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Framing intersectionality in the European Union gender equality policies: what implications for the quality of policies?

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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 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 ones¹. It is also provoking debates on the intersection of gender with other inequalities². 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 project³.

Our interest in exploring the concept of intersectionality in the EU in this paper 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 this quality will be developed in the following sections of the paper. The hypothesis from which we start is that, if EU policies have changed to respond to the requirements of anti-discrimination, this should change the quality of gender equality

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 See for instance the European Women's Lobby's *Briefing about the proposal for a new Anti-discrimination directive made by the European Commission on 2 July 2008*. http://www.womenlobby.org/SiteResources/data/MediaArchive/policies/Antidiscrimination/EWL%20new%20antidiscrimination%20directive%202008_brief_280708.pdf

³ 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).

policies as well. 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 and if this shift has also led to an improvement of the quality of gender equality policies. 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 the understanding of EU patterns of intersectionality in gender equality policies and to the further development of intersectionality theory.

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. Crenshaw's concept of political intersectionality is relevant for our study of intersectionality in the EU as it brings to the discussion the dilemmas of marginalisation and advancement for different groups (Crenshaw 1989). EU gender equality policies or political strategies by institutional and civil society actors might promote some social groups while marginalising and stigmatising others. So for instance, while EU measures that promote race equality can marginalise women, measures that promote gender in general can marginalise and stigmatise ethnic minority women and men. Similarly, the mere mentioning of certain groups (for instance specific ethnic communities) in relation to particular problems to be solved may also imply a stigmatization of these groups through a process of homogenising them and naming them as the main problem holders. Some of these dilemmas are likely to appear in policy discourses, revealing what meanings are attributed to different inequalities and what kind of intersectional approach is developed in EU policy documents.

But how to define an intersectional approach to the treatment of inequalities? Hancock (2007: 64) argues that intersectional approaches 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*. Categories are conceptualised in a dynamic interaction between individual and institutional factors, for instance by conducting more 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 (e.g. gender only, or race only) as the main one, or more than one inequality (e.g. race and gender) as if they mattered equally.

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, for instance, 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. 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 through the analysis of policy documents how policymakers and civil society actors articulate it in the EU context.

While there are 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), the institutionalisation of political intersectionality in the EU (Verloo 2006; Walby 2007; Kantola and Nouisainen 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) are two

developing fields of study. 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 European Union policy discourse has been conducted in the European MAGEEQ project⁴ and collected in Verloo (2007) and Lombardo and Verloo (2009b). MAGEEQ's frame analysis of intersectionality in a selection of European gender equality policy documents from 1995 until 2004 revealed absence and biases in the treatment of political intersectionality in Europe. 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.

But how did we proceed to analyse the framing of intersectionality in EU gender equality policies? Some methodological notes are needed to understand the argument we develop in the paper⁵. 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 (QUING 2007). Within each of these policy issues, we then selected specific sub-issues⁶ 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 issue⁷.

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, as represented in policy documents, 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 that relate to intersectionality and gender, which are the ones that are of interest for this

⁴ See www.mageeq.net

⁵ The frame analysis methodology employed was developed by the QUING research team.

⁶ 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.

⁷ Three main rules were followed in the selection of the documents (Krizsan and Verloo 2007): the list of texts selected had to capture the most important documents and the frames articulated in those; 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.

paper. These explore whether and how gender is addressed in a given document, and whether and how any other inequality, namely class, ethnicity/race, sexual orientation, disability, age, religion/belief, marital/family status, nationality/migrant status, and other inequalities, 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, distinguishing 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.

The analysis of intersectionality in EU gender equality policies is developed in this paper in three sections: firstly, we analyse the main trends of intersectionality framing in the EU policy texts as well as the quality assessment of the policies. Secondly, 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 implications in terms of quality of the identified trends of intersectionality framing in EU gender equality policies. We also aim to gain a preliminary understanding of the meaning of intersectionality in EU policies over the last decade and some ideas regarding the understanding of why the identified trends occur, with particular reference to the role of the voices that authored the texts.

1. Main trends and quality assessment of the framing of intersectionality in EU gender equality policies⁸

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 framing of intersectionality that appear articulated in the different issues and subissues taken into consideration (for a list of analysed texts see Annex 1). We analyse and assess these trends according to a set of quality criteria for 'good intersectionality' along the following lines: *explicitness* and *visibility* of certain inequalities as well as the *inclusiveness* of a wide range of multiple inequality categories in the policy documents; the 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 for example); the *gendering* and *degendering* of certain policy issues and intersecting inequalities; the appearance or lack of a *transformative approach* to the issue of intersectionality; a *structural understanding* of power hierarchies and the dimensions of inequality, also in relation to addressing both individual and group dimensions; awareness/challenging of *privileges* and internal inequality biases in the policy documents; avoiding the potential *stigmatization* of people and groups at different points of intersection; and the *consultation* of civil society actors in the policy-making process. In the following sections, we will outline the trends identified and, on the basis of these, we will assess the implications of the EU trends on intersectionality framing for the quality of gender+ equality policies. In other

⁸ This section is based on the reports F. de Vega, Lombardo and Rolandsen Agustín 2008a and F. de Vega, Rolandsen Agustín and Lombardo 2008b.

words, we use the empirical evidence together with a range of normatively identified quality criteria to assess the extent to which the intersectionality dimensions identified add qualitative elements to the EU gender equality policies⁹.

Explicitness, visibility and inclusiveness of intersecting categories in policy documents

The level of *explicitness*, *visibility* and *inclusiveness* with which the inequalities and intersections are named as problems in the texts is an important part of the assessment of quality in the policy documents. Independently of how articulated a reference to intersectionality is in a text, in order for the problem to be addressed, it must first be made explicit in some way. 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 discuss the problem and put it on the agenda.

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 other kinds of potential social inequalities apart from gender, and mention predominantly sexual orientation and age, but also citizenship status and disability¹⁰. 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)¹¹. The age category is made visible in a couple of NE texts that centre the problem and solution in the improvement of family well being in relation to the problem of demographic ageing, which mentions children, families and parents¹². 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 voices¹³. Some intersectionality appears in the reference to the protection of equality and freedom, where family status, gender and religion are mentioned in relation to restrictions to family reunification of polygamous households in the EU as hindering the

⁹ 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).

¹⁰ EWL Position Paper of 31 May 2006 on Care Issues. European Women’s Lobby Campaign “Who Cares?”. EWL Statement of 2000 on the European Conference on Maternity, Paternity and conciliation of work and family life held in Portugal in May 2000. European Parliament debate on Family life and Study, 19 June 2007.

¹¹ 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.

¹² EP Women’s Rights Committee Report of 17 October 2000 on regulating domestic help in the informal sector 2000(2021) INI. *Policy plan*: European Parliament Resolution of January 1999 on the protection of families and children (A4-0004/1999).

¹³ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1st June 2005 on Non-discrimination and equal opportunities for all - A framework strategy [SEC (2005) 689], (COM(2005)224 final). European Parliament debate on homophobia, Monday 16 January 2006.

realization of gender equality values¹⁴. One text in IC mentions gender, family status and disability arguing that disabled women should enjoy equal rights to have children¹⁵. Finally, in another IC document there are references to gender and migration in relation to matters of gender power in partnerships¹⁶. 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 visible intersection in the documents on NE. 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 the references to migration policies and economic and regional inequalities.

In terms of *inclusiveness*, one civil society text by the European Women’s Lobby 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 persons¹⁷. 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)¹⁸. Depending on the level of articulation, however, this inclusiveness could also have a neutralising effect. When a range of inequalities are mentioned without any articulation of the relationship between them, the effect could be that of neutralising the potential impact of certain intersectionalities.

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. As mentioned above, 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. 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 separate categories, where the intersections are simply considered to be additive, and mutually constitutive categories, where the different kinds of intersections

¹⁴ European Women’s Lobby Position Paper of January 2005 on women’s sexual rights in Europe.

¹⁵ Committee on Women’s Rights report of 9 July 1998 on the situation of single mothers and single-parent families, (A4-02739).

¹⁶ European Parliament debate of 23 October 2006 on women’s immigration.

¹⁷ European Women’s Lobby Position Paper of January 2005 on women’s sexual rights in Europe.

¹⁸ 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.

are thought to be substantially different than the sum of the categories which they include. 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. Even in the intersectional references that we found in the EU policy documents, for instance in NE¹⁹ or in GBV, the relation among the intersections is not deeply articulated. Other social inequalities apart from gender are just mentioned as separate categories, not addressed in their relation with gender. The intersections that show greater articulation are age-gender in NE, and age-gender and gender-class in IC. 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 children²⁰. However, in general in GBV these intersectionalities are usually inarticulate and the relationship between them is not explained.

Intersectionality is generally poorly articulated in EU frames also because the approach taken to the treatment of inequalities is *separate* rather than intersectional. Situations that put people at disadvantage, such as gender, disability, age, ethnic origin or sexual orientation may be mentioned, but they are usually considered as unitary or multiple factors of discrimination that intervene separately. The EU tendency to use a separate approach to the treatment of inequalities has implications for groups at different points of intersection. A separate approach to inequalities manifests itself when texts place the emphasis only on gender, by referring to women and men as abstract notions; 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. The use of a separate approach leads to an invisibility of the combined social inequalities. It makes some individuals and groups at the points of intersection invisible and does not provide solutions for their problems. Besides, due to the EU’s role as a norm-setting agent among member states, the EU’s predominant use of a separate approach to the treatment of inequalities can have the consequence of discouraging member states from developing a more intersectional approach.

The gendering and degendering of policy issues and intersectionality

The gendering/degendering of the policy documents as part of an intersectionality dimension is a complex issue, also in terms of the quality perspective. At times, gender disappears as a category when other intersectional dimensions enter the policy texts. This degendering 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). However, gender is to a higher and higher degree competing with other inequality categories, and considerations regarding the adequacy of working more broadly with a diversity mainstreaming strategy are increasingly entering the political agenda. This, naturally, raises the question whether gender is always an indispensable category to be considered and a marker of good quality in equality policies (i.e. whether degendering is a sign of poor quality). What can be affirmed, in any case, is that the displacement of gender by other inequality categories which enter the policy agenda can

¹⁹ 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.

²⁰ EP Report of the CWR on the current situation in combating violence against women and any future action (2004/2220(INI)).

be seen as a potential decline in the quality of the equality policies as a result of an increased intersectionality attention which is not paired with an adequate gender mainstreaming approach.

The EU sampled documents are gendered in the sense that the main problems and solutions represented relate to gender and gender equality. However, at a closer look, EU documents also reveal a tendency to *de-gender* the problems and the language as soon as texts consider a greater range of inequalities. Gender tends to disappear in other groups and language tends to refer to general groups. This happens in NE, which employs de-gendered notions when other categories such as age, class and migration/nationality, are mentioned. It also occurs in IC when intersections of family-marital status-migration appear²¹. 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 extensively²². 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.

To what extent is this de-gendering an implication of the EU emphasis on a multiple discrimination approach? The de-gendering trend in EU gender equality policies that mention other inequalities seems to be the result of the increasing predominance in the European Commission equality policy of a multiple discrimination approach that appears somehow disconnected from the strategy of gender mainstreaming. The Commission’s discourse privileging a multiple discrimination approach has partly entered the EU gender equality policy documents through the mentioning of multiple inequalities. However, the use of a separate approach to intersectionality together with the tendency to mention inequalities in an inarticulate way, might have led to interpreting the Commission call for a focus on multiple discrimination as a mere listing of several categories of inequalities other than gender, but omitting the reference to (and analysis of) how these inequalities intersect with gender. Besides, debates on the supposedly privileged role of gender equality in EU policymaking among the inequality axes covered by Article 13 (reflected, for instance, in Bell 2002) might have moved policymakers working on gender to strategically frame the policy documents in a more gender neutral way. Interpreting the dominant Commission discourse in favour of multiple inequalities, in order to make their frames resonate with this prevalent discourse, EU policymakers working on gender policy might prefer to give gender a less prominent position when mentioning other inequalities. However, more institutionalist types of analysis of the dynamics at work among EU gender policy actors and institutions than those carried out in this paper would be needed to explore the reasons behind this apparent disconnection between a multiple discrimination approach and gender mainstreaming that would supposedly lead to degendering the policies.

Intersectionality as transformation and structural inequalities

The structural understanding of inequalities, which can be seen as a quality criterion in terms of the depth of the understanding of the problem, addresses both the asymmetrical

²¹ Council Directive of 22 September 2003 on the right to family reunification, (2003/86/EC).

²² See for instance 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).

power hierarchies that are at the core of inequalities and looks not only to the individual level but also to the social one. 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 (when denouncing judicial cases, etc.). On the social level, however, there is a group dimension to the intersecting inequalities and the structural discrimination suffered by certain groups (for a discussion of individual and group approaches to intersectionality, see Squires 2008).

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 documents²³, and in the domestic violence subissue violence is conceived as a matter of gender inequality²⁴. 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 societies²⁵. Civil society and parliamentary voices also challenge national legislation that excludes LGBT people and demand equal rights²⁶. 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 permit²⁷.

The risk of privileging some groups - and stigmatising others

The articulation of different intersectionalities 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. 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.

²³ 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)). European Parliament debate on trafficking in women of 18 May 2000 (Valenciano). WAVE Fempower Magazine on the theme of trafficking in women, n° 1 (1/2001).

²⁴ See for instance EP Report of the CWR on the current situation in combating violence against women and any future action (2004/2220(INI)).

²⁵ European Parliament debate of 23 October 2006 on women's immigration. European Women Lawyer Association Opinion of September 2005 on Commission's Green Paper on applicable law and jurisdiction in divorce matters.

²⁶ European Parliament debate on homophobia, Monday 16 January 2006. ILGA report of October 2005 on "EU Directive on free movement and same-sex families: Guidelines on the implementation process".

²⁷ European Women's Lobby Position Paper of January 2005 on women's sexual rights in Europe.

Therefore, an important quality criterion is the *lack of stigmatization* of specific groups. This means that policies must explicitly counteract potentially sexist, homophobic, racist or ethnocentric biases. This requires awareness in the policy-makers not only of the need to counteract this stigmatization but also of their own position and biases which may influence the policy formulations. This dilemma 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 and help.

We did not find, in the EU frames, 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 IC²⁸, 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 equality²⁹. This is a case where the ‘Crenshaw dilemma’ of how to address gender inequalities of social practices without stigmatising a particular group would apply. The problem here consists in not stigmatising certain groups by pointing them out as specifically problematic, for instance, not even when it is a matter of directing specific policy measures at particular target groups. 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 which, in the end, stigmatise and potentially marginalize the group in question in public discourse.

Also anti-gender equality frames are really minimal in EU documents. The rhetoric of gender equality is relatively well spread among EU policy actors and there is almost no presence of explicitly sexist or anti-feminist frames. A few examples of the contrary can be found in the debate interventions, especially stemming from the IND/DEM group where, in the GBV issue for example, it is argued that men and women are equally victims of domestic violence in different appearances (physical or psychological)³⁰. In IC, this marginal presence of anti-equality frames is represented by the discourse of an MEP from the UEN group who focuses on the maintenance of traditional moral principles in women’s health issues, arguing that certain practices such as abortion and the use of contraceptives have detrimental consequences³¹.

On the other hand, very few references are also found to texts that *recognize/challenge privileges*. This is a trend that seems particularly important to consider when assessing the intersectionality of frames in the EU, since intersectionality theory recommends being aware and challenging existing privileges that generate further inequalities. Some MEP and civil society IC texts from ILGA recognize privileges as regards sexual orientation-marital/family status and challenge privileges of heterosexual individuals and couples³². By contrast, some texts establish privileges for some categories of people, for instance an IC law text, which privileges people with enough economic resources³³. Overall, the EU texts do not present a big challenge to

²⁸ European Parliament debate on homophobia, Monday 16 January 2006 (Frattoni).

²⁹ European Parliament debate of 23 October 2006 on women’s immigration (Frattoni).

³⁰ European Parliament debate on combating violence against women of 1 February 2006 (Krupa).

³¹ European Parliament debate of 7 September 2005 on gender discrimination in health systems (Libicki).

³² European Parliament debate on homophobia, Monday 16 January 2006. ILGA report of October 2005 on “EU Directive on free movement and same-sex families: Guidelines on the implementation process”.

³³ 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

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 (from the Committee on women's rights and gender equality of the European Parliament)³⁴. In IC, some challenges to men appear, but actually the main problems highlighted in the texts 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 women³⁵. Again this concern comes from civil society actors. 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)³⁶.

The inclusion and consultation of civil society actors in the policy-making process

The quality criterion of *consulting* civil society, which mainly refers to organizations that have a special expertise on an issue, is particularly important because it enables policy actors to develop shared criteria on intersections to be tackled and increases the possibility of policy documents including a more explicit, articulated, transformative, inclusive and less biased approach to intersectionality. Consultation increases the chances of a less biased approach to intersectionality because 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. Indeed, if we consider as quality criteria the presence of transformative gender and other equality considerations, awareness of power hierarchies, 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 ones³⁷. 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 intersectionality. The more transformative gendered and intersectional frame elements found in the texts on NE are also predominantly present in civil society voices³⁸.

(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.

³⁴ EWL Position Paper of 31 May 2006 on Care Issues. European Women's Lobby Campaign "Who Cares?". EWL Statement of 2000 on the European Conference on Maternity, Paternity and conciliation of work and family life held in Portugal in May 2000; Debate in Parliament: European Parliament debate on Family life and Study, 19 June 2007 (Panayotopoulos-Cassiotou).

³⁵ European Women Lawyer Association Opinion of September 2005 on Commission's Green Paper on applicable law and jurisdiction in divorce matters.

³⁶ See for instance EP Report of the CWR on the current situation in combating violence against women and any future action (2004/2220(INI)); and *Debate* in Parliament: European Parliament debate on trafficking in women of 18 May 2000 (Di Lello).

³⁷ 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.

³⁸ EWL Statement of 2000 on the European Conference on Maternity, Paternity and conciliation of work and family life held in Portugal in May 2000. EWL Position Paper of 31 May 2006 on Care Issues. European Women's Lobby Campaign "Who Cares?".

Although *inclusion* and *consultation* appear as important quality criteria, 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 violence³⁹. One debate intervention on trafficking mentions the need to recognise and listen to prostitutes' demands⁴⁰. 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. For instance, the parental leave Directive 96/34/EC analysed within the subissue of reconciliation 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 leave⁴¹. There may be implications of the strengthened focus on social partners in the sense that the labour market and the economic relations may be prioritised by this social dialogue 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. The same trend reappears in the IC issue, where the only mention to civil society consultations does not refer to women's organizations⁴². Although civil society voices show the most articulated and transformative visions of intersectionality, it seems as if the EU institutions do not systematically consult and give them a say in the policymaking process.

2. Understanding intersectionality trends in EU gender equality policies: the question of voices

The analysis of both the voices speaking in the EU texts and the issues considered is helpful to learn more about the focus which is placed on specific intersections and the extent to which references to intersectionality are articulated in policies. We have detected in the EU trends concerning 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? A plausible explanation is that 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. This leads to policies that prioritise the intersection of age and class related categories above other intersections because these better fit the economic development

³⁹ See for instance European Parliament debate on combating violence against women of 1 February 2006 (García Pérez).

⁴⁰ European Parliament debate on trafficking in women of 18 May 2000 (Boumediène-Thiery).

⁴¹ Council Directive of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (96/34/EC).

⁴² Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1st June 2005 on Non-discrimination and equal opportunities for all - A framework strategy [SEC (2005) 689], (COM(2005)224 final).

agenda. 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 and this is reflected in the way that these intersections are extensively articulated in the EU policy documents. This issue is, in some sense, less controversial than what might be the case for a number of other types of intersectionalities.

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. 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 pays a little more attention to intersectional categories and mutually constitutive intersecting categories of gender-age-marital status-citizenship can be found when texts discuss the lack of means of defence of immigrant single mothers and their children⁴³. Why do we find more intersectionality especially in trafficking? Is it due to the non binding character of the documents? Or/and is it because of the influence in this issue of 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? Is it the case 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? Or is it simply because the policy issue is more complex since it covers several policy areas, such as immigration and integration policies, and includes aspects of global inequalities as well?

One striking aspect in the comparison of intersectionality across the issues is that, unlike the NE and GBV issues, where institutional voices are usually less intersectional than the civil society ones, intersectionality in the issue of IC is broadly addressed by both institutional and civil society voices. It is also more articulated and more inclusive of different categories of inequality. We can think of two main reasons for this greater attention to intersectionality in this issue. One is the fact that the main institutional voices speaking in this issue belong to the European Parliament Committee of Women's Rights and Gender Equality, whose experts have shown some attention to intersectional aspects of EU equality policies. The other is the fact that IC is not part of EU competence, which means that there is almost no binding legislation in this issue. It seems to be a general trend that the analysed EU policy texts show more intersectionality 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.

⁴³ EP Report of the CWR on the current situation in combating violence against women and any future action (2004/2220(INI)).

3. Conclusions: implications for intersectionality theory in relation to 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 elements and 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 were in general more advanced in terms of included 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 and inclusion 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. Due to the fact that the articulation of intersectionality is –as it emerged– rather embryonic at the EU level, more than comprehensive frames on intersectionality, we found references to intersectional dimensions in some of the texts. However, the trends we identified through the frame analysis of EU policy documents have offered us some ideas on possible quality criteria to assess the extent to which the intersectionality dimension adds qualitative elements to the EU gender equality policies. 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 analysis has enabled us to identify a number of quality criteria for intersectionality, that were discussed in the paper, such as 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. These quality criteria are suggestions that are definitely open to discussion and further revision. But they could be inputs for improving the design of EU gender equality policy 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-class 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.

Our analysis also 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. 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 (i.e. invisibilisations, inefficient problem-solving). 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 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 points towards the process rather than only 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: 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 impact assessment process might be conducted in combination with the civil society consultation. 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 inequality policies.

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

Non employment

1. Tax-benefit policies

1.1) *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).

[Fragile capitalism, Full employment for women]

1.2) *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.

[Social justice, Care crisis]

1.3) *Debate in Parliament*: 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)

[Full employment for women, Social justice for women, Efficient capitalism]

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

[Full employment for women, Social justice for women]

2. Care-work

2.1) *Law*: No document found.

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

[Fragile capitalism, Care crisis, Family well-being]

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

[Fragile capitalism, Care crisis, Family well-being]

2.3) *Debate in Parliament*: 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)

[Full employment for women, Against gender equality, Workers and mothers]

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

[Transform division of labour gender+equality]

3. Reconciliation of work and family life in employment

3.1) *Law*: Council Directive of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (96/34/EC).
[Full employment for women, Workers and mothers]

3.2) *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).
[Transform division of labour, Care crisis]

3.3) *Debate in Parliament*: 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)

[Workers and mothers, Transform division of labour gender+equality, Smooth governance]

3.4) *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.

[Transform division of labour gender+equality]

4. Gender pay gap and equal treatment

4.1.a) *Law*: Article 141(3) of the EC Treaty
[Full employment for women]

4.1.b) *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).
[Full employment for women]

4.2) *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).
[Full employment for women, Fragile capitalism]

4.3) *Debate in Parliament*: 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)

[Full employment for women, Against gender equality, Smooth governance]

4.4) *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.

[Full employment for women, Female worker's protection, Fragile capitalism, Intersectional inclusion]

Intimate citizenship

1. Divorce, marriage, separation

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

[Protect equality and freedom, Europeanization]

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

[Follow social reality, Children for all, Economic development and adversary budget effects]

1.3) *Debate* in Parliament: 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)

[Protect equality and freedom, Quality of legislation, Gender and power in partnership]

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

[Gender and power in partnership]

2. Sexual orientation discrimination

2.1) *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.

[Europeanization, Quality of legislation]

2.2) *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 1st June 2005 on Non-discrimination and equal opportunities for all - A framework strategy [SEC (2005) 689], (COM(2005)224 final).

[Non-discrimination for LGBT individuals, Europeanization, Quality of legislation]

2.3) *Debate* in Parliament: 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)

[Transformative equality for LGBT people, Non-discrimination for LGBT individuals, Equal rights for same-sex couples, Europeanization, Quality of legislation]

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

[Transformative equality for LGBT people, Europeanization, Quality of legislation]

3. Reproduction rights

3.1) *Law*: No document found.

3.2.a) *Policy plan*: European Parliament CWR resolution of 6 June 2002 on sexual and reproductive health and rights (2001/2128 (INI)).
[Reproductive and sexual health, Alternatives to abortion, Informed choice]

3.2.b) *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).
[Reproductive and sexual health]

3.3) *Debate in Parliament*: 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)

[Reproductive and sexual health, Protection through prohibition, Family-friendly environment]

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

[Reproductive and sexual health, Autonomy of intimate relations, Europeanization, Quality of legislation, Children for all, Protect equality and freedom]

Gender based violence

1. Domestic violence

1.1) *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).

[Women-centered approach, Market & competition, Public health, State efficiency, Gender equality: complex intervention, Lack of knowledge]

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

[Structural gender inequality, Public health, Lack of knowledge, Gender equality: complex intervention]

1.3) *Debate in Parliament*: 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)

[Structural gender inequality, State efficiency, Lack of knowledge, Women-centered approach, Violence as deviance, Gender equality]

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

[Women-centered approach, Lack of knowledge, Gender equality: complex intervention]

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

[Structural gender inequality, State efficiency, Lack of knowledge, Gender equality: complex intervention]

2. Sexual harassment

2.1) *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).

[Structural gender inequality, State efficiency, Gender equality: complex intervention, Market & competition]

2.2) *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).

[Structural gender inequality, Market & competition, State efficiency, Lack of knowledge, Gender equality: complex intervention]

2.3) *Debate in Parliament*: 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)

[Structural gender inequality, State efficiency, Market & competition, Gender equality, Gender equality: complex intervention]

2.4) *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, 15th of May 2000,

[Structural gender inequality, State efficiency, Gender equality, Market & competition]

3. Trafficking

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

[Women-centered approach, State efficiency, Degendered human rights, Implementation of international norms]

3.2) *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)).

[Women-centered approach, Public Health, State efficiency, Lack of knowledge, Gender equality: complex intervention, Implementation of international norms]

3.3) *Debate in Parliament*: 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)

[Women-centered approach, State efficiency, Social solidarity, Non-abolitionism, Crime & Justice, Gender equality: complex intervention, Implementation of international norms]

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

[Structural gender equality, Social solidarity, State efficiency, Gender equality: complex intervention]