an empowerment strategy. There seems here, although timidly (‘this *often* means’), to be a recognition of women as actors.

Accordingly, the Council Conclusions stresses ‘the close inter-linkages between sustainable achievements in poverty reduction and development and the empowerment of women’ (Council of the European Union 2007: 2) and recognises that the participation of women’s organisations is needed to achieve ‘real ownership of development processes by partner countries’ (ibid.: 7).

¹⁷⁷ See also the 2008 Programming Guide for Strategy Papers (European Commission 2008: 6–8).

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These are the contradictions to be found in the texts. On the one hand, the emphasis seems to be placed on the importance of economic resources being directed to women so they can put their potential into use. Economic empowerment seems to be the key to all. On the other hand, while ownership of the development process is presented as belonging to women's organisations through political participation, in practice, ownership of the process still remains with the partner governments (see the section on analysis of the material above).

Ambiguity and fuzziness are part of the wording around empowerment, as in this paragraph from the Council Conclusions on Gender Equality and Women's Empowerment, which actually says very little on what empowerment is about:

The Council recognises the Commission's and the Member States' specific responsibility to support developing country partners in eliminating discrimination and gender inequality by increasing visibility and accountability on gender equality and women's empowerment in development cooperation and to promote and engage in an enhanced political dialogue at all levels, including the highest political level, which incorporates gender equality explicitly as a central theme. (Council of the European Union 2007: 3)

There is nothing new about the twin-track strategy comprising mainstreaming and specific measures. The 2007 Communication has, however, brought the idea of empowerment back in and used it to define the content of those specific measures. This may be due in part to the fact that within the development field, as Razavi and Miller write, 'the rhetoric of "empowerment" and "bottom-up development" has much appeal', even if the 'gender efficiency' discourse relies more on a top-down planning approach to empowerment (1995: 32). As it is defined in EU texts, women's empowerment follows a top-down approach.

It seems to me that the term 'women's empowerment' is used in the 2007 Communication because it was the 'right word' to use; the Communication would have put forward the same ideas without using 'women's empowerment' by referring only to specific measures. The emphasis is on the importance of specific actions.¹⁷⁸ If 'women's empowerment' is removed, the main idea is still in place. Thus, women's empowerment is presented not as part of a gender mainstreaming approach but as a specific measure, and therefore a complement: 'The secondary instrument, specific, targeted actions, to empower women, has to be used so as to complement mainstreaming activities and to address key strategic issues that impact on

¹⁷⁸ Interview with administrator working with gender issues at DG Development, May 2008.

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the well-being and opportunities of particular vulnerable groups' (COM(2007) 100 final: 11).

In this context, women's empowerment is just another way to refer to women as a target of policies that can have multiplier effects. Yet, more importantly, the fact that empowerment is presented as specific measure has to do precisely with the understanding of empowerment as targeting women in particular instead of relations of power that make women disempowered. As Cornwall and Espen contend, 'Much of the women's empowerment industry is itself a throwback to the earlier Women in Development (WID) approach rather than taking its tone from the focus in Gender and Development on structural dimensions of power' (2010: 1).

Hence, the main idea in the texts is that 'the key role of women in growth and development needs to be taken into account in the preparation and implementation of cooperation strategies' (COM(2007) 100 final: 6). The image of the long-suffering hard-working woman whose potential can be used to attain development goals, policy outcomes, is repeatedly presented in texts. It becomes clear in going through policy documents that the main idea is to provide resources for women so that they can put their capacities to work.

The conception of empowerment is not one of empowerment from within but empowerment as something that can be given to women from outside – by developers or governments alike. It is not about transforming power relations and producing social change but about women as depositaries of (economic) resources and vehicles of development objectives set by donor countries. This understanding makes sense in the context of the efficiency discourse on gender equality. Razavi and Miller comment that 'the "gender efficiency approach" highlight[s] the importance of directing economic resources to women' (1995: 31). Eyben and Napier-Moore reach similar conclusions in their study on the meanings given to women's empowerment by officials working in development agencies. 'More broadly,' they point out, 'meanings of empowerment associated with solidarity and collective action are being crowded out. [...] linking economic empowerment to growth reflects a broader discursive shift back to women working for development, rather than development working for women' (Eyben & Napier-Moore 2009: 294).

They also say, 'This particular discourse, re-energised by the Paris agenda, emphasises the individualistic thread in "empowerment" that has become more dominant in recent years' (Eyben & Napier-Moore 2009: 296). In this context, women's empowerment is about 'making women more effective wealth producers' instead of meaning social change and transformation

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(ibid.: 298). Cornwall and Brock, in their analysis on the use of some development 'buzzwords' – i.e. 'participation', 'empowerment', and 'poverty reduction' – in the context of two development policy instruments, the Poverty Reduction Strategy Papers (PRSPs) and the Millennium Development Goals (MDGs), find the following: 'Empowerment retains a prominent place in agencies' policies concerning gender, but often appears in a diluted form, neutralising its original emphasis on building personal and collective power in the struggle for a more just and equitable world' (2005: 1046). They also argue that within mainstream development discourse the buzzword 'empowerment' comes 'in a chain of equivalence with ownership, accountability, governance and partnership to make the world that the neoliberal model would have us all inhabit' (ibid.: 1057).

Of course, a document such as the 2007 Communication on Gender Equality and Women Empowerment is the result of several different voices and perspectives. Thus, it would not be wrong to say that there were some voices interested in including a dimension of women's agency in the wording of women's empowerment in the Communication. And, though for most of the document the understanding of women's empowerment remains instrumentalist, the closing paragraph reads:

A combination of advocacy, support for women's groups and specific actions to change cultural, social and political patterns and the distribution of political and economic power marks the way forward to promote Gender Equality. Clearly this will be a challenging task. But the EU is committed to supporting our partner countries to overcome all obstacles on this crucial path. (COM(2007) 100 final: 11)

Even in a paragraph like that, though, a flavour of top-down approach to empowerment predominates, as if empowerment were something possible to give, or likely to be provided – by the EU in this case. Kabeer has been so right in pointing out that since processes of change always imply risks and costs, social change must necessarily be

believed in, initiated, and directed by those whose interests it is meant to serve. Empowerment cannot be given, it must be self-generated. All that a gender-transformative policy can hope to do is to provide women with the enabling resources which will allow them to take greater control of their own lives, to determine what kinds of gender relations they would want to live within, and to devise the strategies and alliances to help them get there. (1994: 97)

As others have noticed, there is a problem in that general recipes disregard context and culture (Cornwall & Brock 2005). None of these measures can

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assure the empowerment of women; rather, it is the particular dynamic between agency and structural conditions that defines political processes and may or may not result in processes of empowerment. It is, again, a matter of how gender is done and undone (Risman 2009), how power relations and the gender order are negotiated and (re)structured.

It is quite clear that what it is at stake in EU texts dealing with women's empowerment is not social transformation. Once associated with feminist meanings and struggles, collective action, social justice, and social change, the idea of women's empowerment has been emptied of those feminist meanings. Instead, within an efficiency discourse of gender equality, women's empowerment is understood in terms of economic growth and formal political participation, in terms of individuals and instrumentality.

Moreover, it is important to note that throughout EU's policy documents within development cooperation, women's empowerment, understood as something to be given through specific measures, is proposed as *the solution* to the 'problem' of gender inequality. This assumes that it is women's lack of participation (in the labour market, in education, and in political and civic activities) that is *the cause* of gender inequality. Thus, as I noted in chapter 4, the cause of gender inequality does not lie in unequal structures and systems as gender mainstreaming supposes but in women's lack of participation in the labour market, women's lack of education and training, and women's lack of political involvement.

Gender Mainstreaming: Definition and Practice

The dual-track approach to gender mainstreaming within development includes both the introduction of a 'gender perspective' into mainstream policies and programmes and specific measures 'to empower women'. The framework document *The European Consensus on Development* states that mainstreaming is to be followed for specific 'cross-cutting' issues, among which there is 'gender equality':

In all activities, the Community will apply a strengthened approach to mainstreaming the following cross-cutting issues: the promotion of human rights, gender equality, democracy, good governance, children's rights and indigenous peoples, environmental sustainability and combating HIV/AIDS.

These cross-cutting issues are at once objectives in themselves and vital factors in strengthening the impact and sustainability of cooperation. (European Union 2005: 38)

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Specific guidelines such as the Programming Guides for Strategy Papers follow the Council of Europe (CoE) definition of gender mainstreaming. Thus, the 2008 Programming Guide for Strategy Papers defines gender mainstreaming as

the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making. Gender mainstreaming cannot replace specific policies which aim to redress situations resulting from gender inequality. Specific gender equality policies and gender mainstreaming are dual and complementary strategies and must go hand in hand to reach the goal of gender equality. (European Commission 2008c: 1)

In more concrete terms, the guideline specifies:

In order to examine gender equality in a national context, there needs to be an analysis of the situation of women and men in a given country across all EC priority areas for development cooperation. The gender analysis is an important part of the overall situation analysis and provides the basis for gender mainstreaming in the preparation of the Country Strategy Paper (CSPs) and Poverty Reduction Strategy Papers (PRSPs). A complete gender analysis would include: the gendered division of labour; access to and control over material and non-material resources; the legal basis for gender equality/inequality; political commitments with respect to gender equality; and the cultural and traditional attitudes and stereotypes which affect the gender relations between women and men. These gender analyses often already exist; they are carried out by other donors, international organisations or CSOs and can easily be used by Delegations. (European Commission 2008c: 5; see also European Commission 2006b: 3, 5)

As discussed in chapter 4, one of the main criticisms of the practice of mainstreaming has been that it works as an excuse to cut down on women's specific actions, projects, programmes and structures.¹⁷⁹ One of the interviewees working within development cooperation argues:

There is a big danger with mainstreaming. This is mainly that mainstreaming means that gender is everywhere, but there is a risk that finally gender will be nowhere because it disappears. [...] So, mainstreaming is good, we have to continue, but it's not enough, we have to identify specific budget for gender actions.¹⁸⁰

And he describes the practice of mainstreaming in these terms:

¹⁷⁹ This question is also presented in the discussion on the academic debate around mainstreaming in chapter 1.

¹⁸⁰ Interview with administrator working with gender issues at DG Development, May 2008.

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In practice, in our work it means that normally before such a programme is adopted, it should count [on] the agreement of each Directorate in DG Development and then for our Unit, and either myself or one of my colleagues should be able to look at it and we try to include a gender perspective. So, for example, into health and education is relatively easy to mainstream gender because in health, for example, under sexual and reproductive health rights [it] is very obvious, or under education of girls it is part of the education programme. This is the easier part. The more... it is much more difficult to include gender in infrastructure or building roads, but still possible, there are good examples... For example, in building roads in... I don't remember in which country, but in one of the countries, the project had a specific budget for bringing the spouses of road workers with them because these men were working in a different area than where they live and it was possible for them to bring their wives and they could stay with them, this is an example. Or, for example, gender based violence is a very bad issue, and one of the reasons is [that] very often in dark, in rural areas, women have to go and bring water and women can get raped. So, for example, when you build roads, the parts of roads, the side roads, if they get lamps or they are lightened we can make security much better. These are just examples of how you can mainstream gender into even infrastructure or road-building projects.¹⁸¹

There has been concern around the incapacity of gender mainstreaming to fulfil policy outcomes. The 2007 Communication on Women Empowerment points in the direction of incorporating specific measures within the strategy of gender mainstreaming. In this context, the interviewee tries to find the way to incorporate certain gender-related concerns once the policy is formulated (there is then the question of whether there will be the budget for it). Thus, in practice gender mainstreaming functions as a declaration of principles, and the real policy is defined by specific measures targeted to women.

Final Thoughts: Gender Mainstreaming, Discourses, and the Problem of Gender (In)Equality

As stated at the beginning of this chapter, within the EU context, the Commission Communication on Integrating Gender Issues in Development Cooperation of September 1995 (COM(95) 423 final) represented a step forward in the advancement of gender mainstreaming. Being previous to the 1996 Commission Communication titled Incorporating Equal Opportunities

¹⁸¹ Interview with administrator working with gender issues at DG Development, May 2008.

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for Women and Men into all Community Policies and Activities and contemporary with the UN World Conference on Women in Beijing, which took also place in September 1995, it presented several key questions about gender, gender relations, and gender mainstreaming.

The 1995 Communication proposed the introduction of gender mainstreaming together with positive actions (COM(95) 423 final: 6). It talked about 'unequal power relationships' between women and men (ibid.: 2). It proposed a shift in focus from women to gender, from WID to GAD (ibid.: 11ff.), pointing out the necessity of a relational approach to gender instead of a 'women's only' focus.

Yet most of what seemed promising became diluted and there seems to be a return to specific actions, especially with the current emphasis on women's empowerment. This can be explained in part by looking at certain understandings (or misunderstandings) and definitions presented in the Communication. Although the texts do refer to 'unequal power relationships' and it is said that men matter because gender is about 'the relation' between men and women, nothing is said about what men should do for the (power) relationship to change, or how to engage men in transformation. Neither at the individual level nor at the interpersonal nor the structural levels (see Connell 1987; Cornwall 2010; Risman 2004). Both men and women are understood as two separate categories.

Furthermore, the text at times confuses 'differences', 'disparities', and 'inequalities' (see, for example, COM(95) 423 final: 1–2). But these are not the same. To say that men and women are different is not to say that they are unequal. Women and men do not need to be the same in order to be equal; they can be different and yet equal. In the context of this Communication, the idea of 'differences' serves to categorise women as 'in need' of specific measures, instead of functioning as a fundamental aspect of a strategy of transforming power relations. Rather, strategies are directed towards helping women to reach men's standards; men are the norm and women should fit in. The Communication maintains an argument around sameness and difference, failing to elaborate on the transformative implications of gender mainstreaming.

The concept of gender, in particular, is defined as follows: 'The term "gender" refers to socially acquired and culturally specific attributes distinguishing men and women, while the term "sex" refers only to physical distinctions. As gender differences are historically determined and culturally specific, they vary across countries and regions and change over time' (COM(95) 423 final: 11).

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This definition assumes an additive conception of gender and gives place to dichotomical representations of gender (see the above discussion following Connell and Risman). This conception of gender as something built up on a biological basis, instead of as a structure of power that is the product of continuing social practice, was already in place with this Communication. It is a conception of gender that, even if it at times recognises history and culture, rests on the idea of a determining biological basis.

When texts refer to gender inequality, as when they deal with poverty, they do not do so in relational terms. Conflict and power are somehow erased from policy discourses – and practice. Thus, there are poor people not because there is an unjust social order in place, in which most wealth is concentrated in the hand of a few, but because those poor people lack the skills and capabilities thought to be adequate to move out of poverty.

In the same vein, gender inequality seems to be the result of a poor inclusion of women in the education system or in the labour market. Texts do not refer in any way to the oppressive gender structure that subordinates women to men, or they do so only in vague terms when referring to ‘unequal power relations’. A gender order in which men keep the right to power and privilege is not discussed.

The main point of confusion in the texts is that indicators of inequality get conflated (mixed) with the causes of gender inequality. Through identifying the proposed solutions in policy documents, it can be argued that indicators of gender inequality are taken as the cause of it. The cause of gender inequality does not lie in the low enrolment rate of girls in school. This is a *consequence* of gender inequality. The cause of gender inequality lies in the gender structure that keeps girls out of certain practices such as education. Furthermore, the education of boys, how we educate boys, is as important as the education of girls. By proposing girls’ schooling as ‘the solution’ to gender inequality, the whole structure of inequality that underlies the fact that girls present a lower rate of school enrolment is erased or not considered in the analysis. This is not to say that girls’ schooling is not important, but rather that it is not very productive to take it as the *end* of the analysis and policy formulation.

This individualistic representation of the problem of gender (in)equality characterises the efficiency discourse of gender equality. And it is also embedded even in the human rights discourse of gender equality.¹⁸² This individualistic representation is part of a more general trend within

¹⁸² These two discourses are actually so intertwined that it is at times difficult to distinguish arguments and representations within them.

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development discourse and practice. Eyben shows that the 1995 World Summit for Social Development Copenhagen outshone Beijing and led to a hegemonic agenda of poverty reduction, while 'Beijing's agenda of societal transformation offered another paradigm of development that has remained marginal' (2006: 595). It is the substantialist way of thinking that, following Eyben (2010a), characterises international aid. This individualistic way of thinking has contributed in part to bringing about the failure of gender mainstreaming. Individuals are understood in development discourse, and in policy discourses more generally, as free or disengaged from social structures and power relations. Individuals need to be understood instead as defined by the social relations in which they participate or of which they are part (see Tilly 1998). This has to do, as well, with the question of the effects of problem representations in terms of what kinds of subjects are constructed. Women, as individuals, are victimised and, at the same time, held responsible for their situation. Within the efficiency discourse of gender equality, women are constructed in terms of *the use of their capacities*, while within a human rights discourse of gender equality, the construction is more in terms of *women to be protected*.

In sum, gender appears as a category – either male or female. Instead of being understood as a social structure (Risman 2004) and relations, as the process of doing gender (West & Zimmerman 1987), as a verb (Connell 1987; Eveline & Bacchi 2005), gender is rather a noun (Eveline & Bacchi 2005), a fixed characteristic that can be used to separate groups of individuals, a binary opposition (Bacchi 2009). Gender mainstreaming remains a declaration of principles, and specific measures are what actually define development policies. Of course, having gender mainstreaming as a formal strategy may make it possible for gender advocates to push a gender dimension into areas that have otherwise traditionally been gender blind.

Although this seems to occur only on an ad hoc basis, it is, however, a quite successful strategy. As Kabeer points out, 'Advocacy on behalf of women which builds on claimed synergies between feminist goals and official development priorities has made greater inroads into the mainstream development agenda than advocacy which argues for these goals on intrinsic grounds' (2001: 17; see also, for instance, Sharma 2011). In the same vein, Eyben argues:

These very contradictions [between a desire to use gender for instrumental reasons and the desire to promote gender equality in its own right] can provide opportunities for policy change. Large organisations are heterogeneous 'battlefields of knowledge', full of contradictions and struggles; a policy activist would seek to manage and exploit these contradictions rather than resolve them. These contradictions between the instrumentalist

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and transformative agendas can be managed by using the instrumentalist agenda to make the status quo case for mainstreaming, while hoping and working towards more transformational goals, concerning which the activist stays silent except with co-conspirators. (2010b: 60)

It seems to me that this is the case for many people working within the EU development field. There are feminist voices and there is also a feminist discourse of gender equality, represented mainly by WIDE, in which women are defined as transformation agents, the binary gender order is challenged, and the attempt is to find 'feminist alternatives to existing dominant trade patterns and unsustainable economic and social development models' (WIDE 2008a: 8). There is perhaps chance for these voices and discourses to continue pushing and successfully influencing EU policy-making.

6

Migration and Gender

Background and General Insights

Gender Policy Framework

Although the Roadmap is a policy document that refers to the strategy of gender mainstreaming at the EU level in general, it is in the Roadmap that the general objectives for all of the policy areas within the Commission are stated. Among these objectives is the promotion of gender equality in migration policies – point 1.6 (COM(2006) 92 final: 4). It is important to note that migration is not a priority area in the Roadmap; the migration question is tackled in relation to economic independence. Within this theme, the Roadmap states the importance of ‘the promotion of gender equality in migration and integration policies in order to ensure women’s rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning’ (COM(2006) 92 final: 4). Migration is also dealt with in relation to gender-based violence (domestic violence against women, sex trafficking, and harmful traditional practices such as honour crimes and genital mutilations). The association between gender equality in migration and integration *and* women’s rights and employment participation, as well as the association between migration *and* gender-based violence show a specific problematisation of the question of migration and gender.

For most of the period 2005–2010, the Directorate-General (DG) dealing with matters of immigration as well as asylum and trafficking in human

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beings was the DG for Justice, Freedom and Security (DG JFS).¹⁸³ However, on July 2010, DG for JFS was divided up into two different DGs: DG for Justice and DG Home Affairs. DG for Justice consists of four directorates: Civil Justice, Criminal Justice, Fundamental Rights and Union Citizenship, and Equality.¹⁸⁴ DG Home Affairs consists of three directorates: Internal Security, Immigration and Asylum, and Migration and Borders.¹⁸⁵ For sake of simplicity, I will refer to DG JFS, which was the denomination for almost the entire period 2005–2010. DG JFS is in charge of gender mainstreaming in migration, asylum, and trafficking policies, while DG Employment coordinates the Roadmap for Equality between Women and Men, which sets the general objectives for the area of migration and thus has a coordinating and monitoring role in the gender mainstreaming strategy at Commission level.

Migration Policy Framework

With the 1997 Treaty of Amsterdam (effective in 1999), the EU gained competence in the field of immigration (European Women's Lobby 2007a: 16; Hantrais 2000b: 208–209). Immigration became an area of concern for the Council of Ministers. The Treaty of Amsterdam stated that the EU must be an area of 'freedom, security and justice', where the free movement of persons should be assured, together with proper measures with regard to external border controls, asylum, immigration, and the prevention and combating of crime. Needless to say, freedom of movement does not apply to non-European nationals (Hantrais 2000b: 207). The necessity of a Community policy on immigration has been on the agenda since the mid-1980s (*ibid.*). In July 1985, a Council Resolution on guidelines for a Community policy on migration was issued, identifying immigration and associated issues as problems to be addressed by the Community (*ibid.*). Also in 1985, the Schengen Agreement on asylum and visas was signed. By 1994 it had been ratified by all Member States except for Denmark, Ireland, and the United Kingdom. According to Hantrais, 'The intention of the signatories was to harmonise frontier controls and procedures over asylum-seekers, and abolish internal border controls' (*ibid.*: 208).

In October 1999, heads of EU Member States set up the basis for a common EU immigration policy when the European Council endorsed the Tampere

¹⁸³ In the context of this thesis and the material analysed, migrants are third-country nationals entering the EU. Third-country nationals are persons from countries other than EU MSs. Migrants are, thus, non-EU citizens.

¹⁸⁴ Available at http://ec.europa.eu/justice/mission/index_en.htm, accessed in January 2012.

¹⁸⁵ Available at http://ec.europa.eu/dgs/home-affairs/chart/chart_intro_en.htm, accessed in January 2012.

Programme. The successor to the Tampere Programme is the Hague Multiannual Programme (Council of the European Union 2004c), which set the objectives of strengthening the area of freedom, security, and justice and was approved by the European Council on 4–5 November 2004 (COM(2005) 184 final: 3). The Hague Programme determined the objectives to be implemented ‘with a view to establishing a common immigration and asylum policy for the period 2005-2010’ (European Women’s Lobby 2006: 6). In May 2005, the Commission presented an action plan to implement the programme approved at The Hague, that is, The Hague Programme: Ten Priorities for the Next Five Years – The Partnership for European Renewal in the Field of Freedom, Security and Justice (COM(2005) 184 final).¹⁸⁶

Migration and Gender Mainstreaming

Migration is a hotly contested issue. The policy area of migration includes legal migration, which in turn includes economic or labour migration and asylum, and illegal migration, which usually comprises smuggling and trafficking in human beings.

Nevertheless, when migration is discussed in policy texts, the emphasis is placed on the ‘economic’ migrants (see, for instance, COM(2004) 811 final). And the ‘women variable’ is taken into account almost exclusively when it is related to employment performance (see COM(2004) 508 final). The emphasis on the economic dimension of migration depicts a particular context for the introduction of mainstreaming into this policy area. Although efficiency arguments are used across all issue areas to provide reasons for introducing gender mainstreaming (see chapters 4 and 5), within this area these arguments, with their statements about the necessity of utilising women’s skills to achieve economic growth, are even more openly presented. For instance, the 2008 Commission Communication, A Common Immigration Policy for Europe, points out that **‘the potential contribution of immigration to EU economic performance is significant’** (COM(2008) 359 final: 2, emphasis in the original).

Hence, when it comes to the promotion of gender equality and mainstreaming, DG Employment emphasises that migrant women are worse off than their male counterparts, lagging behind in labour market integration. DG Employment stresses that even though migrant women and men have similar unemployment rates, there is a striking exception for the high-skilled

¹⁸⁶ See also http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm#part_1 and http://ec.europa.eu/justice_home/fsj/intro/fsj_intro_en.htm, accessed in May 2010.

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labour force segment, where women tend to be unemployed more than men. Migrant women are concentrated in low-paid industries and occupations.¹⁸⁷

DG Employment also recognises that a gender perspective is to a large extent lacking in integration policies. From the DG's perspective, this lack impedes full *utilisation* of the potential of migrant women in the labour market. And the effective integration of immigrants into the labour market as well as into society is one of the key factors for success in reaching the Lisbon targets.¹⁸⁸ Thus, the DG argues, the EU must incorporate a gender perspective in immigration and integration policies¹⁸⁹ to reach the Lisbon targets.

In its 2004 First Annual Report on Migration and Integration, the Commission acknowledged that 'a systematic mainstreaming of **gender considerations** seems to be lacking in most Member States when dealing with immigration, both in terms of policy and data' (COM(2004) 508 final: 6, emphasis in the original). Since then, not much progress has been made and women continue to be invisible in immigration policies.

According to the European Women's Lobby (EWL), one of the reasons for the 'invisibility' of migrant women in the European framework on immigration and integration is 'the **absence of a policy at European level covering gender and ethnic background**, as issues related to gender and to ethnic minorities tend to be covered by separate and compartmentalised policies rather than an integrated approach' (European Women's Lobby 2006: 10, emphasis in the original).

As previously said, in the Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final) of March 2006, the Commission tackled the issue of 'multiple discrimination' that immigrant and ethnic minorities suffer and committed itself to promoting 'gender equality in migration and integration policies in order to ensure women's rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning' (COM(2006) 92 final: 4).

But despite the commitments and acknowledgements, mainstreaming gender equality in the policy area of migration has not demonstrated much progress

¹⁸⁷ Available at

http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/migrant/migrant_en.html, accessed in March 2007. See also European Commission (2005b: 5).

¹⁸⁸ This refers to the targets determined for the Lisbon Strategy. The strategy was agreed upon at the EU Lisbon Summit of March 2000 and was aimed at making the EU economy the most competitive and dynamic knowledge-based economy in the world by 2010.

¹⁸⁹ Available at

http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/migrant/migrant_en.html, accessed in March 2007. See also European Commission (2005b: 5).

so far. Kofman and Sales suggest that EU policy towards migrant women in general has traditionally been ‘gender blind’, although its effects are gendered because they generally assume women’s dependence on a male (Kofman & Sales 2000: 195, 203; see also European Commission 2006c). This blindness constitutes an important obstacle to the introduction of the gender mainstreaming mandate.

Presentation of the Material

The next section presents part of the analysis of selected policy proposals formulated by DG JFS, where I explore the integration of a gender perspective in immigration policies (at the policy-making and programme formulation stage) and try to identify how the ‘problem’ of gender (in)equality is represented in policy documents within the area of migration. I then analyse the material to find different understandings, representations, and assumptions that constitute different discourses. The discourse analysis includes a textual analysis as well as the analysis of discursive and social practice dimensions of discourse (see chapter 3). Before beginning the presentation of the analysis, however, I first briefly describe the material I have worked on and refer to some insights into the analysis.

I have interviewed people who work with gender issues in migration and asylum at DG JFS to find how they understand gender and related concepts, and how they actually mainstream gender in policy proposals and projects.¹⁹⁰ Regarding policy documents, I have worked on some framework policy documents and specific policy proposals on labour migration, asylum, and trafficking as well as EWL Reports.¹⁹¹ The idea is to elaborate a discourse analysis (see chapter 3) to find, following Bacchi’s approach, what the ‘problem’ of gender (in)equality is represented to be in migration policy proposals in the context of the introduction of the mainstreaming principle, and the implications of these definitions, assumptions, and representations with respect to what remains unproblematised and what kinds of subjects are constructed.

¹⁹⁰ It should be remembered that DG Justice, Freedom and Security (DG JFS) is in charge of gender mainstreaming in migration, asylum, and trafficking policies and that DG Employment has a coordinating and monitoring role in the mainstreaming of gender at the Commission level, that is, including all DGs. To do so, DG Employment uses the Roadmap for Equality between Women and Men, which sets the objectives for all policy areas at Commission level.

¹⁹¹ For a detailed description of the analysed material, see the appendix to chapter 6.

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There are contradictions between general texts such as the Roadmap for Gender Equality between Women and Men and policy texts that refer specifically to migration issues.¹⁹² The Roadmap sets general objectives for the mainstreaming of gender within all policy areas at the Commission level, stating the importance of taking the gender dimension into account. On the other hand, most policy documents on migration, including asylum and trafficking, lack gender awareness. Moreover, contradictions are also present between migration framework documents and more specific policy proposals within the migration issue area.¹⁹³

The Roadmap sets objectives regarding the mainstreaming of gender and, as part of its key actions, aims to ‘monitor and strengthen gender mainstreaming in particular in [...] the Framework for the Integration of Third-Country Nationals in the EU [COM(2005)389] [and] the follow-up to the Policy Plan on Legal Migration [COM(2005)669]’ (COM(2006) 92 final: 4–5). Both the framework for the Integration and the Policy Plan on Legal Migration, then, refer to the necessity of taking the gender dimension into account. For instance, the Policy Plan on Legal Migration states that ‘due attention will be paid to gender issues’ in all policy proposals (COM(2005) 669 final: 4). However, as I will show below, policy proposals and directives formulated from those frameworks hardly mention gender questions. This is the case, for example, with the proposal on harmonisation of admission procedures and rights for third-country nationals (COM(2007) 638 final), or with the Blue Card Directive (Council of the European Union 2009), both of which lack a gender perspective.

This question of contradictions is closely related to how gender and associated key words are defined. In this connection, it is relevant to examine how the problem of gender (in)equality is represented. Within the context of the introduction of gender mainstreaming, I will now analyse the texts to explore some representations of the ‘problem’ of gender (in)equality within the policy area of migration. As part of the textual analysis of discourse, I will first identify different definitions, meanings of key words, wordings, binaries, understandings, and underlying assumptions of terms such as gender, gender equality, gender inequality, gender mainstreaming and other

¹⁹² The Roadmap for Equality between Women and Men belongs to the first body of texts, while specific policies within migration are part of what I define as the second body of texts, see chapter 3.

¹⁹³ This has to do with the discursive practice dimension of discourse analysis that takes into account issues of intertextuality, i.e. cross references among texts (see chapter 3). There are many references among these texts, as the policy documents construct a web of regulations and guidelines for practice. References and interconnections among policy texts such as Commission Communications, Green Papers, Reports, and Frameworks function at the level of practice, sometimes producing contradictions.

related categories presented in policy formulations and debates. To put it simply, the idea is to identify and describe different definitions, finding out how different categories and key words are related to each other in constructing a given representation of the ‘problem’ of gender (in)equality in policy documents. Further, as there are not many references to the discussion around gender and gender (in)equality in migration policies, I look closely at how key terms such as migrant women, women’s rights, human rights, trafficking, asylum, or gender-based violence appear in texts. This implies exploring which concepts and categories are associated with those key terms in order to find out underlying assumptions around gender and gender (in)equality. These representations constitute different discourses. The discourse analysis also includes the analysis of elements of the discursive and social practice dimensions.

Legal Migration

Labour Migration

Policy Developments in Labour Migration: Four Categories of Migrants

The policy framework for legal migration, the Policy Plan on Legal Migration (COM(2005) 669 final), seeks to establish admission requirements in the case of only four selected categories of economic migrants: highly qualified workers, seasonal workers, remunerated trainees, and intra-corporate transferees. To do this, four specific legislative proposals are to be developed in the period 2006–2009. The general objective of the Policy Plan is to progress towards the coordination and harmonisation of migration policies at the EU level. The Plan states:

In consideration of the low employment and high unemployment rates in many EU countries, priority must be given to actions toward attracting more EU citizens and legally resident migrants to employment, with the aim of fulfilling the objectives of the New Lisbon Strategy for Growth and Jobs, in particular the employment guidelines. (COM(2005) 669 final: 5)

In general terms, the Plan specifies that the proposed migration policy, to be complete, has to include measures towards the integration of migrants, apart from admission mechanisms. It says that ‘immigration represents a complex phenomenon that needs to be addressed coherently across all its dimensions. Admission of economic immigrants is as inseparable from measures on integration on the one hand, as it is from the fight against illegal immigration

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and employment, including trafficking, on the other' (COM(2005) 669 final: 4).

When it comes to the gender dimension, the Policy Plan points out that 'due attention will be paid to gender issues, with a view to protecting the most vulnerable groups' (COM(2005) 669 final: 4). The association between 'gender', 'women' and 'vulnerable persons' is presented repeatedly in policy documents.

The Policy Plan aims to regulate the entry and stay of four categories of migrants. Highly qualified workers are needed in most MSs, and it is argued that the majority of highly qualified immigrants choose Canada and the US instead of the EU as their destination. Hence, 'In response to this situation a common special procedure to quickly select and admit such immigrants, as well as attractive conditions to encourage them to choose Europe could be devised' (COM(2005) 669 final: 7).

The category of seasonal workers incorporates those working in sectors such as agriculture, tourism, building, and other activities that are commonly supplied by migrants working illegally in unsafe conditions. The proposed mechanism includes residence/work permits for a limited number of months per year in a time span of 4–5 years (COM(2005) 669 final: 7).¹⁹⁴

The other two categories are Intra-Corporate Transferees (ICT) and remunerated trainees. Members of both categories are supposed to be allowed to stay for a limited period of time (COM(2005) 669 final: 8).

It is interesting to note that sectors such as domestic/care work, in which migrant women are dominant as a majority of those so employed, are not discussed as part of the proposed Directives to regulate entry and residence of migrant workers from the specified categories. Domestic work remains largely unregulated (Franck & Spehar 2010: 53).

Framed within this Policy Plan is a proposed general framework directive¹⁹⁵ whose main purpose is 'to guarantee a common framework of rights to all third-country nationals in legal employment already admitted in a Member State, but not yet entitled to the long-term residence status' (COM(2007) 638 final). Included in the programming of the Policy Plan on Legal Migration

¹⁹⁴ See the example of Moroccan women picking strawberries in Spain (Franck & Spehar 2010: 38).

¹⁹⁵ Proposal for a Council Directive, On a Single Application Procedure for a Single Permit for Third-Country Nationals to Reside and Work in the Territory of a Member State and on a Common Set of Rights for Third-Country Workers Legally Residing in a Member State (COM(2007) 638 final). This proposal for a directive is defined as a general framework because it would affect the four categories of economic migrants (i.e. highly qualified workers, seasonal workers, remunerated trainees, and intra-corporate transferees). This proposal is not yet a Directive.

there is as well the Proposal for a Council Directive titled On the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment (COM(2007) 637 final), which became a Directive on 25 May 2009 (Council of the European Union 2009).¹⁹⁶

Migration and Gender? Men's Labour Migration

As said above, the discrepancies between what the Roadmap states as imperative in terms of the general objectives regarding the integration of a gender perspective in migration policies and what some policy proposals formulate (such as COM(2007) 637 final and COM(2007) 638 final) are striking. The same occurs with other policy documents at the EU general level that have been examined in chapter 4, such as the Reports on Equality between Women and Men. These documents repeatedly highlight the importance of the integration of a gender perspective in both migration and integration policies. For instance, the 2005 Report points out that 'it is essential to take account of gender issues in immigration and integration policies. Immigrant women are often victims of dual racial and sexual discrimination and the EU does not fully utilize the employment potential of qualified women among immigrants' (European Commission 2005a: 3).

On the other hand, most specific policy proposals within labour migration lack a gender perspective or even fail to introduce women into their focus. The case of the Proposal for a Council Directive titled On the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment (COM(2007) 637 final) is symptomatic of this lack of a gender perspective. The Proposal became a Directive on 25 May 2009 (Council of the European Union 2009). The purpose of the Directive, as stated in its Article 1(a), is to determine 'the conditions of entry and residence for more than three months in the territory of the Member States of third-country nationals for the purpose of highly qualified employment as EU Blue Card holders, and of their family members'.

The Blue Card Directive, as it is often called, not only lacks any gender-sensitive dimension, but it presents a Blue Card holder who is explicitly male. To quote just a few examples:

Wherever the EU Blue Card holder does not have sufficient resources to maintain himself and, where applicable, the members of his family... (Council of the European Union 2009: Article 9.3.b)

¹⁹⁶ The 'Blue Card Directive'.

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Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national and/or by his employer. (ibid.: Article 10.1)

The applicant and/or his employer may be held responsible for the costs related to the return and readmission of the EU Blue Card holder and his family members, including costs incurred by public funds. (ibid.: Article 18.6)

The document refers to the permit recipient as a man. This is clear not only because of the sexist language that the document uses but also because the situation of women in the labour market, and specifically in relation to highly qualified employment, remains completely unproblematised.

Given that it is a widely recognised fact that many migrant women are compelled to take jobs that are under their level of qualification (European Commission 2006c: 16; European Women's Lobby 2006: 21), it is intriguing that there is no reference to such an issue. The lack, for instance, of some sort of proposed mechanism to promote the inclusion of women in the highly qualified labour market can be regarded as indicative of the failure to include a gender perspective in the Directive. The specific problem of women finding obstacles to the recognition of their qualifications is completely missed.

The EWL has been active in demanding that the EU develop 'strategies to facilitate the participation of migrant women in the labour market in terms of recognition of diplomas and other qualifications and the provision of positive measures in order to promote the practice of hiring immigrant women' (European Women's Lobby 2006: 21, 2007a: 12).¹⁹⁷

Franck and Spehar also refer to this question of 'deskilling':

While the majority of migrant women find jobs in low-skilled professions, they are far from being 'unskilled'. The downgrading and lack of recognition of formal skills and qualifications obtained in the country of origin are a common problem faced by women. Most migrant women tend to be working in activities that do not reflect their training and skill levels; this 'deskilling' or 'brain waste' is cause for serious concern, not only for the individual migrant but also for the society in which they work. The fact that migrant women meet the increasing demand for cheap and flexible labour is not incidental or accidental but a result of the gender construction of labour markets. (2010: 6)

¹⁹⁷ As I explained in chapter 3 and its appendix, when it comes to EWL material, I have analysed EWL reports in order to explore discourses at the EU general level, i.e. the first body of texts. But I also analysed EWL material as part of the discourse analysis of the migration policy area, i.e. the second body of texts. There is quite a lot of material produced by the EWL particularly on migrant women, asylum, and trafficking. In this regard, it is important to say that EWL's position is quite critical. Therefore, I will be using EWL material to describe the problem of migration, asylum, and trafficking, but also to critically assess it.

MIGRATION AND GENDER

The EWL has noted in several of its reports this situation in which highly qualified women migrating to the EU have to take any kind of work regardless of their qualification. This is the case, for instance, of the Bulgarian woman who has been living in Greece for fifteen years and works as a cleaner in one of the largest Greek cleaning companies; she holds a university degree (Kambouri & Zavos 2010; see also Ludvig 2006). Besides being an experience of de-skilling, according to the Lobby, the situation also 'results in the host society considering them as unskilled, although many may be better qualified than their job suggests' (European Women's Lobby 2007a: 27).

As said above, DG Employment recognises that migrant women are worse off than their male counterparts and that even though migrant women and men have similar unemployment rates, there is a striking exception for the highly skilled segment of the labour force, where women tend to be unemployed more than men. Further, the EWL has pointed out:

In 2002, the employment rate of **non-EU nationals was consistently lower than that of EU nationals** for all ages and qualifications, and **significantly more so for women than men**. The gap increased with qualifications to reach 22.4 percentage points between highly qualified women who are EU nationals and highly qualified immigrant women. These statistics seem to show that **variations in employment** among immigrant women are **determined less by their qualifications than by the features of the majority society**, such as attitudes towards the participation of women in the labour market, discrimination in the access to jobs and national employment patterns. (European Women's Lobby 2006: 22, emphasis in the original)

The Blue Card Directive is a clear example of the blindness to which Kofman and Sales refer (2000: 195, 203). Moreover, though the EU approach to equal opportunities comprises a dual-track approach that combines gender mainstreaming and specific actions to promote gender equality, not even specific actions are foreseen in the Blue Card Directive.

One of the interviewees, a gender coordinator in migration and asylum, whose function is precisely to mainstream gender in all the policy proposals she works on, compares funding with mainstreaming and says that the possibility of taking gender into account is greater in the case of specific actions such as funding. The interviewee thinks that to include gender in legislative proposals such as the Proposal for the Blue Card (COM(2007) 637 final) is much more difficult:

Most of the funds in this area migration/asylum are very new, so they either have started a couple of years ago or just started. There is one fund under European Fund for the

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Integration of Third-Country Nationals. It is mainly targeted for newly arrived, third-country nationals. Well, this is a fund which has 825 million Euros for five years: 2007-2013, and that has national programmes and Community Actions, most of the bulk of it are national programmes. So, many are divided between member states and then they have the national programmes and they give out the money. And this European Fund for Integration of Third-Country Nationals gives you all the objectives for which you can ask the money for and normally is 50 per cent co-funding (50 per cent is paid by the [Member] State and 50 per cent is paid by the EU, comes from the EU budget). **But** there are some **specific objectives** which are seen as more important than others within the EU in that program which then, if the Member State sends the money for that purpose, it could **get more co-funding**, it could get a co-funding up to 75 per cent. And one of these things is... the specific needs... to incorporate a gender perspective into the national programmes, so if you make... wait, I can even quote to you: 'The funding of these national programmes can be increased up to 75 per cent for action which address specific target groups such as women, youth and children.' So, if you have a programme which would primarily focus on immigrant women, then you get 75 per cent of the money. That's another **example of gender mainstreaming**, how we try to... where we can and say... **here we can take it into account** [gender]. [...] for immigrant women, you get more EU money. As simple as this. So, this would be an example for funding. [...] Whereas we can't... **we couldn't find anything in the two labour migration proposals¹⁹⁸ of specific women's interest.¹⁹⁹**

The interviewee refers to the European Fund for the Integration of Third-Country Nationals, which is a funding programme for the period 2007-2013.²⁰⁰ It is clear that the example she is describing is not an example of gender mainstreaming but an example of specific action. On the other hand, the interviewee refers to the proposed general framework directive (COM(2007) 638 final) and the Proposal for the Blue Card (COM(2007) 637 final) as not having any gender impact or gender dimension likely to be taken into account.

How is gender understood? Is it understood at all? As said, the contradictions between general texts and specific proposals and policies have to do with how the problem is represented, how different key words, categories, and concepts are defined and understood. This quote is very significant in this regard, as this interviewee is actually in charge of mainstreaming gender in policy proposals on legal migration. It seems that it is difficult for those in

¹⁹⁸ The interviewee refers to COM(2007) 637 final and COM(2007) 638 final.

¹⁹⁹ Interview with gender coordinator for migration and asylum at DG JFS, May 2008, emphasis added.

²⁰⁰ See [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005PC0123\(03\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005PC0123(03):EN:HTML), accessed in March 2012.

charge of mainstreaming gender into labour migration and asylum proposals to find the gender dimension in the policy questions they deal with. The fact that those who should mainstream gender do not seem to have a clear understanding of what that means obviously influences the way in which the strategy is actually put into action.

To guarantee the mainstreaming of gender into migration policies, the EWL has been active in demanding the inclusion of migrant women's voices and experiences within the policy-making process (European Women's Lobby 2006: 28, 2008: 10).²⁰¹ The participation of migrant women's organisations, however, is still lacking in the process of formulating policy proposals in the area. The contact with women's organisations is ad hoc and limited to the EWL.²⁰²

Another important proposal within the Policy Plan on Legal Migration, the proposed general framework directive (COM(2007) 638 final),²⁰³ does not systematically refer to 'he'; at least the target is defined as 'he/she'. The proposal seeks to provide 'a common set of rights to all third-country workers lawfully residing in a Member State and not yet entitled to long-term residence status' (COM(2007) 638 final: 2). The target of the proposal is thus an already legally residing immigrant worker. The purpose of the Directive would be to determine 'a single application procedure for issuing a single permit for third-country nationals to reside and work in the territory of a Member State, in order to simplify their admission and to facilitate the control of their status' (ibid.: 16) as well as to establish 'a common set of rights to third country workers legally residing in a Member State' (ibid.).

The proposal also specifies that when MSs implement the proposed directive, the principle of no discrimination 'on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation' should prevail, in conformity with the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) (COM(2007) 638 final: 16).

As said, many of the policy proposals within migration area contain very little about gender even if they are framed within the strategy of gender mainstreaming. The gender-blind logic defining policy formulation

²⁰¹ In fact, 'The official launch of the European Network of Migrant Women (ENoMW), took place in Brussels in cooperation with the European Economic and Social Committee on 18 June 2010.' Available at <http://womenlobby.org/spip.php?rubrique183&lang=en>, accessed in January 2012.

²⁰² Interview with gender coordinator for migration and asylum at DG JFS, May 2008.

²⁰³ The Proposals for Directives COM(2007) 637 final and COM(2007) 638 final were presented in parallel and were written to be compatible. As already said, the Blue Card proposal became a Directive in May 2009.

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contributes to making women's experiences, rights, and needs invisible, and reinforces the existing gender order (see, for instance, European Women's Lobby 2004, 2005a).

Migrant Women

Migrant Women and Family Reunification

The Family Reunification Directive (Council of the European Union 2003)²⁰⁴ does contain references to some gender-sensitive aspects. Before continuing, I would like to clarify why I include this Directive even though it is outside the time period under examination. The reason has to do with the fact that this Directive affects the workings of most (if not all) policies within migration. The Directive is thus very much interconnected with the rest of the policies and policy proposals for the period.

The purpose of the Directive is 'to determine the conditions for the exercise of the right to family reunification by third-country nationals residing lawfully in the territory of the Member States' (Council of the European Union 2003: Article 1). Besides stating that 'Member States should give effect to the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation,' the Directive refers to questions such as polygamous and forced marriages. It specifies that 'in the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of a Member State, the Member State concerned shall not authorise the family reunification of a further spouse' (ibid.: Article 4.4). The same applies to the case of minor children of the sponsor and a further spouse, where Member States may limit the family reunification of those children (ibid.: Article 4.4). And regarding forced marriages, the Directive points out that 'in order to ensure better integration and to prevent forced marriages Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years, before the spouse is able to join him/her' (ibid.: Article 4.5).

Another point in the Directive is the five-year time limit for the spouse to get an autonomous residence permit. Article 15(1) specifies:

²⁰⁴ The 'Family Reunification Directive' is the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

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Not later than after five years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification, the spouse or unmarried partner and a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit, independent of that of the sponsor. (Council of the European Union 2003: Article 15(1))

The EWL has been pushing for the provision of an independent residence/work permit to immigrant women at the time of arrival, or at least earlier than five years:

Many women immigrating to the EU have joined their husbands/partners under the provision of family reunion. Their legal position and residence permit is therefore totally dependent on their husband's status and because of this they have only derived rights. They are not entitled to hold a work permit. This leads to precarious situation in situations of domestic violence for example or in case of separation, divorce or the death of their husband where they may be expelled with little opportunity of obtaining individual rights. The immigration policy of EU Member States is often based on the stereotypical assumption that migrant women are not autonomous individuals, but 'appendages' of their husbands or fathers and for this reason their own legal identity is not considered a priority. (European Women's Lobby 2005a: 2; see also European Women's Lobby 2006: 11)

As one of the interviewees also explained:

Normally if you are a family member, you have a family member permit. And after five years, maximum five years, every member state has to give an autonomous residence permit. Then, as we know that normally more women come as family member than men, the impact will be more relevant for women. And that's why the European Women's Lobby keeps lobbying us, and also the Committee of the Women in the European Parliament, to try to modify this, so to have an autonomous permit already sooner than five years.²⁰⁵

And again, regarding contradictions between texts at the general level and specific migration proposals or policies, it is interesting to observe the following recommendation in one of the reports at the general level: 'When transposing the Directive on the right to family reunification, Member States should ensure that restrictions in access to the labour market are kept to a minimum and do not hamper the integration of immigrant women' (COM(2005) 44 final: 8).

²⁰⁵ Interview with gender coordinator for migration and asylum at DG JFS, May 2008.

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When it comes to family reunification, policy texts do refer to women, as when referring to polygamous marriage. The assumption is that women who migrate are mostly dependent wives and daughters. Thus, in this context, the category of migrant women is associated with dependence. More specifically, the category ‘migrant women’, be they legal or illegal migrants, is mostly associated in policy texts with terms such as ‘dependent status’, but also gender-based violence, (lack of) integration, vulnerability, and social exclusion.

However, for the last decade the number of migrant women coming into the EU has been growing and, in particular, there have been more women migrating alone to provide for their families back home. As the EWL pointed out in a 2005 position paper:

The number of migrant women in the European Union has been increasing rapidly over the last decade. Many women migrate to join their partners already residing in the EU for family reunification and increasingly, migrant women are coming to the EU independently to become the principal wage-earners for their families. (European Women’s Lobby 2005b: 14; see also European Women’s Lobby 2007a: 43)

As a BEPA paper on the public perception of migration also shows, the image of the dependent woman is an outdated stereotype, given that the profile of women who migrate has actually changed in recent years to an independent woman who works and supports her family and sends money back to her country of origin (Canoy et al. 2006). Again, in 2007, EWL reported that an increasing number of women are migrating in their own right (European Women’s Lobby 2007a: 38) and agreed with BEPA that ‘the predominant image of the male immigrant worker accompanied by his wife who is usually not working herself seems to be out of date’ (ibid.: 48).

One of the interviewees says:

Now you get more and more women migrants than men in the world and in the EU as well. It is an important thing because it has always been considered that only men migrate, so you always talk in masculine when you talk about migration. [However] a gender perspective is becoming more important.²⁰⁶

A wide array of circumstances and experiences characterises ‘migrant women’ as a group or category: different motivations to migrate, variations in legal status, and the generation they belong to (European Women’s Lobby 2007a: 48). Accordingly, for an approach to migration to be gender sensitive,

²⁰⁶ Interview with senior gender expert at EC, May 2008.

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the diversity of women's experience of migration and the relations they are part of need to be taken into consideration. The experience of migration can diminish women's autonomy and independence, but it can also be an empowering experience. Franck and Spehar's study shows that:

Migration is a complex and often contradictory process. Despite the discriminatory environment, the multiple challenges and adverse conditions women migrants face, a large number of women improve their situation and gain economic independence and empowerment by migrating. The experience of migration can thus help to challenge existing gender inequalities, including ascribed gender roles and stereotypes, and lead to positive social change. Networking and organising plays an important role in this. (2010: 7)

As the EWL points out, 'A gender aware approach to immigration policy introduces a shift from the predominant view of female immigrants as simply the wives and children of male immigrants to incorporating an understanding of women's human rights and of the unique experiences of women immigrants themselves' (European Women's Lobby 2005a: 1; see also European Women's Lobby 2004: 3).

There is also the negative public perception of migration influencing the limits and possibilities of policy-making within migration and asylum. The study by BEPA on the question of the public perception of migration points out:

Together with the 'feminisation of migration flows' political attention has recently been drawn to migrant women under two negative headings: their low labour market participation and the growing phenomenon of trafficking. The combination of poor integration, low labour market participation and violations of human rights (trafficking) reinforces the 'victim' and 'dependant' image of women migrants, while in fact their typical profile is changing from the dependant 'spouse' who moved in the 1970s and '80s on the grounds of family reunification to an autonomous migrant woman who migrates (perhaps to escape poverty or an oppressive situation) to exert and develop her skills and sends money back home. (Canoy et al. 2006: 33)

These 'two negative headings' are in fact the two main questions related to women migrants that 'have featured on the EU agenda' (Canoy et al. 2006: 33). That is, it is not only a question of 'public perception' but also a question of how the issue of migrant women is problematised in policy documents. Indeed, these two negative headings depicting women's migration cross most policy formulations, while women migrating in their own right are hardly

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represented in texts. The many reasons for women to migrate, and the wide array of migrant women's experiences, are not reflected in the texts.

Why are women relegated to a secondary place in legal migration policy formulations? Why are they invisible? Why is there not a gender approach to migration? Part of the answer has to do with the lack of understanding of what gender means. Gender is not taken as a central dimension to policy formulation.

As argued in chapter 4, a discussion of gender in pioneering documents is lacking, and this has partly influenced the understanding of gender itself as well as of gender mainstreaming and, consequently, its introduction in policy proposals. 'Gender' and 'women' are used as synonyms in most policy documents, not only at the EU general level but, in particular, within the specific policy areas. In using 'women' or even 'sex' as synonymous with 'gender', gender is taken as a fixed property. Power relations (re)producing gender are disregarded. Gender as a structure, as a process of socially dealing with bodies and producing hierarchies, understandings, and differentiations is not seen.

Integration of Migrant Women

The topic of integration is discussed in connection with several themes through policy texts. But it is mostly presented in policies dealing with legal migration, as those who are to be integrated already reside legally in the EU.

There is a general framework for integration for the period 2005–2010: A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union (COM(2005) 389 final). This Communication aims to establish a framework for the integration of legal immigrants in the EU. To this end, the framework includes specific proposals for concrete measures to implement the Common Basic Principles on the integration of third-country nationals (CBPs)²⁰⁷ at both the EU and national

²⁰⁷ The Common Basic Principles (CBPs) were adopted by the DG JHA (Justice and Home Affairs) Council of 19 November 2004. The purpose of the CBPs was to underpin a coherent European framework on the integration of third-country nationals. The CBPs are: 1. 'Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States', 2. 'Integration implies respect for the basic values of the European Union', 3. 'Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible', 4. 'Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration', 5. 'Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society', 6. 'Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way

levels (COM(2005) 389 final: 4). The main theme is integration through labour market participation and civil rights, although when it comes to the integration of migrant women, the main proposed pathway for integration is participation in the labour market (ibid.: 3, 6, 17).²⁰⁸ In terms of gender, the objective is that ‘a gender perspective should be incorporated into all relevant actions’ aimed at implementing the CBPs (ibid.: 4).

In other policy texts, integration is discussed mostly in terms of a lack of labour market integration and the necessity of improving, in particular, the integration of ‘female non-EU migrants’ who ‘face particular difficulties in the labour market’ (COM(2008) 359 final: 3). This 2008 Communication, A Common Immigration Policy for Europe, presents some associations between integration and economic utility, and also cultural diversity:

Apart from the **economic potential**, immigration can also enrich European societies in terms of **cultural diversity**. However, the positive potential of immigration can only be realised if **integration** into host societies is successful. This requires an approach which does not only look at the benefit for the host society but takes also account of the **interests of the immigrants**: Europe is and shall continue to be a welcoming environment for those who have been granted the right to stay, be they labour immigrants, family members, students or persons in need of international protection. Rising to this challenge poses a complex mix of questions. While access to the labour market is a key path to integration, current figures show that, overall, the **unemployment rates for immigrants remain often higher than those for EU nationals** although there are great variations between Member States. Furthermore, immigrants are often more exposed to being employed in precarious work, jobs of lower quality or jobs for which they are over-

is a critical foundation for better integration’, 7. ‘Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens’, 8. ‘The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law’, 9. ‘The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration’, 10. ‘Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation’, 11. ‘Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective’ (COM(2005) 389 final).

²⁰⁸ I present two quotes as examples. The 2005 Communication argues: ‘Integration is a major concern in a number of EU policies. The effective and responsible integration of immigrants in the labour market constitutes an important contribution to reaching the Lisbon targets. The Commission stimulates and supports Member States’ efforts in employment, social affairs and equal opportunities, stressing the gender perspective to fully utilise the potential of immigrant women in the labour market’ (COM(2005) 389 final: 3). And among the proposed measures at the national level to implement the CBPs there is: ‘Promoting employment for immigrant women, i.e. by ensuring that restrictions in labour market access are minimised and do not hamper integration, when transposing the Directive on the right to family reunification’ (ibid.: 6).

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qualified, with the result that their skills are not fully utilised ('brain waste'). This contributes to making immigrants more likely to undertake undeclared work. **Female non-EU migrants face particular difficulties in the labour market.** In addition, the language skills of immigrants and the educational path of their children remain often unsatisfactory, raising concerns regarding their future personal and professional development. (COM(2008) 359 final: 3, emphasis added)

Europe welcomes 'those who have been granted the right to stay', and the integration of migrant women is a question of fully utilising their potential in the labour market. The value of integration thus lies in the potential economic utility of immigration and migrants if integration is successful. As the BEPA report argues, the 'problem' of low labour market participation is one of the two negative headings with which migrant women are associated – the other being trafficking (Canoy et al. 2006). Poor integration is closely related to this lack of labour market participation and, hence, employment and integration are key to 'improving' the public perception of migration.

Asylum

Background: Asylum Policy Developments

In 2008 the Commission presented the Policy Plan on Asylum: An Integrated Approach to Protection across the EU (COM(2008) 360 final). This Policy Plan defines a roadmap for the coming years aimed at completing the second phase of the Common European Asylum System (CEAS) (COM(2008) 360 final: 2).

The first phase of the CEAS went from 1999 to 2005 and its goal was 'to harmonise MSs legal frameworks on the basis of common minimum standards' (COM(2008) 360 final: 2). The process towards the establishment of the 'Common European Asylum System (CEAS) started immediately after the entry into force of the Treaty of Amsterdam in May 1999, on the basis of the orientations given by the Tampere European Council' (ibid.).

It was in October 1999 at the special meeting in Tampere that the European Council agreed to work towards a CEAS, which was to be based on the Geneva Convention of 1951 and its amendments of 1967 (New York Protocol), that would establish the status of refugees and affirm the principle of non-refoulement (Council of the European Union 2005: 1).

The Policy Plan on Asylum refers to the second phase of the CEAS, even though the first phase was not totally successfully completed. The Hague Programme established the objectives of the CEAS second phase (Council of

the European Union 2004c). This second phase aimed at a common asylum procedure and uniform status for asylum seekers²⁰⁹:

The Hague Programme set as the aims of the CEAS in its second phase the establishment of a common asylum procedure²¹⁰ and a uniform status²¹¹ for those who are granted asylum or subsidiary protection, as well as strengthening practical cooperation between national asylum administrations and the external dimension of asylum. (COM(2008) 360 final: 2)

Before the period 2005–2010 there was an important Directive that set standards for qualifying as a refugee. Council Directive 2004/83/EC of 29 April 2004 (Council of the European Union 2004b), commonly called the ‘Qualification Directive’,²¹² also establishes minimum standards for the provision of rights and benefits for refugee persons. This Directive is interesting because it does contain some gender-sensitive aspects (see Council of the European Union 2004b: Articles 4.3(c), 9.2(f), 10.1(d); see also European Women’s Lobby 2007a: 40), and it refers to the specific situation of women in the process of asylum seeking (see Council of the European Union 2004b: Articles 20.3, 29.3). According to the EWL it was only after this Directive that MSs began to interpret ‘the refugee definition in the Geneva Convention as covering gender-related claims’ (European Women’s Lobby 2007a: 40).

Definitions and Key Words in Asylum Proposals and Policies: Fundamental Rights, Gender, Vulnerability

Responsibility and solidarity among countries, both within the EU and with third countries, appear as main themes in the Policy Plan on Asylum. Also important are the issues of harmonisation and practical cooperation. The Policy Plan states:

As recognised by the Hague Programme, one of the objectives of the CEAS is to assist those Member States which, notably because of their geographical position, are faced with particular pressures on their national asylum systems. It is the Union’s responsibility

²⁰⁹ An asylum seeker is ‘a third country national or stateless person who has made an application for asylum, which is a request for international protection provided by the Geneva Convention’ (European Women’s Lobby 2004: 1).

²¹⁰ Common asylum procedure means the establishment of a common asylum procedure through all Member States.

²¹¹ Uniform status means uniform status for people granted asylum in any MS.

²¹² Council Directive 2004/83/EC of 29 April 2004, On Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted (Council of the European Union 2004b).

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to find a common response, based on the principle of solidarity, to the challenges faced by specific Member States. (COM(2008) 360 final: 6)

The supposition is that if the rules are harmonised, applications for asylum will be evenly distributed throughout the MSs. All of these themes appear to emphasise the question of the control and ‘good management’ of asylum seekers. On the other hand, the Plan refers to the question of fundamental rights as a basic principle that should be taken into account on a regular basis. The argument is that respect for fundamental rights is part of Europe’s humanitarian tradition, as in the statement, for instance, that the proposed CEAS should

ensure access for those in need of protection: asylum in the EU must remain accessible. Legitimate measures introduced to curb irregular migration and protect external borders should avoid preventing refugees’ access to protection in the EU while ensuring a respect for fundamental rights of all migrants. This equally translates into efforts to facilitate access to protection outside the territory of the EU. (COM(2008) 360 final: 3)

When it comes to references to gender, the Policy Plan mentions the necessity of including ‘gender considerations’. When specifying the objectives of the CEAS, the Policy Plan considers that ‘a genuinely coherent, comprehensive and integrated CEAS should [...] incorporate gender considerations and take into account the special needs of vulnerable groups’ (COM(2008) 360 final: 3).

And another reference, this time specifically to ‘gender equality’, occurs in a discussion of amendments to the Asylum Procedures Directive (Council of the European Union 2005).²¹³ Among the aims of these amendments is ‘enhancing gender equality in the asylum process and providing for additional safeguards for vulnerable applicants’ (COM(2008) 360 final: 5).

These two references to gender are actually almost the only ones to be found in policy texts within the asylum issue area. However, the Green Paper on the future CEAS (COM(2007) 301 final) refers to gender awareness as key to a proper treatment of asylum applications, in particular when it comes to the interviewing process. Unlike the Asylum Procedures Directive (Council of the European Union 2005: 8), the Green Paper recognises gender as a

²¹³ The ‘Asylum Procedures Directive’ is the Council Directive 2005/85/EC of 1 December 2005, On Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status (Council of the European Union 2005). The Directive seeks to establish those minimum standards on procedures in MSs for granting and withdrawing refugee status.

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dimension to take into account in the interviewing process. Interview techniques should be based on cultural and gender awareness:

It appears therefore necessary to prescribe in more depth and detail the ways in which the special needs of the **most vulnerable asylum seekers** should be identified and addressed in all stages of the asylum process. This kind of comprehensive approach would focus in particular on issues such as regulating more precisely what constitutes adequate medical and psychological assistance and counselling for traumatised persons, victims of torture and trafficking and a proper identification and response to the needs of minors, especially unaccompanied minors; the development of appropriate **interview techniques** for these categories, based inter alia, on cultural, age and **gender awareness** and inter-cultural skills as well as on the use of specialised interviewers and interpreters, and laying down more detailed rules regarding what should be relevant **to the assessment of claims based on gender- and child-specific persecution**. (COM(2007) 301 final: 7, emphasis in the original)

In this regard, the EWL criticises the lack of gender awareness in the process of interviewing, stating that MSs should take into full consideration the United Nations High Commissioner for Refugees (UNHCR) Gender Guidelines which specify that:

Women asylum-seekers should be interviewed separately, without the presence of male family members... (para. 36 i).

Claimants should be informed of the choice to have interviewers and interpreters of the same sex as themselves... (para. 36 iii).

Female claimants need a supportive environment and to be reassured about confidentiality (para. 36 iv, 36 v).

Female claimants may not relate questions that are about 'torture' to the types of harm they fear (such as rape, sexual abuse, female genital mutilation, 'honour killings', forced marriage, etc.) (para. 36 vii).

The level of emotion a woman displays should not affect her credibility (para. 36 xi).

Women should not be asked the details of an act of rape, only the circumstances (para 36 xi). (UNHCR Guidelines on International Protection 2002, quoted in European Women's Lobby 2007d: 17)

There is a piece of testimony in one of the EWL reports on asylum that contains a passage about the experience of being interviewed. This is interesting to quote for the sake of grasping what is at stake when the issue of gender in relation to interviewing techniques is under discussion. The woman narrates:

At my screening interview, there were also other people being interviewed in the same room, which was a big open space. The noise was so loud that I didn't feel comfortable or

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safe. When I had my substantive interview about my asylum claim my children kept distracting me and it was difficult to talk openly with them in the same room. But what was even more difficult was that the interview was with a male immigration officer. In my country we aren't used to having conversations with men without a family member being present, let alone about such personal experiences. (European Women's Lobby 2007d: 3)

Closely related to the issue of 'gender awareness' in asylum applications is the question of vulnerability. Asylum seekers appear in association with different situations of vulnerability and implicitly as vulnerable persons (see, for instance, COM(2007) 745 final: 7; or *ibid.*: 9). Women are defined as among the most vulnerable asylum seekers. There are several references to 'vulnerable persons' in this sense. Asylum itself is understood mostly as a situation of vulnerability. The category of women (and children also) is associated with the key terms 'vulnerable persons' and 'assistance' or 'protection'.

But the category of 'women' is not homogeneous. There are, indeed, vulnerable women, but situations and experiences of vulnerability vary a great deal among women (European Women's Lobby 2007c: 7). Gender guidelines would not only work to determine the gender-based nature of persecution claims but would also serve to identify vulnerability associated with instances of gender-based violence such as rape and other forms of violence against women, forced marriages, sexual violence, and genital mutilations (*ibid.*).

The question of agency is closely related to the recognition of gender-based persecution as a basis for asylum claims. Recognising the political dimension of asylum in cases of gender-based persecution opens a space for agency that cannot be produced if women are presented only as victims and the target of policies, lacking agency almost entirely. Women could indeed be represented as active agents trying to escape an oppressing situation. Instead, policy texts place agency somewhere else. It is Europe that is able to protect and assist, but also to detain and deport, asylum seekers. It is Europe the agent, and women asylum seekers are, in this context, almost completely unable.²¹⁴

Gender-Based Persecution

The 2007 Green Paper on the future CEAS discusses the need to develop a common approach to questions such as the concept of 'gender persecution'

²¹⁴ See chapter 3 about agency and nominalisation.

(COM(2007) 301 final). In this regard, the EWL opinion in response to the Green Paper is that even if women ‘do not explicitly state that they fear or have experienced gender-based persecution’, MSs should take into consideration reports and information on women’s situation in the country of origin to decide on an asylum claim (European Women’s Lobby 2007c: 8).

The Lobby defines gender persecution as follows:

Gender persecution occurs in situations where a woman, actively or passively, resists what she experiences as oppressive norms, customs or laws prescribed or imposed by the regime or the socio-cultural environment in which she lives, and, therefore, is not offered effective state protection because the state is unwilling, unable or is in fact the persecutor. (European Women’s Lobby 2004: 7)

The Qualification Directive includes in its Article 9 acts of a ‘gender-specific’ nature among acts of persecution (Council of the European Union 2004b). The Directive sets standards by which ‘women may bring forward gender-related claims, concerning such issues as family or domestic violence and forced marriage’ (European Women’s Lobby 2007a: 40; see Council of the European Union 2004b).²¹⁵ However, the concept of ‘persecution’ is still in many cases interpreted narrowly by MSs. Many instances of gender-related violence are considered ‘private’ – such as dowry-related violence, female genital mutilation, and domestic violence – and therefore not seen as political persecution, failing to be interpreted as such under the Geneva Convention (European Women’s Lobby 2004: 7, 2007d: 13).

This question of recognising gender persecution as a reason for an asylum claim is directly connected to the dynamics and understandings of gender inequality. Women’s experience of violence or persecution is still seen as strictly private in the context of the asylum-seeking process. If the gender structure were understood to be operating at every level of practice – personal, interpersonal, and institutional (Risman 2004) – it would be easier to see the interconnections between different forms of violence against women, whether the violence is domestic or institutional, or both.

Tensions: Between Control and Human Rights

The objective of asylum policy at the EU level seems to be twofold. On the one hand, there is an interest in making the ‘management of refugee flows between Member States’ more efficient (SEC(2008) 2030: 8), and on the other hand, there is an interest in ‘better addressing the needs of the more

²¹⁵ See also interview with policy director at EWL, September 2008.

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vulnerable groups, including due sensitivity to the particular difficulties and constraints that female asylum seekers may face when presenting their claims' (ibid.).

The tension between these two aspects of efficient management and human rights is found across all policy documents. It is expressed, for instance, in relation to the question of detention:

Given their particular situation, detention of vulnerable asylum seekers should be considered only as a last resort, in duly justified case. In any event, detention should not jeopardise their access to the rights guaranteed to them by the Directive (i.e. access to adequate health care, necessary treatment and rehabilitation, education for minors). (COM(2007) 745 final: 10, emphasis in the original)

This tension can also be observed by looking at what are identified as problems within the current asylum system by the Commission in its working document annexed to the Policy Plan on Asylum:

The following problems have been identified in the area of asylum:

- Legitimate measures and practices against irregular immigration may in certain cases be hampering access to protection in the EU for asylum-seekers
- Immigrants who are not in need of protection abuse the asylum system to enter and stay in the EU
- Secondary movements of asylum-seekers applying for international protection in more than one Member State impose an unfair strain on national administrations and on asylum-seekers themselves
- The asylum systems of some Member States are overburdened
- Increasingly, people are seeking protection for reasons not foreseen in the traditional refugee regime (Geneva Convention) and are receiving protection statuses with lower guarantees
- Divergent national practices lead to extreme differences in the recognition of protection in the Member States and causing inequalities in the level of protection across the EU
[...]
- Persons in need of protection face particular integration problems and some of them are in situations of vulnerability
- Worldwide, most refugees remain in regions close to their countries of origin, with poor prospects and imposing a burden on poor, developing countries. (SEC(2008) 2030 final: 2-3)

In identifying the problems of the current asylum system, the focus seems to be on problems connected to the control of migration flows and distribution of costs and responsibilities among MSs, more than on taking human rights into due consideration.

Illegal Migration

Trafficking

Organisational Context

In questions of trafficking, the Commission cooperates with the Council of Europe (CoE), the United Nations (UN), and the Organization for Security and Co-operation in Europe (OSCE). As stated in the 2005 Communication titled *Fighting Trafficking in Human Beings: An Integrated Approach and Proposals for an Action Plan*:

The Commission will continue to cooperate with the Council of Europe (page 84) and with the OSCE, especially within the Alliance against Trafficking in Persons, initiated by OSCE Special Representative on Combating Trafficking in Human Beings. [...] EU institutions and Member States should continue to cooperate with relevant international organisations e.g. UN, OSCE and Council of Europe; the Union shall in particular make full use of Council of Europe expertise where action is required within its competence. [...] continue to promote regional initiatives that could complement and inspire EU wide cooperation, e.g. the Nordic Baltic Task Force against Trafficking in Human Beings, the Southeast European Co-operative Initiative, the pan-European Budapest Process. (COM(2005) 514 final: 11)

In addition, there is the Expert Group on Trafficking in Human Beings, which works specifically on trafficking questions and reports to the Commission. This body was created in 2003 and is composed of twenty independent experts. The Expert Group has a consultative character and it formulates opinions and reports to the Commission on specific topics related to trafficking in human beings, always within the framework of the Brussels Declaration (COM(2006) 92 final: 20). Documents produced by the Expert Group present mainly a critical perspective on trafficking and related issues.

Problem Contextualisation

The Report titled *Gender Inequalities in the Risks of Poverty and Social Exclusion for Disadvantaged Groups in Thirty European Countries* produced by the Expert Group on Gender, Social Inclusion and Employment describes some elements around the problem of trafficking:

The pattern of entrapment, control and human rights abuse from traffickers is similar, regardless of the country in which it happens. Many women are lured by deceptive offers of jobs as domestic workers, looking after children or working in hotels. Most are

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unaware that they will be working as prostitutes. A minority of them are sold into prostitution by their parents or husbands, or are kidnapped by trafficking rings. Their traffickers control them by withholding passports and identity documents, imprisonment, violence and drugs. Obviously they have little access to the social protection system, and their problems are confounded in many countries because they are committing a crime by working as a prostitute. (European Commission 2006c: 16)

The Report also indicates that most victims are women, while men comprise the 'majority of the assailants and customers' (European Commission 2006c: 15). The EWL 2007 document 'Equal Rights, Equal Voices' also says that when it comes to sex trafficking, the majority of victims are women. It states that 'human trafficking is the third most lucrative illicit business after arms and drug trafficking and is a major source of organised crime revenue' (European Women's Lobby 2007a: 25). And in its 2008 Annual Report, the EWL says that while women are trafficked into Europe to be exploited for domestic labour, 'the most prevailing form of trafficking in women remains for the purpose of sexual exploitation' (European Women's Lobby 2008: 14). Based mainly on data from the United Nations Office on Drugs and Crime (UNODC), the news agency Euronews summarises some facts and figures on trafficking in human beings:

- Sexual exploitation, usually forcing a person into prostitution, is the most widespread form of human trafficking, making up 79 percent of all recorded human trafficking cases. (source: UNODC, 2009)
- Forced labour is the second most recorded form of human trafficking, accounting for 18 percent of recorded cases. (UNODC, 2009)
- The International Labour Organisation estimates there are 2.4 million people throughout the world who are lured into forced labour. (ILO, 2005)
- 22,000 victims were detected worldwide in 2006. (UNODC, 2006)
- At any given time more than 140,000 victims are trapped in human trafficking in Europe, with no sign of that figure decreasing. (UNODC, 2010)
- Up to one out of every seven sex workers in Europe is thought to be enslaved into prostitution through trafficking. (UNODC, 2010)
- In Europe, 32 percent of victims come from the Balkans, 19 percent from former Soviet states, 13 percent from South America, 7 percent from Central Europe, 5 percent from Africa and 3 percent from East Asia. (UNODC, 2010)
- One in five victims are children; two thirds of victims are women. (UNODC, 2009)
- Conviction rates are low. In Europe on average there is less than one person convicted of human trafficking per 100,000 inhabitants. In Hungary, the rate is 0.24 per 100,000

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inhabitants. In comparison, conviction rates for rare crimes such as kidnapping in Denmark stand at 3.14 per 100,000 inhabitants.²¹⁶

Trafficking in women for commercial sexual exploitation is the most common form of trafficking. In 2011 one of the most wanted traffickers in Europe was arrested, accused of trafficking Romanian women into Spain and forcing them into prostitution.²¹⁷ Yet trafficking for the purpose of labour exploitation is widespread, and its victims include also boys and men (see Bastia 2006). In 2011 the British police found a 'slavery den' and rescued twenty-four men.²¹⁸ The trafficking of persons into and within Europe for domestic labour exploitation is an ever-increasing phenomenon (OSCE 2010).

In 2005 the Experts Group on Trafficking observed: 'European efforts against trafficking in human beings should not only concentrate on trafficking for sexual exploitation, but cover trafficking for all purposes, including domestic work, construction, agriculture, forced begging and any other form of forced labour within the Union' (European Commission 2005e: 4).

The report titled 'Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude' (OSCE 2010) argues that trafficking in human beings for the purpose of domestic servitude is

an invisible form of exploitation which is extremely difficult to detect due to the hidden nature of the work provided. The particularity of domestic work is that it takes place out of sight in private households, thereby isolating the workers. [...] Both children and adults are trafficked for domestic servitude; they are recruited and exploited in the performance of domestic tasks and services, mostly within a private household under physical or psychological threat or coercion. (OSCE 2010: 10)

²¹⁶ See 'Human Trafficking: Facts and Figures'. Available at <http://www.euronews.net/2011/03/07/human-trafficking-facts-and-figures/>, accessed in February 2012.

²¹⁷ See <http://www.euronews.net/2012/01/31/pig-s-head-human-trafficking-trial-starts-in-spain/>, accessed in February 2012.

²¹⁸ The report reads: 'Police in Britain have rescued 24 men they say have been enslaved for forced labour in an operation that led to the arrest of five people. [...] Of the 24 vulnerable people who were rescued from the site, nine have left the medical reception centre and have chosen not to support the investigation, the police said. They were British and Romanian. The youngest of them was a 17-year-old British man who has joined his family. The 15 victims that remain and are assisting the investigation include eight British men, three Polish men, a Latvian man and a Lithuanian man and two others whose nationalities are unconfirmed at this time. The oldest man is 57 and the youngest is 30; both are British. Police suspect they were recruited at welfare offices and soup kitchens with promises of good salaries and accommodation. Some were kept in horse boxes, dog kennels and old caravans. They were threatened with violence if they tried to leave.' Available at <http://www.euronews.net/2011/09/12/five-arrests-at-british-slavery-den/>, accessed in February 2012.

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The report also contends that the demand for domestic workers has increased in the last years:

This can be attributed to the increase in the number of women in the workplace, their personal development, and the need for workers to perform traditionally female tasks in the home. As a result of this increased demand and the fact that this is a labour sector which is neither well-regulated nor well-defined, domestic work has developed on a massive scale in the informal economy. (OSCE 2010: 12)

The Commission Proposal for a Council Framework Decision titled On Preventing and Combating Trafficking in Human Beings, and Protecting Victims contextualises the question of trafficking by stating that trafficking is taking place not only *into* the EU but also *within* it. Many EU MSs ‘are major countries of destination for trafficking’ from third countries, but trafficking also occurs among EU countries. The document notes, ‘It is reasonable to estimate from the available figures that several hundred thousand people are trafficked into the EU area or within the EU area every year’ (COM(2009) 136 final: 2).

Trafficking Policy Developments: Two Approaches to Trafficking – Crime and Human Rights

In 2002 the Council adopted the Proposal for a Comprehensive Plan to Combat Illegal Immigration and Trafficking of Human Beings (Council of the European Union 2002). It proposed measures covering visa policy, managing information, border management, readmission and return policy, and penalties. From those proposed measures, there came two years later the Council Directive 2004/81/EC of 29 April 2004 titled On the Residence Permit Issued to Third-Country Nationals Who Are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate with the Competent Authorities (Council of the European Union 2004a).

This Directive represents an important point of inflexion in relation to trafficking questions. The 2002 Council Proposal presents a clear ‘crime orientation’ to the question of trafficking, where victim’s rights appear only in direct relation to criminal proceedings. The 2004 Directive follows that approach, but at the same time puts those who are victims of trafficking in a central place, opening a debate specifically on the ‘utilisation’ of victims in order to make it possible to prosecute traffickers.

Among the critical voices on this question are the several Opinions by the Group of Experts on Trafficking. For instance, one of the 2009 Opinions says that the 2004 Council Directive 2004/81/EC represents an improvement in terms of support to victims of trafficking, but that it has some ‘flaws in securing the human rights of victims’ (European Commission 2009c: 2). The flaws have to do with the fact that the Directive is primarily focused on the prosecution of traffickers, and the prosecutions are supposed ‘to be facilitated through the cooperation of victims of trafficking’ (ibid.). To get victims’ cooperation, the Directive proposes that victims who cooperate be provided with a short-term residence permit. The residence permit is conditional on the victim’s cooperation in the criminal proceeding (ibid.). In making protection conditional upon cooperation, the Directive ‘insufficiently addresses the legitimate needs and rights of victims to support and assistance’ (ibid.).

The Expert Group more specifically states:

The Group considers that the granting of a residence permit, of a minimum period of one year, should not be solely predicated on the participation by the trafficked person in criminal proceedings against alleged traffickers. Rather, in accordance with a **human-rights based approach**, the granting of a residence permit should also be based on the personal situation of the trafficked person, independently of any relevant national proceedings. The trafficked person should **not be treated as an instrument** for the prosecution. (European Commission 2009c: 4, emphasis added)

The EWL, too, criticises the 2004 Directive, but specifically in relation to the lack of a gender perspective. Its Report argues that it is necessary to ‘critically review the implementation of and revise Directive 2004/81/EC, in order to grant women victims of trafficking for sexual exploitation increased rights and support, including strengthened rights and possibilities to acquire a residence permit in the country of destination, regardless of their cooperation with the competent authorities’ (European Women’s Lobby 2005b: 12).

The 2005 Commission Communication titled The Hague Programme: Ten Priorities for the Next Five Years refers to the negative consequences that illegal migration has on both country of origin and host country and presents the issue of trafficking in two ways. On the one hand, illegal migration, and trafficking in particular, demands ‘rules on return procedures, the speeding up of the conclusion of readmission agreements, and further coordination to combat smuggling and trafficking in human beings’ (COM(2005) 184 final: 9). But on the other hand, the document continues, the respect for human rights of those ‘in an irregular situation’ has to be the ‘guiding principle in EU policy’ (ibid.).

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In giving a background to policy developments on trafficking in human beings from a human rights approach, the Group of Experts on Trafficking, in another of its 2009 Opinions (European Commission 2009b: 1), says that the Council Framework Decision on Combating Trafficking in Human Beings (2002/629/JHA) does contain the declaration that trafficking is a serious violation of fundamental human rights. As well, the Council Decision recognises the importance of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. In addition, in 2004, the European Community acceded to the UN Convention against Transnational Organised Crime (UNTOC). There is also the EU Action Plan on best practices, standards, and procedures for combating and preventing trafficking in human beings that was adopted in 2006 (16633/06). The Action Plan requests MSs 'to consider as a priority the signature and ratification of the Council of Europe Convention on Action against Trafficking in Human Beings by the end of 2007, in order to ensure common standards across the EU' (European Commission 2009b: 1).

Two other documents refer to this human rights dimension of trafficking as central. The 2005 Commission Communication, Proposal for an Action Plan, calls for a human rights approach in EU policy against trafficking in human beings (COM(2005) 514 final: 3). And the 2009 Commission Proposal for a Council Framework Decision titled On Preventing and Combating Trafficking in Human Beings, and Protecting Victims, Repealing Framework Decision 2002/629/JHA (COM(2009) 136 final) clearly states that the proposed Framework Decision 'respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably human dignity, prohibition of slavery, forced labour and trafficking in human beings' (COM(2009) 136 final: 12).

Trafficking in Human Beings: Some Definitions and Associated Key Terms

As explained in chapter 3, there are always alternative ways, sometimes competing, of signifying what a word means. Different wordings (and the relation between them) can be identified in texts and compared. In the case of definitions of trafficking, it is interesting to go back to policy texts at the general level in analysing the discourse in documents within the specific issue area of illegal migration. This is important because there are definitions presented – for instance, in the Roadmap for Equality between Women and Men (first body of texts) – that are then referred to in documents within the specific policy area (see, for instance, COM(2009) 136 final: 3). Therefore, I

incorporate the element of intertextuality from the discursive practice dimension of discourse. As I do the textual analysis, I refer to intertextual cross-references between documents from different bodies of texts (Roadmap, Reports, Communications, and Proposals). The Roadmap for Equality between Women and Men, for instance, states the following definition:

Human trafficking is a crime against individuals and a violation of their **fundamental rights**. It is a form of modern slavery to which poverty-stricken **women and children, in particular girls, are more vulnerable**. Its elimination requires a **combination** of preventive measures, **criminalisation** of trafficking through adequate legislation, and **protection and assistance to victims**. Measures to discourage the **demand** for women and children for sexual exploitation must be further developed. (COM(2006) 92 final: 7, emphasis added)

In this general definition, the fundamental rights dimension appears to be central, and women are referred to as being 'vulnerable'. These two key terms contribute to constructing the idea of trafficking as a human rights violation and a problem that affects mainly women. Another key term is 'criminalisation'. Criminalisation is presented as part of the solution to trafficking, and, in actuality, criminalisation has to be combined with protection of and assistance to victims. And here it is important to note that there is the question of how these two objectives get integrated, that is, how victims are protected (human rights) while prosecuting traffickers (crime). This problem is part of the debate around the 2004 Directive to which I referred above. Additionally, there is the demand side of trafficking. It seems that tackling the aspect of demand is connected to the preventive measures required to eliminate trafficking.

At the level of the specific policy area, the 2005 Commission Communication titled Fighting Trafficking in Human Beings: An Integrated Approach and Proposals for an Action Plan defined trafficking in human beings as 'a serious crime against persons' and underlined the 'crime dimension', stating that it 'must be addressed as a form of organised crime linked to other serious offences and as a clear law enforcement priority' (COM(2005) 514 final: 4).

The 2009 Proposal for a Council Framework Decision, On Preventing and Combating Trafficking in Human Beings, and Protecting Victims, presents the word meaning of trafficking as both crime and human rights violation. But it further stresses the human rights dimension by defining the word

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meaning of trafficking with terms such as ‘coercive’, ‘deceptive’, and ‘abusive’:

Trafficking in human beings is considered one of the most serious crimes worldwide, a gross violation of human rights, a modern form of slavery, and an extremely profitable business for organised crime. It consists of the recruitment, transfer or receipt of persons, carried out with coercive, deceptive or abusive means, for the purpose of exploitation including sexual or labour exploitation, forced labour, domestic servitude or other forms of exploitation including the removal of organs. (COM(2009) 136 final: 2)

The Proposal summarises its definition as follows: ‘Trafficking in human beings is a serious crime, often committed in the framework of organised crime, and a gross violation of human rights’ (COM(2009) 136 final: 10).

The law enforcement priority is left aside almost altogether in the definition presented in the 2009 Opinion by the Group of Experts on Trafficking, in which the ‘victim’ takes a central place. The 2009 Experts Opinion states that ‘trafficking is a criminal act aimed at the exploitation of the victim, to which the victim cannot give consent’ (European Commission 2009c: 3). In a similar vein, but going a bit further, the EWL stresses the power dimension of trafficking and the aspect of exploitation when it refers to the use of coercion or the abuse of power as necessary to trafficking (European Women’s Lobby 2004: 2).

Trafficking: There Are Women Here! Gender Means ‘Women Only’

In looking at policies for migration – both legal and illegal – something that appears quite clearly is that women as a target of policies are concentrated mainly in the issue area of trafficking. As said above, when labour migration is dealt with, the target is usually the male worker. By contrast, it seems that trafficking has to do mainly, if not only, with women.

Yet the fact that there are women in policy texts on trafficking does not mean that the texts have by any means integrated a gender perspective. Women are constantly presented as victims and, therefore, the target of policies. However, as I will show below, the gender structure that produces women as victims goes unanalysed. Different dimensions of the gender structure (Risman 2004) are operating here at individual, relational, and institutional levels through certain social processes such as socialisation, internalisation, othering, and legal arrangements that, in this case, regulate the sexual ‘economy’ as well as domestic work, producing specific gendering dynamics around trafficking. All this goes unanalysed. There are many examples which

indicate that ‘gender’ and ‘women’ are used as synonymous, leaving the problematisation of gender relations aside.

In this connection, the 2005 Commission Communication on fighting trafficking says:

The promotion of non-discrimination including gender equality, the rights of children, indigenous people and minority groups is particularly relevant as many victims or potential victims of human trafficking are women, children and individuals belonging to ethnic and minority groups who may be subject to discrimination in their place of origin. Human trafficking is **not necessarily a gender specific crime as men and, in particular, boys are also victims of sexual and labour exploitation**. However, trafficking in women and girls especially for commercial sexual exploitation is a wide reality. EU institutions and Member States should promote gender specific prevention strategies as a key element to combat trafficking in women and girls. This includes implementing gender equality principles and eliminating the demand for all forms of exploitation, including sexual exploitation and domestic labour exploitation. (COM(2005) 514 final: 8–9, emphasis added)

There are a few things to say about this quote. It is recognised that men and boys can be victims of trafficking also, and thus be the target of policies. On the other hand, this recognition is accomplished by stating that ‘trafficking is not necessarily a gender specific crime’. It could be said that the text is somewhat aimed at meaning ‘women’ instead of ‘gender’ to suggest that if men, too, are victims then it is not a women’s-only issue (not a ‘gender’ question). The underlying understanding of gender as meaning ‘women’ contributes to the lack of an analysis about how the gender structure operates to produce gender inequalities. Indeed, there are men being trafficked for sexual and labour exploitation and this is not being approached properly. But the fact that ‘men and, in particular, boys are also victims of sexual and labour exploitation’ does not mean that ‘trafficking is not necessarily a gender specific crime’. On the contrary, as Tanja Bastia rightly points out, ‘The gendered dimension of trafficking refers to the ways in which gender relations and power inequalities between women and men shape trafficking as well as to the different experiences women and men have of trafficking’ (2006: 26–27).

Trafficking is a gender crime, be it for the purpose of sexual or labour (domestic or other) exploitation. Gender is produced when boys, men, girls, and women are trafficked into Europe to *supply* the demand for sexual exploitation or labour servitude. The demand for such ‘services’ exists because it is somehow believed and socially accepted that certain men’s wishes and wants, which are by no means all men’s wishes but rather

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characterise a hegemonic masculinity at a given historical moment (Connell 2005: 67ff.), *have to* be satisfied and that there are bodies likely to be marketable for the purpose of supplying that demand.

Moreover, to state that ‘trafficking is not necessarily a gender specific crime as men and, in particular, boys are also victims of sexual and labour exploitation’ is misleading, to say the least. Trafficking is not an exclusively women’s problem, because men are part of the problem, as their actions contribute to it in so many different ways; and they are certainly also likely to be trafficked. Bastia argues further that ‘gender relations shape the conditions that give rise to trafficking such as gender-based discrimination in local labour markets, gender-based violence, household division of labour or macro-level policies that are supposed to be gender-neutral but have different effects on women and men’ (2006: 27).

The Report titled *Gender Inequalities in the Risks of Poverty and Social Exclusion for Disadvantaged Groups in Thirty European Countries* refers to men as being part of the problem: ‘What is missing in most countries is a systematic policy approach to address men’s behaviour and to reduce the scale of the problem – initiatives targeted at men to stop violent and aggressive behaviour and to regulate and reduce the male-dominated consumer demand for the sex industry’ (European Commission 2006c: 18).

The question of women being defined as victim is also related to the issue of agency as discussed in previous chapters. Policy texts hardly refer to women from women’s perspectives, and women are not active participants in action processes. The active side of processes in policy texts is played by the EU or the EC. Women, instead, are always passive recipients of policies. Women appear almost exclusively as victims of trafficking. It seems that there is not much place for agency when the circumstances are those of being trafficked. Women’s agency is left out. The only place for agency seems to be in the ‘usefulness’ of women’s collaboration in the prosecution of traffickers (the ‘utilisation’ of victims in order to make it possible to prosecute traffickers) and, thus, women can be protected, assisted, and supported.

In this way, as observed also in chapter 5, there is no place for women’s agency, much less for an understanding of gender as done by women and men. In terms of agency, as seen also in chapter 4, this means that women are presented as passive objects of policy, either as victims or as potential witnesses in criminal proceedings.

Key Words: Victims, Assistance, Protection, and Support

Trafficking is defined as a crime and as a human rights violation. Connecting both definitions is the idea, also presented in texts, of trafficking as a form of gender-based violence (see, for instance, COM(2009) 136 final: 4). Further, underlying these understandings of trafficking, there is the definition of victim.

All of these definitions and understandings are connected. Yet depending on where the emphasis is placed, the problem is differently constructed. Let us continue focusing on a textual analysis. As said, trafficking is defined as crime and also as a human rights violation. These two wordings are connected. Trafficking is a crime *and* it is a violation of human rights. What implication might this have? These are two alternative ways of signifying what the word trafficking means. As in the case of gender equality, where competing wordings operate – gender equality as a means to economic growth and efficiency and gender equality as a value and human right (see chapter 4) – here too these competing alternative meanings help to construct an all-embracing understanding of trafficking. This understanding influences the kinds of solutions proposed and vice versa.

Key words associated with this understanding of trafficking are ‘assistance’, ‘protection’ and ‘support’. The 2005 Communication presents as its main objectives the prevention of and fight against trafficking for the purpose of sexual or labour exploitation as well as ‘the protection, support and rehabilitation of its victims’ (COM(2005) 514 final: 3). The crime and the human rights dimensions meet in questions such as the treatment that the victim is supposed to receive in terms of assistance and social protection:

The testimony of the victim is highly important as evidence against a trafficker. Given the increased risk for a testifying victim, the challenge is to find ways to have victims give testimony while ensuring their safety and without exposing them or their relatives to risks. Member States should provide protection and assistance to testifying victims as an integral part of effective prosecution and further develop pro-active, intelligence led investigations, which do not depend on the testimony of the victims. (COM(2005) 514 final: 5)

This two-pronged approach is also expressed in the 2009 Communication in its statement that ‘the response to trafficking must be robust, and aimed at preventing and prosecuting the crime, and protecting its victims’ (COM(2009) 136 final: 2). Similarly, the 2008 Commission Communication titled A Common Immigration Policy for Europe points out:

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The EU and its Member States should develop a coherent policy on fighting illegal immigration and trafficking in human beings. Undeclared work and illegal employment in their various forms should be effectively combated via preventive measures, law enforcement and sanctions. Protection and support for victims of human trafficking should be reinforced. (COM(2008) 359 final: 13–14)

There are many other examples of wording in terms of protection and assistance in Reports at the EU general level (see, for instance, the mid-term Report COM(2008) 760 final: 3); Communications within the migration policy issue area (see, for instance, COM(2008) 359 final: 12–13; or European Union and African States 2006); and in EWL documents (for instance, European Women’s Lobby 2005b: 12). One of the 2005 Opinions by the Experts Group on Trafficking says:

The report of the Experts Group identified the need to develop adequate structures and provisions for victim protection, assistance and compensation as a priority area for action at a European level. Assistance and protection should be provided regardless of the trafficked person’s willingness or capacity to testify against their traffickers and aim at long term social inclusion. (European Commission 2005e: 2)

Victims or Trafficked Persons

The word meaning of victim as someone to be assisted and, at the same time, someone likely to be helpful to the criminal proceedings is presented in almost all texts, as in the 2009 Communication that proposes:

Victims should be **protected** from prosecution and punishment, following a decision of the competent authority, for unlawful activities they have been involved in as a direct consequence of being subjected to any of the illicit means used by traffickers, such as violations of immigration laws, the use of false documents or offences envisaged by prostitution laws. An **additional** aim of such protection is to encourage them to act as witnesses in criminal proceedings. (COM(2009) 136 final: 10, emphasis added)

Yet in 2008 the Expert Group on Trafficking presented a different perspective on defining trafficked persons as ‘victims’, writing in its first opinion of that year:

The European Experts Group stresses the reality of trafficked persons being victims of severe crimes. The term ‘victims of trafficking’ is further related to the Council Directive on the residence permit issued to third-country nationals (...) (14994/03). Nevertheless, Members of the Group share the concern that the use of the word ‘victim’ is controversial

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because of its emphasis on vulnerability and powerlessness. (European Commission 2008b: 3)

And the Expert Group further argues:

Unconditional assistance should be granted to trafficked persons regardless of whether the trafficked person is able or willing to give evidence as a witness. This approach assists Member States in fulfilling their obligation to protect the human rights of trafficked persons and not to treat the trafficked person exclusively as an instrument for the prosecution. (European Commission 2008b: 3)

According to the Expert Group, assistance and protection should be granted regardless of cooperation in criminal proceedings. Moreover, it should not be necessary to define the trafficked person as a 'victim' to grant her/him assistance and protection. There is an ongoing discussion on whether victimisation contributes to protecting trafficked persons, and on identifying underlying causes and motives for trafficking. Bastia argues that the label "'Victim of Trafficking" (VoT)' on trafficked persons, and on trafficked women in particular, depicts them 'as helpless victims, who have been put in that situation by third parties' (2006: 22). For Bastia, these discourses not only silence women's agency 'but also do little to remedy the situations that led them to seek work abroad in the first place or improve their working conditions in destination countries' (ibid.).

Problem Representations: Trafficking as a Crime or as a Violation of Human Rights. The Causes of Trafficking and Proposed Solutions. What Remains Unproblematized?

The question at issue in this thesis is how the problem of gender (in)equality is represented. In this chapter I explore it within the migration policy area. In relation specifically to trafficking there is an important aspect to take into account. Trafficking is a form of illegal immigration. But it is also defined as a form of gender-based violence. I agree with the definition of trafficking as a form of gender-based violence. The trafficking of bodies for labour, servitude, or sexual exploitation is violence. And it is gender-based violence because its causes are gendered: the gender structure defines the dynamics of both trafficking supply and demand.

Hence, the way the problem of trafficking is represented is relevant. This discussion can contribute to the understanding of how the problem of gender

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(in)equality is represented and of the discourses of gender equality that are being constructed.

The Causes of Trafficking

In most documents, trafficking is defined as a crime issue and a violation of human rights within the frame of illegal immigration. Yet trafficking could be defined as a question closely linked to migration policies in general – and not only in terms of illegal immigration – in that too-rigid migration legislation may lead to a rise in trafficking.

The Commission Proposal for a Council Framework Decision titled On Preventing and Combating Trafficking in Human Beings, and Protecting Victims refers to some of the root causes and triggering factors of trafficking:

Social vulnerability is arguably the principal root cause of trafficking in human beings. **Vulnerability** derives from economic and social factors such as **poverty, gender discrimination, armed conflicts, domestic violence, dysfunctional families, and personal circumstances such as age or health conditions or disabilities**. Such vulnerability is used by international organised crime networks to facilitate migration and subsequently severely exploit people by use of force, threat, coercion, or various forms of abuse such as debt bondage. In fact the high level of profits generated is a major underlying driver. The demand for sexual services and cheap labour is a concurrent driver. (COM(2009) 136 final: 2, emphasis added)

The Report titled Gender Inequalities in the Risks of Poverty and Social Exclusion for Disadvantaged Groups in Thirty European Countries points out that ‘trafficking and prostitution is fuelled by poor social and economic conditions in societies. Poverty and unemployment combined with inadequate legal, police and social services create conditions in which traffickers can effectively target disadvantaged groups of young women and children’ (European Commission 2006c: 15).

The EWL has been pointing particularly to the increase in trafficking in women for sexual exploitation and the urgent need for tackling the root causes of this phenomenon (European Women’s Lobby 2004: 6–10, 2007a: 25). According to the Lobby, structural causes of trafficking in both origin and destination countries, such as gender inequalities in the labour market, the feminisation of poverty and consequent limitation in women’s life choices, the increasing demand for cheap labour and for commercial sex, violence against women, armed conflicts, and the influence of mass media in

the expansion of the sex industry in EU countries in particular are not being addressed (ibid.).

In discussing causes of trafficking and likely solutions, the Expert Group on Trafficking in Human Beings incorporates another dimension by relating vulnerabilities in local contexts to global conditions. It contends that there is a connection between trafficking in human beings, current migration policies, and the informalisation of the workplace that cannot be overlooked (European Commission 2005e: 3). In spite of existing commitments by the EU (i.e. the Hague Programme, the 2004 Communication on Tampere), the response of many MSs is an even more restrictive approach to migration policies (European Commission 2005d: 1). This restrictive approach makes migrants more vulnerable to irregular forms of migration, including smuggling and trafficking (ibid.).

The EWL has pointed out that policies at the EU level focusing on border control and the fight against illegal immigration, as well as the gender blindness characteristic of labour migration policies in general, influence the dynamics of trafficking by making potential migrant women more vulnerable to trafficking and trafficking an even more profitable activity (European Women's Lobby 2004: 6, 2007a: 25).

For the EC, trafficking is fuelled mainly by 'social vulnerability' in countries of origin as well as the demand for cheap labour and sexual services in destination countries. From a slightly different perspective, the Expert Group on Trafficking in Human Beings and the EWL have pointed to the structural causes of trafficking in both origin and destination countries together with restrictive and gender-blind EU migration policies that make women even more vulnerable to trafficking. The discussion of the causes of trafficking is of course related to the proposed solutions, influencing the formulation of policy responses to the 'problem'.

Proposed Solutions

The 2005 Commission Communication on trafficking, *An Integrated Approach and Proposals for an Action Plan*, argues for an integrated approach to trafficking:

In order to effectively address human trafficking an integrated approach is needed, having as its fundament the respect of human rights and taking into account its global nature. This approach calls for a coordinated policy response notably in the area of freedom, security and justice, external relations, development cooperation, employment, gender equality and non discrimination. (COM(2005) 514 final: 3)

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Also in 2005, the Policy Plan on Legal Migration included trafficking in discussing ‘solutions’ to migration questions:

An effective migration policy cannot be limited to instruments for the admission of immigrants. Other equally important legislative and operational measures are necessary, as immigration represents a complex phenomenon that needs to be addressed coherently across all its dimensions. Admission of economic immigrants is as inseparable from measures on integration on the one hand, as it is from the fight against illegal immigration and employment, including trafficking, on the other. It is in this context therefore that the EU must intensify its efforts to reduce the informal economy, a clear ‘pull factor’ for illegal immigration, as well as a catalyst for exploitation. (COM(2005) 669 final: 4)

In the 2009 Proposal for a Council Framework Decision titled On Preventing and Combating Trafficking in Human Beings, and Protecting Victims, the Commission puts forward:

Each Member State should establish and/or strengthen policies to prevent trafficking in human beings including measures to discourage the demand that fosters all forms of exploitation by means of research, information, awareness raising, and education. In such initiatives each Member State should adopt a gender perspective and a child-rights approach. (COM(2009) 136 final: 11)

What is Left Unproblematized

Whatever these proposed solutions, the EWL has been critical of the responses that the EU has been making to the issue of trafficking in the following terms:

Anti-trafficking responses are largely concentrated in the field of **judicial and police cooperation**, and **approached as an issue of national and European security**. This has led to a de facto focus on repressive measures related to border controls, (im)migration policy, policing, and ID-systems. [...] ‘catch-all’ solutions are put in place, which favours a crime-fighting and security oriented perspective **rather than actions based on human rights**. (European Women’s Lobby 2008: 14, emphasis added)

What remains unproblematized? When policy texts discuss ‘root causes’ the demand side of sexual trafficking is alluded to, as well as poverty in countries of origin. But there are seldom references to the demand for cheap labour for domestic and care work – domestic and care work that is needed as a consequence of the lack of real reconciliation policies in most European

countries (cases such as Italy and Spain are paradigmatic of this general trend).²¹⁹ The EWL points this out:

The increasing demand for immigrant domestic workers has a direct link with the gendered factors that influence the immigration process and with the lack of effective measures and policies promoting the reconciliation of work and family life in the EU. The intersection of demographic factors, such as the aging population, the changes in family structures and the increase of women participation in the labour market, has increased the demand of the unpaid/low paid and undervalued domestic work that women are expected to fulfil. The States do not recognize either the social value of the domestic work nor their responsibility to provide services to combine work and family life. In addition, an equal sharing of care and household responsibilities between men and women is not actively promoted. In this patriarchal context, many European families consider the undeclared and low pay domestic work that immigrant women are carrying out as a 'solution' to balance their work and home life. This reality leaves many immigrant women in a very vulnerable and insecure situation, which also sometimes, exposes them to physical and physiological abuse besides economic exploitation. (European Women's Lobby 2004: 5; see also European Women's Lobby 2007a: 28)

Franck and Spehar argue:

Migrant women often de facto replace national women in their traditional care and domestic roles, substituting the decreasing institutional and family support. In that sense we can talk about the 'new gender order' in Europe – where middle-class, native European women have entered the European labour markets in large numbers, reconciling family and work by outsourcing parts of their care work to migrant women. Yet, migrant women seem to be mostly excluded or marginalised from European policy agendas on gender equality. (2010: 50)

The authors point to a central problem related to this question. They contend that in most EU countries domestic and care work and those performing it are undervalued (Franck & Spehar 2010: 54). They consequently argue for both an intersectional analysis and a re-conceptualisation of 'care work as valuable and productive' (ibid.: 55). There are several references to the question of care work as being part of the economy, and thus fundamental to it, in WIDE reports, papers, and briefings. WIDE has been arguing for a broader perspective on economics that includes the care economy (WIDE 2009b, 2010b). Lois Woestman argues for the necessity of 'expanding perceptions of "the economy"' through incorporating an analysis of the unpaid care work

²¹⁹ See e.g. European Commission 2006c: 15–16; also Yeates 2011.

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into the hegemonic view of ‘the economy’, especially in the context of the economic crisis (2009a: 14).

Final Thoughts: What the Problem of Gender (In)Equality Is Represented to Be in Migration Policies. Discourses on Gender Equality in Migration and Trends of Change in Discourses

In this chapter I have explored what the ‘problem’ of gender (in)equality is represented to be in migration policy proposals in the context of the introduction of the mainstreaming principle, and the implications of definitions, assumptions, and representations in regard to what remains unproblematised and what kinds of subjects and discourses are constructed.

In texts at the EU general level, I would identify two groups of meaning associations around gender equality and migration. Gender equality in migration (and integration) appears mainly associated with the participation of migrant women in employment. But there is also the association between migration and gender-based violence as a ‘problem’ to be taken care of.

Hence, at the EU general level, the problem of gender (in)equality in relation to migration or, more specifically, to migrant women, is mainly represented as being a problem of lack of integration into the labour market. Integration itself is discussed mostly in terms of lack of participation in the labour market. The value of integration lies in the potential economic utility of immigration and migrants if integration is successful. At this general level, the Roadmap for Equality between Women and Men is a main text. For this reason, it is important that migration is not identified as a priority area within the Roadmap but is referred to in relation to economic independence. More specifically, the Roadmap states that it is important to advance gender equality in migration in order to fully utilise the potential of migrant women in the labour market. In addition, migration is related to gender-based violence in the Roadmap, including violence against women, sex trafficking, and harmful traditional practices such as honour crimes and genital mutilations.

At the level of the specific policy area of migration (comprising labour migration, asylum, and trafficking), the representation of the problem of gender (in)equality shows some other aspects. I would say that the problem

of gender (in)equality in migration policies is represented to be a ‘problem’ of migrant women. This is so, in part, because ‘gender’ and ‘women’ are understood as synonymous, and thus the problem is women instead of gender relations.

More specifically, in the context of legal migration, the question at issue is what the problem of migrant women is represented to be in migration policies concerned with legal labour. Most policy texts in labour migration neither include a gender perspective nor introduce women within their focus. I would say that there are two different representations of the problem of migrant women within a legal migration policy framework. One approach would represent women mainly as dependent wives or daughters. This can be defined as an individual approach to migrant women – ‘migration and family’ – in which women are defined as family members and thus dependent on a man (usually husband or father). Interesting here are the provisions regarding polygamous and forced marriages; these show that gender relations are being taken into account. The other approach I see can be identified throughout policy documents. Migration and integration are very closely connected themes in policy texts. And integration is mainly related to labour market participation and employment in general, though some references to ‘civic’ participation are also presented. This second approach can be characterised as a collective approach – ‘migration and integration’ – in which women are defined either as members of society or as likely members of society to be integrated into the receiving country mostly through participation in the labour market. The diversity of women’s experiences of migration is still not fully accounted for. The arguments in this approach to the representation of the problem of gender (in)equality constitute an efficiency discourse of gender equality.

But also within legal migration, there are asylum policies and proposals. It is important that there is an attempt to include gender considerations in the approach to asylum. The question of recognising gender persecution as causal of asylum is directly connected to the dynamics and understandings of gender inequality. Women’s experiences of violence or persecution are still seen as strictly private in the context of the asylum-seeking process. If the gender structure were really understood to operate at every level of practice – personal, interpersonal, and institutional (Risman 2004) – it would be easier to perceive the interconnections between different forms of violence against women, be they domestic or institutional, or a combination of both.

It is interesting that along with the definition of the asylum question in terms of ‘good management’ of asylum flows, there is an emphasis on

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‘fundamental rights’ as a basic principle that should be taken into account on a regular basis.

This emphasis on ‘fundamental rights’ as ‘the EU guiding principle’ in detriment to other principles and terms such as ‘human rights’ or ‘gender equality’ is found not only within the area of asylum but also trafficking and, to some extent, labour migration. Moving now to the social practice dimension of discourse analysis, I would point out that this has to do with general trends of change that have an impact on discourses, producing, in this case, a transformation in discourses from ‘human rights’ towards ‘fundamental rights’. This change in discourses at the EU level is also related to organisational changes; as noted earlier, in 2010 DG JFS was divided into two DGs, namely DG Home Affairs and DG Justice. Further, from 2011, DG Justice includes the policy areas of Justice, Fundamental Rights and Equality, which means that gender equality questions are included in this DG organisation instead of in DG Employment. With the transfer of the issue area of gender equality from DG Employment to DG Justice, gender equality became mixed with other themes such as racism under the overarching agenda of ‘fundamental rights’. I would argue that the idea of fundamental rights has been taking the place of gender equality and human rights. Within both trafficking and asylum, the human rights discourse of gender equality overlaps with arguments around the idea of fundamental rights.

There is another trend of discourse change towards management discourse and practice. The introduction into equality policies of a ‘diversity management’ discourse that originated within human resources management is part of this trend. In the case of migration policies, diversity management is presented as a tool for the integration of migrants (see, for instance, COM(2005) 389 final: 5, 8, 17; COM(2008) 359 final: 7). Diversity management ‘solutions’ are closely connected to the efficiency discourse of gender equality within migration in the sense that, it is argued, through successful management of the diverse cultural backgrounds the needs and wishes of persons in organisations can be satisfied and better performance and higher productivity achieved. By studying the UK case, Squires makes some interesting points that can be related to this analysis (2008). She argues that the diversity management discourse provides conceptual elements to the framing of equality in ‘utility-based’ terms (equality as a means to increase economic productivity), assuming the idea of diversity instead of intersectionality and thus producing a poorer and narrower analysis that leaves out questions of social justice (ibid.: 58–59).

In regard specifically to trafficking there is an important aspect to take into account. Trafficking is a form of illegal immigration. But it is also defined as

a form of gender-based violence. The trafficking of women's and men's bodies for labour, servitude, or sexual exploitation is violence. And it is gender-based violence because its causes are gendered/gendering: the gender structure defines – and is defined by – the dynamics of both trafficking supply and demand.

How the problem of trafficking is represented is relevant. This discussion can contribute to understanding how the problem of gender (in)equality is represented and identifying which discourses of gender equality are being constructed. Within trafficking, the human rights discourse mixes with crime arguments.

Women are omnipresent as victims and, therefore, the target of policies. They can be 'used' in the prosecution of traffickers (crime argument) and they can, accordingly, be protected and assisted (human rights discourse). However, the gender structure at work in the (re)production of women as victims goes unanalysed. Policy texts within trafficking use 'gender' and 'women' as synonymous. The underlying understanding of gender as meaning women contributes to the lack of analysis about how the gender structure operates to produce gender inequalities. Different dimensions of the gender structure are operating at individual, relational, and institutional levels through social mechanisms such as socialisation, internalisation, othering, and legal arrangements that, in this case, regulate the sexual 'economy' as well as domestic and care work, producing specific gendering dynamics around trafficking (Risman 2004).

Trafficking for the purpose of sexual or domestic labour exploitation is a gender crime. The demand for sexual 'services' exists because it is believed and socially accepted that certain men's wishes and wants have to be satisfied and that there are bodies likely to be marketable in order to satisfy those wishes. Trafficking for domestic servitude is also gendering and gendered. This also remains unproblematised in policy documents when discussing 'root causes' of trafficking. The increasing demand for cheap labour for domestic and care work has to do with the dynamics in both the sexual division of labour in the labour market and the structure of cathesis in the private sphere (Connell 1987; see chapter 1). The unequal share in domestic and care work between women and men, the increasing participation of women in the labour market, and the cuts in public expenditure in most MSs are factors influencing the demand for (cheap) domestic and care work services in Western Europe. Domestic and care work services are thus increasingly demanded as a consequence of the lack of real feminist reconciliation policies in European countries.

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What I have said about women's agency in both asylum and trafficking policies (see the sections on asylum and trafficking, respectively) is related to the effects of 'problem' representations, that is, the ways in which subject positions are constituted in discourses (Bacchi 2009; see chapter 3). Policy texts refer to women as migrants who come either to join their (male) partners, to escape violence or war, or to work in low-skilled and low-paid occupations, often being victims of abuse and exploitation. Women are represented as dependants, as victims of sex trafficking and/or gender-based violence (such as domestic violence and harmful traditional practices). Women as migrants in their own right are hardly represented in policy texts. Most policy documents present or imply the dependence of migrant women and do not name those independent women who migrate to provide for their families or to escape oppressive situations. Women's positions are defined as vulnerable and victimised, while they are likely to be 'utilised' in the labour market. The two negative headings that the BEPA Report (Canoy et al. 2006) identifies as defining migrant women in 'public perception' (low labour market participation and trafficking) feature also in EU discourse.

Why are women relegated to a secondary place in labour migration policy formulations? Why are they invisible? Why is there not a gender approach to migration in general? Part of the answer would be that there is a lack of understanding of what gender means. And gender is not taken as a central dimension to policy formulation. For an approach to migration to be gender sensitive, it is necessary, instead, that the diversity of women's experiences of migration and the gender relations of which they are part be taken systematically into consideration.

As argued in chapter 4, a discussion of gender in pioneering documents is lacking, and this has influenced the understanding of gender itself as well as of gender mainstreaming and, consequently, its introduction in policy proposals within the specific policy areas. 'Gender' and 'women' are used as synonyms in most policy documents not only at the EU general level but within different policy areas in particular. In using 'women' or even 'sex' as synonymous with 'gender', gender is not understood as a process, as a verb in the sense of 'we gender', but rather as a noun (Connell 1987; Eveline & Bacchi 2005). In this way, gender is presented as a given property, ignoring the role of power relations in the process of doing gender. This understanding is unproductive, rather, in terms of the transformative dimension of gender mainstreaming, as it misses structures and relationships that keep inequality in place. Gender ought to be understood as the social practice of dealing with the reproductive characteristics of bodies and producing hierarchies and

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differentiations instead of as a category to be filled out by either 'male' or 'female'.

Coming back to the general context of introduction of gender mainstreaming strategy, I would say that the introduction of gender mainstreaming in this policy area has been failing so far in part because of this lack of understanding of what 'gender' means. On the other hand, the prevalence of arguments stressing the economic utility of migration within the general discussion about EU immigration policy has influenced the failure of gender mainstreaming. The recurring justificatory arguments in terms of economic efficiency add up to a representation of the 'problem' of gender (in)equality in migration in terms of labour market participation, leaving out questions of human rights and social justice. The efficiency discourse of gender equality is ever present.

7

Migration and Development: The Construction of a Policy Relation

Introduction

In chapters 5 and 6 I explored the introduction of gender mainstreaming in the areas of development cooperation and migration, respectively. I tried also to find out what the problem of gender (in)equality is represented to be in these two areas of policy, identifying at the same time discourses of gender equality that are being formulated.

In this chapter I analyse the relation between these two issue-areas in policy documents. The guiding question is how these two policy issues are related to each other and why they are related in this way. More specifically, I aim to identify what the 'problem' of migration *and* development is represented to be at the EU level. I also explore how these representations and discourses of migration and development are related to discourses of gender equality identified in previous chapters.

Finally, as I identify some unproblematised aspects of the relation between migration and development in the current discourse, I would like to present some insights and elements that can contribute to thinking about and discussing the relation from a different perspective.

In order to answer these questions I try to develop a discourse analysis that includes a textual analysis of policies and takes into account discursive and social practice dimensions of discourse (see chapter 3). I analyse policy

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documents dealing with the issue of migration and development. These are mainly Commission Communications. I also include policy documents from the development cooperation policy area that refer to migration as well as documents from the migration policy area that refer to development issues.

The Material

I analysed the Commission Communication titled Integrating Migration Issues in the European Union's Relations with Third Countries (COM(2002) 703). This Communication constitutes the background to this policy problem definition. The Commission Communication titled Migration and Development: Some Concrete Orientations (COM(2005) 390 final) deals with the impact of migration *on* development. It discusses remittances extensively; it refers to the role of diasporas in development; it also refers to brain drain and circular migration (and brain circulation), temporary migration, and return. Policy orientations and proposed actions are presented in the annexes. The Communication titled Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development (COM(2006) 409 final) centres mainly on migration by focusing on the 'best management' of migration flows and stressing the potential contribution of migrants to the development of their countries of origin.

The Communication titled Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (COM(2006) 26 final) discusses partnerships with third countries (governments, but also NGOs and civil society) directed towards a better management of migration and asylum. It also refers to migration's impact on development through remittances, their costs, and how to channel remittances into pro-development projects; brain drain; and the role of diasporas. It contains two annexes. One presents projects selected for co-financing by the European Commission under the 2004 budget for the AENEAS Programme (financial and technical assistance to third countries in the areas of migration and asylum), and the other shows the AENEAS Annual Work Programme 2005 per region. The Communication titled On Circular Migration and Mobility Partnerships between the European Union and Third Countries (COM(2007) 248 final) builds on the 2005 Commission Communication (COM(2005) 390 final) and the Policy Plan on Legal Migration (COM(2005) 669 final) (COM(2007) 248 final: 2). It presents two themes, the management of legal migration and circular migration, and it aims at finding new approaches to improve both (COM(2007) 248 final: 2). The focus is on collaborating with third countries

that are keen to enrol in the fight against illegal migration, addressing the labour needs of MSs, and ‘exploiting potential positive impacts of migration on development’ (ibid.).

The Construction of a Policy ‘Problem’: Proposed Solutions in Policy Documents

To start figuring out what the ‘problem’ of migration *and* development is represented to be, it is necessary to look at the main proposed solutions that can be identified through some of the policy documents. That is, to identify what concrete actions or ‘policy orientations’ are proposed in policy texts (this is the first analytical question in Bacchi’s approach; see chapter 3). Roughly, these proposed solutions to the ‘problem’ of migration and development can be divided into three groups:

- Root causes of migration
- Border control
- Migrants as agents of development

More specifically, the main measures presented in policy documents are:

- Improve the remittances system (cost and transparency as well as utilisation)
- Stimulate circular migration and brain circulation
- Avoid brain drain
- Stimulate the role of diasporas as agents of development
- Improve management of migration flows and labour migration in particular
- Enhance border control and the fight against illegal migration
- Combat poverty and conflict (through development cooperation)

Following the basis set in the 2002 Communication (COM(2002) 703), the Commission Communications Migration and Development (COM(2005) 390 final), Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (COM(2006) 26 final), and others discuss some aspects of the likely impact of migration on development as well as measures to control migration flows. Proposed solutions are discussed in the policy texts along the following topics: remittances, the role of diasporas,

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circular migration and brain circulation, and brain drain (see COM(2005) 390 final; COM(2006) 26 final; COM(2007) 248 final). In addition, issues related more to the impact of development (or the lack thereof) on migration, such as poverty, conflict, and bad governance, are also discussed (COM(2006) 402 final).

There is a slightly different document, the Commission Communication titled Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development (COM(2006) 409 final), which is mainly a declaration of principles in the context of the organisation of the High Level Dialogue on Migration and Development in September 2006. However, it presents similar topics that delineate the understanding of the nexus between migration and development and it proposes 'a way forward' defined by:

- policies and actions to foster the contribution of migrants to the development of countries of origin, including through remittances;
- policies and actions to improve the management of economic migration – including South-South migration – in the mutual interest of countries of origin and destination;
- policies and actions to limit brain drain and to foster circular, temporary, seasonal and virtual migration;
- policies and actions to fight illegal migration and human trafficking;
- as well as initiatives aimed at helping build capacity in these various areas. (COM(2006) 409 final: 9)

I refer now in more detail to some of the proposed solutions presented in all these policy texts.

About Remittances

Remittance flows, that is, money that migrants send back to their countries of origin, are seen as a tool that can 'potentially' contribute to the development of sending countries (COM(2005) 390 final: 3; COM(2006) 26 final: 11). Two areas for policy action on remittances are presented in the 2005 Communication. One is related to improving the legal and technical frameworks of remittance movements to make the system more transparent and less expensive. The second area of action includes measures to make remittances contribute to the development of migrants' countries of origin (COM(2005) 390 final: 3). While the 2005 Communication recognises that remittances constitute 'private money', it proposes that information and incentives should be provided for the purpose of directing remittances to

‘productive investments and development initiatives’ (COM(2005) 390 final: 5, 13, 20).

About Diasporas

The role of diasporas is defined as key to development, and several initiatives to involve diaspora members in development are proposed (COM(2005) 390 final: 6; COM(2006) 26 final: 11). One of these proposed initiatives, for instance, is to help sending countries map and network with their diasporas (see COM(2005) 390 final: Annex 4). The Commission Communication on circular migration (COM(2007) 248 final) refers to some of the projects financed by the EU that are directed at facilitating circular migration for migrants settled in the EU and that focus on the role of diasporas in development. One of those projects is ‘the Moroccan migrant in Italy as development and innovation agent in his/her community of origin’ (ibid.: 30).

On Circular Migration and Brain Circulation

Circular migration and brain circulation is presented as something to be stimulated (COM(2006) 26 final: 11). The 2005 Communication argues, ‘Migrants’ return, even temporary or virtual, can play a useful role in fostering the transfer of skills to the developing world, together with other forms of brain circulation. Facilitating circular migration could also play a key role in this respect’ (COM(2005) 390 final: 7). The defined areas for policy action are the regulation of (economic) migration as a tool for brain circulation; the utilisation of temporary and seasonal migration for its ‘potential positive impact on development’; and the facilitation of return migration, temporary or virtual return (ibid.: 25–28). The 2007 Communication on circular migration and mobility partnerships (COM(2007) 248 final) deals specifically with this proposed solution. Circular migration is defined as ‘a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries’ (COM(2007) 248 final: 8). The Communication proposes ‘mobility partnerships’ to be agreed between the EC and ‘third countries that have committed themselves to cooperating actively with the EU on management of migration flows, including by fighting against illegal migration, and that are interested in securing better access to EU territory for their citizens’ (ibid.: 3). In the context of mobility partnerships, it is expected that the third country concerned commits to fighting illegal migration, while the EU and MSs

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commit, for example, to improving opportunities for legal migration, helping third countries to control migration flows, and facilitating circular migration (ibid.: 4–7). Circular migration is also discussed in relation to the question of regulating the activity of seasonal workers, which had been proposed in the Policy Plan on Legal Migration earlier in 2005 (see chapter 6). Thus, some of the measures suggested in this Communication to facilitate circular migration build on the proposals presented in the Policy Plan on Legal Migration (COM(2005) 669 final), namely the proposal for a Directive on the admission of highly skilled migrants (the Blue Card Directive), the proposal for a Directive on the admission of seasonal migrants, and the proposal for a Directive on the admission of remunerated trainees (COM(2007) 248 final: 10).

There are, for instance, EC-funded projects to facilitate the management of legal migration flows in third countries and circular migration (some of these projects also address other issues, such as the fight against illegal migration and human trafficking) (COM(2007) 248 final). A group of projects focuses on facilitating the ‘orderly management of legal migration flows, including the provision of information on the possibilities and avenues for legal migration’. Among these projects there are those with a focus on migration to the EU and those with a focus on South-South migration. There are also proposed projects to facilitate circular migration for migrants settled in the EU so that they may be able to take up economic activities in both the EU country and their country of origin (ibid.: 18ff.).

The argument to justify the need for mobility partnerships and measures to facilitate circular migration in general is mostly centred in two aspects: avoiding illegal migration and brain drain. In sum, circular migration as a means to meet ‘the labour needs of the EU’, fight illegal migration, and control migration flows, while making migration contribute to development or, at least, limiting the negative effects of emigration (COM(2007) 248 final: 13).

About Brain Drain

Regarding brain drain in particular, the complexity of the phenomenon is recognised and it is argued that policy responses should be country and sector specific (COM(2005) 390 final; COM(2006) 26 final). It is proposed that the Commission continue pushing for MSs to adopt a ‘code of conduct’ to discipline the recruitment of professionals from developing countries who are highly skilled in certain fields. The first proposal in this regard came out in 2002 without much response from MSs – important to note in this context is

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that recruitment regulations constitute an area of MSs' competence (COM(2005) 390 final: 8–9). The 2005 Communication also proposes that institutional partnerships between MSs and third countries be fostered, that 'existing skills resources within the EU' be better used, that MSs help developing countries to 'replenish their skills base', and that development cooperation also become 'a source of employment opportunities for skilled professionals in developing countries' (ibid.: 32–34).

Push Factors of Illegal Migration and Better Management of Legal Migration

The policy goal of tackling the root causes of migration and, in particular, illegal migration (assumed to be poverty, conflict, lack of opportunities, among others) as a way to control migration flows has been very much challenged at the policy-making level as well as in the academic discussion and in the field of international organisations. In most Commission Communications since 2002, however, it is presented as a proposed solution. Hence, in tune with the policy arguments presented in the 2002 Communication, the 2006 Communication titled *On Policy Priorities in the Fight against Illegal Immigration of Third-Country Nationals* (COM(2006) 402 final) proposes 'partnerships with third countries' as a crucial element for the management of migration flows at the EU level. This partnership would aim at both 'reducing and preventing illegal immigration' and helping 'countries of origin address the root causes and push-factors of irregular migration flows' (COM(2006) 402 final: 4). More specifically:

In the context of development cooperation policies and programmes, the EU will continue to address the push-factors for illegal immigration, such as poverty, unemployment, conflict, environmental degradation, bad governance, lack of access to education, health, etc. [...] the EU will help partners in the developing world to enhance their capacity to better manage migration flows and fight against human trafficking. (ibid.: 5–6)

In turn, the Commission Communication titled *Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum* (COM(2006) 26 final) presents the main policy elements of the thematic programme:

Fostering the links between migration and development; Promoting well-managed labour migration; Fighting illegal immigration and facilitating the readmission of illegal immigrants; [...] Protecting migrants against exploitation and exclusion; Promoting

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asylum and international protection, including through regional protection programmes [...] Building capacities for better managing migration. (COM(2006) 26 final: 10–11)

Another proposed measure, which has potential influence on all the other proposals, is the creation of ‘Migration Profiles’ (MPs) for each interested developing country (COM(2005) 390 final: 37). An MP is to be prepared by the Commission together with the third country in question. It should include any relevant information regarding migration and development to provide information useful to policy formulation, including information on the following:

The labour market situation, unemployment rates, labour demand and supply and present or potential skill shortages by sector and occupation, skills needs in the country, skills available in the diaspora, migration flows, incoming and outgoing financial flows linked with migration, including migrant remittances, as well as relevant gender aspects and those related to minors. (COM(2005) 390 final: 37)

In sum, since 2002, policy proposals have focused on the best management of migration and a best utilisation of migrants’ resources and capacities from the perspective of the EU in the sense that migration is welcomed as long as it serves EU interests. There have been changes in emphasis, however, between border control and migrants as agents of development. I will come back to this point later.

What Is the Problem of Migration and Development Represented to Be?

Proposals focus on declared objectives or policy commitments. By examining proposed solutions, it is possible to identify ‘problem’ representations. I would say that there are two interrelated representations of the ‘problem’ of migration and development contained in policy documents.

To start with, the ‘problem’ of migration and development is represented to be a problem of *underutilisation* of migrants as resources for development (underutilisation of their skills, capacities, abilities, etc.). More specifically, the ‘problem’ is represented in terms of how to better use remittances, ‘brains’, and social connections/networks in which migrants (particularly highly skilled migrants) might participate.

The ‘problem’ is also represented to be that there are *too many* migrants coming into the EU and *too little* development in countries of origin. There

are some migrants, however, who can be useful in both scenarios: those migrants who are highly skilled and can be useful for the EU's labour market demands for a given period of time (holders of the Blue Card, for instance) and who are, at the same time, active in diasporas working for local development in the home countries. Some migrants may also be useful for supplying the labour demand for low-skilled jobs. Here the representation of the problem is constructed in terms of the potential contribution of migrants to their countries of origin (via the proper utilisation of remittances or/and skills) while they are also contributing to the host society.

The definition of the 'problem' in terms of too many migrants into the EU is presented as a problem of the control of migration flows. As metaphor, the control of flows alludes to something that is or is likely to be overflowing, something, basically, out of control. Policy proposals hardly ever refer to real persons who may migrate for many different reasons, trying to find a better life or fleeing oppressive situations. Instead, the image is that of an amorphous mass that needs to be controlled.

Discourse Analysis and Critiques: Understandings and Assumptions Lying behind Problem Representations

Assumptions and presuppositions always lie behind different problem representations. It is necessary, therefore, to ask what is assumed, what is taken for granted, and also what is not questioned.

I would say that what lies behind policy proposals and the identified 'problem' representations is an understanding of migrants and migration in terms of a classification between desirable and undesirable migrants – wanted and unwanted. From the EU perspective there would be certain categories of migrants who are very welcome, while others are obviously not.

The Utility of Migration: Desirable and Undesirable Migrants

Although, as noted above, there are three lines of proposed actions that can be identified, the relation between migration and development is defined mainly in terms of the impact of migration *on* development. Migration's impact on development is expected to occur through the contributions of migrants. Migrants are associated with the idea of resources. Migrants are

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defined in terms of their potential ‘contribution to the development of their countries of origin’ (COM(2006) 409 final: 7). In this connection, three themes are important: remittances, diasporas, and return. The idea is that it is important to ‘maximise the impact of migration on the development of countries of origin of migrants, by facilitating and enhancing the various types of contribution – financial contributions, but also skills or other forms of know-how – which migrants can make to these countries’ (COM(2005) 390 final: 13).²²⁰

Migration is thus understood as an instrument for development. This view, which, in a way, is supposed to be a positive view of migration, has elements of what Bacchi identifies as ‘the dominant neoliberal narrative of migrants as an economic resource’ (2009: 170) when she analyses Australian citizenship policies (ibid.: 154–179). In an article on the migration-development nexus discussion at the EU level, Sandra Lavenex and Rahel Kunz also recognise ‘a tendency to instrumentalize migration and remittances for development’ (2008: 441). Nicola Piper also finds that ‘the danger with the current debate is that although migrants laudably appear now as actors rather than purely objects, the economic lens still predominates, treating migrants as economic actors, and to a far lesser extent as socio-political actors’ (2009: 94).

As already seen, there are other ways apart from remittances in which migrants are likely to contribute to development, and that is through their active participation in diaspora communities (COM(2005) 390 final: 23; COM(2006) 26 final: 4).

In discussing the role of African diasporas in development, Rebecca Davies argues:

Although the evidence suggests that a variety of fragmented and personal links with the continent are maintained by expatriate Africans, in themselves these are not suggestive of a strong diasporic identity with developmental implications (Ghosh, 2000). From a strictly policy perspective alone exploiting the potential of the diaspora option requires that relationships are rethought so as to develop an integrated network of linkages,

²²⁰ Also in this regard, another Communication states: ‘Migration is also part of the developing countries’ modernisation process and an intensive debate is currently ongoing on the question of how migration can better contribute to development. Within the framework of these reflections, a first issue is the potential of migrants’ remittances and, in particular, how to reduce the transfer costs of migrant workers’ remittances and to examine ways of encouraging development-oriented investment. Though developing countries may see benefits from emigration of low-skilled citizens, the emigration of medium and high-skilled workers can be a loss of human resources. The search for measures to address this problem of “brain drain” and to promote brain circulation instead constitutes a second strand as regards migration and development discussions. Lastly, attention is also paid to encouraging the contribution from the diasporas to the development of their country of origin’ (COM(2006) 26 final: 4).

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alliances, connections and partnerships that best suit Africa's development purposes. (2007: 72)

Circular migration refers to legal mobility back and forth between two countries and, in particular, to those who are able to move in this way: business persons and professionals settled in the EU and temporary workers, trainees, or students residing in a third country (COM(2007) 248 final: 9). As said above, the argument to justify the need for mobility partnerships and circular migration in general centres on avoiding illegal migration and brain drain. Lavenex and Kunz analyse the Communication titled *On Circular Migration and Mobility Partnerships between the European Union and Third Countries* (i.e. COM (2007) 248 final) and argue that 'a closer look at the intended contents of these mobility partnerships confirms the enduring predominance of migration control elements and the near absence of development goals' (2008: 451). They observe that most of the commitments expected from third countries participating in mobility partnerships focus on border control and fighting illegal migration, while there is only one commitment that might contribute to development: 'the promotion of productive employment and decent work in the country of origin' (ibid.: 451–452). The authors further show that when it comes to EU and MS commitments, the likely measures proposed in the 2007 Commission Communication are very much discretionary, and moreover, 'Apart from the discretionary nature of these possible measures, a further limitation of a potential opening of legal migration opportunities in national laws results from the obligation to respect the principle of Community preference for EU citizens' (ibid.).

Lavenex and Kunz point out, finally:

The Commission documents show that, in continuation of earlier activities, the EU and its member states have more facility in spelling out the necessary contributions of the third countries regarding migration control than to commit themselves to activities that would be potentially beneficial to the development of the third country. (2008: 452)

In the same vein, Piper interestingly remarks: 'What is still being avoided, almost equally by governments in most destination and origin countries, is the central discussion of the complex causes leading to migration in connection with the failures of conventional development policies and continuous global inequalities' (2009: 94). Elizabeth Adjei, Director of the Ghana Immigration Service (Ministry of the Interior), participant at the

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UNFPA-IOM Expert Group Meeting held in New York on May 2006,²²¹ also contends that the needs of developed countries are usually prioritised in bilateral agreements, encouraging illegal migration and, in particular, forcing women into smuggling and trafficking (UNFPA & IOM 2006: 56).

An interesting document to refer to at this point is the OECD report 'High Level Parliamentary Conference on Policy Coherence for Development and Migration' (OECD 2009). It presents different voices (some of them rather critical) from international organisations, governments, and the private sector on the issue of migration and development and, in particular, on questions such as policy coherence in development-migration, remittances, brain gain, brain drain, and the context of crisis. It also includes gender and women within the migration-development discussion. The general understanding is that 'migration is not only about border security or labour market policies, but also about taking into account the needs of people in countries of origin and finding "win-win" solutions' (OECD 2009: 1).

For example, one of the participants 'expressed concerns about the EU "Blue Card" initiative and its lack of a development dimension' (OECD 2009: 4). As well, she criticised the narrow and too positive view of the impact of remittances, as remittances 'do not necessarily benefit the poorest countries, nor the poorest people. As an illustration, Sub Saharan Africa is the beneficiary of only 2% of global remittances' (OECD 2009: 4).

Moreover, the Head of Non-Member Economies and International Migration Division, Directorate for Employment, Labour and Social Affairs, OECD, argued that even if 'migration could contribute to reducing poverty and alleviating unemployment in the sending countries', there is not a 'clear causal link' between migration and development in that 'migration alone cannot impact development' (OECD 2009: 5).

An interesting dilemma is raised by the Head of the Latin America and Caribbean Desk, OECD Development Centre, in his statement that 'there are

²²¹ The papers presented at this meeting were put together in the United Nations Population Fund (UNFPA) and the International Organization for Migration (IOM) document from 2006, 'Female Migrants: Bridging the Gaps throughout the Life Cycle'. One of the report's main themes is women's migration as a two-edged experience comprising vulnerability and empowerment. Women are presented as 'agents of development' and the experience of migration as challenging and 'empowering'. As stated in its introductory section, 'This report includes the different perspectives of experts on female migration from countries of origin, transit and destination from all five continents, as well as representatives from international agencies, NGOs and diaspora organizations. This two day expert group meeting also produced a set of conclusions and recommendations for all stakeholders to be conveyed to the United Nations High-Level Dialogue on International Migration and Development at the General Assembly in September 2006. We hope that this publication can complement the discussions leading up to the High-Level Dialogue and place the female migrants' perspective on the international migration agenda' (UNFPA & IOM 2006: iii).

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policy incoherencies peculiar to migration. One is the tension between offering migrants a path to citizenship in host countries versus promoting circular migration – which limits the possibilities for integration’ (OECD 2009: 6).

The OECD report presents the view that temporary and seasonal migration has potential benefits for both origin and receiving countries:

Receiving countries are able to satisfy labour demand at seasonal peaks and origin countries benefit from investments made locally by migrants once they return home. Returning migrants may also bring back a new set of skills that they can share. In addition, temporary migration facilitates the ability of migrants to maintain family links. (OECD 2009: 7)

However, as Nyberg-Sørensen et al. argue, ‘Migrants, unless highly skilled, often do not acquire skills abroad that are useful at home’ (2002: 15). In addition, presenting the issue of temporary migration in the light of skill acquisition obscures other facets in turn. Temporary migration might have negative impacts, especially on family ties, as in the case, for instance, of mothers leaving their children behind. That situation is complex indeed and it cannot necessarily be assumed that family links are easily maintained.

Set beside this underestimation of the multiple impacts of temporary migration is the common positive view of the ‘good migrant’. A representative from the private sector at the High Level Parliamentary Conference (OECD 2009) referred to ‘the role that corporate identity – as opposed to national identity – may play in the lives of migrants’. The representative of the private sector argued:

There is ‘a new generation’ of migrants, characterised by high mobility and flexibility, and a sense of ‘wherever I lay my hat is my home’ attitude. The typical migrant in this category is well educated, has wide networks across the globe, and a relatively low national attachment to his or her home country. For many, large multinationals offer an opportunity to live and work in the country of choice. (OECD 2009: 8)

Piper quotes research showing that the instances that ‘policy-makers stereotypically draw upon as “success stories” derive from a limited range of specific groups of migrants, that is the fairly small number of the highly skilled, most of whom migrate to the North’ (Hujo & Piper 2007, quoted in Piper 2009: 94). One of the consequences of this widespread stereotypic view is that ‘other groups are left out in their role as “actors”, and their own visions of development are not included in this debate’ (Piper 2009: 94).

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Thus, the discussion is presented in terms of the need for border control and best management of migration flows with a view to avoiding unwanted migrants on the one hand, and the need to maximise the utility of the ‘good migrant’ on the other hand. This understanding of the issue of migration and development is defined by the binary desirable/undesirable. As Piper argues, there is ‘competition in the hunt for “talent” (i.e. highly skilled migrants)’ and there is, at the same time, ‘the setting up of increasing barriers for less skilled migrants (by way of increasingly complex migration and visa categories) who are “needed but not wanted”’ (2009: 96).

Discursive Practice Dimension: Who Makes This a ‘Problem’. When This Became a ‘Problem’. A Change in Perspective that Is Not

I have argued that there is a binary/dichotomy in terms of wanted/unwanted migrants that can be spotted in policy proposals which emphasise border control on the one hand and the utilisation of migrants as resources on the other. In this section I explore how this understanding came into being and how it has evolved. And I will show that a ‘securitarian’ approach, which centres on border control and was hegemonic until 2005, is still very much alive and well.

In December 2002, the Commission presented the Communication titled Integrating Migration Issues in the European Union’s Relations with Third Countries (COM(2002) 703 final). As its title suggests, the main proposal in this Communication was to take migration concerns into account within external policy. The 2002 Communication still sets the framework for the elaboration of proposals and projects related to the integration of migration concerns into external relations, and development cooperation in particular. The 2002 Communication referred to many of the same themes that would then be discussed in the 2005 Communication titled Migration and Development (COM(2005) 390 final), namely remittances, brain circulation and brain drain, return migration, and the role of diasporas – and discussed in roughly the same vein. But it also included the aspect of border control and some themes that have to do with the impact of development on migration: the need to address push factors that are root causes of both legal and illegal migration (COM(2002) 703 final: 21ff.). Some proposed lines of action were

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trade and development cooperation, conflict prevention, 'good governance', and food security (ibid.: 21–22).

These aspects related to the impact of development on migration were for the most part left aside in future documents. While the question of border control has survived and still defines much of migration and development policy formulation, dimensions related to the failure of development cooperation policies and programmes (see Piper 2009: 94, quoted above) have been left out. The question of trade in particular is interesting. Trade policies are largely ignored as part of the solution to questions of development and migration. The issue of the impact that development might have on migration appears mostly in general terms referring to questions such as 'poverty', 'lack of access to...', and hardly at all in relation to specific questions such as how EU trade policies affect countries in the Global South. Development and migration cannot be approached separately from trade and trade-related issues. As WIDE's 2008 report argues, 'Agriculture subsidies in the North are causing distortions that hinder local producers' capacity of sustainability in most of Southern countries, by, for example, dumping the local markets with cheaper northern products' (WIDE 2008b: 98).²²² Moreover, in Southern countries most agricultural work is not much a matter of making profits but, rather, of food production and subsistence (WIDE 2009b: 12). In this context, agriculture and care work are closely related within the economic and domestic activities of family units (ibid.). Hence, the trade policies of Northern countries affect food production, subsistence, and the care economy in the Global South.

When it comes to the impact of development on migration, this is what is left in the 2005 Communication:

The Community should – notably through the EU development policy, which focuses on the primary objective of poverty reduction, and the achievement of the Millennium Development Goals – continue funding measures addressing factors that make persons vulnerable to trafficking, e.g. poverty, lack of access [to] basic and higher education, gender inequality, denial to the right of nationality, discrimination and the lack of access to services and of equal opportunity. (COM(2005) 514 final: 11)

²²² The 2008 WIDE report rightly refers to the lack of coherence between development and trade policies, pointing out that the 'imbalances and incoherencies in the new aid agenda are easily detected when one observes and compares the volume of aid projects OECD countries carry out and the high volume of subsidies these countries provide to sustain their agriculture' (WIDE 2008b: 98). Moreover, the report observes, 'Women are consistently not involved in a meaningful way in trade negotiations processes nor is a gender perspective included in the analysis and understanding of the potential impacts of trade agreements and trade-related adjustments' (ibid.: 63). See also WIDE (2009a, 2010b) and Pécoud & de Guchteneire (2005).

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There has been discussion on the degree to which a focus on poverty reduction alone as the way to limit migration pressures from ‘developing’ countries on developed countries is misleading. Some argue that ‘poverty reduction is not in itself a migration-reducing strategy’ (Nyberg-Sørensen et al. 2002: 5). Nyberg-Sørensen et al. say that in order to migrate, people need economic resources and social connections (ibid.: 41ff.). The authors refer to other research:

Many studies have paid attention to the characteristics of the migrants, underlining that migration is a selective process. Such studies have pointed out that migrants are usually not the poorest in the areas of origin, and that young adult men (often slightly better educated than the national average) tend to constitute the bulk of migrants from LDCs,²²³ especially in Africa (Mitchell, 1960; Chant and Radcliffe, 1992). (ibid.: 23)

The aspect of border control, including programmes for the repatriation of illegal migrants and rejected asylum seekers, which was discussed in the 2002 Commission Communication, is still in a central position. Also in 2002, the Council approved the Return Action Programme that proposed the setting of country-specific return programmes (COM(2005) 390 final: 12). The idea was and still is that economic and human capital can be brought back to the country of origin through temporary or permanent return migration (ibid.). Later in 2004, the Aeneas Programme (COM (2003) 355 final)²²⁴ was established for the period of 2004-2008 with the aim of supporting ‘third countries’ efforts in better managing migratory flows in all their dimensions (legal and illegal migration, readmission and reintegration of migrants, trafficking in human beings, international protection of refugees and displaced persons)’ (COM(2005) 390 final: 13).

The Aeneas Programme (with a total budget of 250 million Euros) shows that improving the management of migration flows is still a main objective of EU migration policy, even if the declared EC vision tries to present a more balanced focus, as in the following 2006 Communication, for instance:

Until recently the external dimension of the migration policy has been prevalently built around the objective of better managing the migratory flows with a view to reducing the migratory pressure on the Union. Although this remains a valid goal, the additional challenge today lies in the development of policies which recognise the need for migrant workers to make our economies function in those sectors where the EU is facing labour and skills shortages and, at the same time, which maximise both for the migrants and for

²²³ LDCs stands for Less Developed Countries.

²²⁴ The Aeneas Programme ‘for technical and financial assistance to third countries in the areas of asylum and migration’.

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their countries of origin the benefits triggered by the migration. This presupposes an approach which goes beyond the questions of border control and fight against illegal immigration, to incorporate other dimensions of the migratory phenomenon, in particular development and employment. (COM(2006) 26 final: 10)

The debate presented in the Green Paper on Economic Migration (COM(2004) 811 final) constituted an important point for the discussion of migration at the EU level. It set the discussion on migration within the limits of economic migration, trying to agree on regulations for the movement of migrant workers within the EU.²²⁵ From that discussion presented in the Green Paper, the Policy Plan on Legal Migration, which included policy proposals for four categories of economic migrants,²²⁶ was formulated.

According to Lavenex and Kunz, the relation between migration and development started to be presented as a ‘problem’ in the late 1990s (2008: 440ff.). Since 2001 the emphasis has been very much on border control, cooperation with third countries to manage illegal migration, and readmission and return measures. Thus, a security approach to the question defined the problematisation. ‘Until 2005,’ they point out, ‘the external dimension of EU migration policies has focused mainly on getting countries of origin and transit to sign readmission agreements – together with cooperation in the area of border controls’ (ibid.: 445). Since then, a human rights approach has been trying to claim some space. But the emphasis remains on the control of migration flows from an EU-centred approach. In addition, a focus on the financial utilisation of remittances defines the terms of the ‘problem’ of migration and development. The authors define this as a ‘securitarian approach’, which is ‘restrictive, unbalanced and EU-centred’ (ibid.).

Lavenex and Kunz conclude:

Inspired by the international discourse on the migration–development nexus and induced by the inherent deficiencies of an exclusively repressive external migration policy, the EU has started to revise its originally securitarian frame of migration policy to adopt the migration–development nexus and include issues relevant for development, such as legal

²²⁵ As presented in the 2006 Communication, the belief was that ‘the management of economic migration is closely linked to the debate on harnessing the synergies between migration and development. While economic migration, if well managed, benefits individual migrants and countries of destination, it can also make a positive contribution to the development of countries of origin – in the short term, through the transfer of remittances; in the medium or long term, through the valorisation of the skills, experience and social capital acquired by migrants in host countries’ (COM(2006) 409 final: 4). However, that may not be the case at all if we think, for example, about the thousands of migrants who, while being highly qualified, are compelled to take jobs well under their qualification (what is called brain waste). They certainly will not see their skills valorised and they may not experience return in the expected positive way.

²²⁶ See chapter 6.

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migration opportunities and the facilitation of remittances. Yet, the review of relevant policy documents reveals an impressive persistence both of the original policy frame and the components of the EU's external migration policy. Despite a changing rhetoric, the main focus of recent initiatives is still on the aspect of immigration control and proposals for measures pertinent for development remain not only very vague but also non-committal and discretionary. (2008: 452–453)²²⁷

I very much agree with this conclusion. My analysis of policy texts during the period 2005–2010 shows that the 'securitarian' approach does still define the terms of the understanding of the problem of migration and development, even if the 'migration-development nexus' (Nyberg-Sørensen et al. 2002) can be identified in policy proposals that emphasise the positive impact of

²²⁷ Lavenex and Kunz explain that 'the origin of the notion of the "migration-development nexus" is attributed commonly to an article by Sørensen et al. (2002). At the heart of this new paradigm lies a major shift in thinking about migration and development. Traditionally, there was a tendency to perceive migration as either a completely distinct area of concern from development, or the outcome of lacking or failed development. For a long time, this conventional view was the mainstream approach within the international community, adopted by states and international institutions alike. In the late 1990s, a new view emerged, whereby the two areas of migration and development became linked in the so called "migration-development nexus" (Sørensen et al. 2002). Migration is no longer seen as a "problem", but as a "tool" for development. Within this approach, migration is taken as a fact and the aim is to manage migration and harness migration and remittances in such a way as to increase their impact on development in the countries of origin. Thus, the linkages between migration and development are perceived in a positive way and there is a tendency to instrumentalize migration and remittances for development. This shift was noted by the International Conference on Migrant Remittances in 2003, which concluded that "[migration] is no longer simply seen as a failure of development but increasingly as an integral part of the whole process of development with a potentially important role to play in the alleviation of poverty" (Department for International Development & World Bank 2003, p. 11)' (Lavenex & Kunz 2008: 441). To stress the role of diasporas, for instance, has in it much of a transnational perspective that has been gaining weight within the discussion on the migration-development nexus: 'Over the past ten years, academic and other literature has stressed the importance of locating migration within transnational processes in terms of global economic connections and the formation of transnational migratory groups. The literature on transnational migration provides essential new insights into contemporary forms of migration and also raises general conceptual issues about ways of understanding migration in a global context. Contrary to conventional migration theory's binary focus on the process of emigration from and immigration to particular nation states, transnational approaches suggest that migration should be understood as social processes linking together countries of origin and destination. [...] Migrants have become increasingly important, not only as a source of remittances, investments, and political contributions, but also as potential "ambassadors" or lobbyists in defence of national interests abroad.' (Nyberg-Sørensen et al. 2002: 18). Also important: 'The transnational literature generally shows a positive effect of migration on development in the countries of origin [...]. Although pointing to a variety of migration-development dynamics, many studies suggest that the most important resource for the development of LDCs is people connected by transnational networks' (ibid.: 24).

Some of the projects presented in the Annexes to the Communications (see e.g. COM(2006) 26 final and COM(2007) 248 final) can be understood within the framework of the transnational migration perspective as well as some of the issues that the Commission has been pointing out to since 2002: use of remittances, the role of diasporas, brain circulation/drain, and, to a lesser extent, brain waste.

remittances and the role of diasporas in development. The approach that predominates is still 'securitarian' and the distinction is still made between those migrants who are desirable and those who are undesirable. The securitarian approach is still present within formulations that emphasise the positive impacts of migration on development and that contain an oversized interest in the control of migration flows. No substantial change in the understanding of the relation between migration and development from a human rights and gender perspective that goes beyond borders has yet occurred.

What Is Left Unproblematized: The Missed Gender, Women's Experience, and the Unsettled Human Rights Perspective

The Missed Gender

There is a lack of information and data on women's experience of migration, and yet female migration is a phenomenon with very specific characteristics that need to be fully understood for policies to be truly effective. The UNFPA-IOM report 'Female Migrants: Bridging the Gaps throughout the Life Cycle' refers to this question of lack of 'reliable information about women as migrants' and how this 'underlines their continuing invisibility to policymakers and development planners' (UNFPA & IOM 2006: 12) as well as 'hinders the understanding and appropriate assessment of women's role and needs in the migration process' (ibid.: 6). Neither is there a gender analysis: 'There is no systematic analysis of female migration – its causes, differentiation from male migration, and gender-specific issues. A gender-based analysis on the push and pull factors of female migration might aid in formulating effective gender-sensitive migration policies' (ibid.: 20).

As one functionary from Ghana's government observed, 'Despite the overwhelming presence of women in migratory flows, much of the research on migration has neglected the presence or role of women because there is a pervasive assumption that the international migrant is an economically motivated male' (UNFPA & IOM 2006: 57). Yet migrant women have different experiences from those that men have, facing specific obstacles and opportunities both in destination countries and upon return (ibid.: 6).

I found only a few general references to gender and to women in the analysed policy texts. For instance, one of the Communications states that countries' Migration Profiles (MPs) should include 'relevant gender aspects'

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(COM(2005) 390 final: 37). I found also a reference to gender included in a project's description: 'contribute to the promotion of rights and gender-based governance of labour migration and the protection of Asian migrant workers from exploitative and abusive treatment' (COM(2006) 26 final: 16).²²⁸ A description of the same project appears in the Communication, On Circular Migration and Mobility Partnerships (COM(2007) 248 final): 'The project aims to promote active dialogue and cooperation for enhanced gender and rights-based management of labour migration among countries in the Asian region, and thereby minimize exploitative and abusive treatment of migrant workers' (COM(2007) 248 final: 26).

There are also only a few references to women. There are, for instance, two references to 'women' in the Commission Communication titled Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (COM(2006) 26 final). In relation to the growing number of migrant women, it states:

The present migration situation is marked by the rise in the absolute number of migrants, including in the number of women, the multiplication of the types of migration, the increase in trafficking in human beings, the growth of diasporas, the integration challenges for the migrants and the host countries, the strengthening of ties with people who have stayed in the country of origin, the diversification of destinations and origins, and the multiplication of migration routes. (COM(2006) 26 final: 4)

And in relation to the protection of migrants against exploitation – women being the most vulnerable, together with children:

In implementing these orientations, due consideration should be given to the protection of migrants particularly exposed to the risks of mistreatment and exclusion, notably children and women. Also the rights of migrants to decent work conditions and to fair treatment in the social and professional sphere should be taken into account. (COM(2006) 26 final: 12)

It is widely recognised that practices around remittances are gendered. Yet a gender analysis is lacking in most policy proposals on remittances. A brief from UNIFEM refers to the different allocation of monies by women and men:

Remittances are the second-largest capital flow to developing countries, with formal transfers nearly triple the value of official development assistance and accounting for as

²²⁸ This project, ILO/UNIFEM/EC Asian Programme of the Governance of Labour Migration, is one of the projects selected for co-financing by the EC under the 2004 budget for the AENEAS Programme (COM(2006) 26 final: 16; COM(2007) 248 final: 26).

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much as 10 per cent of GDP in some countries. Some studies indicate that women tend to prioritise remittances for family needs, such as food, clothing, housing, education and health, while men use a portion for savings and investment in addition to family needs. (UNFPA & IOM 2006: 130)

According to the UNFPA-IOM report, in the case of Ghana, for instance, remittances are a critical source of revenue. And even if remittance figures are not disaggregated by sex, there is agreement that women remit more than men and that they constitute the majority of recipients. Remittances are directed to meeting daily consumption needs, health care, and education. If there are children left behind, remittances go to their maintenance (2006: 53).

In the case of the Dominican Republic, 'The gender perspective is particularly lacking in studies on remittances, the topic that has generally received the most attention [in the international community] in recent years' (UNFPA & IOM 2006: 67). In this regard, some conclusions about women's participation as senders and receivers of remittances in the Dominican case study are most interesting:

Women accounted for 85 per cent of recipients in the sample, with a similarly high proportion of women among the senders. The recipients are typically mothers, sisters and daughters of female migrants and, to a lesser degree, wives and children of migrant men. In the early years, the migrants tended to follow traditional authority patterns within the family and remit to their husbands or fathers. This pattern soon began to change, for several reasons: 1) it was reported that the men often used the monies for personal expenditures and neglected household needs; 2) a number of marriages broke up as a result of the wives' prolonged absence; 3) family reunification allowed for the husbands to join their wives in Spain. Nonetheless, the household sample shows that, regardless of the presence of adult men in the home, the reception and administration of remittances is overwhelmingly in the hands of women. This seems to be linked to the senders' priorities in terms of remittance use, which for the most part centre on household expenditures, children's education and housing investments. When remittances are used for small-business investments, men account for over one third of recipients. (*ibid.*: 70)

It is also important to analyse both likely transformations in the gender structure (due, perhaps, to a reconfiguration of power relations) and continuities in the subordinated position of women within the gender structure when, for instance, they are required to remit money back home even if they would choose otherwise (see, for instance, UNFPA & IOM 2006: 64–65). Elizabeth Adjei, Director of the Ghana Immigration Service, observes: 'Remittances change unequal gender relations, earning respect for

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the women who remit, and providing more resources and control to women who receive remittances' (ibid.: 53).

The study on gender, remittances, and development in the Dominican Republic refers to the impact of migration and remittances on gender relations and states that 'migrant women have become the main, and often the sole economic providers of their households' (UNFPA & IOM 2006: 71). In addition, the study shows that women also make up the majority of recipients and, therefore, that 'there is no doubt that migration has profoundly altered gender roles and power relations within the sample households' (ibid.). However, transformations in gender roles are not clear-cut and 'traditional gender ideologies seem to persist in many respects' (ibid.). The idea, for example, that even economically independent women 'need' a husband in order to be invested with 'decency and honour' is widespread and accepted as the norm (ibid.); so, too, the idea that migrant women are responsible for the many problems families back home face, because they migrated and left their children unattended (ibid.). Hence, the transformation of gender roles, according to the authors of the study, is ambivalent in the sense that 'the criticisms of migrant women's morality and perceived failure as mothers coexist with enthusiastic acknowledgement of their economic success and admiration for their role as economic providers to their families' (ibid.: 71).

In the same vein, Adrian Bailey quotes a study of migrants from Bangladesh:

In her analysis of temporary male and female migrants from Bangladesh, Dannecker (2009: 124–25) argues that 'female migrants, as well as the female identities that develop through international labour migration, lead to public discourses and a distinction of the 'good' women who have not migrated, and female migrants as the 'bad' others. (Bailey 2010: 377)

But, also important in regard to remittances and the participation of women as main senders is the actual subjective experience of remitting. A study of Filipino women in Italy shows that:

In practice, the Filipina transnational mother, working as a domestic helper, has now become the main breadwinner of her family, which has created dependency among family members. The study revealed that unless a woman is in a really bad personal situation – such as losing her job or work permit – or is afflicted by ill-health or old age, or the family is involved in some distress, such as losing a family member, she will continue as a transnational mother and domestic helper. (UNFPA & IOM 2006: 63)

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Moreover, the same study concludes, 'The open-ended obligation they feel to support their extended families has pushed Filipina domestic workers to endless sacrifice, the result of which is dependency and laziness among the family members in the Philippines' (UNFPA & IOM 2006: 64). And it goes on to suggest that it is necessary to better understand the gender dimension of remittances as well as 'the pervasive impact of a patriarchal society, which is increasing demand for domestic workers in the era of globalisation, empowerment and changing roles within households' (ibid.: 65). As Bailey observes, 'Remittances can become ties that bind agents through social and cultural networks' (2010: 378).

Bailey cites other examples in this regard:

For example, Datta et al. (2007) describe how the expectations to remit among low-paid migrant workers in London impose considerable emotional and social costs, which call into question the sustainability and ethics of a development policy based on remitting. In a similar vein, Johnson and Stoll (2008) find Sudanese refugees in Canada under pressure to remit, and discuss how these emotional strains have immediate implications for social service programmes in host countries. (Bailey 2010: 379)

It is quite striking, in light of such studies, that EU documents do not refer to women in particular when discussing remittances. Policy documents actually leave aside any aspect related to the gender dimension and the specificity of migrant women's experiences.

Women's Experience of Migration: Empowerment and Vulnerability

There are also other aspects that are not taken into consideration in EU policy documents when it comes to women's experience of migration. The UNFPA-IOM report discusses two interrelated aspects of migration: empowerment and vulnerability. The idea is that there is no single experience of migration, that migrant women's experiences of migration entail both vulnerability and empowerment:

Labour and other forms of migration can promote gender equality and women's empowerment by opening opportunities for women to achieve greater independence, self-confidence and status. Newly acquired skills of some migrant returnees and remittances and investments by migrants potentially contribute to poverty reduction. [...] Yet migration can lead to vulnerabilities, discrimination and abuse in ways that are specific to women throughout the migration process. (UNFPA & IOM 2006: 129)

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Migration can be a positive experience for women, but women often have fewer opportunities to migrate legally and may end up as illegal migrants. Further, women are more vulnerable than men regardless of whether they have migrated legal or illegally (UNFPA & IOM 2006: 3). The report then goes on to say, 'In societies where women's power to move autonomously is limited, the act of migration is in itself empowering. It stimulates change in women migrants themselves, and in the societies which send and receive them' (ibid.).

In the case of Ghana, for instance, according to Elizabeth Adjei, Director of the Ghana Immigration Service:

Evidence suggests that female migration has a special potential for development. Women are important **agents of change and development**. Migration is a strategy to broaden the options available to women and has challenged some of the entrenched discriminatory practices against women, thereby contributing to their empowerment and promoting gender equality. (UNFPA & IOM 2006: 47, emphasis added)

Costs and Human Rights

Along with empowerment and vulnerability, there are costs attached to women's migration in relation to development. These costs are 'the loss of qualified and professional women in the countries of origin – "brain drain", and the failure on the part of countries of destination to recognise or allow women to use their qualifications – or "brain waste"' (UNFPA & IOM 2006: 12).

Hence, brain drain and brain waste are also phenomena that call for a gender analysis. The observer from Ghana participating in the UNFPA-IOM Expert Group Meeting, for instance, refers to the 'overwhelmingly' large majority of women among the teachers and nurses migrating as well as the brain waste among qualified migrant women from Ghana (UNFPA & IOM 2006: 55).

Neither women nor gender are discussed in relation to brain drain in EU policy documents. But it is in connection to this question of brain drain that human rights concerns are brought up in policy texts dealing with the relation between migration and development. Talking about human rights in this context sounds a bit utilitarian. Moreover, in this context, human rights are presented as an important question specifically in regard to those migrants who *are wanted*. These migrants are recognised to have the *right to look for a better life*:

It is difficult, from a human rights perspective, to restrict people's mobility by preventing them from looking for better paid employment or better living and working conditions

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elsewhere. However, the question arises whether destination countries could not, in one way or another, help developing countries that suffer from significant skills shortages as a result of migration to replenish their skills base. (COM(2005) 390 final: 33)

The issue of limiting recruitment of qualified professionals from developing countries suffering from severe skills shortages in key sectors was raised previously by the Commission in the December 2002 Communication. While it is not desirable to prevent individual would-be migrants from looking for suitable employment in the EU, there is a case for limiting active recruitment by or on behalf of EU employers in those developing countries and sectors that suffer from severe skills shortages. (COM(2005) 390 final: 32)

It is interesting that the issue of human rights arises in terms of the 'right to migrate' of highly qualified migrants. The Commission is clear about the necessity of commitments to avoiding brain drain in developing countries, while stating at the same time that it is also a question of the human rights of those willing to migrate. The 2005 Communication states: 'While there is no such thing as a 'right to migrate', it must be acknowledged that the decision to look for and take up employment abroad is largely based on an individual assessment by the persons concerned of the costs and benefits of such a choice' (COM(2005) 390 final: 31).

There is also a reference to fundamental and human rights in connection to security issues. The Communication titled Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development (COM(2006) 409 final) is by far the most EU-centred, focusing the discussion mainly on the 'best management' of migration flows, although it also emphasises the potential contribution of migrants to the development of their countries of origin. The Communication states:

The EU is committed to ensuring that fundamental rights of migrants and refugees are respected and that migrants in host societies are able to benefit from a mutual process of adaptation and integration. [...] more generally all UN initiatives aimed at nurturing a human rights culture based on education of mutual respect and understanding between civilizations. (COM(2006) 409 final: 3)

Here the EU is formulating in anticipation of the coming High Level Dialogue on Migration and Development organised by the UN General Assembly. It appears to me that when there are references to human rights, they are usually present because the EU is trying to be in tune with discourses at the international level, while the Council and MSs demand more security-oriented formulations that stress border control or even put the emphasis on

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monetary solutions, as in the question of improving the management of remittances.

Border control and the fight against illegal migration are questions that call for serious discussion from a human rights perspective. As Pécoud and de Guchteneire say:

To what extent can tough measures of border controls coexist with the harmonious functioning of democracies? The liberal values and human rights that guide societies cannot stop at their borders: they must guide countries' behaviour toward outsiders arriving at their gates ... In other words the evolution of migration controls towards greater harshness might eventually back-fire and threaten the liberal principles and freedoms that lie at the core of democratic societies. (2005: 6, quoted in Bacchi 2009: 174)

Putting together gender and human rights concerns, what Elizabeth Adjei concludes is very interesting:

If both women and men are to benefit from the empowering and developmental potential of migration, a shift to a gendered human rights approach from the development perspective is needed. More research into the links between gender and migration and development would convince policymakers of the centrality of gender equality concerns. (UNFPA & IOM 2006: 56)

In sum, research shows that the relation between migration and development is also gendered and gendering in that gender influences the different aspects of migration and development as well as that the gender structure is transformed by the dynamics of migration and development at the personal, relational, and institutional levels. This is very important to take into account and think about, because all of the EU policy proposals analysed so far do not allude to any gender dimension. While documents unduly stress the role of remittances, they do not discuss the gendered impacts of remittances. While policy proposals emphasise the key role of diasporas in development, the diverse experiences of women's migration and of women as agents of development are not discussed at all. While human rights arguments seem to be useful to justify some costs of migration such as brain drain, a gendered human rights perspective is completely missing in discussions of 'security' questions.

Social Practice Dimension: Effects of Problem Representations – Who Are ‘the Others’?

I have argued that the problem of migration and development is represented as a problem of making better use of migrants as resources as well as improving border control. The binary desirable/undesirable migrants can be found in most policy texts dealing with the relation between migration and development, structuring a utilitarian discourse of migration and development. I would now like to say something about the effects of problem representations in regard to what kind of subject is constructed and the limits imposed on what can be said and thought.

How are migrants defined? As stated, the underlying idea about migrants is that they may be either desirable or undesirable. Further, as I have been discussing, there is hardly any mention of women in policy texts, nor are gender dimensions taken into consideration. The texts assume that it is men who migrate. Desirable migrants are those who possess certain valuable skills that can be used to accomplish EU objectives. Undesirable migrants, ‘the others’, are those problematic migrants who either come illegally or overstay permits, becoming illegal in EU territory. Asylum seekers might also be in this category, especially if they are low skilled. Among ‘dividing practices’, Bacchi identifies ‘portraying some migrants as “problems” and others as desirable’ (2009: 165). This distinction serves to manage the discursive tension arising when migration is presented as necessary and valuable and, at the same time, as something to be kept under tight control (ibid.). Bacchi analyses a specific Australian migration policy, the ‘457 visas’, which shares similarities with the Blue Card Directive as well as with policy proposals on temporary and circular migration (see chapter 6). The author argues that ‘457 visas mark off some flows of people – “skilled migrants” – who are deemed to be desirable, from other flows deemed to be undesirable, “illegal migrants” or migrants judged not to possess “skills” currently in demand’ (ibid.: 168). She further states, ‘While on the one side some migrants are constituted a positive boon to economic market competition, on the other side ‘others’ are represented to be a threat to security’ (ibid.).

Bacchi quotes McPhee, who points out:

There are two great waves of people moving around the world at present. We compete with other countries to take advantage of one of them – the tourists and backpackers, the individuals with the skills we need right now, and the corporations seeking to invest in secure economies and pleasant lifestyles. At the same time we endlessly justify turning

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our backs on the other great mass of people who have not benefited by economic growth or democratic government. (McPhee 2002, quoted in Bacchi 2009: 168–169)

In the case of Italian migration policy and migrant women in Italy, the migrant worker has been transformed ‘from a person with rights to a simple member of a labour force’ (UNFPA & IOM 2006: 63). The effect, in this context, is that the labour permit turns out to be the residence permit, leaving migrant workers with no equal rights shared with the ‘normal’ citizens and giving employers the power to decide who stays and who does not.

These ideas, representations, and discourses are very powerful. It is difficult to say or hear or even think that someone without ‘useful’ skills can be still welcomed or can still have the right to stay. The ‘good’ migrants are valued for their labour skills; the ‘others’ have no right to stay: issues of sovereignty and ‘national interest’ are at stake. The fact that these are sensitive issues should not stop us from rethinking the ‘problem’ of migration and development. As said above, a substantial change in the understanding of the relation between migration and development is needed; an understanding that is based on a human rights and gender perspective able to go beyond national borders.

Concluding Thoughts: Discourses and General Trends of Change

Within the discussion about the relation between migration and development, the discourses have moved from stressing the idea of migration as the problem to the idea of migration as the solution. The main argument is that migration is useful to development. This is a process in motion, however, and both conceptions therefore coexist, as expressed in the binary undesirable/desirable: certain migrants are the solution, while ‘others’ are the problem.

The discourse that stresses the utility of migration for development – the utilitarian discourse of migration and development – has three interrelated arguments/dimensions: the emphasis on economic agency, the individualisation of the analysis, and the valorisation of labour market skills over other skills.

As Piper says, ‘Arguably the most significant discursive change has been that migrants themselves have moved into the spotlight, with the result that individual migrants have emerged as important “agents of development”’

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(2009: 94). Nevertheless, the agency in question, the agency that is valued, has to do with the economy. It is the contribution to economic growth that migrants might be able to produce that is valued and wanted.

In chapter 4 I said that policy documents present an approach that is completely individualised, pointing to the responsibility of individuals for 'their' problems and for coming up with solutions to those problems. In the case of migration and development, individual migrants seem to have sole responsibility for bringing about development in their countries of origin. Policy proposals directed at making this happen overemphasise the benefits of 'good' migrants who come to the EU and work for their home countries at the same time.

The idea that migrants are valued or not (desirable/undesirable) depending on their labour market qualifications defines a great deal of the utilitarian discourse of migration and development. Bacchi rightly points out that 'the predominance of these discourses drowns out the voices of those wishing to imagine a different kind of world where people are valued by more than their workplace "skills"' (2009: 174). The utilitarian discourse finds most of its strength in the idea that *what is good for the economy is also good for the people*.

The trends of change, such as this move from migration as the problem to migration (or individual migrants) as the solution, that can be identified in discourses are not necessarily transformative. This change from migration as the problem to desirable individual migrants as the solution can be seen as conservative in the sense that 'the solution' centres on the idea of the self-made individual who can migrate successfully without posing any 'threat' to the EU as a closed stable community.

The representations and discourses of migration and development are related to discourses of gender equality, in particular to the efficiency discourse of gender equality. In other words, the utilitarian discourse of migration and development is in tune with the efficiency discourse of gender equality identified in previous chapters.

At this point, the question would be whether there is room for real transformation. In its 2009 report of the Conference 'WE CARE! Feminist responses to the care crises', the WIDE network states: 'A feminist framework should not approach migration from a nationalist framework, which is how migration is approached by governments' (WIDE 2009b: 20–21). I absolutely agree that a feminist vision ought to emphasise the futility of borders and the necessity of a gender and human rights perspective on issues such as migration, development, and the interconnections of both. In

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addition, a feminist approach needs to think seriously about the relation between care and agricultural work, and trade policies affecting both (ibid.: 12). This is the only way of taking into full account questions such as migrant women's rights, the value of migrants' agency and experiences beyond the labour market and, very much related to this, the place of care work in the global economy²²⁹ as a path towards a more just, humane, and equal society.

²²⁹ Regarding care work, see also chapter 6.

8

Conclusions

This thesis presented an analysis of representations and discourses of gender (in)equality contained in policy texts at the EU level. I shed a critical light on how gender is talked about and done in policy documents and policy practice at the EU level in the context of the gender mainstreaming strategy, and attempted to contribute to a better understanding of why a gender perspective has failed to be introduced in policy documents. In what is left of this thesis, I will wrap up the arguments and draw some conclusions.

Following the academic debate (see chapter 1), I showed that there is certainly agreement on the fact that gender mainstreaming at the EU level has not fulfilled its promise of being a transformative strategy. My main aim was to contribute to an understanding of why a gender perspective has failed to be introduced into mainstream policy by showing how gender is constructed in policy discourse. I examined how the ‘problem’ of gender (in)equality is represented in policy documents and interviews in the context of the strategy of gender mainstreaming at the EU level in general and within the policy areas of development cooperation and migration in particular. More specifically, I looked at how gender and gender equality are defined in policy texts; what concepts appear related to gender (in)equality; what issues are identified as gender issues; why these issues are represented as problems to be solved; why gender inequality is regarded as a problem; for what kinds of issues it is a problem; and what are thought to be the causes of gender inequality.

I will not review all the answers at length. But I will go through my main arguments.

In chapter 1, I discussed the concept of gender, presenting the standpoint from which to analyse the material. I understand gender as social structure,

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process, and practice. Gender is the practice of dealing socially with bodies; in this regard, I follow Connell's idea on the usefulness of seeing gender as a *verb*; gender as *gendering* (1987, 2005, 2009). Connell identifies three major structures in gender relations, namely the division of labour, the structure of power, and the structure of cathesis (1987). What is needed is to think relationally about gender and to understand it as permanently occurring in all levels or dimensions of social life. As Risman argues, gender is a structure profoundly rooted in society, functioning as a source of intertwined stratification at individual, interpersonal, and institutional levels (2004). At each of these levels or dimensions, there are social mechanisms producing gender. And it is important that it is not one mechanism alone (not, for instance, solely socialisation at the individual level, or status expectations at the interpersonal level, or legislation at the institutional level) but the complex combination of all of them that (re)produces gender as structure.

In policy texts at the EU general level (chapter 4) as well as at the level of development cooperation and migration policy areas (chapters 5 and 6, respectively), gender is defined and understood as a fixed category, as a category to which a value can be assigned: either male or female. This understanding, I argued, contributes in part to undermining the conceptualisation and practice of gender mainstreaming itself. For gender mainstreaming to work properly, gender has to be seen as a process. If gender mainstreaming is about transforming the gender structure, how can gender be a fixed category? To understand gender as an essential characteristic or a fixed trait is unproductive, rather, in terms of any transformation of the gender structure. Social practice is erased in policy texts. The process of (re)producing gender hierarchies and understandings entails relations of power and conflict, and its result is never final in that gender as a process is never ending; in policy texts, all of this dynamic is replaced by a dichotomy.

Structural causes of gender inequality are not taken into consideration in policy documents; the focus, rather, is on stereotypes and role expectations. Thus, other dimensions of the gender structure get missed and gender practice is seen only partially. At times, indicators of gender inequality are confused with actual causes of gender inequality: indicators become the cause when, for instance, girls' schooling is proposed as 'the solution' to gender inequality (see chapter 5). Having said this, I do think that gender practice can be transformed, and it is likely to change over time by means of, for instance, improving girls' enrolment rate in school, changes in school curricula, or mass media content that affects gender stereotypes. But focusing on these alone as 'the solution' shows a limited understanding of what gender means and how gender inequality is produced and reproduced; what is

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needed to avoid reproducing it is to widen the understanding of gender and the production of gender inequality. The gender structure is (re)produced at all levels of practice, and that is why it is necessary to attend to all dimensions and mechanisms through which gender is (re)produced (see chapter 1).

The gender structure is not given attention in policies at the EU level. In order to take this gender structure into account, thinking with Risman here (2004), policy strategies need to tackle all dimensions of the gender structure simultaneously instead of focusing only on socialisation, for instance, or role expectations. More generally, in my view, what is needed is to think about gender relationally rather than focusing only on women, that is, on just one side of the relation. Taking the gender structure into account would imply, for instance, placing the emphasis on stimulating the equal sharing of family responsibilities between women and men as well as introducing more rights to parental leave, to be shared equally, rather than only on increasing care facilities in order to raise women's participation in paid work (see chapter 4); or considering boys' education to be as important as girls' in transforming gender relations (see chapter 5 about the emphasis on increasing girls' enrolment rate in school); or recognising that trafficking includes men as part of the problem and the solution (men may be trafficked persons as well as consumers of trafficked bodies) and that gender relations influence the dynamics of trafficking and the experiences which men and women have of trafficking (see chapter 6).

Gender equality and gender inequality are defined, I argued in chapter 4, as value and instrument, at times intertwined. The social dimension and the economy are at work in constructing the 'problem' of gender (in)equality. The representation of the 'problem' of gender (in)equality as a problem of women's lack of participation (in the labour market, in political life, and in education) includes both arguments: the usefulness of women as resources for the economy and the right of women to participation. In this representation, the argument of gender equality as an instrument is important, but at the same time, the argument of gender equality as a value or human right is also central. In the same vein, the argument of gender inequality also has an important role to play as both a problem for the economy and a moral problem, a question of human rights. Thus, tensions between efficiency or utilitarian arguments and human rights arguments can be identified across all policy texts.

By looking at arguments, understandings, and representations of the 'problem' of gender inequality, I have differentiated discourses of gender equality at the EU level. These discourses should be taken as analytical

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constructs rather than precise descriptions of the discourses of different EU actors. These discourses are as follows:

Figure 6: Discourses of gender equality at the EU level

Discourses of gender equality	Representations of the 'problem' of gender inequality	Arguments and understandings
Efficiency	Women's lack of participation in labour market, education, and training.	Gender equality as an instrument – as a means to economic growth. Gender inequality as a problem for the economy.
Economic Independence – Labour Market	Women's lack of economic independence / women's lack of participation in labour market.	Gender equality as an instrument – as a means to economic independence. Gender inequality as a problem of economic dependence and subordination of women.
Human Rights	Women's lack of participation in social/political life and in education.	Gender equality as a value, as substance. Gender inequality as a problem because it hinders human rights.
Feminist	Women's lack of participation in all the above fields/spheres.	Gender equality as value and instrument; as a value in terms of women's rights and an instrument in terms of women's autonomy. Gender inequality as a problem because it hinders democracy and women's rights.

I identified some general tendencies in discourses as well. These general trends shaping discourses and being shaped by discourses are individualisation – with its wording of 'choices' and 'opportunities', and commodification – with words such as 'skills' and 'competence'. Related to these, I mentioned technocratisation of gender mainstreaming, which is expressed in a disproportionate emphasis on tools and techniques in detriment to conceptually clear policy frameworks. Gender equality comes to be a marketable product, a commodity, and gender mainstreaming is 'sold' as a useful tool, losing its conceptual power, while individuals are held

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responsible for their 'free choices'. The approach is so individualised that the whole point of gender mainstreaming, which is a structural analysis, becomes diluted. The discourse that I call the 'efficiency discourse of gender equality', in particular, is composed of arguments that resonate very much with these tendencies of commodification and individualisation.

The understanding of 'gender' as a fixed category, or even as synonymous with 'women', together with these general trends identified in discourses, operates as, or results in, a return to a focus on women, or a women-centred approach. I referred to that return in chapter 5 when I discussed empowerment as a specific measure within development cooperation policies. I asked in chapter 4 if gender mainstreaming had led to a cul-de-sac from which the only way out seems to be bringing the category of 'women' back in, returning to a focus on women's issues. It seems to me that gender mainstreaming has become a cul-de-sac of meaning through processes of technocratisation, individualisation, and commodification, losing all its structural meaning, and resulting in a return to 'women' in policies dealing with gender-related issues.

The return to women's issues does not imply, however, that women's experiences and agency are taken into account. Women migrating in their own right, for instance, hardly appear in policy texts. Legal economic migration is men's business (ideally white, well-educated men), while women make up the bulk of victims of trafficking (chapter 6). I also argued how migrant women's experience is left out when it comes to migration *and* development (chapter 7). Women's agency and experiences within and, in particular, beyond the labour market, women's agency and transformative power in all spheres of social life, and the value of care work (as mainly unpaid and female) in the local and global economy are all disregarded.

Another issue I observed is the change in emphasis from human rights to fundamental rights or, more widely, a change towards anti-discrimination strategies in place of gender equality policies. This change is actually two related changes; discursive emphasis has been moving from human rights to fundamental rights, and some organisational changes have taken place. Policy texts have started to speak more about fundamental rights than human rights or gender equality as part of an anti-discrimination approach that has been taking the lead at the EU level (see chapters 4 and 6). Also, at the beginning of 2011, programmes and actions concerned with gender equality issues were to be transferred from DG Employment to the newly created DG Justice, to come under the same umbrella as fundamental rights questions. Related to this process is the creation of the Fundamental Rights Agency (FRA) in 2007. The organisational changes may be the result or the

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expression of processes of discursive change that were already underway. It is to be seen how these changes impact on gender equality policies.

By analysing issues of interdiscursivity and intertextuality, I was able to observe how different actors participate in the making of discourses. There exists at times a certain bureaucratic overlap that has mostly to do with the way EU gender governance works (see below). Although the EC has the main role in defining and implementing gender mainstreaming, the EC itself is not a homogenous unit and there are other actors intervening. In going through the chapters, it becomes clear how different DGs, EWL, WIDE, Expert Groups, and other bodies elaborate on representations with varying degrees of influence in the making of discourses. In this connection, it is interesting to see how policy documents interrelate and how different theories and understandings around gender can be identified in them. It is also interesting that different discourses become entwined in part to build some consensus around the issues at stake.

In chapter 2, I drew attention to the fact that different actors and structures that are part of the gender governance system overlap, making the organisational context look unclear, confusing at times. The bureaucratic overlap may have some degree of influence on the failure of gender mainstreaming. This influence does not occur in only one direction but rather takes place in relation to the functioning or dynamics of the gender governance system and in relation to the transformation or development of the governance system.

With respect to the dynamics of gender governance, the workings of the EC are most important. The way the Roadmap functions, with DG Employment coordinating and the rest of the DGs actually implementing the mainstreaming of gender, gives DG Employment a certain power to define mainstreaming, but at the same time responsibility is also delegated to some extent. Gender mainstreaming assumes that responsibility is shared among all actors in the policy-making process (see figure 1, chapter 1). This dynamic, however, may eventually dilute gender mainstreaming: mainstreaming is supposed to be everywhere, but it is finally nowhere; and this issue is also related to the question of gender mainstreaming versus a focus on women, and of the critique of gender mainstreaming being used as an excuse to cut down on women-specific actions (see chapters 4 and 5).

On the other hand, by looking at the transformation or development of the gender governance arrangements, the bureaucratic overlap can also be related in part to the apparent failure of gender mainstreaming in the sense that the creation of committees, bodies, groups, even agencies such as EIGE, is seen

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as the way to make gender mainstreaming work better. This results in a loss of clarity about roles and functions that might, in turn, eventually hinder the strategy of gender mainstreaming. It seems to be a vicious circle: mainstreaming does not really work, we create this new unit here and that group there, and mainstreaming works even worse. In short, sometimes units, agencies, groups, and/or bodies are created in order to improve gender mainstreaming, but the result instead is that the superposition and overlap produce the opposite effect.

But, as I have been arguing, part of the reason for the failure of gender mainstreaming possibly lies in a lack of understanding of what gender means. My argument is that the dynamics of the organisational context are also related to this lack of a clear understanding of what gender implies, together with related factors such as lack of budget, lack of commitment, and lack of training. The way the organisational context works in the governance of gender does not contribute to a relational conceptualisation of gender. Gender governance structures, instruments, and processes function almost entirely on the basis of tools and techniques, leaving out conceptual frameworks. The lack of conceptualisation implies that the transformative dimension of gender mainstreaming, its political dimension, is disregarded. In turn, as there is no conceptual framework, and gender mainstreaming is emptied of its political transformative power; gender mainstreaming ends up resting solely on tools and techniques (the process of technocratisation to which I have previously referred; see Daly 2005: 436ff.). This lack of conceptualisation also relates to the framing of gender mainstreaming as a conflict-free and basically consensual process (see Verloo 2005: 357ff.); that is, the de-politicisation of gender mainstreaming: power relationships are left aside, and the idea is that transformation can occur without power struggles and conflict. But if gender mainstreaming is about transformation, it is certainly more about conflict than about consensus. The de-politicisation of gender mainstreaming obscures the fact that the gender structure cannot be transformed without challenging and transforming the power relations that (re)produce it.²³⁰ The lack of gender thinking is not only in actors' heads but also in the very structures. It is not only policy-makers (actors) who do not have a gender perspective in their work; it is also the whole structure and the entire policy-making process and organisational practices that make no place for a gender analysis and conceptualisation.

My methodological approach focused on the analysis of discourse and was based on a quite broad understanding of discourse analysis that includes,

²³⁰ See Mouffe (2005) for a critique of the post-political vision.

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following Fairclough (2010) and Bacchi (1999, 2009), not only the textual dimension but also the practice and social dimensions of discourse (see chapter 3). My aim was to develop a comprehensive analysis of policy documents and interviews. As I look back at what I have done and what I have been able to find out, some reflections occur to me. Perhaps a richer and more complete analysis of representations and discourses could have been done with more material on the actual practice of policy-making. I am thinking about ethnography as a tool for reaching some aspects of social practice that might otherwise remain blurred, hidden, or silenced. I will not discuss ethnography and its uses here. But I would like to say that it would be very interesting to see what such a method provides as material for analysis of representations and discourses. To dive into the organisational policy work and, more specifically, into gender work in the ways ethnography can make possible would surely provide a richer and perhaps different perspective on the problem this thesis has tackled. And doing ethnography is not only a matter of grasping the doings of policy-makers, in this case, but also of better understanding the functioning of the organisational structure; in a way, of gaining more of an *insider's view* of the organisation.

The change from a focus on women to a gender-based analysis and policy practice was much welcomed. However, understandings of gender in terms of sex roles and the binary distinction male/female have watered down the gender turn. It appears to me that the gender structure is not taken seriously into account. It is politically correct to talk about gender and to declare that the EU is working on attaining the objective of gender equality. But the gender structure is not actually seen; it is not even noticed. Even if it seems, at times, that gender is recognised to be relational and contextual, policy formulation and practices in general are based on an understanding of gender as a fixed category – the dichotomy male/female. Moreover, understandings of ‘men as the norm’, still present in many policy documents, represent a complete backlash, holding back a real transformation of the gender structure. In this context, a feminist critique should aim for the transformation of the gender structure by attending relationally to all its dimensions as the way towards a more humane, just, and equal society.

Summary

This dissertation presents an analysis of representations and discourses of gender (in)equality contained in policy texts at the EU level. The period under examination is 2005–2010. Following the academic debate (chapter 1), I show that there is certainly agreement on the fact that gender mainstreaming at the EU level has not fulfilled its promise of being a transformative strategy. In this context, my main aim is to contribute to an understanding of why a gender perspective has failed to be introduced into mainstream policy by showing how gender is constructed in policy discourse. I examine how the ‘problem’ of gender (in)equality is represented in policy documents and interviews in the context of the strategy of gender mainstreaming at the EU level in general and within the policy areas of development cooperation and migration in particular. This examination includes asking:

1. How are gender and gender equality defined?
2. What concepts appear related to gender (in)equality?
3. What issues are identified as gender issues?
4. Why are these issues represented as problems to be solved?
5. Why is gender inequality regarded as a problem?
6. For what kind of issues is it a problem?
7. What are the causes of gender inequality thought to be?

More specifically, I aim to identify what is the ‘problem’, what is/are the proposed solution/s, and also to try to uncover the implications/effects of such definitions in terms of what kinds of subjects are constructed and what limits are imposed on what can be thought and said. I try to understand hidden meanings in policy documents, to uncover the presuppositions and assumptions that underlie and constitute different discourses of gender equality, and to identify the implications of these.

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In chapter 1, I discuss the concept of gender, presenting the standpoint from which to analyse the material. I understand gender as social structure, process, and practice. Gender is the practice of dealing socially with bodies; in this regard, I follow R. W. Connell's idea on the usefulness of seeing gender as a *verb*; gender as *gendering* (1987, 2005, 2009). Connell identifies three major structures in gender relations, namely the division of labour, the structure of power, and the structure of cathesis (1987). What is needed is to think relationally about gender and to understand it as permanently occurring in all levels or dimensions of social life. As Barbara J. Risman argues, gender is a structure profoundly rooted in society, functioning as a source of intertwined stratification at individual, interpersonal, and institutional levels (2004). At each of these levels or dimensions, there are social mechanisms producing gender. And it is important that it is not one mechanism alone (not, for instance, solely socialisation at the individual level, or status expectations at the interpersonal level, or legislation at the institutional level) but the complex combination of all of them that (re)produces gender as structure. Chapter 1 also presents an overview of gender mainstreaming at the EU level; it describes how gender mainstreaming as a policy approach has come up at the EU level.

In chapter 2, I draw attention to the fact that different actors and structures that are part of the gender governance system overlap, making the organisational context look unclear, confusing at times. The bureaucratic overlap may have some degree of influence on the failure of gender mainstreaming. This influence does not occur in only one direction but rather takes place in relation to the functioning or dynamics of the gender governance system and in relation to the transformation or development of the governance system.

My methodological approach focuses on the analysis of discourse and is based on a quite broad understanding of discourse analysis that includes, following Norman Fairclough (2010) and Carol Lee Bacchi (1999, 2009), not only the textual dimension but also the practice and social dimensions of discourse (chapter 3). My aim is to develop a comprehensive analysis of policy documents (policy proposals, policies, reports, evaluations, briefings, and position papers) and interviews (of persons who work with gender issues at the EU level: at the Commission, the European Parliament, and the EWL). The delimitation of particular types of discourses is an analytical operation made by the researcher; discourses do not have 'real' boundaries but constitute analytical constructs. By identifying different word meanings of categories and concepts, wordings of key terms, binaries, by pointing to different arguments presented in policy texts, distinguishing 'problem'

SUMMARY

representations, and taking into account questions of discursive and social practice dimensions of discourses, I delimit different discourses of gender equality.

In policy texts at the EU general level (chapter 4) as well as at the level of development cooperation and migration policy areas (chapters 5 and 6, respectively), gender is defined and understood as a fixed category, as a category to which a value can be assigned: either male or female. This understanding, I argue, contributes in part to undermining the conceptualisation and practice of gender mainstreaming itself. For gender mainstreaming to work properly, gender has to be seen as a process. If gender mainstreaming is about transforming the gender structure, how can gender be a fixed category? To understand gender as an essential characteristic or a fixed trait is unproductive, rather, in terms of any transformation of the gender structure. Social practice is erased in policy texts. The process of (re)producing gender hierarchies and understandings entails relations of power and conflict, and its result is never final in that gender as a process is never ending; in policy texts, all of this dynamic is replaced by a dichotomy.

Gender equality and gender inequality are defined, I argue in chapter 4, as value and instrument, at times intertwined. The social dimension and the economy are at work in constructing the 'problem' of gender (in)equality. The representation of the 'problem' of gender (in)equality as a problem of women's lack of participation (in the labour market, in political life, and in education) includes both arguments: the usefulness of women as resources for the economy and the right of women to participation. In this representation, the argument of gender equality as an instrument is important, but at the same time, the argument of gender equality as a value or human right is also central. In the same vein, the argument of gender inequality also has an important role to play as both a problem for the economy and a moral problem, a question of human rights. Thus, tensions between efficiency or utilitarian arguments and human rights arguments can be identified across all policy texts.

By looking at arguments, understandings, and representations of the 'problem' of gender inequality, I identify discourses of gender equality at the EU level. These discourses should be taken as analytical constructs rather than precise descriptions of the discourses of different EU actors. These discourses are as follows:

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Discourses of gender equality	Representations of the 'problem' of gender inequality	Arguments and understandings
Efficiency	Women's lack of participation in labour market, education, and training.	Gender equality as an instrument – as a means to economic growth. Gender inequality as a problem for the economy.
Economic Independence – Labour Market	Women's lack of economic independence / women's lack of participation in labour market.	Gender equality as an instrument – as a means to economic independence. Gender inequality as a problem of economic dependence and subordination of women.
Human Rights	Women's lack of participation in social/political life and in education.	Gender equality as a value, as substance. Gender inequality as a problem because it hinders human rights.
Feminist	Women's lack of participation in all the above fields/spheres.	Gender equality as value and instrument; as a value in terms of women's rights and an instrument in terms of women's autonomy. Gender inequality as a problem because it hinders democracy and women's rights.

I identify some general tendencies in discourses as well. These general trends shaping discourses and being shaped by discourses are individualisation – with its wording of 'choices' and 'opportunities', and commodification – with words such as 'skills' and 'competence'. Related to these, I point to technocratisation of gender mainstreaming, which is expressed in a disproportionate emphasis on tools and techniques in detriment to conceptually clear policy frameworks. Gender equality comes to be a marketable product, a commodity, and gender mainstreaming is 'sold' as a useful tool, losing its conceptual power, while individuals are held responsible for their 'free choices'. The approach is so individualised that the whole point of gender mainstreaming, which is a structural analysis, becomes diluted. The discourse that I call the 'efficiency discourse of gender equality', in particular, is composed of arguments that resonate very much with these tendencies of commodification and individualisation.

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The understanding of 'gender' as a fixed category, or even as synonymous with 'women', together with these general trends identified in discourses, operates as, or results in, a return to a focus on women, or a women-centred approach. I refer to that return in chapter 5 when I discuss empowerment as a specific measure within development cooperation policies. Structural causes of gender inequality are not taken into consideration in policy documents; the focus, rather, is on stereotypes and role expectations. Thus, other dimensions of the gender structure get missed and gender practice is seen only partially. At times, indicators of gender inequality are confused with actual causes of gender inequality. I ask in chapter 4 if gender mainstreaming has led to a cul-de-sac from which the only way out seems to be bringing the category of 'women' back in, returning to a focus on women's issues. It seems to me that gender mainstreaming has become a cul-de-sac of meaning through processes of technocratisation, individualisation, and commodification, losing all its structural meaning, and resulting in a return to 'women' in policies dealing with gender-related issues.

The return to women's issues does not imply, however, that women's experiences and agency are taken into account. Women migrating in their own right, for instance, hardly appear in policy texts. Legal economic migration is men's business (ideally white, well-educated men), while women make up the bulk of victims of trafficking (chapter 6). I also argue how migrant women's experience is left out when it comes to migration *and* development (chapter 7). Women's agency and experiences within and, in particular, beyond the labour market, women's agency and transformative power in all spheres of social life, and the value of care work (as mainly unpaid and female) in the local and global economy are all disregarded.

I contend as well that the dynamics of the organisational context are also related to the lack of a clear understanding of what gender implies, together with related factors such as lack of budget, lack of commitment, and lack of training. The way the organisational context works in the governance of gender does not contribute to a relational conceptualisation of gender. Gender governance structures, instruments, and processes function almost entirely on the basis of tools and techniques, leaving out conceptual frameworks. The lack of conceptualisation implies that the transformative dimension of gender mainstreaming, its political dimension, is disregarded. In turn, as there is no conceptual framework, and gender mainstreaming is emptied of its political transformative power; gender mainstreaming ends up resting solely on tools and techniques (see Daly 2005: 436ff.). This lack of conceptualisation also relates to the framing of gender mainstreaming as a conflict-free and basically consensual process (see Verloo 2005: 357ff.); that is, the de-

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politicisation of gender mainstreaming: power relationships are left aside, and the idea is that transformation can occur without power struggles and conflict (see Mouffe 2005). But if gender mainstreaming is about transformation, it is certainly more about conflict than about consensus. The de-politicisation of gender mainstreaming obscures the fact that the gender structure cannot be transformed without challenging and transforming the power relations that (re)produce it. The lack of gender thinking is not only in actors' heads but also in the very structures. It is not only policy-makers (actors) who do not have a gender perspective in their work; it is also the whole structure and the entire policy-making process and organisational practices that make no place for a gender analysis and conceptualisation.

The change from a focus on women to a gender-based analysis and policy practice was much welcomed. However, understandings of gender in terms of sex roles and the binary distinction male/female have watered down the gender turn. It appears to me that the gender structure is not taken seriously into account. It is politically correct to talk about gender and to declare that the EU is working on attaining the objective of gender equality. But the gender structure is not actually seen; it is not even noticed. Even if it seems, at times, that gender is recognised to be relational and contextual, policy formulation and practices in general are based on an understanding of gender as a fixed category – the dichotomy male/female. Moreover, understandings of 'men as the norm', still present in many policy documents, represent a complete backlash, holding back a real transformation of the gender structure. In this context, a feminist critique should aim for the transformation of the gender structure by attending relationally to all its dimensions as the way towards a more humane, just, and equal society.

Appendices

Appendix to Chapter 3

The Material

Concerning policy documents, I worked on some framework documents for the period under examination, 2005–2010: For the EU in general, the Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final), which is the Commission framework programme for gender equality for this period, together with its 2006 Impact Assessment (SEC(2006) 275) and its Work Programmes for 2007, 2008, and 2009-2010 (SEC(2007) 537; SEC(2008) 338; SEC(2009) 1113 final).²³¹ Also at the EU level in general, the European Pact on Gender Equality (Council of the European Union 2006) and the Reports on Equality between Women and Men that are released yearly (European Commission 2005a, 2006a, 2007b, 2008a, 2009a, 2010) provided a good body of material. Additionally, I analysed EWL reports, evaluations, and position papers on different issues at the EU general level, such as EWL's Annual Reports or EWL's 'Evaluation of the Implementation of the Roadmap for Equality between Women and Men 2006-2010' (European Women's Lobby 2007b) as well as WIDE's document 'The Treaty of Lisbon from a Gender Perspective' (Bisio & Cataldi 2008). Although the period under examination is 2005–2010, key policy documents elaborated before 2005, such as the 1996 Commission Communication, Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities (COM(96) 67 final), and the Final Reports of Activities of the Group of Specialists on Mainstreaming at the Council of Europe, Gender Mainstreaming, Conceptual Frameworks, Methodology and Presentation of Good Practices (Council of Europe 1998, 2004), are also taken into consideration because they are considered pioneering texts and can be useful

²³¹ The Work Programmes are the yearly follow-up to the Roadmap.

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in identifying turning points, changes, and continuities in definitions and categorisations of the ‘problem’ of gender (in)equality.²³²

In the case of the policy areas of development cooperation and migration, there are also specific policy frameworks for this period 2005–2010. Specifically for development cooperation, I worked on the European Consensus for Development (European Union 2005), which is the policy framework for development cooperation and aid for this period. In addition, I analysed some Programming Guidelines for Gender Equality and for the elaborations of Strategy Papers in particular (European Commission 2006b, 2008c). The framework documents analysed for the area of migration are the Hague Programme 2004 (Council of the European Union 2004c), which is the successor to the Tampere Programme – endorsed by the European Council on 15-16 October 1999; the Commission Communication A Common Agenda for Integration (COM(2005) 389 final), intended as a framework for the integration of third-country nationals in the European Union; the Policy Plan on Legal Migration (COM(2005) 669 final), which is the policy framework for legal migration for the period 2006-2009; the Policy Plan on Asylum (COM(2008) 360 final); and the Communication Fighting Trafficking in Human Beings: An Integrated Approach and Proposals for an Action Plan (COM(2005) 514 final).

These are the framework documents to be taken into particular consideration. These documents function as an umbrella for all policy proposals and policy documents that are meant to include a gender perspective and that are therefore analysed as well. Among these, some specific policy proposals for the area of development that I analysed are the Commission Communication on Gender Equality and Women Empowerment in Development Cooperation (COM(2007) 100 final) with its annexes (SEC(2007) 332), and the Conclusions of the Council and of the Representatives of the Governments of the Member States on Commission Communication on Gender Equality and Women’s Empowerment in Development Cooperation (Council of the European Union 2007). Other policy documents analysed are the Communication on Policy Coherence for Development (COM(2005) 134 final) and policy proposals on the development strategy for Africa such as the Communications EU Strategy for Africa: Towards a Euro-African Pact to Accelerate Africa’s Development (COM(2005) 489 final); Towards an EU-South Africa Strategic Partnership (COM(2006) 347 final); as well as Strategy for Africa: An EU Regional Political Partnership for Peace, Security and Development in the Horn of Africa (COM(2006) 601 final). I also

²³² References to these documents have already been made in chapter 1.

included the Communications EU Code of Conduct on Division of Labour in Development Policy (COM(2007) 72 final); From Monterrey to the European Consensus on Development: Honouring our Commitments (COM(2007) 158 final); Towards an EU Aid for Trade Strategy: The Commission's Contribution (COM(2007) 163 final); and the Annual Report from the Commission, Keeping Europe's Promises on Financing for Development (COM(2007) 164 final), together with some Country Strategy Papers (CSPs)²³³ and selected Annual Reports and gender briefings for particular countries.

I worked also on specific policy proposals within the area of migration: the Proposal for a Council Directive on the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment (COM(2007) 637 final), which became the Blue Card Directive on 25 May 2009 (Council of the European Union 2009); the Proposal for a Council Directive on a Single Application Procedure for a Single Permit for Third-Country Nationals to Reside and Work in the Territory of a Member State and on a Common Set of Rights for Third-Country Workers Legally Residing in a Member State (COM(2007) 638 final); and the Family Reunification Directive (Council of the European Union 2003).²³⁴ On asylum there are some Communications and Directives such as the Communication on the application of Directive Minimum Standards for Reception of Asylum Seekers (COM(2007) 745 final), the Green Paper on the Future Common European Asylum System (COM(2007) 301 final), and the Council Directive on Asylum Procedures (Council of the European Union 2005). On trafficking there are the Proposal for a Council Framework Decision on Trafficking (COM(2009) 136 final) and several Opinions of the Experts Group on Trafficking for the period 2005–2009 (European Commission 2005d, 2005e, 2008b, 2009b, 2009c).

I analysed these policy documents and other EU material dealing with the specific issues of development cooperation and migration/asylum/trafficking such as Commission Reports or the BEPA paper on the public perception of migration (Canoy et al. 2006). I also analysed EWL and WIDE evaluations, briefings, position papers, and reports such as the position paper 'Integrating

²³³ I have selected some CSPs for the period 2002-2007: Angola (European Commission 2002a), Botswana (European Commission 2002b), Ghana (European Commission 2002c), and Sudan (European Commission 2005c).

²³⁴ The Family Reunification Directive is prior to the period under examination. However, I have taken it into consideration since it is closely related to both the Blue Card Directive and the Proposal for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (COM(2007) 638 final).

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a Gender Perspective into EU Immigration Policy’ (European Women’s Lobby 2004), ‘Equal Rights, Equal Voices: Migrant Women in the European Union’ (European Women’s Lobby 2007a), ‘Asylum Is Not Gender Neutral’ (European Women’s Lobby 2007d), the ‘Contribution from the Lobby to the EC green paper on Common Asylum Policy’ (European Women’s Lobby 2007c), the WIDE documents ‘Engendering EU General Budget Support’ (Woestman 2009a) and ‘Harmonizing EU Development Assistance’ (Woestman 2009b), and WIDE Annual Reports (WIDE 2008a, 2009a), among others. WIDE and EWL texts are also relevant since they represent a critical perspective on different issues.

For the analysis of the relation between migration and development, some of the policy documents I worked on are Commission Communications Integrating Migration Issues in the European Union’s Relations with Third Countries (COM(2002) 703 final), Migration and Development: Some Concrete Orientations (COM(2005) 390 final), Contribution to the EU Position for the United Nations’ High Level Dialogue on Migration and Development (COM(2006) 409 final), Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (COM(2006) 26 final), and On Circular Migration and Mobility Partnerships between the European Union and Third Countries (COM(2007) 248 final).

Figure 7: Interviews

Interviewee	Current position (at the time of the interview)	Former position
Female (first body of texts)	Gender expert. Policy Director. European Women’s Lobby	Policy Coordinator at EWL. She has been working at the EWL for the last 12 years.
Female (first body of texts)	Senior Gender expert. Advisor, Office of European Political Advisors (BEPA) of the European Commission in Brussels	She joined European Commission in 1981 and has since then held responsibilities in three fields: Development Cooperation (international commodity agreements), Information & Communication (information Europe – third world) and Social & Employment policy (head of the Unit Equal Opportunities for Women).

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Female (first body of texts)	Member of the European Parliament	University professor and journalist. Feminist activist.
Female (first body of texts)	DG Justice, Freedom and Security – External Relations	In charge of Gender Mainstreaming at DG JLS.
Female (both first & third body of texts)	DG Employment, Social Affairs and Equal Opportunities –Unit Equality between Men and Women. She is in charge of the monitoring of the Roadmap for Equality between Women and Men.	DG Employment – Evaluation Unit. She did evaluation for fifteen years before starting working with gender issues.
Male (third body of texts)	Gender coordinator at DG Justice, Freedom and Security – Unit Citizenship and Fundamental Rights	He worked within the External Relations (and enlargement) area for ten years and then started working in gender issues and fundamental rights within DG JFS.
Female (third body of texts)	Gender coordinator at DG Justice, Freedom and Security – Unit Immigration and Asylum	She worked for two and a half years on mainstreaming the interests of persons with disabilities at DG Employment. She has been working specifically on gender issues at DG JFS only for the last year.
Male (third body of texts)	Gender administrator at DG Development and Relations with ACP States – Unit Human Development, Social Cohesion and Employment	Public administration at national level (Foreign Affairs).

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Main Policy Documents under Analysis Divided into the Two Bodies of Texts

First Body of Texts

- Roadmap for Equality between Women and Men 2006-2010 (COM(2006) 92 final)
- Roadmap Impact Assessment (SEC(2006) 275 final)
- Work Programmes for 2007, 2008, and 2009-2010
- European Pact on Gender Equality (Council of the European Union 2006)
- Reports on Equality between Women and Men (European Commission 2005a, 2006a, 2007b, 2008a, 2009a, 2010)
- Final Reports of Group of Specialists on Mainstreaming at the Council of Europe: Gender Mainstreaming, Conceptual Frameworks, Methodology and Presentation of Good Practices (Council of Europe 1998, 2004)
- Communication. Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities (COM(96) 67 final)
- Position Paper. Gender Equality Road Map for the European Community 2006-2010: Presented by the European Women's Lobby (European Women's Lobby 2005b)
- Position Paper. Setting up of a European Gender Equality Institute (European Women's Lobby 2005c)
- Evaluation of the Implementation of the European Commission's Roadmap for Equality between Women and Men 2006-2010 – Year One (European Women's Lobby 2007b)
- Annual Report (European Women's Lobby 2008)

Second Body of Texts

- The European Consensus on Development (European Union 2005) in *Compendium on Development Strategies* 2006
- Programming Guidelines for Gender Equality (European Commission 2006b)
- Programming Guide for Strategy Papers (European Commission 2008c)

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- The Hague Programme 2004 (Council of the European Union 2004c)
- The Hague Programme: Ten Priorities for the Next Five Years (COM(2005) 184 final)
- Communication. A Common Agenda for Integration (COM(2005) 389 final)
- Communication. Policy Plan on Legal Migration (COM(2005) 669 final)
- Communication. Policy Plan on Asylum (COM(2008) 360 final)
- Communication. Fighting Trafficking in Human Beings: An Integrated Approach and Proposals for an Action Plan (COM(2005) 514 final)
- Communication. Gender Equality and Women Empowerment in Development Cooperation (COM(2007) 100 final)
- Annexes to COM(2007) 100 final (SEC(2007) 332)
- Conclusions of the Council and of the Representatives of the Governments of the Member States on Commission Communication on Gender Equality and Women's Empowerment in Development Cooperation (Council of the European Union 2007)
- Communication. Policy Coherence for Development: Accelerating Progress towards Attaining the Millennium Development Goals (COM(2005) 134 final)
- Communication. EU Strategy for Africa: Towards a Euro-African Pact to Accelerate Africa's Development (COM(2005) 489 final)
- Communication. Strategy for Africa: An EU Regional Political Partnership for Peace, Security and Development in the Horn of Africa (COM(2006) 601 final)
- Country Strategy Paper: Angola (European Commission 2002a)
- Country Strategy Paper: Botswana (European Commission 2002b)
- Country Strategy Paper: Ghana (European Commission 2002c)
- Country Strategy Paper: Sudan (European Commission 2005c)
- Proposal for a Council Directive on the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment (COM(2007) 637 final)
- Blue Card Directive (Council of the European Union 2009)

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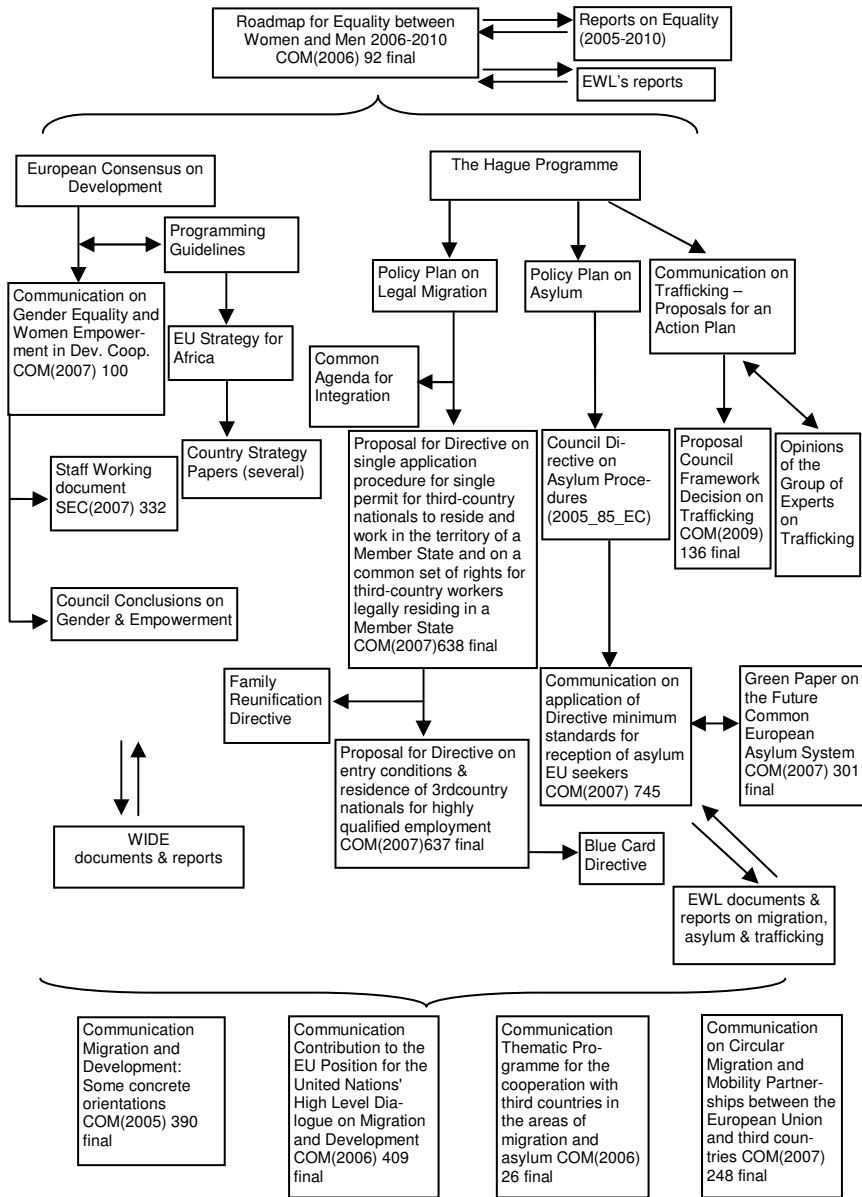
- Proposal for a Council Directive on a Single Application Procedure for a Single Permit for Third-Country Nationals to Reside and Work in the Territory of a Member State and on a Common Set of Rights for Third-Country Workers Legally Residing in a Member State (COM(2007) 638 final)
- Family Reunification Directive (Council of the European Union 2003)
- Council Directive on Asylum Procedures (Council of the European Union 2005)
- Report from the Commission on application of Directive on Minimum Standards for Reception of Asylum Seekers (COM(2007) 745 final)
- Green Paper on the Future Common European Asylum System (COM(2007) 301 final)
- Proposal for a Council Framework Decision on Trafficking (COM(2009) 136 final)
- Opinions of the Experts Group on Trafficking for the period 2005-2009 (European Commission 2005d, 2005e, 2008b, 2009b, 2009c)
- BEPA Report: Migration and Public Perception (Canoy et al. 2006)
- Position Paper. Integrating a Gender Perspective into EU Immigration Policy (European Women's Lobby 2004)
- Equal Rights, Equal Voices: Migrant Women in the European Union (European Women's Lobby 2007a)
- Asylum Is Not Gender Neutral (European Women's Lobby 2007d)
- Contribution from the Lobby to the EC Green Paper on Common Asylum Policy (European Women's Lobby 2007c)
- WIDE Report: Engendering EU General Budget Support (Woestman 2009a)
- WIDE Report: Harmonizing EU Development Assistance (Woestman 2009b)
- WIDE Annual Report 2008 (WIDE 2008a)
- WIDE Report: Conditionalities Undermine the Right to Development (WIDE 2008b)
- WIDE Report: WE CARE! Feminist Responses to the Care Crises' (WIDE 2009b)
- WIDE Annual Report 2009 (WIDE 2009a)

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- WIDE Report: Gender Equality and Aid Effectiveness (WIDE 2010a)
- WIDE Position Paper. Taking Stock: The Financial Crisis and Development from a Feminist Perspective (WIDE 2010b)
- Communication. Migration and Development: Some Concrete Orientations (COM(2005) 390 final)
- Communication. Contribution to the EU Position for the United Nations' High Level Dialogue on Migration and Development (COM(2006) 409 final)
- Communication. Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (COM(2006) 26 final)
- Communication. On Circular Migration and Mobility Partnerships between the European Union and Third Countries (COM(2007) 248 final)

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Figure 8: The relation between main texts under analysis



Appendix to Chapter 6

The Material

Regarding policy documents, I have worked on the following framework policy documents: The Hague Programme (Council of the European Union 2004c); the Policy Plan on Legal Migration (COM(2005) 669 final), which is the policy framework for legal migration for the period 2006-2009; the Commission Communication A Common Agenda for Integration, intended as a policy framework for the integration of third-country nationals in the European Union (COM(2005) 389 final); the Policy Plan on Asylum (COM(2008) 360 final); and the Communication Fighting Trafficking in Human Beings: An Integrated Approach and Proposals for an Action Plan (COM(2005) 514 final).

I have also worked on specific policy proposals on labour migration, asylum, and trafficking: The Proposal for a Council Directive on the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment (COM(2007) 637 final), which became the 'Blue Card' Directive²³⁵ on 25 May 2009 (Council of the European Union 2009); the Proposal for a Council Directive on a Single Application Procedure for a Single Permit for Third-Country Nationals to Reside and Work in the Territory of a Member State and on a Common Set of Rights for Third-Country Workers Legally Residing in a Member State (COM(2007) 638 final); and the Family Reunification Directive (Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification).²³⁶ On asylum there are, for instance, the Report from the Commission to the Council and to the European Parliament on the application of Directive 2003/9/EC Laying Down Minimum Standards for the Reception of Asylum Seekers (COM(2007) 745 final) and the Green Paper on the Future Common European Asylum System presented by the Commission (COM(2007) 301 final). And on trafficking there are several Experts Group Opinions on Trafficking.²³⁷ Adding to this material, I have also worked on some of the interviews in which questions about the formulation of these proposals were discussed.

²³⁵ Council Directive 2009/50/EC of 25 May 2009. On the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Highly Qualified Employment.

²³⁶ There is another related document that I include in the analysis: 'The Situation of Migrant Women in the European Union' (Committee of the Regions 2007).

²³⁷ For a graphic overview of main policy documents under analysis, see figure 8 in the appendix to chapter 3.

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Finally, I have analysed these policy documents and other EU material: Commission Reports such as the Bureau of European Policy Advisers (BEPA) paper on the public perception of migration (Canoy et al. 2006) and EWL position papers, evaluations, and reports, trying to identify different underlying representations of the 'problem' of gender (in)equality.

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