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## Original Article

# Mainstreaming gender in the European Union: Getting the incentives right

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**Abstract** The European Union (EU) committed itself during the 1990s to the ‘mainstreaming’ of gender issues across all policy areas. Nonetheless, more than a decade after the Union’s initial engagement, this commitment has not led to consistent and effective implementation in EU institutions. The problem, we argue, lies in the failure to ‘get the incentives right,’ mobilizing sufficient interest among crucial actors, beginning within the bureaucracy. Organizations like the European Commission are more successful in achieving their objectives when they provide ‘hard’ incentives for bureaucrats to implement reforms, and are less successful when they depend exclusively on ‘soft’ incentives such as persuasion and socialization. This has been the case within the Commission, which has relied exclusively on soft incentives in its implementation of gender mainstreaming, with highly variable results after over a decade. By contrast, the Commission has utilized hard incentives in the adoption of another cross-cutting mandate, on equal opportunities for men and women officials within the Commission, resulting in rapid, quantifiable progress.

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## Introduction

In the ongoing quest to improve opportunity and political inclusion for women, perhaps no effort is more promising, or more controversial, than ‘gender mainstreaming,’ which aims to insert a gender-equality perspective into



all levels of 'mainstream' public policy. This endeavor has supporters far and wide, from the UN Fourth World Conference on Women in Beijing, which endorsed gender mainstreaming in 1995, to a variety of other international organizations (IOs), national governments and even regional and municipal governments across the developed and developing worlds. The international leader in this adoption process is the European Union (EU), which made an early commitment to gender mainstreaming in 1996 by enshrining the concept in its constitutive treaties and promoting the discourse of mainstreaming in all EU policies and institutions.

Early assessments of mainstreaming within EU institutions were generally positive. They lauded the entrepreneurial European Commission for establishing coordinating networks and utilizing gender-sensitive policy tools, and noted that pioneering Commission Directorates-General (DGs) had adopted a gender perspective in issue-areas such as employment and social affairs, development, regional policy, and research and technological development (Pollack and Hafner-Burton, 2000; Mazey, 2001).

Nonetheless, more than a decade after the Union's initial commitment to gender mainstreaming, its rhetoric has not led to consistent and effective implementation. This is true both among the EU member states and at the European Commission's Brussels headquarters, where EU policy-making generally begins. Rather than the consistent spread of a gender perspective to all issue-areas and all DGs, we find a highly variable and voluntaristic adoption of gender-sensitive policy-making, with intense focus on gender in some areas and little or no apparent activity in others.

This uneven outcome is significant not just for gender equality, but for other issues like the 'greening' of public policies and sensitivity to race and disability, whose advocates also seek horizontal or 'cross-cutting' inclusion of new themes across the policy process. It is perhaps most striking at the level of IOs, which have demonstrated a remarkable and encouraging responsiveness to diverse stakeholders and new issues in recent years, mirroring the development of horizontal mandates and 'joined-up governance' in domestic politics. Yet IOs show inconsistent effectiveness in their mainstreaming efforts, as do governments and their sub-units.

The problem, we argue, lies in the failure of such organizations to mobilize sufficient interest among crucial actors, beginning within the bureaucracy of the IO or government in question. The challenge for an IO like the European Commission is to motivate its bureaucrats to conform to cross-cutting mandates, on gender or other issues. We hypothesize that IOs are more successful in achieving their objectives when they provide 'hard' incentives for relevant bureaucrats to implement reforms, whether through carrots (positive incentives) or sticks (negative incentives). Cross-cutting mandates are less successful when they depend exclusively on 'soft' incentives such as persuasion



and socialization of the bureaucrats in question. This does not mean that attempts at persuasion and socialization are futile or ill-conceived, but the success of such efforts is likely to be at best selective, succeeding only insofar as a proffered policy frame ‘resonates’ with officials’ existing world-views and interests (Pollack and Hafner-Burton, 2000).

Our paper is organized in five parts. In the first, we introduce the concept of gender mainstreaming, articulate our core argument about the effectiveness of hard and soft incentives in the implementation of cross-cutting mandates and provide our rationale for a focus on policy outputs of mainstreaming in the Commission. In the second section, we analyze the empirical record of gender mainstreaming in the European Commission, demonstrating a variable and voluntaristic pattern of gender mainstreaming by selected DGs. In the third section, we argue that this variable and, to some extent, disappointing record of implementation is due largely to the Commission’s extensive reliance on what we call ‘soft’ incentives for policy officials. Outside of a small number of pioneering DGs, these efforts to socialize and persuade reluctant officials have failed to significantly change behavior.

An implicit counter-factual in our argument is that hard incentives would lead to more consistent implementation of mainstreaming across DGs. Although we cannot test this claim directly, the fourth section of the paper offers a comparative study of another gender-related, cross-cutting mandate: the Commission’s Fourth Action Programme on Equal Opportunities for Men and Women in the Commission, which focuses on the recruitment, retention and treatment of qualified women officials. This program, introduced in 2004, incorporated the use of hard incentives, including binding measures and ‘name and shame’ annual reports. The result was rapid, quantifiable improvement across virtually all DGs of the Commission. In light of these findings, we conclude in the final section that any deficiencies in efforts to mainstream gender are due not to the concept itself, but to the process of implementation.

### **Gender Mainstreaming, Cross-Cutting Mandates and Policy Outputs: Getting the Incentives Right**

The prospect of genuine gender mainstreaming is both potentially revolutionary and extraordinarily demanding. It could transform the full range of public policies to promote gender equality – but only if a wide range of actors change their behavior. Gender mainstreaming has been defined as ‘the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making’ (Council of Europe, 2008, p. 1). By definition, then, a successful



gender-mainstreaming mandate should result in the diffusion of gender-informed processes and policy outputs to all units of an IO, such as the European Commission. It should also produce an eventual impact on women and men ‘on the ground’ in the EU’s member states. Put differently, a mainstreaming mandate in the EU or in any other political system should, in principle, result in developments at three different levels: *process*, *outputs* and *outcomes*.

Ultimately, both scholars and activists are most interested in policy *outcomes* – the impact of mainstreamed public policies on the lives of women and men. In our case, understanding those outcomes would mean examining the impact of policies on the ground in the EU’s 27 member states. However, collecting data on policy outcomes in 27 different member states would demand enormous resources, and even if such resources could be mustered, a multitude of variables could intervene between EU policy-making and policy outcomes in the member states.

Given these difficulties, much of the literature on gender mainstreaming has instead focused on *process* as the dependent variable. Existing studies seek to measure how and to what extent organizations have employed horizontal policy mechanisms to instill a gender-sensitive perspective across the entire bureaucracy. In these studies, the success of mainstreaming is judged according to introduction of specific mainstreaming tools and procedures (see for example Hafner-Burton and Pollack, 2002).

There are shortcomings, however, to a purely process-based assessment of mainstreaming, because even an elaborate mainstreaming system may in practice fail to produce ‘mainstream’ policies that reflect a gender perspective. For this reason, we believe the most reliable measure of successful gender mainstreaming is *policy outputs* of departments, ministries or – in our case – the DGs and services of the European Commission.<sup>1</sup> Given the Commission’s central role as the agenda setter of the EU policy process, any EU mainstreaming strategy intended to impact people’s lives in member states must include the diffusion of gender into the policy outputs of the various DGs and services of the Commission.

Thus, the dependent variable of our study is the policy outputs of the various Commission DGs and services, with a focus on the extent to which those policies are explicitly gendered to anticipate their respective impacts on men and women and to reduce gender inequality. Our hypothesized independent variable is the nature of Commission-wide processes used to promote gender mainstreaming throughout the organization, especially the use of hard or soft incentives to influence the behavior of officials in the various DGs.

The challenge, in classic principal–agent terms, is to ‘get the incentives right.’ The behavior of IO officials could be altered, in theory, through one of the two types of institutional measures. Following Abbott and Snidal (2000), we refer



to these as ‘hard’ and ‘soft’ measures, with the former establishing precise, binding and enforceable rules, whereas the latter employs less precise, non-binding guidelines and voluntary compliance. Hard measures, for example, could materially influence the incentives of IO officials by making individual pay or promotion dependent upon successful integration of gender into the issue areas handled by those officials. Somewhat further down the continuum would be the application of social pressure or ‘naming and shaming’ exercises, in which both leaders and laggards in mainstreaming would be systematically identified and publicly praised or shamed for their performance (Johnston, 2001). At the other extreme, soft incentives would include voluntary efforts to persuade and socialize Commission officials through such instruments as voluntary training and networking.

Despite their intuitively obvious advantages as motivators of reluctant officials, hard instruments are not the most commonly used method for promoting the spread of a gender perspective in IOs or governments. In recent years, constructivist and sociological institutionalist scholars have emphasized the prospects for socialization and persuasion within IOs (see for example, Risse, 2000; Zürn and Checkel, 2005). The empirical literature generated by these claims has produced at best weak evidence of such socialization effects,<sup>2</sup> and Liesbet Hooghe (2001) in particular has demonstrated the difficulty of socializing Commission officials whose prior, national-level attitudes are often well established in comparison with their relatively ‘thin’ Commission socialization. Socialization efforts related to gender mainstreaming and other cross-cutting mandates face a still-greater hurdle, as they often take the form of occasional training sessions or cross-departmental meetings whose central message may cut against the organizational mission of a given official’s home DG.

Despite these obstacles, both scholars and practitioners have placed considerable stock in the prospects for persuasion and socialization in the adoption of cross-cutting mandates, such as gender mainstreaming. Catherine Weaver, for example, has examined gender politics within the World Bank, documenting a belief among many Bank officials that the exclusive use of hard incentives is likely to result in superficial compliance, whereas a sustained process of persuasion and socialization is more likely to lead to internalization and long-term compliance (Weaver, 2008, p. 15). Similarly, many EU Commission officials we interviewed expressed a preference for the long-term process of training, awareness-raising, persuasion and socialization, believing it yields more consistent implementation over time.<sup>3</sup>

We do not disagree that a well-designed, long-term process of socialization could eventually lead to the diffusion and internalization of a gender perspective among officials in diverse DGs and services. Nevertheless, given the well-documented obstacles to such socialization, we hypothesize that



gender mainstreaming and other cross-cutting mandates are most likely to be successful when the mandates use hard, binding instruments to alter the incentives for officials *even in the absence of any successful persuasion or socialization*.

This hypothesis is in principle testable, and were it not for a large literature emphasizing the virtues of soft instruments, persuasion and socialization, might in fact seem self-evident. Nevertheless, testing this hypothesis in an IO such as the European Commission, or indeed across IOs, is challenging for several reasons. First, as Gutner and Thompson (2008, p. 4) point out, measuring IO performance on a specific issue is difficult and contentious, with success often lying 'in the eye of the beholder.' Second, it is difficult to isolate the hypothesized independent variable – that is, the use of hard or soft instruments – from other competing explanations for the dependent variable of IO policy outputs.

Third, and in some ways most insidiously, constructivist students of mainstreaming argue plausibly that norm internalization takes a great deal of time, and thus it is too soon to draw a conclusion about the success of gender mainstreaming. Although this 'wait and see' claim is in principle unfalsifiable, we find the argument unconvincing in our case of EU gender mainstreaming. As we shall see below, more than a decade after the EU's official adoption of a gender-mainstreaming mandate, we and other scholars find little evidence of socialization of officials outside a core group of pioneer DGs, and we detect at best a modestly positive trend in the spread of mainstreaming across the Commission's DGs and services over time.

In light of these challenges, we employ three fundamental research design criteria, which allow us to isolate the causal role of hard and soft instruments in determining policy outputs. First, in our study of mainstreaming across Commission DGs, we use multiple indicators of gender policy outputs, drawing from Commission work programs and annual reports and comparing our findings from these sources to our own and other scholars' qualitative fieldwork.

Second, in an effort to trace a causal link between the use of hard incentives on the one hand, and successful policy outputs across the DGs on the other, we engage in process-tracing based on hard primary sources and extensive fieldwork carried out over 8 years in Brussels, including interviews with officials from various DGs as well as from other EU institutions and non-governmental organizations.

Third, we not only analyze the EU gender-mainstreaming mandate, but also compare it to another closely related, cross-cutting mandate in the European Commission: the Fourth Action Programme for Equal Opportunities for Women and Men in the European Commission. The Fourth Action Programme also sets a gender-related goal, calling for all DGs to offer equal



opportunities to women and men and to hire or promote women to leading positions within the Commission hierarchy. Although feminist policy scholars believe such affirmative-action mandates encounter greater resistance among officials because they challenge notions of individual fairness and the careers of male officials (Rees, 1998), the Commission's equal opportunities mandate has relied extensively – and, we believe, successfully – on 'hard' incentives.

### **Mainstreaming in the Commission: A Pattern of Variable, Voluntaristic Take-Up**

From a research design perspective, our first challenge is to measure the dependent variable of gender mainstreaming in the policy outputs of the various DGs and services of the European Commission. This challenge is made greater by the fact that the Commission has conducted only one systematic DG-by-DG survey of the implementation of mainstreaming, in 1998, and thereafter has provided no systematic public account of gender mainstreaming in either the process or the outputs of its DGs (Commission of the European Communities, 1998). Most subsequent Commission documents, including the Commission's web page on gender mainstreaming, acknowledge that 'best practice' has been concentrated within a few issue-areas. Previous studies of mainstreaming in the Commission similarly identified a number of 'pioneer' DGs – including DG Employment, Social Affairs and Equal Opportunities (EMPL), DG Development (DEV), DG Regional Policy and DG Research – which moved relatively quickly after the 1996 mainstreaming mandate to integrate gender equality into their activities (Pollack and Hafner-Burton, 2000; Mazey, 2001). Indeed, several of these DGs were already actively engaged in gender issues before the 1996 mandate.

Our interest here is to assess whether a gender perspective has diffused *beyond* these pioneer DGs to the rest of the Commission and to all issue-areas in EU policy-making. To do so, we rely on two admittedly imperfect measures of gender-related activity. The first draws on the Commission's annual 'work program' for the 2006–2010 'Road Map' on gender equality, whereas the second examines the annual reports filed by the DGs and posted on the Commission website.

In 2006, the Commission adopted a new multiannual 'Road Map' on gender equality, including both gender mainstreaming and specific actions targeted at women, which laid out a series of priority actions and an unusually precise and detailed timetable for their achievement in the period between 2006 and 2010 (Commission of the European Communities, 2006a). Following the adoption of the Road Map, the Commission published an annual 'work program' in 2007 and 2008, designed to assess progress toward the specific goals laid out in



the Road Map (Commission of the European Communities, 2007a, 2008a). These work programs are useful for our purposes here because they include detailed annexes that identify each Road Map activity, note the actions taken (or not taken) during the previous year and identify the DG or service responsible for the specified activity. These annexes do not provide a perfect measure of policy outputs for each DG, as the work programs may miss gender-mainstreaming processes put into place within a DG but not (yet) manifested in policy outputs. Nevertheless, a careful reading of the work programs reveals a wide range of activities, including internal memos and studies, suggesting that even modest gender-related activities are captured in these annexes.

To create an index of gender-related policy outputs, we drew upon the Commission's 2007 and 2008 work programs, identifying for each DG the total number of activities actually carried out during the previous year. The results are shown in Appendix A, which lists every Commission DG and service in alphabetical order in the first column, followed by the number of activities undertaken by each DG in 2007 (second column) and 2006 (third column). The results are striking. Taking 2007 as a benchmark (the most recent year for which figures are available), we find no activities mentioned for 17 of the 41 DGs and services listed on the Commission's website, whereas 15 DGs and services list one or two activities each and DG EMPL alone accounts for some 44 per cent of all activities.

One could argue that considering the full sample of Commission DGs and services creates a bias against successful gender mainstreaming because it includes five 'General Services' as well as 12 'Internal Services,' the latter of which generally play at best a minor policy role. To account for that, the final line of Appendix summarizes our findings for a restricted list of only those DGs and services the Commission designates as responsible for 'policy' or 'external relations.' These restricted results offer a slightly more favorable but not fundamentally different assessment of mainstreaming in the Commission. In the restricted results, six DGs list no gender-related activities, 10 DGs list one or two activities and seven DGs list three or more activities.

Overall, the Commission's own assessment of the Road Map, and indirectly of its gender-mainstreaming mandate, is mixed. The Commission points to the growing list of discrete activities in many issue-areas as evidence of progress. Nevertheless, the document goes on to note the uneven take-up of the mandate among the various DGs and services, and 'invites' them to increase their activities with regard to gender (Commission of the European Communities, 2008a, pp. 14–15). What is clearly missing here is any 'hard' incentive that DG EMPL officials might brandish to influence their counterparts in other, mainstream, DGs.

As a second indicator, we consulted the annual reports issued by each DG and service in the Commission and made publicly available on the Commission



website. These reports, which are relatively brief (approximately 20–50 pages per DG), are a more crude indicator than the Commission's work programs for the Road Map, but nevertheless provide a sense of the political importance the DGs place on gender issues. We therefore surveyed the reports of each of the 41 DGs and services for 2006 and 2007, looking for discussion of gender, women, sexual equality and equal opportunities in the public policies of each unit. The results are shown in column four of Appendix, and with a few notable exceptions, are roughly in agreement with our findings from the work programs.

We find that relatively few DGs and services mention gender issues in their respective policies, with only 11 of 41 reports (or 27 per cent) mentioning women or gender in policies. By and large, the DGs with the largest number of activities in the work programs are also those that give greatest prominence to gender in their annual reports. Once again, if we restrict our sample to policy and external relations DGs, the picture improves somewhat, with nine out of 23 reports (or 39 per cent) making any reference at all to gender in their policies.

These data support the view that Commission DGs and services have shown sharp variation in their mainstreaming of gender issues. The EU's gender-mainstreaming mandate has been enthusiastically accepted by just a few leading DGs, which continue to account for the vast bulk of EU activities, whereas a much larger number of DGs show at best modest evidence of having incorporated any gender concerns into their respective policy outputs. These quantitative findings, moreover, find support in our own qualitative research, as well as in a growing body of recent scholarship<sup>4</sup> and the reports of non-governmental organizations such as the European Women's Lobby (2007, p. 1), which has grown increasingly critical of gender mainstreaming, citing insufficient budgeting, impact assessment and training for Commission officials, along with sluggish development of new legislation and policies. In sum, while individual Commission DGs have implemented a number of progressive gender policies over the past decade, the Commission as a whole shows at best partial progress towards a genuine mainstreaming of gender issues across all issue-areas.

### **Soft Instruments, Weak Incentives**

These weaknesses in the implementation of gender mainstreaming, we argue, stem from the Commission's almost exclusive use of soft instruments to influence the behavior of the various 'mainstream' DGs. A 'hard' gender-mainstreaming program would score high on Abbott and Snidal's (2000) three dimensions of obligation, precision and delegation, with (a) binding provisions



entailing (b) precise responsibilities and commitments for Commission officials, backed by (c) strictly enforced positive and negative sanctions for compliance and non-compliance. By contrast, a ‘soft’ mainstreaming program can be characterized by (a) non-binding provisions with (b) vague or imprecise aims and (c) little or no attempt to monitor and sanction officials for non-compliance.

In practice, as Abbott and Snidal (2000) note, international legal provisions can be arrayed across a continuum from hard to soft law, reflecting the degree of obligation, precision and delegation inherent in those provisions. Similarly, the gender-mainstreaming tool kit can also be arrayed along a continuum from soft to hard, including, *inter alia*, the establishment of coordinating committees or networks of gender-mainstreaming officials; collection of gender-disaggregated statistics; checklists, manuals and handbooks; gender training; gender impact assessment of policies; *post-hoc* monitoring and evaluation; and enforcement through sanctioning of public officials (Hafner-Burton and Pollack, 2002).

In the case of the EU, the institutional machinery and procedures put in place by the Commission fall overwhelmingly at the ‘soft’ end of the spectrum. They have a vague overall mandate, a heavy emphasis on non-binding instruments like networking and training and little or no monitoring, public reporting or enforcement that would encourage reluctant ‘mainstream’ officials to take gender seriously in the policy process. The Commission has put together a series of cross-departmental networks at various levels. But the activities of these networks have largely consisted of coordination meetings, voluntary training exercises and the dissemination of policy tools such as handbooks and checklists. The groups have lacked the ability to provide hard incentives for officials in traditionally ‘non-gender’ DGs to systematically consider and integrate gender into policy-making.

### **The weakness of soft instruments: Networks and training**

At first glance, the EU’s official documentation enumerates an impressive series of cross-departmental networks and working groups established at various levels, including:

- The Fundamental Rights, Anti-discrimination and Equal Opportunities Group (formerly the Equal Opportunities Group) of Commissioners, intended to coordinate the mainstreaming of gender and other cross-cutting anti-discrimination mandates at the highest level.
- An Inter-Service Group on Gender Equality, composed of officials who hold primary responsibility for promoting the integration of a gender perspective within their respective DGs.



- A High Level Group of member-state officials, responsible for monitoring Commission behavior and coordinating the mainstreaming of gender in national policies.
- An Advisory Committee on Equal Opportunities for women and men (Commission of the European Communities, 2008c).

These networks are responsible for formulating the overall goals of the mainstreaming process, diffusing a gender perspective through training and socialization, the development of specific policy tools, and monitoring the development of policies for evidence of successful mainstreaming. They are coordinated by a core group of dedicated Commission officials within the Equal Opportunities Unit of the DG EMPL, who have attempted over the years to ‘export’ a gender perspective to other DGs.

In practice, however, the soft character of the mandate for these groups has hampered their effectiveness. As a result, they have failed to meaningfully change the incentives or the behavior of officials outside the core network of mainstreaming advocates. For example, the Commissioners Group is supposed to meet quarterly, but met only once during 2007. It is supposed to offer the DGs direction in their implementation of gender mainstreaming, but has offered little meaningful guidance, according to Commission officials.

At a lower level, within the Commission bureaucracy, the Inter-Service Group on Gender Equality has continued to meet on a regular basis, three to four times per year, to discuss experiences and best practices. Nevertheless, according to officials within and outside the Commission, the group has failed to secure the adoption of a gender perspective within many DGs. According to our sources, Inter-Service Group meetings are attended largely by low- or mid-level officials within the various DGs, rather than high-ranking officials such as Directors-General, directors or heads of unit. The result, according to participants, is a network of like-minded and well-informed but low-level officials who lack the influence within their DGs to overcome resistance to what is often perceived as an intrusive and irrelevant mainstreaming mandate. (In the words of one Commission official, ‘these are the poor sods who have to go back and nag at the hierarchy.’<sup>5</sup>) Other soft instruments, including most notably training, have proven similarly disappointing, attended largely by low-level officials with a pre-existing interest in the subject.

### **The paucity of hard instruments**

By contrast with this extensive use of soft incentives, the systematic monitoring and sanctioning of Commission officials has been scant from the beginning of the gender-mainstreaming process, and actually appears to have weakened over time. During the first several years of the Commission’s



gender-mainstreaming mandate, for example, the Inter-Service Group compiled a systematic report on the implementation of gender mainstreaming (Commission of the European Communities, 1998). That practice has now, to our knowledge, been discontinued. The Commission does monitor the implementation of the activities spelled out in its 2006–2010 Road Map, but it does not impose an explicit reporting requirement on the DGs, nor does it publish such information in an effort to ‘name and shame’ individual DGs.

Our interviews with Commission officials across several DGs confirm this absence of hard incentives. Asked explicitly whether Commission officials had strong incentives to incorporate gender into their daily policy-making activities, one official in DG Employment and Social Affairs answered, ‘No, not really.’ For a Commission *fonctionnaire* preparing a policy or a draft decision, this official continued, ‘gender’s not going to be the reason why your thing goes up or down.’ The Council of Health Ministers, for example, is unlikely to send back a Commission proposal because it does not pay enough attention to gender. So leaving gender out ‘isn’t going to be terribly visible,’ and is unlikely to adversely affect one’s career.<sup>6</sup>

Another official in a ‘mainstream’ DG concurred, saying officials felt ‘no particular pressure’ to integrate gender in external-relations policies. By and large, this official said, DGs that took on gender issues most often did so at the initiative of a high-level official within the DG, and not because of pressure from above. If the Commission wanted to move beyond such a voluntary approach, she continued, the gender-mainstreaming mandate should be mandatory and ‘included in rules.’<sup>7</sup>

We should, of course, beware of relying too heavily on the views of a few Commission officials about the prerequisites for successful gender mainstreaming. Nevertheless, the remarkable consistency of such views among Commission officials in our own interviews and in Schmidt’s (2005) excellent study of mainstreaming in two DGs offers a powerful explanation for the highly variable, voluntarist pattern of policy outputs. Fortunately, we have additional evidence of the power of hard incentives to motivate behavioral change in cross-cutting policy mandates: the Commission’s equal opportunities policy.

## Equal Opportunities Policy and the Power of Hard Incentives

In our interviews with Commission officials, we were struck that several officials noted a marked contrast between the relative weakness of the gender-mainstreaming mandate and the greater success of a second cross-cutting mandate, also related to gender: the Fourth Action Programme for Equal Treatment for Men and Women in the European Commission. As early as the



1980s, the Commission recognized as a problem the large gender imbalance among Commission officials, and particularly among 'A-grade' senior administrators. So it instituted three 'Action Programs,' in 1988–1990, 1992–1996 and 1997–2000, to address the issue. It also introduced non-binding quantitative targets from 1995 onwards regarding the recruitment of women candidates to administrative positions within the Commission.

The issue of equal opportunities within the Commission services received a new impetus in the early 2000s, when Commission vice president for reform, Neil Kinnock, ordered a top-to-bottom review of internal Commission procedures. A resulting external evaluation of the Third Action Programme on Equal Opportunities was largely critical, finding little evidence of positive changes to working practices to reduce the conflict between professional and personal commitments and considerable scope for improvement in the representation of women in management posts. Quantitative indicators supported the view that, despite some progress since the early 1990s, there remained a marked gender imbalance among A-grade officials and directors. The Commission's summary: 'The evaluation found that there had been a serious lack of consistency across DGs in the implementation of the 3rd Programme' (Commission of the European Communities, 2004, pp. 4–6).

In light of these findings, Kinnock concluded that, 'A 4th Action Programme, with quantifiable measures that would be regularly monitored and whose implementation could be compared across DGs, is ... the best means of ensuring that appropriate priority is given to equal opportunities policies in the different DGs and services' (Commission of the European Communities, 2004, p. 5).

Under the rubric for improving the gender balance, for example, the Fourth Action Programme directed DG Administration (ADMIN) to set annual targets for recruitment of women to A-level management and senior-management posts, to set a target of at least 40 per cent gender balance on internal selection panels, and to publish annual rankings of DGs and services in meeting these targets (Commission of the European Communities, 2004, p. 11). Similarly, under the rubric for 'reconciling personal and professional lives,' the program called on DGs to promote flexible working conditions including flex-time, child care and maternal and parental leave. To that end, it instructed DGs and services to develop action plans to address the issues of long working hours, late meetings, difficult working schedules and the general organization of work at all levels (Commission of the European Communities, 2004, p. 12).

Unlike previous programs, the Fourth Action Programme incorporated detailed provisions on implementation, monitoring and evaluation. At the implementation stage, it assigned responsibility within each DG to a senior official and included it in his/her job description; directed the creation of an Equal Opportunities Group within each DG to prepare, implement and



monitor a gender action plan; and ensured that the annual management plans and annual activity reports include a review of progress toward gender equality.

For monitoring and evaluation, the plan instituted detailed requirements for both the DGs and services, as well as for DG ADMIN as the coordinating body. DGs and services were required to monitor the implementation of their action plans and submit an annual report to DG ADMIN. DG ADMIN, in turn, would coordinate the implementation, monitoring and evaluation of the Fourth Action Programme; publish an annual assessment of the program's progress; establish a ranking of best performing DGs; and launch an external evaluation at the end of the Fourth Action Programme (Commission of the European Communities, 2004, p. 15).

Thus, the Commission's Fourth Action Programme on Equal Opportunities broke sharply with previous action programs and with the Commission's mainstreaming mandate by introducing a wide range of 'hard' incentives that were precise and obligatory. It mandated specific recruitment targets, established which individuals would be accountable, required annual progress reports and brandished the threat of naming and shaming noncompliant DGs.

Just as importantly from our perspective, DG ADMIN, Kinnock and his successor, Commissioner Siim Kallas of Estonia, have vigorously enforced the provisions of the program *vis-à-vis* the various DGs and services. Following the adoption of the Fourth Action Programme in April 2004, the Commission promptly set numerical targets for recruitment of women in three categories (senior management, middle-management and non-management) for each DG, while DG ADMIN instructed all DGs to appoint a Focal Point and an equal opportunities group, and to adopt an Action Plan by September 2004 (Commission of the European Communities, 2005, p. 16). Just as importantly, Kallas and DG ADMIN followed up with a series of annual monitoring reports collecting and presenting DG-by-DG data on recruitment, gender balance, appointment of Focal Points and equal opportunities groups, adoption of action plans and specific actions with respect to the various program priorities (Commission of the European Communities, 2005, 2006b, 2007b). The first monitoring report, in 2005, praised a number of DGs for appointing the required officials and groups and for adopting their respective action plans, while explicitly naming the 20 DGs and services that had failed to adopt an action plan (Commission of the European Communities, 2005, p. 1).

The following year, in 2006, the Commission continued to monitor and name-and-shame DGs, and introduced, for the first time, binding targets for seriously underperforming DGs. These and other measures, the Commission later reported, resulted in substantial improvement in compliance virtually across the board. 'The overall assessment,' the Commission concluded, was that 'the *binding measures* adopted by the Commission are being introduced



correctly, that the *DGs are complying with them and that they already appear to be producing positive results*' (Commission of the European Communities, 2007b, p. 3, emphasis in original). For example, results for 2007 demonstrated progress in recruitment, where targets were for the first time met or exceeded in all three categories: 35.1 per cent female appointments to senior management, 31.5 per cent to middle management and 54.2 per cent to administrator non-management posts (Commission of the European Communities, 2008b, p. 1).

The effectiveness of these hard incentives is reflected as well in our analysis of the 2006 annual reports of the DGs and services. Although the gender-mainstreaming mandate was mentioned in the reports of 27 per cent of all DGs and 39 per cent of policy and external-relations DGs, the equal opportunities mandate was referenced in 49 per cent and 48 per cent of those same reports, respectively (Appendix, column 5). Once again, these relatively brief annual reports are a crude measure of behavior in the various DGs, but as an expression of policy priorities, the differences are striking.

Finally, the effectiveness of hard incentives in the Fourth Action Programme was also underlined to us repeatedly in interviews with Commission officials. For example, one DG DEV official suggested the contrast at the very beginning of our interview. Unlike the mainstreaming language, she said, the equal opportunities mandate included specific targets and indicators, which are 'the only thing at the end of the day that makes a difference.' The most successful efforts, she said, are 'hard-data things' and 'mandatory things,' which tend to get done; all the rest are just 'nice talking.'<sup>7</sup> Another Commission official, in DG EMPL, suggested that Kallas had made a very deliberate decision to release reports naming and shaming DGs for their insufficient recruitment of women, and said it was 'horrible for a *chef du cabinet* to have to explain to their Commissioner that they were one of the worst.' This possibility provides a powerful incentive for officials to take the targets of the Equal Opportunities mandate seriously. Thus far, this official noted, Vladimír Spidla, the Commissioner for EMPL, had failed to adopt a similar approach for the mainstreaming mandate.<sup>8</sup>

In sum, both the mainstreaming and the equal opportunities initiatives represent cross-cutting mandates, introduced in the same organization at approximately the same time. Both seek to influence and change the behavior of officials in a wide range of Commission DGs and services. Yet according to standard assumptions about positive discrimination and gender mainstreaming, the equal opportunities mandate might have been expected to encounter *greater* resistance, as it challenged individual notions of fairness as well as men's career advantages and advancement. Indeed, as we have seen, the first three action programs were widely considered to have produced relatively little change in the behavior of the DGs and services, *until the introduction of hard incentives in the Fourth Action Programme*. Since then, compliance with the



targets of the program, although imperfect, has improved measurably and consistently each year across nearly the full range of DGs, and compares favorably to the slower and more inconsistent adoption of the gender-mainstreaming mandate.

The lessons of the equal opportunities case need to be assessed with care. The EU's equal opportunities mandate benefited from several characteristics that made it particularly amenable to successful implementation, including the unusually strong position of DG ADMIN, which possesses a lever of influence over other DGs given its central role in personnel decisions. In addition, practitioners inside and outside the Commission have stressed to us that the equal opportunities program benefited in particular from the ready availability of quantitative indicators of progress (such as the percentage of women hired in a given DG in a given year) that have no obvious counterpart in the gender-mainstreaming mandate.<sup>9</sup> Mainstreaming gender in a given sector such as transport, these officials note, does not have an obvious quantitative indicator, but requires officials to engage in thoughtful analysis of the potential impact of their respective policies on sexual equality before designing policy responses.

Nevertheless, despite these specific features, the equal opportunities case does illustrate the successful use of other hard incentives, including (a) *procedural requirements* (naming high-level coordinators and committees and drafting an explicit action program), (b) *reporting requirements* (annual reports submitted to the program coordinator), and (c) the prospect of positive and negative *sanctions* (naming and shaming, and the imposition of mandatory targets for DGs that are lagging) – all of which are potentially transferable to gender mainstreaming and to other cross-cutting policy mandates in the Commission and beyond.

## Conclusions

The EU's and European Commission's political commitment to gender mainstreaming is striking in comparison both to other IOs and domestic political systems, and several of the programs carried out by the Commission in areas such as employment, development and research, are significant and progressive. Nevertheless, if we define mainstreaming as the introduction of a gender perspective into *all* policy areas, 'by the actors normally involved,' then our findings suggest that the Commission, more than a decade after the introduction of its mainstreaming mandate, has fallen well short of its goal, as have other EU institutions and member states. This highly variable record of EU-level performance, moreover, finds echoes in broader comparative studies of mainstreaming by both domestic polities and IOs.<sup>10</sup>



Such findings raise the question of whether gender mainstreaming is inherently flawed, as some critics assert, or whether the gap between rhetoric and results is the product of the EU's almost exclusive reliance on soft instruments. We contend the latter. Although it is impossible to demonstrate counterfactually that a 'hard' mainstreaming process would have been more effective in the EU, comparative studies suggest that domestic mainstreaming programs are not uniformly disappointing but vary considerably in effectiveness, and that statutory requirements are a significant element in successful programs.

For this reason, we argue that gender mainstreaming – and other cross-cutting mandates beyond the scope of our empirical study here – can still be reasonably successful if correctly put into practice, with incentives for implementation outside established gender equality networks. Reflecting these beliefs, the 2007 report of the European Women's Lobby (2007, p. 14) proposed a series of reforms to the EU mainstreaming mandate, requiring *inter alia* the strengthening and public accountability of the Commission Inter-Service Group and the publication of DG-by-DG annual surveys of gender-mainstreaming efforts. We would go further, strengthening DG EMPL's role in coordinating the gender-mainstreaming mandate by giving it the authority to require annual reports from DGs, publish its results and make specific recommendations to under-performing DGs and services. If our analysis is correct, such reforms would result in a more effective diffusion of gender expertise and a measurable increase in gender-informed policy outputs across all units of the European Commission.

This conclusion is significant not only for gender equality but also for other issues in which diverse stakeholders seek horizontal or 'cross-cutting' inclusion in public policy. Global norms such as gender mainstreaming are most likely to change politics when their realization is a matter of elite bureaucratic self-interest. IOs and governments of all kinds will more successfully accomplish such objectives when they use carrots and sticks to create 'hard' incentives for their bureaucrats to implement the new policies than when they depend entirely on persuasion and socialization.

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## Notes

- 1 As of May 2008, the Commission was composed of 41 DGs and services, listed in Appendix, and typically referred to as 'DGs' for short.
- 2 See for example, recent work by Hooghe (2001), Kelley (2004), Schimmelfennig and Sedelmeier (2005), and Zürn and Checkel (2005), all of whom find weak evidence of socialization of officials within the 'most likely' case of EU institutions.
- 3 Alternatively, the choice of soft rather than hard incentives might indicate a lack of political will at the top of the Commission hierarchy, which may place low importance on the mainstreaming mandate. We are agnostic on this point, which speaks essentially to the private motives of leading Commission officials; in any event, nothing in the following analysis relies on such an interpretation of Commission officials' motives.
- 4 Exemplary recent scholarship on EU gender mainstreaming, much of it critical of Commission or member-state efforts, includes, *inter alia*, Rubery *et al* (2003), Schmidt (2005), Stratigaki (2005), Lombardo and Meier (2006), Beveridge (2007), Beveridge and Velluti (2008), and Woodward (2008).
- 5 Interview, Commission official, Brussels, 28 November 2007.
- 6 Interview, Commission official, DG Employment and Social Affairs, Brussels, 28 November 2007.
- 7 Interview, Commission official, DG Development, Brussels, 28 November 2007.
- 8 Interview, Commission official, DG Employment and Social Affairs, Brussels, 28 November 2007.
- 9 Correspondence, Commission official, DG ADMIN, 9 October 2008.
- 10 See for example, Beveridge *et al* (2000), and Rees (2005).

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## Appendix

**Table A1:** Gender mainstreaming and equal opportunities in 41 Commission directorates-General and services<sup>a</sup>

<i>Directorate-General/service</i>	<i>Number of 2007 actions<sup>b</sup></i>	<i>Number of 2006 actions<sup>c</sup></i>	<i>References to women/gender/mainstreaming in public policy, 2006 Annual Report<sup>d</sup></i>	<i>References to equal opportunities in Commission services, 2006 Annual Report<sup>e</sup></i>
DG Agriculture and Rural Development	1	1	One reference	One reference
AGRI				
DG Budget	1	1	No references	Multiple references
BUDG				
Bureau of European Policy Advisors	2	1	Multiple references	No references
BEPA				
DG Communications	1	—	No references	No references
COMM				
DG Competition	—	—	No references	One reference
COMP				
DG Development	3	2	Two references	One reference
DEV				
DG Economic and Financial Affairs	—	—	No references	No references
ECFIN				
DG Education and Culture	8	3	No references	No references
EAC				
DG Employment, Social Affairs and Equal Opportunities	40	25	Multiple references	Multiple references
EMPL				
DG Energy and Transport	—	—	No references	One reference
TREN				



DG Enlargement	1	—	One reference	No references
ELARG				
DG Enterprise and Industry	1	2	No references	No references
ENTR				
DG Environment	—	—	No references	One reference
ENV				
EuropeAid	5	2	Multiple references	One reference
AIDCO				
European Anti-Fraud Office	—	—	No references	One reference
OLAF				
European Personnel Selection Office	—	—	See equal opportunities	Multiple references
EPSO				
Eurostat (ESTAT)	1	1	No references	No references
DG External Relations	2	2	One reference	No references
RELEX				
DG Fisheries and Maritime Affairs	1	1	No references	One reference
FISH				
DG Health and Consumer Protection	1	1	No references	No references
SANCO				
DG Humanitarian Aid	1	3	No references	No references
ECHO				
DG Informatics	—	—	No references	Two references
DIGIT				
DG Information Society and Media	2	1	One reference	No references
INFSO				
Internal Audit Service	—	—	No references	No references
IAS				



Table A1: Continued

<i>Directorate-General/service</i>	<i>Number of 2007 actions<sup>b</sup></i>	<i>Number of 2006 actions<sup>c</sup></i>	<i>References to women/gender/mainstreaming in public policy, 2006 Annual Report<sup>d</sup></i>	<i>References to equal opportunities in Commission services, 2006 Annual Report<sup>e</sup></i>
DG Internal Market and Services	1	1	No references	One reference
MARKT	—	—	No references	One reference
DG Interpretation	—	—	No references	Multiple references
SCIC	—	—	One reference	No references
Joint Research Center	—	—	No references	No references
JRC	5	4	No references	Multiple references
DG Justice, Freedom and Security	—	—	No references	No references
JLS	—	—	No references	No references
Legal Service	—	—	No references	Multiple references
SJ	—	—	No references	Multiple references
Office for Infrastructure and Logistics in Brussels	—	—	No references	Multiple references
OIB	—	—	No references	Multiple references
Office for Infrastructure and Logistics in Luxembourg	—	—	No references	No references
OIL	—	—	No references	No references
Office for the Administration and Payment of Individual Entitlements	—	—	Multiple references	No references
PMO	4	3	Multiple references	No references
DG Personnel and Administration	—	—	No references	No references
ADMIN	—	—	No references	No references
Publications Office	—	—	No references	No references
OPOCE	3	2	No references	No references
DG Regional Policy	—	—	No references	No references
REGIO	—	—	No references	No references



DG Research	5	2	Multiple references	No references
RTD				
Secretariat-General	2	1	No references	One reference
SG				
DG Taxation and Customs Union	—	—	No references	No references
TAXUD				
DG Trade	1	—	No references	One reference
TRADE				
DG Translation – DGT	—	—	No references	One reference
Totals – all DGs and Services	<ul style="list-style-type: none"> <li>● 91 actions by 23 DGs</li> <li>● 56% of DGs with at least one activity</li> <li>● DG EMPL constitutes 44% of all activities</li> </ul>	<ul style="list-style-type: none"> <li>● 59 actions by 20 DGs</li> <li>● 40% of DGs with at least one activity</li> <li>● DG EMPL constitutes 42% of all activities</li> </ul>	<ul style="list-style-type: none"> <li>11 out of 41 Reports (27%) mention women/gender in policy</li> </ul>	<ul style="list-style-type: none"> <li>20 out of 41 Reports (49%) provide information on equal opportunities in Commission employment and recruitment</li> </ul>
Totals – all policy and external relations DGs and Services <sup>f</sup>	<ul style="list-style-type: none"> <li>● 81 actions by 17 DGs</li> <li>● 74% of all DGs with at least one activity</li> </ul>	<ul style="list-style-type: none"> <li>● 52 actions by 15 DGs</li> <li>● 65% of all DGs with at least one activity</li> </ul>	<ul style="list-style-type: none"> <li>9 out of 23 Reports mention women/gender in policy</li> </ul>	<ul style="list-style-type: none"> <li>11 out of 23 Reports (48%) provide information on equal opportunities in Commission employment and recruitment</li> </ul>



Table A1: Continued

<i>Directorate-General/service</i>	<i>Number of 2007 actions<sup>b</sup></i>	<i>Number of 2006 actions<sup>c</sup></i>	<i>References to women/gender/mainstreaming in public policy, 2006 Annual Report<sup>d</sup></i>	<i>References to equal opportunities in Commission services, 2006 Annual Report<sup>e</sup></i>
	● DG EMPL constitutes 49% of all activities	● DG EMPL constitutes 48% of all activities		

<sup>a</sup>Each report was searched for multiple terms: women, gender, mainstreaming, *femme*, *genre*, equal opportunities and *égalité*. Where the terms appear, each passage was categorized, using content analysis, as referring either to mainstreaming gender in policy or to equal opportunities in human resources policy. In EPSO and ADMIN, personnel actions were interpreted as mainstreaming in those particular areas of policy. The passages themselves vary in length and substance.

<sup>b</sup>Source: Commission of the European Communities (2008a), pp. 16–51.

<sup>c</sup>Source: Commission of the European Communities (2007a), pp. 20–37.

<sup>d</sup>Source: 2006 annual reports of the Commission DGs and services, available on the Commission website at: [http://ec.europa.eu/atwork/synthesis/aar/index\\_en.htm](http://ec.europa.eu/atwork/synthesis/aar/index_en.htm), accessed on 18 May 2007.

<sup>e</sup>*Ibid.*

<sup>f</sup>Excludes 'general services' (Communication, European Anti-Fraud Office, Eurostat, Publications Office, Secretariat General) and 'internal services' (Budget, Bureau of Economic Policy Advisors, Informatics, European Commission Data Protection Officer, Infrastructures and Logistics – Brussels, Infrastructures and logistics – Luxembourg, Internal Audit Service, Interpretation, Legal Service, Office for Administration and Payment of Individual Entitlements, Personnel and Administration and Translation).