Chapter 6
From Amsterdam to Lisbon and beyond: reflections on twenty years of gender mainstreaming in the EU

Roberta Guerrina

Introduction

Twenty-two years since the incorporation of the principle of gender mainstreaming (GM) into the Treaty of Amsterdam (1997), the time has come to pause and reflect on the opportunities offered by this policy approach or strategy for advancing gender equality in the EU. Much has already been said about the role of the EU as a gender actor, so much so that the idea of the EU as a promoter of women's rights has become one of its foundational myths (Guerrina and Wright 2016; MacRae 2010). Despite the promise of the institutions that gender equality is part of the very fabric of the EU, unfortunately – as many gender scholars have pointed out – there is a significant gap between the rhetoric and reality (MacRae 2010; Kantola 2010; Guerrina *et al.* 2018; Ahrens 2018; Abels and Mushaben 2012; Woodward 2012).

These critiques and analyses highlight policymakers' widespread neglect of gender as a cross-cutting policy issue, to the extent that Jacquot (2015) claims that we are witnessing the progressive dismantling of this policy area post-Lisbon Treaty. Cavaghan's detailed assessment of EU macroeconomic policy in the context of crisis (Cavaghan 2017a) highlights the widespread institutional resistance to GM (Cavaghan 2017b). Gender silences, however, are not only noticeable within the institutions and the policy programmes they produce. Academic analysis of social and economic affairs has similarly paid scant attention to the issue, even in areas such as social policy where we could expect it to take centre stage (see Ghailani 2014). This gap in the literature further entrenches the position of gender at the bottom of the policy agenda (Guerrina *et al.* 2018; Abels 2012; Cavaghan 2017b).

Gender mainstreaming was introduced as a strategy for increasing equality between men and women after the 1995 Beijing World Conference on Women convened by the United Nations, in the form of the Beijing Platform for Action. What this platform provides is an agenda for women's empowerment and women's human rights. Additionally, it introduces the principle of GM as an approach to policy that focuses on gender inequalities. It defines mainstreaming as follows:

> To ensure effective implementation of the Platform for Action and to enhance the
> work for the advancement of women at the national, sub-regional/regional and

international levels, Governments, the United Nations system and all other relevant organizations should promote an active and visible policy of mainstreaming a gender perspective, inter alia, in the monitoring and evaluation of all policies and programmes (Article 292, Beijing Platform for Action).

This development was welcomed by many women's rights advocates and policy analysts as an opportunity to include gender in a range of policies, and more broadly as a way of bringing gender in from the margins, i.e. 'mainstreaming' it. It is an approach that seeks to apply 'gender lenses' to all policymaking. What this means is that policymakers are supposed to assess the impact of their decisions and policy actions on both men and women, checking whether they have a detrimental impact on women and other under-represented groups (Woodward 2012).

The introduction of GM both as a principle and in practice raised the hopes of civil society, practitioners, and academics for a more inclusive policymaking process where gender issues were more visible and thus more likely to be acted upon. From this perspective, GM was to become a transformative strategy challenging implicit or unconscious (gender) bias across all policies (Minto and Mergaert 2018; Rees 2005; Woodward 2012). Yet, more than twenty years since its introduction as a policy principle, evidence of its impact is at best mixed; at worst it has contributed to the dilution of gender equality throughout European institutions and has legitimised the further marginalisation of gender across the EU (Hubert and Stratigaki 2016). Whereas GM calls for the adoption of gender-sensitive lenses throughout the policy cycle in order to address imbalances of power, policymakers' failure to fully engage with gender analysis ultimately reified the marginal position of gender issues in 'mainstream' policy domains (Allwood 2013; Allwood *et al.* 2013).

This chapter explores the impact of GM as a principle within the process of European integration, providing an entry point for a more detailed evaluation of progress in the area of gender equality. Given that GM challenges the siloing of gender to equality and diversity policies, the chapter provides a useful test for the inclusiveness of different policy domains and thus the health of equality programmes in the EU. The chapter starts with a brief guide on 'how to do' GM, with Section 1 detailing the European Institute for Gender Equality's approach and its toolkit for GM in practice. Section 2 gives an overview of how gender equality policies have developed in EU. This provides the backdrop against which the principle of GM was included in the Treaty of Amsterdam and explores the impact, opportunities and constraints of this principle. Section 3 explores the literature mapping the development and implementation of this policy principle and strategy, examining the impact it has had on the way the EU promotes gender equality. Section 4 looks at three case studies illustrating the opportunities and constraints offered by GM as a principle. The final section concludes and looks forward.

1. Gender mainstreaming: a 'how to' guide

As a principle, GM highlights the fact that gender is a cross-cutting issue and that institutional players need to act across a range of policy and issue areas to address

structural inequalities hindering men and women from benefitting fully from the equality framework. As a policy strategy GM thus requires policymakers to understand the actual and potential impact of key policy objectives on men and women. To be effective, GM requires a detailed assessment of the impact of gender, not as a variable but as a structure of power, on equality outcomes. This requires a shift in the way we think about gender. It means accepting that social, economic, and political institutions are not neutral but have been historically created in the image of those in power. Men and masculinity have thus been internalised as the norm permeating every aspect of an institution, including its processes and working practices. As a result, women are inherently disadvantaged, having to fit into structures not originally constructed for them. *Why does this matter?* Like the institutions that create them, policies reflect dominant gender norms and values. If no assessment is therefore made of the impact of a policy on different groups, this impact can be asymmetrical, reproducing inequalities that prop up political institutions and economic structures. *But what exactly does this mean?*

In the view of the European Institute for Gender Equality (EIGE), a GM strategy requires both political commitment and a legal framework, and it has two dimensions: a) equal representation in decision-making and b) policies informed by a gender perspective. EIGE then maps out the conditions and methods required for the delivery of more inclusive policy processes and institutions (EIGE 2016). In terms of the actual tools and processes, EIGE breaks down mainstreaming into a four-stage process: a) define, b) plan, c) act, and d) check. This approach is not dissimilar to Bacchi's (2009) 'what's the problem represented to be?' methodology for policy analysis, which calls for diagnosis, prognosis and intervention. In so doing, policy analysts and policymakers are able to identify, and act upon, implicit biases.

For GM to take place, the first step is to *define* the nature of the problem and identify key equality objectives. This phase requires data and indicators disaggregated by gender and for use in completing gender impact assessments with a view to establishing the impact of specific policies on men and women. The aim here is to generate evidence-based policies reflecting the needs of both groups. EIGE's advice at this initial stage is to draw on existing resources and consult key stakeholders to avoid unintended consequences of policy options and decisions. In the *planning* phase, policymakers are asked to consider the resources required to deliver the equality objectives identified in phase one. Gender budgeting is one of the main tools to be deployed here. Policymakers should also involve end-users in order to ensure full buy-in to the objectives. The *action* phase focuses on implementing the policy or programme. The main tools available to practitioners in this phase are training and capacity building, so that responsibility for implementation does not reside solely in the hands of experts. The final phase involves *checking* the effectiveness of the policy action implemented in phase three. Practitioners are required to monitor progress against the objectives set out in phase one. Regular reports against key indicators are the most used tools here.

It is important to note that this is just one approach to operationalising GM. As Squires (2005) points out, in the first ten years of this strategy it was possible to identify a range of different approaches to GM, from those seeking to mainstream gender lenses to those

focusing on equality opportunity policies. Squires (2005) argues that GM is a strategy of displacement. One of the main critiques of the dominant approach to GM is that it tends to treat women as a homogeneous group, ignoring the impact of diverse experiences on members of this category.

2.   The EU's approach to gender mainstreaming

The European journey to the inclusion of GM in the Treaty of Amsterdam is an interesting one, as it highlights implicit biases at the heart of European institutions and the process of integration. There are a number of ways to map the development of EU gender equality policies. For instance, Rees (2005) identifies three approaches adopted by the EU to promote gender equality. First came *equal treatment,* an approach seeking to include women into existing models. Rees describes this approach, widely used in the 1970s, as *tinkering*. In the 1980s the EU's approach focused on *positive action* through a range of programmes focused on challenging historical forms of inequality. Rees describes this as *tailoring*. Finally, from the 1990s onwards, Rees sees the EU as adopting a more *transformative* approach embedded in the EU's adoption of mainstreaming as a strategy or tool for drawing attention to gender issues. Similarly, Jacquot (2015) identified three distinct periods based on different models for promoting gender equality. The first period was the *exception model* which ran from the inclusion of the principle of equal pay in the Treaty of Rome to the late 1980s. The focus here was on enhancing women's access to the labour market and challenging historical inequalities. The second phase marked a shift towards an *anti-discrimination model* in the period between the signing of the Treaty of Maastricht and the Treaty of Lisbon (2007). As the policy focus in this phase was largely influenced by the principle of mainstreaming, this resulted in a push to treat gender as a cross-cutting issue. The final phase, the *rights-based model*, is ongoing and is the defining feature of the EU's post-Lisbon Treaty approach to gender equality. These two descriptions of the historical development of this policy domain are important, insofar as they highlight the multiple ways in which the principles of GM and equality have been transformed through the policy process. All too often, the narrative of the EU as a gender actor is one of progress, agency, creativity, ingenuity and inclusion (see for instance Guerrina 2005; Kantola 2010; Guerrina 2016). However, the picture is complex and does not necessarily tie in with the mythologization of the EU as a gender actor (MacRae 2010). It is therefore a good idea at this juncture to review in some detail the way gender equality came to be included in the process of European integration.

The EU's equality journey started with Article 119 of the Treaty of Rome (1957), which established the principle of equal pay for equal work. This article had a complex history. Rather than representing a strong commitment to equal rights and women's empowerment by the 'founding fathers', it was a compromise to assuage French fears over social dumping. The principle of equality in European law is therefore grounded in market rationalities to ensure fair competition and can thus be seen as a form of functional spill-over. As Jacquot (2015: 20) explains, 'a genuine mythology has been constructed around this article as a foundational act. It was the basis that "made everything possible", but it was also introduced into the Treaty of Rome for the "wrong

reasons"'. This approach to integrating gender into this policy framework inevitably limits the scope of the principle, tying it to market forces. Unsurprisingly, one of the main criticisms of this approach to gender equality is that it is highly commodified, with the value of equality attached to economic growth and the functioning of the common market. Given how Article 119 came into being, the development of the *gender acquis* in the 1970s and 1980s was not a foregone conclusion. The expansion of the principle, from 'equal pay for equal work' to 'equal treatment', came about as a result of the *Defrenne* cases (Case 80/70; Case 43/75; Case 149/77)[1] and of the work of key civil servants within the gender equality unit of the European Commission's Directorate General (DG) for Employment, Social Affairs and Inclusion (EMPL).

During the 1980s, we witnessed the establishment of a 'velvet triangle', with Woodward (2015) viewing key developments as the result of feminist constellations or coalitions working to advance the agenda within the Commission. Specifically, Woodward identified three types of key actors: femocrats working within the Commission act as policy entrepreneurs; epistemic communities of feminist academics, e.g. the European Expert Group on Gender and Employment (EGGE), provide evidence and data to support policy initiatives; and organised feminist civil society organisations, e.g. the European Women's Lobby (EWL), lobby for bottom-up change. Their close cooperation led to the rapid development and expansion of the equality agenda.

This analysis ties in with Squires' (2005: 371) overview of key approaches to GM, in which she finds that 'mainstreaming is most likely to be truly transformative when technocratic expertise, social movement participation and transnational networks are all in place'. Key to this success was the institutionalisation of the policy framework and the creation of a public policy community, as previously also described by Woodward (2015). While providing a space for the development of the *acquis*, the market rationale also limited the scope of the main focus to the cost of non-equality and to improving women's access to formal employment.

The establishment of the principle of GM as a working principle in the wider international community provided additional momentum for the reformists operating within the institutions, with the focus shifting from introducing legislation in support of women's employment rights to tackling persisting inequalities between men and women. The 1990s were a decade marked by significant progress in the area of gender equality. Spurred by the Nordic enlargement and widespread concerns about demographic decline, the Commission was able to widen the scope of gender policy to include matters around work-life balance.

The 1996 European Commission communication on *Incorporating equal opportunities for women and men into all Community policies and activities* sets out the EU's approach to GM (European Commission 1996). It specifically defines GM as follows:

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1. The *Defrenne* cases represented landmark decisions for the future development of the equality principle. In them, Gabrielle Defrenne, a flight attendant working for the Belgian Sabena airline, challenged her employer's policy which allowed male stewards to receive higher pay and retire 15 years later than women, despite the job specification being the same for both. The cases were significant in that they established the principle of direct effect and reaffirmed that equal pay for equal work was a founding principle of EU law (Cichowki 2004).

> This involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them (European Commission 1996).

This communication thus set out a comprehensive approach to integrating and promoting gender equality at European level. Badged as one of the most significant milestones for gender equality in the EU, it reaffirmed the centrality of equal rights in the European project, while recognising that siloing equality policies to the employment sphere would not allow the EU and its member states to shift from formal to substantive equality (Guerrina 2005). Unfortunately, the communication itself made a number of strategic errors, e.g. using GM and gender equality interchangeably, thus hollowing out the concept from its inception (Stratigaki 2005).

The Treaty of Amsterdam (1997) was intended to consolidate further the principle of equality in the process of European integration. As Masselot explains, the Treaty widens the scope of this principle: 'the introduction of Article 13 EC in the Treaty of Amsterdam changed this situation when, for the first time, competence was given to the Community to take appropriate actions to combat discrimination based on gender (racial or ethnic origin, religion or belief, disability, age or sexual orientation) outside the field of employment' (2007: 153). More significantly, the Treaty 'formalises the Community's positive obligation to achieve and promote gender equality' (Masselot 2007: 154). For instance, Article 141 (formerly Article 119) is reframed in recognition of the way the principle of equality had been widened through secondary legislation.

For many commentators (see for instance Pollack and Hafner-Burton 2000; Rees 2005; Guerrina 2003), the Treaty of Amsterdam thus marked a step change in the way gender equality was accepted as a foundational norm of European integration. Twenty years on, it is now clear that its operationalisation remains torn between two frameworks or logics: the fundamental rights framework, and the market-based framework (Jacquot 2015: 97). The two clearly take different approaches to equality, thereby allowing for different forms of action.

Alongside the changes introduced by the Treaty of Amsterdam, it is also important to note the way gender equality was included as the fourth pillar of the European Employment Strategy (EES) (Rubery 2002). Although this inclusion had major symbolic importance, the EES 'focused on improving the supply side of the economy and not on changing the behaviour of employers, where many of the obstacles to gender equality may be encountered' (Rubery 2002: 502). It also entailed a shift away from legally binding provisions in favour of soft policy governance. The EES and other examples of the Open Method of Coordination were supposed to facilitate policy learning and the sharing of best practice among Member States, allowing for a more organic development of key

policy areas such as equality. However, the EES also relied on Member State compliance and engagement (Beveridge and Velluti 2008; Rubery 2002).[2]

Undoubtedly, there is a degree of cross-over and interaction between soft and hard policy measures. However, the shift towards the former is highlighted as one of the reasons for the lack of progress in the 2000s, and possibly one of the negative repercussions of GM as a policy strategy. Whereas Europeanisation was seen as a way to ensure policy transfer and progress in the area of gender equality, the way that different polities interact with the EU, as a form of multilevel governance, raises important questions about whether GM can maintain its transformative potential at different sites of governance (Alonso 2017; Forest and Lombardo 2012).

Important developments on the road to the Lisbon Treaty (2007) were the 2004 Equality in Access to Services Directive (2004/113/EC) and the 2006 Recast Equal Treatment Directive (2006/54/EU). The first expands the principle of equality and equal treatment to include access to goods and services, making it the first directive to extend the principle beyond employment rights. It is therefore seen by many as a critical juncture in the development of the *gender acquis*, closing 'an important gap and strengthening the principle of equality under European law' (Caracciolo di Torella 2005: 337). A prime example of compromise, this directive made a number of concessions and omissions that fundamentally limited its impact (*ibid*).

Conversely, Directive 2006/54/EC of the European Parliament and the European Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) aggregates and streamlines historical provisions. It defines the parameters for both direct and indirect discrimination and brings together provisions relating to sexual harassment and employment rights. Its main aim is to improve the quality of European legislation through a process of 'recasting' intended to produce 'more easily accessible and readable gender equality law, including legislative updates in the light of European Court of Justice judgments' (Masselot 2007: 161). The text was supposed to follow key guidelines for best-practice in policymaking, including a detailed impact assessment. However, the process was fraught with difficulties that cast doubt on the methodology adopted and the accuracy of the findings (Masselot 2007: 161).

Growing awareness of the impact of inequality on the future economic growth of the single market provided the necessary stimulus to support policies aimed at activating women as a 'reserve army of labour', to be mobilised to fill labour shortages. Rather than focusing on equality as a social justice issue, this approach downgraded equality to a second order issue to be mobilised in order to fulfil higher (economic) priorities (Guerrina 2008). In this context, Jacquot (2015: 135) refers to the 'shift from "equality within the market" to "equality for the market"'. This refers back to the enduring tension between equality as an economic issue and equality as a social justice issue, underpinning

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2.   See also Vanhercke in this volume for a more general discussion about the 'soft governance' turn in EU policymaking.

the economic rationalities that led to the inclusion of the equality principle in the Treaty of Rome in the first place (Bain and Masselot 2013).

The Lisbon Treaty was finally ratified in the context of an emerging financial crisis. Article 8 of the Treaty on the Functioning of the EU (TFEU) specifies: 'In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women', thereby reiterating the commitment to mainstreaming gender in all policy areas (Bain and Masselot 2013; Timmer and Senden 2019: 7). Additionally, Article 19 TFEU prohibits all forms of discrimination. Article 157 also addresses the issue of equal pay for work of equal value, placing responsibility on the Member States to make sure the principle is applied. Additionally, it seeks to tackle historical sources of inequality through positive measures. The coupling of positive action and GM is designed to provide renewed momentum for the European gender equality agenda. For Bain and Masselot (2013: 108), 'the Amsterdam and Lisbon Treaties have clearly changed the game in that gender equality is no longer considered a question of reaction, but more importantly of pro-action'. From this perspective, these two Treaties 'have entrenched' the position of gender equality as a foundational principle (Bain and Masselot 2013).

As noted previously, Jacquot (2015) expresses a much less positive outlook for gender equality in the post-Lisbon era. Competence for gender equality was relocated from the European Commission's DG EMPL to the then DG Justice (now DG for Justice and Consumers). This move was intended to break the implicit link between economics and equality, widely criticized as commodifying equal rights. In many complex ways, this change of institutional home within the European Commission was not just symbolic but shifted the focus of the agenda at a time marred by economic and fiscal crisis. However, this change also destabilized the balance that had helped drive equality between men and women in the EU. Key actors within the European Commission had become very adept at promoting the economic arguments for equality. Drawing attention to aspects such as the impact of inequality on demographic trends or the cost of non-equality, these critical actors were able to establish a framework for the institutionalization of equal employment rights (Woodward 2015). The social justice argument for equality, however, proved to be much harder to mainstream, particularly in view of significant opposition to this widening of the agenda from Central and Eastern European member states.

Four policy initiatives are worth noting as they gave renewed momentum to the European equality agenda in the post-Lisbon period: the 2010 revised directive on equality for self-employed workers (2010/41/EU); the 2010 revised parental leave directive (2010/18/EU), like its predecessor concluded with the social partners; the 2011 Directive on Combating Trafficking (2011/36/EU); and the 2012 Council guidelines (2012/C 11/01) for the application of the 2004 directive on access to goods and services, which stipulate the importance of equality in access to insurance services. All these legal texts replaced previous legal instruments and were intended to expand the scope of the policy. It is questionable, however, whether they have lived up to the expectation that they would significantly expand and consolidate the *gender acquis*. Negotiated against the backdrop of the economic crisis, the Member States' position was to protect the interests of employers, rather than expand the rights-based framework (Jacquot 2017).

Similar considerations also underpinned negotiations on the revisions to the Pregnant Workers Directive, which was ultimately shelved due to fundamental disagreements between the Council and the European Parliament (Guerrina and Masselot 2018; Jacquot 2017).

3. Research on gender mainstreaming in the EU: twenty years of engagement and critique

When first introduced into the Treaty of Amsterdam, GM was seen as a significant step towards the full implementation of the principles established in the Treaty of Rome. It was seen by many as recognition of the fact that gender is best understood as a structure of power which permeates all policy domains, as opposed to something that is best dealt with in the 'equality between men and women' silo. For Maria Stratigaki, the inclusion of the principle of GM in the Treaty of Amsterdam marked the resolution of the conflict between two distinct policy approaches to promoting equality between men and women: positive action on the one hand and gender mainstreaming on the other. In her view, whereas the first approach (positive action) focused on transformative change, the latter (gender mainstreaming) is best understood as a policy tool (Stratigaki 2005). From this perspective, in the tension between mainstreaming and positive action, the former won out.

According to Stratigaki (2005), GM has not bridged the gap between equal opportunity policies and other policy domains. In those areas traditionally seen as gender-neutral, there continues to be a lack of awareness about how gender applies to those particular issues. Jacquot (2017) is also critical of GM, which she sees as having contributed to the dismantling of the institutional platforms and instruments supporting this policy portfolio. The approach to gender taken in a range of programmes in the 2000s is partly responsible for this lack of awareness. Whereas activation policies were directly aimed at increasing women's participation in the labour market, the gender-neutral language adopted by the documents helped further marginalise concerns about social justice (Jacquot 2017; Guerrina 2008; Bain and Masselot 2013).

In many ways, the adoption of GM as a policy strategy in the Treaty of Amsterdam contributed to the 'hollowing out of the gender equality agenda, despite a sympathetic environment' (Stratigaki 2005). As discussed previously, GM is supposed to bring gender to all policy areas and to assess the impact of key decisions on different demographic groups. Unfortunately, 'this process of routinisation has occurred more in a context of (polite) disinterest than in one of the deconstruction of gender norms and the transformation of dominant power structures' (Jacquot 2017). In a similar vein, Alonso (2017: 175) finds that the level of complexity and knowledge required for the full implementation of this strategy means that it is often 'lost in translation'. This became particularly clear in the context of the financial and economic crisis when policymakers continued to ignore warnings about the gendered impact of austerity, despite the mounting evidence (EWL 2012). As pointed out by Philip Alston (UN Special Rapporteur on Extreme Poverty and Human Rights) at the end of 2018, women disproportionately have borne the brunt of cuts in social and welfare provisions. As a

result of these policy decisions, women are faced with an increased caregiving burden in the private/domestic sphere (Alston 2018).

Gender budgeting (GB) is perhaps the most widely used methodology in the GM toolkit. Yet even this approach was not mainstreamed in the context of the Euro crisis. GB is a tool for identifying strategic gaps in fiscal policy that ultimately lead to unequitable or asymmetrical outcomes. GB is intended to be based on impact assessments and to be included as a required part of planning. However, it requires a detailed understanding of how gender shapes and is shaped by socio-economic structures. As noted previously by Jacquot (2015), a polite disregard for the complexity of this process or strategy thus works against the development of a holistic and intersectional approach.

4. Gender mainstreaming in practice: where is it in times of crisis?

Three widely researched and interrelated areas where GM could or should have been included at the heart of policy are 1) the economic crisis and austerity, 2) economic governance, and 3) Brexit. Each of these areas demonstrates the challenges facing the mainstreaming of gender and diversity in the face of 'higher' economic and political priorities (Guerrina 2017).

4.1. Gendering the financial crisis

There is substantial evidence of the impact of cuts to the public sector and public services on women in the wake of the 2008 economic and financial crisis and its associated austerity policies (see Karamessini and Rubery 2014; Walby 2015). GM hardly featured at all in the analysis of the economic crisis, apart from noting that core principles of equality and gender were not really mainstreamed in the development and implementation of economic policy (Gonzales Gago and Segales Kirzner 2014). This omission raises important questions about where, and how, gender plays a role in economic governance. Specifically, it provides important insights into the implicit biases of decision-making processes that prioritise men's interests over women's. For instance, O'Dwyer (2018) explains how decisions to cut public services instead of raising taxes were deeply gendered, insofar as women are the primary users of public services. Indeed, whereas cutting public services primarily affects women reliant on them by making it harder for them to participate in the labour market, not increasing the tax burden on higher earners generally benefits men. In this context, not only were policy decisions not subject to an impact assessment, but they also crystallised dominant gender structures and unequal access to resources. In other words, such decisions bolstered economic and social structures disadvantaging women or non-primary economic players.

Exposing these 'strategic silences' (O'Dwyer 2018) is the only way to show how the current crises are shaping the very social, political and economic fabric of Europe. Drawing attention to the way in which structures and practices of governance have been realigned as a result of the crisis, Walby (2018:1) goes as far as to claim that 'Europe is

being remade during the "crisis"'. In this context, she notes how current proposals for the future of post-Brexit economic governance are almost completely gender-blind. Her analysis draws attention to ongoing discussions about the future of economic governance in the EU. The policy architecture that will emerge out of the crisis, she argues, will redefine the balance of power between European actors. More significantly, she finds that there is a tension underpinning the EU's aim for economic growth. This goal can be achieved either through de-regulation (the neoliberal model) or through the social model (the social democratic model). These approaches have a radically different impact on gender equality outcomes. In her view, the level and quality of institutionalisation of gender equality projects at both the EU and the Member State levels will determine the long-term prospects for this agenda post-crisis. Her analysis of the 2017 proposals on the future of the EU 27 makes sober reading: 'The EC's White Paper for the future of the EU 27 – with their five possible scenarios – are largely presented as if gender were not relevant to them' (Walby 2018: 316). And yet the areas covered – the economy, security and democratic governance – are all deeply gendered. Cavaghan and O'Dwyer (2018) find that the Commission's current narrative on recovery largely ignores some of the groups worst affected by austerity. For these two authors, the Commission's analysis of the EU's recovery from the crisis highlights the marginal position of women's interests in European economic governance. Drawing on feminist political economy, their analysis shows how the entrenchment of 'rule-based economic policies' came at the expense of GM (Cavaghan and O'Dwyer 2018: 101). What this means is that the urgency of the crisis, with its focus on debt reduction and public spending cuts, led to key decisions that adversely affect women. For instance, cuts in social and welfare provisions had a greater impact on women, who as the primary carers are the main beneficiaries of such services. What is taken for granted in these decisions is that the family will fulfil the social function of care, without regard for gender divisions of labour in the private sphere (Cavaghan and O'Dwyer 2018).

4.2. Economic governance: blind spots or careless disregard?

It is now very clear that austerity did not happen in a vacuum. As O'Dwyer (2018: 749) points out, 'gender inequalities have persisted and worsened under the EU's new economic governance regime'. This finding supports Cavaghan's (2017a) detailed analysis of decision-making processes which exposes that the primacy of macroeconomic policy at European level facilitated the dilution of the *gender acquis*. Where approaches to economic governance remain gender-blind, they are 'able to call on such gendered assumptions of the economy without ever explicitly addressing them' (O'Dwyer 2018: 751). This means that social institutions like the family are taken out of the policymaking realm, with their role in supporting the dominant economic model remaining unchallenged. This blindness can be seen either as a result of implicit bias in the decision-making process, or as deeply engrained in the very fabric of economic governance. Going back to the previous discussion on the roots of gender equality in Europe and the economic rationale that supported the inclusion and expansion of this principle, it is now clear that this kind of approach fails to anchor the principle in the very fabric of the organisation, beyond rhetoric. Not even a focus on values and

fundamental rights can withstand the pressures embedded within the politics of crisis to concentrate on those area of politics traditionally seen as gender-free.

Emejulu and Bassel's (2018) critique of European macroeconomic policy highlights how the priority given to the dominant economic agenda has left women, particularly women of colour, to manage the consequences of a policy agenda that reifies an economic model based on a racialised gender regime. Their analysis highlights the way European economies rely on the undervalued and underpaid labour of women, and specifically women of colour. Only an intersectional approach allows us to expose such silences in the dominant policy narrative and approach (O'Dwyer 2018). The transition of gender regimes with its focus on activating (white) European women has come to rely on women of colour to fulfil some of the domestic and caring work in the private sphere (Emejulu and Bassel 2018). This must lead us to question the depth of the transition towards the Adult Worker Model Family[3] embedded in European social policy and its focus on activation (Giullari and Lewis 2005), as well as the transformational potential of GM as a strategy for achieving social justice.

4.3. The Brexit test

Brexit similarly raises important questions about the mainstreaming of GM. The UK's 2016 decision to leave the European Union and the ensuing negotiations tested national governments and the EU's commitment to gender and social justice issues. The high-pressure environment of the Brexit negotiations coupled with widespread concerns at European level about disintegration relegated social policy, gender equality and social rights to second-order issues (Guerrina and Masselot 2018; Kantola and Lombardo 2019; Haastrup *et al.* 2019). In many ways Brexit has highlighted the superficial way in which GM has up to now been included in policymaking.

Brexit is expected to have a detrimental impact on gender equality in the UK. Guerrina and Masselot (2018) have mapped the footprint of EU law in the UK in the cases of maternity rights and women on boards. During the negotiations on the amendment to the pregnant workers' directive, UK ministers repeatedly claimed the costs associated with the provisions would place an undue burden on Member States at a time when they were still trying to tackle the financial crisis and implement austerity measures (BIS 2011). Guerrina and Masselot's (2018: 325) analysis highlights the level of government resistance against widening the scope of equality provisions.

The conservative governments behind the referendum and the withdrawal negotiations have made no significant commitments to consolidating social rights in a post-Brexit environment. Conversely, their focus on competitiveness and deregulation is expected to adversely impact the position of women on the labour market (Caracciolo di Torella 2019; Dustin *et al.* 2019). This early research on Brexit looks at the way the UK

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3. The idea of the Adult Worker Model Family, as outlined by Giullari and Lewis (2005), refers to the transition in gender regimes from the male breadwinner model to a dual breadwinner model. This is linked to the wide-ranging activation policies ratified by the EU and various Member States to encourage women's economic activation.

government has negotiated key policies with a direct impact on women's participation in the labour market. Fagan and Rubery (2018: 306) similarly warn that Brexit would leave equality policies exposed to deregulatory forces, particularly in view of the fact that 'UK equality legislation and policy have been shaped by the EU equality framework'.

It is this blind spot that is concerning feminist scholars and women's rights activists both in the UK and at European level. Although it is widely accepted that in terms of social rights the UK has been a force for deregulation at European level and has actively put employer interests over women's rights, there is growing concern that Brexit will adversely impact the transnational coalitions driving the European equality agenda. Moreover, Brexit as a process has also highlighted how far down the EU agenda gender has slipped. The urgency of the negotiations between the UK and the EU 27, with their focus on trade, migration and the Irish border, has further sidelined social issues, including gender (Chilcott 2018; Guerrina and Masselot 2018; Haastrup *et al.* 2019).

These three case studies illustrate the patterns of exclusion that have become normalised by downgrading gender expertise and diffusing responsibility for gender issues to policymakers ill-equipped to carry out gender analysis and impact assessments. As noted by Squires (2007), GM without a detailed understanding of diversity leaves much to be desired. Recognition of the intersectional nature of inequality thus becomes a pre-requisite of GM, perhaps even able to induce a shift towards diversity mainstreaming. This call is echoed by Emejulu and Bassel (2018) who put forward a compelling argument to move beyond the binaries that have dominated macroeconomic policy and the political agenda. In many ways, this is a critique of a policy strategy that treats structures of power as variables, or analytical categories, and has thus failed to achieve its transformative potential. It is notable that GM has failed to ensure that equality and social justice remain on the agenda in a crisis context. This recognition thus raises important questions about the suitability of a 'fair-weather' strategy to deal with complex, multi-layered and intersectional issues at times when policymakers are forced to prioritise and revert to type.

Conclusions

The last twenty years have been marked by huge opportunities as well as disappointments for those promoting gender equality. Whereas the introduction of GM in the Treaty of Amsterdam offered a space for ensuring that gender, equality and diversity were integrated into all policy fields, the failure of policymakers to deploy the most basic tools associated with this approach (e.g. gender impact assessments) at times of crisis highlights some of the limitations of GM. Most significantly, GM requires political will and commitment to be effective. In a way, in the post-Amsterdam era we have seen the limitations of an approach to equality rooted in economic rationalities. This functionalist logic separates the principle of equality from that of social justice. It stresses the neutrality and apolitical nature of the principle of mainstreaming. This has proved to be a very effective strategy in times of growth, particularly as a way of supporting mainstream policies. However, it ignores the fact that it feeds into a specific gender

regime, with associated structures and practices. As such, it is not transformative but reproduces socio-economic hierarchies.

This analysis also highlights the limitations of a policy approach that has yet to adopt an intersectional lens, and thus has a tendency to treat gender as a homogeneous category. This trend is all the more evident when GM principles are stress-tested in a crisis context. As such, the fact that the latest White Paper on the future of the EU27 (European Commission 2017) does not prioritise equality and GM (Walby 2018) is further evidence of the challenge ahead. The formal proclamation of the European Pillar of Social Rights in 2017 is recognition that ten years of austerity have had a significant impact on social cohesion in Europe. Divided into three chapters, it is supposed to place equality at the front and centre of the discussion. Indeed, Chapter I on 'Equal Opportunities and Access to the Labour Market' reiterates the commitment to equality, equal opportunities and equal access to the labour market. Additionally, Chapter II on 'Fair Working Conditions' includes the principle of work-life balance for individuals with caring responsibilities, whereas Chapter III on 'Social Protection and Inclusion' touches on access to childcare. Like previous provisions and policies, the European Pillar of Social Rights represents a highly commodified approach to equality. Where mainstreaming is referred to in Chapters II and III, it is along very gendered lines. In this regard, this document or proclamation represents continuity with the EU's approach to equal opportunities, centred around the value added by equality for the market, rather than social justice. This ultimately limits the scope of both the principle of equality and the opportunities for GM to drive transformative change.

These latest developments highlight the limitations of the EU's approach to gender equality and gender mainstreaming. The cooptation of gender equality by European institutions for economic gains is both a manifestation of the widespread implicit bias embedded within the organisations, as well a reflection of the fact that the EU was not created to promote the interests of under-represented groups. These processes ultimately lead to the normalisation of blind spots with regard to the impact of mainstream policies on under-represented groups, as highlighted by extensive feminist analysis of the financial crisis and the associated austerity policies (Cavaghan and O'Dwyer 2018). Without the transformative change of social and economic structures, equality and inclusion will only ever have a limited impact on outcomes. GM calls for the application of gender-sensitive lenses, requiring practitioners to engage with the root causes of inequality, e.g. access to decision-making, rather than treating the symptoms, e.g. gender pay gaps. Failing to address these fundamental questions means that equality will remain an elusive goal for the EU.

References

Abels G. (2012) Research by, for and about Women: Gendering Science and Research Policy, in Abels G. and Mushaben J. (eds.) Gendering the European Union: New Approaches to Old Perspectives, London, Macmillan, 187-207.

Abels G. and Mushaben J. (2012) Introduction: Studying the EU from a Gender Perspective, in Abels G. and Mushaben J. (eds.) Gendering the European Union: New Approaches to Old Perspectives, London, Macmillan, 1-19.

Ahrens P. (2018) Actors, Institutions and the Making of Gender Equality Programmes, London, Palgrave.

Allwood G. (2013) Gender Mainstreaming and Policy Coherence for development: Unintended gender consequences and EU Policy, Women's Studies International Forum, 39, 42-52.

Allwood G., Guerrina R. and MacRae H. (2013) Unintended Gender Consequences of EU policies: reintegrating gender in European studies, Women's Studies International Forum, 39 (July-August), 2-3.

Alonso A. (2017) Who learns what from whom? Implementing gender mainstreaming in multi-level settings, European Journal of Women's Studies, 24 (2), 174-188.

Alston P. (2018) Statement on visit to the United Kingdom, by Professor Philip Alston, UN Special Rapporteur on extreme poverty and human rights, London, OHCHR, 16 December 2018. https://www.ohchr.org/documents/issues/poverty/eom_gb_16nov2018.pdf

Bacchi C. (2009) Analysing Policy: What is the problem represented to be?, Melbourne, Pearson.

Bain J. and Masselot A. (2013) Gender Equality Law and Identity Building for Europe, Canterbury Law Review 97, Canterbury, University of Canterbury.

Beveridge F. and Velluti S. (2008) Gender and the Open Method of Coordination: Perspectives on Law, Governance and Equality, Abingdon-on-Thames, Routledge.

BIS (2011) UK Ministers lobby Europe against 'socially regressive' maternity proposals. Department for Business, Innovation and Skills. https://www.gov.uk/government/news/uk-ministers-lobby-europe-against-socially-regressive-maternity-proposals

Caracciolo di Torella E. (2019) The Unintended Consequences of Brexit: The Case of Work-Life Balance, in Dustin M. et al. (eds.) Gender and Queer Perspectives on Brexit, London, Palgrave Macmillan, 61-91.

Caracciolo di Torella E. (2005) Goods and Services Directive: Limitations and Opportunities, Feminist Legal Studies, 13 (3), 337-347.

Cavaghan R. (2017a) The Gendered Politics of EU Economic Policy: Policy Shifts and Contestations before and after the Crisis, in Kantola J. and Lombardo E. (eds.) Gender and the Economic Crisis, Abingdon-on-Thames, Routledge, 49-71.

Cavaghan R. (2017b) Making Gender Equality Happen: Knowledge, Change and Resistance in EU Gender Mainstreaming, Abingdon-on-Thames, Routledge.

Cavaghan R. and O'Dwyer M. (2018) European Economic Governance in 2017: Recovery for Whom?, Journal of Common Market Studies Annual Review, 56 (S1), 96-108. https://doi.org/10.1111/jcms.12770

Chilcott A. (2018) Gendering Brexit: The role and concerns of feminists and women's rights organisations, Mill Valley, Gender Five Plus.

Dustin M., Ferreira N. and Millns S. (2019) Gender and Queer Perspectives on Brexit, London, Palgrave Macmillan.

EIGE (2016) What is Gender Mainstreaming? European Institute for Gender Equality, Vilnius. https://eige.europa.eu/publications/what-gender-mainstreaming. doi:10.2839/76981

Emejulu A. and Bassel L. (2018) Austerity and the Politics of Becoming, Journal of Common Market Studies Annual Review, 56 (S1), 109-119.

European Commission (2017) White Paper on the Future Europe: Reflections and Scenarios for the EU27 by 2025, COM (2017) 2025. https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf

European Commission (1996) Incorporating equal opportunities for Women and men into all Community Policies and Activities, COM(96) 67 final. https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1996:0067:FIN:EN:PDF

EWL (2012) The Price of Austerity: The Impact of Women's Rights and Gender Equality in Europe, European Women's Lobby. https://www.womenlobby.org/IMG/pdf/the_price_of_austerity_-_web_edition.pdf

Fagan C. and Rubery J. (2018) Advancing Gender Equality through European Employment Policy: The Impact of the UK's EU Membership and the Risks of Brexit, Social Policy and Society, 17 (2), 297-317.

Forest M. and Lombardo E. (2012) The Europeanisation of Gender Equality Policies: A Discursive Sociological Approach, in Lombardo E. and Forest M. (eds.) The Europeanisation of Gender Equality Policies: A Discursive Sociological Approach, London, Macmillan, 1-27.

Ghailani D. (2014) Gender equality, from the Treaty of Rome to the quota debate: between myth and reality, in Natali D. (ed.) Social developments in the European Union 2013, Brussels, ETUI and OSE, 161-190. http://www.ose.be/files/bilan2013/ChapitresBilan2013/EN_2013/Ghailani_2014_SocDev2013_EN_ch6.pdf

Giullari S. and Lewis J. (2005) The Adult Worker Model Family, Gender Equality and Care: The search for New Policy Principles and the Possibilities and Problems of a Capabilities Approach, Social Policy and Development Programme Paper, 19, UN Research Institute for Social Development. http://www.unrisd.org/

Gonzáles Gago E. and Segales Kirzner M. (2014) Women, gender equality and the economic crisis in Spain, in Karamessini M. and Rubery J. (eds.) Women and Austerity: The Economic Crisis and the Future for Gender Equality, London, Routledge, 228-247. Guerrina R. (2017) Gendering European Economic Narratives: Assessing the Cost of the Crisis to Gender Equality, in Kantola J. and Lombardo E. (eds.) Gender and the Economic Crisis in Europe: Politics, Institutions and Intersectionality, London, Routledge, 228-247.

Guerrina R. (2016) Gender and Brexit: moving beyond the EU's focus on women's employment rights. London, LSE.

Guerrina R. (2008) Employment policy, women's labour market activation and demographic trends, in Beveridge F. and Velluti S. (eds.) Gender and the Open Method of Coordination: Perspectives on Law, Governance and Equality in the EU, Abingdon-on-Thames, Routledge.

Guerrina R. (2005) Mothering the Union: Gender Politics in the EU, Manchester, Manchester University Press.

Guerrina R. (2003) Gender, Mainstreaming and the EU Charter of Fundamental Rights, Policy and Society, 22 (1), 97-115. https://doi.org/10.1016/S1449-4035(03)70015-0

Guerrina R. and Masselot A. (2018) Walking in the Footprint of EU Law: Unpacking the gendered consequences of Brexit, Social Policy and Society, 17 (2), 319-330.

Guerrina R. and Wright K. A. M. (2016) Gendering normative power Europe: lessons of the Women, Peace and Security agenda, International Affairs, 92 (2), 293–312.

Guerrina R., Haastrup T., Wright K. A. M., Masselot A., MacRae H. and Cavaghan R. (2018) Does EU Studies have a Gender Problem? Lessons of Researching Brexit, International Feminist Journal of Politics, 20 (2), 252-257.

Haastrup T., Wright K. A. M. and Guerrina R. (2019) Bringing Gender In? EU Foreign and Security Policy after Brexit, Politics and Governance, 7 (3). DOI: 10.17645/pag.v7i3.2153

Hubert A. and Stratigaki M. (2016) Twenty Years of EU Gender Mainstreaming: rebirth out of the ashes?, Femina Politica, 20, 21-36.

Jacquot S. (2017) A Policy in Crisis: The Dismantling of the EU Gender Equality Policy, in Kantola J. and Lombardo E. (eds.) Gender and the Economic Crisis in Europe: Politics, Institutions and Intersectionality, Abingdon-on-Thames, Routledge, 27-48.

Jacquot S. (2015) Transformations in EU Gender Equality: From emergence to dismantling, London, Palgrave Macmillan UK.

Kantola J. (2010) Gender and the European Union, The European Union Series, Basingstoke and New York, Palgrave Macmillan.

Kantola J. and Lombardo E. (2019) Populism and feminist politics: The cases of Finland and Spain, European Journal of Political Research, 58 (4), 1108-1128.

Karamessini M. and Rubery J. (2014) Women and Austerity, Abingdon-on-Thames, Routledge.

MacRae H. (2010) The EU as a Gender Equality Polity: Myths and Realities, Journal of Common Market Studies, 48 (1), 153–172.

Masselot A. (2007) The State of Gender Equality Law in the EU, European Law Journal, 13 (2), 153-168.

Minto R. and Mergaert L. (2018) Gender Mainstreaming and Evaluation in the EU: Comparative Perspectives from feminist institutionalism, International Feminist journal of Politics, 20 (2), 204-220.

Pollack M. A. and Hafner-Burton E. (2000) Mainstreaming gender in the European Union, Journal of European Public Policy, 7 (3), 432-456. https://doi.org/10.1080/13501760050086116

O'Dwyer M. (2018) Making sense of austerity: the gendered ideas of European economic policy, Comparative European Politics, 16 (5), 745-761.

Rees T. (2005) Reflections on the uneven development of gender mainstreaming in Europe, International Feminist Journal of Politics, 7 (4), 555-574. DOI: 10.1080/14616740500284532

Rubery J. (2002) Gender Mainstreaming and Gender Equality in the European Employment Strategy, Industrial Relations Journal, 33 (5), 500-522

Squires J. (2007) The Challenge of Diversity: the Evolution of Women's Policy Agencies in Britain, Politics & Gender, 3 (4), 513-530.

Squires J. (2005) Is Mainstreaming Transformative? Theorising Mainstreaming in the Context of Diversity and Deliberation, Social Politics, 12 (3), 366-388.

Stratigaki M. (2005) Gender Mainstreaming vs Positive Action An Ongoing Conflict in EU Gender Equality Policy, European Journal of Women's Studies, 12 (2), 165–186. https://doi.org/10.1177/1350506805051236

Timmer A. and Senden L. (2019) How are EU Rules Transposed into National Law in 2018?, DG Justice and Consumers, Luxembourg, Publications Office of the European Union, 8 March 2019. doi:10.2838/179482

Walby S. (2018) Gender in the Crisis and remaking Europe: re-gendering subsidiarity, European Journal of Politics and Gender, 1 (3), 307-324.

Walby S. (2015) Crisis, Cambridge, Polity Press.

Woodward A. (2015) Travels, triangles and transformations: Implications for new agendas in gender equality policy, Tijdschrift voor genderstudies, 18 (1), 5-18.

Woodward A. (2012) From Equality Treatment to Gender Mainstreaming and Diversity Management, in Abels G. and Mushaben J. (eds.) Gendering the European Union: New Approaches to Old Perspectives, London, Palgrave Macmillan, 85-103.

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