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## QUING WHY paper for Intersectionality Call

### Framing gender intersections in the European Union: what implications for the quality of intersectionality in policies?<sup>1</sup>

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#### Abstract

This paper explores the extent to which the emergence of an anti-discrimination policy in the European Union (EU) implies a shift in EU gender equality policies towards an intersectional approach. The frame analysis of EU gender equality policy documents shows that intersectional dimensions are increasingly present but they are treated implicitly and from a separate perspective, and the inclusion of a wide range of inequalities often implies a degendering of the policy content. We assess the implications of the identified intersectionality trends for the quality of intersectionality in gender equality policies and we suggest the practice of an ‘intersectionality impact assessment’ as a way to improve the quality of EU policy-making. In this regard, we particularly focus on the interface between the civil society and the EU institutions.

#### Introduction

The European Union (EU) gender equality policy has experienced important changes in the last decade, due, among other factors, to developments in anti-discrimination policy from Article 13 of the Amsterdam Treaty onwards. The Article sets the EU competence for combating discrimination on grounds of sex, racial and ethnic origin, disability, age, religion and sexual orientation. The anti-discrimination approach is not only changing the EU legal and political framework on equality, with the approval of legally binding directives (2000/43/EC and 2000/78/EC) and the proposal of new ones<sup>1</sup>. It is also provoking debates on the intersection of gender with other inequalities. This paper aims at grasping how such developments have been reflected in the Union’s gender equality policies by exploring the framing of intersectionality in EU gender equality policy documents from 1995 to 2007. It analyses documents produced by institutional and civil society actors in the areas of ‘gender based violence’, ‘intimate citizenship’ and ‘non employment’, all issues that were researched within the European QUING project<sup>2</sup>.

Our interest in exploring the concept of intersectionality in the EU is connected to our main question, namely: what are the implications of the *framing* of intersectionality in the EU for the *quality* of gender equality policies? By quality, we are referring to the formulation of policies, rather than the quality of the implementation of these since our analysis is based on empirical policy documents. The criteria for assessing the quality of intersectionality in policies will be developed in the following sections of the paper. Our initial hypothesis is that, if EU policies have changed to respond to the requirements of

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anti-discrimination, this should change the quality of gender equality policies as well by making them more inclusive of other inequalities that intersect with gender. In this sense, we assume that a strengthened focus on intersectional relations and their implications can further the quality of the policies. Frame analysis of EU policy discourses can inform us on the extent to which EU gender equality policies have moved towards some kind of intersectional approach to the treatment of inequalities. This analysis will enable us to assess the main trends in the framing of intersectionality in EU gender equality policies. It will also provide us with insights that may contribute to improving the quality of EU policymaking within this area and to the further development of intersectionality theory. Thus, we distinguish between the quality of the policies themselves and the quality of the intersectional relations potentially included in the policies.

Within the QUING analysis of policy documents, quality of gender equality policies has generally been associated with criteria such as internal consistency (e.g. between diagnostic and prognostic elements, see Verloo 2007; Lombardo and Meier 2009); gender explicitness (addressing problems in explicitly gendered terms) (Dombos et al 2009; F. de Vega, Rolandsen and Lombardo 2008); structural understanding of gender inequality (showing awareness of structural causes of the problem, gender norms, and power relations) (Verloo 2007; Walby 2007b; Dombos et al 2009); comprehensiveness (including a broad concept of gender equality, that tackles the multiple interconnected causes which create an unequal relation between the sexes in the different domains of economy, polity, civil society and violence) (Walby 2009); prioritising gender equality as an aim in itself, not as a means to achieve another goal (Verloo 2007; F. de Vega, Rolandsen and Lombardo 2008); inclusive policymaking (reference to consultations with different actors concerned with the policy) (Dombos et al 2009); and intersectional inclusion (including considerations about how gender intersects with other inequalities) (Walby 2007a; Dombos et al 2009). In this paper we do not pretend to tackle all issues related to the quality of gender equality policies, but rather only the aspect of intersectional inclusion, that is one of the aspects that could improve the overall quality of gender equality policies. We pay particular attention to issues of inclusive policymaking, by considering references to consultations with civil society in the EU policy documents. Due to the relatively higher presence of references to intersectionality in civil society documents, it seems important to assess the role played by civil society in influencing the EU policies and potentially improving their intersectional quality.

Intersectionality is a concept that is increasingly discussed in feminist theory, as special issues in *European Journal of Women's Studies* (13/3 2006) and *Politics and Gender* (3/2 2007) and articles in *Feminist Review* (2005-2008), show. Hancock (2007: 64) argues that intersectional approaches to the treatment of inequalities are those which address more than one inequality (analysing, for instance, how race interacts with gender), and treat the relationship between the categories as an *open empirical question*.<sup>3</sup> Categories are conceptualised in a dynamic interaction between individual and institutional factors, for instance by conducting holistic researches analysing potential cross-cutting roles of race, class, and gender in people's lives (Hancock 2007). An intersectional approach is different from both a 'unitary' and a 'multiple' approach to inequalities, as these two address either one inequality at a time as the main one (e.g. gender only, or race only), or more than one inequality as if they mattered equally (e.g. race and gender).

In this paper we understand the 'intersectional approach' in a similar way to Hancock in two aspects. The first is that we define an intersectional approach as one

that treats inequalities by intersecting them rather than simply adding them up and/or considering them separately. In politics, this means formulating policies so that they take into account groups at the different intersections of inequalities and the way they are affected by the policies in question. Consequently, intersectionality is understood as the intersecting effect of several forms of inequalities which together form an impact that is different from the one made by one of them alone or in simple addition (Walby 2007a). The second is that, since we do not have strong predetermined ideas of how an intersectional approach should look like, we treat intersectionality as an open empirical question, and then assess how policymakers and civil society actors articulate it in the EU context through the analysis of policy documents.

While there already exist a great number of studies on the EU anti-discrimination legal framework (Bell 2002; 2000; 1999; Ellis 2005; Fredman 2005; McCrudden 2005; Shaw 2005; 2004), two developing fields of study are the institutionalisation of political intersectionality<sup>4</sup> in the EU (Verloo 2006; Walby 2007a; Kantola and Nousiainen 2009; Lombardo and Verloo 2009a) and the intersectional dynamics between civil society and institutions that take place in the EU (Rolandsen Agustín 2008; Williams 2003; Lombardo and Verloo 2009b)<sup>5</sup>. The European Commission (2007) itself addressed the differentiated notions of intersectionality and multiple discrimination in a report from 2007, elaborated by the Danish Institute for Human Rights. The report is the most elaborate EU text on this issue and it reflects the strengthened institutional awareness of different kinds of discrimination and their interrelations within recent years. However, the analysis of how intersectionality is framed in the EU is an area that is still less explored. Some research on the framing of intersectionality in the EU policy discourse has been conducted in the European MAGEEQ project<sup>6</sup> and collected in Verloo (2007) and Lombardo and Verloo (2009b). Findings showed that political intersectionality is still at an embryonic stage in European policy making and that there are traces of racist, ethnic, or homophobic bias in the formulation of gender equality policies that stigmatise groups at particular points of intersection. There seems to be a need for studies on the framing of intersectionality in the EU that could fill the existing gap in the literature, and this paper intends to be one of the steps in this direction.

The analysis of intersectionality in EU gender equality policies is developed in this paper in three sections: firstly, we present the methodology employed in our analysis. Secondly, we analyse the main trends of intersectionality framing in the EU policy texts as well as the quality assessment of intersectionality in the policies. Thirdly, we give some tentative explanations and attempts at understanding the dynamics behind the particular development of intersectionality in the EU, mainly through a comparison of the institutional and civil society voices analysed. In the conclusions, we sum up the main empirical and theoretical points regarding intersectionality in policy-making. The overall objective is to assess the quality of intersectionality in EU gender equality policies and the impact of the civil society organisations on these. We also aim to gain a preliminary understanding of the meaning of intersectionality in EU policies over the last decade and why some of the identified trends occur, with particular reference to the role of the voices that authored the texts.

We argue that, although an intersectional approach is embryonic in EU gender equality policies, the combination of frame analysis and quality criteria can contribute to reveal policymakers's awareness concerning intersectionality. This is because frame analysis of policy documents can help to identify existing intersectional trends in EU policies and the suggested criteria can help to assess the quality of such trends by pointing at what, who, and how policymakers are privileging in their policy design and

what, who, and how they are neglecting. This indirectly informs us on policymakers' attitude of reflexivity as concerns gender intersections, and moves us to suggest a practice of intersectionality impact assessment to enhance awareness of biases and exclusions and thus improve the quality of intersectionality in policies.

## **1. Methodological considerations**

Some methodological notes are needed to understand the argument we develop in the paper and the way we proceeded to analyse the framing of intersectionality in EU gender equality policies<sup>7</sup>. We focused on three policy issues for the analysis: 'gender based violence' (GBV), which includes any form of violence rooted in structural gender based inequalities; 'intimate citizenship' (IC), which concerns policies that regulate intimate partnerships; and 'non employment' (NE), which considers employment and other related policies (e.g. reconciliation of family and work, welfare, etc.) through an inverted perspective on how these policies construct subjects who are considered as legitimately employed or non employed, and what the gender implications of this construction are (Dombos, Krizsan, and Zentai 2008). Within each of these policy issues, we then selected specific sub-issues and for each of these subissues we chose a sample of documents to analyse, making sure that we had at least one law, one policy plan, one parliamentary debate and one civil society text, in order to have a sample of the most relevant institutional and civil society voices speaking on a particular issue<sup>8</sup>.

Three main rules were followed in the selection of the documents (Krizsan and Verloo 2007): the list of selected texts had to capture the most important documents and the frames articulated in these; the sample should include texts giving voice to the most important actors who participated in the debates; and the list of texts to analyse should capture all major shifts and changes within the chosen period from 1995 to 2007. In the latter case, in order to ensure a selection of texts more likely to reflect some attention to intersectionality, the sampling privileged the most recent policy documents. Our sampling can be considered representative of EU gender equality policies, keeping in mind that documents were selected on the basis of the aforementioned criteria and on the way in which we defined the different sub-issues within the QUING team (see Annex 1 for a list of analysed texts).

The sampled documents were analysed through frame analysis, a methodology that explores the various key dimensions in which a given policy problem can be represented (Verloo 2007). According to this methodology, policy problems usually include a diagnosis ('what is/are the problem/s?') and a prognosis ('what is/are the solution/s?') of the issue at stake, both of which can be interpreted in many different ways. Within the dimensions of diagnosis and prognosis, we also identified implicit or explicit representations of who is deemed to face the problem of gender inequality, who caused it, who should solve it, to what extent gender and intersectionality are related to the problem and its solution, and other relevant questions. In order to identify the relevant ways in which a problem can be represented, the sampled documents were coded on the basis of a set of standardised questions (Krizsan and Verloo 2006). We will mention here only the questions of interest for this paper, namely the ones related to intersectionality and gender. They explore whether and how gender is addressed in a given document, and whether and how any other inequality (class, ethnicity/race, sexual orientation, disability, age, religion/belief, marital/family status, and nationality/migrant status) is addressed at all. We coded not only gender and intersectionality dimensions, but also the relationships among inequality categories, as they are represented in the text, distin-

guishing between whether the relationship was additive, competing, separate, intersecting or hierarchical (e.g. gender as most important category), and whether there was a clear articulation of intersectionality. This analysis aimed at detecting the extent to which gender was seen to intersect in the policy measures considered, and if so, how, and with which other inequalities. Other questions also specifically asked whether the document referred to consultation processes with civil society actors and whether these included women's organisations.

## 2. Assessing the quality of intersectionality in EU gender equality policies<sup>9</sup>

### 2.1 Quality criteria for intersectionality

The frame analysis of intersectionality in the selected EU gender equality policy texts has enabled us to identify a number of recurring *trends* in the different issues and subissues. We analyse and assess these trends according to the following set of quality criteria for 'good intersectionality' in policies<sup>10</sup>: *explicitness* and *visibility* of certain inequalities as well as *inclusiveness* of a wide range of multiple inequality categories in the policy documents; extent of *articulation* of intersectionality which implies both the mentioning of the intersecting categories and the way they are dealt with in the documents (i.e. as separate or mutually constitutive categories); *gendering* of certain policy issues and intersecting inequalities; appearance of a *transformative approach* to the issue of intersectionality; a *structural understanding* of power hierarchies and the dimensions of inequality; awareness/challenging of *privileges*; avoiding the potential *stigmatization* of people and groups at different points of intersection; and *consultation* of civil society actors in the policy-making process.

The level of *explicitness*, *visibility* and *inclusiveness* with which the inequalities and intersections are named as problems in the policy texts is an important part of the assessment of quality (Dombos, Krizsan, and Zentai 2008). Intersectionality scholars have often referred to the need of including a comprehensive list of inequality categories, and have, for instance, criticised the EU list of inequalities for excluding class (see among others Kantola and Nousiainen 2009). Crenshaw (1991) points at visibility as a quality criterion when she shows that the experience of Black women, at the point of intersection between gender and race, had been made invisible by both gender and anti-racist activists, with the result that the problems of domestic violence experienced by Black women remained untackled. Independently of how articulated a reference to intersectionality is, in order for the problem to be addressed, it must first be made explicit in some way (Verloo 2007). The mere naming of the problem gives it some visibility and provides a term to define the phenomenon (whatever it is called, multiple discrimination, intersectionality, or with reference to how people are affected by inequalities). This opens up possibilities for discussing the problem and finding solutions to it. For instance, the EU concept of 'multiple discrimination' opens up opportunities at the EU and member state levels to put it on the agenda (European Commission 2007; Lombardo and Verloo 2009a). Visibility, however, has also been questioned as a quality criterion, sometimes in the name of strategic silencing, other times considering that inequalities are often named in an implicit rather than an explicit way, or that it is the outcome rather than the naming of policies which needs to be scrutinised (Walby, Armstrong and Strid 2009). While in this paper we consider visibility as a quality criterion, this remains open to discussion.

The level of *articulation* refers both to the way in which the intersectionality is named in the text and, more particularly, to the way it is dealt with (Dombos, Krizsan, and Zentai 2008). The latter concerns the way in which the relations between the intersecting categories are understood and the extent to which these relations are explained in an articulated way in the texts. In our frame analysis of EU documents we distinguished between additive categories, where multiple inequalities are considered as adding double or multiple disadvantages, and mutually constitutive categories, where the different kinds of intersections are thought to be substantially different than the sum of the categories which they include (Walby 2007a; Walby, Armstrong and Strid 2009; Crenshaw 1991; Hancock 2007). In the cases where no explanations or understandings of the nature of the relationship between the categories are expressed, we consider the relation to be inarticulate (Dombos, Krizsan, and Zentai 2008). We consider articulation as a quality criterion because, by providing a more accurate and elaborated account of the role of intersectional relations in the diagnosis and prognosis of a policy problem, it increases the chances that policies will address more concretely the concerns of subjects at the point of intersection between inequalities.

The *gendering/degendering* of the policy documents as part of an intersectionality dimension is a complex issue in terms of the quality perspective. In our analysis we have considered gendering, that is, explicit references to gender (i.e. both male and female categories), as a sign of good quality policies (see Jalušič 2009; Dombos, Krizsan, and Zentai 2008). Gender tends to disappear as an explicit category when other intersectional dimensions enter the policy texts. This degendering, understood as the absence of explicit references to gender, can be considered a flaw in the quality of the policies when gender is considered to be a fundamental category and therefore relevant to any given policy (i.e. following the gender mainstreaming approach and its understanding of the centrality of gender). Yet, if considered from the point of view of intersectionality quality criteria, gendering might not necessarily be a sign of good quality. Gender is one among other inequality categories, and considerations regarding the adequacy of working more broadly with a diversity mainstreaming strategy are increasingly entering the political agenda (Squires 2005). This raises the question whether gender is always an indispensable category to be considered explicitly and a marker of good quality in equality policies, and brings to the forum the possibility of different approaches to intersectionality where degendering is not necessarily a sign of poor quality (see Weldon 2008). Walby, Armstrong and Strid (2009) argue that whether gendering or degendering have been successful in including inequalities in a particular policy process is an empirical rather than a normative question. While we are aware of this controversy, we here conceive gendering as a quality criterion because it enhances the likelihood that gender equality is treated as an aim in itself, and that this goal is not lost when other inequalities enter the agenda.

The *structural* understanding of inequalities, which can be seen as a quality criterion in terms of the depth of the understanding of the problem and the *transformative* potential this understanding has for changing unequal structures, addresses both the asymmetrical power hierarchies that are at the core of inequalities and looks not only to the individual level but also to the collective one (Walby 1990; 2009). In terms of the latter aspect, it can be argued that the individual and the group dimension of intersectionality are simultaneously necessary: when it comes to combating discrimination and defending legal rights of antidiscrimination, the perspective will in practice most often be individual (based on litigation) (Skjeie and Langvasbråten forthcoming). On the collective level, however, there is a group dimension to the intersecting inequalities and the structural discrimination suffered by

certain groups that cannot be overlooked (see Squires 2008). The notion of systematic disadvantage should not be lost by addressing only individually based discriminations (Ferree 2009), because this would weaken the understanding of inequalities as systemic and shaped by the interaction among different domains (economy, policy, civil society and violence in Walby 2009). This in turn would affect the possibility of formulating more transformative policies that are able to address structural problems of inequality and unsettle existing power hierarchies.

Avoiding the potential *stigmatization* of people and challenging *privileges* of dominant groups has been one of the main motives behind the development of intersectionality theory. The articulation of different intersectional relations can be used to address specific policy problems affecting particular groups. However, the naming of these groups as particular problem holders can also stigmatise them in the policy discourse and in public opinion (Crenshaw 1991). The naming of a particular group in relation to a policy problem may, in itself, contribute to stigmatising, and potentially marginalising, the group in question (Roggeband and Verloo 2007). Depending on how policies are framed, pointing a certain group out, even though the intention of the policy is to create measures to help or alleviate a problem, can result in homogenising generalizations. Therefore, an important quality criterion is the *lack of stigmatization* of specific groups. This is particularly relevant when dealing with the dimension of intersectionality in the specific area of policy-making as it may have counterproductive and unintended effects on the groups which the policies aim to address. To counteract potentially sexist, homophobic, racist or ethnocentric biases in policymaking, intersectionality theorists like Crenshaw (1991) recommend challenging existing privileges of dominant groups.

The quality criterion of *consulting* civil society, which mainly refers to organizations that have a special expertise on an issue, has been considered in our analysis (see Dombos, Krizsan, and Zentai 2008) because it enables policy actors to develop shared criteria on intersections to be tackled. It also increases the possibility of policy documents including a more explicit, articulated, transformative, inclusive and less biased approach to intersectionality since the inclusion of embodied subjects expressing different concerns from a variety of perspectives can promote greater self-reflexivity on one's own biases (see Bacchi 2009). Furthermore, it adds a 'user-oriented' approach whereby the target groups of the policy measures can be included in the policy formulations through the civil society organizations (Young 2000). One of the pitfalls is the risk of including in the consultation and policy-making processes only some privileged groups, represented by the main EU umbrella organisations, thus marginalising the minorities within the particular civil society categories and limiting the capacity of more disadvantaged groups to include their inequality concerns on the agenda (Young 2000; Armstrong 2003). Another concern is that the perspective of the most powerful actors (e.g. employers vs labour unions, social partners vs women's organisations) might prevail in consultations (Young 2000; Walby, Armstrong and Strid 2009).

In conclusion, the criteria we have discussed enable us to address the quality of intersectionality in policies in terms of the nature of the intersectional relation (whether it is explicit, visible, inclusive, articulated, gendered and/or transformative), the use of specific categories (addressing structural features of inequality, showing awareness of both disadvantage and privilege and/or refraining from stigmatising certain groups) and the policy-making process (consulting different groups). Overall, the application of these criteria would require from policymakers an increased awareness of their own position and biases which may influence the policy formulations (see Bacchi 2009). We



will return to this point in our conclusions, after discussing the empirical findings from the frame analysis of EU gender equality policies that, together with theoretical works, enabled us to identify the quality criteria for intersectionality that we have presented.

## 2.2 Main trends in the framing of intersectionality in EU gender equality policies

In this section, we outline the main trends on intersectionality framing that we have identified in EU gender equality policies and, on the basis of the aforementioned criteria, we assess the implications of the EU trends found for the quality of intersectionality in policies.

### *Explicitness, visibility and inclusiveness of intersecting categories in policy documents*

In our EU sample, we found only a few documents where intersectionality is addressed explicitly. There seems to be a trend towards not treating intersectional categories or treating them implicitly, whereby intersectionality often becomes an invisible element in the policies. There are, however, some exceptions in the EU sample to this general trend of implicitness and invisibility. In the non-employment (NE) issue, civil society texts and some parliamentary debates refer to groups representing different social inequalities, and mention predominantly sexual orientation and age, but also citizenship status and disability<sup>11</sup>. Again in NE, one civil society text refers to the need to protect female workers through positive actions for women facing greater difficulties in the labour market (disabled women, women from ethnic minorities, migrant women and women heads of one-parent households)<sup>12</sup>. The age category is made visible in a couple of NE texts that centre the problem and the solution on the improvement of family well being in relation to the problem of demographic ageing (children, families and parents)<sup>13</sup>. In texts on intimate citizenship (IC), visibility is given to the protection of rights of LGBT persons in the subissue on sexual orientation discrimination expressed by institutional voices<sup>14</sup>. An intersectional relation appears in the reference to the protection of equality and freedom, where family status, gender and religion are mentioned in relation to restrictions on family reunification of polygamous households in the EU as hindering the realization of gender equality values<sup>15</sup>. One text in IC mentions gender, family status and disability arguing that disabled women should enjoy equal rights to have children<sup>16</sup>. Finally, in another IC document there are references to gender and migration in relation to matters of gender power in partnerships<sup>17</sup>.

However, even if some inequalities are made visible in the selected texts, still elements of invisibility/implicitness of intersectional references can exist, for instance, in the issue of IC where there is sometimes a lack of explicit intersectional language as to who are the ‘non traditional families’ referred to (there is no explicit reference to homosexual and multicultural families and individuals, for instance).

The presence of specific inequalities and intersections also shows that some visibility is given to intersectional categories, but there is a tendency to *focus on specific inequality axes*. An example of this is the intersection gender/age, which is the most predominant intersection in the NE documents. In texts on gender based violence (GBV), the references to intersecting categories are mainly directed towards gender and age (girls in the subissues of domestic violence and trafficking), and gender and class (women workers in the subissue of sexual harassment). Gender, citizenship, regional belonging and class are also mentioned in the trafficking subissue through references to migration policies and economic and regional inequalities.

In terms of *inclusiveness*, one civil society text by the European Women’s Lobby (EWL) makes reference to a great number of intersectional inequalities, by mentioning women from ethnic minorities, migrant women, lesbian women, young girls, disabled women, and transgender persons<sup>18</sup>. This is also the case of an IC law text, for example, which explicitly commits to ‘non discrimination’ on a wide range of grounds (sex, race,

colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or any other opinion, membership of an ethnic minority, property, birth, disability, age or sexual orientation)<sup>19</sup>.

### *Articulation of intersectionality*

As concerns the extent of *articulation* of intersectionality in the EU frames, we found that in general intersectionality is poorly articulated in the selected policy texts on gender equality. Even in the intersectional references that we found in the EU policy documents, for instance in NE<sup>20</sup> or in GBV, the relation among the intersections is not deeply articulated. Social inequalities are mentioned as separate categories and not addressed in their relation with gender. Age-gender in NE, and age-gender and gender-class in IC are the most articulated intersections found. The GBV subissue of domestic violence shows some examples of mutually constitutive intersecting categories: this is the case of gender-age-marital status-citizenship when texts discuss the lack of means of defence of immigrant single mothers and their children<sup>21</sup>. However, in general in GBV the intersectional relations are usually inarticulate and the relationship between them is not explained.

### *The gendering and degendering of policy issues*

The EU sampled documents are gendered in the sense that the main problems and solutions represented relate to gender equality. Female and/or male<sup>22</sup> categories are, thus, mentioned explicitly in several texts. Overall the focus of the gendering is, nevertheless, referred to women, and perceptions of men's involvement in processes of change towards strengthened gender equality, for example, are not very present. At a closer look, EU documents reveal a tendency to *de-gender* the problems and the language as soon as texts consider a greater range of inequalities. The explicit references to gender tend to disappear and language tends to refer to general groups. This happens in NE, which employs de-gendered notions, such as old or young workers (without any gender specification), when other categories such as age, class and migration/nationality, are mentioned. It also occurs in IC when intersections of family-marital status-migration appear<sup>23</sup>. Even GBV, which is the most gendered issue, sometimes shows some de-gendering especially in the gender-age intersections, where the standard notion of 'children, young persons and women' is used extensively<sup>24</sup>. Another typical way of degendering is the use of generic terms when referring to 'victims' or 'perpetrators', for instance. Thus, the tendency to mention general groups and exclude references to gender when other intersecting groups appear, leads to a language that tends towards generalizations and neutralizations.

### *Intersectionality as transformation and structural inequalities*

The presence of a *structural* understanding of dimensions of inequality is not such a widespread trend in the EU policy documents analysed. In GBV, texts on trafficking show a slightly greater structural understanding of the problem, as causes of inequality are more explicitly discussed in the diagnosis in some documents<sup>25</sup>, and in the domestic violence subissue violence is conceived as a matter of gender inequality<sup>26</sup>. However, a more thorough understanding of the causes and consequences, as well as other structural aspects of the problem, is in most cases lacking even in GBV. In the other issues, the

structural dimension of inequalities is not particularly developed, and when it is voiced, it is mainly done by civil society actors and MEPs.

The *transformative* intersectionality, whereby existing supposedly unequal structures or systems are urged to be changed, is also relatively marginal in the overall EU framing of gender equality policies and usually only voiced by civil society and/or parliamentarians. The latter occurs for instance in a parliamentary debate where one voice argues that to solve the unequal situation of migrant women in partnerships, migrant women should acquire an independent legal status from that of their husbands as a way to increase their economic independence and favour their equal integration in European societies<sup>27</sup>. Civil society and parliamentary voices also challenge national legislation that excludes LGBT people and demand equal rights<sup>28</sup>. Finally, one IC text produced by civil society articulates a more transformative discourse calling for gender equal rights as concerns the recognition of lesbians' maternity rights, the abolition of traditional harmful practices towards female bodily integrity and the guarantee of free access to information for women who do not have a valid residence permit<sup>29</sup>.

### *The risk of privileging some groups - and stigmatising others*

In the EU texts, we did not find a considerable presence of explicit stigmatization of certain groups. We found only two cases: one which concerns a call not to stigmatise homosexuals in a parliamentary debate against homophobia in IC<sup>30</sup>, and another, again in IC, that concerns the intersections of gender, religion, and migration, where a text stigmatises certain ethnic/migrant groups whose religious practices are presented as contrary to gender equality<sup>31</sup>.

On the other hand, very few references are also found to texts that *recognize/challenge privileges*. Some MEP and civil society IC texts from ILGA Europe recognize privileges as regards sexual orientation-marital/family status and challenge privileges of heterosexual individuals and couples<sup>32</sup>. By contrast, other texts establish privileges for some categories of people, for instance an IC law text, which privileges people with enough economic resources<sup>33</sup>. Overall, the EU texts do not present a big challenge to the male norm, neither in the labour market, nor in intimate relations. In NE, there are some appeals to changing male privileges in gender relations in the subissues of care-work and reconciliation, mainly by civil society actors and MEPs<sup>34</sup>. In IC, some challenges to men appear in civil society texts, but actually the main problems highlighted are not so much related to the power position held by men in the economic and intimate spheres but rather to the impact of current EU national laws on divorce procedures on women<sup>35</sup>. In the GBV issue, the male norm is usually not challenged explicitly but some references to necessary changes do occur, for instance in the case of the public/private division in legal judgements on violence crimes and the need to address the demand side in the subissue of trafficking through a change in mentality (clients' attitudes)<sup>36</sup>.

### *The consultation of civil society actors in the policy-making process*

In the study, we analysed documents from a number of European civil society organisations working with gender and other inequality issues.<sup>37</sup> Indeed, if we consider as quality criteria the presence of transformative gender and other equality considerations, awareness of power hierarchies, articulation, and explicitness of inequalities, we notice that the sampled civil society documents are, together with the policy reports developed by institutional actors, the most progressive and potentially

challenging ones<sup>38</sup>. Even in the issue of NE, which is the one that presents the least intersectional elements as compared to IC and GBV, civil society actors are the voices that predominantly focus on (transformative) intersectionality<sup>39</sup>.

Regarding the consultation processes of the EU institutional system, this accounts for several ways to include civil society actors in the policy-making. The social dialogue and the civil dialogue are the most important formalised procedures. The social dialogue is carried out through consultation with the European social partners (BusinessEurope, CEEP and ETUC) and it is the responsibility of the Commission to maintain this dialogue. The civil dialogue is less developed, though established legally in the Lisbon Treaty. There may be implications of the stronger focus on social partners in the sense that the labour market and the economic relations may be prioritised more than the gender equality perspective with which the women's organisations may contribute. It is in this respect too that the consultation of various stakeholders could give added value to the quality of the policy proposals and documents. Regarding the non-formalised consultation, the main gender equality bodies of the EU all engage in communication with civil society actors. The EC units consult with different NGOs (see below) and the EP Committee on Women's Rights and Gender Equality maintains contacts with civil society organisations through regular hearings where experts are brought in to discuss policy-relevant issues.<sup>43</sup> Based on our analysis, however, it seems as if the EU institutions consult but do not systematically include civil society voices in the final decision-making process, although they show the most articulated and transformative visions of intersectionality.

Despite its relevance as a quality criterion, we hardly found any traces of *consultation* of women's organisations in the analysed EU texts. In GBV, the role and participation of women's organisations are recognised in a few voices, mainly parliamentary debates and civil society, especially in the subissue of domestic violence<sup>40</sup>. One debate intervention on trafficking mentions the need to recognise and listen to prostitutes' demands<sup>41</sup>. References to civil society actors are present across the texts but it is especially in the civil society documents where the encouragement to include civil society actors in policy-making and implementation is underlined. In NE, only few documents refer to consultations with civil society organizations, and even fewer refer explicitly to the consultation of women's organizations. The parental leave Directive 96/34/EC analysed within the subissue of reconciliation, as well as a number of other legislative agreements, was prepared in consultation with management and labour organizations but not with women's organizations, which have expertise and a strong involvement in the issue of parental leave<sup>42</sup>.

### **3. Understanding intersectionality trends in EU gender equality policies: intersections, issues and voices**

Two findings of the framing of intersectionality in the EU appear particularly relevant to our analysis: the focus which is placed on *specific intersections* and the extent to which references to intersectionality are *articulated* in policies. The analysis of both the voices speaking in the EU texts and the issues considered will help us to understand the mentioned intersectionality trends.

As concerns the privileging of particular intersections, we have detected in the EU trends on the framing of intersectionality a particular emphasis on the articulation of the intersection of *age-gender*, and sometimes also of *class-gender* which are especially present in NE, but also appear in the other two issues considered. Why is the EU

developing better articulations of intersectionality of age and gender and of class and gender? The pressure of demographic concerns, related to the ageing population in Europe, influences the priorities set in the political agenda in the direction of these two intersections. Labour market concerns in Europe are increasingly focused around policies that prepare the ground to deal with an ageing labour force, in particular with reforms of the pension system (see Lisbon Strategy). This leads to policies that prioritise the intersection of age and class related categories above other intersections because these fit the economic development agenda better. This might be the case for the policy documents analysed in our EU sample within the NE issue. With respect to the policy area of GBV, the explanation might be somewhat different. In this issue the most recurrent intersectionality categories are also those of age and gender. However, here we are dealing mainly with youth and children (girls and young women). In this case a plausible explanation might instead be the international norm diffusion processes around the protection of children's rights which make this a less controversial and more 'common ground' policy area, also at the member state level: no politician or political actor as such is against defending the rights of children and protecting them in the best possible way. This is reflected in the way that these intersections are extensively articulated in the EU policy documents.

Both hypotheses would need to be tested, but a first look at the voices speaking in the texts already provides us with useful insights. Interestingly, the focus on gender-age and gender-class intersections is predominantly present in institutional voices, which seem to be more concerned about the European economic agenda and the achievement of the Lisbon employment targets. Civil society actors, by contrast, mention other intersections too. In the NE issue, civil society refers not only to gender, age and class but also to other inequalities, such as ethnicity, disability, religion-ethnicity, and multiple inequalities of migration-citizenship-gender. The GBV issue of trafficking pays a little more attention to the intersecting categories of gender-age-marital status-citizenship. But it is especially in the issue of IC that intersectionality is more articulated, at times more transformative and challenging of privileges, and more inclusive of different categories of inequality.

Why do we find more articulations of intersectional relations especially in trafficking and in IC documents? We can think of three main reasons. The first has to do with gender expertise: the main institutional voices speaking in IC belong to the EP Committee of Women's Rights and Gender Equality (WRC), whose experts have shown some attention to intersectional aspects of EU equality policies; and the most influential voices speaking in the issue of trafficking are civil society organizations working on gender violence, who have developed more sophisticated analyses of the causes of the problem for people exposed to different sources of inequality. The second is the fact that IC and trafficking are not part of the EU competence, which means that there is almost no binding legislation in these issues. It seems to be a general trend that the analysed EU policy texts show more occurrences of intersectional relations in non binding documents such as EU policy papers (plans or programs) rather than directives. The softer institutional commitments expressed in such documents leave more room for slightly more articulated analyses of equality, and the commitments in terms of articulating actual implementation measures are often absent. Third, the intersectional trends, especially in trafficking, could be motivated by the fact that intersectionality is more extensively addressed when more vulnerable groups of people are taken into consideration, whereas more privileged subjects are treated as homogeneous (and normative) categories.

The second trend that we wish to understand is the little articulation of intersectionality in the EU documents. While the voices speaking in the texts offer some explanations, as the greater articulation can be found in civil society texts and among WRC members, another reason for this poor articulation is that the prevalent EU institutional approach taken to the treatment of inequalities is *separate* rather than intersectional. The separation between gender and other inequalities can be understood when considering how the Commission Units dealing with gender and with other inequalities work. The Unit G1 and G2 working on gender, Unit G3 working on disability and the Unit G4 working on anti-discrimination, within the EC DG on Employment, Social Affairs and Equal Opportunities, can collaborate on specific issues, as for instance when proposals concern ‘special’ groups like Roma women, by setting up Steering Groups. Steering groups gather units and NGOs networks according to a separate approach by which the gender Unit G2 consults with the European Women’s Lobby, Unit G3 consults with EDF (European Disability Forum) and the antidiscrimination Unit G4 consults organisations such as ENAR (European Network Against Racism), AGE (European Older People’s Platform) or ILGA Europe (the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association). Thus, there are little chances that specific equality units receive inputs from NGOs working on other inequalities than the specific inequality the units deal with, which might decrease the likelihood of a greater articulation of intersectionality in the policies. This separate consultation practice furthermore creates a particular sense of ‘institutional belonging’ within each organisation, making them consider the ties to a particular unit as their main channel of access regardless of the policy issue at hand<sup>44</sup>.

The organizations themselves are caught between the competition for funding and policy development achieved in each individual inequality area, on one hand, and increasing need for cooperation and alliance-building, on the other. There is a tendency for the organisations to incorporate intersecting perspectives more and more in their work and to establish ad hoc cooperation with organisations focusing on other inequalities. Until recently, the gender organisations seem to have been more reluctant in establishing these kinds of alliances than for instance ILGA Europe or ENAR, given that the gender field has been more developed than the others and therefore could have more to lose from the integrated approach proposed by the Commission (Lombardo and Verloo 2009a; Rolandsen Agustín 2008).

The problem is that this separate model of coordination and consultation might not favour the mainstreaming of gender into multiple discrimination policy proposals and the mainstreaming of sexual orientation, race, age, disability, and religion into gender proposals. The separate approach might lead to an invisibility of the combined social inequalities, as it makes some individuals and groups at the points of intersection invisible and does not provide solutions for their problems<sup>45</sup>. More inclusive consultations by gender units of gender and other civil society NGOs to debate how to best integrate an intersectional perspective in gender equality policies could help overcoming this ‘either-or’ approach and further the development of a more intersectional approach to inequalities, so that the addressing of other inequalities does not imply the silencing of gender.

The question remains whether or not the constitution of the civil society/EU institutions interface contributes to the enhancement of the quality of intersectionality in gender equality policies. Currently, the actual impact of the civil society organisations is hard to assess: in general terms, the Brussels-based umbrella organisations, including the EWL, are the ones most involved in EU policy-making both formally and informally. This makes them the object of critique in terms of elitism (because of the

risk of focusing exclusively on the majority groups, not considering sufficiently the ‘minorities within minorities’, for example) and lack of autonomy, due to the fact that they are extensively funded by the very institutions they seek to influence. However, as our analysis has shown, this supposed lack of autonomy does not translate into an entirely conformist agenda given that they, in relative terms, set the most progressive agenda on intersectionality with a transformative take on the issues at hand, of all the actors considered in our study. This tendency is perceived across the policy areas, even though more intersectional elements are present in the areas where the civil society actors analysed are the most distanced from the EU institutions (GBV and IC). In this sense, the civil society actors contribute to advancing the quality of the policies by introducing more transformative and intersectional elements into these. However, the institutional set-up, with both formal and informal consultation procedures, favours the social dialogue and makes the social partners’ impact on the decision-making more tangible. The inclusion of civil society actors and the structure of the civil dialogue is still too loose and undeveloped. Moreover, the civil society voices are present in the policy-making process but their input is not extensively reflected in the final decision-making output and they do not participate directly in the latter.

#### **4. Conclusions: implications for the quality of intersectionality in policymaking**

In general, the EU policy documents show a tendency to use intersectional dimensions in an implicit way, mainly using a separate or inarticulate approach to the relation between the categories. Structural and transformative understandings of intersectionality do not seem to be very present and, overall, the EU addresses the intersecting categories in a rather weak way, not being at the forefront of the discussions. The documents do not clearly stigmatise any groups nor do they consider processes of privileging or potential biases. The civil society documents analysed are in general more advanced in terms of including intersectionality perspectives in a more explicit and elaborate manner. Regarding the gender aspects, the policy issues were rather gendered though there seems to be a tendency towards degendering when a wider range of inequalities is considered in the individual documents, causing the gender dimension to disappear or become blurred. Similarly, references to consultation of civil society actors and social partners were made, but few policy documents referred explicitly to women’s organisations.

However, even though the framing of intersectionality in the sample of EU documents does not show particular deep articulation or structural understanding of the problem, there is an increasing presence of discourses that deal with other inequalities than gender and give visibility to the problem, sometimes in explicit ways. The trends we identified through the frame analysis of EU policy documents, together with theoretical works on intersectionality, have offered us some ideas on possible quality criteria to assess the quality of intersectionality in EU gender equality policies (see 2.1). These are explicitness/visibility of intersectionality, inclusiveness of multiple inequality categories, genderedness, the extent of articulation of intersectionality, transformative intersectionality, structural understanding of inequalities, awareness/challenging of privileges and internal inequality biases, lack of stigmatization of people at different points of intersection, and consultation of civil society actors. In this sense, our analysis of intersectionality in EU gender equality policy documents, by mixing normative quality criteria with the empirical aspect represented by the frame analysis of policy documents, has different implications for EU policymaking. The quality criteria are



suggestions that are open to discussion and further revision. But they could be inputs for improving the design of EU gender equality policies in order to better face the reality of existing mutually constituted inequalities that women and men experience in European societies.

An attention to quality criteria of intersectionality based on the analysis of specific policy texts could help policymakers and civil society actors to question their own pre-assumptions about the way they name the problem, and the inequalities that are privileged or neglected in the policy documents. This can encourage a reflection on the effects that cultural biases, translated into policies, can have on people's lives. For instance, the EU analysed texts offer some evidence of the naming of the problem of multiple discrimination and of different intersecting categories which is an important starting point for discussing and solving problems of inequality. However, the way in which the problem is named in the EU texts has implications for the inequalities that are prioritised or marginalised in the debate. The emphasis on the gender-age intersection, for instance, can steer the focus of the discussion, at the EU and national levels, towards an economic development agenda which overlooks other equally important inequalities and agendas. Therefore, whereas the frame analysis of policy documents and the quality criteria for intersectionality do not directly provide evidence of the presence or absence of an attitude of reflexivity in policymakers, they indirectly show where policymakers put the emphasis, how they frame inequality issues and what or who is missing from their policy design for enhancing the quality of intersectionality. This in turn can reveal the greater or lesser extent to which an attitude of reflexivity was present in policymaking.

Our analysis enters into the debate on intersectionality theory by bringing more elements to Verloo's critique of the Commission's 'one size fits all approach' (Verloo 2006) that supports the need for specific attention to the dynamics of each inequality. In relation to the quality criteria of inclusiveness of multiple inequality categories and articulation, we have assumed in our analysis that the quality of the gender equality policies can be measured according to the more or less comprehensive take on different inequalities. In principle, all potential intersections which are relevant to a given policy issue should be taken into account. The criterion is, however, not uncontroversial in the sense that sometimes articulating only a few inequality dimensions may be more adequate to a given field than taking into consideration all potential dimensions. The 'all inclusive' approach may diffuse the policy content, making it less specific or efficient. A neutralising effect on the intersectionality dimension is produced when (practically) all conventional categories are mentioned, without any articulation of the relationship between them. This occurs, for instance, when a large number of groups are mentioned as 'vulnerable' or 'disproportionately at risk' without any further articulation of the actual effect on the groups at specific intersections or the different ways in which they are or may be affected. Many intersectionality dimensions may be present in these cases, and the approach may be inclusive, but to such an extent that the underlying understanding of intersectionality (as different groups being affected differently) is blurred. On the other hand, there are risks implied in using exclusive intersectionality categories as well since this may privilege the most obvious inequalities over others that are equally relevant.

With regard to the latter, a reflexive attitude on the part of policy actors on how inequalities and their relations are articulated in the policies might help to reduce the already mentioned problems of inarticulate and separate approaches to intersectionality. As concerns the neutralising of intersectionality caused by the 'all inclusive' approach, this could be contrasted by policymakers' consideration both of the concrete situations

lived by people at the points of intersection of different inequalities and of the ways in which public policies impact on them. In this sense, the practice of political intersectionality requires from policymakers (as well as from activists and academics) not only a dose of practical understanding of the reality of people's experience of inequalities, i.e. the *open empirical question* discussed by Hancock (2007), but also a constant attitude of reflexivity regarding the adopted (and proposed) policies (see Bacchi 2009). In the example of the quality criterion of inclusiveness of multiple inequality categories that we are considering here, reflexivity would lead to a reformulation of the criterion so that it is read not only together with the criterion of articulation, but also points both towards the process as well as the result of the policy formulation.

In this sense, the intersectionality quality of the policy lies in the awareness of internal biases and the assessment of potential exclusions which frame analysis helps to identify and quality criteria help to assess: the potential intersections of the policy issue should be taken into account and all dimensions should be assessed for their potential relevance. Each inequality category, thus, serves as a particular lens through which the policy issue can be seen and evaluated and the relevant ones are the ones to be included in the actual policy formulation. This sort of 'intersectionality impact assessment' could become a regular practice compatible with the gender impact assessment of EU policies, to be performed before policies are adopted. This requires, however, an institutional set-up that is more suited for inter-departmental cooperation. We do not mean to say that there is currently no reflexivity at all concerning intersectionality in the policy-making processes of the EU. Both the mentioned Commission report on multiple discrimination (2007) as well as our own interview data (see footnote 44) show that there is some awareness of these issues and their relevance in policy formulations. What we suggest is rather a more institutionalised and systematised approach to the inclusion of intersectional considerations in the policy-making process which could strengthen the quality of intersectionality in the policies as it seems to be deficient in the empirical data we have analysed.

The impact assessment process might be conducted in combination with a more inclusive civil society consultation in which Commission equality units might talk also to NGOs that work on other inequalities than the one which is of their specific competence (e.g. Unit G4 consulting the EWL, and Unit G1 consulting ILGA Europe). A strengthening of the civil dialogue has already been envisaged in the Treaty of Lisbon (Article 8b). We might imagine new policy proposals, for instance in the migration field, being discussed with the relevant civil society stakeholders to a greater extent than now. This could add potential inequality perspectives such as the gender-ethnicity intersection or, possibly, the way in which sexual orientation, disability or age may intersect with both gender and ethnicity in relation to migratory processes.

Formulating qualitative gender equality policies in the EU that incorporate intersectionality is certainly not an easy task, but precisely because of its complexity the endeavour requires collective thinking. For this reason, the exchange of views among different policy actors from institutions, civil society (including women's organisations), and academia through the setting up of consultation processes as part of the EU policymaking can be extremely fruitful. It can promote practices of 'gender and intersectionality impact assessment' which could enhance policy actors' reflexivity on their respective biased positions, to the benefit of the quality of gender and other equality policies.

## Notes

1. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. COM(2008)426 final, Brussels 2.7.2008.
2. We wish to thank Ana F. de Vega, QUING researcher at the Universidad Complutense de Madrid, who has worked with us on the reports on which this paper is based (see especially F. de Vega, Lombardo and Rolandsen 2008). We are also grateful to all members of the QUING project team who have participated with their work in this collaborative research and the European Commission (FP6) for funding the research (see [www.quing.eu](http://www.quing.eu)). Many thanks also to Susanne Baer, Janet Keim, Lucy Nowotnick and Sylvia Walby for their very helpful comments on an earlier draft of this paper.
3. McCall (2005) operationalizes the notion of intersectionality for statistical analyses by differentiating between three different methodological approaches or ways to use the complex analytical categories. She labels these the anticategorical, the intracategorical and the intercategory complexity. In practice, this means differentiating between deconstructing the analytical categories, defining them a priori or selecting strategic anchor points while staying open to the emergence of new categories and intersections between them through the analysis.
4. Crenshaw first introduced the notion of ‘political intersectionality’ in her 1991 article. Here, she relates it to the way in which women of colour need to intersect two different political agendas which are, at times, in conflict with each other.
5. We consider here only literature on European equality theory written in English.
6. See [www.mageeq.net](http://www.mageeq.net)
7. The frame analysis methodology employed was developed by the QUING research team.
8. In GBV, the sub-issues are domestic violence; sexual harassment; and trafficking; in IC, the sub-issues are divorce, marriage, separation; sexual orientation discrimination; and reproduction rights; and in NE, the selected sub-issues are tax and benefit policy; care-work; reconciliation of work and family life; and gender pay gap and equal treatment policies.
9. This section is based on the reports F. de Vega, Lombardo and Rolandsen Agustín 2008a and F. de Vega, Rolandsen Agustín and Lombardo 2008b.
10. Many of the ideas on quality criteria discussed here have emerged in a collective brainstorming on good practices of intersectionality in European equality policies in which all members of the QUING research team participated (Quing workshop, 7-8 November 2008, Vienna). Although the quality criteria were identified after we completed the analysis, we have decided to introduce them at the beginning of the paper because they enable us to present the empirical findings of our frame analysis in a more structured way.
11. NE8 *Civil society text* (EWL); NE12 *Civil society text* (EWL); NE11 *Parliamentary debate* (plenary).
12. NE17 *Civil society text* (EWL).
13. NE5 *Policy plan* (WRC report). NE6 *Policy plan* (EP Resolution)
14. IC6 *Policy plan* (EC Communication); IC7 *Parliamentary debate* (plenary) .
15. IC12 *Civil society text* (EWL).
16. IC2 *Policy plan* (CWR report)
17. IC3 *Parliamentary debate* (plenary).
18. IC12 *Civil society text* (EWL).
19. IC5 *Law* (Directive).
20. NE17 *Civil society text* (EWL).
21. GBV2 *Policy plan* (CWR report).
22. In the GBV issue, men are explicitly mentioned in several texts either as passive actors (sexual harassment) or as active actors (domestic violence and trafficking). In the latter case, men’s violence against women is often articulated as the main problem representation.
23. IC1 *Law* (Council Directive)
24. GBV1 *Law* (Decision).
25. GBV11 *Policy plan* (CWR report); GBV12 *Parliamentary debate* (Valenciano); GBV13 *Civil society text* (WAVE).
26. GBV2 *Policy plan* (CWR report).
27. IC3 *Parliamentary debate* (plenary); IC4 *Civil society text* (EWLA).
28. IC7 *Parliamentary debate* (plenary); IC8 *Civil society text* (ILGA Europe).
29. IC12 *Civil society text* (EWL).
30. IC7 *Parliamentary debate* (Frattini).
31. IC3 *Parliamentary debate* (Frattini).
32. IC7 *Parliamentary debate* (plenary); IC8 *Civil society text* (ILGA Europe).
33. IC5 *Law* (Directive).

34. NE8 *Civil society text* (EWL); NE12 *Civil society text* (EWL); NE11 *Parliamentary debate* (Panayotopoulos-Cassiotou).
35. IC4 *Civil society text* (EWLA).
36. GBV2 *Policy plan* (CWR report); GBV12 *Parliamentary debate* (Di Lello).
37. This includes specifically the EWL, as the main gender equality oriented actor in the field, but also other organisations with a gender focus, such as the European Women Lawyers' Association and the Women Against Violence Europe network, as well as organisations with another focus, i.e. the Social Platform, ILGA Europe and the European Trade Union Confederation.
38. The civil society documents analysed focus more on the diagnosis of the problem and the policy reports tend to be the most comprehensive among the coded texts and, thus, they include a more articulated intersectionality perspective.
39. NE8 *Civil society text* (EWL); NE12 *Civil society text* (EWL).
40. GBV3 *Parliamentary debate* (García Pérez).
41. GBV12 *Parliamentary debate* (Boumediène-Thiery).
42. NE9 *Law* (Directive).
43. See also F. de Vega and Lombardo 2008.
44. Interviews with Commission staff from the equality Units G1 and G4, DG Employment, Social Affairs and Equal Opportunities, Brussels, 05/12/2007 and 28/10/2008.
45. Examples of a separate approach to inequalities in the EU frame analysis conducted are those in which texts place the emphasis only on gender, by referring to women and men as abstract notions; or when they focus on de-gendered categories, for instance by talking of 'persons with disabilities' rather than disabled women or men; or when they juxtapose several disadvantages in the concept of multiple discrimination.

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## **Annex 1: List of EU analysed documents on gender equality policies**

### **Non employment**

#### **Tax-benefit policies**

NE1 *Law*: Directive of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (2006/54/EC -recast).

NE2 *Policy plan*: Joint Report of the Council of 23 February 2007 on Social Protection and Social Inclusion, including specific sections on health care and long-term care.

NE3 *Parliamentary debate*: EP debate on the future of the Lisbon strategy from a gender perspective, 19 January 2006.

VOICE 1: Hiltrud Breyer (VERTS/ALE)

VOICE 2: Ilda Figueiredo (GUE/NGL)

VOICE 3: Gerard Batten (IND/DEM)

VOICE 4: Zita Gurmai (PSE)

NE4 *Civil society text*: Social Platform report of 25 January 2005 on Mid term review of the Lisbon Strategy from a Gender Perspective.

#### **Care-work**

NE5 *Policy plan*: EP Women's Rights Committee Report of 17 October 2000 on regulating domestic help in the informal sector 2000(2021) INI.

NE6 *Policy plan additional*: European Parliament Resolution of January 1999 on the protection of families and children (A4-0004/1999).

NE7 *Parliamentary debate*: European Parliament debate on Childcare of Tuesday 13 March 2007.

VOICE 1: Vladimír Špidla (EC)

VOICE 2: Marie Panayotopoulos-Cassiotou (PPE)

VOICE 3: Kathy Sinnott (IND/DEM)

NE8 *Civil society text*: EWL Position Paper of 31 May 2006 on Care Issues. European Women's Lobby Campaign "Who Cares?".

#### **Reconciliation of work and family life in employment**

NE9 *Law*: Council Directive of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (96/34/EC).

NE10 *Policy plan*: A Roadmap for equality between women and men 2006-2010 [SEC (2006)275] (Part 2: Enhancing reconciliation of work, private and family life, p.14-16).

NE11 *Parliamentary debate*: European Parliament debate on Family life and Study, 19 June 2007.

VOICE 1: Marie Panayotopoulos-Cassiotou (PPE-DE), *rapporteur*. on behalf of the Committee on Women's Rights and Gender Equality

VOICE 2: Charlie McCreevy (EC)



VOICE 3: Raül Romeva i Rueda (VERTS/ALE)

NE12 *Civil society text*: EWL Statement of 2000 on the European Conference on Maternity, Paternity and conciliation of work and family life held in Portugal in May 2000.

### **Gender pay gap and equal treatment**

NE13 *Law*: Article 141(3) of the EC Treaty

NE14 *Law additional*: Directive of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (2006/54/EC -recast).

NE15 *Policy plan*: Communication from the Commission to the European parliament, the Council, the EESC and the CoR of 18 July 2007 on tackling the pay gap between women and men, (COM (2007) 424 final).

NE16 *Parliamentary debate*: European parliament debate of 1 June 2006 on equal opportunities and equal treatment in employment and occupation (on the proposal of the recast Directive 2006/54).

VOICE 1: Angelika Niebler (PPE-DE), *rapporteur*, on behalf of the Committee on Women's Rights and Gender Equality

VOICE 2: Benita Ferrero-Waldner (EC)

VOICE 3: Urszula Krupa (IND/DEM)

NE17 *Civil society text*: European Women's Lobby Position Paper of 20 March 2003 on European Employment Policies as a core mechanism for achieving equality between women and men.

### **Intimate citizenship**

#### **Divorce, marriage, separation**

IC1 *Law*: Council Directive of 22 September 2003 on the right to family reunification, (2003/86/EC).

IC2 *Policy plan*: Committee on Women's Rights report of 9 July 1998 on the situation of single mothers and single-parent families, (A4-02739).

IC3 *Parliamentary debate*: European Parliament debate of 23 October 2006 on women's immigration.

VOICE 1: Franco Frattini (EC, both his interventions)

VOICE 2: Hiltrud Breyer (VERTS/ALE)

IC4 *Civil society text*: European Women Lawyer Association Opinion of September 2005 on Commission's Green Paper on applicable law and jurisdiction in divorce matters.

#### **Sexual orientation discrimination**

IC5 *Law*: Directive on free movement and same-sex partners, Corrigendum to Directive 2004/58/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and

reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

IC6 *Policy plan*: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1<sup>st</sup> June 2005 on Non-discrimination and equal opportunities for all - A framework strategy [SEC (2005) 689], (COM(2005)224 final).

IC7 *Parliamentary debate*: European Parliament debate on homophobia, Monday 16 January 2006.

VOICE 1: Franco Frattini (EC, both his interventions)

VOICE 2: Sophia in't Veld (ALDE)

VOICE 3: Michael Cashman (PSE)

IC8 *Civil society text*: ILGA Europe report of October 2005 on "EU Directive on free movement and same-sex families: Guidelines on the implementation process".

## **Reproduction rights**

IC9 *Policy plan*: European Parliament CWR resolution of 6 June 2002 on sexual and reproductive health and rights (2001/2128 (INI)).

IC10 *Policy plan*: CWR second Report of 22 January 1999 on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 - C4-0333/97).

IC11 *Parliamentary debate*: European Parliament debate of 7 September 2005 on gender discrimination in health systems.

VOICE 1: Eva-Britt Svensson (GUE/NGL), rapporteur, on behalf of the Committee on Women's Rights and Gender Equality.

VOICE 2: Marcin Libicki (UEN)

VOICE 3: Edite Estrela (PSE)

IC12 *Civil society text*: European Women's Lobby Position Paper of January 2005 on women's sexual rights in Europe.

## **Gender based violence**

### **Domestic violence**

GBV1 *Law*: Decision of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (803/2004/EC) (DAPHNE II).

GBV2 *Policy plan*: EP Report of the CWR on the current situation in combating violence against women and any future action (2004/2220(INI)).

GBV3 *Parliamentary debate*: European Parliament debate on combating violence against women of 1 February 2006.

VOICE 1: Maria Carlshamre (ALDE, rapporteur)

VOICE 2: Franco Frattini (EC)

VOICE 3: Iratxe García Pérez (PSE)

VOICE 4: Urszula Krupa (IND/DEM)

GBV4 *Civil society text*: WAVE Lobbying Paper on the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence 2007.

GBV5 *Civil society text additional*: Blueprint of the Council of Europe Campaign to Combat Violence against women, including domestic violence, 21 June 2006.

### **Sexual harassment**

GBV6 *Law*: Directive of the European Parliament and of the Council of 23 September 2002 on equal treatment between men and women as regards access to employment, vocational training and promotion, and working conditions, (2002/73 /EC).

GBV7 *Policy plan*: European Commission Communication of 24 July 1996 concerning the consultation of management and labour on the prevention of sexual harassment at work, (COM (96) 373 final).

GBV8 *Parliamentary debate*: European Parliament debate on equal treatment for men and women in employment of 23 October 2001.

VOICE 1: Hautala (VERTS/ALE, rapporteur)

VOICE 2: Olle Schmidt (ELDR)

VOICE 3: Klass (PPE-DE)

VOICE 4: Diamantopoulou (EC)

GBV9 *Civil society text*: Joint letter from ETUC and EWL to Social Affairs Commissioner Diamantopoulou on the proposal for a Directive to amend Directive 76/207 to include a reference to sexual harassment, 15<sup>th</sup> of May 2000,

### **Trafficking**

GBV10 *Law*: Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA).

GBV11 *Policy plan*: EP Report of CWR of 14 December 2005 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation (2004/2216(INI)).

GBV12 *Parliamentary debate*: European Parliament debate on trafficking in women of 18 May 2000

VOICE 1: Patsy Sørensen (VERTS/ALE, rapporteur)

VOICE 2: Valenciano Martínez-Orozco (PSE)

VOICE 3: Boumediène-Thiery (VERTS/ALE)

VOICE 4: Di Lello Finuoli (GUE/NGL)

VOICE 5: Vitorino (EC)

GBV13 *Civil society text*: WAVE Fempower Magazine on the theme of trafficking in women, n° 1 (1/2001).

