Master's Thesis

Erasmus Mundus Master's Degree in European Politics and Society (EPS)

The European Commission: a Champion in Gender Mainstreaming?

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1) Introduction and Methodology

The term "gender mainstreaming" was coined during the Fourth World Conference on Women, which took place in September 1995 in Beijing. Since then, it has been embraced by various political actors on the national and international realms, as it was agreed that it would represent the principal global strategy to combat gender inequality. But what is gender mainstreaming? The most linear and clear definition of gender mainstreaming was drafted by Teresa Rees, who describes it as *"the promotion of gender equality through its systematic integration into all systems and structures, into all policies, processes and procedures, into the organization and its culture, into ways of seeing and doing."* (Rees 2005) At the European level, it has been described as consisting of *"the introduction by governments and EU-institutional actors of a gender perspective into all policies and programs, in order not only to analyze their effects on women and men before decisions are taken, but also to implement, evaluate, and review policies and political processes taking gender into account".* (Lombardo and Meier 2008) Gender mainstreaming has been considered to be potentially revolutionary. However, many scholars have criticized its application (as will be explained in the literature review), stating that, while the concept could truly be revolutionary in theory, it has been poorly applied in practice, even in the most advanced and well-organized political systems. In particular, the European Union, which is considered to be fertile ground for innovative gender governance strategies, has not been able to apply gender mainstreaming properly, even after twenty-five years of formally declaring their commitment to it.

The central topic of this research is the gap between the EU's formal commitment to gender mainstreaming and its uneven implementation within the European Commission's complex multi-layered structure. In fact, even though the European Commission has been praised for being the best, among international institutions, to implement this strategy, there are contradictions between the ambitious promises of gender mainstreaming and the uneven - sometimes even absent – results in its de facto application in the European Union. This phenomenon was described as having a "Firework Effect", that is, *"the show of lights that creates a false sense of security but then becomes lost in the air."* (Maenza 2018) Hence, the research question is: is the European Commission effectively a champion in gender mainstreaming?

The aim of this thesis is to contribute to the existing literature on feminist institutionalism, by attempting to give a comprehensive explanation as to why the gender mainstreaming strategy has not fulfilled its promises within the EU, and finding answers in its uneven application on

the institutional level – in particular, on the level of the European Commission, major promoter of gender equality among the EU institutions. In order to do that, this thesis seeks to analyze a variety of factors which hindered the correct implementation of gender mainstreaming in the European Commission, and in particular: the problematic institutionalization of gender mainstreaming within this institution (both theoretical and empirical); the ineffectiveness of soft policy tools employed by this institution to manage the implementation of gender mainstreaming; the position of the Commission as a role model for other institutions in the implementation of the strategy and the problematic intra-institutional dynamics on gender. Before focusing on the level of the European Commission, it is important to analyze the evolution and application of gender mainstreaming within the general context of the EU. This will be the central topic of the first chapter, which will be structured as follows. Firstly, I will briefly lay out gender mainstreaming's international origins and explore the various definitions attributed to it by a number of international actors and scholars, as it is a complex and often ambiguous concept. Secondly, with the help of Rees' categorization of the different gender governance regimes within the EU, this thesis will resort to organizational theory to analyze the evolution of gender policies in the European Union. Thirdly, I will list all the European institutions involved in the implementation of gender mainstreaming, because it is important to understand the dynamics of the actors involved in the process and the role and hierarchical position of the various institutions in this process. For the purposes of this thesis, the role of the European Commission will be emphasized, as it is the major promoter of gender mainstreaming among the European institutions.

The second chapter will focus on analyzing the internal dynamics of the European Commission in relation to the implementation of gender mainstreaming. For the purposes of this research, feminist institutionalism was considered to be the most appropriate and innovative theoretical framework to analyze the uneven implementation of gender mainstreaming within the European Commission. However, as will be explained in the literature review, many of the other central theories on gender mainstreaming will also be taken into account, although marginally, as all of them are intrinsically intertwined. Feminist institutionalism is the best approach to explain the gap between the EU's theoretical commitment to gender mainstreaming in all policy areas and stages of the policy-making process, and its persistent gender blindness on particular topics. Feminist institutionalism seeks to offer explanations about why gender mainstreaming has not been properly applied and show how the institutions themselves limit actors in their effort to implement it. This theoretical framework is particularly useful in the development of this research for the following reasons. First of all, feminist

institutionalism highlights the relevance of informal institutions, practices and norms and how they influence the formal praxis. (Waylen 2014) By exploring this influence between the formal and the informal, we can understand how gender mainstreaming is often overlooked in practice, even though it is formally mandatory in all policy areas and policy-making phases. Secondly, drawing elements from new institutionalism, feminist institutionalism studies the theoretical issue of the agency of actors within their institutional frameworks. This is fundamental to enable the research to investigate the institutional hurdles to the correct implementation of gender mainstreaming within the European Commission, since the role of actors is taken into account but they are not seen as autonomously capable of enforcing gender mainstreaming practices. Indeed, studying the agency of actors is only partially useful, as it is mostly influenced by the rules and norms applied within their institutional context. However, many scholars of new institutionalism – for example, Lowndes and Roberts – recognize that actors enjoy a certain degree of agency within the institutional framework they work in. (Lowndes and Roberts 2013) Hence, the hurdles to the implementation of gender mainstreaming within the Commission can be explained through analyzing the relation between the institutionalized rules and the informally enforced norms and values.

Firstly, following Feminist Institutionalism, it will provide some theoretical tools to analyze the institutionalization of gender mainstreaming within the European Commission. In the same section, this thesis will delve into a more empirical side to institutionalization issues within the Commission's policy-making units, namely, the Directorates-General. In addition, it will also study the overlapping responsibility of gender-related bodies within the Commission with regards to the management of gender mainstreaming. Secondly, it will explore the impact of soft, non-binding tools in the de facto implementation of gender mainstreaming, as opposed to concrete actions which would be more effective in the enforcement of these practices. Thirdly, we will explain how the internal tensions in the European Commission in the process of implementation of gender mainstreaming are seen by other institutions and actors; and how these internal tensions and mechanisms weaken its role as main proponent of this policy strategy in the EU gender governance system. Finally, the conclusion will include all the findings related to the uneven application of gender mainstreaming within the European Commission, giving an explanation as of why there is such a great gap between the strong formal commitment to it and its poor implementation.

2) Literature Review

For the purposes of this thesis, the literature review will be organized according to the classification made by Lavena and Ricucci in their 2012 article *"Exploring Gender Mainstreaming in the European Union"*, with the addition of concepts which have been introduced after the publication of their work.

According to Lavena and Ricucci the adoption of gender mainstreaming practices in the EU has conventionally been analyzed by scholars through three different theoretical frameworks: organizational theory; social movement theory and feminist theory. (Lavena and Ricucci 2012) In addition, another more current theoretical strand will be added to the list: feminist institutionalism, which will be employed throughout this research. These categories to study the application of gender mainstreaming in the EU cannot however be seen as mutually exclusive, but they hold points of view which render them intrinsically intertwined.

Organizational Theory

Organizational theory is generally defined as a strand of social science which analyzes organizations in practice, that is, their nature and behavior in relation to their environment. (Miner 2005) When the concept of gender mainstreaming is explored through the lenses of organizational theory, it can be defined as the mechanism through which policy processes are reorganized in order to overcome gender imbalances. Gender mainstreaming is therefore seen as a means to remodel the EU institutions and established organizational practices.

Within the strand of organizational theory, Rees identifies three models of gender equality processes which are still being used by the EU: tinkering, tailoring and transforming. These concepts will be further explored and employed in the first chapter of this thesis to describe the evolution of gender governance regimes in the EU throughout the years, starting from the 1970s. (Rees 2005)

In the organizational theory strand, political scientists dealt with the categorization of gender mainstreaming practices when the latter are applied to EU development policies. Squires, for example, categorizes them into three groups: integrative, agenda-setting and transformative approaches. Firstly, the integrative approach is a bureaucratic technique, which revolves around a variety of tools employed by the whole bureaucratic machine in the policy-making process to gather empirical information on gender-based issues. Secondly, the agenda-setting approach focuses on encouraging women, as a disadvantaged "minority" within the wider

society, to become more involved and empowered through civil society organizations (CSOs). Thirdly, the transformative approach is oriented towards eliminating the insurmountable opposition between equality and difference. (Squires 2005) This approach would require a radical transformation of decision-making processes, strategy prioritization, formulation of objectives and political structures in general. (Jahan 1995)

Organizational theory has also been used in other various ways, including in analyzing how the EU has been attempting to integrate gender mainstreaming in its struggle to draft the EU Constitutional Convention. According to Lombardo, this process included employing gender mainstreaming in an integrative manner rather than a transformative one. The author criticizes this modus operando because the gender perspective was being integrated into pre-existing policy paradigms, without examining the structure already in place, which is intrinsically patriarchal. Hence, the integrative approach to incorporating gender to the European Union's praxis is considered by Lombardo as not likely to modify the long-standing institutional machine. Instead, by employing the agenda-setting approach, the modification of these pre-existing paradigms could be dealt with by transforming the decision-making processes in order to prioritize gender goals and by normalizing a gender perspective in the mainstream political system. (Lombardo 2005)

Social movement theory

Social movement theory generally seeks to analyze how social movements rose and what impact they have on the policy-making process. (Pollack and Hafner-Burton 2000) Social movement theory focuses on the clash between overlapping policy frames within a given political system. According to this theoretical strand, policy frames show the main objectives and policy interests which are rooted in the rhetoric of the institution designing them. Thus, in the case in which policy change needs to be brought about, the role of social movements is pivotal when they are able to effectively mobilize structures and networks, engage directly with political institutions, and gain the support of relevant decision-making actors. (Mazey 2000) Mazey also utilizes social movement theory to study the EU's approach to implementing gender mainstreaming. The author defines the introduction of gender mainstreaming in the EU as a voluntary transfer of policy-making power between the EU member states and the EU institutions, and as being composed of merely "soft" policy tools, such as setting targets, benchmarking and exchanging good practices. However, according to Mazey, the adoption and results of gender mainstreaming practices is uneven among the various member states and EU

institutions. This unevenness is due to the variating presence of gender advocates in the different institutions and the degree to which gender mainstreaming can resonate with each one of the policy frames within the Commission. (Mazey 2002)

Pollack and Hafner-Burton use social movement theory to explain the processes of adoption and implementation of gender mainstreaming practices in the EU. They do so by employing the strand of the theory *"which emphasizes a combination of political opportunities, mobilizing structures, and strategic framing"*. (Pollack and Hafner-Burton 2000) In particular, when talking about political opportunities in the context of the EU, it can be noticed that gender equality movements are conferred with strong allies within the political elite and opportunities to influencing policy-making. (Beveridge and Nott 2002) The latter is dependent on the capacity of these social movements of *mobilizing structures*, that is, their ability to encourage the mobilization of individuals and to organize collective action. When studying this phenomenon in the EU, it can be noticed how supranational entities have been set up to build a transnational network of experts and advocates for gender parity. These bodies, such as the European Commission's Equal Opportunities Unit and the European Parliament's Women's Rights Committee, were able to successfully place on the EU's agenda numerous equality issues which were previously not considered as a competence of the EU. Finally, social movement theorists emphasized the importance of *strategic framing*, which is used by social movements to frame specific issues in order to make them fit in the generally mainstreamed political narrative. Hence, the authors state that the effectiveness in the implementation of gender mainstreaming depends entirely on the ability to make its policy frame resonate with the dominant policy frame inherent to the that of the EU institutions. (Pollack and Hafner-Burton 2000)

It is pivotal to cite the role of the European Women's Lobby (EWL) in the struggle for the promotion of gender mainstreaming in the EU under social movement theory. Founded in the 1990s by the Committee on Women's Rights of the European Parliament and the European Economic Community, the ELW has managed to become an umbrella organization which unites various women's organizations from all over the EU to fight for gender equality in the social, political and economic fields. The EWL and other similar lobby organizations have proven to be essential to create a forum to express innovative ideas on how to promote gender equality in the EU and to further them to the institutions. (Jenson and Valiente 2003) In particular, the EWL's advocacy work has brought positive results in the advancement of women's political representation and rights in contexts such as the European Court of Justice (ECJ) and the Parliament. (Hickman 2010) Additionally, the strenght of the EWL comes from

the credibility and legitimacy conferred to it by the EU, not merely from the EU's financial support. (Roth 2008)

Feminist theory

Feminist theory sees gender mainstreaming as an opportunity to completely revolutionize political processes, shifting the focus from an integrative approach to gender equality, to a transformative one. Feminist theory basically concentrates on how society constructed sex differences and on how these are at the basis of asymmetries in the distribution of power between the sexes. This theoretical strand is both based on a normative strategy to obtain equal rights, thus eliminating gender inequalities, and a transformative one, in the sense that is seeks to challenge the established patriarchal hierarchies.

Initially, feminist theory was only based on an integrative approach, aiming at eliminating inequalities by integrating policies and laws against discrimination and in favor of equal treatment in the pre-existing political systems. Overtime, this approach was deemed insufficient to reaching the eradication of inequalities, because it consists of comparing women's equal treatment to that of men. (Stratigaki 2005)

According to Lombardo and Meier, a feminist approach to gender mainstreaming hasn't been fully employed by the EU. The authors came to this conclusion by analyzing EU policy and legal documents regarding family and gender imbalances in politics. For example, when analyzing family policy, it is clear that it is dealt with in a non-feminist perspective, because issues in this field are deemed to be solely women's, excluding men's role and impact. Additionally, the EU does not utilize a gender perspective to challenge the pre-existing political hierarchical order. While the authors state that the EU incorporates gender equality strategies in an effort to guaranteeing women equal representation in the decision-making process and power positions, this is still considered as an equal treatment strategy rather than a way of gendering the praxis. (Meier and Lombardo 2006)

Gender mainstreaming has also been explained through feminist theory by Squires, who differentiates between different equality strategies which have been employed thus far: inclusion, reversal and displacement. These concepts will be employed in chapter one, together with Rees' evolution of gender governance regimes, to better grasp the application of gender mainstreaming in the EU. (Squires 2005) Rees herself draws from feminist theory to approach gender inequality, while considering normative strategies to approach gender mainstreaming. Her main argument is that equality is a basic human need and women being able to access that

is the foundation of applying feminist theory to gender equality. She states that gender mainstreaming would be an incredibly powerful tool, because it would be the only one which is able to transform the intrinsically patriarchal institutions. Indeed, also according to Eveline and Bacchi, the basic construction and processes of gender equality are fundamental in the process of analyzing gender regimes. In fact, they believe that in order for gender mainstreaming to be effective, it should not be considered in isolation from the socially constructed gender processes. Moreover, they state that gender should be incorporated as a verb, not as a noun, in order for the focus to be shifted from the abstract concept of gender to the actual process of gendering policies and institutions. (Bacchi and Eveline 2005)

When dealing with gender mainstreaming in normative terms, feminist theory pushes for an integration of gender in legislation, policy processes and institutions. In particular, a shift needs to take place in the way in which citizens are relating to or interacting with said legislation, processes and institutions. Beveridge, together with Shaw, point out that gender mainstreaming has been officially adopted by the EU through Article 3.2 of the European Community Treaty, which makes the European Union legally bound to commit to it. (Beveridge and Shaw 2002) Moreover, since gender mainstreaming theoretically calls for organizational change in the decision-making processes and in the participation of the main actors in these processes, it could become an effective tool through which EU public policy can be changed.

Feminist institutionalism

Feminist institutionalism is a strand of new institutionalism, which seeks to offer explanations about why gender mainstreaming has not been properly applied and show how the institutions themselves limit actors in their effort to implement it. Feminist institutionalism applies a gender perspective to new institutionalism, taking as a starting point the assumption that both formal and informal institutions are intrinsically gendered. (Weiner and MacRae 2014) According to Lowndes, *"informal gendered norms and expectations shape formal rules, but may also contradict or undermine them, for instance, working to frustrate or dilute the impact of gender equality reforms"*. (Lowndes 2014) When talking about formal institutions, new institutionalism defines them as entities which are regulated by codified rules, which are *"consciously designed and clearly specified"*. (Lowndes 2005) On the other hand, informal institutions are more difficult to define, as they are often considered as a "residual category". The term, in fact, can be utilized to define *"virtually any behaviour that departs from…the written-down rules"*. (Helmke and Levitsky 2004) Basically, they are the *"traditions, customs,*

moral values, religious beliefs, and all other norms of behaviour that have passed the test of time". (Pejovich 1999)

Minto and Mergaert decide to utilize Feminist Institutionalism to study the application of gender mainstreaming in both kinds of EU institutions. In order to do that, the authors shift the focus from an actor-centered approach to an approach which focuses on the dynamics within the institutions themselves, and how they have the power to facilitate or to set hurdles to the process of gendering policies. In particular, they analyze the institutionalization of gender mainstreaming and evaluation within the European Commission, to understand how this gender governance approach is influenced by the nature of the latter's formal and informal components. (Minto and Mergaert 2018)

Feminist institutionalism has been employed in many connotations by numerous scholars to the application of gender mainstreaming in different contexts within the EU. Debusscher uses a feminist sociological institutionalist approach to explain how the EU's commitment to gender mainstreaming (in development policy, in particular) is not necessarily applied in practice. Through a case study regarding EU development aid in Rwanda, the author shows how this discrepancy is due to the fact that gender factors are merely used as instrumental by the EU for economic gain and that the power asymmetries within EU delegations are acutely gendered.

Mergaert and Lombardo seek to point out the resistance to the implementation of gender mainstreaming in EU research policy through feminist institutionalism. The authors do so by examining the work of the Directorate-General for Research and Innovation, discovering that there is a strong encouragement to maintain the patriarchal status quo among the civil servants, which hinders the correct application of gender mainstreaming. This resistance, due to variating factors, is institutionalized within the DG and the wider EU institutional framework. (Mergaert and Lombardo 2014)

Allwood employs different strands of new institutionalism, including feminist institutionalism, to explain how gender mainstreaming is addressed when dealing with cross-cutting policies and issues. In particular, she states that in climate change policy the discursive focus is shifted from the people to security, markets and technology, which entails ignoring the gendered nature of these policies. Additionally, while some institutions, such as the European Parliament, are more gender conscious, the actions of more powerful entities, such as the Council of the European Union, dictate to disregard gender. (Allwood 2014)

Kantola studies the effort of some of the member states to put into practice the EU's "multiple discrimination" approach, through a combination of soft Europeanization and feminist discursive institutionalism. In particular, she analyzes the strong influence of the EU's multiple

discrimination approach in Northern European Countries, coming to the conclusion that the discursive commonalities between the EU and its Nordic member states did not necessarily result in an institutionalization of said rhetoric. (Kantola 2014)

In conclusion, feminist institutionalism has been used extensively in the contemporary literature about gender mainstreaming in the EU. In particular, the variety of topics which were analyzed through this theoretical framework, prove that it is versatile and significantly useful to analyze the underlying problematics in the implementation of the strategy on the national, EU, and international levels.

3) The Evolution of Gender Governance in the EU

This chapter aims at exploring the concept of gender mainstreaming as follows. Firstly, it will explain how gender mainstreaming appeared on the international scene and what it is defined as by various political entities and scholars. Secondly, it will briefly describe the evolution of gender governance approaches adopted by the European Union throughout the years, culminating and focusing on the implementation of gender mainstreaming. Lastly, it will concentrate on the current status of the EU's gender governance system, and the role of the main actors who are responsible for gender mainstreaming within the European institutions.

3.1 International origins and dissenting definitions of Gender Mainstreaming

First steps on the international realm

The UN's effort to encourage political entities to push gender issues on their agendas officially begun when the first UN World Conference on Women took place in Mexico City in 1975. Considering the fruitful results, the UN has organized various other World Conferences on Women since Mexico City: in Copenhagen in 1980; in Nairobi in 1985; in Beijing in 1995. These conferences played a pivotal role in shaping the advancement of women's status in many fields, including the political and economic one.

The term Gender Mainstreaming was introduced in the global political realm during the Fourth World Conference on Women, which took place in September 1995 in Beijing. At this time, the term was presented as a new policy tool to incorporate gender principles into the policy-making arena and was adopted by the all the UN institutions(Hafner-Burton and Pollack 2000) Nonetheless, a tool to arrange the mainstreaming of policies in a gender-sensitive manner was already in the works during the Third World Conference on Women, which took place in Nairobi in 1985. During this occasion, the concept was supposed to be solely designed to play a role in incorporating gender in development policies. The discussion was mainly centered around the uncertain degree to which development policies would have eventually come to solve women's issues as well. Consequently, groundworks to incorporate a gender-sensitive point of view in development policy-making processes were laid down during this occasion. In fact, these issues were then reviewed during the Beijing Conference in 1995. This meeting resulted in the drafting of a Platform for Action, which foresaw the formulation of a variety of horizontal strategies to develop ways of integrating gender politics into national policy

strategies. The platform included the UN's official definition on gender mainstreaming, which will be also mentioned in the next paragraph. In practice, according to the UN, gender mainstreaming was a strategy designed for governments and other political entities to foster the mainstreaming of gender into all policy areas, in order to analyze the consequences of the decisions in question on both men and women, during the policy-making phase. The Beijing Conference became particularly significant, since representatives from 189 countries participated to the meeting and consequently signed the Beijing Declaration, officially committing to adopting the principles laid down in the Platform for Action. Thus, gender mainstreaming officially became the main global strategy to combat gender inequalities.

After Beijing, the UN decided to opt for a series of five-year reviews on the application of the Beijing Declaration and the Platform for Action in all the political entities which endorsed them. In 2000, the 23 rd United Nations General Extraordinary Assembly took place in New York. On this occasion, the Beijing principles were taken up and used as a base to construct new strategies. The main issues reported during this conference were raised by the United Nations and the European Union itself, which believed that most of the actors involved were being negligent in respecting their commitment to the Beijing principles. Nonetheless, the results obtained on this occasion were not as fruitful as the ones reached in Beijing, as the newly signed resolutions were very similar to the ones already included in the Beijing Declaration. After another five years, the 40 th session of the UN Commission on the Status of Women took place. Its main objective was to review the actual implementation of the Beijing and the Beijing+5 Platforms for Action. Since, once again, the findings of the reviews proved not to be particularly promising, the strategy itself was re-designed. Subsequently, the 50th UN Commission on the Status of Women (CSW) took place in New York in 2006. This meeting witnessed the prioritization of the concept of equal participation between women and men in the decision-making process. Additionally, the European Union highlighted the need to incorporate a gender perspective in educational programs and the need to bear in mind the role played by boys and men in the fostering of gender equality. Moreover, the 2030 Agenda for Sustainable development, agreed upon in September 2015 by world leaders, contained an agreement on the imperativeness of the inclusion of gender mainstreaming in its implementation. Nonetheless, the agenda did not include any references to the development of awareness-raising programs or factual plans for the implementation of gender mainstreaming. Finally, in 2020, the UN organized the Beijing +25 Conference in New York. The focus of the latest session of the CSW revolved around a review of the implementation of the Beijing Platform for Action and the outcomes of the 23 rd UN General Extraordinary Assembly. Thus,

the main theme of this session was to analyze the persistent old and new challenges to the de facto implementation of gender mainstreaming and the reaching of the 2030 Sustainable Development Goals. On this occasion, many contemporary hurdles to the reaching of gender equality were analyzed, such as the gendered impact of climate change and the protection of women in conflict situations.

Regardless of the poor results in the de facto implementation of gender mainstreaming, the UN kept on trying to revise and perfect gender mainstreaming strategies. In the mid-2010s, they created an entity designed to foster gender equality and the empowerment of women. Nonetheless, the UN was harshly criticized because of its lack of power to push for the enactment of the actual implementation of gender mainstreaming in national and supranational contexts – and even among its own sub-institutions: as an international organization, it can only rely on "soft" policy tools. This limitation can also be found in the agency power of the European Union on gender equality matters, through gender mainstreaming. Again, this highlights how gender mainstreaming could be revolutionary in theory, but results in different and scarcely productive outcomes when implemented.

Gender Mainstreaming: an ambiguous concept?

Even if gender mainstreaming is considered as the most popular and innovative strategy to solve gender inequalities, a universal definition of the term has not been agreed upon. (Mackay and Bilton 2003) The lack of a universal definition, mixed with the different methods and tools used by various actors to employ gender mainstreaming and how they evolved over time, results in a lack of certainty about the effectiveness of this strategy. Additionally, the presence of a long-lasting debate on the definition of term "gender" and on the target gender analysis which is being mainstreamed, also represents a hurdle to the correct use of this strategy. Finally, while gender mainstreaming started to be embraced by many national and supra-national entities, doubts surfaced about how gender mainstreaming can be actually implemented, how to know when gender mainstreaming has been successfully applied, and how to evaluate the efficiency of certain tools, measures and plans. In the words of Theresa Rees, *"Gender mainstreaming is hard to define but harder to implement."* (Rees 2005)

As stated in the section immediately above, gender mainstreaming was introduced on the international scene during the Beijing Conference in 1995. According to the subsequent Plan for Action, drafted by the UN, the suggestion was for governments and other actors to *"promote an active and visible policy of mainstreaming a gender perspective in all policies*

and programs, so that, before decisions are taken, an analysis is made of the effects on women and men respectively". [1] A couple years later – in 1997, to be precise - a more comprehensive definition of gender mainstreaming was redacted by the United Nations Economic and Social Council (ECOSOC): *"The process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."* [2]

As we will see in the following paragraph of this chapter, many international organizations have, during this time, officially committed to implement the gender mainstreaming strategy, including the European Union. In fact, the EU had already been actively seeking for innovative solutions to gender issues, and was already following the guidelines of the Steering Committee on Equality between Women and Men – an intergovernmental entity created in 1994 which was in charge of encouraging the Council of Europe to take actions to foster gender parity. The Steering Committee published, in 1998, its official definition of gender mainstreaming, which is still regarded as the theoretical framework for gender mainstreaming in the European Union:

"Gender Mainstreaming is the (re)organization, 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." [3]

In the same year, the European Commission also drafted its own definition of gender mainstreaming, which was published in "One Hundred Words for Equality: a glossary of terms for equality between women and men". According to the Commission, gender mainstreaming consists of the *"(...) systematic integration of the respective situations, priorities and needs of women and men in all policies and with a view to promoting equality between women and men and mobilizing all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account, at the planning stage, their effects on the respective situations of women and men in implementation, monitoring and evaluation."* [4]

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[1] United Nations, Beijing Declaration and Platform for Action, 1995.
[2] Report of the United Nations Economic and Social Council for 1997 (A/52/3, 18 September 1997)
[3] Council of Europe. 1998. Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final Report of Activities of the Group of Specialists on Mainstreaming. Strasbourg, France: Council of Europe.
[4] Commission communication, COM (96) 67 final, 21.2.1996

All the definitions listed so far highlight how gender mainstreaming strategies are pivotal to reach gender parity throughout all policy areas. (Verloo 2001) This represents an important shift in the narrative: it's the state's responsibility to identify the problem and evaluate its own policies and to find ways to address gender inequalities. Nonetheless, the ambiguity and different definitions given to the term are some of the principal theoretical hurdles to its correct implementation. In the words of Sophie Jacquot, "*gender mainstreaming is the object of many misconceptions – or rather multiple conceptions.*" (Jacquot 2015) In fact, it is important to notice how, in the context of the European Union, a single definition for gender mainstreaming has never been agreed upon by the various institutions. For instance, while the Commission prefers to stick to the definition of gender mainstreaming laid out by its 1996 Communication (also mentioned above), the European Parliament considers this definition too obscure, hence it would rather adopt the one drafted by the Council of Europe. On the other hand, the Council of the European Union uses different definitions, according to diverse contexts. All the different conceptions of gender mainstreaming within the EU were separated by Jacquot in four different categories. Firstly, there is the *extensive conception*, which are embraced by the members of the so-called *"Velvet Triangles"* 5. According to these actors, once the definition of gender mainstreaming would have been consolidated, it was merely a matter of creating the appropriate tools to ensure that this new strategy would be properly applied, by not risking its dilution. Secondly, there is the *minimalist-reductive conception* of gender mainstreaming. This conception was the most wide-spread, which resulted to be problematic as the discourses derived from it took gender mainstreaming for granted. It is minimalist because it considers the mainstreaming of gender into policies as an extra bureaucratic step, deemed not as pragmatic and effective but only as time-consuming. It is reductive because the concept of integrating a gender perspective was oftentimes confused with other gender governance tools, such as equal opportunities and positive actions. Additionally, according to this conception, gender mainstreaming was mostly associated with approaches which were merely gender-friendly, and only related to the policies applied to the personnel within the institutions. Thirdly, there is the *defensive conception* of gender mainstreaming. It was defined as defensive because gender mainstreaming tended to be seen as an intrusive instrument, whose aim was to change the status quo and previous modus operandi of previously enacted policies. Hence,

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5 According to Woodward, "Velvet Triangles" are composed of *"the Commission officials (so-called Femocrats) and parliamentarians with feminist agendas, gender experts in academia or consultancies, and the established organized women's movements."* (Woodward 2004) – this concept will be further explored in the upcoming sections.

specific fields of expertise preferred to maintain that status quo. Lastly, there is the *conservative conception* of gender mainstreaming, which is very marginal. It concerned the grouping of services which did not deem themselves as needing to be subjected to the gender mainstreaming requirements. The justification was that these services were not technical, but influenced by socially constructed gender stereotypes. (Jacquot 2015)

The nature of gender mainstreaming also created a debate among academics about what is being mainstreamed among academics. For example, Booth and Bennet state that equal opportunities are being mainstreamed. (Booth and Bennett 2002) In the case of Pollack and Hafner-Burton, gender is what is being mainstreamed. (Pollack and Hafner-Burton 2000) Additionally, True believes that what is being mainstreamed is a gender equality perspective. (True 2003) This is due to the fact that, as stated by Mósesdóttir and Erlingsdóttir, in most cases gender mainstreaming has been defined in all-encompassing and vague terms, which leaves considerable space for interpretation. (Mósesdóttir and Erlingsdóttir 2005)

3.2 Introducing Gender Mainstreaming to EU policies

In order to better grasp the origins of gender mainstreaming's high ambitions in the EU, this paragraph will analyze its foundational underpinnings within the European Union. Indeed, this is a pivotal step when following the feminist institutionalist approach, since the evolution of gender governance regimes in the EU throughout the years – which resulted in the eventual application of gender mainstreaming – are fundamental to understand its contemporary achievements and pitfalls. According to Rees, there are three approaches which have been employed by the EU with regards to the implementation of gender policies: tinkering, tailoring and transforming. These approaches have been also associated by the author to the different historical phases of the evolution of the Union's attitude towards gender equality policies. (Rees 2005) Nowadays, the three approaches are overlapping, and they are still all utilized when approaching different gender issues. Additionally, we have entered a newer stage of the evolution of gender policies, where European Law is also dealing with discrimination due to intersecting factors of diversity.

Tinkering – Equal Treatment

Tinkering corresponds to the phase in which the European Community was employing a legal approach to gender equality in the 1970s – although Woodward believes that this phase was longer, lasting between the 1950s and 1970s (Woodward 2012). Woodward's time categorization seems to be more accurate, since equal treatment finds its origins in Article 119 of the 1957 Treaty of Rome [6], although it was only limited to the principle of equal pay for equal work. In fact, this principle only existed de jure (on paper) and its application in the six member states of the European Economic Community was quite different. Nonetheless, through the victory of the *Defrenne v. Sabena case*[7], the European Court of Justice (ECJ) ruled that *"the article was directly enforceable, granting rights to individuals in cases where remedies do not exist under national law."* (Locher 2012) Consequently, Article 119 as

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[6] Article 119 states that *"Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work."*

[7] *Case 43/75, Defrenne v. Sabena, 1976 E.C.R. 445* - Gabrielle Defrenne was an air hostess for the company "Sabena" and, according to her contract of employment, she was supposed to retire at the age of 40 and the contract was terminated accordingly. At first, she brought the case in front of the Belgian "Tribunal du Travail" to seek compensation on the grounds of gender discrimination, because of pecuniary losses incurred on the grounds of her salary, contract terms and pension allowance compared to the one of her male colleagues. The court ruled that Sabena's policy was discriminatory under the principle of equal treatment (article 119 – EEC Treaty) and required the company to give Defrenne a compensation for her income loss.

interpreted by the ECJ, has represented the core of EU's gender equality policy for many years – since 1976. Hence, the ECJ was deemed as the principal actor in molding gender equality law. (Masselot 2007)

Tinkering is also defined as the "equal treatment" strategy, and it consists of the introduction of legal measures to address gender issues, such as introducing directives against the discrimination of pregnant women in the workplace. This first phase originated as a response to the demands of the liberal feminist persuasion, focused on women obtaining the same economic and civil rights as those enjoyed by men. (Beasley 1999)

The combination of feminist mobilization and the newly instituted bindingness of article 119 guaranteed gender equality issues more visibility. Civil society activists and institutional actors were able to push other employment issues on the EU's agenda, taking advantage of the increased leeway accorded to the Commission regarding social policy in the 1970s. The Commission's work on these gender employment issues was also facilitated by international factors, such as the participation to the first UN International Conference on Women in Mexico (1975) and the ratification of the Convention on the Elimination of Discrimination against Women (CEDAW). These elements were pivotal in starting to shape the European Union's gender acquis, as the pressure coming from relevant international actors to innovate in this field was high. In particular, the UN was strict about its member states – which include all the EU member states as well – drafting reports on their activities, to monitor the promotion of gender equality and to incentivize governments to embrace gender parity policies. These requirements pushed the EU to render article 119 binding, by drafting a series of directives on equal treatment.

While the enforcement of gender equality legislation represented a significant step forward in helping women combat injustice on the workplace, many scholars have criticized the tinkering approach, as it basically consists of addressing men's expectations of women's needs within a system which was originally designed for men. In Woodward's words *using the male norm to define equal treatment was undesirable as long as being treated equally really meant being treated like a man".* (Woodward 2012) In conclusion, even though Rees pejoratively defined this initial phase as "tinkering", it represents the backbone of gender equality legislation on many levels within the EU, as member states were forced to rethink national legislation in order to make it compliant to the EU's equal treatment rhetoric. (Rees 2005)

Tailoring – Positive Action

Even after the establishment of equal treatment legislation, activists and scholars were noticing that, even if "equal" conditions of employment were formally implemented, the outcomes remained unequal between men and women. This encouraged the formulation of new approaches and tools to solve gender equality issues. In particular, the UN Decade of Women (1975 – 1985) established after the first International Conference of Women in Mexico, encouraged governments and political organizations to create specific bodies to deal with gender issues. For example, in 1976 the European Commission created, within the Directorate-General for Employment, Industrial and Social Affairs, an Equal Opportunities Cell. This new body was established in order to have a working group of experts coming from all over the EU, which would give advice on policy proposals and legislation drafts. Additionally, in 1981 the Commission also established the Advisory Committee on Equal Opportunities for Women and Men, while the European Parliament established the Standing Committee on Women's Rights. Although the function of these newly-established entities was merely advisory, these two powerful EU institutions had mobilized to find new solutions to specifically deal with the problem of gender equality.

During this second phase, women's active participation within EU institutions also created a more supportive system to foster women's rights. Indeed, the 1980s witnessed a higher share of female parliamentarians (MEPs) in the European Parliament than legislatures in the majority of the EU member states. Additionally, during the same period, positive action targets started to be employed by the European Commission for its own staff. A great wind of change can be also noticed in the work and composition of civil society organizations (CSOs): feminist scholars and activists started to organize cross-national networks, which were economically supported by the European Commission. The most relevant civil society organization is the European Women's Lobby (EWL), which only came to life in 1991, and brought together many national feminist federations from diverse corners of the EU. Because of this intensified networking activity and the international encouragements towards originating feminist solutions, gender equality policy gained ground on many scenes. Going from merely legislating to creating actual norm changes to combat gender inequalities, tailoring became the EU's preferred approach to gender issues during the 1980s. During this era, women in the European Union obtained two major victories. Firstly, there has been a refinement of solutions to the gender issues related to employment policies, which recognized some of the particular needs and hurdles of women as workers. In fact, the rulings delivered by the ECJ during this period

started to acknowledge the difference between women and men in the workplace, even though many pressing issues were left out – for instance, the negative impact of family and unpaid labor on the de facto equality between men and women. The second victory of this period consists of an increase in the organization of activities which challenge gender roles on top of the equal treatment strategies. In fact, a Council recommendation of 1984 envisaged the employment of positive action for women[8]. This new strategy was put into place because feminist scholars had noticed that there was a variety of material issues impeding the fair competition of women in the job market. Thus, they highlighted the need for targeted measures to eliminate the disadvantages embedded in the system. As a result, the European Commission started to sponsor activities promoting the creation of equal opportunities for women and men. In particular, they did so through Medium Term Community Action Programs for Equality between Women and Men (APs), starting from the 1980s. APs were designed to set guidelines on certain topics which were considered as fertile ground for the fostering of gender equality governmental measures. Action Programs became a means to show that the differing outcomes in employment for men and women were caused by many exogenous variables, from education to the gender composition of decision-making entities. (Woodward 2012) On top of that, to facilitate the functioning of the positive action strategies, the European Commission, started devolving funding to invest in women's trainings, employment and enterprise.

Tailoring was designed specifically to rectify the tradition of the indirect discrimination embedded in male-targeted policies, but in practice tailoring projects were not particularly effective because they were not able to cause changes in the mainstream policies and practice. (Rees 2005)

Transforming – Gender Mainstreaming

The third phase of EU gender governance was influenced by various developments which were changing the contextual and institutional nature of the EU which were taking place in the 1990s. These developments include: the various enlargement procedures, the ratification of the Treaty of Maastricht and the Treaty of Amsterdam, societal changes and the newly-conceptualized role of women as civil society actors in academic literature. (Woodward 2012) In this transformed framework, the search to find solutions to gender inequalities was transforming as well. In fact, older methods were being criticized as incomplete: for example, relying on ECJ

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[8] 84/635/EEC: Council recommendation of 13 December 1984 on the promotion of positive action for women.

rulings was deemed as too androcentric, since women were expected to meet male-centric standards of behavior. The equal treatment and opportunity policies were considered insufficient to solve inherent gender issues because they were only granted de jure, not de facto. This phase was also influenced by international factors – the main one being the UN Beijing Conference of 1995, during which gender mainstreaming was formulated and then embraced by the EU in the same period of the formulation of the Amsterdam Treaty. Gender mainstreaming was sponsored on this occasion as a cornerstone strategy to fulfill UN's Platform for Action objectives in all social realms. The Amsterdam Treaty consequently incorporated all the principles that the EU had committed to by signing the Beijing Declaration. In fact, various articles of the Amsterdam Treaty – the most important ones being Articles 1 and 2 – establish that equality between men and women and the elimination of gender inequalities belong to the principal objectives of the European Union. Additionally, ex-Article 119 of the Treaty of Rome, was translated into Article 141.4, which conferred the possibility to utilize special benefits upon the "disadvantaged sex", to make up for gender imbalances. The most relevant detail is that each article contained - in its phrasing – some sort of reinforcement of the commitment to foster gender equality in all policy-areas in the EU. This detail is pivotal to highlight the strengthening of the EU's commitment to gender mainstreaming during this phase. Even though provisions contained in the Amsterdam Treaty are not directly applicable – that is, they do not create individual rights, enforceable on the national level – the inclusion of this specific phrasing constitutes the demonstration of the strong commitment by the EU to embrace the gender mainstreaming strategy.

Gender mainstreaming – defined by Rees as "transforming" - was designed to go beyond the previous methods employed – positive action and legal action – and completely transform a system which was still perpetrating gender imbalances. It recognizes the inherent differences and the similarities between males and females, but shifts the focal point to the relational differences between them, which correspond to the specific features causing the persistence of all kinds of inequality, not only gender. In the words of Rees, *"gender mainstreaming, […] instead of focusing on individuals and their rights (equal treatment) and groups and their 'special needs' (positive action), seeks to address institutionalized sexism."* In order to do that, she proposes various actions which need to be universally taken to incorporate gender in policy-making and in institutional machines. (Rees 2005)

Although the main rhetoric behind this concept - rendering all policies gender-sensitive in order to contribute to equality more extensively – was clear, governments and institutions were given arbitrary power to implement it. The gender mainstreaming rhetoric was embraced as an

official strategy by the European Commission in 1996. The plan was to use gender mainstreaming alongside equal treatment and positive actions to better tackle different kinds of gender issues. During this time, feminist advocates feared that merely focusing on gender mainstreaming – which was not achievable at once, given the revolutionary structural changes embedded in the strategy – would mean leaving out women's palpable problems. Nonetheless, under the pressure of international obligations, paired with the drafting of the main objectives of the Amsterdam Treaty, the monitoring of gender equality issues was reinforced with the adoption of the Forth and the Fifth Action Plans.

The fact that gender mainstreaming was able to go beyond labor market issues, by being applicable to all policy areas, was the factor which made the strategy desirable and theoretically potentially revolutionary. Thus, whilst keeping on improving women's working conditions, the EU was able to tackle other issue areas through this strategy, such as violence against women, gender inequality in development, the position of women in the field of research etc. Nonetheless, some policy areas have proven to be resistant to gender mainstreaming, as will be highlighted in the second chapter of this thesis. According to some scholars, the difficulty in implementing gender mainstreaming resides in the policy areas which drift away the most from the social dimension (for example, Woodward 2008; Hafner-Burton and Pollack 2009). Gender mainstreaming has been embraced by all governments, institutions and political entities within the European Union, but its implementation brought to different results among them.

3.3 Current status of Gender Mainstreaming in the EU

As stated above, the current system of gender governance in the European Union includes three principal strategies: equal treatment, positive action and gender mainstreaming. The term "gender governance" used here, refers to all the policy tools, structures and legislative instruments which represent the framework for gender equality within the European Union. Understanding the current gender governance structure in the EU is pivotal while studying gender mainstreaming, because it helps grasp the context in which gender inequalities are created and perpetuated and provides a background for the construction of gender discourses. (Calvo 2013)

In this section, the research will focus in particular on gender mainstreaming as a EU gender governance instrument. In particular, we will study the main actors operating in the EU gender governance machine and participating in the fostering of gender mainstreaming. The European machine is composed of various institutions, both formal and informal, which are responsible for the production of knowledge on gender issues and which deal with power struggles within the gender governance regime.

Since this thesis specifically deals with the implementation of gender mainstreaming within the European Commission, this paragraph will serve as a background to understand the position of the Commission with respect to other EU institutions and EU-related actors in EU gender governance. Thus, special attention will be dedicated to the European Commission, as it supposedly is the main proponent of gender mainstreaming among the EU institutions and it should be the institution in which this strategy has developed the most.

European Commission

The European Commission notoriously plays a significant role in the support, formulation and fostering of gender equality initiatives. The main functions of the European Commission include: drafting legislative proposals to be passed on to the Council and the Parliament – as they all have co-decisional powers in passing European laws; implementing policies; handling the European budget; representing the EU as a single entity on the international scene; enforcing EU legislation. The European Commission shapes EU policies, while balancing national interests and EU goals, and keeping into account the opinions and knowledge produced by interest groups, expert groups and lobbyists. The composition of the European

Commission resembles that of a cabinet government and it is composed of 28 members – one from each EU member state.

The European Commission being the executive body of the EU, it holds great powers in shaping EU gender governance and building the institutional framework for it over the years. (Schmidt 2005) Additionally, since it is the only EU institution which holds the power of initiative in the EU legislative process, the European Commission has played an important role in the proposal of legislation to overcome gender inequalities. However, it is important to underline the fact that the EU legislative procedure is co-decisional [9]. Hence, the European Parliament and the Council of the European Union hold great powers in deciding over legislative matters as well.

On the one hand, the Commission is only able to develop soft legislation and non-binding policy tools on its own, such as Communications, Roadmaps, Action Programs, White and Green Papers and Recommendations. On the other hand, according to some scholars, these soft law tools are considered as the groundwork for the development of hard law and formal measures to combat gender inequality and even the amendment of Treaty provisions. (Carson 2004)

The European Commission also plays an active role in structuring the participation of interest groups in decision-making processes. In fact, the Commission facilitates the survival of these groups by granting them funding through research grants and inviting them to participate in internal meetings of various forms. (Woodward 2004)

Within the Commission, there are highly demanding, particular requirements laid out for each DG to follow in order to properly implement gender mainstreaming. These include: appointing a key official in each DG, responsible for gender mainstreaming in their policy-area; providing personnel with proper gender equality training; collecting gender-disaggregated data, which should be employed in all the phases of the policy-making cycle, including planning, monitoring and evaluating in order to assess the gendered impact of certain strategies and policies; other specific tools to analyze gendered consequences of policies, for instance gender impact assessment and gender proofing. (Pollack and Hafner-Burton 2000)

Inside the European Commission, there are a variety of bodies which participate in the EU gender governance system. Two out of the twenty-eight Directorates-General (DGs) are responsible for policy concerning gender equality matters: the Directorate-General for Justice and Consumers (DG JUST) and the Directorate-General for Employment, Social Affairs and

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[9] Established in 1991, through the Treaty of Maastricht.

Inclusion (DG EMPL). DG JUST in particular, is responsible for monitoring and coordinating the gender mainstreaming process within the various DGs of the Commission. In fact, within DG JUST, the Commission set up a Gender Equality Unit (Unit D.2), which is the main actor coordinating the Commission's gender mainstreaming strategy and was conferred with a variety of tasks to this end. Firstly, the Unit is responsible for legal matters undertaken to monitor the correct application of the EU gender acquis and for the implementation of new legislation on gender equality. Secondly, it is responsible for dealing with policy matters, as for example funding matters, awareness-raising strategies and the exchange of good practices on gender policy among the member states. Finally, it has an advisory function, as it is called upon for consultations during the law-drafting process to suggest solutions to gender issues in legislative proposals. In this process, the Unit ensures the active participation of Civil Society Organizations (CSOs) and gender experts – both in formal and informal ways – through public dialogue and supplementary consultations with them. Additionally, since DGs have the duty to nominate within them an official contact person for the Unit, the latter is able to support every DG in the incorporation of a gender perspective in all their specific processes and activities. Additionally, the Commission also created the Inter-Service Group on Gender Equality (ISG) whose secretariat is the Gender Equality Unit, and which includes members from every DG. This group is responsible for the coordination of the adoption of actions fostering gender equality in policies and in annual working programs for each topic specific to every DG.

Other bodies were established by the Commission to specifically to deal with gender inequality issues and gender mainstreaming: the High Level Group on Gender Mainstreaming; the Group of Commissioners on Fundamental Rights, Non- Discrimination and, Equal Opportunities; the Network of Experts; the Advisory Committee on Equal Opportunities for Women and Men; the Bureau of European Policy Advisers; the Informal Group of Experts on Gender Equality in Development Cooperation; the Informal Network of Gender Focal Points, and the European Network to Promote Women's Entrepreneurship. Explaining in detail the roles of all of these entities would be outside of the scope of this research, but the most relevant ones with regards to the implementation of gender mainstreaming will be analyzed in the Second Chapter.

Seen the number of bodies established in order to foster the institutionalization and implementation of gender mainstreaming on the EU level, it is clear how mainstreaming gender formally represents a long-standing priority in the European Commission's gender governance strategy. In fact, the EU's commitment to it is increasingly strengthened, as it appears in many gender-related documents drafted by the Commission throughout the years, since 1996. As mentioned above, DG JUST is the main Directorate-General which produces and dictates

guidelines for the implementation of gender mainstreaming and, for this purpose, it has drafted a series of documents which set up the framework required to coordinate gender mainstreaming strategies. For example, some of the important ones among these are: the Roadmap for Equality between Women and Men (2006 – 2010)[10]; the Strategy for Equality between Women and Men (2010 – 2015)[11]; the Strategic Engagement for Gender Equality (2016 – 2019)[12].

The latest document concerning gender mainstreaming was the European Commission's Gender Equality Strategy 2020- 2025, which was presented on 5 March, 2020. This document includes a variety of policy objectives and steps to be taken to address gender disparities, while including a *"gender perspective across all policy areas, at all levels and in all stages of policy-making"*.[13]

Other EU Institutions

The European Parliament can be considered as another pivotal actor in the EU gender governance system. It serves as the legislative branch of the European Union and it holds a significant amount of powers in budgetary and supervisory matters. It is composed of twenty committees, whose role is to propose legislation through drafting reports, proposing amendments during plenary sessions and appointing teams to negotiate EU legislation with the EU Council. Thus, its central role as legislator of the European Union confers the European Parliament with significant power to influence the formal status of gender equality. Gender mainstreaming was endorsed by the European Parliament through a number of resolutions: the first one was adopted in 2003 [14], and it is significantly different from the latest one adopted in 2019[15], since the latter set up the Multiannual Financial Framework (MFF). The European

[10] European Commission - Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 [COM(2006) 92 final – Not published in the Official Journal].

[11] European Commission - Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Strategy for equality between women and men 2010-2015 [COM(2010) 491 final]

[12] This document also establishes continuity with the previous strategy and reaffirms the six policy-areas which need to be prioritized in order to tackle gender inequalities.

[13] European Commission – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Union of Equality: Gender Equality Strategy 2020-2025 (COM/2020/152 final).

[14] European Parliament, 2003 - European Parliament resolution on gender mainstreaming in the European Parliament (2002/2025(INI)).

[15] European Parliament, 2019 – European Parliament resolution of 15 January 2019 on gender mainstreaming in the European Parliament (2018/2162(INI)).

Parliament rendered official their commitment to integrate, in the EU's annual budgetary procedures, gender-sensitive elements in order to take into account how the EU's financial framework influences the achievement of gender equality through gender mainstreaming. Even though the majority of Parliamentary Committees formally endorsed gender mainstreaming in their working system, the FEMM Committee harshly criticized the ones which were left out as well as the heterogeneity and unevenness of gender mainstreaming plans in the different Committees. In fact, among the twenty committees of the European Parliament, the Women's Rights and Gender Equality Committee (FEMM) is the one responsible for monitoring the implementation of gender mainstreaming within this institution. This group was created to draft, discuss and vote on reports on gender equality matters. Thus, it is a pivotal actor in EU gender governance. This committee is also in charge of monitoring and evaluating the development and implementation of mainstreaming strategies both on the EU level and on the national level. The FEMM committee has this role as a watchdog also because it is in charge of overseeing and assuring the de facto implementation of international commitments undertaken by the European Union on women's rights matters, including the Beijing Platform for Action.

The Council of the European Union consists of government ministers – depending on the policy area which is being discussed – from each member state, whose role it is to bring to the table national interests in the adoption of EU legislation and the coordination of EU policies. It is not governed, as an institution, by a specific structural gender equality strategy or mechanism. The respective national ministers for gender equality convened for the first time in 1994 to design a strategy to promote solutions for gender issues at the EU-level, in preparation for the Beijing Conference as well. The latest formal meeting on gender equality was organized by the Finnish and the Romanian Presidencies in 2019, after 8 years since the last one, and was attended by Employment and Social Affairs ministers. Supplementary to these formal meetings, the Council organized many informal meetings to set agendas on gender equality matters. Gender equality ministers from all the member states have rather the opportunity to meet formally in the framework of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO). The Council conclusions stemming from EPSCO meetings focus on different topics included in the Beijing Platform for action, according to the main area of interest of the current Presidency country.

The European Council is the powerhouse of the European Union, being composed of the heads of state or government, the president of the EU, the president of the European Commission and the High Representative for Foreign Affairs. Since the European Council holds a huge amount of power and has the final say on the most relevant decisions to be taken by the EU, it also holds a great influence power on the adoption of gender equality principles, projects and strategies. Although historically this EU body has been notoriously mostly masculinist, women's issues increasingly appear in the Council's agenda, mainly with regards with the European Employment Strategy (EES). (Hubert 2012)

The European Court of Justice (ECJ) also plays a role in gender governance, but its participation mainly concerns the enforcement of equal treatment legislation in legal cases on the EU level. As stated in one of the previous paragraphs – in particular the one on the evolution of gender strategies in the EU – the ECJ played a pivotal role in the "tinkering" phase. In fact, the Court rulings based on cases of women appealing to Article 119 of the Treaty of Rome compose the backbone of the EU's gender equality rhetoric.

The European Committee of the Regions (CoR) is another important actor in EU gender governance – although to a lesser extent than the Parliament and the Commission. It is an advisory institution, consisting of EU representatives elected on the local and regional level. The aim of this advisory body is for the regions and cities within the EU to have a voice in the EU-level decision-making and legislative processes on matters concerning these smaller government sections. Its role is to draft reports and opinions on the particular needs of each region and smaller areas within the member states and to help refine EU legislation to meets these needs. Thus, the CoR is able to – to some extent - to influence the EU decision-making process, by informing the EU on specific gender issues which pertain to specific regions or areas.

The European Institute for Gender Equality (EIGE) is a European agency created by the European Parliament and the Council. Its main purpose is to "provide expertise, improve knowledge and raise visibility of equality between men and women" within the EU[6] Although it was set up as a body which is supposed to be independent from the Commission, the EC decides over matters such as the nomination of the management board of EIGE, which consists

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[16] European Parliament - Regulation No. 1922/2006.

of a representative for each member state. EIGE has a pivotal role in monitoring the implementation of gender mainstreaming both on the EU-level (institutional and legislative/policy-making) and the national level. In fact, it collects and analyzes comparative data on gender equality issues, it designs plans to raise gender equality awareness among EU citizens and it facilitates the communication between formal and informal entities on gender issues, while encouraging the exchange of good gender practices among EU member states. Most importantly, EIGE is in charge of developing tools and methods, particular to every policy area, in order to simplify and expedite the implementation of gender mainstreaming at all levels within the EU.

Non-EU actors

The European Women's Lobby (EWL) is an umbrella organization which comprises the greatest number of women's associations coming from all over the EU. It was created in the 1990's and its main aim was to ensure the promotion of women's rights both on the national and supranational level. This lobby is largely funded by the European Commission, and it works together with the EU and EU-affiliated institutions – as a partner – in the project of reaching substantial gender equality. For example, the EWL is also a consultative partner of the Council of Europe. It does not hold any official position or power as a decision-maker on the EU level, but the significance of its role lies in the production of material – going from position papers to evaluation reports – to provide the European Commission with their expertise on specific gender issues.

Working together with the European Commission and the EWL, there is another lobby group called "Women in Development Europe" (WIDE). This women's organization, established in the early 1980s, consists of a network of various smaller women's organizations, experts in gender equality matters, non-governmental organizations (NGOs) and women's rights advocates. Its main objective is to monitor and influence policies which deal with development, trade and economic matters on the international level. It differentiates itself from the EWL for its purposes, which are mainly about researching, and which are aimed at producing knowledge to be passed on to the European Commission and to be employed during decision-making processes.

Although the Council of Europe is outside of the institutional framework of the EU, it still is able to influence EU gender governance, since all member states are parties to it. This entity was created to foster and safeguard human rights among the signatories. It is composed of expert committees, among which there is the Steering Committee between Women and Men (CDEG), responsible for supervising and conducting the Council of Europe's promotion of gender equality. Internal to the Council of Europe, the Group of Specialists in Gender Mainstreaming drafted, in 1998, a document[17] which is still considered today as the European foundation of gender mainstreaming. (Verloo 2005) Nowadays, the Council of Europe deals with gender mainstreaming using the so-called "dual approach", which consists of the combination of both gender mainstreaming and soft-policy and positive action for the empowerment of women. The implementation of gender Mainstreaming in all policy areas is listed in its Gender Equality Strategy of 2018-2023 as one of its primary objectives.[18]

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[17] The document in question is "Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices", EG-S-MS (98) 2.

[18] Council of Europe - Gender Equality Strategy 2018-2023, available at https://rm.coe.int/ge-strategy-2018-2023/1680791246.

4) The European Commission: A Champion in Mainstreaming Gender?

The second chapter will focus on the main hurdles to the implementation of gender mainstreaming in the European Commission, using mainly feminist institutionalism as a theoretical framework. In order to do so, this research will build on the context laid out in the previous chapter, which corresponds to the evolution and structure of the current European governance system, with specific attention to the European Commission's internal dynamics and its relations with other EU institutions with respect to its authority as propeller of gender policies. In particular, this chapter will explore the problematic factors inherent to the Commission's institutions, actors and instruments which impede the de facto implementation of gender mainstreaming within this institution itself and the Commission's agency power to influence and encourage the employment of this strategy in other European institutions. Internally, the different actors within the European Commission hold and create competing knowledge, they are situated in different spots within the Commission's hierarchical system and they hold varying amounts of power and visibility. The same happens on a greater scale, among the different institutions in the European machine. These factors affect the agency power of institutional bodies within the Commission itself, as well as the Commission's agency power, as a single actor, in the European gender governance regime. On both scales – among the bodies within the Commission and among EU institutions – when the diverse perspectives on gender mainstreaming clash, they create a tense framework, which transforms the EU's fertile policy ground into a hostile environment for the application of more unified gender mainstreaming strategies.

Thus, this final chapter will deal more closely with the problematic implementation of gender mainstreaming within the European Commission and will question the role of the Commission as a propeller of the gender mainstreaming strategy among other institutions, focusing on a set of specific issues on different levels. Firstly, following Feminist Institutionalism, it will provide some theoretical tools to measure the institutionalization of gender mainstreaming within the European Commission. In the same section, this thesis will delve into a more empirical side to institutionalization issues within the Commission's policy-making units, namely, the Directorates-General, as well as in other sub-institutions within the Commission. Secondly, it will explore the impact of soft, non-binding tools in the de facto implementation of gender mainstreaming, as opposed to concrete actions which would be more effective in the concrete enforcement of these practices. Thirdly, we will explore how the internal tensions in the European Commission in the process of implementation of gender mainstreaming are seen by

other institutions and actors; and how these internal tensions and mechanisms weaken its role as main proponent of this policy strategy in the EU gender governance system.

4.1 Internal Issues: Institutionalization of Gender Mainstreaming

Theoretical tools to measure the Institutionalization of Gender Mainstreaming in the Commission

Following a feminist institutional perspective, this section will analyze the level of institutionalization of gender mainstreaming within the European Commission by measuring it with the aid of three concepts: the logic of appropriateness, path dependency and layering. In fact, these concepts are fundamental to understand elements of continuity and change within this institution, and to highlight the influence of informal and formal actors in the implementation of gender mainstreaming. (Minto and Mergaert 2018) Firstly, utilizing path dependency is pivotal to find and analyze the critical junctures which played a role in shaping the limitations and opportunities to change the institutional framework with respect to gender issues. Secondly, the logic of appropriateness is needed to explore how informal institutions in the European Commission are inherently gendered. Thirdly, through layering we are able to investigate the subtler ways in which gendered change can take place in institutions, in particular in the case in which gender regimes in formal institutions are not officially replaced or overthrown.

Following path dependency, we can identify three critical junctures, which are key elements in the institutionalization of gender mainstreaming: during the first years of European integration; the shift in governance during the 1990s; the "Better Regulation" period in the first half of the 2000s.

The first critical juncture is important to recognize the *"immateriality of gender equality during the EU's inception".* (Weiner and MacRae 2014) The inclusion of a very narrow concept of gender equality in the Treaty of Rome was not guided by an intentional commitment to social justice with regards to gender equality. It was driven by an economic rationale, a mere means to tackle unfair economic competition among Member States, in favor of those countries in which women who were working received significantly lower salaries. (Kantola 2010) Hence, in order for it to reach the EU's political agenda, gender equality issues needed to be framed strategically to be included in the EU's business and economic perspective. (Stratigaki 2004) This modus operandi, which was born with the very inception of the European Union, can

explain why the European Commission is not particularly open to institutional change through gender mainstreaming.

Secondly, another critical juncture can be found in the EU's shift to good governance during the 1990's. The Commission made its commitment to gender mainstreaming during this period, when the gender element was considered as a part of standard modern governance (Squires 2007). This was the exact reason for the adoption of gender mainstreaming, not an increased interest in tacking gender equality issues. While Femocrats and gender advocates were able to encourage this formal commitment to mainstreaming, its institutionalization was lacking since the beginning.

The third critical juncture is the adoption of the Better Regulation agenda in the 2000s, which was useful to strengthen the formal and informal institutions within the Commission. Exactly for this reason, the institutionalization of gender mainstreaming became even harder to achieve. In fact, the Better Regulation foresaw the simplification of administrative processes and more efficient policy-making cycles. Hence, there was no space for the extra bureaucratic steps required by gender mainstreaming.

The institutionalization of gender mainstreaming was also hindered by a strengthened logic of appropriateness[19] within the European Commission in the context of the Better Regulation Agenda. Many scholars have noticed how the logic of appropriateness aims at maintaining *"the gendered status quo"*. (Minto and Mergaert 2018; Freedman 2017; Kronsell 2016) Indeed, in the framework of the logic of appropriateness, informal institutions within the Commission play a significant role in hindering the institutionalization of gender mainstreaming, showing its intrinsically gendered nature, disguised as neutrality.

Also, the persistent European bureaucracy's neutrality, strengthened by the above-mentioned agenda, represents a great hurdle to the institutionalization of the strategy in the Commission. In this context, the institutionalization of gender mainstreaming is problematic for two main reasons. Firstly, it challenges the status of gender neutrality, predominant in the Commission, and it goes against the principle of technocratic bureaucracy, promoted by the Better Regulation. Secondly, since the promotion of gender equality through the institutionalization of gender mainstreaming necessitates a thorough analysis and redistribution of resources, it goes against the principle of simplification of the administrative burden promoted by the Better

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[19] Definition by Oxford Handbooks – *"The logic of appropriateness is a perspective on how human action is to be interpreted. Action, policy making included, is seen as driven by rules of appropriate or exemplary behavior, organized into institutions. [...] Actors seek to fulfill the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices, and expectations of its institutions."*

Regulation. Furthermore, the latter prioritizes the use of quantitative over qualitative indicators of change, which could be misleading in the measurement of gender inequalities.

Finally, layering allows us to place gender mainstreaming in the Commission's functioning. On one hand, gender was not able to reorient the nature of the Commission's political mainstream (Jahan 1995). On the other hand, resources and structures were created within the Commission to make sure that gender equality obtains a spot on the agenda. This represents an example of "layering": new formal institutions and mechanisms are added to the original ones to tackle gender equality. (Mahoney and Thelen 2010) In theory, this modus operando makes sure that progress in this field is gradually achieved. Nonetheless, this was not the case in the institutionalization of gender mainstreaming. This resistance was due to the strong presence of existing gender norms (the Commission's informal institutions), which hindered the adoption of formal institutions (in this case, gender mainstreaming), despite being constitutionalized. Thus, within the EU's normative hierarchical order, gender mainstreaming's formal adoption was classified as high by Minto and Mergaert. (Minto and Mergaert 2018) In fact, formally, the Commission has taken many steps to show its commitment to gender mainstreaming (for instance, the creation of sub-institutions to deal with its implementation). In practice, though, many scholars have found that gender mainstreaming has never become normalized in the EU's policy-making processes, because of the lack of a standard and homogeneous application of the strategy. The special guidelines which are provided within the Commission are not fit for all policy-areas. Additionally, even though the tools provided by the Commission to foster gender mainstreaming, such as monitoring, evaluation and impact assessments are deemed to be enough by this institution, they clearly do not suffice. For instance, Integrated Impact Assessments (IIAs) do not automatically analyze Commission proposals from a gender perspective. (Sismans and Minto 2017; Mergaert and Wuiame 2013) Additionally, the evaluation process does not empirically involve gender mainstreaming. (Minto and Mergaert 2015) The Commission keeps renewing its commitment to mainstreaming gender in each new strategy, slightly changing the jargon each time or adding new concepts to the mix. For example, in the 2010 – 2015 Strategy, it commits to the strengthening of the gender mainstreaming process in evaluation and impact assessments. Additionally, in the 2010 – 2015 list of Actions to Implement the Strategy, it lays out a series of plans for evaluating, monitoring and reporting, because *it is important for the Commission to be able to demonstrate how its action contributes to the progress of gender equality at EU level"*. [20] Nonetheless, currently,

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[20] European Commission. 2010. Actions to Implement the Strategy for Equality between Women and Men

there is no specific strategy to put these plans into practice, as even the slightest efforts have been reduced to being stated in the Strategic Engagement for Gender Equality 2019 – 2019.

Uneven implementation of Gender Mainstreaming across DGs

This section specifically deals with the problematically inhomogeneous implementation of gender mainstreaming within the European Commission policy-making bodies, namely the Directorates-General. One of the reasons of the mixed success stemming from the implementation of gender mainstreaming is the unevenness of the institutionalization of the latter in the European bureaucratic system in general. This is especially reflected within the European Commission, where the different DGs are governed by different informal rules and mechanisms, depending on the subject matter they are dealing with. According to Pollack and Hafner-Burton, this is due to many factors, including the varying levels of political opportunity conferred to women's rights advocates in each DG, the connection to the various networks mobilizing to utilize these opportunities and the frameworks which characterize each unit, which are defined by the differing missions of each DG. (Pollack and Hafner-Burton 2000) On one hand, this flexibility – which characterizes the whole EU machine – has proven to be useful for each DG to adapt to the different mechanisms governing the policy-making processes in each particular field. On the other hand, this flexibility engrained in the organization of the European Commission leaves a certain degree of independence to each DG, which in some cases results in the resistance to the institutionalization of the dramatic changes which would be brought by the correct implementation of gender mainstreaming.

Additionally, even though the Commission generally respects the rule about remaining impartial when dealing with each member state – according to Article 213 of the EC – inevitably, each Commissioner looks after their own interest which is oftentimes very similar to their national one. (Hix 2005) The topics prioritized according to national interest are rarely related to gender, hence the latter becomes marginalized.

Mainstreaming efforts have been the most successful in the DG's in which Commission Officials, involved in the policy-making process, are the most committed to the gender equality mission.

2010–2015. SEC(2010) 1079/2.

According to the European Parliament, during the adoption of the Beijing Platform for Action, there was a lack of information and awareness on women's issues at the EU highest level of decision-making, including the Commission. Hence, they decided to assign the highest priority to this matter. [21] In the more recent Evaluation Report of the Strategy for Equality of 2010 – 2015[22], the European Parliament suggests that there is also a need to allocate additional resources to the institutionalization of gender mainstreaming within the European Commission. This is because capacity-building tools such as gender training – which enhance gender-related knowledge and skills among the staff members – are only present in some DGs. The European Parliament highlighted the importance of gender training, especially criticizing the lack of attention by the Commission towards providing its staff with the skills required for gender mainstreaming, such as consistently updated coaching for the members of the ISG and training of newly employed staff. In the same evaluation, the Parliament points out the lack of concrete methods for the implementation of mainstreaming across DGs.

Another evident problem within the Commission is the lack of accountability and transparency with respect to the implementation of gender mainstreaming in each DG. In fact, the individual units are responsible for the drafting of their own annual report, which is then delivered to the Gender Equality Unit within DG JUST, which then synthesizes them and gathers them in the Annual Report on Equality. On the one hand, the 2010-2015 Strategy conferred a special priority status to gender mainstreaming (included in the horizontal issues), its annual follow-up report notices that gender mainstreaming efforts in specific policy areas are insufficient. (Minto and Mergaert 2018)

This unevenness of gender mainstreaming strategies across DGs was analyzed and criticized by many other scholars. For example, Van der Vleuten, analyzed the Commission's "Gender Scoreboard"[23], which displays varying results in the implementation of gender mainstreaming across DGs. The results show that gender mainstreaming was more successfully implemented in normally gender-sensitive policy areas, such as development and education. They also show that previously gender-blind policy areas, such as the environment, internal market and trade started to incorporate gendered perspectives into their policy-making processes. Nonetheless,

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[21] European Parliament - Report on the progress report from the Commission on the follow-up of the communication: 'Incorporating equal opportunities for women and men into all Community policies and activities' (COM(98)0122 - C4-0234/98).

[22] European Parliament (2014) - Evaluation of the Strategy for Equality Between Women and Men 2010–2015 as a Contribution to Achieve the Goals of the Beijing Platform for Action. Study for the FEMM Committee.

[23] European Commission – COM(2001) 119 final – Communication from the Commission to the Council and the European Parliament – Framework Strategy on Gender Equality, Work Program for 2001.

this effort is often inefficient and consist mainly of mere formal commitments. (Van der Vleuten 2016) According to Pollack and Hafner-Burton, there are two main variables explaining this uneven implementation of the mainstreaming strategy across DGs. The first one concerns the ideological costs which come with the adoption of mainstreaming. In fact, there is a noticeable discrepancy between the nature of this strategy, which is inherently interventionist and solidarity-oriented and the frame which is dominant within most Directorates-General (this frame could be neo-liberal or solidarity-oriented, interventionist or non-interventionist etc.). The second variable is related to the political costs which come with mainstreaming. This depends on the receptiveness of each DG to the various political opportunities offered by the cooperation with external, non-institutional actors. Obviously, the DGs for which these ideological and political costs are low, will be more willing to adopt gender mainstreaming. (Pollack and Hafner-Burton 2000)

Already in 2000, Pollack and Hafner-Burton conducted an analysis on the varying levels of the application of gender mainstreaming among DGs. Some DGs were considered as pioneers of gender mainstreaming, as they integrated this strategy into their work rather quickly and easily, because they were already actively working on gender disparities before the Commission's commitment to the Beijing Declaration. These pioneers include: DG Employment, Social Affairs and Equal Opportunities (EMPL), DG Development (DEV), DG Regional Policy (REGIO) and DG Research (RTD). For example, DG REGIO started the gender mainstreaming process in 1997, by demanding the inclusion of gender in the member states' regional development plans and requiring a minimum percentage of female members of the Structural Funds Committees. Another example can be found in DG Research, which can be positioned among the pioneer DGs, even though the 1996 Commission Communication confirming its commitment to the BPfA did not mention at all women in science and technology. In fact, DG RTD designed a specific program for women in science, which was developed to intensify women's research activity carried out by and for women, both in gender-related and other fields and requiring a minimum proportion of female scientists in EU scientific committees. (Abels 2012)

However, the relative success of the strategy in the pioneer DGs corresponded to an equally problematic application of it in the remaining DGs, considered as significantly ineffective in less fertile policy areas. (Pollack and Hafner-Burton 2009) A great example of the systematic failure of the implementation of gender mainstreaming in Directorates-General is noticeable in DG CLIMA. In fact, despite the reaffirmation of the Commission's commitment to gender mainstreaming through Treaty provisions, strategic documents and the advocacy work of

women's organizations, many EU policies regarding climate change do not include a gender-sensitive perspective. This resistance is mainly caused by a systematic failure in the system to recognize the significance of incorporating this strategy in all policy-making processes – which is also theoretically mandatory because included in the Treaty of Amsterdam. In some of the DGs covering relevant policy areas – DG CLIMA included – the officials which are appointed to be responsible for gender mainstreaming within their unit do not consider themselves as playing an active role. This is due to the fact that most of these officials are not properly trained for mainstreaming, they are unexperienced and, in particular, not fully committed to gender. Most importantly, they are not rendered accountable in the case in which the implementation of gender mainstreaming proves to be inefficient within their DG. The role of powerful institutional actors within each DG is even more relevant, because they are able to completely bypass gender, because precedence is given to traditional EU norms and values, such as the free market and competitiveness. In the case of EU climate change policy, gender is ignored in favor of other discourses, which are now-a-days dominant, such as security and technological advancement. In addition, in the case in which EU climate change policy intersects with EU development policy, gender tends to be put aside. In the words of Allwood, *"When policy issues intersect, gender disappears"* (Allwood 2014)

To conclude, while the commitment to gender mainstreaming is theoretically mandatory for each Commission Unit, the lack of a system of sanctions and incentives, accountability mechanisms and peer pressure results in an inhomogeneous compliance across units.

Issues with other sub-institutions within the Commission

Another argument supporting the poor implementation of gender mainstreaming in the European Commission can be found in the overlapping and/or ambiguous responsibilities conferred to the sub-entities within the Commission on gender mainstreaming. The establishment of a variety of formal and informal sub-institutions within the Commission given similar tasks with regards to gender mainstreaming, translates into a dispersion of the strategy, making it less precise and effective (this problem is amplified if we consider that it is non-binding as well).

As already explained in the previous chapter, the Commission participates in the gender governance regime through the establishment of specific bodies, created to deal with gender inequality issues and. In this research in particular, we need to analyze the agency of sub-entities in the Commission dealing with gender mainstreaming. These bodies were classified

by EIGE in two different groups: bodies holding vertical (policy-specific) responsibility for gender and bodies holding horizontal (cross-sectorial) responsibility for gender. The first category has already been explored in the previous section, and it is composed of Directorates-General with specific tasks relating to the production of gender-related EU policies. The second category includes: the High Level Group of Commissioners on Gender Mainstreaming; the Advisory Committee on Equal Opportunities for Women and Men; the Inter-Service Group on Gender Equality; the European Network of Legal Experts in Gender Equality; Scientific Analysis and Advice on Gender Equality in the EU (SAAGE) group; the European Network of Equality Bodies (Equinet). Additionally, the European Institute for Gender Equality (EIGE) listed itself as one of the Commission's sub-institutions dealing with gender, even though it should theoretically be an independent European Agency.

Already following the commitment to the 1995 Beijing Conference, the European Commission appointed the High-level group of Commissioners on Gender Mainstreaming to deal with gender issues and the implementation of gender mainstreaming. This group is the main institution within the Commission responsible for laying out specific plans as a follow-up of the Commission's commitment to the Beijing Declaration. Additionally, it is in charge of organizing the yearly meeting of the UN Commission on the Status of Women. In sum, it was created to show that the EU was prioritizing its commitment to gender mainstreaming from the highest levels of decision-making. Nonetheless, according to Woodward, this represented a mere formal commitment, as on the informal level there was a lack of a widespread network of propellers of gender policy. In fact, Woodward claims that since according to some critics, some of the members of this group were disengaged themselves, the Commission was not fully engaged in mainstreaming gender. (Woodward 2003)

The Advisory Committee on Equal Opportunities for Women and Men brings together representatives from all member states, exponents of the European Women's Lobby, social partner organizations and experts from the European Institute for Gender Equality. This group only meets twice a year, and it serves as assistant to the Commission in drafting and implementing gender-related activities by delivering opinions on various specific relevant topics. Even though it is listed by EIGE as one of the main EU actors in gender mainstreaming, this informal institution has rarely dealt with this issue. In particular, among the opinions delivered by this group, only one was completely concerned with gender mainstreaming. [24]

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[24] Advisory Committee on Equal Opportunities for Women and Men – December 2 nd, 2016 - Opinion on gender mainstreaming in refugees' reception and integration measures. Available at

Additionally, in its latest "Opinion on the Future of Gender Equality Policy after 2019", it briefly mentions the importance of strengthening gender budgeting and mainstreaming in all policy sectors.[25] This highlights its relatively marginal role in shaping and/or influencing the structure and implementation of the strategy.

The Scientific Analysis and Advice on Gender Equality in the EU (SAAGE) group is the heir of the European Network of Experts on Gender Equality (ENEGE). It was set up in May 2016 and its main task is to provide to the Commission specific scientific data regarding gender equality. The experts which are part of this group are specialized in subjects such as econometrics, labor market economics, statistics, social inclusion and social protection. Since sex-disaggregated data is fundamental to guide the correct implementation of gender mainstreaming strategies, the work of this group could potentially be particularly important, because it provides useful information which could make EU policy-making processes more gender-sensitive.

The Inter-Service Group on Gender Mainstreaming (ISG) was set up by the European Commission and it was specifically conferred the task of supporting the structural implementation of gender mainstreaming within this institution. It is composed of representatives from each Directorate-General and is currently chaired by DG JUST, which holds a direct responsibility in the field of gender mainstreaming. The ISG has the task of coordinating the actions regarding the application and planning of gender mainstreaming activities in the respective work programs and policies of each Commission department. Additionally, it represents a platform in which reporting and monitoring activities are carried out, with respect to gender equality measures in the Commission in general. It holds meetings four times per year to specifically monitor the correct application of specific actions gender mainstreaming. Additionally, it contributes to the drafting of the annual gender equality report by cooperating with the Gender Equality Unit (which also serves as its Secretariat).

The EWL has expressed its doubts on the role of the Inter-Service Group on Gender Mainstreaming, which should be prevailing in the design and the implementation of the gender mainstreaming strategy within the European Commission. Indeed, the EWL argues that since this group operates as a sub-institution within the Commission, it does not have enough

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https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/opinion_on_gender_mainstreaming_refugees_integration_measures_2016_en_0.pdf

[25] Advisory Committee on Equal Opportunities for Women and Men – January 10 2019 – "The Future of Gender Equality Strategy after 2019: the Battles that we Win Never Stay Won". Available at https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/opinion_on_gender_equality_policy_post_2019_2018_en.pdf

visibility. Hence, their power to monitor and influence the implementation of a gender perspective in all policy-making areas is rather limited and governed by higher-level mechanisms within the Commission. [26] Since gender mainstreaming is a particularly complex process, which should revolutionize the institutional conformation of the Commission itself, it should be consistently implemented and monitored. Thus, the entity which deals with this process should be conferred more power of agency and visibility – in this case, the Intra-Service Group on Gender Mainstreaming. The EWL also argued that the information about the actual tasks and activities of this entity is insufficient and that they had not been in touch with them extensively to discuss the advancement in methods to monitor gender mainstreaming.

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[26] European Women's Lobby – Annual Report (2007).

4.2 Soft Policy: the Right Strategy?

In the framework of Feminist Institutionalism, it is important to take into account the role played both by formal and informal institutions in the process of implementation of gender mainstreaming strategies and practices. This section explores the impact of soft, non-binding tools in the de facto implementation of gender mainstreaming, as opposed to concrete actions which would be more effective in the concrete enforcement of these practices.

The tendency towards employing soft policy tools in the European Commission to address gender inequality issues was strengthened after the adoption of gender mainstreaming. (Lombardo and Meier 2008) In fact, the EU preferred to approach the implementation of gender mainstreaming through soft policy and law instruments, rather than biding tools such as Directives and Regulations – which mainly deal with gender equality in the field of employment. Nonetheless, many scholars agree on the fact that, in order for it to be correctly implemented, *"Mainstreaming needs to be hard, and measurable, and will in this way be authoritative."* (Woodward 2003)

The above-mentioned High-level group of Commissioners on Gender Mainstreaming proposed in 1995 the "Fourth Action Program for Equal Opportunities for Men and Women" [27], which was the first gender-related strategic document adopted after that the Commission expressed its commitment towards the BPfA. Hence, gender mainstreaming was dealt with as one of the main themes of this strategy. The principal ambition of this first attempt at mainstreaming gender was the inclusion of gender-sensitive content in the processes of drafting, implementing and monitoring legislation, policy and actions undertaken by both the EU and its member states. In this document, the concept of gender mainstreaming was presented as a cross-cutting strategy, and it was directed to three general themes on many different levels – including the European, national, regional and local ones. The first theme consists of the organizing principle, which was designed to expand the treatment of gender-sensitive issues in all policy areas and beyond DG JUST and DG EMPL. The second theme is subsidiarity, which consists of the EU and its member states working side by side to draft gender equality policy. The third and final theme is very important to this day: it revolved around the reconciliation of family/professional life among both men and women, and the mobilization of actors responsible for social and economic policies in dealing with equal opportunities. The

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[27] European Commission - COM (1995) 381: Proposal for a COUNCIL DECISION on the fourth medium- term Community action program on equal opportunities for women and men (1996-2000)

implementation of this action program within the Commission begun in 1997, when each Directorate-General appointed an officer, internal to each unit, to deal with the implementation of a gender perspective on each subject matter. In the same year, the Commission published its own "Gender Impact Guide" to regulate the foundations of the application of this new strategy within the Commission.

After the expiration of the above-mentioned Action Program, the European Commission drafted the predecessor of the more recent Roadmaps and Strategic Plans – the Community Framework Strategy on Gender Equality (2001 – 2005)[28] During this time period, in particular in 2003, the Commission also posted a Work Program for that specific year, which introduced the "Impact Assessment" tool[29] to the Gender Equality Framework Strategy. This represented a great step forward in mainstreaming gender in various EU policy-areas, but the document also stated that *"it remains [...] for individual DGs to ensure that the impact assessments they conduct also take gender impact into account as appropriate and this is an area for continued vigilance."* Hence, even this tool depends on exogenous factors such as the level of commitment of gender equality officials within the various DGs: it confers arbitrary power to each DG and it is not a binding commitment.

Subsequently, for the time period of 2006 – 2010, the European Commission drafted the first Roadmap[30]. This document laid out six priority areas in the field of gender equality at the EU level, for the time period going from 2006 to 2010. These include: achieving equal economic independence for men and women; enhancing the reconciliation of work, private and family life; promoting equal participation of women and men in decision-making; eradicating gender-based violence and trafficking; eliminating gender stereotypes in society; promoting gender equality outside the EU. The subsequent Strategy for Equality between Women and Men for 2010 – 2015[31] has a continuity function, as a follow-up of the Roadmap, combined with the objectives laid out in the European Pact for Gender Equality 2011 – 2020 (2011/C 155/02). It is a call for action on the same policy areas mentioned in the previous Roadmap. The Strategy

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[28] European Commission - Commission Communication of 7 June 2000: "Towards a Community framework strategy on gender equality (2001-2005)" [COM(2000) 335 final - Not published in the Official Journal].

[29] European Commission – Communication from the Commission to the European Parliament and the Council – Framework Strategy on Gender Equality - Work Program for 2003 [3] Work Program COM(2003)47, SEC(2003)137.

[30] European Commission - Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 [COM(2006) 92 final – Not published in the Official Journal].

[31] European Commission - Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Strategy for equality between women and men 2010-2015 [COM(2010) 491 final]

encourages the adoption of the "dual approach" on gender mainstreaming as a key element, and it emphasizes the importance of developing specific methodological gender instruments in order to concretely mainstream gender in all policy areas.

What all of these strategic documents have in common is a lack of concrete, measurable tools which make the implementation of gender mainstreaming across the various Commission units homogeneous.

The 2006 – 2010 Roadmap, for example, includes, among the key actions which should be undertaken by the Commission, the promotion of a wholesome implementation of the BPfA through the *"development and updating of indicators, with the support of the European Institute for Gender Equality".* Hence, the Commission did not consider the development of tools itself, but it commissioned it to EIGE. Subsequently, EIGE developed a "Gender Mainstreaming Toolkit", which consists of two main parts. The first one serves as a tool for guiding the mainstreaming of gender in all policy-areas and sectors. This part includes a guide for implementing gender mainstreaming in ten steps, corresponding to the various processes included in the policy-making cycle. Additionally, there is a section which deals with Gender Impact Assessments in detail, and the tools which should be utilized in the process.

The second part is composed of various "Gender Briefs" which are divided by theme and analyze the main issues in each policy-area. In addition, they advise how to concretely include gender mainstreaming to each area, and offer options on a variety of indicators for progress which could be employed. For instance, in the case of labor, EIGE created a toolkit to analyze the problems relating to unpaid labor (that is, family-related) and the issue of unemployment in relation to gender and the actions to tackle it. Nonetheless, even though these special tools have been developed to guide the concrete implementation of gender mainstreaming, there is no mention of a follow-up on the application of these tools in the latest Commission's Strategic Plan 2020-2025.

However, in the 2020 – 2025 Plan, the Commission renews its promise to *"integrate a gender perspective in all major Commission initiatives during the current mandate".* In order to facilitate that, it introduced the figure of the first Commissioner for Equality, with its own stand-alone portfolio, and it created yet another body – the Task Force for Equality to be precise – to encourage and monitor the application of the gender mainstreaming strategy both at a technical and operational level. Yet again, there is no mention in the Strategic Plan on essential tools, such as budgeting and binding measures, to ensure a more effective and harmonized application of gender mainstreaming throughout the various EU institutions and, in particular, in the Commission itself. Moreover, notoriously, the effectiveness of the mainstreaming

strategy is heavily depending on the mechanisms of monitoring the enforcement of its implementation. Nonetheless, the Commission does not have a set of criteria to coherently assess the application of gender mainstreaming, but merely evaluates the actions carried out and the place of women. (Van der Vleuten 2016)

Additionally, there is an issue with the principles of accountability and compliance, because the monitoring and evaluating processes lack of transparency, which makes it difficult to understand the real degree of implementation of gender mainstreaming across DGs. In fact, all the annual reports on gender equality actions drafted by the various Commission services are not available to the public, which results in the inability of the various stakeholders to produce any follow-up analyses. In addition, for example, an evaluation of the 2006 – 2010 Roadmap was carried out. This document included an analysis of: the level of gender mainstreaming, the gender governance system and cross-cutting issues related to delivery mechanisms. However, the report resulting from this evaluation was never rendered publicly available, even though the outcomes were supposedly used as a starting point for the drafting of the 2010 – 2015 Strategy. (Minto and Mergaert 2018)

To conclude, in the 2020 – 2025 Strategy, there is a mention to the newest "Structural Reform Support Program" (SRSP), which is designed for giving enhanced support for the member states to mainstream gender in *"public administration, state budgeting and financial management".*[32] This program, though, solely addresses Member States administrations, still leaving out the unresolved issues to the implementation of gender mainstreaming within the Commission, which should be the leading example for all other institutions and national governments.

Excursus on the EU Multiple Discrimination Approach Vs Intersectionality

Another issue concerning the European Commission's approach to gender mainstreaming is that it relies on the assumption that all women within the European Union are affected by the same kind of discrimination. Nonetheless, women from across the various Member States experience multiple kinds of oppression, which intersect and shape unique experiences for different groups of women. The interdependence among a vast array of discrimination factors

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[32] European Commission - COM(2018) 391 final – Proposal for a Regulation of the European Parliament and Council on the establishment of the Reform Support Program.

needs to be addressed, because it is impossible for a policy to be focused on tackling one inequality and, at the same time, remain neutral to other inequalities intersecting with it. Before analyzing the lack of an intersectional approach by the European Commission in drafting gender mainstreaming strategies, we need to briefly outline the concept of intersectionality, its origins and main assumptions in order to then examine how it has been dealt with in the European framework. The notion of intersectionality was born in the United States back in the 1980s, during the third wave of feminism and, in particular, within the context of black feminism. Kimberlé Crenshaw, the main exponent of the theory of intersectionality, began the theorization of this new and more inclusive kind of feminism and came to the conclusion that *"Many of our social justice problems like racism and sexism are often overlapping, creating multiple levels of social injustice."* (Crenshaw 2016) Starting from the pre-assumption that when it comes to anti-discrimination policies and legislation, discrimination is often treated by governments with single-axis approaches, Crenshaw explains how this represents a problem, because these approaches project a special focus on the most privileged members of the group in question. A very linear example of this could be the following: among black people, anti-discrimination policy and legislation based on race, will mostly benefit those members of this group who are privileged in terms of class and/or gender; among women, anti-discrimination policy based on gender will mostly benefit those who are privileged in terms of race and/or class. In Hull's words, to explain this simple example in fewer words, *"all the women are white"* and *"all the blacks are men"*. (Hull 1982) If the intersection of two of the most basic axes already produces an uneven protection of individuals, what happens when more discriminatory factors are added to the mix, such as disability, religious belief, ethnicity, sexual orientation? Intersectional theory was specifically designed to understand how certain individuals within the wider society can be victims of overlapping frames of discrimination.

Intersectionality has been increasingly studied on the theoretical level, as a strategic tool to address structural and political issues relating to multiple overlapping inequalities and understanding their consequences on individuals. Nonetheless, it received little attention by policy-making and legislative bodies, even in the progressive EU. Lombardo and Verloo use a critical frame analysis approach to track the presence and absence of intersectionality in the EU's policy papers and documents. They come to the conclusion that *"the EU legal framework is merely juxtaposing inequalities rather than intersecting them, and is not giving equal importance to the different inequalities."* At the time in which Verloo and Lombardo were writing their 2009 article, they noticed that, even though the Commission had started to work

on a "multiple discrimination" approach, there were no references to the incorporation of intersectional theory in the process of tackling inequalities. (Lombardo and Verloo 2009) As opposed to this analysis, we can notice how the European Commission commits to the incorporation of intersectionality in gender mainstreaming in its latest Gender Equality Strategy.33 In fact, in the introduction of the document, the Commission states that it will *"enhance gender mainstreaming by systematically including a gender perspective in all stages of policy design in all EU policy areas, internal and external"* while still committing to using the dual approach strategy. Additionally, the document states that this strategy *"will be implemented using intersectionality [...] as a cross-cutting principle."* This commitment could bring significant progress, if only it were correctly implemented. Nonetheless, while including intersectionality in gender mainstreaming could be useful to address gender imparities overlapping with other grounds of discrimination in women's unique experiences, it needs to be carefully incorporated in the gender mainstreaming strategy. Indeed, the de facto inclusion of various other discriminations in the EU gender mainstreaming strategy proves to be problematic, and the center of various debates. Because of the complexity of this incorporation, the European Commission has not included many references to overlapping discriminations in its various gender equality strategy documents. Even though women in vulnerable situations increasingly appear in more recent gender mainstreaming strategies issued by the Commission, gender is still not approached from an intersectional point of view. (Calvo 2013) The main deficiency consists of the lack of consideration of how, by overlapping, the different oppressions could intersect and, in some cases, even become amplified.

According to Kantola and Nousiainen, the EU's approach to anti-discrimination policy does not revolve around intersectionality, but rather a multi-discrimination approach. This model revolves around the notion that the diverse inequalities have the same degree of importance, hence they can be efficiently treated with a mere anti-discrimination approach. (Kantola and Nousiainen 2009) A similar position is held by Lombardo and Verloo, who argue that the prominence of anti-discrimination approaches could potentially create tensions with the mainstreaming strategy, because the latter does not yet cover all kinds of inequalities. On top of that, a mere anti-discrimination policy approach could hinder the progress made in gender equality, which is the only field in which a mainstreaming strategy has been adopted. In fact, in addition to anti-discrimination, the European Commission has been dealing with gender

33 European Commission, COM(2020) 152 final (March, 2020) - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Union of Equality: Gender Equality Strategy 2020-2025.

issues through an extensive array of tools, including positive action and mainstreaming. Therefore, going back to anti-discrimination in order to address overlapping discriminatory axes, would mean going back to an equal opportunities approach. (Lombardo and Verloo 2009) This highlights the fact that the European Union considers women as a homogeneous category and that the European Commission, while creating gender policies, does not take into account diverse readings of overlapping discrimination. (Calvo 2013) In particular, the gender mainstreaming strategy outlined by the Commission in various Roadmaps and Strategic Plans, mainly includes a vision in which gender merely consists of the binary division between men and women. This intersectional-blind view could be due to power struggles, as explained by Verloo and Lombardo. (Lombardo and Verloo 2009) In fact, the various groups of women surely have different demands and needs, which reach the Commission unevenly due to the different levels of access among the different groups to the policy-makers. Additionally, these policy-makers might be biased by their own personal views, which enable the reproduction and survival of overlapping inequalities. Finally, there would be a struggle in competing for funding among different groups, each having their own, specific needs.

To conclude, the debate on addressing intersecting inequalities within the EU through gender mainstreaming strategies creates two main positions. The first one argues that by including intersecting discriminations to gender mainstreaming could hinder the primary objectives of the strategy, as some of the resources employed for this could be dispersed. The second one argues positively that the adoption of a more inclusive gender mainstreaming strategy could be strengthened by a coordination among the various groups of women. (Squires 2005) Squires later suggests that gender mainstreaming strategies could be combined with a series of deliberative mechanisms, which would enable the inclusion of marginalized women's groups into a more diversified gender mainstreaming strategy. (Squires 2007)

4.3 The European Commission and Intra-Institutional Dynamics

The introduction of gender mainstreaming within the European Commission represented a turning point for the advancement of EU gender issues, as they gained a renewed importance. Since then, the Directorate General for Employment, Social Affairs and Inclusion took on the task to monitor and evaluate this new strategy. However, gender mainstreaming is oftentimes ambiguously defined and driven by vague objectives, and it only relies on the general concept of including a gender perspective into policy-making. Hence, the effective implementation of gender mainstreaming heavily relies on the willingness and knowledge of the person which is responsible for gender issues within every DG (Stratigaki 2005) and it depends on the resistance of each policy area to the introduction of gender-sensitive elements.

Although the European Commission is supposed to be the propeller of gender mainstreaming, as well as gender equality policies and strategies in general, there seem to be tensions between the gender rhetoric of the Commission and that of other institutions. As explained above, this tension, in the case of gender mainstreaming in particular, originates from the different readings that each institution holds on this strategy.

The EWL seems to be particularly critical of the implementation of the gender mainstreaming strategy within the Commission, and underlines it in a great number of reports and documents. They recognize the weakness in the discretionary power given to each DG in this process, which is envisaged by the various Strategies and Roadmaps drafted by the Commission. In fact, while analyzing the Roadmap on Gender Equality adopted by the European Commission in 2006[34], the EWL noticed that it did neither foresee any specific measures to concretely apply gender mainstreaming, nor a specific budget. The lack of budget, they argue, increases the arbitrary agency of each DG in the implementation process. Thus, the different modes of implementation of this strategy in the various Directorates-General might result in a lack of coherence, an inhomogeneous application among the various units and the original goals laid out by the Roadmap. [35]

Gender mainstreaming has always been subject of discussion, producing tensions among the various actors which are involved in the policy-making process at the European level. Even though the association between Commission officials and EWL advocates is governed by

[34] Mentioned and briefly explained in the previous chapter.
[35] European Women's Lobby – Annual Report (2008).

contracts of "good relations", the EWL has oftentimes presented criticisms on mechanisms and dynamics regarding gender issues within the European Commission. For instance, the EWL claims that for the time period between 2000 and 2005, even though the Commission has designed and implemented new measure to foster gender equality, they proved to be inefficient. This inefficiency was due to lacking budgetary resources, as well as an insufficient training of civil servants and officials and the diffusion of unclear directions from the highest level.[36]

Being the implementation of gender mainstreaming problematic within the Commission, which is the main propeller of the strategy at the European level, this issue has also spread out to other actors within the European Union. In fact, since the strategy depends significantly on the Commission, the fact that they haven't been able to properly implement it and monitor it within this institution itself has also translated on its implementation in other European actors and institutions. The central role played by the European Commission in EU gender governance sometimes translates into a lesser level of independence of the other actors involved in it. For instance, the EWL, which has been lobbying and advocating for the concrete implementation of gender mainstreaming, is highly dependent on the Commission for survival, since it is the main source of their funding. Therefore, it cannot be considered as an independent lobby, because it is so highly reliant on the Commission. On the same note, another body working for the implementation of gender mainstreaming at the EU level is the European Institute of Gender Equality. Although this EU agency – as stated in the first chapter of this research as well – was created by the European Council and Parliament, it is dependent on the Commission. This is because the Commission was conferred the power to nominate EIGE's board of directors, creating some doubts over the de facto independence of the agency. In sum, the dependence of these bodies to the Commission hinders their discretionary powers of agency in the promotion of gender mainstreaming as well as other gender equality strategies.

The problematic implementation of legislative measures regarding gender equality can also be attributed to the complex Co-decision procedure set up for the drafting process of EU law. In fact, although the Co-decision process presents various advantages from a democratic point of view, it slows down the legislative process as well as allowing some issues to be stalled.
A perfect example representing this issue in the Co-decision procedure is the following. In 2012, the Directorate-General for Justice and Consumers proposed a Directive, which entailed

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[36] European Women's Lobby – Annual Report (2005).

that managing boards of listed European companies needed to be composed of women at least by 40%.[37] Although the European Parliament approved the adoption of this proposal, the latter is stuck in the European Council still today, therefore it was never officially adopted. This lack of implementation was due to a discussion among parliamentarians of different EU Member States on whether this measure should be binding or not.

Another issue with the Co-decision procedure is that the agency of lobby and advocacy groups gets dispersed as they have to make an effort to try and reach all the institutions involved in the process.

Tensions can also be found in the modalities of implementation of the gender mainstreaming strategies between the European Commission and the European Court of Justice (ECJ) as well. In fact, as was already explained in the first chapter, the different European institutions have a variety of readings regarding gender equality and, in particular, gender mainstreaming. The ECJ, being one of the main actors in gender governance, played a great role in the limitation of some EU positive action strategies promoted by the European Commission. The contrasting views between the Commission and the ECJ on gender equality can be noticed in a variety of cases, including the Kalanke[38] and Marschall[39] cases. In fact, the rulings for these cases were delivered by the ECJ after the Commission had already made its commitment to adopting gender mainstreaming, in 1995. The disregard by the ECJ to this commitment shows how the highest representative of the European Judicial mechanism does not endorse the same gender equality perspective as the Commission, which should be the force guiding and encouraging the homogeneous implementation of this strategy across the various EU institutions.

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[37] European Commission, 2012 – COM(2012) 614 "Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures." Available at https://ec.europa.eu/transparency/regdoc/rep/1/2012/EN/1-2012-614-EN-F1-1.Pdf

[38] European Court of Justice, 17 October 1995, Case C-450/93, Kalanke v Freie Hansestadt Bremen – Mr. Kalanke was shortlisted for promotion alongside Ms. Glissman. They both covered the same position in the company and had approximately the same qualifications. Mr. Kalanke was put forward for promotion, but the Staff Committee declined it and presented the case to a conciliation committee, which rules that under state law, in the case in which a man and a woman have the same qualifications and compete for the same position in a field in which women are underrepresented, the female candidate should be given priority. Mr. Kalanke argued that this was discriminatory according to Article 2(1) and 2(4) of Council Directive 76/207/EEC on Equal Treatment. The ECJ finally ruled that this provision should be read restrictively, as *"where women and men who are candidates for the same promotion are equally qualified, women are automatically to be given priority in sectors where they are under-represented, involves discrimination on grounds of sex"*. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61993CJ0450&from=EN

[39] European Court of Justice, 11 November 1997 - Marschall v Land Nordrhein- Westfalen, Case C-409/95 [1997] ECR I-6363 – similar to the Kalanke case, resulting in the ECJ issuing a similar ruling. Details available at https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61995CJ0409&from=EN.

It is important to notice how these rulings were delivered before the ratification of the Amsterdam Treaty in 1999. In fact, as a response to these specific rulings, the Commission made sure to keep and update Article 141.1 in the Amsterdam Treaty (which was a replacement for Article 119 of the Rome Treaty), which foresaw the use of specific beneficial measures for the "disadvantaged" sex to ensure the promotion of equal treatment. Now-a-days, these tensions between the ECJ and the European Commission still remain unsolved, mainly because there is no specific EU institutional mechanism which would be able to address these issues. The lack of consensus on the modalities of implementation of gender mainstreaming at the highest EU institutional level is a reflection of many problematic mechanisms within EU gender governance. Firstly, it shows that there is a problem in the coordination of gender strategies at the EU level under the guidance of the European Commission, which should be the main policy-fostering body. Secondly, the issues internal to the European Commission itself are indicative of the difficulties also encountered in the intra-institutional framework. How can the European Commission be an example to follow for other institutions in the implementation of gender mainstreaming, when it presents internal coordination issues and lacks the tools to ensure a homogeneous adoption of a gender perspective in all policy fields, even within itself?

Conclusion

The European Commission is more politically committed to gender mainstreaming than any other international organization and national administration, and it manages to successfully implement some mainstreaming-related initiatives in many policy-areas, such as research, development and employment. Nonetheless, if we strictly refer to the pure definition of gender mainstreaming – as the inclusion of a gender perspective to *all* policy areas – the Commission has not been able to uphold its political commitment to the Beijing Declaration, even 25 years after its signing. (Pollack and Hafner-Burton 2009) Hence, this thesis seeks to reply to a particularly relevant question: is the European Commission effectively a champion in gender mainstreaming?

Following a feminist institutionalist theoretical framework, we were able to explore the most pressing issues of the Commission's implementation of gender mainstreaming. In particular: the internal issues which determine a low level of institutionalization of the strategy both in formal and informal institutions within the Commission; the problematic prevalent employment of soft policy tools, which are unmeasurable and non-binding, resulting in a low interest in correctly implementing the strategy; the role of the European Commission as a propeller of gender mainstreaming among other EU institutions and entities.

In the first section of the second chapter, I analyzed the level of institutionalization of gender mainstreaming within the European Commission, through particular theoretical tools: the logic of appropriateness, layering and path dependency. Through path dependency, this thesis showed that the institutionalization of gender mainstreaming was hindered by the development of the EU through three critical junctures, culminating in the adoption of the Better Regulation. The logic of appropriateness approach to the evolution of the Commission's modus operando showed that the institutionalization of the strategy was hindered by maintaining the gendered status quo over the years. Lastly, layering proved how gender mainstreaming was merely integrated by the Commission in its policy-making processes but it hasn't transformed the inherently gendered system. The second section explained that the unevenness in the implementation of the strategy in the DGs was caused by many factors, including: lack of accountability mechanisms and transparency obligations; varying ideological and political costs for each DG; lack of a system of sanctions and incentives. The final section lays out the various issues regarding the conferral of uncertain and overlapping responsibilities on the strategy among sub-institutions within the Commission. In fact, we found that the establishment of various sub-institutions responsible for gender mainstreaming within the

Commission, with similar tasks, have resulted in a dispersion of the strategy, rendering it less effective and precise.

In the second section of the second chapter, this thesis explained why the Commission's tendency to employ soft policy tools in the adoption of gender mainstreaming resulted problematic in the de facto implementation and promotion of the strategy. In fact, all the Commission's strategic documents on gender equality lack concrete and measurable tools to implement the strategy. Since implementation has proven to rely heavily on monitoring and evaluating processes, the employment of hard policy tools and the amelioration of pre-existing tools, such as Impact Assessments, could be pivotal to improve the strategy's effectiveness. Additionally, the lack of accountability, compliance and transparency in the process of implementing gender mainstreaming within the Commission makes it harder to grasp the underlying issues causing the inhomogeneity of the application of the strategy across DGs and other sub-institutions. The EWL suggested in its 2007 annual report, a reform of the EU's gender mandate, in order to strengthen and hold accountable the Inter-Service Group and to annually publish the gender mainstreaming reports of each DG. Pollack and Hafner-Burton further suggest the strengthening of the coordinating role of DG Employment, in order for it to acquire the authority to ask for annual reports from other DGs and find solutions to tackle implementation issues specific to each DG. In sum, statutory requirements coming from hard mainstreaming programs would represent a great progress in the effectiveness of gender mainstreaming. (Pollack and Hafner-Burton 2009)

In a sub-section of this paragraph, I also argued that the gender mainstreaming process in the European Commission is even more complex to implement when intersectionality is taken into account, but that it is pivotal because women should not be considered as a homogeneous category. The current multi-discrimination approach which is employed by the EU when multiple axes of oppression intersect, is not sufficient and is not included in the formulation of gender mainstreaming strategies.

As shown in the third section of the second chapter, the shortcomings in the implementation of gender mainstreaming within the Commission resonate in the whole European Union's political system. Indeed, while the Commission should be an example to follow in the institutionalization and implementation of gender mainstreaming for the other EU institutions and national administrations, it clearly fails to do so because of the above-mentioned internal flaws. First of all, in the EU gender governance system, the central role of the Commission hinders the independence of other actors involved in gender mainstreaming – as we have seen in the case of the EWL and EIGE – and lowers their agency power in the promotion of gender

mainstreaming practices. Secondly, the power of the European Commission as propeller of the strategy is weakened by the Co-decision legislative procedure. This is because the different parties involved in the procedure – the Parliament and the Council – confer different meanings to gender mainstreaming, which sometimes slows down the passing of legislation related to the topic. Thirdly, the tensions between the readings of gender mainstreaming between the Commission – the EU's executive body – and the ECJ – the judiciary body – translate into its inhomogeneous employment in practice.

In sum, this thesis argues that, while gender mainstreaming has an incredible transformational power in theory, its de facto implementation within and by the European Commission is characterized by numerous flaws, which are either inherently systematic, institutionalized or normalized by the actors involved in the policy-making processes (depending heavily on the issue-areas treated). The EU has prominently employed an integrationist approach to the introduction of a gender perspective in all policy-areas, which is less effective than the transformative one. (Jahan 1995) Nonetheless, the first 25 years of the implementation of the strategy proved that a gradual and specific introduction of gender mainstreaming in all policy areas holds the potential to influence the EU's predominant discourses, actors and initiatives, although until now it has only been successful in policy-areas which are traditionally related to gender policy.

When the issues relating to every policy-area are specifically tackled, gender mainstreaming strategies are implemented through hard policy tools and intersectionality is successfully taken into account by these strategies, we will see more concrete results in the amelioration of gender equality in the EU. When the European Commission will devolve more resources and closer attention to this strategy, it will effectively become a champion in gender mainstreaming and a leader among EU institutions in the implementation process.

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