

Gender equality and EU enlargement

- a discursive approach

Abstract

The European Union (EU) is a gender equality actor growing in importance. This study aims to contribute to the understanding of gender equality in the EU context by examining the EU enlargement process. The study takes a discursive approach to gender equality and is guided by the question: What is the meaning of gender equality in the EU enlargement context? Using critical frame analysis, the key documents of the current, sixth wave of EU enlargement are examined. The study shows that gender equality has a narrow meaning in the EU enlargement context as it is limited to concerns about formal rights, gender-based violence and increasing female participation on the labour market and in political bodies. Gender equality is represented as something that can be created through legislation. There is little evidence of the policy of gender mainstreaming that the EU is officially committed to. The role of men in gender equality is absent from the documents analysed, instead gender inequality is represented as a problem for women. Therefore, the gender power relations remain unchallenged in the EU enlargement context.

Key words: gender equality, EU enlargement, critical frame analysis, gender mainstreaming, discourse

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1 Introduction

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (European Union 2009, Treaty on European Union, Article 2)

The first steps of European integration were also the first steps towards a European gender equality policy. In the Treaty of Rome, establishing the European Economic Community sixty years ago, an article on equal pay between men and women was included. Today, the European Union (EU) has become a key actor in gender relations. With its expanding competencies, the EU has played and most likely will play an important role in promoting particular solutions to gender inequality, and thereby being able to, at least in part, define the meaning of gender equality (Kantola 2010). As detailed in article 2 of the Treaty on European Union, quoted above, gender equality is one of the core objectives of the EU. Since 1996, the EU pursues the policy of gender mainstreaming, defined by the European Commission (2015) as "the integration of a gender equality perspective into every aspect of EU intervention" (p. 18). In theory at least, this is a radical and transformative strategy that challenges the structural basis of gender inequality.

This study will examine a policy area of the EU that has been quite overlooked when studying gender equality: the expansion of the Union through the negotiation with and integration of prospective member states, known as the enlargement process. While the main concern for the EU today seems to be member states leaving rather than joining the union, the enlargement process is still ongoing outside the media spotlight. Recently, Croatia joined the EU as its 28th member and currently seven more countries are on their way towards membership. Enlargement is an interesting area to study from a gender perspective, as in the enlargement process the EU needs to clarify the meaning of its core norms and values, as the new member states must integrate and accept these norms and values in order to be granted membership. Also, the prospect of membership provides a unique opportunity for the EU as a normative power to affect discursive and social practices on gender equality in neighbouring states. The accession process is important as well as it helps shape the EU of the future and which values will characterize the EU in the upcoming years. The aim of the present study is thus to contribute to the understanding of gender equality in the EU, by examining a policy area where the core value of gender equality is put to the test – the enlargement process.

This study takes a discursive approach on the issue of gender equality in EU enlargement. This means seeing language as being of great importance as,

through language, we create meaning that constructs out social reality. Language also limits the way we act, as discourses produce different understandings of the world, making some actions seem natural while other become unthinkable (Winther Jørgensen & Philips 2002). There is constantly an ongoing discursive struggle aiming at establishing meaning in various social contexts. Therefore, the EU's promotion of gender equality in enlargement is not only about implementing legislation, it is also a part of the contestation over the concept of gender equality. Through the gender equality discourse of the enlargement process, the EU frames gender equality in various ways, thereby filling the concept with meaning. As language has social consequences, the meaning ascribed to gender equality both creates and constrains political action. The research question that will guide this study is: *What is the meaning of gender equality in the EU enlargement context?*

The present study aims to complement the current research field in two ways. Firstly, previous research on gender aspects of the EU enlargement are often focused on concrete EU legislation and the implementation of this legislation in the acceding states. In this study, it is not the implementation of gender equality legislation, but rather the meaning(s) of gender equality, conveyed discursively by the EU, that is the object for study. Secondly, previous research on gender in the EU enlargement process has been focused on the major enlargements of 2004 and 2007, when twelve new states joined the Union (Galligan & Clavero 2011, p. 116). However, the enlargement process is still ongoing and another wave of enlargement is underway, with Croatia joining as a front-runner in 2013. Currently, six countries on the Western Balkans, and Turkey, are part of the accession process. It is the EU gender discourse in this under-researched sixth wave of enlargement that will be the focus of this study. Ten years after the major Eastern enlargement was concluded, how is gender equality understood in the EU enlargement process today?

This first chapter, where the background to and the aim of the study have been introduced, will be followed by a chapter that gives a further introduction to both the EU's gender equality policy and the EU enlargement process. Here, the previous research that has been conducted in the area of EU and gender equality will be introduced, and the present study positioned in relation to this research. In the third chapter the theoretical and methodological framework – discourse analysis and critical frame analysis – will be presented and discussed. The fourth chapter contains the analytical framework, and introduces the key documents of enlargement that make up the study's material. Chapter five consists of the analysis of the material, and in chapter six conclusions of this analysis are drawn based on the research question.

2 Background and previous research

This chapter aims to position the present study in the context of previous research on gender equality and the European Union, and more specifically, gender equality and the EU enlargement process. Some of this previous research will also function in the study as a part of the analytical framework that will help guide the analysis. Firstly, previous research on the EU and gender equality will be presented. The development of EU gender equality policy, and its critique, will be introduced. Secondly, the significance of the EU enlargement process, together with background on current and previous enlargements and the criteria required to join the EU, are presented. Finally, previous research on gender equality issues specifically related to the EU enlargement process will be discussed. Also, the gaps in this previous research are identified, in order to position and justify the current study.

2.1 The EU and gender equality

In this section, the relationship between the EU and gender equality will be explored. The first section consist of a more theoretical introduction to the EU and gender. What does gender equality have to do with the EU? What role does the EU play in gendered and gendering relations? The second section is then concentrated on the development of the EU equality policy, from equal treatment to gender mainstreaming, and the critique of this policy.

2.1.1 The EU as a gendered and gendering actor

The EU has emerged as a key actor in shaping gender relations in Europe (Kantola 2010, Kronsell 2005). Spehar (2012) writes: “With good reason, the EU can be defined as a gender equality actor growing in importance as it deepens its powers through a wider range of gender policy domains, enlarges the number of member countries, and has an increasingly powerful presence in world politics” (p. 362). In the Treaty on European Union, as modified by the Treaty of Amsterdam in 1997, gender equality is described as a core objective for the EU. The idea of gender equality is closely related to democracy. The EU has stated that full achievement of democracy is contingent on the realization of equality between women and men (European Commission 2000, Weiner 2009, p. 212). In many of its activities, the EU (re)produces, and challenges, gender power relations

(Kronsell 2005, p. 1022). The EU creates normative notions of gender equality as well as promotes specific solutions to perceived gender equality problems (Kantola 2010, p. 2). Kantola (2010) affirms that the EU and is both *gendered* and *gendering*. By *gendered*, she means that an institution is based on norms about femininity and masculinity that often privileges the masculine over the feminine. The concept of *gendering*, on the other hand, refers to how social institutions shape subjects that fit these norms of masculinity and femininity (p.3).

With its expanding competencies, the EU has played, and most likely will continue to play, an important role in promoting particular solutions to gender inequality, and thereby being able to define, at least in part, the *meaning* of gender equality (Kantola 2010, p. 12). Examining previous research on gender equality and the EU, Kantola (2010) affirms that: “Ideas, discourses and norms about gender are now defined at EU level with very real effects on women and men across Europe.” (p. 3). Therefore, studying the EU with a gender perspective is, and has been, an important concern for feminist scholars. By applying a gender perspective, it is possible to demonstrate that apparently gender-neutral policies have a gendered impact. Moreover, from a feminist perspective, gender is seen to be central to all social relations, and therefore it is impossible to understand the EU itself without a gender analysis (Kantola 2010, p. 3-4). Feminist research on the EU has developed from asking “how and why does the EU adopt and implement gender equality policies?”, to today analysing: “how and why is gender difference constructed and gender inequality reproduced through EU policies?” (Kantola 2010, p. 5). It is in line with this latter question that the present study has its objective. While this section has described the relationship between the EU and gender on a more theoretical level, the upcoming section will expand on the concrete gender equality policies developed by the EU.

2.1.2 From equal treatment to gender mainstreaming

Ever since the start of the European integration project, gender equality has been a component. In the first treaty of the European Economic Community, the Treaty of Rome in 1957, an article on equal pay between men and women was included. This was a demand from France, who had already introduced this type of legislation domestically and did not want to lose any advantages on the European level (Kantola 2010, p. 28). Rees (2005) has identified three approaches to gender equality in the European Union that roughly correspond with the decades 70s, 80s and 90s. These three approaches will provide a part of the analytical framework of this study, as is detailed in section 4.1. The first approach from the 1970s, Rees (2005) labels *equal treatment*, and it entails an individualised rights-based approach to gender equality. The goal was to bring the rights of women into line with those of men (p. 557). For example, in the 1970s the famous article 119 on equal pay for equal work was followed by EU directives on equal pay for work of equal value, thereby broadening the scope of the equal pay legislation. The Equal Treatment Directive of 1976 was also focused on the employment sector but included other aspects such as working conditions and training (Kantola 2010, p.

33-34). Rees (2005) is critical towards the equal treatment approach, while acknowledging its key role in preventing discrimination in the employment sector, as it assumes men as the norm. In the words of Calvo (2013) the approach of equal treatment moderates the symptoms rather than coping with the causes of inequality (p. 29).

In the end of the 1980s, a new approach towards gender equality was introduced in the EU: *positive action*. The idea of positive action is that it focuses specifically on women, trying to correct their initial, historical disadvantage, by catering to their special needs. This could include for example addressing the issues of women's lack of work skills, lack of confidence among women or lack of childcare that prevent women from full-time employment. The approach also allowed for positive discrimination, meaning choosing a woman before a man in the case of equal merits (Rees 2005, p. 558, Kantola 2010, p. 43). Rees (2005) criticises the positive action approach for being too centred on short-term projects directed at women, leaving policy and practice, and the gender structures themselves, untouched (p. 558).

The 1990s saw a third approach to gender equality develop in the EU, the approach of *gender mainstreaming*. The European Commission (2016j) defines gender mainstreaming in the following way: "Gender mainstreaming is the integration of the gender perspective into every stage of policy processes - design, implementation, monitoring and evaluation - with a view to promoting equality between women and men." The approach of gender mainstreaming had been mentioned in documents from the European Commission in the early 90s, but it was in relation to the Fourth World Conference on Women in Beijing 1995 that the concept entered the mainstream of international public policy. At this conference, the UN decided to start working with gender mainstreaming, endorsed by the EU. In 1996, the European Commission officially committed itself to gender mainstreaming and mobilised all of the EU's policies for the purpose of promoting gender equality. The new approach was strengthened by the Treaty of Amsterdam in 1997, where not only the article on equal pay was reinforced, but equality between men and women was declared to be a central objective of the European Union in articles 2 and 3 of the Treaty. Despite not creating any direct legal implications, this demonstrated a clear political commitment to gender equality (Hafner-Burton & Pollack 2000, p. 436-437). Today, the EU pursues a so called dual-track strategy, working to mainstream gender into all policy areas, as well as taking specific actions to eliminate gender inequality (European Commission, 2006).

According to Rees (2005), *gender mainstreaming* differs significantly from the previous two approaches of the EU (*equal treatment* and *positive action*). Instead of trying to remedy the symptoms of gender inequality, gender mainstreaming challenges the systems and structures that create gender inequality in the first place. The aim is to develop new structures that no longer create unequal power relations based on gender (p. 559). Through gender mainstreaming, it is possible to address and correct the ways in which systems and structures are male-centred, even though this might be hidden or yet unrecognised (Calvo 2013, p. 29). Whereas previous approaches were focused on women,

addressing how to avoid discrimination of women or specifically targeting women's needs and disadvantages in comparison with a male norm, gender mainstreaming focuses on gender, on both men and women and the relations between them. In the words of Bretherton (2002): "Gender-focused approaches do not merely seek to 'add women' to a particular context; they seek to change the context itself" (p. 6).

Many feminist scholars, for example Rees (2005), Hafner-Burton & Pollack (2000) and Kantola (2010), agree that gender mainstreaming in itself is a potentially transformative and radical strategy that has the possibility to place gender at the heart of policymaking. However, when it comes to the implementation of this approach within the EU, feminist *criticism* is often voiced. As gender mainstreaming is such a transformative policy, it is also highly demanding, requiring that everyone involved in the policy process adopts a gender perspective, even though there might be little interest in or experience of these issues (Hafner-Burton & Pollack 2000, p. 434). Concern has been voiced that through gender mainstreaming, nobody is clearly responsible for gender equality. As Stratigaki (2005) notes, a job for everybody easily risks becoming a job for nobody. Stratigaki (2005) also underlines the importance that EU does not abandon the previous approaches of equal treatment legislation and positive action, but rather continues working with all three approaches to maintain the impetus for gender equality. This is also necessary as gender mainstreaming mostly works through *soft measures*, for example action programs, declarations and recommendations, while equal treatment works through hard law in the form of directives and treaties (Lombardo & Meier 2008, p. 104).

Another feminist critique regards the *technical* and *integrationist* form that gender mainstreaming has taken within the EU (Kantola 2010, p. 132). Hafner-Burton & Pollack (2000) write: "the EU has generally adopted an integrationist approach to gender mainstreaming, integrating women and gender issues into specific policies rather than rethinking the fundamental aims of the EU from a gender perspective" (p. 452). This limited take on gender mainstreaming leads to that much of the transformative potential is lost. Rather than becoming a goal in itself, gender equality becomes a means to achieve other policy goals. In that, gender becomes something technical while the structures themselves remain *unchallenged* (Hafner-Burton & Pollack 2000, p. 434, Kantola 2010, p. 126, Lombardo & Meier 2008, p. 105). A related concern is that gender mainstreaming obscures the fact that in order to transform the gender structure, the *power relations* that (re)produce it must be challenged. This process is thus more about *conflict* than consensus. However, through the process of technocratization of gender equality, gender mainstreaming has become de-politicised and without conflict the power structures remain in place (Calvo 2013, p. 266).

Finally, the most persistent feminist critique against the EU's gender equality policy is that the EU reduces all questions of gender inequality to problems related to the labour market and the economy. The feminist argument here is that gender equality cannot be limited to only the labour market, but that gender inequality in all other spheres, such as the family, education, media etc., are of equal importance. These other spheres also affect women's participation in the

labour market (Kantola 2010, p. 20). Kantola (2010) argues that in the EU, gender mainstreaming remains within the *neoliberal frame* and therefore the arguments for it are based mainly on economic factors and the mainstreaming policy is only acceptable when it does not challenge core EU interests, such as competition or productivity. Hence, gender equality becomes constructed in a limited way, embracing marketised economic goals, and excluding broader definitions of gender equality, for example reorientation of policies and redistribution of resources (p. 138).

As demonstrated in this section, the EU and its gender equality policy have been thoroughly analysed in previous research. Therefore, this study focuses on another policy area, namely that of enlargement of the EU and examines how gender equality is conceptualised in this area. Is the idea of gender mainstreaming reflected in how gender equality is treated in the enlargement context? Can the critique presented by the gender scholars above also be found in the enlargement context?

2.2 The EU enlargement process

In this section, the EU enlargement process as an object for study will be discussed. Firstly, the motivations for choosing the enlargement process, and why it is relevant to study from a gender perspective, will be laid out. Then, a background on the EU enlargement process, including previous and current enlargements, will be provided. Finally, the criteria and process for joining the EU will be detailed.

2.2.1 Why EU enlargement?

This study has the concept of gender equality in the EU enlargement process as its focus. Previous studies applying a gender perspective on EU policy have been mainly concerned with development and employment policy (Kronsell 2005, p. 1022) whereas the EU enlargement has not received much attention from feminist scholars. Any area can be scrutinised from a gender perspective as the gendering processes are constantly ongoing. Roth (2004) affirms that like “any social or political process, EU enlargement is gendered.” (p. 120). However, there are several factors that contribute to making the enlargement process an especially interesting area to study from a gender perspective.

Firstly, in the enlargement process, the core principles, values and norms of the EU are in the spotlight, as the accession states are required to accept and integrate these norms and values in order to be granted membership. The very identity of the EU is both clearly demonstrated and created in the enlargement process, as the EU needs to specify what it means to be a member of the European Union – what normative standard are the prospective members required to live up to? In ‘A Roadmap for Equality 2006-2010’, the European Commission (2006)

states that: “Countries joining the EU must fully embrace the fundamental principle of equality between women and men” (p. 9). The requirement of Article 2 in the Treaty is here translated to the enlargement context, representing gender equality as a fundamental principle that the EU is defined by in relation to the accession states. On the international scene, the EU has discursively built an identity as an ethical foreign policy actor, acting to change norms in the international system and promoting democracy and human rights (Bretherton 2002, p. 4). The enlargement process is part of the creation of this identity as a normative power in international relations. Thereby, equality between men and women becomes an important part of the EU’s identity, that is both demonstrated but also created in the enlargement process, when the EU’s norms and values are contrasted with those of the prospective member states.

Secondly, the political influence that the EU has over the accession states is considerable. The accession process provides a unique opportunity for the EU to affect discursive and social practices in neighbouring states through diffusing its core norms and values (Manners 2002, p. 244). Both Maull (2005, p. 782) and Bretherton (2002, p. 2) refer to the enlargement process and the perspective of EU membership as the EU’s most important source of influence in foreign relations. The enlargement process is thus a unique opportunity for the EU to promote gender equality, both through hard legislation and norm diffusion. Given the significance of the role that the EU plays in relation to the accession states, Bretherton (2002) argues that a “failure to prioritise gender issues in the pre-accession period can only signify overall lack of commitment to gender equality as a core value of the Union” (p. 17).

Thirdly, the enlargement process has a great impact as the policies towards the accession countries today shape the EU policies of the future, as the states currently in the enlargement process are (potential) future member states. Bretherton (2002) writes: “As a process through which the external becomes internal, enlargement will be an important determinant of the EU's future character” (p. 17). Therefore, it is important that the implementation of both EU gender legislation and the soft measures related to gender equality in the enlargement process are taken seriously, so that the states that will form the EU in the future do not have a weaker gender equality agenda than the current member states. A failure to commit to gender equality issues in the enlargement process risks hollowing out the EU gender equality agenda in the longer perspective, something that would have serious implications. Roth (2004) affirms that: “If gender mainstreaming is not taken seriously in the enlargement process, this could result in a worsening of the situation of women in the EU. Thus, women of the EU as well as women of the candidate countries hope that the EU enlargement will lead to a strengthening of gender equality.” (p. 127). As this section hopefully has demonstrated, it is of great importance to study gender equality in relation to EU enlargement. Still, little research has been conducted regarding gender equality in this policy area. It is this gap that the current study aims to fill.

2.2.2 Previous and current enlargements

According to article 49 of the Treaty on European Union, “[a]ny European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.” In 1957, when the predecessor to the EU, the European Economic Community, was founded, six countries were members. In 1973, Ireland, Denmark and the UK joined the Community. The eighties saw further enlargement when Spain, Portugal and Greece became members after long periods of authoritarian regimes. Sweden joined what was now the European Union in 1995, together with Finland and Austria. However, when speaking of the enlargement of the EU today, what is most often referred to is the great enlargements of 2004 and 2007 when ten Central and Eastern European countries (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Hungary, Slovakia, Slovenia, Bulgaria and Romania) joined the EU, together with two Southern European islands (Cyprus and Malta). The two enlargements of 2004 and 2007 are referred to together as the fifth wave of enlargement.

Today, the enlargement process is ongoing, with the sixth wave of enlargement under way. In 2003, at the EU-Western Balkans summit in Thessaloniki, the EU confirmed that the future of the Western Balkans is within the European Union, and therefore the states of the Western Balkans can join the EU when the necessary criteria are fulfilled (European Commission 2003). Croatia joined the Union in 2013 as a front-runner among the Western Balkan states in this sixth wave of enlargement. Currently, seven other states are on the enlargement agenda, the six remaining countries of the Western Balkans and Turkey.

Of the countries in the Western Balkans, Montenegro and Serbia are currently negotiating for membership. Macedonia and Albania are official candidate countries, but negotiations have not yet been opened.¹ Bosnia and Herzegovina, and Kosovo are recognised as potential candidates. Bosnia and Herzegovina applied for membership in 2016 but the candidate status has not yet been granted. In this context, Turkey is a special case. Having applied for membership in 1987 and being recognised as a candidate country in 1999, the country is still far from membership due to, *inter alia*, its large population, issues of democracy and freedom of expression, the conflict with Cyprus and the question of whether Turkey is indeed a European state or not. Still, Turkey is officially a part of the enlargement process, and documents regarding Turkey will be examined in this study as the EU continues to pursue an enlargement policy directed towards the country, even though the prospects of joining are becoming very bleak. In this sixth wave of enlargement there is no ambition to have several countries join at once as in previous enlargements. Instead, the negotiations will proceed with each

¹ Albania recently became a candidate country and has further criteria to fulfil before negotiations can be opened. In the case of Macedonia, the long wait to open negotiations is largely due to the dispute with Greece over its name.

individual state according to the progress of reforms. (Fuentes Monzonis-Villlonga, 2005).

2.2.3 The Copenhagen criteria and the *acquis*

In order to be able to join the European Union, a candidate country must fulfil the obligations of the Copenhagen criteria. These criteria were set out in 1993, and include the *political criteria*, where the candidate state needs to show that it respects democracy, human rights, the rule of law and minority rights; the *economic criteria*, ensuring that the candidate state is adapted for entry into the Single Market of the EU, and finally, the candidate state needs to adjust its legislation to align with the accumulated body of EU law and obligations, known as the *acquis communautaire*. In order to facilitate negotiations, the *acquis* is divided into 35 policy fields known as chapters. As a part of the accession process, the current situation in the country and its alignment with the legislation of the 35 chapters is investigated by the European Commission, in a process called *screening*. In the screening process, the measures that need to be taken in order to comply with the legislation under each chapter are identified. When screening is complete, negotiations on each chapter can start, and the candidate state takes measures and draws up action plans to align with the *acquis*. A chapter can only be closed, that is the negotiations on that policy area finished, when all EU member states are satisfied with the country's progress. When all negotiations are finished, an accession treaty needs to be ratified by the candidate and member states, and then the candidate state can accede on the date specified in the accession treaty. (European Commission, 2016i).

When examining the accession process of Romania and Bulgaria, Chiva (2009) notes that the chapter on Social Policy and Employment, that includes gender equality legislation, was opened and closed early in the negotiations, the idea being that the "easiest" chapters should be dealt with first. Chiva (2009) interprets this as a sign of the low priority of the gender equality issues in the enlargement (p. 200) Furthermore, Steinhilber (2002) makes the case that the pre-accession process itself, going through the chapters one by one, directive by directive, has been an obstacle to gender mainstreaming, as the process becomes technical, lacking a more comprehensive view. However, Bretherton (2002) disagrees, arguing that the process of screening and negotiations provides an excellent opportunity to incorporate gender aspects in all policy areas, as it involves going through the entire EU *acquis* in detail.

2.3 A gender perspective on EU enlargement

In this section, the findings of previous research in the field of EU enlargement and gender equality will be presented, and the present study situated in this field. To begin, many studies on EU enlargement and gender equality have examined

the impact of implementation of EU equality legislation in the acceding states. Studies of this kind have been conducted for example on the Baltic states (van der Molen & Novikova 2005), Croatia and Macedonia (Spehar 2012, Dobrotic et al. 2013), Bulgaria and Romania (Weiner 2009, Chiva 2009). Dobrotic et al. (2013) have demonstrated that domestic factors are of great importance in understanding the implementation of EU gender equality legislation, for example ideologies of the ruling party, the role of the church in the country and strength of women's movements (p. 222). In the present study however, the aim is slightly different. The focus is not the implementation of gender equality legislation in the accession states, as the study focuses on the EU perspective and the EU's commitment to gender equality. It is the meaning and content of gender equality, as conveyed discursively by the EU, that is the object for study. Weiner (2009) asserts that for acceding countries it is not sufficient to just adopt legislation, but that the enlargement process is also about legitimation, that citizenries find meaning in EU's gender equality agenda (p.225). Hence, investigating the underlying meanings attached to the concept of gender equality is of great importance. Moreover, as discourses construct social reality, the discursive meaning of gender equality has social consequences. The research overview presented below therefore focuses on the findings in previous research related to how gender equality is framed by the EU in the enlargement context, rather than the problems and consequences of local implementation of gender equality legislation.

The majority of the studies on gender equality and the enlargement process treat the fifth wave of enlargement. When examining this enlargement process, there seems to be consensus among feminist critics that the gender equality issues were largely missing from the agenda, and thereby, the EU failed to live up to its commitment to gender equality and gender mainstreaming (di Sarcina 2012, Roth 2004, Bretherton 2002, 2001, Steinhilber 2002). For example, Steinhilber (2002) notes, when examining the Progress Reports from the 2004 enlargement, that there is no systemic evaluation of the progress of the accession states regarding equal opportunities for men and women, and that the mentions of gender equality are scarce and very general, making assessing progress between years or countries difficult. Steinhilber (2002) is also critical towards that gender equality is treated in a narrow and limited way, almost only in relation to the fields of employment and social policy.

Similarly, Bretherton (2001, 2002) argues that the values and practices of gender mainstreaming have been subordinated to the dominant, and deeply embedded, neo-liberal values of marketization and the economic benefits of enlargement. These are, on a deeper level, values that obstruct the achievement of gender equality. Roth (2004) is in agreement, affirming: "Gender equality came late onto the agenda of 5th enlargement, neo-liberal principles of social and economic reforms that lacked a gender perspective were higher priority" (p. 121). Bretherton (2002) also attributes the failure to fully commit to gender mainstreaming to the division between high-level and low-level political areas in the EU, where gender equality is seen as low-level politics that should not be considered when dealing with high-level politics. Roth (2004) conceptualises this

as a conflict between ideas and interests, where the idea of gender equality stands in contrast, and is subsumed, to the economic interests.

Weiner (2009) offers a slightly different perspective on the central and eastern European enlargements of 2004 and 2007, taking on a more post-colonial perspective, highlighting that the gender equality promoted by the EU in the enlargement process is indeed a Western one. Instead of having a discussion on the meaning of gender equality from Western and Eastern perspectives, compliance with Western norms of gender equality has become a conditionality for EU membership. Weiner (2009) argues that there is little understanding from the EU of the “politico-ideological past” of countries of Eastern Europe, which has consequences for the meaning of gender equality. She maintains that: “Eastern European men and women are not a *tabula rasae* upon which ‘Western’ gendered sensibilities can so readily be inscribed.” (p. 213). Also, seeing Eastern Europe as lagging behind Western Europe in issues of gender equality does not give the full picture, as the process is neither binary nor linear. Rather, Western Europe must give credence to Eastern knowledge, something that will become even more important in the current sixth enlargement (Weiner 2009, p. 225-226). Similarly, Roth (2004) argues that gender relations are context specific, and she questions if it is even possible to transfer policies that have developed in a liberal democratic setting to other contexts such as previous state socialism states (p. 122).

Finally, Spehar (2012) has conducted one of few studies that focus on Western Balkans states, when examining the accession process of Croatia and Macedonia. The main objective of her study, as well as other studies on the Western Balkans (Dobrotic et al. 2015, Ignjatovic & Boskovic 2013) is policy effectiveness and local policy implementation. However, Spehar (2012) does also briefly reflect on what meanings the EU attributes to gender equality in the enlargement process. Similar to the findings of the research on the fifth enlargement, Spehar (2012) argues that the gender equality pursued by the EU in the enlargement process is too narrow in scope, and should be more adopted to specific, local problems, asserting that: “EU gender equality policy is confined within the limits of liberal individualism, doing little to tackle the broader structural aspects of gender inequality in different spheres of social, economic, and political life.” (p. 375).

There are studies that show how enlargement can function as a “window of opportunity” for feminist movements in the acceding states, as gender equality issues are put on the agenda (Dobrotic et al. 2015, p. 219). However, there is a large consensus among feminist critics that in previous enlargements, the EU has failed in treating gender equality as the core value that it is represented to be in the Treaty. Gender equality issues have not permeated the pre-accession process for candidate states, as the policy of gender mainstreaming would entail. Instead, gender equality issues have been conceptualised in a narrow and limited way, and treated mainly in relation to employment. Gender equality has not been prioritised, as the market logic has the upper hand in the pre-accession period. The present study aims to further examine the enlargement process, this time focusing on the current wave of enlargement. Most of the previous research presented above treats the fifth enlargement, but so far, little research has focused on gender equality in the ongoing sixth enlargement. Ten years after the fifth enlargement

was concluded, how is gender equality framed in the EU enlargement process? Has the feminist criticism voiced regarding the fifth enlargement been listened to? In order to conduct an in-depth analysis of the meaning(s) of gender equality in the context of the enlargement process, a discursive approach will be used to analyse the key documents of the sixth enlargement. The upcoming chapter will provide a further introduction to this framework.

3 Theoretical and methodological framework

In this chapter, the theoretical and methodological framework is presented. *Discourse analysis* provides both the theoretical and methodological groundwork, as theory and method are seen as a whole. The chapter moves from a theoretical discussion on discourse analysis and its ontological and epistemological foundations, to a more concrete methodological discussion as *critical frame analysis* is introduced. Critical frame analysis functions as an approach to discourse analysis, serving as a methodological tool that will be of use for the analysis. Finally, the open and contested notion of *gender equality* will be discussed, and the analytical concepts *stretching*, *shrinking*, *bending* and *fixing* presented.

3.1 Discourse analysis

Discourse analysis is not a single approach, but many differing approaches that can be used in various ways to conduct different types of studies. A common ground for all discursive approaches is that language is central for our understanding of reality. Winther Jørgensen & Phillips (2002) provide a definition of discourse where this becomes clear, when defining discourse as “[...] a particular way of talking about and understanding the world (or an aspect of the world)” (p.1) Discourse analysis is not just a methodological approach but also a theoretical one (Winther Jørgensen & Phillips 2002, p. 4). Therefore, in this study, there is no clear distinction between theory and methodology, as the two are closely intertwined. In discourse theory, language is not seen as just words that neutrally reflect a reality, but through language we create meanings that *construct* our social reality. Language plays an active role in forming our identities and social relations. Still, the discursive perspective does not mean a total rejection of reality either. The physical world does exist but it is through discourse that it is given *meaning* (Winther Jørgensen & Phillips 2002).

Furthermore, discourse theory asserts that language has social consequences in that the language patterns delimit the ways we think and speak (Bergström & Boréus 2005, p. 306). Discourses produce different understandings of the world that lead to that some forms of action are seen as natural and given, while others become unthinkable (Winther Jørgensen & Phillips 2002, p. 6). Hence, discursive constructions always involve exercising power, as the way we act is shaped through discourse. The relationship between discourses and power is

clarified by Ball (1990) in the following way: “[...] discourses are about what can be said and thought, but also about who can speak, when, where and with what authority” (Ball 1990 in Bacchi 1999, p. 41)

Through discourse analysis, simplification of complex issues can be problematized. What is taken as given or natural in the discourse can be questioned and what has been excluded can be highlighted. Therefore, through examining discourse we can investigate and critique power relations (Winther Jørgensen & Phillips 2002, p. 2). This also makes discourse analysis a suitable match with a gender perspective, as an examination of gender relations will always have the notion of power at its centre. Furthermore, the various approaches to discourse analysis are united by a critical approach to knowledge. There is no objective truth, as knowledge is a product of discourse. There is always an ongoing discursive struggle over meanings (Winther Jørgensen & Phillips 2002, p. 5). Hence, there is no objective meaning of gender equality, but it is given meaning in specific contexts through discourse.

In this study, policy is understood as discourse. In policy discourse, the struggle over meaning takes place. Fischer (2003) writes: “policymaking is a constant discursive struggle over the definitions of problems, the boundaries of categories used to describe them, the criteria for their classification and assessment, and the meanings of ideals that guide particular actions.” (p. 60). Therefore, the construction of gender equality in enlargement policy is a part of the discursive struggle to ascribe a meaning to the contested concept of gender equality. Seeing policy as discourse, enables a focus on what makes something an object of policy, what practices are made possible, and also what remains unproblematised. (Squires, 2009, xvi).

3.2 Critical frame analysis

Drawing on *inter alia* discourse theory, gender theory and policy theory, European scholars on gender equality have developed the methodology of critical frame analysis.² Critical frame analysis is based on Bacchi’s *What’s the problem-approach* (Bacchi 1999), as it focuses on how policy problems are *constructed* in discursive policymaking. The critical frame analysis explores the various dimensions in which a policy problem can be represented. A critical frame analysis analyses how problems are represented in policy, what is the *problem*, what are its *causes*, what are the *solutions* and *who has the responsibility* for the

² The approach was developed within the research project MAGEEQ 2003-2005, where scholars compared the framing of gender equality issues in six different European states. One of the goals was to construct a conceptual framework to map out the various dimensions of gender equality policy frames (MAGEEQ n/a). The project was followed up with the QUING project 2006-2011 that examined the gender equality policies of all (then) 27 member states plus Croatia and Turkey (QUING n/a).

problem and/or solution? (Lombardo et al. 2009a, p. 10). What is analysed in the critical frame analysis are the policy frames present in the policy discourse. Verloo (2005a) describes a policy frame as “an organising principle that transforms fragmentary or incidental information into a structured and meaningful policy problem, in which a solution is implicitly or explicitly enclosed. Hence policy frames are not descriptions of reality, but specific constructions that give *meaning* to reality, and shape the understanding of reality” (p. 20, italics added).

Many scholars describe frame analysis as a form of discourse analysis (Bacchi 2009, p. 21), and it is in this way that critical frame analysis should be understood in this study. The basic assumptions of discourse analysis form the theoretical and methodological groundwork, and then the critical frame analysis is the more concrete methodological approach. Lombardo, Meier & Verloo (2009) elaborate on the relationship between discourses and frames in the following way: “there are many ways of framing gender equality and many actors with different power positions engaging in the production of such frames, and the result of all this activity is the production of discourses on gender equality.” (p. 14). Critical frame analysis was developed to analyse discursive power dynamics in relation to policy making, and when critical frame analysis is applied from a feminist perspective, the gender power structures are central (Verloo 2005a). The “critical” part of critical frame analysis means “explicitly paying attention to the voice of actors (authors of texts and references in texts) and to their varying power in diagnosis, prognosis, and call for action” (van der Haar & Verloo 2016, p. 2).

Like discourse analysis, there are many varying approaches to frame analysis. The sociologist Goffman (1974) introduced the notion of frames as a framework of interpretation that helps us identify and label our surroundings, thereby attributing meaning to reality. Later, social movement theorists have used the notion of framing in a slightly different way. Instead of the focus on sense-making structures, often more or less *unintentional* and created unconsciously, frames are perceived as ways to *intentionally* shape political claims. They are strategic ways to motivate collective action. In the critical frame analysis used for this study, frames are seen as both *intentional* and *unintentional*. In other words, frames are produced not only by intentional *action*, but also by *structures*. (Lombardo et al. 2009a, p. 11-12). Methodologically, this implies that there is a need to study both the *explicit* statements and the *implicit* understandings that underlie those statements, and to be reflexive to one’s own position (Bacchi 2009, p. 31).

3.3 Meaning(s) of gender equality

This study aims to examine the *meaning* of gender equality in the context of EU enlargement. *Gender equality* is a concept open to contestation, without a clearly fixed meaning (Lombardo et al. 2009a, p. 2). It is what is often referred to in discourse analysis as an “essentially contested concept” (Walby 2009, p. 48). The creation of the meaning(s) of *gender equality* as presented in the enlargement

context, is part of the ongoing discursive struggle over meaning that the EU takes part in. It is thus the meanings that *the EU* attach to gender equality, intentionally and unintentionally, that are of relevance to this study. Still, in order to better understand the EU's conceptualisation of gender equality, a discussion on the meaning of the concept as it has been represented by scholars is useful. Also, it is important to highlight that this study is grounded in a *feminist* perspective on gender and gender equality. Therefore, this section aims to provide a discussion on the various meanings of gender equality, focusing specifically on the feminist interpretation.

In order to examine the meaning of *gender equality*, the meaning of *gender* will firstly be discussed. The meaning of gender has changed throughout the past century, and there are also various approaches to the concept even today. A common ground however, is that gender does not refer to the biological sex, but rather to a social construct that creates and is created by ideological, social material relations between women and men (Steans 1998, p. 10, Wodak 1997, p. 4) A definition that seems particularly useful is taken from Calvo (2013): "Gender is a process of (re)production of differentiation and hierarchies, including social relations of power" (p. 21). Through this definition, gender is not seen as consisting of fixed categories but is rather a process that is constantly ongoing. Several feminist researchers such as Bacchi and Connell indeed suggest that gender should be seen as a verb rather than a noun, to encourage the understanding of the constant process of gendering (in Calvo 2013, p. 21).

Another important aspect in the understanding of gender is that it is *relational*, masculinity and femininity only exist in relation to each other (Kronsell 2005, p. 1023). Lazar (2007) emphasises this idea of *gender relationality*, highlighting that the notion of men and women are discursively co-constructed and cannot be understood in isolation. The discursive and social practices of men are therefore equally important to analyse as those of women (Lazar 2007, p. 150). Moreover, the definition of gender above includes the notion of *power*. From a feminist perspective, gender cannot be understood without an understanding of the power asymmetries that gender shapes and is shaped by (Steans 1998, p. 14). The power dimension in gender theory was central to the conception of gender presented by de Beauvoir, who saw the subordination of women as the core of gender theory (in Connell 1987, p. 68). The unequal power relations between men and women are central to understanding gender. In the gender power order, men dominate women, but the power of men is naturalised, that is, seen as a part of the order of nature (Connell 1987, p. 150).

Finally, gender is also closely related to discourse, as gender is "constantly created in and through discourse" (Lazar 2007, p. 151). Again, this is why analysing policy discourse becomes important. The objective of the present study can be interpreted through the understanding of gender and policy presented by Calvo (2013): "The idea is that policy documents do gender. Or, which is the same thing, gender is done through policy documents." (p. 24) Policy documents contribute to the reproduction of gender inequality, by 'doing gender' in specific ways. Through analysing how gender 'is done' in policy documents, a contribution can be made to a feminist critique of the gender relations.

As for the notion of *gender equality*, it is a contested and travelling concept, where the meaning has changed over time and space. Gender equality does in different contexts mean for example equal opportunities in the labour market, equal rights, emancipation or the empowerment of women. Depending on how actors *frame* gender equality it can obtain different meanings. (Lombardo et al. 2009a, p.1-2). Lombardo et al. (2009a) argue that from a feminist perspective, there is a normative need for a broad notion of gender equality that encompasses the structural causes of gender inequality. Gender inequality is a constantly present, and analytically relevant, element and there is need for a transformative approach to change these uneven power structures (p. 8).

Furthermore, a set of analytical concepts developed by Lombardo et al. (2009a) can further contribute to the understanding of the various meanings of gender equality: *fixing*, *shrinking*, *stretching*, and *bending*. These analytical concepts will be used in the analysis to better understand the concept of gender equality and the meanings attributed to it. Firstly, *fixing* gender equality refers to freezing its meaning, albeit only temporarily. This is done through for example legislation that can define gender equality in a specific way. From a feminist perspective, *fixing* can be something positive in that it ensures gender equality as a no longer contested goal. However, *fixing* gender equality might also lead to the concept losing some of its dynamic and possibility to develop, if it is fixed to a specific meaning in important policy documents. Secondly, *shrinking* gender equality means reducing the meaning to a specific interpretation or a specific policy area. For example, narrowing down gender equality to refer to only equal opportunities in labour market or women's political participation. *Shrinking* often involves a simplification of the problems and solutions related to gender equality. Thirdly, the *stretching* of gender equality is the opposite of shrinking, as it involves broadening the concept. This can be very useful in including other aspects of inequality creating an intersectional approach. However, *stretching* risks blurring the concept as it becomes too wide and the difference between gender equality and other equality goals becomes unclear. (Lombardo et al. 2009a).

Finally, *bending* occurs when the concept of gender equality is used to fit another goal, but gender equality is not the goal in itself. This is often seen as the co-optation of gender equality, but it can also be used strategically to put gender equality on the political agenda, by making gender equality relevant for other goals. (Lombardo et al. 2009a). In her study of the framing of gender equality in EU trade policy, True (2009) demonstrates how gender equality is *bent* to fit market-oriented goals. The arguments for gender mainstreaming are primarily based on economic factors and women are represented as human resources to be maximised to ensure growth (p. 125). *Bending* gender equality also risks *depoliticising* gender equality. When gender equality becomes depoliticised, the dimension of *conflict*, that highlights the uneven *power relations* become obscured. Thereby, the transformative aspect of gender equality is lost, as the goal is no longer to transform power relations (Lombardo et al. 2009b, p. 190).

4 Analytical framework and material

In this chapter, the theoretical and methodological framework presented in chapters 2 and 3, will be operationalized into an analytical framework, that will enable answering the overarching research question. In the second section of the chapter, the empirical material that will form the basis for the study is introduced and the choice of material motivated and discussed.

4.1 Analytical framework

The aim of this section is to operationalise the theory and method discussed in previous chapters, by presenting concrete questions that will guide the analysis of the empirical material. The overarching research question for this study is: *What is the meaning of gender equality in the EU enlargement context?* The objective of the questions for analysis is to break down this research question into more specific, concrete questions that can be posed to the material.

In order to structure the analysis in a clear way, it will be divided in to two parts. The first part of the analysis draws mainly on the methodological and theoretical approaches presented in chapter 3, and consists of a critical frame analysis of gender equality in the EU texts. In order to identify how gender equality is framed in the enlargement context, the analytical questions core to critical frame analysis, as presented in section 3.2, will be asked to the text, with slight adaptations to fit the research question: Which *problems* regarding gender (in)equality does the EU identify in the texts? What are seen as the *causes* of these problems? What are the proposed *solutions* to these problems? Who is *responsible* for the problems and solutions? For this last question, it is mainly the gender aspect, to what extent men and women respectively are responsible, that will be examined. This critical frame analysis will be further developed using the analytical concepts of *fixing*, *stretching*, *shrinking* and *bending*, presented in the previous chapter. These concepts will be used to understand what happens to the meaning of gender equality when it is framed in a certain way. For example, does the framing lead to a shrinking of the concept of gender equality? Or is gender equality bent to fit other goals?

The second part of the analysis aims at complementing the first part, and draws on the theoretical background and previous research on gender equality in the EU, especially Rees (2005). As discussed extensively in Chapter 2, previous literature has shown a development in the EU gender policy from the perspective of *equal treatment*, a perspective focused on anti-discrimination that according to critics mainly asks women to adapt to a male norm, via the notion of *positive*

action aimed at levelling the playing field, to the idea of *gender mainstreaming*, where the gendered structures themselves are seen as the problem. There has not been a clear paradigm change, rather the three approaches co-exist within the EU. The second part of the analysis aims at examining these approaches to gender equality in the enlargement context. An understanding of these approaches, and which of them that are present in the enlargement context, can provide another angle on the meaning of gender equality presented by the EU. In order to identify the three approaches, the questions regarding *problems* and *solutions* and who is *responsible* will be employed again. In the *equal treatment* approach, the formal inequalities, especially in the labour market, are the problem, and the remedy for this is hard, anti-discrimination *legislation* from the state, to align women's formal rights with those of men. For the positive action approach, the problem is women's historical disadvantage that can be corrected through catering to women's special needs, such as improving skills or providing childcare, and through positive discrimination. Finally, for the *gender mainstreaming* approach the problem is the structural power relations that lead to women's subordination, and the solution is a transformation of these power relations in all areas. Men and women are equally responsible for the problems and solutions, as gender is seen as *relational*. The material will be examined with the aim to identify the *problems, solutions* and *responsibilities* based on the three approaches.

A critical frame analysis should focus on both what is explicitly said and what is implicit. In order to capture the structural and unintentional dimensions of framing, it is necessary to study the implicit aspect of texts (Bacchi 2009, p. 31). Therefore, the two parts of the analysis presented above will be complemented with questions relating to the implicit meanings of the texts. The following questions will be asked: What *implicit* assumptions about gender are made in the texts? What *underlying meanings* can be identified? A way to identify the implicit meanings, is to ask for alternatives to the stated meanings. Therefore, the following questions will also be asked: Which aspects of gender equality are *absent*? What could have been said *otherwise*? By discussing alternative ways to talk about the issue, it is highlighted that the discourse is not something natural or given. Rather, it is a product of power relations. It is therefore important to examine what is *excluded* and not conceptualised as a problem that needs a solution. Naturally, attempting to study absences is a complicated task. However, the theoretical basis provided by previous research and feminist theory can here be of great use here as it provides a broader understanding of gender equality, making a discussion of absences possible.

4.2 Material

This study focuses on the meaning of gender equality in the ongoing, sixth wave of EU enlargement. Previous enlargements of the EU have been thoroughly examined, especially the enlargement of 2004-2007, i.e. the fifth wave of enlargement. In fact, when speaking of 'the EU enlargement' in general, it is often

this particular enlargement that is referred to. As discussed in Chapter 2, several researchers have analysed the EU discourse on gender relating to the fifth enlargement, concluding overall that the EU's approach to gender was limited and often subjugated to neo-liberal discourses on growth and market expansion. However, concerning the current enlargement that includes the Western Balkans, much less is written, especially with regards to a gender perspective. Therefore, this study aims to fill this gap, by focusing on the sixth enlargement that has been ongoing for the past ten years. Previous research on the earlier enlargements will inform the analysis and concluding discussion, but the empirical material consists of key documents only from of the sixth enlargement.

The sixth wave of enlargement had been underway since the summit of Thessaloniki in 2003, where the EU promised membership to the Western Balkans when the necessary criteria were met. Croatia was granted candidate status in 2004 and Macedonia in 2005. Still, impetus for the sixth enlargement came with the completion of the fifth enlargement when Romania and Bulgaria joined the EU in 2007. Since then, the remaining countries of the Western Balkans, except for Kosovo, have applied for membership. Therefore, in order to have a clear focus on the development *after* the fifth enlargement, the documents that will form the empirical material for this study will have 2007 as a starting year, and end with the most recent documents from 2016.

The documents presented below are assessed to be the *key documents* produced by the EU in relation to enlargement. Documents are privileged over interviews, as they better represent the official EU discourse. The key documents can be seen to present this official discourse, whereas interviews with individual officials or politicians might instead give room for more personal opinions. The European Commission and the Council of the European Union (the Council) are the two main players representing the EU in the enlargement process, and therefore the documents have their origin in these two EU institutions. The documents chosen are not entirely focused on gender equality. Rather, after reading previous research on earlier enlargements, it can be expected that a very small part of the key enlargement documents will directly concern gender or gender equality. Still, it is of relevance to examine the documents in their entirety, as the principle of gender mainstreaming stipulates concern with gender in all policy areas. However, in order to be able to answer the research question, the parts of the texts relating directly to gender equality issues, will naturally be scrutinised more closely in an attempt to analyse the explicit and implicit conceptions of gender equality present. Below, the two categories of documents will be presented: the *enlargement package* and the *Council conclusions* on enlargement.

The first document, or rather set of documents, to be presented is the *enlargement package*. Every year the European Commission adopts the enlargement package, a series of reports that assess where the accession states stand in implementing the economic and political reforms required for EU membership, and what challenges remain. The package consists of country-specific reports, so called *progress reports*, giving a detailed assessment of the progress in each country and guidelines for future reform. The package also

contains the *Enlargement Strategy Paper* that takes stock of the progress in all accession countries and sets the way forward (European Commission, 2016k). The reports are directed both towards officials of the concerned states and the general public. For the present study, the enlargement strategies and progress reports from 2007 and 2016 will be analysed. The reports from these two years, the earliest and the most recent year of the period discussed above, are seen as representative of the EU discourse of the sixth enlargement. In case any significant developments in the discourse have taken place between 2007-2016, this should be reflected in these two papers.

The second type of document that will be analysed are the *Council conclusions* regarding enlargement. Most years, the Council of the European Union discusses enlargement in December, coming to conclusions on granting candidate status, opening negotiations or other significant developments in the enlargement process. The decisions are based on the enlargement strategy and progress reports presented by the Commission, and are taken with a unanimous vote. The council conclusions from 2007 to 2016 will be analysed for this study. For the year 2016, it is of interest to note that there was no consensus on adopting conclusions on enlargement. Therefore, the presidency drew up a document of meeting outcomes, which reflected the views of the majority of the delegations. Hence, for the year 2016, this document will be examined instead of the Council conclusions. As the Council conclusions are much briefer than the enlargement strategy and reports, Council conclusions from *all years* in the period 2007-2016 will be studied in order to obtain a complete picture of the discourse in these documents, and to balance with the documents from the Commission. Together, these two sets of documents, from the Commission and the Council respectively, make up the empirical material for the study. Together they represent the EU discourse on gender equality in the current enlargement process. When relevant, the study will bring forward any potential tensions or differences in the texts from the two institutions.

5 Analysis

This chapter consists of the analysis of the key documents of the sixth wave of EU enlargement. The overarching research question that will guide the analysis is: *What is the meaning of gender equality in the EU enlargement context?* The analytical framework presented in section 4.1 structures the analysis. As mentioned, the analysis will be divided into two parts. Firstly, the critical frame analysis examines how gender equality is framed by the EU in the key documents. In the second part, the texts will be analysed with focus on the different approaches to gender equality, from equal treatment to gender mainstreaming.

5.1 Framing of gender equality

This first part of the analysis is a critical frame analysis that focuses on the problems of gender inequality and the proposed solutions, as presented by the EU in the texts. The guiding questions are: Which *problems* regarding gender inequality do the EU institutions identify in the texts? What are the *causes* of these problems? What are the proposed *solutions* to these problems? Who is *responsible* for the problems and the solutions? The documents were read through systematically. Any section that included a reference to gender or gender equality was noted. In order to make sure that no explicit references were missed, the documents were also searched for the key words *gender, equality, sex, women, men, female* and *male*. The extracts from the documents were then organised into different categories based on how gender equality was framed. This systematisation showed that gender inequality was mainly framed as a problem of *gender-based violence, female participation on the labour market, human rights* and, to a lesser extent, as a problem of *female representation*. Gender equality is thus mainly framed in four different ways in the enlargement context. The problems identified, their causes and solutions, and the responsibilities assigned in relation to these problems and solutions, will be discussed in the upcoming sections. Firstly, gender equality framed as an issue of *gender-based violence*, will be analysed, followed by gender equality as an issue of *labour market participation*, as an issue of *human rights* and finally as an issue of *female representation*.

5.1.1 Gender-based violence

In the key enlargement documents, gender equality is often framed as an issue of *gender-based violence*. The concern about violence against women is voiced in the absolute majority of the documents. Below are some examples of when *gender-based violence*, and especially *domestic violence*, is a *problem* identified by the EU.

(...) domestic violence against women is continues [sic!] to be widespread. Honour killings, early and forced marriages continue to occur (European Commission 2007i, p.18).

Gender-based violence, including domestic violence, is a challenge with severe limitations in protection systems for victims of domestic violence highlighted by the tragic death of a woman in Suharekë/Suvareka in October 2015 (European Commission 2016e, p. 27).

Domestic violence remained a serious concern. In 2015, 3 886 cases of domestic violence and other crimes in families were reported by the police, with 2 148 resulting in protection orders (European Commission 2016b, p. 66).

It is evident that violence against women is represented as a problem of great concern in the enlargement context. However, while the problem is clearly identified, the *causes* are not. Women, and children, are identified to be the main victims of domestic violence. In the Progress Report for Albania in 2016, the Commission writes: “74% of domestic violence victims were women, which illustrates the gender dimension of violence” (European Commission 2016b, p. 66). The potential perpetrators, and their motives, however, remain *absent* from the discussion. Presumably, there is a “gender dimension” also among them, but this aspect is not mentioned. Out of the victims of domestic violence women are in the majority, but the role of men is never problematized, not as part of either *problem* or *solution*. With the lack of a perpetrator, of a *cause* to the problem, violence against women becomes an *issue for women*. For example, the European Commission (2007i) writes: “However, women continue to [...] be victims of violence” (p. 62). The *problem* is thus that women are victims of violence, not that perpetrators (presumably men in many cases) use violence against women. A different formulation of the problem could be for example: However, men continue to use violence against women. Furthermore, in the rare occasion where the cause of the problem, the perpetrator, is mentioned, gender is not relevant. For example, the Commission writes: “Cases of women killed by their partners are a serious concern” (European Commission 2016g, p. 62). We are told the gender of the victims (“women”), but the gender of the perpetrators remains obscured under the neutral “partners.”

As the perpetrator is never explicitly gendered, in contrast to the victims, the behaviour of men does not become problematized and hence, changing this behaviour does not become a part of the solution. The *solutions* as defined by the EU are mainly concerned with new legislation, but also other measures taken by the states such as new practices of courts and shelters for victims.

A new law addressing domestic violence has been adopted. It regulates the network of authorities which deal with domestic violence and provides new protection measures for victims, for example protection orders issued by courts. (European Commission 2007b, p. 13).

(...) there is no state-run centre for victims of sexual violence or national helpline. The protection of women against all forms of violence needs to be strengthened and mechanisms for coordinating the collection and sharing of data between all relevant actors in the system enhanced. (European Commission 2016g, p. 63).

While a working group has been established to draw up an action plan to tackle violence against women and police performance has improved especially in bigger cities, centres for social welfare have not made progress in dealing with family violence. (European Commission 2007d, p. 11).

The legislation on domestic violence is not effective. It requires clear implementing rules. Poor knowledge of the legislation by judges and prosecutors is an additional obstacle. (European Commission 2007f, p. 18).

There are no departments specialised in gender-based violence cases in relevant institutions, including in the police and the public sector. Access to free legal aid and court representation is very limited. (European Commission 2016c, p. 25).

Through these mostly administrative measures, the aim is to *protect women*, the victims, from violence. Only once is a solution directed towards the perpetrators. In the Progress Report for Montenegro 2016, the European Commission (2016f) writes: “The capacity of existing institutions in this area, including the police and judiciary, will need to be strengthened to better protect victims and deter perpetrators” (p. 64). As in the other examples above, the idea is that a more effective police and legal system would deter perpetrators. The *solutions* presented to the problem of violence against women are of an administrative and technocratic nature, focusing on legislation and a more effective state bureaucracy. These proposed solutions do not in any way question the gender power structures, instead they obscure relations of domination. As the solutions to gender inequality are technical, there is no conflict present. Improving state bureaucracy is a solution to gender inequality that does not entail conflict as it does not aim at *transforming the power relations*, as one would expect from the approach of gender mainstreaming. Moreover, the perpetrators are not explicitly gendered, meaning that men as a social group are not required to take responsibility for violence against women. Instead, they can serve as protectors of the passive and victimised women, if they work to improve the efficiency of the state.

Finally, some of the documents treat the problem of *human trafficking*, that also has a dimension of violence against women.

The number of identified victims of human trafficking increased threefold, of which 80 % were women and girls. (European Commission 2016c, p. 19).

The rate of convictions in cases against human trafficking remains low, despite Kosovo being a source, transit and destination for trafficked women and children. (European Commission 2016e, p. 70).

26 persons were arrested in connection with trafficking in human beings and 19 victims were identified. All trafficking cases concern women and girls trafficked for sexual exploitation (including minors), most of them Kosovo Albanians and Albanian citizens. (European Commission 2007f, p. 47).

As in the case of the problem of domestic violence, the victims of human trafficking are identified as female or children, while the perpetrators are rarely mentioned and when they are, they are referred to with the gender-neutral “persons”. The gender dimension of human trafficking is not further elaborated or analysed in the texts, it is merely stated that women are the majority of the victims. Any deeper analysis of the *causes* of this, or *solutions* pertaining to a gender dimension are *absent*.

Moreover, in contrast to the problem of domestic violence, working against human trafficking is not treated in the documents as a part of human rights, women’s rights or gender equality. Instead, the issue is always treated under a headline referring to *fighting organised crime*. Hence, when aiming at stopping trafficking of women, gender equality is not the goal, it is combating organised crime. Therefore, the gender dimension of the problem is not any part of the causes or solution and *human trafficking* is not framed as a *gender equality issue* despite the gendered dimension of the victims of this violence. In her analysis of the fifth wave of enlargement, Chiva (2007) argues that the concern for trafficking in women in the enlargement process had little to do with a concern with gender equality, but rather with fear of unrestrained migration and organised crime after enlargement (p. 200). When representing trafficking as a problem, the goal is not gender equality, it is the security of the current member states.

5.1.2 Female participation on the labour market

Other than being framed as an issue of *gender-based violence*, gender equality is often framed in the enlargement context as an issue of *female participation on the labour market*. In the Progress Reports, gender inequality is frequently discussed in relation to labour market issues. The *problem* identified by the EU is *low female employment*.

Employment rates were 75.3 % for men (aged 20 to 64) and 32.5 % for women (20-64) in 2015, having increased slightly from 75 % and 31,6 [sic!] respectively, but women’s rates remain far below the national target. (European Commission 2016h, p. 59).

Major challenges include structural weaknesses and rigidities in the labour market, the quality of skills of the labour force, low employment rates especially for women, a large informal sector and reforms in the social security system and in the energy sector. (European Commission 2007a, p. 9).

Women’s position in the labour market did not change and is characterised by significantly lower activity and employment rates compared to men. (European Commission 2016g, p. 30).

Given low female participation rates, the gender gap remains important, with women less likely to be in employment (42 %) than men (62 %). (European Commission 2016d, p. 29).

The *problem* of low female participation in the labour market is often presented with sex-disaggregated statistics, showing the difference in employment rates between women and men. Female employment is described as being *low*. The implicit understanding of this is low in comparison to that of men. This idea is even made explicit in the last two of the quotes above. Men are the *norm*, and when the rate of female employment does not reach the level of men it is deemed insufficient. The women are the ones who are deviant, and as the problem is formulated along the lines that women work too little, it is the women themselves that are part of the problem.

The *solutions* to the low female employment presented can be summarised with the idea of *increasing female employment*. This comes as quite a natural response to the problem, as the problem formulated and the solution are often closely linked. However, there are varying approaches to how this should be done. These approaches can be divided into two categories. Firstly, there are the solutions that do not treat low female employment as a gender specific problem. From this perspective, the main *cause* of low female employment is structural problems of the labour market. The measures proposed to increase female labour market participation are thus the same as the ones to target the unemployed in general, or sometimes those who are considered “vulnerable” on the labour market. These measures include for example a lower minimum wage (European Commission 2016b), subsidised programs (European Commission 2007b), fighting the informal economy (European Commission 2016d) and reducing tax on labour (European Commission 2016c). The measures are mostly targeted at making it easier for the employer to hire women, by for example reducing the tax, but also at creating incentives for women to work, for example by making social assistance more directly related to taking part in government “activation measures” to find a job (European Commission 2016f). For these general measures, no gender analysis is carried out. For example, what could be the consequences for women of a lower minimum wage or more conditional social assistance? In her study on EU trade policy, True (2009) argues that by framing gender equality as an issue of economy, there is no concern for the qualities of the jobs that women take, or the impact that women’s increased workforce participation might have on the unpaid work that women already do, such as housework and caring for children and elderly (p.126). The main goal is to increase *labour market participation*, and thereby *growth*, not gender equality.

Secondly, there are the solutions that treat low female employment as a *gender specific problem*. The underlying *cause* of the problem is then the situation of women that affects labour market participation. The measures therefore propose legislation to tackle discrimination, and also to improve childcare and maternity leave in order to increase female employment.

In practice little progress has been made on improving protection from gender-based discrimination, in particular on the labour market. (European Commission 2007g, p. 14).

On equality between women and men, Kosovo should consider a reform of the system of maternity and parental leave, which in its current form presents an obstacle to the hiring of women. (European Commission 2016e, p. 52).

As for who is responsible for the *problems* and *solutions*, women are part of the problem of low female employment as they work too little and stay at home too much. However, they are not the only cause, as other causes, for example structural problems of the labour market and the lack of provision of childcare and maternity leave, are mentioned. *Women* are also naturally a part of the solution, when they choose to work more and stay at home less. As for *men*, they have no clear part in either the problem or the solution. A *gender dimension* regarding the unpaid work in the home is sometimes mentioned as hindering women's employment.

Legislation on part-time work for working parents has been adopted. The lack of institutions and services to care for children, the elderly and sick people, including for long-term care, continue to hinder women's employment due to the gender bias for caring responsibilities. (European Commission 2016h, p. 60).

Since 2015, legislation grants maternity leave for women and paternity leave for men, although gender-based stereotypical preconceptions persist about childcare and household work being a woman's responsibility. The absence of state services for child care in rural areas increases women's unpaid household work (European Commission 2016b, p. 54).

However, a closer examination of the quotes above shows changing the gender imbalance in unpaid housework does not make up a part of the *solution*. Rather, the solution is to provide institutions and services for childcare and elderly care, in order to enable women to be integrated into the labour market. Instead of providing incentives to split the caring responsibilities more evenly between men and women, the caring services become a part of the market. The unpaid work becomes paid work, as someone, most likely a woman, is hired to take care of the children and elderly. The gender structures thereby remain *unchallenged*. The role of men is not questioned, while women are expected to follow the male norm and increase their labour market participation. Again, gender equality becomes a *women's issue* and the relational aspect of gender is overlooked. Also, constantly framing women as mainly responsible for caring is problematic, as it risks perpetuating gender inequalities and does not encourage an even sharing of these responsibilities (Lombardo & Meier 2009, p. 148).

Furthermore, these proposed solutions demonstrate the focus on growth and competition in employment policy, where gender equality just becomes a means to achieve these goals. The main aim is not to achieve gender equality, but for example balancing the caring responsibilities, the goal is to increase female labour market participation as this contributes to the economy. In this way gender equality is *bent* to become a market-oriented objective. A greater degree of gender equality might be the result of these policies, but it is not a goal in itself.

5.1.3 Human rights

Other than issues of gender-based violence and labour market participation, gender equality issues are framed as *human rights issues* that the accession states need to tackle. Human rights are an important part of the Copenhagen political criteria, and therefore an aspect that is closely monitored during the enlargement process. The framing of gender equality as a human right becomes clear as gender equality issues are mainly treated under the explicit headlines *Human rights* or *Fundamental rights*. The term *women's rights* is frequently used when speaking of gender equality, hence reinforcing the human rights aspect. The *problem* is that women's *rights* are weak and in need of strengthening.

As regards enforcement of human rights, additional efforts are needed in relation to gender equality, protection of children and other vulnerable groups, and property rights. (European Commission 2016b, p. 57)

Awareness of women's rights in society remains low. (European Commission 2007a, p. 52)

Further progress is also needed on the fight against corruption, the judicial reform, trade union rights, and women's and children's rights. (European Commission 2007a, p. 56)

Significant further efforts are also needed in other areas such as judicial reform, the fight against corruption, minority rights and the strengthening of cultural rights, women's rights, children's rights, trade union rights and the civilian control of the military. (Council of the European Union 2007, p. 9)

Gender equality is thus framed as an issue of *human rights*, but human rights are naturally not limited to gender equality. Often, women are presented as one out of several “vulnerable” groups, such as children, disabled, minorities or socially vulnerable people. By listing women as one out of many groups that need protection, the structural dimension and the specific characteristics of *gender inequality* are obscured. Moreover, in both the documents from the European Commission and in the Council conclusions, women's rights are constantly mentioned in relation to children's rights. For example, in the Council conclusions from 2009, the formulation is even “women's and children's rights”. This implicitly ties women's rights to children's rights. Thereby, women become constructed as equal to children, like children they are weak *victims* that need to be protected.

The *problem* identified by the EU in the enlargement context is thus that women's rights are too weak. The *solution* is the protection of women's *rights*, through legislation and other measures taken by the responsible party, the *state*. Neither men nor women are discussed explicitly as either part of the problem, solution or cause, but as discussed above, women are represented as victims that need protection from the state, as in the examples below.

Overall, there has been some progress on strengthening women's rights. However, Albanian legislation does not yet protect these rights sufficiently and is not fully implemented. (European Commission 2007b, p. 14).

Legal provisions to prevent discrimination and to protect the rights of women, children and socially vulnerable people do exist, but implementation is overall poor. (European Commission 2007c, s. 18).

In the area of women's rights, the new constitution provides for gender equality and requires the State to ensure equal opportunities. (European Commission 2007h, p. 13).

Concerns remain over discrimination against and lack of appropriate legislation or measures for the protection of women and girls belonging to disadvantaged and marginalized groups. (European Commission 2016b, p. 66).

Furthermore, the rights-based conception where gender equality is perceived as a human right, stands in contrast to the conception of gender equality as a problem related to labour market participation previously discussed. The rights-based approach creates gender equality as a fundamental right, and the problem is that this right is not respected. In the case of female participation on the labour market on the other hand, the problem is the low employment, as it hinders growth and competition. The problem is not the gender inequality per se, but rather its consequences for the economy. There is thus tensions within the texts as to the meaning of gender equality.

The idea of women's rights as human rights that need to be protected and strengthened is frequently mentioned in the key documents. However, when systematically examining the documents, it becomes clear that the concept of gender equality as human rights is not very substantive. The concept of women's rights is used in a very general way, as the EU argues that the rights are weak and that legislation is needed to protect the rights. However, when examining what is the content of these rights, they almost exclusively refer to either protection from labour market discrimination or protection from gender-based violence. For example, the European Commission (2007a) writes:

There has been some progress on strengthening women's rights. New legislation addressed domestic violence and allowed the creation of a ministry section specifically for gender equality issues. However, the protection of women against all forms of violence still remains insufficient (p. 22).

The concept *women's rights* that at first glance seems to be a broad approach to gender equality is in the material limited to the issues of labour market participation and gender-based violence. Other rights that could be mentioned in a women's rights context, for example economic rights, sexual rights, rights to social protection, are absent from the texts. Despite the frequent use of the notion of rights, and treating gender equality under headlines referring to human rights, the framing of gender equality as a human right is of little substance in comparison to the other frames.

5.1.4 Female representation

Lastly, in the enlargement documents gender equality is also framed as an issue of *female representation*, albeit much less frequently than the previous framings discussed. The *problem* being that women are underrepresented, mostly in the political sphere.

Women's participation in national and local elected bodies remains limited. (European Commission 2007i, p. 18).

Women are still underrepresented in politics and public life. (European Commission 2016c, p. 25).

The involvement of women in politics remains low, at all levels, including in the electoral administration. There are no women among the political party leaders in the country and very few in the parties' leaderships. (European Commission 2016f, p. 7).

Again, the *causes* of the gender imbalance are not discussed, for example the role that gender power structures play. Instead, the only gender mentioned is *women* and how their participation is *too low*. As the *problem* is low female representation, the *solution* becomes naturally to increase the number of women holding public positions. This is mostly spoken of in general terms, that a higher number of female politicians needs to be encouraged. However, a concrete measure to achieve gender balance in political representation presented in the texts is positive action in the form of *quotas*.

The November 2015 amendments to the electoral code partially addressed previous OSCE/ODIHR recommendations. These amendments introduced a quota of 40 % for candidates of the less-represented gender on party lists. (European Commission 2016d, p. 7).

The need for more women in Parliament and the possibility to introduce quotas for this purpose was publicly debated. (European Commission 2007i, p. 18).

Quotas might not themselves challenge the gender power structure, as treat the symptoms rather than the cause of the problem. Still, gender quotas do in a way highlight the gendered dimension of the problem. When women are required to fill 40 per cent of the party lists, men are required to step back. Hence, the privileges of men, and the structures behind them, are put in the spotlight.

The framing of gender equality as an issue of female representation excludes other aspects of women's participation in the democracy – the question is solely female (political) representation. For example, in a communication on a common gender equality framework, the Commission states that the realisation of democracy is contingent on gender equality (European Commission 2000). In the enlargement documents, this perspective on the link between democracy and gender equality is *absent*. The only link made between women and democracy in the enlargement documents concerns political participation. Also, female representation in other spheres than the political one is rarely mentioned, for example if there is a gender imbalance on high positions in the private sector.

5.1.5 Final remarks on first part of analysis

This section will present some concluding remarks on the findings of this first part of the analysis. However, before that, some important remarks will be made regarding the differences between the key documents analysed. Firstly, a comparison of the documents from the two respective EU institutions, the European Commission and the Council, shows that the Commission discusses gender issues to a much greater extent than the Council. The absolute majority of the quotes in this first part of the analysis are taken from Commission documents. Regarding the Council conclusions, for the years 2007-2013 gender equality issues are only briefly mentioned in relation to Turkey, not at all in the general conclusions or in relation to any of the other accession states. As for the conclusions 2014-2016, gender equality is briefly mentioned both in the general conclusions and specifically in relation to Turkey. Indeed, the Council conclusions are much shorter and therefore less detailed than the enlargement package presented by the Commission. Still, the difference between the documents from the two institutions is significant.

Moreover, within the documents presented by the Commission, there is also a difference between the Progress Reports of each individual accession state and the Enlargement Strategy, that functions as a summary of the Progress Reports but also as directing the way forward through conclusions and recommendations. The detailed Progress Reports, providing more in-depth background information on the situation in each of the enlargement states, deal with gender issues to a much larger extent than the Enlargement Strategy. In the two Enlargement Strategies examined the problem of gender inequality is framed more or less exclusively as an issue of gender-based violence (European Commission 2007a, European Commission 2016a). Again, this limitation is in part due to the length of the respective documents where the longer Progress Reports provide the possibility to go in to more detail. Still, it is clear that many of the issues regarding gender inequality identified in the Progress Reports have not been prioritised to be mentioned in the Enlargement Strategy or the Council conclusions. In the enlargement process, gender issues are discussed and *problems* identified, but when it comes to translating this into proposed *solutions* and concrete recommendations, in the more *politically significant* and forward-looking Enlargement Strategy and Council conclusions, the EU falls short.

To conclude, gender equality is not treated in a broad or inclusive way in the enlargement context. The enlargement process touches upon the core issues when examining the political and economic criteria, and the EU acquis covers a broad spectrum of political areas. The 35 chapters concerns everything from energy, foreign, security and defence policy to financial control and fisheries. Naturally, these policies are gendered and have a gendering impact. However, most policy areas discussed in the enlargement process lack a gender analysis. Instead, gender equality is framed in a limited number of ways, mainly as an issue of gender-based violence, female participation on the labour market, women's formal rights or political representation. This is a part of the *shrinking* of gender equality. Lombardo & Meier (2009) write: "The recurrence of a limited number of frames

seems to reduce the potentially broad scope of gender equality issues to a limited number of policy problems and subsequent solutions, shrinking the concept of gender equality” (p. 144). This shrinking of gender equality is also in contradiction to the idea of gender mainstreaming, as it requires a broad treatment of gender equality across policy areas. In the enlargement context, this is not the case.

Furthermore, there are no clear signs of development during the period 2007-2016, in terms of broadening or deepening the scope of gender equality in the enlargement context. During the entire period examined, gender equality is treated in a limited way. In her analysis of the Progress Reports of the fifth wave of enlargement, Steinhilber (2002) concluded that: “Statements on the situation of women and on gender equality are scarce, remain very general, and do not allow for year-to-year or country-to-country comparisons of progress.” (p.3.). As the first part of this study shows, the conclusion above could also be applied to the documents of the sixth enlargement. Overall, the first part of this analysis echoes the conclusions drawn by scholars studying the fifth wave of enlargement in the early 00s (Bretherton 2001, Steinhilber 2002, Chiva 2009, di Sarcina 2013), that the EU does (still) not live up to its commitment to gender mainstreaming in the enlargement context.

Moreover, framing gender equality as presented above does not involve challenging the gender power structures, as the *responsibilities* of men are not discussed to the same extent as that of women. Women often play important parts both in the problem identification and the proposed solutions, whereas the role of men in neither the problem nor the solution is made explicit. This also entails a *shrinking* of gender equality to the particular meaning that it is a *women’s problem* (Lombardo & Meier 2009, p. 148). The persistence of framing gender equality as a *women’s issue*, despite the explicit commitments to gender mainstreaming, shows the deep, underlying assumptions regarding gender equality. The *shrunk* concept of gender equality as a women’s issue can even be said to be *fixed* in this meaning in the enlargement context, as there are hardly any competing views present in the texts. This *fixing* of gender equality as a women’s issue is clearly an obstacle to the transformations of gender hierarchies, as men’s privileges are not questioned. Instead, the achievement of gender equality is treated as a *depoliticized* issue that can be treated without conflict, as the structural foundations for gender inequality remain unchallenged.

5.2 Approaches to gender equality

For this part of the analysis, the material has been examined in search for evidence of the three EU approaches to gender. Drawing on previous research, especially Rees (2005), the three approaches to gender equality issues are operationalized for this study using the *problem/solution*-approach from the critical frame analysis. In the *equal treatment* approach, the formal inequalities, especially in the labour market, are the problem, and the remedy for this is hard,

anti-discrimination *legislation*, from the state, to align women's formal rights with those of men. For the *positive action* approach, the problem is women's historical disadvantage that can be corrected through catering for women's special needs, such as improving skills or providing childcare, and through positive discrimination. Finally, for the *gender mainstreaming* approach the problem is the structural power relations that lead to women's subordination, and the solution is a transformation of these power relations in all areas. Men and women are equally responsible for the problems and solutions, as gender is seen as *relational*.

The analysis shows that all three approaches are present in the texts, even though the equal treatment approach is heavily dominating. A reason for this might be that the *acquis* is in focus during the enlargement process, and the equal treatment approach includes hard legislation while the other approaches mainly rely on soft measures. In line with the equal treatment approach, the *problem* of gender inequality is often identified as being a lack of formal rights and opportunities for women, and the *solution* is legislation.

As regards women's rights, some further steps have been taken towards creating equal opportunities. (European Commission 2007a, p. 37).

With regard to women's rights, Albania is progressively bringing its legislation on working conditions and equal opportunities into line with the *acquis*. (European Commission 2007b, p. 13).

Legal provisions providing equality between women and men are broadly in place but their implementation continues to be ineffective. (European Commission 2016c, p. 25).

Anti-discrimination in the labour market, which has been the core of EU gender equality policy since the very beginning, is frequently discussed in the texts and is an important aspect of the equal treatment approach.

The authorities must address discrimination against women, especially during hiring processes in private sector. (European Commission 2016e, p. 52).

In practice little progress has been made on improving protection from gender-based discrimination, in particular on the labour market, and many women remain unaware of their rights. (European Commission 2007g, p. 14).

As visible in the last quotation, the problem is lack of legal provisions against discrimination but also that women are not aware of their rights. That is, legislation provides for formal rights whilst the women must be aware of, and use, these rights. The *responsibility* is thus of the *state* to provide legislation, but also of the *individual women* to take advantage of this legislation. This is in line with the individualised perspective of the equal treatment approach.

The approach of *positive action* can also be identified in the texts, albeit to a much lesser extent than the *equal treatment* approach. Women's historical

disadvantage is never explicitly discussed as the *problem*, but there are *solutions* that indicate that the idea is to level a historically unequal playing field, rather than merely legislating on equal opportunities. These proposed *solutions* include positive discrimination (European Commission 2007g) and quotas in the parliament (European Commission 2016d). Other than that the main focus is positive action to improve the status of women in the economy and on the labour market.

ERP Policy guidance: Reinforce the capacities of the employment services and target active labour market policies in particular to vulnerable youth, women and long-term unemployed. (European Commission 2016c, p. 36).

The government has continued to invest, with donor assistance, in training and requalification with a focus on young persons, minorities, women and persons with disabilities. (European Commission 2007f, p. 28).

In the coming year the country should: (...) adopt a strategy promoting women's entrepreneurship. (European Commission 2016d, p. 10).

Other measures discussed, where the *solution* indicates a *positive action* approach, were to improve child care and elderly care (European Commission 2016h, European Commission 2016e, European Commission 2016e). Improving child care is not in itself something that is directly aimed at women, but in the context that women are the main care givers, these measures are directed towards women's needs and thus part of a positive action approach.

Finally, there are references in the text that indicate a *gender mainstreaming* approach towards gender equality. However, in comparison to both equal treatment and positive action the gender mainstreaming approach is rare. The notion of *gender* and *gender equality* is frequently used. This could indicate a gender mainstreaming approach, in contrast to for example the use of the notion of *women's rights*, which falls under the equal treatment approach. However, as will be discussed further down, using the notion of *gender* does not alone indicate a gender mainstreaming approach. Still, there are a few references in the text that clearly relate to the idea of gender mainstreaming in the identification of the *problem*, when gender stereotyping is problematized.

Public awareness on gender equality is lacking and gender stereotyping persists. (European Commission 2016d, p. 61).

However, discrimination against women and gender-based violence were not sufficiently addressed owing to weak implementation of the legislation, low quality of services available and the weak political commitment to gender equality, exemplified by frequent public statements emphasising gender stereotypes and promoting the traditional role of women. (European Commission 2016h, p. 75).

Since 2015, legislation grants maternity leave for women and paternity leave for men, although gender-based stereotypical preconceptions persist about childcare and household work being a woman's responsibility. (European Commission 2016b, p, 54).

The notion of gender stereotypes is close to the notion of “sex roles” that has been criticised from a feminist perspective, as it misses out on the power perspective. Connell (1987) argues that the notion of sex roles creates the idea that the “female role” and the “male role” are equal and complement each other, albeit being different in content. The economic and political power that men exercise over women is excluded (p. 96). Still, gender stereotyping involves a notion of gender inequality that goes beyond the idea of formal rights or strengthening the position of women. Both men and women are a part of the problem of gender stereotyping, and gender equality is framed as more than just a problem for women. Therefore, that the idea of gender stereotyping is treated in the enlargement documents can be interpreted as a sign of the gender mainstreaming approach.

There are also *solutions* that can be seen as gender mainstreaming, as they are aimed at incorporating a gender perspective in all areas. Mainly, this involves gender mainstreaming the national budget, meaning that the budget is analysed and restructured taking in gender equality aspects.

Albania remains at an early stage in mainstreaming gender in employment as well as in other policies. (European Commission 2007b, p. 33).

In the past year, the government increased its efforts to make gender equality central to planning and budgeting for national development and EU integration, introducing gender-responsive budgeting in nine ministries and initiating it in seven municipalities. (European Commission 2016e, p. 66).

Budgetary reform includes gender equality considerations and the budget system law adopted in 2015 introduced gender-responsive budgeting as mandatory for all budget users at national, provincial and local level, to be introduced gradually by 2020. (European Commission 2016g, p. 62).

Still, it is clear that in general, in the texts of EU enlargement, gender equality is not framed according to the gender mainstreaming approach, despite the fact that gender mainstreaming has now been an EU policy for twenty years. The main approach regarding gender equality remains the *equal treatment* approach, through legislation ensuring that women have the same formal rights as men. The notion of *gender equality* is frequently used in the texts, but there does not seem to be any substantive difference between this concept and other concepts more relating to the other approaches, such as “equal opportunities” or “women’s rights”. Often, gender equality is used interchangeably and together with these other concepts.

Public attention to gender issues has continued to increase, and more action has been taken to improve women's rights. (European Commission 2007a, p. 57).

Provisions on gender equality and women's rights are included in the law. (European Commission 2007c, p. 17).

In the area of women's rights, the new constitution provides for gender equality and requires the State to ensure equal opportunities. (European Commission 2007h p. 13).

The programme for gender equality and women's empowerment in Kosovo has still to be elaborated. (European Commission 2007f, p. 18).

In the quotes above it is for example suggested that gender equality should be included in the law or constitution. This shows that the conception of gender equality is limited to the *equal treatment* approach, as gender equality is represented as something that can be created through legislation. In the final quotation, gender equality is used together with women's empowerment, a concept more belonging with the *positive action* approach. The women are the ones who need to be empowered, rather than considering the structural dimension of gender and working with both men and women. Therefore, gender equality does not seem to carry any substantive meaning of its own, but rather just used as another synonym for *women's rights* or *women's empowerment*. In the Council conclusions, the concept *gender equality* is also often used together with the concept *women's rights*.

Further efforts towards fully meeting the Copenhagen criteria are also required, inter alia, as regards property rights, trade union rights, rights of persons belonging to minorities, women's and children's rights, anti-discrimination and gender equality, and the fight against torture and ill-treatment. (Council of the European Union 2010, p. 13).

Further work is also required to promote gender equality and the rights of women. (Council of the European Union 2014, p. 3).

This could be a sign of the so-called dual-track approach, where the EU aims at both *gender mainstreaming* and providing measures specifically targeting women, in line with *the positive action* approach. Still, examining the context in which gender equality is spoken about shows that there is little substance to the notion of gender equality that would distinguish it from women's rights. Instead, the notions of *gender equality* and *women's rights* are used synonymously, as gender equality is limited to the equal treatment approach.

Similarly, the notion of *gender* lacks substance. This is mainly because, as demonstrated both above and in the first part of the analysis, the relational aspect of the notion of gender is missing. Men are not part of either the *problem* or the *solution*. Men are not discussed nearly to the same extent as women, which is a

clear indication that they are taken as the norm (Debusscher 2011). Hence, the notion of gender lacks substance, as the important relational part of gender is missing. Merely using the notion of *gender*, without its relational aspect, is not sufficient to call a policy gender mainstreamed. Instead, the consequence is that the word *gender* loses not only its relational aspect, the ideas of gendering and gender as a process are also excluded as *gender* becomes a fixed notion, synonymous with the word *woman*. In the enlargement context, the concept *gender issues* is little more than another term for *women's issues*.

6 Conclusions and discussion

In this final chapter, the meaning of gender equality in the EU enlargement context will be summarised and discussed. The chapter also includes further reflections on the implications of the meaning of gender equality, and propositions for future research.

This study has shown that there are four main ways that gender equality is framed in the context of EU enlargement: as an issue of *gender-based violence*, of *female labour market participation*, of *human rights*, and of *female political representation*. However, when examining the concrete problems and especially solutions related to gender equality as a human right, the problems, and especially solutions, are almost exclusively related to gender-based violence or anti-discrimination on the labour market, giving this framing little substance. In relation to the very broad political spectrum that the enlargement process touches upon, from financial issues to security and agriculture, framing gender equality as an issue of only the four areas mentioned, is limiting. Lombardo et al. (2009b) highlight the dangers of adopting a limited number of frames almost automatically, as if there were no other meanings of gender equality to choose from. Thereby, the shrunk meaning of gender equality becomes fixed, as other options are excluded (p. 188). This *shrinking* and *fixing* of gender equality in the EU enlargement context risk resulting in that other issues that might be of relevance for gender equality have a hard time finding their way on to the gender equality agenda, as the meaning of gender equality is narrowly defined to refer to specific issues. The shrinking of gender equality is also in contradiction to the policy of gender mainstreaming that the EU is officially committed to. Instead of applying a gender perspective on all areas of enlargement, gender equality issues are narrowly framed, often in the same way as in most EU policy areas (Lombardo et al. 2009b, True 2009, Rönnblom 2009). The critique presented by Hafner-Burton & Pollack (2000), that “the EU has generally adopted an integrationist approach to gender mainstreaming, integrating women and gender issues into specific policies rather than rethinking the fundamental aims of the EU from a gender perspective” (p. 452), is appropriate for describing the gender equality also in the current enlargement process.

That female participation on the labour market is a dominant frame in the EU gender discourse is not surprising. The article on equal pay from the Treaty of Rome has been the central to the EU gender policy. Despite the development of social dimensions, the EU has its main competences on economic issues. A finding regarding the frames that is more interesting, and perhaps more surprising, is that the problem of domestic violence has such a prominent position in the documents. This dimension is also a development when comparing to the fifth wave of enlargement, where previous research criticised the one-sided focus on

employment policy (Bretherton 2002, Steinhilber 2002). According to Lombardo et al. (2009b), seeing domestic violence as an important issue for gender equality policy is evidence of the gendering of the problem. Domestic violence has traditionally been seen as a problem of the private sphere, but long-term feminist efforts on politicising the private, has led to domestic violence now being discussed as a public matter (p. 190). It can therefore be considered a feminist advancement that domestic violence takes such an important role in framing gender equality in the enlargement context. However, the de-gendering of the perpetrators, or as in most cases in the texts their complete exclusion, leads to that the problem of domestic violence again becomes de-gendered (Lombardo et al. 2009b, p. 191). And therefore, the power dynamics at play in domestic violence are obscured.

Regarding the framing of gender equality as a question of female labour market participation, gender equality is bent to fit the goals of economy and growth. Gender equality is used in an instrumentalist way and is subsumed to market-oriented objectives. For example, in the enlargement documents, there is no encouragement to divide the care work evenly between men and women, instead it should be provided as a service that someone is paid to perform. Kantola (2010) argues that the dominant frame in the EU gender discourse is a neo-liberal one, and therefore only gender equality policies that are in line with economic objectives are accepted. Policies that include for example a greater redistribution of resources or a gender critique of the core EU policies are absent (p. 138). The findings of this study mainly support these arguments. The frames identified of female labour market participation, increased female political participation and combating gender-based violence, do not require any greater redistribution of resources, neither are they incompatible with neo-liberal values.

Nevertheless, the framing of gender equality in the EU enlargement is slightly contradictory, as gender equality is at the same time framed as a human right. The idea of human rights as a moral, utilitarian objective stands in contrast to gender equality being bent to fit purely economic goals. There is thus evidence of a discursive struggle between competing frames, also in the EU enlargement context. Roth (2004) conceptualised this as a conflict between ideas and interests in enlargement process, where the idea of gender equality is in conflict with economic interests. These tensions also reflect a wider debate in the EU between the advocates of a union focusing on the common market, and those who prefer a union that goes further including common standards and norms, a more “social” union. This raises the fundamental question as to whether a market-based European Union is even compatible with the goal of gender equality? If economic growth is the overarching goal, then gender equality issues will inevitably be subsumed in the cases when gender equality conflicts with growth.

As for the examination of the approaches to gender equality, this study shows that the approach of gender mainstreaming, officially adopted by the EU in 1996, has still yet to reach the area of EU enlargement. The key documents show little evidence of gender mainstreamed language. Instead, the dominating approach in the texts is the equal treatment approach, focusing on creating equal rights and opportunities through legislation. The responsibilities for both problems

and solutions are heavily gendered as gender equality is shrunk and fixed as an issue for women. Women are frequently mentioned and their role problematized, while men remain the silent norm. This framing of women as problem- and solution-holders is contradictory to a gender mainstreaming approach (Debusscher 2013). Despite frequent uses of the notions gender and gender equality, the relational dimension of gender is completely absent. From a feminist perspective this is highly problematic, as a discourse where the notion of “gender” is equivalent to “woman”, the transformative potential of gender mainstreaming is lost.

Together, the analysis of the framing of gender equality and different approaches help us respond to the research question presented in the outset of this study: *What is the meaning of gender equality in the EU enlargement context?* As the discussion above has shown, gender equality in the EU enlargement means protecting women from gender-based violence, ensuring their formal rights and increasing female participation on the labour market and in political bodies. In line with the equal treatment approach, gender equality is something that can be achieved through legislation. Moreover, in the EU enlargement context, gender equality means that women need to better adapt to a male norm. There is little evidence of the transformative potential that gender mainstreaming has in theory, as developed by for example Rees (2005), in the enlargement context. Instead, gender is used synonymously to women, as the relational aspect and the role of men is left out. Gender equality does not mean that the gender power structures are challenged, or the power relations between men and women questioned, as gender equality is limited to being a problem for women.

The implications of excluding the relational aspect of gender includes a de-politicisation of gender equality. Rönnblom (2009) writes: “A strong focus on women and the failure to articulate gender in relational terms, thus in terms of power, leaves gender un-politicized” (p. 112). Through de-politicisation, gender inequality stops being a clearly defined political issue that requires systematic effort and political responsibility. Furthermore, when an issue is de-politicised, the conflictual dimensions and power hierarchies become silenced, and thereby these hierarchies become more difficult to challenge and political transformation blocked (Lombardo et al. 2009b, p. 190). Another example of an absence of politicisation is the role of the state that, in line with the equal treatment approach, is represented as a problem solver. Rarely is the state problematised as a gendered actor that structurally reproduces unequal power relations. From a feminist perspective, it is difficult to see that gender equality can be achieved without questioning power relationships, and the role of the state in reproducing these unequal relations. Calvo (2013) argues that “the gender structure cannot be transformed without challenging and transforming the power relations that (re)produce it” (p. 259).

Central to a critical frame analysis is the question of *who* is responsible and *who* has a voice in policy-making. The question of who is responsible for problems and solutions has been thoroughly discussed above. However, there is also the question of *who* has the possibility to participate in the *framing* of gender equality. The issue of *who* has the voice can also be related to de-politicisation. In

representing gender equality as free from conflict it becomes less threatening, and therefore easier to integrate a gender perspective in policies. However, this risks leading to the tendency of selecting more “acceptable” feminist goals, and thereby excluding marginalized or radical voices (Verloo 2005b, p. 360). It is therefore important to highlight that in the enlargement documents, the voice is mainly those of EU politicians and bureaucrats. Kantola (2010) describes the fifth enlargement as: “a top-down bureaucratic process based on hierarchical power relations” (p. 199). Most negotiations with the accession states were held with ministerial bureaucrats and the participation of civil society differed greatly between the countries. There is little evidence that this would have changed in the current enlargement.

Moreover, Weiner (2009) argues from a post-colonial perspective that there is a lack of differing voices in the enlargement process, that she deems too Western-centred. There is no discussion between eastern and western views on gender (in)equality, instead the perspective of the Western European states is adopted and through the enlargement process requiring Eastern states to comply. An example of a dividing question is that of the length of parental leave, where the feminist positions differ between east and west (Fuszara 2008 in Kantola 2010, p. 206). In the enlargement process, Western values are dominating, as the aim is to spread the norms and values of the EU to acceding states. The enlargement process itself leaves little room for a more political discussion. Similarly, the comment made by Spehar (2012), that the conception of gender and gender equality in the EU discourse is based on liberal individualism, is not contested in this study. In line with a liberal, or perhaps neo-liberal, ideal, the main issues are the protection of limited human rights and women’s economic and political participation. Other perspectives, that might involve for example a more radical redistribution of resources or a bottom-up approach with a greater participation of civil society, are excluded (Kantola 2010, p. 138). In order to be able to closer examine *who* has the voice in framing gender equality in the current enlargement process, it would be of great interest if future research would examine the policy process itself, rather than mainly the implementation of policy, that has been the focus of previous research, or the policy discourse that has been the examined in this study. Questions could be centred around who participates and who dominates the discourse. Interviews and ethnographic methods could be used to examine this process of creating the discourse on gender in EU enlargement.

Finally, a discursive approach and especially the critical frame analysis has been a fruitful method in analysing gender equality in the enlargement context. In particular, this method made it possible to highlight that the EU (re)produces the idea that women are responsible for both gender inequality and gender equality, while men are completely left out of the equation. This perspective of *who* – who is assigned the responsibility for problems and solutions and also who has a voice in attributing meaning to contested concepts – seems to be a constructive way forward for future research on gender equality, and other areas characterised by unequal power relations.

7 References

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