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[transcript]

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1. Gender Bias in Policy Making

"If you are basing your evidence on unrepresentative, biased samples then you cannot believe a word. In fact, it is worse than knowing nothing. Knowing things that are not so is worse than knowing nothing at all."[1] (Norman Glass)

The ways "we know" and the "consequences of bias in evidence"[2] within these ways of knowing have been identified by researchers around the world as one of the main dangers to sound policy advice and good policy outcome. Experience with international impact assessments (IA) implementation suggests that not having any impact assessment might be better "than to have a bad one."[3] Sound public policy advice depends on many multifaceted, intertwined factors. Some argue that the current practice of policy advising in public administration is too reductive and fails to integrate a multiplicity of important perspectives and democratic obligations, i.e., a gender equality perspective. Others question its practicability and whether *sound* policy advice is even possible. This book is concerned with those tensions, and with the various ways of knowing and creating knowledge for and by public governance through impact assessment, with a specific focus on gender equality governance.

1.1 RESEARCH MOTIVATION, QUESTIONS AND STRUCTURE

The adoption of a gender lens in policy analysis represents an attempt to account for and overcome gender bias and to inform better, more effective policy and programme making, resulting in gender equity in accordance with human rights frameworks, including gender equality. Gender specific policy and programme analysis tools such as Gender-based Analysis (GBA) in the Canadian federal government and Gender Impact Assessment (GIA) in the European Commission in all their various forms have been introduced as analytical tools in the context

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1 | United Kingdom 2006, 52. Norman Glass was the Director of the National Centre for Social Research in the United Kingdom.

2 | United Kingdom 2006, 51. Evidence is very broadly understood as "the knowledge derived from research" (Grey 1997, 1).

3 | Renda 2006, 135.

of the international gender mainstreaming strategy.[4] The concluding document of the 4th World Conference on Women of the United Nations (UN), the *Beijing Declaration and the Platform for Women*, introduced gender mainstreaming in 1995.[5] It is binding for all signatory states, including Canada and all member states of the European Union (EU).

In the aftermath of the conference, federal governments all over the world have proceeded to implement gender mainstreaming by designing instruments such as GIA and GBA that are intended to analyse policy and programme content and outcomes. The purpose of these tools is to help government officials avoid the pitfalls of preconceived, supposedly *gender-blind* notions and predispositions, and enable them to make bias-free—or at least bias-aware—provisions for gender and supply *good* evidence-based policy advice for *better* outcomes. In this book, I evaluate these two analytical tools (and their various differentiations), namely GBA in the Canadian federal government's impact assessment system and its European counterpart, GIA, developed for the Commissions' impact assessment system, in terms of the current state of their application and structural integration.

1.1.1 Motivation

Rather than demonstrating the effectiveness or practicability of GBA or GIA in case studies, I have conducted a cross-sectoral, comparative meta-analysis of the current state of tool implementation. I started from my main guiding research paradigm: that gendered policy analysis leads to less gender bias in policy making processes and consequently to more democratic, target-group-oriented results that inform better policies and thereby contribute to a more equitable society.[6] I regard the infusion of a gender equality perspective into the policy making process as a necessary step and one that makes good policy sense in the attempt to "de-gender" the public policy making "male-stream."[7]

The need for a gender equality perspective has emerged from over 40 years of second wave feminist and gender research, as well as from more than 20 years of feminist analysis of and critical governance research in political science, sociology and the sociology of law.[8] This body of research highlights the divisiveness of bi-

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4 | The European Institute for Gender Equality calls gender mainstreaming "a strategy to achieve equality between women and men". For a detailed discussion of the gender mainstreaming obligations with regard to instrument application, see chapter 1.7.

5 | UN 1995. This declaration is often abbreviated as "Beijing Platform for Action" (BPfA) and is underpinned by strategic objectives, such as area H on institutional mechanisms for gender mainstreaming.

6 | Sellach et al. 2003, 172; Altgeld/Maschewsky-Schneider 2003, 46; Baer 2008a, 438.

7 | Geppert/Lewalter 2011, 136.

8 | As stated in the central works of Western feminist political philosophy (MacKinnon 1983; MacKinnon 1987; MacKinnon 1989; Benhabib 1994; Pateman 1988; Sauer 2003). Western feminist analysis as part of critical governance studies revealed the androcentrism of the state, its institutions or law and policy making processes (Squires 1999; Sauer 2001; Sauer 2005a; Baer 2008a; Abu-Laban 2008; Baer 2009a; Baer 2009b). Susanne Baer provides an overview of issues of governance and good policy making in the regulatory processes of law making (Baer 2011a).

gendered[9] intersections[10] as a main factor contributing to inequality and the way gender inequality operates in a complex power nexus.[11] Gender inequality in its intersections is seen as incompatible with democratic values and, as such, as needing to be counteracted through IA tools (such as GIA or GBA) in policy and programme research: "Democratization should provide scope for both men and women to make public policy responsive to human needs in all their diversity, and not just to the demands of global competition."[12]

Although early publications asserted that the "full implications" of gender mainstreaming "have not been understood," this 2003 citation from the renowned Australian political scientist and gender analysis specialist Marian Sawer[13] already identifies the possible points of contention for the introduction of gender mainstreaming. The conceptions of gender mainstreaming and the tools that came along with it are in flux and have been navigating the space between economic cost-benefit analysis and New Public Management (NPM) considerations on the one hand, and *good* or at least *better* law making and *good governance* on the other.[14] Piggybacking on NPM's rationality, gender mainstreaming was (and still is) negotiating a tedious tension between governmental efficiency and the adherence to fundamental constitutional requirements for equality in democratic societies. As the gender mainstreaming process has advanced, many authors have been frustrated and bewildered by what they regard as the negligent and delayed implementation of gender equality tools, which they attribute to dominant economic factors and a lack of political will.[15] In the face of such disenchantment for me, Jacqui True's early statement rings as true as ever:

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9 | This study is primarily occupied with the binary sex and gender system in modern Western societies based on the two dominant or hegemonic male and female sexes/genders. It does not wish to deny the validity of the need to also obtain equality for alternative sexes and genders, such as for transgender and/or intersex people (Mittag/Sauer 2012).

10 | Intersectionality as an academic concept was coined by the feminist legal scholar Kimberlé W. Crenshaw (Crenshaw 1988; Crenshaw 1989). For a more detailed discussion of the concept of intersectionality, see subsection 2.3.1.

11 | For an engagement with (in-)equality, see chapters 1.6.2 (from a quality criteria perspective) and 2.2.3 (from a theoretical perspective).

12 | Sawer 2003, 364.

13 | Deviating from common academic practice, I have decided to cite authors by their first and last names, and in the case of texts by multiple authors, to name all of the authors when the text is first cited. I regard this practice as a feminist, political intervention, as it renders the contribution of the mostly female authors to the field visible; moreover, instead of being subsumed under "et al.", all authors of a text are hereby explicitly acknowledged, which I find fair. Upon the second referral, I switch back to the space-saving practice of only providing surnames and using "et al." to cite texts with more than two authors.

14 | The normative concepts of good governance and better law making are explored in chapter 1.3.

15 | For the situation in the Netherlands, see e.g. (Roggeband/Verloo 2006; Verloo 2008). For the European Union, see e.g. (Lombardo 2009; Lombardo et al. 2011). For Canada, see e.g. (Langevin 2010).

"The major question raised [...] is not how feminist scholars and activists can avoid cooptation by powerful institutions, but whether we can afford not to engage with such institutions, when the application of gender analysis in their policymaking is clearly having political effects beyond academic and feminist communities."[16]

1.1.2 Questions

Gender analysis is facing a quandary: On the one hand, gender mainstreaming tools are repeatedly critiqued as neo-liberal, technocratic and therefore non-transformative and ineffective; on the other hand, the slow progress of their implementation provokes impatience and frustration.[17] If indeed the tools are not (yet) applied, how can they possibly be effective, even transformative? In response to this paradoxical criticism, this research targeted first and foremost the implementation level. It was also designed to collect qualitative data on emerging topics around gender analysis tools, such as democratisation, intersectionality and diversity, bureaucratic routines of implementation along new forms of accountability and quality management mechanisms. Here, the NPM framework surrounding instrument implementation was subject to inquiry.[18] Was NPM an advantageous vehicle or even a "good" fit for gender mainstreaming and equality governance through impact assessment tools? Was the management and efficiency approach convincing (enough) to foster gender perspectives in IA? Or was the implementation process indeed "sluggish"[19]?

Does gender mainstreaming really have such a "depressing track record,"[20] has it even "failed,"[21] and if so, who is to blame? Was the "failure" due to lack of political will and insufficient implementation structures within a decision-making monoculture mainly consisting of men and resistant to change and gendered democratic regulation?[22] Or was the lack of clarity in goals an outcome difficult for decision-makers and analysts to process? Given that legal, philosophical, sociological and political concepts of equality are nowhere clearly defined in terms of political outcome and goals,[23] and because "true" equality will require nothing less than a paradigm shift in gender relations and a redistribution of responsibilities and power

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16 | True 2003, 368.

17 | Hankivsky/Cormier 2011; Pühl/Schultz 2001; Pühl 2003.

18 | For a discussion of the origin and meanings of NPM in the context of good governance, see subchapter 1.4.

19 | Walby 2011a, 6.

20 | Parpart 2014, 387.

21 | Moser 2005.

22 | Walby 2009a; Walby 2011b. Current intersectional concepts would expand the monoculture concept to encompass parallel, multidimensional aspects such as race, class, disability, age etc. (Baer et al. 2010; Davis 2008).

23 | Compare preceding equality versus equity discussion in 1.1.2. For attempts to define constitutional equality, see e.g. (Shaman 2008; Baer 2009c). For a criticism of the failure to grasp equality in its full potential, see (Burt/Hardman 2001; Brodie 2008). In order to anchor the ever-shifting grounds of equality, e.g. Baer suggests triangulating equality with the concepts of liberty and dignity (Baer 2009c).

in society and its institutions,[24] it is to be expected that gender mainstreaming in general and gendered policy assessment tools in particular have been blamed for not (yet) delivering the desired results. Feminist scholars and activists alike have voiced their distrust of the state as a responsible actor on behalf of women's rights and equality;[25] thus it is not surprising that claims for the transformative potential of a top-down approach, such as gender mainstreaming and its tools, have been met with similar scepticism.[26]

As a result, the primary question of this research is concerned with how widely the tools GIA/GBA are actually used and what policy makers think of them and their approach to knowledge and evidence. Did gender mainstreaming and its "soft and flexible instrument"[27] gender analysis really bring about a reality shift in the "institutional and organisational culture"[28]? How much reflection on gender bias and gender equality—at the individual, inter-personal, intra-instrumental and intra-institutional levels—actually results from the practice of "impact assessment" in its current form as a technocratic procedure in public administration? And finally, what needs to happen (or change) to further gender equality in the process of public policy and programme appraisal?

Negotiating this ambivalence requires investigating the status quo in the implementation of gender mainstreaming equality instruments in order to determine the conditions for success and improved practices.[29] In a complex implementation environment of equality-seeking policy assessment tools and multilevel governance systems such as the European Union or the Canadian federal state, only interdisciplinary and comparative research is capable of answering these multi-layered questions.[30] Birgit Sauer identified empirical governance studies as a research gap at the disciplinary intersections of contemporary gender studies and political science.[31] Finally, political and administrative studies call for a "third generation of research" to conduct empirical comparisons of international bureaucracies and "their compound nature."[32] Consequently, I chose to study the structural implementation of GBA in federal departments, institutions, and agencies in Canada, and to then compare it to how GIA and/or gender equality concerns are applied as part of an integrated ex-ante impact assessment approach in the institutions of the EU, with a focus on the integrated impact assessment

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24 | For a deconstructivist case study of how the immunity principle is permeated by gendered assumptions and power relations see Sjoberg 2006.

25 | Pini et al. 2008; Scott 2003a; Hankivsky 2005a.

26 | Blickhäuser/van Bargen 2005; Blickhäuser/von Bargen 2006; Donaghy 2004; Feik n.d.; Frey 2008a.

27 | Jacquot 2010, 118. For soft versus hard see chapter 1.4.

28 | Lombardo/Meier 2006, 154.

29 | For a more detailed discussion of gender mainstreaming in relation to policy analysis, consult the subsection 1.7.

30 | As proposed i.e. by (Baer 2007a).

31 | Sauer 2005b.

32 | Trondal 2010, 261. Public administration literature however, investigates a "causal relationship" between the institutional and behavioural characteristics of bureaucracies mainly through comparative, robust testing of large quantitative data sets (Trondal 2010, 262).

system of the Commission. In this way, I hope to address these gaps in research through qualitative analysis and contribute to the reflection on and sustainability[33] of equality governance.

1.1.3 Structure

To briefly present the contents of my thesis, this first chapter continues with a discussion of the genesis and definitions of policy analysis, impact assessment, and evaluation as modes of good governance. It contains an outline of current academic research on international gender mainstreaming strategy and the position of gender equality policy analysis within this strategy. It further develops a tool typology for IA tools and relates quality criteria for gender mainstreaming instruments. The questions of equality governance of and bureaucratic accountability and controlling through IA addressed in this chapter serve as the basis of interest and research intent for the thesis.

In chapter two, I expound upon my theoretical paradigms (standpoint and governance theories) before I explain how my research questions are translated into the mixed-method research design of this study.[34] An explanation of my use of the interview sample as the main empirical body gives insight into the significance and limitations of the database and methods.[35] Last, the chapter explains the analytical framework that I have designed in accordance with these considerations in order to explore the subject gender analysis at the core of the institutionalisation of gender mainstreaming in bureaucratic IA environments.

The third and fourth chapters are the main empirical chapters, where I present the analysis of the interviews as well as the comparative implications of this analysis. In both chapters, I organise and analyse my qualitative findings according to my own analytic framework for the institutionalisation of gender mainstreaming, with a focus on gender analysis tools.[36] This new analytical framework applies to the Canadian context in chapter three as well as to the Commission's findings in chapter four. It is also used for comparative summary in chapter five. For each implementation context (Canada and the European Commission), the discussion is structured in three parts: In the first, I give an overview of the political system and the reader is familiarised with the roles the respective public administrations play in the law and programme making process. In the second part, I summarise the genealogy and status quo of gender policy analysis instruments, including the role played by the gender equality machineries, also known as women's policy agencies.[37]

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33 | It is important to distinguish environmental sustainability from the term sustainability in a governance context, as it is used most of the time in this study. Sustainability in governance describes the need and mechanisms for routinely implementing new processes, policies or tools, and governance innovations in general in bureaucratic structures and processes, as well as accountability mechanisms that guarantee for lasting institutionalisation, independent from individual actors.

34 | Birgit Sauer also emphasised the need to revitalise the relationship between feminist political science and other critical theories (Sauer 2005b, 396).

35 | A more detailed overview of the interview participants can be found in Annex I.

36 | Moser/Moser 2005.

37 | McBride/Mazur 2013.

In the third and main part of these chapters, I extract and present my interview findings and the main areas of improvement or concern for gender analysis in IA of advisory research in public bureaucracies.

In the final chapter five, I first synthesise both sets of research, comparing the qualitative findings from the Canadian federal administration and the Commission by identifying similarities, differences, current realities of and gaps in the implementation of gender equality tools. This comparative section informs the reader in a descriptive fashion about the current state of GBA and GIA implementation. In the second part of chapter five, I formulate the current and future challenges that such state policy tool practices face in the light of feminist standpoint theory and critical governance approaches.

1.2 Choice of Language

I would like to explain my choice of language as a non-native English-speaker and researcher. Canada is a country with two official and therefore dominant languages, English and French, as well as many other languages (aboriginal languages and languages of new immigrants) that are currently spoken, written, and lived. The EU has 27 member states and 23 official languages (not counting the semi-official, minority and migrant languages).[38] In order to be able to conduct the interviews in such a language-diverse context and to guarantee their comparability, I decided to use English as the common denominator and interview language. Consequently and due to the restraints of my own linguistic skills (my own native language is German), I have chosen to write this thesis in the current hegemonic language of science, English. This decision includes having to translate the literature consulted in other languages myself. All the passages the reader will find insightful in those translations can be attributed to the original authors; all the parts that do not make immediate sense, most likely to me. In the footnotes, therefore, I have provided the original text in addition to the translation in order to be transparent about translation choices and possible semantic shifts.

As I write this thesis, I have an international community of feminists, public servants, IA practitioners, governance studies professionals and academics at large in mind. My interdisciplinary work is addressed to them and needs to be accessible to most if not all of them. Dissemination is crucial in academia, but it is especially difficult for inter- or transdisciplinary work that lacks a dedicated academic support structure. At a time in which NPM dominates universities and academic performance is measured predominantly in output, when input only matters if it is traceable in quantifiable statistics of citation indices and impact factors, the use of English by non-native speakers in order to increase dissemination for interdisciplinary research on marginalised topics such as mine becomes a survival strategy. As the Québécoise feminist scholar Francine Descarries put it, it is no longer just "publish or perish"; in the "context of neoliberal globalization," it is "publish in English or perish."[39]

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38 | European Commission 2011a.

39 | Descarries 2014, 564.

In making this decision, I recognise that I am maintaining the hegemony of English[40] and the exclusionary body of knowledge that it builds. But I am also circumventing the problems of translation, since key concepts such as gender or gender-based analysis have different connotations in other languages.[41] Although gender mainstreaming is regarded as an international concept, it is also a travelling concept in the sense that it alters its meaning depending on implementation context, culture, tradition and language.[42] Language is more than a semantic code, it is a cultural vehicle, representing as much as creating reality.[43] A thorough excavation of the shifting semantic meanings and mechanisms of this and other key concepts employed in this study would exceed the boundaries of this dissertation.[44] I wish to express my awareness of this seemingly unavoidable, and therefore intended, limitation to my research. At the same time, it is interesting how deeply involved this short discussion about comparability and choice of language is in the overall discussion of gender in IA. It is a power struggle; it is about visibility, accessibility, transferability and practicability in bureaucratic and scientific environments.

1.3 GOOD GOVERNANCE AND BETTER REGULATION

After World War II, the pattern of political and economic power in the North Atlantic area was one of dynamic development well into the 1970s, followed by a period of stultification and austerity. In the 1990s, with the end of the Cold War, New Public Management (NPM) emerged in European and Anglo-American countries almost simultaneously as a reaction to economic stagnation and the resulting urge to modernise and economise governance structures by rendering them more transparent, responsible, more (cost) effective—and thus "efficient."[45]

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40 | In the academic GBA discourse a French language minority also exists, which the international, dominant English discussion largely overlooks (Langevin 2007; Langevin 2009; Langevin 2010).

41 | For instance, the official Québécoise translation of the Canadian tool "Gender-based Analysis" into the French "Analyse Comparative Entre Les Sexes" demonstrates two different semantic shifts as marked in italics; for a more detailed discussion see tool chapter 3.2.1.

42 | The concept of gender mainstreaming travels across language barriers, but also across academic disciplines: "Confusion as to the meaning is rooted in the fact that concepts and ideas, and language and vocabulary to communicate these ideas do not exist beyond feminism" (Carney 2004, 6). For the definition and interdisciplinary usefulness of travelling concepts see (Bal 2002). For a critical engagement with the diffusion and shifts in understanding of gender mainstreaming, see (True/Mintrom 2001; Carney 2004). For a critique of the trajectory of (Anglo-Saxon and Eurocentric) gender theory travelling from the West to the Global South, see from a Chinese "hosting" perspective (Dongchao 2014).

43 | Descarriers 2014, 566.

44 | For instance, one could consider the key concepts of sex and gender and their equivalents "genre" and "sexe" in French. German also lacks equivalents for these words, since the German word "Geschlecht" incorporates both concepts of sex and gender (Rietmann 2008).

45 | For a chronology and literature review on NPM performance measurement systems for public administration, see (Heinrich 2003).

The term NPM was mainly used by Christopher Hood,[46] who proposed NPM as a governmental "administrative philosophy" designed to be results-oriented and productive.[47] Newer governance approaches to NPM move away from the efficiency impetus and stress networking and cooperation.[48] In keeping with this approach, and as an important pillar of *good* governance and *better regulation*, NPM urges transparent, evidence-based and participatory law making processes. Policy making should be made accountable to and useful for the public—a process that is well underway, as the increased practice of regulatory IA and policy analysis demonstrate.

Good governance is a fuzzy, highly-charged and normative paradigm with differing interpretations. It is a management-driven concept derived from the "institutionalist turn" of the 1990s in administrative and government studies and buoyed up by the underlying belief that optimal regulations originate in good, responsive government structures. These structures serve not only the rule of law, but also the common good (including democratic values), human well-being and economic prosperity.[49] Achieving better regulation depends on a process of *better* or *smarter* law making for good governance, which constitutes the main driver for conducting regulatory IA and policy analysis,[50] aiming at the rationality as well as the impact of legislation and policies.[51]

While there is little agreement on the quality criteria for *good* policies (some even state the impossibility of objectifying *good* or bad policies[52]), and even about what constitutes *good* law making process,[53] there is ostensibly some consensus in legal studies about *good law making*: Laws should be rational and reasonable in the sense of being necessary; they must be congruent with constitutional values according

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46 | Atreya/Armstrong 2002, 5.

47 | Hood 1991. Thorsten Peetz, Karin Lohr and Romy Hilbrich suggest that NPM can be viewed from multi-perspectives and not necessarily reduced to economic management (Peetz et al. 2011, 204).

48 | Benz/Dose 2010; Holtkamp 2010.

49 | Rothstein 2012. One of the main guiding and empirically substantiated exegesis of good governance is the indicator set developed by the World Bank (The World Bank 2006; The World Bank 2009). The Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators covering six dimensions for 215 economies for the period 1996-2013. Of these six dimensions, "Government Effectiveness" includes the quality of policy formulation and implementation and "Regulatory Quality" the quality of laws and regulation, including the quality of ex-ante policy and regulatory IA (Strehl 2008, 859-861). For suggestions on better regulation with regard to the role of IA, see (Kirkpatrick/Parker 2007; Torriti 2007; Radaelli/Meuwese 2008).

50 | Baer 2011a, 207-208.

51 | In Canada, Leslie Pal (2004) called the entire NPM-driven public sector reform "new wine in old bottles," indicating that the problems public administration is facing, including policy making and the fights over the best solutions for them, have not changed substantially over time (Pal 2004).

52 | For a discussion of the subjectivity and incompleteness of quality criteria as well as the general unobtainability the good law see (Fliedner 2013, 55-62; Grüner 2011, 3; 23).

53 | Compare discussion about quality criteria for IA and the role of regulatory oversight bodies in subsections 4.1.3.6 and 4.4.6.1.

to the rationality paradigm; and they must perform efficiently and in line with intended results under the NPM paradigm of better law making.[54] Interdisciplinary law research, however, has unveiled more than one angle from which those *good* and *better* normative vessels can be filled.[55] In the sub-discipline of sociology of law, for instance, it is postulated that *good* law making and governance by law have occurred when the consequences of laws correspond to the regulative requirements they were set out to implement; in short, when the law performs,[56] when it is *effective*—independent of cost and efficiency.[57] In NPM logic, effectiveness needs to coincide with efficiency under an accountability umbrella in order to be deemed good governance. In fact, NPM emphasises better regulated and more responsible government spending and cost effectiveness,[58] which should in turn reduce the burden of administration.

Despite some criticism of NPM effects on bureaucracy,[59] a rejuvenated self-definition within public administration was seen as essential in order to meet these new demands on policy making. According to Patrick Dobel, in order to avoid wastefulness and inefficiency, law-making ought to be based on values informed by societal common understanding, which places certain demands on policy makers and developers.[60] It requires the recognition of "public institutions as trusts and managers as stewards" to ensure that "the inclusive commons are addressed in deliberations and decisions."[61] It demands a set of competencies to serve those who rely upon public management and good information as a base for making decisions that "impartially serve 'all citizens'."[62]

As prerequisites for NPM, all governance processes should practice maximum transparency, support the public good, and strive for a maximum of inclusive citizen participation through democratic engagement with a diverse range of social actors. Bureaucrats and policy makers should respond to citizen concerns with care and timeliness. Last but not least, processes should also ensure that equity and long-term considerations are reflected in public decision making.[63] By working to create open, transparent and accountable organisations that integrate multiple voices in their deliberations, new public governance based on NPM principles and

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54 | Salamon/Elliot 2002; Schedler 2007.

55 | Mehta 2007; Bauer et al. 2011.

56 | The performance of law concerns questions of "Rechtsgeltung", the application of law or jurisdiction, see (Baer 2011a, 207). As Ortlieb Fliedner (2013) asserts: There is no quality of law performance per se, it is rather always contextualised in its target environment of application, defined by its acceptance. A law is good when its features meet the regulatory demand and when it is accepted by its subjugates.

57 | Others argue that a law needs to be understood and accepted by the citizens governed by the law in order to be effective (Grüner 2011, 23-31; 121-138).

58 | Schedler 2007, 266.

59 | Such voices feared that NPM would be shrinking the public sector "to the bone," "setting it up for failure" (Farazmand 2007, 1162).

60 | Dobel 2005.

61 | Dobel 2005, 173.

62 | Dobel 2005, 173.

63 | Dobel 2005, 173.

values, strives to be effective and "achieve measurable and real outcomes."[64] When NPM was introduced into public policy making and public administration, it faced immediate and severe criticism from various sides as being too managerial for a public sector that operates according to a different logic than the private sector.[65] It was seen as yet another tool of hegemonic market capitalism designed to promote the interests of international business elites.[66] Meanwhile, resulting from pressure from the global financial and economic crisis, there were calls for "reclaiming the public space,"[67] reorienting agenda setting and steering towards democratic values instead of, or as a hybrid, on top of managerial efficacy.

1.4 Impact Assessment and Public Policies

Invariably in a comparative, transdisciplinary and transnational study one comes across different research, historical and cultural traditions. In my research these differences relate to differences in key IA concepts and terminology used in North American and European contexts. The non-uniform use of terminology in the as yet widely un- or at least under-connected worlds of public policy analysis and public impact assessment (IA) can make for some confusion among policy making and IA practitioner communities. The growing popularity of IA as well as policy analysis is closely related to the growing complexity of (multilevel) systems of governance and their legislative interactions.[68] As a result, there is a wide variety of terms for an even greater diversity of instruments and analytical methods. The following chapter seeks to clarify the use of these terms in light of their historical development by tracing current discussions in the literature, with the goal of coming to a cross-disciplinary and cross-cultural understanding of the terminology and developing working concepts for the purposes of this study.

1.4.1 Policy Analysis and Impact Assessment

Policy analysis is defined in two ways: 1) as the descriptive analytical investigation of existing policies, or 2) as the prescriptive and ex-ante analysis for future policy making. IA on the other hand is defined simply as the methods or scientific procedures for establishing evidence-based criteria for policy advice in the larger endeavour of ex-ante policy analysis. But the terms "analysis"[69] and "assessment"[70] are also often used interchangeably, and preferences appear more a matter of geo-political context (analysis for Northern America and assessment for the European

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64 | Dobel 2005, 174. For the German context see also (Tauberger 2007).

65 | Atreya/Armstrong 2002.

66 | Farazmand 2007.

67 | Argyriades 2008.

68 | Verschuuren 2009.

69 | From Greek "ana"—"up, throughout" and "lysis" "a loosening," analysis' etymology stands for a breaking up or a loosening something.

70 | Although some attribute it to Greek origins (Mabry 2005, 22), the word stems from Latin, "ad-" "to" and "sedere" "to sit." Assessment means a sitting by, or to sit with, a convenient semantic parallel to the required determination needed.

context) than content. This study focuses on analysis *for* policies respectively called (policy) IA, a terminology derived from the subject of assessment.[71]

Policies in the context of this study are understood as public policies,[72] representing a relatively fluid concept of government-led or -induced actions or (sets of) decisions, codified in rules, plans and programmes, principles or strategies.[73] Policy analysis is occupied with the appraisal of problems and the formulation of those policies, plans, programmes and projects, which are progressively more specific in time and place.[74] Policies are often distinguished in so called *soft* (social, health, culture, etc.) and *hard* (finances, economics, defence, etc.) policies that are associated with certain qualities and responsibilities (while *hard* policies really matter, *soft* policies are nice to have). Often soft policies are also associated with a female and hard policies with a male dominance in the field.[75] According to Amy Smith and Karen Monaghan policy fields are actually "gendered" as such.[76]

Laws represent very specific types of codified government actions or decisions,[77] which is why the more narrow terminology of regulatory IA is often applied.[78] Laws can be perceived as a "normative regime,"[79] a set of rules created by different sources: by legislatures through legislation (acts, bills, and statutes), the executive through regulations (or decrees) or judges through binding precedent (normally in common law jurisdictions).[80] In the public sector, both policy analysis and (policy) IA serve as umbrella terms and are applied to legislative as well as non-legislative

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71 | For a detailed typology of IA definitions and tools see subsection 1.6.1. For a differentiation in German into the three main categories "Rechtsetzung", "strategische Planung", "administrative Zulassung" as purpose of assessment, see (Windoffer 2011, 687).
72 | Peters/Pierre 2006. The triangle polity, politics and policy determines the frame for which and within policy analysis is conducted.
73 | Mintrom 2012, 1-2.
74 | For a German definition of public policy and its determining elements, see (Knoepfel et al. 2011, 43-52).
75 | Simon-Kumar 2011, 454-455. For instance, based on Kathy Ferguson (Ferguson 1984), Eva Kreisky noted the association of political disempowerment with feminity, and compares the inferior role of public servants and their clients to the domineering system of public administration, with its rules and norms, with women, being the subjugated, obedient, prepossessed second sex (Kreisky 1989, 11-14).
76 | They assessed 118 U.S. regulatory agencies with respect to variables for representative bureaucracy according to the organisational success of women as top agency leaders and on second-level leadership as dependent variables (Smith/Monaghan 2013). U.S. federal government agencies occupied with feminine policy areas had a 45 per cent female top leadership ratio versus 29 per cent for agencies with masculine policy areas and 49 per cent with neutral policy areas (Smith/Monaghan 2013, 61). They also developed a multi-variable model with which to calculate the relative "femininity," "masculinity" or "neutrality" of policy areas, based on a literature review and correlation of different gender association ratings, referred to in chapter 5.2.1.1 (Smith/Monaghan 2013, 57).
77 | Brettel 2009a.
78 | For further differentiation, see following subsection on the scopes of IA 1.4.1.2.
79 | Conaghan 2013, 10. For the normative and even discriminatory potential of laws, entrenched by gender stereotypes, see (Dobuzinskis et al. 2007a).
80 | Conaghan 2013, 9-16. For a typology of law in German, see (Baer 2011a, 96-100).

rulemaking.[81] If such instruments underlie a binding legal obligation or obligatory implementation measures, they are placed in *hard* implementation frameworks. If their application depends on less binding, facultative or merely communicative modes, these environments (and their weaker incentives) are called *soft*.[82]

1.4.1.1 Genealogy

Western traditions of policy analysis have their roots in "governing delegated rulemaking in the US."[83] After World War II, U.S. political science bore witness to the first scientific attempts to scrutinise public policies deemed inefficient and erroneous, in order to prevent contestable policy decisions and help decision makers select "objectively correct policies."[84] The multidisciplinary neo-discipline of policy science was thus formed. One of the founding fathers of this emerging scientific sub-field was Harold Lasswell[85], who in 1951 contended that policy science should be objective, as its practitioners bore responsibility for providing data and interpretations of that data relevant to the policy problems of a given period. This position places scientists from a variety of disciplines in the role of intermediary between society and democratic decision-making processes. Lasswell asserted that the role of policy science and analysis was to absolve decision makers from problem solving on the basis of political judgment and values, by substituting for these values the accuracy and the rigorous logic of social efficiency based on analytical precision, both quantitative and empirical.[86]

Because Lasswell's policy analysis originated in World War II military operations and logistics and thrived in a cold-war environment, the first methods of inquiry were heavily focused on defence, security, economic and fiscal concerns and empowered narrow scientific elites.[87] The usual milestones recited in policy science literature are the war on poverty in the 1960s, the Vietnam War and the energy crisis, all of which prompted increased demand for scientific policy advice.[88] The analytical capacity of governments grew (specialised policy units were introduced in the 1970s)[89] and diversified over time, peaking with international NPM reforms, which were demanding *evidence-based* policy advice for *better policy making* in a post cold-war world.[90] Since policy analysis has become a "global phenomenon."[91]

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81 | Alemanno/Meuwese 2013; European Parliament/Ballon 2014.

82 | Compare also tool typology in sub-chapter 1.6.1.

83 | Alemanno/Meuwese 2013, 76. I.e. for a German country specific account, see (Blum/Schubert 2013a).

84 | Justice/Miller 2007, 285-287.

85 | Dunn 2007, 41. Sometimes also Yehezkel Dror is named as the other founding father of policy analysis (deLeon 2006, 39).

86 | deLeon/Vogenbeck 2007, 512.

87 | Justice/Miller 2007, 286.

88 | Other accounts do not negate the leading role of the U.S. policy analysis, but attribute its international rise to more global factors and shared trends of the twentieth century, such as technological advances, also bringing about environmental problems, increasing scope of the market place or the perceived social complexity (Mintrom 2012, 6; Grunow 2003, 20).

89 | Wilson 2006, 143-144.

90 | Wilson 2006, 159.

91 | Mintrom 2012, 4.

IA experienced its first boost via a public policy itself: the U.S. was regulating the first environmental impact assessments (EIA) in the 1960s, which obtained formally binding status in 1969 in the National Environmental Policy Act. This act is commonly referred to as the origin of EIA in particular and of the growing IA movement (including its differentiation) in general.[92] The two movements, policy analysis and IA , meet when the subjects of analysis are public policies, programmes and services.[93]

These analytical movements culminated in the foundation of two internationally dominating professional associations for IA and policy analysis: the Association for Public Policy Analysis and Management (APPAM) in 1978,[94] which published the Journal of Policy Analysis and Management;[95] and the International Association for Impact Assessment (IAIA) in 1980,[96] which published the Impact Assessment and Project Appraisal (IAPA) journal. While the IAIA is the more international association, with an all-encompassing approach to representing any kind of IA in all fields (while having a heavy leaning towards environmental and sustainability IA forms and a development and planning community), the APPAM has the richer tradition in public policy analysis (with a disciplinary leaning towards economic, social and political sciences and an administrative community). The APPAM publishes the Journal for Policy Analysis and Management (JPAM).

Despite overlapping fields of expertise and subjects of research, there is little interaction or exchange between these two associations. Additionally, there is no connection between either of those two IA communities with gender analysis. A key word screening, conducted in the IAIA's Impact Assessment and Project Appraisal journal, as well as in the APPAM's Journal of Policy Analysis and Management (JPAM) brought very few articles to light (IAPA: 10 articles; JPAM: 9 articles).[97] None of the articles was specifically devoted to forms of gender analysis, all found entries mentioned gender analysis in passing as part of another IA topic, but did not present research on an actually executed gender analysis.

As a latest development, the concept of *postmodernist policy making* has been introduced in critical administration studies as a new, pragmatic perspective on policy making processes.[98] It rejects universal claims of modernity and rationality.

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92 | Barrow 1997.

93 | There are a few efforts to conceptually intertwine IA as applied to sustainability and environmental policies with gender equality (Jenkins/Rainey 2007).

94 | The APPAM was founded in the U.S. and its policy research is still very much North-America centred, although it hosts an annual international conference each fall. Over time it has grown to roughly 1,500 individual members. See "About APPAM" on the APPAM website (APPAM n.d.).

95 | APPAM n.d.

96 | The IAIA had an international reach from the start, albeit its headquarters are also located in the U.S., it prides itself to have more than 1,600 members coming from more than 120 countries (IAIA n.d.).

97 | The key word screening included all issues of the two journals and was conducted several times, last 24 August 2015. The key words were: gender mainstreaming, gender impact assessment, gender proofing, gender-based analysis, gender analysis, equality assessment, equality impact assessment, and equity assessment.

98 | Frederickson 2005; Bogason 2005.

It attempts to avoid meta-narratives by linking actual policies as much as possible to the target groups and local communities concerned, thereby "stressing the rise of new values and lifestyles with great diversity and stress on individual choice."[99] In the quest for representation of complexity and diversity through dialogue and participation, postmodernist and postpositivist approaches to evaluation, IA and public management "change from top-down control to bottom-up processes" in "webs of relationships,"[100] focussing on democratic values and disenfranchised groups at the science-policy interface.

Although such postpositivist perspectives on research and knowledge production gained popularity in the 1990s and have experienced continued momentum in the new millennium, they are not yet widely shared in IA approaches and methods on the ground.[101] The international IA and evaluation community, its public policy related practices and theories, are dominated by computer modelling, rational-choice models, game theory and NPM efficiency demands.[102] Postmodern critiques are vastly ignored by the more science-oriented IA sub-communities occupied with infrastructural, financial and environmental questions, in which quantitative techniques and even monetisation are the primary methodologies of choice. Postmodern approaches are observed more frequently, in IA sub-fields that deal with social issues and that employ the whole repertoire of social science methodologies, including qualitative methods. In these communities, postmodernist views that prefer a diversity of narratives instead of a one-fits-all approach have only very recently entered the realm of policy IA, and when only as highly marginalised perspective.[103]

1.4.1.2 Scope

There are many concurring definitions of policy analysis in a prescriptive sense, as analysis *for* policy making. In general terms, policy analysis is described as any attempt "to examine the actions or proposed actions of governments, determine the impacts of those actions, and weigh the merits of those actions against alternatives."[104] Alternative definitions define policy analysis as a "process of multidisciplinary inquiry designed to create, critically assess, and communicate information that is useful in understanding and improving policies."[105] The idea behind conducting policy analysis is that policy problems, as the primary or sole object of policy analysis, could be remedied ex-ante as well as ex-post through a vast set and effective design of political instruments, from laws and regulations to benefit and service programmes, tax incentive schemes and the like.[106] Policy analysis conducted ex-ante in order to inform the design of a policy not yet in

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99 | Bogason 2005, 249.

100 | Bogason 2005, 249.

101 | Jacob et al. 2008; Turnpenny et al. 2009; Torriti 2011; Torriti/Löfstedt 2012; Adelle/Weiland 2012; Adelle et al. 2012; Sauer/Podhora 2013.

102 | With some few exceptions, such as critical management studies (Hassard et al. 2008).

103 | Adelle/Weiland 2012.

104 | Mintrom 2012, 2.

105 | Dunn 2007, 2.

106 | deLeon/Vogenbeck 2007.

existence is sometimes also called policy appraisal.[107] Policy analysis is perceived as an "art," a "craft," a procedural endeavour of "probing, investigating or searching for solutions," whose methodology "to be sure [...] is based on scientific methods."[108]

Where policy analysis makes use of a set of various practices and scientific methods of assessment (some call them "analytical strategies"[109]) applied to a public policy problem, it overlaps with the realm of IA.[110] According to the IAIA, when applied to policy as well as other objects of analysis, IA can be defined in very general terms as: "The process of identifying the future consequences of a current or proposed action."[111]

Following this definition, IA is defined as a prior assessment that enables one to make reliable forecasts about future unintended and intended effects and events and the likelihood that they will be caused by an intervention that has not yet been implemented.[112] As such, IA is regarded as the overarching term for appraisals of all kinds of initiatives, both public and private interventions, regardless of the object and goal of assessment. When IA is applied to a public policy problem, it is sometimes, although not always, referred to more accurately as policy IA[113] or simply policy assessment.[114]

Where IA designs and methods are successfully tested and standardised for particular (policy) problems or interventions, they are called tools.[115] Divergent concepts also exist that allow IA as well as policy analysis to take place in a *prospective/ex-ante*, parallel or *retrospective/ex-post* manner;[116] the latter form, however, is more commonly termed an evaluation.[117] Both IA and policy analysis, if conducted ex-post, can also be characterised as specialised forms of evaluation research.[118]

IA as an ex-ante procedure and evaluation as an ex-post event are applied in a large number of public and private contexts. In addition to macro-level assessments of large programmes or interventions (so-called *strategic or programme assessments*), such as trade agreements or overarching political strategies (i.e., Europe 2020),

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107 | Turnpenny et al. 2009.

108 | Dunn 2007, 2.

109 | Mintrom 2012, 109-304.

110 | Ex-ante policy analysis suggests a variety of methods particularly for the purpose of estimating the future impacts of planned policies, ranging from social experiments, the difference-in-difference approach, the comparison of outcome variables in a before and after situation (also called pre-post approach), or, increasingly, model-based assessments based on hypothetical, simulated counterfactual futures (van den Bosch/Cantillon 2006, 297-300), with the standard-cost model being the most well-known method. Public policy handbooks do not, however, speak of IA when referring to analytical methods.

111 | Most authors stress the dominance of the ex-ante character of IA esp. with regard to public policy IA (Renda 2006; Torriti 2007; Robertson 2008; Meuwese 2008; Radaelli 2009; Pal 2010; De Francesco et al. 2012; Adelle/Weiland 2012).

112 | Sauer/Podhora 2013.

113 | Brouwer/van Ittersum 2010; Radej 2011.

114 | Adelle/Weiland 2012.

115 | Podhora et al. 2013.

116 | Salamon/Elliot 2002, 166.

117 | deLeon/Vogenbeck 2007, 516. See more specifically the following subsection 1.4.2.

118 | deLeon/Vogenbeck 2007, 516.

assessments are conducted of smaller projects, mostly in the public/private donor development and private corporate context (so-called *project assessment*). There are also smaller to medium-size, meso or micro level assessments, as well as a mix of any of these. In these environments, IAs can be applied to a range of interventions. From development projects to corporate exploratory projects, from communal local business incentives to large national social welfare and benefit programmes, from strategic planning of international treaties to public policy and law making, the implementation possibilities are almost unlimited. The categorical borders between each of the three types—strategic, programme or project-related IA—are fluid rather than fixed.

As a rule of thumb, the extent of IA depends on the extent and anticipated effects of the intervention. There is also a wide array of IA applications and tools, and further specifications are constantly being developed, resulting in instruments for environmental, sustainability, trade, social, health, poverty, community or gender IA, to name just a few, as well as mixtures of these approaches. Many IA procedures do, however, share the following components: a) A legal background or jurisdictional commitment for implementing IA, b) a methodological framework or guidelines, which outline the individual IA procedure and lead to c) an actual conduct of IA, which is d) based on methodological quantitative and/or qualitative tools.[119]

Public policies are typically assessed "through the lenses of effectiveness, efficiency, and performance."[120] In order to fulfil these requirements, empirically rooted analysis is needed for the process of designing and enacting a bill or public policy proposal in an *evidence-based* fashion.[121] When ex-ante IAs are requested and used by decision makers as the basis for evidence-based law making, they are also called regulatory impact assessments or regulatory impact analyses (RIA).[122] There is little comprehensive literature on IA, policy analysis or RIA;[123] most handbook publications are dedicated to specialised IA forms or are compressed journal articles.[124] The existing literature does not always apply the same definitions, e.g., the line is not always drawn between IA and RIA; instead they are often treated as equivalents.[125] Other authors apply the term regulatory IA (RIA) as a synonym

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119 | Sauer/Podhora 2013; Adelle/Weiland 2012; Esteves/Vanclay 2012; Vanclay/Esteves 2011a; Esteves et al. 2010; Podhora 2010; Kirkpatrick/Parker 2004.

120 | Wallner 2008, 1.

121 | Hensel et al. 2010a, 20. See also next chapter 1.4.1.3 on evidence.

122 | The European Policy Centre; Ballantine/Ballantine 2001; European Parliament et al. 2002; Radaelli 2009; Staranova 2010; Wegrich 2011; Dunlop et al. 2012; De Francesco et al. 2012. Its German equivalent is "Gesetzesfolgenabschätzung", see (Böhret et al. 2001; GenderKompetenzZentrum/Lewalter 2005; Führ et al. 2010; Hensel et al. 2010b; Hensel et al. 2010a; Baer 2011a, 250-252).

123 | Dobuzinskis et al. 2007a; Dunn 2007.

124 | Renda 2006; Meuwese 2008; Jacob et al. 2008; Radaelli/Meuwese 2008; Verschuuren/van Gestel 2009; Hensel et al. 2010b; Wegrich 2011; Adelle/Weiland 2012; Adelle et al. 2012.

125 | Verschuuren/van Gestel 2009, 7; Meuwese 2008.

for IA or policy analysis in the public sector,[126] although it is not, strictly speaking, applicable to programmes and the delivery of public measures through the civil service, unless a new law or other form of legal regulation is drafted.

IA has been described as an adjacent, extended form of policy analysis, since the objectives and goals of policy analysis are (or at least can be) defined in much broader ways. But both terminologies—IA and policy analysis—are often used interchangeably when applied in the context of public administration to inform the process of policy and programme making. Typically, North American and Commonwealth public policy literature speaks of policy analysis, while in the European context, researchers prefer to use (policy) IA for applied policy analysis and advice (in contrast to the academic analytical engagement with existing policies, usually called policy analysis).[127] For clarity in this study, I have decided to use the terms in context: using the term "policy analysis" when discussing my Canadian findings and "IA" when talking about findings for the European Union. Since the focus of this research rests on tools and instruments for inserting gender equality concerns in public policy making and programmes, I prefer to use "IA" for my comparative sections. When referring to Canadian policy analysis and EU IA systems together and directly, I employ the combined term "policy analysis/IA."

1.4.1.3 Evidence

Empirical evidence, in its original Greek sense of the word *empeiría*, meaning experience or knowledge based on experience, is the subjective, methodology-driven observation of realities in the attempt to make sense of and give order to the world, to describe it and ultimately govern it.[128] *Evidence-based* policy advice is commonly understood as the provision of hard facts on which to base the policy design. For such a purpose, ex-ante policy IA employs and generates scientific data (on infrastructure, the environment, trade etc.), mainly through quantitative analysis, modelling and social science methods (like cost-benefit analysis, computer models or network analysis). Postmodern policy analysis prefers to speak of *evidence-informed*[129] forms of analysis, which are based on studying such hard facts in their social, political, cultural, or economic context. Evidence-informed science is a way of answering the postmodern critique of "objectivity". With this concept, Charles Fox and Hugh Miller[130] address the issues and challenges of transforming global societies at a critical point in time, in the transition from the industrial age to post-industrialism.

Postmodern policy analysis wants to render visible *normative assumptions* (values, economic, political goals etc. about how things *should* be) and use such insights to intervene in the data collection process, trying to ensure that contextual or structural factors surrounding a proposed policy are also taken into account.[131]

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126 | Fehling 2003; Torriti 2007; OECD; Regulatory Policy Division Directorate for Public Governance and Territorial Development 2008; Hensel et al. 2010b; Staranova 2010; Centre for European Law and Governance; Jean Monnet Centre of Excellence 2014.

127 | Turnpenny et al. 2009; Blum/Schubert 2013b.

128 | Baer 2011a, 257.

129 | Atkinson et al. 2013.

130 | Fox/Miller 2006.

131 | Atkinson et al. 2013, 141.

Such factors are commonly referred to as soft facts. In the everlasting conflict between quantitative/hard versus qualitative/soft methods and data, the latest sustainability research for policy development has rediscovered society as an object of inquiry regarding the impact of research and political decisions.[132] Here, Uwe Schneidewind has called for an "experimental turn" in applied science for IA.[133] By "experimental", Schneidewind refers to other, more deliberative forms of research than the computer models and highly aggregated statistics commonly used for producing evidence and developing recommendations.[134] In order to produce socially robust knowledge, this sustainability research finds the integration of society into assessments—as predominantly positivist as they may remain[135]—a necessary step to creating sustainable societies in a world with limited resources.

Other authors do completely away with the notions of positivism, robustness and value-free science, instead they call for alternative standpoints and a conscious, ethics-based engagement with public policy issues.[136] As Foucault has demonstrated in his unveiling of data as just another technology of power, and as Baer has noted in reference to the critical theory of Adorno, who viewed empirical research as a form of manipulation, empirical research is never value-free or free of judgement, presuppositions or intentions.[137] Very early public administration research by Dwight Waldo[138] in 1948 dismissed positivist empiricism and experimentalism, because "administration is generally suffused with the questions of value."[139] He concluded that there was not one best way of doing things.[140]

According to Waldo, administrative study and policy advice needs to answer the question of "what should be done," rather than the scientific question of "what is the case?"[141] Jerome Ravetz, who together with Silvio Funtowicz developed the concept of administrative studies as *post-normal science*, as opposed to the *normal science* conducted in the artificially pure and stable conditions of a laboratory experiment[142], has emphasised the messy, complex environment and the human factor in problem-solving science in the service of public administration.[143] Finding out "what should be done", therefore, quickly becomes a highly multifaceted issue: "Contrary to the

132 | Environmental and sustainability IA are the most practiced IA forms, with a wealth of supporting research and literature to back the assessments (OECD et al. 2008).

133 | Schneidewind 2012.

134 | Weiland 2012; Ferretti et al. 2014.

135 | Although especially younger IA researchers take note of the different research paradigms, be it rational-positivist, constructivist or pragmatic, and what each of them has to offer (Ferretti et al. 2014, 11-12).

136 | For public policy and management studies, i.e. (Adler/Jermier 2005).

137 | Baer 2011a, 257.

138 | Waldo also pointed out that administrative efficiency in governance constitutes a value in itself that can contradict or obstruct other values, e.g. democratic participation. Waldo's work has long been neglected and only recently re-discovered in current postmodern discourses on administrative studies.

139 | Waldo 1948, 182.

140 | Waldo 1948, 177-178.

141 | Waldo 1948, 181.

142 | Nowadays mostly in form of computer models (Ferretti et al. 2014).

143 | Ravetz 2004.

impression conveyed by textbooks, most problems in practice have more than one plausible answer, and many have no answer at all."[144]

1.4.2 Evaluations

Due to the increasing importance of evaluations and outcome orientation in policy making, the period of growing and flourishing IA systems in public policy making has been called "the era of professionalizing evaluation."[145] Evaluation research also emerged in the policy making process in the Anglo-American science and policy traditions. Originating in the U.S. in the late 1940s and 1950s, evaluation research was adopted in Canada and then in European national states with one to two decades delay—first in Great Britain and later in Sweden and Germany, which makes these EU member states the European frontrunners.[146] The history of (ex-post) evaluation research in public policy making is tightly linked to the development of (ex-ante or parallel) policy analysis and can be roughly structured in four phases.[147]

1.4.2.1 Genealogy

In the first phase at the beginning of the 20th century, evaluation was strongly connected to the concept of measuring performance. The second phase in the 1920s to 1940s saw a shift to an exact description of processes. In the third phase in the 1950s and 1960s, when ex-ante evaluations were pushed into policy making processes (first in the U.S.[148]), evaluations were seen as instruments by which judgments could be formulated that would inform welfare, education and employment policies.[149] In addition to the measurement and description of processes, the purpose, utility and application of the evaluation results were central in this phase, producing a convergence of scientific investigation with the implementation of results.

With regard to the third phase, it is worth noting that the evaluation boom in the 1960s in the U.S. evolved in both the civilian and defence arenas. As part of an attempt to address deep-rooted issues of social justice under U.S. presidents John F. Kennedy and Lyndon B. Johnson, the "Economic Opportunity Act" (1964) and the Office of Economic Opportunity were designed to foster a welfare and public service system that would enable all citizens to have "a head start."[150] The increasing popularity of evaluation in policy advice and policy making goes back to Robert McNamara's introduction of the Planning, Programming and Budgeting System (PPBS) in the U.S. Department of Defense (1965).[151] It was a widely recognised milestone for the development of evaluation research and emphasised an input and

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144 | Ravetz 2004, 649.

145 | Stockmann/Meyer 2010, 27-28.

146 | Dobuzinskis et al. 2007a; Stockmann/Meyer 2010, 27.

147 | Flick 2006, 11-12.

148 | Stockmann/Meyer 2010, 24. For an in-depth historical overview over the development of policy analyses in the Canadian and US-American realm see also (Dunn 2007).

149 | Flick 2006, 12.

150 | Stockmann/Meyer 2010, 25.

151 | Stockmann/Meyer 2010, 25.

outcome orientation subject to strict efficiency criteria. Both evaluation and impact assessment navigate in this continuous tension to the present day.[152]

The fourth phase, which is ongoing, began—depending on the author—in the early 1970s or in the 1980s[153] with the introduction of the concepts of "professionalization"[154] and "responsiveness"[155]. The concept of responsiveness reflects the dominance of science, and emphasises the usability and application of evaluation results and their translation into management and decision-making processes.[156] The Government Performance and Results Act (1993) is often cited as the high point but also the endpoint of leading U.S. evaluation research, which by then had become a "business" and a "market". The act: "Shifted the focus of federal management and decision making away from preoccupation with the activities that are undertaken under the auspices of federal funding to a focus on results of those activities."[157]

The fourth management- and efficiency-oriented phase is rooted in a positivist belief system, for which causalities, determinants and measurability play a central role in monitoring public service performance by focusing attention on the results and effectiveness of public spending. The state is thereby rendered accountable to its citizens—most often in monetary terms—and public servants become public managers, evaluators become auditors and quantification becomes monetisation.

1.4.2.2 Scope

Evaluations in public policy making and programming represent specialised forms of (social) research. Evaluation research is a branch of empirical social science. It differs from purely theory- and hypothesis-driven scientific research insofar as it is designed to provide evidence-based analysis for optimising decision-making processes and interventions:

"Evaluation is an applied inquiry process for collecting and synthesizing evidence that culminates in conclusions about the state of affairs, value, merit, worth, significance, or quality of a program, product, person, policy, proposal, or plan. Conclusions made in evaluations encompass both an empirical aspect (that something is the case) and a normative aspect (judgement about the value of something). It is the value feature that distinguishes evaluation from other types of inquiry, such as basic science research [...]."[158]

Evaluation as applied research is therefore value-driven and oriented toward societal change or improvement.[159] The object of research is the very intervention itself, from which all research questions are derived, with the goal of increasing economy, efficiency and effectiveness.[160] The use of evaluation is closely related to

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152 | Dunn 2007.

153 | Flick 2006.

154 | Stockmann/Meyer 2010.

155 | Flick 2006, 12.

156 | Flick 2006, 12.

157 | Mertens 2006, 55.

158 | Fournier 2005, 139-140.

159 | Weischer 2007, 114.

160 | Kevenhörster 2006, 42.

the control and quality management of processes; and monitoring and evaluation are at the heart of evidence-based policy making.[161] Whereas monitoring represents a continuous process of outcome or output control, evaluations are "periodic, objective assessments of a planned, on-going or completed project, program, or policy."[162]

When an evaluation revolves around a specific research question pertaining to a particular project, policy or programme and seeks to answer this question in a cause-effect manner, it is called an impact evaluation.[163] Impact evaluation and IA are yet again used interchangeably as terms for outcome-oriented, applied evaluation research before (ex-ante or prospective), parallel to, or after (ex-post or retrospective) an intervention that focuses on the causalities of the intervention (its impact or causal effects).[164] IAs conducted ex-post are usually conceived as evaluations when they link to a cycle of outcome control and improvement. The evaluation methods chosen vary and cover all quantitative and qualitative instrument sets used in the social sciences and beyond, including experimental designs.[165] They are determined by the research question, the intervention under examination and the professional training and education of the evaluator in charge.[166]

1.4.3 Policy Cycle

The growth of policy analysis and evaluation occurred in reaction to practical problems and crises and is "an essentially intellectual activity embedded in a social process."[167] The fluidity and procedural character of policy analysis is mirrored in the policy cycle, which goes back to 1951, and in Harold Lasswell's primary concept of what he called "policy orientation."[168] Lasswell described the ideal type of policy making as a series: intelligence, recommendation, prescription, invocation, application, appraisal, and termination. Standardised versions of the policy cycle vary,[169] but usually include the following stages: Agenda setting or problem identification, policy formation, policy adaption or decision making, policy implementation, assessment and evaluation, policy adaptation, succession

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161 | Gertler et al. 2011, 3.

162 | Gertler et al. 2011, 7.

163 | Gertler et al. 2011, 7-8.

164 | Gertler et al. 2011, 8, 13.

165 | Designing and implementing custom-made, inclusive evaluation processes depending on the setting and purpose is always key. The hidden population of gay, lesbian, bisexual, transgender, intersex and queer (LGBTIQ) people, for instance, holds particular challenges for the evaluator. In designing an inclusive evaluation, the evaluators' acceptance of LGBTIQ people is seen as central in raising awareness and for avoiding the promotion of heterosexual dominance and a limitation to a binary sex/gender perspective (Cassaro 2005, 227-228).

166 | For the systematic integration of gender equality as a human rights perspective in monitoring and evaluation processes, see i.e. (International Labour Organization (ILO); Evaluation Unit 2012).

167 | Dunn 2007, 44.

168 | Peters/Pierre 2006, 16.

169 | Knoepfel et al. 2011; 53-59. See also (Bridgman/Davis 2004; Colebatch 2006).

and termination.[170] Despite the complexity of the policy making process, such simplified, stagist models are still influential. Thus the policy cycle as employed in this study can best be understood as a dynamic, staged approach to analysing the maturity or soundness of a policy or programme, measured against whether it produces its intended positive effects.[171]

Models vary in the number of assessment steps,[172] but all have in common a complete monitoring and feedback cycle, the so-called "policy cycle", with evaluation of the programme or policy as the last—or then also the first—step. The intended and unintended effects that are revealed are, under ideal circumstances, fed back into the design of new policies or programmes or the re-design of existing ones. All these policy cycle models share heuristic and iterative approaches, which should not necessarily be regarded as normative or predictive.[173] Within the policy cycle, ex-ante, parallel IAs and ex-post IAs or evaluations inhabit a central role in informing policy and programme making as well as in controlling for (un/intended) outcomes, usually with an underlying positivist paradigm.[174] In policy making or in a short policy process, policy analysts and programme developers attempt to assess, in a closed cycle of continuous monitoring, as many areas of potential policy and programme impact as possible, in order to lessen the chances that a given policy will have unexpected or unintended effects. In this on-going and dynamic process, only evaluations can reveal the impact of policy on practice and make suggestions about how unintended effects, if they occur despite ex-ante assessments, can be mitigated.[175]

1.5 CONTROLLING FOR GENDER MAINSTREAMING— THROUGH TOOLS?

This chapter presents international research on gender mainstreaming in relation to gender policy analysis tools and practice in order to identify research gaps and describes the main research hypotheses. The literature review focuses on knowledge production on gender in policy analysis predominantly from a gender mainstreaming perspective.[176] How to control for gender mainstreaming and its instruments, how to render them accountable in ever-changing regulatory environments? In order to pose these questions, we first need a more profound understanding of the historical background and goals of gender mainstreaming.

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170 | Dunn 2007, 46.

171 | Jann/Wegrich 2009, 86; Gellner/Hammer 2010, 60.

172 | Compare for instance legalistic models (Baer 2011a, xx) or equality governance model of Status of Women Canada as in table 6.

173 | Gellner/Hammer 2010, 56-71; Knoepfel et al. 2011, 137-141.

174 | The dominant way of dealing with questions of uncertainty, doubt, or scepticism in dominant positivist policy analysis, is by managing risk and uncertainty as in-built in the IA forecast, models and scenarios (Walker et al. 2013).

175 | Dobuzinskis et al. 2007a.

176 | Karin Zimmermann and Sigrid Metz-Göckel confirm this observation: Most research on gender mainstreaming is conducted in the academic arena of feminist research, in women's and gender studies (Zimmermann/Metz-Göckel 2007, 13).

We then need to explore the expectations for and realities of gender mainstreaming and gender analysis tools. How are they supposed to be implemented, what are they deemed to deliver and what do feminist scholars currently think of them? Finally, this chapter assesses the demands that gender mainstreaming and controlling literature make for the proper implementation of gender mainstreaming through its tools in a public service environment.

1.5.1 Gender Mainstreaming as a Genealogy

Gender mainstreaming has roots in many countries (e.g., Canada and Finland) and grew mainly out of the development context. As a means for development of policies for women's empowerment, it emerged in the 1970s and thus predates by roughly two decades the United Nations' Beijing Declaration and the Platform for Women (1995),[177] which made gender mainstreaming known and relevant worldwide.[178] Internationally, the concept appeared the first time at the level of the United Nations (UN) in 1984, when the United Nations Development Fund for Women (UNIFEM)[179] was restructured and specifically designated to support and achieve equality for women and to "access mainstream agenda-setting on development issues."[180] In 1985 the Nairobi Third World Conference on Women reviewed the decade of women's empowerment since the First World Conference on Women in Mexico City in 1975.[181] It came to the conclusion that women should play an integral role in defining and assessing the goals of development and that specific measures should be explored to empower women and enable them to enter the development mainstream.[182]

The further advancement from the idea of women in development (WID) to the idea of gender in development (GID) in the early 1990s coincided with discussions at the United Nations' level and among women's organisations in the global South and international bilateral donor agencies.[183] As a perceived improvement of WID, GID focussed on the relations between the genders rather than on women as a group, thereby positioning inequality in a wider framework of systemic and interrelated disenfranchisement and underlining the role that men play within this framework. In the same time period, an array of implementation instruments were introduced, designed to incorporate gender aspects into planning and programme management of development projects. This period thus marks the origin of the first gendered

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177 | UN 1995.

178 | Frey 2004, 25.

179 | In 2011 UNIFEM merged with the Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), and the Office of the Special Adviser on Gender Issues (OSAGI) to become the United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), www.unwomen.org (2015-03-09).

180 | Schmidt 2005, 31.

181 | Schmidt 2005, 164.

182 | Frey 2004, 26.

183 | Halpern et al. 2011, 5; Jaquot 2006.

analysis tools, such as the Harvard Analytical Framework[184], the Gender Planning Framework[185], the Gender Analysis Matrix[186], the Social Relations Approach[187], and the Women's Empowerment Framework[188], and the 3R (representation, resources, realia) method.[189]

The breakthrough moment in the adoption of gender mainstreaming was the Beijing Declaration and Platform for Action (BPfA), which defines gender mainstreaming in this concluding document of the UN's Fourth Conference on Women in 1995, although, as Regina Frey points out, the words "gender" and "mainstreaming" are not found in combination in the actual text.[190] The mainstreaming approach is anchored in eleven of the twelve thematic sections. The central paragraph that constitutes the gender mainstreaming mandate reads as follows:

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184 | Rao/Anderson 1991. The Harvard Analytical Framework, alternatively called Gender Roles or Gender Analysis Framework, was designed by researchers in the Harvard Institute of International Development (HIID) and funded by USAID's Office of Women in Development. It is described as the earliest effort to analyse the different impact of development on both women and men by looking at their divergent positions in society and the consequences of allocation of development resources. It is also called the "efficiency approach", because the framework proposes a redistribution of aid and resources towards women, which would render development itself more efficient.

185 | Moser 1993. Caroline Moser was the first to connect the social roles assigned to women to larger development planning processes, and thereby contextualised different gender experiences. In her "three roles" model—production, reproduction, community management—Moser draws attention to the respective differential implications of development on those areas. Her tool encompasses both the technical and political aspects of integrating gender in development.

186 | Parker 1993. This community- and stakeholder-centred analysis assesses each objective according to four categories: Women, men, household and community. The methodological twist to this analysis is that the differing impacts of development projects on men's and women's labour practices, time, resources, and other socio-cultural factors, such as changes in social roles and status, are discussed by the stakeholders themselves.

187 | Kabeer 1994. Kabeer's distinctively feminist framework gives Moser's suggestions an institutional turn by locating the family and household within a larger framework of social relations such as communities, the market, and other (state) institutions.

188 | Developed in 1996 by the Zambian gender expert Sara Hlupekile Longwe (International Labour Organization/South-East Asia and the Pacific Multidisciplinary Advisory Team 1998). Her analysis model links women's poverty to oppression and exploitation and, as a consequence, to a lack of productivity. She names five levels of equality: 1) "Control" in decision making concerning factors of production; 2.) "participation" in decision making processes related to policymaking, planning and administration; 3) "conscientisation" as a means of gaining understanding about differences in gender roles; 4) "access" to the factors of production; 5) "welfare" as access to material goods necessary for survival such as food, income, medical care etc. (Longwe 1999).

189 | Created as the earliest tool in a public service context between 1995-1998 for the JämKom project on Swedish municipalities, led by Gertrud Åström (Swedish Association of Local Authorities et al. 1999).

190 | Frey 2004, 32.

"Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively."[191]

This stipulation in the Platform for Action places a broad and comprehensive demand on all signatory states, including all EU member states and Canada, for ex-ante gender considerations of all government action. This demand constitutes the original entry point for an integration of gender mainstreaming into ex-ante policy analysis that is cross-cutting and without exception ("all policies and programmes")[192]; this, moreover, in a period where the international implementation of ex-ante policy analysis was in the beginning stages and still under construction. Another often overlooked demand is expressed in the same quotation: the call to pursue an "active and visible policy." The implicit assertion here is that the mainstreaming of gender should not be a hidden exercise, but rather one that is openly undertaken in all public institutions, actions and measures producing tangible results. The government and its public administration are assigned a proactive role as energetic promoters of a "visible" gender mainstreaming strategy.

The BPfA's definition serves as the international guide but was followed by others, such as the definition of the UN's Economic and Social Council dating from 1997:

"Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."[193]

The central and vital role of government in the implementation of gender mainstreaming led to a definition of the strategy by the Council of Europe in 1998.[194] This definition—albeit issued in a non-binding fashion—became the guiding definition in the European context. It is still current in the EU and beyond and was developed by a group of specialists and the chair Mieke Verloo. It states that:

"Gender Mainstreaming is 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 all stages, by the actor normally involved in policy making."[195]

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191 | UN 1995, para 79.

192 | Charlotte Halpern, Sophie Jacquot and Patrick Le Galès call mainstreaming "the systematic horizontal incorporation of a particular political priority (gender equality or sustainable development) at the core of all public policies." (Halpern et al. 2011, 1).

193 | Cited after (Moser/Moser 2005, 12).

194 | The Council of Europe; Directorate of Human Rights; Section on Equality between Women and Men 1998.

195 | The Council of Europe; Directorate of Human Rights; Section on Equality between Women and Men 1998, 12. The German translation of the English original does not replicate

This definition is even more tailored to policy processes in that it explicitly refers to all steps in a closed policy cycle. It shifts attention away from the process of simply integrating gender aspects to focus instead on the ultimate goal of gender equality. Additionally, it directly addresses all state actors routinely involved in policy making and gives them the responsibility for implementing gender mainstreaming as a cross-cutting approach, relying on the commitment and activity of all actors on all levels rather than only gender experts or femocrats[196].

In sum, gender mainstreaming has been a two-pronged or twin-track strategy from its beginning. The first prong is the mainstreaming of gender issues in all polices and areas, while the second seeks to avoid making redundant or replacing affirmative action or targeted interventions[197]—that is, women-specific measures intended to narrow gender gaps in areas where women are (still) at a disadvantage.[198] This second prong emphasises the continuous need and justification for affirmative action or targeted interventions. Government was thus meant to play an equally active role in directly promoting women's needs and balancing structural deficits as in the mainstreaming of gender concerns. As a result, governments are also called upon to account and control for their practices of gender mainstreaming.

1.5.2 Gender Mainstreaming as a Technology

Gender mainstreaming has a far reaching, all-encompassing character and is applicable to all signature states of the United Nations' Beijing Declaration and Platform for Action (BPfA), including all European member states and Canada.[199] Jacqui True and Laura Parisi identify five gender mainstreaming models that have crystallised over the years[200]: 1) The integrationist[201] or gender equality model, whose reach is contested, adds gender aspects to existing frameworks, as in the case of gender analysis tools;[202] 2) the related difference model, reifies rather than abolishes binary gender stereotypes; 3) the later intersectionality[203] model highlights the inter-woven effects of multiple strands of discrimination[204]; 4) the alternative or transformationalist model, a competing frame to the integrationist model and preferred by most feminist academics for gender mainstreaming,[205] introduces a

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its gender-sensitive language, which is indicative of an underdeveloped gender awareness and need for improvement (Tomic 2010, 30).

196 | For an engagement with femocrats and state feminism, see sub-chapter 2.2.3.2.

197 | Despite the clear double mandate, the introduction of gender mainstreaming was in reality frequently abused by state actors to roll back or entirely abolish women-specific programming, machinery and structures, see (Russel/Sawer 1999; Charlesworth 2004; Brodie 2008; Chappell et al. 2008; Steinhilber 2008; Verloo 2008).

198 | UN 2002, 2.

199 | UN 1995.

200 | True/Parisi 2013, 39-40.

201 | Lombardo 2009.

202 | Benschop/Verloo 2006; Debusscher 2012.

203 | See sub-chapter 2.3.1 on intersectionality.

204 | For a definition of direct versus indirect discrimination, see 2.2.3.3.

205 | Woodward 2003; Pühl 2003; Schunter-Kleemann 2003; Verloo 2005a; Ilcan et al. 2007; Kantola 2010a.

gender perspective and fundamentally transforms the host framework into a more just alternative[206] 5) the resistance or rejection model, by which organisations reject gender mainstreaming as being too complicated or lacking demonstrable effect. Halpern et al. added yet another type, the "conformist" usage, in which the "policy norm" gender mainstreaming has become "consensual; open resistance is rare but inertia and lip service are the rule."[207] In practice, these models represent ideal types, and mixtures of many or all may occur at the same time.

Additionally, Sara Payne differentiates between gender mainstreaming in a narrow sense, focussed on gender-sensitive policy making—the subject of this study—and gender mainstreaming in an all-encompassing sense, devoted to the overarching goal of achieving gender equality.[208] According to Payne, if gender mainstreaming is employed in the narrow sense of just producing gender-sensitive policies, important pragmatic barriers need to be addressed. In the wake of the introduction of gender mainstreaming, many authors placed great hope in the prospect of a middle- or long-term transformative potential for a paradigm shift in policy making, so that "women not only become part of the mainstream, they also reorient the nature of the mainstream."[209] Over the years, they have found reality to be sobering.[210] Like many others, Emanuela Lombardo and Petra Meier had warned that gender mainstreaming resembled an empty vessel or "open signifier" that can be filled with feminist as well as non-feminist content.[211] Karin Zimmermann and Sigrid Metz-Göckel call it "realistic" to doubt the capability for changing administrative procedures.[212] In the Beijing +15 process, Lombardo and Meier came to the conclusion that, despite its radical potential and some promising pilot experiments, gender mainstreaming has not yet led to transformative change in policy making and legislation.[213] Ria Browers calls it right out a „failure."[214]

In the case of the EU, Lombardo and Meier found that the strategy itself was only partially adopted and mostly treated with only "rhetoric" of substantive equality.[215] Some, observing a post-feminist practice of gender mainstreaming, even regard it as non-feminist: "I don't even know what gender is."[216] And Mieke Verloo attests: "If there is one thing that has become clear, it is that this approach, apart from being substantial and possibly revolutionary, is utopian at best and extremely difficult to implement, to say the least."[217]

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206 | Eyben 2010.

207 | Halpern et al. 2011, 15. The authors observed how policy actors were able to adhere to "the required procedures and produce information without contributing much more than before to the fight against gender inequalities in their own fields." (Halpern et al. 2011, 15).

208 | Payne 2011, 536.

209 | Jahan 1995, 13.

210 | Bretherton 2001; Woodward 2003; Baer 2005a; Verloo 2005a; Bakker/Brodie 2007; Hafner-Burton/Pollack 2007; Walby 2008; Crespi 2009; Paterson 2010.

211 | Lombardo/Meier 2006.

212 | Zimmermann/Metz-Göckel 2007, 85.

213 | Charlesworth 2004.

214 | Browers 2013, 22.

215 | Lombardo/Meier 2006, 157-158.

216 | Zalewski 2010, 8.

217 | Verloo 2013, 904.

Verloo's strategic framing concept addresses this unsatisfactory state of affairs on a meta-level, proposing that divergent ideas of gender equality are one possible cause for the marginalisation of the gender perspective in all areas, including policy making.[218] On the meso and micro levels, Birgit Sauer asserts that it is the half-hearted, fragmented, incomplete commitment to and introduction of gender mainstreaming that endangers its transformative potential and risks producing negative effects.[219] Payne blames mainly pragmatic barriers, such as the lack of financial or personal resources as well as lack of gender knowledge, competencies and disaggregated data.[220]

Sex-disaggregated data has, in fact, been a continuous point of contention. While Maria Stratigaki points to the benefit of having "direct, material beneficiaries and target populations, which can be accurately counted and assessed,"[221] other authors lament that in gender mainstreaming practice, complex gender roles and intersectional inequalities are still mainly conceptualised in terms of sex and are reduced to sex-counting,[222] or head counting.[223] In GIA/GBA, as well as other gender-analysis tools, gender is often mistakenly used as a substitute for sex; that is, researchers attribute gender differences to biology when, in fact, they are reporting on differences according to sex. The most apparent occurrence of this terminological confusion is the undifferentiated terminological use of gender-disaggregated versus sex-disaggregated data as well as the inherent dramatization of the sex/gender difference:

"The emphasis on gender tools and on gender-disaggregated data and what is measurable narrows the range of interest down to specific [...] needs of either men or women and reframes the problem as one of knowledge, which is itself variable and contestable. It also reproduces a focus on differences between women and men, and once again reproduces notions of essential "otherness", without opening up questions of gender relations of power, and their implications for gender equity [...], for both women and men and for policy."[224]

The fear of trivialising gender in technocratic processes was always wide-spread in the feminist and gender mainstreaming community.[225] Many authors distrust the process of technocratic implementation per se[226], also called the expert-bureaucratic

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218 | Verloo 2005b; Verloo/Lombardo 2007.

219 | Sauer 2008c.

220 | Payne 2011, 524-525.

221 | Stratigaki 2012, 185.

222 | Woodward 2003; Frey 2003; Frey/Hartmann 2006; Hafner-Burton/Pollack 2007; Donat et al. 2009.

223 | O'Connell 2013; Ackerly/True 2013.

224 | Payne 2014, 38.

225 | Seemingly substantiated in the evaluation of recent policies (van Eerdewijk 2014; Payne 2014; Bock 2015, Rubery 2015; Tiessen 2015).

226 | Maria Osietzki warned even before the advent of gender mainstreaming of the scientification ("Verwissenschaftlichung") and technisation of a feminist androcentric critique (Osietzki 1991, 39).

model.[227] Feminist authors charge that gender analysis tools and the analysts implementing them, including gender equality policy advisors or femocrats, are implicated in a harmful expertocracy[228], too distant from the women's movement and its actors.[229] Payne also became ambivalent about the technocratic emphasis on procedures rather than on complex inequality interactions.[230] Others fear that this integrationist approach will be not only ineffective, but even produce mostly negative effects.[231] Lombardo is concerned that the current integrationist approach to gender mainstreaming "subverts the innovative meaning of the strategy, diluting its revolutionary character."[232] Some feminist scholars go so far as to deny gender mainstreaming its effectiveness, especially under the neo-liberal paradigm[233]:

"The difficulties with gender mainstreaming suggest that these tools may be incompatible with the overall project of European integration. In particular, it is noted that if the gender project is not adequately entrenched, neo-liberal policies can produce and reproduce new gender inequalities, thus rendering mainstreaming efforts not only ineffective, but even counterproductive."[234]

In the case of Canada, for instance, Kathleen Lahey regretted the intransparency with which international economic transactions are analysed, which had led in the past to a disregard of their effect on women.[235] She attributes the hesitancy to take up a gender analysis of economic and fiscal policies to the "male dominance of Canadian corporations" and a lack of political will to address the "interconnected gender effects"[236] due to the economic issues at stake. If in this case the Canadian export industry—in an unwilling alliance with Canadian administration—neglects to gauge the importance of women, it:

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227 | Kantola 2010a, 125. See also, among many others, esp. for the EU and Canada (Shaw 2002; Rees 2005; Wöhl 2007; Brodie/Bakker 2008; Bacchi/Eveline 2010).

228 | The "dominance of professional experts" within the policy-making processes of an "expertocracy" is referred to and often blamed for leading "to rational technocratic solutions, including, for example, the gender impact assessments" (Payne 2014, 38).

229 | Findlay 2015, 99; 143.

230 | Payne 2014, 28.

231 | Lombardo 2009, 324. Some have already sung gender mainstreaming's funeral hymn; more than a few times in the course of my research, I was asked with astonishment why I chose to write my PhD thesis on it.

232 | Lombardo 2009, 324.

233 | Pühl 2003; Squires 2007; Simon-Kumar 2011.

234 | MacRae 2013, 3.

235 | Lahey 2009/2010. Her main argument for the purposefulness and implementation of GBA is that if "left unexamined for gender impact, international taxation will replicate and reinforce on the global level the severe imbalances of income and work that already characterize women's existence at the domestic level, entrenching the 'male breadwinner model' of fiscal policy even more deeply in international and national financial relations, and making the dream of genuine equality even more elusive." (Lahey 2009/2010, 417).

236 | Lahey 2009/2010, 415.

"Leaves the responsibility squarely in the hands of Canada's governments, especially the federal government. And, unfortunately, the federal government has demonstrated at least as much resistance to implementing gender analysis as to taking steps to break down the secrecy behind which Canadian investors have been permitted to make overseas investments without full tax and regulatory accountability."[237]

Another stance is taken by Mark Pollack and Emilie Hafner-Burton, who researched the extent of gender mainstreaming in the Commission's policy processes and outputs.[238] They found a "variable record of implementation" due to the "reliance on soft incentives."[239] With a special focus on ex-ante gender analysis, they and others call for incentives and harder accountability mechanisms in order to render implementation more successful.[240] In fact, the process of implementing gender mainstreaming is deemed so incomplete that gender analysis tools have not yet had the chance to realise their full potential:

"Not that we underestimate the paradigm-shifting potential of gender impact assessment (GIA) required for all mainstreaming processes. The problem is that very little gender mainstreaming has been taken place, despite the proliferation of training programmes, 'toolkits', and handbooks replete with best practices intended to spread this process throughout the system of multi-level governance. While actors [...] are supposed to apply the mainstreaming of equality as a 'horizontal' task extending to all policy actions geared towards common objectives, the results [...] have been quite disappointing—even declining."[241]

This failure of the expert-bureaucratic model is due to so-called double selective perception,[242] as Sandra Lewalter has argued with regard to the German federal context. As a concept, it is based on what Sylvia Veit calls selective perception: the fact that administration narrows down on its core responsibilities or what the actors perceive as being their core responsibilities, including when a variable like gender is or is not included in the departmental IA.[243] Double selective perception grapples with the fact that due to the incomplete implementation of gender

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237 | Lahey 2009/2010, 416.

238 | Pollack/Hafner-Burton 2010. See sub-chapters 1.5.2 and 1.5.3.

239 | Pollack/Hafner-Burton 2010, 287.

240 | White 2007; Hafner-Burton/Pollack 2009.

241 | Mushaben/Abels 2012, 240.

242 | German original: "doppelte selektive Perzeption" (Lewalter 2013, 45).

243 | Veit examined a total of 391 German bill drafts stemming from 1999, 2003 and 2006 (Veit 2010, 147). Over time, she measured an increase in formal compliance along with the creation of a new, obligatory gender tool component e.g. for German RIAs adopted in practice since 2004 (Bundesministerium für Familie, Senioren, Frauen und Jugend 2007; Baer/Lewalter 2007, 201-202; Veit 2010, 175). According to Veit, 94 per cent of all legal initiatives did not mention gender equality aspects at all in 1999. The rate reduced to 79 per cent in 2003 and 48 per cent in 2006. She also found, however, that of all initiatives formally mentioning gender equality, in 45 per cent of cases gender equality was deemed not relevant for the policy context and therefore not further assessed. Only in very few cases did her research detect a de facto compliance through the performance of some sort of gender analysis. Veit attested for a generally low compliance rate, also with regard to other

mainstreaming, gender equality is stuck somewhere between demands in top-down policy documents on the one hand and the lack of implementation and middle management commitment on the other hand.[244] For instance, Lewalter's research demonstrated that the German ministries tended not to take responsibility for gender mainstreaming in their policy making, but at the same time did not hand it over to the ministry in charge of gender equality either, thus creating a responsibility and accountability gap.[245] Their institutionally embedded ways of conducting public administration have not yet incorporated cross-cutting duties sufficiently. Gender mainstreaming falls by the wayside because of a double selective process.[246]

Such observations and reservations raise relevant questions about the responsibilities of gender experts in their organisations and the ways in which gender systems are replicated or ruptured by gender mainstreaming itself. These authors call for: "A reorientation of gender mainstreaming, away from an analytic approach that focuses only on the instrumental effects of policies and towards an approach that illuminates both the instrumental and creative impacts of policies."[247]

Engendering a policy problem in addition to a structural analysis can be achieved by inserting gender expertise by actors with gender competency.[248] Here, some stress the role of gender experts and expert knowledge in the process of policy making and in raising awareness of the creative impetus of policy making. Gender mainstreaming policy advice should exceed the instrumental weighing of positive or negative effects and aim for a new way of doing policy analysis that will inform the creation of new, transformative policies.[249] Other feminist scholars see the danger of overtly relying on expert advice that guides gender mainstreaming's "soft processes," fearing that these experts might be co-opted "into the institutions

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regulatory IA criteria—with the exception of budgetary and regulatory assessments (Veit 2010, 182)

244 | German original: " selektive Perzeption" (Veit 2010, 50).

245 | Lewalter et al. 2009; Geppert/Lewalter 2012; Lewalter 2012; Lewalter 2013; Lewalter 2014.

246 | For the realm of IA, there is a related concept of separate silos in IA tools, as introduced by Angus Morrison-Saunders, Jenny Pope and Jill Gunn. They suggest for the field of sustainability IA that the existing variety of IA types are responsible for "separate silos," hampering relevance, efficiency also due to a lack of interdisciplinary practice. As a remedy, the authors propose increased integration and better scoping (Morrison-Saunders et al. 2014).

247 | Paterson 2010, 395.

248 | Krizsan/Lombardo 2013. Gender competency can be understood as the ability to acknowledge gender specificity in the day-to-day work and policy fields and to concentrate on the gender perspectives in order to contribute to the goal of gender equality. Gender competency is a qualification, which rests on the three pillars of having the motivation to work on gender equality, having context specific knowledge of gender relevance and being enabled to mainstream gender in the respective subject area (GenderKompetenzZentrum n.d.). For a definition of gender competency, see also sub-chapter 1.5.3.2 and (Baer/Lewalter 2007, 130; Lewalter 2013; 50).

249 | Bosch/Klinge 2005; Baer/Lewalter 2007; Abels 2012.

whose practices they should routinely question and challenge [...],"[250] or that such expert saviours "construct new gender identities in tune with state projects."[251]

Behind such statements stands the enduring belief that gender mainstreaming will be successful if it is implemented fully and right. From administration and organisational case studies, we know that gender mainstreaming can work[252] and that the integration of gender concerns can contribute to developing and ensuring quality management processes in organisations.[253] From evaluation studies of gender mainstreaming implementation processes[254], we also see that gendering an organisation can be a success, but only if its specificities as, for example, a hierarchical bureaucratic institution, are taken into account.[255]

With respect to a sustainable—in the sense of durable and effective—implementation of gender mainstreaming in organisations,[256] another core demand continues to appear in interdisciplinary sociological and political research and management and administration studies: The call for cross-cutting integration of gender equality concerns into organisational objectives, routines and accountability structures.[257] For Sylvia Walby, gender indicators represent the crucial link between policy aspirations and policy practice,[258] enabling bureaucracy to establish baseline scenarios and measure equality gains (or losses).[259] Such efforts are supposed to move beyond single pilot projects towards a systematic integration in ex-ante and ex-post assessments, reporting and policy cycles,[260] performance and incentives systems and other "hard institutional measures."[261] In short: Gender mainstreaming needs to understand, be adapted to, and play the rules of the game.[262]

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250 | Beveridge 2012, 42.

251 | Prügl 2009, 179. Italics as in original.

252 | Susanne Baer 2007.

253 | Rosenbichler/Schörghuber 2007.

254 | Wroblewski et al. 2007; Frey 2008a; Woodward 2008.

255 | Peinl et al. 2005, 145.

256 | Baer 2005b.

257 | Baer 2005b, 11.

258 | Walby 2005b.

259 | QUING et al. 2009; Walby/Armstrong 2010.

260 | Behning/Sauer 2005; Langevin 2009; Grace 2011.

261 | Pollack/Hafner-Burton 2010. E.g. for the private sector, a study based on data from 708 U.S. companies with diversity policies in place found that diversity training failed to contribute to the growing representation of women and racial/ethnic minorities, whereas establishing a commission or similar body with oversight powers, monitoring the goal of increasing employment diversity or equity proved to be successful (Jeanes et al. 2011, 293).

262 | Baer 2005a, 3. For concepts of implementation of gender controlling in organisations see (Müller/Sander-Mühlbachler 2005). In order to develop an understanding of the newness of gender controlling processes in organisations, it is worth a brief look at the UNs' pathway to a system-wide integration of gender mainstreaming. In 2005 the United Nations founded a Task Force on Gender Mainstreaming in Programming, Monitoring, Evaluation and Reporting in Results-based Management Systems. As a result of its work, in 2006 the United Nations developed for its own use a policy statement and strategy to anchor gender mainstreaming more firmly in its accountability, reporting and results-based management system (UN; Chief Executives Board for Coordination 2006). In 2010, a new resolution

The reality, however, is that this has not yet happened or happened sufficiently. Alison Woodward's[263] and Emilie Hafner-Burton and Mark Pollack's[264] research on the implementation gap with regard to gender mainstreaming in international organisations points in one clear direction: "Gender mainstreaming shows little progress, and this is due to a lack of force."[265] Johanna Kantola blames the integrationist, technocratic approach—prone to be hijacked for neo-liberal purposes[266]—and the dominance of statistics and indicators that scale down "complex gender equality issues to simple technical measures."[267] Paradoxically, she and other critics of integrationism, thus deny the same logic they called upon in support of research for policy advice as a (necessary) reduction of complexities and of public policy making as a political process: The genie cannot be put back into the bottle.

Others, like Moser and Moser, adhere to integrationist logic by questioning whether it is possible to assess the extent of failure or success in the outcomes of gender mainstreaming due the lack of monitoring and evaluation systems.[268] In their article, the authors come to a conclusion similar to that of other authors before them: Namely, that there is a pressing need to link strategies systematically with outcomes via robust and routine monitoring and evaluation.[269] In order to make

was adopted by the UN's Economic and Social Council (ECOSOC) that provided the official basis for a final implementation of controlling for gender mainstreaming integrated into the United Nations' overall performance and accountability system, with the Secretariat General as its oversight body (UN Inter-Agency Network on Women and Gender Equality 2008; UN Economic and Social Council 2010). No research has yet been conducted on the success or failure of the measures taken. The task force has now been terminated (UN Inter-Agency Network on Women and Gender Equality 2008).

263 | Woodward 2008; Woodward 2011.

264 | Hafner-Burton/Pollack 2002; Hafner-Burton/Pollack 2009.

265 | Woodward 2011, 368.

266 | For instance, Elisabeth Klatzer and Christa Schlager criticise the negative consequences for women of the new EU economic governance regime after the 2007 financial and economic crisis, which they call the "silent neo-liberal revolution" (Klatzer/ Schlager 2014, 487). They join many others (Sabarwal et al. 2009; Walby 2009b; European Commission; Advisory Committee on Equal Opportunities for Women and Men 2009; European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs; OpCit Research 2013), in their concern over the de-democratisation of EU policy making via a fiscal compact outside the European Treaties, the increase of power for the non-democratic European Central Bank, the austerity policies and their negative effects on the labour market and social systems, and the transfer of responsibility and risk to the individual, particularly women: "We are confronted with a reconstruction of the state and of politics under masculinist accidentals. Those who caused the crisis emerge as experts to solve the crisis, and thus retain and enlarge their powers." (Klatzer/Schlager 2014). If policy making is increasingly determined by extra-constitutional, fiscal and economic logic and exempted from parliamentary control, improving the ex-ante IA exercise seems to be a moot point.

267 | Kantola 2010b, 126.

268 | Moser/Moser 2005.

269 | Moser/Moser 2005.

gender mainstreaming a success rather than a disappointment,[270] at least in the realm of policy and programme advice, and to bridge the gulf between aspiration and actuality, it is necessary to investigate the assertion that controlling for gender is the logical consequence of, and prerequisite for, a comprehensive implementation of gender mainstreaming.

Concluding, these observations suggest that gender mainstreaming has been taking one step forward and two steps back[271]; according to Canadian scholars, its only marginal benefit for women is related to contextual and conceptual issues of gender analysis as a "technology of rule."[272] Gender mainstreaming instruments such as gender analysis are implemented under NPM technocratic logics, and some authors fear that these instruments serve to fix the meaning of gender equality to match their political framing rather than actually contributing to equality.[273] They also are concerned whether the focus on technocratic compliance, which aims to fulfil normative standards like monitoring or benchmarking, diverts real progress.[274]

1.5.3 The Technology of Gender Analysis

International research on gender analysis, especially comparative research, is limited to feminist and gender mainstreaming literature. Scholarly publications on gender policy analysis outside the realm of gender mainstreaming and feminist research are absent. There is no international comparative study focusing on the praxis of gender equality policy analysis instruments and their governance structures, such as accompanying gender mainstreaming machineries. In fact, there seems to be a lack of comparative analysis of the implementation of regulatory IA (RIA) in general, a term usually equated with policy IA[275]: "Although the literature on RIA is burgeoning, the comparative analysis of implementation has been neglected."[276]

The main strands of gender mainstreaming research are as follows: 1) Country-level comparative research; 2) research on gender mainstreaming in general, with some attention to tools and 3) research on un/intended outcomes of gender equality policies.[277] Furthermore, two recent tendencies can be observed in the body of research, namely, an increase in intersectionality and diversity research and an increase in meta-theorising of gender mainstreaming.[278] In Europe, comparative research has so far been conducted at the level of the member states or the federal

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270 | Steinhilber 2008.

271 | Hankivsky 2007a.

272 | Paterson 2010, 395.

273 | Callerstig 2014, 256.

274 | Verloo/van der Vleuten 2009; van der Vleuten/Verloo 2012 van der Vleuten 2012.

275 | Hensel et al. 2010a, 9. In German the equivalent terminology would be „Gesetzesfolgenabschätzung", see (Böhret et al. 2001; GenderKompetenzZentrum/Lewalter 2005; Baer/Lewalter 2007).

276 | De Francesco et al. 2012, 491.

277 | For instance, compare the special issue on "Unintended consequences of EU policies: Reintegrating gender in European studies" of the Women's Studies International Forum (July-August 2013) (MacRae 2013; Allwood 2013; Earles 2013; Lombardo/Del Giorgio 2013).

278 | Compare sub-section 2.3.1 as pertaining to this study.

states sub-level.[279] On a supra-national level, international institutions such as the UN, the European Commission and the Council of Europe have supported numerous studies on their gender mainstreaming efforts.[280] Second, comparative research on gender mainstreaming comes into focus in research on field-related policies, particularly on labour market and welfare state policies or financial policing, mainly tax reforms and gender budgeting.[281] Gender budgeting in particular is a wide and largely independent field of research.

Third, theories of gender mainstreaming[282] (lately with an emphasis on its intersectional potential) also exist;[283] research about practice, however, is mostly

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279 | For research on the implementation of gender mainstreaming on the country level see (The Council of Europe; Verloo/Verloo 2000; Bustelo 2003; Carney 2004; Oloff 2004; Lang 2004; Donaghy 2004; Hayn/Schultz 2005; Daly 2005a; van der Molen/Novikova 2005; Kusakabe 2005; European Commission/Braithwaite 2005; Wroblewski et al. 2007; Outshoorn/Kantola 2007; Kuhl 2007; Steinhilber 2008; Sjorup 2008; Baer/Hoheisel 2008a; Frey 2008a; Woodward 2008; Gender Mainstreaming Experts International; Frey/Frey 2009; Englert 2009; Hankivsky/Christoffersen 2011; Feik n.d.; Cairns 2013; Hankivsky 2013).

280 | For gender mainstreaming in international institutions see (Charlesworth 2004; The Council of Europe; Directorate General of Human Rights 2004; The Council of Europe; Directorate General of Human Rights; 2004; Hannan 2008; The Council of Europe; Directorate General of Human Rights and Legal Affairs 2010).

281 | For research on single policies or policy field research see e.g. (Rubery/Fagan 2000; Johnson 2000; European Commission, Directorate-General for Research, Science and Society, C.5 Women and Science 2001; Himmelweit 2002; Beveridge 2003; Clavero et al. 2004; Stratigaki 2004; Weller 2005; Pini/Shortall 2006; McBride-Stetson 2004; Bleijenbergh/Roggeband 2007; Mangold et al. 2007; Jenkins/Rainey 2007; Baer/Hoheisel 2008b; European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Evaluation and Impact Assessment/Evaluation and Impact Assessment 2008; Pollack/Hafner-Burton 2010; MacRae 2010; Flintan/Tedla 2010; Chalifour 2010; Wagner 2012; van Eerdewijk 2014; Bock 2015, Tiessen 2015, Shortall 2015). The literature on gender budgeting is numerous, see e.g. (Bellamy 2002; Elson 2003; Madörin 2003; Phillipps 2006; Frey 2008b; True 2009; Frey 2010; Lahey 2010; Payne 2011; Gunnarsson 2013).

282 | For gender mainstreaming and an engagement with its potential or risks, fostering and hindering factors see e.g. (Frey 2003; Frey/Kuhl 2003; Bacchi/Eveline 2005; Baer 2005c; Daly 2005a; Walby 2005a; Fuhrmann 2005, Mason 2006; Lombardo/Meier 2006; Walby 2008; Bacchi/Eveline 2010; Eyben 2010; Prügl 2011; Meier/Celis 2011; Ahrens 2012; Cavaghan 2012a; Rittenhofer/Gatrell 2012; True/Parisi 2013; Allwood 2013; Çaglar 2013; Davids et al. 2014; Holvoet/Inberg 2014; O'Connor 2014; Roggeband 2014; van Eerdewijk/Davids 2014).

283 | For research on intersectionality and multiple inequalities see (McCall 2005; Stiegler 2005; Verloo 2006; Phoenix/Pattynama 2006; Frey/Hartmann 2006; Dietze/Junker 2006; Ferree 2007; Verloo/Lombardo 2007; Ben-Galim/Campbell 2007; Squires 2007; Sindbjerg Martinsen 2007; Baer 2008b; Baer 2009a; Bagilhole 2009; Kantola 2009; Lombardo/Verloo 2009a; Lombardo/Rolandsen Agustín 2011; Hankivsky/Christoffersen 2011; Hankivsky/Cormier 2011; Rolandsen Agustín 2013).

limited to case studies.[284] Fourth, although the implementation environment for gender mainstreaming in general is examined, single gender mainstreaming instruments, such as GIA, have not been the focus of these studies.[285] These findings suggest that there might be little empirical practice from which to draw.

1.5.3.1 In/visibility of Gender Analysis?

The academic response to the role and function of the GIA tool was always ambivalent and controversial. Elisabeth Holzleithner describes the central characteristics of GIA as being an instrument for conducting policy analysis of a new policy or programme that in its basic framework and objectives has already been sketched out.[286] Through the gender lens, she hoped for "a new perspective," especially "when the relevance is not visible at first glance."[287] Teresa Rees suspected that gender mainstreaming and its implementation tool GIA has the potential to alter masculine power structures and policies by employing the gender aspect as a cross-cutting theme in all policy fields and legislation.[288] True calls the gender mainstreaming of global policies through gender analysis as an "open-ended" project "potentially transformative."[289] This early optimism was initially shared by a large part of the feminist research community[290] but also contradicted from the start: Rees, along with others, was increasingly disillusioned with the "uneven"[291] implementation and dismissed it as "paper production,"[292] but did not extend the investigation and criticism to the tool itself. The scholarly attention paid to GBA in Canada followed the same trajectory from inspiration to insufficient institutionalisation.[293]

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284 | Case studies of gender mainstreaming practices include (The Council of Europe; Verloo/Verloo 2000; Carney 2004; Donaghy 2004; Benschop/Verloo 2006; Hafner-Burton/Pollack 2007; Foreign Affairs and International Trade Canada 2007; Susanne Baer 2007; Woodward 2008; Osborne et al. 2008; Nöbel/Sauer 2014; Sauer 2014).

285 | For research on gender mainstreaming in the EU see (Hafner-Burton/Pollack 2000; Booth/Bennett 2002; Verloo 2005b; Verloo 2005a; Schmidt 2005; Lombardo/Meier 2006; Zimmermann/Metz-Göckel 2007; Müller 2007; Lombardo/Meier 2008; Lombardo 2009; Lombardo/Verloo 2009a; Lombardo/Verloo 2009b Jacquot 2010; Tomic 2010; Kantola 2010b).

286 | Holzleithner 2002, 91.

287 | Holzleithner 2002, 91.

288 | Rees 1998, 46.

289 | True 2003, 368.

290 | Like e.g. Mieke Verloo, Alison Woodward, Emanuela Lombardo, Sylvia Walby, Jo Armstrong, Johanna Kantola, Birgit Sauer, Judith Squires, Susanne Baer, Joyce Outshoorn, Carol Bacchi, Joan Eveline, Emilie Hafner-Burton or Emilie and Mark Pollack. In their publication trajectories from the late 1990s to date, similar trends are visible.

291 | Rees 2005. A view also shared by e.g. (Walby 2008; Verloo 2013).

292 | Holzleithner 2002, 86.

293 | Canadian authors such as Margrit Eichler, Janine Brodie, Isabella Bakker, Mary Ann Burke, Sandra Burt, Louise Langevin, Kathleen Lahey, Leslie Pal, Cindy Hanson, Joan Grace, and Olena Hankivsky among others, mirror the GIA discussion in the course of their publications, with a caesura being the mid-2000s.

But why do gender equality concerns seem to play such an invisible role in IA practice?[294] Here, Judith Stacy and Barrie Thorne's observations regarding academia are relevant for applied IA research: They circumscribe the reality of feminism with the concept of feminism's functionalist co-optation[295], where feminist approaches remain subordinated in the arena of struggle for hegemonic epistemologies in science. Outside academia, gender analysis tool implementation, especially its far-reaching resources and questions of representation, causes similar discomfort in economic terms and challenges dominant paradigms[296], as Heather MacRae has observed. In her case study of the Directorate-General (DG) Competition, she found, that the DG—incorrectly—did not see any gender relevance on the occasion of an assessment of an airline industry deregulation initiative. She attributed the lack of gender assessment to an avoidance of competing frames and outcomes. But the inferiority of gender equality is already represented in the IA guidelines and path depended on their development being de-coupled from gender mainstreaming, but coupled with better governance, economic growth and sustainability strategies.[297]

Looking at outputs rather than the inputs, Jill Rubery interprets EU policy making as an "indication of the subordination of gender equality to the main concerns of the EU," and identifies an "instrumental use of a gender perspective to promote wider EU objectives."[298] In a later publication, True has acknowledged that the EU's instrumental treatment of gender equality in terms of economic relations in the marketplace has reduced gender equality to a policy input rather than a normative ideal.[299]

I originally started out with the hypothesis that an integrated gender lens is more likely to be applied than an additional stand-alone policy tool, since it is already part of the routine IA process. In light of the research on the submerged position of gender in policy analysis, I amended this assumption with a question: Are specific gender mainstreaming gender analysis tools such as GIA or GBA the only means for bringing about value-based, visible practice and the desired transformative results? For the time being, Stacy and Thorne's already 20-year-old explanation of the academic success of feminism still rings true today with regard to gender analysis in policy IA: "Feminist tools have worked better to criticize than to reconstruct most bodies of theoretical knowledge."[300]

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294 | As in the EU's integrated guidelines, compare chapter 4.2.3. For an assessment of gender in IA practice, compare the Commission IA screening in sub-chapter 4.4.6.3 and Annex V.

295 | Stacey/Thorne 1985.

296 | MacRae 2010.

297 | Despite this fact, some literature, eager to promote the horizontal social clause as in Art. 9 of Treaty on the Functioning of the European Union, regards gender mainstreaming in the integrated IA as a role model for fostering social clause mainstreaming (Vielle 2012).

298 | Rubery 2015, 728.

299 | True 2009, 738.

300 | Stacey/Thorne 1985.

1.5.3.2 Implementation of Gender Analysis

The first review of GIA implementation was executed in 2000 by the EU's Expert Group on Gender and Employment (EGGE), which published a report on Gender Impact Assessment and the European Employment strategy.[301] The gender specialists found that GIA is developing unevenly and at different speeds in the member states, with Sweden and the Netherlands taking the lead. The report calls for more "upwards" as well as "downwards" sophistication of GIA. Upwards refers to a broader and more explicit theoretical reflection on gender inequality[302]. Downwards calls for increased practical elaboration, such as a more developed conceptual framework or improved GIA methodology. A criticism of GIA at that point in time was that it made only one gender (women) visible and neglected to address gender relations. Such uneven development and neglect of gender relations were often attributed to lack of proficiency in policy analysis and GIA methods.

Another major issue at this early stage of implementation evaluation related to the European Social Policy Agency and the integration of other structural inequalities into GIA. With considerable foresight, Jill Rubery and Colette Fagan, the two main authors of the report, addressed the issue of discrimination on grounds other than gender as a major challenge for impact assessment. Correcting this deficiency would require a profound understanding of gender inequality in its relation to structural inequalities, such as physical ability, ethnicity, age or class and sexual orientation.[303]

One important step in collecting and creating typologies of tools was taken early in the EU with the establishment of the Database of Instruments for Gender Mainstreaming (DIGMA) in 2000-2001.[304] The research project created a trilingual (English, French and Dutch) database in which gender mainstreaming tools developed in several member states of the EU were collected and categorised. Although the project at first included only European tools, DIGMA was later expanded because the project implementers felt that "the mainstreaming process has sometimes progressed more rapidly outside the European Union than within its borders"[305] and that "the tools developed there are in some cases more sophisticated and better designed."[306] The DIGMA team therefore decided to widen its field of research by incorporating Norwegian, Canadian and Australian tools, which were seen as progressive and which concerned fields of action not then covered or only partially covered by the European instruments. In doing so, DIGMA became the most exhaustive database of gender mainstreaming tools for policy and decision makers in and outside of Europe. However, project funding by the Commission has expired, and DIGMA has not been updated or enlarged since 2006.

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301 | Rubery/Fagan 2000.

302 | Compare also chapters 1.6.2 and 2.2.3.2.

303 | At this point it became impossible to fully engage the ever-growing academic debate on intersectionality, (Crenshaw 1988; Crenshaw 1989; Davis 2008; McCall 2005), interdependence (Dietze/Junker 2006; Walgenbach et al. 2007) or axes of difference (Knapp/Wetterer 2003; Klinger 2007) and their theoretical differentiation, including anti-categorical interventions (Hark 2007a; Lorey 2008).

304 | Amazone et al. 2000-2001.

305 | Amazone et al. 2000-2001.

306 | Amazone et al. 2000-2001.

There have been other European research projects that focused on gender equality, such as the Mainstreaming Gender Equality in Europe (MAGEEQ) project. In the case of MAGEEQ, as the project title (Policy Frames and Implementation Problems: The Case of Gender Mainstreaming)[307] indicates, research was focused on analysing the different gender frames in member states assumed to cause favourable or less favourable implementation environments for gender mainstreaming.[308] It identified diverging meanings of gender equality in various member states as a hindering factor for gender mainstreaming. Frame analysis pointed towards potential contested equality framings also in tools, but did not target this specific research question. The project implementers did, however, distil "sensitising questions" based on feminist debates, such as concepts of gender, the role of intersectionality, the voice of women/men, or the structures reproducing gender inequalities in policy texts,[309] which could all be crucial guiding questions for diagnosis and prognosis in applying gender analysis tools.

The more broadly conceived follow-up project was the Quality in Gender+ Equality Policies (QUING),"[310] which was supposed to help foster the implementation of gender mainstreaming in Europe. In its sub-project STRIQ, QUING set out to provide quality criteria for gender and equality policies and to further its commitment to diversity, including gender, ethnicity, religion and sexuality.[311]

None of the EU-sponsored research projects made GIA implementation the centre of research, and research in Canada on approaches to gender equality and GBA implementation followed similar lines. In Canada, especially in their beginning stages, "gender-mainstreaming frameworks, which include gender-based analysis and gender budgeting" were seen as a "third path to gender equality," able to transform structures underlying norms of policy making.[312] Research on the federal application of GBA is often extended to general questions of gender equality and the success of the women's movement[313] and shows the same trends as in Europe towards theorisation and intersectionality.[314] A Canadian peculiarity of intersectionality research is the focus on cultural awareness with regard to

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307 | MAGEEQ 2003-2005.

308 | Verloo/Lombardo 2007; Verloo 2007a.

309 | Verloo/Lombardo 2007, 35.

310 | The European research project QUING was established within the European Commission's 6th Framework Programme and lasted 54 months, from 2006 to 2011 (QUING 2006-2011).

311 | Lauwers/van der Wal 2008.

312 | Lahey 2010, 60.

313 | For Canadian research on gender mainstreaming and gender equality in general, see (Burt 1986; Vickers et al. 1993; Brodie 1994; Bakker 1996; Chappell 2000; Rankin et al. 2001; Burt/Hardman 2001; Wagner 2007; Abu-Laban 2008).

314 | See also sub-chapter 2.3.1 on intersectionality. For Canadian research on theorising intersectionality, see (Williams 1999; Wane 2002; Burt 2004; MacDonald 2005; Hankivsky 2005a; Chamberland 2006; St-Hilaire 2006; Davis 2008; Siltanen/Doucet 2008; Hankivsky/Cormier 2011). Employment equity in Canadian federal bureaucracy engaged questions of gender equality and diversity from early on (Evans et al. 2007; Benhamadi 2003). One interesting and experimental example of analysis of the semiotics of data and policy assessment is (Carney 2008).

indigenous cultures within and through GBA.[315] Research on GBA as an instrument is limited to individual policies, with a focus on tax and public spending policies (gender budgeting)[316] or gender and GBA trainings[317]. As in Europe, there is more research at the provincial level than at the federal level of governance.[318] Three meta-analyses on GBA implementation in the Canadian federal government have been conducted: The first is a doctoral study from an external perspective by Amanda Scott[319]; the second is from the perspective of an internal administration and Status of Women reporting to the Standing Committee of the Status of Women[320]; and the third is from an independent administration's perspective by the auditor general's office.[321]

Following this milestone report by the general auditor, three Canadian academics, Louise Langevin, Stephanie Paterson and Joan Grace, reflected on recent GBA practices in Canada and based their analyses primarily on the findings of the auditor general's report or SWC data; they did not substantiate their evaluation with additional empirical or insider knowledge of the Canadian federal system of policy analysis.[322] Langevin continues to put her hopes in the transformative character of GBA and calls for the introduction of a law that would make GBA mandatory.[323] Stephanie Paterson, however, doubts the utility and effectiveness of analytic,

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315 | Aboriginal Women's Healing and Health Research Group 2007; Aboriginal Women's Health and Healing Research Group 2007; Assembly of First Nations; Women's Council 2007; Assembly of First Nations 2007; Assembly of First Nations; Women's Council 2007; Assembly of First Nations; National Aboriginal Women's Summit 2008; Fleras/Maaka 2010.

316 | The Canadian research on GBA and single policies has a clear focus on health and budgetary policies (Elson 1994; Bakker 1994; Keeble/Smith 1999; Biasutti n.d.; Fudge/Vosko 2001; Grant 2002; Burke 2001; Tudiver 2002; Sjolander/Smith 2003; Elson 2003; Boyd 2003; Donner 2003; Tudiver/Valdés 2004; Carney 2004; Tudiver/Kammermayer 2005; Hankivsky 2005b; Spitzer 2005; Forget et al. 2005; Doucet 2005; Paquette et al. 2006; Bakker 2006; Boscoe/Tudiver 2007; Wolski 2007a; Morgan 2007; Boucher 2007; Spitzer/Canadian Institutes of Health Research 2007; Nelson/Craggs 2007; Smith 2008; Yalnizyan 2008; Lahey 2009/2010; Lahey 2010; Chalifour 2010; Drolet 2011; Pal 2001). For an ecofeminist, not GBA, analysis see (McLeod-Kilmurray 2008).

317 | For Canadian literature on gender trainings see (Aboriginal Women's Health and Healing Research Group 2007; Hanson 2008). GBA trainings focus on teaching the goals and methods of GBA tool use (Health Canada 2008b).

318 | For gender equality in Canadian provinces see (Massé/Rioux 1999; Manicom et al. 2005; Teghtsoonian 2004; Chappell et al. 2008; Wallner 2008; Turnbull 2010). Due to the very different political setup and implementation environments, neither Canadian provincial experiences with GBA nor European member states practices of GIA are included in this study.

319 | Scott 2003a.

320 | Scott 2003b.

321 | Office of the Auditor General of Canada 2009b; Office of the Auditor General of Canada 2009a. It was preceded by an internal revision of the SWC policy agenda partially also devoted to GBA (CS/RESORS Consulting 2005).

322 | Langevin 2010; Paterson 2010; Grace 2011.

323 | Langevin 2009; Langevin 2010.

technocratic and expert-driven models of policy analysis such as GBA.[324] In a discussion paper, Joan Grace expresses a more optimistic reading of the auditor's report and calls for central government action and increased Cabinet commitment to execute GBA.[325]

It became clear from this literature review that discussions of intersectionality and diversity in policy analysis are paramount, and publications pertaining to the practicalities of the implementation of gender analysis tools in a public administration environment are rare. In general gender mainstreaming literature, GIA as a crucial gender mainstreaming tool is usually mentioned only in passing due to a perceived lack of practice outside of the development context. As previously noted, the analysis of tools has been restricted to presenting individual tools and their methodologies and mechanisms and include only a few case studies of tools in action. After this study was conceived, one state-level analysis of GIA implementation exists to date, for Korea[326]; however, it is not comparative. No separate and detailed meta-analysis of the implementation of gender mainstreaming in specific policy making environments, such the Commission's impact assessment or Canadian policy analysis systems, exists at this time.

But there is ample academic work on gender training, which is the gender mainstreaming instrument most often applied and with the longest history.[327] For Regina Frey, gender trainings should offer a space for reflection on gender,[328] being a facilitated process of capacity building on gender issues, to instigate individual and organisational change for achieving gender equality. Gender trainings come in a wide variety of concepts and contents, in volunteer as well as mandatory formats. They are offered in order to raise gender competency in organisations and their staff and empower them to implement gender mainstreaming.[329] In the process of training, participants are supposed to recognise and overcome their gender-blindness and perhaps pre-existing traditional ideas of gender roles and responsibilities in order to be capable of a transformative or redistributive position.[330] Specific trainings on gender analysis tools, their concepts, methods and the practicalities of their application (in all the various possible contexts) are few

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324 | Paterson 2010.

325 | Grace 2011.

326 | Kim 2014.

327 | The first suggestion for gender analysis and training can be found in (Moser 1993). It was followed by a vast body of international literature on gender trainings, just to name a few with a German focus (Frey 2003; Frey 2005; Blickhäuser/von Bargen 2004; Blickhäuser/von Bargen 2006; Mertus 2007; Mukhopadhyay 2007; Bittner 2008; Kaschuba/Derichs-Kunstmann 2009; GenderKompetenzZentrum/Smykalla 2010).

328 | Frey 2005, 2.

329 | There are also quality criteria for gender trainings (Blickhäuser/von Bargen 2004) and good practice case studies (European Institute for Gender Equality 2011).

330 | European Institute for Gender Equality 2012e.

and recent.[331] In short, there is little scholarly attention to the institutionalisation of gender analysis, and no comparative research on it.[332]

The elaborate theoretical underpinnings of gender mainstreaming pose certain demands on the instrument users and their capabilities. The GenderCompetencyCentre offers a definition of individual gender competency as a particular form of gender expertise and the process of wanting, knowing and being enabled to implement gender perspectives in work routines.[333] Gender competency is based on the three elements of wanting to do gender mainstreaming, knowing of how to do it (in the particular area of expertise) and being enabled to do it.[334] Gender competency is the pre-requisite for gender mainstreaming. At the same time, the implementation of gender mainstreaming creates new gender competency.

Anke Lipinksy and Maria Schäfer define gender competency differently, focusing on an institutional level. They speak of the option for transformational change, when institutions "demonstrate significant gender awareness and competency to use gender as a resource to create new knowledge and stimulate innovation by modernizing their organizational culture."[335] In that definition, gender awareness and gender competency together are required for meaningful change, which leads us to a final point that needs clarification: the difference between gender-awareness and gender-sensitivity. While many authors complain about "the lack of gender sensitivity in EU policy-making,"[336] or the "the lack of gender sensitivity of SIAs,"[337] others lament the "lack of gender-awareness"[338] or recommend "gender

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331 | Kim 2014, 38; European Institute for Gender Equality 2014d. In 2015, I also conducted a first training on using GIA as a tool for engendering research at the German Federal Environment Agency in 2015.

332 | What is largely researched is policy outcome for women, in the perspective of the eye of the stakeholder, as e.g. Jacobo Torriti (2007) attested in his stakeholder-centred evaluation method for IA (Torriti 2007). GIA is often seen as one of the participatory IA tools that stresses such deliberate stakeholder participation. Despite the call for legitimacy and credibility of IA systems, which is closely related to the dimension and quality of participatory elements such as stakeholder consultations, even the stakeholder involvement in IA is generally an under-researched field (Wallner 2008; Tanasescu 2009).

333 | GenderKompetenzZentrum n.d.; Baer 2005b, 2005d. The GenderCompetencyCentre was established in 2003 at Humboldt-University Berlin by the German government for the purpose of introducing gender mainstreaming to German federal administration. It was founded by Prof. Dr. Susanne Baer, a professor of law with the Center for Transdiciplinary Gender Studies, and operated until 2010. Gender competency is often equated with gender expertise and the usage of terminology is not always stringent (Blickhäuser/von Bargen 2006).

334 | GenderCompetencyCentre n.d. I operationalised it, in evaluating interviewee's statements according to whether they were able to a) distinguish between employment equity (representation) and gender dimensions in the content of their area of expertise and b) the capacity to differentiate between sex and gender.

335 | Lipinsky/Schäfer 2014, 14.

336 | Abels/Mushaben 2012, 14.

337 | True 2009, 732.

338 | European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 7.

awareness."[339] Almost everything, ranging from education, to leadership, language, indicators or analysis can be gender-sensitive or gender-aware. A definition of what these terms in fact contain is rare and depends on their context of usage.

Whereas gender awareness is defined by some simply as "the recognition of gender inequality and discrimination against women"[340] (especially in the development context), others see it composed by the two more complex elements gender sensitivity and gender-role ideology (in the medical context).[341] Gender-sensitivity is sometimes described as "understanding the degree to which gender issues can be addressed and challenged."[342] Commonly, both terminologies are used interchangeably in the gender mainstreaming literature.[343] Gender-sensitivity or —awareness in this study is understood as the state achieved after one has built up one's gender competency successfully. Mainstreaming is the organisational principle, gender is the analytical point of departure, gender equality the goal,[344] and creating gender competency, resulting in gender-awareness/-sensitivity, is the way forward. Gender mainstreaming tools should incorporate all these elements and point the way.

1.5.4 Gender Analysis Between Accountability and Controlling

In the wake of the NPM trends in the 1990s and after, the strategy of gender mainstreaming was framed in terms of efficiency and effectiveness in order to comply with the "en vogue" rhetoric and reasoning of controlling approaches in public administration.[345] The effectiveness promise, the promise that the inclusion of gender equality concerns will make better policies, served as a sales argument and was supposed ultimately to enhance implementation.[346] From a feminist perspective, however, NPM was seen as potentially harmful, as endangering affirmative action for women—deemed by many as the basis for lived equality between women and men—and social systems in general because of prevailing cost considerations.[347] Some critics also saw this strategic rhetorical move as counter-productive to the ultimate goal of gender equality.[348] Such views are countered by others, such as Anna van der Vleuten and Mieke Verloo, who assert that these

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339 | Abels 2012, 203.

340 | Martinez et al. 2010, 1.

341 | As in the Nijmegen Gender Awareness in Medicine Scale (Verdonk et al. 2008, 222). In this model, gender sensitivity expresses being open towards addressing gender issues, while being careful to avoid stereotyped generalisations Gender-role ideology represents the attitude towards men and women, whether it refers to (positive as well as negative) stereotypes (Verdonk et al. 2008, 224).

342 | Goudi/Kilian 1996, 53.

343 | Although gender-sensitive (with 469.000 google key word search hits) seems to be used far more often then gender-aware (with 60.700 hits, search conducted last 5 April 2016).

344 | Sellach et al. 2003, 5.

345 | Tauberger 2007. See also chapter 1.3.

346 | Meuser 2004; Krell 2005; Kahlert 2005. And in some instances it has been proven to work (Lang 2004).

347 | Smith 2008; Velluti 2010.

348 | Schunter-Kleemann 2003; Pühl 2003.

critiques are primarily concerned with a political discussion of NPM and the "power-based logic" of its implementation, rather than with the transformative potential of gender mainstreaming and its instruments GIA/GBA.[349]

As gender mainstreaming is shifting from a policy innovation to a more established, or at least known (though not yet standard) practice, and as its instruments become old tools in new regulatory environments,[350] Fiona Mackay's concept of nested newness gains importance.[351] With it, Mackay grasps the failure of institutional innovation, in this case the introduction of gender perspectives in IA, to stick, due to institutions "forgetting the new" and "remembering the old."[352] She highlights how "the old" continues to constrain or form the agency of actors, and recommends (re-)entry points for "the new" by identifying "critical junctures or points of apparent new creation."[353] Her actor-centred focus on windows of opportunity is not new, nor is her emphasis on the bounded nature of institutional change and process innovation.[354] But she brings a novel gender perspective to the table, arguing that in order for institutional reforms to stick, a change of rules and norms need to go hand-in-hand with a shift in organisational culture and gender regimes. Bearing that in mind, the pragmatic question for me is not whether NPM—oriented bureaucracy is a suitable implementation environment for gender mainstreaming, but how administrative environments can contribute to the sustainability of gender mainstreaming through the implementation of gender analysis instruments?

1.5.4.1 Accountability

The concept of accountability is linked to, but not identical with, stewardship, responsibility, transparency, and their differences. The concept of accountability can be described as "institutionalised practices of account giving,"[355] in which it is formally or informally regulated who is accountable to whom and under which circumstances. What distinguishes accountability from controlling is the lack of corrective measures that aid the direct chain of principal-agent relations, such as in the case of parliamentary control.[356] Organisations as well as the actors within

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349 | van der Vleuten/Verloo 2012, 73.

350 | By now NPM is no longer a regulatory innovation, and it has not taken effect in every aspect of public administration. Especially experiencing the after-shocks of the global financial crisis since 2008 where free-market managerial principles have visibly failed, the role of the state and public administration with it, is currently again in a process of revision. NPM has not been abandoned, but it was always characterised by impartial implementation by slow to change administrative structures, re-visiting its sectoral specific usefulness again (Gratz 2011). The newer regulatory challenge are the recently established and growing ex-ante (R)IA systems for public policy advice, which are of course intertwined with NPM's efficiency logic.

351 | Mackay 2014.

352 | Mackay 2014.

353 | Mackay 2014, 553.

354 | Compare discussions on path-dependency, i.e. Reinermann 2008, 832.

355 | Bovens 2007, 184.

356 | Bovens 2007, 196. In case of the Canadian government for instance, Kathleen Lahey states the importance of the parliamentary Standing Committee on the Status of Women

organisations can be held accountable.[357] Accountability can take many forms and can be established on micro, meso, and macro levels.[358] Regarding these levels, Barbara Romzek and Patricia Ingraham[359] have coined a four-tier typology of accountability: Hierarchical, legal, professional, and political. Hierarchical accountability entails the close supervision of individuals who have little work autonomy. Legal accountability consists of the oversight of external bodies with legal mandate and means, such as legislatures and courts. Professional accountability concerns mostly those marked by high levels of operation, such as professionals, scientists and academics. Political accountability is defined as the responsiveness primarily of key stakeholders, such as elected officials, to the public at large, and client groups, usually along the lines of horizontal accountability.[360]

Accountability as exercised by external actors can also come in yet another form, as stated by Nathalie Holvoet and Liesbeth Inberg: "Non-state actors such as civil society organisations are often pointed at as an important mechanism of 'downward' accountability."[361] The difference between downward and horizontal accountability is that in the first case, a superior decides to share responsibility top-down (in the context of this study, government with the people), while in the second case the people (often represented by civil society organisations) demand accountability horizontally or even bottom-up. For accountability within government, Mark Bovens has added two lines of vertical accountability: Organisational accountability by superiors,[362] and administrative accountability through auditors, inspectors, and controllers.[363]

Under its professional accountability regime, the IA system intersects with softer forms of accountability:

"It is important that accountability be considered as a component of, but often in a paradoxical relationship to, the multifaceted idea of responsibility. Weber's 'ethic of responsibility', which speaks to an individual's need to reconcile impersonal bureaucratic realities with individual moral and political choice, can be instructive."[364]

(FEWO), defending gender equality against corporate interests in tax policy making (Lahey 2009/2010, 415).

357 | King et al., who regard organisations as social actors, remark on how expectations of others, including the state, individual members and other stakeholders or audiences monitor and hold organisations accountable for their actions. According to them, to hold "organization accountable and responsible for its actions but to not treat it analytically as an actor is a conceptual disconnect" (King et al. 2010, 292).

358 | According to sociological organisational theory, individual actors, such as policy analysts, operate on the micro-level (Saltzman Chafetz 2001). The IA system and its regulations represent the meso level, while the context of a wider public administration, interacting with political and civil society actors, is regarded as the macro level for the purpose of this study. The process of conducting an individual IA transcends all these levels.

359 | Romzek/Ingraham 2000.

360 | Gregory 2003, 559.

361 | Holvoet/Inberg 2012, 6.

362 | Bovens 2007, 187.

363 | Bovens 2007, 188.

364 | Gregory 2003, 566.

In this context, bureaucratic responsibility refers to the obligation of civil servants to provide information, to explain, or to justify their performance and public action, as executed in their functions, vertically to a superior internal or external authority.[365] Fabrizio De Francesco, Claudio Radaelli, and Vera Troeger[366] in their cross-European study of national IA systems remind us, how absent quality assurance mechanisms and soft modes of accountability threaten the effectiveness of the whole exercise:

"Once a system is established, production and publication depend on the quality and strength of the oversight unit and the overall administrative capacity. This argument is mirrored by the positive and highly significant estimate for bureaucratic efficiency. As predicted, the higher the conflict between policy-makers and interest groups, the higher the pressure to produce impact assessments and publish their results."[367]

What is interesting about the second part of this citation is that the authors frame conflict as leading to IA practice for creating downward or political accountability, in order to mitigate dissonance. The "conflict thesis" is also supported by governance researchers such as by Arthur Benz, who attests that problem awareness will only lead to governance change and problem solving in multilevel governance systems when the intra-institutional steering actors perceive such problems either as relevant or as dangerous.[368] Finally, transparency is one of the core elements of NPM, and responsible public administrative steering,[369] and yet another softer form enabling external, horizontal or political accountability and conflict about accountability. Although a direct empirical link between transparency and trust in government as well as participation is weak,[370] transparency remains a strong goal in democratic governance, and Anna van der Vleuten and Mieke Verloo show, why full transparency, for example on baseline data and methodologies, is essential especially in a technocratic environment like IA.[371]

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365 | Bar Cendón 1999, 25.

366 | De Francesco et al. 2012.

367 | De Francesco et al. 2012, 17.

368 | Benz 2008, 52.

369 | Hood/Heald 2006. Extend and effects of transparency are discussed with ambiguous conclusions in administrative studies. Neither can researchers attest for a direct link of transparency to increased public participation, if not explicitly encouraged and invited (Meijer 2012, 5-6; Welch 2012), nor does transparency necessarily increase trust in government performance when contradicting fundamental convictions are in the way (Grimmelikhuijsen 2012). According to Stephan Grimmelikhuijsen, in public opinion on good governance, a mix of cognition, feeling and assumptions about government and its stewardship is dominant, which is only marginally influenced by transparency. If transparency however, manages to translate administrative knowledge to the citizens, incorporating it into the knowledge base of the everyday citizen, then it proves to be effective. Equally effective in raising trust levels in governments was also perceived performance outcome (Grimmelikhuijsen 2012).

370 | Hood/Heald 2006; Meijer 2012.

371 | van der Vleuten/Verloo 2012.

Although some authors claim it made little sense to divide accountability into different modes,[372] I use them as provisional, analytical lenses for the purpose of this study. The four-dimensional system of hierarchical, legal, professional, and political accountability, as suggested by Gregory[373] and based on Romzek and Ingraham's model,[374] was found especially suitable to hierarchical environments such as public administration, as by Harald Bergsteiner and Gayle Avery.[375] The workings of the IA system can be located mainly in the domain of professional accountability, where according to Bergsteiner and Avery, the "expectations and/or control are internal" and "the degree of autonomy is high."[376] At the same time, the IA system and its GIA component underlie hierarchical mechanisms of accountability that are embedded in a bureaucratic environment. This means that although expectations and/or control are still internal, "the degree of autonomy is low"[377] due institutional rules and regulations. I consider organisational and administrative accountability as specialised, intersecting forms of hierarchical accountability.

1.5.4.2 Controlling

Controlling, as a general term, is applied to processes and rules and is used to achieve organisational or programmatic goals; it can be defined as a goal- and result-oriented steering of administrative processes through planning, analysis, supply of information and controlling of a process, which is marked by ex-ante and ex-post feedback. As an element of management by objectives, the concept of controlling links to ex-ante and ex-post IA and is mostly used in market, financial

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372 | A legitimate perspective according to Antonio Bar Cendón due to the interrelatedness of such forms of accountability: "It is frequent in the literature about accountability in public administration to distinguish between administrative accountability and other possible manifestations of accountability, such as 'hierarchical' or 'bureaucratic' accountability, and 'legal' accountability. However, such a distinction is not very accurate since these supposed to be different types of accountability are, in fact, dimensions or aspects conceptually inseparable of the same concept of administrative accountability. They are aspects or dimensions that, on the other hand, cannot either be separated in practice, since they are functionally united." (Bar Cendón 1999, 32).

373 | Gregory 2003, 559.

374 | Gregory 2003, 559.

375 | Bergsteiner/Avery 2006, 2.

376 | Bergsteiner/Avery 2006, 2. The same authors have developed a generic method of how to establish an accountability matrix with the relevant players and functions independent of the organisational environment: "1. determining who the accountee is for a particular role/ task; 2. listing all the actors who could be involved in an accountability relationship with that accountee in meeting his/her role/task obligations; 3. arranging the list of actors in a relevant sequence, e.g. in order of hierarchy if appropriate; 4. juxtaposing the two lists of actors/entities vis-à-vis each other in a matrix format; 5. highlighting pairings of actors at the intersection of matrix cells that may have an accountability relationship that impinges, either directly or indirectly, on the accountees ability to properly perform his/her task; and 6. indicating the nature of the relationship, i.e. whether it is mutual or uni-directional, and which kinds of responsibility it is based on." (Bergsteiner/Avery 2006, 6).

377 | Bergsteiner/Avery 2006, 2.

and economic sciences.[378] Gender controlling is also injected in discourses about modernising the state and its administration as an attempt to increase efficiency and effectiveness. In the realm of public administration and policy making, controlling connects NPM and good governance demands and represents a core element in quality management of bureaucratic processes, outcomes and outputs. At the core of controlling lies measurability, established against the backdrop of objectives and progress-related indicators. These indicators can be related to input, output, outcome, performance, efficiency, and effectiveness.[379]

Controlling should not be confused with gaining control over or dominating such processes or results; rather it is associated with good stewardship, accountability, and transparency and is directly linked to modes of governance. As a top-down strategy, it consists mainly of the following three elements:[380]

1. Controlling, which requires ex-ante agreement on measurable goals and establishment of indicators that represent the overarching organisational or governance goals.
2. Ex-ante planning, which sets out the goals to be achieved, including gender equality goals.
3. Reporting and evaluation, which lead to systematic benchmarking and monitoring. Intended and unintended effects are rendered visible and enable corrective measures to be implemented.

With respect to gender mainstreaming and the constitutional commitment to gender equality, controlling can be exerted in two ways: 1) Gender mainstreaming in controlling represents the routine monitoring of how gender equality goals and indicators are included in the overall organisational goals, products and processes, and 2) controlling for gender mainstreaming requires establishing a controlling system for monitoring the quality and outcome of gender mainstreaming measures.[381] Bearing in mind the management-related origins of controlling, the principal authors on the subject have adopted a market-liberal, individualistic and efficiency-oriented interpretation of the status of gender and gender equality in controlling processes:

"Gender equality as a vision, a meta-objective, which describes a society, in which all members are able to develop their personal skills and potentials freely, without being limited by gender-specific and other role clichés or stereotypes. The term equal opportunities can

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378 | Wiltzius 2003; Müller/Sander-Mühlbachler 2005.

379 | Universität Salzburg 2006, 16-17. The authors of this publication on gender controlling at universities also mention science-based and equity-related indicators. From a gender mainstreaming perspective, however, all indicators can and should be equity-related.

380 | GenderKompetenzZentrum 2010.

381 | Welpe 2005, 103-105; GenderKompetenzZentrum 2010; Eschner 2011. In practice, the only known concept in place in German public administration for controlling the implementation of gender mainstreaming has recently been adopted by the German Federal Environmental Agency (Sauer 2015, unpublished, on file with the author).

also be used. All people should enjoy equal access to resources, equal rights and equal options for participation."[382]

However, applying feminist logics and human rights discourses to questions of controlling in public governance, where gender equality is a constitutionally guaranteed value and a mandatory public task to be implemented proactively by the state, results in different demands on gender controlling: Namely, that it should create and guarantee structural as well as individual de facto equality instead of being limited to de jure or equal opportunities. In the realm of policy making and advice, controlling for gender equality from a rights-based angle and prioritising it over the efficiency approach[383] would make policy and programme designers aware that "no intervention can have neutral effects when the players do not start as equal,"[384] and oblige them to take this into consideration in all analytical and decision-making processes. The translation and continuation of the gender mainstreaming strategy into controlling practice in public administration demands a routine integration of the constitutional right to de jure and de facto gender equality (rather than equal opportunities) into the planning and stewardship of public institutions in all their internal processes, including impact assessment and policy making.[385]

Existing literature on gender controlling is mainly to be found in Germany, Switzerland and Austria,[386] whereas Anglophone publications focus on gender management. Gender controlling approaches emphasise the top-down principle and the leading role of senior staff in higher echelons of public administration. It also stresses the importance of political leadership in the process of implementing a quality management process and controlling with equality objectives. In a textbook scenario of the implementation of gender controlling in an organisation, top management would be responsible for initiating diagnosis and benchmarking as well as for setting up equality objectives and appropriate measures, including indicators. Monitoring systems, based on reporting and periodical assessment of progress towards short-, mid- and long-term equality goals, would guarantee transparency and hold all participating actors and institutions accountable. In such a textbook case, non-achievement or late achievement of goals would have negative consequences for the actors or institutions in charge, or incentives would reward planned or even early success. In functional gender controlling with top-down organisational implementation, the final responsibility for success or failure rests with senior management, since they ultimately steer the project. In such a

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382 | German Original: "Gleichstellung als eine übergeordnete Vision, ein Meta-Ziel, welches eine Gesellschaft beschreibt, in der alle Mitglieder ihre persönlichen Fähigkeiten und Potenziale frei entwickeln und entfalten können, ohne durch geschlechtsspezifische und andere Rollenmuster oder sonstige Zuschreibungen eingeschränkt zu werden. Der Begriff der Chancengleichheit kann synonym verwendet werden. Alle Menschen sollen den gleichen Zugang zu Ressourcen, gleiche Rechte und gleiche Beteiligungsmöglichkeiten haben." (Müller/Sander 2009, 17).

383 | Ohlde/Olthoff 2011, 375.

384 | Johnson 2000, 89.

385 | Eschner 2011.

386 | Krell et al. 2001; Hauffe 2003; Wiltzius 2003; Welpe 2005; Müller/Sander-Mühlbachler 2005; Universität Salzburg 2006; Müller/Sander 2009; Ohlde/Olthoff 2011.

constellation, the role of gender experts would dramatically change from formerly "gender police", lobbying for or pressuring public administration to increase its efforts towards gender equality, to cooperative and supportive "gender consultants", enabling the organisation to achieve its gender-controlled targets.[387]

Internationally, discussion and practice of controlling is only in its beginning phases,[388] and critical interventions have yet to be developed. Although controlling is theorised as a top-down approach, some gender mainstreaming literature has also suggested the importance of bottom-up elements, in which the often decisive role of lower- and middle-management is emphasised: "It is important that other concrete activities for gender mainstreaming (especially routine activities) are introduced in the middle and lower levels of government. [...]."[389]

Such perspectives underline the multidimensional character of modern governance modes and shape bureaucratic policy advice as a dynamic element in the interplay of practice and product.[390] Similarly, the increasing attention devoted to all levels of governance and to all actors, combined with the distrust of simple top-down bureaucratic models, has been accompanied by a greater suspicion that technocratic, top-down instruments are not applied stringently or coherently enough, even in the most hierarchical administrative and regulated implementation environments. Such questions are ripe topics for research: Are gender mainstreaming policy analysis instruments in fact applied in a systematic, standardised, routine way, by getting all actors and all levels of governance involved in the common project of equality governance?

A counter-position has been formulated in very recent literature on policy analysis. Some of the leading authors who used to advocate strict adherence to standard procedures in IA now recommend loosening the grip of instruments and procedures, by putting the actors in focus:

"We relax the chain-of-command assumption that an instrument carries an unambiguous set of ideas and because of this steers usage in one direction or another. Instead, we consider ideational ambiguity at the implementation stage. The consequences are clear. Under conditions of ideational ambiguity, policy instruments are shaped by the constellations of actors at the implementation stage."[391]

My research, therefore, seeks to explore the potential and conditions for controlling for gender in and through IA, in this ambivalent governance environment for policy making processes, centring on the perspective of lower- and middle-management actors in public administration.

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387 | Walby/Armstrong 2010.

388 | E.g. gender mainstreaming and controlling efforts in Germany are most apparent in universities in their role as public institutions, as they attempt to attract and retain the best talent, competing for limited resources under the excellence initiative ("Exzellenzinitiative") (Bauer 2010).

389 | Kusakabe 2005, 53. It is noteworthy that such activities should also include external non-state actors engaging with public policy-making.

390 | Orsini/Smith 2007.

391 | Dunlop et al. 2012, 25.

With regards to special forms of NPM accountability, there is yet much to be explored in terms of gender analysis. The only policy area in which accountability for gender has been introduced is development aid and international cooperation. Here, entry points for gender aspects are identified (by ex-ante analysis) and gender(-ed) indicators for donor performance are included in overall performance assessment frameworks. They are evaluated and monitored in the attempt to close the policy cycle. In German development aid, for instance, the percentage of legislation in third countries subject to gender policy analysis was introduced as a conditionality indicator for receiving German development aid.[392] Other international aid answerability and accountability procedures also exist, such as the Development Assistance Committee (DAC) Gender Equality Marker[393] or Gender Marker[394] system. The gender (equality) marker is used by the United Nations and DAC member states as part of their yearly reporting on their aid activities. The marker indicates whether the gender equality targets of a policy objective have been met and is usually structured as a three-point system: Marker 2 signifies that gender equality is the main objective; marker 1 expresses that gender equality is an important, but secondary objective; marker 0 assures that the policy or project has been screened for its gender aspects, but that gender was not found to be relevant (enough) and the policy or project does not target gender equality.[395]

1.5.5 Implications for Research

More than 20 years after the worldwide introduction of the gender mainstreaming strategy, and after more than ten years of fruitful debates about the integration of diversity and intersectionality into equality policies,[396] public administrations around the world need to acknowledge the need for a period of taking stock: Are the external perceptions of the failed technology of gender analysis, exclusively based on policy outcome, actually true? And if so, is gender mainstreaming at fault, because the concept is "too vague,"[397] so that analysts unfamiliar with and untrained in gender are unable to fully comprehend all its implications? Or is it because promoters of gender mainstreaming framed the strategy in terms of efficiency and effectiveness in integrationist NPM ways,[398] as a selling point for even the "most reluctant Directorate Generals,"[399] whereas in reality it is yet another time-consuming bureaucratic burden without any visible efficiency gains?

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392 | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2008, 13.

393 | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2009.

394 | Organisation for Economic Co-operation and Development 2012b; United Nations Office for the Coordination of Humanitarian Affairs 2011.

395 | Organisation for Economic Co-operation and Development 2012b. Other gender marker systems may deviate, but the general idea of distinguishing between gender-focused, gender-sensitive and non-gendered initiatives is the same.

396 | Hankivsky/Cormier 2011.

397 | Lombardo 2009, 324; Daly 2005a.

398 | Daly 2005b, 15.

399 | Lombardo 2009, 324.

Is it really already too late for gender mainstreaming?[400] Or can such tensions be made productive?[401] And if so, how—what is good practice?[402] What do the analysts and internal actors themselves believe? How do they perceive practices of gender analysis in public administration? In light of the widespread disappointment with equality outcomes and the larger project of gendering the state,[403] an investigation is needed into the implementation practices of gendered tools for policy analysis. In bureaucratic systems of democratic checks and balances, accountability plays an important role to secure practice. In a way, my research represents an intervention in itself, by rendering gender in IA accountable and by deriving ideas for better control by steering gender equality governance through IA.

1.6 Tool Typologies and Quality Criteria

Since IA is a relatively recent, yet highly diversified topic of research, and because it is international in scope, its internal differentiation processes are in constant development. As with the various functions and labels for IA[404] and its tools, the basic problem with the typology of instruments is that to date there has been no consistent, internationally standardised and accepted classification of IA tools, including policy and gender IA tools. The terms "tool" and "instrument" are used interchangeably in gender mainstreaming tool literature[405] and elsewhere—but is this really appropriate, do they mean the same thing? There is not even consensus about the ex-ante, parallel or ex-post dimensions of IA: We have seen, for example, that the IAIA uses "impact assessment" only for analysis before the intervention has taken place,[406] while a vast body of IA research applies it to parallel and ex-post assessments as well. Additionally, the quality management of IA tools is a very recent process and fragmented among the various disciplines involved in tool design and implementation.[407] As much as there ought to be good IA tools for ex-

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400 | As indicated by Woodward with regard to new evolving demands, in her examination of the Belgium case study (Woodward 2008).

401 | Walby 2005a.

402 | Verloo 2007b.

403 | Simon-Kumar 2011.

404 | See chapters 1.4.1 and 1.4.2.

405 | See DIGMA context and methodology website (Amazone et al. 2000-2001). DIGMA is a gender mainstreaming tools website based on a gender mainstreaming project established between September 2000 and June 2001, supported by the Belgium Federal Ministry of Employment and Labour, the University of Liege and Catholic University of Leuven, and financially supported by the EC's 4th Community Action Programme for the medium term for equal opportunities between men and women (1996-2000).

406 | IAIA/Fortuney n.d. The international, EU-funded Linking Impact Assessment with Sustainability Expertise (LIAISE) project undertook the first systematic attempt to categorise IA tools in EU research projects (LIAISE n.d.).

407 | With environmental, sustainability and legal research being perhaps at the forefront of IA quality management, see e.g. (de Ridder et al. 2007; Jacob et al. 2008; OECD et al. 2008; Peinl et al. 2005; Führ et al. 2010; Staranova 2010; De Francesco et al. 2012; OECD et al. 2012; Adelle et al. 2012).

ante policy assessment, there is a need to define good gender analysis tools in the context of gender mainstreaming. Thus, in the course of my study, I found the need to conduct research on the definition of tools, typologies and quality criteria in order to contextualise gender analysis tools in policy IA.

In order to be able to contextualise the gender analysis tools GIA and GBA in the larger realm of IA tool research, it is first necessary to give some explanation about what IA tools are and what purpose they serve. To that end, I developed a taxonomy for what constitutes IA tools/instruments, based on a vast array of IA tools/instruments, guidelines and frameworks,[408] as well as current literature that categorises IA tools/instruments. In the following subchapter, I first sum up the different ways in which IA tools are categorised, before suggesting a working classification of IA tools based on IA research. I then place GIA and GBA as specific, stand-alone gender-analysis tools, as well as the integrated IA and Social Impact Assessment (SIA) appraisal forms, in the context of the IA tool taxonomy. Gender mainstreaming practitioners have also supplied some first guiding principles with regard to the quality demanded from gender mainstreaming tools. In the second sub-chapter, existing quality criteria for gender mainstreaming tools are presented in order to enable the quality inspection of the GIA, GBA and integrated tools under scrutiny,[409] before both criteria are summarised in the third part.

1.6.1 Typologies of Gender Analysis in the Context of Impact Assessment Tools

Before I consider the classification of gender analysis in more detail, first in an IA logic and second in the field of gender mainstreaming, I wish to spell out the general relationship between gender mainstreaming and its tools. There has always been a level of terminological confusion about the status of gender mainstreaming—namely, whether it is a strategy or an instrument or both—and about the status of the tools/instruments for its implementation, such as GIA/GBA. Although I do not deny that gender mainstreaming can also be characterised as an instrument to achieve gender equality, for reasons of clarity and definition, I prefer to speak of gender mainstreaming as the overarching strategy, and of GIA or GBA as some of the many instruments/tools used to implement gender mainstreaming.

1.6.1.1 Typology of Impact Assessment Tools

In the broadest sense, and in congruence with Aranka Podhora and Katharina Helming's definition, the "term 'tool' is [...] an instrument to gather scientific knowledge for the purposes of ex-ante policy IA,"[410] which in fact renders the terms instrument and tool interchangeable. If such tools or instruments are decidedly developed for an ex-ante policy analysis context, and fit the users, actors and purpose of assessment, they can be called explicit IA tools according to Podhora and Helming. There is no clear differentiation between regulatory and policy IA, or

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408 | Such as culturally-sensitive, indigenous, social, diversity, equality, equity, poverty, vulnerability, human rights, health, sustainability, and environmental IAs.

409 | In chapters 3.2 and 4.2.

410 | Podhora/Helming 2010, 2.

policy analysis.[411] In very general terms, and according to the comparative research of IA literature that I have conducted with Podhara,[412] many IA concepts share some or all of the following components:

"IAs are usually implemented in procedural environments based on legal requirements or institutional (self-)commitment. The outline of such IA procedures fosters the actual conduct of IA, which is based on methodological quantitative and/or qualitative tools [...]."[413]

Podhora and I also came across two commonalities and core criteria shared by all explicit IA tools: There must be 1) a purpose-driven reason for IA application—usually giving scientific and evidence-based advice directed towards problem solving, and 2) usage as a "tool", describing a systemic or "structured" procedure to follow.[414] With the additional element of addressing an institutional commitment or legal basis for the IA, this definition is mainly in line with Peter De Smedt, who identified key criteria for IA tools by describing their purpose in the IA implementation process in more detail. For De Smedt, IA tools are: 1) typically scientific in nature, method-driven and evidence-based, 2) designed to produce measurable results for monitoring mechanisms, and 3) used for addressing strategic levels of decision making.[415] The use of "IA tool" as a term therefore applies to a systematic, or structured, scientific, methodological procedure, which some also claim needs to have been tested for accuracy and robustness, in order to be replicable and legitimately qualify as an IA tool.[416] As such, IA tools are considered to be scientific. As methods in science (including social science) are also developed through hypothesis testing, proving validity and replicability, the line is still not always easy to draw between a tool and a method,[417] and boundaries remain somewhat blurry.

Current attempts to collect and systematise IA tools exist but are limited to particular contexts of application, such as the development context,[418] the field of social IA,[419] sustainability IA,[420] or regulatory and policy analysis.[421] But within these general parameters, tools can be applied in a wide array of fields, and further specifications are constantly being developed, resulting in ever more diversified

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411 | Führ et al. 2010. As established in chapter 1.4.1.

412 | Sauer/Podhora 2013.

413 | Sauer/Podhora 2013, 136. The development of a working tool definition in that publication was based on: 1) A systematic review conducted on instruments and publications on human rights and related IAs (such as gender, diversity, poverty, health or equality IA), and 2) an additional analysis of eclectic, central sustainability, environmental and policy IA literature; and c) discussions on tool typology underway in the European network of excellence research project LIAISE (LIAISE n.d.).

414 | IAIA/Fortuney n.d.

415 | De Smedt 2010.

416 | Podhora et al. 2013, 87.

417 | Pohl/Hirsch Hadorn 2008.

418 | Holland 2007.

419 | Barrow 2000; Burdge 2004; Becker/Vanclay 2003a; Becker/Vanclay 2003b.

420 | LIAISE n.d.; Podhora et al. 2013. See also earlier publications (Barrow 1997; Ness et al. 2007).

421 | Kirkpatrick/Parker 2007; Fehling 2003; Hensel et al. 2010b; Dobuzinskis et al. 2007a.

tools for various purposes or policy areas such as environmental, sustainability, trade, social, health and gender IA, to name just a few, as well as mixtures of these approaches.

Each of these individual tools has an overall assessment goal that covers a certain range of impact areas. Sometimes a chain of tools or multiple parallel tools are employed in various forms of integrated assessment or add-on assessment, in order to converge to one IA in the end. Some tools are developed for special jurisdictional levels, often differentiated in international/global, EU/multilevel, multi-state, national, regions or local levels. According to Wouter de Ridder, John Turnpenny, Måns Nilsson und Anneke von Raggamby, seven tool categories with "common characteristics" and "roles in an integrated assessment'' can be distinguished, plus an additional miscellaneous category for non-specifiable tools. According to this typology, IA tools can take the form of: 1) assessment frameworks; 2) participatory tools; 3) scenario analysis tools; 4) multi-criteria analysis tools; 5) cost-benefit/cost-effectiveness analysis; 6) accounting tools, physical analysis tools and indicator sets; 7) modelling tools; and 8) other, not specifiable tools.[422] They can include quantitative and qualitative methods as tool components, and indicators, databases and comprehensive analytic methods, evaluation frameworks, toolboxes and platforms can be fed into the IA process.[423] These different kinds of tools are usually implemented at three different levels—project[424], programme and strategic.[425] Policy IA cuts across these three levels, providing, for example, strategic assessment of a multi-national trade agreement, or of a public service programme, or of a smaller communal project with limited reach. Admittedly, these typologies are broad, and the categorising parameters are blurry, with mixed forms possible.

After having clarified what qualifies as an IA tool and having had an insight into the variety of IA tools, it is important to come to an understanding of the different usages of those instruments. For the context of the field of investigation of this study, policy analysis research suggests a roster of four, not mutually exclusive, dimensions used to distinguish tools, and these are focused on usage or implementation, rather than form of conduct. The policy analysis experts Claire

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422 | de Ridder et al. 2007; Podhora et al. 2013, 91.

423 | Podhora et al. 2013, 87.

424 | For example, the "Harvard Analytical Framework" is a gender mainstreaming tool classic on the project level (SEAPAT 1998). According to the long-term practical expert Annette Evertzen (Evertzen 2011), a gender analysis at project level gives insight into how tasks and responsibilities are divided between household members, asking by whom and when do tasks in the unpaid economy get done? A gender analysis tool for the project level gives context information on the ways in which women's access to and control over resources such as land, income, inheritance and political influence might differentiate from men's. It equips project staff with information about gender roles and power relations and the possible impact of project interventions on such gender relations, thereby rendering such interventions where most impact can be expected. If the tools are mixed with a participatory process, it can be an important step to create more gender-awareness amongst the participants. A gender analysis can (and should be, according to Evertzen) conducted ex-ante before the start of a project, but it can (should be) repeated later as an evaluation in order "to capture change" (Evertzen 2011, 4).

425 | As also mentioned in chapter 1.4.1.

Dunlop, Martino Maggetti, Claudio Radaelli, and Duncan Russel differentiate tools based on the circumstances under which and the goals for which they are used.[426]

First, there is political usage, showing elements of control of bureaucracy. In an attempt to manage social, economic and political conflict, tool implementation is not based on "ideals of evidence-based policymaking," but rather is oriented towards interest management. The authors, referring to and representing leading experts in the field of IA, expect such attempts "to delegitimize the process" or to bring political conflict to the economic analysis of proposed regulation.[427] Second, the authors found instrumental usage, describing a rational approach in which IAs are used to "enhance substantive understandings of the cause and effect mechanisms that underpin the policy issue."[428] Third, with communicative usage, ex-ante IAs are conducted and made accessible as a "communicative arena."[429] They are part of a wider stakeholder consultation for interest groups to understand and contribute to policy purpose and outlay. Fourth and last, perfunctory usage refers to the defunct, superficial, partially or not in-depth application of IA, where "constellations of actors water down, 'mute', or simply do not implement the instrument."[430]

The authors attribute perfunctory usage to a distancing of rationalist tools and pragmatic policy formulation in loosely coupled organisations and find that perfunctory and/or political usages are the most widespread.[431] In terms of IA practice, in fact, the instrumental usage seems most widespread. At the same time, many aspects of this typology seem problematic and are contested in current IA practice and literature: E.g. the disregard for policy analysis as simple "interest management" instead of impartial scientific analysis, ignoring the per se political character of all policy IA and general messiness of the inescapable social; or the limited vision of participatory elements as ways to communicate policy intents to (docile) interest or target groups, "reconciled" through deliberation. Increasingly, deliberation and consultations are perceived instead as core elements of quality assurance for IAs, exceeding the communicative purpose by far.[432] Despite the contested character of such a classification, it is nevertheless useful to understand the differing intentions behind IA use.

To summarise, I arrive at the working definition of IA as a tool that 1) has a legal trigger or institutional (self-)commitment for implementation, and 2) is able to apply a scientifically designed and tested framework or methods in a structured fashion to 3) a policy problem or any kind of intervention, at a project, programme, or strategic level, resulting in 4) recommendations addressing levels of decision making. Such explicit IA tools can be further categorised according to their level

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426 | Their typology is pertaining to regulatory IA (Dunlop et al. 2012, 27-28.)

427 | It is interesting to observe the sublime normative assumptions therein of a) an a priori equalling of political conflict with being negative for the IA process and b) again the primacy of economic IA within regulatory IA (Dunlop et al. 2012, 27).

428 | Dunlop et al. 2012, 27.

429 | Dunlop et al. 2012, 27.

430 | Dunlop et al. 2012, 28.

431 | Dunlop et al. 2012, 28. The perfunctory usage seems especially relevant to describe current tool implementation critiques with regard to gender analysis.

432 | For the benefits of participatory gender analysis in a development context in general, see (Lilja/Dixon 2008a; Lilja/Dixon 2008b).

of application (project, programme, strategic); they can be distinguished according to the nature and focus of the problem (health IA, poverty IA, environment IA, business IA, social IA, gender IA, etc.); and there is also a typology in place for their ultimate usage—that is, the intent with which these tools are employed (political, instrumental, communicative, perfunctory).

1.6.1.2 Typology of Gender Analysis Instruments

Having outlined the existing general typologies for IA, I will now explore how gender mainstreaming tools for gender analysis, such as GBA/GIA, are conceptualised and categorised in an IA context. Where exactly is gender analysis to be placed in relation to the IA typologies developed above? To properly situate the tool, it is crucial to understand its nature, intent and application context. First, it needs to be said that not one, but many gender analysis tools exist, as well as many guidelines to conduct assessments. Many tools are labelled GIA, but the contents of these tools vary.[433] GBA has also been adapted and varied in numerous ways.[434] Because neither GIA nor GBA are always synonymous with the specific EU GIA or Canadian GBA tool, I use the terminology of the original authors and publications. Last but not least, the term GIA is often employed as a proxy for the umbrella term gender analysis, even without reference to specific existing tools. For the purposes of this study and based on an analysis of the frequency of terminology, I use the term gender analysis instead as the umbrella term for various methodologies and tools for assessing possible impacts on women and men.[435]

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433 | Verloo/Roggeband 1996; European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998; Rubery/Fagan 2000; Rubery et al. 2000; Bundesministerium für Familie, Senioren, Frauen und Jugend 2007; Women's Health Victoria 2012.

434 | SWC 1996; Human Resources Development Canada et al. 1997; SWC 1998; Health Canada 2000; Berlin Centre of Public Health 2001; Health Canada; Women's Health Bureau 2002; SWC 2003a; Health Canada; et al. 2004; SWC 2005a; Department of Indian and Northern Affairs Canada 2006; SWC 2007; Aboriginal Women's Healing and Health Research Group 2007; Foreign Affairs and International Trade Canada 2007; TBS 2007a; Citizenship and Immigration Canada 2008a; Health Canada 2008a; Department of Aboriginal Affairs and Northern Development 2010; SWC 2012a. Canada's International Development Agency (CIDA) decided to call it "Policy on Gender Equality," which has a tool character (Canadian International Development Agency 1999; Canadian International Development Agency 2005a).

435 | Gender analysis also appears to be the internationally most widespread terminology, according to a Google key word search with a total of 399,000 hits as conducted in 2015 (precise date: 2016-04-30). Apart from gender-based analysis (77,600 hits) and gender impact assessment (36,800 hits), there are various forms of tools for different implementation contexts and (mostly programme and project) levels, such as gender assessment (104,000 hits), gender-responsive analysis (10,200 hits), gender-sensitive analysis (8,750 hits), gender equality analysis (5,890 hits), gender-proofing (3,830 hits), gender-sensitive assessment (1,500 hits), gender-responsive assessment (949 hits), or feminist analysis (250,000 hits, although the high number of hits is misleading, as the term is used to refer to an academic methodology as well as being an umbrella term for various tools).

Internationally, the first attempt to categorise and systemise gender analysis tools was European: the Database of Instruments for Gender Mainstreaming (DIGMA).[436] As previously mentioned[437], the DIGMA databank has been defunct for many years, but was originally the result of a Commission-funded gender mainstreaming research project[438] and constituted the first attempt to define gender mainstreaming instruments. The definition is as follows:

"Any tool which can be applied to one or more stages of the gender mainstreaming process, which is addressed to decision makers and can be used by third parties on the basis of an explicit methodology, or a methodology which is at least recognisable."[439]

DIGMA thus equates gender analysis tools with instruments that are applied in a gender mainstreaming process, which it defines as the "total integration of gender in the design and implementation of all the policy strategies and all the action programmes."[440] The authors of the DIGMA website define gender analysis within this process as the "most important aspect of gender mainstreaming."[441] Given this broad intent and scope for gender analysis, gender analysis tools are potentially usable at all levels of application (strategic, programme and project).

DIGMA distinguishes further between "three main categories of tools"[442], in which the nature and scope of the tools is mixed with the intent: analytical, educational and consultation/participation. According to DIGMA, analytical tools reveal or expose the problem and include statistics broken down in terms of gender, studies and predictions, research, verification lists, management guidelines and terms of reference, evaluations of the impact on gender and models for the analysis of differentiated impact, indicators, and control tools. Educational tools raise awareness by transferring information and giving support and training and include courses, follow-up actions, experts, manuals and syllabuses, booklets and files and educational materials. There is no explicit mention of gender analysis in any of the first two categories, although gender analysis tools can and do fit both. Consultations in participatory tools are designed to "improve the quality of political decisions and strengthen democracy."[443] One would assume that the particular EU GIA or Canadian GBA as programme and policy assessment tools would fall under this category; however, DIGMA lists only interactive circles such as working or management groups, round tables, conferences and seminars, hearings and consultative forums, or directories, databases and organisational charts and "the

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436 | Amazone et al. 2000-2001.

437 | Compare chapter 1.5.3.

438 | DIGMA existed from September 2000 to June 2001 and was funded by the EC's 4th Community Action Programme for the medium term to foster equal opportunities between men and women (1996-2000) (Amazone et al. 2000-2001). The website is still online, although it has not been updated since 2006.

439 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

440 | DIGMA: Context and methodology (Amazone et al. 2000/2001).

441 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 10.

442 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

443 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

participation of the two sexes—and of all the social groups—in the decision-making process [...]."[444]

The DIGMA website categorises various tool types as merely "analysis", neglecting the strong participatory and educational components inherent in most of the 30 gender analysis tools collected in the course of the DIGMA project. Searching DIGMA's website for gender analysis tools, I found 30 GIA instruments, including the EU GIA, but not the GBA tool. According to DIGMA, the specific EU GIA tool can be applied in all phases of the policy cycle for the purpose of preparing a policy plan in all kinds of unspecified policy areas and aiding decision making in gender mainstreaming.[445]

Consulting the European Institute for Gender Equality's (EIGE) website, the European gender agency is ambivalent about distinguishing between tool and method and offers no definition for its understanding of a tool (versus method).[446] It does refer to the levels of application in its stated desire for a gender mainstreaming process that would be rendered more understandable in a policy, programme or project development. Among areas for action such as awareness raising, competence development/gender equality training, gender statistics, sex-disaggregated data, indicators, institutional transformation, stakeholder consultation, monitoring, evaluation and procurement, the European Institute for Gender Equality lists gender budgeting[447], gender analysis[448] and gender impact assessment[449] as gender mainstreaming tools. Here, however, gender analysis is defined as a tool appropriate for the project level[450] versus gender impact assessment as an ex-ante evaluation, analysis or assessment of a law, policy or programme[451]. On a different occasion, the European Institute for Gender Equality categorises "gender-impact assessment methods" in accordance with the definition of the Council of Europe as analytical tools/techniques along with statistics, surveys, cost—benefit analyses, and guidelines.[452]

The German GenderCompetencyCentre also offers a definition for gender mainstreaming instruments, labelling them as "working aids" that allow for a cross-cutting gender equality orientation.[453] The researcher Sandra Lewalter counts checklists, guides, and manuals as instruments and proposes four main elements as the foundation for gender mainstreaming tools: They 1) ought to insert gender

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444 | DIGMA: Context and methodology (Amazone et al. 2000-2001).

445 | Amazone et al. 2000-2001).

446 | European Institute for Gender Equality n.d. c.

447 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

448 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

449 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

450 | EIGE website on Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c).

451 | EIGE: Gender Mainstreaming Tools and Methods (European Institute for Gender Equality n.d. c.

452 | European Institute for Gender Equality 2013b, 13.

453 | German original "Umsetzungshilfen" (GenderKompetenzZentrum/Lewalter 2010a).

equality as a cross-cutting issue into the area of work, 2) position themselves clearly with regard to the concept of gender, 3) must be geared towards action and 4) generate knowledge about gender.

After this overview of the main considerations about gender mainstreaming instruments in general, it is now time for a closer investigation of the nature, scope, and characteristics of gender analysis tools in particular.[454] GIA is commonly regarded as just "one specific form of gender analysis,"[455] which, according to the United Nations Development Programme (UNDP), is—this definition is central—designed "to aid the process of gender analysis in policy-making and programming."[456] GIA is thus more than merely an "awareness raising"[457] tool, but rather should directly lead to policy and programme adaptation, like GBA: "**A tool for gender equality** to assist in systematically integrating gender considerations into policy, planning and decision-making processes [...]."[458]

As such, gender analysis tools can be categorised according to their levels of application as transcending project, programme and strategic levels. They also have a wide scope of possible application environments stretching from the public sector to commercial and private usages. For example, the UNDP states that:

"Gender analysis needs to become a part of all policy making processes and programme formulation. Because all public policy concerns the population in some way, no policy is gender neutral. Gender analysis is necessary to determine how and to what extent men and women are or will be differently affected by projects and policy interventions. Gender analysis is therefore a vital tool for project or policy design, implementation, and evaluation. The depth and level of analysis depends on your specific situation and policy needs."[459]

Mieke Verloo and Conny Roggeband define GIA in the Netherlands as "an instrument designed to analyse potential effects of new government policies on the gender relations in Dutch society."[460] For them, the purpose as much as the context is deemed relevant. Similarly, Podhara and I have concluded through our research that in a full-fledged gender analysis tool, gender constitutes the main category of analysis, and fostering gender equality is the declared outcome of the exercise.[461] The best known definition of GIA is found in the EU Commission's tool itself,

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454 | I refer to the gender analysis tools under the name as applied in the respective context.

455 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 87.

456 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 10.

457 | A common misperception (Jacquot 2010, 124-125), as GIA is "not specifically meant to be awareness-raising" (Marchetti/Raudma 2010, 112). Gender trainings and other educational measures are awareness-raising tools.

458 | SWC 2001, 19. Emphasis in the original.

459 | Regional Programme of the United Nations Development Programme's Regional Bureau for Europe and the CIS/Niemanis 2007, 108.

460 | Verloo/Roggeband 1996, 3. It was the first tool with the name gender impact assessment.

461 | Developed in analogy to the typology of sexual orientation and gender identity (SOGI) in human rights IA, where we distinguished between focussed or centred (explicit/direct)

which similarly states: "Gender impact assessment means to compare and assess, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy."[462]

The EU GIA as well as GBA conduct their assessment via a checklist of questions pointing towards possible "gender relevant criteria", but do not prescribe any preferred methodology with which to analyse the particular context and policy problem—a characteristic they share with most other gender analysis tools.[463] Although the implementation context of gender analysis tools is not limited to ex-ante assessments and regulatory IA, these are the most wide-spread implementation areas for developing gender-sensitive policies and programmes and thus are considered most relevant for this study.[464] The tools EU GIA[465] and GBA[466] are designed for aiding policy and programme making in a supra-national (EU) and federal (Canadian) environments. For instance, the European Institute for Gender Equality defines GIA (as a proxy) as:

"An ex ante evaluation, analysis or assessment of a law or programme that makes it possible to identify in a preventive way the likelihood of a given decision, law or programme to have negative consequences for the state of equality between women and men."[467]

One crucial aspect that the European Institute for Gender Equality's definition neglects can be found in most other conceptualisations of gender analysis. These descriptions usually attribute not only a mitigating or preventive effect of negative outcomes, but also a strong empowerment effect and transformative potential for positive equality outcomes inherent to all forms of GIA: "Gender impact assessment aims to intervene and redirect policies and other interventions, so that they work towards gender equality rather than perpetuate unequal power relations."[468]

Thus, gender analysis is a tool with strong political and communicative elements, as described by Dunlop et al.[469] As a consequence, in their particular political usage, gender analysis tools are indeed oriented towards interest management, but for the sake of better evidence-based policy making, in order to legitimise the process. This orientation is the exact opposite of the negative perception of the political as

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and integrated or mainstreamed (implicit/indirect) approaches of dealing with SOGI issues in human rights IA (Sauer/Podhora 2013, 138-139).

462 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3.

463 | For an in-depth critique of the tool design, see chapter 3.2 for GBA and chapter 4.2. for GIA.

464 | The German equivalent for gender impact assessment or gender-based analysis on the policy level is "gleichstellungsorientierte Gesetzesfolgenabschätzung" (gGFA), or on a more general project, programme and strategic level "gleichstellungsorientierte Folgenabschätzung" (gFA), see (Baer/Lewalter 2007).

465 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

466 | SWC 1996.

467 | European Institute for Gender Equality 2014a, 12.

468 | IAIA/Sauer 2011.

469 | Dunlop et al. 2012, 27-28.

described by Dunlop et al.[470]: Gender analysis tools are based on the assumption that every policy or programme will eventually have, if not primary or direct, then at least secondary and indirect, gendered effects and that therefore the policy or programme is political by nature. The IAIA Impact Assessment Wiki article on GIA also states that policies and all other interventions "are not gender-neutral" and frames gender inequality as an unequal distribution of power around issues of the organisation of labour, intimacy, participation and citizenship.[471]

Gender analysis targets two different objects of investigation:1) gender-specific policies/programmes in which gender analysis is used to assess targeted, affirmative action, and specific policies and programmes, where gender equality and specific actions in favour of the disadvantaged sex (in many, but not all instances women) are the main policy and programme objectives and indicators, and 2) presumably gender-neutral policies/programmes in which gender analysis is used to mainstream gender aspects in presumably neutral policies and programmes, where—if the categories sex/gender are found relevant—gender equality concerns are integrated into the overall objectives and indicators. In this second category, gender analysis is used to make an evidence-based argument for non-relevance, proving (instead of assuming) that no sex/gender-imbalanced effects exist and establishing neutrality of policies or programmes.

In sum, gender analysis tools as IA instruments address decision makers with the goal of fostering gender equality. They are, therefore, in and of themselves political and communicative. As explicit IA tools, they follow an "at least recognisable" methodology, but preferably a "precise methodological framework,"[472] and are instrumental as such. However, the breadth and fuzziness of the analytical concepts of gender equality, unequal power relations, sex and gender, etc., together with the fact that gender analysis tools usually do not prescribe certain methods of analysis (like modelling), make it difficult for the IA community to perceive tools like GIA/GBA as method-driven or scientific and to consider them for instrumental usage.

1.6.1.3 Typology of Gender in Integrated Impact Assessments

Gender analysis is not conducted exclusively through stand-alone tools such as GIA or GBA; rather, gender as a particular lens is negotiated between integrating gender equality concerns in IA and focussed, stand-alone or full-fledged gender analyses. Gender aspects have found many points of entry into IA tools. Gender concerns play a role in integrated IA tools and other stand-alone assessment frameworks for health IA, poverty IA, diversity IA, indigenous IA, cultural-sensitive IA, environmental IA, equality IA, to mention only a few. Most of these tools or tool components in integrated assessments exist in order to assure the environmental or social justice of the assessment, which also makes gender analysis a social justice tool—as I

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470 | As discussed in chapter 1.6.

471 | IAIA/Sauer 2011. In this online article, I introduced the tool GIA to the IAIA key terminologies and international IA community for the first time after 20 years of gender analysis tool existence, an indication of the commonly low popularity and regard for such tools in international IA theory and practice.

472 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001). It is evident that DIGMA uses the terms instrument and tool interchangeably.

would argue.[473] In integrated IA, the gender perspective is either mainstreamed or at least partially injected into an assessment that has a different focus. If gender is really mainstreamed as a cross-cutting issue in an integrated assessment, that assessment integrates gender equality as an overall objective, and gender concerns are considered in all impact areas. If found relevant, gender aspects also need to be included in the respective indicators.[474]

Since social impact assessment (SIA) is relevant for the implementation of gender aspects in the EU Commission's integrated IA,[475] special attention is given in this study to its definition. social IA as a term can be applied to a range of stand-alone tools and independent appraisal processes, but social impacts can also be integrated into larger IA procedures and integrated guidelines, all of which could be labelled explicit tools. If referring to particular independent tools, they can come with a variety of distinct methodologies despite carrying the same name.[476] Social IA also serves as an umbrella term for many kinds of people-centred assessments (human IA, human rights IA, poverty IA, health IA, etc.). Accordingly, a very broad and inclusive definition, as established by the IAIA, states that SIA:

"Includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment."[477]

SIA has its roots in development cooperation and exploratory project appraisal,[478] often piggybacking on environmental IA. Social IA recognises the role people, communities, and the social fabric play in the implementation and outcomes of policies, projects and strategies. Social IA is applicable to all these operational levels, but its most widespread application remains at the project level in international development and exploration projects.[479] Because gender concerns are part of equitable development and sustainability strategies,[480] and since gender equality is

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473 | Whenever research is used "as a strategy to move to a more socially just world," it serves a transformative purpose with the goal of creating a more equitable society (Lorenzetti 2013, 451).

474 | Sauer/Podhora 2013. Compare quality criteria for gender mainstreaming tools in the following chapter 1.6.2.

475 | European Commission 2009a; European Commission 2009b.

476 | E.g. for methods used to predict employment and social impacts in Europe, see (de Vet et al. 2010).

477 | International Association for Impact Assessment et al. 2010.

478 | It is recounted that the construction of the Alaskan oil pipeline in 1973, which affected the local Inuit culture, was responsible for triggering first appraisal measures and the coining of the term "social impact assessment" (Burdge/Vanclay 1996, 62).

479 | Barrow 2000; Becker/Vanclay 2003a; Esteves et al. 2010 Esteves/Vanclay 2012.

480 | Refer to principle 20 of the United Nation's "Rio Declaration on Environment and Development," emphasising the "vital role" women enjoy in "environmental management and development," which means that their "full participation" is seen as "essential" to sustainability (UN 1992).

seen by the social IA community as a matter of human rights, as a condition for social justice and therefore as a fundamental prerequisite for sustainable development, health and peace,[481] gender aspects and questions of equity have always played a part in social IA tools and practices, thus rendering social IA political. Gender as a topic of investigation is closely connected to SIA's instrumental and communicative approach as a "philosophy about development and democracy,"[482] which strives for inclusiveness and sets out to detect or mitigate negative social impacts, as well as seeking to produce positive outcomes.[483] The extent of analysis and integration of gender aspects varies, however.[484] In some cases, the effort can be called perfunctory.[485]

1.6.2 Quality Criteria for Gender Mainstreaming Tools

So far, research on gender controlling is mostly outward-looking and focuses on questions of accountability in the implementation process and results.[486] Gender mainstreaming and its instruments are supposed to be integrated in a closed steering cycle.[487] But "both the content of policies and the process of their making and implementation are key to assess quality,"[488] as Andrea Krizsan and Emanuela Lombardo state. To date, researchers have not yet been overly concerned with the inward-looking assessment of the make-up or the quality of these instruments, although the demands on them are high: They should do nothing less than to contribute to transforming gender relations.[489] In order to even be considered capable of transformative effects, gender analysis tools ought to adhere to normative criteria for good gender mainstreaming tools.

Bearing in mind the various ways of conceptualising IA, it is not surprising that the field of gender mainstreaming has demonstrated similar fuzziness about terms and definitions of what can be labelled a gender mainstreaming tool to begin with. For example, Canadian terminology calls GBA "a tool for gender equality" and puts it in the context of gender mainstreaming, but shifts from calling GBA a "part of an approach known as mainstreaming" to equating it with gender mainstreaming in the same document[490]:

"Gender mainstreaming or GBA is the (re)organization, 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."[491]

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481 | Sauer/Vanclay 2011, 1.

482 | Vanclay/Esteves 2011b, 6.

483 | Vanclay 2002; Vanclay 2003.

484 | Barrow 2000; Ulmer/APRODEV 2003; Lahiri-Dutt/Ahmad 2011.

485 | Dunlop et al. 2012, 28.

486 | As seen in chapter 1.5.

487 | Compare policy cycle in chapter 1.4.3.

488 | Krizsan/Lombardo 2013, 87.

489 | See e.g. (Baer/Hoheisel 2008a; Steinhilber 2008 Verloo 2008).

490 | SWC 2001, 19. The reasons and effects of equating GBA with gender mainstreaming will be addressed further in the chapter 3 on Canadian GBA.

491 | SWC 2001, 19. Emphasis as in original.

This definition also reveals a close connection to Canadian policy analysis and its actors. In contrast, DIGMA draws upon a European perspective, placing gender analysis tools inside the realm of gender mainstreaming, but not necessarily inside IA or policy analysis processes. Decisive for DIGMA is the "practical use made of the tool in the mainstreaming process."[492] If the tool consists of different parts, all the components need to be "designed in the same single process" and "for the same single gender mainstreaming" context.[493] Such a view is supported by Petra Debusscher, who defined gender mainstreaming in policies and programmes, when "gender is part of all programming phases (format), and if gender issues and gender indicators are included in all budgetary sectors (budget)."[494] I concur and consider IA guidelines to be "genuinely gender mainstreamed, and thus potentially transformative"[495] for all policies and programmes. DIGMA also wants gender mainstreaming tools to have a "clear and explicit" methodology in order to ensure that the tool can be used "by others than those who designed it and originally used it."[496] Introducing the dimension of transferability and replicability renders the tool definition IA compatible.

Another suggestion—not for quality criteria for tools, but rather for good practices in gender mainstreaming—was made by the European Institute for Gender Equality. The European Institute for Gender Equality regards the application of gender mainstreaming tools as a constitutive part of gender mainstreaming. As one step of four, the use of a "specific type of methods or tools", which must be "related to the selected topic," is indicated as a core element for good practice. Thus, the European Institute for Gender Equality adheres to a very general tool definition[497], placing no further quality demands on the tools being implemented, neither at this occasion, nor in a good practice manual.[498] The European Institute for Gender Equality considers gender mainstreaming practices good when they work well, are transferable to other contexts and provide a valuable learning experience.[499] In order to work well, mainstreaming practices should "promote a positive change," "actively involve groups and organisations" and "orchestrate and/ or correspond to wider organisational conditions and environments."[500] Thus the European Institute for Gender Equality specifically wants gender mainstreaming to be political, instrumental and communicative, although it remains unclear how much these standards relate to tools.

The German GenderCompetencyCentre established the first and only parameters for what might constitute a good gender mainstreaming tool. Since the quality of instruments is decisive for the quality of the whole process of

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492 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

493 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

494 | Debusscher 2012, 329.

495 | Debusscher 2012, 329.

496 | DIMGA: Definition of the term "instrument" (Amazone et al. 2000-2001).

497 | Compare 1.6.1.

498 | European Institute for Gender Equality 2013b.

499 | European Institute for Gender Equality n.d. a., 13-14.

500 | The normative concept "good" is defined by other normative concepts such as "working well" and "valuable learning experience" (European Institute for Gender Equality n.d. a, 13-14).

their implementation, this former German gender mainstreaming research institute suggested certain formal and content-specific elements.[501] For the GenderCompetencyCentre it was central, in terms of content, to formulate specific gender equality goal(s) with precision and to integrate it/them accordingly in the tool development. Core concepts such as sex/gender or women and men should be explained clearly and without stereotyping in accordance with the latest gender research. It can be assumed that these requirements, formulated to ensure that gender not to be trivialised, includes intersectional perspectives, but it is not spelled out explicitly.[502]

Context specificity and fit are very seminal elements: The instruments ought to be custom-made for the users, actors and the fields of action and subject areas being addressed. The available data/research, as well as data/research gaps, should be marked, and case studies used for illustration should be selected strategically in accordance with the goals, basic concepts, and current research. In formal terms, the GenderCompetencyCentre highlights the coherence of concepts, content and form (including gender-neutral language) and the consistency of their integration in routine workflows. Finally, gender mainstreaming instruments should be flexible, adaptable to changes, and sustainable towards the subject matter,[503] as well as sustainable in a systemic dimension within their organisational implementation context.

Although these quality criteria overlap partially in form and content, they resemble and systematise the vast practical experience of the institute in a seven-year process of introducing gender mainstreaming into the German federal administration. But there are other elements, such as a central component of deliberation, missing.[504] In congruence with social IA research,[505] good governance recommendations,[506] and demands put forward by feminist literature on good policy making, I regard strong deliberation in gender analysis tools as vital, in order to allow for corrective, context-sensitive elements, a diversity of perspectives and internal accountability.[507] Good deliberation practices entail that the representation of women and men (on

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501 | Developed in a series of workshops with policy makers and academics (GenderKompetenzZentrum/Lewalter 2010b).

502 | The fear of trivialising gender in technocratic processes was always widespread in the feminist and gender mainstreaming community, and is substantiated by the evaluation of recent policies (van Eerdewijk 2014; Payne 2014; Bock 2015, Rubery 2015; Tiessen 2015).

503 | Alexander Windoffer (2011) remarks on the role of gender mainstreaming tools in ex-ante policy analysis/regulatory IA as a contribution to strengthening sustainability as a cross-cutting issue in itself. Windoffer suggests that real cross-cutting gender analysis in diverse policy fields would lead to better long-term foresight, thus adding to the quality of the subject of sustainability in IA (Windoffer 2011, 250).

504 | Consultation and participation are central to DIGMA, the EIGE and all investigated gender analysis tools in this study.

505 | Esteves et al. 2010; Sanderson 2011; Esteves/Vanclay 2012.

506 | Governments should "seek inclusive participation and engage the diversity of society," they should "ensure that equity […] considerations are addressed," and "work to create organizations that integrate multiple voices in their deliberations" (Dobel 2005, 173-174).

507 | Krizsan/Lombardo 2011, 87. Participation can be a way of rendering the methods and ideally the outcomes of assessments accountable to the target group served. For accountability concepts, see sub-chapter 1.5.4.1.

an individual as well as organisational level) is balanced and that those consulted are gender competent. According to common research ethics,[508] also transferable to IA tools and processes, deliberation should enable participants to make informed and meaningful contributions. It should be transparent about the consequences of participation, and the co-optation of participants and of communities for political and/or research agendas is to be avoided.[509]

While the underlying positivist assumption that there truly could (or even should?) be such a thing as a good gender mainstreaming instrument can and should be challenged, the GenderCompetencyCentre criteria served as a typological starting point for me. But since they neglect the explicit demand of intersectionality or are not entirely transferable to other jurisdictions, in which, for instance, gender mainstreaming is a non-binding strategy, I was not able to universalise them and needed to look further.

Considering Canadian practices, Payne sees various conceptual and political obstacles to the implementation of sophisticated tools.[510] Her conceptual barriers include: a) an "overdose" of mainstreaming in general, where the fuzziness of gender mainstreaming struggles at the micro-level to demonstrate how single policies and programmes can contribute to gender equality;[511] b) a binary understanding of the "discursive constructs"[512] of sex and gender, often corresponding to the analytic inability to differentiate gender relations from women's issues, and c) the methodological and tool-based problem of multi-variable analysis, combined with the challenge of separating gender inequality effects from other, intersectional inequality effects.[513] If converted into a positive statement, her barriers translate into quality criteria for tools and tool environment, namely: a) specific gender analysis tools and IA guidelines, which are clear in their gender equality goals and concepts, at best supported by concrete, relevant case studies; b) a non-binary understanding of sex and gender as constructed and therefore malleable, paired with a commitment to fostering gender competency and analytic capacity; c) clear instructions and standards for multi-variable analysis, in order to enable meaningful intersectionality.[514]

What Payne, the European Institute for Gender Equality, the Gender-CompetencyCentre and other gender researchers share is the conception of gender as a complex social construct, changeable and non-homogenous. Sophisticated gender mainstreaming tools operate with a non-essentialist, constructivist, non-binary and intersectional understanding of gender.[515] While collecting various gender analysis tools for this research, I found that many gender analysis instruments are intended

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508 | Deutsche Gesellschaft für Soziologie 1992. Similar standards are applied in other ethic codices by sociological, medical, psychological and other professional associations.

509 | Baldwin 2012, 477-478.

510 | Payne 2011.

511 | Payne 2011, 525-526.

512 | Payne 2011, 526-527.

513 | Payne 2011, 527.

514 | For Payne, gender-sensitive policy appraisal includes addressing individual discrimination as part of systemic inequalities (Payne 2011). For the theoretical underpinnings of sophisticated intersectionality concepts, see sub-chapter 2.3.1.

515 | Often equated, but not identical with the gender+ concept, which lacks the non-binary understanding of gender, see chapter 2.3.1.

to shed light on four dimensions: representation, resources, real-life conditions, values and norms.[516] These core analytical categories built on the early 3-R tool (representation, resources, reality)[517], and are derived from feminist debates about the main arenas and goals of gender equality.[518] They thus incorporate feminist insights into tool design. From this discussion and the literature review, I have distilled the following quality criteria for gender mainstreaming tools:[519]

1. Gender equality as a cross-cutting or focal issue (**gender mainstreaming/gender equality as the principle**): The tool design either mandates a "stringent, cross-cutting integration at all levels, steps and outcomes of analysis,"[520] or is already gender-focussed.
2. Educational elements and awareness raising for gender equality in its multi-dimensional mechanisms of exclusion (**feminist concepts/intersectionality**): Since people who are not gender experts are also supposed to be using gender mainstreaming tools, an up-to-date feminist theoretical underpinning and an explanation of the content and field-specific workings of the basic concepts are required. Gender equality is only fully conceptualised if a wide conceptualisation of sex, gender and intersectionality is taken into account.
3. Their tool immanent use and representation of concepts are coherent and connected to feminist concepts in content and form (i.e. with regard to gender-neutral language or gender-balanced deliberation), resulting in their consistent integration and enactment (**coherence/consistency**).
4. Likeliness of application and tool fit (**implementation fitness**) is assured when the tool is "explicitly designed to conduct research on [...] the policy process" in question.[521] The tool has to be custom-made for its implementation context in order to increase the likeliness that it will be picked up by users.
5. A strong commitment to deliberation constitutes a key pillar of good governance and lends the tool its ethical foundation, ensuring the serious consideration of a variety of perspectives; it is sustained by non-cooptation and transparency about methods and outcome (**participation/internal accountability**).

This attempt to establish quality criteria for gender mainstreaming instruments (as summed up in the following table 1) can by no means (yet) be called comprehensive and needs further research and field testing.[522] Piloting and applying them to the design of GBA in its Canadian context and the IA in the EU context,[523] however, enabled me to determine whether an instrument is capable of representing the core characteristics of gender mainstreaming. Without quality criteria there can be no

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516 | Sellach et al. 2003, 7.

517 | Swedish Association of Local Authorities et al. 1999.

518 | As discussed in chapters 2.2.3 and 2.4.

519 | Mainly based on the GenderCompetencyCentre's suggestions (GenderKompetenz-Zentrum/Lewalter 2010b).

520 | Sauer/Podhora 2013, 138.

521 | Podhora et al. 2013, 87.

522 | In Canada, quality criteria for successfully conducting a gender analysis was established in the case of GBA, as laid out in subsection 3.4.1.

523 | As in chapters 3 and 4.

accountability for the implementation of gender analysis in a gender mainstreaming context.[524]

Table 1: Quality Criteria for Gender Mainstreaming Tools

1. Gender Mainstreaming - Gender Equality as Principle
2. Feminist Concepts - Intersectionality
3. Coherence - Consistency
4. Implementation Fitness - Explicit Tools
5. Participation - Internal Accountability
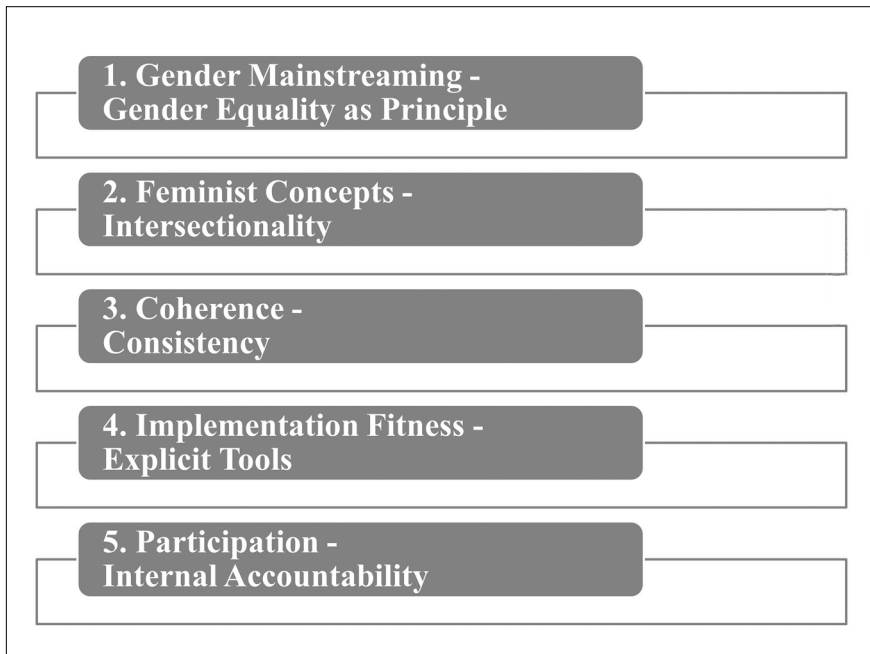
1.6.3 Implications for Research

In sum, the extant literature is sparse and connects gender analysis tools closely to gender mainstreaming and its logics, while ignoring (for the most part) relevant IA literature, categorisations and practice. As a consequence, establishing an IA tool typology and quality criteria for gender mainstreaming tools was incremental, in order to be able to assess the potential benefits and pitfalls of gender analysis tools in their diverse application environments. A review of the literature revealed that IA instruments as well as gender analysis tools operate with different terminology and partially deviating definitions (i.e. gender impact analysis[525]). For the purpose of this study, I arrived at gender analysis as the umbrella term for a diverse set of international gender equality tools.

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524 | Compare chapter 1.5.

525 | European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit B4 2005 (see chapter 4.2.2). The lack of precision and IA fit became evident in yet another instance: EIGE mistook the European Commission's guide "Evaluating Socio Economic Development, Sourcebook 2: Methods & Techniques. Gender impact assessment" (dated 2004) for the "Guidance for assessing Social Impacts within the Commission Impact Assessment system" (dated 2009) (European Institute for Gender Equality n.d. b).

A comparison of the DIGMA and European Institute for Gender Equality gender mainstreaming and tool websites to IA publications in particular enabled the development of a shared critique of a distance from and lack of fit with IA tool typology. Gender analysis tools are not categorised strictly according to the level of application (project, programme, strategic), and they are not distinguished according to the nature and focus of the problem. Instead, they are supposed to be applicable to all areas, and there is no typology in place for their ultimate usage, although the intent is stated (political, instrumental, communicative). On the other hand, the IA community showed a disconnected (and mistaken) preconception that tools like GIA or GBA are in fact politically motivated, not scientific in nature and not method-driven.

My comparative research is devoted exclusively to taking stock of GIA/GBA implementation and equality governance and to analysing the institutionalisation and extent of implementation of those gender analysis tools in Canada and the EU. My goal is to close the research gap and to link formerly decoupled research strands: Gender mainstreaming and IA research. It is thus necessary that my study also discuss intersectionality in tool design and its (possible) effects on tool implementation, since diversity and non-discrimination issues dominate the latest tool as well as gender studies debates.[526] In order to bridge the gap between IA and gender mainstreaming literature, a shared tool typology for IA instruments was deduced and quality criteria for gender mainstreaming tools were developed, against which the instruments in this study could be compared (see following table 2).

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526 | Many suggestions have been made for refining policy analysis tools by rendering them more intersectional via multi-variable analyses (Squires 2007; Hankivsky 2007b; Stirbys 2007; Wolski 2007b; Lombardo/Verloo 2009a, Parken 2010; Hankivsky/Cormier 2011; Hankivsky/Christoffersen 2011; Rolandsen Agustín 2013).

*Table 2: Combined Typology for Impact Assessment Instruments and Quality
Criteria for Gender Mainstreaming Instruments*

An Impact Assessment Tool:

- Has a legal or institutional commitment
- Works with structured, scientific methods and is evidence-based
- Is applicable to project, programme and/or strategic levels
- Addresses levels of decision-making

A Gender Mainstreaming Tool:

- Has gender equality as a cross-cutting or focal issue
- Is based on feminist concepts for sex and gender (incl. intersectionality) and educates about them
- Has implementation fitness (*explicit* tool)
- Is strongly based on deliberation
- Is coherent (incl. language and deliberation)

Only if a tool is explicitly designed to pay attention to the possible gendered effects cross-cutting in all impact areas, if it is coherent and fit for implementation, if it has educational elements and an intersectional, feminist underpinning with strong deliberative elements, can it be called a gender mainstreaming tool, according to the quality criteria.

2. Methodology

"Epistemology, methodology, method and ethical issues are all interrelated."[1]

In this chapter, I will present my key methodological choices, conceptual assumptions and theoretical research paradigm and their relationship to each other. In order to position myself in the field of research, it was important for me to note that paradigms and theories are: "Self-confirming in the sense that they instruct us to look at phenomena in particular ways. This means that they can never be disproved but only found to be more or less useful."[2]

I begin with locating the research in (self-)reflective, standpoint feminist and governance theories and how they pertain to the subject of research. I then explain the relevant gender and intersectionality concepts that pertain to analysis tools, before laying out my methodological approach. Here, I introduce the framework of Caroline Moser and Annalise Moser,[3] who have made suggestions for a beneficial implementation environment for gender mainstreaming in organisations, and convert their schema into one that enables gender analysis for the purposes of public policy making. The resulting analytical framework, as presented in the last section, is the first institutionalisation framework for gender analysis tools and served as the grid for my field studies.

2.1 REFLEXIVE STANDPOINT APPROACH

The desire for change and a different way of providing policy advice brings me to a critical question: If all the necessary regulatory frameworks and institutionalised commitments to gender equality are in place, which is the case in the IA areas of my research,[4] then why do gender experts seem disillusioned with the practices and implementation of gender mainstreaming in governance structures and policy

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1 | Lykke 2010, 144.

2 | Silverman 2000, 99.

3 | Moser/Moser 2005.

4 | For Canadian policy analysis frameworks and practices, see chapter 3; for EU impact assessment see chapter 4.

making in particular?[5] Is it really true that empiricist research as the basis for policy advice marginalises the gender perspective? What could be the cause(s)? Is it really the oft-lamented general disinterest in women's issues and academic marginalisation, aggravated by a focus on science within the IA research community?

In searching for answers to these questions, I found feminist standpoint theory helpful. Standpoint theory is by no means a "quaint relic of feminism's less sophisticated past"[6]; rather, its critique of the dominance of scientism, determinism and reformism in a process of revealing knowledge as politics is still "well worth the effort."[7] The situated contingency and the objectivity of epistemic practice are central topics of debate in the philosophy of science and social epistemology, but also within feminist standpoint theory for almost four decades.[8] The insights of feminist standpoint theory into these questions have been taken up by a new and growing movement of critical empiricists.[9]

Standpoint theory has achieved much success as a methodology, particularly in the social sciences.[10] A feminist epistemology, as initially developed by Sandra Harding or Dorothy Smith, has been said to have emerged from the large body of theorising around standpoint theory concepts.[11] In the following chapter, I first elaborate on central concepts of standpoint theory from their primary origins in the work of Smith and Harding. Based on these main concepts, I then distinguish standpoint perspectives from feminist empiricism in relation to the study of IA systems of knowledge creation. Finally, I explain how these theoretical underpinnings of feminist standpoint theory are useful for developing research questions, approaches and the evaluation of results.

2.1.1 Relevant Concepts of Feminist Standpoint Theory

Feminism put the methods of knowing rather than the content of the theory at the centre of inquiry. Feminism's methodological heritage is feminism itself, a perception that has been articulated first in 1981 by the U.S. political scientist Nancy Hartsock, who stated: "At bottom feminism is a mode of analysis, a method of approaching life and politics rather than a set of political conclusions about the oppression of women."[12]

In her 1987 book, The Everyday as Problematic, the Canadian sociologist Dorothy Smith outlined a sociological method from standpoint perspectives.

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5 | Department of Justice Canada 1982b; Langevin 2009; Bakker/Brodie 2007; Brodie/Bakker 2008; Woodward 2003; Schmidt 2005; Roggeband/Verloo 2006; Verloo 2005a; Verloo 2008; Woodward 2008.

6 | Hekman 1997, 341.

7 | Kourany 2009, 216.

8 | Gruen/Wylie 2010, 728.

9 | Trubek/Esser 2011, 158.

10 | Intemann 2010. Contested by Crasnow (Crasnow 2009).

11 | Smith 1987a; Smith 1990; Harding/Hintikka 1983; Harding 1991; Harding 1998; Harding 2008; Harding 2010.

12 | Hartsock 1981, 35-36. Hartsock is yet another main contributor to the development of standpoint theory, rooted in historical materialism and a Marxist analysis of unequal societal power relations.

Smith distinguished between the categories of the academic discipline of sociology (the knower) and everyday life (the known). In sociology, this division is central to achieving objectivity, a dilemma that Smith criticised as causing women's experiences, which are always relational, engaged and situated, to be invisible within a masculinist disciplinary culture. The objectivity paradox has bifurcated the lived experience of female sociologists, since they have had to navigate between the abstract, "objective" world of (masculinist) sociology and their everyday experiences as women.[13] Smith concludes that to overcome the divide between the intangible, conceptual world of sociology and the experience of women, which is "material and local", a "sociology for women" is needed, one which recognises the standpoint of women as a point located outside of textually mediated discourses and anchored instead in contextual everyday life.[14] This amalgamation of the very different, particular experiences of women has been criticised as being homogenising. Smith's materialist dichotomy between the abstract world on the one side and lived experiences (of women) of the other has also received much epistemological criticism for negating the construction of everyday life, equating it with reality, and not acknowledging the interrelatedness of both.[15] Standpoint theory remains central in feminist theory, however, since Smith's insight into the masculinist position of the knower laid the groundwork for the feminist politics of difference, even influencing debates about intersectionality.[16]

Successive postmodernist and poststructuralist concepts and theories have demonstrated that reality is constructed and that any claim of truth is to be distrusted, thereby contradicting the privileged position of the material knowledge of women gained on the basis of their positional experiences.[17] Smith herself incorporates the debate about the many different lives that women lead in her later concept of a "primary narrative."[18] This narrative is supposed to group all differences together and rank them in opposition to a monolithically imagined abstract world of sociology. She also hints that in its origins, the concept was not meant to be a new theory, but rather was an attempt to design a radical alternative to the existing modes of knowledge and truth.[19] Smith's seemingly contradictory concept of the female primary narrative[20] was, however, the starting point for reflections on biased and experience-based perceptions of what constitutes knowledge, a path that was continued by Sandra Harding.

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13 | Smith 1987b, 90. Also Smith's work is philosophically rooted in Marxist strands of feminist theory.

14 | Smith 1987a, 107.

15 | Hekman 1997.

16 | For the continued and still undecided scholarly discussion of the nature of social structure, commonly organised around the three pillars of institutional structure, relational structure and embodied structure, see (López/Scott 2000).

17 | Hennessy 1993; Butler 1990.

18 | Smith 1990, 157.

19 | Smith 1997.

20 | Smith was mostly criticised by Susan Hekman for homogenising women's experiences and issues (Hekman 1997); Hekman was criticised in turn for her "mis-interpretation" of Smith's, Harding's and other standpoint theorists' ideas (Smith 1997; Harding 1997; Hartsock 1997).

Sandra Harding confronts the epistemological issues raised by debates around the differences among women and challenges to reality by defining three possible strands of feminist epistemologies: Feminist empiricism, feminist standpoint theory and feminist postmodernism. Despite her proximity to standpoint theory, Harding's belief is that among all these different perspectives there cannot be one feminist standpoint, since the situations of women differ too greatly. She criticises postmodern positions as being too fractured and therefore apolitical. In her 1986 core text The Science Question of Feminism, she refuses to opt for one perspective or another and stresses the necessity for multiplicity in epistemologies, because "coherent theories in a coherent world are either silly, uninteresting, or oppressive."[21]

In a later text, however, she took up the challenge of developing a consistent theory of feminist science, without attempting to reconcile all tensions and contradictions within feminism.[22] She calls it the "postmodernist standpoint approach"[23] and describes how it is possible to avoid the essentialism versus relativism divide:[24] In a concept she calls strong objectivity, Harding recognises all social knowledge as being situated and calls for a critical evaluation "to determine which social situations tend to generate the most objective knowledge claims."[25] Referring to additive categories of oppression, Harding follows an epistemological paradigm, according to which higher levels of oppression can lay claim to more objective knowledge; these claims, however, should not be interpreted as some sort of superior trans-historical truth:

"Starting research from women's lives leads to socially constructed claims that are less false—less partial and distorted—than are the (also socially constructed) claims that result if one starts from the lives of men in the dominant groups."[26]

Harding's strong objectivity attributes an epistemic advantage to the situated-knowledge of women in their diversity and results in a critical interrogation of the very foundation of epistemologies. In her large body of work, Harding identifies four sites or main dimensions of standpoint theory[27] that provide resources for understanding it as "a logic of inquiry"[28] and for healing such "hermeneutical injustice"[29]: First, standpoint theory draws from the experiences of the oppressed, and she is convinced that the differences in those lives will result in differences in standpoints. Second, the (productive) variance in standpoints engages challenging feminist questions in relation to the political or the epistemological and in relation to its context, given the convergence of these questions in a common equality project. Third, standpoint theory provides a model that might even be called a methodology

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21 | Harding 1986.

22 | Harding 1991.

23 | Harding 1991, 49.

24 | Harding 1991, 106.

25 | Harding 1991, 140.

26 | Harding 1991, 185.

27 | Harding/Hintikka 1983; Harding 1991; Harding 1998; Harding 2004a; Harding 2004b; Harding 2006; Harding 2008.

28 | Crasnow 2009, 190.

29 | Fricker 2006.

for research across disciplines. It is therefore, not only trans-disciplinary but also anti-disciplinary, insofar as it challenges the complicity of each discipline in its engagement with the established social power nexus. Fourth, and paradoxically, standpoint theory can also be seen as disciplinary, because it attempts to transform the disciplines from within.

According to Harding, the ensuing multiplicity is itself a resource rather than a limitation, and she suggests using the plural, speaking of various discipline-specific standpoint theories rather than one coherent, uniform theory.[30] Harding's standpoint theories offer alternatives to positivism and types of knowledge that rest on all-encompassing meta-narratives abstracted from a perceived reality that can never be real, since it is just one point of view. Standpoints insert multiple, possibly endless, knower-positions.[31] With standpoint plurality, Harding arrived at an instrumental theory of research action that emphasises the "descriptions of reality, evaluative criteria, and valued ends,"[32] rather than taking reality, criteria and objectives of research at face value. Because she argues for a multiplicity of standpoints, she avoids essentialism, and because she still proposes to start from the position(s) of women as an objective position, she gets around postmodern relativist fears of being universalising, apolitical and arbitrary.[33] By posing the power question, Harding walks a middle ground, negotiating Smith's dichotomies without abandoning them, and thereby providing an inspiring method of ambivalence "addressing marginalisation of, and within."[34] Harding's feminist standpoint methodologies are as inherently critical as emancipatory—critical because they strive for "less false" representations of social relations, and emancipatory, because they try to improve them,[35] a parallel to the basic principles of evidence-based policy making.

2.1.2 Standpoint Theory between Feminist and Critical Empiricism

Science is not a neutral playground in the struggle for conducting the best possible IA. In their ground-breaking essay The Missing Feminist Revolution in Sociology, Judith Stacey and Barrie Thorne already described as early as 1985 a phenomenon in the discipline of social sciences that appears to be universal for modern, Western academic knowledge production:

"Feminist perspectives have been contained in sociology by functionalist conceptualizations of gender, by the inclusion of gender as a variable rather than a theoretical category, [...] by being ghettoized [...]. Feminist rethinking is also affected by underlying epistemologies (proceeding more rapidly in fields based on interpretive rather than positivist understanding), and by the status and nature of theory within a discipline."[36]

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30 | Harding 1991; Harding 2004a; Harding 2006.

31 | Harding 1998.

32 | Trubek/Esser 2011, 149.

33 | Harding 1991, 134-142.

34 | Intemann et al. 2010, 932.

35 | Harding 1986.

36 | Stacey/Thorne 1985, 301.

According to Harding, the philosophical version of standpoint theory makes it a naturalised epistemology, insofar as it is engaged with the methods of studying knowledge, scrutinising the processes of scientific knowledge acquisition and objectivity itself, and how they are embedded in research disciplines and institutions.[37] Although standpoint theorists and empiricists "make competing claims about what is required for increasing scientific objectivity,"[38] Harding has been able to differentiate standpoint feminism methodologically from feminist empiricism, which she sees merely as the perspective that male bias in science constitutes ''bad science'' and could be avoided if scientists were strictly committed to empiricist norms and methods of research.[39] Feminist empiricism agrees with critical empiricism in rejecting "the view that science is ''value-free''."[40] As such, feminist empiricism is context-specific with respect to the goals, values, and methods that dominate different research contexts. It is normative in the sense that those goals, values, methods, and other background assumptions are not independent of social, ethical, and political values: "Evidence should be construed holistically."[41]

Feminist empiricism and standpoint theory overlap in their acknowledgement that theory rationalisation depends on an abundance of "background assumptions."[42] They diverge, however, in the hypothesis that individual scientists are for the most part unaware of such background assumptions, ideologies or social categories and of how they affect their work, including their ethical and political values. Feminist empiricists, unlike standpoint theorists, doubt the possibility that individual scientists can identify or assess their own biases or defective suppositions: "For this reason, feminist empiricists take the locus of objectivity and justification to be scientific communities."[43] Hence, feminist empiricism considers itself to be a social epistemology, with social meaning, and considers the point of departure for achieving objectivity as being entrenched in scientific communities, rather than being located within individual scientists alone.[44] Feminist empiricists argue that reflection and attainment of "critical consciousness" as the basis for inhabiting a standpoint are accomplished by communities rather than individuals.[45]

Feminist standpoint theory takes feminist empiricism a step farther by introducing a (self-)reflexive element, the standpoint, which positions the researcher in the epistemological context of social background, education, academic discipline or field and intention of work. Standpoints need to be differentiated from merely having a particular, experienced-based perspective; instead: "Standpoints are said to be achieved through a critical, conscious reflection on the ways in which power structures and resulting social locations influence knowledge production."[46]

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37 | Harding 2006.

38 | Intemann 2010, 778.

39 | Harding 1991, 111-120.

40 | Intemann 2010, 780.

41 | Intemann 2010, 779-780.

42 | Intemann 2010, 781.

43 | Intemann 2010, 781.

44 | Intemann 2010, 782.

45 | Intemann 2010, 786.

46 | Intemann 2010, 785.

Or, as Harding states, a standpoint is a distinctive insight about how hierarchical social structures work:

"A standpoint is an achievement, not an ascription. Moreover, it is a collective one, not an individual one. The term 'standpoint' is colloquially synonymous with 'perspective.' But it is a technical term in standpoint theory. Achieving a standpoint requires scientific work in order to see beneath the ideological surface of social relations that we all come to accept as natural."[47]

What makes standpoint perspectives on empiricism valuable is their critical intervention in "untroubled instrumentalism and determinism" in favour of an "interpretive turn."[48] Standpoint theory challenges conventional ideas of empiricism and combines them with a new subjectified model of scientism, critically interrogating the basic frameworks and paradigms of knowledge creation. Authors like Kristen Intemann call for standpoint-related "critical awareness," an appeal that has its origins in Harding's attempt to access "less false stories"[49] for science. Intemann raises questions pertaining to modes of acquisition and pertinence of knowledge:

"Within the context of scientific inquiry, this critical consciousness can be seen as a critical evaluation of how power structures (for example, patriarchy or racism) shape or limit research questions, methodological decisions, background assumptions, or interpretations of data. In this sense, standpoints do not automatically arise from occupying a particular social location. They are achieved only when there is sufficient scrutiny and critical awareness of how power structures shape or limit knowledge in a particular context. Nor do standpoints involve a universally shared perspective of all members of a particular social group. Individuals may contribute to the achievement of a critical consciousness within an epistemic community in different ways."[50]

Feminist empiricists like Intemann attempt to cross-pollinate social epistemology and its critical strands with feminist standpoints. According to two representatives of critical empiricism, David Trubek and John Esser, the instrumental angle and outlook in scientific research distinguishes between ontological assumptions made concerning the description of the (external) objects/behaviour and epistemological assumptions concerning the process through which these descriptions are constructed.[51] They argue that a transition from an instrumental to an interpretive theory is needed to transmute our perception of values, knowledge, evaluative criteria, and the manner in which these three phenomena are related within a "trans-individual web of meaning—an 'ideology'."[52] I argue in accordance with Trubek and Esser[53] that both epistemic communities, such as science communities, and

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47 | Harding 2009, 195.

48 | Trubek/Esser 2011, 146-147.

49 | Harding 1991, 187.

50 | Intemann 2010, 785-786.

51 | Trubek/Esser 2011, 147.

52 | Trubek/Esser 2011, 151.

53 | Trubek/Esser 2011.

individual experience, enable one to find and inhabit a particular standpoint. The construction and then deconstruction of an internal (consciousness) and external standpoint (objects/behaviours/scientific communities/contexts) are necessary to make sense of the world. We locate our position in it through interaction between the two, bouncing from one to the other.

Standpoint theory posits that the perspectives we (can) inhabit are individual and infinite, and therefore cannot be perceived as universally valid contributions to any sort of meta-narrative or global theory. Consequently, standpoint theory's multiple positions undermine claims to universality as well as to the universal value of science.[54] It is an impossible sociological task to unravel, compare and judge concurring, possibly endless, perspectives on the basis of the accuracy of their description. When Intemann calls for a "system of checks and balances,"[55] she is aware of these manifold and often competing standpoints.

The answer to the problem of a multitude of (unrecognised) values and biases is to reflect on different options and approaches and to take a conscious, situated, partial stand—which again is constructed and subject to a certain value set. Feminists attempted to resolve the paradox by maintaining that partiality is negative when unchecked or unreflected upon, when invisible background assumptions are not scrutinised. Intemann's demand for a monitored balance consequently envisions a process of differentiating legitimate, reflected upon, conscious, visible standpoints from de-legitimate, unreflected, unconscious, hidden standpoints in the attempt to shield people from harm and to create social justice. Standpoint theory offers a solution to the dilemma by distinguishing values that are "justified" from those that are not: "Sexist values and androcentrism are bad for science [...] not because they are values that give rise to partiality. Rather, the problem is that they are unjustified value judgments."[56]

Louise Antony has described the concept of justified values and its conflicts as the bias paradox.[57] This concept postulates that inherent, non-reflected sexist values are at the core of androcentrism and have led to problematically partial, or biased, science. Androcentrism describes the (unconscious or conscious) practice of establishing men, their realities and masculinity as the norm, while everything else is perceived as the other[58] and defined against the masculine (overt or hidden) standard. Usually, this results in a masculine-feminine dualism.[59] While masculinity is the default and masculine traits like objectivity, rationality, thought etc. are accepted as the scientific norm,[60] women are allegedly: "the 'other', which has been equated [...] with 'femininity', with its emotionality, sensuousness, irrationality and chaos [...]."[61] As stated above, standpoint feminists have argued that the norm of scientific impartiality in itself is erroneous and unobtainable. On the

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54 | Trubek/Esser 2011, 153-154.

55 | Intemann 2010, 790.

56 | Intemann 2010, 793.

57 | Antony 1993.

58 | For an engagement with othering concepts, see sub-chapter 2.3.2.

59 | Although not necessarily, as queer, transgender and intersex studies teach us.

60 | As opposed to subjectivity, irrationality, matter and body etc., which are connoted female (Harding 2010, 315-316).

61 | Osietzki 1991, 42.

other hand, while advocating for partiality on behalf of women, feminists criticise partiality on behalf of men, which creates another bias paradox.[62] At this point, standpoint feminism calls for a system of balanced partiality.[63] With the concept of balanced partiality, feminist standpoint theorists aim to counteract sexist and androcentric values by demanding a reflected diversification of values in order to minimise the influence of bias in all directions.[64]

2.1.3 Implications for Research

Standpoint theory is deeply rooted in the problems of the everyday world[65] and was developed to draw attention to a gendered perspective from the margins. A standpoint theoretical background sheds light on the underlying assumptions of policy analysis and the individuals conducting it—individuals with certain sets of values, scientific education and individual background—as well as on me as a researcher and my positioning in the research.[66] As standpoint feminism can be seen "as an empiricist philosophy of science,"[67] it fit my research interest and the design of this study, which was to investigate the integration of gendered knowledge in the policy advisory process. Harding calls this moment in history a "splendid opportunity" to create new kinds of research agendas for the "growth of knowledge and social justice"[68] that turn away from the scientific and political (economic growth-oriented) mainstream and reflect on the policy problem from marginalised and oppressed positions: "Standpoint projects are designed to identify, explain, and transform the conceptual and material practices, in ways that benefit those who are least advantaged by such institutions."[69]

Harding assumes that the least privileged, outsider standpoint is based on coping with one's daily life[70] and will inform a way of problem-framing and -solving that does not leave anybody behind. Her primary goal is the empowerment of women, but her latest publications refine her argument in that they include postcolonial standpoints and perspectives of women from the Global South. In delineating a matrix of oppression in an attempt to address the larger goal of (global) social justice,[71] Harding builds upon Patricia Hill Collins' matrix of domination, in which women can be simultaneously disadvantaged and privileged.[72] This discourse echoes almost simultaneous debates about intersectionality.[73] Later in her research

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62 | Antony 1993, 189.

63 | Intemann 2010, 793.

64 | Intemann 2010, 793.

65 | Smith 1987a.

66 | As in chapter 2.4.1.

67 | Intemann 2010, 785.

68 | Harding 2008, 233.

69 | Harding 2008, 225.

70 | The daily life concept is represented in the German feminist research field "Alltägliche Lebensführung," which has evolved independently from Smith's concept of the everyday problematic (Diezinger 2010).

71 | Harding 2011.

72 | Collins 1991. Collin's primary goal was to empower black women (Colling 2000).

73 | Crenshaw 1989. See sub-chapter 2.3.1.

career and as a consequence of engaging with black feminism, Harding altered her concept of starting from women's lives to starting from marginal lives.[74] Thus, she finds herself aligned with other postcolonial critics of Western, white, male hegemonic science,[75] as well as with demands established by the concepts of diversity and representative bureaucracy.[76]

Transferred to the realm of IA, standpoint theory requires a wider perspective than "just" negotiating women's experiences though gender analysis. At the same time, it strengthens the position of the marginalised in IA. Standpoint projects, however, have a critical, reflexive distance to conventional (disciplinary) concepts, including IA tools, as they are regarded as conceptual practices of power serving the dominant institutions, as Smith suggests.[77] Which intra-active object-subject dynamic prevails? Is science from below really reconcilable with gender analysis tools? And are analysts and civil servants as the insider users equipped to implement such tools?

Standpoint perspectives also rely both on structural and regulatory frameworks (epistemic communities) as well as on individual implementation and individual participation (standpoints). The result is the rise of certain implementation environments or cultures that are embodied and embedded at the same time:

"Individuals from different social locations have, to some extent, different experiences. In this way, standpoint theorists take knowledge to be embodied rather than acquired through a universal, disembodied, rational mind. Different bodies are subjected to different material conditions and forces that can give rise to different experiences and thus different evidence and beliefs."[78]

The term embodied implies that individual experiences are not only cognitively, but also materially inscribed. Feminist standpoint theory suggests that the female body and experiences of women in a female gender role are inseparably intertwined and serve as basis for social cognition. Thus, a bodily mediated mental representation of the world is expressed in the recognition that individual experiences, emotions, feelings, normative pressures and experiences of discrimination and violence are processed and affect one's outlook onto the world[79] Or Lorraine Code expresses it: The Sex of the Knower[80] matters. For her, "taking subjectivity into account" requires "knowing people well, whether singly or in groups [...] knowing [...] their

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74 | Harding 1992; Harding 1998.

75 | Cannella/Manuelito 2008.

76 | Representative bureaucracy as a concept is based on corporeal democracy. It requires public administration to incorporate and resemble most or all aspects of the served population in its diversity. The main social groups should have officeholders at all levels, at best according to the ratio in which they occur in the general population base, "because the characteristics of bureaucrats influence the nature, scope, and implementation of public policies" (Smith/Monaghan 2013, 50). It establishes the obligation to employ women at least as half of the staff, including in managerial positions (Kelly/Newman 2001). For diversity and diversity management, see chapter 2.3.1.

77 | Smith 1990.

78 | Intemann 2010, 785.

79 | For an engagement of feminism with corporeality, see (Coole 2013).

80 | As in her early, pioneering essay (Code 1981).

distinctness from and their commonalities with other" when choices are to be made in knowledge production.[81]

Race and disability theory contain other strands of embodiment of difference in organisation.[82] Transgender studies currently suggest that differently gendered embodied experiences as (transgender) men, women, and in-between transgender play a potentially vital role in organisational collaboration and decision making, because they provide insight into the manifold ways of being gendered and how these experiences shape perceptions of the world. As this is a reciprocal process, regulations governing bodies and social situatedness also shape gendered embodied experience.[83]

Embodied experiences (of difference) are thus central to standpoint theory and feminist empiricism, as a feminist philosophy of the marginalised.[84] They are reoccurring, for instance, in Karen Barad's later concept of "agential realism,"[85] which alleviates the boundaries between object and subject, the knower and what can be known, epistemology and ontology. For Barad, objects are material, but not pre-existing. They are formed by intra-actions between objects and intra-actions between objects and subjects. As such even objects, including scientific evidence and data, are created agentive and intra-active.[86] In Barad's theory, science is less descriptive and exerts agency in that it produces reality. Following Barad's logic and that of feminist empiricism, IA tools and the results they produce are shaped as much by the embodiment of their users as by the bureaucratic reality, that these users face.

Feminist standpoints also emphasise the subject as the agent, the potential inciter of change in administrative and/or research institutions, questions, practices and outcomes, embedded in a larger epistemological context. Here, the preceding standpoint and agentive-oriented considerations led me to the questions of bias in science and the micro-level influence that bureaucratic systems develop. More precisely, I was led to question the possible educational and disciplinary bias of policy analysts responsible for conducting IAs and of bureaucrats in charge of initiating IAs, in systems that on the macro-level are firmly committed to gender equality. Why do policy makers, "unintentionally" as Verloo claims,[87] (or maybe even consciously?) decide against or simply ignore gendered-policy analysis tools for their assessments? And if a gender perspective is integrated into the assessments, how mainstreamed and transformative is it? If it does not get picked up or is not demanded by the policy makers, why is that so? Are epistemic (IA research, policy maker) communities still largely ignoring the genderedness of the state—and why?

My study therefore explores which research the relevant actors trust and value to produce good evidence, and which methodologies, research questions and outlooks

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81 | Code 2014, 22.

82 | Connell 2010; Thanem 2011.

83 | Whittle 2005; Sanger 2008; Schilt/Westbrook 2009; Stone 2009; Franzen/Sauer 2010. For example, in Canada as well as in most states of the EU (with the exception of Malta based on Act No. XI of 2015), only two sex markers (male/female) are officially recognised.

84 | Intemann et al. 2010, 928.

85 | Barad 1998, 89.

86 | Barad 2007.

87 | Verloo 2005b, 24.

are deemed appropriate and relevant for better regulation and good governance.[88] Public policy analysis is characterised by general epistemic competition. IA tools are supposed to regulate and channel knowledge of diverse epistemic communities. But Fox and Miller make an important observation, while theorising about public organisations:

"One does not ordinarily inhabit more than one paradigm, cannot see through the lenses of alternative paradigms. No argument developed in terms of one paradigm can be telling to those who argue in terms of an alternative one. Inhabitants of different paradigms are like ships passing on an moonless night without running lights."[89]

Transferred to the realm of IA, this statement is clearly pessimistic about the chances of successfully combining the different paradigms that underlie the rationales for social IA, environmental IA or economic IA in a balanced fashion in integrated IA. It poses yet another question: does implementing GIA or GBA, built as they are on feminist paradigms and representing feminist lenses, even make sense when another paradigm prevails in tools design and application? And if so, will analysts and researchers who have been trained in disciplines governed by a similar (male centred) neo-liberal (or another, e.g. environmental) paradigm and who do not adopt a feminist standpoint, be able to see anything through a gender lens? A relevant question in what Michéle Knodt sketches out as being a semi-permeable bureaucratic environment, permeable mostly by "big business," its (supra-national) players and (global) economic and political interests.[90] And lastly, is it even desirable to inhabit a feminist standpoint that simply creates new "subjugated knowledges"[91] in turn?

An important feature of standpoint theory is thus that it helps make sense of the scientific IA community within bureaucratic policy making structures. A standpoint is to some extent normative, as it "intends to map the practices of power, the ways the dominant institutions and their conceptual frameworks create and

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88 | Authors from the environmental IA sector also point out the importance of trust in the researchers and their methods by senior bureaucrats and policy makers (Hickey et al. 2013, 540).

89 | Fox/Miller 2006, 636.

90 | Knodt 2013. As an example, Knodt criticises the role of the seconded national experts in the EC's bureaucracy. Such seconded experts remain on the payroll of local, regional or national public bodies or private companies, while performing temporary, specialised tasks for the EU's executive, including its legislative function. In addition to the vast number of outside lobby groups in Brussels, the seconded experts influence the EC's policy and programme initiatives from the inside, and are not compelled to make their motives transparent or open to scrutiny. Knodt is particularly critical of the role of privately paid experts hired by private companies. Another critical issue regarding the seconded national expert system in the EC is its temporary nature, as knowledge and expertise is lost after the contract is up. The European Institute for Gender Equality also staffs seconded national experts. This raises yet another question of how to secure the best available gender expertise when hiring practices in the administrative systems do not support it. For instance, in the case of Germany, only the Federal Environment Agency has so far created a position of a gender mainstreaming expert and researcher (Sauer 2014).

91 | Harding 1987, 188.

maintain oppressive social relations."[92] Adopting a feminist standpoint, e.g. in the scientific community or IA, would involve "making a normative commitment to revealing the ways in which gender, for example, shapes and limits scientific inquiry as well as what we take to be scientific knowledge."[93] For the field of gender analysis, a feminist standpoint could be regarded as an obtained and evidence-based gender competency that knows about the theories, structures and workings of gender inequality.[94]

In sum, feminist standpoint theory provides this research with three theoretical paradigms that frequently inform the analysis of the empirical data:[95] 1) Situated-knowledge, which describes our social location(s) and how it/they systematically influence our experiences, how they are shaping and limiting what we can and want to know, the underlying contention being that knowledge is achieved from a particular standpoint in context[96]; 2) epistemic advantage of marginalised perspectives, according to which some standpoints—in particular the standpoints of marginalised or oppressed groups—are considered to be more insightful due to their epistemically advantageous outsider position and are thus elevated above others.[97] Closely linked to these two paradigms are the concepts of embeddedness[98] and embodiment[99] in examining the institutionalisation of gender analysis.

2.2 Governance

The governance approach serves different functions in my research, as the perspective and a point of departure for analysis as well as the object of research.[100] Governance studies are occupied with modes of governance, posing questions about what is governed and how. In my study, I wish to focus on the operationalisation of governance from a gender perspective, inquiring further into the "how" by asking who and what is involved on the meso and micro level, who the actors are and how epistemic IA governance operates. The development of a critical feminist perspective on the governance of/with IA tools is particularly crucial if the later analysis of the expert interviews is to be placed in a wider theoretical and equally political context

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92 | Harding 2004a, 31.

93 | Intemann 2010, 786.

94 | Harding 2004a, 31.

95 | By authors such as (Smith 1974; Smith 1987a; Hartsock 1983; Harding 1986; Collins 1991; Collins 2000).

96 | Haraway 1988.

97 | Intemann 2010, 783.

98 | Harding 2006. A concept further developed for the realm of gender mainstreaming by (Mackay 2014).

99 | For more details on the actor-centred approach, referring to the embodiment of knowledge, see also chapter 2.2.3.1.

100 | The German governance specialist Gunnar Folke Schuppert defines seven different governance functions that occurred within the "governance turn" (Schuppert 2011). For the specific functions of the governance concept attributed in this study, see chapter 2.4.3 on critical governance.

that mainstream governance theory usually does not address.[101] Only a critical and feminist approach to governance of/with IA in modern public administration will be able to pose the power question and to unravel the complex network of driving forces behind and obstacles to the steering of/with IA and the application of gender IA tools.[102]

An implementation analysis of gendered forms of IA tools in public administration takes place in a nexus of complex bureaucratic governance processes and structures, well described by Renate Mayntz.[103] In order to develop an understanding of the implementation of IA tools and practices, it is necessary in my opinion to assume a critical stance on the environment and mechanisms of public administration and bureaucratic action. I find that this position is best articulated in governance concepts, as IA rules and regulations are nestled between bureaucratic hierarchy and horizontal networks of cooperation and coordination with state and non-state actors,[104] because the state and its institutions can best be understood as a representation of "social relations."[105]

2.2.1 From Government to Governance

For the purpose of this study, I employ the concept of governance in an analytical way, as a "cognitive map"[106] to help me understand structures of regulation and coordination in public policy advice.[107] In its most general terms, governance relates to a diverse set of "theories and issues of social coordination and the nature of all patterns of rule."[108] Those mechanisms, in establishing patterns of rule, have become ever more complex and seem increasingly less explainable using traditional theories of the state or institutionalism.[109] The different levels of governance interact with each other and with a multiplicity of stakeholders outside, which blurs the boundary of the state and society.[110] Governance theories, therefore, have been developed as a response to those "phenomena that are hybrid and multijurisdictional with plural stakeholders coming together in networks."[111]

The main strands of governance research are located in political science and theory as well as law and market theories, which gave rise to governance studies[112]. Mayntz hints at two governance definitions: A wider market-oriented, sociological

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101 | Mayntz 1993b, 46.

102 | According to Renate Mayntz, this is an essential question in every kind of governance research (Mayntz 1993b, 47).

103 | In her seminal essay "Governing Failures and the Problem of Governability" (Mayntz 1993a).

104 | Mayntz 1993b, 38.

105 | Sauer 2003.

106 | Schuppert 2011, 13.

107 | Schuppert 2011, 15-16; Baer 2009a.

108 | Bevir 2011b, 1.

109 | Mayntz 2009a, 8.

110 | For a discussion on limits and reach of the social on the one side, which is correlated to governance theories on the political "on the other side," see (López/Scott 2000).

111 | Bevir 2011b, 2.

112 | Benz et al. 2007; Bevir 2011a; Schuppert 2011; Levi-Faur 2012.

definition, and a narrower definition associated with political science, applicable to intentional regulation in a political realm defined by territory. Endless opportunity for overlap exists between these definitions.[113] My particular research interest in governance is based on its function as a multi-faceted umbrella term for new methods, means and modes of governing, in the sense of steering, decision making and organising democratic participation, following predominantly the political science-based approach.[114] Since I employ an actor-centred perspective by examining the collective behaviour of policy analysts in charge of or involved with policy impact assessments, however, I also follow the sociological strand.[115]

Europeanisation and globalisation have been deemed to be "challenges to governance theory"[116] insofar as they have called for an extension of its analytical framework to address various deficits of nation-state-based political steering or stewardship theory—among which Mayntz identified one shortfall: "The concentration on policy effectiveness, on the output and outcome of policy processes, neglect[s] the input side of policy formation and the relationship between both."[117]

Ex-ante policy IA plays a big role in the "input side" and is, as a system, related not only to the output or outcome side, but also and in a fundamental way to the surrounding governance contexts. Public policy and programme IA is just one of the many levels of exercising flexible forms of governance through interaction with multiple state and non-state elements (IA frameworks and tools, knowledge/science) and actors (experts, research institutions, private businesses and civil society), and negotiating multiplicity, tensions and decision making. In fact, the multiplicity of agents of knowledge, providing evidence-based policy advice[118] "have helped propel the shift from government to governance."[119]

2.2.2 Multilevel Governance and Comparability

Policy IA systems are complex units, relying on existing and/or especially created institutional configurations. Systems of policy advice are dependent on (multilevel) jurisdictions and on policy sectors and departments.[120] Michael Howlett found different behaviour of policy analysts and decision makers on different levels of multilevel systems, also depending on sectoral specificities.[121] His research is in alignment with prior research by Andrew Jordan, Rüdiger Andrew and Anthony

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113 | Mayntz 2009a, 8.

114 | Although there are new critical strands in market oriented governance and management studies emphasising reflexive processes of thinking about plurality, identity, actor-networks, organizational knowledge, production and consumption (Hassard et al. 2008).

115 | Mayntz 2009b, 24.

116 | Mayntz 2009b, 18.

117 | Mayntz 2009b, 19.

118 | There is a whole body of research on conditions and consequences of knowledge production especially for the political process ("Politikberatung"), just to name a few from a governance perspective (Mayntz et al. 2008; de Schutter/Lenoble 2010; Stone 2012) and from a gender perspective (Smith 1990).

119 | Stone 2012, 339.

120 | Howlett/Wellstead 2012.

121 | Howlett/Wellstead 2012.

Zito, who attest to sectoral patterns in governance.[122] Bob Jessop emphasises the spatio-temporal character of governance arrangements.[123] The range of institutional variations of policy advice can therefore best be unveiled by means of comparison. The foci are core criteria of multilevel governance, proclaimed gains in efficiency and effectiveness through flexibility on the positive side, or the loss of state power (to an "expert oligarchy" removed from democratic control) on the negative side, which calls for new mechanisms of accountability.

In this complex setting, comparison allows for developing a multi-angle perspective and invites different voices from different contexts and (gender mainstreaming) traditions. Investigating GBA and GIA tool uptake in the various policy fields of the Canadian federal departments as compared to the Commission's Directorate Generals is at heart of this study and will make it possible to take stock of realities of application over 20 years after Beijing Declaration and the Platform for Women.[124] Before I move into a discussion of the concrete comparative method, I shall state why I regarded a comparison of the Canadian and EU gender (policy) analysis tools as especially promising, relevant and applicable from the perspective of multilevel governance.[125]

2.2.2.1 Multilevel Governance

Canada's federal structure with largely autonomous provinces and the central government in Ottawa is regarded as a form of multilevel governance,[126] with seemingly more stable authority, but nevertheless multiple levels of vertical and horizontal interaction and cooperation. The EU is widely acknowledged, however, to be the ground-breaking project leading to the origin and elaboration of multilevel governance theories that grapple with its blurry boundaries of membership and duties and complex systems of rights and regulations.[127]

Marian Sawer and Jill Vickers' notion of multilevel governance in the EU describes decision making in such supra-national organisations as increasingly complex and diffuse and more likely to involve non-state actors, such as scientists and NGOs, including the corporate and private sectors. Equally complex are the ways in which the architecture of governance is influencing participation in it. Where political interests diverge and the terrain is ever more complex, rule-making is increasingly based on seemingly neutral grounds of academic and technical expertise, with one of the main arenas being knowledge- and science-driven IA and policy analysis. In this complex web of knowledge as a power tool,

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122 | Jordan et al. 2005, 453.

123 | Jessop 2011, 68.

124 | UN 1995.

125 | Beyond Brooke Ackerly and Jacqui True's generalised statement on how "questions related to gender differences in [...] institutional and state behavior [...] generally require exploration across contexts" (Ackerly/True 2013, 150).

126 | Combining features of Hooghe and Marks' type one (mainly applicable to federal states) and type two (mainly applicable to supra-national systems) multilevel governance definitions (Bache 2007, 581), subsumed under a third mixed-typology of both characteristics (Podhora 2010).

127 | Tömmel 2008a; Tömmel 2008b; Benz 2008; Tömmel/Verdun 2009b; Tömmel/Verdun 2009a; Heard-Lauréote 2010; Bevir 2011a.

the federal (Canadian departments) or supra-national (DGs of the Commission) administration occupy key positions and key functions, as they constitute the interface in multilevel governance structures. According to Marian Sawer and Jill Vickers, women's interests and issues also shape and are shaped by this federal, multilevel, and bureaucratic context.[128]

I am particularly interested in two aspects of multilevel governance: First, its typological definition as formulated by Liesbet Hooghe and Gary Mark[129], as a complex, fluid governance system consisting of many jurisdictions, which can be overlapping and flexible, with changing demands on governance.[130] In this concept, authority is not stable but rather originates from many loci or networks of power, and the focus of governing is more on specific issues and policy areas rather than institutions or governments.[131] Drawn from Ingeborg Tömmel, my second interest is in new creative, institutional procedural solutions, such as IA, that are often found "below the threshold of hierarchical governance modi"[132] and that determine multilevel governance and policy making across all (micro, meso and macro) levels[133]. Day-to-day interaction and collaboration between the Commission, other EU institutions and agencies as well as member state governments occurs on multiple levels, but my research focuses on the micro-level of "the lower echelons"[134] of public administration. On this level, governing processes can be seen as comparable with to those within the Canadian federal administration. Because—just like in Canada— in the EU ex-ante policy IA is conducted either in-house by civil servants, who are policy analysis experts, or it is contracted out by public servants to external experts, research institutions or think tanks, in the wider system of bureaucratic logic.

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128 | Sawer/Vickers 2010.

129 | Especially their earlier non-state and actor-centred starting point for developing the multilevel governance concept (Marks 1996; Hooghe 1998).

130 | Hooghe/Marks 2001.

131 | Bache 2007, 581.

132 | Tömmel 2008a, 413.

133 | See sub-chapter 1.5.4.

134 | Trondal 2010, 257.

2.2.2.2 Travelling Instruments of Equality Governance

The transnational policy diffusion[135] of public service "innovation"[136] such as gender mainstreaming[137] and the "diffusion"[138] or "transfer"[139] of its implementation tools, among them gendered forms of policy analysis, makes them travelling instruments of equality governance. The notion of travelling is borrowed from "travelling concepts," originally referring to intra- or inter-disciplinary conceptual transfers.[140] Translating concepts into other contexts initiates a journey through space and time.[141] A comparative approach is an attempt to assess the dispersion and interrelatedness of policy innovations such as gender mainstreaming and its travelling tools, in their in-depth application on the ground, in order to control for "innovative equality policy outcomes."[142]

Both Canada and the EU are seen as beacons for the advancement of gender mainstreaming.[143] Gender mainstreaming is an international strategy, and its instruments, such as GIA and GBA, attempt identical things: To mainstream gender equality into policy and programme analysis and programme making. Although the implementation of gender mainstreaming and its instruments depends on local contexts, political traditions and systems, it lends itself to comparative research due to its initial, world-wide common origin in the document Beijing Declaration and the Platform for Women in 1995.[144] As such, this research can be seen as a comparative inquiry into the travelling strategy of gender mainstreaming and its instruments.[145]

Gender analysis tools are developed and implemented as innovations in yet another innovative environment of IA.[146] The regulatory frameworks for and practices of IA or policy analysis are diverse,[147] and gender analysis tools have also diversified,

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135 | For an account on the policy diffusion of gender mainstreaming, see (True/Mintrom 2001).

136 | "Innovation" is understood as emergent or planned "newness" or a process of "discontinuous change" in public service research. Within the typology of innovation, gender mainstreaming would best be described as a form of "incremental innovation," as a "discontinuous change" under existing bureaucratic paradigms, but "affecting organisational skills and competencies" (Osborne/Brown 2013, 3-5). Whether it is justified to still speak of gender mainstreaming as an "innovation" in the public sector, almost 20 years after its introduction, depends on its sectoral uptake.

137 | Schmidt 2005; Müller 2007.

138 | Hartly 2013, 54-56.

139 | Operating according to uptake processes comparable to policy transfer (Lütz 2007, 132).

140 | Bal 2002.

141 | Lammert 2010.

142 | Lewalter 2011.

143 | Hakesworth 2012, 236; 241-245.

144 | UN 1995.

145 | Travelling is usually an enriching experience, but transposing concepts also poses risks due to semantic and epistemological shifts (Baumbach et al. 2012).

146 | De Francesco et al. 2012.

147 | As laid out in chapter 1.4.

which calls for a comparative governance perspective.[148] By conceptualising gender analysis tools, such as GBA/GIA, as globally "travelling instruments,"[149] their inherent Western notion of gender equality as governance innovation comes into focus. Their implementation needs to be examined in the context of Western feminism and its prevailing strategies and topics.[150] Despite their international dissemination, I have decided to explore the implementation of these instruments exclusively in Western[151], post-industrialised, democratic contexts, for reasons of comparability.[152] Regardless of the different systems of governance (federal-national in Canada vs. multilevel in the EU) and political systems (Westminster vs. supra-national democratic models), the democratic, administrative implementation environment of bureaucracies still renders them comparable. Recent feminist research on the state has confirmed the utility of this methodological approach, since it attests to an "absence of national and regional patterns," in advancing the state equality project in the Western context, emphasising the importance of the "sectoral level."[153]

2.2.2.3 Comparison

Comparative political science and also sociology have developed a variety of methods in order to enable a systematic comparison,[154] one of which is employing the method of qualitative, synchronic comparison based on a typology model.[155] In very general terms, the comparative method allows for concentration on contrasts, similarities and deviances through a systematic, close-up interrogation of a limited number of cases.[156] Synchronic comparison rests on the assumption that the cases are similar and therefore comparable in location, time and form. The case study choice is "indeed

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148 | Tömmel/Verdun 2009a. For the detailed comparative method, see the following chapter 2.2.2.3.

149 | As an example, Canadian GBA travelled to South Africa (Hanson 2008) and visiting groups of South Korean civil servants informed themselves about GBA practise in Canadian federal administration.

150 | For an African critique of Western feminism, emphasising deviating African goals and issues, see i.e. (Haastrup 2014, 106-109).

151 | Researching public policy gender analysis in contexts of the Global South is yet another uncompleted, but promising task, since younger, more malleable democracies and favourable local contexts might make possible advancements in mainstreaming gender equality that are unthinkable in the West; i.e. in Korea, where success (Kim 2008; Korean Women's Development Institute 2008), but also contestation are nearby (Won 2007).

152 | This is not intended to ignore the strides gender mainstreaming and its instruments seem to have taken in many parts of the world, such as in Africa (Mukabi Kabira/Masinjila 1997; Theobald et al. 2004; Mukhopadhyay 2007; Wendoh/Wallace 2006; Haastrup 2014) or Asia (Kim 2008; Korean Women's Development Institute 2008; United Nations Economic and Social Commission for Western Asia 2011).

153 | McBride/Mazur 2013, 672.

154 | Pickel et al 2009; Lauth et al. 2009; Laut/Winkler 2006.

155 | Knoepfel et al. 2011, 21.For gender analysis tool typology, see chapter 1.6.

156 | Rihoux 2009, 365-366. It is especially useful for the testing of hypotheses and meso theories. Comparative research in this study is employed more at the epistemological level as a form of research strategy than as a set of formal techniques.

very important."[157] In the context of this research, the synchronicity[158] of GBA/GIA being post-Beijing instruments of the travelling strategy gender mainstreaming,[159] combined with the fact that both Canada and the European Commission have long-term, internationally acknowledged practice with their respective gender policy analysis and policy impact assessment systems, lead me to hypothesise that GBA/GIA would be suitable case studies for comparison and enable me to describe the status quo for gender mainstreaming in impact assessment.[160]

In order to gather the broadest data and to allow for flexibility, I chose not only a comparative, but also a procedural analysis, progressing iteratively[161]: First, the design of the interview questionnaire and then the content analysis were triangulated with document analysis[162]. The analysis of the Canadian set of interviews on GBA practices built my coding baseline structure for the comparison with the GIA and gender in integrated IA realities in the EU. The modified analytical framework of Components and Facilitating Factors for Gender Analysis[163] served as the grid for assessing the governance structures of GBA implementation in Canada. For the purpose of a smoother and more logical interview dialogue, the framework and the semi-guided interview questionnaire were adapted to the European context.[164] Only when the content analysis on the EU data set was completed did a final coding structure emerge that enabled me to execute a synchronic comparison.

In sum, in my transnational comparative approach, I considered the content and genealogy of concepts, strategies and tools for achieving gender equality as both idiosyncratic and synchronic in the two multilevel environments—on the level of the Canadian national state and the supra-national level of the EU. These environments are idiosyncratic because of the different implementation of gender equality concerns through either integrated and/or separate tools; however, they are nevertheless comparable because GIA and GBA as we know them today are gender mainstreaming tools, synchronically situated in the post-Beijing process, succeeding from the milestone adoption of the gender mainstreaming strategy in the Declaration and Platform for Action at the 4th United Nation's (UN) World

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157 | Ackerly/True 2013, 150.

158 | Knoepfel et al. 2011, 21.

159 | As elaborated in subsection 1.1.4.

160 | For engagement with the EU impact assessment system and policy learning based on it, see, e.g. (Renda 2006; Meuwese 2008; Radaelli/Meuwese 2008; Tömmel/Verdun 2009a; Radaelli 2009; Hensel et al. 2010b; De Francesco et al. 2012). For the success of (and disappointment with) GBA in gendering public policies, see, e.g. (Burke 2001; Boyd 2003; Hankivsky 2005b; Bakker 2006; Boucher 2007; Boscoe/Tudiver 2007; Abu-Laban 2008; Haussman et al. 2010; Grace 2011).

161 | Benoit Rihoux calls the qualitative comparative method "an iterative and creative process," "far from being a push-button-type technique" (Rihoux 2009, 368). This study followed a series of steps, breaking up the research process into sequences. It was thus inspired by the philosophy of grounded theory, being lead by the material and the progressing research process (Charmaz, Kathy 2006).

162 | Bowen 2009; Knoepfel et al. 2011. Document analysis of primary (tools) and secondary (academic) publications.

163 | Presented in table 5 in subsection 2.5.3.

164 | The semi-guided interview questionnaire can be consulted in Annex IV.

Conference on Women.[165] All of the above makes the examination of the role of gender analysis tools in the EU's IA system as compared to the Canadian policy analysis practices a worthwhile subject for my comparative inquiry.[166] Setting the comparative analysis before the backdrop of multilevel governance recognises the fact that each level of government is a significant policy actor in its own right and at the same time subjected to interwoven effects of the various levels. Applying a multilevel governance perspective to the empirical analysis highlights the fact that both policy advice through IA systems, while similar in many ways, contain different features which affect the nature of the processes followed.

2.2.3 Epistemic Governance and Gender

Governance and gender concepts are similar in their transcendence of state borders, economies, societies, governance levels, knowledge communities and actor involvement.[167] The context-specific malleability of gender and governance concepts, which disregard disciplinary borders,[168] has enabled researchers to link both concepts meaningfully and problem-specifically.

2.2.3.1 Insider/Outsider Actors and Third Way Governance Through Impact Assessment

Of particular concern with regards to fostering gender equality is the often disparaged aspect of multilevel governance structures, namely, their commonly weak development of democratic elements. The supranational institutions of the EU have been especially criticised for their democratic deficit since the late 1970s. In the rise of postdemocracy debates criticising the rule of the economic, political and media elites, democratic governments all over the world are facing challenges to their legitimacy.[169]

Governments are blamed for not being democratically accountable when they are seemingly losing control over important decisions that influence the realities of their citizens, or when the elected elite does not represent or cannot be made accountable by its electorate. In the realm of IA, authors such as Peter Biegelbauer have been occupied with solving the democracy paradox in IA and asking pertinent questions: What does democratic mean in the context of knowledge-based decision-making? What does that mean for research questions, instruments etc.? How democratic are the instruments themselves? What is the impact of different instruments, both participatory and expert-led, on regulatory activities? How can stakeholder participation have a meaningful impact on decision making in a

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165 | UN 1995. See travelling instrument chapter 2.2.2.2. For typologies of assessment tools, see 1.6.1.

166 | Belgian Presidency of the Council of the European Union 2010.

167 | For a concrete study on engendering international macro-economic governance, e.g. see (Wichterich 2007).

168 | Botzem et al. 2009b.

169 | Crouch 2008; Crouch 2013. Colin Crouch introduced the term post-democracy in the early 2000s, describing democracies that are fully functioning in a formal sense, but in which the representatives of powerful interest groups, especially multinational companies, are more influential than the citizen majorities (Crouch 2008, 30).

knowledge-intensive policy field?[170] On this point, Gabriele Abels and Joyce Marie Mushaben have developed the hypothesis of the double democratic deficit of the EU and most other executives worldwide,[171] blaming them for their inability to provide gender-sensitive content for policy advice for policy making:

"Viewing the EU through a gender lens exposes its double democratic deficit—one involving women's underrepresentation across EU institutions and decision-making bodies, the other reflecting the lack of gender sensitivity in EU policy-making."[172]

Abel also addresses the issue of under-representation of women in policy research, here in the case of the EU IA system:

"Policy-oriented research sponsored by the Commission and conducted by independent experts exposes the over-representation of men at all levels of the research system and the manifold mechanisms working to the detriment of women scientists."[173]

Due to the multilevels of the EU, its various institutions and the many member states,[174] cooperative governance methods, such as the most well-known example of the open method of coordination, are intended to compensate for a lack of centralised state power and insufficient democracy,[175] and are called third-way governance. The term third-way governance is derived from the British Labour government's strategy of a third-way politics, which refers to a series of policy reforms that involve the target community and are based on increased citizen participation and principles of inclusion, devolution, and partnerships.[176] It was called a pragmatic approach and considered a response to social exclusion. Tim Reddel calls all "'Third Way' ideas" the "foundations of social governance" in light of the retreat from the state.[177] Accordingly, I understand third-way governance in the context of this study as the greater involvement of the third sector, civil society (non-state and non-business actors), in government, via an emphasis on its role in softer modes of governance.[178]

I would argue that ex-ante IA, especially when based on strong deliberation and consultative elements, represents one mode of third-way governance. Involving scientists in policy advice and policy making renders political decision making accountable to scientific data and realities. Specifically, gender analysis emphasises the democratic mandate of public policy IA and re-introduces democratic equality aspects into a multilevel environment: "Democratization should provide scope for both men and women to make public policy responsive to human needs in all their diversity [...]."[179] In fact, ex-ante IA could counter the double democratic deficit,

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170 | Biegelbauer 2012, 2.
171 | Abels/Mushaben 2012a.
172 | Abels/Mushaben 2012b, 14.
173 | Abels 2012, 202.
174 | Mayntz 2009b, 20.
175 | Nohr 2002, 407.
176 | Temple 2000.
177 | Reddel 2004, 138.
178 | Reddel 2004.
179 | Sawer 2003, 364.

if deliberation is strengthened in IA methodology within an overall paradigm of democratisation, equality and inclusive policy making.

In the examination of who has agency within third-way governance, a consideration of horizontal governance of IA systems and processes is necessary.[180] It is useful to distinguish between what Karin Zimmermann and Sigrid Metz-Göckel call the "inner field of action" (analysts, scientists, NGOs, think tanks, research institutions, etc., contracted with IA studies) and the "outer field of action" (cooperating departments, committees, steering groups, networks, decision making bodies and social movements and society at large, that are involved in IA design and processes).[181] Whether conducted through in-house knowledge agents, such as statisticians, research officers, parliamentary researchers or policy analysts being public servants or by external knowledge brokers[182], such as private sector think tanks, private or public universities or expert networks, the governance of knowledge has become increasingly detrimental for public policy and programme making.

If IA is constituting this particular, third-way governance arena, marked by high levels of interaction, these (internal and external) actors and their epistemic regimes come into focus. According to Thomas Brante, Steve Fuller and William Lynch, an epistemic regime has both cognitive and social dimensions, and is constituted by a set of (implicit and explicit) norms, rules and decision making processes.[183] Within this framework, the inner bureaucratic actors initially decide which "regime of truth" will be adopted as IA knowledge from among the many competing "agents" and "modes" of knowledge.[184]

Margret Page offers an interesting insight into this multilevel network of competing actors and regimes of truth. Instead of the competition for leadership that might have been expected, Page observed more relational and procedural

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180 | The vertical multilevel governance between Canadian provinces and the federal government or, respectively, the institutions of the European Union (Council, EP, EC) is not subject to analysis.

181 | Zimmermann/Metz-Göckel 2007, 37-38. Zimmermann and Metz-Göckel call the EC "bearer of knowledge" or "network architect" in order to emphasise its central role in the cooperative implementing of such cross-cutting topics as gender mainstreaming (Zimmermann/Metz-Göckel 2007, 78).

182 | A knowledge broker is a bridge or intermediary between disconnected knowledge systems. The concept of knowledge brokerage as applied in sustainability and environmental IA, addresses the observed gap between extensive supply of IA tools, and the "patchy demand" for them. It emphasises a reflexive approach and increased interaction at the science-policy interface in order to create persuasive demand for IA tools (Söderman et al. 2012; Lyytimäki et al. 2015).

183 | Brante et al. 1993, 140. For the authors, an epistemic regime is aligned with a particular epistemic community. The regime concept is originally derived from welfare state research, most importantly from Gøsta Esping-Andersen's welfare regime model (Esping-Andersen 1990). It was later also adopted by gender researchers such as Sylvia Walby, who developed a gender regime concept that describes a system of different, interconnected domains "not sealed into separate compartments of economic and noneconomic issues" (Walby 2004, 22). For an overview of the development of the gender regime concept see (Betzelt 2007).

184 | Stone 2012, 340.

practices in the evolution of gender mainstreaming. Her investigated actors from within the administration (such as gender equality experts, focal points or advisors) engaged other actors by means of giving up leadership in gender mainstreaming. Her findings indicated that:

"Equality advisors did not act in isolation but formed networks in which leadership was dispersed and emergent between actors in a variety of organizational contexts and roles. In these networks, equality advisors [...] seemed to be leading but unable or unwilling to own this fact. It was as if their leadership was hidden, creating the conditions in which other actors might bring content to gender mainstreaming processes that they had designed and put in place."[185]

Public administration operates the IA system as a third-way mode of epistemic governance, in which sometimes hidden leadership with regard to gender mainstreaming might be advisable. It avoids participating in competing epistemic regimes; instead, it could be a first step towards inscribing gender equality into dominant regimes of truth. As such, feminist actors from within are crucial in the governance of IA systems and practices. Their participation in IA advice and controlling already constitutes a more democratic reality for IA. In addition, I was interested in tracing their possible trajectory from epistemic outsiders to partners in the epistemic community, enabling gender equality concerns from the inside.

The outside scientific community, entrusted with IA studies and their methodologies, could function as a second entry-gate for democratisation as well as hidden leadership in gender equality. The gendering of knowledge[186] in IA processes and structures depends on a multilevel "mobilisation"[187] of knowledge in order to develop a policy recommendation as a "shared vision"[188] of the epistemic community. The transnational, successfully diffused strategy gender mainstreaming represents both, being both a result of as well as a starting point for developing such a "shared vision." One employee of the Commission's Directorate-General Research and Innovation (DG RDT) voiced her opinion about the implementation of gender mainstreaming within the EU's multilevel governance structures and the Commission's bureaucracy:

"If you're following the vision that gender mainstreaming is only to be realised as a cross-cutting task [...] then 'cooperative praxis' is the most important precondition. Then not only political and administrative action needed to be transformed fundamentally, but also the scientific action. Until then, scepticism about the transformative potential of gender mainstreaming should be seen as quite realistic."[189]

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185 | Page 2011, 334.

186 | Brooks 2006.

187 | Cavaghan 2012b, 6. Rosalind Cavaghan defines gender knowledge as explicit and implicit representations concerning the differences between the sexes and the relations between them, the origins and normative significance of these, the rationale and evidence underpinning them and their material form (Cavaghan 2012b, 7).

188 | Cavaghan 2012b, 5.

189 | Original German citation: "Folgt man der Vision, dass Gender Mainstreaming nur als Querschnittsaufgabe zu realisieren ist, [...] dann ist die 'Kooperationspraxis' (B3) dafür

The citation illustrates the multiple levels of governance that exercise power over the realities of IA systems, which are placed between regulative complexities of supra-national or federal multilevel governance on the one hand and given relative flexibility in dealing with inner and outer fields of action as "endogenous and exogenous sources of change"[190] on the other. Science itself is targeted as an increasingly important political site and mode of knowledge production.

There was a need, therefore, to question participants on two levels: 1) Gender experts, who partake as network agents of knowledge on the input side, and 2) the other bureaucratic actors concerned with the outcome side, such as IA analysts, tool designers and academics.[191] I conducted the expert interviews[192], corresponding to an insider/outsider perspective, yet another crucial element of situated-knowledge. The idea behind situated-knowledge is to enable members of marginalised communities to enter epistemic communities; in this case, to enable gender experts to enter the IA community. Interviewing not only scientists or policy analysts, but also gender experts, would provoke increased critical consciousness from the inside and prompt inquiries about leadership on gender mainstreaming. It guarantees epistemic advantage also on an individual level, if in addition to a diversity of disciplines or epistemic scientific communities (who form epistemic regimes), each community includes members of marginalised groups—scholars in the case of the interview sets—who provide scrutiny based on their perspective as "outsiders".[193] The decision on my part to include IA and administrative insiders (such as public servants and policy analysts), as well as actual outsiders (such as academics) and outsiders from within (such as femocrats)[194] was derived from these theoretical considerations.[195] I wanted to test the assumption that, by becoming insiders of an epistemic community, outsiders from within (as femocrats) are equipped with the expertise needed to be better able to understand, identify and modify suppositions in a certain field. The various means of modification (networking, hidden leadership etc.) were also at the core of my research interest.

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die wichtigste Voraussetzung. Dann müsste sich jedoch nicht nur das politische und das Verwaltungshandeln, sondern auch das wissenschaftliche Handeln grundlegend verändern. Bis dahin dürfte die skeptische Einschätzung des transformativen Potenzials von Gender Mainstreaming ziemlich realitätsnah formuliert sein […]." (Zimmermann/Metz-Göckel 2007, 85).

190 | Lodge/Wegrich 2005, 417.

191 | Whereby a "dualistic, representational view of gender as a relatively stable identity" (Tyler 2011, 13) is overcome by an understanding of gender as a pluralistic and provisional social, medical and legal practice (Beger 2000a; Brettel 2009b; Ezie 2010).

192 | Explained in methodology chapter in 2.4.3.

193 | Collins 1991. It is noteworthy in this context that according to black feminist scholar and standpoint theorist Patricia Hill Collins, groups go beyond the experiences of individuals within them, because they are constructed on "historically shared, group-based experiences" (Collins 1997, 375). The anti-categorical critique of groupism later challenged this concept (Baer et al. 2010), see chapter 2.3.1.

194 | The term femocrat is explained in chapter 2.2.3.2.

195 | For yet another perspective on epistemic insider/outsiders, see the engagement with the othering concept in sub-chapter 2.3.2.

2.2.3.2 Feminist Critical Governance and State Feminism

Critical governance studies employ a concept of state that reflects a neo-Gramscian conceptualisation of state and civil society[196]; that is, it reflects an enlarged notion of the state in which the role of civil society is included and emphasised, as well as horizontal rather than vertical modes of governance. The governance perspective is wider than a mere state theoretical approach. The interest in feminist critical governance in political science evolved from contemporary observations of changes in gender relations in the context of globalisation, sustainability[197] and stewardship of the state. Initially, feminist political and legal theory[198] altered the notion of the neutrality of the state.[199] The basic object of early feminist criticism was the constitution of the state[200] and the role of its institutions in reproducing gender inequality.[201] In the interaction of feminism with the state, the exclusion of women from its institutions and legal frameworks was manifest in equality and difference debates. Discussions about the public/private, legal protection and self-determination, violence, sexuality and reproduction followed and illustrated how seemingly neutral processes, institutions and legal frameworks were subjugating and excluding women. The feminist legal perspective particularly addresses the power of law, law as a normative means of governance that is shaping and being shaped by societal norms.[202] The conceptualisation of female citizenship[203] and androcentrism in state and regulatory structures has lead feminist theorists to "distrust the law as it is,"[204] including the processes and power structures that bring law and policy making into

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196 | Dean 1999; Burchell/Foucault 2007; Collier 2009.

197 | In the understanding of lasting, see terminological clarification in sub-chapter 1.1.2.

198 | Baer 2008a. Starting with feminist jurisprudence in the late 1970s (Büchler/Cottier 2012, 17-18).

199 | MacKinnon 1983; MacKinnon 1987; MacKinnon 1989; Kreisky 1995b; Kreisky/Sauer 1998; Sauer 2001; Holzleithner 2002; Sauer 2003; Sauer 2005b; Sauer et al. 2007; Baer 2008c; Kreisky 2009; Ludwig et al. 2009.

200 | Especially relevant on this point is Carole Pateman's work on the social contract in fact being a sexual contract granting men patriarchal dominance over women and excluding women from the original contract, an analysis that reveals the patriarchal structures upon which modern democracies were built (Pateman 1988; reprinted as Pateman 2000).

201 | Susan Moller Okin revealed the patriarchal nature of the political philosophical thought upon which modern state theory is based (Okin 1980). As one of the first feminist analysts of bureaucracy, Kathy Ferguson drew a very bleak picture of a public administration increasingly controlling citizens in the form of bureaucratic capitalism (Ferguson 1984). While Ferguson predicts the incompatibility of bureaucracy with feminism, subsequent research has argued for a more nuanced analysis of the genderedness of public administration (Billing 1994). Kreisky reaffirms the "male-stream" of bureaucracy and calls the state a specific constellation of male interests (Kreisky 1989, 3). Like Pateman and Okin, she reiterates the subordinate and dependent role of women in patriarchal family structures that is mirrored by the state and its institutions; like Ferguson, she confirms the increased importance—even totalisation—of the bureaucratic phenomenon ("Bürokratiephänomen") (Kreisky 1989, 6).

202 | Baer 2008c, 547; Foljanty/Lembke 2006.

203 | Including the sexualisation of it, see e.g. (Ludwig 2011).

204 | Baer 2008a, 348. As already analysed by Okin (Okin 1979).

being.[205] The entanglement of law in the oppression of women has drawn attention to the processes of policy- and law-making,[206] and how the standpoints of women and a gender equality perspective are commonly ignored.[207]

In the 1990s, a critique of the (not at all monolithic) state transformed into a critique of stateness (the interaction between the state and society)[208], to a postmodern policy-network criticism, before finally arriving at feminist critical governance perspective. The topics evolved from bringing women into government[209] to gendering the nation state[210] to bringing gender into governance.[211] Rachel Simon-Kumar even envisions a "feminist state"—one that has fully absorbed gender equality and integrated it into all its structures and actions.[212] The aim of many studies was to analyse the gendered nature of political institutions in democracies, of welfare states and their actors, based on institutional approaches as well as regime typologies.[213] Feminist interventions in governance theory have focused on the foundations of gender inequality. For some feminist theorists, these foundations lie in gender schemas based on stereotyping, which fundamentally influence the structures of our society and its institutions and produce exclusionary effects.[214] For others, the structures of the state and its policies are at the root of and create the (pre-)conditions for those very unequal gender relations,[215] and they ask for:

"Moves [...] towards those [discourses of governance, A.S.] which highlight that the state signifies not government or institutions but a set of gendered social relations reflecting but also constitutive of capital/labour/market interaction."[216]

Feminist analysis of the state and its institutions reveal the androcentric nature of organisations and institutions[217]; they are gendered and cannot, as defined formerly by mainstream political science and institution theory, be regarded as "neutral".[218] Mary

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205 | Sauer 2001; Kreisky 2009; Ludwig et al. 2009.

206 | Kreisky/Sauer 1998a, 16-17; Kreisky/Sauer 1998b.

207 | With her archaeology of institutions ("Institutionenarchäologie"), Kreisky aims to reveal the visible invisible ("sichtbar Unsichtbare"), referring thereby to the (in-)formal exclusion of women from bureaucracy as an association of men ("Männerbund") (Kreisky 1995a, 216; Kreisky 1994).

208 | Löffler 2005, 122.

209 | Whitman/Gomez 2009.

210 | Simon-Kumar 2011.

211 | Baer 2009a. Susanne Baer, who calls both gender and governance "travelling concepts," noted, for example, the change in the guiding function of the state, which is no longer a "lonely player" (the governor) and easily distinguished from society (the governed) (Baer 2009a, 103-105).

212 | Prügl 2010b.

213 | Sauer et al. 2007; Ludwig et al. 2009.

214 | Ilcan et al. 2007.

215 | Sauer 2001, 115; Wetterer 2002.

216 | Rai/Waylen 2008, 6.

217 | For an explanation of androcentrism, see sub-chapter 2.1.2.

218 | Henninger/Ostendorf 2005; Kantola 2010a; Kim 2008; Ludwig et al. 2009; Lovenduski 2008.

Hawesworth, for instance, attested that "fundamental epistemological assumptions that inform policy studies contribute to the erasure of feminist knowledge as a form of sanctioned ignorance."[219] Eva Kreisky observed that the form and content of the state mirror societal power relations including dominant gender relations.[220] It has become evident that state institutions have been structured by power relations that lie inside as well as outside of their regulatory regimes and that cannot be ignored any longer.[221]

With regard to the gendered analysis of institutions and policies, feminist discussions of governance reiterate in particular the centrality of the state and its actors and their responsibility for transforming currently unjust and unequal gender relations. A feminist perspective in governance theory has thus not only managed to draw attention to the importance of the democratic value of gender equality in all areas of public action, but also to the necessity of inclusion and non-discrimination on representational levels.[222] Through race, post-colonial and disability interventions, additional critical, intersectional interventions in theorising the state, its constitutional value systems and its actors from more marginal perspectives, have become newly relevant; of these interventions, a feminist perspective on behalf of women, focussing on gender relations, is just one example (but perhaps the most visible).[223]

Developing gender mainstreaming and international strategies against trafficking and violence against women[224] has been one reaction to feminist demands on the state. Although a feminist state as imagined by Simon-Kumar does not (yet) exist, governments all over the world felt obliged not only to include more women into government, but also to create feminist institutions in their executive bodies. This so-called state feminism[225] has led to the formation of gender equality machineries (GEM) or women's policy agencies (WPA), or women's policy machineries (WPM), as they are also called. Due to the legal framework of the national gender equality law, the German GenderCompetencyCentre speaks of gender equality machineries.[226] Some authors also speak of gender mainstreaming or simply of gender or equality machineries.[227] All of these terminologies refer to inner-bureaucratic support bodies or units for gender equality and/or gender mainstreaming, "agencies dedicated to promoting gender equality and improving the status and conditions of women."[228] Dorothy McBride and Amy Mazur give a

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219 | Hawkesworth 2010, 268.

220 | Kreisky 1995a, 207.

221 | Seemann 1996.

222 | For a definition of (in/direct) discrimination and inclusion, see chapter 2.2.3.3.

223 | Intersectionality, or an analysis of the interrelations of different systems of exclusion and power, such as gender and race, has lately formed the bedrock for this feminist critique of the state, its institutions and actors (Baer 2009a 103).

224 | Baer 2009a, 103.

225 | The Australian school would speak of "femocracy," instead of state feminism (McBride/Mazur 2013, 660).

226 | GenderKompetenzZentrum/Hoheisel n.d. Accordingly, the terminology will differ internationally, depending on the legal context.

227 | True/Mintrom 2001; Theobald et al. 2004; Bleijenbergh/Roggeband 2007.

228 | True/Mintrom 2001, 30.

similar definition: "We define women's policy agencies as state-based structures at all levels and across all formal government arenas assigned to promote the rights, status, and condition of women or strike down gender-based hierarchies."[229] I apply GEM, WPA or WPM interchangeably, in a general understanding as being institutionalised government agencies or departmental units, equipped with a formal mandate to foster gender equality.[230]

Such concrete state feminist institutions need to be differentiated from equality architecture or gender equality architecture, which are the composite whole of the political and administrative architecture, and the structures, instruments and processes in place that are utilised for furthering women's rights and gender equality.[231] Marian Sawer describes the political function of equality architecture as an "intergovernmental machinery"[232] and ascribes "the role of women's machineries in good governance"[233] as being all-encompassing, pertaining to all horizontal and vertical democratic, parliamentarian processes of gender equality goals. Birgit Sauer describes the role of political equality architecture in similar, but more ambivalent terms as the interplay of state institutions and political-administrative governance processes that "integrat[e] women into the state in paradoxical manner."[234]

Gender equality machineries or women's policy agencies certainly constitute a vital part of the overall (gender) equality architecture, but the workings of state feminism are not limited to such institutions.[235] This notion of gender equality architecture describes the shell, or complete set of bodies and mechanisms, as the "being"; whereas state feminism describes the manifold ways of filling this shell with content as the "doing"[236]—mostly executed by femocrats. The term femocrat was coined in the Australian context.[237] Femocrats, also sometimes called equality advisors,[238] gender focal points,[239] or simply gender experts,[240] are public servants working in women policy or gender equality agencies or elsewhere in public administration, who promote women's and gender equality through these structures, usually—but not necessarily—based on a feminist agenda.[241]

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229 | McBride/Mazur 2013, 655.

230 | With a focus on the improvement of the situation of the most disenfranchised sex, still mainly women. For an evaluation of the effects of state feminism through gender equality machineries upon the state, see (Kantola 2010a; Findlay 2015)

231 | Sawer/Vickers 2010; Sawer 2011.

232 | Sawer 2011, 3.

233 | Sawer 2011, 1.

234 | German original: "paradoxe Integration von Frauen in den Staat" (Sauer 2003, 4).

235 | Haussman et al. 2010. Compare the example of the United Nations (Rao 2006).

236 | McBride/Mazur 2013, 657.

237 | McBride/Mazur 2013, 660; Findlay 2015, 6.

238 | Page 2011.

239 | Theobald et al. 2004; Moser/Moser 2005; Cavaghan 2012; Holvoet/Inberg 2014; Parpart 2014.

240 | Zippel 2008; Plantenga et al. 2008; Paterson 2010; Beveridge 2012.

241 | Chappell 2002; Findlay 2015.

2.2.3.3 The Equality Governance of and by Impact Assessment

In ex-ante IA studies on policies, including studies focusing on problem framing, choice of analysis tool, methodology, data, and recommendations about policy alternatives, the prior steps of tool choice will determine which answer will be given to a certain kind of problem, before the actual policy instrument is decided upon.[242] Ex-ante IA studies not only evaluate the content of a certain policy, but also suggest the appropriate implementation frame. We thus have to regard IAs as 1) political instruments of power; 2) relational means of negotiation between political actors and society, and 3) as institutions" defining the rules and resources of social action, [...] defining opportunity structures and constraints on behaviour, [...] shaping the way things are to be done,"[243] and realise the centrality and transformative power such policy analysis instruments possess.

Although ex-ante policy IAs in public administration are limited to an advisory role, and the final decisions about law making and implementation are still taken in the political sphere, IA tools and evidence-based policy making have gained such popularity and persuasiveness that it is unclear where administrative governance power ends and political power takes over. If we want to develop an understanding of the nature, causes and effects of the rationalities and technologies of governing within and by IA, therefore, we have to acknowledge first of all the importance and overlap of IA systems with the process of political decision making, and secondly, accept that the choice of the policy analysis instrument is as political as the resulting choice of policy instruments.[244] As we have seen in the current environment of increased IA usage, problem framing irrevocably relates to and influences the choice of ex-ante policy analysis instruments that are used to assess expected effects and risks. Consequently: "Translation of and through technical instruments is a constant process of relating information and actors, and of regularly reinterpreting the systems thus created."[245]

For conceptual research on the rationale for IA, the tool rationale also comes into focus. A rationale that from a gender and democratic perspective establishes the requirement to contribute to gender equality through IA tool application. Gender equality as a particular lens in policy and regulatory analysis represents yet another cipher (of many) for "better" policy and programme making and asks public administration to exercise equality governance. Gender equality was the dominant terminology in Beijing Platform for action, which introduced the gender mainstreaming strategy on a global level in 1995,[246] in an attempt to abolish inequality. International feminist legal theory recognises many, sometimes differing and competing concepts of gender "equality,"[247] juxtaposing it at times

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242 | See chapter 1.4.
243 | Jessop 2001, 1216.
244 | Bevir 2011b, 6.
245 | Lascoumes/Le Galès 2007, 7.
246 | UN 1995. See also chapter 1.5.
247 | Squires 2013.

with "equity"[248] and "inequality."[249] There is formal versus substantive equality, equality of opportunity, of outcome, of condition, of power, leading to debates about difference. In the French language and legal traditions, various transnational understandings of "égalité" and "parité" also exist.[250] Individual countries retrace these contentions about the different understandings and inconclusiveness of the final goal of gender equality.[251]

Dominant in a Western context is the liberal-egalitarian understanding of equality, which focuses on the redistribution of resources. It was later broadened to a concept embracing the public as well as the private realm (i.e. paid and unpaid labour), and the influence of structural inequalities and social groups. Egalitarian movements combating other forms of discrimination than sexism (such as racism, heterosexism etc.) have then expanded the demand for material equality to include a demand for recognition of group-specific elements in the economic, social, political, and cultural fabric of society.[252] Notably, discrimination needs to be differentiated from inequality. While inequality is the product of discrimination, discrimination is the unequal or less favourable treatment of individuals on grounds of their sex,[253] also called direct discrimination in EU equality law.[254] Structural discrimination, also called indirect discrimination, in contrast, occurs when a seemingly neutral rule, policy or structure, applied or accessible to everyone, has an unfair, disparate effect on people who share a particular attribute (i.e. sex).[255]

In terms of policy making, there also is a lively feminist debate on the typologies of gender equality policy content and the possibilities of and limits to measuring gender equality as a policy outcome.[256] Depending on these various viewpoints and conceptualisations, the ultimate goal of gender equality[257] remains highly debated and context-specific. Attempting to summarise and systematise the large body of legal, philosophical, sociological and political interpretations of gender equality is a daunting, even unmanageable task. Although a highly fruitful exercise in terms

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248 | Levit/Verchick 2006, 15-44; 215; Hunter 2008.

249 | Gender inequality refers to a difference or disparities between women and men, which is not accidental but rather the product of power and privilege on one side and disempowerment and precarity on the other (Dunford/Perrons 2014).

250 | Hunter 2008, 2.

251 | Such as i.e. the German debates on equality ("Gleichheit") and difference ("Differenz"), where gender equality can have three different connotations: equality before the law ("Gleichberechtigung"), de facto equality ("Gleichstellung") and equal treatment ("Gleichbehandlung") (Färber 2005; Foljanty/Lembke 2006; Knapp 2011). As Susanne Baer demonstrated for the European context alone, these are all embedded concepts, inseparable from and mutually influenced by the various national feminist and legal trajectories (Baer 2007a).

252 | Eisinga et al. 1999.

253 | Blofield/Haas 2013, 706.

254 | Based on the Race Equality Directive (2000/43/EC) (Council of the European Union 2000).

255 | Blofield/Haas 2013, 706. For the EU context, see again the Race Equality Directive (2000/43/EC) (Council of the European Union 2000)

256 | Blofield/Haas 2013.

257 | In combination with non-discrimination in the EU legal framework, see chapter 4.1.

of better understanding tool ontology, it needed to be of secondary concern in the realm of this study.

Overall, Western-oriented interpretations of what "equality for women" should entail dominate in global debates in the realm of feminist legal theory, although post-colonial critiques questioning universalist notions of equality and demanding multicultural perspectives are increasingly challenging Western interpretations.[258] The primary goal of this study was to examine the current status of the integration of gender mainstreaming in policy analysis or IA in terms of the structural and procedural implementation of a gender lens through policy and programme analysis tools—and not the evaluation of the (equality or equity) outcome of policies and programmes. The research furthers the understanding of the development of equality governance through IA tools, rendering gender mainstreaming in IA a "technique of power"[259] and "technology of government."[260]

In the Canadian context, the term equity inhabits a central position next to equality, since first GBA concepts were heavily influenced by health discourses that focussed on disadvantaged groups. For Status of Women Canada:

"Gender Equity—moves beyond the importance of equal treatment to focus on equality of results. It requires the differential treatment of groups in order to end inequality and foster autonomy. Therefore, in order to level the playing field for men and women, measures may be necessary to compensate for the historical and social disadvantages that women have experienced.
Gender Equality—means that women and men enjoy the same status, and experience equal conditions for fully realizing their human rights to contribute and benefit from participating in a range of political, economic, social and cultural endeavours."[261]

In its first GBA guide from 1996, Status of Women Canada states: "Equity leads to equality."[262] In 2011-2012, in its last GBA+ edition, SWC dropped equity as a term entirely.[263] The European Commission also does not mention equity in its GIA guide, referring only to gender equality, framed as "equality between women and men":

"Equality between women and men (gender equality)
By gender equality we mean that all human beings be free to develop their personal abilities and make choices without the limitations set by strict gender roles; that the different behaviour, aspirations and needs of women and men are equally valued and favoured. Formal (de jure) equality is only a first step towards material (de facto) equality. Unequal treatment and incentive measures (positive action) may be necessary to compensate for past and present discrimination. Gender differences may be influenced by other structural

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258 | Squires 2013. Postcolonial theorists such as Chandra Talpade Mohanty or black U.S. feminists, such as Audre Lorde or bell hooks, Chicana or Latina feminists, such as Linda Alcoff, Maria Lugones, or Gloria Anzaldua, among others (Borren 2013, 199).
259 | Çaglar 2013, 341.
260 | In order to "conduct the conduct" (Prügl 2011, 71).
261 | SWC 2003a, 14. Emphasis as in original.
262 | SWC 1998, 3.
263 | SWC 2012a.

differences, such as race/ethnicity and class. These dimensions (and others, such as age, disability, marital status, sexual orientation) may also be relevant to your assessment."[264]

To summarise, the terminology and the definitions relevant to the main tools under investigation in this thesis vary immensely. Whereas Canada's focus is legalistic, rights-and outcome-based, the European GIA equality definition already points to the intersectional messiness of equality, but is less legalistic and more gender-role-oriented. A general and reoccurring critique is the lack of conceptual clarity with regard to gender equality as the goal of gender mainstreaming in general, and its instruments like GIA/GBA in particular. Is it equity in the sense of equal outcome for all, de facto equality?

2.2.4 Implications for Research

The multilevel third-way governance of epistemic IA regimes by insiders, outsiders and hidden leaders highlights the role of gender equality policy machineries[265] and the people working in them. Such governance structures were and are established in the post-Beijing process to support the implementation of gender mainstreaming in general and, in the case of Status of Women Canada, GBA in particular. The European Institute for Gender Equality also has the mandate to develop and foster GIA tools and methodologies.[266] Since these supporting governance structures and the internal diversification of their employees are vital to gain access to the situated-knowledge of the heterogeneous feminist standpoint community, they are at the core of my research. On the other hand, and in order to assure a routine and quality application of gendered IA tools, it is vital to employ individual policy analysts or scientists (who might be working alone or in a team on the IAs) with precisely such an insider-outsider background and perspective. Their membership in a professional, scientific and/or policy analyst community of practice (insider standpoints) in combination with their personal background and diverse social position(s) (outsider standpoints) increases the likelihood that gender equality tools will be implemented.

On a theoretical level, according to Emanuela Lombardo and Petra Meier, the diagnosis of a policy problem and the concurring prognosis of the suggested solution can be interpreted in different ways. Implicit or explicit representations emerge regarding "who is deemed to have the problem, who caused it and who should solve it."[267] The concept of critical frame analysis[268], which states how a problem is framed and the implications this framing will have on the trajectories of its solutions, addresses different ways of approaching and addressing policy

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264 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3. Emphasis as in original.

265 | For a definition and alternative definitions, see also sub-chapter 2.2.3.2.

266 | Ahrens/Lewalter 2006; Zippel 2008.

267 | Lombardo/Meier 2008, 105-106.

268 | A policy frame is defined as an "organizing principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included" (Verloo 2005b, 20). Based on the research results of the EU QUING project, Tamas Dombos differentiates between issue-, document- and meta-frames (Dombos 2012, 5-6).

problems. Since ex-ante gender analysis starts at an early stage of problem framing, implementation research is crucial[269]; however, comparative empirical research, as executed in this study, is scarce.

In the realm of implementation, this study sets out to highlight the importance of the executive[270] and taps into a research gap identified in 2010 by Claire Annesley and Francesca Gains.[271] They found that research conducted up to that point had mostly concentrated on links between women's representation in parliaments and the existence of policy machineries and state actions on behalf of women.[272] In the desire to increase "women's policy concerns and outcomes (substantive representation of women [SRW])," the two authors shifted focus to yet another area: "Our claim is that the substantive representation of women is more likely to follow from the presence of feminist actors in the core executive."[273]

The core executive can be understood in a formal sense, as Roderick Rhodes understands it: as the implementation authority for political governance and the totality of procedures and institutions that administer and coordinate government policies—in short, as a reference to the governmental machine as a whole.[274] Others emphasise its rights-based character.[275] Crucial for this study is that the site of the administrative-executive can also be regarded as an "institutional locus of power"[276] of tremendous importance, particularly with regard to its steering and governing character that exceeds merely administrative functions.[277] Bureaucratic institutions possess (political) agenda-setting powers,[278] especially under the Westminster system in states such as Great Britain or Canada, but also in other Western democracies.

Public administration plays a powerful part in the velvet triangle, as sketched out by Alison Woodward.[279] The velvet triangle describes the triangular interaction of policymakers, academics and the women's movement. Chief executives such as ministers or senior public servants might be setting the tone, but those actually executing impact assessment tend to be middle-management public servants and external experts and scientists. According to Martha Franken: "It is the task of civil servants to be the facilitator for the debate and preparing for the decision making, but also to create the channels for the different actors to be able to play their roles fully."[280]

All bureaucratic actors are thus part of a multilevel web of multiple sites of power and are equipped with forms of agency.[281] Annesley and Gains found

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269 | Schmidt 2005.

270 | As noted in the various forms of studies of the state (German: "Staatswissenschaften") like administration studies, legal studies or political science studies.

271 | Annesley/Gains 2010.

272 | Annesley/Gains 2010, 911.

273 | Annesley/Gains 2010, 912.

274 | Rhodes 1997.

275 | Schuppert 2000, 41-42.

276 | Annesley/Gains 2010, 910.

277 | Bohne 2014, 165; Schuppert 2000, 76-79.

278 | Schuppert 2000, 79-80.

279 | Woodward 2004.

280 | Franken 2007, 5.

281 | For a critique and the limits of autonomy and agency in subjectivity construction, see (Meißner 2010).

network relationships, strategies and tactics especially to be the driving informal forces behind administrative agency.[282] Anne-Marie McGauran suggests, from her position as a researcher on the inside of public administration, the ways in which the "characteristics of public sector institutions" make gender mainstreaming implementation difficult.[283] For Claire Annesley and Francesca Gains, the executive is a deeply gendered institution concerning relationships, rules, recruitment and resource allocation, that shapes opportunities and constraints.[284] They also emphasise that, however, that although these structures and resources are gendered, they are available to femocrats for their attempt to influence public policy making from a gendered perspective.[285] In fact, they see the core executive as the "key venue" for feminist institutionalist research. Being a "dynamic rather than a static organisation," it is malleable and can contribute to policy change, if there is a significant representation of women and feminist actors from within.[286]

Following up on this questioning of "the capacity of the core executive to deliver the demands of feminist political actors,"[287] McGauran has clarified the ways in which context matters. My attention was focussed thereby on specific interactions in the context of multiple levels of administrative governance, between femocrat[288] actors, analysts and civil servants, and bureaucratic structures with regard to gender in IA. The governance perspective of this study draws attention to the actors in the institutional structure that are involved in the construction and reconstruction of public epistemic systems, in the iteration and reiteration of policy frames, and in the interpretation and reinterpretation of policy problems, through which they make room for change, adaption, and innovation.[289]

As a result, a guiding frame for the course of this study is the process-oriented and dynamic approach developed by the "Cross-cutting Group Governance" ("Querschnittsgruppe Governance") at the Berlin Centre of Science ("Wissenschaftszentrum Berlin").[290] This approach combines the actor-centred approach with three additional dimensions: 1) change or innovation of institutional arrangements and regulative structures, 2) the blurred or dissolving borders between national and international, public and private, formal and informal etc., and 3) newly developed or changing concepts of legitimising state action.[291] Gender IA and the wider strategy of gender mainstreaming fall within these three dimensions, in that they 1) constitute a transformative change or innovation to institutional structures, 2) are a transnational strategy or instrumentation, with an all-encompassing mandate to mainstream gender into all policies and programmes, and 3) thereby blur policy field and disciplinary boundaries and add legitimacy, transparency, accountability and quality management to public policies in the

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282 | Annesley/Gains 2010.

283 | McGauran 2009, 218.

284 | Annesley/Gains 2010.

285 | Annesley/Gains 2010.

286 | Annesley/Gains 2010, 924-925.

287 | Annesley/Gains 2010, 909.

288 | The term femocrat and state feminism is explained in detail in sub-chapter 2.2.3.2.

289 | Botzem et al. 2009a; Tömmel/Verdun 2009a.

290 | Botzem et al. 2009b, 11.

291 | Botzem et al. 2009b; Schuppert 2011.

attempt to contribute to achieving gender equality. A process-oriented governance approach contributes to the understanding of tool choice by explaining when and when not, why and why not the GIA/GBA tools have been selected.

An actor- and process-focussed governance approach is also linked to different dimensions of instruments, such as visibility, directness, or automaticity of assessment tools, which play a role in hypothesising about the state of gender in IA.[292] The issue of visibility raises questions of exposure, training, and institutional and educational encouragement for gender analysis tools. Directness can refer to academic background and methodological training of policy analysts who are able to use familiar tools directly rather than having to figure out new methodologies and techniques.[293] It could also refer to resistance to using add-on-tools as yet another task in non-integrated IAs. Finally, automaticity addresses the regulative setting of the IA system as a whole and the application of the single GIA/GBA tools within ex-ante policy assessment, by asking how automated and relevant these tools are.

2.3 Gender

The gendered realities and power relations in society make gender analysis tools such as GBA/GIA inherently political, since GBA/GIA can potentially perpetuate or transform our understanding of gender relations and inequalities.[294] In order to explore this connection and gain a deeper insight into the tools, we first need to reflect on the theoretical basis for an understanding of sex and gender in its intersectionalities, its implications for our societies as well as our institutions and for its position in impact assessment in particular.

2.3.1 Sex, Gender and Intersectionality—Beyond the Binary?

Most gender-based policy analysis instruments include some definition of sex and gender in order to sharpen the analysts' eye for this crucial distinction. Usually, these concepts of sex and gender relate to the categories men or women.[295] The explicit distinction between these categories follows a Descartian dualistic nature/culture divide and articulates the social power nexus based on the social manifestations of a binary sex/gender system. In this system, gender roles and gender identity are commonly derived from an individual's biological sex and a binary society is constructed of women and men, where women's different experiences constitute a "subordination or hierarchy."[296]

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292 | Peters 2002, 559-561.

293 | Especially when they are institutionally encouraged to perform IA studies as much as possible in-house instead of contracting them out to specialists.

294 | See chapter 2.2.3.

295 | Baden/Goetz 1997.

296 | Baer 2009c, 420. For Germany, see Karin Hausen's historical analysis of the construction of gender differences (Hausen 1976). Nowadays, the feminist debates on sex/gender and the (re-)construction of both are highly diversified. They are closely linked to the theorisation of equality and difference and debates on the (re-)construction of the feminist subject "woman," which I cannot reproduce in this text. For overview articles about

The distinction between sex and gender originated in feminist and sociological theories concerning societal power relations. While Simone de Beauvoir famously recognised the difference between not merely being born a woman, but having been made into one,[297] second wave feminists such as Gayle Rubin in the 1970s introduced the concepts as we know them today.[298] Up till then, feminist theory had accepted mainstream opinion on the gender role of individuals as the reflection of natural differences rooted in biology, which thereby essentialised occurring differences as natural and therefore unchangeable. A dichotomously structured society thus equated gender with sex.[299]

By stating "we are not only oppressed as women, we are oppressed by having to be women, or man as the case may be,"[300] Rubin marked sex, biology, the physical as being different from gender, gender roles and the gendered expectations of society—a society that is largely built upon the gender difference. According to her, the division of labour even established a "sameness taboo," which: "Exacerbates the biological differences in the sexes and thereby creates gender [...]. Far from being the expression of natural differences, exclusive gender identity is the suppression of natural similarities."[301]

Central to these perspectives is the insight into the sex and gender system as a binary that is continuously being constructed—a binary that is not natural, but naturalised: "Subjects in all research on human behaviour are either females or males. [...] Before we can ask questions about gender differences, similarities, and development, gender must be attributed. [...] we must already have differentiated."[302] Suzanne Kessler and Wendy McKenna formulated a ground-breaking study in 1978, which introduced the concept of the "social construction of gender."[303] This constructivist concept has been thoroughly discussed, and it exceeds the purpose of this study to even attempt a complete genealogy of these concepts and theories and all their transnational, trans-disciplinary interrelations.[304] A decade later, Candace West and Don Zimmerman added a praxeology study, which built on Kessler's and McKenna's work and on the experiences of transgender people. As West and Zimmerman see it, rather than being the result of an essentialist sense of being, these differences reflect a social "doing"[305] of gender. Doing gender in binary ways has effects, since it results in differential treatment, access to resources, participation, etc.:

Anglophone, French and Italian "égalité" and difference debates, see (Galster 2010; Kahlert 2010; Gildemeister 2010; Wetterer 2010).

297 | "On ne naît pas femme, on le deviant" (Simone de Beauvoir 1949, 285-286).

298 | Rubin 1975; Rubin 2003.

299 | A reduced view, challenged in the (non-)discipline of gender studies; for a summary of the sex-gender debate see i.e. (Donat et al. 2009).

300 | Rubin 1975, 204. Italics as in original.

301 | Rubin 1975, 178-180.

302 | Kessler/McKenna 1978, ix.

303 | Kessler/McKenna 1978, xi; 19.

304 | For instance, from an intersex perspective emphasizing the multiplicity of sexes (Fausto-Sterling 2000). For an overview, see (Hesse-Biber 2007a; Becker/Kortendiek 2010; Wetterer 2010).

305 | West/Zimmerman 1987.

"We should emphasize that the oppressive character of gender rests not just on difference but the inferences from and the consequences of those differences. The inferences and attendant consequences are linked to and supported by historical and structural circumstances. Changes in those circumstances can facilitate inferential shifts in the terms of gender accountability and weaken its utility as a ground for men's hegemony [...]."[306]

West and Zimmermann, and later West and Sarah Fenstermaker, demonstrated in the mid-90s how gender differences are accomplished and constructed in routine social interactions. Drawing from transgender experiences, they extended the doing gender concept and the notion of constructivism of gender also to sex.[307] West and Zimmermann suggested greater differentiation via the triad of sex, sex-category and gender. According to West and Zimmerman, even the sex assigned at birth rests on socially agreed upon assumptions of biology and gender signifiers, which poses a challenge to biological determinism. The sex-assignment is continuously (re-) constructed by daily gendered interactions, and therefore is not a fixed state, but rather a process of doing gender. Doing gender in a binary system requires doing difference in order to differentiate oneself. Extending the understanding of doing difference as a doing of gender as well as of sex, and as a process for organising "the relations between individual and institutional practice, and among forms of domination"[308] beyond the binary, challenges the distinctions of all of these categories:

"These distinctions are not natural, normal, or essential to the incumbents in question. But once the distinctions have been created, they are used to affirm different category incumbents' 'essentially different natures' and the institutional arrangements based on these."[309]

One institutional arrangement based on a difference assumption, yet critical of difference essentialism, is gender analysis. As such, the tools created are in danger of sex-categorising, and therefore of re-essentialising gendered experiences. They could potentially be complicit in dramatising gender (differences) in a binary system of women and men.[310] But West and Zimmermann posit a means for giving players in the gender game their agency back by opening up a space for institutional change that will eventually alter gender roles. They emphasised the dynamics and interplay

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306 | West/Zimmerman 2009, 117.

307 | West/Zimmerman 1987

308 | West/Fenstermaker 1995a, 19.

309 | West/Zimmerman 2009, 114.

310 | Angelika Wetterer calls for prudence in establishing the dichotomy between the men and the women, as this dichotomy risks dramatising sex and gender and negating everyday knowledge of gender relations. Instead of reproducing difference, she desires instruments that are able to address complex inequalities, their workings and the processes that call inequalities into being; she suggests that gender knowledge that exceeds the binary can be the source of transformative knowledge for sociological research (Wetterer 2008; Wetterer 2010).

of sex and gender—but also race and class (doing difference)—in how we conceive of and constitute society, all of which is open to reformulation and re-doing.[311]

Doing gender has been criticised for being a reifying theory. Some, like Francine Deutsch fear, it has turned into a signifier for gender persistence (rather than undoing the gender difference), rendering inequality almost inevitable.[312] Deutsch's intervention into the complicity of the un/doing concepts in light of the stagnation of gender relations, re-links the potentially rather individualistic question of un/doing to the systemic level—the level gender analysis operates on—by asking: How we can undo gender there? According to Deutsch, research should focus first on the "when and how of social interactions" that ought to become "less gendered," second, on "whether gender can be irrelevant in interaction," third, on "whether gendered interactions always underwrite inequality," fourth, on "how the institutional and interactional levels work together to produce change," and fifth, on identifying "interaction as the site of change."[313] Her critical assessment of the theoretical background of the un/doing gender debate intervenes directly into the policy tool environment and the un/doing of gender through and in IA insofar, as gender analysis tools pose exactly the same questions of relevance, individual and structural inequality and ways of change. In particular, the institutional and interactional actors within policy assessment systems are of interest here. Under investigation are the questions of whether and how they want and are enabled to produce change through implementing gender analysis and which interactions can be identified at which sites of change.[314]

The deconstructivist intervention in the constructivist vs. essentialist notion of the normalising categories of sex/gender, raises yet another question: Can sex and gender be at all categorised or formulated as analytical categories? One of the answers was "strategic essentialism,"[315] which conceptualises women and men as groups representing social realities that are always imaginary, never homogenous, yet (re-) constructed daily. Gayatri Chakravorty Spivak argues for temporarily essentialising groups despite their inner-group differences, because bringing forward a group identity in a simplified way allows for greater resistance to a specific, commonly shared experience of oppression. This thought was developed in a postcolonial perspective, but translates to all categories. It pertains to sex discrimination as well and leads gender analysis tool designs to recent debates about intra-group differences, intersectionality and diversity.

Gender theory distinguishes between diversity considerations[316] and the sophisticated concept of intersectionality. Intersectionality as a concept goes back to and employs second wave feminist struggles of black women and also lesbian women

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311 | West/Zimmerman 1987; West/Fenstermaker 1995a; West/Fenstermaker 1995b; West/Zimmerman 2009. For more recent and differentiated reflections on intersectional relations between gender and other dimensions, see (Francis 2008).

312 | Deutsch 2007. The engagement with the undoing gender concept is based on Stefan Hirschauer's cardinal considerations (Hirschauer 2001).

313 | Deutsch 2007, 106.

314 | See also chapter 2.2.3.

315 | A term coined by Gayatri Chakravorty Spivak in the late 1980s (Spivak/Harasym 1990; Spivak et al. 2008).

316 | Sauer 2008c.

who described their experience of oppression as women as different from that of white, middle-class or heterosexual women.[317] As an academic term and as what is now a travelling concept, intersectionality dates back to the feminist legal scholar Kimberlé W. Crenshaw.[318] It describes the multiple and intertwined forms of oppression: i.e., that women are not only disenfranchised based on their sex and gender, but also simultaneously in manifold, enmeshed ways based on their race, class status, etc.

In Germany, intersectionality was reformulated as interdependency,[319] which as a concept is used to evoke the picture of intersecting, but different axes of power.[320] Interdependency stresses the situated, intra-categorical dependency of various oppression markers and questions the boundaries of (intersecting) categories as such. Thus, intersectionality as a concept does not manage to fully encompass the intra-categorial complexities of power relations, leaving out as it does the issue of the causes of inequality.[321] Katharina Walgenbach explicated gender as an interdependent category in and of itself,[322] integrating differences intra-categorically rather than externalising them as inter-categorical experiences.[323] This raises two main questions for the realm of governance, public administration and IA: How to operationalise the various interlocked intersections of inequality[324]? And to what extent do categories serve as useful analytical distinctions of power relations? Consequently, questions of the interrelatedness of diversity categories as interlocking systems[325] and their consequences for modes of governance comes into focus.

Intersectionality stresses that an additive understanding of discrimination falls short of conceptualising the complexity of power dynamics.[326] Gender mainstreaming, however, has been widely implemented as an "additive technical process" rather than a more integrated and intersectional approach, in the perception that sex discrimination is aggravated by additional factors such as race, age, disability

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317 | Weathers 1969; Moraga/Anzaldúa 1983.

318 | Crenshaw 1988; Crenshaw 1989. A term made popular in Germany by the concept of axes of power (Knapp/Wetterer 2003). Intersectionality theory was later operationalised (McCall 2005; Klinger 2007; Baer et al. 2009; Bagilhole 2009; Winker/Degele 2009; Franken et al. 2009; Walby et al. 2009; Hankivsky/Cormier 2011; Knapp 2011; Verloo 2013; Cho et al. 2013).

319 | German original: "Interdependenz" (Walgenbach et al. 2007; Lorey 2008; Hornscheidt 2009; Hornscheidt/Baer 2011).

320 | Knapp/Wetterer 2003, Knapp 2011.

321 | Lorey 2008; Hark 2013.

322 | Walgenbach 2007.

323 | The edited volume by Walgenbach, Gabriele Dietze, Lann Hornscheidt and Kerstin Palm is dedicated to various intra-categorial foci (Walgenbach et al. 2007). The theoretical fine-tuning of intersectionality via the concept of interdependency has initiated a fruitful academic debate, mostly in the German speaking research area. For the purpose of my research, however, and in order to be legible for an international readership and public administration, I have decided to employ the internationally established intersectionality concept.

324 | Baer et al. 2010; Davis 2008; Hankivsky 2007b; Phoenix/Pattynama 2006.

325 | As posed i.e. in the curriculum of Gender Studies at Humboldt University in Berlin (Hornscheidt/Baer 2011, 171).

326 | Hankivsky 2007b.

or poor education or health.[327] An additive approach rests on the assumption that fixed and diverse groups[328] exist, and that it is possible to identify and distinguish them. An additive understanding of group- and identity-based inequality is shared by many, not all, diversity concepts.[329] Some bureaucracies have adopted diversity management[330] technologies, in order to address the discrimination of various groups and thereby fulfil their non-discrimination duties or protect otherwise so called "vulnerable"[331] groups.[332]

Yet, such additive framings have been criticised for being too simplistic and groupist. Although the black feminist scholar and standpoint theorist Patricia Hill Collins already stated that groups go beyond the experiences of individuals within them, because they are constructed on "historically shared, group-based experiences,"[333] the concept of groupism is commonly attributed to Roger Brubaker. He coined it originally as an anti-racist criticism of—largely imaginary—group rationality. He defines it as: "The tendency to take bounded groups as fundamental units of analysis (and basic constituents of the social world)."[334] He perceives so-called groups as mere "collective cultural representations"[335] of human variety and advocates moving beyond groupism in order to capture and resolve the complexity of struggles with inequality.

In doing so, Brubaker calls for a "cognitive turn,"[336] a call confirmed by Susanne Baer, who considers groupism an insufficient concept to resolve "multilevel sites of struggles over multi-dimensional equality."[337] She does not even believe in the common sense of groupism as a mode of parsing or making sense of social structures. On the contrary, she detects in it "a dangerous dynamic"[338] due to the tendency of opinion-leading elites to claim collective truths: By grouping, they attach problems of reification and exclusion to particular segments of the

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327 | Squires 2007, 45. Some authors observe and demand a progression from gender mainstreaming, through multiple discrimination to intersectionality approaches (Bagilhole 2009).

328 | Depending on the respective equality and non-discrimination legislation, the protected groups can change. Usually, the triad of sex/gender, race and disability is regarded (Ben-Galim/Campbell 2007).

329 | Exceptions are Judith Squires' diversity mainstreaming (Squires 2007) or Julia Lepperhoff, Anneli Rüling and Alexandra Scheele's diversity politics concepts (Lepperhof et al. 2007).

330 | Krell 2005.

331 | The vulnerability of groups is usually established against human rights violations or other empirical data that marks certain groups as under-performing in comparison to the average population. It is widely spread in health IA and social IA (Sauer 2010a; Amin et al. 2011). Especially in the development context, women are also often framed as a vulnerable group (Tiessen 2015).

332 | Hankivsky 2005a; Parken 2010; Prügl 2011; Rolandsen Agustín 2011.

333 | Collins 1997, 375.

334 | Brubaker 2004, 2.

335 | Brubaker 2004, 79.

336 | Brubaker 2004, 65.

337 | Baer 2010b, 56.

338 | Baer 2010b, 58.

population.[339] For Brubaker and Baer, groups are not pre-existing, but constructed; they result from perceptions, interpretations, and readings of the world. When the concept of groupism is enshrined in policy analysis tools, it plays a powerful role in reconstructing and reifying groups along artificial lines of gender, race, ethnicity, nationality, and ability, and increases the risk that crucial intersectional complexities will be overlooked.

In response to the latest intersectionality research and increased criticism of additive concepts and groupism, some applied research projects have engaged the potential of intersectionality for policy making. The interdisciplinary and international QUING project, for instance, was occupied with different policy frames of gender equality, which the project implementers considered "intentional and unintentional interpretations of the political reality and the policy issues under consideration."[340] The project sees the EU as: "A multilayered, multicultural democracy claiming to be based on mutual respect for its diverse peoples and cultures, introducing goals that value diversity and inclusion while counteracting hierarchies, inequalities and exclusion."[341]

The project thus conceptualised multiple forms of discrimination not as different inequalities or as sets of different, independent problems, but rather as related problems. At the same time, the project departed from the point of view that "gender equality policies are the most developed inequality policies,"[342] and recommended building on experiences of such policy practice. In an attempt to prevent (re-)production of inequalities in general, the project first set out to analyse the degree to which inequalities other than gender were relevant to gender equality policies. The QUING sub-project STRIQ then designed a conceptual framework of: "Theories on intersectionality, on the relationship between gender inequalities and inequalities originating in ethnicity, class, religion or sexuality."[343]

The project, acknowledging that a profound understanding of gender is inter-sectional in itself, arrived at the novel concept of "gender+"[344], where the plus sign represents the "attention to intersecting inequalities in a way that does not detract from attention to structural gender inequality."[345] Other structural inequalities are supposed to be incorporated into a gender equality frame.[346] The project recognised that the reality of policy practice is "less rational" and a site of "territorial struggles" between different inequalities."[347] QUING wanted to overcome these juxtapositions through this gender+ concept and a conceptual framework custom-tailored to the relationship between gender inequalities and other inequalities, which would

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339 | Baer 2010b, 59; Brubaker 2004, 51-52.

340 | Lombardo/Forest 2012, 231. Quing was funded under the 6th EU framework programme and ran from 2006-2011. Quing's scientific director was Mieke Verloo (QUING 2006-2011).

341 | QUING 2006-2011.

342 | QUING 2006-2011.

343 | QUING et al. 2009; QUING 2011a; QUING 2011b.

344 | Walby et al. 2009; Lauwers/van der Wal 2008.

345 | QUING et al. 2009, 2.

346 | Dombos 2012.

347 | QUING et al. 2009.

address the needs of policy makers.[348] In 2012, Canada responded to the theoretical refinement of gender+ via intersectionality discourses and re-conceptualised and re-named GBA as GBA+.[349] The fully inclusionary character and practicability of the gender+ conceptual framework and other instruments will be crucial for their success and acceptance of gender(+) analysis tools.

As soon as gender analysis tools entered the stage of policy advice, a critique of the reductionist and binary understanding of the concept of gender was raised, in the case of GBA, by the first nations and Inuit communities in Canada. They proclaimed that GBA and Western concepts of women and men have no room for "two-spirited" identities, who inhabit sexual orientations and gender roles that go beyond the binary.[350] Gender+ concepts however, also assume a binary perception of sex and gender. In the general realm, sexual orientation is sometimes considered in IA,[351] but transgender, intersex and all people with non-normative gender expressions (commonly subsumed under the category of gender identity), who do not adhere to the sex/gender and women/men binaries, are left out.

In a series of conference publications and in a peer-review article, I made some first attempts to explore issues of sexual orientation and gender identity under a gender framework in IA.[352] I based these interventions on queer theory and transgender studies. They were linked in particular to the aforementioned debate about doing gender through discussions about creating its juxtaposition, an undoing of gender[353] or doing away with gender[354] or at least doing gender differently[355]. As mentioned before in Deutsch's critique, the representatives of the undoing perspective express doubts about whether the concept of doing gender itself would not contribute to more rather than less gendering of society through its tautological epistemology of the gender difference, because:

"The phrase 'doing gender' evokes conformity; 'undoing gender' evokes resistance. The prevalence of research on gender conformity that has grown out of the doing gender approach argues that gender researchers are also influenced by this linguistic frame. In fact, sometimes researchers explicitly use the phrase 'doing gender' to mean conformity to gendered norms."[356]

Accordingly, the design and implementation of gender-sensitive policy assessment instruments are often equally criticised for their supposed reaffirmation, rather than abolition, of binary gendered norms and the sex division of society and labour. The critique of essentialist re-enactments of gender also highlights the absence of transgender and intersex people in the binary sex/gender concept.

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348 | QUING et al. 2009.

349 | SWC 2012. See also chapter 3.2.3.

350 | Stirbys 2008.

351 | Bendl/Walenta 2007; Franken et al. 2009, 34-36.

352 | Sauer 2010a; Sauer 2010b; Sauer/Vanclay 2011; Sauer/Podhora 2013

353 | Butler 2004; Deutsch 2007.

354 | Hirschauer 1993.

355 | Schirmer 2010.

356 | Deutsch 2007, 122.

It is no coincidence that Kessler and McKenna's theoretical reflections in the late 1970s on the constructed (non-)nature of sex and gender are based upon the cases of transgender and intersex individuals.[357] They live liminal lives at the gender frontiers, serve as the object of research for core elements of feminist and gender theory building, yet they are left out when it comes to practical solutions for abolishing inequality (like gender analysis). The interest in alternative sexes and genders, especially transgender and intersex gender identities, has not yet found expression in the strictly bi-sexed and bi-gendered conception of gender mainstreaming. The existence of binary gender analysis tools could indeed be read as a symbolic act of de-legitimising transgender and intersex lives and experiences.[358]

Only recently have a very few authors mentioned the importance of going beyond the binary in gender analysis,[359] and made the first attempts to do so.[360] An exceptional example of gender analysis transversing the binary is fairly recent and stems from a British evaluation of the national implementation of the EU's development and cooperation gender action plan: "Gender analysis examines how people's gender identity and expression (woman, man, trans and intersex) determine their opportunities, access to and control over resources and capacity to enjoy and exercise their rights."[361]

In sum, the latest theorising on sexuality in relation to constructionist views of gender and sex has not yet been transferred into analytic categories and models for IA research on policy or project drafts.[362] The dimension of desire/sexuality is most often still blank when it comes to policy advice, even in gender analysis.[363] Further research is needed to position alternative sexes and genders in the predominantly binary sex and gender frame of gender analysis and in the wider IA context.[364] It is evident, however, that a sophisticated intersectional gender+ concept needs to incorporate non-binary genders as much as it needs to reflect upon its inherent heteronormative assumptions.[365] It is equally evident that gender analysis tools have to navigate the (constructed) sex/gender divide very carefully, in order not to reify a binary gender difference and to really tackle multiple and intersecting forms of inequality.

2.3.2 Gender and the Othering of Knowledge

Gender analysis along with other IA tools and policy instruments used for governing can and are seen as tools of power. However, the centrality to governing processes of gender analysis is exactly in question in this study. Gauging gender

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357 | Kessler/McKenna 1978.

358 | Hark 2007a.

359 | Walby/Armstrong 2010; Sauer/Vanclay 2011; O'Connell 2013.

360 | Sauer 2010a; Sauer 2010b; Sauer/Podhora 2013.

361 | O'Connell 2013, 4.

362 | I have made attempts to include the dimensions of sexual orientation and gender identity in IA tools and procedures and critique them for their simplistic sexual binaries (Sauer 2010b; Sauer 2010a; Sauer/Podhora 2013).

363 | Beger 2000a; Beger 2000b; Bendl/Walenta 2007; Ingraham 2006; Sauer 2010a; Danby 2007; Sauer 2010b; Hark 2010; Sauer/Podhora 2013.

364 | Lombardo et al. 2013, 693.

365 | Compare quality criteria for gender mainstreaming tools in sub-chapter 1.6.2.

as an analytical category, in it intersections with other structural inequalities, are to be examined and how "powerful" this IA tool in fact proves to be in day-to-day government. IA as a field of knowledge production for governing purposes is as much a field of power relations and struggles over dominant ways of knowledge creation, as gender and sex are fields of struggles for hegemonic interpretations in the light of intersectionality and diversity. In order to disentangle such questions of power, yet another theoretical outlook seems promising.

Patricia Hill Collins transferred the idea of the co-inhabitation of different positions of power and disempowerment to the area of women's studies by analysing the processes of subjugation, resistance, or consent under the "matrix of domination and subordination"[366]. Later, othering[367] was introduced as a concept, describing any action or line of thought by which an individual or group becomes classified as the other, the outsider, which enables the very formation of the inside[368]. Postcolonial thinkers such as Edward Said or Gayatri Chakravorty Spivak stressed the inherent negotiation of power through a devaluation of the outsider as inferior in order to elevate the insider (group, knowledge, culture etc.).[369] By making the subordinate aware of who holds the power (the master), and hence by producing the other as subordinate, othering can thus be seen as a technique of upholding that "the master is the subject of science or knowledge."[370] The Canadian health policy specialist Payne is occupied with similar questions in practice. She observes how gender analysis tools reproduce:

"A focus on differences between women and men, and once again reproduces notions of essential 'otherness', without opening up questions of gender relations of power, and their implications for gender equity [...], for both women and men and for policy."[371]

Parallel to the concern about essentialist notions perpetuating androcentrism, the concept of othering can be equally applied to an epistemic group and knowledge base, feminism.[372] The introduction of separate tools and gender knowledge might enable the IA community to continue its general male-biased practices. Can GBA/GIA therefore be seen as othered IA instruments, because of their supposedly inferior knowledge base, or are even "other" mechanisms at work?

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366 | Collins 1991.

367 | The philosophical concept of othering, most notably coined by Gayatri Chakravorty Spivak (Spivak 1985).

368 | Compare sub-section 2.2.3.1.

369 | Said 1995; Spivak et al. 2008.

370 | Spivak 1985, 256.

371 | Payne 2014, 38.

372 | Andre Keet even calls the system of the Western, disciplinary organisation and creation of knowledge in universities "epistemic othering" and a form of "epistemic injustice." (Keet 2014).

2.3.3 Implications for Research

The risk is high that gender-sensitive analysis tools reaffirm in the realm of policy making a strategically essentialist notion of gender that already exists in dualistically gendered societies. As tools that examine and (re-)construct a gender binary, they are more often an expression and reaffirmation than a rejection of a "dualistic, representational view."[373] Such gendered forms of IA share a deterministic outlook and belief in positivist policy advice, and deliver only a somewhat more refined representation. The most central points for the application of gender analysis in IA is the distinction between sex (the physical body) and gender (the social role and gender expression), and an understanding that our assessment of the differences between the sexes and genders pre-supposes the existence of two sexes/genders and plays into a re-shaping and re-construction of this very construct—building on and lending it essentialist underpinnings at the same time.[374]

According to Melissa Tyler, questioning the practiced binary conceptualisation of gender as a relatively fixed category in favour of an emphasis on gender as a set of multiple, provisional social practices is one of the core assumptions of postmodern feminism.[375] Whether such insights should also be transferred to the realm of IA is a hotly debated issue. Martha Camallas, for instance, detects "deregulatory impulses" among postmodern feminists, who maintain that law and regulatory regimes serve "mainly to reinforce dominant ideologies."[376] Or in Audre Lord's words: The master's tools will never dismantle the master's house.[377] So what can one expect from gender analysis tools in public policy making that are seemingly not in tune with postmodern, feminist theorising?

The doing gender concept provides us also with a movable apparatus for organising "the relations between individual and institutional practice, and among forms of domination,"[378] which is the prerequisite for an undoing of inequality (and not only of gender[379]). Entering and analysing the doing of the "symbolic order"[380] of the two-sex or two-gender system and acting upon it is seen as one of the foundations of gender mainstreaming and as necessary to the undoing of unequal gender/power relations and the achievement of equitable outcomes. The inequalities under investigation are also already specified in terms of where the difference done matters most:

"This 'analysis of the women's question' [...] is the analysis that redefined the problem as 'the structurally unequal power relations between women and men.' Two structures of these

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373 | Tyler 2011, 13.

374 | As in chapter 2.3.1.

375 | Tyler 2011, 13.

376 | Chamallas 2013, 26.

377 | Lorde 2007.

378 | West/Fenstermaker 1995a, 19.

379 | The concept of doing gender portrays socialisation and structural processes as weak, whereas interaction is emphasised. Undoing gender is a later developed concept that criticises doing gender "despite its revolutionary potential for illuminating how to dismantle the gender system" (Deutsch 2007, 106); see also chapter 2.3.1.

380 | Kahlert 2010, 98.

unequal power relations were considered most important: the division of labour and the organization of sexuality in terms of masculinity and femininity."[381]

2.4 Methods and Research Design

Before going more into the methodological, qualitative detail of this research, I will reflect in this section upon my position as a researcher in the field, trained in political and social sciences as well as in transdisciplinarity.[382]

2.4.1 Positioning and Transdisciplinarity

Adopting a standpoint theory requires positioning oneself in the field as just another part of "the same messy and confused reality."[383] Amid that messiness of (re-) constructed reality, the reflexivity approach of feminist standpoint theory provided me my leading paradigm in my research. A research paradigm tells us "what reality is like and the basic elements it contains ('ontology') and what is the nature and status of knowledge ('epistemology')."[384] So I begin by naming this scholarly text as a subject "with agency"[385] and myself in the writing as "I," as someone "with an explicit aim for the book"[386] in the realm of policy and programme impact assessment. Or to express it in Catharine MacKinnon's words: "This book analyses how social power shapes the way we know and how the way we know shapes social power [...],"[387] an interrelation not often reflected upon in the field of ex-ante IA from a gender equality perspective.

As there are no fixed criteria for what makes a study transdisciplinary, I regard the intention of my research, as a critical and feminist intervention into IA, as one of the main aspects of what Sabine Hark calls the "politics of interdisciplinarity."[388] In focussing on gender analysis as a tool, and not on gender mainstreaming in general, the research draws attention to this specific instrument and contributes to its visibility. My expert interview method reflects yet another aspect of the politics of inter- or transdisciplinarity: In teasing out as many layers, readings, and opinions as possible without privileging one voice or silencing another, I was following the paths laid out by research traditions rooted in oral history,[389] which have been refined and transferred to the realm of interdisciplinary studies through feminist methodologies.[390]

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381 | Verloo/Roggeband 1996, 6.

382 | Knoepfel et al. 2011, 31-34.

383 | Lykke 2010, 167.

384 | Silverman 2000, 97-98.

385 | Lykke 2010, 167.

386 | Lykke 2010, 173

387 | MacKinnon 1989, ix.

388 | Hark 2007b, 11.

389 | Charlton et al. 2006; Charlton et al. 2007; Perks/Thomson 2006.

390 | Harding/Hintikka 1983; Harding 1991; Smith 1987a; Smith 1990.

Last but not least, in its feminist hermeneutics and classic transdisciplinary design, elements of this study can even be interpreted as "postdisciplinary"[391] for two reasons. First, gender policy analysis is a tool with distinctive methods that transcend policy and impact areas as well as disciplinary modes of knowledge production. And secondly, the study not only renegotiates the content and extent of (gender) impact assessment as a "thinking technology,"[392] but also challenges the present IA infrastructure, the way it is used and organised within a landscape of hierarchical disciplines of science, and the modes of interrogation used in those disciplines:[393]

"To perform as a postdisciplinary feminist researcher should not be the same as doing the god-trick, that is, to pretend to know all sorts of methods from all sorts of areas equally well. A postdisciplinary researcher can explore a variety of methods, but must carefully consider what she or he has in her or his own academic luggage."[394]

Heeding this advice, I chose to employ qualitative, comparative methods,[395] which lend themselves equally well to a feminist paradigm and to the study of governance systems. As an analysis of the governance of IA, this study is located between sociological, organisational and feminist critical governance research. In its transdisciplinary character,[396] the study is addressed to readerships in political science, sociology, governance and gender studies and the growing field of transdisciplinarity itself,[397] two of which are being specifically addressed: impact assessment research and public administration studies. The study incorporates elements from gender studies, organisational sociology, and the sociology of institutions, as well as from comparative political science, administration and management studies and the IA research community at large. My research subject and methods have been selected according to feminist standpoint perspectives and critical governance studies, which have provided the overarching frame and acted as the glue that holds all these various strands together.[398]

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391 | Lykke 2010, 18-19.

392 | Haraway 2004, 335.

393 | See conclusion in chapter 5.3.

394 | Lykke 2010, 200.

395 | See chapter 2.4.

396 | For an engagement with inter- and transdisciplinarity, its relevance, benefits and risks, see (Baer 2005d; Hark 2007b; Banse/Fleischer 2011). Through transdisciplinary engagement with a variety of disciplines and research approaches, I seek to produce not only more, but different, reflexive results beyond disciplinary questions, methods and theories (Baer 2010a). Whereas most transdisciplinary research takes place in a multi-participant researcher group of with researchers of different disciplinary backgrounds who inspire and challenge each other and stimulate collective thinking, the challenge for a single-researcher project is the development of a pragmatic-intuitive, problem-cantered methodology across disciplines, and enabling reflection (Pohl/Hirsch Hadorn 2008, 77-80).

397 | Baer 2005d; Hark 2007b; Hark 2013.

398 | In this study, I wish to live up to Ackerly and True's aspiration: "Research on gender and politics is largely carried out with humility, demonstrating awareness of the many challenges, methodological among them, in studying the social and political world, which is always changing and of which we are a part" (Ackerly/True 2013, 153).

2.4.2 Mixed-method Research

In my study, I adhere to one of the most widely used modes of empirical inquiry: A qualitative comparative, mixed-method[399] approach with data and theory triangulation.[400] New data was generated through one of the most common academic languages: The expert interview. The main empirical base of this study is a set of interviews with a total of 36 policy analysis and gender experts within Canadian departments of public administration and the DGs of the European Commission.[401] This collection of voices, all with first-hand experience of GIA/GBA, is supplemented by a collection of gender-sensitive tools for appraising programme and policy effects and expectations in the Canadian and European Union context. Together with the analysis of interdisciplinary and international academic literature, such triangulated data provided a depth of material. In interpreting the results, I performed a comparative[402], software-supported qualitative content analysis[403] of the interviews, followed by theory triangulation[404] of feminist standpoint and critical governance theories, which lent the study its depth.

It has been stated that mixed- or multi-method research "should be the industry standard in political science and is becoming the norm, particularly in the subfield of Comparative Politics."[405] It should be mentioned here that even the use of a standpoint theoretical underpinning, which is critical of seemingly all-encompassing research methods that promise reliable and transferable results that are viable and context-free, can never achieve complete viability in the sense of hard facts and universally valid results.[406] Nevertheless, the mixed-method approach became my method-box of choice: it provides for multi-angle perspectives on the field of research, with a variety of potentially corrective elements that contextualise the findings, yet is flexible enough to rise to the empirical challenge.

As a qualitative study[407] of the central challenges and progress in the implementation of gender analysis in ex-ante policy and programme assessment, this research employs the method of synchronic comparison, looking at similarities and differences in a transnational perspective.[408] Empirical material was collected from two sources: already existing secondary and primary document sources (tools and guidelines) and, for the central data set, the self-conducted expert interviews. For purposes of tool and literature research, the websites of the various institutions were

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399 | Creswell/Plano Clark 2007.

400 | Pierce 2008.

401 | 17 Canadian and 19 European experts, see interview sample as in Annex I.

402 | See chapter 2.2.2.

403 | Mayring 2000; Mayring 2008a.

404 | Farmer et al. 2006. Triangulation is explained further in chapter 2.4.3.

405 | McBride/Mazur 2010, 35. It is often recommended to improve viability, robustness and validity (Pierce 2008).

406 | Ackerly/True 2013, 153.

407 | According to Mayring's method of qualitative content analysis of documents (Mayring 2012; Mayring 2008b; Mayring 2000) in combination with expert interview evaluation according to Meuser and Nagel (Meuser/Nagel 2010; Meuser/Nagel 2003; Meuser/Nagel 1991).

408 | Knoepfel et al. 2011, 21. See chapter 2.2.2.2 on the comparative method.

consulted. Most tools are publicly available online on the websites of the European Commission, Status of Women Canada and/or the individual departments.[409] Some, however, are internal tools that are only accessible to public servants working in the respective Canadian departments. They were made accessible to me during my research, mostly on the occasion of the individual interviews.[410] The emphasis is on qualitative data, although partially quantitative elements[411] were included as well. By combining semi-guided expert interviews with tool and literature analysis, as well as with multiple theoretical and data triangulations,[412] I hoped to reach a multidimensional understanding of the complex and widely variable implementation of gender equality tools.

2.4.3 Expert Interviews

The core body of my research consists of a series of semi-guided, recorded, face-to-face interviews with gender experts and policy planning experts. Accordingly, I applied the methods of expert interviews and content analysis in the evaluation. The methodological research process of the expert interviews is laid out in the following section. It also gives an overview about the composition of the interview sample and the acronyms used for individual interviews.[413]

2.4.3.1 Definitions of Experts

In Canada I interviewed public servants who either had hands-on experience with GBA and/or acted as departmental gender focal points, developed GBA guidelines themselves and/or established gender-disaggregated data and indicators for conducting GBA.[414] In the context of the European Commission, I either interviewed heads or employees of impact assessment and evaluation departments or the gender experts of the various DGs.[415] I have also included former or current public policy experts who have developed tools and guidelines or act as support units for conducting gender-sensitive forms of impact assessments. In selecting individuals for interviews, I followed the definition of "expert" or "key informant" laid out by Michael Meuser and Ulrike Nagel, who see the expert as someone who is primarily

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409 | The responsibility for gender equality and equal opportunities in the Commission shifted between 2010 and 2011 from the DG Employment, Social Affairs and Equal Opportunities (now DG Employment, Social Affairs and Equal Opportunities—EMPL) to DG Justice, Fundamental Rights and Citizenship (JUST); both websites now provide tools and information for research on equality strategies in addition to the European Institute for Gender Equality (EIGE) website. International gender mainstreaming and/or impact assessment tool databases, such as DIGMA (Database of Instruments for Gender Mainstreaming), and LIAISE (Linking Impact Assessment Instruments to Sustainability Expertise) have also been consulted.

410 | At the same time that I was granted consent to use the individual interviews, I was granted permission to use these tools for the purpose of this study.

411 | In Annex V.

412 | Pierce 2008; Garz 1991. See also the following subsection 2.2.3 on triangulation.

413 | For a detailed introduction to the context-specific interview samples, see Annex I.

414 | Froschauer/Lueger 2003.

415 | An interview request with the European Institute for Gender Equality was declined.

functioning in a particular social role rather than as an individual, and who is equipped with special responsibility for implementation, design and/or control of information and/or decision making processes and has privileged access to these resources.[416] Thus, the interview participants were selected on the basis of their work with or advocacy for gender in impact assessment on the level of policy and/or programme development and implementation. Their gender expertise, experience with gender-based policy analysis tools and training in European integrated impact assessment validate their statements.[417]

All experts were chosen based on a research of academic literature, research of authorship of individual impact assessments and research within the European and Canadian public administration directories. More informal methods included the snowball system to identify other knowledgeable people from within the institutions. The pre-selection of experts in Canada took place in close collaboration with members of the Policy Directorate of Status of Women Canada, who helped me identify key people in departments with GBA activity.[418] In the European context, pre-selection took place mainly through online identification of impact assessment authors, evaluation unit employees and gender experts. Additionally, the heads of all DGs were contacted and asked to identify knowledgeable personnel with experience in GIA and gender in IA in their Directorate-General. Both processes fulfil Meuser and Nagel's requirement for extensive pre-study field research in the selection process in order to make the right decisions about a representative sample.[419] The position within the bureaucratic hierarchy was irrelevant insofar as the choice of experts depended solely on their potential knowledge about gender in impact assessment and/or experience with the planning and implementation of impact assessment. In fact, it is usually the second- or third-level staff in an organisation who prepare and implement decisions and who are knowledgeable about internal structures and discussions.[420]

In addition to interviewing government-employed experts from either federal Canadian or supra-national Commission bureaucracies, I opted to extend the selected group of GBA/GIA experts to include an Anglophone academic gender expert and a francophone scholar in Canada, due to their involvement in tool development and monitoring of implementation. Accordingly, for the European context, I arranged interviews with two people, an academic GIA expert and a national gender expert formerly working in the Commission, who had created the Commission's GIA instrument. Including these scholars and external experts helped both to balance the Anglophone/francophone mix for Canada and to complement reflexively the administrative insider perspective. Establishing links to francophone knowledge proved to be valuable later in the process, as the French title of GBA translates as "analyse comparative entre les sexes," which incorporates the sex/gender quandary

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416 | Meuser/Nagel 1991; Meuser/Nagel 1997; Meuser/Nagel 2002; Meuser/Nagel 2003; Meuser/Nagel 2009; Meuser/Nagel 2010.

417 | Meuser/Nagel 1997, 484.

418 | Special thanks are extended to Suzanne Cooper, PhD (SWC).

419 | Meuser/Nagel 1997, 486.

420 | Meuser/Nagel 2002, 74.

and already highlights possible difficulties in the transferability of an Anglo-Saxon concept to other contexts and languages.[421]

2.4.3.2 Sampling Strategies and Saturation

I decided for a mix of pre-determined sampling in combination with continuous sampling that evolves in the course of the research (snowballing) and adapts to possible changes in research design and interest based on the on-going accumulation of material. The later approach, called theoretical sampling, is based on the work of Barney Glaser and Anselm Strauss, who developed it particularly for comparative studies involving different groups of actors who are linked with the research questions.[422] Flick suggests combining sample pre-determination with theoretical sampling in a process he calls "thematic coding."[423] Theoretical sampling and thematic coding are also a good fit with qualitative content analysis and are seamlessly compatible with its inductively generated coding system[424] developed via software-supported analysis.[425]

   In these approaches, groups or persons are chosen based on the assumed value of their perspectives for the research question and subject and for theory development.[426] Pre-established selection criteria are continuously revised according to the progress of data collection, coding and analysis.[427] According to Glaser and Strauss, the saturation of the theoretical sample, also called theoretical saturation, is reached when no new cases or analysis will deliver new insights with regard to the research intent.[428] Or according to Flick, saturation is the point when no additional empirical material can generate new codes through which the researcher can further develop the properties and significance of the research categories:[429]

"After the analyst has assigned codes to a number of documents in this way, and the feeling has grown that coding new material will not generate new insights in addition to the codes already used (i.e., the principle of saturation), the exploration phase can be finished."[430]

What is a clear definition in theory, however, is not always easy to translate into practice, and Glaser and Strauss quite accurately remark that possibilities for comparison in sampling are theoretically unlimited.[431] Transferring to the realm of sampling Anthony Onwuegbuzie and Nancy Leech's advice on becoming a "programmatic researcher"

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421 | Despite the fact that the author speaks and understands French, all interviews were conducted in English in order to guarantee comparability, see chapters on comparability 2.2.2 and 1.2 on the choice of language.

422 | Glaser/Strauss 1967; Strauss 1998. See also the German translation of Glaser and Strauss' 1967 text (Glaser/Strauss 2005).

423 | Flick 1998, 206-211.

424 | Mayring 2000; Mayring 2008b; Mayring 2008a.

425 | Peters/Wester 2007.

426 | Glaser/Strauss 2005, 53.

427 | Flick 2009, 93.

428 | Flick 2009, 94.

429 | Flick 1998, 82-83.

430 | Peters/Wester 2007, 648.

431 | Glaser/Strauss 2005, 55.

that "all distinctions between quantitative and qualitative research methods lie on continua"[432], I would argue that saturation is a continuous process rather than a finish line. The process of saturation cannot be explored endlessly, however, and at one point a pragmatic decision must be made. The pragmatic researcher needs to draw a line when no additional information can be retrieved from new data.

In my case, the line was drawn when suggested interview partners proved to have little or no new knowledge about gender in impact assessment in their institutions, or when I was referred to the same key people from several different sides. Data triangulation was achieved by including four different respondent groups: 1) Internal, departmental gender focal points, 2) internal policy analysts 3) external, non-departmental gender experts and analysts from e.g. the central gender equality machinery[433] and 4) external scholars.

2.4.3.3 Interview Participation

In Canada, participants were chosen on basis of their gender and GBA and/or general impact assessment and evaluation expertise. They were approached with the support of the Status of Women Canada's Policy Directorate, which played an extremely helpful role with regard to accessibility of participants.[434] In Canada, I interviewed total of 18 individuals from 12 different federal Canadian departments and/or agencies, plus two scholars, one from an Anglophone and one from a francophone Canadian university. However, due to an interview revocation later in the process, I was only able include 15 Canadian government informants from ten federal departments plus the two scholars in the final sample. For the European Commission, I interviewed 17 individuals from nine DGs. No interview was withdrawn, but all interviews needed to be conducted in a fully anonymous fashion, which prevented me from revealing any information about the participants such as name, position or Directorate-General.

In sum, I interviewed 34 public officials from 21 different governmental departments, of which 31 officials from a total of 19 administrative bodies (Canadian departments/Commission DGs) remained in the final sample.[435] Additionally, three scholars (two from Canada and one from the EU) as well as one external expert (from the EU), were interviewed, all of whom remained in the final sample. The detailed, separate and sex-disaggregated description of the Canadian and European interview samples can be found in Annex I. The following table 3 shows the overall interview statistics and confidentiality status, including number of respondents (with gender break-down and revoked interviews) according to departments (where admissible) and with their respective position (where admissible). Non-governmental, external experts and scholars are also already included. In the text, the Canadian interviews

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432 | Onwuegbuzie/Leech 2005, 384.

433 | For a definition of gender equality machinery, see subsection 3.2.1.

434 | All Canadian interviewees were contacted in the same manner, via email and phone in 2008, through a French/English invitation letter (Annex II) that also presented them with a consent form for the project (Annex III). All European interviewees were either contacted directly according to their responsibility as stated in the Commission's directory or indirectly through a request to the heads of all DGs in 2011. They received a slightly altered, English invitation letter (Annex II) with an identical consent form as in Canada (Annex III).

435 | Due to the ex-post withdrawal of interviews.

are cited as "Interview CAN," followed either by the name of the interviewee or a numerical code for undisclosed interviewees. The interviews with Commission experts are cited as "Interview EU," followed either by the name of the interviewee or a numerical code for undisclosed interviewees.

Table 3: Interview Statistics of the Canadian and EU Interviews—Partially Anonymised

Department / Directorate General	Participants Name / Anonymised Code
Canadian Interviews	
Anonymous Federal Department	CAN1
Anonymous Federal Department	CAN2
Anonymous Federal Department	CAN3
Anonymous Federal Department	CAN4
Anonymous Federal Department	CAN5
Anonymous Federal Department	CAN6
Anonymous Federal Department	CAN7
Canadian International Development Agency	Diana Rivington
Health Canada	Jennifer Payne
Health Canada	Sari Tudiver
Aboriginal Affairs and Northern Development Canada	Monique Lucie Sauriol
Aboriginal Affairs and Northern Development Canada	Audrey Hanningan-Peterk
Aboriginal Affairs and Northern Development Canada	Marcel Williamson
Statistics Canada	Colin Lindsay
Status of Women Canada	Michéle Bougie
University of Toronto, Ontario Institute for Studies of Education/Tool Developer	Margrit Eichler
Université Laval, Faculté de droit	Louise Langevin

European Interviews	
Anonymous Directorate General	EU10
Anonymous Directorate General	EU11
Anonymous Directorate General	EU12
Anonymous Directorate General	EU13
Anonymous Directorate General	EU14
Anonymous Directorate General	EU15
Anonymous Directorate General	EU16
Anonymous Directorate General	EU17
Anonymous Directorate General	EU18
Anonymous Directorate General	EU19
Anonymous Directorate General	EU20
Anonymous Directorate General	EU21
Anonymous Directorate General	EU22
Anonymous Directorate General	EU23
Anonymous Directorate General	EU24
Anonymous Directorate General	EU25
Anonymous Directorate General	EU26
Assistant Professor, Department of Political Science, University of Amsterdam	Conny Roggeband
Norwegian Delegate in Greece	Anne Havnør

Participation in the study was entirely voluntary, following standard academic practise for qualitative research, including ethical research management.[436] Generally accepted ethical procedures regarding anonymity, confidentiality, and informed consent were established in accordance with the standards of Concordia

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436 | Dench et al. 2004.

University[437] and with the German Sociological Association[438]. In order to work with research subjects, I obtained ethical clearance before project start from the Ethics Committee of the Simone de Beauvoir Institute of Concordia University in Montreal, to which I submitted a research proposal, including a detailed methodology and ethical quality management plan.[439]

All participants were introduced beforehand to my overall research intent and methodology, as well as to the particular interview purpose, technique and process. They were also offered a choice in degree of confidentiality: 1) Fully confidential, which means the person and his/her position in the department and the department itself would be anonymous, 2) partially confidential, which means the department could be disclosed but not the participant's identity nor his/her position in the department, or 3) non-confidential, which means the participant consented to have his/her full name, position, and department made public. This non-standardised model of different levels of confidentiality was offered to protect participants from risk and to attract a wider base of interviewees.

"Fully confidential" was chosen by eight Canadian participants representing five federal departments. For Canada, nine government employees and the two academic experts agreed to participate on a non-confidential basis, which made this the most used category, with a total of eleven individuals representing five departments. All 17 Commission administration employees opted for fully confidential interviews. Only the two external experts allowed me to disclose their names and positions. No participant chose "partially confidential", because all interviewees obviously regarded themselves as easily identifiable.

My standard interview setup was one individual per Canadian department or Commission DG in a single, one-on-one, either face-to-face or phone interview. The number of participants per interview varied in a few instances. Because of the required overlap of gender and impact assessment expertise, some departmental or Directorate-General officials deemed it necessary to be supported by one to up to four additional interviewees in order to clarify issues and be able to answer all questions.[440] This raised the sample size of participants and indeed allowed for

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437 | Code of Ethics of the Simone de Beauvoir Institute, Concordia University Montréal (Concordia University n.d.).

438 | Code of Ethics of the German Sociological Association (Deutsche Gesellschaft für Soziologie) (Deutsche Gesellschaft für Soziologie 1992).

439 | This so-called "Ethical Protocol Form for Research Involving Human Subjects" is on file with the author and the Simone de Beauvoir Institute, Concordia University, Montreal, Canada. Ethical clearance was granted by Professor Viviane Namaste, then Acting Principal and head of the Simone de Beauvoir Institute, by email on Wednesday, August 20, 2008. For all questions concerning the ethical standards and clearance process, contact Prof. Viviane Namaste, formerly Acting Principal, now Concordia University Research Chair in HIV/AIDS and Sexual Health and on-going member of the Ethics Committee at the Simone de Beauvoir Institute, Concordia University, Montreal, by phone (+1 (514) 848-2424 x 2371) or by email (viviane.namaste@concordia.ca).

440 | I interviewed two individuals at the same time in two Canadian interviews, three individuals in one Canadian interview, two individuals in two interviews with EC experts and five individuals in one interview with EC experts.

more depth of discussion. Thus, in two cases, I interviewed two experts from the same department/DG in two separate interviews.

2.4.3.4 Limitations of Field Access

Although the method of selecting experts for interviews promised a high positive response rate,[441] this study did not realise the expected level of response, despite the use of the refined confidentiality model and systematic follow-up on interview requests.[442] Of the 24 Canadian government departments required to collaborate with SWC on GBA, 14 were contacted based on a first environmental scan, performed in collaboration with SWC that identified GBA activity and capacities within the department.[443] The 14 initially contacted Canadian departments were: Agriculture and Agri-Food Canada (AAFC), Canadian International Development Agency (CIDA), Citizenship and Immigration Canada (CIC), Department of Finance Canada (DOFC), Department of Foreign Affairs and International Trade Canada (DFAIT), Department of Justice Canada (DOJC), Department of National Defence and the Canadian Forces (DNDCF), Health Canada (HC), Human Resources and Social Development Canada (HRSDC), Indian and Northern Affairs Canada (DIAND), Privy Council Office (PCO), Statistics Canada (STATCAN), Treasury Board Secretariat (TBS) and SWC.[444]

Of those 14 departments, 12 consented to participate. Of the 18 public servants originally interviewed in Canada, three individuals from two departments withdrew their interviews completely in the revision phase and could not be included in the final sample. This outcome for Canada allowed me to include in the study a total of ten departments with the participation of 15 senior and lower level policy analysts, gender focal points, and gender unit managers in the study, which equalled an institutional positive response rate of 85 per cent before withdrawal and a final, slightly under-performing sample response rate of 71 per cent. The two Canadian academic participants from two different universities agreed immediately and increased the overall positive response rate to 75 per cent, which, however, still remained below expectations. Two of the central agencies were unable to participate in the study, one of which was the Privy Council (PCO). Industry Canada also did not consent to an interview. All non-participating Canadian departments explained their reluctance by citing a lack of staff with knowledge about GBA, a lack of GBA activity within the organisation or staff turnover and inexperienced new employees in the requested positions. Since five of the 10 participating departments preferred to be treated with full confidentiality, I decided not to reveal the names of any of the participating departments or individuals. This measure seemed appropriate in

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441 | According to Janet Ruane, expert interviews generate an average response rate of 80 to 85 per cent, see (Ruane 2005, 147).

442 | One of the main obstacles in the research process, in particular with regard to the European Commission, but also with some Canadian federal departments, was field access and convincing potential participants to engage in the study. In the case of the European Commission, data collection was initiated in 2009 and concluded only in spring 2012.

443 | According to SWC and my own research, there was no GBA activity in the other 10 departments in 2008 or previous to 2008, a judgment that was confirmed one year later by the GBA report of the auditor general (Office of the Auditor General of Canada 2009a).

444 | For the interview sample, see Annex I.

order to guarantee ethical research, since they would be very easily identifiable in the small sample.

The rate of positive response for the European Commission was even lower. I contacted all 32 DGs and the Secretariat General (SG), from which I received—as noted before—a positive response from only nine DGs, lowering the Commission response rate to 27 per cent and the overall sample response rate to 40 per cent. The lower EU success rate was also responsible for a delay in the research process, especially since many mitigation measures needed to be taken.[445] Of the three tool developers I approached, two of whom were currently or formerly employed within the Commission's DG administration and one of whom was an external academic expert, all were willing to be interviewed. The participating Directorates-General of the Commission in the sample were: EuropeAid Development & Cooperation (DEVCO); Translation (DGT); Education and Culture (EAC); Employment, Social Affairs and Inclusion (EMPL); Enterprise and Industry (ENTR); Eurostat (ESTAT); Home Affairs (HOME); Justice (JUST); and Research and Innovation (RDT).[446]

One may only speculate about the reasons for the significantly lower response rate for the EU context, such as the severe time constraints of EC officials, who presumably receive research requests much more often than their Canadian counter-parts. Key to the higher rate in Canada was certainly the generous and engaged support from within government by the SWC, which I lacked—despite unsuccessful efforts to secure it—from the European Institute for Gender Equality for the EU context. As the EU's gender equality machinery[447], the European Institute for Gender Equality was also approached for an interview, but declined participation.[448]

The reasons for declining the interview request in the rest of EU sample ranged from no GIA activity, to no gender relevance of policies and programmes, to no actual responsibility for developing policies. Since I always contacted the head of each Directorate-General, its secretary and, where identifiable, the gender and impact assessment and/or evaluation units, I can state that my reach-out to the organisations was approached top-to-bottom as well as bottom-to-top. In three instances, DGs declined interview requests by referring to non-applicability because of no gender activity in their policies and programming and therefore non-relevance for gender in impact assessment. In other cases, I did not get a final answer or official non-participation note, despite email reminders and follow-up calls; therefore, no conclusions about gender impact assessment or gender-sensitive evaluation activity in the DGs absent from the sample can be drawn. A screening of key words of the published IA reports policy developing DGs on the

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445 | Such as extensive email and phone reach-out, personal meetings in Ottawa and Brussels, attending relevant conferences and contacting key people, asking for support from within the system, snowballing, offering to conduct only parts of the interview, shortening of the semi-guided questionnaire, sending questionnaires in advance, the possibility for written response to the questionnaire, and intense follow-up of interview requests.

446 | For the interview sample, see Annex I.

447 | For a definition of gender equality machinery, see introductory remarks in subchapter 3.2.1.

448 | By email, dated 26th August and 2nd September 2011, on file with the author; see also Annex I.

Commission IA website, however, indicated that gender considerations do not play a role in the impact assessment systems of those non-participating DGs.[449] As such, it can be assumed that no possible GIA activity was overlooked due to limitations in field access in the case of the EU. In Canada, GBA activity in non-participating departments cannot be excluded.

2.4.3.5 Interview Questionnaire and Interrogation

The questionnaire[450] was based on prior research on gender mainstreaming in organisations and on theoretical considerations.[451] It was first used for the Canadian GBA interviews and developed in consultation with GBA experts. It followed the main procedural strands of organisational evaluation analysis, which examines the role of actors, resources and institutions within the particular political system and policy, in this case policy instrument, environment.[452] It consisted of fixed, formulated, and standardised, yet open-ended questions, and allowed for exhaustive answers and comparability in evaluation. It aimed at a macro-analysis of the sociology of the organisations[453] as well as a micro-analysis of individual input.[454] With a total of 26 questions, the guide encompassed all-important segments according to the analytical gender analysis implementation framework[455] in the following five blocks: 1) GBA/GIA Implementation, 2) GBA/GIA Monitoring, 3) GBA/GIA Data Collection, 4) GBA/GIA Communication, and 5) Personal Opinion and Additional Remarks.[456]

The first block (14 questions) emphasised implementation mechanisms through structural incorporation, case studies, tools and training. Data collection and indicators were covered in five questions each. Less emphasis was given to communication strategies, with two questions only, as they were not so central for this study. Block five contained a single open-ended question that added great value to the study by allowing respondents a high degree of freedom in their input. In this way, it was assured that department—or DG-specific aspects of GBA/GIA would be included if not already covered by the interview guide. A unique contribution of this study to the field of GBA/GIA, apart from its focus on implementation and accountability mechanisms, is its exploration of possibilities for a greater level of intersectionality in gendered policy analysis. The questionnaire addressed intersectionality by probing the interviewees' opinions on the notion of diversity within GBA/GIA tool design and implementation practice and by encouraging them to consider intersecting inequality markers.

In order to evoke genuine answers during the actual interviews, the interview questionnaire was not presented in advance to participants. The Canadian set of face-to-face interviews took place behind closed doors in office spaces at the participants' departments and lasted between 58 minutes and one hour 55 minutes. The average

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449 | For the screening methodology see chapters 2.4.4, for the results 4.4.6.3 and Annex V.

450 | To consult the full questionnaire, see Annex IV.

451 | See especially subsections 2.4 and 2.5.

452 | Knoepfel et al. 2011, 268.

453 | Froschauer/Lueger 2003.

454 | Stockmann 2007; Stockmann/Meyer 2010.

455 | As explained in detail in chapter 2.5.

456 | See Annex IV.

interview length was one hour 25 minutes.[457] The interviews conducted with civil servants in the Commission's DGs were exclusively phone interviews, mainly due to the time constraints of the interviewees.[458] The individual European interviews lasted between 18 minutes and one hour 14 minutes. The average interview length was 47 minutes. The questionnaire served as basic grid for the notes[459] I took during each interview, which were extended to master notes in the half hour to an hour immediately after the interview.

All interviewees were sent or received personally the signed consent forms before the interview took place. All interviews were digitally recorded, and the audio files securely stored on a hard drive not accessible to others. The same privacy protection was exercised with the interview notes, which were securely stored in files inaccessible to others and used exclusively for double-checking meanings during the transcription phase, or as a general informational background informing the text analysis phase.[460] After the interviews, an exact and complete verbatim transcription of each audio file was made.[461] In the subsequent process of anonymization, in order to ensure confidentiality, personal and department names were abbreviated with first letters or entirely substituted where necessary.[462] Frequently used terms, such as gender impact assessment, were also substituted with their acronym after their first occurrence in the text. No other changes were

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457 | This corresponded to the time commitment asked of participants in the invitation letter (one hour 30 minutes).

458 | I adhered to the recommendations given by Gabriela Christmann in preparing and executing the phone interviews versus face-to-face interviews (Christmann 2009, 211-218). I was also aware of potential problems in conducting and comparing the different kinds of interviews (lack of facial expressions, social cues etc.) (Christmann 2009, 207-208). Due to applying thematic comparison, I regarded these difficulties as negligible in the analytical phase.

459 | Meuser/Nagel 2010.

460 | The interview notes were not transcribed and therefore only informed the coding system indirectly, as background knowledge. They were consulted before analysing each interview and making coding decisions in order to refresh the interview situation.

461 | Since there is no transcription standard and a variety of systems in place, I fit the transcription to my research purposes (Kuckartz 2005, 43). I followed the transcription guidelines laid out by Udo Kuckartz (Kuckartz 2005, 40-50). I was deviating from them only in one instance: Very clear and long pauses were transcribed with "…". All other insertions in rectangular brackets "[…]" are ex-post remarks, explanations, abbreviations which are not part of the spoken text. Other non-verbal elements, such as raising or lowering the voice, very short hesitations or emphasis in pronunciation were not transcribed, since the method of text analysis of expert interviews focuses on the content of what has been said, and does not read between the lines of how it was said or what has not been said. In this verbatim transcription, no corrections were made, even when non-native English speaking participants made grammatical mistakes (although each interviewee later had the chance—and most made use of it—to correct faulty grammar during the review and authorisation process).

462 | Kuckartz 2005, 49.

made in transcribing the spoken word. After verbatim transcriptions were made, all interviews were validated[463] through a respondent checking process.[464]

2.4.3.6 Interview Evaluation

The evaluation of the interviews by employing content analysis and developing a taxonomy and code system were the next steps in the research process. For the evaluation, I followed Meuser and Nagel's six steps[465] for complete evaluation in combination with a triangulated coding system as a taxonomic framework: 1) Full verbatim transcription, 2) paraphrasing and coding of overarching topics, 3) thematic overview of single interviews and overarching issues relatively close in text and language, 4) thematic comparison of interviews and overarching issues, 5) conceptualisation and revision of code system with finalisation of key overarching issues, and 6) inclusion of core issues in theoretical discourses and triangulation.

All interview transcripts were imported into a word coding software[466] and thematically analysed by finding consistencies in meanings and establishing a

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463 | Pierce 2008.

464 | From April to June 2008, the full scripts were sent back to the Canadian participants for final review and authorisation. From October 2011 to May 2012, the full scripts were sent back to the European participants for final review and authorisation. From April to July 2015, the interviewees in both interview sets had the opportunity to confirm citations in context, when the respective chapters of the final thesis were sent to the interview participants. These steps and the high level of process and result ownership was offered beforehand, in order to increase trust and the participation ratio. Participants had the chance to withdraw single answers, text parts, or even the entire interview. Since most of the participants were non-native English speakers and concerned about their English proficiency and professional habitus representing national or supranational government agencies, they also had the chance to revise the text linguistically and to re-work grammar, expressions or orthography. In order to preserve the original content, however, they were not allowed to alter or change the original meaning or content of phrases. This checking process proved necessary but difficult, and slowed the evaluation down considerably; it seemed even harder to get reviewed interviews back than to convince informants of the usefulness of their participation. Respondents took anywhere from two days to six months to send reviewed and validated interview scripts back, delaying the start of the next evaluation step. Qualitative research and interviewing techniques ask for a large time commitment that busy civil servants do not always have for an external independent study such as this one. Given the painstaking process of going through some 50-60 pages of transcript per interview on average, plus the participants' understandable concerns about accuracy of responses, I was not surprised at the late returns. I want to convey how deeply I appreciate the hard work and devotion to the cause that all the interviewees demonstrated, and I thank them for their support.

465 | First laid out in (Meuser/Nagel 1991). Further developed in (Meuser/Nagel 1997; Meuser/Nagel 2002; Meuser/Nagel 2003; Meuser/Nagel 2009). In their last update, inclusive language ("ExpertInnen" addressing female and male experts alike instead of the German generic masculinum), and the attention drawn to the potential influence gender relations can have on interview conditions (Meuser/Nagel 2010, 377) made the method gender-sensitive for the first time.

466 | MAX data text analysis MAXQDA 2007.

coding scheme to index, search, summarise, and evaluate the data.[467] The coding system was developed through inductive and deductive approaches,[468] based on the interview questionnaire, the master notes, and triangulation with primary and secondary sources. By using focused coding techniques[469] and placing the experts' answers in an institutional, organisational action framework, it was possible to identify themes and collectively shared knowledge, regardless of when the information was conveyed in the interview.[470] Discussion with and feedback from policy analysts from the SWC, independent scholars and peers contributed to the finalisation of the coding schemes and assurance of coding credibility. The final combined code system of the Canadian and EU interviews together had a total of 1.649 entries, grouped in 17 focused thematic codes,[471] according to their relevance for or challenges to GBA implementation. Given the project's multiple data sets and the need to generate integrated sets of findings, the review of the coding system and its sub-systems helped to ensure the weighing of particular perspectives, correct reporting of findings, and representation of all thematic areas and most frequent themes. The full coding tree can be found in Annex VII.

The qualitative content analysis was oriented along the lines of the coding system and followed Philipp Mayring's approach of first summarising the single methodological techniques, then explicating the findings and in a final step, structuring them.[472] Also Ulrike Froschauer and Manfred Lueger's fine-tuning of content analysis helped interrogate the interview text on the level of thematic analysis of the coding segments.[473]

2.4.4 Triangulation

Triangulation was used both as design strategy and as an analytical tool.[474] It allowed for clustering and (re-)organisation of disparate yet related data. Through an understanding of my own stance as a researcher, previously described[475], and the respective situatedness of the various actors in equality governance processes in the mirror of standpoint theory, research bias was reduced and the practice-theory link established.[476] Triangulation, defined in sociological terms as the combination of various methods, is often seen as essential for validation in a study based on rich qualitative data. Although I do not ascribe to such positivist understandings of triangulation, employing this research strategy enabled me to bring together not only multiple methods, but also multiple data and theoretical perspectives, thus weaving a denser fabric and generating a higher level of concision and gestalt.

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467 | Patton 2002.

468 | Farmer et al. 2006, 381.

469 | Charmaz 2006, 58-59.

470 | Meuser/Nagel 1997, 487.

471 | See chapters three and four on Canada and the EU.

472 | Mayring 2000; Mayring 2008a; Mayring 2008b.

473 | Froschauer/Lueger 2003, 158-165; 226-227.

474 | Creswell/Plano Clark 2007.

475 | In chapter 2.4.1.

476 | Farmer et al. 2006.

I chose to use the following multiple forms of triangulation:[477] First, I provided methodological triangulation by using more than one research method (qualitative analysis as well as key word screening[478] of primary and secondary source documents plus expert interviews). Second, I triangulated my data through the examination of multiple interview sources, including civil servants, sub-grouped as policy analysts and gender focal points, and academic scholars. Third, I provided theoretical triangulation by focusing postmodern, feminist, and queer lenses on the data and resultant findings.[479]

The range of primary and secondary material, together with this wide theoretical angle, posed problems but also greatly enriched the study. Feminist methodologies and interpretations[480] have were particularly fruitful in the evaluation process. One of the most challenging and rewarding aspects of the study was the attempt to use and represent the data with a feminist approach, regarding them as "voices" or "interpretations," as lived experience. In order to make all the "voices" heard and to align the interview data with data from the document sources, I built two different data sets,[481] to compare the two, code-by-code, and to identify areas with common characteristics as well as discrepancies.[482] To find significance in the microcosm and discover large lessons in small worlds was both a reward and a challenge. It made me also realise the limitations of this study, but "given that no method, data set, or analysis is without flaws, it is important for qualitative researchers to be upfront in their acknowledgement and recognition of limitations of the sets of findings that they use as inputs into a triangulation process."[483]

The second step was to look for concurrences and disparities within theme areas and to converge the coding according to essence and eminence. I found full

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477 | Creswell/Plano Clark 2007; Flick 2011.

478 | I employed a screening by key words of the EU Impact Assessment Board reports. For the results, see sub-section 4.4.6.3 and Annex V. I determined whether gender equality or fundamental rights/non-discrimination concerns were mentioned at all in the overall texts of these IAs and the corresponding Impact Assessment Board's opinions. In the case of gender equality issues, I also followed up on whether those aspects emerged again at the end of the assessment and whether they played a role in the final recommendations (see full chart in Annex V). It served as preparatory measure, in order to build up the requested quasi expert status for conducting the interviews. This exercise served merely the purpose of providing an insight into some practices of conducting IAs in the Commission today. It can be no more than anecdotal evidence, an indicator or point of orientation, and does not represent sound empirical evidence. It served primarily as background information about the occurrence of gender aspects in current EC IA studies and enabled me to improve my interview strategy. Before a more systematic review of IAs, stretching over a longer period of time, could be performed, future research would first need to identify a complete set of theory-induced and empirically-deducted equality concepts and translate them into useful keywords. Additionally, it would have to be complemented by a policy area specific contextualisation for each individual IA study, before creating a matrix of gender relevance.

479 | Pierce 2008.

480 | Eichler 1997; Harding/Hintikka 1983; Harding 1998; Smith 1987a; Smith 1990.

481 | Farmer et al. 2006, 382.

482 | See also comparative method in 2.2.2.

483 | Farmer et al. 2006, 391.

agreement between the two data sets in most areas, hardly any partial agreements, and only occasional dissonances, as future chapters show in detail. Areas of silence did not occur; all questions were answered by all participants. I finalised my convergence assessment by comparing the nature and scope of each topic area for each data source. The biggest hurdle for me, however, was not so much accurately representing the "voices" in the different data sets, but in coming to terms with the fact that the data from my interview transcripts was better suited to my analysis than the primary and secondary source material, since I obviously designed the semi-guided questionnaire and directed the interview interactions according to my feminist research interests[484].

2.5 THE ANALYTIC FRAMEWORK

The main objective of this study is to examine the breadth and depth of gender mainstreaming implementation as exemplified through its gender analysis instrument application, GIA and GBA. Gender mainstreaming, and with it, its main implementation tools of ex-ante policy and programme assessment, such as GBA/GIA, have become central elements of intra-organisational governance.[485] Instrument uptake can serve as a meaningful indicator of the extent of the "integral dimension." Gender mainstreaming is only a lived practice insofar its instruments are actually used. Their application can (and should) be formalised—even institutionalised[486]—in intra-organisational standards and guidelines, including implementation recommendations (via gender action plans, for example); or they can remain dependent on the individual judgment of analysts, who are in charge of IAs or who design drafts of their organisation's policies and programmes.[487] But no coherent system for the organisational institutionalisation of gender mainstreaming in general or gender mainstreaming tools in particular has been developed to date. This subchapter therefore combines organisational theories with institutionalism and theories of gender mainstreaming in organisations. It concludes by proposing an analytical framework for the institutionalisation of gender analysis as a gender mainstreaming instrument.

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484 | See also sub-chapter 2.4.1 on positioning.

485 | Schimank 2007, 200.

486 | I understand institutionalisation, in accordance with Roger Friedland and Robert Alford, as the integration of gender mainstreaming tools in the "central logic" and the "set of material practices" including routines, patterns, structures as well as the value systems that provide these with essence (Friedlang/Alford 1991, 248).

487 | This statement is not intended to negate that policy and programme making are also inherently political processes, as i.e. Jane Parpart states (Parpart 2014); this concern was not, however, at the centre of interest of this study..

2.5.1 Institutional Mechanisms for Gender Mainstreaming

In area H of the Beijing Platform for Action (BPfA), the United Nations (UN) call for institutional mechanisms for the advancement of women and defines the following three strategic objectives, targeted at supporting governments in their work of promoting gender equality:

"H1) Create or strengthen national machineries and other governmental bodies;
H2) Integrate gender perspectives into legislation, public policies, programmes and projects;
H3) Generate and disseminate gender disaggregated data and information for planning and evaluation."[488]

It was during the Finnish Council presidency that the EU first started to pay attention to the realities of the BPfA institutional mechanisms for gender mainstreaming on the Commission as well as on the member state level, which happened as late as 2006.[489] To assess the progress in institutionalisation, the Council of the European Union (Council) established a set of strategic objectives, first for areas H1 and H2 in 2006 and adding area H3 later in 2013 during the Lithuanian Council presidency:[490]

"1 Status of governmental responsibility in promoting gender equality;
2a Personnel resources of the governmental gender equality body;
2b Personnel resources of the designated body or bodies for the promotion of equal treatment of women and men."[491]

"H3. Generate and disseminate gender-disaggregated data and information for planning and evaluation"[492]

Additionally, the Council stressed that for an effective national institutional structure for gender equality, the following conditions must be ensured: the placement of the mechanisms at the highest possible level in the government, the involvement of civil society organisations, sufficient resources, and the possibility of influencing the development of all government policies.[493]

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488 | See institutional mechanisms on the BPfA website (UN 1995).
489 | For a historical account of the earlier gender mainstreaming developments, see (Fuhrmann 2005, 181-193).
490 | Following up on the requirements of the Beijing Platform for Action, in 2006 the Finnish Council presidency picked the topic of institutional mechanisms, for which it prepared a report and suggested a set of three indicators to monitor the successful implementation of the Beijing Platform for Action (The Council of the European Union 2006a; Smith 2005).
491 | European Institute for Gender Equality 2014b, 8. Emphasis as in the original.
492 | The Council of the European Union 2013.
493 | European Institute for Gender Equality 2014b, 3.

2.5.2 Gender Mainstreaming in Organisations:
The Moser and Moser Framework

In order to develop an understanding of gender mainstreaming mechanisms, Sally Theobald, Rachel Tolhurst, Hellen Elsey and Hilary Standing recommend that "we need to understand the institutional contexts that stakeholders come from."[494] As a framework for institutional analysis of the implementation of gender mainstreaming policy analysis tools, I would like to suggest to build on the one developed by Caroline Moser and Annalise Moser. They evaluated the implementation of gender mainstreaming policies in 14 international organisations and derived Components and Associated Activities of Gender Mainstreaming Policy.[495] Although the framework originated in the context of development cooperation organisations and is targeted at the overarching gender mainstreaming strategy, it seems highly appropriate as an analytical framework to evaluate the application of gender analysis in a bureaucratic environment: It captures how the strategy is "specified in particular gender mainstreaming policies and strategies."[496] Derived from empirical experience in those 14 organisations, it looks at how gender mainstreaming is conveyed in their internal policies.[497]

It supports my analysis of the particular gender mainstreaming tools GBA/GIA and their implementation status in the federal Canadian bureaucracy and the Commission's IA system in two ways: 1) Synchronicity of instruments/travelling instruments: As tools, GBA/GIA foster implementation of gender mainstreaming and, as such, fall under the processes for achieving gender equality worldwide outlined in the Beijing Declaration for Action. Gender equality impact assessment tools are travelling and part of the world polity process for gender mainstreaming. 2) Synchronicity of organisational environment: Moser and Moser analysed the implementation of gender mainstreaming in a variety of organisational environments. They looked at bilateral agencies (UK Government Department for International Development—DFID, Swedish International Development Cooperation Agency—SIDA, Canadian International Development Agency—CIDA), international financial institutions (International Development Bank—IDB, World Bank—WB, Asian Development Bank—ADB), UN agencies (UNIFEM, UNICEF, Habitat, UNDP) and NGOs (HIVOS, ActionAid, Oxfam GB, ACORD).[498] Moser and Moser found policy and project IA systems to be part of these bilateral agencies, as well as of international financial institutions, UN agencies and some of the examined NGOs, which allows for a similar comparison in my work.

Moser and Moser categorised three stages of gender mainstreaming implementation: "Adoption of terminology, followed by putting a policy into place, and finally implementation"[499]—which Pollack and Hafner call the process and output.[500] In their article, Moser and Moser argue that "while most institutions

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494 | Theobald et al. 2004, 147.

495 | Moser/Moser 2005, 13.

496 | Moser/Moser 2005, 20.

497 | Moser/Moser 2005, 13.

498 | Moser/Moser 2005, 13.

499 | Moser/Moser 2005, 11.

500 | Pollack/Hafner-Burton 2010.

have put gender mainstreaming policies in place, implementation remains inconsistent."[501] They admit that despite their investigation into many international organisations, the "outcomes and impact of the implementation of gender mainstreaming"[502] remained largely unknown, with implications for strategies over the next decade. Two further aspects are central to their analysis of the degree and progress of gender mainstreaming implementation, in what is commonly subsumed in the twin strategy or double approach: The institutionalisation of gender concerns within the organisation itself, and gender empowerment, promoting women's participation in decision making.[503] These paradigmatic expectations resulted in a framework that incorporated aspects central to the institutional implementation of gender mainstreaming, which were shared in most organisations examined by Moser and Moser:

"A dual strategy of mainstreaming gender combined with targeted actions for gender equality; gender analysis; a combined approach to responsibilities, where all staff share responsibility, but are supported by gender specialists; gender training; support to women's decision making and empowerment; monitoring and evaluation."[504]

The following table 4 shows the categories used in my questionnaire design and document analysis based on the Moser and Moser framework and altered only insofar as gender analysis, as the centre of my research interest, was ranked first. The following original gender mainstreaming components were examined in relation to the creation of a beneficial and informed organisational environment for the implementation of gender equality tools. The interview questionnaire also touched on three additional components, which according to Moser and Moser's study were shared only by a smaller number of institutions, but which I consider crucial success factors for knowledge-based instruments:

- Working with other organisations (collaboration or support for GBA/GIA).
- Budgets (including financial resources for GBA/GIA and gender staffing).
- Knowledge resources (sex-disaggregated data, qualitative and quantitative studies, expert networks).

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501 | Moser/Moser 2005, 11.
502 | Moser/Moser 2005, 11.
503 | Moser/Moser 2005, 11.
504 | Moser/Moser 2005, 12.

Table 4: Components and Associated Activities of Gender Mainstreaming in Organisations (Moser & Moser Framework)[505]

Components	Activities
Dual strategy of mainstreaming and targeting gender equality	Mainstreaming into policies, projects and programmes
	Actions targeting gender equality
Gender analysis	Sex-disaggregated data and gender info
	Analysis at all programme cycle stages
	Gender-sensitive budget analysis
Internal responsibility	Responsibilities shared between all staff and gender specialists/focal points
Gender training	Understanding and implementation of gender policy for staff and counterparts
	Staff/counterpart gender sensitisation
	Staff/counterpart gender training/skills
	Manuals, tool kits
Support to women's decision making and empowerment	Strengthening women's organisations through capacity building and training
	Support to women's participation in decision making/empowerment
	Working with men for gender equality
Monitoring and evaluation	Effective systems and tools for M&E
	Gender-sensitive indicators
Work with other organisations	Strengthening gender equality in work with government, donors, UN, private sector and NGOs
	Capacity building of civil society
	Support to national women's machineries
Budgets	Allocation of financial resources for staff to carry out gender policy
Knowledge resources	Publications/knowledge base on best practice and effective strategies
	Networks
	Online databases

The Moser and Moser framework helped me identify central areas of inquiry when approaching middle management and individual policy analysts.[506] The fact that these actors in the governance of GIA hold individual power central to the advancement of gender mainstreaming and to the implementation of its tools

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505 | Moser/Moser 2005, 13.

506 | For the final analytical framework applied in this thesis, see chapter 2.5.

has already been recognised by Kyoko Kusakabe[507]: "I have argued that one of the barriers to mainstreaming a concern for gender equality in the government bureaucracies studied is that the realities of middle- and lower-level government officers are often neglected."[508] By investigating through the eyes of the lower and middle management the acceptance and use of gender mainstreaming instruments, I investigated whether gender mainstreaming—almost 20 years after its introduction—was advancing and whether the gender perspective has managed to seep into routines at all levels and in all procedures: "It is important that other concrete activities for gender mainstreaming (especially routine activities) are introduced in the middle and lower levels of government. [...]."[509]

2.5.3 Institutionalisation of Gender Analysis: The Analytic Framework

Institutional capacity for gender analysis is different in the EU context than in the Canadian context. In Canada, the SWC developed an organisational self-assessment tool[510] for GBA implementation from which the government-wide GBA departmental framework resulted.[511] Core elements for GBA capacity are: 1) a GBA departmental statement of intent or policy; 2) a responsibility centre (either within the IA or in the equality unit) to monitor the implementation of a GBA framework and the practice of GBA; 3) the provision of policy field specific guides, manuals, or other appropriate information for promoting GBA; 4) mandatory GBA training for all senior departmental officials and analysts and other appropriate staff; 5) identification of GBA frameworks in departmental reports on plans and priorities and an accounting of their implementation in departmental performance reports or similar documents; and 6) yearly self-evaluation and reporting to the central equality machinery SWC on departmental GBA practices, employing SWC's Organizational Capacity Assessment tool[512].

At the EU level, no comparable capacity exists. Institutional capacity is very generally defined as "the set of characteristics related to **human capital** in the public sector and to the **performance and success of public policies**."[513] According to the EP, the EU is interested in improving its institutional capacity also with regard to policy programming with a gender perspective and to the application of appropriate assessment tools (like GIA), but it does not spell out precisely its desired capacity nor its specific commitment.[514] We can, however, get a general idea of what the international community once envisioned as enabling structures for gender mainstreaming. In 1995, with the BPfA, the UN established a set of indicators to foster the progress of gender mainstreaming on a state level, although not on the

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507 | Kusakabe 2005.

508 | Kusakabe 2005, 51.

509 | Kusakabe 2005, 53.

510 | SWC; Cooper n.d.. For adherence to the framework, see chapter 3.4.1.5.

511 | Privy Council Office et al. 2009.

512 | SWC; Cooper n.d.

513 | European Parliament 2014, 22. Emphasis as in original.

514 | European Parliament et al. 2014, 22.

level of individual organisations.[515] In Chapter IV, section under H., Institutional Mechanisms for the Advancement of Women,[516] the UN formulated strategic objective H.2. to integrate gender perspectives into legislation, public policies, programmes and projects, thereby addressing the duties of governments (no. 204) as well as their national equality bodies (no. 205). Among these duties is the responsibility for conducting ex-ante gender assessments at an early stage "before policy decisions are taken" and to promote a gender perspective "in all national policies."[517] These requirements resonate with and translate to an organisational level of individual government agencies and institutions; however, they are not specific and need to be broken down into ministerial responsibilities in the environment of public administration.

Due to the fact that these UN requirements exist in the absence of an EU framework, and that the Canadian GBA capacity framework is designed for both GBA as a policy analysis tool and GBA as an equivalent to the overarching gender mainstreaming strategy, there was a need for my study to come up with a more specific, tool-focused framework that would at the same time be transferable to other organisational contexts. I thus decided to adapt the Moser and Moser framework[518], because it is the closest organisational frame of reference to the BPfA demands by putting gender analysis in the centre. From this starting point, I focused on the status quo of gender analysis tool implementation and its connection to institutionalisation of gender mainstreaming in organisations. In their study, Moser and Moser attested that for all organisations, "some form of gender analysis is identified by 86 per cent [...]."[519] The existence of tools, however, does not automatically guarantee their implementation, and in their study Moser and Moser did not control for the actual application.[520] Moser and Moser, as well as the BPfA, stress the centrality of gender equality machineries for the implementation of gender mainstreaming and policy analysis, in accordance with the original mandate as stipulated in the BPfA in 1995:

"201. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include: [...] (d) Opportunity to influence development of all government policies."[521]

Investigating the existence and role of the relevant gender equality machineries and the actors within them therefore became central to my investigation of the

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515 | Explained in detail for the context of the EU in subchapter 4.1.2.

516 | UN 1995.

517 | See chapter IV, "H. Institutional mechanisms for the advancement of women" (UN 1995).

518 | See subchapter 2.3.2 (Moser/Moser 2005).

519 | Moser/Moser 2005, 14; Moser 2005, 580.

520 | In another publication, based on the same empirical evidence and for the purpose of a Gender Audit Score Card, Moser established as a target indicator that "all programmes [should, A.S.] include gender analysis; in 50% this is extensive" (Moser 2005, 586).

521 | UN 1995, 79.

development and institutionalisation of gender policy analysis. With gender analysis as its pivotal point, my study intersected with the velvet triangle of state feminism in its "bureaucratic positionality"[522]. From there, and based on the theoretical governance and feminist considerations described earlier, I condensed the wider Moser and Moser structure[523] to six main components and facilitating factors for gender analysis in public administration (see following table 5).

Table 5: Components and Facilitating Factors for the Institutionalisation of Gender Analysis

Components	*Facilitating Factors*
1. Tools	Tool design and fit
	Analysis preferably ex-ante, but also parallel at all programme/policy cycle stages
2. Responsi-bilities	Responsibilities laid out in overarching strategies (gender equality plans *and* IA procedures/roadmaps)
	Responsibilities clear and shared between all staff/analysts and gender specialists/focal points
3. Training	Understanding of gender analysis (incl. basic sex/gender/intersectionality concepts) by staff/analysts
	Staff/analysts gender sensitisation (disciplinary knowledge)
	Staff/analysts gender training/skills (advanced education)
	Implementation of manuals, tool kits by staff/analysts (experience)
4. Resources	Allocation of financial resources, staffing and time to carry out gender analysis
5. Knowledge	Sex-disaggregated data, indicators, statistics
	Publications, studies, knowledge (policy field specific)
	Availability and accessibility (online databases, best practices etc.)
6. Accounta-bility	Effective systems for establishing accountability for gender analysis
	Quality criteria and quality management (QM) for gender analysis (IA QM, audits etc.)

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522 | I focus on the bureaucratic actors as facilitators of both, research and politics (Franken 2007). Due to the extensive literature review as well as interviews conducted with scholarly tool designers, I also take "academic positionality" into account (Theobald et al. 2004, 144).

523 | Moser and Moser originally suggested a total of nine components and 22 associated activities for the implementation of gender mainstreaming policies in organisations (Moser/ Moser 2005, 13), see table 4 in subchapter 2.3.2.

These six components incorporate the BPfA strategic objective H.2 (no. 204 and 205) requirements and delineate an enabling institutional structure for increased sustainability[524] and quality of gender in IA. This framework sees the dual strategy of mainstreaming gender into policies, projects and programmes and positive action as the backdrop against which gender analysis tools and practices are read.[525] As a circumstantial factor, however, the Moser and Moser framework did not lend itself to distinctive inquiry.[526] The framework, furthermore, regards supporting equality architecture and machinery as well as bureaucratic IA specific gender expertise as central and enabling factors that play a role in all six main components, as will be highlighted in my examination.[527] I applied this analytic framework to the empirical part of my study, as the basis for my questionnaire design and evaluation of the interviews.

To date, tool design and tool fit have not been examined in relation to existing, commonly applied IA tools or with regard to their potential for enabling intersectional analysis. With regard to institutional inputs and internal departmental/bureaucratic and actor specific responsibilities, Moser and Moser raised concerns that influenced my hypotheses and research approach; for instance, they had concerns about policy analysts carrying out GIA or GBA:

"Although most organisations have promoted a combined approach, where all staff share responsibility but are supported by gender specialists, success in gender mainstreaming is still highly reliant on the commitment and skills of key individuals [...] NGOs with gender specialists have made the most progress on gender issues. [...] At the same time, when gender mainstreaming is the responsibility of all staff, gender issues can be diluted or disappear altogether, through non-committed decision makers and male resistance, while specialised gender focal points can be marginalised from mainstream activities [...]. Equally a gender unit at head office can be regarded by field staff as top-down or culturally coercive."[528]

My inquiry bears such problems in mind when applying the framework. Another hypothesis supported by my literature research was that it is beneficial to have gender units or gender focal points with policy and programme IA experience in each individual department or Directorate-General and at the overarching federal or the Commission level. Mechanisms for monitoring and accountability, including "greater transparency in terms of documentation,"[529] and the education, value and hierarchical positionality and role of individual staff members, also seem to play a vital role in the depth and sustainability of GIA/GBA implementation and hence have also been included in my analysis:

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524 | In the sense of routine and lasting integration, see sub-chapter 1.1.2.

525 | Represented in the original Moser and Moser component "Dual strategy of mainstreaming and targeting gender equality" (Moser/Moser 2005, 13).

526 | For distinguishing equality-specific policies or programmes from mainstreaming by integrating a gender perspective in analysis, see introductory remarks in section 3.4.1.

527 | Represented in the original Moser and Moser component "Work with other organisations—i.e. Support to national women's machineries" (Moser/Moser 2005, 13).

528 | Moser/Moser 2005, 16.

529 | Moser/Moser 2005, 19.

"There is a widely acknowledged need for specific mechanisms of accountability, rather than simply the general guidelines provided in the policy statements. These include incentives for positive behaviour as well as appropriate sanctions [...]. Related to this is the fact that gender experts, including focal points, advisers and others, are often junior staff/or consultants who have little power to influence or advice [...]. There are few specific guidelines or requirements, such as minimum standards, in order to move beyond the deterrence of an all-or-nothing approach, and few specific gender equality goals and targets in programme or project planning and design [...]. There has also been a call for systems of monitoring and evaluation to be applied to organisation-level issues."[530]

The question of how the GIA process and the actors involved can be monitored and evaluated within the wider policy cycle thus became another central element of analysis. Preparedness for conducting GIA depends on many factors, including the ability to agree on indicators, to generate data and define goals—and to answer the basic questions of what constitutes gender impact, what the benchmark is and how it can be measured. As acknowledged by Moser and Moser:

"One of the challenges here involves identifying criteria for assessment, including appropriate indicators. Assessments often focus on the input indicators such as the number and proportion of female beneficiaries, and number of activities, rather than addressing impacts or outcomes [...]. The development of indicators on gender concerns presents several challenges. One is the need for uniform criteria, determined by consensus. Another is the difficulty of measuring changes in power and status. Such challenges make impact assessment a lengthy, difficult, and costly process."[531]

In the realm of GIA, several authors emphasise the ambiguity of evidence-based policymaking as closely related to quantitative indicators and research methods.[532] Feminist research methodologies have traditionally leaned heavily toward qualitative research.[533] For this reason, my questionnaire raised issues such as data availability and access to support for GIA in order to address the need for multiple indicators, for triangulation, and for the combination of qualitative and quantitative indicators, which would expose IA policies to a dominant discourse of quantification and measurability.[534]

The importance of gender training, its existence, its particular support and usefulness for GIA implementation, its frequency and the level of satisfaction by participants were also evaluated in my study, especially since Moser and Moser identified training as one of the weakest links in the chain. Gender training, including awareness raising and capacity building for GIA and GBA, was part of

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530 | Moser/Moser 2005, 17.

531 | Moser/Moser 2005, 18.

532 | Lombardo/Verloo 2009b; McBride/Mazur 2010; Torriti 2007.

533 | Ramazanoglu/Holland 2002; Smith 1990.

534 | In the social science methodology dispute between quantitative and qualitative methods, the argument has long arrived at a tie, with mixed-methods being the new quality marker and "gold standard" of viable and robust research, see, e.g. (Onwuegbuzie/Leech 2005; Bryman et al. 2008). This discourse has entered the field of IA only from the periphery and has not yet inhabited its core.

the questionnaire, along with the quality criteria that contribute to its effectiveness. According to Moser and Moser:

"Interestingly, there was a consistently reported need for further and improved gender training at all levels. [...] Gender training therefore needs to be not a one-off event, but ongoing and consistently refreshed. It needs to be made more specific or tailored to operational activities, clearly demonstrating its relevance to the work people do. There needs to be a follow-up in terms of 'trying out' the new skills. Gender training also needs to be more culturally sensitive [...]."[535]

Women's participation in the process of data and methodology appraisal in IA via consultation was yet another important area considered. Moser and Moser express expectations that go beyond the simple consultation with women (and their respective organisations); for them, it is necessary to ensure that their consultation actually has an impact: "Requiring that women are represented or consulted is necessary but not sufficient: are their voices actually heard?"[536] Since the quality of consultation and its influence on the actual IA outcome and recommendations were impossible for me to assess, I decided not to include consultations as an independent component in the analytical frameworks, and my study focused mainly on whether consultation occurred. I treat the provision for and occurrence of consultations as a matter of quality of tool design and a plus in external accountability for IA, which is the reason consultation is subsumed under the respective components.[537] The value of consultations per se to the IA process and outcome is viewed according to the opinion of the respective policy analyst. It was up to him/her to judge the "conceptual clarity, appropriate and consistent methodologies, and organisational support and institutional consistency"[538] of consultations.

In sum, the empirical findings are questioned from a feminist, critical governance perspective, in order to reveal the multiple and interwoven workings and power mechanisms within and exercised through IA in public administration. Because of my interest in attesting to the realities of an (intersectional) gender perspective in public policy and programme IA, I have employed feminist, neo-institutionalist, actor- and process-oriented governance perspectives, captured in the adapted Moser and Moser framework (Table 5). As a first attempt to systematise a facilitating environment for the implementation of gender analysis in public administration, the six components of this framework target a multiplicity of roles, actors and aspects. It is important to note the hybrid character of each component within the institution and the various modes of governance exercised from all these factorial "standpoints," which almost always have multiple functions. With its necessarily reduced complexity, it serves as an outline for exploring how gender equality may be anchored and sustained in policy analysis/IA in public administration.[539]

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535 | Moser/Moser 2005, 17.

536 | Moser/Moser 2005, 19. Represented in the original component "Support to women's decision making and empowerment" (Moser/Moser 2005 13).

537 | And not i.e. treated as data or knowledge for gender analysis.

538 | Moser/Moser 2005, 19.

539 | Its transferability to other organisational contexts requires further testing.

2.5.4 Summary

In this chapter, organisational theories and institutionalism were used to determine the institutionalisation of gender mainstreaming in organisations. As Christine Färber states, gender mainstreaming can only be implemented and bring about change in organisations when their structures, processes, regulatory frameworks, power relations and actors are addressed[540]; thus the chapter formulated institutional necessities for a sustainable implementation of gender mainstreaming tools. In doing so, it was first essential to focus on the institutional mechanisms of gender mainstreaming, as already laid out in the BPfA in 1995. The chapter then referred to a framework for implementing gender mainstreaming in (civil society) organisations: The Moser and Moser framework. Adapting the framework to the administrative context and keeping in mind the BPfA demands, I finally derived my own analytical framework for a beneficial implementation environment for gender analysis as a gender mainstreaming tool in public programme and policy making. The adapted framework informed my questionnaire design[541] and coding structure[542].

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540 | Färber 2005, 200.

541 | See Annex IV.

542 | See Annex VII.

3. Gender in Federal Canadian Policy Analysis

Chapter three is the first of the two chapters in which I present the analysis of my empirical data. In its first section, I discuss the Canadian political and administrative system as the environment for implementation of Gender-Based Analysis, or GBA. In the second part, I introduce GBA as the main tool used in the Canadian federal bureaucracy. Third, I present empirical findings from the interviews with policy analysis and gender experts from three Canadian federal departments who consented to open use of their interviews. In sub-chapter four, I discuss interviews with Canadian federal employees in all interviewed departments, examining the institutional drivers and factors that hinder systematic GBA implementation. The last section summarizes the state of GBA implementation in the Canadian federal bureaucracy.

Before I begin, it should be noted that *policy analysis* is the term preferred in the public service context in Canada (and the U.S.). *Impact assessment* is more typically used by private sector developers on a project level in the North-American context.[1] Accordingly, I will use the term *policy analysis* in this chapter.

3.1 GENDER-BASED ANALYSIS IN CANADIAN FEDERAL ADMINISTRATION

In this section, I introduce Canada's political system as it pertains to the making of public policies and programmes. I then give an overview of the legal foundation and history of GBA tool development and gender equality governance in Canada.

3.1.1 Canadian Political System and Policy Analysis

Canada has three levels of government: Federal, provincial, and municipal. At the federal level, Canada is a constitutional monarchy with a bicameral, multi-party, parliamentary system—the Westminster system, based on the British model. Legislative and judicial powers are designated in the two Constitution Acts of 1867 and 1982).[2]

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1 | For a detailed discussion on international IA terminology, see chapter 1.3.; for tool typologies see subchapter 1.6.
2 | Brettel 2009a, 65.

Canada has a dual legal tradition: Anglo-American common law, which applies in nine of its ten provinces, and French civil law, which applies in Quebec in all cases other than criminal law.[3]

The federal government rules over provinces and territories, but only in tasks of national importance—in a manner similar to, but not entirely comparable to the subsidiarity principle in the EU. The provinces, and even more so the territories enjoy a high level of legislative and administrative freedom.[4] In this respect, the Canadian federal system can also be considered a multilevel governance structure.[5]

Legislative power is held by the Parliament, consisting of three institutions: the hereditary monarchy, the Senate (members are appointed to provide regional representation), and the House of Commons (members are elected in single-member districts). The Parliament is responsible for passing laws in the form of statutes, acts, or bills. It also plays a watchdog role, holding the Cabinet and civil service accountable.[6]

Also in Canada, "the role that governments play should be informed by solid analysis."[7] The policy and programme making and evaluation system(policy capacity or policy units) is placed in the administrative bureaucracy of the in-line departments and agencies of the executive branch of government. Policy analysis is located within the departments and is generally conducted in-house.[8] In contrast to the standardised integrated European IA approach, Canada has a single tool policy analysis system,[9] in which, depending on the context and the stakeholders

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3 | Bourgault 2010; Bernier 2010.

4 | Thomas 2010, 156. For example, provinces have also some regulatory power over questions of external trade or territorial issues (Brede/Schultze 2008, 338)

5 | Brede/Schultze 2008, 324-325. For limitations and opportunity structures for feminist and gender issues within Canadian multilevel federalism, see (Andrew 2010a).

6 | Tindal 1997, 20.

7 | Sharpe 2011, 1.

8 | Policy advice is also supplied externally by academic institutions and think tanks (Sharpe 2011; Drummond 2011). The majority of Cabinet documents in Canada are meanwhile done by consultants (Savoie 2010, 182).

9 | The Treasury Board has issued a Benefit Cost Analysis Guide (1976, updated in 1998) and a collection of Programme Evaluation Methods (1997).Canada's Regulatory Policy as adopted by the Privy Council (1999) asks only for cost-benefit analysis of regulatory changes. Other federal agencies routinely conduct economic evaluations in terms of benefits and impacts. Some, such as Sport Canada also ask to identify social benefits, e.g. pertaining to the effects on Canadian identity, youth involvement and gender equity; or cultural benefits, e.g. effects on Canada tourism and cultural organisation (Vining/Boardman 2007, 49). Usually there are four central method classes applied: (Comprehensive) Cost-Benefit Analysis, Efficiency Analysis, Embedded Cost-Benefit Analysis, and Multi-Goal Analysis. Within those overarching method classes, single method or tools such as Economic Impact Analysis and Revenue or Revenue Expenditure Analysis, Monetized Net Benefits Analysis, Qualitative Cost Benefit Analysis, or Social Costing play important roles (Vining/Boardman 2007). GBA has only recently found very marginal entry into the current Canadian or North-American policy analysis tool canon (Pal 2010, 37). It is not mentioned in the mainstream body of literature on regulatory or policy analysis, such as (Dobuzinskis et al. 2007a; Dunn 2007; Weimer/Vining 2010).

involved, analysts work with particular, individually structured, analytical tools or a combination thereof, representing a "contextualized lens."[10] In this environment, GBA can be applied "when appropriate"[11] as a single, independent add-on policy analysis tool.

Traditionally, the Canadian model of public administration is marked by compromises made to accommodate the diverse needs of Canada's multi-cultural population, often yielding results that are cooked "not too hot, not too cold."[12] This public service attitude is based on a multiculturalist interpretation of the Canadian Charter of Human Rights (1982), stipulated under Section 27.[13] Diversity of representation plays a vital role in this model. In Canada's federal public service the belief is widespread that in order for actions to be fair and inclusive, public sector employees must represent a diversity of gender, race, age, language, ethnic origin or aboriginal status, religion and disability.[14]

However, some Canadian feminist researchers, such as Louise Chappell, have pointed out that despite the desire for or appearance of egalitarianism and diversity among public sector services and employees, the default norm continues to be neutral in an androcentric way. Perceptions of "[...] appropriate forms of behaviour in the public service are, in fact, masculine."[15]

While normative standards of acceptable, expected, rewarded behaviour might consist to be masculinist, the Canadian bureaucracy has feminised. Canada has over 200,000 public servants in the Core Public Administration (CPA), working in 27 federal departments and agencies and managed by the Treasury Board.[16] Employment equity policies in the Canadian bureaucracy seem to have proven effective, at least for women: For instance, in 2010, 54.8 per cent of public sector employees were female and 45.2 per cent were male.[17] Another study, however,

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10 | Atkinson et al. 2013, 142.

11 | The official French translation is Analyse Comparative Entre Les Sexes (ACS), demarcating a theoretical framing disparity between the focus on biological sex in French and the socially constructed gender English. A linguistic analysis of origin and potential consequences for instrument application of those different connotations needs to be conducted before the background of the different Francophone and Anglophone philosophical and theoretical traditions and cannot be covered in the realm of this study.

12 | Pal 2004, 200. Despite struggling with questions of framing and fit, participation and control, Canada does attempt to include e.g. indigenous knowledge or questions of sexual governance in its bureaucracy and policy making processes (Abele 2007; Smith 2007; Fleras/Maaka 2010). For questions of the representation of women in Canada's parliament and political parties, consult (Bashevkin 2009).

13 | Canada; Department of Justice 1982.

14 | Benhamadi 2003, 505.

15 | Chappell 2006, 227.

16 | The core public administration is listed in the Financial Administration Act (1985) (TBS 2011a, 10).

17 | TBS 2011a, 11. Although it was not clear in what hierarchical positions and income brackets these women and men were employed.

showed a less rosy picture at the higher ranks: among Canada's "public service elite:[18] Only 34 per cent were women and 66 per cent were men.

Despite the continued gender imbalance in the higher ranks and the fact that in Canada not only women, but also racial minorities, aboriginal people, and persons with disabilities "[...] continue to face significant disadvantages,"[19] Canadian public servants have a positive perception of equality in their work environment: The overwhelming majority (88 per cent) of Canadian public servants "[...] believe that in their work unit, every individual, regardless of race, colour, gender or disability, is accepted as an equal member of the team,"[20] and that such differences have no effect on their work and work relationships.[21]

3.1.2 Legal Basis for and Advancement of Gender-based Analysis

In Canada, gender equality is a right enshrined in the Canadian Charter of Rights and Freedoms of 1982,[22] as a constitutional right in particular Sections 15 and 28,[23] the Canadian Human Rights Act of 1985, and the Canadian Employment Equity Act of 1995. Gender mainstreaming is considered an international human rights obligation under treaties of the United Nations following the signing of the Beijing Declaration and Platform for Women in 1995.[24] In addition, the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women

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18 | Evans et al. 2007, 614. The survey was conducted in 2006 and received a response from 403 senior public administration executives who held the rank and title of deputy minister or assistant deputy minister in the federal, ten provincial and three territorial jurisdictions in Canada (Evans et al. 2007, 609; 611). In this respect, the Canadian civil service resembles an archetypical form of administration, with a masculine elite on top and an over-representation of female civil servants in middle management; compare e.g. the figures for the UK civil service (Annesley/Gains 2010, 916).

19 | Agocs/Osborne 2009, 237.

20 | As stated in the 2011 Public Service Employee Survey (Wouters/Clerk of the Privy Council and Secretary to the Cabinet 2012, 13).

21 | The effects of the Canadian political system, the sex composite of its administration, its tradition and self-perception as pertaining to GBA are discussed in chapters 3.2 and 3.3.

22 | The equality clauses in the Charter were lobbied for by a national network of feminists founded in 1980 (O'Neill/Young 2010, 325).

23 | Canada; Department of Justice 1982. Gender equality is also enshrined in Canada's Constitution Act (1867; 1982), which in section 15 assures equality before the law, provides for equal protection and equal benefit of law as well as affirmative action programmes; in section 28 it stipulates that the Charter's rights are guaranteed equally to both sexes. In the Canadian Human Rights Act (R.S.C., 1985, c. H-6) equality rights are comprised among the prohibited grounds of discrimination, which are "Race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered [...]."

24 | UN 1995.

(CEDAW)[25] together with its optional protocol dated from 1999,[26], both signed by Canada, offer important gender equality and human rights frameworks.[27]

But the history of GBA begin much earlier. The concepts and tools we have now must be seen as part of an evolving national and international women's movement that strove to institutionalize state feminist structures based on strong legal frameworks.[28] According to Pauline Ranking and Jill Vickers, the Canada's women's movement was state focussed from the first wave.[29] In February 1967, a result of pressure from national women's groups and organisations, the Government of Canada established a Royal Commission on the Status of Women in Canada with a mandate to:[30]

"[I]nquire into and report upon the Status of Women in Canada and to recommend what steps might be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society, having regard for the distribution of legislative powers under the constitution of Canada, particularly with reference to federal statutes, regulations and policies that concern or affect the rights and activities of women [...]."[31]

The Royal Commission presented its seminal report in the House of Commons on December 7, 1970.[32] Anchored in the United Nation's human rights equality framework, the report contained 167 recommendations dealing with a broad range of issues, including labour and employment standards and practices, pensions, immigration and citizenship, sexual stereotyping, housing, as well as day care.[33] In response to the Commission's report, the government began implementation of a structure in which the issues of gender equality in government and society could be addressed. Consequently, a minister responsible for the Status of Women was appointed on December 1, 1971, to safeguard such policy inside the Federal Cabinet.[34]

At the same time, a Co-ordinator for the Status of Women was appointed within the Privy Council Office (PCO) to advise the Minister of Status of Women and

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25 | UN 1979. The CEDAW treaty entered into force September 3rd, 1981. It was signed by Canada on July 17th, 1980 and ratified on December, 18th, 1981.

26 | UN 1999. CEDAW's Optional Protocol entered into force on December, 22nd, 2000. It was ratified by Canada on October 18th, 2002.

27 | Such as in (Candian Heritage 2006; Canadian Heritage 2006; Committee on the Elimination of Discrimination against Women 2007).

28 | According to Thorsten Peetz, Karin Lohr and Rom Hilbrich, "societal change can be traced in the change of organisational structures." German original: "Gesellschaftlicher Wandel kann in dem Wandel organisationaler Strukturen nachgezeichnet werden"] (Peetz et al. 2011, 224). For a reiteration of the Canadian's women's movement see e.g. (Findlay 1988; Backhouse/Flaherty 1992; Fulford 1992; Pierson 1993; Brodie 1995; Findlay 1997; Newman/White 2006).

29 | Rankin et al. 2001, 6-10.

30 | O'Neill/Young 2010, 323.

31 | Cross 2000.

32 | Canada 1970.

33 | O'Neill/Young 2010, 334.

34 | SWC 2000a, 3.

to coordinate and monitor activities of federal departments that were initiating programmes relating to the status of women. This office became known as the Office of the Co-ordinator, Status of Women.[35] In 1971, an Interdepartmental Committee was assembled to examine the recommendations of the December 1970 report, to determine the feasibility of their implementation and to develop time frames for action. Five working parties were attached to the committee that included representatives from a range of federal departments, agencies, and local community representatives. The Committee completed its work in December 1971, and the Cabinet considered its findings in early 1972.

During this time, the federal government also created offices within departments and agencies to oversee specific aspects of the Status of Women portfolio, the early forerunners of today's gender units or focal points. Offices were set up for the Department of Labour's Women Bureau, the Public Service of Canada's Office of Equal Opportunities for Women, and the Department of the Secretary of State's Women Program—providing an early form of gender equality architecture.[36] The Treasury Board appointed a senior policy advisor charged with identifying employment policies and programmes that had the potential to disadvantage women and other groups—a predecessor, although often overlooked, of today's GBA.[37]

Assignments in other departments were specific to their charters. The Department of National Health and Welfare's Status of Women was responsible for providing direction for the socio-economic, health and welfare status of women, children and families. The Department of Manpower and Immigration's Status of Women Office were engaged in creating equal workplace opportunities for women. The Solicitor General's Status of Women Office dealt with justice and criminal issues and revised policies that influenced family relations, marriage and divorce, and family courts. On May 31, 1973, a separate Advisory Council on the Status of Women was established to instruct the government on matters of concern to women and to educate the public on respective governmental actions.[38] Later renamed the Canadian Advisory Council on the Status of Women, this office operated with a high degree of autonomy and independently of the Office of Coordinator, Status of Women, and other departmental Status of Women programmes. This council even retained the right to endorse activities in the absence of ministerial consent—a right rarely seen later. The council was dissolved with the advent of gender mainstreaming in 1995.[39]

In 1972, the UN General Assembly passed a resolution proclaiming 1975 as International Women's Year and called for a decade of equality for women.[40] The year 1975 would be devoted to the principles of equality, development, and peace as well as to honouring women, their achievements and potential worldwide. To prepare for

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35 | Hankivsky 2007a, 112-113.

36 | For a definition of gender equality architecture, see subchapter 3.2.1.

37 | I.e. in Emanuela Lombardo, Petra Meier and Mieke Verloo's reiteration of the introduction of gender analysis, which they along with many other authors attribute exclusively to the context of international development and programme planning in development cooperation (Lombardo et al. 2013).

38 | SWC; Gender-Based Analysis Directorate 2001, 8.

39 | SWC; Gender-Based Analysis Directorate 2001, 8.

40 | A/RES/27/3010 (UN; General Assembly 1972).

International Women's Year, the Canadian government set up an interim office in 1974 to co-ordinate Canada's women's year programmes. This office, known as the International Women's Year Secretariat, reported to the Minister on the Status of Women through the co-ordinator.

On the April 1, 1976, the Office of the Co-ordinator, Status of Women, was designated a federal department, and the co-ordinator became a deputy head of the office.[41] Operating autonomously, it became known under its current name, Status of Women Canada (SWC).[42] The department was meant to "provide leadership, expertise and strategic advice"[43] to the minister responsible for the Status of Women and to coordinate federal, governmental activities in departments and agencies pertaining to the Status of Women. Although the new agency did not have legislative power to make or enforce policies and directives, since its foundation it has provided policy advice on federal legislation and programmes and has worked to ensure that federal departments integrate gender equality in all aspects of their activities.

In its early days, the Status of Women Canada had far-reaching impact on the direction of federal policy. It actively pursued changes and amendments to acts such as the Canada Elections Act, Section 23(3) of Criminal Code; the Immigration Act; the Public Service Employee Act; the Pension Act; the National Defence Act; the Unemployment Insurance Act; the Canada Labour Code; the War Veterans Allowance Act; the Canadian Citizenship Act; and the Canada Pension Plan, to name a few. Based on this legislative groundwork and following the 1975 UN International Women's Year, the relevance of the women's issue in policy making became evident, and in 1976 the "Policy on the Integration of Concerns about the Status of Women,"[44] the first of its kind worldwide, was introduced.[45] It called for a gendered analysis of all federal Canadian legal and programme initiatives.[46] The policy acknowledged the necessity for effective and early identification of the different impacts of policies and programmes on women and men—making it the first gender analysis strategy to be put in place, a fact that has yet to be appreciated in research on the history of gender analysis outside of Canada. Much as with gender mainstreaming today, all federal departments and agencies were required to implement the policy. At the same time, departments were asked to design top-down mechanisms for compliance with the new policy or to create a focal point for direct input into their policy and programme development.[47] As a result of the policy, Canada found itself on the international forefront of institutionalising state feminism.

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41 | By virtue of Order in Council P.C. 1976-779.

42 | SWC 2000a, 6.

43 | SWC 2000a, 6.

44 | SWC 2000b, 2; SWC 2000a, 5.

45 | SWC 2000b, 2; SWC 2000a, 5. According to Wendy Williams, the Canadian International Development Agency mainly informed the development of this global pioneer tool (Williams 1999). This early policy coincides with the early point in time of founding SWC's predecessor, the Women's Bureau in Canada in 1965, being the second gender equality agency in the world after the U.S. Women's Bureau, which was created in 1920 (McBride/Mazur 2013, 655). Such parallels are an indication for the importance of institutionalised state feminism.

46 | Hankivsky 2007c, 144.

47 | SWC 2000a, 5.

Two years later another milestone of equality-oriented policy making was put in place: the Canadian Human Rights Act of 1978.[48] Among other provisions, the act was designed to eliminate sex discrimination and to guarantee equal pay. In the same year, influenced by the UN's Year (1975) and Decade for Women (1976-1985), the Status of Women Canada was asked to implement a government action plan with the title "Towards Equality for Women" (1978). On June 5, 1979, the Status of Women Canada, along with the Advisory Council on the Status of Women, began reporting through the Minister of the Secretary of State—marking the beginning of accountability for gender equality.

Throughout the early 1980s, Status of Women Canada played a vital role in policy making and integration of women's equality concerns into federal legislation, policy and programmes. From 1982 on, it also helped foster collaboration and partnership between the minister responsible for the Status of Women and provincial and territorial governments. In annual meetings, ministers worked on joint women's policy issues and raised public awareness.[49] In 1989, the Canadian government proposed an update to the Federal Government Work Plan for women that would take into consideration how government decisions could have a positive impact on women. International debates on violence against women also fostered further development of the Canadian equality architecture and its rich activity.

In preparation for yet another international UN event, the United Nations World Conference on Women Secretariat was established in 1994 to coordinate activities of the Canadian government during the Fourth World Conference on Women in Beijing in September 1995. The UN asked each attending state to create a national plan for advancing women's equality. Accordingly, Status of Women Canada was tasked to coordinate and publish Canada's first gender action plan, "Setting the Stage for the Next Century: The Federal Plan for General Equality."[50] The plan, developed jointly by 24 federal departments and agencies, provided a guide for future initiatives on women's equality through the use of GBA[51]. With this Federal Plan, Canada's then liberal government sought to play a major role as a leader in women's emancipation and equality,[52] although it is doubtful whether without the international pressure and UN prestige, the national women's movement alone would have managed to achieve such a wide-reaching commitment.

Canada's Federal Plan was presented at the conference. All attending UN member states, including Canada, agreed on the famous "Beijing Declaration and

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48 | Canada; Minister of Justice 1985.

49 | SWC; Gender-Based Analysis Directorate 2001, 12.

50 | SWC 1995.

51 | For the content and function of GBA, as laid out in the Federal Plan, see tool chapter 3.1.

52 | In the same year, Canada's Federal Programme Review exercise on the rationalization of roles and structures within government, the Women's Program, based in Human Resources Development Canada, was transferred to the SWC. The Women's Programme was designed to provide the Government of Canada with ground-level expert advice, thereby enhancing governance capacity to identify issues for action and to increase focus and effectiveness of the government's activities.

the Platform for Women,"[53] which committed them to action on a broad range of issues to promote women's equality.

In the same year, the Canadian government moved the charge for policy research, dissemination, and public information from the Canadian Advisory Council on the Status of Women, which was dissolved, to the Status of Women Canada, which incorporated these roles into its new research directorate. It was felt that housing both functions under one roof, "strengthened SWC's outreach to national, regional and local women's and other equality-seeking organisations and its **policy and research capabilities**."[54] As a result of the Federal Plan and the activities of "the 1980s and 1990s, the government of Canada embraced the principles of GBA,"[55] on the federal level and in some provinces. However, in practical terms most policies of the time continued to be designed without serious consideration of how they might cause women and men to suffer or benefit in different ways.[56]

Although the Federal Plan does not embrace gender mainstreaming per se, it introduced mainstreaming into the discussion. Mary Anne Burke, one of the Federal Plan's authors, later confessed that the process to develop the plan involved "partnerships, collaboration, intense negotiation, finesse and careful wordsmithing—central principles of gender mainstreaming."[57] Gender mainstreaming was never embraced as an official guiding terminology in the plan[58], instead the term Gender-based Analysis (GBA was given the central role as the first objective, and main Canadian concept, which incorporates all elements of gender mainstreaming).[59]

Objective one of the plan, with its emphasis on gender equality, set out the principles of gender mainstreaming:

"Implement gender-based analysis throughout Federal Departments and Agencies, informs and guides the legislation and policy process at the federal level and, hence, underpins gender equality in all sectors addressed in the subsequent objectives."[60]

This focus, in combination with the other objectives of the plan, such as women's representation and equality in governance structures, binds the plan and Canadian public policy tightly to the emergence of gender mainstreaming on the international level.[61] Beyond introducing the basic and mainstreaming principles for GBA, the

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53 | UN 1995.

54 | SWC; Gender-Based Analysis Directorate 2001, 9. Emphasis by author.

55 | Grant 2002, 2.

56 | Williams 1999.

57 | Burke 2001, 48.

58 | Before 1995 and at the time the plan was negotiated, gender mainstreaming as a concept was still very much in flux and development. The early pre-Beijing coming into being of Canada's Federal Plan for Gender Equality plan explains, why the terminology of gender mainstreaming was never officially adopted.

59 | A Canadian tool and term already familiar from gender-based health research (Hankivsky 2007a, 114).

60 | SWC 1995, 7. Emphasis by author.

61 | The Fourth UN World Conference on Women was held September 4-15, 1995 in Beijing, and attended by 189 member countries, including Canada and all European member states.

Federal Plan prescribed as the core element of GBA that the federal government should be committed to ensuring that:

"All future legislation and policies include, where appropriate, an analysis of the potential for different impacts on women and men. Individual departments will be responsible for determining which legislation or policies have the potential to affect women and men differently and are, therefore, appropriate for a consistent application of a gender lens."[62]

Canada thereby adhered in its Federal Plan to the global consensus after Beijing for a double strategy: gender equality would require both the "mainstreaming" of gender concerns in all areas of public policy (objective one) and the fostering of women-specific measures (objectives two to eight).[63] In 1996, after the UN conference in Beijing and in order to implement the Federal Plan, the Status of Women Canada contracted with the researchers and academics Mary Anne Burke and Margrit Eichler to develop its first tool,[64] Gender-based Analysis: A Guide for Policy Making.[65] The Federal Plan committed all Canadian federal agencies and departments to conduct GBA of future legislation, services, programmes and policies. Use of the tool was not a mandatory, however; it could be used "where appropriate."[66] Nonetheless, the plan provided the framework for sustained work on GBA, although "it got off to a rocky start as resources were slow in coming."[67]

   The Status of Women Canada sees the period of the Federal Plan, from 1995 to 2001, as a time of "setting the stage," a time when GBA as a tool to implement gender mainstreaming began to emerge. As in many other countries that adopted similar equality analysis tools, GBA in Canada was introduced under a democratic equality and New Public Management framework, with the goal of producing more equitable, efficient and effective outcomes for Canadians.

In order to foster gender equality around the globe, the conference adopted the Platform for Action (PFA) with strategic objectives and actions in 12 critical areas of concern, of which "institutional mechanisms" was one. Furthermore, the PFA set three strategic objectives that states would have to accomplish: 1) Create and strengthen national machineries and other governmental bodies, 2) integrate gender perspectives in legislation, public policies, programmes, and projects, and 3) generate and disseminate gender-disaggregated data and information for planning and evaluation." (UN 1995).

62 | SWC 1995, 19.

63 | Rankin et al. 2001, 3. With GBA pertaining to all policies and legislative actions, Canada has also committed to conduct GBA in form of gender-responsive budget analysis on all fiscal measures and the national budgetary plan. Gender-responsive budget analysis is internationally more commonly known as gender budgeting and constitutes a set of methods to render public spending accountable to women and men. For the purpose of this study it is merely be treated as a particular sub-form of GBA in the fiscal policy sector, although it has certain distinctions and a largely separate body of research (Bakker 2006; Yalnizyan 2008; Brodie/Bakker 2008; Bakker et al. 2009).

64 | The Bias Free Co-Operative Inc. 2011.

65 | SWC 1996.

66 | SWC 1995, 20.

67 | Burke 2001, 48.

In 2000, the Agenda for Gender Equality was drafted.[68] The Agenda was a five-year government-wide strategy to accelerate the implementation of GBA. In 2004, the Standing Committee on the Status of Women was introduced as the parliamentary committee responsible for equality issues, initiating research and reports on GBA at the federal level.[69] Since the dissolution of the Agenda in 2005, Canada has been without an updated national equality strategy.

The last milestone in the development of GBA was a 2007 update (in section 9.7.3)[70] of the Treasury Board Secretariat's submission guidelines. According to these guidelines, Memoranda to Cabinet were expected to include gender considerations, where appropriate, which were to be overseen by the Privy Council Office. The goal was to engage GBA in the wider realm of Canadian New Public Management efforts.[71] Accountability is mainly sought after by integrating the GBA duty and reporting in the new NPM modes of governance.

Finally, in 2009 the Office of the Auditor General evaluated the federal government's GBA practices, triggering the Departmental Action Plan on GBA.[72] This plan stipulated that all federal departments and agencies must engage in GBA, undertaking steps to implement GBA frameworks and pilot GBA in at least one initiative. These activities were monitored for the first time in the Public Accounts Committee's 2010 report on GBA[73] and an interim report on the progress of the implementation of the GBA Action Plan.[74]

3.2 Gender-based Analysis: "Mother of All Manuals"

This chapter present the development and institutional integration of the GBA tool, in all its sectoral variations, in the Canadian federal bureaucracy, beginning with the so-called "mother of all manuals."[75]

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68 | SWC 2000c.

69 | The Standing Committee on the Status of Women (FEWO) was founded in 2004 by the 34th Parliament. On the legal basis of Standing Orders 108(1) and 108(2), the Canadian parliament refers matters relating to the status of women to the Committee, which is entitled to examine and report on budgetary expenditures, policies, programmes, and legislation of departments and related agencies.

70 | TBS 2007b.

71 | Explained in more detail in subchapter 3.4.6.1.

72 | Parliament of Canada; Ambrose 2010.

73 | Standing Committee on Public Accounts 2010. See in more detail chapter 3.4.6 on accountability.

74 | Standing Committee on Public Accounts 2010.

75 | Michéle Bougie, Interview. Annex VI provides a collection of GBA variant tools as developed in different Canadian departmental and policy contexts. In 3.2.3, I present the 2011-2012 innovations and "modernisations" of the Gender-based Analysis Plus (GBA+) tool; it is important to note, however that my empirical research pertains only to the implementation of its predecessor GBA.

3.2.1 Status of Women Canada and Gender-based Analysis

Status of Women Canada is the Canadian federal gender equality machinery.[76] GBA in Canada is both a strategy and a tool.[77] "In Canada the terminology of gender-based analysis (GBA), rather than that of GM [gender mainstreaming, A.S.] has been adopted."[78] GBA was introduced to "increase awareness at all levels of government of the importance of gender as an **organizing principle**."[79] Thus GBA can be considered a stand-in for gender mainstreaming as the "integrated approach" to anchor the equality question in all government levels and activities.[80] Although Canada has not officially embraced the term gender mainstreaming, it has embraced its principles, and the Status of Women Canada has worked with gender mainstreaming.[81]

This double role of GBA in Canada is different from the role of gender-impact assessment (GIA) in the international context, where a distinction is made between the strategy of gender mainstreaming and GIA as one of the tools to implement it. The centrality of GBA as the main approach—both strategy and tool—to gender equality in Canada can be both a blessing and a curse. In general, there is notable confusion on definition, purpose, and reach of the gender equality analysis tools (like GBA or GIA) as opposed to gender mainstreaming, which in turn is also often described as being a strategy and an instrument. GBA emulates this confusion.

At this point, however, it is important to clarify my use of the term GBA: I use it exclusively in its sense as a policy analysis tool for assessing gendered impacts. I do not use it in the sense as a strategy for gender mainstreaming. My use of the term is therefore in accord with that of Status of Women Canada; that is, GBA was designed to: "Facilitate the **development and assessment of policies and legislation from a gender perspective** so that they will have intended and equitable results for women and men, girls and boys."[82]

As aforementioned, GBA's forerunner was introduced as early as in 1976 as the Policy on the Integration of Concerns about the Status of Women.[83] GBA as we know it today, was first defined in the Canadian Federal Plan in 1995.[84] It was presented to the Fourth World Conference on Women in Beijing in 1995 as Canada's systematic approach to gender mainstreaming and examining gender equality effects The

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76 | For a definition of (gender) equality machineries, women's policy agency or women's policy machineries, see sub-chapter 2.2.3.2.

77 | Hankivsky 2007c, 143.

78 | Hankivsky 2007a, 114.

79 | SWC 1996, 1. Emphasis as in original.

80 | Olena Hankivsky cited in French original: "Le GenderMainstreaming (GM), c'est-à-dire l'approche intégrée de l'égalité, est un autre pseudonyme de l'ADS. Il s'agit d'une stratégie incontournable à tous les niveaux du gouvernement dans l'élaboration de politiques, de programmes, de projets, etc."(Institut de recherches et d'études féministes (IREF); Université du Québec à Montréal (UQÀM); Relais-femmes 2007, 10).

81 | SWC 2000a; SWC; Gender-Based Analysis Directorate 2001; SWC; Gender-based Analysis Directorate 2002; SWC 2005b.

82 | SWC 1996, 1. Emphasis as in original.

83 | In sub-chapter 3.1.2 (SWC 2000b, 2; SWC 2000a, 5).

84 | SWC 1995.

Federal Plan stipulated that the Canadian government must create a positive policy environment for GBA, including a legal foundation for the development of policies supporting gender equality and a commitment to a systematic and cross-sectional approach.[85] Also mandated in the plan was the responsibility to develop appropriate analysis tools, to be executed by Status of Women Canada. One year later the first GBA tool kit was presented to public servants and the public.[86] This tool kit, the so-called "mother of all manuals,"[87] was re-printed in 1998 as a guide for Canadian policy analysts.[88] Kathleen Kahey describes the nature and reach of the tool:

"With the drafting of Canada's first 'how to' guide, however, Status of Women Canada faced the task of setting up guidelines that could be carried out by anyone-non-feminist, anti-feminist, post-feminist, and race/queer/ability/class critfem analysts-in the federal civil service, and which could also be used as a basis for accountability and feedback in a wide range of situations."[89]

The tool kit was divided into three sections: Section one introduced the key concepts of gender and GBA and gave the rational for applying GBA. Section two provided the policy making process of when and how to integrate GBA. Section three outlined eight concrete GBA implementation steps. These steps were designed to fit the policy cycle—making GBA in Canada an explicit IA tool, developed for ex-ante analysis, much like the IA typology as suggested in this study.[90] This tool—with its fit in the policy cycle and its explanation of basic gender equality concepts and goals—was clearly a good gender mainstreaming tool in accordance with all of quality criteria as established in this study:[91] It clearly treats gender equality as the focal issue, to be paid attention to in a cross-cutting fashion. It is based on feminist concepts for sex and gender and educates about them, also in an intersectional fashion. Its language and paradigms are coherent and consistent, and it calls strongly for participatory implementation. Despite its implementation fitness in the policy cycle, questions about its practicability and organisational sustainability remained, which needed to be clarified in the interview analysis.

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85 | SWC; Gender-Based Analysis Directorate 2001, 2.

86 | SWC 1996.

87 | Michéle Bougie, Interview.

88 | Hankivsky 2007a, 114; SWC 1998.

89 | Lahey 2010, 58.

90 | See sub-chapter 1.6.1. Seel also (Podhora/Helming 2010, 2).

91 | See subchapter 1.6.2 and 1.6.3.

Table 6: Policy Development/Analysis Cycle, Status of Women Canada (1998)[92]
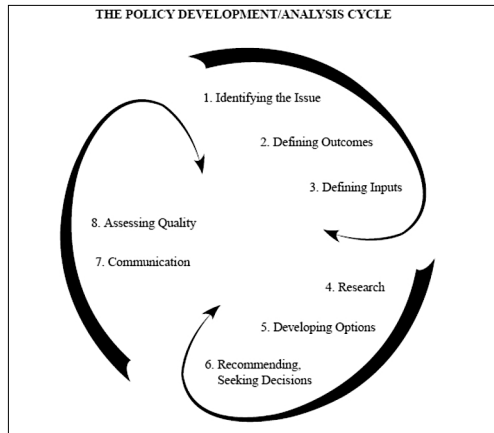
In 2001 GBA was further refined and updated by a training handbook,[93] which confirmed that GBA should: "Assist in systematically integrating gender considerations into policy, planning and decision making processes and in involving both women and men in building society and preparing the future."[94] In various versions used in the different governmental departments, GBA became "the typical analytical approach"[95] for examining differential impacts and outcomes of policies and programmes for women and men. Leslie Pal describes the analytical GBA technique as:

"A process that assesses the differential impact of public policies, programs, and legislation (proposed or existing) on women and men in terms of their social and economic circumstances, as well as their relationships in key social institutions such as the family."[96]

Such analyses were and continue to be supported by the disaggregation of data by sex, which has by now become common practice in Canada.[97] Starting in 1996, the Status of Women Canada has worked with 24 federal departments in applying GBA to policy and programme design.[98] To intensify these efforts, the Status of Women Canada also founded the Gender-based Analysis Directorate in 1999, which developed a GBA strategy consisting of training, tool development, policy case studies, research, information, and education promotion, evaluation and accountability as well as coordination.[99]

In 2000, this GBA strategy was launched to mainstream GBA horizontally in government practices and to attain greater sustainability in tool application.

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92 | SWC 1998, 8.

93 | SWC 2001.

94 | SWC 2001, 19.

95 | McNutt/Hawryluk 2009, 119.

96 | Pal 2010, 37.

97 | Boucher 2007, 395.

98 | House of Commons; Standing Committee on the Status of Women 2005, 7.

99 | House of Commons; Standing Committee on the Status of Women 2005, 7.

The strategy called for organisational support and training for the development of GBA capacity and partnerships between the Status of Women Canada and some key departments to identify projects where GBA could be applied in a more systematic way.[100] In addition, as part of the wider equality strategy outlined in the Federal Plan, the Inter-Departmental Committee on GBA, chaired by the Status of Women Canada, was established for 13 of the 24 departments.[101] In 2002 the Inter-Departmental Committee on GBA was transformed into a learning forum for increased capacity building, offering workshops, training, pilot projects, technical advice and a policy analyst.[102] In order to speed up GBA implementation, in 2003 the Status of Women Canada also set up a GBA resource centre in the public service intra-net and published a performance measurement tool for self-assessment of GBA application.[103]

The result of these efforts "precipitated a flurry of activity throughout federal departments and agencies around how to best integrate a 'gender lens' into the policy process."[104]. But the activity also generated a number of questions about GBA—when and how it should be used, what was the proper conceptual framework. It also resulted in doubts about its effectiveness and a search for answers to its slow implementation.

The question of when and how the GBA tool should be consulted was not easy to answer. The fragmented Canadian policy analysis system left the decision to individual analysts, who had considerable flexibility given the range of general frameworks in place.[105] For example, while the formally fixed federal Regulatory Impact Analysis Statements required an assessment of costs and benefits, there was "no elaboration on the meaning of these terms.[106] Unsurprisingly, early explanations as to why GBA was not applied systematically dwelled on the fact that the tool was misunderstood and mistaken for women's analysis. Other explanations were that the tool depended "too much on the willingness and ability of individuals (usually women) at senior levels to take such work on. Equity work needs to be everyone's work [...]."[107]

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100 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 45.

101 | In its 2005 report, the parliamentarian FEWO Committee expressed its disappointment with that fact that not all departments are present in the IDC. It also had the question how many of those 13 departments were actually active GBA agents (House of Commons; Standing Committee on the Status of Women 2005, 10).

102 | At the time of interviews the following departments were on the IDC on GBA: Agriculture and Agri-Food Canada, Canadian International Development Agency, Citizenship and Immigration Canada, Foreign Affairs and International Trade, Health Canada, Indian and Northern Affairs, Justice Canada, Statistics Canada, Human Resources and Skills Development, Social Development Canada, Department of National Defence, Canadian Heritage, the Privy Council Office, the Treasury Board Secretariat and the Department of Finance (Expert Panel on Accountability Mechanisms for Gender Equality 2005, 45).

103 | SWC 2003b.

104 | Rankin et al. 2001, 3.

105 | Scott Jacobs; Jacobs and Associates 2006; Dobuzinskis et al. 2007a.

106 | Vining/Boardman 2007, 49.

107 | Grant 2002, 7.

Joan Grace had another explanation for the dis-synchronization in her analysis of the roles the Federal Plan and GBA played in incorporating women-specific social and economic realities into policy development measures.[108] According to her, the Federal Plan and GBA sent "mixed messages" due to "the narrowness and conceptual constraints of the term gender."[109] The dis-synchronization was intensified by the constrained organisational capacity of the Status of Women Canada, which did not have the training to effectively lead and coordinate substantive and systematic GBA application.

Sandra Burt and Sonya Hardman declared that "GBA was partly a response to international pressure,"[110] which presumably reduced the intensity of the national political commitment. GBA, therefore, remained a "loosely-defined"[111] gender equality tool that had not been thoroughly applied and that was even occasionally criticised for counteracting equality results.[112] Karen Grant attested in 2002 at a GBA fair organised by the Status of Women Canada that it was "not apparent that GBA or gender mainstreaming happens in a systematic way."[113] Only one year later Amanda Scott found the tool still at the heart of: "Struggles associated with attempting to implement GBA in the face of myriad contradictions within the state in relation to women, and associated with state feminism more broadly."[114]

In 2005, in response to the range of international and national frameworks for gender equality strategy that had appeared since 1995, a GBA conference was convened by the Standing Committee on the Status of Women (FEWO), followed by a report on the current state and future of GBA, *Gender-Based Analysis: Building Blocks for Success*.[115] This first GBA specific conference grappled with the development and release of new tool variants, which had produced at most "uneven,"[116] or even "decreased"[117] GBA implementation efforts in Canada. It was organised around three main themes—accountability, institutional capacity and the role of men and boys in achieving gender equality. Attendees included some 50 government representatives and 200 other "GBA players and partners" from the research and consultancy community, academia, civil society, provincial governments and municipalities.[118] The two-day conference was open registry and free-of-charge, and therefore very accessible.

The picture painted at the conference was bleak. The progress in GBA implementation was seen as slow, and speakers sought to identify the reasons:

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108 | Grace 1997.

109 | Grace 1997, 582.

110 | Burt/Hardman 2001, 208.

111 | Burt/Hardman 2001, 209.

112 | Grace 1997; Grace 2011.

113 | Grant 2002, 5-6.

114 | Scott 2003a, 2.

115 | House of Commons; Standing Committee on the Status of Women 2005.

116 | McNutt/Hawryluk 2009, 118. Status of Women itself states in 2012 that the commitment to mainstream gender in all policies as stipulated in the "led to the implementation of GBA in several departments, though different areas of government proceeded at different rates with differing results." (SWC 2012c).

117 | House of Commons; Standing Committee on the Status of Women 2005, 2.

118 | SWC 2005d. Archived e-document, no page numbers, on file with the author.

"Conference participants heard how major barriers sometimes exist in the government system that affect its ability to successfully implement GBA. For example, that government was not always able to understand the principles and practices required to enable good policy making for women."[119]

Parts of the conference placed GBA in close proximity to policy making for women, whereas other parts emphasised the need to achieve "gender integrated outcomes" for women *and* men and *neutral* policies, where "the idea is to show that issues that do not seem to impact women actually do."[120] Understanding of the tool was ambiguous: was it supposed to analyse gender relations or to be applied to one group? Also noteworthy was the fact that issues of multilevel governance and decentralisation of government were blamed for the shifting of accountability for GBA implementation to local governments, where their complexity made for a more difficult implementation environment, so much so that: "Obtaining data on *GBA* in these complex institutions is problematic and the measure of success of gendering policies is, therefore, practically **inexecutable**."[121]

Cuts in federal funding for women's policy work and a lack of knowledge of the gender field were also seen as impediments to progress in GBA implementation. To counter these problems, conference participants identified four key "building blocks" for success: clear roles and responsibilities, more training, more and better tools and pilot projects, and, most importantly, a stronger mandate: "Officials involved with planning and designing policies and programs must be tasked to use GBA in their daily activities for it to become a sustainable practice."[122] An additional recommendation was for greater participation of civil society through consultations and legislative frameworks on GBA implementation, including a mandatory reporting mechanism, which in combination with multilevel governmental cooperation on GBA, would establish accountability and sustainability for tool application and gender equality results.

In sum, the conference report stated that despite best efforts on the part of the Status of Women Canada,[123] GBA had not yet progressed beyond pilot studies, due to internal resistance and lack of shared responsibility.[124] The Standing Committee on the Status of Women was "disheartened" at the patchy state of GBA implementation across federal government departments.[125] It also criticised the uneven availability

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119 | SWC 2005d.

120 | SWC 2005d.

121 | SWC 2005d, 8. Emphasis by author.

122 | SWC 2005d.

123 | From 2003 to 2005 they had set up a GBA resource centre, created an e-bulletin, disseminated 8,000 information kits since 2003, and given over 75 presentations at conferences and other events (House of Commons; Standing Committee on the Status of Women 2005, 10).

124 | SWC alone listed 40 GBA case studies in 2005 (House of Commons; Standing Committee on the Status of Women 2005, 10).

125 | House of Commons; Standing Committee on the Status of Women 2005, 31. Not taking their own commissioned studies into account. I did not prevent the Canadian government to report only two years later to the CEDAW Committee that by: "2005-2006, the approaches departments used covered the full spectrum of activities, from the integration

of information and asked for the Inter-Departmental Committee on GBA to be systematically incorporated into the federal government's policy making.[126] These disappointing GBA realities were confirmed half a year later by three members of an Expert Panel on Accountability Mechanisms for Gender Equality in their report "Equality for Women: Beyond the Illusion."[127] The panel found that only a minority of federal departments and agencies had a department-wide gender equality framework or policy in place. GBA had practically come to a halt. The delay in expansion to other federal ministries and agencies was not surprising, since Canada itself still lacked a national gender equality plan, given that the Agenda for Gender Equality[128]— the successor to the Federal Plan for Gender Equality—had expired in 2005. New, increased efforts would be needed to establish accountability and sustainability of gender equality goals in general and GBA in particular within the federal departments.

The expert panel called for management and policy leadership to advance GBA by integrating it into the results-based, New Public Management-driven Management Accountability Framework. The goal would be to "policy" a neo-liberal efficiency framework for better and more gender equality results.[129] An attempt to foster this goal was the application of the Programme Activities Analysis Results Chain, an organisational self-assessment tool developed by Status of Women Canada.[130] The tool was designed to help federal departments monitor their performance in equality activities and to gauge their progress in gender equality outcomes. The tool flowchart showed a building of GBA sub-programme activities and gender

of GBA into departmental strategic frameworks and business lines, to establishing networks of GBA specialists, offering training, and developing tools and resources" (Committee on the Elimination of Discrimination against Women 2007, 179).

126 | House of Commons; Standing Committee on the Status of Women 2005, 31. The report therefore suggested concrete GBA structures and accountability mechanisms for selected individual departments. However, since the report represented non-binding expert advice, its recommendations were not obligatory (House of Commons; Standing Committee on the Status of Women 2005, 32).

127 | Expert Panel on Accountability Mechanisms for Gender Equality 2005. The three members were panel chair and chief executive officer of Imagine Canada, a Canadian NGO, Georgina Steinsky-Schwartz, the independent development and gender consultant Dorienne Rowan-Campbell, and feminist law professor Louise Langevin (Expert Panel on Accountability Mechanisms for Gender Equality 2005, 62). Their mandate was to review the process by which gender-based analysis and gender equality issues are reported. The methodology applied was an analysis of Canada's legal obligations to gender equality and GBA, internal stakeholder consultation, including the Standing Committee on the Status of Women and the witnesses who appeared before the Committee, as well as the consultation of external organisations with reporting expertise (Expert Panel on Accountability Mechanisms for Gender Equality 2005, 11; 19-20).

128 | SWC; Gender-Based Analysis Directorate 2001, 9.

129 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 47. The MAF is explained in detail in chapter 3.4.6.1. It consists of a set of 10 essential elements that summarize the Government of Canada's expectations for modern public service management. "Policing" in this context refers to replacing frameworks through which collectives (the state, the corporation, and religion, to name the most well-known actors) govern (Backer 2008).

130 | SWC 2005h, 8.

competency capacity within departments that would result in GBA integration into government initiatives. The percentage of accepted policy recommendations was later rated as an indicator of GBA implementation;[131] the figure was low, indicating a low level of departmental GBA competency and a dependence on SWC and its competencies for GBA implementation. Another revealing fact was that to substantiate GBA success, only programmes specific to women and children were listed, which showed the low level of conceptualisation and integration, especially in seemingly gender neutral policies and programmes.

Table 7: Programme Activities Analysis (PAA) Results Chain, Organisational Self-Assessment Tool, Status of Women Canada (2005)[132]
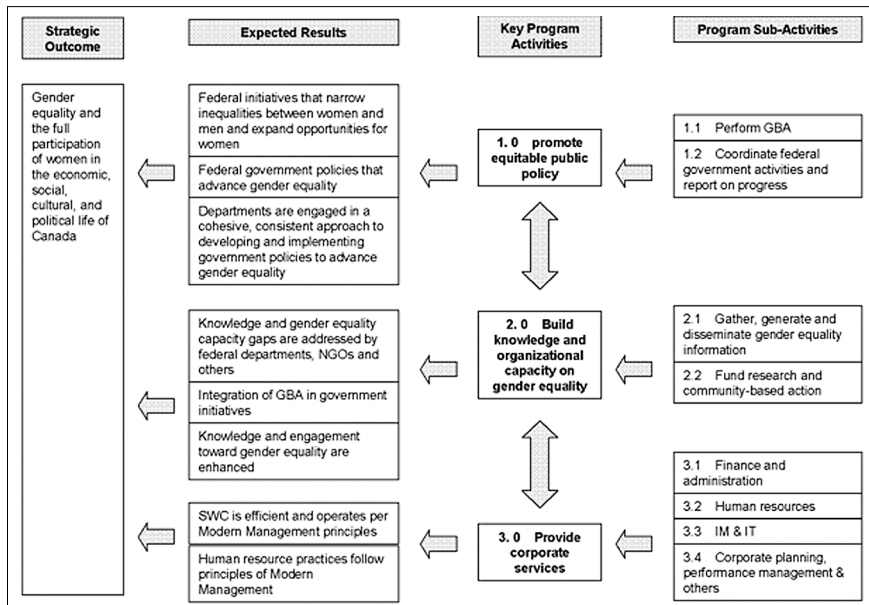
In sum, the 2005 GBA conference and following report found that supporting tools were made available for integrating GBA and measuring gender equality outcomes,[133] but that GBA implementation was slow. Although tool development activities peaked in 2005, reported practices dropped thereafter. However, 2005 was still a turning point: It put GBA back on the agenda and linked it to accountability.

Following another conference on GBA,[134] the Treasury Board Secretariat (TBS) in 2008 revised its guide to preparing submissions,[135] reminding departments for

131 | SWC 2005h, 10.

132 | Table courtesy of Status of Women Canada as developed in 2004-2005 (SWC 2005h, 8). Re-published as Section II Analysis of Programme Activities by Strategic Outcomein 2006 (SWC 2006, 8.)

133 | Canadian International Development Agency 2005a; Canadian International Development Agency 2005b; Citizenship and Immigration Canada 2005; SWC 2005a.

134 | This time in the French speaking part of Canada.

135 | TBS 2007b. On file with the author.

the first time of their responsibility for GBA reporting to the Cabinet.[136] Although the new guide did not elaborate on the precise mechanisms and requirements for reporting on GBA,[137] other guidelines were still in effect under the Treasury Board's 2007 "Tools for the Preparation of Treasury Board Submissions: Gender-based Analysis."[138]With these documents in place, the three central agencies (the Treasury Board, the Privy Council Office, and Finance Canada) were now being asked to check for gender relevance. To exercise this function, the agencies renewed their commitment to GBA in an action plan[139] and engaged in efforts to train their policy analysts in GBA.[140]

At this beginning stage, it was not possible to judge the effectiveness of this procedural accountability step, due to continued lack of transparency with regard to departmental GBA implementation. In 2008 the Standing Committee on the Status of Women finally called on the Auditor General of Canada to conduct an audit of GBA. In 2009, the audit was undertaken. Department frameworks were examined for GBA, and 68 programmes were investigated for GBA reporting and inclusion. Policy and legislative submissions to the Treasury Board and the Cabinet by seven line departments were also examined (Department of Finance Canada; Health Canada; Human Resources and Skills Development Canada; Department of Aboriginal Affairs and Northern Development Canada; Department of Justice Canada; Transport Canada; and Veterans Affairs Canada).[141] The roles of the Privy Council Office and Finance Canada in GBA challenging and quality management were scrutinised, as well as State of Women Canada's role in promoting GBA.[142] Seven analytical criteria were used in the audit:

1. Policy environment
2. Departmental leadership
3. Degree of understanding
4. Extend of GBA framework
5. Availability of analytic tools and data
6. Level of implementation
7. Impact of reorganisation in departments and agencies

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136 | TBS 2007b, 19. See also (Office of the Auditor General of Canada 2009b, 3; Michéle Bougie, Interview).

137 | Office of the Auditor General of Canada 2009b, 3.

138 | TBS 2007a. On file with the author.

139 | TBS 2007c; TBS 2007a. On file with the author.

140 | Office of the Auditor General of Canada 2009b, 3; TBS/SWC 2008; TBS/SWC 2008.

141 | Office of the Auditor General of Canada 2009b, 1. The audit was conducted simultaneously or shortly after to my Canadian field studies and interviews. It complemented the findings in the empirical part in a very timely fashion. The audit still refers to the Department of Aboriginal Affairs and Northern Development Canada under its former (and officially not revoked) name, Department of Indian Affairs and Northern Development Canada.

142 | Office of the Auditor General of Canada 2009b, 1.

In the resulting report[143] and message,[144] the Office of the Auditor General (OAG) found uneven implementation of GBA and little evidence of its influence on decision making. The Department of Aboriginal Affairs and Northern Development Canada had established all key elements of an effective GBA; however, Transport Canada and Veterans Affairs Canada had no framework at all almost fifteen years after the introduction of GBA into Canadian policy making.[145] Around 30 of the 68 analysed programmes showed no evidence that gender had been entered into public policy options. In eight initiatives, departments were able to substantiate the non-relevance of GBA and gender; 26 initiatives were treated as neutral with no evidence or mention of gender; in four cases GBA had been applied, leading to the incorporation of gender concerns in the policy draft.[146] Overall the information on gender was found to be "limited."[147] Gender impacts were identified in 15 of 28 memoranda to the Cabinet and in eight out of 21 submissions to the Treasury Board. In all other cases, the auditor found it impossible to determine why gender impacts were deemed be irrelevant by departments in single policies,[148] "whether there was another reasonable explanation for the absence of this information, or whether gender impacts had ever been considered"[149] at all.

The Auditor General was in particular dissatisfied with the collaboration and transparency of the three central agencies. The report stated that because the auditor "did not have access to the précis accompanying TB submissions, we were not able to assess fully if the Treasury Board Secretariat performed its challenge role."[150] Such a statement called the functionality of the challenging and accountability role into question. Despite the presence of a "GBA champion" system, with one responsible and knowledgeable person in each of the central agencies, the Auditor General attested that the central agencies: "Could not demonstrate that their analysts had reviewed and, when appropriate, challenged gender impacts of spending initiatives or policy proposals submitted by departments for approval."[151]

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143 | Office of the Auditor General of Canada 2009b.

144 | Office of the Auditor General of Canada 2009a.

145 | Office of the Auditor General of Canada 2009b, 2.

146 | Office of the Auditor General of Canada 2009b, 2.

147 | Office of the Auditor General of Canada 2009b, 2.

148 | Office of the Auditor General of Canada 2009b, 2.

149 | Office of the Auditor General of Canada 2009b, 3.

150 | Office of the Auditor General of Canada 2009b, 9-10.

151 | Office of the Auditor General of Canada 2009b, 3.

Table 8: A Brief History of GBA, Status of Women Canada (2012)[152]
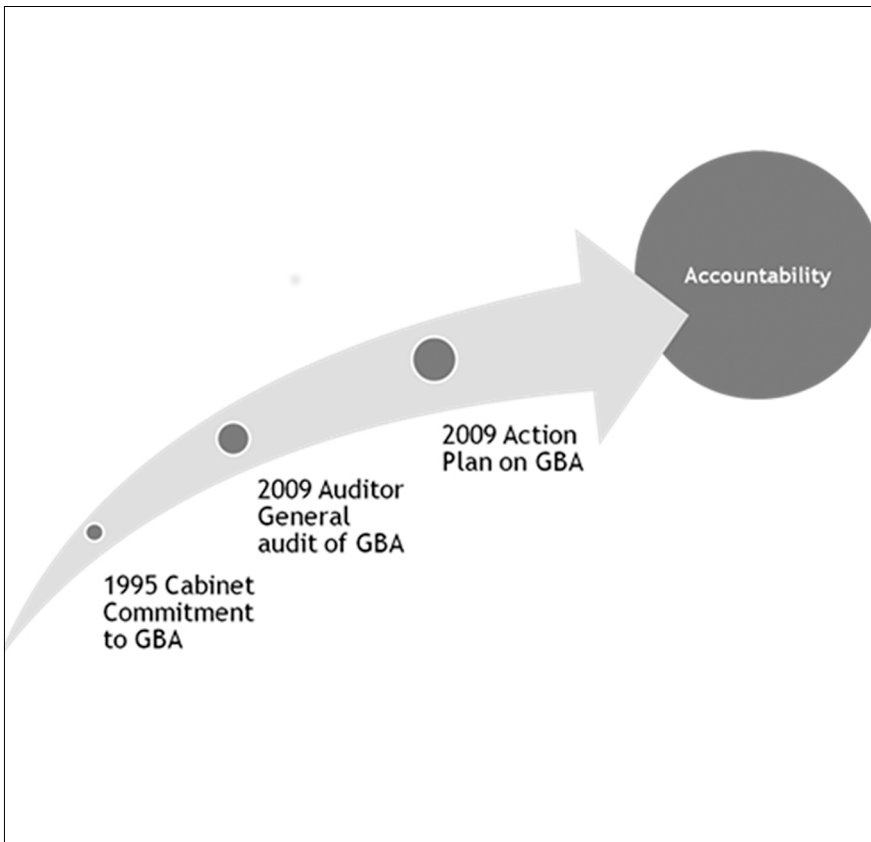
The Auditor General's report confirmed that GBA implementation had been weak. At the same time academic research on the integration of gender concerns in single public policy fields found an even worsening situation compared to the early GBA days. Kathleen McNutt and Sara Hawryluk stated that the "increasingly institutional absence of gender-based analysis"[153] had resulted in an "analytical deficit" and inability to respond to current challenges.[154] In the field of climate policy, the authors stated that neither the Liberal nor the Conservative governments had managed to mainstream gender throughout the analysis, design, and implementation process, nor did they observe "concerted efforts" to consult with women's groups.[155] According to Quebecois feminist law professor Louise Langevin, Canada internally was acting in sharp contrast to its international rhetoric and commitment to gender equality:

"With regard to respecting the right of women to equality and GBA, Canada has not entirely fulfilled its promises […]. Its international discourse does not reflect its actions on the

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152 | SWC 2012c..

153 | McNutt/Hawryluk 2009, 116.

154 | McNutt/Hawryluk 2009, 116.

155 | McNutt/Hawryluk 2009, 116.

internal level. Women's groups have confirmed this for a long time. [...] The government is a bad student and needs to re-do its homework."[156]

It is important to note that the 2009 audit by the Auditor General had been undertaken at the request of the Standing Committee on the Status of Women, partly in response to criticism from women in non-governmental agencies. In this case, external dissatisfaction unlocked the internal stagnation of GBA, creating a new window of opportunity. Canada's way of dealing with GBA implementation demonstrates the importance of governmental checks and balances as well as multilevel sites of power and control by internal femocrat governance structures.

In response to the Auditor General's recommendations, the Status of Women Canada, along with the Privy Council Office and the Treasury Board Secretariat, submitted a Departmental Action Plan on GBA[157] to Parliament. A commitment was made to concrete actions and timelines, with the goal of increasing federal government accountability for GBA. The Departmental Action Plan on GBA incorporated two of the Auditor General's crucial recommendations that the central agencies should a) "document the challenge function"[158] when reviewing the spending initiatives and policy proposals as submitted by departments, and b) "measure progress" in living up to the Federal Plan's 1995 commitment to GBA.[159] These recommendations were designed to move from soft implementation to hard, measurable controlling and to form a unity of oversight between the three central agencies and Status of Women Canada. The move changed the role of the gender equality machinery from that of gender police to ally and friendly institutional "partner"[160] in meeting equality governance obligations.[161]

As part of controlling for GBA in Canadian federal policy and programme making, Status of Women Canada, in collaboration with the Treasury Board Secretariat, launched a survey in 2009-2010 of 37 departments and 25 agencies. A total of 19 line departments agreed to "perform and integrate GBA into policy options, where relevant."[162] Status of Women Canada had previously established five

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156 | French Original: "En matière de respect du droit des femmes àl'égalité et d'ACS, le Canada ne remplit pas totalement ses promesses [...]. Son discours sur la scène internationale ne reflète pas ses actions sur le plan interne. Les groupes de femmes l'affirment depuis longtemps. [...] Le gouvernement est un mauvais élève et doit refaire ses devoirs" (Langevin 2010, 2-3).

157 | Privy Council Office et al. 2009. The plan was renewed in 2016 in form of a GBA Action Plan (SWC et al. 2016), following up on a second audit conducted in the fall of 2015 (Office of the Auditor General of Canada 2016). These latest developments could not be included in this study, but show how the first steps triggered a cascade of accountability measures.

158 | Office of the Auditor General of Canada 2009b, 38

159 | Office of the Auditor General of Canada 2009b, 39.

160 | SWC 2010a, 1.

161 | It is important to note that my field study and interviews represent the status quo of GBA in Canada before the Departmental Action Plan on GBA (2009) measures were implemented..

162 | SWC 2010a.

key elements for a "sound" GBA framework[163] as first enabling steps towards GBA implementation: 1) A defined departmental policy; 2) clear roles and responsibilities; 3) readily available tools and methodologies; 4) a responsibility centre or GBA support unit (such as gender focal points); 5) a GBA champion in place; 6) an evaluation of the effectiveness of GBA practices.[164]

In the survey, 13 departments reported that four of the five elements were in place. Those departments that had incomplete GBA implementation environments were put on a schedule over one year to achieve the standards, with the Status of Women Canada as a close partner. Although the existence or partial existence of a GBA framework did not automatically guarantee GBA implementation, first results of the survey seemed to point to some increased GBA activity,[165] which led the Standing Committee on the Status of Women to an optimistic outlook in its Interim GBA Status Report:[166]

"Preliminary results do indicate that some departments involved in the 2008 audit have rapidly become self-sufficient in performing and sustaining GBA, due in part to their longstanding involvement in GBA activities. They are ready to serve as models to other organizations. Where a department's capacity is not yet adequate to support a framework or apply GBA to an initiative, it would seem that it could benefit from a longer cycle of implementation, with a first 12-month period to create an institutional framework, followed by 6 to 12 months for applying GBA to an initiative. [...] The promotion of gender equality is a shared responsibility between SWC and other federal organizations. SWC will continue to enable a growing number of organizations and actors to integrate GBA more systematically into their work and decision making processes. The true institutionalization of GBA will in turn result in better public policy that responds more effectively to the diverse needs of all Canadians."[167]

Another important development of this period was the remodelling of GBA into the GBA+. This was an indirect result of the framing of gender equality and GBA in a diversity rhetoric ("diverse needs of all Canadians") in the 2009 Auditor General's report and the drive for improved intersectional tools by Canadian as well as international scholars. The update to GBA+ was first promulgated in fall 2011 and re-launched by Status of Women Canada in 2012. The new GBA+ emphasised the importance of including dimensions such as age, education, language, geography, culture and income in the analysis while still keeping gender in all its relevant and

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163 | Most of these core criteria were first stipulated 1995 in the Federal Plan for Gender Equality and amended by requirements listed in the SWC GBA tools (Office of the Auditor General of Canada 2009b, 10; SWC 1995).

164 | Office of the Auditor General of Canada 2009b, 10.

165 | One needs to bear in mind though that all activities rely on self-reporting. To date there has not yet been another quantifiable or qualitative assessment by independent third parties, such as another external audit or a GBA progress report of the Treasury Board Secretariat's challenging function on departmental Treasury Board Secretariat and Cabinet policy and programme submissions. Progress in building GBA competency within Treasury Board Secretariat's staff remains also unclear. Statements concerning the quality of individual GBAs or a GBA best practice library have also not been published yet.

166 | Standing Committee on Public Accounts 2010.

167 | Standing Committee on Public Accounts 2010.

context-specific intersections at the centre of analysis. GBA+ was not only designed for government use, it was explicitly made accessible to all interested players, such as other governments, organisations in civil society and private companies.

In sum, in achieving Canada's goal of "enhancing GBA continued to position Canada as a world leader in this key strategy,"[168] the new tool was the government's answer to stalled GBA activities on the federal level. It also tightened accountability to control for GBA quantity *and* quality in Treasury Board and Cabinet submissions. Status of Women Canada had a central role in this dynamic process; its part changed profoundly from an (unwanted, unappreciated) *gender police* to a (desired, appreciated) partner, competency provider and resource unit.[169]

3.2.2 Gender-based Analysis in Canadian Federal Government

The main analytical tool in place during the time of my field research was the GBA tool as developed by the Status of Women Canada. In this section, I briefly outline the structure and content of the version in use during the time my interviews were conducted. I then assess its adherence to the IA and gender mainstreaming quality criteria for IA tools.

3.2.2.1 Gender-Based Analysis—the Tool

Chronologically, this was It was the third version of the tool launched in 2007 (after the original 1996 original tool, the 1998 re-publication,[170] and the 2003, and 2004 updates[171]). SWC also had issued a 2001 policy training handbook,[172] a 2003 GBA performance self-assessment tool,[173] a 2005 training kit,[174] and train the trainer programme[175], as well as the 2007 training[176] as aligned with the 2007 integrated GBA tool.

The 2007 tool defines GBA as:

"A tool to assist in systematically integrating gender considerations into the policy, planning and decision making processes. It corresponds to a broader understanding of gender equality using various competencies and skills to involve both women and men in building society and preparing for the future."[177]

This definition is rather vague, but prepares analysts for their involvement in the government's equality duty as the "actors normally involved in policy making,"[178] in accordance with gender mainstreaming principles. The 2007 GBA edition was

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168 | SWC 2010a, 1.
169 | Sauer 2008b; Sauer 2008c.
170 | SWC 1998.
171 | SWC 2004.
172 | SWC 2001.
173 | SWC 2003b.
174 | SWC 2005g; SWC 2005c.
175 | SWC 2005e.
176 | SWC 2001.
177 | SWC 2007.
178 | SWC 2007.

designed to explain the single assessment steps and also to familiarise analysts with the structure and reasons for GBA in their organization. The unique aspect of the 2007 edition was its reinforcement of an integrated approach[179], in which policy analysts were encouraged to assess the gendered consequences of their proposals early in their analyses:

"To achieve gender equality, we need to integrate gender equality measures into all policies and programs from the design stage onwards. Otherwise, our policies and programs may inadvertently increase inequality between women and men and make their socio-economic situations worse. If you conduct a gender-based analysis at the beginning of any process, it will reveal the key gender issues you need to consider. You can then develop plans to overcome existing imbalances and avoid adding to future problems."[180]

Status of Women Canada encouraged analysts to ask *key questions*, using both the three-R approach (rights, resources and representation) and the gender relations and empowerment approach:

"- Does this policy/program/trend improve the well-being of women/men?
- What resources does a person need to benefit from this policy/program/ trend? Do women and men have equal access to the resources needed to benefit?
- What is the level and type/quality of women's and men's participation in the policy/ program/trend? Has this changed over time?
- Who controls the decision making processes related to this policy/pro-gram/trend?
- Who controls/owns the resources related to this policy/program/trend?
- Does this policy/program/trend have any unexpected negative impacts on women and/or men?
- Does this policy/program/trend benefit men more than women (or vice versa)? If so, why?"[181]

These questions provided a quick pre-test or relevance check and would make it evident to policy and programme makers that their assessments should not only prevent negative equality results, but also empower and promote the disadvantaged sex/gender—mainly, but not always women. If any of the above questions seemed relevant and produced different results when women were compared with men, analysts were encouraged to conduct a full GBA, since it is a "highly adaptable tool"[182] for which many versions were available, depending on the policy field and type of government action under assessment.

  As a next step, analysts were asked to execute the organisational capacity assessment, to help them recognise that successful GBA implementation requires

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179 | It should not be confused with the European Integrated Impact Assessment (compare chapter 4.2.3) that as a tool integrates gender questions. In Canada, the stand-alone tool GBA should be integrated in the overall assessment process, for which other stand-alone or integrated tools are applied.
180 | SWC 2007.
181 | SWC 2007.
182 | SWC 2007.

various building blocks of elements and players.[183] These building blocks refer to: 1) A policy framework of a gender equality plan and/or legislative duties to conduct GBA; 2) an accountability framework that clarifies desired outcomes, structures, roles and responsibilities and provides for sex-disaggregated statistics and equality indicators as well as evaluation tools for departmental assessment of GBA practices; 3) institutional structures such as equality machineries, committees, GBA tools and training; and d) partners, such as departmental and non-departmental initiatives and organisations, that can assist with GBA implementation.[184]

3.2.2.2 Gender-based Analysis and the Quality Criteria for Gender Mainstreaming Tools

Also the 2007 GBA is an appropriate, explicit ex-ante policy analysis tool that has been streamlined into the policy cycle and drafting process in the Canadian bureaucracy. It clearly establishes the assessment duty based on Canada's obligation under the Charter of Rights and Freedoms and the international gender mainstreaming strategy. It sets forth the duty as rights-based, but also uses the "good policy sense" argument.[185] In terms of gender mainstreaming, like the first 1996 tool and "mother of all manuals,"[186] it equally adheres to all quality criteria, as established in this study.[187] Its further advantage is its integrated approach that leaves no room for not performing, at the very least, a sex-disaggregated analysis of the issues at hand. Based on the double GBA mandate (being a tool *and* a strategy), it also requires certain institutional arrangements that go beyond the gender mainstreaming quality criteria for tools and address the implementation environment. In this way, GBA quality and quantity became part of the departmental mandate.

3.2.3 Tool Re-launch: GBA+

The Status of Women Canada introduced GBA+, a more sophisticated version of GBA, in 2011/2012.[188] The new tool was launched in response to the need to include questions in addition to gender, such as race and aboriginal status, important in Canada because of its immigration history; and intersectionality, a consideration furthered by a wave of scholarly work in Canada and Europe.[189] The GBA+ tool was released along with an online self-learning training course.[190] Although influenced by theories of intersectionality, it decisively places gender at the centre.[191]

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183 | SWC 2007.

184 | SWC 2007.

185 | SWC 2007. For IA tool typology, see chapter 1.6.1.

186 | SWC 1996. See also prior chapter 3.2.1.

187 | See sub-chapters 1.6.2 and 1.6.3.

188 | SWC 2012a. It is important to note that the empirical field research and interviews conducted with Canadian public policy analysts and gender experts pre-date the tool GBA+.

189 | McCall 2005; Hankivsky 2007b; Hankivsky/Cormier 2011; Kantola 2009; Lombardo/ Rolandsen Agustín 2011.

190 | SWC 2012d.

191 | Franken et al. 2009. Compare also the European Commission's 6th Framework funded QUING Research project that invented the term "Gender+" as a concept, institutionalising

Although my empirical analysis does not include a comparison of the benefits and pitfalls of the former GBA tool with the wider post 2012 GBA+ environment, I present the GBA+ tool here, to provide insight into tool innovation and a comparison of tool concepts.

3.2.3.1 A Plus in Intersectionality, Reflexivity—and Application?

The tool GBA+ assesses "the impacts of policies, programs or initiatives on **diverse** groups of women and men, girls and boys."[192] It sets out to implement an intersectional understanding of the effects of sex and gender. Though it risks being understood as a *groupist*[193] tool, i.e., by referring to "diverse groups" instead of addressing systemic and overlapping discrimination and societal biases, the real intent of the revised tool GBA+ is to begin analysis by considering systemic discrimination based on sex and gender and then to expand and sharpen it with further intersectional analysis of gender in correlation with other factors that contribute to discrimination. Responding to the "different situations" and "needs" of Canada's population, gender remains "a major factor"—if not the central factor—but analysts must: "Also take into consideration factors such as age, education, language, geography, culture and income. Analysis that incorporates gender and these other diverse, intersecting factors is called GBA+."[194]

It is important to note that this list of factors is not exhaustive and that not all differences need to be assessed concurrently. The tool tries to avoid the common pitfall of assuming gender neutrality of policies and programmes through an examination of one's own potential biases and the biases of the organisation and environment in which one works. It also demands that the analyst position her/himself in the framing and analysis process. Tool designers make it clear that GBA+ is not only the concern of departments with a social focus or *soft policies,* but that is can and should also be applied to "areas like finance or economics" and to "a wide diversity of fields including banking, transportation, immigration, economics, taxation, health, science and beyond."[195]

Another important feature of the tool that makes it unique in the international landscape of gendered analysis tools is its attempt to confront mere assumptions or biases of gender and other analytical categories. In order to render GBA+ analyses evidence-informed, instead of assumption-based, it poses questions such as:

"How might people's assumptions skew their vision or prevent them from asking questions and understanding answers?
How might values and attitudes—your own, those of your organization and those of society—limit the range of policy options?
How might these things affect your perspective on an issue or the decisions that you make?
A good place to start is to look at your own profile and think about the factors that make you who you are.

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intersectionality in equality policies and training as part of quality management processes (Del Giorgio et al. 2008; Baer et al. 2009; QUING et al. 2009).

192 | SWC 2012a. Emphasis by author.

193 | For a more detailed discussion on the concept of groupism, see subchapter 2.3.1.

194 | SWC 2012a.

195 | SWC 2012e.

Challenge your assumptions by discussing these questions with colleagues, experts or researchers."[196]

Thus the tool draws attention to the appropriateness of analytical methodologies at hand and encourages analysts to increase the validity of the process by going beyond internal reflection to work with external people who can act as possible correctives. It asks for a double reflective cycle: first of the analyst reflecting upon his/her positioning as an individual and professional in conducting GBA, and second of the topic under assessment, which needs to be seen through a sex/gender lens at the centre but also through additional relevant lenses. By questioning unsubstantiated assumptions, the tool introduces a level of individual and organisational self-reflexivity new to the realm of ex-ante assessments. It is one of the earliest tool designs to incorporate such theoretical debates in a positivist policy analysis environment.[197]

3.2.3.2 Application Step by Step

Status of Women Canada developed GBA+ as a tool to be used in all policy fields; however, GBA+ can be adapted at the discretion and need of the practitioners and can enter any stage of the analysis process. In this way the tool is similar to its European counter-part GIA: It is an ex-ante, parallel and ex-post policy analysis tool that is also suitable for monitoring and evaluation. The quality of the process stems from the tool's systematic, consistent and documented application. Seven steps are suggested, some of which should be completed in parallel, as the following table 9 illustrates:

Table 9: GBA+ Step by Step, Status of Women Canada (2012)[198]

Details of the steps are as follows:

1. Check values and assumptions: In this step, policy makers are encouraged to reflect upon their general assumptions pertaining to the "diversity of women and men in your client or target group,"[199] in order to avoid stereotyping. This initial reflexive step is to be repeated at every stage of the process.

2. Look at information sources, consider stakeholder perspectives: Status of Women Canada sees gathering information as the seminal step. The request for data sampling before a relevance check is the crucial difference between this and other gendered-analysis guides. Status of Women Canada advocates the use of sex-disaggregated quantitative data, at best additionally broken down by "e.g. age, language, education, geography, culture, ethnicity, income."[200] A diversification of data and a broad outlook are encouraged. In contrast to the EU, the Canadian GBA+ warrants the re-introduction of the social category of "class" by way of groupings such as education or income into policy analysis. A weakness in the tool layout is that there is no detailed information on how to consult stakeholders, what constitutes a stakeholder or how to map all relevant stakeholders, etc.—even though participation is a core element of GBA+ analysis.

3. Define GBA+ issues(s): In this step, the Status of Women Canada wants practitioners to analyse the information collected and the results of the stakeholder consultation in accordance with the following three questions: *1) "Who are my clients or target group? Think about gender, age, ability, socio-economic status and other factors." 2) "Do the issues affect diverse women and men in different ways? If so, how?" 3) "Does the initiative improve the situation for all? Or does it have unintended differential impacts and create barriers for some groups of women and men?"*[201] Differential impacts even within seemingly coherent groups are addressed in this set of questions. Attention is drawn here to systemic inequalities rather than groupist assumptions. Moreover analysts are advised to collect more information if they are not able to fully answer these questions.

4. Develop options: For developing policy options, Status of Women Canada guides analysts through another block of three questions:1) *"How do the options reflect the information gathered and the stakeholder perspectives in relation to GBA+?"* 2) *"How have GBA+ impacts and outcomes been given weight in the analysis of options?"* 3) *"What are the consequences of adopting or not adopting GBA+ options?"*[202] These questions address the concern about the add-on character of the tool, which is used on top of other assessment instruments. It is still mainly left to the discretion of the policy analysts and those who determine the departmental implementation environment for GBA+ to integrate the individual steps as well as the findings into the overall assessment framework and recommendations. At present there still is no integrated policy analysis tool in place in Canada that prescribes detailed modes and procedures for integration. In particular, asking about the consequences of *not* including gender consideration in policy options seems very valuable at this point, since it establishes the need to explain why

199 | SWC 2012e.

200 | SWC 2012e.

201 | SWC 2012e.

202 | SWC 2012e.

gender was irrelevant and to demonstrate this irrelevance in an evidence-based fashion. Structured as such, GBA+ and its intersectional gender analysis can no longer be dismissed, and concrete thoughts have to be invested in the "if" and "how" to incorporate those steps into the final analysis and policy options.

5. Make recommendations: This step refers to the possibility that analysts might find their GBA+ considerations useful in prioritising recommendations. The guide does not give detailed advice on how to mainstream relevant gender+ findings into policy recommendations, nor does it provide ideas on how to prioritise in terms of scale and significance, quantity and quality (e.g., are negative gender consequences more important than negative consequences concerning a disability status, because "gender" involves more people? Or is the severity of impact the incremental point? Or both? Or none?).[203]

6. Document your process and findings: At this stage GBA+ as an evidence-driven tool demands full access to its empirical base to render the interpretation of the data transparent and accountable. Certain information will guide particular recommendations. This step offers another reflexive moment in this tool and enables policy makers to see the full (or at least a fuller) picture so that they can come their own conclusions on whether to follow the data interpretation or not. At this point the following question is posed: "if gender considerations do not apply, why not?"[204] By asking this question, the tool makes it clear that apparent irrelevance needs to be substantiated with data, explained, and documented.

7. Communicate your initiative: For the Status of Women Canada, communicating the GBA+ findings to either internal or external stakeholders is an important element. In general the communication of GBA+ results is expected to demonstrate "due diligence, foster buy-in with a particular stakeholder, or help inform decision making."[205] No reference was made however to gender inclusive, accessible or concise language, length or format of the policy analysis report, or issues of gender balance and diversity in symbols and figurative representations.[206] As discussed in previous chapters, accessibility is more precisely regulated in the Canadian Access to Information Act,[207] and awareness of the need for gender neutral, non-discriminatory representation is high in the Canadian public administration.

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203 | A question mostly untouched by current intersectional, multi-strand analysis tools too. To date there exist tool suggestions for determining significance and ranking social impacts in terms of scale and significance of impacts, i.e. in the UK's equality IA (de Vet et al. 2010, 184). In social IA research also different sorts of impact such as direct or indirect impacts, impacts of first or second order, are to be identified, ranked and mitigated (Barrow 2000; Becker/Vanclay 2003a; Burdge 2004; Esteves/Vanclay 2012).

204 | SWC 2012a.

205 | SWC 2012e.

206 | With regard to language, Gemma Carney also emphasised the data and metaphor fit and the importance only to refer to gender mainstreaming if it actually also mirrored in data in order not to endanger the political equality project (Carney 2008).

207 | R.S.C., 1985, c. A-1.

3.2.3.3 Critical Engagement

While the GBA+ tool incorporates more than *just* gender,[208] the concept of sex/gender[209] that it uses does not reflect the current interdisciplinary research on gender. The tool defines sex as the "differences between men and women in things like physiology, brain structure, DNA and anatomy,"[210] but it ignores social constructivist theories of sex differences,[211] and notions of social construction are limited to gender: "Gender refers to the social differences and relationships between women and men. Gender is defined by society, culture and history, and it changes over time. **Sex is biology. Gender is social context.**"[212]

This statement is then followed by the remark that points to transgender and intersex individuals: "Not all individuals identify with distinct sex or gender categories of male and female."[213] No further explanation is offered, and the lack of awareness of the variety of possible gender identities and their issues calls into question the effectiveness of the tool for these target groups. The tool is lacking in clear definitions or statements on diversity criteria. Furthermore, it does not provide a gender and/or diversity index or data sources from which to draw initial conclusions on current issues. Policy analysts are mainly left to their own devices in coming up with solutions on how to determine the gender+ issues at stake, how to incorporate them in their overall assessment, and how to integrate, rank them and render them measurable in their suggested policy options. They are not directed to existing frameworks, such as those developed for a public policy context in the European QUING project.[214]

In this light, the new GBA+ tool can be considered a promising, yet insufficient attempt to incorporate poststructuralist and intersectional approaches. The revamped 2012 GBA+ tool stands in a long tradition of tool re-launches meant to address perceived obstacles to implementation. However, the latest gender research has yet to be included, and despite the tool's diversity framing, a more comprehensive analytical frame as well as definitions and assessment criteria are needed to render it truly operational. It remains a work in progress that must stand the test of time and practice.

3.3 Departmental Implementation of Gender-Based Analysis: Case Studies

In this and the following chapter I present the empirical findings of my interviews with Canadian policy analysts and gender experts regarding departmental GBA implementation. Throughout the process, I found it important to keep in mind

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208 | Although it needs to be said that all forms of the former GBA tools already tried to draw attention to additional inequalities, if not in such an explicit way.

209 | SWC 2012b.

210 | SWC 2012b.

211 | See sub-chapter 2.3.1.

212 | SWC 2012b. Emphasis as in original.

213 | SWC 2012b.

214 | Del Giorgio et al. 2008; Lauwers/van der Wal 2008; QUING 2011a. See chapters 1.5.3 and 2.3.1.

the double role of the analysts and gender experts: on the one hand they had an interest in fostering GBA implementation and addressing problematic practices in their field, but on the other hand they remained subject to departmental and bureaucratic loyalty.[215]

GBA as developed by Status of Women Canada was (and still is) open to modification for each particular policy sector and problem.[216] Some departments have not only developed their own tool variants, but they have also created their own training packages. They have set up their own GBA frameworks and infrastructures, such as departmental gender focal points, and issued statements on GBA and the integration of GBA in strategic and operational plans.[217] For example, Citizenship and Immigration Canada mandated itself to report annually to Parliament on its progress in GBA activity, and Citizenship and Immigration Canada adopted the Five Year Strategic Framework for Gender-based Analysis (2005-2010), which set out objectives, principles, activities and reporting steps tied to its GBA plans.[218]

I focus my analysis on interviews with public servants and gender experts in three departments who opted to disclose their names and consented to open use of their interviews. Thus, my case studies on GBA practices in the Canadian federal government are limited to the Canadian International Development Agency, the Department of Aboriginal Affairs and Northern Development Canada[219], and the Department of Health Canada. However, these three case studies provide fruitful insights into the current state-of-the-art of GBA implementation, the common obstacles to implementation, and inner-departmental equality governance structures.

3.3.1 Canadian International Development Agency

The Canadian International Development Agency (CIDA) is often cited as the pioneer in GBA development due to its efforts over 30 years to revamp and improve gender training.[220] I interviewed the acting Director of the Equality for Women and Men Policy Branch, Diana Rivington.[221] She has held this position since 2007, but worked in a similar position from 1998 until 2003, and thus speaks from many years of experience.

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215 | Interviews were conducted with different levels of bureaucratic hierarchy (management, policy analysts, gender focal points etc.), which yields different perspectives. Sari Tudiver hints towards the difficult position of civil servants between striving for the common good and bureaucratic loyalty: "While there are some safeguards, there are serious repercussions for public servants who criticize government policies." (Tudiver 2015).

216 | SWC 2007.

217 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 45.

218 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 45.

219 | Renamed in 2011 into Aboriginal Affairs and Northern Development Canada, formerly (and still officially) called Department of Indian and Northern Affairs Canada (DIAND).

220 | House of Commons; Standing Committee on the Status of Women 2005, 11.

221 | Diana Rivington was the first one, swiftly replying to my interview request, to make herself available for an interview. It demonstrates not only her personal, but also the great departmental commitment to GBA.

3.3.1.1 Tools, Implementation, Governance and Accountability

As Rivington noted, among all the Canadian departments and agencies, CIDA has the longest history of designing tools and applying one form or another of gender-based policy and programme analysis. In fact, the idea for gender mainstreaming was born in the development context:

"Our first statement on women in development goes back to 1976. So these and our first, the first policy that CIDA ever had, which was issued in 1984, first policy on development substance as opposed to a financial policy or administrative policy. That was 1984 and it was our policy of women in development. So we have been using gender analysis in one way or another since 1976 on different scales. And we started a lot of the training in the 1980s. [...] We have been working with it for 30 years."[222]

The 1984 policy on women in development was considered innovative and globally leading at that time.[223] The support for gender equality in CIDA starts at the top with its president, who stands out as the only head of a government department acting as a gender equality champion. In other departments, assistant deputy ministers or lower ranking civil servants usually take this role. The system was introduced as part of departmental accountability structures to increase awareness of GBA, foster its implementation and oversee its integration in departmental research, programmes and policy design.[224] Gender champions are expected to provide leadership on and knowledge about GBA through various actions: for example, putting GBA on the policy agenda, sending informational communiqués, and participating in intra- and inter-departmental working groups on GBA.

Implementation of GBA at CIDA was similar to the process outlined for other departments, that is, as part of the project and programme design and implementation cycle and conducted by single policy analysts and programme developers in the various branches. However, CIDA went further. In the department gender equality policy, which dated from 1999, CIDA committed to an all-encompassing approach to mainstreaming gender in development initiatives. It defined an univocal goal "to support the achievement of equality between women and men to ensure sustainable development"[225]and provided clear definitions of what equality and equity actually meant in the development context. It also set objectives on where and how to accomplish this goal, representing "corporate level results against which implementation of the gender equality policy can be measured."[226]

The 1999 gender equality policy equipped CIDA's employees with basic gender analysis guidelines and was also a source of information on GBA, since it contained detailed guidelines and tool process descriptions.[227] It was still in use at the time of the interview as the main department tool to implement gender equality in

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222 | Diana Rivington, Interview.

223 | Canadian International Development Agency/Bytown Consulting; C.A.C International 2008, 4. Early CIDA gender equality instruments were (Canadian International Development Agency 1997a; Canadian International Development Agency 1997b).

224 | SWC 2012g.

225 | Canadian International Development Agency 1999, 7.

226 | Canadian International Development Agency 1999, 23.

227 | Canadian International Development Agency 1999.

projects and programming.[228] The policy also asked each programme branch to be "responsible for developing branch level gender equality results statements."[229] In addition to specifying gender equality tools and implementation processes, the policy also outlined an accountability mechanism, "which rests within each of CIDA's corporate and programme branches, partners and executing agencies."[230]

In 2000 CIDA was the first Canadian federal department to begin designing a performance assessment framework with an integrated coding system to mark the gender relevance of policies and programmes in order to render gender equality outcomes measurable. As part of the effort, CIDA issued an equality assessment form[231] with corresponding guidelines.[232] There were pilot tests between 2003 and 2004, and the framework was finally endorsed department-wide in 2005. As a result of its commitment, gender equality, as an overarching departmental objective, has became more than just a "point of dialogue"[233] at CIDA. In 2008 the department instituted an internal accountability initiative, called "Equality between Women and Men." This initiative established a results-based accountability framework for gender, which since then has been use to hold CIDA's branches as well as multilateral institutions, cooperating Canadian civil organisations, private sector partners, and the policy dialogue with partner countries accountable for gender equality results.[234] Among other things, the initiative called for top-down and direct political responsibility, by defining that: "the President, CIDA's Equality Between Women and Men Champion, is accountable to the Minister for actual development results achieved, in conjunction with partners [...]."[235]

As a consequence, all corporate and programme branches, partners and executing agencies need to undergo evaluation for CIDA's Policy on Gender Equality, performed as part of the normal review cycle by the Evaluation Division, Performance and Knowledge Management Branch. In 2010, with its Gender Equality Action Plan, CIDA renewed its commitment to integrate gender into all policies, programmes and projects.[236] This overall commitment to have "gender equality as a cross cutting theme"[237] was therefore passed down in the programme development framework in each country where the CIDA has representation. This means that every branch is obliged to contribute to overall gender equality, with some freedom to localise, but not to deviate. The centrality of gender equality in CIDA is non-negotiable, according to Rivington:

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228 | Canadian International Development Agency 2011a.

229 | Canadian International Development Agency 1999, 23.

230 | Canadian International Development Agency 1999, 23.

231 | Canadian International Development Agency 2005a.

232 | Canadian International Development Agency 2005b.

233 | Diana Rivington, Interview.

234 | Canadian International Development Agency 2008.

235 | Canadian International Development Agency 2008, 2.

236 | Introduced after the interview took place (Canadian International Development Agency 2010, 1). Today, CIDA's actions are also guided by the Official Development Accountability Act and the Agency's Aid Effectiveness Action Plan (2009-2012) (Canadian International Development Agency 2010, 2).

237 | Diana Rivington, Interview.

"I sat down with some people from Afghanistan who are going to be working on gender equality and they said we need to rewrite the policy and I said, no. The policy don't touch, it's sacred text [...]. What you need to do is develop a gender equality strategy for Afghanistan that is appropriate for Afghanistan."[238]

CIDA's gender equality accountability framework strives to match local and project needs with a variety of country specific strategies and tools. To foster gender equality, analysts and programme officers *"may use different tools,"*[239] depending on context and purpose. The CIDA provides on-line tools, guides, checklists and evaluation tools, which are mostly developed in-house and are highly adaptable to local geographical, cultural and political requirements.[240]

Tool and strategy development is grounded in participatory and ownership principles. In this decentralised bottom-up tool development approach, each branch and country programme[241] either adapts or designs new strategies and tools for their particular purpose and local context:[242]

"This is gender equality in Bangladesh, gender equality in China. [...] when you look at these two documents, you'll see similarities but you'll also see differences, because these have been prepared for Bangladesh and China."[243]

By extending the gender equality duty across the department to all its branches and integrating the duty into all managerial mechanisms, including reporting cycles,[244] CIDA has also inserted the gender equality objective into its programming with private partners.

Through education the CIDA creates gender expertise within the department as well as in the local context:[245]

"Our education team at CIDA is taking this framework and they are adapting it specifically to look at their basic education, to see whether they integrated gender equality thinking deeply enough into their education programming. And then they want to take this out, because it is a huge multi-donor initiative called the 'girl's education initiative' (UNGEI) and they want to feed that framework, developed specifically for UNGEI."[246]

Partners, local governments and international development organisations alike must adopt the framework and demonstrate their gender responsiveness in order to become eligible as CIDA partners and or participants in CIDA funded projects. In

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238 | Diana Rivington, Interview.

239 | Diana Rivington, Interview.

240 | The central GBA tool box being (Canadian International Development Agency 2005a). Updated in 2011 (Canadian International Development Agency 2011b).

241 | Compare e.g. (Canadian International Development Agency 2006a; Canadian International Development Agency 2006b; Canadian International Development Agency 2007).

242 | Canadian International Development Agency 2006a.

243 | Diana Rivington, Interview.

244 | Canadian International Development Agency 2010, 4.

245 | Canadian International Development Agency 2000, 30.

246 | Diana Rivington, Interview.

this way CIDA "accelerates change"[247] not only within a national federal government structure, but also in outside networks and in the international arena. Whoever wants to work for or with CIDA, including all beneficiaries, has to adhere to its GBA policy:

"What our policy says is that in any project that you are thinking of implementing, whether it is in education, whether it is in transportation, whether it's in private sector development: this project can increase or decrease the participation of women and men in decision making of all levels. This project can increase or decrease people's ability to realise their full human rights [...]. And it can increase or decrease the right to have access to your own resources. So let's apply that grid and ask a series of questions [...] that you can apply to any project. [...] What do we mean by decision making, what do we mean by rights, what do we mean by development resources and benefits?"[248]

As mentioned previously, to measure gender equality orientation and project outcomes, a gender equality coding system was introduced into the 2005 gender equality assessment form. The form is filled out according to certain gender equality criteria, assigning special, mainstream, some or no gender relevance to projects or programming.[249] The form is then submitted to managers as part of CIDA's results-based management performance assessment framework. According to Rivington, the coding exercise for gender represents a "very important tool"[250] and a new step towards increased sustainability of GBA. CIDA's gender equality assessment form[251] and its corresponding guidelines[252] ensure that analysts and project managers report on the exact gender relations impact of their projects or programmes. What they look for is differentiation from programming for women, to establish the effect on gender relations and make gender equality gains measurable: "What we are looking at is not, do they mention the women? But [...] in the log frame analysis, where are the results that are related to gender equality and what are the indicators and how are they been measured."[253]

CIDA's gender coding is yet another way of operationalising what is internationally known as the *gender marker* by the Development Assistance Committee (DAC) system in international development cooperation.[254] Globally, CIDA was able to spearhead the advancement of this accountability and management instrument because of the inclusion of gender in development as an objective in its overall Agency Accountability Framework.[255] On an annual basis, the agency is thus able to ensure that equality between women and men is reported on in the *Departmental Performance Reports*,

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247 | Canadian International Development Agency 2000.

248 | Diana Rivington, Interview.

249 | Diana Rivington, Interview.

250 | Diana Rivington, Interview.

251 | Canadian International Development Agency 2005a.

252 | Canadian International Development Agency 2005b.

253 | Diana Rivington, Interview.

254 | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2008; United Nations Office for the Coordination of Humanitarian Affairs 2011; Holvoet/Inberg 2012. For a brief explanation of the gender marker systems, see sub-chapter 1.5.4.

255 | Canadian International Development Agency 1998.

which use the *Investment Monitoring and Reporting Tool.* Below is a graph with an overview over CIDA's equality capacity and accountability framework.

Table 10: Equality Capacity and Accountability Framework, Canadian International Development Agency (2008)

GBA Champion President of CIDA	CIDA's Policy on Gender Equality *Objectives, GBA Tools*	Interdepartmental Committee on GBA *spearheaded by SWC*

Equality between Women and Men Branch Performance Assessment Framework (PAF) & Tools

Gender Equality Network

Gender Equality in Country Programs *Gender Equality Advisors*

Gender Equality & GBA in the Program and Policy Architecture (PPA)

Gender Equality & GBA in Logical Framework Analysis (LFA), Project Implementation Plans and Gender Equality Institutional Assessment (GEIA)	Gender Equality & GBA in the Project Steering Committees Reports, Annual Work Plans and Reporting and Reviews (DPR)	Gender Equality & GBA in Financial Risk Assessment through Investment Monitoring and Reporting Tool (IMRT)

Gender Equality Evaluation by Evaluation Division & Audits by Audits Division

CIDA has also integrated GBA objectives into its New Public Management efficiency and controlling mechanisms, using a special gender code for projects and programming. At the time of the interview the coding system was through its pilot phase, but was not yet fully integrated. It classifies projects on a one to four scale: 4) high and *encouraging* gender relevance, 3) low, *modest* gender relevance, 2) *weak* gender relevance, and 1) *no* gender relevance. The coding is important to fulfil the monitoring and reporting requirements for the project objectives at a later point and necessary for the annual *Reports on Plan and Priorities* and *Departmental Performance Reports.*[256]

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256 | For a detailed explanation of CIDA's Framework of Assessing Gender Equality Results and its related tools 1a) Gender Equality Results Categorization, 1b) Rating Scale

Despite CIDA's pioneering efforts, the department has not yet managed to ensure that a gender lens is systematically applied to all its projects and programmes: "When you are looking at emergency food aid, when you are looking at certain kinds of humanitarian assistance, [...] highly indebted poor countries initiatives, there are projects that do not receive a gender equality coding."[257]

An internal evaluation conducted in 2006 confirmed this impression: 26 per cent of the project and programming evaluations did not address gender equality as one of CIDA's main departmental performance criteria. Gender therefore was of second lowest regard of all eight performance criteria (local partnership; likelihood of sustainability; cost effectiveness; relevance to poverty reduction; objectives achievement, management; gender equality, environment), only topped by the disregard for environmental concerns, missing in 61 per cent of all evaluations.[258] However, with such a specific coding system for the project or programme development phase, GBA—is the only tool that enables analysts and programme planners to find specific answers, related to resources and representation for women and men. Below is an example:

"Ok, so you can go and say alright, here is your water project: did it increase the capacity for public participation? Yes, if there is a result, what's the evidence and what's the significance of the results? [...] two more women instead of one woman, significance? Well not really that significant [...]—unless one has become the chair. So that was our tool there, and that's also part of the feedback that we can give to branches and say look: this applies everywhere this is our feedback to you and how well you are doing. So that's the feedback results learning-loop that we try to build in."[259]

In 2008 the Evaluation Division within the Performance and Knowledge Management Branch conducted a corporate evaluation of the implementation of the 1999 CIDA's Policy on Gender Equality.[260] It examined commitment, institutional outcomes and effectiveness, development outcomes in local contexts, and relevance for CIDA's results-based approach. It confirmed a *good fit* between CIDA's gender equality accountability framework and the larger departmental management framework.[261] However, the evaluation noted a lack of strategic balance between the gender equality objective and human rights objectives, namely, women's access to resources and the benefits of development, as well as participation in decision

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for Significance of Gender Equality Results and 2) Assessment of Core Funding (Canadian International Development Agency 2011b).

257 | Diana Rivington, Interview.

258 | Canadian International Development Agency 2006c, 7. The same report was unable to attest for a correlation (neither overtly positive, nor negative) between gender equality and aid effectiveness (Canadian International Development Agency 2006c).

259 | Diana Rivington, Interview.

260 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008.

261 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 6.

making.[262] The evaluation also commented that organisationally placing the gender unit inside the strategic policy unit put the unit at too far a remove from field and on-site experiences, despite its network of local gender experts.[263]

With regard to the implementation of gender analysis, the evaluators found that in 2008 only 27 per cent of the core funded projects had taken gender into account,[264] and one quarter of directive or responsive investment projects were completed without any ex-ante GBA.[265] In the case of the other three quarters, where GBAs had been performed, only half the analyses met departmental quality standards for GBA.[266] It became evident that the quality of analysis was on average better in gender-equality-specific projects and programming or where gender equality was integrated, and weakest in projects or programmes with only implicit, or indirect gender equality outcomes.[267] Although GBA was conducted as requested *from early on*, the evaluation revealed that in two thirds of all cases, gender equality was not carried through into the goals and indicators. Again, this practice of dropping or neglecting gender along the way appeared to be most widespread in the case of integrated projects, in which gender equality goals are often side-lined.[268]

The evaluation was an important step in optimising CIDA's equality governance and GBA structures. Indeed, in terms of quality management of GBA implementation and gender equality governance structures, CIDA was, at the time of my interview, the only Canadian department that had had a department-wide gender audit.[269] The CIDA formulated a management document, issued as part of the evaluation,[270] that addressed its actions in response to the recommendations,[271] such as more and better training, a help desk, and design of a coherent gender equality action plan (as published in 2010).[272]

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262 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 7.

263 | See also chapter 3.2.1.

264 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 11.

265 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 10.

266 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 10.

267 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 10.

268 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 10.

269 | Apart from the Department for Indian and Northern Affair (DIAND), which limited its evaluation to its specific GBA activities, excluding the departmental performance management framework.

270 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 25-26.

271 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 22-24.

272 | Canadian International Development Agency 2010.

3.3.1.2 Departmental Equality Machinery and Gender Training

In addition to the support provided by the central Gender Equality between Women and Men Policy Branch, the CIDA supplies its employees and analysts with a large network of gender specialists to provide GBA advice and support them in their daily work in gender equality. The department has gender equality advisors in each branch and also for each country programme, usually locally hired staff. Compared to other Canadian departments, CIDA has the largest internal gender equality architecture. It equips its staff with gender expertise via trainings, which complement the accountability framework equality requirements. As an example, Rivington pointed to the department's programme in Egypt where CIDA has:

"Two gender equality advisors that are locally engaged Egyptians at the embassy. And they have gender equality advisors built into the project budget for all of their projects [...]. And they have it built into their country programme development framework that every project they do whether it is in private sector development or health must also contribute to gender equality."[273]

Table 11: Departmental Gender Equality Architecture, Canadian International Development Agency (2008)
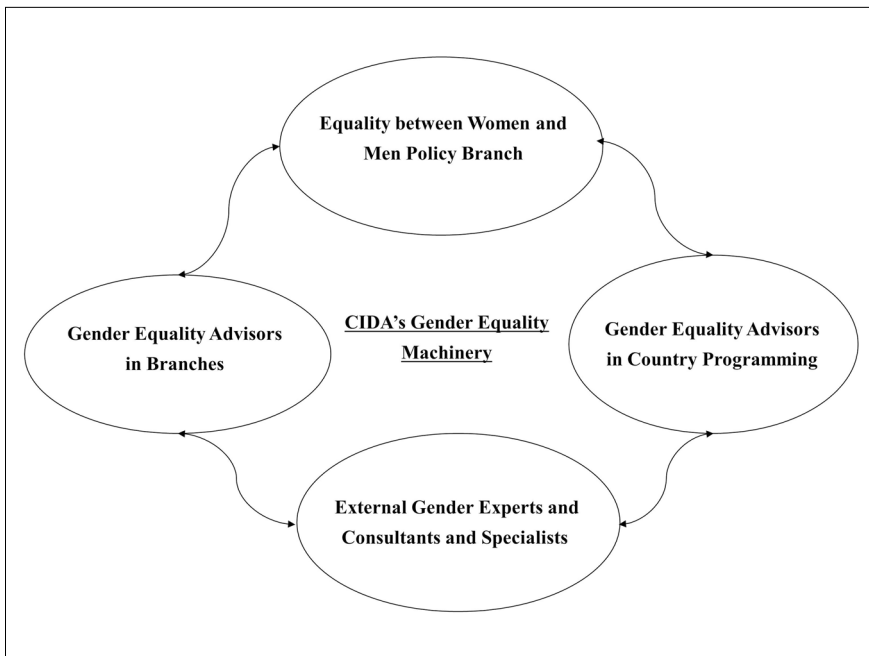
Gender expertise, or the ability to judge gender expertise, require not only the availability of tools, but also training in order to make sense of and use the tools well. CIDA was a pioneer in gender equality training, and even representatives from the Status of Women Canada took part in seminars. At the time of my interview, gender equality advisors along with all other employees of CIDA were offering a

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273 | Diana Rivington, Interview.

two-day general gender equality training course with GBA elements; however, it was neither exclusively devoted to GBA tools and knowledge, nor standardised or exhaustive:[274]

CIDA's in-house training focused on awareness-raising, as well as on explaining and establishing gender relevance. Such training is not always sufficient. Since individual programmes and projects are very specific, single programme developers need more than a general gender lens, which leads to heavy reliance on the advice of external gender specialists. CIDA is well aware of this and does not pretend that just any member of staff can be a potential gender expert.

With regard to the sustainability of gender training, it is worth noting that CIDA suffered a rollback in training frequency and volume in the mid to late 2000s.The absence of tailored training sessions was due to department restructuring and streamlining of human resources functions as part of New Public Management (NPM) reforms. At the same time, a gender component was integrated into the basic training course for new development officers. As a result, *all* future CIDA employees were made aware of gender issues once they enter the department. However, gender training for new staff by the specialised gender unit was abolished, and CIDA could no longer guarantee the building of custom-tailored, quality gender competency within the department, given that staff fluctuation is commonplace.[275] Here, the ambiguous role between window of opportunity and roll-back caused by NPM reforms becomes visible.

An additional negative consequence of the training rollback was the loss of opportunity to match training with current or newly occurring needs. Because of this, CIDA fell behind in refining and advancing its gender-training programme, one that had been held up as an example for other external agencies. It is therefore not surprising that one recommendation from the 2008 evaluation report was for CIDA to improve inner departmental training options and to provide training to all staff, including senior and middle management.[276] However, the same *level* of training was not required for all staff.[277] CIDA's management basically agreed with the recommendation and committed to evaluating the different training needs. Seeking to regain its training expertise, the department aimed to offer specialised training programs in the future in addition to its integrated training. It also needed to reach all new CIDA employees with gender training, not just those hired through internal channels:

"If you come in through this particular recruitment programme, you get the training. But if you don't, if you come to CIDA through some other mechanism, we don't have a training course to offer you, currently. It's on my list of things to do."[278]

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274 | CIDA offers also an online training course. For other training material compare also the Project Level Handbook (Canadian International Development Agency 1997b).

275 | Diana Rivington, Interview.

276 | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 23.

**277** | Canadian International Development Agency; Bytown Consulting; C.A.C International 2008, 26; 30.

278 | Diana Rivington, Interview.

Consequently, the CIDA's Equality between Women and Men Unit has worked with its country programme experts to reformulate gender training by using a variety of training approaches from the Organisation for Economic Co-Operation and Development (OECD) or the Status of Women Canada. Collaboration between CIDA and the Status of Women Canada has a long-standing tradition that continues in multiple settings, such as in the Inter-Departmental Committee on GBA or in the mutual exchange of tools and international visiting experts. CIDA is thus well integrated into and is one of the driving innovators of the federal gender equality architecture and the fostering of GBA practices.

In conclusion, in comparison to other interviewed departments, CIDA has had the most advanced and organisationally widespread GBA implementation due to its long-standing experience and structural approach.[279] CIDA integrates a gender lens into departmental reporting, it creates demand and use for the departmental equality architecture, and it controls to some extent for equality outcomes. CIDA's equality governance structures therefore have managed to increase gender equality, and with it GBA sustainability. The New Public Management accountability mechanisms were a double sword for the department with regard to gender equality: On the one hand they had a positive impact on the managerial and tool development side, on the other hand they weakened gender training capacity and gender expertise.

3.3.2 Department of Aboriginal Affairs and Northern Development Canada

The Department of Aboriginal Affairs and Northern Development Canada, originally and still legally known as the Department of Indian and Northern Affairs Canada[280], had a Women's Issues and Gender Equality Directorate (WIGE) at the time the interviews were conducted. In December of 2012, however, the Directorate was abolished following the Canadian government's cuts in the public service workforce. The Directorate used to coordinate the implementation of GBA across department policies and business lines.[281] I spoke with three former representatives of the Directorate, Marchel Williamson, Research and Planning Officer, Audrey Hannigan-Patterk, Policy Planning Officer and Monique Lucie Sauriol, Senior Policy

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279 | There is general criticism of the degree of outcome and impact of gender mainstreaming in international development institutions, including CIDA (Moser 2005; Parpart 2014).

280 | In 2011, the official title was changed from Department of Indian and Northern Affairs Canada (DIAND) to Aboriginal Affairs and Northern Development Canada (AANDC). Both terms and acronyms refer to the same Canadian Department. Despite the official usage of AANDC, DIAND remains the legal name of the department under the Canadian Federal Identity programme, since Indian continues to be the legal term for Status Indians under the Indian Act and as enshrined in the Canadian Charter of Rights and Freedoms. The First Nations described with that term prefer aboriginal however, as being less discriminatory and baggaged with a history of abuse, inferiority, and extermination. Since the field research was done in a time when AANDC was still called DIAND, all interview and document citations refer to DIAND, without altering them, in order to stay true to the source. Whereas in the text body DIAND is referred to by its new name AANDC even in an a-chronological context, when talking about its past before 2011, in order to respect aboriginal self-determination.

281 | House of Commons; Standing Committee on the Status of Women 2005, 12.

Analyst, all of whom consented to participate in the study on a non-confidential basis.

3.3.2.1 Equality Architecture and Departmental Governance

At the time of my interviews, WIGE was the central, specialised gender unit of the AANDC. It was the successor of the Office of the Senior Advisor on Women's Issues and Gender Equality, which came into being in 1998.[282] WIGE took part in the Inter-Departmental Committee and it also participated in the former indicators development working group, both spearheaded by Status of Women Canada. Its task was originally to support the implementation of GBA as required by a policy issued in 1999 and its mandated incorporation into the:

"Development and implementation of departmental policies, programs, communication plans, regulation and legislative options, as well as consultations and negotiations, and instructions and strategies on research, dispute-resolution, and litigation."[283]

To manage this process, the WIGE installed a support network of gender equality analysis representatives in all branches and regions of the AANDC.[284] The AANDC had also implemented the gender champion system, which was seen as an important gesture and source of validating support when top management assisted the Gender Equality Unit in fostering the department-wide use of GBA. Because internal gender units in the Canadian government in general do not have a legal mandate to hold departments accountable for gender equitable results or organisational implementation of GBA, the gender champion system has been perceived as way to inject the gender perspective top-down into the overall administrative structure. The interviewees emphasised the importance of the gender champion being a high-ranking person in the department since "they hold a lot of sway."[285] In the case of the AANDC, the gender champion is the assistant deputy minister. AANDC's gender champion succeeded in raising awareness and advocating for gender issues, even in the top ranks:

"There seems to be a lot of support for it at the director general level, with certain exceptions. Some people say they do it, but sometimes I have a feeling that they don't fully understand what GBA is, but they say they do it, which is just a question of educating them."[286]

Despite the WIGE's high activity level and its central role the WIGE in the department's GBA implementation and gender politics, at the time of my interview, the unit had never secured a budget and stable institutional resources for its work on GBA beyond the pay-roll of its gender experts.[287] At the same time, the WIGE had been seeing considerably more interest in GBA and requests for policy advice

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282 | Department of Indian and Northern Affairs Canada 1999.

283 | Aboriginal Affairs and Northern Development Canada 2010.

284 | House of Commons; Standing Committee on the Status of Women 2005, 12.

285 | Monique Lucie Sauriol, Interview.

286 | Monique Lucie Sauriol, Interview.

287 | The amount of funding was not communicated and could not be found in the respective Departmental Performance Report.

following the submission of the update Treasury Board Secretariat guidelines in 2007. This shaky financial status left the staff in charge dissatisfied with the current situation. After being criticised for this lack of funding in the department's GBA evaluation report in 2008, AANDC management's response was to provide the WIGE with stable funding in fiscal year 2009-2010 to secure GBA practises.

Whereas CIDA has succeeded in making gender a concern and GBA an integrated part in its departmental structure and actions, AANDC was still struggling with the systematic application of GBA. Although AANDC's Memoranda to Cabinet should reflect a GBA application,[288] and although the department had renewed its commitment to GBA in the Gender Equality Repositioning Strategy[289] in 2003 and its Gender Equality Policy[290] in 2006, the implementation of GBA as a daily routine in programme and policy making was still not happening evenly, as the 2008 evaluation report attested.[291]

The AANDC saw the five-year Gender Equality Analysis (GEA) Repositioning Strategy (2003-2004) as necessary to achieve the unfulfilled requirement to inform all policies, programmes, legislation and other initiatives with strong GBA.[292] This internal strategy, designed and coordinated by the WIGE, applied the five pillars of the GBA framework: 1) Capacity building; 2) development of and support for network of gender-equality advisors; 3) a pilot project; 4) environmental scanning; and 5) senior management commitment.

The department's top management fully supported the policy, which seemed promising, to ensure a top-down implementation of the tool:

"There was also political will at the time to look at GBA and have the policy. The policy has been signed on [...] from the senior management level. [...] There is what we call the senior management in 2003 they were the ones that approved the repositioning strategy, so we got buy-in from them at that time."[293]

The backing of individual senior staff represents both an opportunity for as well as a risk to sustainable mechanisms for policy application, as rotation and fluctuation could endanger commitment to the policy. However, in the case of AANDC, the gender experts saw even new higher management staff as multipliers and continued allies for gender equality:

"In the federal government there is a lot of personal change, there is a lot of rotation. We are hoping because it rotates so much, that they bring that knowledge with them, that they bring the lens with them as well and incorporate it in their new area of work."[294]

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288 | House of Commons; Standing Committee on the Status of Women 2005, 12.

289 | Indian and Northern Affairs Canada; Women's Issues and Gender Equality Directorate 2003a.

290 | Indian and Northern Affairs Canada; Women's Issues and Gender Equality Directorate 2003b.

291 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008.

292 | Indian and Northern Affairs Canada; Canadian Polar Commission 2004.

293 | Monique Lucie Sauriol, Interview.

294 | Monique Lucie Sauriol, Interview.

Although staff fluctuation usually results in a loss of expertise, in this case the hope was that gender expertise in the higher levels in the department would be increased due to previous gender training and a shift in generation. The WIGE was also aware that achieving stable GBA mechanisms would require time:

"When the strategy was developed we were aware that [...] through the five years strategy it'll [the implementation of GBA, A.S.] be slow and then it'll peak up. That's what we want to evaluate now. I have a feeling that the peaking is happening as we speak, a little bit later than we expected [...]."[295]

3.3.2.2 Tools and Implementation Strategy

Reaching critical mass in GBA implementation in the department was another goal of the Repositioning Strategy of 2003-2004. The WIGE's mandate was to implement a gender-based analysis policy to address gender equality issues within AANDC[296] as they related to First Nations and Northern partners.[297] Since 1999, WIGE had been developing a wide range of tools such as fact sheets, FAQ documents, intra and internet resources and training materials for performing Gender Equality Analysis[298]. The name was changed to *Gender-Based Analysis* in 2006 in order to match the terminology of the Status of Women Canada and across government. Although the tool content did not change fundamentally, renaming it required re-approval and clarification within the department. As a result, AANDC then defined GBA as the process to assess:

"The differential impacts on women and men by considering their different life situations— their different socio-economic realities. GBA recognizes that the realities of women's and men's lives are different and that equal opportunity does not necessarily mean equal results."[299]

The GBA tool currently in use is the Gender-based Analysis Working Guide.[300] It is framed as an ex-ante, parallel and ex-post tool, and divided into four parts, nine annexes and a concluding resources section.[301] In setting the issues, it

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295 | Monique Lucie Sauriol, Interview.

296 | "[A]cross all departmental priorities" (Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 3).

297 | Department of Indian and Northern Affairs Canada 1999, 3.

298 | Department of Indian and Northern Affairs Canada 1999.

299 | Aboriginal Affairs and Northern Development Canada 2010.

300 | Department of Aboriginal Affairs and Northern Development 2010.

301 | Its annex I contains a GBA glossary, annex II AANDC's GBA policy, annex III the representative's responsibilities, annex IV GBA work sheets, annex V walks through all GBA steps of a fictional example, annex VI presents the real life GBA example of the National Child Benefit Reinvestment Initiative on Reserve, annex VII explains the application of GBA to AANDC's operational tasks such as negotiations, dispute resolution and communications (including gender sensitive language), annex VIII introduces to data collection methods (eight qualitative and only one quantitative method), and the final annex IX gives an overview of GBA programme assessment (Department of Aboriginal Affairs and Northern Development 2010).

first differentiates between equal treatment, where gender is a neutral category because both genders are treated equally, and gender-specific affirmative action that establishes equal opportunity and integrated gender equality issues (mainstreaming). It then provides the general principles of GBA, naming the challenges and benefits of its application as well as promoting conditions, and introduces the basic GBA and gender equality terminology. The tool states that there is no way around GBA, since "GBA has developed to the extent that today it is mandatory"[302] in the department.

The central part of the tool consists of the seven GBA components, mimicking the full policy cycle: a) Consultations; b) defining the issue(s); c) defining the desired/anticipated outcomes; d) information gathering; e) development and analysis of options; f) communications; g) evaluation. Interestingly, consultation is not only the first step but inhabits *the* central role in all GBA processes (see AADNC's honeycomb shaped diagram below). AADNC describes consultation as a participatory process of collecting qualitative and quantitative data with "partners, stakeholders, client base." It ought to be conducted with the "utmost respect" for aboriginal values and culture, but could be held at any given time:[303]

"In the middle we kept consultations, because Indian Affairs always has to consult with various stakeholders, but we keep telling them that you can do the consultations any time. [Name of consultant, A.S.] would say something different, she says consultations have to be in the beginning and then you move on, but she does understand that we need that flexibility."[304]

Table 12: The Seven Components of Gender-based Analysis, Department of Aboriginal Affairs and Northern Development (2010)[305]

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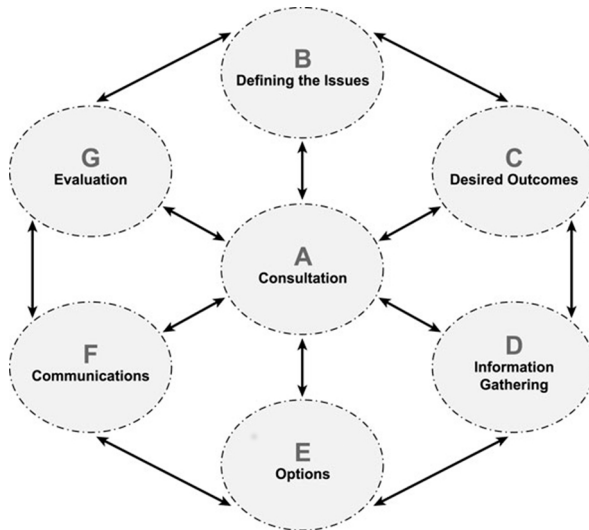
302 | Department of Indian and Northern Affairs Canada 2010a.
303 | Department of Indian and Northern Affairs Canada 2010a.
304 | Monique Lucie Sauriol, Interview.
305 | Department of Aboriginal Affairs and Northern Development 2010, 9.

Ideally, the result of consultation is identification of the relevant issues. Policy and programme options can then be developed, taking the multiple positions and differential situations of Canada's aboriginal population into account. Additionally, the implementation of a diversity perspective is encouraged, "including, but not limited to the following dimensions: Race, skills, culture, income, education and geography."[306] GBA at AANDC has therefore always incorporated intersectional elements. The Gender-based Analysis Working Guide tool, like many other Canadian GBA tools, has an evaluation feedback form at the end to assess its usefulness.[307]

As mentioned earlier in this section, the measures laid out in the 1999 policy "to monitor the implementation of the gender equality policy and evaluate its effectiveness"[308] had not been achieved. As a result, the Gender Equality Repositioning Strategy[309] was developed to increase GBA activity and stewardship. Based on this strategy, WIGE staffing for GBA was increased from one to four full-time staff employees. Despite the increase, the gender experts interviewed said they had been inundated with requests for hurried, parallel or quasi ex-post GBA revisions for Memoranda to Cabinet revisions. They said they were often called to give advice in the late stages of memoranda development, too late to change anything profoundly. The policy analysts, they said, should have completed the GBA in the early drafting phase with the help of already existing tools:[310]

"We tell the employees that it is important to do GBA from the beginning of your project. Let's say you want to renew your authorities, your project already started so you are at the point where you got to evaluate it and renew it. Again, it's a perfect opportunity to do it. Then people call us, oh we have an MC [Memorandum to Cabinet, A.S.], we have to do it, we have two weeks, can you give us something? Well we are sorry, but you are a bit late, but here is a check list. We don't endorse the check list, but we tell them, it's a good starting point."[311]

This citation illustrates the problems in practice. Although the WIGE has hired gender experts, they are unable to deal with the multitude of requests at so many different stages and involving so many different policy problems. This makes a variety of tools, including easy to use tools such as checklists, essential: "We do have tools they vary from a distilled to a very detailed tool [...]."[312]

To meet the increased demand for gender policy advice and assistance in implementing the full-fledged GBA tool ex-ante, a network of gender-based

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306 | Department of Aboriginal Affairs and Northern Development 2010.

307 | Another welcome effect is that people interested in or working with the tool within the department can potentially be identified.

308 | Indian and Northern Affairs Canada; Women's Issues and Gender Equality Directorate 2003b, xx.

309 | Indian and Northern Affairs Canada; Women's Issues and Gender Equality Directorate 2003a.

310 | Like the full-fledged gender analysis of the department's Social Development Programs by Carmen Paquette and Claire Mazuheli in 2006 (Paquette et al. 2006).

311 | Monique Lucie Sauriol, Interview.

312 | Monique Lucie Sauriol, Interview.

analysis representatives[313] was established in 2003. Their mandate was to support AANDC employees with gender advice and tools and to develop reporting mechanisms on GBA applications with managers. WIGE offered GBA training to these representatives as well as to other interested public servants. This bottom-up approach to establishing expertise and accountability for GBA had problems. Mechanisms for monitoring the progress of GBA implementation were lacking. Reporting for the GBA representatives included only gender-specific programmes and policies that were developed with their knowledge and possibly with their assistance. This approach also relied exclusively on voluntary cooperation and information flow on where, when and how GBA was applied. The WIGE did not have any oversight over GBA's systemic application or gender equality results in programmes and policies. Without any actual supervisory powers, WIGE and GBA representatives[314] were limited to the core mandate that mainly consisted of tool development and assistance in its application, and to raising awareness, promoting the tools, and training AANDC's employees—activities that merely mirrored the mandate from the Status of Women Canada.

3.3.2.3 Evaluation, Accountability and Monitoring

The WIGE initiated an internal evaluation process in 2007 to assess the success of the GBA Repositioning Strategy on gender equality activities.[315] Based on a questionnaire, participation of AANDC directors, senior managers, senior analysts and other officials, GBA representatives and external actors such as Status of Women Canada policy analysts, was voluntary. The AANDC's internal audit and evaluation sector conducted and published the report in 2008 report,[316] which impressed the Auditor General in its 2009 government-wide audit: "DIAND is the only department to have performed an evaluation of its GBA practices, informally in 2002 and formally in 2008. DIAND is clearly a leader in gender-based analysis."[317]

The Auditor General's report found that by 2009 AANDC had "implemented all key elements of an appropriate GBA framework."[318] This was somewhat surprising, as only a year before, an internal evaluation had concluded that despite progress in capacity building, training, and support through the system of GBA representatives,

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313 | Originally known as Gender Equality Analysis Representatives (GEARs). Again in analogy to renaming the tool, the name of the GEARs was changed to Gender-based Analysis Representatives (GBARs) in 2007.

314 | It is estimated by the current WIGE members of staff that GBARs can only spend 10 per cent of their time and efforts on GBA measures on average.

315 | AANDC developed an evaluation matrix for this survey, which was complemented by a literature review (Department of Aboriginal Affairs and Northern Development; Audit and Evaluation Sector 2008; Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 46-50). The matrix asked for the implementation state of the 2003 Repositioning Strategy, and posed a range of additional questions about e.g. unexpected impacts of GBA application, challenging/helping factors with regard to GBA implementation, best practices/lessons learned, quality control of GBA or expenditures tracking on GBA in future planning and evaluation activities in terms of time, human and financial resources etc.

316 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008.

317 | Office of the Auditor General of Canada 2009b, 14.

318 | Office of the Auditor General of Canada 2009b, 2.

GBA was still "very limited" and "uneven" in many central areas. An explanation for the difference may be that the AANDC may have taken a closer look than the Auditor General. The AANDC's internal audit found insufficient ex-ante or parallel GBA tool application during proposal development and deficits in the integration of the GBA strategy in the overall departmental performance measurement.[319]

One positive finding of the Auditor General's report was that, compared to other aboriginal organisations benefiting from public funding, aboriginal women's organisations have historically been funded at the national rather than the regional level—an indication of at least some GBA effectiveness in federal programme delivery. The report recommended that GBA be an integral part of consultations on objectives and outreach and that reporting include sex-disaggregated data.[320] Another recommendation was that the federal level of support for aboriginal women's organisations and their regional affiliates be reviewed..[321]

The failure at AANDC to apply GBA in a cross-cutting fashion to the overall programme design and policy development demonstrates the multiple challenges of actual GBA implementation: As a result, AANDC's 2008 internal GBA evaluation called for a revision of WIGE's mandate concerning quality control, performance measurement and reporting mechanisms on GBA, thus rendering gender equality efforts more sustainable, due to the current unsatisfactory practices with regard to accountability:[322]

"Overall, DIAND lacks sufficient structure or accountability mechanisms, and capacity for a comprehensive and sustained implementation of GBA across all the Department's work. The evaluation found few levers that motivate or provide incentives for application of GBA (e.g. creation of gender sensitive performance targets, incentives, templates, and consequences)."[323]

This lack of stewardship, together with a lack of transparency and control over the quality of single GBAs ("we don't, we don't police, we don't monitor [...]."[324]),is not unique to AANDC. The same issues were identified in the Auditor General's 2009 report and are representative of the weakness of the federal horizontal approach to GBA at large.[325] The integration of GBA horizontally—i.e., the mainstreaming of gender issues in policies that seem at first glance not directly gender relevant—remains a challenge at AANDC, according to the interviewees. In order to ensure horizontal GBA implementation, the evaluation also recommended strengthening the training approach to policy implementation and improving sustainable GBA capacities.[326] Finally, it was recommended that the department introduce mechanisms, tools and measures to provide supporting functions for GBA that would raise the quality of individual GBA assessments and their outcomes. The

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319 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 43.

320 | Department of Indian and Northern Affairs Canada et al. 2009, ix.

321 | Department of Indian and Northern Affairs Canada et al. 2009, ix.

322 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 51-53.

323 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 43.

324 | Monique Lucie Sauriol, Interview.

325 | Office of the Auditor General of Canada 2009b, 29.

326 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 52-53.

evaluation encouraged the drafting of GBA review guidelines and collection of best practices or GBA "checkpoints" at various steps of the internal approval processes for policies and programmes.[327]

The five-year benchmark evaluation in 2008 also contained a set of seven recommendations[328] that function as the pillars of a management response action plan.[329] Five semi-annual progress monitoring reports published between September 2008 and September 2010,[330] and followed by the 2008 evaluation, provide the basis for a new five-year implementation strategy. This new strategy was still under development as I was completing my research, but the department's intentions had already been announced by Monique Lucie Sauriol in the interview:

"What we will do after the evaluation, we are going to craft a new strategy or action plan, because we want to further the implementation. We don't just want people to know that it exists at this point; we want people to really apply it […]."[331]

AANDC's internal evaluation of GBA implementation was remarkable for its attention to sustainability of GBA in accountability mechanisms and departmental structures. In conducting the evaluation, AANDC followed internal gender expert advice and recognised the need for an assessment of the status quo before any further steps were taken. The initiative for the evaluation and attached monitoring process originated inside the WIGE unit, and the effort was clearly a success for state feminism through the AANDC's gender equality machinery. Nonetheless, the gender unit was dissolved in 2012, under the assumption that equality had been achieved and the existing guidelines would suffice. GBA+ is now relegated to a file housed within Cabinet Affairs.

In sum, with the WIGE and GBA representatives, AANDC had an effective equality architecture in place; however, there were still limitations—e.g., these entities were not assigned a role in quality management and controlling for GBA. AANDC developed a custom-fit tool for the purpose of departmental programme and policy making. In general and compared to other Canadian federal departments, GBA application in AANDC was rated higher, but was still not comprehensive. Overall, issues of systemic implementation and establishing accountability for GBA seemed urgent, thus overshadowing questions about the quality of individual GBAs at AANDC. Now, having experienced a roll-back in equality machinery capacity, it seems unlikely that the issues of cross-cutting implementation and quality assurance will be addressed further by the department.

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327 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 53.

328 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 44.

329 | Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008, 51-53.

330 | Department of Indian and Northern Affairs Canada 2008; Department of Indian and Northern Affairs Canada 2009a; Department of Indian and Northern Affairs Canada 2009b; Department of Indian and Northern Affairs Canada 2010b; Department of Indian and Northern Affairs Canada 2010c.

331 | Monique Lucie Sauriol, Interview.

3.3.3 Health Canada

At Health Canada (HC), I interviewed two senior policy analysts Sari Tudiver and Jennifer Payne, both then members of the Women's Health Bureau at Health Canada (hereafter referred to as "the Bureau," and later renamed the Bureau of Women's Health and Gender Analysis[332]). Additional information on early tool development came from Margrit Eichler, who, with Mary Anne Burke, developed Canada's first GBA tool for the Status of Women Canada in 1996.

The Bureau began its GBA initiative by drafting a department-specific GBA policy, based on and extending the commitments in the Federal Plan.[333] The Bureau hired Mary Anne Burke in 1998 to coordinate the initiative; she then brought Margrit Eichler on board.[334]

According to the authors, this first version of the GBA tool incorporated an "analytical, systematic and evidenced-based approach"[335] designed to detect and avoid gender bias at all phases and stages of work. It was informed by feminist concepts that were wide-ranging and open-ended and was intended for application in multiple research, policy, programme and services environments. The tool was introduced into the Health Canada's new Women's Health Strategy in 1999,[336] where it was intended to be applicable to "all substantive work of the department, past, current and future."[337] According to the authors, a period of "feverish activity" followed its first inner-departmental dissemination, with many drafts, revisions and workshops.[338]

Opinions on the tool varied, however. According to Burke and Eichler the first version of the tool was "very well received from the start."[339] Others said it was broad, or too scholarly and jargon-loaded.[340] The tool authors agreed that it needed to be simplified, and condensed into a handier, easier to use version.[341] They were in the process of developing a new iteration, when the GBA initiative ended suddenly

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332 | In 2009, the Bureau of Women's Health and Gender Analysis (originally founded as the Women's Health Bureau) was yet again renamed. As part of the Strategic Policy Branch, the Bureau is known as the Gender and Health Unit since then.

333 | Burke 2001, 48. Based on the health mandate in objective three of the Federal Plan to "Improve Women's Physical and Psychological Well-being" (SWC 1995).

334 | Together with the help of the two student assistants, Diana Gustafson and Monika Pompetzki, and in collaboration with HC's policy officer Margie Lauzon, Margrit Eichler developed HC's own GBA tool draft. The tool draft was not published and for internal use only (The Bias Free Co-Operative Inc. 2011).

335 | Burke 2001, 48.

336 | Health Canada 1999.

337 | Burke 2001, 48.

338 | The Bias Free Co-Operative Inc. 2011.

339 | The Bias Free Co-Operative Inc. 2011.

340 | Because the tool used many academic terms and concepts, such as "paradoxical gynocentricity."

341 | Burke 2001, 48.

in 2001.[342] In 2003, the tool eventually became the simplified and more hands-on guide "Exploring Concepts in Gender and Health."[343]

3.3.3.1 Equality Architecture and Departmental Tool Governance

Again, as was the case with the Status of Women Canada and the Canadian International Development Agency, the Bureau played a pivotal role both in developing Health Canada's gender equality and GBA strategy as well as designing the instruments to implement it. The Bureau was recognised for providing "strategic leadership and analytical support,"[344] to government officials, making it a key player in Canada's overall GBA architecture.

The Bureau's history dates back to 1993 and is, after the Equality for Women and Men Policy Branch of the Canadian International Development Agency, the gender unit with the longest tradition in the federal government.[345] Its mandate and duties range from advancing women-specific issues to implementing GBA:

"The bureau was established in 1993, [...] certainly there has always been a balance between a focus on women's health—it was established as the Women's Health Bureau—as well as supporting the federal government commitment identified in 1995 in the Federal Plan for Gender Equality to apply GBA to the various policies, programmes, initiatives. Our name change to the Bureau of Women's Health and Gender Analysis reflected this."[346]

The Women's Health Strategy, released by the Minister of Health in 1999, was the equality framework under which GBA and other commitments aimed at improving the health of women and girls were introduced to Health Canada.[347] The document has not yet been replaced or updated.[348] It defines Canada's commitment to women's health and explains why a women's health strategy is useful to combat bias in the health system. It also provides four equality objectives supporting the twin strategy of combining gender mainstreaming efforts with affirmative action and women-specific measures.

For example, one objective aims to "ensure that Health Canada's policies and programs are responsive to sex and gender and to women's health needs"[349] and names GBA as the tool needed to reach that goal. It defines what Health Canada

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342 | The Bias Free Co-Operative Inc. 2011.

343 | Health Canada; Women's Health Bureau 2003.

344 | House of Commons; Standing Committee on the Status of Women 2005, 11.

345 | The Bureau was even pre-dated (Paltiel 1997), as described by Sari Tudiver in more detail: "In 1979, the federal department of health, then known as Health and Welfare Canada, established the position of Office of the Senior Adviser, Status of Women. Frieda Paltiel, the former Privy Council Office Coordinator who had steered the follow up to the Royal Commission Report, was appointed to the position. With her expert understanding of government and voluntary sector processes, perseverance, and ability to strategically leverage her position reporting directly to the Minister of Health, Paltiel began to take action on women's health issues, including family violence [...]" (Tudiver 2015).

346 | Sari Tudiver, Interview.

347 | Health Canada 1999. It is now an archived document on HC's website.

348 | For a history of HC gender equality governance, see (Tudiver 2015).

349 | Health Canada 1999, 21.

plans to achieve with regard to tools, methods, training, consultations, and gendered composition of boards and advisory bodies. It also calls for the inclusion of gender considerations through the application of GBA "as a matter of standard practise"[350]—a far-reaching commitment to systemic and routine implementation. Overall, the Health Canada strategy clearly defines the mandate to use GBA to mainstream gender concerns into all policies and programmes, with a special focus on the areas of health system modernisation, population health, risk management, direct services and research. It also lays out responsibilities for senior management, individual employees and the Women's Health Bureau. The strategy places the Bureau in charge of "developing analytical tools" and "developing and delivering GBA training"[351] to Health Canada's employees—to enable each employee and analyst to identify gender equality issues and ways to address inequality in her/his respective area.[352]

Following the issuance of this first Women's Health Strategy,[353] Health Canada issued a GBA policy in 2000,[354] and a five-year a GBA implementation strategy in 2003,[355] which foresaw a range of further activities, such as the development of women's health indicators.[356] The 1998 GBA tool was published in 2000, and was reworked and re-published in 2002.[357] An implementation plan followed in 2003, specifying GBA as a "horizontal policy" to be integrated in Health Canada's accountability and reporting system.[358] In 2009, the 2000 GBA policy was replaced by the Sex and Gender-based Analysis policy.[359] My field study was conducted before this last policy was introduced, and all results pertain to the period up to 2008.

3.3.3.2 The Process of Tool Implementation

Despite the available GBA tools and objectives, the GBA implementation policy remained unknown to many Health Canada employees. In their day to day work, the senior policy analysts interviewed found many colleagues who seemed surprised that a GBA policy supported by senior management was in place: "We have our policy, we keep quoting it [...] and people still question it and ask where the reference is to GBA being 'a matter of standard practice'."[360]

To meet these challenges, and to fulfil the mandate of "monitoring and reporting on progress in the implementation of Health Canada's Women's Health Strategy,"[361]

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350 | Health Canada 1999, 21.

351 | Health Canada 1999, 9.

352 | Health Canada 1999, 10.

353 | Health Canada 1999.

354 | Health Canada 2000. Renewed in 2003 (Health Canada 2003a).

355 | Health Canada 2003b.

356 | House of Commons; Standing Committee on the Status of Women 2005, 11.

357 | Health Canada 2000; Health Canada; Women's Health Bureau 2002. Later in 2006, the Canadian Institutes of Health Research (CHIR)—a sub-division of HC issued another tool: Gender and Sex-Based Analysis in Health Research: A Guide for CIHR Researchers and Reviewers(Canadian Institutes of Health Research 2006).

358 | Health Canada 2003a.

359 | Health Canada 2009a.

360 | Sari Tudiver, Interview.

361 | Health Canada 1999, 9.

the Women's Health Bureau conducted an internal GBA evaluation in 2001. The evaluation confirmed that the lack of knowledge about GBA was widespread. This first ever departmental GBA evaluation in Canada, conducted only two years after the introduction of the Women's Health Strategy, one year after the introduction of Health Canada's GBA policy,[362] and six years after the Federal Pan for Gender Equality, revealed that awareness raising and educational work needed to be intensified.

The departmental survey was based on voluntary participation, but generated an unusually high response rate of 25 per cent of all Health Canada employees— an intervention that in itself made GBA more widely known. The high level of participation was attributed to senior level support and the use of efficient communication strategies: "The notice came out on our broadcast news across the department, issued from the deputy minister level, which meant this is something everyone must take notice of."[363]

The findings were sobering, showing a lack of gender sensitivity in health expertise and weak implementation of GBA. Backed by top-down support, the Bureau analysts felt they had received "honest answers."[364] In response, the Bureau designed an initiative with customised training and tools to fit the needs of various Health Canada branches, subdivisions and policy areas.[365] Women's health networks and focal points for GBA were established in some of the branches.[366] The Bureau made it a point to proceed collaboratively and to work from the needs and realities on the ground:

"We broke the survey data down by branch, because different branches have different functions and we were then able to go to the different branches and work with some, more than others, to develop training modules and tools more appropriate to their needs. We developed and piloted courses. We also developed the guide Exploring Concepts in Gender and Health, published in 2003. It drew on some of the resources developed previously, but also included more practical case studies."[367]

The Bureau used the 2001 survey results as the basis for formulating a revised GBA implementation strategy in 2003.[368] Greater accountability was introduced through setting timelines and establishing clearer roles and responsibilities for GBA implementation.

The challenges of creating and maintaining support for and knowledge about GBA, however, remained. For example, the network of departmental gender focal points faced obstacles when trying to establish elements of GBA accountability.[369] Also, a departmental GBA Committee was supposed to be assembled with liaisons

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362 | Health Canada 2000.

363 | Sari Tudiver, Interview.

364 | Sari Tudiver, Interview.

365 | Health Canada; Women's Health Bureau 2003.

366 | Morrow et al. 2007.

367 | Sari Tudiver, Interview.

368 | Health Canada 2003b.

369 | Sari Tudiver, Interview.

from all Health Care branches and regional offices.[370] At the time of my interviews, six branch representatives, five regional members, and one member at the Public Health Agency of Canada sat with the Women's Health Bureau on the committee. However, the number of members was never stable (during the period of my field research it even shrank) and its meetings were irregular.[371]

The interviewees noted that it was challenging to meet the policy mandate and regional stretch of the department with existing staff. The team dedicated specifically to GBA "fluctuated between 0.5 and 4.0 full-time equivalents (FTEs)," as noted in the 2009 Auditor General's GBA report.[372] Bureau staff had been downsized from 18 to 13 full-time employees responsible for providing health research and policy advice not only to Health Canada, but also to the Public Health Agency of Canada.[373] While the Women's Health Bureau still had the largest departmental equality machinery among the departments participating in this study, this rollback in resources and structures jeopardised the sustainability of GBA. Later government cuts reduced staff to one full time senior policy analyst by 2015.[374]

At the time of my interviews, encouraging and ensuring GBA implementation at Health Canada relied mainly on continuous bottom-up efforts through the Women's Health Bureau and its gender focal point support network. Requirements to make GBA and gender considerations obligatory, as envisioned in the GBA 1999 policy, were not yet in place almost a decade later. Bureau staff were focused on persuading and convincing key actors in the department of the usefulness and benefits of GBA, rather than implementing what the GBA policy had already prescribed, i.e., using GBA in a top-down, systemic and routine fashion:

"I'd say having key people who support GBA work is crucial. They must see an advantage to their work in joining with you, and believe you can deliver. There are structural things that you must negotiate very carefully or else it can't necessarily happen. We are still usually the ones going to knock on the door [...]."[375]

The interviewees noted other obstacles in moving toward cross-cutting GBA implementation, for example, the restructuring of departments, followed by

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370 | The list of GBA Committee members at HC shows vacant positions for regional offices and lists contacts of HC branch employees that are not official GBA committee members, which means they cannot officially devote their working time to issues of gender equality, but who function as contacts for their respective branches in absence of full committee members (Health Canada; Bureau of Women's Health and Gender Analysis 2008).

371 | Cooper 2006, 2.

372 | Office of the Auditor General of Canada 2009b, 13.

373 | Sari Tudiver, Interview. The Public Health Agency of Canada employed around 2,500 people and Health Canada 9,500 full-time equivalents. These two organisations are a part of the overarching so-called "Health Portfolio," which includes Health Canada, the Public Health Agency of Canada, the Canadian Institutes of Health Research, the Patented Medicine Prices Review Board and the Canadian Food Inspection Agency. The Health Portfolio consists of approximately 12,000 full-time equivalent employees and an annual budget of over 3.8 billion Canadian dollars (Government of Canada 2014).

374 | Tudiver 2015.

375 | Sari Tudiver, Interview.

a fluctuation of staff and loss of expertise and GBA allies. In addition, a gender champion in senior management had not been identified in recent years. Also, frequent rotation of the heads of the Bureau resulted in a lack of consistent leadership, which presented challenges to operational efficiency and support for GBA:

"I personally think we didn't have a clear enough strategic direction integrated into HC priorities nor a strong business case to be made regularly and clearly to senior management about the value added by GBA and women's health to the science policy and regulatory functions of the Department."[376]

A success factor, however, was continuity in the Bureau, enabling the gender experts there to build lasting relationships with their colleagues and to acquire valuable field—specific knowledge:

"I guess in my eight years here, if I have learned anything, you have to build expertise and you have to build credibility but you can only do it by journeying with people. [...] you don't know more than they do, they are the experts in their particular areas but we have to show we can add value and we also have to show that we know what we are talking about."[377]

It became clear that sectorial policy and programme-specific knowledge are as important as tool knowledge, but accumulating this kind of expertise is a complex, time consuming task. Gender experts must become Renaissance-like general experts, savvy in a wide variety of fields—even or especially those that were part of their academic training. Health Canada's GBA evaluation revealed that many public servants were unable to make this connection: "Some of the feedback we received was that the initial work was too academic and needed to be adapted more specifically to policy, programme and regulatory contexts."[378]

One response to such challenges is to provide training to increase knowledge of particular fields; another is to simplify tools or adapt them to the particular implementation contexts; a third is to create a variety of case studies from different policy fields. The Bureau chose to provide tools particular to the context. For example, the Bureau's policy analysts worked closely with their regulatory colleagues on applying a gender lens to a guidance document on inclusion of women in clinical trials,[379] to policies regarding surgical wait times,[380] and to women's health indicators.[381] By not taking a technocratic approach to tools, the Bureau encouraged colleagues to ask questions about their work and its implications for different groups.[382]

The development of tools was not yet been completed at HC at the time of my interview, but the training materials and tools that did exist were rated among

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376 | Sari Tudiver, Interview.

377 | Sari Tudiver, Interview.

378 | Sari Tudiver, Interview.

379 | Health Canada 2013.

380 | Jackson et al. 2006.

381 | Bierman 2007.

382 | Health Canada 2001; Health Canada 2012.

the most advanced. These had been developed by a diversity of actors—external consultants, academics, research-focused Centres of Excellence for Women's Health, and departmental working groups. The central equality machinery Status of Women Canada also served as a resource for development of tools and training materials.

Health Canada's tools were also advanced in their inclusion of diversity issues in gendered policy and programme analysis. Through the sponsorship of the Centres of Excellence in Women's Health and close collaboration with aboriginal women's groups, some gender experts at Health Canada were building GBA frameworks that took the special needs, self-perceptions and regulations of aboriginal communities into account to ensure that "the GBA framework is culturally sensitive to aboriginal women and their families, [and, A.S.] to a broader notion of community."[383]

Clearly a fine assortment of tools existed;[384] however, their existence did "not guarantee use." The "complexities and pressures of policy making and implementation"[385] made it difficult to implement GBA on the ground.[386] At the same time, Bureau staff had no oversight on the number or quality of GBAs performed in branches and other parts of the department unless they had been actively involved in the analysis:

"When you say how many GBAs, I can't accurately answer that, although individual staff reports could provide that data. We respond to requests for input on a wide range of policy files. Often these come to us for brief comments on a policy document or report or for a TB submission. Our involvement may be to provide sex-disaggregated data and encourage noting whether there are different or similar implications for women or men, boys or girls. Often we add a paragraph or two In any one year, we may do several in depth GBA analyses—in response to a legislative issue, such as assisted human reproduction, or human trafficking, but it may be reflected only minimally in policy. Each policy analyst may regularly provide input on say, ten or more different files or topic areas that they are monitoring. But we don't know if others are applying GBA unless they contact us about it."[387]

As this citation shows, data on the number of GBAs performed must always be qualified: the figures may not represent full-fledged GBAs, but policy advice. The Auditor General's report in 2009 found that none of the Health Canada initiatives it

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383 | Sari Tudiver, Interview. See also discussions in (Wolski 2007a; Aboriginal Women's Health and Healing Research Group 2007; Stirbys 2007; Stirbys 2008; Fleras/Maaka 2010).

384 | Health Canada; Intranet n.d.

385 | Tudiver/Kammermayer 2005, 16.

386 | Apart from three gender-sensitive case studies, retrieved from HC's website: 1) a study on wait times (Jackson et al. 2006, 2) the process of including women in clinical trials, which was first addressed in 2008 (Health Canada; Health Products and Food Branch 2008,) and resulted in a guidance document (Health Canada 2013); and 3) developing gender-sensitive health indicators (Bierman 2007). Clinicians and public health researchers find it difficult in general to incorporate sex and gender analyses in their evidence-base, as indicated in a meta-evaluation of systematic reviews of cardiovascular health (Doull et al. 2010).

387 | Sari Tudiver, Interview.

examined actually qualified as a "proper GBA."[388] In that examination, new Health Canada policy or programme initiatives were chosen at random for evaluation: One offered a rationale why performing GBA was unnecessary; three considered gender impacts, but the gendered consequences did not influence the policy options; and the other three did not mention GBA at all. Not one initiative applied GBA *and* integrated its results into policy making or programme design.[389] These are sobering findings for a department that invested a lot of effort into building institutional support and providing gender training and that was considered role model for institutionalised state feminism..[390] But the absence of sex and gender perspectives in health policies seems to be an international phenomena.[391]

According to the interviewees, in the past, Health Canada had offered GBA trainings for policy analysts that were custom-tailored to each policy branch's needs and that took a variety of forms, such as integrated modules or single issue courses on gender. Training roll-backs, however, had reduced the quality and availability of training. The Auditor General's report noted that GBA training was not offered on a regular basis to Health Canada staff, and that only an online pilot course on GBA existed in the year 2008.[392] Specific GBA and gender training was only offered on request. Although Health Canada strove to create relevance by incorporating branch information needs into GBA trainings, requests were limited, due to time commitment and lack of understanding about the importance of gender training. In a more recent effort, the Bureau began offering a GBA training module that was integrated into other trainings, i.e., an introductory programme for new Health Canada staff, to address a larger audience and achieve greater coverage in the department.

The policy analysts interviewed noted the importance of their attempts to raise awareness and to equip staff with supporting information, guidelines and case studies on every level possible. To supplement these outreach efforts, the Bureau of Women's Health and Gender Analysis developed an online introductory training course. Piloted in fall 2008 in both French and English, it was designed to equip Health Care analysts and officers with a wide range of tools and implementation samples.[393] With the online training course, all current GBA tools were available to anyone in the department, along with case studies on different forms of GBA in the

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388 | Office of the Auditor General of Canada 2009b, 15-16. Tudiver names yet two more initiatives of gender-sensitive policy advice in HC before the 2009 GBA report by the Auditor General: Including Gender in Health Planning: a Guide for Regional Health Authorities, in 2003 published by the Prairie Women's Health Centre of Excellence, and a detailed economic and social analysis of the breast implant surgeries and their consequences for the public health care system by the Health Canada Advisory Committee in 2003.

389 | Office of the Auditor General of Canada 2009b, 16.

390 | After my field studies had been completed, a guidance document on including women in clinical trials was published in 2013 that qualified as Health Canada's first full-fledged GBA (Health Canada 2013).

391 | Helen Keleher found for instance that Australia's health policies were "largely devoid of gender equity concerns at both national and state levels. Mainstreaming of gender equity outcomes has not yet occurred in Australia" (Keleher 2013, 111).

392 | Office of the Auditor General of Canada 2009b, 11; 13.

393 | Office of the Auditor General of Canada 2009b, 13.

various department branches. The training, however, was subject to the usual risks and pitfalls of self-learning tools. No coaching programme was in place, although the Women's Health Bureau gender experts were available to assist with questions during and after the online training. The question is, would they be consulted?

3.3.3.3 Accountability

Reporting and accountability for GBA was attempted through a 2007 follow-up survey to a needs assessment in 2001,[394] and an internal evaluation report in 2008— none of which proved any GBA activity. Work on gender equality in general and GBA in particular goes through cyclical phases, and Health Canada offers a prime example with its early flurry of activities, then stagnation and finally even rollback. For example, at the time of this research, discussions of the Women's Health Bureau's strategic work, including GBA, were occurring only sporadically in senior management committees. This lack of reporting appears to have hampered GBA accountability and led to a failure to keep GBA on the agenda of top management:

"I am not entirely sure about what happened at the senior management levels. There were a few times I remember, where we were scheduled to report to the Departmental Executive Committee and other items would get prioritized and we would get bumped. We had a series of organisational challenges: we lost our director, were part of a reorganisation, and while we continued to work on many issues, it is my opinion that there wasn't a strong advocate for us to have that senior level visibility through reporting."[395]

In addition to senior management, there is yet another level of accountability and reporting: The Bureau of Women's Health and Gender Analysis is accountable for its work, when reporting on departmental activities (Departmental Performance Report/Report on Plan and Priorities) in biannual reports to the departmental executive committee on GBA.[396] But it is senior level reporting that renders the overall departmental implementation of GBA in/visible. It was also known that the GBA Committee was dwindling in numbers, did not meet regularly and had limited functions. Health Canada appeared to have gone through a phase of structural delegitimising GBA. Renewed commitment and better stewardship were needed, especially with regard to accountability and quality management of individual GBAs. The policy analysts interviewed identified the need to re-inscribe gender onto the agenda at the top level of the administration, to give GBA greater attention and resources: "I think if we were going to make a change, the biggest difference we could make in terms of GBA implementation is to re-establish the relevance of GBA on a high level—regular presentations to senior management committees."[397]

Change came from the outside with the 2007 GBA challenge from the Treasury Board Secretariat (TBS) and the Privy Council. This will certainly impact the required Performance Reports and Reports on Plan and Priorities reporting and establish first quality assurance mechanisms. However, the new TBS submission guidelines were not yet in effect at the time of the interview. The observed slowed

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394 | St. Lawrence/Health Canada 2007, 8.

395 | Sari Tudiver, Interview.

396 | Cooper 2006, 2.

397 | Sari Tudiver, Interview.

progress in integrating GBA during the field visit in 2008, was altered in the subsequent, post Auditor General's GBA audit. The focus has shifted twofold: 1) to introducing a new policy, which uses the seemingly more precise terminology of *Sex and Gender-Based Analysis* (SGBA)[398]; and 2) to integrating the consideration of sex and gender into the protocols of conducting analytical business, which are supposed to lead to a more sustainable use of SGBA. Under the new policy, Health Canada's Gender and Health Unit (the former "the Bureau"), is situated within the Strategic Policy Branch and responsible for supporting the initial year of its implementation, including providing advice across Health Canada and the rest of the Health Portfolio.[399] In order to establish sustainable capacity, there is also a new Portfolio Working Group on Sex and Gender-based Analysis, chaired by the Gender and Health Unit, which enables collaboration. Renewing the top-down approach of the 1999 strategy, Deputy Heads are responsible for SGBA implementation within their respective organisations:

"Deputy Heads are accountable for ensuring that Health Portfolio organizations implement the Health Portfolio Sex and Gender-based Analysis Policy and to jointly review, and revise it as necessary, at planned intervals. They may achieve this by appointing a Champion(s) as well as creating a special unit or committee charged with this responsibility. Deputy Heads are also accountable for ensuring that activities under this policy are reported under this and any other relevant policies."[400]

GBA monitoring is now attempted through performance indicators under the evaluation framework. As first evidence of more mainstreamed analytical efforts with regard to sex and gender, HC's evaluation template for assessing the effectiveness of its policies and programmes serves as an example of good practice. The evaluation question 5d asks routinely: "Have requirements/ commitments to Central Agencies (i.e., Office of the Auditor General, Cabinet Directive on Streamlining Regulations, Policy on Public Consultation, Policy on Gender-Based Analysis) been addressed?"[401]

To sum up, the state of affairs Health Canada is ambiguous. It had been known as one of the Canadian GBA forerunner departments. At the time the field study

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398 | Health Canada 2009b.

399 | The Health Portfolio comprises the total of Canada's analytical and research capacity with regard to health issues, and consists of Health Canada, the Public Health Agency of Canada, the Canadian Institutes of Health Research, the Patented Medicine Prices Review Board and the Canadian Food Inspection Agency.

400 | Health Canada 2009b.

401 | Health Canada; Evaluation Directorate 2014; 89. Although Tudiver critiques that the new tool fails to refer to "historical inequities and disadvantages in health that affected women disproportionately to men" (Tudiver 2015) and has one conceptual shortcoming in the principle of balance: "SGBA will be used to evaluate the gender influences of research, policies and programs to ensure that the needs of one sex is (sic) not addressed more than another," cited after (Tudiver 2015). Instead of striving for overcoming structural health inequalities between women and men, the wording used in the SGBA tool potentially delegitimises the preferential treatment of the discriminated against "sex," ignoring power structures based on gender roles and the division of care and labour (Nowatzki/Grant 2011).

was conducted, it still had the largest gender unit of all the Canadian departments, as well as a variety of elaborate and custom-made GBA tools. However, training activity had been reduced and had lost some of its sophistication. The Women's Health Bureau was unsuccessful in GBA implementation with regard to influencing policy options and recommendations and was renamed the Gender and Health Unit and reduced to one staff member. Despite the pull-backs, at the time of my interview, the Bureau had laid important groundwork that was bearing fruit with Health Care's first proper GBA[402]. Until 2008, there was limited reporting to senior management, although equality was enshrined in a departmental gender action plan and part of regular reporting mechanisms.[403]

3.4 THE STATE-OF-THE-ART OF GENDER-BASED ANALYSIS: EMPIRICAL FINDINGS

"The void left over from local governments, the media, the private sector and think tanks leaves much to be done by federal and provincial governments."[404] (Don Drummond)

Regarding the gender equality mandate in the Canadian constitution and international and national commitments, GBA ought to be implemented in a routine and systematic way into *all* policy and programme making. In the following section, I examine the institutional drivers and hindrance factors on the way to a systematic, routine GBA implementation in ten Canadian federal departments. I explore questions like "Where is GBA applied, what works?", or "If it is not implemented, what obstacles are named?"[405]

3.4.1 Tools: "We Gently Knock On Their Door"

In 2009 the Auditor General conducted an audit of GBA practices in Canadian federal departments. This audit applied the quality framework for GBA implementation previously established by Status of Women Canada, which considered GBA to be full-fledged only if the following two criteria were fulfilled:

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402 | Health Canada; Health Products and Food Branch 2008.

403 | After the GBA audit of the Auditor General and according to the Departmental Action Plan for GBA (Privy Council Office et al. 2009), all Canadian departments were required to report on implementation progress and sustainability on an annual basis to SWC through their Deputy Minister. For further results of the Auditor General's GBA audit and its consequences for Canadian GBA implementation and policies, consult the following subchapters: 3.2.1, 3.3.2, 3.4.1.5, and 3.4.6.

404 | Drummond 2011, 342. Drummond worked for over 20 years as a chief economist for Finance Canada and is the Donald Matthews Faculty Fellow on Global Public Policy at the School of Policy Studies of Queen's University.

405 | The empirical interview data, confidential as well as non-confidential, was analysed with the method of qualitative content analysis (Mayring 2008a; Mayring 2008b), see subsection on methodology 2.2.

"1. The existence of documented research on gender impacts;
 2. The identified gender impacts also informed the development of policy
     options."[406]

According to this logic, a GBA would be considered successful only if the analysis was performed with disaggregated data, gender relevance was established, and gender equality outcomes were subsequently incorporated into the final objectives. This logic also does not accept assumptions about relevance if no methodology and data-driven proof are provided. In Canada, the application of GBA shows an inconsistency between the rhetoric of the Canadian constitution, the government's self-obligation outlined in the Federal Plan for Gender Equality, and reality. With the exception of the Immigration and Refugee Protection Act[407] at Citizenship and Immigration Canada (CIC), GBA tool application in Canada is "not mandatory,"[408] but intended to be cross-cutting: "By declaring every unit of governance responsible for equality measures, they created a situation in which equality was everyone's responsibility but no one's job."[409]

3.4.1.1 Status-quo: "A Way of Thinking"—"a Recipe"—"an Art"?

In order to help government officials to do their job and to execute the equality duty, the two external consultants and researchers Burke and Eichler developed the initial SWC tool, as already mentioned in the previous chapter on tool chronology[410]. Looking back, Eichler attested in the interview with her that the tool design:

"Went very well, we had a really fat folder, way too fat, it is a lot easier to do something that is voluminous than something that's slim. And so the first step is of course to have it voluminous and people were sort of dismayed because it was very... daunting looking, because it was in a thick three ring binder. Now we have a little thing, which is very small."[411]

In the interviews, external academics as well as the gender experts said that the GBA tool developed by the Status of Women Canada was "not complicated,"[412] and the departmental tools were "very condensed."[413] The tool was indeed streamlined, designed to meet the needs of analysts working under time pressure, with limited resources and gender expertise.[414] However, the tool is still criticised for being too complicated for use in situations where requests for support are often made (too?) late in the process. In reality, analysts often remember at the *last minute* before the final proposal is drafted to include GBA in their policy and programme analyses: "Because of people calling in a panic, we are electronically pulling out the

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406 | Office of the Auditor General of Canada 2009b, 15.
407 | S.C. 2001, c. 27.
408 | CAN3, Interview.
409 | Hakesworth 2012, 238.
410 | See sub-chapter 3.1.2.
411 | Margrit Eichler, Interview.
412 | Louise Langevin, Interview.
413 | Marcel Williamson, Interview.
414 | Compare the quality criteria as applied to GBA in chapter 3.2.

worksheets and putting it all together and send it as a package to them, instead of sending the full guide since they would feel overwhelmed."[415]

As this citation shows, because of the rush to completion, many analysts in the Canadian federal administration remain unfamiliar with GBA tools and techniques. Consequently analysts feel uneasy about applying tools to their policy fields and services, and the process "is seen as very long and heavy."[416] Even for some gender experts GBA "is not a recipe. It's an art,"[417] requiring substantial field-specific knowledge *and* gender expertise at the same time for fruitful implementation.

What makes this challenge worse is the fact that GBA is "never static, the topics change, the context changes."[418] GBA tools need to be flexible and adaptable. However, shaping and using existing tools requires a deep understanding of the policy field, the issues at stake and thorough gender expertise in the specific area. Individual analysts can be overwhelmed by the task as Status of Women Canada has stated, the leadership and guidance are important factors:

"So all of the tools we created are actually templates that we have given to all departments for them to play with until they fit. So, all of our tools were developed with the view to being adapted to different organisational cultures and different organisational mandates and different application. Now, what we are getting into with the departments is slightly different, [...] I call it the 'adopted department programme'."[419]

A lesson from the Canadian experience is that, due to the different states of GBA implementation and needs of the various departments, promotion of GBA must be a multilevel, multi-site task. It must be a search for the "best fit"[420] for various organisational cultures and individual needs: "I think we have learned over a period of time to feel that you really have to work where people are at and integrate GBA into the work that they are doing."[421]

Canada's federal government has provided Status of Women Canada with some resources to assist departments and individuals in this process. According to the interviewees, the basic challenge is to demonstrate the relevance of GBA for a department's policy field. Only a successful proof of relevancy will make GBA a priority for policy makers. The task is not only to raise awareness about the existence of tools and to prompt departments to use them, but also to show how applying ex-ante GBA actually results in more exact outcomes, higher quality of research and better policy advice.

The responses to this challenge are often limited to building supportive departmental networks, providing gender trainings, and urging data collecting units to increase their sex-disaggregated data collection—counting "how many

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415 | Monique Lucie Sauriol, Interview.

416 | CAN3, Interview.

417 | Diana Rivington, Interview.

418 | Diana Rivington, Interview.

419 | Michéle Bougie, Interview.

420 | SWC 2010b.

421 | Sari Tudiver, Interview.

men" or "how many women" benefit from or are disadvantaged by the policy or programme:[422]

"Much of the literature still is oriented towards gender sensitivity. And gender insensitivity is one of the sexist problems, getting rid of it is good. Some people think it's good enough if you use sex as a variable. That's a very first step; it's better than not doing it, but it's certainly not doing a appropriate gender analysis."[423]

Another roadblock to systematic GBA application is an insufficient understanding of GBA as an analysis not just of the situation of women, but also of the different or equal situation of both genders, including social roles and gender expressions. Gender analysis is still confused with analysis of the women's question. Such inadequate understanding of the tool was seen even among the gender experts interviewed.

The shift of focus from disadvantaged women to both sexes/genders and the insertion of sex/gender difference into the analysis are sometimes seen as leading to vague conclusions and as a threat to women's empowerment. The interviewees acknowledged that in implementing GBA, they tended to focus on negative effects on gender or on trade-offs in multi-variable analyses, looking for mitigation instead of empowerment or for positive gender outcomes. There is also some modesty attached to the position of GBA as a stand-alone tool amid a wide range of other policy and programme analysis tools. Tools such as trade, business or environmental impact assessments are seen as strategically closer to perceived departmental *core duties,* which marginalises gender equality and GBA in the departmental and bureaucratic set up. Thus, the question is posed: If, how, and when GBA should come in?

The gender experts in the Canadian interview sample were united in saying that gender analysis should be applied from the outset and to all initiatives. But they find the use of GBA tools to be also suitable and desirable in all other project, programming and policy making stages, including parallel and ex-post evaluations. Considerable effort is invested by departmental gender units to encourage and monitor the integration of gender at multiple stages:

"At the beginning stages of each project, we're getting better. Like we ensure that partners are including gender considerations into their proposal. We're trying to ensure that there are indicators in the logic framework that allows us to measure these things but there's still this last bit where we have to ensure that partners report on it in their final report. And to ensure that they actually evaluate their projects according to their gender considerations. And that's still—it's not necessarily that the partners don't want to do it. Sometimes they don't know how to do it obviously. But it's also that we haven't ourselves been able to systematically encourage our programming—our programmers [...]."[424]

Department gender units approach individual programmers or policy makers in the course of their daily activities to make use of innovation and renewal processes.

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422 | Such head counting represents the most rudimentary investigation and is not of a gender, but a sex analysis. See also chapter 1.5.2 on tool technologies.

423 | Michéle Bougie, Interview.

424 | CAN4, Interview.

If they are aware of a window of opportunity to insert GBA into a programme or project, they proactively approach those in charge: "So when we hear that someone is renewing their authority we gently knock on their door to remind them to look at their authorities with a GBA lens."[425]

The existence of departmental gender experts is crucial in raising awareness and supporting implementation. In order to render GBA omni-present, the gender units and individual experts have developed an inventive armoury of GBA items, making the *selling point* for GBA, like awareness campaigns and merchandise to "sell" GBA. They remind analysts where to ask for help for GBA inside the department. They answer questions about templates and the quality of analyses; they are asked to comment or revise appraisals from a gender perspective. The gender experts try to be helpful and supportive in any stage of project, service, programme or policy design—to the extent that their limited staff numbers will allow.

GBA gets mixed reviews from external stakeholders such as feminist non-governmental agencies (NGOs) and women's groups. Some Canadian NGOs explicitly requested intensified GBA practices and requested tools for their own use and even received training from Status of Women Canada.[426] Other groups, however, felt that GBA was exclusive and, based on its complexity, that it would never bring about equality.[427] For example, during a research project carried out by Louise Langevin with focus groups in 2005, she talked to:

"Women that are militant activist and women's groups. And they said that they found that they were being put aside by this GBA, because GBA was something like you have to be a specialist to do that, it was somebody in the government somewhere that did this kind of stuff. And it was so technical and so complicated that it kind of excluded these groups of women, who are not always that specialised."[428]

In general, the Canadian's women's movement has shown relatively minimal interest in GBA as a policy instrument, while GBA tools and trainings still are a Canadian export to countries such as South Africa[429] or Korea.[430] If the women's movement and its actors perceive a distance to the technocratic instrument GBA, it results in a reluctance to engage in lobbying for its implementation. Some in the movement even see GBA as "outdated,"[431] or say that more pluralistic, intersectional approaches incorporating diversity aspects are needed.[432] Such hesitant adoption or refusal to adopt external, democratic accountability for GBA obstructs or at least limits the possibility for political and internal administrative accountability.[433]

In sum, comparing the findings of the Auditor General's report with the statements from my interviewees, it is clear that GBA application in Canada has not progressed

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425 | Monique Lucie Sauriol, Interview.

426 | Michéle Bougie, Interview.

427 | Louise Langevin, Interview.

428 | Louise Langevin, Interview.

429 | Hanson 2008.

430 | Kim 2008.

431 | Hankivsky 2007c.

432 | Hankivsky 2007b; Hankivsky/Cormier 2011.

433 | Bakker 2009, 235.

beyond individual case studies or pilot projects in most departments—with the exception of the Canadian International Development Agency. GBA tool development has not been participatory. Development by the Status of Woman Canada and design and refinement in the individual departments has mostly been done internally, without the involvement of external actors and target groups (i.e., women's groups), either by academic experts or consultants or by in-house departmental experts. The scholars contracted had close links with the feminist movement, but the lack of a participatory process seems counter-productive, especially since GBA highlights the importance of deliberation of target groups in policy and programme analysis.

3.4.1.2 Intersectionality: "People Often Assume It's Only Women and Men"

Before the new tool GBA+ was introduced in 2012, diversity aspects were already an integral part of all GBA tools, and a multi-variable analysis was encouraged. The diversity categories used are varied and go beyond the grounds for protection under the Canadian Human Rights Act (1985)[434] and the Charter of Rights and Freedom (1982)[435]. In the Human Rights act for instance, the list of possible inequalities is open rather than fixed, with the goal of "closing the gap between different groups of women and men" and creating an "inclusive and democratic society."[436] In the interviews the question of gender inequality is given precedence; it was framed in a web of social, structural hierarchy and power. Therefore the former GBA tool was already:

"Applicable to any hierarchy, although [it] started out with the gender hierarchy, but we have now applied it to race, to disability, it can be age, it can be where you are located in terms of geography, it could be tribalism when applied in Africa, it could be a caste, could be applied to any social hierarchy. But it's derived from GBA."[437]

In this citation, the interviewee appears to be conceptualising inequality based on difference as rooted in diverging hierarchical social and economic structures— articulating a sophisticated theoretical understanding of intersectional causes and

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434 | R.S.C., 1985, c. H-6.Art. 2 stipulates: "The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered." (Canada; Minister of Justice 1985, 2). In one interview, a participant also stated that "the Human Rights Act—the Sexual Orientation includes Transgender and Transsexual people and The Human Rights Act accounts for all the departments." (CAN5, Interview)

435 | Canada; Department of Justice 1982.

436 | SWC 2012h, 2.

437 | Michéle Bougie, Interview.

effects of gender inequality.[438] In practice, the operational implementation of such structural power hierarchies in GBA was accomplished through *groupism*[439], the dissolving of complex webs of power into individual strings and bundling them into groups and sub-groups based on "religion, family status and sexual orientation, age"[440] instead.

Official Canadian gender equality or GBA documents do not pose the power question in relation to intersectionality in tool application, but some Canadian gender experts are aware of it and apply it to their field of work. For example, the new tool GBA+ asks analysts to consider the differential situations and needs of women and men "in all their diversity."[441] With gender being at the centre of diversity analysis, under the former GBA as well as the current GBA+ tool, Canadian government units attempt to live up to the constitutional obligations enshrined in the Charter of Rights and Freedoms, without neglecting or denying other constitutional rights and Canadian values of diversity and equal opportunities:

"People often assume it's only women and men. We've even had people tell us once they've got the training or read our material, they go well diversity is in there, why don't you call it gender and diversity training. And we say, because the policy the government of Canada signed on was GBA. But some departments have renamed it gender and diversity analysis, gender equality analysis you know."[442]

The interviews underlined that diversity was already included and conceptualised (albeit framed in a groupist, rather than intersectional understanding) in the former GBA tools, which makes the refinement to GBA+ a logical consequence. The quotation above also indicates the potentially higher acceptance level for a de-politicised, de-powered framing of diversity as opposed to a gender framing. Diversity is thus the easier sell. Some gender experts even found the name GBA does not represent the tool content correctly and suggested abandoning it in favour of a more acceptable diversity framing:

"I think the name will have to evolve at some point, because just—there is other issues and particularly when you are at [name of department, A.S.] there is other issues than just sex that will come into play. [...] in my view it should be called diversity-based analysis. And just the fact, you know, our definition of gender is actually evolving a lot these past years. I think for people it's maybe too rigid or passé you know."[443]

Gender experts who felt marginalised in their departments made similar statements, gender experts who were part of a larger, more acknowledged gender unit

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438 | As laid out in 2.3.1.

439 | See also chapter 2.3.1.

440 | Michéle Bougie, Interview.

441 | SWC 2012h, 1. The German GenderCompetencyCentre used to employ an almost identical diversity in gender framing (German original: "Frauen und Männer in ihrer Vielfalt") seemingly compatible to an administrative context, from the year of its foundation in 2003 until 2010 (GenderKompetenzZentrum 2008).

442 | Michéle Bougie, Interview.

443 | CAN3, Interview.

did not feel this way. Using diversity as a sales strategy for GBA has its drawbacks too, for instance, when pertaining to less popular, still heavily stigmatised sub-groups or taboo categories, such as non-heterosexual orientation or non-binary gender identity, which are preferably ignored or excluded: "And frankly with some departments, if you had sexual orientation or whatever in there, it might throw them right off of even looking at GBA."[444] The old-new diversity framing of GBA and GBA+ also leaves open certain questions around partisanship of the tool and the final goal of equality. What is supposed to determine policy options? What prevails in scenarios of intersecting and competing unequal power relations? One gender expert interviewed provided a clear-cut answer: "The real goal is to try to reduce the gender hierarchy"[445] In practical terms, Canadian policy analysts find it hard to move from the theoretical conceptualisation of complex and inter-woven set of inequality structures (the "-isms") and the inherent power question: "Because to a certain degree we struggle with, do we slide into the '-ism' trap or not?"[446]

3.4.1.3 Challenges: "It's the Assumption That We Already Do It"

In general, the Canadian public servants interviewed attested to more rhetorical commitment than actual GBA practice. Turning GBA into practice is hard work and not a self-fulfilling prophecy. Some gender experts experience the lack of practice as a burden in their femocrat double-role of promoting and stimulating GBA inside bureaucratic structures on the one hand, and having the duty of making the government *look good* on the other hand: "It's the assumption that we already do it, but that we don't do it explicitly, so that when we are asked to demonstrate it—that becomes difficult."[447]

The introduction of GBA as an overarching strategy would not have happened without a significant degree of political will and top-down support. However, some observe a level of disengagement when it comes to *practicing what you preach* that leads to GBA often being dropped from the agenda:

"We generally have a certain... a certain amount of political will across the board. But it's always taking that political will and turning it into action—is kind of where the challenge was. People are always quick to support it, but it also becomes the first thing that drops when other priorities are in the picture."[448]

Undeniably, support for GBA has remained consistent over the years in some departments. In other departments support is dis-continuous and reveals contradictions. For example, there are departments that refused to continue support for gender equality; some had formerly abolished gender units and then re-introduced them. For other departments it was stated that "there wasn't support"[449] to begin with, and yet for others a discontent with the sluggish progress of GBA

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444 | Michéle Bougie, Interview.

445 | Margrit Eichler, Interview.

446 | Michéle Bougie, Interview.

447 | CAN5, Interview.

448 | CAN4, Interview.

449 | CAN6, Interview.

implementation was expressed: "It lingers and lingers and people get cynical."[450] In general, departments were aware of their GBA duty, but taking on GBA as a priority in policy making was often delayed and not given precedence vis-à-vis other departmental processes. The effort of going into the usually complicated analysis of presumably *gender neutral* policies seems disproportionate to the outcome, especially for policies or programmes with second order impacts:

"The Paper Burden Reduction Initiative and we think 'ok, well whatever.' If we have two people—2.6 people, who can go do something about it—of those two, we'll pick the one that has the obvious gender impact to put our resources on [...]."[451]

Certainly there are various policies with little or only very hard to establish gender impact, but it became the rule rather than the exception that GBA was defeated in the ever-present competition for departmental resources, corresponding to a lack of political will. The general statement of how "it had fallen by the wayside to some extent"[452] was given in all but two interviews. The falling off was mostly attributed to a lack of top-down commitment and guidance within the departments and the government of Canada as a whole:

"If you don't have that leadership, then you are pretty well doomed down at the working level. Because there are so many priorities, so many changes of direction during the course of any year and GBA is the first thing that's going to fall off the priority list to be replaced by other more "urgent" priorities. And if you are lucky, GBA will be considered for the next year's work plan."[453]

Again and again, political will and top-down support were cited as necessary for the success of GBA: "If there is no political will from senior civil servants who are high in the administration, deputy ministers and stuff like that—if there is no political will it won't go very far."[454]

Because of the Federal Plan for Equality and Canada's constitutional commitment, GBA is being put on the agenda again, but in many cases it is not followed through. For some public servants the lack of leadership and GBA commitment is a result of the influence of (unsupportive) politics on guiding departmental priorities: "They say that politics shouldn't be affecting departments, but it does. This is a general statement, don't use my name [...]."[455] Politics can even impact directly on supposedly impartial policy advice and obscure unwanted *truths*: "If one government like the conservative party have certain priorities, well if you

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450 | CAN3, Interview.

451 | CAN5, Interview.

452 | CAN5, Interview.

453 | CAN6, Interview.

454 | Louise Langevin, Interview.

455 | Interview statement by a Canadian interview participant; for confidentiality reasons not even revealed under the acronym structure, since many statements under the same acronym could render the person possibly traceable.

have a submission that promotes a programme that is contrary to the views of the reigning party, well... ."[456]

Other interviewed officials attributed the lack of action on GBA to the idea that gender equality in Canada has already been achieved. The statistical evidence can tell different stories, of improving or worsening situations for women. Perceptions about inequality and equality are distorted: Inequality pertaining to men and equality gains by women get recognised and validated, while inequality pertaining to women gets blocked out or de-validated. The result is what I call *imaginary equality,* which poses a challenge to raising awareness and justifying resources spent on GBA:

"The other thing I would say is a challenge, and not within this department, but within Canada, and I'm speaking from a personal perspective—is there's an assumption that women are fine. If you're talking about women, you know women have made huge advances, why are we still talking about women, you know?"[457]

"It's a lack of understanding. Also I think it's a lack of commitment. I think there is that perception that women have already obtained equality in Canada, so not much needs to be done. They would rather look at maybe family policies, look at poverty, other issues that are also related to gender, but not gender specifically. So like integration of immigrants, you would rather look at other issues than look at gender."[458]

"[T]he concerns of the Canadian public are not necessarily GBA based. I don't blame the government; it's more a societal question."[459]

Since the public service at best mirrors society and is accountable to the general society, similar to the mainstream in society, bureaucratic actors do not always perceive gender equality as relevant to their work. In addition, the openness and willingness of individual actors to employ GBA does not only depend on their value system or position in society, it may also depend on the overarching value system of the department and the analysts working in it, with *hard policies* and *hard science* traditionally being less open to gendering their subject of research or to GBA's *soft* methods and approaches:

"There was a lot of resistance. There was a general perception that [name of department, A.S.] is a department that deals with hard core economic issues which are 'gender-neutral' and that gender equality was not an [policy field of department, A.S.] issue."[460]

"They are telling me, oh we do impartial research you do feminist research [...]."[461]

Different departmental cultures produce and are based on different scientific cultures. In a certain sense, the processes of rendering gender as inferior—as

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456 | CAN1, Interview.

457 | CAN5, Interview.

458 | CAN7, Interview.

459 | CAN3, Interview.

460 | CAN6, Interview.

461 | Michéle Bougie, Interview.

something else, the "other" to the normal *neutral* ways things are done—silence it, make it unspeakable and subaltern in a normative bureaucratic culture.[462]

Closely related to that insight is the role that scientific background and education have played in the individual readiness to accept GBA as a viable and evidence-based tool. Different fields of education, e.g., quantitative *hard* economic, financial studies and sciences in contrast to *soft* social sciences and humanities, determines outlook and preferences based on familiarity and academic cultures. The example of the Statistics Canada's Target Groups project, created for publishing data on women,[463] is telling. Despite its outside success and the demand for its publications, the project was internally and financially marginalised in favour of quantitative modelling methods, a demonstration of departmental competition for what constitutes the trusted and *right* evidence-base:

"There is an internal contradiction within Statistics Canada, a debate; a lot of senior people prefer highly analytical analysis, modelling and all that kind of stuff. And unfortunately I think target groups have been the poor stepsister of that kind of philosophy and so when people needed other resources to fund the analytical resources they kind of took them away from target groups. Which is unfortunate, because my sense is that far far far more people use that kind of data that target groups was producing than those fancy analyses. But it was their background and that's what they interested in and that's the way it went."[464]

Public policy research perpetuates the academic marginalisation of gender studies as well as the de-valorisation of its results—to such an extent that being occupied with gender research could turn out to be a career killer. Statistics Canada's attitude toward the Target Groups project, in fact toward any work on data on women, resulted in a lack of engagement or reluctance of employees to engage in this line of work. One interviewee "wouldn't touch it with a ten foot pole,"[465] not wanting "[...] to be pigeonholed into that kind of thing."[466] In general, working with GBA usually has very low reputation and departmental standing, which is particularly harmful in an administrative system, which often validates achievements with appreciation, visibility and status, instead of with monetary rewards. Even in the cases where gender analyses were performed, the gender experts reported that their studies were met with a lack of interest and their analysis not taken seriously or were dismissed without scientific substantiation:

"When I sent copies of the document to senior policy colleagues for review and comment... their feedback was disappointing. [...] those who did read it seemed to find inaccuracies in parts of the data with no examples or explanation of specific 'inaccuracies.' General

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462 | The concept of the subaltern was introduced by in postcolonial theory by Gayatri Chakravorty Spivak, pertaining to the silenced, racialized women of the South (Spivak/ Harasym 1990; Spivak et al. 2008).

463 | Statistics Canada/Target Groups Project 2006; Statistics Canada 2007; Statistics Canada/Almey 2007. For more recent data see (Statistics Canada; Williams 2010).

464 | Colin Lindsay, Interview.

465 | Colin Lindsay, Interview.

466 | Colin Lindsay, Interview.

commentary appeared to reflect that the document may have only been skimmed over rather than carefully read."[467]

Often, GBA is quickly dismissed as being unscientific. This quotation also illustrates that owed to the distancing of analysis and evaluation units from gender research and GBA, departmental gender units are still in charge of actually carrying out GBA, where in fact they should just serve as a resource and training centre since GBA practices are not yet mainstreamed. As such, GBA finds itself on the frontlines of internal competition for resources and legitimacy, which are awarded to quantitative tools, enjoying more credibility than qualitative tools. GBA however, is not a qualitative or quantitative tool per se, but rather the use of scientific methods depends entirely on the analysts employing it. Due to a lack of quantitative data, GBA allows for and calls for qualitative elements, in addition to quantitative data.

The de-valuing of GBA is also seen in the widespread resistance to the name *gender-based* as being too narrow and *passé*.[468] In general, sex and gender do not seem to be *sexy* topics for public servants, and complaints from the Canadian interviewees are similar to those heard in the international arena against gender mainstreaming: It is too broad, conceptually unclear, and for non-English speaking countries, too English, too foreign and not transferable.

However, it is important to remember that reluctance to applying GBA is multi-factorial. GBA is applied under many different conditions, it takes place in many different, multilevel and multi-agent environments, often under time-pressure and under hidden agendas. While different levels of decision making might support GBA, others might not. It is important to recognize the constraints that departments are operating under, rather than labelling complaints as outright resistance or refusal to accept the need for gender analysis tools. GBA application remains uneven or hard to predict simply because of this multi-factorial interaction of enabling and disabling conditions:

"The most interesting is, when [...] the minister of a department has the political will, but the senior official, the deputy minister has not, than that leads to interesting dynamics. And I have seen that. Or you have the political will with the minister and the bureaucratic will with the deputy minister, but it would be the analyst who'll refuse to do it, because they don't see the relevance to their file or they don't have time, because hey I got to get this briefing note done in two hours. Do I have time to start researching a gender perspective?"[469]

Time pressure and work overload, completely unrelated to political or personal stands, are also often named as reasons to avoid GBA as yet another duty or task:

"It's seen as something that you have to do on top of your regular work, that it's something that is not a priority."[470]

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467 | CAN6, Interview.

468 | See sub-chapter 3.4.1.2.

469 | Michéle Bougie, Interview.

470 | CAN3, Interview.

"Civil servants have a lot of work, they have to do this, they have to do that, they really move when they are forced to."[471]

Analysts are bound into departmental structures and Weberian bureaucratic logics, which obviously don't prioritise GBA (yet) when enforcement from the top echelons of the department is missing. Although GBA is supposed to be implemented top down, in reality many departments structure the process from bottom up in an often unfavourable, unwelcoming department environment. Gender experts try to motivate senior officials to take on the role of a gender champion and to persuade top management to show more commitment to the application of the GBA tool. In some departments, it "was difficult to find someone to champion the whole notion of gender mainstreaming,"[472] in others the position remained vacant. Nevertheless, gender experts continued "to knock at senior management doors until they open up and accept it."[473]

Some gender experts raised concerns about the success of their own work, which they thought was structurally set-up for failure. Gender units who must act without top-down support and who must try to convince lead department management as well as single analysts of the relevance of GBA are forced into the role of the *gender police*. Even when a sincere commitment to GBA was officially acknowledged in departments, gender experts often ran into another challenge: They not only had to explain the relevance, but also had to negotiate the ultimate goal of gender equality in the department and with respect to particular policy or programme objectives. Gender equality in relation to the analyst's individual work as well as the overall department's mandate was not always understood: "For the most part I found that understanding exactly what gender equality represented in policy terms within the department didn't seem to be easy for people to identify with in their line of work."[474]

The capacity and habit of gendering general policy issues was not very widespread among Canadian analysts, which resulted in a lack of understanding of its relevance to their own work, as well as for the overall department. The inability to see the gender relevance often occurred under the assumption that general policy and programme making was gender neutral. Not being prepared to challenge this assumption was one of the biggest and most often cited problems with GBA tool implementation. One reason some interviewees gave for policy analysts not acknowledging GBA relevance was the "perception that it is a feminist issue."[475] Others hesitated to politicise the reluctance by claiming GBA is simply "not seen as central, they don't do it."[476]

At bottom, there is a general lack of gender awareness on the part of analysts. Meta-analysis of larger issues, especially, makes it hard for analysts to understand the full gendered implications of their programme and policy making, as one interviewee noted that:

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471 | Louise Langevin, Interview.

472 | CAN6, Interview.

473 | Marchel Williamson, Interview.

474 | CAN6, Interview.

475 | CAN3, Interview.

476 | Jennifer Payne, Interview.

"There is a need to kind of establish the linkages between departments, because people are kind of working in silence and kind of establish linkages, you know, when you are talking about poverty it is important to understand that there is a gender component of poverty. When you are talking about education it is important to know that gender should also be taken into consideration and people tend to be very, I guess gender neutral would be the word to use, they don't, they are just trying to look at the issue at large and not really address specific things related to gender."[477]

The compartmentalisation of government is yet another factor hindering the wider application of GBA. Exchanges and dialogue on gender relevance should not be limited to departments and their gender experts, but could also be widened to teams and inter-departmentally. Without the infusion of gender expertise in combination with a wide range of policy issue expertise, it is difficult to gain a comprehensive insight into all possible effects and their interactions. Tools like GBA are merely a bridge to compensate for the absence of multi-disciplinary teams with multiple perspectives. Still, gender neutrality remains the default state. According to an interviewee, some analysts are quick to say: "'Well, this policy is fine, it won't have an impact,' and you say, 'well, show me proof.' then, they can't always pull the proof out, you know what I'm saying? So, that would be a challenge."[478]

Such practices in claiming rather than substantiating the gender neutrality of policies have not yet been widely challenged in Canadian departmental gender equality governance, which results in a continued and insufficient perception of the potential and purpose of a proper GBA process: "There were pockets of resistance, not everybody is open to do GBA, people think it is just checking a box, kind of like employment equity, there is not a very broad understanding of what GBA really means."[479]

Instead of realising its potential to contribute to more equal gender relations, GBA is also often misunderstood as a tool to view women's issues only and therefore is easily dismissed and deemed irrelevant:

"So, you do run into people saying, 'Well, women aren't an issue here. This isn't a women's issue.' and in some instances, it's true: it's an issue for men. That's my approach—is that that's a gender issue so let's talk about it."[480]

In trying to make a stronger case for GBA, even academics admit that it is difficult to develop a capability to see beyond issues of direct discrimination, to unveil the indirect, more structural reasons for inequality. People without a feminist education or point of view will find it even harder to recognise, because "stereotypes are so subtle, [...] it's a system of discrimination, you don't see it, because it is in the structures."[481] In turn, this leads to a lack of relevant, policy field related case studies, which makes it harder to argue the case for GBA. As a result, after many years of *assumed* implementation, GBA still remains on the level of pilot projects. GBA is drawn into a vicious cycle of

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477 | CAN7, Interview.

478 | CAN5, Interview.

479 | CAN7, Interview.

480 | CAN5, Interview.

481 | Louise Langevin, Interview.

expected relevance and outcome delivery, but there is little to be shown in terms of practice and relevance that would encourage further GBA practice.

Attesting for gender relevance through the establishment and reading of data can be a process prone to bias, as the following example shows. Although Statistics Canada is not a policy-developing department and does not conduct GBA itself, it is the data hub for the Canadian government. Through its publications, it draws attention to issues of gender inequality by presenting sex-disaggregated data and interpreting it. But the very decision about which data to collect and what to make of it lends itself to political a priori assumptions:

"It's the seniors one we get a lot of people saying well you should say, for example senior women who live alone used to be one of the poorest groups in Canada, those numbers went way way down. And we pointed that out and some people would say, oh you shouldn't make a big deal out of that because still 20 per cent of these people are poor, which is a fairly high number, and the other half of the population goes, oh you should really focus on this. You figure when you get half the people say one thing and the other half say another, you're probably pretty close to being right."[482]

The interpretation of data depends on the background, knowledge, intent and level of reflexivity of the respective analysts. Insufficient or tainted conceptualising of gender issues may result in the inability to interpret sex-disaggregated data correctly, resulting in wrong conclusions and re-enforcing of stereotypes. In this way, the evidence base itself of an evidence-informed policy and programme analysis tool like GBA might become a means of projecting biases rather than counter-acting them. Therefore, in the process of GBA implementation some gender experts saw it as their task to "make sure when they develop their policy, they are not building new stereotypes within their policies."[483]

What adds to the complexity is that GBA and its evidence base are in constant flux. Societal relations are never static. Rapid societal change on gender equality issues creates an additional layer of insecurity, requiring new strategies for developing gender-based analyses for different fields and varying issues in policy and programme making. What once was a women's issue yesterday (i.e., inequality in education in Western states), might not be a women's issue today:

"It's a moving target, so we constantly need to be horizons scanning and saying what's coming at us. You can see climate change coming, so what of the gender analysis, what are the gender issues of climate change or if the government says we are moving towards democratic development, what are the gender equality issues in democratic development, how do you integrate that?"[484]

However, dealing with permanent change and new, emerging policy issues is not unique to GBA; it is part of administrative business as usual and actually the core reason for conducting ex-ante policy analysis. In the light of the amount and extent of all these obstacles, it is unsurprising that the number of GBA case studies

482 | Colin Lindsay, Interview.

483 | Marcel Williamson, Interview.

484 | Diana Rivington, Interview.

conducted was limited. As a result, gender units often assumed the role of trying to find out about relevant initiatives in their departments. Gender experts stated that: "Our biggest challenge was getting access to things in order to provide input... it wasn't necessarily the providing the input...it was just to know what was going on so that we could actually feed gender in [...]."[485]

The GBA case studies that had been conducted were not necessarily available to department GBA units and gender experts. Interview participants were not in the position to quantify or have qualitative insight into GBA activity in their departments, and their access to case studies varied. As a result, gender units had little oversight of department GBA activities:

"So, I can't say in numbers. [...] since, you would have to sit down and count up how many policies and programmes have gone through and actually review each one individually and say "yes" or "no"—"it has had GBA" And that's not what we have the capacity to do."[486]
"Other areas have done GBAs, but they never shared it with us. We know that they were done, but we don't know to what extent, how big, how small, they have been doing it."[487]

Not until the challenge function was written into the TBS guidelines update in 2007 and a step-by-step process for GBA was included in the departmental Management Accountability Frameworks was there a way of knowing how far departments progressed or lagged behind in GBA implementation:

"The goal was to make sure gender is mainstreamed throughout the department and that when policy developers are looking at their initiative they actually take gender into consideration. So, was that goal reached? I don't know because there was never really monitoring done [...]."[488]

Secrecy was sometimes given as a reason for not rendering analysis processes transparent and not including them in public reporting and monitoring mechanisms. The secrecy issue was mentioned in the 2009 Auditor General's report concerning the inaccessible gender-analysis documents of the Department of Finance.[489]

In sum, in my study, I able to attest to a range in the amount of departmental GBA activity from "none"[490] to pilot projects that never saw the light of day,[491] to one or a few activities that were used in in-house trainings,[492] to case studies such as those on climate change or the clinical trial regulatory review process at Health Canada,[493] to numerous country studies in the Canadian International

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485 | CAN4, Interview.

486 | CAN5, Interview.

487 | Monique Lucie Sauriol, Interview.

488 | CAN7, Interview.

489 | Where GBA documents were considered Cabinet confidence and not disclosed to the Auditor General (Office of the Auditor General of Canada 2009b, 9-10).

490 | CAN6, Interview.

491 | CAN7, Interview.

492 | CAN5, Interview.

493 | Sari Tudiver, Interview.

Development Agency.[494] In general, the answers to questions about the amount and content of case studies indicated that—with the exception of GBA in the Canadian International Development Agency, the Department of Aboriginal Affairs and Northern Development Canada, and Health Canada—in the 13 years since its introduction in Canada's federal policy and programme making, GBA has either not been applied at all or never rose above the status of pilot study:

"Yes, there was a pilot project here I think, I forget when it was, in 2002, to have it being part of the new employee kit. Unfortunately that pilot project just got put on the backburner, we never heard about it, it got started, but it never finished, it never gave a product. [...] When I left they had developed a case study on care giving that was supposed to be used on future GBA training. [...] It hasn't be used yet."[495]

3.4.1.4 Facilitation: "You Have to Keep Knitting"

As we have seen in the previous chapter, Canadian public servants stated a variety of obstacles and challenges that "were very hard to overcome,"[496] preventing GBA from being institutionalised as a cross-cutting government practice. The many inventive strategies that Canada's federal public servants found to counter the negative effects of gendered organisations and lack of support for, resistance to and marginalisation of GBA will be the subject of my empirical exploration in this chapter.

Among the concerns expressed by interviewees was the discontinuity or roll-back of GBA support structures, which hindered their ability to encourage and routinize GBA. Thus the "need to rebuild capacity"[497] topped the list of urgent issues, along with the demand for a "steady commitment."[498] The existing gender champion system was seen as useful in securing the support of top management, as in the case of the Department of Aboriginal Affairs and Northern Development Canada, where:

"The assistant deputy minister is the champion for GBA and it happens to be our assistant deputy minister. He is also the senior assistant deputy minister, so he is like the boss of all the other ADMs [assistant deputy ministers, A.S.] kind of thing [...]. We wanted the deputy minister."[499]

Albeit not succeeding on the very top, AANDC's senior management has taken up the issue, and its GBA evaluation results speak for the efficiency of that approach. Top management support is seen as crucial to fostering employment of GBA by representing and communicating the direction and intention of the department. This role cannot be left to gender experts, who are low in—in fact often at the very bottom of—the hierarchy: "It's not for me to say, no I don't want to see that. [...]. Yes

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494 | Diana Rivington, Interview. Since the branch offices are independent in working on GBA, it was not possible to quantify the exact amount of GBA case studies at CIDA either.

495 | CAN7, Interview.

496 | CAN7, Interview.

497 | CAN7, Interview.

498 | Diana Rivington, Interview.

499 | Monique Lucie Sauriol, Interview.

senior management. It's done on the decision making level where certain things need to be given more consideration."[500]

One of the main criteria for GBA success was to "mainstream the gender equality specialist and have one in each branch."[501] Despite the rhetoric of mainstreaming, the gender dimension is not firmly (and may never be completely?) entrenched in the bureaucratic culture and its policy advice. Specialised departmental gender experts and units and other gender support structures are therefore needed to not only stimulate, but also to accompany, GBA application with regard to its quality assurance. Those departmental experts with gender expertise are essential for continuing the dialogue with GBA sceptics and colleagues from more distant disciplines, in the attempt to create allies and supporters:

"The economic line, right, the hard line economists. There's always the challenge of explaining the issues of equality are one of the development goals. For many people, they see poverty reduction is really economic growth and that you don't need to put in special measures related to equity etc. etc. So this is a continuing dialogue."[502]

Creating and maintaining departmental networks for GBA, preferably with key actors in high positions, was the strategy most often used in the pursuit of sustainable structural practice: "It's about having key people and [...] nurture and find them."[503] Another strategy was to "link [...] policy issues and keep the GBA aspect on the radar for people higher in the decision making chain."[504] As one interviewee succinctly put it, "you have to keep knitting [...]."[505] This finding confirms the central role of network relationships in Claire Annesley and Francesca Gains's study on the substantive representation under the UK Westminster model's core executives.[506] It also substantiates the power of such indirect modes of governance.

In most cases, Canadian departmental gender experts were left with no other option than to network informally or formally as a soft mode of governance, since hard implementation structures such as GBA action plans or a even a legal GBA duty were absent. With a soft legal commitment, enforcing GBA was not a viable option. Instead, the tool was presented as a useful and enticing means to enhance understanding for policy issues at stake and gaining new insights, rather than just another thing to do.

"We do talk about GBA as an analytic framework that challenges the way you construct an issue and gets you to think about it differently and think about different pathways of either association or causality. And so definitely, we present GBA as a way to refine your understanding, to challenge assumptions."[507]

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500 | CAN2, Interview.

501 | CAN7, Interview.

502 | Diana Rivington, Interview.

503 | Sari Tudiver, Interview.

504 | Jennifer Payne, Interview.

505 | Jennifer Payne, Interview.

506 | Annesley/Gains 2010.

507 | Sari Tudiver, Interview.

Seen from this perspective, GBA has the benefit of increasing openness to the tool. It is also seen as adding to the quality of research. Most public servants interviewed agreed on the importance of employing a *good governance* framework and on the usefulness of GBA for better, more target group oriented policy and programme making. Some mentioned the need to stress "the limitations of not using sex and gender analysis"[508] and the importance of rendering gender aspects as another part of scientific quality assurance and of fostering learning.

The use of the "learning frame" as a counter-strategy was meant to put a halt to the departmental *othering*[509] of GBA, by integrating it into the quality management of research. *De-politicising* equals *de-othering* gender, which seems to have been an effective way of raising acceptance. It helped prevent departments and individuals from seeing gender as a political or ideological system rather than just another perspective on evidence, or just another departmental and professional duty to fulfil (like publishing all government documents in both official languages French and English):

"Well I'm supporting my boss who is the GBA champion that takes a lot of my time and I do deal often with the SWC on various matters, including the indicators, and I work with [name of SWC's employee] on GBA. I've been made aware and sensitised to gender issues. But to me it's just like official languages as I also deal with official languages because my boss has some responsibility for official languages. So to me it's all part of the same equation, I don't see gender differently than official languages. Like, they are different lenses but the same approach to them."[510]

Despite these framing efforts, not all public servants were eager to adopt gender as just another lens or criteria of excellence. Beside soft framing strategies, more and more hard measures were requested and deemed relevant for GBA sustainability. One way of ensuring GBA stewardship was already employed successfully—democratic control through parliamentarian oversight:

"But we'd be under scrutiny of parliament of the standing committees as well for sure, NGOs, stakeholders. Everybody expects that we do [GBA, A.S.], there is no imprisonment term, [...] but if we don't do it there would be political consequences for sure."[511]

An increased involvement of external actors such as movement representatives, stakeholders and other lobby organisations in the practices of public policy analysis, would benefit the update of GBA in government. The political consequence of not conducing GBA might consist in being ordered in front of the parliamentarian the Standing Committee on the Status of Women (FEWO) as a single department or overall governmental strategy. Or a department might be subjected to oversight via audits or reports, as in the case of the 2005 GBA report[512] and the 2009 audit,[513]

508 | Sari Tudiver, Interview.

509 | Othering is explained in chapter 2.3.2.

510 | CAN1, Interview.

511 | CAN3, Interview.

512 | Expert Panel on Accountability Mechanisms for Gender Equality 2005.

513 | Office of the Auditor General of Canada 2009b.

both initiated by the FEWO Committee. The FEWO Committee concluded that in addition to an absence of GBA in departmental practice there was also "no systematic committee process to apply GBA to legislation."[514] The FEWO Committee rapporteur said in the same background paper that in:

"Gender-sensitive parliaments, the work of legislators must promote gender equality across the country and must serve as an example to society. While the development of legislation and budgets is based on long-standing rules, practices and processes that may include outdated concepts of gender equality (or none at all), legislators must adapt their work to keep pace with changing realities. For many parliaments, including Canada's, the evolution towards applying principles of gender sensitivity to everyday work has been slow. A great number of legislators, however, have shown through examples internationally and nationally that they are ready for the challenge."[515]

Together, the parliamentary initiatives have resulted in the adoption of the departmental action plan on GBA in 2009, with the Privy Council Office and the Treasury Board Secretariat together with Status of Women Canada taking the challenge to the departmental level.[516] Without pressure from and political oversight of the FEWO Committee, the Canadian government would not have been able to get the central agencies "on board." Until 2009, appearing as a good, responsible actor in performing government duties such as gender equality, by reporting in front of the committee, was the only incentive in place.

3.4.1.5 Organisational Capacity: No "Rigid Application"

The application of GBA in the Canadian federal governments was fluid. Interviewees said it was not "a rigid application,"[517] not a general "way of thinking,"[518] not "a recipe."[519] In any case, application was not systemic: As one interviewee stated, "it just kind of depends on the personalities."[520] It was not possible from my empirical sample to quantify the extent of GBA tool application: The interviewed representatives, although often gender focal points in their departments, did not have oversight and were not informed about all departmental GBA activity. However, in combination with the results presented in the Auditor General's report, it is possible to paint a more complete statistical picture: that is, GBA has managed to influence policy options, but only by a very small margin, and there is no clear picture as to the quality and accuracy of assessment. For the most part, it appears that gender aspects either were not considered or did not affect policy design, as can be seen in the following table13. Since I had no access to single policies and their respective GBA analyses, my findings add the general activity in two departments to the Auditor's report without the possibility for quantification.

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514 | Mund-Revard/Parliamentary Information and Research Service 2012, 4.

515 | Mund-Revard/Parliamentary Information and Research Service 2012, 5.

516 | Privy Council Office et al. 2009.

517 | Diana Rivington, Interview.

518 | Monique Lucie Sauriol, Interview.

519 | Louise Langevin, Interview.

520 | CAN4, Interview.

Table 13: GBA in Canadian Policy Making Based on the Interview Results and the Auditor General's Report (2009)[521]

Departments		GBA activity attested for in study interviews	GBA performed and integrated into policy options develop-ment	Rationale for not performing GBA documen-ted	Gender impacts considered but not documen-ted in policy options	No evidence of considera-tion of GBA	TOTAL	Evaluations on GBA
(all data until 2009)			Number of initiatives					Year
Auditor General GBA Report (2009) & Interviews	Department of Finance Canada		2	6	11	2	21	No
	Department of Justice Canada		0	0	5	5	10	No
	Health Canada	Yes	0	1	3	2	6	2001
	Human Resources and Skills Development Canada		0	0	6	0	6	No
	Aboriginal Affairs and Northern Development Canada	Yes	2	1	4	2	9	2008
	Transport Canada		0	0	0	11	11	No
	Veterans Affairs Canada		0	0	1	4	5	No
Interviews	Canadian International Development Agency	Yes						2008
	Statistics Canada	No						No
	Status of Women Canada	No						2009
	TOTAL		4	8	30	26	68	

In alignment with the Auditor General's GBA audit findings, my interview results demonstrate that the readiness of departments to apply GBA is closely linked to a strong social policy mandate, such as in Health Canada, Canadian International Development Agency, and Aboriginal Affairs and Northern Development Canada. There was no evidence of gender budgeting activity, and departments that were primarily occupied with foreign affairs, economics, finances, and technical and infrastructure projects largely ignored their GBA duty. Two of these departments, Health Canada and Aboriginal Affairs, were tagged as good practice models in the

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521 | Report chart based on "Exhibit 1.4: Gender impacts rarely influenced policy" (Office of the Auditor General of Canada 2009b, 16), and adapted by author as based on own interviews. Additionally CIDA, Statistics Canada, SWC as well as GBA activity added: Health Canada (Sari Tudiver, Interview); Aboriginal Affairs and Northern Development Canada (Indian and Northern Affairs Canada; Audit and Evaluation Sector 2008); Canadian International Development Agency (Canadian International Development Agency; Bytown Consulting; C.A.C International 2008); Status of Women Canada (Office of the Auditor General of Canada 2009b).

preliminary results of the interim report on the implementation of the GBA Action Plan:

"Some departments involved in the 2008 audit have rapidly become self-sufficient in performing and sustaining GBA, due in part to their longstanding involvement in GBA activities. They are ready to serve as models to other organisations."[522]

The range of possible GBA applications is not limited to policies, services and programmes. The instrument could also be applied on a more strategic level to analyse departmental strategies, work programmes and expenditures from a gender equality (or diversity/GBA+) perspective—as is the case in the EU Impact Assessment system. In reality, however, GBA application was restricted to policy and programme making departments, which explains why neither SWC nor Statistics Canada could attest to any departmental GBA activity pertaining to their own departmental initiatives.

Since the Auditor General's GBA Report and the adoption of the GBA Action Plan, Status of Women Canada has been in collaboration with the Treasury Board and Privy Council Office to exert oversight over and accountability for GBA—a process that started between 2009 and 2010.[523] Status of Women Canada is supporting the two central agencies as well as "the departments and agencies involved in the 2008-2009 audit"[524] to integrate GBA (now GBA+) more systematically into their practices.[525] The duty of Status of Women Canada is to facilitate knowledge transfer; to refine, develop and rollout training and tools; as well as to technically assist line departments in drafting services, public policy, and programmes.[526] In this process, advanced departments such as the Canadian International Development Agency, Aboriginal Affairs and Health Canada are striving to make GBA a standard and routine procedure and to integrate it firmly into their accountability mechanisms. Other departments with no or little GBA activity and capacity are put on a longer cycle of implementation: first a 12-month period to create an institutional framework, the a 6 to 12 month period for applying GBA to a pilot project.[527]

The requirements for a *good* organisational GBA framework were formulated and refined over the years and resulted in the internal *GBA Organizational Capacity Assessment* conducted by Suzanne Cooper[528] for Status of Women Canada. According to this document, departmental implementation of GBA is supposed to set desired outcomes, standards and timeframes and to tie GBA to concrete and measurable results in departmental Gender Equality Policies or Action Plans. The GBA framework should link GBA implementation into departmental policies, operational plans and outputs to New Public Management strategies of results-

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522 | SWC 2010b.

523 | SWC 2010b.

524 | SWC 2010b.

525 | SWC 2012h, 5.

526 | SWC 2012h, 5.

527 | SWC 2010b.

528 | SWC; Cooper n.d. See also subchapter 2.5.

based management.[529] Implementation should ideally be realised within a certain period of time and consist of six core elements:

1. GBA departmental statement of intent or policy, usually resulting in a detailed gender action plan.
2. Nomination or establishment of a "responsibility centre"[530] to monitor the implementation of the GBA framework and GBA implementation practices. This could be the office of the gender champion or an additional gender unit.
3. Availability of Status of Women Canada's general "gender-based analysis guides, manuals, or other appropriate information"[531] for fostering GBA application. These should be custom-tailored and fit to the departmental purposes and policy fields.
4. *Mandatory* GBA training, which should be provided regularly or frequently to "all senior departmental officials and analysts"[532] as well as other appropriate staff, documenting and enabling the top-down responsibility.
5. Identification and integration of GBA in departmental reporting as well as the management accountability framework.[533]
6. Yearly self-evaluation and reporting on departmental GBA practices, along the criteria as established in Status of Women Canada's Organizational Capacity Assessment in 2007.[534]

Some departments, like the central agencies, have only recently started to implement such GBA implementation frameworks.[535] In 2008 eight federal departments and agencies had some elements of a department-wide gender equality framework in place, of which only two (Canadian International Development Agency and Aboriginal Affairs) had implemented all of the required six components, as seen in the following table 14.[536]

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529 | SWC; Cooper n.d.

530 | Privy Council Office et al. 2009, 6.

531 | Privy Council Office et al. 2009, 6.

532 | Privy Council Office et al. 2009, 6.

533 | Privy Council Office et al. 2009, 7.

534 | SWC 2007.

535 | Office of the Auditor General of Canada 2009b.

536 | According to own research and the Auditor General's 2009 report (Office of the Auditor General of Canada 2009b, 11).

Table 14: Organisational Implementation of GBA Frameworks[537]

Department (*1=yes; 0=no)	Departmental policy/commitment in effect*	Roles and responsibilities defined*	Tools and methodologies readily available*	Training recently and regularly offered*	Champion appointed*	GBA practices evaluated*	Components per department (Total No.)
Department of Finance	1	1	1	1	1	0	5
Department of Justice	1	0	1	0	0	0	2
Health Canada	1	1	1	0	0	0	3
Human Resources and Skills Development Canada	1	1	1	1	0	0	4
Indian and Northern Affairs Canada	1	1	1	1	1	1	6
Transport Canada	0	0	0	0	0	0	0
Veterans Affairs Canada	0	0	0	0	0	0	0
Canadian International Development Agency	1	1	1	1	1	1	6

In addition to departmental GBA frameworks, there are now three new pillars of centralised oversight on GBA practices:[538] 1) The Privy Council Office watches for the role of gender in the submitted Memoranda to Cabinet, for which it has developed a guide for including GBA in the memoranda process in 2008-2009; 2) The Treasury Board Secretariat exercises checks, which now demand GBA evidence "where relevant"[539] and questions departments on the lack thereof; 3) Finance Canada, in a challenging role, asks agencies and departments to take all relevant factors, including gender, into account when drafting and submitting a policy or programme for budget consideration. The effects of this new system of accountability on federal Canadian programme and policy making still remain to be seen. Certainly, GBA (now GBA+) in the Canadian federal government "[...] is not a recipe. It's an art,"[540] still waiting to be fully mastered.

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537 | Report chart "Exhibit 1.3 Implementation of a GBA framework varied greatly in the departments examined" (Office of the Auditor General of Canada 2009b, 11), adapted by author in adding three not included departments (CIDA, Statistics Canada, SWC).

538 | SWC 2012h, 6.

539 | SWC 2012h, 6.

540 | Diana Rivington, Interview.

3.4.2 Responsibilities: "Here Is Our Policy, Have Fun"

Thorough GBA implementation in Canadian federal departments would require more than frameworks in the form of policies and action plans: It would require commitment, proactive support, and accountability. It is not a case of "Here is our policy, have fun." The halt or delay in expansion of GBA is not surprising, since Canada itself lacked an active countrywide gender equality or gender action plan. Following the Agenda for Gender Equality[541] (the successor to the Federal Plan for Gender Equality), which expired in 2005 and has not been renewed, the federal government discarded a formal national commitment beyond the Charter of Rights and Freedoms and fell behind in its international obligations, such as those outlined in the UN Convention on Elimination of All Forms of Discrimination Against Women[542] and the Beijing Platform for Action.[543] The 2008 federal budget was meant to remedy the absence of a national gender plan[544] by allocating money and rectifying the rollback of previous advancements. However, according to Canada's first GBA audit, this had not yet been realised.

The importance of having a gender action plan with clear objectives, as well as accountability mechanisms for binding and regulating organisational practices, has been emphasised widely in international gender mainstreaming literature.[545] Such plans set the *traffic rules* for aligning a gender mainstreaming strategy and its tools such as GBA with the "vertically structured policy context."[546] In the case of Canada, such governmental policy frameworks come in two basic forms: 1) statements of intent and 2) legislative frameworks (the latter has been chosen as a model by Citizenship and Immigration Canada only).

A national equality strategy or gender action plan has a guiding function for departments. It allows departments to regulate and mandate all governmental branches and actors to follow the national lead in equality commitment: "All federal departments [...] made commitments to implement the 1995-2000 Federal Plan for Gender Equality."[547] Transferred to the departmental level, the national framework therefore has a trickle-down and harmonising effect, setting the rules for departmental equality frameworks such as roadmaps, action plans, and equality policies, thus guaranteeing the coherence and compliance with national constitutional and contractual obligations, including the application of GBA. National gender action plans can also mandate and trigger the creation of departmental action plans, increasing the likelihood of systematic integration of gender equality objectives in all policy fields and all levels of government, from the top down to the local branches: "They have it built into their country programme development framework that every project they do, whether it is in private sector development or health, must also contribute to gender equality."[548]

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541 | SWC 2000c.

542 | UN 1979.

543 | UN 1995.

544 | Government of Canada 2008.

545 | Baer 2005a; Benschop/Verloo 2006; Steinhilber 2008; Grace 2011.

546 | Meier/Celis 2011, 470.

547 | CAN6, Interview.

548 | Diana Rivington, Interview.

The mere existence of departmental equality policies, however, does not guarantee a smooth implementation of GBA; their implementation has to be proactively supported: "We don't just want to say: here is our policy, have fun. We want to go beyond that now."[549] But if these polices, frameworks or action plans are insufficiently designed, if they are vague in objectives, timelines, roles and responsibilities, and if they do not prescribe accountability mechanisms,[550] the gender support structures are weakened. The general absence of departmental gender action plans or policies is usually an indicator of low levels of GBA commitment and activity. Lacking is the requirement that "it needs to be a sustained effort [...]."[551]

In Canada, departments could be grouped into three categories: a) Departments with current and updated gender equality policies, such as the Canadian International Development Agency, Aboriginal Affairs, Health Canada, and Citizenship and Immigration; b) departments with early, outdated gender equality policies that are not necessarily revoked, but not implemented either, and c) departments with expired or no gender equality policies. Some departments were even oblivious to the fact that they once had a gender policy.

The decline in departmental commitment had not been tackled in a systematic way at the time my field research was concluded. The organisational GBA framework names gender equality policies as one of six necessary components for anchoring GBA in organisational structures and mechanisms. However, there is no external government body or other entity insisting on accountability—monitoring the existence of, quality of, content of, and adherence to departmental equality plans.

When gender equality policies do exist, describing goals and objectives and providing clearly defined core definitions, roles and responsibilities, and timelines, follow-up and accountability features are often missing—preventing systematic implementation and equality outcomes. For this reason, departments in an advanced state of GBA implementation are in the learning process of designing their equality action plans more exhaustively. If any crucial elements, such as foreseeing accountability and monitoring mechanisms, are missing, the goals and efficiency of the plan are endangered. Take the case of Health Canada, its:

"Women's Health Strategy has 64 commitments and various objectives, but there were no clear accountability mechanisms. [...] As a follow-up Health Canada issued its GBA policy document in 2000. This provided more clarification [...] in our understanding of GBA and guidance in how it can be used as a framework and a policy tool. And provided some general suggestions for mechanisms."[552]

Canadian departmental equality plans also show that it is not sufficient to have a general equality mandate built into the department and government-wide

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549 | Monique Lucie Sauriol, Interview.

550 | These elements are commonly defined as quality standard practices to enable results-based administrative action and align with quality criteria for gender action plans (Baer 2005a). For a collection of good action plans in the field of research, see (European Commission, Directorate-General Research, Directorate C—Science and society Women and science 2005).

551 | Margrit Eichler, Interview.

552 | Sari Tudiver, Interview.

administrative operations; nor is it enough to define equality as a vague goal without underpinning it with baseline data and measurable goals and indicators. Careful composition and the highest degree of precision in formulating such action plans are required. Although there are still no fixed sets of criteria for *good* equality governance through action plans, some crucial elements have crystallised.[553] But there is also discord about whether goals and objectives should be focused and achievable or comprehensive and aspiring to a utopian future as envisioned by the rather vague term gender equality. In this discord there is agreement, however, that establishing hard, tangible goals with specific equality outcomes, timelines and responsibilities is a prerequisite for successful, steered, outcome-oriented implementation: "If we don't at least take steps in that direction by setting some goals and start taking gender into consideration in our day-to-day policy work, then we will never get closer to whatever equality looks like [...]."[554]

Overarching plans are perceived as helpful instruments by analysts who want to integrate gender into their daily work, using it to guide and support their equality efforts, and to justify their use of resources in front of senior management. Not having such direction, goals, or indicators deprives employees of grounds for action and argumentation, and therefore endangers the success of framework implementation. As one employee put it, "I personally think we didn't have a clear enough strategic direction integrated into [name of the department] priorities."[555]

After all, GBA is not simply descriptive with regard to gender equality, but also a means to a particular end—gender equality in relation to the respective policy fields. It is important to remember that gender equality action plans are not gender mainstreaming results *per se*, although departments often present and perceive them as such. Rather they are strategic instruments to stimulate and regulate the integration and streamlining of all department action and policies, internally and externally, as pre-defined and in accordance with national equality objectives.

3.4.3 Training: "We Are Going to Decrease Your Comfort Level"

In the interview sample, all the participants acknowledged the importance of receiving training on gender in general and GBA in particular stating that "education is necessary but not sufficient."[556] Learning about gendered realities in society is still an uncomfortable process for many, and delivery of training was reported as being uneven. Enabling departments in GBA has always been done with a set of practices, one of which is gender training. Interviewees reported that most departments get gender trainings for their employees at some point in time, and for some even online self-training tools were made available. However, frequent, regular and systematic gender training was not provided in most cases:

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553 | For first indications for establishing quality criteria for gender action plans, see the following survey results on the implementation and efficacy of gender action plans (Schneider et al. 2005). The study analysed 27 EU gender action plans and interviewed 16 gender experts responsible for the implementation of gender action plans. It is limited to the policy field of research and development however.

554 | CAN6, Interview.

555 | CAN6, Interview.

556 | Diana Rivington, Interview.

"It's not necessarily systematic throughout departments, like some departments might have three or four branches taking the training, but none of the other branches in the department have ever even heard of GBA. So it's not systematically applied, even from a training perspective yet."[557]

The importance of covering an entire department, enabling all relevant actors to apply GBA, were raised by most interviewees, but efforts to include all branches in the training programmes were rarely successful: "One of the things that was noticed when we organised that trainings was, that people come, but not every part of the department comes."[558] Not even the Canadian International Development Agency managed to reach all employees with gender training: At the time of the interviews, gender was one component in a streamlined general training for newly recruited employees, but CIDA had no extra resources for special gender trainings, or for general staff or employees who were not hired via the recruitment programme:

"Inside the new development officer programme, there is training. It's part of that. If you come in through this particular recruitment programme, you get the training. But if you don't, if you come to CIDA through some other mechanism, we don't have a training course to offer you, currently. It's on my list of things to do. But we used to have one, where we would offer a course twice a year in English and once a year in French. And we took 20 people at a time, because at CIDA there is a constant turnover in terms of recruitment, and if there were any spaces left over, if we had 16 people registered, than we would invite people from UNFPA [United Nations Population Fund, A.S.] or the NGO community and fill up the course and do it like that. But that's something we have to go back to and do it again."[559]

Other departments chose a similar route of mainstreaming GBA in general trainings to department newcomers. Despite mainstreaming efforts of gender in training, the Canadian International Development Agency is still unable to satisfy the training needs of all employees. The general module on gender in the overall introductory training to new recruits could also run risk of not satisfying specialists' needs, not leaving enough room for particular policy fields, and not being able to pick up on questions arising from practice. Another negative effect of the move to less focused gender training is the loss of specialised training expertise.

Apart from mainstreaming gender into general training courses, the formats of gender trainings varied from simple presentations to "three hour training overviews,"[560] to online trainings, to full day or two-day training courses. Trainings were designed entirely in-house, partially in-house with the help or assistance from Status of Women Canada or other external consultants or academics, or entirely out-house by Status of Women Canada or external consultants. Delivery of trainings was either done by in-house gender experts or by hired external consultants, academics or in many cases representatives and gender experts from Status of Women Canada. Trainings might target senior management or general

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557 | Michéle Bougie, Interview.

558 | CAN7, Interview.

559 | Diana Rivington, Interview.

560 | Michéle Bougie, Interview.

analysts and middle management, although most departments rolled out only one training format for all.

Participation in GBA trainings was voluntary, with the exception of two instances where gender was mainstreamed in obligatory courses. Recruitment for training was proactive, although some gender units offering trainings have obviously found ways of "persuasion":

"It's not obligatory. No one is obliged to take the training that I know of. But there is great suasion."[561]

"Our approach this time is that we're targeting areas that we would like to see a strong GBA and a more specifically inviting one. [...] we're sending out invitations, but we're also opening it up to general interest. So anyone who's interested in GBA is welcome to come to the training. And in addition to that, we're inviting specific individuals that we think would be useful in terms of priorities for GBA within the department."[562]

While key figures in the department were particularly encouraged to participate, the reasons given for actually attending were numerous, mostly based on personal interest, sometimes because it was required for the job: "They are either analysts and they have to do a GBA or they are curious about the issue or they heard about it."[563] On some occasions, already scheduled GBA courses needed to be cancelled due to low numbers of registrations. In general, non-mandatory training signalled a low level of departmental priority or interest in this kind of skill development. It is believed that by making specialised gender training on GBA mandatory, tool pick-up is enhanced: "We also created a training course, which we tried to get on the books as a mandated course for everyone, which hasn't been successful yet."[564] At the time the interviews were conducted, Status of Women Canada envisioned making GBA training a mandatory part of the general policy analysts' education in the Canada School of Public Service.[565]

With regard to frequency of trainings, two departments reported not having any gender trainings available, but most had offered some in the past and continued to do so. The average frequency was twice per year, but one department (Citizenship and Immigration) offered four to six gender trainings per year.[566] Although there are continuous efforts to make and keep gender training available, some departments, such as the Canadian International Development Agency, abolished the training. Formerly, Status of Women Canada even offered a "train-the-trainer" programme, but the course was held only three times due to a lack of requests and a lack of demand for the already trained gender trainers. In general, the frequency of training was criticised as being one of the structural weak points in Canadian federal GBA implementation, especially in the light of staff turnover:

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561 | CAN5, Interview.

562 | CAN5, Interview.

563 | CAN3, Interview.

564 | CAN4, Interview.

565 | Michéle Bougie, Interview.

566 | Michéle Bougie, Interview.

"What needs to be improved is the frequency of training as staff come and go, a lot of the expertise is lost. It is important for the department to hold these workshops on a regular basis (at least twice per year) to ensure that all policy and programme staff can access the basic tools needed to conduct GBA... Refresher courses are also good for employees who don't necessarily conduct GBA, but want to understand how to insert gender considerations into their departmental work."[567]

Such declining interest in training and the lack of training continuity were seen by some as threatening the very substance of gender expertise; for them, earlier training efforts were seen as more thorough and having created a knowledgeable public workforce. Now they see their departments as being unable to sustain the effort and in danger of losing the expertise. The general need for gender training is, however, contested by some. One interviewee denied any need for training. When asked whether GBA training would be useful for policy analysts, the participant replied:

"No, probably not. I'm not quite sure what you would train them in. As I say, the majority of our staff is already female, so... I'm not quite sure, and certainly not on the social side. [...] on the social side, the common sense is that there is a great sensitivity here already to issues of gender. And it would be difficult to see where it would benefit a great deal. Now the economic side is a little bit more old school, it is more male based, but at the same time, that side deals much more with global issues. I don't know, my temptation would be to say no, it probably wouldn't be particularly helpful, but that's just my personal opinion."[568]

The statement that "global issues" are irrelevant for a gender analysis and that the sex of the analyst is relevant to his or her understanding of gender-related issues, is in itself an indication of a lack of gender competency. But the doubts raised here with regard to the content and relevance of trainings do not represent the majority of opinions in the interview sample—other interviewees saw the gender trainings they had as very useful. However, as long as GBA is not a mandated and cross-cutting practice, the demand for training will remain limited, since public servants only spend time and resources on acquiring skills that they can and will actually put to use.

Overall satisfaction with training is contingent on the careful presentation of the content, which ideally is custom-tailored to the particular department's policy making and programming, including case studies stemming from relevant real-life, in-house cases. The tool focus on when and how to use GBA prevailed in all training sessions. Although handled differently in each department, the content of trainings widely invokes the good governance and better policy and programme framing. While politicising gender is carefully avoided in trainings, the power question cannot be entirely concealed; it gets mixed in with questions about seemingly stable gender categories and influences identity construction—often provoking resistance:

"We deliberately stay away from the feminist discourse of oppression and patriarchy and victimisation and misogyny and we deliberately don't use that terminology. But basically it really does come down to power and control, right. It always does and although we

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567 | CAN6, Interview.

568 | Colin Lindsay, Interview.

never speak those words either, people know when their power base is getting shaken and people know when their control over things is getting un-grabbed, right. So whether they are consciously aware of it or not, there is reaction, because they feel that, [...] any kind of resistance to the idea of removing you from your complacent view of seeing the world and that includes destroying your stereotypes, because your stereotypes give you comfort. And if we're messing around with your stereotypes we are going to decrease your comfort level, there is going to be a backlash."[569]

As mentioned earlier, earning about gendered realities in society is still an uncomfortable process for many. In order to defuse resistance against gender issues and training, GBA is now being teamed with other training issues: "It's in-house, the training that we'll be going to give this week includes GBA, sustainable development and official languages, the three lenses combined together."[570]

Diversity concerning a variety of women and men, boys and girls, in different situations with different backgrounds, is always raised in the context the GBA tool. As a consequence, intersectional diversity aspects are included in the trainings, ranging from additive to integrationist ways:

"I have actually added something in the training."[571]
"Well it's interesting you ask that, it's not just interesting, it's important and I think our understanding has evolved, [...] for example, considerations of diversity are integrated into recent presentations on cardio-vascular diseases and gender."[572]

Not all departments have the capacity, experience or resources to develop training content for their in-house trainings, which again places Status of Women Canada in a central role advising and collaborating with departments on training formats and content: "We worked with SWC to develop the curriculum and the training session [...]."[573] Enjoying a high reputation and garnering appreciation for their tools that accompanies their new duty as a monitoring body, SWC still needs to adapt to new demands on trainings. Previously focussing on the handling of the tools, training formats must now be diversified and incorporate competencies for exercising GBA challenge and stewardship functions:

"There was pilot conducted in 2006/2007, but it was a full day training session and it was more aimed at what is GBA and from a perspective of guiding departments that do have programmes and policies, but it didn't necessarily represent the needs of our analysts in the sense that: they don't develop programmes, they don't develop services or policies. They are in the role of oversight. [...] we want to improve it as needed so it makes it very easy for TB analysts to pick up on a few clues regarding gender impacts and what are the consequences, and better understand it."[574]

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569 | Michéle Bougie, Interview.

570 | CAN1, Interview.

571 | CAN3, Interview.

572 | Sari Tudiver, Interview.

573 | CAN1, Interview.

574 | CAN1, Interview.

Status of Women Canada has acknowledged the need for sustained training to be provided regularly on an annual basis to new and current analysts of the central agencies from 2009 onwards.[575] In addition, the organization is supposed to partner with the central agencies in exercising the challenging role and supporting them in their day to day work, which can be interpreted as a coaching process and extension of training efforts. What Margrit Eichler once envisioned as an ideal state, is about to become a reality in Canada, at least for the central agencies: "You don't dump something on somebody, you really work together with them, before, during and after. That would be my version of how to do it, in real life it doesn't always work that way."[576]

Since 2012 there is also a self-learn online training for all government employees and every interested person on the new tool GBA+.[577] It strives to be accessible to anyone without much prior gender competency. It remains to be seen how effective online self-learn training courses are, and how extensive the training efforts of departments and Status of Women Canada, as one core element of the six GBA organisational implementation structures, will become. The effect of gender training on the quality and outcome of analysis is yet another unexplored area of research. In my research, I observed a general trend to online training in Canada, while an overall departmental commitment to actively engaging with gender analysis in-depth and in practical terms was not visible.

3.4.4 Resources: "We Don't Have a Budget"

Although my sample did not allow for precise quantification of invested resources, interviewed officials were clear: GBA in Canada is under-budgeted and under-resourced, and budgeting varies widely from department to department. The Canadian International Development Agency has consistently earmarked "between four and five per cent"[578] of its programme budget for gender equality programming, but believes this figure to be underreported. Other departments had "no idea" what their budget was.[579]

Where gender units and therefore budgets existed, funding was not necessarily fixed with secure financing for GBA activities. On the contrary: "There is always that roll-over, mostly because we don't have a budget [...]."[580] Departments without gender units or focal points invested "basically zero,"[581] and gender projects "never had a budget."[582] Even well established gender units called their budget for gender equality comparatively "very tiny,"[583] and many believed that: "For such a big department I think they should be doing more."[584]

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575 | Privy Council Office et al. 2009, 3-5.

576 | Margrit Eichler, Interview.

577 | SWC 2012d.

578 | Diana Rivington, Interview.

579 | CAN5, Interview.

580 | Monique Lucie Sauriol, Interview.

581 | Colin Lindsay, Interview.

582 | Colin Lindsay, Interview.

583 | Jennifer Payne, Interview.

584 | CAN7, Interview.

In general, interviewees were unable to identify the exact budget spent on GBA analysis, giving answers such as, we "don't have a lot resources."[585] Departments were typically unable to specify budgets particularly for their GBA activity, since it was mainstreamed:

"It's a really good question. Because the analyses are part of the regular activities the budget is not separated from the other activities. So I couldn't tell you how much is spent per year on this."[586]

"We want to entrench it in all our activities. So once something is entrenched in your day to day activities, well, it's hard to pinpoint exactly how much. It's part of the big picture. We do dedicate resources for training, ok."[587]

Other reasons given for the inability to identify the financial support for GBA were an "inaccurate database on the various projects that we've funded,"[588] or—most notably—the reorganisation of departments: "Another thing to remember is that we've reorganized in the department so this would be our first fiscal year in our new responsibility center."[589]

When asked for whether they believed the budget or resources to be sufficient, however, a majority said no: "I don't think it's sufficient."[590] One participant even answered: "No. Is that a trick question?"[591] They recognised the importance of reliable funding: "What you need is money behind it [...],"[592] and many wished for a situation where they could say "Okay, let's go do it! Awesome! Money? Wow!"[593] In the absence of secure budgets for GBA, however, gender units have been very resourceful in their promotional activities. They have indeed learned to cope with very little or in fact nothing at all: "There have been things like the network events and lunches and that, but those are small. You know, like I mean, how much does it cost to hold—to get everybody to bring their lunch with them to a room. You know what I mean?"[594]

Although officially they would never state it as such, they have silently and defiantly accepted that GBA is not ranked highly among their department's priorities, which is reflected in the continuous lack of funding: "If you could do anything and everything under the moon, you would throw all your resources at it, but at every level there are priorities. This is not to say GBA is not a priority..."[595]

With regard to staffing, it appears that very few people are working on gender issues in general. This includes those who are giving policy advice and assisting

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585 | CAN5, Interview.

586 | CAN3, Interview.

587 | CAN1, Interview.

588 | CAN4, Interview.

589 | CAN5, Interview.

590 | CAN7, Interview.

591 | CAN4, Interview.

592 | Margrit Eichler, Interview.

593 | CAN4, Interview.

594 | CAN5, Interview.

595 | CAN5, Interview.

with GBA. A precise quantification of (wo)manpower in GBA was also difficult to obtain, because GBA is considered to be mainstreamed into overall policy analysis. In the interviews, five departments reported that "the infrastructure over time has eroded."[596]"As I mentioned previously, the [name of the gender unit, A.S.] no longer exists."[597]

Gender mainstreaming efforts rely on continuity and a long-term perspective. Discontinued funding and a lack of gender experts endanger the sustainability of GBA in major ways. For example by the time employees finally started to be aware of the existence of their departmental GBA support unit, it got dissolved: "Now they know we exist—or existed."[598] Institutional roll-back was a wide-spread experience in Canadian federal departments following the introduction of NPM reforms:

"In the early to mid-nineties, I had five [...] colleagues [...] who left the department (1996-1998) and from 1999 to early 2003, I was the [...] manager with one junior staff until 2005 and I continued to work on my own as the official gender focal point."[599]

Status of Women Canada is an example of how the restructuring of departments, often justified by the demands of New Public Management, affected capacity for good policy advice and planning. As a small federal agency, Status of Women Canada used to have 70 public servants of which 10 to 12 members of staff were working for the GBA Policy Branch before it got dissolved. After the introduction of the GBA duty in the new Treasury Board submission guidelines, this reduction backfired: "They just inundated us with requests and we didn't have the resources to sustain it [...]."[600]

Where central gender equality machinery has been de-capacitated, departmental policy capacity has been unable to compensate, due to the downsizing, restructuring or dissolving of gender units, which hindered its effectiveness[601]:

"It's not sustainable. And it's not systematic. And I can no longer undertake that role now that I've got this other role to play here."[602]

"It's not like you do one connection and then leave it and they'll take it from there. Somebody has to be there keeping doing it [...]."[603]

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596 | Jennifer Payne, Interview.

597 | CAN6, Interview.

598 | CAN4, Interview.

599 | CAN6, Interview.

600 | CAN4, Interview.

601 | This development is to be seen in the larger context and parallel development of reducing in-house analytic policy capacity, as attested for by current policy analysis literature (Drummond 2011). Such positions complain about the "dismal" state of Canadian federal capacity for policy analysis due to the downsizing of departments in the 1990s NPM reforms.

602 | CAN4, Interview.

603 | Jennifer Payne, Interview.

Canadian policy analysis experts have noted that ex-ante analysis is under-resourced in general in Canadian policy making[604] and that Ottawa's "funding role should be placed on a firmer basis."[605] Unsurprisingly, almost all the interviewed policy officers felt that, in an environment of scarcity, an increase in resources was "not an option, at this point in time [...]."[606] A few departments, such as the Canadian International Development Agency, have successfully managed to establish and stabilise their GBA and gender capacities. Although the agency is satisfied with the level of institutional support ("we also have more people working on gender equality than on health or education"[607]), they find it hard to hold on to their gender expertise, in particular pertaining to GBA, dealing with the disadvantages of staff turnover: "Oh, but we are having a lot of staff turnover, so we need to do more staffing. That's a constant thing. And I would certainly like to see a few a few more staff working on this issue [GBA, A.S.]."[608]

Especially the first generation of civil servants, who became femocrats and "are trained to do that [GBA, A.S.], we are losing them right now."[609] Although one interviewee hints that there are always external specialists, like "academics, people in universities who can do this research also,"[610] internal GBA capacity remains crucial for not only assisting in and conducting, but also contracting and evaluating this research. Interviewees emphasised that adequate personnel and time are key to facilitating good policy advice via policy analysis. To draw a comparison with the situation in the field of environment and sustainable development, GBA is not exempt from the fact that "Impact Assessment will not deliver its objectives unless there is proper capacity to conduct it."[611]

3.4.5 Knowledge: "Putting a Face on That Population Base"

GBA demands both quantitative and qualitative data. Interviewees acknowledged that gathering such data could be a slow and complicated process, but that it was not an excuse for inaction. Data availability might enhance or hinder GBA implementation. Data collection starts with being clear about the need for sex-disaggregated and gender-specific data, although the difference between these types of data is not always clear:

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604 | Dobuzinskis et al. 2007b; Drummond 2011; Sharpe 2011.

605 | Brooks 2005, 29; Commission on the Future of Health Care in Canada; Romanow/ Romanow 2002, 128-129.

606 | CAN3, Interview.

607 | Diana Rivington, Interview.

608 | Diana Rivington, Interview.

609 | Louise Langevin, Interview.

610 | Louise Langevin, Interview.

611 | Network of European Environment and Sustainable Development Advisory Councils 2006, 5. Or to express it in the words of the Canadian former top ranking civil servant Don Drummond addressing the lack of visible analytic capacity in the public service for the field of climate change: "I think that is scandalous and I don't know how it can be viewed in any way as acceptable. I don't know how a government can stay this silent on the policy analysis front. I don't understand why the media and public have not criticised the policy vacuum more aggressively. Perhaps the analysis exists internally. We can't know this if we can't see it. [...] And that void leads to policy mistakes." (Drummond 2011, 343).

"I'd say we are at a stage of trying to understand the interaction between sex as the biological, the metabolic, the genetic processes, and gender as the social processes. How do we understand the interplay between those constructs? It's almost like we circled back a bit to say, yes women can't be reduced to their biology but we need to understand the biology much better than we ever did [...] of drug metabolism for example or how tobacco is metabolised for us to really understand the implications of smoking in young men, versus young women. So we need to figure out what processes we are talking about, when we are talking about sex and gender differences."[612]

Some interviewees were content when data was broken down by sex and when GBA was conducted at all. In general, problems with obtaining sex-disaggregated or gender-specific, data (or not having enough of it) were not mentioned in the Canadian interview sample, apart from cases where access to data was limited due to possible infringement of private ownership and intellectual property rights. Indeed, collecting *sex-disaggregated* data seems to have become standard practice, especially for highly aggregated surveys: "Even before GBA became even an issue, all social data was collected with a gender breakdown. There is no data on individuals collected without a gender breakdown."[613]

Surveys and publications of Statistics Canada, especially the census questionnaire, play a central role in development and enlargement of the quantitative sex-disaggregated data pool. It is the first stop for Canadian analysts, and Statistics Canada has a successful history of collaborating with Status of Women Canada and other departments in enhancing and custom-tailoring their sex-disaggregated data bases:

"The good fortune was working with Statistics Canada to modify the Census questionnaire to include gender-specific questions which would allow us to start building a statistical profile of women's work on [policy issue, A.S.] in Canada. I'm happy to say that since 1991, the [policy issue, A.S.] Population Census includes gender-specific questions, which to this day, is quite an achievement for a little Bureau and its ability to influence change."[614]

Consequently, the work of Statistics Canada was widely appreciated by the interviewees, especially for its longitudinal data, special issue publications, and the compendium Women in Canada[615].

Along with such quantitative sources, analysts are able to consult departmental data generated in projects and research units in-house, but here problems with accessibility and harmonisation of data occur: "I mean we have a huge research branch, and each programme has its own data."[616] Although the Canadian departmental research and evaluation branches produce "sex disaggregated data yearly,"[617] it was noted that there is still some degree of irregularity, since they:

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612 | Sari Tudiver, Interview.

613 | Colin Lindsay, Interview.

614 | CAN6, Interview.

615 | Such as, but not limited to (Drolet 2011; Statistics Canada/Turcotte 2011; Statistics Canada/Ferrao 2010; Statistics Canada et al. 2010; Statistics Canada 2007; Statistics Canada/Target Groups Project 2006; Statistics Canada/Almey 2007).

616 | CAN5, Interview.

617 | CAN3, Interview.

"Have found it challenging to demonstrate results because data collection is not consistently gender disaggregated [...] across the department. So, on some things, you may be able to collect that information. On some things, you can't, because it was never asked for."[618]

In addition, international sources, such as the UN, Organisation for Economic Co-operation and Development, World Health Organisation, and World Bank provide data on Canada and data that can be used by analysts in comparative ways. Useful data is also produced in the applied research arms of national and international NGOs, in think tanks[619] and in independent scholarly studies.[620] Analysts know about the option, even duty, to start gender specific data appraisals, if there should be a data gap for the policy issue at stake. The amount and nature of data used in GBA however, is very much at the discretion of the individual or team conducting the analysis.

The related indicators also depend on the project, programme or policy goal. Although Canada works along international lines and is influenced by international gender indicators and indexes, there remains considerable individual leeway in deciding which indicator shall be gendered. Analysts sometimes find it difficult to navigate between international and national indicators or no pre-existing indicators at all. They are confronted with an ever-changing situation for men and women in society and therefore the need to work research that is up to date, target by group and policy specific. This means they must take into account recent developments in their field and issues unique to Canada[621]:

"It's good to be aware of trends, [...] on various issues, including GBA. In Canada I do understand that there are various measures of gender or GBA, gender equality indicators, but that they are not necessarily homogeneous with international standards."[622]

Some gender units—rather than leave it to the individual analysis to decide which gender-specific indicators to adopt—prepare relevant indicator sets for their policy fields to aid decision making for their analysts on issues that include gender impacts. In trying to establish such indicator lists, they themselves find it hard to determine the indicators:

"We're still trying to figure this one out like we've given them the type of... a list of sample indicators. I don't think my—my problem was when we were talking about this is that each one [...] has gender implications but they're not written as such."[623]

According to many of the interviewed experts, almost all indicators finally arrive at some sort of gender impact, if not directly than indirectly, and as soon as there are people involved. It is difficult for gender units to codify indicators. Gender units

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618 | CAN5, Interview.

619 | CAN2, Interview.

620 | Louise Langevin, Interview.

621 | Like remote, rural or urban areas and indigenous issues: "Even in Canada, you can talk too about isolated regions, not just rural. The Canadian North has a whole... a whole set of issues that's separate from the south of Canada, right." (CAN5, Interview).

622 | CAN1, Interview.

623 | CAN4, Interview.

also do not have access to research on gender impacts in the various policy issues in order to justify their indicator choice. Policy analysts in the Status of Women Canada tend to recommend gendering all normally chosen *neutral* indicators.[624] But again, data that would substantiate a particular gender impact may not be accessible, which often turns analysts away from conducting a proper GBA.

In data collection, the approach used by Status of Women Canada is to encourage analysts to gather issue-specific data in a broad sense, but there is "no one formula or method."[625] Some interviewees said they remind analysts of the value of qualitative data, where quantitative data is not readily available or does not make sense for a very specific policy problem or target group. Qualitative data is usually seen as inferior to quantitative data in mainstream positivist policy analysis. It is valued, however, by Status of Women Canada because it is easier and cheaper to collect, and it allows for participatory procedures and consultations that are seen as indispensable in the realm of GBA. Anecdotal evidence produced in consultations has been included in policy advice from the beginning of policy analysis. It inhabits a central role in data collection for GBA:

"We sometimes do qualitative small studies and they are very helpful where you have ten people and they can be excellent studies [...]."[626]
"Anecdotal evidence as well, there is a lot of anecdotal evidence through consultations. Research is sometimes tricky in terms of quantitative research, because sometimes you're sampling size is so small that you are not sure of the statistical significance of your findings. So sometimes you have to complement the quantitative with qualitative, like the anecdotal and take it from there."[627]

GBA specifically demands that analysts go beyond statistical figures.[628] Consultations and qualitative sampling methods are recommended as pivotal instruments in order to get a complete a picture as possible of all the issues at stake and to allow for access to the policy problem by:

"Putting a face on that population base or acquiring a general understanding of their perspective and concerns on policy issues, how can we expect to conduct effective GBA or any other policy analysis and produce the kind of outcomes that are needed?"[629]

In this sense, qualitative data can even be superior to figures. In any case, it should be at least perceived as an equally valid and necessary means of data collection. Qualitative data is essential for building an authoritative evidence base for decision making —used to inform mixed-method research and to qualify and contextualise quantitative data.

How to account for intersectionality in data collection is a particularly complex exercise. While multi-variable analyses are standard practice, especially

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624 | Michéle Bougie, Interview.

625 | SWC 2012i, 5.

626 | Margrit Eichler, Interview.

627 | Michéle Bougie, Interview.

628 | SWC 2012i.

629 | CAN6, Interview.

in quantitative research, intersectionality from a gender perspective raises new questions with regard to data collection and processing. Calling for more diversity in data sometimes serves as a strategy of resistance to GBA and a pretext for not including gender-specific indicators:

"I was in the meeting this morning and it was raised. You know. They were talking about indicators. And they said you can't just limit this to a question of women. You have to consider all of these vulnerable groups that make—you know, men and women belong to these groups too."[630]

Although the attitude expressed here seems to be more concerned with disabling gender issues than with enabling an analysis that is more specific in one variable, it represents a valid debate: whether to conduct a diversity mainstreamed gender analysis or a gendered diversity analysis? Such questions have not yet been and might not be answerable. In practical terms, some fear that *too much* diversity is overburdening the exercise of gender analysis, making it even more unlikely:

"Need for more data? Yes, I guess there is always a need for more data. I think there is sometimes data disaggregated by gender and then I don't think they break it down even further sometimes like by sub-categories like aboriginal women, immigrant women. I think that some of the programmes in the department of [name of the department, A.S.] they just collect data from a women's perspective or men's perspective. They don't break it down even further."[631]

Status of Women Canada's approach here is to: sensitise analysts for a more careful, critical, intersectional interpretation of data, identifying the relevant identity factors at play; and to encourage mixed-method data collection of quantitative and qualitative data.[632] They suggested developing a non-conclusive list of identity factors in order to encourage analysts to use the *intersectionality model*, where aspects of identity are seen as socially constructed, dynamic or fluid, and interactive.[633]

Table 15: Identity Factors, Status of Women Canada (2012)[634]

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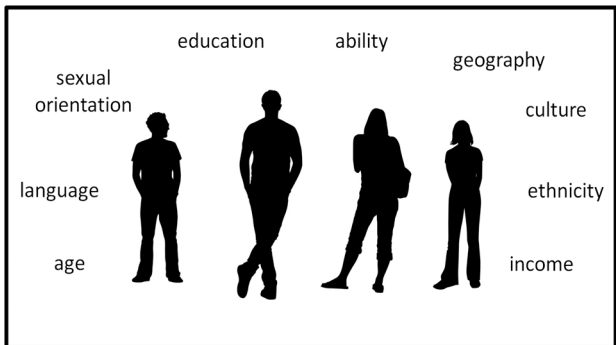
630 | CAN5, Interview.

631 | CAN7, Interview.

632 | SWC 2012i, 9-10.

633 | SWC 2012i, 3. See also chapter 3.4.1.2 on intersectionality.

634 | SWC 2012j.

A more ambitious approach to intersectionality in GBA data was "to use sex as your primary variable and then everything else is your secondary variable from there."[635] With the inclusion of diversity analysis as part of the new GBA+ strategy, negotiations about multi-variable analyses and indicator settings become more complicated—and so does data collection. New privacy and ethical issues pertaining to research on still-stigmatised, vulnerable groups, such as gays, lesbians, bisexuals and transgender, are encountered:

"I don't know how you could establish it as a factor? Does that make sense? Because if you don't have the information, you can't establish whether or not it's important. And so unless a) I'm willing to ask the question and b) the person I'm asking of is willing to answer it truthfully... then I don't have any information to decide if it's significant or not—to the policy or programme I'm designing."[636]

In sum, the process of data collection is complex. But the challenges and resulting lack of data cannot serve as a justification for inaction. One interviewee was concerned about how lack of data is used to delay decision making:

"Finally, another concern is where sufficient supporting data is lacking and how that fact is often used as a convenient excuse for not taking action on an important issue [...] resulting in an action being set aside until sufficient data is available."[637]

The same gender expert demonstrated a high level of impatience with inaction, which was caused by the slow processes of evidence-based policy making: "Do we have to wait until all the data is in and analysed before we can do something?"[638] Although this statement refers to systems of resistance to action on behalf of women in a particular department, it addresses the more general problem of data gaps in ex-ante policy analysis being used as political instruments to slow down or speed up decision making, depending on a politically desired outcome.

3.4.6 Accountability: The "Ultimate Utopia of Mainstreaming"?

Accountability incorporates oversight,[639] which has two dimensions: Detailed oversight of the quality of individual assessments, which should more accurately be labelled *insight* into GBAs; and oversight of general GBA activity. Although Status of Women Canada calls the decade from 2002 onwards the era of building accountability for GBA, the interviews documented large accountability gaps in the year 2008. Without access to actual data and case studies, gender units and the central gender equality machinery cannot be certain that GBA was carried out, and if, according to which quality standards.

Many of the interviewees described the lack of real information on GBA in their departments:

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635 | Michéle Bougie, Interview.

636 | CAN5, Interview.

637 | CAN6, Interview.

638 | CAN6, Interview.

639 | For a discussion on the underlying concepts of accountability, see chapter 1.5.4.

"Other areas have done GBAs, but they never shared it with us. We know that they were done, but we don't know to what extent, how big, how small, they have been doing it."[640]

"I don't know. I wish I could tell you. I was hoping that I will be able to tell, I was trying to gather the information somehow, it's very difficult for two reasons: I'm not the one who does [...] analysis and I'm not always part of everything that goes around the analysis. I don't necessarily know when people undertake the exercise so that's one. And two because of turnover, it may have been done but you know the people might have left. And also I have been there only for 11 months, so the people before me have some knowledge that I don't. So it's hard to tell you the numbers exactly what they could be."[641]

A number of reasons were given for this lack of transparency or visibility of GBA activity including turnover and poor communication about GBA activity with and between units. There was also some reluctance to come forward with examples of GBA because the analysis was either not completed or subject to departmental secrecy: "See, we have things going on right now but a lot of them still haven't come out the other end so they can't be spoken of yet [...]."[642]

Although the desire not to publish unfinished studies is understandable, it is difficult to see why branches and single analysts might fail to inform their own departmental gender units about their ways of conducting GBA. Without insight into the details of the analyses, it is almost impossible to evaluate if and how gender-based policy advice informs current policy making. It should be noted that this reluctance to come forward with GBA cases was not universal. Some departments were less hesitant to make their rudimentary case studies accessible to enable learning:

"The one that was more or less published and made available to all employees is the preliminary GBA on the five [...] programmes that we offer to First Nations, you'll find it in the kit. It's a preliminary GBA because it asks only the questions instead of answering them like how many women are head of a family as opposed to how many men. So they offer the first steps to the people working in the [...] programmes to do a full GBA."[643]

Overall, however, the unavailability of information on GBA cases raises doubts about the reality of GBA practice in Canadian public administration. In the Auditor General's GBA audit this impression was confirmed:

"The government's approach to the documentation and availability of analysis is of growing concern to me. Most recently, this matter arose in our audit of gender-based analysis. We asked the central agencies to provide information that would demonstrate their review and challenge related to any gender-specific impacts of policy initiatives submitted by departments and agencies. We were told by officials of central agencies—the Treasury Board of Canada Secretariat, the Privy Council Office, and the Department of Finance—that discussions had taken place concerning gender-specific impacts of proposed policy initiatives, but that no record of these discussions existed, apart from what might be contained in confidential

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640 | CAN7, Interview.

641 | CAN3, Interview.

642 | CAN5, Interview.

643 | CAN7, Interview.

Cabinet documents that we are not entitled to see. This is not acceptable. Departments and central agencies must be able to demonstrate support for decision making by preparing and keeping relevant documents. [...] I strongly urge the government to ensure that relevant analysis is documented and maintained in information systems. Should the analysis not be available to me, I must conclude that it was not performed."[644]

As long as GBA assessments are not made public, it is impossible to fully appraise the quality of GBA. Researchers and practitioners across government departments and NGOs are robbed of an important source of knowledge and of potential case studies for the development of best practices. Clear audit trails are needed to record how science is used in policy making. Transparency of the evidence base is commonly regarded in policy analysis as essential to the process of securing successful partnerships in policy advocacy.[645] In addition to issues of transparency, interviewees also talked about the need to improve top-down accountability for GBA:

"Although Canada signed on to those commitments, there was no accountability built into these commitments. So there was no requirement for any of the departments who had signed on to report back to their ministers or to Cabinet on the follow-up to the Beijing recommendations. There was no obligation to report back on the application of the GBA policy, all because there was no accountability."[646]

Without accountability at and to the top, GBA has been left to the discretion of individual departments and analysts on the ground. GBA was envisioned as a "systematic process to inform and guide future legislation and policies at the federal level,"[647] but delivery on the vision has been slow, incoherent and irregular. There was no coercion or urgency to acquire GBA expertise or conduct gender analyses. Even when proactively approached by Status of Women Canada and reminded of their GBA duty, departments could refuse (and have refused) to collaborate or acknowledge the validity and relevance of GBA for their policies and programmes: "So if the department did not want to work with SWC, they just didn't, they shut the door on them. Because there was no impetus, there was no legislation, no mandate."[648]

If departments did cooperate, the informational flows varied in depth, focus and data for assessment because the modalities were at the discretion of the departments. Since the impetus was to implement GBA in a way that each department could oversee the implementation for itself, Status of Women Canada, although the central governmental agency, had neither the mandate nor the means to check on the quality of analysis: "So it's always voluntarily sharing. We don't necessarily question any answer"[649]

Some departments with a proven track record of GBA initiatives have acknowledged that networking and collaboration with Status of Women Canada is desirable, beneficial, and indeed needed in order to achieve the overall goal of

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644 | Office of the Auditor General of Canada 2009a.

645 | United Kingdom 2006, 64-65.

646 | Michéle Bougie, Interview.

647 | SWC 1995, 7.

648 | Michéle Bougie, Interview.

649 | Michéle Bougie, Interview.

gender equality: "I think the work we are doing is leading to gender equality, I think what they need to put more emphasis on is actually partnering with other departments or organisations such as SWC."[650] Other departments, however, were more reluctant, especially when GBA activity was low, to fully disclose their practices. Such government opacity most likely occurred out of fear of revealing performance deficits and resource and information gaps. External intervention into the departmental sovereignty is in general a foreign concept to bureaucratic structures and institutions and is doomed to fail, even when attempted to achieve government-wide goal, such as mainstreaming gender: "And we are talking ultimate utopia of mainstreaming, not the lip-service to mainstreaming where people say, I have mainstreamed it, and all they've done is to simulate it or hidden it."[651]

Because of departmental loyalty, Status of Women Canada has not been able to gain real insight into GBA practices. Subsequently, policy advisors at the agency found themselves in a quandary about how to untie this knot:

"There is also some resistance that some departments feel they worry we might take over their role inside their departments. So there is a little bit of territoriality there. Then it's up to Status to really play that fine balance to say, no we are here to complement and support where you can't cover off your department. We are not here to take over your turf."[652]

Even where cooperation is successfully established, working arrangements can be fragile and are constantly in danger of being disrupted by staff turnover or being buried under departmental work schedules: "One of the impeding factors was staff turnover on the GBA file, so the constellations were constantly changing. This slowed progress in integrating GBA.."[653] As a consequence, networking and awareness raising has remained Status of Women Canada's most central and time consuming task—and actual GBA analysis has received less attention. After more than a decade of pursuing different avenues to stimulate GBA, interviewees linked the lack of systematic GBA implementation in 2008 to the absence of accountability mechanisms. According to the executive prerogatives under the Canadian (largely) Westminster system,[654] bureaucratic oversight is reserved to the three central agencies, thus transferring the political agenda of the ruling government into bureaucratic processes: the steering and aligning of department agendas, staffing and budgetary resources with the central government.[655] The integration of GBA into these processes and accountability structures are explained in the following two subsections.

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650 | CAN7, Interview.

651 | Michéle Bougie, Interview.

652 | Michéle Bougie, Interview.

**653** | Jennifer Payne, Interview.

654 | Studlar/Christensen 2006.

655 | Aucoin 2010.

3.4.6.1 Gender-based Analysis: It Is "the Accountability Mechanism We Want to Get Our Dirty Little Fingers Into"

The Canadian federal government has introduced departmental performance measurement under the overarching Management Accountability Framework (MAF),[656] established in 2003 and controlled by the Treasury Board. According to Mark Bovens, public accountability includes planning, organising, staffing, directing, coordinating, reporting and budgeting.[657] As a results-based New Public Management technology of governance, the Management Accountability Framework pertains to all these activities. With the framework, Canada speaks of *stewardship* (instead of *controlling*[658]) as an "integrated and effective" "departmental control regime" exercised mostly, but not only, in financial terms (see following chart).[659]

Table 16: Ten Elements of the Management Accountability Framework (MAF), Treasury Board of Canada Secretariat (2011)[660]
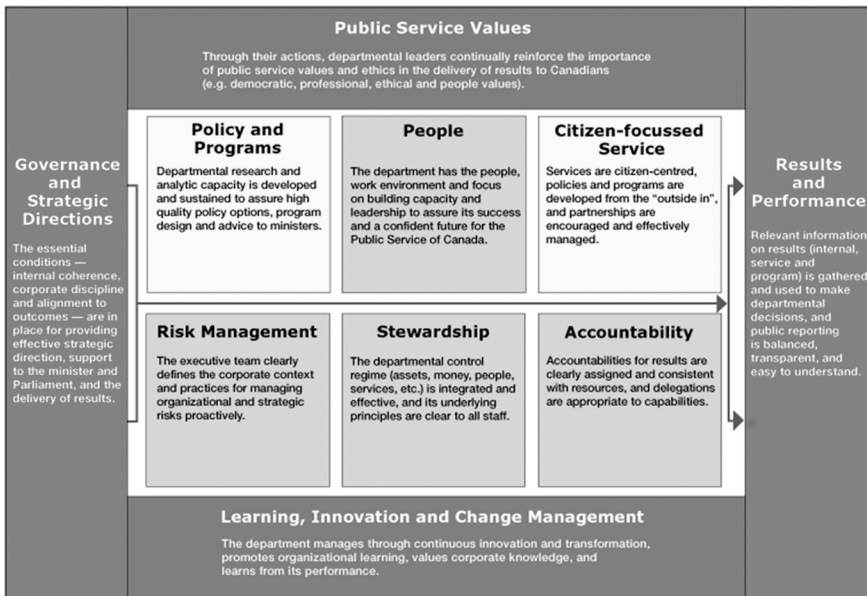
In a five-year evaluation in 2008, the framework was found to be generally effective.[661] Many of its guiding principles lend themselves as access points for a sustainable approach to GBA.

One essential part of accountability is public reporting, which also includes reporting on departmental GBA activities:

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656 | As introduced in subchapter 3.1.2.

657 | Bovens 2005, 202.

658 | In order to be internationally legible and connect to the (gender) controlling literature, I decided to continue to use the term controlling for various forms of internal bureaucratic governance through planning, steering, stewardship and answerability (Tauberger 2007).

659 | TBS 2011b.

660 | TBS 2011b.

661 | PricewaterhouseCoopers LLP/Interis Consulting Inc. 2008.

"The annual report is everything that we'll do in a year [...] there is two things: there is the annual report that speaks about the activities of the past year [Departmental Performance Report—DPR, A.S.] and there is the report, the RPP, the report on plans and priorities, that speaks about next year. So we have in both something on GBA, it's more elaborate in the annual report, but we still have a section in the RPP."[662]

Thus, reporting on GBA is linked to the central *Policy on Management, Resources and Results Structures*, in effect since 2005, and to the departmental *Programme Activity Architecture*, also sometimes called *Programme Alignment Architecture*.[663] The Programme Activity Architecture is based on regular and extensive reporting on objectives, measures, indicators, timelines, responsibilities and deliverables ex-ante in *Reports on Plan and Priorities* that look three years in advance. Included are the ex-post *Departmental Performance Reports* that attest for the past fiscal year and on programme and policy evaluations.

As such, under the results-based Management, Resources and Results Structure (MRRS), all Canadian departments are required each year to provide information to the Treasury Board about planned and expended resources in financial and qualitative terms for the current year and three subsequent years. A responsible governance structure on decision making in the department is to be instituted and communicated.[664] In order to evaluate effectiveness, quantitative and qualitative outcome indicators are to be established for measuring performance. The Treasury Board in turn provides feedback to the department's management by objectives and is allowed to ask for adjustments. In their initial document for the Management, Resources and Results Structure, all departments, including the central agencies, must determine the content for their Programme Activity Architecture, in which each department's programme portfolio is hierarchically linked to the department's desired strategic outcomes.[665] In the Programme Activity Architecture, the department's strategic outcomes are laid out as its organisational chart, stating the activities that support the previously determined outcomes under the Management, Resources and Results Structure and how the department will guarantee implementation and accountability.[666]

The Programme Activity Architectures provide an overview of all departmental programmes and activities undertaken and are ideally aligned in their strategic outcomes, in a logical relationship to each other and with the overall mandate in the department and the politics of the governing party. Writing up a Programme Activity Architecture as the initial document puts departments in the position of having to plan, define and steer future programmes and policy initiatives. This step is followed by the department's policy statement, concerning its Management, Resources and Results Structure, which consists of three main components: a) Defined and measurable strategic outcomes, b) an outline of the current governance structure, including decision making mechanisms, responsibilities and accountabilities and c) an allocation of resources.
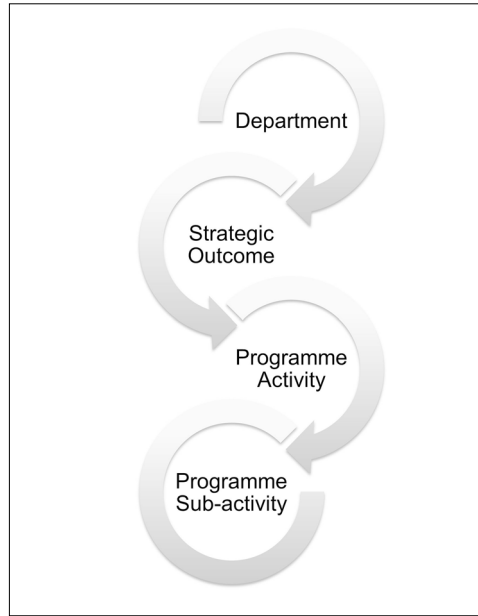
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662 | CAN3, Interview.

663 | TBS 2011c.

664 | Parliament of Canada et al. 2005, 1.

665 | Parliament of Canada et al. 2005, 1.

666 | Parliament of Canada et al. 2005, 2.

Table 17: Programme Activity Architecture, Canada

Integration of gender into this larger framework leads departments to the design objectives, measures, indicators and deliverables. Further integration of GBA into the Programme Activity Architecture and the Management, Resources and Results Structure would clarify all the above, as GBA would include responsibility for departmental and individual performance measurements, on which financial resources, in the form of programme budgets or performance-related salary components, depend:[667]

"Another way would be, every executive has to have a performance measurement, I believe it should be a requirement, it should be in the performance measurement each year. Just a basic question: how have you applied GBA this year? And there is no if, and or buts, it's how. Period. Not if you did."[668]

The Canadian International Development Agency was the first department to undertake such steps by establishing an accountability framework and integrating GBA into the departmental performance and reporting duties.[669] According to the 2009 departmental GBA Action Plan, other departments are following suit.[670] Including the GBA reporting duty in the Programme Activity Architecture and the Management, Resources and Results Structure renders the tool and its implementation visible, makes its inputs and outputs measurable, and integrates it in the overall government duty. Reporting (positively) on GBA is a powerful

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667 | Under section 2 of Canada's Financial Administration Act (R.S.C., 1985, c. F-11).

668 | Monique Lucie Sauriol, Interview.

669 | As explained in chapter 3.3.1.

670 | Privy Council Office et al. 2009.

incentive in bureaucratic logics and closes the policy cycle. It is the main missing element for controlling GBA.

Interviewees stated that reporting has existed to some extent in some departments, but it "has been sporadic."[671] Thus the main goal of these New Public Management informed structures lies in obtaining relevant information in a routine fashion, in order to hold public administration accountable to government and parliament for their financial and non-financial performance. Integrating gender into policy and programme design, objectives, etc., via a commitment in departmental Reports on Plan and Priorities translates into accountability for gendered outcomes and deliverables and would consequently require sustained GBA efforts:

"In our view we were quite happy with the policy box, because really when you've got the policy box, the rest just flows out from that. If you got your gender in your policy, if you are held accountable for gender in your policy development—it'll trickle down into programmes, it'll trickle down into research, it'll trickle down into evaluation."[672]

Ultimately, an improved flow of information results in transparent bureaucratic processes and output, allowing for better public stewardship. Quality and effectiveness of GBA predictions, as integrated into policy and programme making, can then be automatically be monitored via the indicator and performance evaluation systems. This is already the case with the Canadian International Development Agency's Framework for Assessing Gender Equality Results,[673] which introduced the gender marker as part of its programme evaluation and coding system. This allowed the department to easily access information on performance toward the departmental strategy of fostering gender equality: "And then when the minister says I want to see a list of all gender specific projects we can pull that out on the computer according to how it's coded. We have a portfolio of all these projects."[674]

All these results-based planning and reporting duties take place under the overarching Management Accountability Framework. In the past, performance indicators placed competing expectations on Canada's federal administration. The number of indicators and reporting duties had increased to such an extent that a process of simplification and streamlining was already under way[675] when the Status of Women Canada pushed for including gender as a horizontal issue into the Management Accountability Framework indicators set:

"So there you had MAF and all these DMs [deputy ministers, A.S.] going, too many indictors, we don't want to be held accountable for all this, so three, four rounds of negotiating later now they are down to a minimum of indicators. So when we said, in negotiating the response, by the way, the accountability mechanism we want to get our dirty little fingers into is MAF—

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671 | Monique Lucie Sauriol, Interview.

672 | Michéle Bougie, Interview.

673 | Originally from 2005 (Canadian International Development Agency 2005a), renewed in 2011 (Canadian International Development Agency 2011b).

674 | Diana Rivington, Interview.

675 | In its management response to the 2009 MAF evaluation, the Treasury Board Secretariat acknowledged the need to reduce the reporting burden and had decreased the number Areas of Management (AoM) from 41 to 21 at time of field study (TBS 2009).

oh my god TB [Treasury Board, A.S.], you don't understand, all of these fights we've had, we don't want more [indicators, A.S.]. So we said ok, fine—we won't create gender specific indicators […] just present them in a disaggregated fashion!"[676]

Accordingly, Status of Women Canada's strategic attempt to introduce GBA accountability consisted of disaggregating indicators and data against which departmental performance and success would be measured. In choosing this strategy, SWC evaded political controversy, and sex-disaggregation has so far proven to be the most successful and wide-spread instrument of gender mainstreaming.

Canada's federal government has settled on 15 *Areas of Management* (AoMs) as indicators,[677] as determined by the Treasury Board, to hold departments accountable for their overall performance. Introducing gender equality via data disaggregation as a cross-cutting, horizontal issue into all these 15 *Areas of Management* can serve a useful entry point into the Management Accountability Framework, ranging from inclusion into value and ethics (AoM No. 1), with gender equality being one of Canada's central values, to investment and the planning and management of projects (AoM No. 15). And, as the following quotation reveals, controlling for gender under the Management Accountability Framework can be combined with a diversity lens, based on controlling for multi-variables:

"So if the policy box has one indicator that says: alleviation of poverty, then in that indicator all we are asking them to do is, disaggregate it. And if this fiscal year your objective is a 20 per cent decrease of poverty, then your indicator for this year is, we have achieved a 20 per cent decrease in poverty, all we are saying is, just break down those 20 per cent in men and women and sub-population groups. So, two per cent aboriginal women, three per cent aboriginal men, you know four per cent women with disabilities, six per cent men with disabilities, immigrants, […]—all the way down there. Your multi-variable analysis, basically give us all the sub-population groups broken down by gender. And that's it, we are not asking you to do a new indicator or a specific indicator, we just say: collect your indicator data in a way it is disaggregated."[678]

Until 2007, the three central agencies did not acknowledge their responsibility to hold departments accountable for Canada's value of gender equality.[679] But in the aftermath of the 2005 *Evaluation of Three Components of the Agenda for Gender Equality* (AGE)[680] and the *Expert Panel on Accountability Mechanisms for Gender Equality*'s report,[681] the government's response to the Standing Committee on the Status of Women,[682] as negotiated by Status of Women Canada, has changed that perspective. Ever since, the Treasury Board has agreed to use the Management, Resources and Results Structure also as means of accountability for GBA:

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676 | Michéle Bougie, Interview.

677 | TBS 2011.

678 | Michéle Bougie, Interview.

679 | Defined by SWC as a departmental strategic outcome against the following indicator of "full participation in the economic, social and democratic life of Canada" (SWC 2012j, 5).

680 | SWC 2005f.

681 | Expert Panel on Accountability Mechanisms for Gender Equality 2005.

682 | Oda 2006.

"So what we had to do then, was to work with TB [Treasury Board, A.S.] on this tool, so that they actually did get to the point which was by last fall [2007, A.S.], they actually got, yes the MRRS can be used for gender equality outcomes, if, and this is the crux of it, if the strategic objective and your activities in your RPP identify gender specific outcomes, but they have to be gender specific."[683]

In Update 9.7.3. on GBA, issued as the guide for writing Treasury Board sub-missions,[684] departments were reminded for the first time of an already existing duty, namely to identify "how public policies differentially affect men and women." They were also reminded that they "are expected to include these considerations while performing their initial analysis, likely early in the process, at the MC [memorandum to cabinet, A.S.] stage for example."[685] Alongside the disaggregation of all indicators by means of multi-variable analysis, the systematic use of the GBA tool, based on the government-wide commitment, is now officially recognised as central and indispensable to good policy and programme making.

There are, however, some areas of the update that seem to contradict this support for GBA. For example, the update was meant to ensure that GBA along with other horizontal policy considerations was incorporated in the *initial design,* but the wording led to some misinterpretations: "Federal organizations should proceed with a last check to ensure their proposal is GBA compliant, and report their findings in the TB [Treasury Board, A.S.] Submission."[686]

This "last check" phrasing could give departments the impression that it is acceptable to apply GBA as a general rule. Or it could be interpreted as a reminder to at least word the proposal in a way that it will be GBA compliant and not rejected. Another noteworthy point in the update is the inclusion of GBA in Chapter 9 "Remarks," along with environmental sustainability considerations and risk analysis—signalling the marginal character of GBA. Also, in Appendix D: More Information on the "Remarks" Section, GBA and gender are not mentioned (unlike sustainability concerns and risk management). Instead, users looking for guidance on GBA are directly linked to SWC's GBA+ website, where all steps and procedures are explained in detail.

In spite of these concerns, the explicit inclusion of GBA in the Treasury Board guidelines is a milestone in the history of Canada's GBA implementation. Not only is GBA included in reporting cycles, thus providing greater transparency, but a monetary incentive for public servants is also included for the first time:

"So with MAF, [...] one of the criteria is their capacity to manage analysis, their capacity to analyse policies and programmes and solutions etc.—if they don't comply with the various lenses, their score goes down. And I don't know if you are aware of this, but in Canada deputy ministers and senior managers have bonuses based on their performance. For deputy ministers, the report card of the MAF will determine the bonus, so it's all in their interest to make sure that they have a good report card, including the capacity to analyse."[687]

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683 | Michéle Bougie, Interview.

684 | TBS 2007b.

685 | TBS 2007b.

686 | TBS 2007b.

687 | CAN1, Interview.

Deputy ministers[688] are the administrative heads of departments and the most senior civil servants. If their bonuses would at least partially depend on good GBA performance, the incentive would eventually trickle down into the department's day-to-day operations, making GBA practices more systemic, routine and sustainable. Success, however, depends on a precise quantitative and qualitative definition of *compliance* with GBA as well as on the proficiency of the central agencies in controlling for compliance:

"There would be activities specific to women, there would be resource allocation specific to women. So MRRS could pick that up because it's gender specific. But if this strategic objective remains we would work on alleviating poverty it becomes more difficult for the MRRS to pick up, if they are doing anything on gender within that broader objective. So what we are looking at now is, will MRRS be able to pick up an activity where the strategic objective is gender neutral?"[689]

Summing up, the three expected outcomes of a transparency initiative in public affairs are a) management for results; b) decision making for results and c) accountability for results. The benefits, but also the limits of GBA in results-based management procedures, where it competes with many other (disliked) New Public Management duties, remain to be seen.

3.4.6.2 Controlling for Gender-based Analysis: "It's Going to Be Easy for Government"

The previous section demonstrated how GBA answerability was introduced into the overall New Public Management accountability systems for Canada's public administration.[690] The effectiveness and sustainability of such new equality governance arrangements will depend on a "delicate balance"[691] between the Status of Women Canada, the central agencies and the other departments. This chapter sheds light on the new accountability mechanism, which by challenging departmental GBA application, enables the central agencies to exercise a controlling function. The chapter also discusses the role of Status of Women Canada in accountability.

The interviews revealed that the process of negotiating the introduction of GBA into the Management, Resources and Results Structure depended on inter-personal interaction and on the credibility of individual Status of Women Canada employees who have earned a high level of trust for their work and their agency over the years:

"I talked them [TBS, A.S.] into it and this is the experimental part now, because now they're really in murky water and they kind of look at me as if I'm insane, but I've got them to go along with me on this and it's an experiment to see, if it will pick up gender related outcomes. So,

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688 | In 2003 with the then new MAF, the Privy Council Office has also published a Guidance for Deputy Ministers.

689 | Michéle Bougie, Interview.

690 | Namely, the aforementioned Management Accountability Framework (MAF), the Management, Resources and Results Structure (MRRS) and the Programme Activity Architecture (PAA).

691 | Michéle Bougie, Interview.

because many of the departments will either treat their activities as either gender neutral or as mainstreamed."[692]

The employee who made this statement is a senior policy and programme advisor for Status of Women Canada. Her remarks are an example of how valuable trust—engendered through long-term government employment, the establishment of lasting networks, and a high level of professional competency—can be. It shows how femocrats and institutionalised state feminism has managed to win over key players in government due to sustained efforts and built-up credibility. Such relationships will be key in the future. The new accountability for GBA represents a new mode of equality governance and is labelled an *experiment*. It is a novelty with little experience behind it, especially on the part of non-gender experts. To facilitate submissions required by the Treasury Board, policy officers there have followed the lead of gender experts from the Status of Women Canada in providing support, training and counsel to users in executing this far from trivial task.

But submissions to the Treasury Board are only the second stop on the way to getting spending and programme approval from the central agency. The first extra-departmental notification—after the ministerial approval of a new policy or law development in a particular department—is a Memoranda to Cabinet. This memorandum lays out the policy, programme or legislative issue at stake, its fiscal financial implications, and its rationale. The memorandum is submitted to the Privy Council for approval of the policy's alignment with the overall political agenda of the current government. It is also provided to the Department of Finance, which insures the policy's overall fiscal soundness in alignment with policy priorities and the national budget. Last but not least, the Treasury Board ensures accountability and transparency as well as alignment with the department's Programme Activity Architecture and the Management, Resources and Results Structure.[693] The Memoranda to Cabinet, as well as the Treasury Board submissions and other reports on departmental initiatives, thus ensure policy coherence and alignment with political objectives. These approvals are key for policy implementation in the line departments.[694]

Since 2007 the Treasury Board guidelines have updated the Privy Council Office's *Drafter's Guide to Cabinet Documents*,[695] which addresses the development of Cabinet documents, such as Memoranda to Cabinet, aide-mémoires and presentations. A notation as to the relevance or non-relevance of GBA is now required in all these documents. In the Privy Council's guide, GBA is called a consideration "[...] that **must** be referenced in the MR [Ministerial Recommendation, A.S.]"[696] on whether to grant approval: "The MR **must indicate** whether or not the following considerations are applicable, [...] **gender-based analysis**"[697] To establish a Cabinet opinion on this GBA requirement, the Treasury Boar and the Privy Council or the Department of Finance rely on evidence-based proof on that GBA was conducted

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692 | Bougie, Interview.

693 | International Affairs; et al. 2008.

694 | Privy Council Office 2011, 65.

695 | Privy Council Office 2012, 8; 24; 30. The GBA duty is maintained in its 2013 version (Privy Council Office 2013, 8; 25; 31)

696 | Privy Council Office 2012, 8. Emphasis by author.

**697** | Privy Council Office 2012, 30. Emphasis by author.

and that gender was found to be a relevant or not relevant aspect of programme, policy or service design:

"And the only way you can produce evidence is apparently when you have done a GBA from the outset of your policy development process right to the end of the process. Otherwise it's meaningless. It's like in a memorandum to cabinet where you say, oh gee we counted the word woman 6 times therefore GBA was done, which believe it or not until a few years ago, that's what was happening at Privy Council Office."[698]

The future direction for GBA is much ambitious. The Treasury Board and the Privy Council are attempting to detect gender relevancy in a period of transition from old GBA impunity to new GBA accountability. At the same time, the Status of Women Canada is assisting selected departments in including gender outcomes in their strategic objectives:

"I'm working on with two departments right now, at the end of that three years where they can create new PAAs, so I'm working with them to rearticulate brand-new PAAs in such a way that gender will become visible within the structure."[699]

Table 18: The Central Role of Status of Women in Accountability for Gender-based Analysis (2008)[700]

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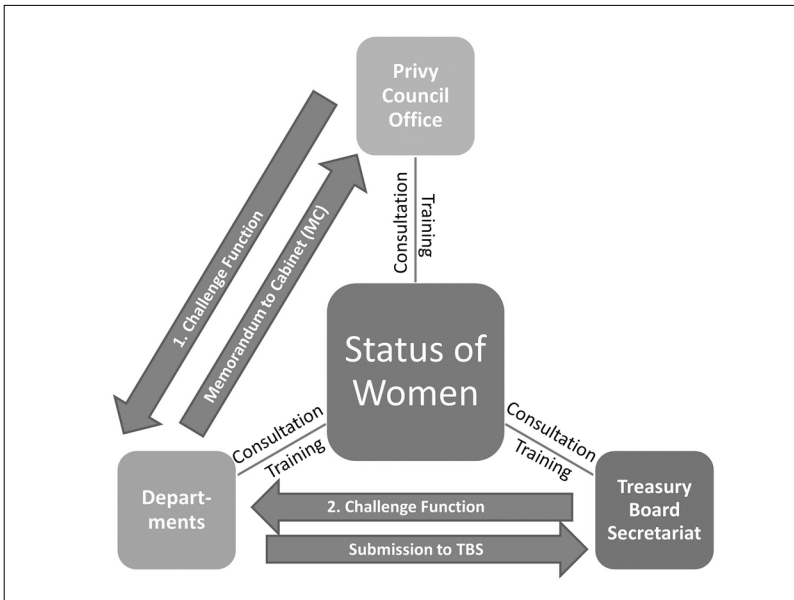
698 | Michéle Bougie, Interview.

699 | Michéle Bougie, Interview.

700 | Sauer 2008c, 7. Graphic representation by author.

Canada's GBA application has been challenged from top to bottom and from the bottom up, with the Status of Women Canada in a central role to help departments stipulate the gender relevance within their policy and programme portfolios. Thus, the role of the Status of Women Canada has changed from that of *gender police* to *partner in crime*. It is finally the dependable internal government partner and GBA enabler it set out to be. It has succeeded in providing what Margret Page called "hidden leadership" within Canada's federal bureaucracy by "creating the conditions in which other actors might bring content to gender mainstreaming processes that they had designed and put in place."[701] In the interviews, Canada's federal gender experts were excited, hoping to see improved degrees of oversight as well as greater controlling for and more practice of GBA. Opinions varied however about the future impact of such administrative transformations. Some felt that putting the central GBA reporting duty in Treasury Board and Privy Council documents was not always suitable and that the effect would possibly be negligible: "Of course it is not always appropriate, it's one of the many lenses that we will keep in front of us and if it is pertinent to a specific case it will take a bigger place than with others."[702]

Others voiced doubts about the gender expertise of the Treasury Board, Privy Council and Finance Canada analysts who would be exercising the challenge function and felt that the Memoranda to Cabinet stage might be too late for a proper GBA to be conducted: "There is a difference between having a gender team actually do the challenge function, but I think when MCs [Memoranda to Cabinet, A.S.] are already written, it's at the end of the process, it should be implicated from the outset."[703] Yet others believed that the exercise of challenging GBA applications will foster long-term GBA commitment and over time will trigger more and more profound analyses conducted *from early on*, because GBA will have to be built into the Programme Activity Architecture: "It's going to be easy for government, [...] to detect [...] shortfalls. Because, there is going to be greater transparency and greater disclosure."[704] As such, this shift in equality governance is indeed evoking new hope in the transformative potential of integrationist approaches to gender mainstreaming.

Among the interviewees, legislating GBA was the most widely demanded activity for establishing accountability. Their expectation is that GBA law would be an equity result in itself would help enforce practice, supported by a system of tools, training, resources and penalties: "I think [...] that it has been included in our legislation that's definitely a result."[705] A law was suggested for "the medium term" by an expert panel on gender equality in 2005.[706] The draft bill recommended roles and responsibilities, an implementation process, tools, and even complaint and appeal mechanisms, and it was supported by the Standing Committee on the Status of Women and still is supported by some analysts.[707] Such pooling focus on the *power-formative* character of law dates back to an early twentieth-century

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701 | Page 2011, 334.

702 | CAN2, Interview.

703 | CAN7, Interview.

704 | CAN1, Interview.

705 | CAN3, Interview.

706 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 9-10; 30-35.

707 | Expert Panel on Accountability Mechanisms for Gender Equality 2005, 53-57.

engagement with the theory of law by one of the main founders of Germany's political science, Hermann Heller, whose work "Staatslehre" (State Theory)[708] already pointed towards the "law-formative character of power."[709] Calling for a law on GBA was mainly proposed by representatives of the Canadian women's movement and feminist law scholars to pressure the government to foster implementation and accountability:[710]

"We proposed this law, because in other laws there is this same kind of obligation. To report on what's going for environment, what's going on for multi-culturalism, what's going on for citizenship. So there is this accountability, so if the civil servants can't be accountable, if they don't want by their own will to be accountable you have to force them. [...] When there is a law that forces them, they have to. Just like the law on bilingualism in Canada, they have to have bilingual post offices, even in Vancouver where nobody speaks French or very little. And if there wasn't this law in bilingualism in Canada, nobody would do it—we all know that. That's for the law, but I know the limits of laws. Law is only one instrument, one tool of change."[711]

There is a long way to go between recognising a need for change and actual legislation. For the moment there is no political drive to legislate GBA, so the legislative base remains Canada's constitution. Future research will have to examine the short-, mid- and long-term effectiveness of heightened accountability under the New Public Management paradigm and its effects on GBA practice and sustainability.[712] As the brief exploration of the New Zealand case study in the next chapter shows, linear progress is not guaranteed and New Pubic Management mechanisms can be responsible for gains as well as losses.

3.4.6.3 Canada and the New Zealand Accountability Experience—Excursus

At the time of my field work, the Canadian experience seems comparable to the earlier experience in New Zealand. In New Zealand, there was at the beginning some level of disillusion and disappointment with gender analysis practices, first expressed by Katherine Teghtsoonian and later by Rachel Simon-Kumar and Margaret Wilson.[713] Then, in the early 1990s, New Zealand entered a phase of voluntary, ad hoc implementation (comparable to practices in Canada and Europe) and began a second phase of increased control, where ministries were required:

"That a gender analysis be included in papers submitted to Cabinet; and [...] the articulation, through the performance management frameworks of individual government departments, of explicit expectations, incentives and/or penalties designed to ensure the incorporation of gender analysis into routine policy work. All of these approaches have been pursued in

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708 | Originally published in 1934, reprinted in (Heller/Niemeyer 1983).

709 | Dyzenhaus 2000, 40.

710 | The proposed GBA bill also foresaw reporting, compliance and audit procedures (Expert Panel on Accountability Mechanisms for Gender Equality 2005, 57).

711 | Louise Langevin, Interview.

712 | Especially of the new Action Plan on Gender-based Analysis (2016-2020) (SWC et al. 2016), after the second audit (Office of the Auditor General of Canada 2016).

713 | Teghtsoonian 2004; Teghtsoonian 2005; Simon-Kumar 2011; Wilson 2011.

Aotearoa/New Zealand, but their impact across government has been neither deeply rooted nor widespread."[714]

All paper submissions to the Cabinet Committee on Social Equity, the central controlling authority for gender analysis, were required to address gender impacts of the issue under consideration, a requirement outlined in 1991 Cabinet submission guidelines[715] (not unlike Canada's updated Treasury Board guidelines). However, "results have been disappointing,"[716] and it was found that ministries often had not included a gender analysis statement at all. Where a gender analysis was included, it was of "poor quality" or had not been undertaken "from early on," but was rather an add-on to fulfil the formalised prerequisite.[717] Unlike in Canada, the Cabinet or the central State Service Commissions at that time had not yet been involved in establishing and assuring accountability. But the New Zealand Ministry of Women's Affairs still hoped to draw these central agencies into accountability for gender analysis.[718]

    Pointing towards other successful modes of New Public Management governance in New Zealand's public service, in contrast to the failure of gender analysis, Teghtsoonian, Simon-Kumar and Margaret Wilson identified further obstacles to the cross-cutting implementation of gender analysis in New Zealand: a lack of political will and commitment[719] the dominance of a neo-liberal paradigm,[720] and austerity measures[721]. But the greatest obstacle was felt to be the norm of value-neutrality in public administration at large:

"Indeed, one of the central purposes of gender analysis is to dismantle the claims to neutrality which often mask the deeply gendered assumptions underlying, and impacts of, neoliberal policies and technologies of rule. At odds with many aspects of 'business as usual', gender analysis is more amenable to being framed as politicised [...]."[722]

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714 | Teghtsoonian 2004, 275.

715 | Teghtsoonian 2004, 278. The commitment was renewed in the 2002 *Cabguide*, issued by the Cabinet Office in order to advise officials on the drafting of Cabinet papers. The Cabguide entails reference to the *Cabinet Circular* on gender analysis, equally published in 2002 (Wilson 2011, 208).

716 | Teghtsoonian 2004, 278.

717 | New Zealand; Ministry of Women's Affairs 2002, 14; Wilson 2011, 208-209.

718 | New Zealand; Ministry of Women's Affairs 2002, 15-16.

719 | Teghtsoonian 2004, 279; Wilson 2011, 209.

720 | Teghtsoonian 2005; Simon-Kumar 2011.

721 | Wilson 2011, 208.

722 | Teghtsoonian 2004, 279.

3.5 Summary: "I Can See a Difference Already"

GBA, as an *explicit* IA[723] and *good* gender mainstreaming tool[724], is the tool of choice for gender analysis for Canadian federal policy and programme making. It was officially embraced by the Canadian public administration, along with the demand for closer connectivity between the tool GBA and its strategic consequences by mainstreaming gender "in all politics and programmes."[725] In doing so, Canada wanted to support horizontal policy advice with the goal of producing an "integrated policy approach"[726] to gender equality. Canadian tool practitioners attest to its implementation fitness and capacity to integrate intersectionality. They worried, however, about its up-take and organisational sustainability. Concerns were also voiced in Canadian feminist and policy studies about its lack of implementation on the one hand, and, once it was used, with negative "unanticipated results"[727] on the other.

Departmental implementation structures for GBA vary greatly within the federal government of Canada. The findings of this study reaffirm Hafner-Burton's and Pollack's early assumptions that the openness or unreceptiveness to the instruments of gender mainstreaming depend on the ideological framing in the department—including its scientific culture—and on its senior management and top tier representatives.[728] The micro-level input structure in this respect is as important as the meta-policy output structure of an organisation and its capacity to implement and carry out GBA. Policy frameworks and top-down support are decisive in setting the agenda; at the same time individual policy analysts are crucial as agents of change:

"For me personally by working for Indian Affairs I'm hoping to change the culture at Indian Affairs, I can see a difference already, I have been here eight years, I can already see a progression and it is always slow in the departments, for change, whether it would be GBA or sustainable development, it's always a very slow process, but I can already see a change happening."[729]

Between 1995 and 2007, GBA in Canada was implemented de-centrally, and it has not been subjected to quality or other means of control and accountability. The lack of consistency in implementation led Pauline Rankin and Krista Wilcox to the following critical statement, attesting to GBA's limited results:

"Practically, [...] Gender-Based Analysis thus far has yielded modest accomplishments with respect to advancing women's equality in Canada. Despite its promise as a breakthrough tool for improving public policy for women and men [...]."[730]

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723 | According to the criteria established in (Podhora et al. 2013).

724 | According to the criteria established in (Lewalter 2010).

725 | McNutt/Hawryluk 2009, 120.

726 | McNutt/Hawryluk 2009, 121.

727 | CAN4, Interview.

728 | Hafner-Burton/Pollack 2002, 343.

729 | Monique Lucie Sauriol, Interview.

730 | Rankin/Wilcox 2004, 58.

At the later point in time when the field study was conducted, GBA in Canada was still not systematically integrated into Canadian federal policy and programme making. GBA activity was mainly found in departments governing the policy areas of international development, aboriginal affairs, health, and immigration. Beginning in 2007, however, GBA was to be found in an active, fluid process of evaluating and accounting for its practice or non-practice. This has ultimately led to the advent of GBA as part of bureaucratic accountability mechanisms, using New Public Management systems of administrative transparency and control as access points. The former "lack of obligation to conduct GBA; internal resistance; lack of shared responsibility"[731] was then replaced by making GBA "imperative"[732] in terms of policy integration.

This dynamic development after years of stagnation is a result of a complex multilevel system of equality governance. This system includes the Standing Committee on the Status of Women as the body of parliamentary control and Status of Women Canada as the central administrative actor and promoter of GBA. The system incorporates the legal and bureaucratic commitments to gender equality in Canada's institutions and, via international treaties such as the UN Convention on the Elimination of All Forms of Discrimination against Women and the transposition of The Platform for Action in Beijing's World Women's final conference document.[733] The *travelling concept* of equality governance of public policies through gender analysis originated in Canada, and it has now come full circle.[734] GBA was found to be in a process of transformation from a not-much-applied tool to an omni-relevant gendering of governance processes,[735] incited and fostered by informal modes of "hidden leadership"[736] through Status of Women Canada's state feminism.

GBA practices are on the path to being extended beyond *susceptible* departments of *soft* (social or health) policies, to touch upon ostensibly gender *neutral* policies and departments occupied with hard (economic, trade, infrastructure or financial) policies. The advancement toward sustainability of GBA implementation in Canada is a result of the emerging relations between government and non-government actors beyond the "public private dichotomy."[737] In a complex, multilevel interplay between democratic checks and balances, administrative New Public Management streamlining processes and personal interaction between individuals, the Status of Women Canada plays the central role. It incited accountability for GBA and supports the central agencies in their new GBA steering role.

In this process, public sector reforms under New Public Management have played an ambiguous role: They served as yet another entry point for GBA accountability, but they have also harmed and reduced capacities for GBA and policy analysis in general through their requirement for *streamlining* government. The

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731 | McNutt/Hawryluk 2009, 118.

732 | McNutt/Hawryluk 2009, 121.

733 | Extra-governmental players such as women's groups have not been subject to this research, but have also lobbied for increased GBA implementation.

734 | Baer 2009a, 102.

735 | Baer 2011b, 108-110.

736 | Page 2011.

737 | Baer 2009a, 105.

"complicated effects"[738] of such normative changes in Canada's administration, between NPM cutbacks and newly established GBA accountability mechanisms, remain to be seen. Advances in GBA are always in danger of disappearing in *neutral* policy making assumptions—as the New Zealand case demonstrates. In the hope of raising acceptance and increasing uptake, the new tool GBA+, emphasising intersectionality, has invoked a wider diversity frame on top of the gender equality frame. At the time of my research, GBA was not yet mainstreamed in Canadian public policy and programme making, and gender analysis was itself disconnected from current policy analysis literature.[739] If Canada is not to repeat the New Zealand experience, much will depend upon the extent of impunity from or enforcement of GBA performance under the new accountability regime of the central agencies, but also upon the analytical strength and uptake of the new intersectional GBA+ tool.

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738 | Baer 2011b.

739 | For instance, GBA or gender impacts do not occur once in a recent edited version on the state-of-the-art of Canadian policy analysis (Gorbet/Sharpe 2011).

4. Gender in the Impact Assessment of the European Commission

This second empirical chapter, presents interview results derived from the European Commission's practices. The first part explains the context of the EU's political, multilevel governance and administrative system and provides a chronological reiteration of the development of the EU's ex-ante IA system and the position of GIA within it. The second section presents a critique of the guidelines currently available in the Commission's IA system. The third part explores the role of the EU's gender equality architecture with regard to gender impact assessment. In the fourth and main part, I present the interview evaluation and the stance the European experts have taken, contextualised with the document analysis of tools and supporting literature, as presented in the subchapters before. As in the previous chapter on Canada, part five attempts a summary of the main findings on the position of gender equality in the EU's IA system. Again, in the EU context, impact assessment (IA) is used as innate terminology, referring to ex-ante policy and programme IA (unless otherwise indicated).[1]

4.1 POLITICAL SYSTEM, POLICY MAKING AND IMPACT ASSESSMENT

The following chapter is intended to familiarise readers with the EU's political system and reach of its policy making. It focuses in particular on the pivotal role of the Commission, in order to demonstrate the centrality of its IA system and the potential it bears for gender assessments and more equitable policy design. In addition, there is the legal obligation for gender equality and gender mainstreaming and its consequences for gender in policy and programme making. Finally, a detailed account of the development of the Commission's integrated IA system is laid out, as it developed parallel to the EU's gender mainstreaming efforts.

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1 | For a detailed discussion on international IA terminology, see chapter 1.3.; for tool typologies see subchapter 1.6.

4.1.1 Policy Making Process and the European Commission

The political system of the EU has often been categorised as a system of its own, "sui generis,"[2] and therefore beyond a comparison with other political systems. In particular researchers in international relations and comparative politics have emphasised the peculiarities of the EU's institutions, thus deeming a direct comparison of its executive, legislative and judicative powers with national state systems difficult.[3] This chapter focuses on the EU's policy making process and its administrative system, a system which is subject to "the same governance modi,"[4] hierarchies, and competition as the national states. Political science research concurs that the Commission's administrative structure and staff "shares [...] similarities with national core executives,"[5] and that the same horizontal organising principles are evident in nation state ministries as well as in the Commission's DGs.[6] Drafting law proposals is mainly the task of the Commission and is executed in its DGs by in-house public servants and experts.[7] In this role and function, such actors execute tasks, like drafting law proposals[8] and designing public service, considered comparable to the policy and programme making process in national ministries.

The Commission is empowered under the Treaty of the Functioning of the European Union (TFEU)[9] (Art. 294) to initiate all legislative proposals of the EU, and to ensure the application of the Treaties under Lisbon (Treaty on European Union—TEU) (Art. 17).[10] The EU's body of law exists within the limits of the competences conferred to the TEU (Art. 5) and is divided into primary and secondary legislation, of which the treaties as primary legislation represent the foundation and set the rules. Regulations, directives and decisions all count as secondary law and are based on the standards and goals of the treaties and as such.[11] A regulation is the most powerful tool and it is directly applicable to member states in full. The directives are also binding, but indirectly, since it is left to the member states of how they wish to achieve the content and goals of the directives within their national legal systems. The EU issues a large body of soft, non-binding laws such as recommendations, opinions, white papers etc. in order to coordinate and harmonise EU political strategizing and policy making.

Although composing part of a larger, supranational political process, the legal instruments mentioned above are also subject to ex-ante IAs within the EU's inter-

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2 | Ward/Ward 2009, 6. See also (Magiera 2008, 75).

3 | Bailey 2011; Tömmel 2008c.

4 | Tömmel 2008a, 422.

5 | Trondal 2010, 47.

6 | Trondal 2010, 257.

7 | The Commission is bound by the Treaties to represent an independent body enacting laws on behalf of the good of the Union (Grüner 2011, 140-148).

8 | For which there are common guidelines by the Commission, EP and the Council (European Parliament et al. 2013).

9 | European Union 2008.

10 | Bermann et al. 2011, 45. Not many publications have yet engaged this new, strengthened role of the Commission; for its general administrative functions see (Niedobitek 2008), for its role in policy making see (Magiera 2008; Hartlapp 2008).

11 | Bermann et al. 2011, 75-76.

institutional and common approach to impact assessment, where the Commission's IA system is the basis and at the centre.[12] Herewith, state authority is "laterally loaded,"[13] away from representative to toward nongovernmental arenas—in this case: research. The IA system is administered in-house as part of the Commission's comparatively slim administrative apparatus. Permanent personnel; including approximately 23,000 European civil servants, also called Eurocrats; another 9,000 contractual workers, so called Seconded National Experts[14], who work for the 43 DGs and Services, including the 19 DGs who work on policies.[15]: The Commission's permanent personnel are required to rotate positions and/or DGs every five years in order to enhance innovation.[16] According to Jarle Trondal, the Eurocrats' work logic follows the roles and rules framed by their administrative unit and their professional education and standards.[17]

Following the Treaty of Lisbon (Art. 289),[18] the formal co-decision making procedure was replaced by the *ordinary legislative procedure,* which strengthened the role of the European Parliament (EP) in decision making processes.[19] The EP, in

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12 | "15. When the European Parliament and the Council carry out impact assessments, they will, as a general rule, take the Commission's impact assessment as the starting point for further work. Moreover, they undertake to organise and present, to the greatest possible extent, their impact assessments in a way that will ensure comparability with the Commission's impact assessment, without duplicating the Commission's work." (European Commission et al. 2005a, 4).

13 | A governance concept suggested by Louise Chappell (Chappell 2013, 609-6010).

14 | 23,645 as of 2013, with 52.56 per cent male and 47.44 per cent female employees (European Commission 2013a). Some sources also cite lower figures such as 18,000 members of permanent staff, calling the EC's administrative body "surprisingly small" (Bermann et al. 2011, 50) for its many tasks, but ignoring the steady rise of employment figures and the also growing Secondment system, where the Seconded National Experts stay on the pay roll of national, regional and local governments as well as private companies, while working for the Commission. According to Jarle Trondal all public servants in EU administrative bodies, including the temporary Seconded National Experts, "go native" in the sense that they follow the Weberian archetype thus demonstrating portfolio, unit, section and department loyalty. Functions are fulfilled in a well-defined, hierarchical division of labour, and the self-perception is one of an "impersonal, impartial and free civil servant" (Trondal 2010, 251-252). This view is sharply contradicted by Michéle Knodt (2013), who criticises the intransparency of the Secondment system, which allows for easy access and lobbying for particular political and business interests in heart of the EU (Knodt 2013).

15 | Bermann et al. 2011, 50. The rest is occupied with external affairs and with providing internal services. Compare also the chapter on the EC's staff in (Trondal 2010, 33-57). David Spence and Anne Stevens criticised the unequal vertical and horizontal gender distribution within the Commission's staff despite the equal pay EU polices in place: "Given the forward-looking role of the policy-makers, it is surprising that the Commission's own personnel practices suggest little impact." (Spence/Stevens 2006, 203).

16 | Trondal 2010, 53.

17 | Trondal 2010, 257.

18 | With the rules as laid out in Art. 294 (European Union 2007).

19 | I.e. the EP can and does informally ask the EC to draft a new law, an initiative the EC would usually follow, however the EP does not possess the right to direct legislative initiative.

conjunction with the Council, legislates the vast majority of EU law.[20] Despite the increased legislative power granted to the EP and the Counsel by the Lisbon Treaty, the Commission is still the main driver of the EU's law and policy making process.[21] As the EU's executive body, it drafts and implements all policies and legislative acts. Although other actors are able to propose a request for the adoption of new legislative regulation,[22] the Commission continues to inhabit the central position in the spider web of law making (as shown in table 19 below),[23] putting forward the largest number of new proposals.[24]

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20 | If the EP wishes to amend or reject a law proposal it needs an absolute majority. In areas of special legislative procedures such as justice and home affairs, budget, taxation or fiscal aspects of environmental policy, the Council or EP give up the joint adoption process in adopt alone. The Treaty of Nice introduced the principle of qualified majority, in force since January 1, 2007, under which the number of votes, representing the simple majority of member states, is sufficient to adopt a new law. Member states may also ask for a verification test that the qualified majority is based on votes representing a minimum of 62 per cent of the EU's total population, which would prevent the adoption if found below that. The treaty of Lisbon introduced yet another system, which entered into force in November 1, 2014, called double majority until which the qualified majority remains into place. The new double majority must then equal a minimum of 55 per cent of the members of the Council, at the same time comprising a minimum of 15 of the individual members, who are representing the minimum of 65 per cent of the total EU's population. The treaty also implemented the possibility of a blocking minority consisting of the minimum of four members of the Council (de Bryn 2009, 376).

21 | Older literature even attributed an initiative monopoly to the EC (Kantola 2010b, 77).

22 | Starting from 2014, even petitions for new laws and regulations with more than one million signatures by EU member state citizens will have to be accepted by the Commission (de Bryn 2009, 375-376).

23 | For instance, the Council is supported in its decision-adoption process by a permanent committee of national bureaucratic experts, the Comité des Réprésentants Permanents (COREPER), monitoring and coordinating the work of some 250 committees and working parties, consisting of officials from the member states who draft the Council's documents at technical level, exchanging on and collaborating with the EC's bureaucratic level (Schmidt 2010, 165).

24 | One can only but speculate on the effect reduction, induced by the Treaty of Lisbon, from currently 27 to 18 Commissioners with rotating nationality, starting in 2014, on the EC's administrative and policy-making system (Bisio/Cataldi 2008, 6). For the time being the appointment of Commissioners follows mostly the logics of membership in the nationally ruling party or party coalition, in combination with preferences for policy fields that are of particular importance for the member state, i.e. DG Budget for Germany (Wonka 2008, 202-210). Commissioners are setting the tone and political agenda of each DG, which in turn can exert significant influence on policy drafts, at least on those for which the Commissioner heading the DG has a party—and/or national political preference. However, the active political role only goes so far since the Commissioners also control each other in the College of Commissioners, where central policy drafts can be subjected to common decision making (Wonka 2008, 204-205). Only on drafts, which do not seem to be politically contingent, neither within the DG nor for the Commission as a whole, the bureaucracy scenario sets in, where the administrative stuff enjoys relative freedom in the drafting process (Wonka 2008,

This study is centring on the Commission's pre-legislative IA system. Therefore, the other two European policy making mechanisms (the inter-governmental and the co-ordination mode) are not discussed. Arndt Wonka observes three main advantages to the Commission under the *Community method*[25] of policy making and the Commission's right to initiative and *agenda setting powers.* Control of the timing of drafting and when to table the act; the monopoly on content and formulation of the act; and the choice of policy instrument, e.g., a directive, regulation, decision or another softer regulative tool,[26] have implications for the depth and nature of the respective IA. In order to grasp the full extent of the Commission's powers and the potential for its IA system to influence its policy making, it is necessary to examine its legislative output in quantitative terms. The following table 19 shows the total number of the legislative acts adopted by the EU, broken down by respective initiating institution.

Table 19: Number of Acts Adopted in the Year 2011 in the European Union[27]

Closing date December 31, 2011	**2011**	**Total Number of Acts**
Regulations	1,234	78,058
EP and Council	56	644
Council	111	16,944
European Commission	1,066	60,309
Other	1	161
Directives	105	5,584
EP and Council	24	913
Council	12	2,822
European Commission	69	1,841
Other	0	8
Decisions	723	28,498
EP and Council	28	326
Council	305	7,449
European Commission	356	19,833
Other	34	890
Total	4,124	224,280

These figures demonstrate that most initiatives resulting in actual law passed in the EU stem from the Commission.[28] It must be noted, however, that Commission initiatives must typically be aligned with expert networks, the Council and the EP in order to be deemed successful.[29] Until 2011 and despite an increase in law making activity, the proportionality concerning the legal activity among the three

206). The role of IAs was not addressed in Arndt Wonka's study on the EC's Commissioners, focusing on the policy drafting and stakeholder's consultation process.

25 | Kantola 2010b, 77-80.

26 | Wonka 2008, 31-32.

27 | EUR-Lex n.d.

28 | Although other sources ascribed only approximately 10 per cent to the initiative of the Commission in the past (Grüner 2011, 142).

29 | Grüner 2011, 142.

institutions was comparable to any given year before.[30] Consequently, the role of the Commission's ex-ante IA system has gained prominence with respect to bureaucratic policy and programme drafting, as well as the inter-connectedness of the Commission in its implementer's role with the ex-post evaluation system.[31] On the road to developing new regulations, directives or decisions, IAs play a central role in assessing the necessity of the Commission's activities. As the following chart demonstrates, the IA reports determine the framing of the policy problem, as well as the monitoring and evaluation systems. As the following table 20 demonstrates, the IA reports influence the entire process, from the framing of the policy problem to the legislative draft. Even though the drafts are discussed and amended in the multilevel governance system of the EU by other players, such as the EP and the Council, the Commission IA reports continue to serve as the basis for discussion, informing and supporting decision making on all levels.

Table 20: The Role of Impact Assessment in Developing and Deciding on the Commission's Initiatives and Legislative Proposals[32]
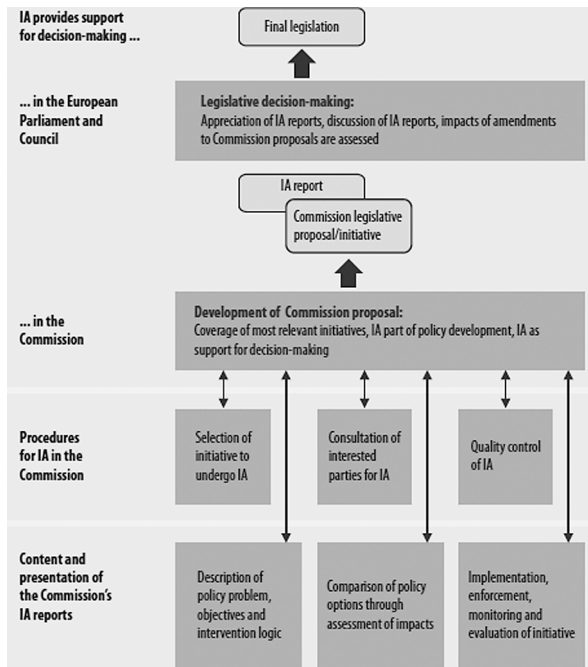
Not all Commission initiatives are subject to IAs. The applicability of IAs to individual planned activities is determined under the Secretariat General's

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30 | Due to the post Treaty of Lisbon reform process still underway, it remains to be seen, which effects the shared initiator's role with the EP and the Council as well as with the European citizens' right to petition will have on the proportionality.

31 | Centre for European Law and Governance; Jean Monnet Centre of Excellence 2014.

32 | Figure 1 in (European Court of Auditors 2010, 12).

guidance in cooperation with the Impact Assessment Board (IAB). This is in accordance with the Annual Policy Strategy that contains political priorities and central initiatives and allocates the matching monetary and human resources.[33] The screening of all forthcoming initiatives disembogues in annual roadmaps for ex-ante IAs to be conducted as part of the programming cycle.[34] Compared to the overall legislative activity of the EU, the number of actual IAs is low. Between the initiation of the IA system in 2002 and 2009, the Commission had completed just over 400 impact assessments since the IA system was put in place in 2002.[35] A report by The European Court of Auditors on the EU's IA system found that by 2008, 69 per cent of the Commission's initiatives with "significant impacts"[36] were covered by ex-ante IA. When compared to the EU's total regulatory output, the ratio appears much lower. In 2007, a total of 102 IAs were conducted, equalling 3.46 per cent compared to 2,948 adopted directives, decisions and regulations.[37]

135 IAs were carried out in 2008[38] and only 79 for the year 2009[39], equalling 5.17 percent of 2,611 and 2.55 percent of 3,097 adopted directives, decisions and regulations respectively.[40] Nevertheless, the importance and centrality of IAs in directing EU's policy making is difficult to overstate. The *black box* of the drafting stage and the significant role IAs play in formulating, framing and solving policy problems in the EU gains importance as the legislative power of the EU increases. For instance, in 2010 over 60 per cent of German national laws have been adopted based on European initiative and law making.[41] Since IAs are prepared in the same Directorate-General in charge of drafting the particular policy, the IA has an influence on the policy as well as on the perception of and reaction to the proposal by other DG's representatives in the College.[42] Officials within the system, such as the former industry Commissioner Günther Verheugen, have long recognised the important place of *Eurocratic* administration in the Commission's agenda setting

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33 | European Commission 2016a.

34 | European Commission 2016a.

35 | European Commission 2010a, 2.

36 | European Court of Auditors 2010, 16.

37 | EUR-Lex n.d.

38 | EUR-Lex n.d.

39 | The low IA numbers in 2009 were attributed to the reform of the IA system in the same year and are expected to increase again (European Commission 2010a, 2). Based on these figures, it is fair to estimate that no more than an average of five per cent to a maximum of ten per cent of all relevant EU activities will usually be subject to ex-ante IAs, especially since directives, regulations and decisions do not represent all relevant documents requiring IAs (also foreseen for other documents such as roadmaps, white papers, communications etc.). To a very significant proportion, IAs also occur on a case to case assessment of non-work programme items, amounting to i.e. over half of the IAs conducted in 2008 (European Court of Auditors 2010, 17). Green Papers, proposals for consultation with social partners, periodic Commission decisions and reports, proposals following international obligations and COM measures are in general not earmarked for IAs (European Court of Auditors 2010, 16).

40 | EUR-Lex n.d.

41 | Schmidt 2010, 161.

42 | European Court of Auditors 2010, 20.

process: "The whole development in the last ten years has brought the civil servants such power that in the meantime the most important political task of the [then, A.S.] 25 Commissioners is controlling this apparatus."[43]

The *apparatus* of the Commission's administration has played a central role in fostering gender equality and has a proven track record in striving for employment equity.[44] Integrating gender into the Commission's IA system is closely related to the follow-up on gender mainstreaming and its status in the post-Lisbon strategy and the post-Treaty of Lisbon process. Bearing in mind its central position in the IA and consequential law making process, I disagree with some opinions that the Commission's bureaucratic "powers to further gender equality have been [...] limited."[45] In fact, I regard the "unpacking the organisational machinery of the Commission—including its staff"[46] as pivotal to understanding the decision making processes and their effects on gender equality.

4.1.2 Legal Mandate for Gender Mainstreaming

This subchapter reiterates the general legal basis for gender mainstreaming in the EU and its member states. The initial commitment of the EU to implement gender mainstreaming dates back to the Beijing Platform for Action (BPfA) in 1995,[47] which was then signed by all its member states, giving it an immediate binding character on a national level. Henrike Müller divides the EU's gender equality policies into four phases,[48] of which the post-Beijing and Amsterdam Treaty phase is the last phase.[49] In this period, the supra-national legal foundation for gender mainstreaming and its tool implementation were laid. The Treaty of Amsterdam in 1997[50] codified gender mainstreaming in the EU treaties for the first time. This elevated it to a binding principle for all European institutions and member states, with gender equality outlined in Art. 2 and gender mainstreaming in Art. 3(2). Furthermore, Art. 23 of the Charter of Fundamental Rights of the European Union (2000) states that "equality between men and women must be ensured in all areas" and Art. 21 affirms the ban on discrimination on a wide number of grounds, including sex.

In 2007, the Amsterdam Treaty was followed by the Lisbon Treaty, which was later consolidated into the Treaty on the European Union (TEU). Art. 2 and 3 of the TEU commits member states and the institutions of the EU to non-discrimination and equality between women and men. Gender mainstreaming is anchored in Art. 8 of the Treaty on the Functioning of the European Union (TFEU), which states that "**in all its activities**, the Union shall aim to eliminate inequalities, and to promote equality, between men and women."[51] The all-encompassing nature of the gender

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43 | Günther Verheugen in 2006, cited from (Trondal 2010, 47).

44 | Altgeld/Maschewsky-Schneider 2003.

45 | Kantola 2010b, 220.

46 | Trondal 2010, 56.

47 | UN 1995. See also chapter 1.5.

48 | Müller 2007, 60-66.

49 | German original: "Querschnittsorientierte Gleichstellungspolitik" (Müller 2007, 62).

50 | European Union 1997.

51 | Emphasis by author.

equality duty, and its proactive mandate, is herewith maintained and also extended to the realm of policy making, including policy advice. Art. 10 further stipulates non-discrimination principles aimed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, as the cornerstones of diversity in EU rights-based approaches.

With this so-called post-Lisbon process, gender equality in the EU has now entered a fifth phase, the main characteristics of which are yet to be defined. There are conflicting opinions among feminist scholars on the role of gender equality in the new Treaty of Lisbon. Some highlight the new elements of the treaty and view the "equality between women and men" and "non-discrimination" (also found in Art. 10 of the Charter of Fundamental Rights) as fundamental rights of the Union positively. In particular, many interpret the Art. 3(3) of the Treaty determination that the EU is obliged to combat social exclusion and discrimination as well as enhance "equality between men and women" as a strengthened position.[52]

Others fear that the treaty's commitment to neo-liberal principles, such as free market economy or abolition of trade barriers stands in contrast to its human rights based goals, such as social inclusion and gender equality.[53] Unlike the Amsterdam Treaty, neither the Treaty of Lisbon, nor the TEU, include the wording *gender mainstreaming*. While noting this somewhat enigmatic fact, many feminist scholars, such as Kantola, also hint towards the fact that gender was not "successfully mainstreamed into all parts of the treaty."[54] She further points to the fact that, while gender found entry into issues such as combating trafficking, it is not highlighted in areas such as health, culture, education, finance or foreign security. For the realm of ex-ante IA, explicit mentioning of gender mainstreaming in the treaties would be helpful when attempting to mainstream gender into the respective policies and programmes. Notwithstanding these potential shortcomings, gender mainstreaming remains a legal obligation for the European institutions and member states in *all* areas; as such the duty also encompasses the field of impact assessment.[55]

4.1.3 Impact Assessment between Economy, Sustainability and Gender

Some call the current European approach of integrated IA "a practice of intelligent regulation."[56] Under the complex multilevel governance system of the EU, the formal organisation of administrative tasks (like *better regulation*) and structures ensures procedural security and legitimacy in a "turbulent environment."[57] I investigated the role of gender equality in the development of the Commission's integrated IA system, and examined its "intelligence" with regard to the EU's commitment in the BPfA in 1995.[58] In 1996, the Commission adopted a Communication that delineated

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52 | For a more detailed summary of EU policy mechanisms and milestones with regard to gender equality, see (Rubery 2015, 722).

53 | Bisio/Cataldi 2008, 27. Other critics are (Lombardo/Verloo 2009a; Kantola 2010b).

54 | Kantola 2010b, 216.

55 | Rubery 2015, 721.

56 | Vielle 2012, 106.

57 | Trondal 2010, 252.

58 | UN 1995.

a framework for implementation of gender mainstreaming in its institutions for the first time. The Commission's, *Communication Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities*,[59] stipulated that mainstreaming promotes:

"Equality between women and men in all activities and policies at all levels. This is the principle of 'mainstreaming', a policy adopted by the Community, and attention was drawn to its crucial importance at the Beijing Conference. This involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women (gender perspective)."[60]

In this definition, the demand for ex-ante and early assessments of gender equality outcomes of EU's policies and law making is established. Moreover, its far reaching objective to mobilise no less than *all* policies stays true to the gender mainstreaming intent laid out in the BPfA (1995),[61] which was signed by the EU and all members states. The Communication further details specific requirements stating:

"The systematic consideration of the differences between the conditions, situations and needs of women and men in all Community policies and actions, this is the basic feature of the principle of "mainstreaming" which the Commission has adopted. This does not mean simply making Community programmes or resources more accessible to women, but rather the simultaneous mobilisation of legal instruments, financial resources and the Community's analytical and organisational capacities in order to introduce in all areas the desire to build balanced relationships between women and men."[62]

The Communication clearly states that the gender mainstreaming of policies and programmes "should be done actively and openly at the planning stage" to "systematically" consider possible differential consequences for women and men in "all" Community policies and programmes.[63] It adds, however, the expression, "balanced relationships" to the already somewhat unclear list of terms relating to the goal of gender equality.[64] The Communication on Gender Mainstreaming is a starting point and a clear mandate to systematically integrate the gender perspective with the goal of proactively promoting gender equality in policy and programme formulation.

In 1996, the Inter-departmental Group on Equal Opportunities was founded for monitoring purposes[65] and the Amsterdam Treaty legally introduced gender mainstreaming into the *aquis communautair*e, a vertical top-down approach in Art.

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59 | European Commission 1996.

60 | COM (96) 67 final, dated February 21, 1996 (European Commission 1996). Emphasis as in original.

61 | UN 1995.

62 | European Commission 1996, 5. Emphasis by author.

63 | European Commission 1996, 2.

64 | Compare chapter 2.3.1.

65 | European Commission 1996, 21.

2 and 3.[66] The Amsterdam Treaty represents an important shift towards addressing gender inequalities together with other forms of structural discrimination based on race, ethnicity, religion and belief, age, disability and sexual orientation.[67] Before the Amsterdam Treaty, gender equality and non-discrimination were perceived as different approaches to battling inequalities.[68]

In the aftermath of the Amsterdam Treaty and the as a follow up to the Communication on gender mainstreaming, the Commission's Guide to Gender Impact Assessment was created. The Guide's official full name, is partially based on a prior Dutch policy tool also called Gender Impact Assessment,[69] and carries elements of the Swedish 3R tool[70] and other elements. The DG for Employment, Social Affairs and Equal Opportunities introduced the tool to the Commission between in 1997/1998.[71] The table 21 gives a summary of this genealogy.

Table 21: Genealogy of Gender in Impact Assessment in the European Union

1995: Communication on Integrating Gender in Development (COM(95) 423 final)
1996: Communication on Mainstreaming (COM(96) 67 final): "Incorporating equal opportunities for women and men into <u>all</u> Community policies and activities"
1997: Treaty of Amsterdam: Gender Equality (Art. 2) and Gender Mainstreaming (Art. 3 (2))
1997/98: Commission's Guide to Gender Impact Assessment (GIA) (DG EMPL)
2000/09*: Charter of the Fundamental Rights of the European Union (2000/C 364/01): Principles of non-discrimination (Art. 21 (1)) and equality between women and men (Art. 23) [*enacted in 2000, in full legal effect in 2009 with TEU]
2002: Introduction of Integrated Approach to IA with Communication on IA (COM/2002/0276 final)
2005: Common Approach to IA by EC, EP and Council; release of integrated guidelines, gender equality integrated as social impact area in SIA
2006: Update of integrated IA Guidelines; creation of Impact Assessment Board (IAB)
2007: Principle of *Proportionate Analysis*; evaluation of IA system
2007/09*: Treaty of Lisbon (TEU):Non-discrimination principle and equality between women and men fundamental values of the EU (Art. 2 TEU); combatting discrimination and promoting equality between women and men (Art. 3 TEU) [*signed in 2007, in force since 2009]
2009: Review of IA system; updated guidelines
2015*: Revision of integrated IA guidelines [*planned for 2014, executed past closing date of research in 2015]

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66 | European Union 1997. It entered into force May 1st, 1999.

67 | Compare chapter 2.3.1.

68 | Lewalter 2011.

69 | Verloo/Roggeband 1994. First English publication in 1996 (Verloo/Roggeband 1996). Its Dutch predecessor dates back to 1982, making it nearly as old as the Canadian analysis tool (van der A et al. 1982).

70 | Swedish Association of Local Authorities et al. 1999; Division for Gender Equality at the Ministry of Industry 1999. Information on the tool merger stems from the Norwegian former EU policy officer in charge (Anne Havnør, interview).

71 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998. For the precise tool genealogy, see subsection 4.2.1.

4.1.3.1 Dual Origin of the Impact Assessment System

IA, as applied to EU institutions, is mainly an ex-ante analysis of potential economic, social and environmental impacts. The Commission defines IA as "a process aimed at structuring and supporting the development of policies, programs and legal initiatives."[72] It first identifies and assesses the problem at stake and the objectives pursued. It then develops alternative strategies for achieving these objectives and analyses their likely impacts in the economic, environmental and social fields.[73] As an overall process, it "prepares evidence for political decision-makers on the advantages and disadvantages of possible policy options by assessing their potential impacts."[74] I will narrate the development of the EU's integrated IA, with special regard to gender equality, in chronological order to render the diverging strategies and timelines transparent.[75]

The Commission initiated its commitment to IA almost three decades ago, in 1996, with the "fiches d'impact,"[76] concentrating on economic effects, such as bureaucratic costs, the tax burden or macro-economic impacts. Those first Business Impact Assessments were not yet developed into standardised assessment tools and were only applied more widely by the DG for Economic and Financial Affairs starting in 1989.[77] Sometime between 1996 and 1998, the Equal Opportunities Unit DG 5 in the DG for Employment, Social Affairs and Equal Opportunities (EMPL) designed the GIA tool, making it one of the earliest standardised tools in the Commission's IA history.[78] However, GIA was never officially endorsed as an instrument by the whole Commission and remained confined to DG Employment. GIA, while gender mainstreaming, the strategy that triggered its creation, maintained a rather *divorced*

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72 | European Commission/Directorate-General for Employment, Directorate-General for Employment, Social Affairs and Inclusion n.d.

73 | Meuwese 2008.

74 | European Commission 2009a.

75 | Robertson 2008.

76 | Hanisch 2008, 19.

77 | Grüner 2011, 336. Originally introduced to raise the quality of European law making, the fiches d'impact were criticised from the start for assessing only compliance costs, and not costs arising from possible impacts, as well as for entering late in the process, after a proposal had already been made (Renda 2006, 47). As the origin of the EU's IA system, they can be regarded as the foundation for developing the Standard Cost Method and persisting dominance of economic aspects.

78 | The GIA tool is sometimes dated to 1996 (Radaelli 2003, 7), 1997 (Hunt/MacNaughton 2006, 17) and/or 1998 (Weller/Fischer 2003). When dated to 1996, it is often confused with an earlier tool, developed in 1994 for the Dutch government (Verloo/Roggeband 1994) and first published in English in 1996 (Verloo/Roggeband 1996). The EC's original GIA tool itself has no publication date but is cited in this study with 1997/98 based on information gathered in an interview with the tool's developer, Anne Havnør. She attributed its development to 1997 but was uncertain about its publication, approximately sometime between 1997 and 1998 (European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998). In its layouted version it was re-published and dated to 1998 (European Commission; Directorate-General for Employment, Industrial Relations and Social Affairs Unit V/D.5 1998). For an overview of the Commission's tools developed in the 1990s, see Figure 1 in (Radaelli 2003, 7).

life from the Commission's IA system. Gender mainstreaming and a gender equality outcome orientation of all Commission policies were never mentioned as driving strategies.[79]

Instead, the IA system can be seen as a feature of the *Better Regulation Action Plan* and of the *European Strategy for Sustainable Development* and the *Lisbon Strategy for Growth and Jobs*[80]. Sustainability (in environmental and ecological terms) was adopted as an EU strategy for its future policies in the Helsinki Council Conclusions in 1999,[81] which also led to the development of a trade sustainability IA tool by the DG Trade the same year.[82] The tool focuses outwards to the trade relations the EU maintains with other countries and organisations, and was the first one to put sustainability on the IA agenda of the EU.[83] As a result, sustainability was discussed during the introduction of gender mainstreaming into the EU but, just as with gender equality, was de-coupled from the EU's Lisbon Strategy, adopted in 2000.

In 2001, the sustainability discourse resurfaced in the Goteborg (SN 200/1/01 REV 1) as well as the Laeken (SN 300/1/01 REV 1) European Councils. There, the evaluation of the effects of policy proposals in the *economic*, *social* and *environmental* dimensions was introduced. Each of these bears consideration in a more systematic and integral way. In Goteborg, it was agreed upon that IAs for "all major policy proposals"[84] needed to add the environmental dimension as the third pillar to the former two pillar model of analysing economic and social impacts.[85] The Laeken Council[86] embraced the so-called Mandelkern Report by the High-Level Advisory Group on the Quality and Simplification of Regulatory Arrangements in the Commission,[87] which identified ex-ante IA as being *a key tool* in achieving better regulation and recommended its use.[88]

In 2002, as part of the follow-up process of the EU's IA system development, the White Paper on Governance[89] and the Communication on Impact Assessment[90] were released, symbolising the interconnectedness of good governance with ex-ante IA. The White Paper provided a principle-based meta-framework of expectations for European governance in terms of rules, procedures and behaviour. In the Communication on Impact Assessment, the Commission announced the launch of

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79 | See following chapter 4.2.2.

80 | In short, Lisbon Strategy. The Lisbon Strategy was targeted to make the EU the fastest growing knowledge-based economy of the world, initially just focusing on economic and social dimensions.

81 | European Union 1999.

82 | European Commission/DG Trade 2015.

83 | Ruddy/Hilty 2008.

84 | European Union 2001a, 5.

85 | European Union 2001a. The implementation of the Goteborg Strategy resulted in a Communication from the Commission on a Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development.

86 | European Union 2001b.

87 | European Union 2001b, 1.

88 | Mandelkern 2001. The Laeken process resulted in the Communication Action Plan Simplifying and Improving the Regulatory Environment (European Commission 2002a).

89 | European Commission 2002b.

90 | European Commission 2002c.

its first integrated IA tool that was designed to improve quality, create coherence in EU policies, and contribute to "an effective and efficient regulatory environment."[91] It also established a direct link to sustainability issues. The new IA tool and system, in place starting in 2003, would be applicable to "all major initiatives" in order to enable a "more coherent implementation of the European strategy for Sustainable Development."[92] The integrated IA was meant to replace all existing tools such as:

> "Business impact assessment, gender assessment, environmental assessment, small and medium enterprises assessment, trade impact assessment, regulatory impact assessment etc. Indeed, the new integrated Impact Assessment tool builds on these existing practices and incorporates them into the new tool."[93]

In the same year, the EU published its first integrated assessment procedure guidelines, which were intended to integrate all existing stand-alone tools, but were also explicitly denoted as a "work in progress."[94] For the first time in an integrated fashion, they made allowances for the intended and unintended effects of major legislative and policy-defining proposals and provided a two step structure for the IA process with a preliminary assessment, demonstrating relevance, followed by a more extensive IA, if applicable.[95] In the first section of the guidelines, basic elements for policy units on how to prepare and conduct an IA were stipulated.[96] The second part took the form of a reference manual, with technical IA tools and methods under the umbrella of sustainability analysis. Part three contained a set of technical specifications intended for use by IA specialists.[97]

Based on the Communication on Impact Assessment, the guidelines also introduced the principle of *proportionate analysis* that referred to the significance of the likely impacts of a proposal: The more significant the more exhaustive the analysis.[98] Since the integrated IA officially replaced the previous single-sector type analysis, the conditionality of proportionate analysis was a potentially

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91 | European Commission 2002c, 1.

92 | European Commission 2002c, 1.

93 | European Commission 2002c, 3. Emphasis by author.

94 | European Commission 2002d, 1.

95 | Tanasescu 2009, 188-197. In the same year, the EC also issued a Communication on Minimum Consultation Standards (COM(2002) 704 final) that are better linked to the IA procedures (European Commission 2002e). A proportionate gender representation or routine mechanism for consulting women's or other marginalised interest groups were not mentioned.

96 | European Commission 2002d, 5.

97 | European Commission; Directorate-General for Research 2002.

98 | For scoping and determining significance, see (George 2009). The principle of proportionate analysis was originally introduced in order to allow for flexibility and make responsible use of allocated resources to IA. It has often been criticised for its "lack of clarity" being very difficult to "clearly interpret and apply" in practice (Tanasescu 2009, 204), with a wide "discretionary" room and "undefined responsibilities" (George 2009). In this context, I would like to remark on the paradoxical tautology of this principle: Ex-ante IAs are conducted in order to gain evidence-based insight into the future consequences, intended as well as unintended effects. A priori decision on the depth of assessment, depending on the not yet

hampering factor for deepening specific lenses, like gender equality aspects of the assessment. Also, this first guide incorrectly referred to the tool either as "gender mainstreaming"[99] or as "gender assessment,"[100] but never by its proper name GIA, pointing to a lack of conceptual clarity and knowledge of GIA inside the Commission and among its IA experts.

In 2004, the Commission issued a staff working paper entitled, "Impact Assessment: Next Steps,"[101] representing an evaluation of the first year of practice and containing recommendations for improvements to the IA system. Its central novelties were the extension of ex-ante IA application, which would be made obligatory for "all major-policy defining documents and all legislative proposals listed in the Commission's legislative and work programme,"[102] and the replacement of the preliminary IAs with roadmaps.[103] Roadmaps constituted an extended form of preliminary IAs because they included a list of required assessments and consultations, in addition to laying out the policy problem, options, impacts, as well as their probability. In terms of enhancing transparency, all IAs were to be made accessible through a single website instead of remaining decentralised in the individual DGs. Finally, the list of impacts was refined.[104] The general thrust of the working paper as an overall frame for the IA system was to "support competitiveness and sustainable development,"[105] in precisely that order, and to raise quality of IAs through quantification and monetisation.

The dominance of growth and efficiency oriented economic aspects in IA was present in the birth of the system. There have been some attempts to make growth, efficiency and sustainability more complementary and egalitarian in the EU's future development. At one point, the Commission even called sustainability an overarching strategy for the Lisbon strategy.[106] But the de-coupling of the monitoring processes of the *Sustainable Development Strategy* (every two years by the December European Council) and the *Lisbon Strategy* (every year by the Spring European Council) further strengthened the primacy of the economy.[107] In fact, such bias has come to be accepted as a normal part of IA business by the European

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fully explored future consequences seems premature, more assumption than fact-based. It, therefore, has the potential to be politically tainted or bias-prone, including gender-biases.

99 | It is also an indication that the tool GIA was perceived as a gender mainstreaming instrument: "The Commission has in the past used a wide range of tools to assess its proposals: environmental assessments, SME fiches, regulatory analyses, economic studies, ad hoc consultations, business assessments, gender mainstreaming, green books and dialogues with lobbies." (European Commission 2002d, 3). Emphasis by author.

100 | European Commission 2002d, 9.

101 | European Commission 2004.

102 | European Commission 2004, 6.

103 | European Commission 2004, 6.

104 | For a list of revised impacts see (Tanasescu 2009, 198-199). Despite this revision, gender shares a lack of conceptual coherence and true integration in IA with the sustainability strategy and its adaptation that researchers see being subjected to economic growth and job creation, producing an "inherent conflict within the instrument" Ruddy/Hilty 2008, 102).

105 | European Commission 2004, 1.

106 | Tanasescu 2009, 190.

107 | Tanasescu 2009, 190-191.

Court of Auditors, which found in its 2010 audit of the Commission's IA system that: "The Commission's IA work was asymmetric between the three pillars and between costs and benefits [...]. This reflects the fact that not all types of impacts are equally relevant for any particular initiative."[108]

4.1.3.2 Inter-Institutional Common Approach to Impact Assessment

In November 2005, as a follow-up to the 2003 Inter-Institutional Agreement on better law making,[109] and in order to improve the quality of the IA system, the three EU institutions (Commission, EP and Council) agreed on an inter-institutional Common Approach to Impact Assessment.[110] This clarified the target audience of IA reports to be the Commissioners and their Cabinets, as well as EP members and the Council, and gave IA a new centrality in the law making process. The Common Approach mandated times at which IAs are necessary, which generally consisted of the most important Commission initiatives, such as proposals and substantive amendments by the EP and Council. All initiatives of the Commission's Legislative and Work Programme (CLWP), as well as those legislative proposals not considered part of the CLWP but which have significant impacts, were required to be accompanied by a roadmap. A roadmap included a description of a planned Commission initiative and outlines the necessary IA work and was, itself, subject to ex-ante IA.[111] The Commission's IAs were required to be accessible to all three institutions and to the wider public—an important gain in terms of transparency.[112] However, the Council or the EP would have to instigate its own IAs when the Commission's prior assessment was deemed insufficient for their own "substantive" amendments to the Commission's proposals or regulations:

"The Commission will, as a general rule, carry out impact assessments on major items of draft legislation, notably those included in its Annual Legislative and Work Programme, and the European Parliament and the Council will examine the Commission's impact assessment alongside the Commission's initiative and be responsible for assessing the impacts of their own substantive amendments."[113]

In the beginning, neither the EP nor the Council interacted significantly with the Commission's IA system, leaving the IA playing field almost exclusively to the Commission's public servants and policy analysts. Since that time, both institutions

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108 | European Court of Auditors 2010, 36.

109 | 2003/C 321/01, see website of the Commission on smart regulation (European Commission 2015b).

110 | European Commission; European Parliament; the Council of Europe 2005.

111 | The EC is also undertaking additional harmonising initiatives by streamlining its regulatory procedures to meet international, in particular US, standards. There exists regular multi- and bilateral exchange on regulatory issues and the harmonization of impact assessment criteria (e.g. with the UN, OECD, World Bank or the U.S. Office of Management and Budget), see "International Dimension—Regulatory Cooperation" on the Commissions smart regulation website (European Commission 2015d).

112 | Being published in draft, commented and final adopted version on the Commissions IA website und list of IAs.

113 | European Commission; European Parliament; the Council of Europe 2005, 1.

have discovered the agenda-setting power, and presumably to a certain extent also the political effects, inherent in ex-ante appraisals.[114] Although all three institutions initially revealed their intent to use the Commission's IA as the starting point for their work and decision making, recent developments have shaken that "accord" by implementing and enlarging their own IA capacities. In the Common Approach, it was already foreseen that: "Each Institution should be responsible for assessing its own proposals/modifications, and for choosing the means to be used for their impact assessment, including the internal organisational resources."[115]

However, in January 2012, the EP created its own unit for Impact Assessment and European Added Value, which became part of the newly created European Parliamentary Research Service (EPRS) in 2013. Intended to serve as an independent and objective authority, conducting analyses complementary to the Commission's IAs, the unit identifies strengths and weaknesses of the Commission's initial appraisals and can ask for and conduct a substitute or complementary IA. EP parliamentary committees can also ask the unit for IAs of their amendments.[116] In 2014, the Council of Europe also installed its own IA service.[117] Although strictly framed under a quality management paradigm, it is evident here as well that the political power of governance by and through IA has been discovered by all three institutions.

4.1.3.3 Integrated Impact Assessment Guidelines and System

2009 saw the publication of the revised integrated IA guidelines,[118] which were scheduled to be overhauled again in 2014,[119] after the conclusion of my research. They form the basis of inquiry at the time the EU interviews were conducted.[120] The following table 22 provides an overview of the chronological development of the EU's integrated IA system, under the better governance frame, and the GIA tool under a gender mainstreaming mandate.

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114 | European Parliament/Ballon 2014.

115 | European Commission; European Parliament; the Council of Europe 2005, 1.

116 | The EP's IA unit also conducts balanced analysis of economic, social and environmental impacts, and has a proven track record for a focus on the SME test, vulnerable social groups and social benchmarking. It is envisioned to staff 30 to 50 employees and can conduct a maximum of 30 to 50 IAs per year. Also, an ex-post IA unit has been founded at the EP, in order to monitor the Commission's work through follow-up analyses as published in the European Implementation Assessment Report (Pataki 2014).
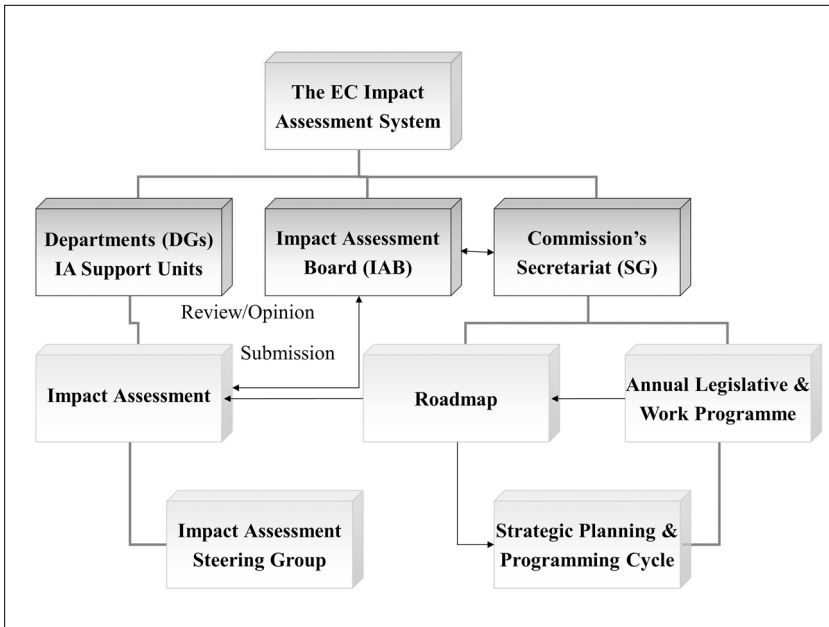
117 | Pataki 2014.

118 | European Commission 2009a.

119 | European Commission 2013b, 28.

120 | The new 2015 guidelines were not yet published (European Commission 2015c; European Commission 2015d).

Table 22: The European Commission's Impact Assessment System

2009 represented another caesura, since in these newly issued guidelines and in addition to legislative proposals, the IA duty was extended to non-legislative initiatives, including white papers, action plans, and expenditure programmes, which inform and define future policies.[121] The very negotiating process of guidelines for international agreements now had to undergo obligatory IAs.[122] Likewise, IAs were required for certain implementing measures, so called "comitology" item[123], with foreseeable significant impacts. This section laid out the relevant detailed processes and practices of IA in order to better understand it for policy assessment and the implementation of GIA on the ground. The Secretariat General,[124] the Impact Assessment Board,[125] and the single Commission Directorate-Generals jointly decide each year whether an initiative requires an IA.

After these decisions have been made, IAs are conducted internally by the Commission services in the responsible DG, over an average period of 52 weeks,[126] supported by departmental IA and evaluation support units and a mandatory Impact Assessment Steering Group (IA steering group). The IA steering group

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121 | European Commission 2009c.

122 | In practice, IAs on legislative proposals represent the vast majority. For instance, 78 per cent of all IAs in 2012 (European Commission 2013b, 12).

123 | The comitology system has changed fundamentally, but not completely expired, under the Treaty of Lisbon (Christiansen et al. 2009).

124 | For tasks and duties, see (Trondal 2010, 40-43). See also the EC Secretariat General website (European Commission 2015c).

125 | For tasks and duties see the Board's rules of procedures (European Commission 2012c).

126 | European Commission 2009a, 8.

consists of inter-service experts, whose job it is to be involved in all phases of the IA work. In the Commission, integrated IAs can and should be conducted by in-house analysts and experts; most, however, are contracted out to external consultants.[127] As part of these assessments, all relevant stakeholders need to be consulted according to consultation guidelines on a range of issues.[128] Section 4.3 of the new 2009 guidelines makes it clear that consultation needs to be carried out early-on to enable stakeholders to sufficient time to comment on the problem definition, subsidiarity analysis[129], description of the possible options and potential impacts.[130] As a last step, the IA steering group reviews the final draft of the IA report before it is submitted to the Impact Assessment Board.[131]

4.1.3.4 Impact Assessment Board and Quality Management

In response to the various practises and problems regarding the application of the integrated guidelines, the Impact Assessment Board was created in 2006 as the new quality management watchdog.[132] Since the "aim of regulatory oversight

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127 | Meuwese 2008, 83.

128 | For consultation guidelines, see (European Commission 2002e). From January 2012 onwards, the EC extended the consultation period from the previous 8 to the now 12 weeks and introduced an online early alert service, with upcoming initiatives, such as roadmaps etc., being announced up to one year in advance, see (European Commission 2012a). Organisations of civil society and business have to sign up for the Transparency Register, which was set up by the EC and EP, in order to participate in IA consultations. The register is searchable according to areas of interest, following mainly, but not exclusively, the EC's DG policy structure, such as Agriculture and Rural Development, Climate Action, Consumer Affairs or Justice and Fundamental Rights etc. Gender, or gender mainstreaming, is not enabled as a separate search category. It would be interesting to research how many women's or feminist organisations are listed.

129 | Which is monitored in annual reports on subsidiarity and proportionality, for example, compare the last 2012 report, which remarks on deficits of assessments in 43 per cent of the ex-ante IAs (European Commission 2012b, 3). The Commission also admits freely to the political nature of operationalising subsidiarity and proportionality: "The concepts of subsidiarity and proportionality are fundamental elements in the policy development process of the EU Institutions; and the Commission's impact assessments remain the main vehicle for addressing subsidiarity and proportionality issues during the pre-legislative phase [...]. However, institutional practice shows that the way these principles are interpreted and applied during the legislative phase often depends on the political context, highlighting thus their political dimension." (European Commission 2012b, 10).

130 | The 2009 guidelines incorporated results of the guideline draft consultation (European Commission 2008a). In it i.e. the issue of more concern for Fundamental Rights was raised by a number of interested stakeholders, which led the Commission to include an additional paragraph (European Commission 2008a, 4), creating ambiguity about whether gender equality is treated as an integrated fundamental right's issue or, as in the past, treated in its own right or even both?

131 | For the integration of gender in these guidelines, see chapter 4.2.3.

132 | In 2015, it was renamed Regulatory Scrutiny Board and equipped with a wider mandate, which was not subject to this examination (European Commission 2015f). For an

is both democratic and technocratic,"[133] the Board reviews all IAs for quality of report content and delivers an opinion. A "positive opinion"[134] means that the Board is satisfied with the technocratic as well as quality of IA execution and has not requested the resubmission of an IA report. In any other case the DGs are requested to re-work the IAs, considering the Boards' opinion, finalise and re-submit them.

The need to create the Impact Assessment Board arose in response to stagnating economic conditions and a rising number of (health, safety and environmental) concerns and regulations, including stiffening commercial development, socio-economic dynamics and prosperity. The regulatory oversight body of the EU was introduced to address "both the need for and problems with regulation"[135] from an economic perspective, which is still visible in its composition today. Appointed for two years by Secretary General,[136] the Board is made up of eight high departmental officials, usually the heads of DGs, and one chair. All members are selected according to the professional expertise accumulated in their respective DGs, but with the intent that they act "independently of the interests of their home departments."[137] What sounds persuasive in theory can, however, represent a quandary in practice, since non-partisanship can be difficult to establish within the bureaucratic logic of departmental loyalties.

The board operates under direct authority of the President of the Commission[138] and the Deputy Secretary General responsible for better regulation chairs the Impact Assessment Board.[139] The eight DG Directors and board members should cover the following four fields of expertise: 1) macro-economic, 2) micro-economic, 3) environmental and 4) social. With two of the four experts having an economic focus, the primacy of the economy is expressed in the configuration and no particular gender expert is required on the Board. This imbalance in the Board's

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international comparison of regulatory oversight bodies between the U.S. and the EU, see (Wiener/Alemanno 2010).

133 | Wiener/Alemanno 2010, 310.

134 | European Commission 2011b, 9.

135 | Wiener/Alemanno 2010, 313.

136 | European Commission 2012c, 1.

137 | European Commission; Impact Assessment Board 2006a, 6.

138 | European Commission; Impact Assessment Board 2006a.

139 | The 2012 Impact Assessment Board consisted of the following nine members: As Chair the Deputy Secretary General of Secretariat-General and the eight Directors of the DG Economic and Financial Affairs; DG Taxation and Customs Union; DG Enterprise and Industry; DG Internal Market Services; DG Employment, Social Affairs and Inclusion; DG Home Affairs; DG Environment, DG Climate Action. In 2012, for the first time four female and four male heads of DGs were appointed and the chair is also a woman (European Commission 2012d). Before 2010 the Boards was exclusively male, see annual reports 2007-2011 (European Commission; Impact Assessment Board 2006b; European Commission 2009d; European Commission; Enterprise and Industry DG 2010; European Commission 2010a; European Commission 2012d). In 2010, Jonathan Wiener und Alberto Alemanno rated the "current IAB's members [...] among the best IA experts among high-level officials within the Commission departments" (Wiener/Alemanno 2010, 332). The authors were not sure, whether the change of appointment rules, extending the Boards spectrum of policy fields, would guarantee the same level of IA expertise in the future.

structure may endanger the aspired "balanced approach"[140] to the three IA pillars (economy, ecology and social). Also, the capacity to judge the gender equality affects in IAs stands in question as gender expertise is not necessarily and explicitly represented on the Board. In theory, the heads of DG Employment and DG Justice, two departments with strong gender competencies and units, are meant inject the gender expertise generated in their departments into the IA quality management process. In practice, the DG's heads would ask their equality units to evaluate assessments or appear before the Impact Assessment Board. But it remains at the discretion of each head to determine the need for additional gender expertise. It also counters a mainstreaming approach, which would require all heads obtaining gender expertise for their policy fields.

The Board is supported in its work by 54 national regulatory experts, designated by member states and appointed by the Commission. In its current composition, the expert group perpetuates the biases of the Impact Assessment Board, consisting exclusively of economic, financial, legal, and trade and industry experts.[141] A document analysis found that all Board reports from 2007-2011 remained silent on gender issues.[142] The Impact Assessment Board has repeatedly identified the social IA aspects, under which gender equality issues would be subsumed but would not become evident or visible in the Board's reporting, as areas of analytical quality concern.[143] Viewing this heavy imbalance of expert representation and reporting gap on gender equality, the hypothesis emerged that *due* to the integrated approach to IA, gender is not part of the Commission's present-day integrated IA quality management and, consequently, IA system.

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140 | European Commission 2010a, 19.

141 | European Commission 2012e.

142 | According to my analysis conducted for all annual Board reports from 2007-2011 as laid out in subchapter 4.4.6.1 and in annex V (European Commission; Impact Assessment Board 2006b; European Commission 2009d; European Commission; Enterprise and Industry DG 2010; European Commission 2010a; European Commission 2012d).

143 | For example, in 2009 the board made additional requests and recommendations on 40 per cent of all social impacts and called for an improvement of SIA (European Commission 2010a, 10; 17). After the previous poor performance, in 2010 increasing analytical capacity for SIA was in focus and the recommendation rate on social impact areas was reduced to one-third, which is still the second most amount of comments made after economic impacts (75 per cent) (European Commission 2011b, 14). In 2011 the social recommendations were back up to 44 per cent (economic 83 per cent) (European Commission 2012d, 17). The 2009, 2010 and 2011 reports also showed first signs of quality management on fundamental rights, but no evidence on monitoring gender equality (European Commission 2011b, 16; European Commission 2012d, 18; 19; 22). In its 2011 report the Impact Assessment Board "welcomed the new operational guidance on assessing fundamental rights in Commission impact assessments, prepared by the Justice DG" (European Commission 2012d, 18), despite the fact that fundamental rights should be integrated into the assessment of social impacts, and not mentioning the still in force GIA tool either, as developed by DG Employment.

4.2 Gender in Impact Assessment: Experiment in Subordination

I present and critique the available gender analysis tools on the EU level from a gender mainstreaming perspective, starting with the overarching, stand-alone tool, Gender Impact Assessment (1997/98).[144] gender mainstreaming manuals available for Commission policy and programme analysis.[145] In particular, there are two gender mainstreaming instruments specific to the policy field. Thirdly, I take a closer look at the Commission's integration IA system in general, including the integration of the gender perspective into the Commission's integrated guidelines[146] and its SIA[147] sub-guidelines (both from 2009), as to show how gender equality issues are subordinated to the social impacts in the integrated IA, and are being distanced from the mainstreaming duty.

4.2.1 Gender Impact Assessment

In the EU, GIA is commonly referred to as one of the "key components of gender mainstreaming,"[148] which makes exploring the tool's history and differentiation prior to becoming the Commission's GIA a worthwhile endeavour. The two Dutch researchers, Mieke Verloo and Conny Roggeband, designed the first GIA for policy making in the Netherlands in 1994. This early Dutch IA tool was designed according to existing environmental IA guidelines[149] and was informed by Anthony Giddens' structuration theory.[150] In addition other sources inspired the design: a) Gender checklists in the context of international development,[151] and b) an already existing Dutch gender policy analysis check ("Analyse van het vrouwenvraagstuk"[152]— Analysis of the Women's Question), which was officially published in 1982.[153] Roggeband dates its origins back to 1978.[154] Such early policy investigation into the *women's question* is likely to make the Dutch gender check, along with the Canadian first policy on the status of women in 1979,[155] the earliest known means for gender policy analysis worldwide.

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144 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

145 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008.

146 | European Commission 2009a. For annexes, see (European Commission 2009e).

147 | European Commission 2009b.

148 | MacRae 2010, 169.

149 | Verloo 2001. See also (Holzleithner 2002, 90; Woodward 2004).

150 | Giddens 1984. For the continued and still scholarly undecided discussion of the nature of social structure, commonly organised around the three pillars institutional structure, relational structure and embodied structure, see (López/Scott 2000).

151 | The first international gender analysis tools for gender mainstreaming are mentioned in subchapter 1.5.1.

152 | Conny Roggeband, Interview.

153 | van der A et al. 1982.

154 | Conny Roggeband, Interview.

155 | See subchapter 3.4.2.

The identically-named European GIA tool was developed later in 1997/98. According to Anne Havnør,[156] the Norwegian policy officer and seconded national expert in charge (among other employees of that time, such as Maria Stratigaki) of the Commission's gender mainstreaming in DG Employment,[157] the DG Employment's equality unit built on parts of the Dutch GIA tool as well as aspects of the Swedish 3R-method[158] and other methods known at the time. The EU funded DIGMA project reiterates the tool creation process of the EU GIA, as follows:

"The Guide to Gender Impact Assessment was commissioned by the Group of Commissioners on Equal Opportunities, Inter-service Group on Equal Opportunities and Group of Gender Mainstreaming Officials of the European Commission. The context was the follow-up to the Commission communication, "Incorporating equal opportunities for women and men into all Community policies and activities", and the preparation of the implementation of the gender mainstreaming task of the Amsterdam Treaty. It was created by a group of gender mainstreaming officials, in particular, the unit responsible for this in DG Employment and Social Affairs, and based on expert advice and examples of good practices abroad that were tested for their usefulness inside the Commission."[159]

The Commission's GIA tool was intentionally designed in a "comprehensible" and "simple"[160] fashion and released in 1997/1998.[161] The guide was "intended for adaptation to the specific needs of each Directorate General and policy area."[162] DIGMA calls the tool a "general, short checklist for gender relevance and assessment of gender impact."[163] The final tool was divided into four segments: First, an introduction that explained the legal basis and the obligation to conduct GIA.[164] Second, there was a description of basic concepts and definitions of sex/

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156 | Anne Havnør, Interview.

157 | Anne Havnør, Interview.

158 | Swedish Association of Local Authorities et al. 1999; Division for Gender Equality at the Ministry of Industry 1999.

159 | Amazone et al 2000-2001.

160 | Anne Havnør, Interview.

161 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998. As aforementioned, neither the phase of tool design, nor the exact point in time of its release could be precisely reconstructed. According to Anne Havnør, work on the tool has at least started in 1997, "maybe even a year ago." (Anne Havnør, Interview). Tool design was triggered by gender mainstreaming progress reporting (Commission of the European Communities 1998) and an internal interdepartmental survey on gender mainstreaming capacity, identifying 29 departmental representatives who formed a working group, which adopted the new GIA tool (Fuhrmann 2005, 181).

162 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2. Interestingly, Anne Havnør was not informed about the fact this original "small brochure" was still officially in force within the EC's policy analysis system (Anne Havnør, Interview).

163 | Amazone et al. 2000-2001.

164 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2.

gender, equality, and mainstreaming(including examples given).[165] The third part shed light on how to determine gender relevance, i.e., the so-called *gender check*, being a pre-test.[166] If a response is positive and gender aspects are deemed relevant, then the appraisal and a full-fledged assessment, whose criteria and steps are explained in part four, should be carried out.[167] As an annex to part four, the tool cites case studies and gives examples of when gender was deemed relevant for analysis and how the GIA criteria would be useful to detect it.[168]

It is worth noting that in its opening lines the GIA tool is directed at presumably gender-neutral policies, whilst employing the good governance and NPM efficiency frame for its implementation:

"Policy decisions that appear gender neutral may have a differential impact on women and men, even when such an effect was neither intended nor envisaged. Gender impact assessment is carried out to avoid unintended negative consequences and improve the quality and efficiency of policies."[169]

The tool remains silent however, on how exactly the quality of policies could be improved. In addition the request for implementation was mandated rights-based: In the tool, Art. 2 and 3 of the Treaty of Amsterdam are named as the legal and formalised basis, establishing the necessity to conduct GIA. The "elimination of inequalities and the promotion of equality between women and men"[170] belong to the EU's equality duty. In its genesis, the GIA instrument makes further reference to Commission's Communication on Mainstreaming,[171] but describes the tool only as "a first step towards implementing the commitment of the EU to gender mainstreaming at the Community level."[172] Thereby GIA is considered as just one element, but importantly the beginning, of all EU mainstreaming efforts. As a departmental tool issued by DG Employment, the Secretariat General never officially endorsed it and its distribution was left to the gender unit in DG Employment. In retrospect, Anne Havnør has expressed disappointment with the lack of political support for the tool, even from the time of its introduction:[173] "Mainly we wanted to make this small leaflet [the GIA tool, A.S.] you are referring to mandatory... but

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165 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2-3.

166 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3-4. See subsequent chapter 4.2.1.1.

167 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 4-5. See subchapter 4.2.1.2.

168 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 6.

169 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2.

170 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2.

171 | European Commission 1996.

172 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 2.

173 | Anne Havnør, Interview.

... it was at a lower level that it stopped, [...] the resistance was there that it was not the way to go."[174]

Although the tool was created to "explain and introduce GIA in the administrative practice of the Commission services,"[175] it was neither disseminated by the Commission's Secretary General nor was its use obligatory. Instead, its use was oddly restricted to employment policies,[176] considering it should have marked the introduction of gender mainstreaming in *all* the Commission's administrative processes and policy making. Despite the 2002 introduction of an integrated IA system, which was officially supposed to replace all existing stand-alone tools (of which GIA constituted one), the Commission did not render GIA, or the other departmental DG Employment gender mainstreaming tools,[177] as out-dated. This sent mixed-messages to analysts in the continued refinement of the integrated IA.

4.2.1.1 Gender Impact Assessment: The Relevance Check

The first gender relevance check[178] raises awareness to the fact that the gender difference between women and men is a structural one, to be found in even seemingly gender-neutral policies. The tool states that women should not be treated as a special interest group. On the contrary, the tool introduces intersectional elements by drawing attention to how gender affects other vulnerabilities and structural differences such as "race/ethnicity, class, age, disability, sexual orientation etc."[179] The tool recommends the following questions when checking the gender relevance of policies and programmes:

"Does the proposal concern one or more target groups? Will it affect the daily life of part(s) of the population? Are there differences between women and men in this policy field (with regard to rights, resources, participation, values and norms related to gender)?"[180]

If analysts answer any of these questions with a *yes* then gender is deemed relevant to their issue(s) and a proper full-fledged assessment should be conducted. This is especially true when the second question triggers a positive response. By nature all public policy and programme making affects some parts of "the daily life" of people-men and women[181]—to a greater or lesser degree.

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174 | Anne Havnør, Interview.

175 | Amazone et al. 2000-2001.

176 | Callerstig 2014, 33.

177 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a.

178 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3-4.

179 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3.

180 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 4.

181 | The transgender and intersex gender minorities are usually overlooked.

4.2.1.2 Gender Impact Assessment: Full-fledged

The tool encourages analysts to conduct a full-fledged GIA early in the process so that "changes" or even "major amendments" to the policy under scrutiny can still be made.[182] It then gives a definition of what GIA actually entails: "Gender impact assessment means to compare and assess, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy."[183]

The tool goes on to highlight the legal obligation for analysts, to achieve the Community's equality objective as stipulated in the Amsterdam Treaty. It mentions that in order to fulfil this task, gender competency is required. The tool also gives some sources for sex-disaggregate data required for an analysis,[184] and reminds analysts that a lack of data is by no means an excuse for inaction. Rather it is r a mandate to set up steps that will provide the required information for analysis. As criteria for gender analysis, the tool suggests as a first step, questions pertaining to participation, resources, norms/values and rights, rendering the 3R structure visible. The tool refers to participation as "sex-composition of the target/population group(s), representation of women and men in decision-making positions."[185] Resources are listed as "time, space, information and money, political and economic power, education and training, job and professional career, new technologies, health care services, housing, means of transport, leisure."[186] Especially interesting is the importance of underlying values in this IA tool. According to the GIA tool, gender roles are influenced by the: "Division of labour by gender, the attitudes and behaviour of women and men respectively, and inequalities in the value attached to men and women or to masculine and feminine characteristics."[187]

After answering all these questions, the tool requires analysts to think about the following:

"How can European policies contribute to the elimination of existing inequalities and promote equality between women and men (in compliance with Articles 2 and 3 of the Treaty of Amsterdam); in participation rates, in the distribution of resources, benefits, tasks and

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182 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 4.

183 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 4.

184 | "Eurostat, the officially appointed Gender Mainstreaming Official of your DG, the Equal Opportunities Unit V/D/5, or external experts, as appropriate" (European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5).

185 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5.

186 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5. Particularly the resource time, which is often too limited in the face of time sensitive policies, is emphasised in IA literature (Fritsch et al. 2012).

187 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5.

responsibilities in private and public life, in the value and attention accorded to male and female, to masculine and feminine characteristics, behaviour and priorities?"[188]

According to the tool's criteria, it is clearly not enough to avoid negative impacts, rather positive gender equality outcomes ought to be sought in European policy and programme making. In order to give analysts a better) idea of equality fostering polices, the last section draws their attention to examples of inequality and to case studies. Examples of these are the differential use of private and public transport between female and male mobile citizens, the importance of availability of part-time work, sensitivity to paid and unpaid work, differential career and household responsibility choices and so forth.

4.2.1.3 Gender Impact Assessment and the Quality Criteria for Gender Mainstreaming Tools

In brief seven pages, this very slim tool manages to provide a universally applicable, concise, and illustrated framework for conducting a gendered analysis. Its origin, design and implementation fit, renders it an explicit policy IA tool.[189] It also fulfils the criteria of a good gender mainstreaming tool,[190] with one exception: Although its assessment examines the participation of women and men in the subject area, it does not call for deliberative assessment methods.[191] It generally requires a method-driven, evidence-based analysis. It refers to the legal mandate, explains basic concepts and uses them in a coherent fashion.

4.2.2 Other Gender Mainstreaming Impact Assessment Tools

In the EU, there are other GIA or gender mainstreaming stand-alone IA tools developed by individual DGs for use within the Directorate-General, on Commission level and beyond. Understanding the multiplicity of methods of equality governance via IA tools, will help to develop a more differentiated understanding of the interview findings and the buried character of gender analysis in general and the 1997/1998 GIA tool in particular, in the overall Commission's IA debates and practices.[192]

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188 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5.

189 | According to IA tool typology in sub-chapter 1.6.1. For explicit IA tools, see also the definition in (Podhora/Helming 2010).

190 | As established in chapter 1.6.2.

191 | Participation is one of four (resources, rights and norms/values) main criteria for assessment, It can be assumed that they ought to be represented in the assessment method itself—however due to its slim character the tool is not explicit about it.

192 | For instance, there once was a gender mainstreaming guide, developed by DG Employment in 2004, for the 2000-2008 EQUAL Initiative, a programme (financed by the European Social Fund and EU member states), which equals gender impact assessment with gender impact analysis (European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit B4 2005, 48). It does not mention the Commission's GIA tool. However, it explains the method of gender impact analysis, containing all four key components of the GIA's participation, resources, rights and norms/values approach (European Commission, Directorate-General for Employment, Social Affairs and Equal

4.2.2.1 The Manual on Gender Mainstreaming in Employment and Social Cohesion Policies

Based on the two separate manuals on gender mainstreaming applied to employment policies,[193] social inclusion, and social protection policies,[194] the DG Employment published a converged, detailed manual in 2008 that supported the analysis of employment related *and* social cohesion policies.[195] All of these three manual versions derived from an attempt to support the *Open Method of Coordination for Social Protection and Social Inclusion* and the *Integrated Guidelines for Growth and Jobs*.[196] The *Manual on Gender Mainstreaming* was mentioned by two interviewees as being applicable and used in the Commission's IA system. It was seen as pertinent to the policy fields typically associated with gender impacts and representative of the latest methodological attempt of mainstreaming gender in policy making as developed within DG Employment. Indeed, it appears that the guidelines could be transferable to other policy fields and could be rendered relevant for Commission's internal IA system (although proof for such a use could not be established): The combined manual on gender mainstreaming in employment, social inclusion and social protection policies states explicitly that the "general method, [...] can be applied to any policy field and it is valid beyond the timeframe in which this manual is set."[197]

In all three manuals, gender mainstreaming in the assessment of public policies and programming is described as a four-step approach.[198] First, "getting organised;" second, "learning about gender differences" in order to determine the gender relevance of the proposal; third "assessing policy impact" and to conduct a full GIA, if the policy is deemed gender relevant; and the fourth step, "redesigning the policy."[199] This last step is intended for a policy deemed disadvantageous to one gender or mainly neutral in a way that the policy would eventually "promote gender

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Opportunities Unit B4 2005, 22-23). Hence, if both methods are seemingly identical, why the new name and without reference?

193 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2007.

194 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a. Re-labelled Appendix 4—Manual for Gender Mainstreaming Social Inclusion and Social Protection Policies (European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008b).

195 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008.

196 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a, 2.

197 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 4.

198 | The four steps remain unaltered and identical also in the longer version, which just adds more examples and explanatory passages (European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008).

199 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2007, 8; European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a, 4; European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 15.

equality."[200] In this step, the earlier 2007 manual focusing on employment policies, briefly mentions the four main areas of analysis (resources, norms and values and rights) of the original GIA tool.[201] The other two manuals include these categories of analysis in step two without referring directly to the content of original GIA tool. Instead, it is referenced in general terms in a footnote, with a broken link to DG Employment's website.[202] The footnotes refer to the applicability of the GIA tool when policy decisions appear to be neutral, but "may have a different impact on women than on men,"[203] however unintended.

In their reference to the earlier GIA tool, the three gender mainstreaming manuals of DG Employment are the most visible remnants of gender analysis in the Commission IA. Although intended to contextualise the former GIA tool with the four-step approach, the result is somewhat confusing, because the four main GIA analytic components of resources, norms, and values and rights occur in the pre-analytic learning step two. For example, in the combined manual on gender mainstreaming in employment and social policies, step two is deemed a process meant to gather data and information on potential gender differences in order to decide whether or not an in-depth GIA is necessary. The main analysis of step three is vague and brief. According to the manual, step three, as the crucial step should pertain to analysing resources, norms and values and rights.[204]

Here is where guidance is required to assess how European policies can "contribute to the elimination of existing inequalities and promote equality between women and men."[205] The benefits of the combined manual is that it provides targeted sets of questions pertaining to the different policies under scrutiny, namely active labour market policies,[206] pay and career policies,[207] reconciliation policies,[208] and flexicurity policies.[209] The downside of such policy field specific

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200 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a, 4.

201 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2007, 6.

202 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 27, footnote 31; European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a, 3, footnote 7.

203 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 27; European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a, 3.

204 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 12.

205 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5.

206 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 16.

207 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 18.

208 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 20.

209 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008, 22.

guiding questions and manuals might be that policy makers will only deem social or employment policies suitable for extended GIAs. Thereby the already prevailing effect of assumed gender neutrality of all other policies and consequent analytic inaction could be confirmed, rather than softened. Another main drawback exists in the content of the pre-analytic relevancy, and actual assessment steps, which are partially inverted in comparison to the 1997/1998 GIA tool, contributing to methodological incoherence rather than clarity. Lastly, the manuals on gender mainstreaming continue to treat the stand-alone GIA in a subordinate way, albeit much less so than the Commission's integrated IA guidelines, rendering its four main analytic criteria and the tool as their source at least visible. Such a multiplicity of non-fully harmonised gender mainstreaming tools increases the potential for practical ambiguities in tool implementation.

4.2.2.2 Gender Impact Assessment in Evaluating Socio Economic Development

The Directorate-General for Regional Policy (REGIO) presented yet another explicit and stand-alone GIA tool,[210] to be implemented ex-post, as part of its EVALSED (Evaluating Socio Economic Development) Methodology and Tool Sourcebook.[211] The EVALSED guide and sourcebook are available as online tools and the specific GIA section, which is very detailed and employs the gender lens in eight steps of the policy cycle, was supposed to bring a gendered evaluation to the forefront of the structural fund evaluations. GIA was presented as one of three main tools for conducting IA (the other two being environmental IA and sustainability environmental IA). The realm of implementing the EVALSED, GIA exceeds regional or structural programming, i.e. it was employed to inform a "gender-aware"[212] analysis of the EU's multi-annual financial framework as commissioned by the EP.[213]

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210 | European Commission; DG for Regional Policy 2003. The EVALSED: The resource for the evaluation of Socio-Economic Development guide was designed by evaluation experts as a result of the MEAN research programme and aims to promote evaluation practice EU-wide. Developed from the 1999 MEANS collection as a comprehensive set of handbooks, it was published by the European Commission in form of a website-based tool kit in 2004, revised in 2007, 2008, 2009, 2012 and 2013 (European Commission; Directorate-General for Regional Policy 2003; European Commission; Directorate-General for Regional Policy 2004a; European Commission; Directorate-General for Regional Policy 2004b; European Commission; Directorate-General for Regional Policy 2008; European Commission; Directorate-General for Regional Policy 2012; European Commission; Directorate-General for Regional Policy 2013).

211 | European Commission; Directorate-General for Regional Policy 2004b.

212 | European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs; OpCit Research 2013, 24 footnote 24. For an engagement with the concepts of gender-awareness and gender-sensitivity, compare sub-chapter 1.5.3.

213 | European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs; OpCit Research 2013.

In the EVALSED[214] bibliography of the GIA tool, the 1997/1998 Commission GIA tool[215] was also mentioned as a valuable resource. The EVALSED sourcebook did not explain why it deviates from the content of the original 1997/1998 Commission's GIA tool, which could also be employed ex-ante as an instrument for evaluation. Designed for a programme or project level, it did not explain How itt differentiates from the technical instrument and detailed checklist *Mainstreaming Equal Opportunities For Women And Men In Structural Fund Programmes And Projects*.[216] The benefits and purpose of those varying procedures for analysis of similar objects remain unaddressed in the two tools developed in the same Directorate-General for Regional Policy. Equally confusing is the degree of difference between conducting GIA for the purpose of evaluation in contrast to ex-ante GIA, since the term GIA is used interchangeably[217] for very different procedures and tool content. This is also true for the term evaluation, which in the guide is defined as practically identical to IA: "Evaluation takes place at ex ante, interim and ex post stages."[218] Having occupied such a central place in 2003, in its later versions, the GIA section was dropped from the EVALSED guide.[219] The flurry of various tool designs in the early 2000s did not translate into coordination of activities and instruments. It seems that such dissonant, illogically aligned tool development has contributed to gender equality concerns neither being meaningfully nor sustainably integrated in IA and evaluation procedures.

4.2.3 Gender in the Integrated Impact Assessment Guidelines

Despite criticism, the three-pillar IA, as established in 2003, remains intact to date. As already mentioned, the first integrated guidelines from 2002 were revised in 2005.[220] Ever since those 2005 Impact Assessment Guidelines and the 2006 update, the Commission's CLWP and its Annual Policy Strategy (APS) have been made subject to IAs, in which one obligatory part is an integrated SIA.[221] Therein, gender is subjugated to social IA and some social impact areas contain gender equality and non-discrimination concerns. By implementing the systemic integrated IA, the Commission decided to harmonise IA processes and replaced single tools, such as GIA, with this integrated approach. Unlike the first ones in 2002, the revised

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214 | European Commission; DG for Regional Policy 2003.

215 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

216 | European Commission 2000a.

217 | Evaluation studies define evaluations as always taking place ex-post, being one moment in time cross-sectional studies, with interim evaluations as mixed forms between evaluation and parallel ex-ante IAs, see subsection on evaluations 1.4.2.

218 | European Commission; DG for Regional Policy 2004a.

219 | The 2013 version is available without a GIA section (European Commission; Directorate-General for Regional Policy 2013).

220 | European Commission 2005c. As mentioned in chapter 4.1.3.

221 | With decision SEC(2005)790, the Secretariat-General is obliged to regularly up-date the IA guidelines, based on consultations with the various Commission services. As such, the SIA guidelines were developed based on internal Commission expert advice (European Commission 2009a, 3).

general guidelines of 2005 did not make any reference to the GIA tool. After the first reform, gender remained relegated to a few sets of sub-questions in three social impact areas: "Equality of treatment and opportunities, non-discrimination, social inclusion and protection of particular groups,[222] as well as public health and safety.[223]

The 2005 guidelines were updated in March 2006[224] with new sections on procedural rules and the assessment of administrative costs.[225] Consequently the assessment questions and impact areas remained untouched, including gender. General quality concerns accompanied the introduction of the integrated IA and also the new and updated guidelines were not seen as sufficient to guarantee r consistent application, in line with the principal political strategies and objectives of the EU. Printed on each first page of both guidelines, analysts were reminded that competitiveness, growth, jobs, economic and social cohesion, a healthy environment should act as guiding principles of the analysis (fundamental rights or gender equality were omitted).[226]

4.2.3.1 The Integrated Impact Assessment Guidelines

In order to perform IA in accordance with good governance and better regulation principles, the Commission's general guidelines were again revised in 2009, after an externally contracted evaluation of the overall IA system in 2006/2007.[227] The 2009 IA guidelines replaced the previous guidelines of the 2005 and 2006 updates. GIA as a tool is only mentioned in footnote 22 of the supporting *Guidance for Assessing Social Impacts within the Commission Impact Assessment System*.[228] The 2009 integrated guidelines is divided into three parts. In part one, basic principles and procedures for performing an IA, such as the implementation of an IA steering group for each individual IA, are laid out.[229] The second part is devoted to the key analytical steps in IA that engage with problem definition, the goals, options and the likely economic, social and environmental consequences, and how to best compare them.[230] Part three, the annex,[231] is a separate document that contains details about the individual assessment steps for the economic, environmental and social assessment section and concludes with a best practice library.[232]

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222 | European Commission 2005c, 31.

223 | European Commission 2005c, 32.

224 | European Commission 2006a.

225 | For a detailed description of the EU IA tool, see (von Raggamby 2008). In an undated publication on the EU practices of environmental IA within the rather imprecise, integrated IA framework, she also refers to the high degree of freedom of the individual desk officer to pick and choose a method or combination of method (von Raggamby n.d., 8).

226 | European Commission 2005c, 1; European Commission 2006a, 1.

227 | The Evaluation Partnership 2007.

228 | European Commission 2009b, 21.

229 | European Commission 2009a, 4-20.

230 | European Commission 2009a, 21-49.

231 | European Commission 2009a, 50; European Commission 2009e.

232 | European Commission 2009e.

In the 2009 update, the general IA guidelines as well as the more detailed SIA sub-guidelines of the EU's integrated IA contain the following questions concerning gender equality, equality treatment and opportunities, and non-discrimination:

"• Does the option affect the principle of non-discrimination, equal treatment and equal opportunities for all?
• Does the option have a different impact on women and men?
• Does the option promote equality between women and men?
• Does the option entail any different treatment of groups or individuals directly on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination?"[233]

Most obvious is the abstract nature and the lack of precision and coherence of these guideline questions concerning gender.[234] A meaningful IA guide relies mainly on precise, well formulated and relevant questions that present gender as a real cross-cutting issue. However, across all policy and impact areas, this lack of detail and precision is shared in principle by all guiding questions in the integrated guidelines. this is owing to the fact that the general integrated guidelines were designed to be applied universally. The need to respond to such universal impact areas results in such levels of abstraction and generalisation in order to remain readable and manageable. However, in the light of the pertaining lack of gender competency and the limited knowledge-based ability to judge gender relevance among analysts, combined with the lack of access to more refined gender specific analysis tools, the non-specificity constitutes an obstacle to meaningful implementation.

The relevant part for conducting the assessment is "What are the likely economic, social and environmental impacts?"[235] telling analysts how to approach their IA in a three step process.[236] First, they need to identify the relevant "economic, social and environmental impacts of a policy, why they occur and who is affected"[237] In order to draw a "comprehensive picture"[238] in line with the Charter of Fundamental Rights[239], this section asks analysts to distinguish between two types of distributional impacts likely to occur in any of the three areas (economy, ecology, society). They should start out any assessment by looking into the: 1) "Impacts on

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233 | European Commission 2009a, 35.
234 | Whether they fulfil the quality criteria of good gender mainstreaming tools, as established in chapter 1.6.2., will be clarified in chapter 4.2.3.4.
235 | European Commission 2009a, 31.
236 | After identifying the all the possible impacts comprehensively, step two is to narrow them down to the more important impacts, before in step three and in-depth analysis of only the most significant impacts is envisioned (European Commission 2009a, 31-39).
237 | European Commission 2009a, 32.
238 | European Commission 2009a, 33.
239 | According to the Communication on Compliance with the Charter of Fundamental Rights in Commission legislative proposals (COM(2005) 172) (European Commission 2009a, 22, footnote 21). Fundamental rights impacts are to be stated in qualitative means and are horizontal issues, ranging across all economic, ecologic and social impact areas (European Commission 2009a, 39).

different social and economic groups," and 2) "impacts on existing inequalities."[240] Here, gender equality is located in the inequality context of the guidelines, and close to the group concept. The guidelines point towards the systemic dimension of the social construction of gender differences and the difficulties in identifying them:

"Impacts on existing inequalities: you should for instance compare regional, gender impacts and impacts on vulnerable groups of the proposed action to see if it is likely to leave existing inequalities unchanged, aggravate them, or help to reduce them. This is not a simple matter: for example, differences between male and female lifestyles may mean that a proposal which appears to be neutral as regards gender equality will in practice have different impacts on men and women."[241]

As such, a gender equality assessment is given prominence, an essential component part of all IAs, but the insertion of "for instance" leaves analysts the choice to pick up on gender inequalities or not. It is also important to note some contradictions, incongruent use of terminology, and ambiguity between mainstreaming and non-discrimination. As the above quotation shows, gender equality is framed as one of several inequalities, where interestingly the differences between women and men were phrased as a matter of different "lifestyles" rather than addressing systemic forces and the power question.[242] Women are also set in close semantic proximity to children or youth, which perpetuates gender stereotypes of women *naturally* being the primary care-takers for children and youth. Highlighting the *"different impact on women and men,"* is meant to address the systemic character of gender inequality, but analysts are not provided with any specific guidance on how to avoid framing women as merely another disadvantaged group.

The incongruence of terminology is continued in other sections of the integrated guidelines, where gender (and not sex) is mentioned. These are the only sections in which gender as a real cross-cutting, mainstreaming approach can be identified and only within the SIA part of the guidelines in the areas:

- Public Health and Safety ("Are there specific effects on particular risk groups (determined by age, gender, disability, social group, mobility, region, etc.)?")[243];
- Social inclusion and protection of particular groups ("Does the option affect specific groups of individuals (for example the most vulnerable or the most at risk of poverty, children, women, elderly, the disabled, unemployed or ethnic, linguistic and religious minorities, asylum seekers), firms or other organisations (for example churches) or localities more than others?").[244]

This conceptualisation of gender as "a group at risk" means that some analysts are aware of potential gender issues within their policies and programmes, but do they

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240 | European Commission 2009e, 34.

241 | European Commission 2009e, 33.

242 | European Commission 2005c, 27. As an underlying feminist gender concept would, compare chapter 1.6.2.

243 | European Commission 2009a, 36.

244 | European Commission 2009a, 35.

know what to attribute to gender and what to sex? The *groupist*[245] framing gains dominance by the second question that again frames women as a vulnerable group in areas connected to social inclusion. When the social impacts are listed, women constitute simply another possible disadvantaged social group under a social inclusion paradigm.[246] With its *groupist* framing and segmented design, partitioning gender equality in "social inclusion" and "gender equality, equality treatment and opportunities, non-discrimination,"[247] the guidelines send mixed messages to the analysts with regard to direct group based discrimination or indirect, systemic discrimination. Analysts might additionally be confused about the concepts of sex and gender, since they are applied incoherently and without explanation.[248]

The various socially relevant impact areas and corresponding questions on inequality are again defined in the corresponding section of the part III of the guide, the annex, which is not any more concise on gender. Noteworthy here is that point "8.2. Impacts on the number and the quality of jobs"[249] referring to the quality indicators of the European Council, which includes diversity and gender equality as central analytical aspects for the job market. The annex also hints at a different and purposeful integration of mainstreaming of gender (and age). Other sections such as "impacts on consumers," do not mainstream gender. The introduction to the social impacts section of the annex states that social impacts are "strongly connected with economic and environmental impacts,"[250] constituting a basic social mainstreaming mandate—which in practice seems to be as complicated and inefficient as the mainstreaming of gender.[251]

The question remains, whether gender equality could still be mainstreamed in the guidelines by being a fundamental right? With regard to basing all analyses on the EU common values of Fundamental Rights, the subsection "8.3 Assessing specific aspects of economic, social and environmental impacts"[252] of the integrated guidelines begins by mentioning the "impact on fundamental rights,"

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245 | For a more detailed discussion of the concept of groupism, see sub-section 2.3.1.

246 | "Does the option affect specific groups of individuals (for example the most vulnerable or the most at risk of poverty, children, women, elderly, the disabled, unemployed or ethnic, linguistic and religious minorities, asylum seekers), firms or other organisations (for example churches) or localities more than others?" (European Commission 2005c, 35.). Emphasis by author. Petra Debusscher has noted on the potentially damaging effects of a resulting women as a vulnerable group framing in the policy documents produced, which are often employing a disempowering language and serve to objectify and victimise women (Debusscher 2012, 337).

247 | European Commission 2009a, 35.

248 | Another question in the equal treatment set of questions adds yet another group-based framing of women, but this time based on sex, not gender: "• Does the option entail any different treatment of groups or individuals directly on grounds of sex, racial or ethnic origin, religion or belief, disability, age, and sexual orientation? Or could it lead to indirect discrimination?" (European Commission 2009a, 35).

249 | European Commission 2009e, 29-30.

250 | European Commission 2009b, 3.

251 | The results of the document analysis of the Board reports 2007-2011 can be found in 4.4.6.3. and Annex V.

252 | European Commission 2009a, 39.

It lists the various chapters of the Charter of Fundamental Rights, including non-discrimination and gender equality in subchapter 8.3. A "full list"[253] of fundamental rights is given in chapter 8.1 of the guidelines' annex.[254] Here, the list of the "fundamental goals of the EU" does not mention the goal of equality between women and men, as stipulated in Art. 2 of the Amsterdam Treaty, and Art. 2 of the Lisbon Treaty. The designers of the guide might have been assuming that gender equality was sufficiently addressed within all the questions mentioned above, but such an observation is worrisome in regard to a possible, unspoken, inner ranking of central, and not so central value-based goals?

    Finally, this new version of the IA manual fails to mention the "old" GIA tool , which as a tool, is not entirely obsolete and can still be consulted at the discretion of the analyst if found relevant. The more specific and additionally universal, cross-policy applicable GIA tool therefore remains unknown to a new generation of analysts. Subsequently it would not be applied in cases where in-depth assessments from a gender perspective are deemed necessary. Interestingly, the 2011 *Operational Guidance on Taking Account of Fundamental Rights in Commission Impact Assessments*[255] enjoys prominent exposure on the *key documents* sub-site of the Commission's IA website, which the GIA tool does not.[256] The guidance emphasises its cross-cutting character, independent of the three IA pillars:

"The analysis of the impacts on fundamental rights should not be done in a separate category apart from the economic, social and environmental impacts. As highlighted in the 'Key Questions' section in the Impact Assessment Guidelines, the fundamental rights of the Charter are diverse and cut across all sectors."[257]

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253 | European Commission 2009a, 39.

254 | European Commission 2009e, 28.

255 | European Commission 2011c. The EU's Charter Strategy, the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union, as adopted by the EC on October 19, 2010, has the objective to "make the fundamental rights set out in the Charter as effective as possible and to ensure that the EU's approach to legislation is exemplary" (European Commission 2011c, 3). The development of Fundamental Rights IA (European Commission 2011c) was based on the Commission's Communication on Securing respect for Fundamental Rights in Commission Legislative Proposals (COM(2005)172) and the "Commission's Fundamental Rights Monitoring Strategy Communication" (Toner 2012, 5; 9).

256 | As anecdotal evidence, in the pre-phase of my research I noted that the GIA tool was not published on the EU's central IA website, along with the main IA guidelines and resources. On top, from 2008 to 2010, it was also no longer retrievable navigating the DG's Employment gender equality website, using its search function, and it was not linked to gender equality or IA and evaluation issues either. After the change of the gender equality duty from DG Employment to DG Justice in 2010 and shortly after the completion of my set of EU expert interviews in 2011, where I mentioned the disappearance of GIA from the EC's gender equality web resources, the GIA tool was put online again in DG Employment as well as DG Justice. It is still not to be found on the EC's better regulation and impact assessment website (European Commission 2016a).

257 | European Commission 2011c, 17.

Unlike in the SIA section of the integrated guidelines, the special GIA tool is not mentioned in the Fundamental Rights guidance, although e.g. the "gender pay gap" occurs as one example of a fundamental rights violation.[258]

4.2.3.2 The Supporting Social Impact Assessment Guidelines

According to the Commission's guidelines, all IAs conducted should consist of a balanced appraisal of all impacts (economic, ecological, social).

Table 23: Gender in the Integrated Impact Assessment System of the European Commission
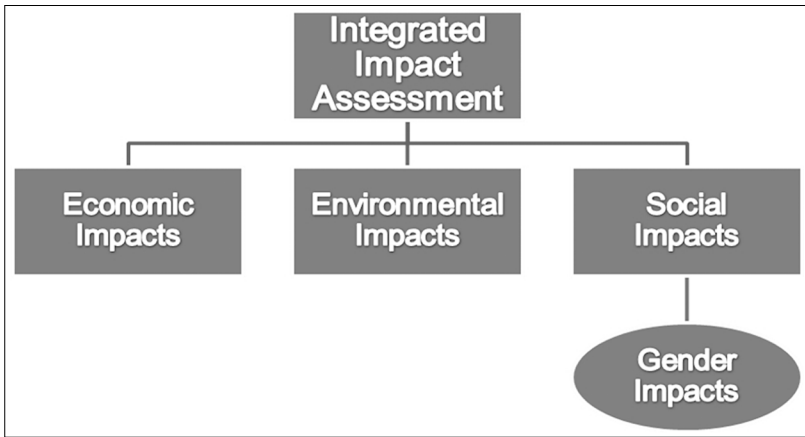
Supporting the general, overarching integrated IA guidelines, there are additional, more comprehensive, annexed sub-guidelines designed and issued by individual DGs, as shown in the previous table. The Guidance for assessing Social Impacts within the Commission Impact Assessment system (in short: SIA) under the integrated IA guidelines, hosts the aforementioned set of questions pertaining to gender equality, non-discrimination and social inclusion. This IA system is underpinned by the principle of proportionate analysis, whereby the depth and scope of an IA—and hence the resources allocated to it—are proportionate to the expected nature of the proposal and its likely impacts. The use of the term "proportionate" has been criticised from an analytical point of view because it is not defined by precise criteria[259] and because it discourages use of more exact, but also more time- and resource-consuming add-on tools, such as GIA.[260]

Another point of critique is the lack of mainstreaming of gender in the integrated IA guidelines, which will be examined more closely in this chapter. The relegation of the gender questions to the social impacts leaves policy analysts with the (misleading) illusion that economic and/or environmental issues do not produce gendered effects, which is possibly the biggest default incorporated in tool design. The following chapter demonstrates this in greater detail. The social IA guide is

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258 | European Commission 2011c, 17; 22.

259 | The Evaluation Partnership 2007, 8-9.

260 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

provided by DG Employment and entails more information on how to conduct an IA on social impacts and possible methods. Although the general integrated IA guidelines stipulate a total of 11 different social impact areas,[261] the social IA guide is only organised according to seven of them: Employment and labour market; standard and rights related to job quality; social inclusion and protection of particular groups; equality of treatment and opportunities, non-discrimination; social protection, health, social security and educational systems; public health and safety.[262]

In the introductory remarks of this more detailed guide to SIA,[263] the attempt to highlight and mainstream gender is evident:

"A gender perspective should in particular be integrated in the analysis and the assessment of potential impacts on gender should take into account the existing differences between women and men that are relevant to the given policy field."[264]

In this version, the Commission mentions gender mainstreaming for the first time in its guidelines, as a Treaty obligation,[265] a part of the current EU's gender equality strategy[266] and as the foundation for answering the specific question "Does the option promote equality between women and men?"[267]:

"Gender mainstreaming is a commitment at European level: the gender perspective should be integrated in all policies at each stage of policy development—design, implementation, monitoring and evaluation. Equality between women and men should be promoted at all levels and in all policy areas."[268]

Again, these two statements on the integration of a gender perspective and the gender mainstreaming "commitment" are highly general and not very tangible or applicable. Following two questions "Does the option affect equal treatment and equal opportunities for all?"[269] and "Does the option entail any different treatment of groups or individuals directly on grounds of e.g. racial, ethnic or social origin, religion or belief, disability, age or sexual orientation? Could it lead to indirect discrimination?"[270] the legal framework,[271] the respective EU directives[272] and the

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261 | European Commission 2009a, 35-36.

262 | Most of them, but not all, as falling under DG Employment's mandate.

263 | European Commission 2009b.

264 | European Commission 2009b, 3.

265 | European Commission 2009b, 19.

266 | European Commission 2009b, 20.

267 | European Commission 2009b, 21.

268 | European Commission 2009b, 21.

269 | European Commission 2009b, 20.

270 | European Commission 2009b, 20.

271 | Art. 2. 3. 13, 137, 141 of the EC Treaty (European Commission 2009b, 19). "[Sic!] art. 13 EC Treaty" (European Commission 2009b, 20).

272 | As in the Race Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) (European Commission 2009b, 20).

six grounds of discrimination, recognised in the EU.[273] The following explanation about indirect discrimination, which is defined as a seemingly neutral "provision, criterion or practice," "unless the practice can be objectively justified by a legitimate aim," leaves a backdoor for tolerating possible discrimination.[274]

In the employment and labour section of the guidelines the question "Does the option facilitate new job creation"[275]further elaborates on the differential impact of un/employment on different groups such as disabled people, women, younger/older, unemployed, unskilled people. In specifically mentioning the differential impact on women, the SIA guidelines are not only treating women as a seemingly coherent (here, non/under-employed) group, they also fall into the trap of reifying the androcentric bias, by reaffirming (employed, non-handicapped, white, middle-/working-age) men as the norm, while *othering* women and other groups by explicitly stating them as the deviation.[276] It serves as a reminder of the constant difficulties and treacherous terrain, categories and their utilisation in IA create, requiring the utmost care in terminology, concepts and design of tools and their manuals.

Since gender equality concerns are not explicitly included in the rest of questions pertaining to the other social impact areas, the operationalising of the stated gender mainstreaming commitment remains not only unclear, but contradictory: Now, is gender mainstreaming a guiding principle pertaining to *all* social impact areas? And if so, how? Or should only policies that seem to have the potential to actively "promote" equality be scrutinised for their gendered consequences? In order to compensate for the lack of clarity in concepts and for a lack of gender mainstreaming in the Commission's integrated IA, the more sophisticated analytical framework of GIA would be helpful. Here we see a (confusing/insufficient) conceptualisation of gender equality.

4.2.3.3 Subordination in the Integrated Impact Assessment of the Commission

The following chapter explicates the possibilities and pitfalls of the systemic integration of gender into the logics of the Commission's IA system and guidelines, in the search for in-ways for GIA into the assessment process. As stated already in 2002, the new integrated guidelines were meant to replace all existing single or stand-alone instruments. However, those stand-alone tools did entirely disappear. According to the Impact Assessment Board, if the focus of analysis requires the application of a more detailed tool, such as GIA, such supplementary tools can still be consulted: "Operational guidance documents (on social impacts, fundamental

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273 | "Sex, age, disability, sexual orientation, religion or belief, race or ethnic origin" (European Commission 2009b, 20).

274 | European Commission 2009b, 20. For the concepts of direct versus indirect discrimination, see chapter 2.2.3.3.

275 | European Commission 2009b, 7.

276 | The new guidelines also erroneously spell "sex-desegregated data" [sic!] instead of "sex-disaggregated," demonstrating a lack of familiarity or a lack of care, or both (European Commission 2009b, 29). The othering concept as applied in this study, is explained in chapter 2.3.2.

rights and competitiveness) are complementary to the existing IA guidelines. Their use is left to the discretion of services preparing the IAs."[277]

In this list of supplementary tools the Impact Assessment Board does not refer to or seem aware of the existence of GIA. The new updated integrated guidelines make no mention of GIA. GIA is first and only mentioned in one footnote of the annexed social IA guide, without further clarification of content and applicability.[278] If only consulting the integrated guidelines or Board's reports, analysts must remain unaware that a separate and more specific gender analysis tool even exists. Due to the lack of the mainstreaming of gender in the overall guidelines and the subordinate character of GIA in the tool structure, it seems unlikely that it will be picked up. Without GIA application however, it is doubtful how gender mainstreaming will ever be implemented as a cross-cutting and overarching principle for IA, integrated in the overall objectives, indicators and monitoring requirements?

Similarly, there is a disconnect between the Commission's IA design from the EU's overall gender equality policies, as stated in the 2006 to 2010 roadmap[279] that called for reinforcing "the implementation of a gender perspective in the impact assessment,"[280] and stated that:

"The implementation of gender equality methodologies such as gender impact assessment and gender budgeting (the implementation of a gender perspective in budgetary process) will promote gender equality and provide for greater transparency and enhance accountability."[281]

In light of this research, such optimistic expectations of the GIA tool and the EU's IA practices are deemed to be unrealistic. It can be said that the integration of gender into the EU's IA tools is in a state of non-aligned experimentation.

Internationally, the recognition of the added-value of gender to the assessment took the opposite path and moved from the margins to the centre—especially in the realm of SIA. On a project level for instance, where an analyses of social impacts is most widely employed and have the longest tradition in the IA community, social IA experts like Kuntala Lahiri-Dutt and Nesar Ahmad have made the experience that GIA adds "depth and nuance" to the general social IA analysis.[282] The same authors also suggest that "the field of social impact assessment be much more gender aware, and that it embeds gender analyses into its methods and thinking."[283] In their state-of-the-art assessment of international social IA practice and theory,

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277 | European Commission 2012d, 30.

278 | European Commission 2009b, 22, footnote 21.

279 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2006.

280 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2006, 12.

281 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2006, 11.

282 | Lahiri-Dutt/Ahmad 2011, 134. The authors speak for the realm of gender in development and SIA in the development context.

283 | Lahiri-Dutt/Ahmad 2011, 135. In order to facilitate increased gender mainstreaming in SIA activity, the International Association for Impact Assessment released its first list of

also Frank Vanclay and Ana Maria Esteves, who are among the leading social IA experts, propose the consideration of gender impacts as a "key component"[284] within the social IA project. Together with Behrooz Morardi, Rauno Sairinen and myself, the same authors shared their international experience with social IA on the project level and advised the Belgian Presidency of the EU Council on social mainstreaming and improvement of the EU's policy social IA practices as follows:

"It is important to consider that all the processes [...] and associated social impacts are gendered, and gender mainstreaming is an underlying principle of all social impact assessment. Within an impact assessment framework, gender mainstreaming means determining, showing and assessing the anticipated impact in terms of gender equity."[285]

4.2.3.4 The Integrated Impact Assessment and the Quality Criteria for Gender Mainstreaming Tools

Now the question is whether the integrated IA guidelines of the Commission really have gender mainstreaming as an "underlying principle," and how they fare in light of the quality criteria for gender mainstreaming instruments.[286] and if the five core quality criteria of gender mainstreaming tools, as derived from my understanding of *good* gender mainstreaming tools,[287] are applied to the integrated IA of the Commission, I arrive at the following conclusions:

1. Gender equality as a *cross-cutting* issue (gender mainstreaming): The tool design treats gender equality as a separate block of very general and abstract questions; gender in the integrated IA guidelines is conceptualised as women constituting a vulnerable group and not mainstreamed.[288] The above mentioned social IA criteria[289] name gender mainstreaming and equity concerns "an underlying principle" of assessing all social impacts. Equally and according to gender mainstreaming logics, gender concerns should be considered as part of the economic and environmental sub-assessments, which is not the case.

2. *Educational* and *awareness raising* for gender equality in its *multi-dimensional* mechanisms of exclusion (feminist concepts/intersectionality): The guidelines do not incorporate intersectionality from a gender perspective, instead they focus on "other vulnerable groups" and non-discrimination. Although they attempt to be educational and introduce into the legal framework, they lack clarity and do not employ feminist concepts (different lifestyle rhetoric) that would always address power issues.

GIA tools, resources and case studies applicable to the international field (Vanclay/Sauer 2011).

284 | Vanclay/Esteves 2011b, 15.

285 | Esteves et al. 2010, 37. A strong, but singular statement that was not shared by any of the other invited experts in the same edited publication nor by recent state of the art literature on policy IA (Adelle/Weiland 2012).

286 | Compare quality typology and discussion in chapter 1.6., especially as summarised in 1.6.3.

287 | As established in sub-chapter 1.6.2, and combined with IA tool criteria in 1.6.3.

288 | European Commission 2009b, 19-23.

289 | As in the prior chapter 4.2.3.3.

3. *Consistency* is not tool immanent: Basic concepts are not represented coherently in content and form, resulting in inconsistent understanding and enactment.

4. *Likeliness of application* and *tool fit* (implementation fitness): The tool fit is given since the integrated IA guidelines as well as the social IA annex as well as the GIA tool are instruments explicitly developed for ex-ante policy and programme analysis in bureaucratic context. But by requiring a multi-layered and hierarchical instrument application (first the integrated IA guidelines, then the supplementary SIA guidelines and then—maybe if relevant—the separate GIA guide), the Commission's IA system renders it very complicated to develop a gender focus in IAs. Also the requirement to narrow down the focus of assessment on the most significant impacts, contributes in the absence of mainstreaming gender in those impacts, to the marginalisation of gender. With regard to the time pressure and proportionality principle under which IAs are commonly performed, it is therefore very unlikely that the stand-alone tool GIA—despite its slim, universal and explicit policy IA frame—will ever be consulted and the implementation fitness is to be regarded as low.

5. *Participation* is foreseen in all IAs in form of an open public consultation, as a key pillar of good governance. Nonetheless, that an equal participation of women and/or women interest groups is desired and how it can best be safeguarded, is not explicitly mentioned. In transparency about methods, procedure and outcome, the integrated IA can be called a role model of internal accountability, by publishing IA roadmaps, consultation results and assessments.

These quality criteria make a triple fallacy visible with regard to gender in IA: 1) The *absence of mainstreaming* gender into all impact areas. 2) The *presence of mixed messages* (gender and/or sex structural and/or direct discrimination essentialist groupist and/or intersectional, post-categorical, transformative and transformed concepts of women and men). 3) The *omni-presence of the subordinate status of gender equality* to the other strategies of economic growth and/or environmental sustainability and/or non-discrimination Gender mainstreaming was neither mentioned as relevant concept of the integrated IA guidelines nor was gender mainstreamed in all the different impact areas.[290] It is decoupled or at least strongly marginalised and subordinated, by being relegated into the social IA annex.[291] Summing up, the integration of gender into the Commission's IA guidelines does neither fulfil the criteria for *good* gender mainstreaming instruments nor does it meet basic social IA principles due to its multiple subordinate statuses.

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290 | Although the strategic objectives would have given reason for it under the fundamental rights frame, stating that: "Ensuring equal rights to all citizens and fighting against discrimination, including gender equality, should be mainstreamed into all European action." (European Commission 2005b, 9).

291 | European Commission 2009b. Lewalter comes to similar conclusions in her brief analysis of the integrated IA guidelines in general and the SIA sub-guidelines in particular (Lewalter 2012, 251; Mandell 1995, 4-6;).

4.2.3.5 Fundamental Rights Impact Assessment

In times of increased streamlining of assessment under the umbrella of one integrated IA, diversity aspects in the Commission are addressed under the fundamental rights and non-discrimination framing, which in 2011 resulted in the new stand-alone tool and Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessment.[292] By introducing a new tool next to the IA process, which also pays attention to gender equality under Art. 23 of the EU's Charter of Fundamental Rights, and while still having the GIA tool, the fundamental rights IA diversity framing is decoupled from gender in IA and establishes a competing tool, not linked to the mainstreaming gender.

In effect, the strategy of gender mainstreaming in its overarching goals and the attempt to entrench the whole organisational body and procedures of public policy and decision making, cannot be realised with the fundamental rights guidance for three main reasons: First, the guide states that these "rights, freedoms and principles can be of relevance to **all Commission activities and EU policies.**"[293] In this sentence, the Commission neglected to also highlight the word "*can,*" which renders all analyses facultative. Second, the analysis has a reactive frame to discrimination by being rights- and not outcome-based, triggered by case-specific endangerments of individuals or groups as right holders, and not proactively addressing underlying structures and systemic inequalities. Third, gender mainstreaming is not named once as a guiding principle;[294] gender equality is mentioned in the context of the gender pay gap being one example of inequality between women and men.[295] The existence of the fundamental rights IA tool might contribute to abandoning GIA even more as an orphan tool without realising the mainstreaming duty.

4.3 Gender Impact Assessment and the Gender Equality Architecture

In addition to the quality of the tools, gender mainstreaming depends on equality architecture, its equality governance mechanisms, and its potential for engendering the EU's IA system. The EU has implemented a complex web of intergovernmental administrative gender and equality institutions and processes that deal with (gender) equality governance. I outline both the institution's and practices' good governance potential, according to Sawer,[296] as well as their potential for incongruence and ambivalence, as expressed by Sauer,[297] with regard to fostering the practice of

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292 | European Commission 2011c.

293 | European Commission 2011c, 5. Emphasis as in original.

294 | In the instrument Unit C.1 Fundamental Rights and Rights of the Child in DG Justice is named as the resource and support unit for conductors of a Fundamental Rights IA (European Commission 2011c 3).

295 | European Commission 2011c, 17. Then again, a couple of pages later the example of a closing gender pay gap given, sending a subtext message of equality between women and men as not being so bad (at least as it used to be) (European Commission 2011c, 22).

296 | Sawer 2011.

297 | Sauer 2003.

gender analysis.[298] In this chapter, I first locate the EU's support for the gender perspective in the IA process in its gender equality strategy. Second, I provide a brief overview of the existing gender equality architecture in the EU pertaining to actual or possible interlinkages with ex-ante IA.

4.3.1 Gender Impact Assessment in the Gender Equality Strategy

Strategizing and planning are important for achieving gender equality. The current EU strategy for equality between women and men (2010-2015)[299] is the central document of the EU's equality goals and activities. Its implementation is monitored by annual progress reports.[300] The current EU's equality strategy frames gender equality as one of the five main "fundamental right" issues. The gender equality strategy further links gender and governance tools to IA and policy making and thus demonstrates awareness about deficits in data and knowledge on gender. Already in the preparation process of the current EU's equality strategy, its background document explicated what the EU wide stakeholder consultation demanded: "Better consistency in the implementation of a gender mainstreaming—including gender budgeting and gender impact assessment."[301] Subsequently, the Advisory Committee on Equal Opportunities recommended "strengthening the institutional links at EU level and providing mechanisms to improve [...] gender impact assessment [...]."[302]

Consequently, in the gender action plan, the "Strategy for equality between women and men," in force from 2010 to 2015, the importance of consistency is emphasised and new institutional links were established.[303] In its section 6.3 on the governance and tools of gender equality, it contains a clear commitment for the future that gender equality will be integrated into the IA processes, devising the European Institute for Gender Equality a central role in indicator development:

"Gender mainstreaming will be implemented as an integral part of the Commission's policymaking, including via the impact assessment and evaluation processes. The

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298 | Compare chapter on equality machineries in 2.2.3.2.

299 | European Commission 2010b.

300 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2010; European Commission 2012f; European Commission 2013c; European Commission 2015b. Prior an independent reporting mechanism, the progress report has now been made an adjacent of the EU's report on fundamental values, which Marc Tarabella, the rapporteur of the EP's Committee on Women's Righs and Gender Equality regards as a degradation, deflecting attention (and possibly resources) from gender equality: "The political signal is a strong one: women's rights are, apparently, a side issue" (European Parliament et al. 2015, 22). In his report he: "Considers it unfortunate that the annual report now ranks only as a working document annexed to the report on the application of the Charter of Fundamental Rights of the European Union and urges the Commission to restore the full political legitimacy of the annual report by having it officially adopted in its own right." (European Parliament et al. 2015, 13).

301 | European Commission 2010c.

302 | European Commission 2010c, 48.

303 | European Commission 2010b.

Commission will increase the knowledge base on gender equality. A significant impact is expected following the establishment of the European Institute for Gender Equality."[304]

Inscribing gender mainstreaming as an "integral part" into the Commission's policy making is an attempt to realise its cross-cutting approach, and puts the IA tools and process on centre stage. However, it is notable that the roadmap does not mention GIA as an instrument. The total silence on this only real gender mainstreaming implementation instrument,[305] sends a loud administrative message of not needing to pay attention to GIA. The roadmap does not pick up on the continued contradiction between gender mainstreaming, meaning gender being if not an "integral part" then at least a part of *all* policy making, versus gender in the integrated IA system, as only assessed in the context of social impacts (and not economic or ecological ones), when it states: "DGs will assess the impact on gender equality as part of the social impacts of their proposals and evaluate the results achieved in their evaluation."[306]

At the same time, the action plan further indicates regular monitoring of the implementation of integrated gender mainstreaming and gender equality in Commission policy making and programming, without noting on the fact that engendering social impacts cannot be equalled with mainstreaming. The EU's gender equality strategy also neglects to set precise measures with regard to monitoring gender mainstreaming in policy making that could serve as milestones for the EU's equality governance architecture.[307] The strategy does not specify concrete measures, responsibilities, objectives and timelines.[308] Any key actions apart from monitoring "the extent to which gender has been taken into account in applying the non-discrimination directives"[309] are missing. The general IA quality management through the Impact Assessment Board or the steering role of the IA system by the Secretariat General was not explicitly addressed with regard to gender mainstreaming, although these would be the central in-roads and institutions to ex-ante IA.

There is yet another policy document, in addition to the EU roadmap, informing and cross-fertilising overarching strategies and agenda setting like Europe 2020 from a gender equality angle: the second European Pact for Gender Equality 2011-2020.[310] In the Pact, the Council reemphasised its recommendations already

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304 | European Commission 2010b, 12.

305 | As demonstrated in chapter 4.4.1.4.

306 | European Commission 2010d, 20.

307 | European Commission 2010d, 21.

308 | As a result, measurable accountability cannot be exercised. For instance, although GIA is framed as a cross-cutting issue, the latest progress report does not address the European IA system, instead as the only example of activity an exchange on GIA practices on the member states level is mentioned (European Commission 2015b, 31). Also other actors have criticised the EU's equality strategy for its lack of clarity and concrete measures, for example the European Women's Lobby and various members of the EP (European Women's Lobby/EurActiv 2010).

309 | European Commission 2010b, 12.

310 | The Council of the European Union 2011. The first Pact stems from 2006 (The Council of the European Union 2006b). It already demanded from the member states and the Union

given in 2006, like the relevance of governance through gender mainstreaming by integrating the gender perspective into all policy areas. It also encourages member states and the Commission again, to develop existing statistics and sex-disaggregated indicators further. Similar to the reporting on the EU gender equality roadmap, the recommendations of the Pact remain non-binding and offer no concrete accountability mechanisms for assuring its goals are achieved.

4.3.2 Gender Equality Architecture and Equality Governance Through Impact Assessment

The EU is often viewed as an important actor or motor for gender equality[311] and a driver for change.[312] The EU has implemented a wide array of groups and commissions to support and monitor the gender equality duty, which is often called an equality architecture rather than a monolithic machinery.[313] This chapter explores the various roles and potential of the EU's equality actors with respect to IA. In the EU's equality strategy, the DG Employment[314] used to be the central support unit until in 2010 the cross-institutional responsibility for gender equality and implementing gender impact assessment was transferred from DG Employment to the relatively new DG Justice.[315] DG Justice's "D. Equality" unit consists of four sub-divisions, two of which are concerned with gender equality (D.1 and D.2).[316] Whereas D.1 "Equal treatment legislation" is in charge of safeguarding adherence to existing, and developing and drafting legislative initiatives with direct gender relevance, it is mostly D.2 "Gender equality," whose task it is to mainstream gender into all Commission's policies and activities, carrying this far reaching responsibility across the Commission with a total number of staff of nine policy officers and one assistant policy officer.

The shifting responsibilities demonstrate the influence of the Treaty of Lisbon and the adjacent The Charter of Fundamental Rights of the European Union, extending the EU's regulative powers into policy areas other than labour, social

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the "mainstreaming the gender perspective into all public activities" (The Council of the European Union 2006b, 27), to "ensure that gender equality effects are taken into account in impact assessments of new EU policies", to "further develop statistics and indicators disaggregated by sex, and to "fully utilise opportunities presented by the establishment of the European Institute for Gender Equality" (The Council of the European Union 2006b, 28).

311 | Klein 2006.

312 | Lombardo/Meier 2006.

313 | For an engagement with the definition and terminology of equality machinery, see 2.2.3.2.

314 | The tradition of an office for equal opportunities within DG Employment goes back to 1976 (Fuhrmann 2005, 226).

315 | Under the Commissioner of for Justice, Fundamental Rights and Citizenship and the Commission's Vice-President Viviane Reding (European Commission; Directorate-General for Justice 2016).

316 | DG Justice D3. is responsible for people with disabilities and D.4 for Roma and general issues of non-discrimination. This section is also based on paraphrased statements of DG Justice as participating in the interview sample. At this single occasion I deviate from the coded interview verbatim citation in order to guarantee for confidentiality.

affairs and employment and expresses the will to inject gender as a cross-cutting issue.[317] In addition, there are a number of other bodies concerned with gender equality tasks from different perspectives. Other EU bodies and agencies that deal directly with issues of non-discrimination are also linked to areas responsible for gender equality. Below is a cursory overview of how certain bodies perceive the potential of the tool GIA or gender in IA, and how they would be able to contribute to a more systematic and profound equality governance within the Commission's ex-ante IA framework.

One example is the *Advisory Committee on Equal Opportunities for Women and Men*, which comprises delegates from EU countries, social partners and civil society organisations at EU level. It was founded as early as 1981, and although it was created not only to "formulate," but also to "implement" the EU's "activities aimed at promoting equality between women and men,"[318] it is limited to contracting studies and issuing opinions to the Commission, which are non-binding. The committee attended the 4th Women's World Conference in Beijing 1995 and was then assigned the role to accompany the introduction of gender mainstreaming in the EU. In 2002, it prominently evaluated the role of gender mainstreaming in the EU's policy making,[319] and has ever since expressed its opinion also on GIA. In its 2010 Opinion on The Future of Gender Equality Policy after 2010[320], the committee assigned GIA a crucial role in implementing gender mainstreaming and achieving the European goal of gender equality. For example, in the area of external relations and development aid, the expert group requests to "ensure that all EU external aid programmes incorporate a gender impact assessment."[321]

In dealing with the after-effects of the financial and economic crisis and differential impact on women and men, according to the Advisory Committee the Commission should also: "Undertake gender impact assessment of the measures currently being taken under the European Economy Recovery Plan, the European Global Adjustment Fund and others."[322] Those demands were based on a study done by the working group itself that proved that the stimuli packages had preferential biases towards male dominated professions and industry sectors, not factoring the role of women as either secondary affected small business owners or as immediately affected spouses and family members in.[323]

Concerning the design of the European gender equality strategy, the Advisory Committee highlighted the need to "promote a better monitoring system and systematic application of gender impact assessment, including in all new

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317 | European Union 2000.

318 | Based on the upon the Commission's Decision 82/43/EEC. The main addressees are the member states, not the EC's institutions, see gender equality website of DG Justice (European Commission; Directorate-General for Justice 2016).

319 | Advisory Committee on Equal Opportunities for Women and Men 2002.

320 | Advisory Committee on Equal Opportunities for Women and Men 2010.

321 | Advisory Committee on Equal Opportunities for Women and Men 2010, 15.

322 | Advisory Committee on Equal Opportunities for Women and Men 2010, 18.

323 | European Commission; Advisory Committee on Equal Opportunities for Women and Men 2009. For the disproportionate effects of the financial and economic crisis and the following stimuli packages in Germany, see also (Kuhl 2010). Sylvia Walby also pointed to its gendered causes (Walby 2009b).

legislation."[324] The experts demanded that the Commission "set up a permanent gender impact assessment procedure for all European Structural Funds, Cohesion Funds and funds related to the European Neighbourhood Policy, with a special attention to fields other than employment."[325] In the opinion, GIA is also recommended for other policy sectors such as labour agreements, integration, immigration and asylum policies.

The expert group's insistence on the application of the specific tool GIA, which has never been officially endorsed by the Commission and hardly disseminated beyond the DG Employment, demonstrates a certain degree of disconnect from the rules and procedures of the Commission's integrated IA system. One of the reasons for this disconnect might be that the manifold working groups and committees on gender and gender mainstreaming are not coordinated. They fulfil their tasks independently and there is no direct structural link into the Commission's IA system, especially since the gender duty was moved from DG Employment, which initiated and chairs the most working groups, to DG Justice. With the move even informal, internal oversight and expertise got lost by not transferring the personnel.

Another important equality governance actor is the *Inter-Service Group on Gender Equality* (ISG), which was founded in 1995. It consists of gender equality representatives of all DGs and meets regularly four to five times a year.[326] Formerly headed by the DG Employment, now by DG Justice, its mandate is to develop gender mainstreaming measures and programmes as well as to coordinate them with the annual work programme on gender equality, to monitor and report on progress in gender mainstreaming as well as to facilitate good practice and know-how exchange. It would be *the* suitable institutional equality actor, supporting the IA system, in order to advice on gender-sensitive policy and programme making since: "Its main task is to develop a gender mainstreaming approach in all EC policies and programmes and to contribute to and co-ordinate activities in the framework of the annual work programme."[327]

Reporting was already discontinued after the first report in 1998. Although the Commission still sees this group as the main driver for gender mainstreaming, and in the so-called Women's Charter[328] re-emphasised its mandate to strengthen the gender perspective in all policies, its members do not have internal standing to be transformative, lacking the support of the higher echelons.[329] Linking the expertise in this group to the IA and evaluation units in the individual DGs as well as the Impact Assessment Board's quality management of IAs, also remains a yet unmet challenge. Linking the Inter-Service Group to other groups working on gender

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324 | Advisory Committee on Equal Opportunities for Women and Men 2010, 24.

325 | Advisory Committee on Equal Opportunities for Women and Men 2010, 24.

326 | Pollack/Hafner-Burton 2010, 293.

327 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2006, 18.

328 | European Commission 2010f.

329 | When the Mid-term Review of the Strategy for Equality Between Women and Men mentions that the "members of the ISG [Inter-Service Group on Gender Equality, A.S.] need leverage within their Directorates-General," it means that they obviously are missing it (European Commission; Directorate-General for Justice 2013, 12).

issues and rendering its activity more transparent,[330] are tasks worth pursuing. Although this group has only a weak or soft mandate and has no political clout in the respective DGs, it is the forum in which most gender expertise and institutional knowledge is assembled—especially because it is attended mostly by low- or mid-level officials from the various DGs who are closest to the policy problems and gender expertise at hand to solve them.[331] Instead of being the "poor sods who have to go back and nag at the hierarchy,"[332] a substantial reform of the EU's gender equality expert networks with regard to their internal standing,[333] reporting, as well as their interaction with the common approach to IA[334] and with other equality actors such as DG Justice and the European Institute for Gender Equality, resulting in a mandate revision of the Inter-Group, could lend them actual clout to live up to their goal of establishing gender equality.

The *High-Level Group on Gender Mainstreaming*[335] is yet another equality actor with not yet established interfaces to the Commission's IA system.[336] Founded in 2001, it is comprised of leading government officials responsible for gender equality in the member states as well as of Commission's and Secretariat of the Council's representatives. It acts only as an informal forum responsible for the long-term strategic planning of EU gender equality initiatives, including the planning and the organisation of gender equality conferences and informal ministerial meetings. In doing so, the group aims to support the EU Presidency by identifying relevant policy areas and issues.

The High-Level Group also acts as the principal expert body for strategic planning regarding the follow-up to the Beijing Platform for Action,[337] which theoretically could include fostering and watching over GIA implementation, and could give the High-level Group a central position in the network of equality actors. It is further active in developing relevant indicators; a field of action closely linked

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330 | Pollack/Hafner-Burton 2010, 294.

331 | Although research has problematised the poor attendance in the past, since some DGs did not participate at all, while others only showed up for political topics relevant to their respective DG (Fuhrmann 2005, 231).

332 | Interview quotation of a Commission's official, dated 28 November 2007, cited after (Pollack/Hafner-Burton 2010, 294).

333 | I.e. according to the suggestions made by Nora Fuhrmann as close to the top of the DGs as possible, preferably even within the Secretariat General (Fuhrmann 2005, 232-235; 278-279). The importance of placing gender equality mechanisms at the highest possible level in government has also been emphasised by the Council (The Council of the European Union 2013, 7).

334 | European Commission; European Parliament; the Council of Europe 2005. See also chapter 4.1.1.

335 | Heinrich Böll Foundation; Gunda Werner Institute n.d.

336 | Judging by the last published activity report for the year 2010, according to the Register of Commission Expert Groups and Similar Entities (European Commission; DG Justice; Directorate D: Equality; Unit D1: Gender Equality 2011. It is notable, that despite the mainstreaming task, the High-level group is only listed for the two policy areas Employment and Social Affairs and Human rights and assigned a limited scope in the register.

337 | As affirmed in the Beijing +15 evaluation of the Council of the European Union (The Council of the European Union 2009, 10).

to IA, and helps the Commission in the preparation of its annual gender equality report. Through its central role and the reporting function, the High-level Group would have the cloud to establish closer links and cross-reporting duties to the Commission's IA system. Despite the fact that mainly member states government officials with their very own and often very different equality agenda are sitting in this forum, there is some leverage for steering, since it is chaired by DG Justice. DG Justice also spearheads the Inter-service Group on Gender Equality and could align the agenda of the two forums. That way, internal Directorate-General activities would be framed by top-down support for GIA implementation in policy and programme making from the High-level Group for Gender Mainstreaming.

Real reporting duties with regard to gender in IA concern only the Council and EP, for the moment being. Especially the EP's *Committee on Women's Rights and Gender Equality* (FEMM) has the political authority to render the DG's drafts of proposals for directives, regulations, communications, opinions and all other Commission publications accountable,[338] and alongside with them the accompanying IA.[339] If the draft and/or the IA is deemed insufficient with regard to gender equality, the Committee has the political power to ask for amendments to the legislative draft—and additionally, under the common approach, not only the freedom, but the responsibility to assess "the impacts of their own substantive amendments."[340] In the past, the FEMM Committee has already used its amending and challenge function, to demand the inclusion of GIA for particular initiatives, such as in its suggestions for the 2008 budget and the Committee on Budgets, where Committee: "Notes that the EU budget is not gender-neutral and has different effects on women and men; therefore reiterates the call to include gender impact assessment in **all** impact assessments."[341]

With the extended policy capacity within the EP, the FEMM Committee has now even the power to do so in a more systematic way.[342] In its 2011 report on gender mainstreaming, the FEMM Committee reminded the Commission of its gender mainstreaming commitment in the IA processes, referring to the GIA tool. However, the report did not reference to the status of gender under the current integrated IA system, in particular as part of the SIA guidelines, which exhibits a certain degree of unfamiliarity with current IA streamlining strategies:

"The Commission aims to implement gender mainstreaming as an integral part of its policymaking, including through gender impact assessments and evaluation processes, and has developed a 'Guide to gender impact assessment' for this purpose."[343]

As an example for gender-sensitive policy making, the report draws attention to a specific policy directed at women, the trafficking directive,[344] which does

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338 | European Parliament et al. 2011, 10.

339 | European Commission; European Parliament; the Council of Europe 2005, 1.

340 | European Commission; European Parliament; the Council of Europe 2005, 1.

341 | European Parliament et al. 2007, 3. Emphasis by author.

342 | European Parliament/Ballon 2014.

343 | European Parliament et al. 2011, 6.

344 | Directive 2011/36/EU of the EP and of the Council on preventing and combating trafficking in human beings and protecting its victims.

neither proof mainstreaming activity nor the use of GIA. Within the EP, there is yet another expert network, the Gender Mainstreaming Network of Members, on which each committee of the EP has a member responsible for implementing gender mainstreaming. In theory, through this network gendered effects of policy making and budgetary initiatives of the EU could be scrutinised in the overall EP committee structure. But due to the soft coordination, as in the case of the Inter-Group, pressing for gender mainstreaming especially in seemingly gender-neutral policies and programmes seems still an on-going challenge also for the EP, which has assigned the gender mainstreaming duty predominantly to its FEMM committee.[345] The most recent initiative to meet this challenge is the publication of several studies, including a collection of key studies, providing sample evidence base for "better law-making."[346]

The latest and most central piece in the EU's equality governance architecture, is the *European Institute for Gender Equality* in Vilnius, officially founded in 2006, but operational only after 2009. Again, the European Institute for Gender Equality inhabits mainly a supportive and advisory role, to "enable" the Community's institutions and the individual member states alike to implement a "gender equality policy."[347] Its mandate is stipulated in its foundational document regulation 1922/2006, where the European Institute for Gender Equality's derivative tasks also include the occupation with gender mainstreaming in tools. As stated in Art. 3.1(c), the European Institute for Gender Equality is supposed to:

"Develop, analyse, evaluate and disseminate methodological tools in order to support the integration of gender equality into all Community policies and the resulting national policies and to support gender mainstreaming in all Community institutions and bodies."[348]

According to its first and still acting director Virginija Langbakk, the European Institute for Gender Equality set out to fulfil that mandate and "provide support to the development of mainstreaming tools and methods (2011-2015),"[349] and it consequently concentrates on "collection, analysis; gender mainstreaming tools and methods development; identifying good practices as a tool for mainstreaming gender into EU Institution and Member State policies and programmes."[350] Under its first work programme, there is little evidence the European Institute for Gender Equality would take on a central role with regard to fostering GIA implementation within the Commission's institutions.[351] The following excerpt from European Institute for Gender Equality's current work programme demonstrates the limitations, under which the European Institute for Gender Equality operates, in supporting the Beijing Platform for Action with regard to its gender mainstreaming implementation tools:

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345 | Thereby negating the mainstreaming aspect (Fuhrmann 2005, 235-240).

346 | European Parliament 2014.

347 | European Parliament; Council 2006, 1.

348 | European Parliament; Council 2006, 3.

349 | European Institute for Gender Equality 2011, 11.

350 | European Institute for Gender Equality 2011, 11.

351 | European Institute for Gender Equality 2012f.

"Useful methods, tools and good practices, such as gender impact assessment and gender training resources, will be identified and adapted to provide policy actors in the EU and the Member States with information and tools to develop capacity."[352]

The European Institute for Gender Equality's envisioned output remains still at the tool development stage, helping to provide "effective gender mainstreaming tools to support policy-making and implementation,"[353] for which it states no target audience, timelines, responsibilities or policy fields (which tools, for which actors, in which context?). In its activities, the European Institute for Gender Equality focuses on the member states' methods, tools and practices, with only side-lined attention for the policy and programme making of the institutions of the EU.[354] Such vague mandate and strategizing without clear responsibilities, addressees, concrete goals or tangible steps, hinders the European Institute for Gender Equality in its ability to fulfil its role as a *guardian* of the gender mainstreaming strategy and with special regards to GIA implementation.

However in 2014, the European Institute for Gender Equality conducted two important studies: one study on institutional mechanisms for gender mainstreaming[355], and on the use of methods and tools for gender mainstreaming[356]. Both studies were commissioned by European Institute for Gender Equality in 2012.[357] One of the disclosed findings of the second, tool-specific study was that gender analysis was only conducted in a few member state. The European Institute for Gender Equality found it "a striking conclusion, as the process of gender mainstreaming should start with gender analysis."[358] Both studies saw ample room for improvement in the EU member states, but did not address the European Union level, leaving the Commission's IA system aside. In addition to focussing on the practices of the member states, the European Institute for Gender Equality i.e. could target the Commission's IA system, as the EU ought to be serving as a role model to member states.[359] The room for improvement became clear in the Council's first

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352 | European Institute for Gender Equality 2012f, 12.

353 | European Institute for Gender Equality 2012f, 12.

354 | Borza/European Institute for Gender Equality 2013; European Institute for Gender Equality 2014c.

355 | European Institute for Gender Equality 2014a; European Institute for Gender Equality 2014b. As also discussed in subsection 4.1.2.

356 | With the working title "Review of the Institutional Capacity and Effective Methods, Tools and Good Practices for Mainstreaming Gender Equality in a few Selected Policy Areas within the European Commission, the EU Member States and Croatia." Its results were only published in parts and not pertaining to Commission practices. Of what has been revealed, it draws a bleak picture of the low level of implementation and practice (European Institute for Gender Equality 2014a, 23-26; European Institute for Gender Equality 2014b, 59-65; European Institute for Gender Equality 2014c, 9).

357 | While the final report of the tool specific study was supposed to be made available in 2014, it was not yet published when the research was concluded.

358 | European Institute for Gender Equality 2014c, 9.

359 | Both, the current European Pact for Gender Equality 2011-2020 and the Council Conclusions on the "Effectiveness of Institutional Mechanisms for the Advancement of Women and Gender Equality" call upon the European Commission to better utilise the

review of the EU's institutional mechanisms for gender mainstreaming[360] in 2006, again primarily pertaining to the member states. The Council concluded:

"Despite some progress, structures and methods for gender mainstreaming need either still to be put in place or reinforced, [...] that formal commitment and formal structures for gender mainstreaming are not enough and that practical action in all relevant areas is needed, [the Council, A.S.] URGES in particular all Member States and the Commission to improve and strengthen the development and regular use of mainstreaming methods, particularly gender budgeting and gender impact assessment when drafting legislation, policies, programmes and projects."[361]

On the member state level, those indicators were again reviewed in the Beijing+15 process by the Swedish Presidency in 2009[362] and as a set of indicators in 2013 by the Lithuanian presidency[363], with special regards to the effective application of a gender impact assessment of policies, development of statistics broken down by sex, the use of indicators to measure progress and training programmes to develop gender expertise. This set of four indicators substantiated the objectives, and its third indicator for gender mainstreaming was again further substantiated by the following three sub-indicators. First, the government commitment is measured in the binding or non-binding status of gender mainstreaming. Second, the structures for gender mainstreaming are assessed. Third, the use of the methods and tools of gender mainstreaming express the commitment in a four-fold way: 1) Training and capacity building for gender mainstreaming; 2) gender impact assessment; 3) gender budgeting; and 4) monitoring and evaluation of method use. For measuring the application of GIA, a point system was introduced: for gender impact assessment in law drafting, the Council rewards member states with 2 points, if gender impact assessment in law drafting is widely used in most ministries, 1 point if the method is used in some ministries, 0.5 points if it is at its initial stage, 0 points if it is practically an unknown concept at the governmental level.[364]

No positive change over time could be attested for.[365] For this indicator three, gender mainstreaming, the European Institute for Gender Equality saw some formal commitment and structures in the member states, and attested that largely the methodologies and trainings were available, but found again, how methods and tools are still not institutionalised and especially GIA and gender budgeting are "in their infancy."[366] The status quo of GIA on the level of the Commission

capacities of the EIGE (The Council of the European Union 2011; The Council of the European Union 2013).

360 | Based on the BPfA area H, compare chapter 2.5.1.

361 | The Council of the European Union 2006a, 8. Capitalisation as in original, emphasis by author.

362 | The Council of the European Union 2009.

363 | The Council of the European Union 2013.

364 | Langbakk 2013, 16.

365 | European Institute for Gender Equality 2014a; European Institute for Gender Equality 2014b.

366 | Langbakk 2013.

was not mentioned in any of the reviews, which appears problematic in terms of comparability and credibility, tainting the role model function of the EU.[367]

Summing up, the EU's gender equality governance architecture suffers from lack of coordination and clear mandates for (inter-)action, pertaining to ex-ante IA.[368] The institutionalised gender architecture of the EU is characterised by its multiplicity, and soft and overlapping modes of governance mainly based on expert advice and knowledge brokerage[369]. Its interlinkages with the EU IA system are non-systematic, disconnected from IA rationales, and in the case of the European Institute for Gender Equality not-existent. GIA, as a gender mainstreaming instrument, is hampered by the soft mandates and non-coordinated efforts of the European gender equality architecture. With respect to GIA, the EU's equality architecture lacks clear roles and responsibilities as well as an authoritative interface to the Commission's integrated IA system in order to enhance the gender equality governance of the EU's policy and programme making. Promoting GIA as a tool from within the Commission is crucial. Conversely, more engagement with the realities of the integrated IA and the actual practicability of conducting GIA would be required by equality actors yet to be specified and beyond the small DG Justice, in order to make the GIA recommendations in the various documents and groups meaningful and effective.

4.4 Gender in the Impact Assessment of the European Commission: Empirical Findings

"Evidence from other international experiences as well as from the past EU experience reveal that it is preferable not to have RIA, than to have a bad one."[370] (Andrea Renda)

Just as Norman Glass, the Director of the National Centre for Social Research in the UK, warned about bias[371], in the above citation, Andrea Renda, one of the leading experts in European IA, refers to the danger of incomplete assessments. One of the factors making an assessment incomplete is—according to the logics of gender mainstreaming—the absence of a gender perspective. The following sections present the status-quo of gender analysis in the current EU IA system as presented in my empirical field research through interviews with the European Commission's policy analysts and gender experts. The chapter first outlines the parameters of the state of the art of GIA and gender in IA implementation based on my analytical framework.[372] I have previously explained the concept of the European experiment

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367 | In 2005, Fuhrmann complained about the inactivity of the Commission, which had not yet implemented its own gender mainstreaming directives internally in the majority of its DGs and services (Fuhrmann 2005, 234).

368 | For a more detailed qualitative network analysis of the Gender Equality Policy Networks in the EU—including non-governmental organisations, see (Ahrens 2011).

369 | For the concept of knowledge brokerage, see sub-chapter 2.2.3.1.

370 | Renda 2006, 135. Andrea Renda is a Senior Research Fellow at the Centre for European Policy Studies (CEPS).

371 | Compare introductory citation of chapter 1.

372 | Moser/Moser 2005. See sub-chapter 2.5.

in subordination,[373] my research was designed to track the subordinate hierarchy in which gendered aspects are to be found within the guidelines of the Commission's integrated IA in practice. Interview participants were also asked about the tool subjugation of the stand-alone tool GIA and its practical effects.

4.4.1 Tools: "Demonstrate That [...] We're Doing What We Preach"

In the course of this study it became clear that gender analysis practices of the European Commission deviate from what their institutional and regulative commitments. On the supra-national level of the Commission's IA system, gender plays a subordinate role in tools and practices, and thus the system is far removed from the original intent of the mainstreaming approach. The following section engages with the current state of affairs on the ground, where Commission policy analysts have demanded "to demonstrate that [...] we're doing what we preach... to other member states [...]."[374] Based on my adapted analytical framework on the institutionalisation of gender analysis,[375] I present the critical issues raised in my interviews and identify the main areas for improvement and action.

4.4.1.1 Status-quo: "It's Not an Institutional Success"

As noted previously, existing international IA tools inspired the development of the GIA tool by the Directorate-General Employment, Social Affairs and Inclusion (DG EMPL) in 1997.[376] GIA refers only to the soft policy tool based on the non-binding 1996 Communication "Incorporating equal opportunities for women and men into all Community policies and activities"[377] and the equally non-binding gender equality plans.

Overall, the GIA tool has not inspired institutional enthusiasm:[378] "I'm not sure if there has been enthusiasm at all. [...] I think there has been enthusiasm within the academic circles, maybe with some civil servants, but I think it's not an institutional success."[379] Because of this lack of institutional support, the GIA tool was never officially adopted by the Secretariat General and was disseminated only by the DG Employment,[380] whose reach was limited mainly to social and employment issues. Not even the interviewed gender experts were aware that specific gender analysis tools like GIA existed: "You mention in your questionnaire [the] GIA tool... and I

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373 | In chapter 4.2.

374 | EU19, Interview.

375 | As developed in subsection 2.5.

376 | Compare chapter 4.2.

377 | European Commission 1996.

378 | Conny Roggeband, Interview.

379 | Conny Roggeband, Interview.

380 | GIA shares this lack of attention with other, even legally mandated tools, such as environmental IA (EIA). The EIA community often expresses dissatisfaction with the general marginalisation of EIA as opposed to other tools such as cost-benefit analyses, economic or competitiveness analyses, see the results of the European network of excellence research project mapping LIAISE (Linking Impact Assessment to Sustainability Expertise) of EIA tools, which found that the section Environment of the 7th EU Framework Programme funded policy IA related research projects with only 4 per cent (Podhora/Helming 2010; 11).

went immediately to print it out. I read the article to find out what it was about, I've never heard to speak about that before!"[381] In her interview, even Anne Havnør, the public servant who was once in charge of designing the Commission's own GIA tool, had difficulty remembering GIA's existence: "Gender impact assessment, I have even forgotten it was called like that. [...] I remember this small tool, I was actually quite pleased with it myself at the time."[382]

My interviewees, with the exception of four Commission analysts, did not know about the 1997 stand-alone GIA tool either.[383] But it is interesting to note that the four interviewees who knew about the tool showed greater gender competency and had more detailed knowledge of gender concepts and theory than the others. They also exhibited deeper knowledge about tool development and genealogy:

"My understanding of the history of IAs was that indeed the GIA module dating back to the 1990s was one of the first examples within the commission, where partial IAs were promoted. The second one was probably a kind of business IA that started around 1998/1999/2000 as well and then later people recognised that it would be useful to have a more comprehensive and more structured set of general IA guidelines, which were then developed I think in 2003 and published 2005 for the first time."[384]

All other analysts working under the integrated IA framework were either unaware of the stand-alone 1997/98 GIA tool or were only aware of the 2008 gender mainstreaming tool, whose implementation is limited to social and employment policies and programming.[385] Over the years a lack of official acknowledgement has broken the link between GIA and the Commission's IA and has hampered implementation on the ground:

"I also have to say that my feeling at that time was that those guidelines indeed existed, but they were not used that much. [...] They might have been used for other purposes, such as DG Development or other gender policies and action plans and other stuff, but in terms of IA I'm not sure that those guidelines on gender were really used."[386]

This is problematic, since the gender mainstreaming mandate is not limited to social and employment policies or development cooperation.

Interviewees also appeared not know that the integrated IA guidelines acknowledged the validity of the stand-alone tools that could be consulted in addition to the integrated IA. Consequently, they were unaware that the stand-alone GIA tool could still be used and had never been officially declared non-operational. Even the Impact Assessment Board failed to list GIA among the stand-alone "guidance documents," as emphasised in a 2011 statement: "Operational guidance documents (on social impacts, fundamental rights and competitiveness) are complementary to

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381 | EU10, Interview.

382 | Anne Havnør, Interview.

383 | EU12, Interview.

384 | EU20, Interview.

385 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008.

386 | EU26, Interview.

the existing IA guidelines. Their use is left to the discretion of services preparing the IAs."[387] The above citation underlines how little is known in the Commission about the GIA tool, and it stresses its hidden, invisible, *subordinate* status.

With regard to the subordinate position of gender aspects in the Social Impact Assessment (SIA) section of the integrated IA guidelines, it is worth noting that the group steering the SIA sub-guidelines development did not include a specific gender expert, but had to rely on gender expertise within the Directorates-General. Three representatives of DG Employment, which was spearheading the effort, drafted the Social Impact Assessment segment in collaboration with colleagues from other Directorates-General responsible for social affairs. However, the group took the guiding questions in the GIA tool as a point of departure and consulted with the gender experts of DG Employment on the draft:[388]

"I think to remember, that all, even before the integrated IA guidelines were developed we had the gender impact assessment [GIA], which existed already at that time [...]. Which means that we already had a basis, it was clear that gender issues were important. And we had gender experts within the DG, so we can count on specific expertise that's why it was included. And there was clearly also a kind of agreement with all the other DGs that gender was one of the issues we needed to look at."[389]

The strategy of gender mainstreaming did play a role in the sub-section development, but was not framed as a legally mandated and cross-cutting issue:

"I think to remember that there are questions specific on gender and they are mainstreaming questions, so the mainstreaming was indeed part of the debate and discussions. But I don't know how this concretely translated into the specific questions which are now in the guidance."[390]

The gender questions in the Commission's GIA tool were incorporated into the integrated guide, but without proper mainstreaming considerations. This fact reduces the current state of the art of gender analysis in the Commission's IA to a subordinate status of gender in the Social Impact Assessment section. As a consequence, the Commission's support for GIA as a stand-alone tool waned, since gender was now supposed to be integrated. According to the interviewees, GIA was never put into practice, and no participant was able to produce a case study.

4.4.1.2 Intersectionality: "It's Not Something That We Do Systematically, but It Happens Of Course"

Although the EU's policy advisors do not use the term "intersectionality" in IAs, diversity and marginalisation are well established concepts, and some interviewees reported research activity at the project level pertaining to marginalised groups:

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387 | European Commission 2011b, 30.

388 | EU26, Interview.

389 | EU26, Interview.

390 | EU26, Interview.

"For instance fighting against child labour where children come from minorities, or they are disabled children exploited sexually or…, you know, all this kind of terrible situations, where there are the poorest among the poorest who are, you know, suffering. […] there are fiches we published, there are sixteen of them, and some of them are about projects of this kind, so… it's interesting, but, there as well as project, not actions, I mean not structured actions that the commission does, it's just the result of our goal, and then it depends on the different countries, the different situation and so on. So it's not something that we do systematically, but it happens of course."[391]

All the interviewees from the Commission were aware of the diversity of groups, but the range of intersectional consequences of gendered realities in society posed a challenge in ex-ante and strategic assessment of larger initiatives. Some analysts explicitly acknowledged the importance of multi-variable analysis to get the *full picture* and avoid making false or over-simplified correlations:

"From a statistical point of view—[…] I'm a trained statistician—I would always include other factors, otherwise you would identify differences between gender and you would have a very high variance of the error term and this is due to other factors which are not covered explicitly in the model. That's for sure."[392]

Analysts were alert to the fact that there is discrimination on multiple grounds and that gender itself is a multi-dimensional category. According to the interviewees, all horizontal issues ideally will get attention, and gender-specific analysis will entail a multi-dimensional and multi-variable analysis, just as gender will be mainstreamed into analyses of other forms of discrimination: "If you have one on gender you will refer to multiple discrimination, and how that is affected. But if you have one on Roma or migrants you will also address gender in there."[393]

However in practical terms, an intersectional, multi-variable analysis—splitting sex-disaggregated data even further (or sex-disaggregating diversity data)—does not yet seem to be the state of the art in current IA research, which prevents the actual employment of intersectionality in IA analyses. Some interviewees even found the issue of diversity in GIA a "very general, or an abstract question."[394] To date, discrimination on multiple grounds is still predominantly conceptualised as target-group specific and is not mainstreamed in other assessments:

"Of course there is a… lot of cross-cutting issues and there is an interrelation between the different grounds of discrimination and gender. That's obvious. I cannot understand your question, because there is no… in fact it is too specific, because there is no IA of such initiatives. If there is a legislation again, depends on what you are speaking about, if there is a development of legislation regarding discrimination, yes then of course the gender aspect will be integrated into the analysis […]."[395]

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391 | EU10, Interview.

392 | EU12, Interview.

393 | EU19, Interview.

394 | EU20, Interview.

395 | EU23, Interview.

Some of the main reasons given for not undertaking multi-variable analysis were the complexity of real life cases, limited tools, and lack of awareness of the practical consequences of various gendered positions in the different European societies:

"I have not really thought this through, I have thought about our programmes and how to evaluate them better. But in general I would probably say yes, it has some influence from other factors, but a practical relevance of how to evaluate policies is then not so clear. [...] Ok, yes. The one thing that certainly at the EU level comes to mind when hearing the term 'diversity' and its relation to gender analysis is that the degree of gender problem dimensions vary hugely from country to country in Europe and may be completely different, also concerning the experience of women on the labour market. Or the word gender analysis itself may raise completely different associations for people from Malta than from Finland for instance. So, yes, in that sense certainly it makes a difference where people come from and what their other identities are."[396]

Here the interviewee addressed an important point: gender is culturally embedded and must be understood in the national context.[397] And within the category of *gender*, there are differential factors influencing the realities of men and women. It was evident from the interviews that European national diversity has served as a way to develop an understanding of gender as a multi-dimensional category.

In general, Commission analysts see the need for an extension of analysis beyond the category of gender in order to obtain target-group-specific results. They identified the need to look into interrelated issues in order to sharpen the gender lens:

"I think that, well, we have some work to do—this is my personal opinion—to create more links, conceptual links, and also institutional links within our institution between, among the different cross-cutting issues that we have. Good, I give an example: we have a cross-cutting issue—for instance child rights, or for minorities and gender—I would say these issues are very much interrelated. You can talk about discrimination against girls and gender issues that affect child rights, or the role of indigenous women etc."[398]

In the interviews it became clear that the acceptance of a GIA as a tool for understanding complex realties could benefit from strengthening the diversity framing inherent in the assessment.[399] There are, however, some obstacles to doing

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396 | EU20, Interview.

397 | As researched with the method of critical frame analysis by the QUING project (Dombos 2012). The interdisciplinary and international project team found different policy frames of gender equality "as intentional and unintentional interpretations of the political reality and the policy issues under consideration," fostering comparative discursive-sociological learning (Lombardo/Forest 2012, 231).

398 | EU11, Interview.

399 | As e.g. described by Philine Erfurt in order to resolve resistance against the strategy gender mainstreaming (Erfurt 2007). The GIA tool already draws attention to the heterogeneity of women and men: "Gender differences may be influenced by other structural differences, such as race/ethnicity and class. These dimensions (and others, such as age, disability, marital status, sexual orientation) may also be relevant to your assessment."

so. In times of increased streamlining of assessment under a single, integrated IA, diversity framing in the Commission is now addressed as part of fundamental rights and non-discrimination framing. In 2011, this resulted in a new stand-alone tool and operational guidance for taking account of fundamental rights in Commission impact assessment.[400] There are two problems with this approach: First, the new tool is introduced alongside the Commission's process, which also addresses gender issues under Article 23 of the EU's Charter of Fundamental Rights, and second, the existing GIA tool is still in place. Because of these two factors, the fundamental rights and diversity framing is decoupled from gender in IA, and a competing tool not linked to the gender lens is established. Thus GIA is even more of an orphan tool. This has happened despite the fact that the enlargement of the gender lens was neither recent nor merely strategic, as is sometimes thought. On the contrary, the gender lens has been built into instruments of gender research from the start, emphasising that women and men need to be addressed in their diversity.[401]

In effect, the strategy of gender mainstreaming cannot be realised through the Fundamental Rights guidance for three reasons: 1) Ambiguous wording— The Guide states that "rights, freedoms and principles can be of relevance to **all Commission activities and EU policies**,"[402] but the Commission neglected to also highlight the word "*can*", which basically renders all analyses discretionary. 2) The analysis is reactive with regard to discrimination—it is rights—rather than outcome-based; it is triggered by case-specific endangerment of individuals or groups as rights holders; and it does not proactively address underlying structures and systemic inequalities. 3) Gender mainstreaming is not named as a guiding principle,[403] although gender equality is mentioned in the context of the gender pay gap.[404]

Because the tool was so recent when the interviews were conducted, none of the interviewees was aware of it yet. To them, diversity and non-discrimination seemed even harder to implement than gender, due to issues of data collection and data security. As in Canada, policy officers had reservations about collecting data considered private, such as belief, sexual orientation or ethnic background. In some EU member states, there can even be reluctance to collect data on national traditions, legal privacy protection and historic trajectories:

"I give the example of France: France is probably the strongest example where it is a matter of pride and identity that nobody is ever asked—even anonymously—about [...] private matters. If I go to [...] the United Kingdom, you fill in your name and address and telephone number,

(European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3).

400 | European Commission 2011c.

401 | E.g. by the former German GenderComptenecyCentre (Bundesregierung 2003).

402 | European Commission 2011c, 5. Emphasis as in original.

403 | In the instrument Unit C.1 Fundamental Rights and Rights of the Child in DG Justice is named as the resource and support unit for conductors of a Fundamental Rights IA (European Commission 2011c 3).

404 | European Commission 2011c, 17. Then again, a couple of pages later the example of a closing gender pay gap given, sending a subtext message of equality between women and men as not being so bad (at least as it used to be) (European Commission 2011c, 22).

and on the back [...] they will ask you whether you see yourself as white, black, Asian, half-black; whether you see yourself as Christian, Muslim, whatever; what your sexual orientation is. All of those are asked. They say 'It's voluntary, but we would like you to do it,' and most people fill it in, automatically, [...] just on the other side of the channel into France, it would be illegal—I think—and cause a scandal."[405]

Other concerns of data collection for GIA include unequal access, the potential for uneven quality, and distortion in the evidence sample. In addition, diversity framing is a double-edged sword. On the one hand it makes it more acceptable to consider gender inequality in analysis; on the other hand it makes gender analysis seem outdated or non-sufficient.

In conclusion, the Commission has recognised the need for more precise analysis going beyond the category of gender. However in its development, the existing GIA tool was not extended to incorporate other dimensions nor was it honed to address other fundamental rights. Instead a competing tool decoupled from GIA was created.

4.4.1.3 Challenges: "We Are Not Meant to Look Out for Gender, Gender Is With DG Justice"

A main challenge to the successful implementation of GIA lies in the role of the EU's equality machinery and equality units. The main support unit for gender was transferred from DG Employment, Social Affairs and Inclusion to DG Justice, Fundamental Rights and Citizenship (JUST). DG Justice's "D. Equality" unit consists of four sub-divisions, two of which are concerned with gender equality (D.1 and D.2).[406] D.1 "Equal treatment legislation" is in charge of safeguarding adherence to existing legislative initiatives and for developing and drafting new legislative initiatives with direct gender relevance.D.2 "Gender equality" is tasked to mainstream gender into all the Commission's policies and activities. D.2 carries this far-reaching responsibility across the Commission with a total of nine policy officers and one assistant policy officer. Ex-ante and ex-post impact assessments represent only a small part of their work.

The ex-ante analysis of gendered effects of the Commission's legislative and programming activities is done by intra-service IA steering groups, which cooperate with other Directorates-General concerned. These steering groups also spearhead and develop IAs from within whichever Directorate-General is central to the issue at stake. They may also consult the DG Justice's D.2 gender unit if they deem the IA appraisal to be in any way gender relevant. The gender experts of DG Justice are invited to comment on and feed into the analysis. It is also possible for them to approach Directorates-General and analysts on a specific IA, if it has been identified as having gender relevance in the annual work programme and if it was previously

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405 | EU18, Interview.

406 | DG Justice D3. is responsible for people with disabilities and D.4 for Roma and general issues of non-discrimination. This section is also based on paraphrased statements of DG Justice as participating in the interview sample. At this single occasion, I deviated from the coded interview verbatim citation in order to guarantee for confidentiality.

announced as part of the roadmap, but only with approval of the Impact Assessment Board.[407]

Equality support units or gender experts do exist in other Directorates General, but their responsibilities are usually limited to specific programming activities, and they are not typically linked into a particular IA and evaluation unit. With the exception of DG Employment, with its long tradition of in-house gender capacity, the Directors General mainly turn to DG Justice when the need arises for gender expertise in IA.

The assigned responsibility of DG Justice's gender experts for gender questions has led other Directorates General to assume that they do not need to take gender into account for themselves: this, despite the fact that IA is a duty in each individual Directorate-General and that gender mainstreaming is everyone's duty. "We are not meant to look out for gender, gender is with DG Justice."[408] With such misperceptions, DG Justice's D.2 "Gender equality" faces a challenging task to raise awareness on gender mainstreaming in other Directorates General.

In cases where DG Justice's gender experts are required to engage in an analysis, they battle with a lack of resources and the short timeframe for conducting the IA. They usually do not conduct the analysis themselves, but take an advisory role. They have little control over how their expert advice is applied in further stages of the analysis. The gender experts of DG Justice also try to check ex-ante IAs ex-post to see if gender was in fact integrated. When they participate only later in the process, they often find it hard to alter the IA in meaningful ways after the Directorate-General and the steering group have adopted the IA design. On two occasions, they even commented that the data in the Impact Assessment Board's opinion was not sex-disaggregated, but they see this exercise as rather pointless, since it is not the time to revise the IA when the proposal has already been drafted. In most instances, gender experts are unable to influence the analysis after the fact.

4.4.1.4 Facilitation: "That We Assume That All Policies are Gender Neutral Unless Someone Points out That They Are Not"

Ex-ante and ex-post gender analysis can be perceived as "two sides of the same coin,"[409] and both have benefits. On the programme level, it is often ex-post that an assumption of neutrality makes way for the realization that measures can have unintended gendered effects. At the policy level, ex-post analysis can also be used to evaluate compliance with gender equality requirements in general and the GIA duty in particular. Not since Jill Rubery and Colette Fagan's analysis of GIA in employment policies,[410] has the effectiveness and quality of GIA in the

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407 | Needing the prior approval of the Impact Assessment Board is an internal procedure, not codified anywhere to my knowledge. It was mentioned in the interviews. It seems to have been established due to the fact that when services are putting the proposal together, they also have to design the IA. Being approached proactively by for instance DG Justice's gender experts would equal revealing a methodological weakness and interference, which no DG would presumably only accept top-down from the quality management board and not from another equal DG.

408 | EU16, Interview.

409 | Centre for European Law and Governance; Jean Monnet Centre of Excellence 2014, 6.

410 | Rubery/Fagan 2000.

Commission's IA system been evaluated. But the Commission does evaluate the overarching strategy of gender mainstreaming in programmes where gender equality has been enshrined as a crosscutting principle. In such evaluations, however, the IA system is not included. There are, however, some loopholes in the policy cycle. Ex-post evaluations of programmes do not usually investigate whether GIA has been applied in an ex-ante fashion:

"We have a gender monitoring study, we have topical-wide gender monitoring studies and a synthesis report, that covers also the management of the [name of the] programme which is our main instrument for policy making outside, but directly speaking, in the most narrow sense, we can't talk about impact assessment, it has not been published, there is no such thing yet."[411]

Evaluations and monitoring studies conducted as part of the policy cycle start with the actual programme design, its objectives and monitoring requirements. If gender is not included from the start, ex-post controlling instruments will not be able to pick up on the gender relevance:

"If the policy or the programme they are interested in has gender mainstreaming at the origin, yes, of course: all the information will be gender mainstreamed as well. If it hasn't from the beginning, no, the information won't be gender mainstreamed."[412]

The Directorates-General are aware of the far-reaching mandate for and consequences of applying or not applying the principle of gender mainstreaming to policy or programme making. However, evaluations can be and are an entry gate for gender equality, even if gender was not among the primary concerns of programming:

"That we assume that all policies are gender neutral unless someone points out that they are not. Concerning the evaluation unit, there I see a bit more openness to include gender issues at least in an ex-post fashion in tracking: whether our financial programmes really benefit both men and women in adequate shares."[413]

When asked why gender was not more widely mainstreamed in evaluations, the gender experts cited a lack of oversight over general practices in their respective Directorate General:

"If there is a thematic evaluation, I would be the one to manage that contract. If there is a thematic question on evaluations within the DG, I'm the one to answer that. But if there is an invitation to participate in a committee for an evaluation from another DG and we can see some equal opportunities or gender quality relevance I would go to participate. But the IAs here... if they are equal opportunity regulation-related, I'll take some. But if they are on other policy areas other people would take them... and I cannot look at all of them, so I cannot answer for all of them."[414]

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411 | EU24, Interview.

412 | EU10, Interview.

413 | EU20, Interview.

414 | EU19, Interview.

It is clear that, even when gender experts are present in a Directorate General, work overload and demand for support from other Directorates without gender expertise prevent the implementation of the mainstreaming strategy from being a success. Oversight and accountability are both lost.

The following case studies, taken from current EU programming evaluation practice, flesh out the interview statements and how gender mainstreaming practices could be facilitated ex-post by evaluation.

Case 1: Although the default state is still to assume that financial policies and programmes are gender-neutral, evaluation officers sometimes feel the need to justify differing implications for European women and men as taxpayers—which is equal to addressing gender budgeting concerns through the back door. One such fiscal meta-evaluation is the 2012 study on all programming activities under The *Multi-annual Financial Framework 2014-2020 From a Gender Equality Perspective*[415] executed by the European Parliament—as a non-Commission activity—and requested by the Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament:

"First the Fundamental Rights and Citizenship Programme for 2007-13 had a mid-term evaluation which, even though the programme clearly states equality between women and men among its objectives, did not include any particular information on the impact the programme generated on the specific issue. The evaluation was carried out at more general level [...] positively evaluating the projects' outcomes [...]. The lack of clear ex-ante requirements to include the gender impact in the past Regulation of the Programme resulted in a failure to collect the substantial information that is needed to prepare a gender impact assessment."[416]

Apparently, general evaluators do not always follow up rigorously on the mainstreamed gender equality objectives formulated in programmes. In this particular case, the ex-ante GIA was missing, and the evaluation lacked concrete, gender-related indicators and outcome expectations against which to measure the programme success. At the very least, the evaluator should have remarked on the lack of data, benchmarking, and activity for the gender equality programme objective. Here, as in numerous other cases, the subordinate status of gender, accompanied by a lack of gender expertise, proved harmful for effective implementation of and controlling for gender mainstreaming. As a result, the implementation of gender mainstreaming remained incomplete and incongruent; the "exercise has revealed that the gender perspective is far from being assumed in all policies, at all levels and at every stage of the policy making process."[417]

Case 2. Another example regarding evaluation of gender mainstreaming in policy and programme making is the ex-post evaluation of the EU's *Cohesion Policy Programmes* (2000-2006), which were assessed in 2009 in the ex-post study

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415 | European Parliament, Directorate General for Internal Policies, Policy Department C: Citizenships' Rights and Constitutional Affaires 2012.

416 | European Parliament, Directorate General for Internal Policies, Policy Department C: Citizenships' Rights and Constitutional Affaires 2012, 142.

417 | European Parliament, Directorate General for Internal Policies, Policy Department C: Citizenships' Rights and Constitutional Affaires 2012, 1.

Effectiveness of Cohesion Policy: Gender Equality and Demographic Change.[418] In this case, the evaluator found that issues of gender equality were usually mentioned and also considered in the context analysis of most regional strategies, but also found "little further development in the intervention design, implementation and evaluation systems."[419] The evaluator also drew attention to the fact that, in the majority of cases, few gender-focused selection criteria or monitoring devices had been used and that stakeholder consultation had not played any role in the programme development. Gender impact was not introduced in the overall objective, and "little or no quantitative evidence is available."[420] The evaluation of the EU's *Cohesion Policy Programmes* (2000-2006) matches the same deficiencies found with the multi-annual financial framework (2014-2020) programming. In the evaluation's recommendations, the current lack of de facto implementation of gender equality measures is criticised as not being accompanied by concrete measures and resources. The evaluator formulates a need for raising the textual gender mainstreaming commitments to a practical and more realistic level: "For delivering positive effects on gender equality it is not enough to set this as horizontal principle but to complement this with sound implementing measures."[421]

Case 3. The absence of gender equality goals in the new *Europe 2020* strategy became evident in another evaluation by the FEMM Committee of *Five National Reform Programmes 2012 Regarding the Pursuit of the Union's Gender Equality Objectives.*[422] The overall evaluation was targeted at national transposition and was concerned with the new soft governance instrument, the European Semester. The evaluation found:[423] "That the gender dimension has a low profile in all the documents developing the Europe 2020 strategy and the European Semester. None of these instruments sets specific targets in gender equality [...]."[424] Consequently, the EU2020 monitoring mechanisms did not include gender systematically, nor

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418 | Calvo de Celis 2009. The precise scope of the study was to assess the European Fund for Regional Development objective 1 and objective 2 programme interventions in 12 selected regions regarding their impact on fostering gender equality and reaction to demographic change (Calvo de Celis 2009, 2).

419 | Calvo de Celis 2009, 4.

420 | Calvo de Celis 2009, 6.

421 | Calvo de Celis 2009, 10.

422 | European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012.

423 | The European Semester as a new working method was implemented in 2011 by the EU in order to better coordinate their budgetary and economic policies with the member states in an ex ante fashion, and in line with both the Stability and Growth Pact and the EU 2020 strategy, especially applicable in the euro-zone (European Commission 2011d). In practice, the European Semester are annual and timed ex-ante discussions about EU 2020 key priorities as applicable to national strategies, with which the EU wants to ensure cohesion and smart, sustainable growth. Their results of the discussions need to be represented in national budgets and structural reforms (European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 18).

424 | European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 7.

did their indicator system reflect gender equality outcomes. This is to say that not even EU2020 flagship initiatives or the integrated guidelines engage with gender equality, nor does the team gender equality appear in these documents.[425] In the case of a central strategy like the EU2020, which should have fallen under the integrated IA system, the ex-ante consideration of its equality impacts must have failed or not taken place.[426] Under the integrated approach to IA, the EP is entitled to—and is supposed to—conduct its own supplementary or independent studies. What these cases show, is a continued gender-blindness in policy and programme making on the side of the Commission, despite the presence of integrated IA. The cases also point up the ineptness of the integrated IA in complying with the gender mainstreaming duty.[427]

4.4.1.5 Organisational Capacity: "You Are Asking Something Which Is Not Really in Place"

The previous sections presented the findings from my interviews about the realities of implementing GIA and other forms of gender analysis in the Commission's ex-ante IA regime, including challenges and areas for improvement. Interviewees identified another challenge: how to apply GIA in everyday knowledge and practice not just to identify women-specific policies and programming, but also to ferret out hidden biases in seemingly gender-neutral policies.[428] The EU has recognised the need for women-specific and empowering initiatives to counteract systemic disenfranchisement, and such programming is easy to identify from a policy analyst's point of view:

"We had to check from the gender point of view and there were about thirty... specifically on gender issues, I mean programmes on gender equality or women empowerment. The total amount of programmes and projects which are founded each year is much, much bigger [...]."[429]

But GIA has not yet reached the point where it is systematically used in policy making for detecting indirect and systemic differentially gendered effects. In this chapter, I sum up the hindering factors for the low organisational capacity.

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425 | European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 7.

426 | The study states very clearly that: "Low gender awareness does not sit easily with the key principle of smart, sustainable and inclusive growth." (European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 7). The evaluation is also quick in recommending to the member states Portugal (European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 75) and Great Britain a GIA to all their policies (European Parliament; Directorate General for Internal Policies; Policy Department C: Citizens' Rights and Constitutional Affairs; FEMM Equality 2012, 87), a prerequisite the EU's integrated IA system does not live up on the European level.

427 | As laid out in chapter 4.2.3.

428 | For an exemplary critique of the lack of gender equality concerns in EU trade agreements and trade IA, see (True 2009).

429 | EU10, Interview.

Gender-specific policies are relatively easy to sell, because they benefit a target group immediately and directly. Gender-specific policy making is highly visible and can be used by a Directorate-General as well as those responsible for the IA report or policy draft to position themselves within departmental activities. (Similar bureaucratic logics were also mentioned in the Canadian interview sample.[430]) Unravelling hidden gender discrimination, on the other hand, is neither easy (not even with solid gender expertise) nor immediately rewarding. Instead of being invested with time, care and resources, gender questions in the integrated IA are often neglected, not answered with the adequate expertise and depth, or left out entirely: "They skip this issue.... because it's not easy... the qualitative assessment, which should be done, and is not easily done. So usually it's not included or is included very superficially."[431]

The qualitative *misfit* in a quantitative meta-analysis is yet another hindering factor in conducting gendered analysis. All horizontal clauses are difficult to operationalise as cross-cutting issues and also to substantiate using sex-disaggregated data as their evidence based. As a consequence, they are often given only lip-service: "So there is a bit of a tendency to put this in the cross-cutting issues, that's just a few words, so they would add something in that paragraph and then—you know—get away with it."[432]

Another factor hindering gendered analysis is, oddly enough, the sense that gender findings are ubiquitous: "When you say that everything is gender relevant that means that nothing is 'really' gender relevant."[433] A sense of urgency is lacking, especially if no monitoring or follow-up mechanisms are attached. In the light of the interviewee's comments, it is not surprising that gender analysis is not yet part of everyday practice or knowledge. As in Canada, a lack of gender competency was noted in the European interviews, along with strategies of resistance. Some participants, especially when trying to underline their theoretical support for and openness to questions of gender equality, revealed a dissociation from the idea of gender in their assessments:

"It's a shame that we still have to talk about that. In my eyes it should be absolutely natural that differences in gender or differences between cultures, nations, sexual orientation and so on are naturally taken into account when it's relevant, or if it's relevant. [...] I hate these general approaches when by definition gender or sexual orientation or nationality or cultural differences are taken into account. There are topics where it's absolutely irrelevant, and for the others it should be natural, and we spend too much time on such issues. For me... I do not care whether a colleague is male or female. The only thing I care is whether he or she does a good job."[434]

The invocation of relevance yet again reduces gender equality to a human resources issue and demonstrates a limited understanding of indirect or systemic discrimination. The "general approaches" that set out to inquire about hidden,

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430 | See chapter 3.4.

431 | EU10, Interview.

432 | EU11, Interview.

433 | EU16, Interview.

434 | EU12, Interview.

systemically rooted inequalities were seen as irrelevant and a waste of time, whereas more specialised approaches targeting easy to identify direct discrimination enjoyed full support across the spectrum of interviewees. Another interviewee stated:

"GIA [...] raises general questions about gender policies and how to promote them. In this respect, one of my biggest concerns is always that gender issues are normally seen as women's issues only, or to a large extent, so giving men the feeling that they can also contribute, is something that is interesting and important to keep in mind in the future. And to point out that in some particular areas GIA may not only reveal problems for women, but may also reveal in certain areas problems where the role distribution or certain policies are not so ideal for men either. But this is a philosophical question and perhaps goes beyond the question of GIA."[435]

To parse this multi-layered statement: institutionalised sexism is perpetrated by systems as well as individuals partaking of the systems, and consequently can only be addressed through doubly reflexive efforts. To make GIA relevant for a wider spectrum of policy and programme analysis, the challenge is to communicate how men and societal structures at large are involved and can and will profit from a more nuanced gendered ex-ante analysis via GIA. One way to move forward is to attach incentives to institutional and personal processes of self-reflection, symbolised by the implementation of the GIA tool. According to neo-liberal logic, resources and remuneration represent acknowledgement and importance and can act as drivers of change:

"But there isn't an incentive. There have been discussions in inter-service groups on gender equality for [...] giving incentives, but—to my knowledge—there's never been any agreement on that, or any incentive given. On the contrary the discussions about everyone knowing in theory that it is an obligation, but a lot of people not really embracing it, having time for it feeling that they have to do it."[436]

This citation illustrates that Eurocrats and representatives of the various Directorates-General in the Commission's inter-service group are aware of the role that incentives could play in stimulating more GIA practice, as mandated by the political commitment to the gender mainstreaming strategy and put into their hands as responsible civil servants. But instead of living up to their responsibility and trying to overcome resistance to GIA—a response to innovation that is well documented in bureaucracy research—they pardon inaction and silently join the ranks of those who doubt the relevance and purposefulness of the tool.

GIA missed out on the exposure granted to the later integrated guidelines, where the Secretariat General "Participates in the development, informs the other DGs about the existence of the tool, sends and disseminates the tool to all the other DGs [...]."[437] It would now, therefore, be an incentive if the Secretariat General were to officially endorse GIA as an IA tool. An interviewee suggested: "Make reference to the tool in the trainings, put it on the web, make it as part of the annexes that this

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435 | EU20, Interview.

436 | EU19, Interview.

437 | EU26, Interview.

[need to apply GIA, A.S.] is the case. [...] I mean there is much more endorsement, visibility, which helps to make the guidance used."[438] The unwillingness to offer even such soft incentives or to apply penalties for ignoring GIA has a macro-systemic impact: Political decision makers, in turn, have little incentive to exert pressure for progress in gender equality. On the programme level, the trend seems to even be moving away from gender mainstreaming:

"Basically it [gender mainstreaming, A.S.] was dropped [...]. So there has been no penalisation or no incentive to keep it or to encourage [people, A.S.] that benefit from the [...] funding to develop or implement gender action plans or IA or to integrate gender in their [activities, A.S.]."[439]

For the most part, the relevant actors were aware of the shortcomings of gender analysis. In fact, when asked if there were any penalties for not applying GIA or for not deepening the gender analysis as part of the integrated guidelines, they said they were glad that it was not in place since "otherwise we would be in jail."[440] Why is it that the GIA tool has not been taken seriously and implemented in a crosscutting fashion in the past? Because according to MacRae, it would cause discomfort and a fear of losing competitive edge in economic terms: "Indeed, it is not difficult to see how DG Competition could have answered both of these questions [of the GIA tool, A.S.] in the negative with relation to the deregulation of the airline industry."[441]

Why GIA plays a subordinate role in policy IA is often explained in terms of the subordination of gender issues to economic interests. This mimics the overarching conflict between equality and growth that the EU faces in its political strategies. So, can you really not have it all—sustainability, prosperity *and* gender equality? Interestingly, in the interviews, the gender experts were convinced about the transformative powers of gender mainstreaming, with GIA as its instrument—*if* implemented right. They saw its potential for policy change; they also observed and participated in its first success stories. Their immediate experiences, no matter how frustrating and disillusioning, did not tempt them to answer the question on the future of gender in IA in a negative way. Although departmental and governmental loyalties must be factored in, the fully anonymous status of interviews did give the experts the freedom to express their opinions impartially.

Ideally, gender equality is a shared responsibility between the DGs spearheading the initiative and assessment, the DG Justice gender equality support unit, and other Directorates-General concerned. The interviews confirmed that in theory the Directorates-General are aware of their political duty and obligation to fulfil gender mainstreaming. In practice, however, even when they are called upon to carry out their duty through ex-post evaluation, as the following statements show, they reject the responsibility by off-loading assessments to the gender experts in DG Justice and other policy and impact areas:

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438 | EU26, Interview.

439 | EU25, Interview.

440 | EU24, Interview.

441 | MacRae 2010, 169.

"I mean, well it's not shattering news and it's no news in the public domain either, it's just how we could do better in mainstreaming, meaning taking it into account gender dimensions in all the things that we do, which is a standard transversal policy. All the DGs have to do that. So we do not really assess impact as we do not initiate ground-braking policies in terms of gender. We do not decide really what we are going to do in terms of [policy field of the DG] as far as gender is concerned, this is a consolidated exercise with DG JUST master-minding the whole thing in terms of inter-service consultation and inter-service groups. So it would not make sense that we would start our own little thing on gender."[442]

In denying the possible far-reaching effects of their "own little thing on gender," which indeed could be "ground-breaking," some Directorates-General delegate the responsibility for GIA to DG Justice and the inter-service consultations. Interdisciplinary and interdepartmental exchange is appreciated as general point of orientation, but comes late in the process and has only an indirect link to the actual IA. Gender expertise within the IA and evaluation units of DGs seems to not to be institutionalised and is often relegated to an individual dealing with another horizontal issue or to one who seems open-minded in general:

"Within each DG there might be [...] a colleague that has a lot of experience on environmental issues or... or a good culture, and they may be more aware of different gender impact in their field [...]. So that's why you have always inputs from different DGs and inter-service groups on gender that we may discuss [...]."[443]

What becomes clear from this quote is that gender is seen as the *other* in IA. Expertise for gender is attributed to the ones who are already the *odd ones out* in a department, ones that, in this case, do not deal with environmental issues primarily. These individual represent a different "culture," a deviation from the norm. In turn, this signifies that the normative culture is not gendered, and gender equality concerns have not yet been integrated as part of everybody's business, everybody's thinking, everybody's knowledge. Although in this citation, the *other* culture is perceived as beneficial and not rejected, the process of *othering* gender expertise bears little room for emancipatory, transformative effects, because it remains "deeply in the shadow."[444]

In most Directorates-General one sees everything from resistance to simple ignorance vis-à-vis GIA or gender in IA: "My DG doesn't normally include much on gender aspects explicitly into the ex-ante IA."[445] While some policy and programme Directorates General claim to readily adopt a gender perspective ("within our DG I don't think we have great resistance"[446]), it remains unclear to what extent. It is quite common, to *other* the gender obligation and to move it outside the realm of responsibility. If gender is considered at all it is more likely in some policy areas than in others: "It depends on which policy area, but there are some policy areas,

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442 | EU16, Interview.

443 | EU19, Interview.

444 | Spivak 1999, 274.

445 | EU20, Interview.

446 | EU19, Interview.

just one of many things they have to do and they may not be that interested in really looking in... differences of impact on women and men [...]."[447]

While time pressure and workloads are similar across Directorates General, and the integrated IA guidelines are applicable to all of them, in some policy areas gender is not considered central enough to play a role in assessment. The gender mainstreaming manual,[448] for example, might be a useful and accepted tool found in DG Employment, but other Directorates have not yet seen the relevance of the GIA tool for their line of work. It could be the fault of the instrument itself, e.g., not being specific enough; it could also be the lack of gender expertise among staff that prevents insight into the relevance of gender. Therefore, having staff experienced in gender *and* the policy field *and* the central gender equality machinery is crucial for instrument up-take and the quality of analysis:

"But it doesn't mean that no one else from another DG will not have an input on gender. Other DGs like DG Enterprise or REGIO also have people in charge of these issues within their evaluation units, within their policy units, and they will bring their own point of view, because they are more aware of gender issues in their own policy areas."[449]

However the question must also be asked: What happens if staff with all the right expertise are placed in a less than receptive group or Directorate?

Even interview participants from amenable Directorates could not show evidence of successful mainstreaming. Interviewees occupied with policies labelled as *soft* were confident that a cross-cutting and integrated implementation of gender concerns would work—but were unable to point to individual IAs with particular gender aspects: "I know that my colleagues are very well aware of the important policy issues for us, and they would pick up on that."[450] In some cases, it was not clear whether a full-fledged GIA had ever been conducted: "I have a bit of difficulty to answer precisely your questions, because in fact I think you are asking something which is not really in place [...]."[451] Due to the integrated approach to IA, since 2002 gender has been treated as one of the impact areas, which possibly makes Directorates less willing to conduct separate assessments with a specific gender focus. Each Directorate-General makes a decision about the assessment of its non-legislative initiatives (action plans, expenditure programmes, negotiating guidelines) as part of the Commission's annual work programme.[452] Non-policy and programme making Directorates do find it hard to render GIA applicable to their institutional duties and *hard* policies.

Another question was raised by the interviews: Do the Directorates have sufficient gender competency to carry out their IA responsibilities. Unlike Canada, where all interviewees were able to make the distinction between employment equity and

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447 | EU19, Interview.

448 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities 2008a.

449 | EU19, Interview.

450 | EU19, Interview.

451 | EU23, Interview.

452 | In practice only some elements of the work programme are subject to IAs (European Commission 2016a).

GBA, most European interviewees who were not gender experts regarded gender as mainly a human resource issue or pertaining to women-specific policy making. The inconsistent gender competency raises doubts about the policy capacity in the 19 policy and programme making Directorates when identifying and designing their IAs. The Commission is still walking on experimental terrain with its IA approach in general, as can be seen in the following statement:

"At the start the IAB [...] requested to have an IA of the strategy, so I did it, it was very difficult [...]. So and then when we presented that IA to the IAB there they discovered that in fact that the subject of the strategy was in fact not a subject that could, ok, which... is,... should call for an IA. So they cancelled that IA."[453]

Not every initiative lends itself equally well to ex-ante , and apparently assessments can be (and are) stalled, if found dissatisfactory for whatever reason. IAs are still mostly applied to legislative initiatives, and even IA literature zooms in on Regulatory Impact Assessment (RIA) when talking about IA in general. There often is no clear distinction in terminology between IA and RIA.[454] Harmonising the EU's IA system and processes would give the option to insert a mandatory and more specific gender mainstreaming duty (via GIA), but this is a broad topic, ranging from names of assessments, to tools and methods, to data collected and received from member states, and harmonising gender mainstreaming in IA is currently last in line.

    Another question raised was about capacity for integrated IA in the Directorates. From the participant's statements, it became clear that existing gender tools were either not used or only sometimes used when the gender assessment and IA was not conducted in-house. While the Commission is bound to increase its in-house assessment capacity and strives to conduct most IAs in-house, the common approach to complying with requirements for conducting gender-sensitive assessment still seems to be contracting specific gender analyses out-of-house to external consultants, which raises questions of harmonisation and quality management:

"For example, there was a preliminary study to an IA for [title of the study, A.S.]. We don't know what sources to go to, but we contacted a company to do it for us, and they propose a methodology [...] and we discuss it [...] and they do some field work [...] and they tell us what methodology they can use, because they see what there is and what they can do. So again, it's not us, we are not experts in doing the actual work, we are just managing processes."[455]

The task of the Commission's employees is thereby limited to calling for proposals, establishing the terms and conditions of contracting, evaluating offers, and appraising and accepting the research itself. This limited role is due to lack of time, staffing resources, as well as the lack of gender expertise in the Commission. But the quality management duty of research remains in-house, which also requires gender expertise; off-loading the gender duty does not exculpate the EU from building in-house capacity for gender. The Commission tries to avoid contracting

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453 | EU23, Interview.

454 | Compare chapter 1.4.

455 | EU19, Interview.

research out as far as possible due to fears about partiality and independence of research. It is doubtful, however, whether internal research would produce more impartial results, since politics are always at work, and pressure on the preferred policy options is exercised on *all* actors and comes from multiple angles for multiple reasons (politicians, senior management, lobby groups, academia, media, and citizens). As mentioned before, politics are inescapable, and independent analysts might actually be less visible and accessible to lobby groups. Contracting GIAs out to knowledgeable experts does make good policy sense as long as the internal gender expertise in the Commission is not mainstreamed in all policy areas, which does not yet seem to be a realistic scenario for the time being:

"I mean not necessarily the person in charge of gender issues is a gender expert, in the majority of the cases it is not the case, so there is a lot of very good willingness, I mean very positive attitude to these issues among our colleagues, but of course there should be more background and knowledge available in order to push further [...]."[456]

4.4.2 Responsibilities: "You Need a Strong Institutionalised Framework"

The previous sections of this chapter laid out important issues with regard to the (non-)implementation of GIA. The following sections examine the framework needed to support increased tool up-take. The most critical parts of the framework are gender equality or gender action plans, which are useful and widely applied to foster gender mainstreaming implementation and its tools.[457] According to Julia O'Connor, gender action plans are "key pillars"[458] in engendering policy making and are needed to re-configure traditional policy processes through the incorporation of GIA.[459]

A second critical parts of the framework are the gender action plans of the EU[460] as a whole, and of the Directorates.[461] These are designed to encourage a more comprehensive practice of gender mainstreaming and GIA application: "Gender action plan is starting a little bit to make up for this, because there is a reporting obligation, so this is something a bit more binding, but it's just the first step."[462]

Introducing specificity and precise expectations into these gender action plans, combined with reporting duties and accountability, increases goal-oriented support for gender equality, both among staff and in the Directorate-General as a whole:

"In this gender action plan there are tasks, objectives and indicators for the period 2010-2015, and we are supposed to indicate how much we progress towards those objectives every year, so will oblige plenty of [employees, A.S.] who probably didn't care enough about

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456 | EU10, Interview.
457 | Baer 2005a; Schneider et al. 2005.
458 | O'Connor 2005, 27.
459 | O'Connor 2005, 41.
460 | European Commission 2010b.
461 | E.g. DG DEVCO (European Commission 2010e).
462 | EU11, Interview.

gender issues to take this more seriously. We are supposed to report on that, so they have to know what it is about and this will be a tool, an extremely useful tool for us."[463]

At present, duties for reporting gender mainstreaming instruments such as GIA under the current EU gender action plans are not yet specific enough in terms of goals, timelines, responsibilities and results. They also do not address the parameters of how to redefine policy goals precisely and in a way that embraces equality goals and outcomes between women and men as an overarching policy objective that "cross-cuts all policy areas and achieves an embedded status such as economic competitiveness has in the present context."[464] One interview participant remarked on the need for specificity and hoped for less rhetoric and more action, triggered by mandatory requirements that would be stated in both gender action plans *and* IA strategies: "There is a lot of talking and maybe less doing and maybe something should be compulsory, but with very clear guidelines, if it should really happen for real, instead of just talking about it a lot."[465]

Making GIA compulsory and formulating gender action plans with precise implementation frameworks, equality targets, and indicators are the right steps in the right direction; but what if the targets they set are missed time and again? How best to ensure that not just the minimum gender mainstreaming clause is present? In short: How can gender mainstreaming be more effective? The interview findings suggest that complete transparency about the expectations of when to implement GIA, by whom, and for what reason would help foster its application. Gender units are seen as beneficial in providing guidance, but beyond the unspecific regulative frameworks established in the EU Treaty and Charter of Fundamental Rights, such internal gender experts rely on parameters set out in Commission roadmaps. This gives the units political clout and top-down support in their Directorates. Interviewees felt a high degree of influence on specific gender action plans, "because even if it is only on paper, you can't imagine how useful it is, because in a big institution—I mean—to have a policy or to have even a single word in."[466] The importance of top-down support and political will on the ground can hardly be overstated:

"I think you need first clear institutional rules of when and why, you need a strong institutionalised framework or network or experts (there is a lacking as well), and I think they need to be inside, because—I mean—as an outsider you do not get any idea of what is happening within the department, so what kind of policies they are developing, so you need to have a sort of team within each department which is constantly checking what kind of policies are in the pipeline and would be interesting or necessary to do a GIA."[467]

Linking insider gender expertise with departmental processes of policy development and ex-ante assessment with outside, overarching equality goals, closes the policy cycle, but requires a high degree of coordination and transparency. Although

463 | EU10, Interview.

464 | O'Connor 2005, 41.

465 | EU19, Interview.

466 | EU11, Interview.

467 | Conny Roggeband, Interview.

bureaucratic culture is often perceived as more protectionist of policy fields than accommodating—a concept coined in positive terms as selective perception[468]—I do not entirely share the pessimistic outlook on the problematic practices of cooperation.[469] But cooperative coordination of policy within one Directorate-General and policy area as well as across DGs and policy areas is not unknown to administrative processes and actors, especially not on the European level with its many soft coordinative governance modes.

According to interviewees, well-established administrative routines such as action plans can be used to align and regulate cooperative practices in order to frame expected gender equality outcomes and implementation modes. Femocrats and other sympathetic staff could then proceed with GIA implementation and take action on behalf of gender equality. A truly systematic top-down approach to GIA implementation via gender action plans, coupled with IA strategies and processes, is, however, still missing.[470] The still separate quality management, reporting systems, and architectures should be better coordinated (i.e. better coordination is needed between the Impact Assessment Board[471] versus. the Institutional Mechanisms for Gender Mainstreaming[472]; Impact Assessment Board reports vs. progress reports on the equality between women and men; and architectures of IA and evaluation units in individual Directorates and the Secretariat General vs. equality units D1 and D2 at DG Justice[473] and the European Institute for Gender Equality[474]. The point was raised in one of the interviews that while it was true that the Impact Assessment Board should consult gender experts, the Secretariat General should also consult gender experts on the terms of reference of studies launched to support preparation of an IA. This would help render the studies gender sensitive and avoid shortcomings in methodology and/or disaggregated data:

"If it was politically supported, I think we should have a system where the unit dealing with gender equality is much more consulted and integrated in the preparatory work to the different commission proposals [...] to suggest improvements regarding gender equality much, much before the proposals are put in inter-service consultation."[475]

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468 | Veit 2010. The concept is explained in more detail in chapter 1.5.2.

469 | See Zimmermann and Metz-Göckel's critique in 1.5.2.

470 | A recent exception is the EU's 8th research framework programme Horizon 2020 (Sánchez de Madariaga 2013), under which: "The gender dimension is explicitly integrated into several topics across all sections of the Horizon 2020 Work Programme. In these cases, applicants will describe how sex and/or gender analysis is taken into account in the project's content. Sex and gender refer to biological characteristics and social/cultural factors, respectively. Topics with an explicit gender dimension are flagged, to ease access for applicants." (European Commission 2013d, 2). See also (European Commission 2013e).

471 | As explained in subsection 4.1.3.4.

472 | As explained in subsection 2.5.1.

473 | See sub-chapter 4.4.1.2.

474 | See sub-chapter 4.3.2.

475 | EU23, Interview. The inter-service consultation (Consultation Inter Services—CIS) is coordinated via the internal database CIS-Net (Grüner 2011, 143).

Introducing gender expertise as early as possible into the IA process was identified by interviewees as beneficial in gender mainstreaming and GIA literature. This responsibility could be placed with the Secretariat General. For instance, if a reminder of the gender equality mainstreaming duty (and other cross-cutting principles like sustainability) were to be inserted in the *Commission's Rules of Procedure*,[476] then the Directorates-General would be prompted to examine gender relevance and to consult with gender experts early on. Placing the responsibility at the Commission level would also spur accountability for fundamental values by the Commission's legal services, which would monitor the texts of legislative proposals for legal compliance.

The Secretariat General would certainly not feel inclined to address such changes without general "political support" from the Commission itself. This "political support" needs to come from the top levels of administration and could be best expressed by aligning gender equality strategies with law making procedures and also with IA roadmaps. The legal mandate for this is already in place in the Treaty: "We have the article 8, which asks for the integration of gender equality and the promotion of gender equality in all union's activities. And this is the whole starting point [...]."[477] Having gender action plans and/or gender quality goals in all other forms of institutional self-commitments, such as roadmaps, strategies etc., is not only legally mandated, but effective. When gender action plans are in place, interviewees attested to visible improvements:

"Often we get as an evaluation [...] something that is called an action plan has to be developed. And in an action plan the operational unit, which is the owner of the evaluation, has to... provide responses to the recommendations done [...] by an external contractor. [...] But from what I know, from the action plan [...] they introduced a paragraph in which they said 'particular consideration has to be paid to gender balance of applicants for [a particular initiative, A.S.]' and it was taken as one of the criteria for selection [...] for the next round. The next round actually showed better numbers and the one following that one showed even better numbers as with regards to gender balance [...]."[478]

The interviewee quoted above talks about "numbers" as a way to measure balance or imbalance. Addressing these issues through head counting is certainly not the end goal, but it is a valid starting point for setting equality goals, and some interviewees voiced hope that the trickle down effects of representation—especially in the top ranks—would in turn translate into more gender sensitive policy making: "Since Ashton came into place, came into her position she, the number of head female, female heads of delegations has increased."[479] Annesley and Gains have identified the "core executive" as the "locus of power," where substantive representation could in fact make the difference needed.[480] Both researchers also find it surprising

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476 | The rules of procedure of the Commission (C(2000) 3614) are based on Art. 249 TFEU and emphasise in Art. 12 the importance of pre inter-service consultation policy alignment already in the drafting phase (European Commission 2000b, 4).

477 | EU23, Interview.

478 | EU13, Interview.

479 | EU11, Interview.

480 | Annesley/Gains 2010.

that "studies on women's substantive representation [...] have not examined this institution"[481] (i.e., the top echelons of public administration in its executive function). But gender action plans should address not only quotas for employees, including female policy analysts in IA and evaluation, as the European research framework has successfully done in research teams; even more importantly, they should heighten and demand proof of gender expertise among IA analysts,[482] because:

"We, in charge of gender mainstreaming in the commission, should be trained better on how to make the gender impact assessment. This is not always true, I mean not necessarily the person in charge of gender issues is a gender expert, in the majority of the cases it is not the case, so there is a lot of very good willingness, I mean very positive attitude to these issues among our colleagues, but of course there should be more background and knowledge available [...]."[483]

4.4.3 Training: "I Still Have Plenty of Things to Learn"

One way to ensure that gender mainstreaming works is to deliver gender trainings[484]. Academic training of bureaucratic staff is usually centred on the disciplines of law, administration studies, financial and economic studies, and, to a lesser extent, political and social science, environmental and sustainability studies, and some specialised technical and engineering studies. Gender expertise is usually not part of these study programmes, which means that is uncommon in public administration and under-represented in IA and evaluation unit members. Hiring practices give preference to candidates with technical, financial, economic planning and modelling experience. Employees with a social science background make up a small part of the overall staff, and very rarely, university educated gender studies graduates are hired as permanent members of staff. As a consequence, basic gender competency[485] is missing and needs to be inserted via advanced training; it needs to be *embedded* in the organisation by being *embodied*. Ideally, such trainings ought to fulfil a double function: First, to equip policy and programme analysts with the

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481 | Annesley/Gains 2010, 909. For Annesley and Gains, the executive is a gendered institution concerning relationships, rules, recruitment and resource allocation, shaping opportunities and constraints, also available to femocrats attempting to influence public policy making from a gendered perspective. They would welcome women's participation at least to critical mass, such as e.g. in the current EU research framework Horizon 2020, where: "The Commission is committed to reaching the target of 40 per cent female participation in its advisory structures and it will ensure that gender differences are reflected in the content of calls for proposals, and in evaluation processes, where appropriate." (European Commission 2011e, 13)

482 | I.e. Horizon 2020 now lists gender trainings for research teams, applying for funding, as eligible costs and demands a person with gender expertise to be summoned on the scientific board (European Commission 2013d).

483 | EU10, Interview.

484 | For a definition of gender training, see chapter 1.5.3.2.

485 | For a definition of gender competency as a process of wanting, knowing and being enabled to implement gender perspectives in work routines see sub-chapter 1.5.3.2.

capacities to recognise the gendered aspects and consequences of their particular field of expertise; and second, to familiarise them with the workings, techniques and full potential of GIA as a gender mainstreaming tool:

"I think the importance of training is important, as I already pointed out. It's important to show how the gender analysis can actually help to improve policies. Because otherwise it may remain an abstract, additional, just an administrative or research burden."[486]
"I think to have trainings that would be very good and I think it would be good that gender trainings are compulsory for the people developing policies, but it's not the case."[487]

There are "quite a few [...] general training[s] about IA and [...] quite a few more specific trainings on the different part of the IA, such as risk analysis, problem definition, consultation with stakeholders and so on."[488] However, despite the demand for them, GIA-specific trainings do not exist in the Commission: "GIA tool no. That does not exist;"[489] "we didn't get specific training on this subject;"[490] No training on the tool gender impact assessment, I've got many different trainings on gender equal opportunities issues intra-organisationally."[491] Not even gender experts said they had been trained on tool implementation: "No I had only training in the commission on gender mainstreaming, which was a pilot session some time ago before it's been established, but I didn't have a training on gender impact assessment as such, no."[492] Only more general trainings on gender mainstreaming are offered. The EU follows a non-standardise approach to gender training, resulting in an absence of coherence and a lack of direction and quality management of trainings. The Directorates-General offer internal trainings in various formats, which might touch on specific policies or initiatives, but no Directorate has mentioned GIA being the sole focus of trainings yet:

"Every year there is a specific basic training on gender issues, and another one which is more advanced, let's say, usually focussing on a specific topic [...]. So the two, they were twice two days of training, in which about twenty colleagues [...] came to attend, and in addition we organised online courses [...]."[493]
"Now, we have also inside seminars in which we look at the best way to really do the job in terms of gender with external experts outside the house, people from the European Women's Lobby, experts etc. This happens on a very informal basis, I mean we get ten people, 20 people in a room, we have invitations, not really structured, and it is effective. That's how far we go. [...] we also have lunch time conferences open to the general staff of [name of the DG, A.S.], in which we present achievements, difficulties, methodology in terms of thinking about women while we work."[494]

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486 | EU20, Interview.
487 | EU23, Interview.
488 | EU26, Interview.
489 | EU13, Interview.
490 | EU21, Interview.
491 | EU18, Interview.
492 | EU22, Interview.
493 | EU10, Interview.
494 | EU13, Interview.

"The course is only a one day course because otherwise it is too long and people have no time to apply to it. And so, not it's not like a real development of an example."[495]

In situations where gender trainings do not zoom in on policy IA, the question must be asked whether IA trainings do cover gender equality, since gender is included in the integrated guidelines. The Impact Assessment Board mentions trainings on social impacts in its annual report on, e.g., in DG Mobility, Traffic, Energy and DG Internal Market and Services, but it is not clear whether such trainings contain gender equality aspects or modules. Here the empirical evidence suggests little training: "I was involved also in courses on IA in general, but there the gender aspects are not so developed."[496]

Training on direct and indirect implications of gender difference in policy fields such as finance, budget, infrastructure, economy, tax, environment and sustainability have proven to be a continuous challenge. When the Impact Assessment Board claimed that quality management for IAs has significantly improved since 2007,[497] it made no claim for a corresponding increase in gender competency. Interviewed gender experts voiced the need for further education and training, especially on the technicalities and relevance of GIA: "I mean, I've been working on gender issues for, well they are eight years now, but I'm not a gender expert, so I still have plenty of things to learn."[498]

Most often demanded by the interviewees was the skill to establish gender relevance in specific policies and programming through GIA. This demand is usually satisfied with relevant case studies. Since gender mainstreaming and its instruments are still in the pilot stage and not yet implemented across the board, the lack of relevant cases threatens to start a vicious cycle: policy analysts feel unable to implement GIA because they do not know how it was implemented successfully before in their area. The lack of relevant case studies can be overcome in two ways: First, by collecting all existing cases in a GIA or gender-in-IA analysis library, with comments on quality shortcomings; second, by enabling inter-institutional exchange on good practices:

"Learning from positive examples from other institutions or other organisations, getting technical expertise or trainers from DG EMPL, DG JUST, the Gender Institute or […] other institutions would help a lot. Yes, I think learning from positive examples that show that these things are not just academic exercises where you perform an additional analysis pro forma, but that this can reveal weaknesses in policy making. Learning from these positive examples would help us to improve our policies and to create the effectiveness and make it more effective to reach the full target audience that we want to reach."[499]

In the short term, such concrete examples and models of best practice render the otherwise invisible gender divide visible and can encourage new IA practices. So

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495 | EU23, Interview.

496 | EU23, Interview.

497 | European Commission 2013b; European Commission 2012d; European Commission 2011b; European Commission 2009d; European Commission 2008b.

498 | EU10, Interview.

499 | EU20, Interview.

far, the Commission has not yet undertaken a gender analysis practice library, but the European Institute for Gender Equality has recently created a database for gender training that aims to disseminate resources, like toolkits, training manuals, guidelines and exchange of good practices. The European Institute for Gender Equality calls gender training on gender mainstreaming a priority area of its work, and it coordinates a thematic network on gender training and releases information on practices and quality of gender trainings.[500] However, it targets member states' practices more than the in-house situation of the Commission in its attempt to create communities of practice.[501]

For the Commission, the interviewees stressed the importance to have custom-tailored trainings to their specific needs as analysts in the specific context of the EU's integrated IA. The following quotation sums up all the relevant problems with gender trainings for policy analysts on the ground:

"I contacted a couple of experts on gender issues and they told me well first of all I should read their 250 pages guidelines and then they would set up a full cycle of seminars starting from my learning needs... but as gender issues are only one item under the social impact assessments and social impact assessments are only one part of the item under all the other IAs that we have to do, or other the long list of IA aspects we have to look at, it's simply impossible to do a long cycle of five seminars to define exactly what my learning needs are for gender issues. We need something practical that inspires people, basically if they have three hours to study a topic, they should know roughly what could be done and what kind of resources, for instance external consultants, would need to implement this: Would the consultants need to dedicated two weeks of, full-time people working on it, or could it be done in three days, or could it be done only in six months? There is a lot to be learned."[502]

The double role of public servants—as IA practitioners and research quality managers, responsible for financial accountability as well as content—will need to be addressed in trainings. But in the end, only continued practice will render the gender perspective a routine part of policy and programme making and analysis: "So training would be on a one-to-one basis to experienced colleagues, especially in the first years, and then participation in conferences or seminars."[503] The gender experts involved in commissioning or designing trainings were occupied with questions of how gender becomes less *learned* and more *native* to public servants. Commission gender experts want to win not only the minds, but also the hearts of people, setting in motion a process of personal change through reflection on unconscious bias and stereotypes:

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500 | European Institute for Gender Equality 2012b; European Institute for Gender Equality 2012a.

501 | European Institute for Gender Equality 2012b; European Institute for Gender Equality 2012d; European Institute for Gender Equality 2012c.

502 | EU20, Interview.

503 | EU19, Interview.

"Generally people work much more on an intuitive basis. So what we hope to do is to increase their awareness of the need to consider women and men, gender aspects of their policies [...]."[504]

"It changes our colleagues, not stereotypes. It changed the mind of our colleagues: after making the training and being... starting using the checklist, they start see things differently. But we cannot challenge the stereotypes in general [...]."[505]

Although gender trainings are unable to change societal norms and universal stereotypes, they do strengthen individual reflexive moments, there are envisioned to eventually tip-over the overall departmental culture. Depending on the starting point of participants concerning gender knowledge, as well as biases and values based on personal experiences, trainings should also address different sub-groups and touch upon intersectionality. A one-fits-all approach, will most likely not deliver the desired results, because, according to the European Institute for Gender Equality, the challenges are paramount: gender trainings need to develop gender-blind or even gender-traditionalist participants into not only gender-aware, but gender-redistributive civil servants who will be able to work independently with the existing gender analysis tools.[506] Such far reaching tasks are not always completed successfully. When one interviewee was asked whether the participant was aware that GIA as a policy tool existed and whether the interviewee had attended a specific training, the response was as follows:

"No. On gender issues yes, of course: we have a mandatory training for [occupied position, A.S.], in which I have participated, and—in brackets—I found it very ridiculous. Even the trainer said it's ridiculous. At the end the women defended the men in this group, it was a very bizarre exercise and... and I'm not aware of this tool."[507]

Here, the question remains unresolved whether mandatory trainings can have the intended effect in an overall environment of cultural rejection or depreciation of gender knowledge. Such strong statements as given by the interviewee, however, represent a minority of the sample. The majority of interviewees appreciated the chance to further their education and were grateful for the benefits of trainings: "Yes, yes! I profited as soon as I arrived, I profited [...]."[508] Others also saw the natural limits of trainings; they managed to provide basic information "very helpful to raise awareness,"[509] and incited curiosity about the topic, but "creative ideas, [...] will probably not be gotten in a training course, will be gotten by reading or by coming in contact with creative thinkers."[510]

    In my interview sample, it became evident that existing training practices on the Commission level are not able to deliver on GIA-specific knowledge or on gender mainstreaming's far-reaching educational goals due to the infrequency

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504 | Anne Havnør, Interview.

505 | EU10, Interview.

506 | European Institute for Gender Equality 2012e, 10.

507 | EU12, Interview.

508 | EU10, Interview.

509 | EU20, Interview.

510 | EU18, Interview.

of trainings and a lack of coherence and quality management. Consequently, the practice of gender trainings needs to be both expanded and more nuanced, a finding also shared by the European Institute for Gender Equality.[511] Gender trainings need to focus on the specific application of gender mainstreaming tools such as GIA, which will call for differentiated expertise on the part of the trainers. A combination of expertise in gender, technologies, the development of instruments, and policy will be required. Quality assurance of gender trainings is new, and some standardisation of trainer qualification, methodology and delivery of training would be beneficial.[512] Standardisation of content as envisioned by the European Institute for Gender Equality,[513] however, does not appear to be the right path for the diverse policy contexts. The interviewees demanded regular trainings tailored specifically around IA instruments, policy fields and their function in order to make gender expertise and GIA practice sustainable.

4.4.4 Resources: "That's […] a Very Theoretic Question"

Gender mainstreaming instruments need to be implemented in a cross-cutting fashion in order to be effective, which requires (wo)man-power and time equalling resources. Half-hearted, non-effective gender mainstreaming cannot deliver the hoped for equality results and is therefore inefficient, also in budgetary terms. EU institutions are aware of the fact that gender equality is not budget-neutral, as a briefing note of the European Parliament states: "In order to be effective gender mainstreaming needs to be operationalised and supported through predictable funding and allocations. Otherwise it runs the risk of being side-lined at the expense of other, seemingly more urgent, goals."[514] In evaluating the 2006 European IA Guidelines,[515] the Network of European Environment and Sustainable Development Advisory Councils considered it a high priority for all IA activity in general to:

"Provide (i) better resourcing for the execution of Impact Assessment by the DGs (time, people and funding); (ii) dedicated resources and training for inter-service co-operation at all stages of assessment; (iii) resources for the wider engagement of civil society, where appropriate; and (iv) full and adequate resources for quality control […]."[516]

Gender mainstreaming instruments, such as GIA, need to be promoted as just another part of good governance through IA resources; however, none of the

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511 | European Institute for Gender Equality 2012b, 7. For instance, the GIA training of the city of Vantaa for selected members of staff involved in preparing budgets was named as one example of good practice (European Institute for Gender Equality 2012b, 8). No Commission example was given.

512 | European Institute for Gender Equality 2012a.

513 | European Institute for Gender Equality 2012b, 9-11.

514 | European Parliament, Directorate General for Internal Policies, Policy Department C: Citizenships' Rights and Constitutional Affaires 2012, 166.

515 | European Commission 2006a.

516 | Network of European Environment and Sustainable Development Advisory Councils 2006, 5.

interviewed participants was able to state the amount of money spent on gender mainstreaming in general or on gender in the IA system in particular.

"We don't have any assigned budget for this or staff or anything like that. We have a general heading for administration and this internally is split over many fields, including ex-ante IA, including ex-post evaluation, including gender aspects and so on, but there is no clear cut percentage of the budget that goes into that."[517]
"That's very general and a very theoretic question, because so many people work on IAs, on roadmaps, on policies and so on, but I think to quantify this [...] "[518]

None of the interviewed participants was willing to state whether the resources for gender in IA were sufficient or not. Some felt that even specifying resources for gender analysis—a first step towards gender budgeting—would be counter to the very idea of gender mainstreaming:

"Your question is about gender budgeting [...] a lot of people have talked about it for a long time and this never materialised, because it's run contrary to the idea of mainstreaming. If you see you have so much money coming, to do gender, that means all the rest of the money can go freely about its own business."[519]

Even in the case of successful mainstreaming it is impossible to attach a financial value to individual labour: "So a part of this the work is of course not me or my colleague, it's them, but it's a part of their general activity [...] that's why I cannot really estimate it, but it's mixed with all developments."[520] The reference to "them" is an indication of how little is known about the effort that goes into gender mainstreaming; it is not clear what is undertaken and what resources are being used. Like all horizontal issues, spending on gender mainstreaming remains a black box, and with it, gender in the integrated IA remains invisible as well.[521] Funding for gender- or women-specific programming was the only financially traceable measure:

"We have funding for gender equality, women empowerment... For instance we will launch now a call [...], nothing on IA: it's about funding projects for the empowerment of women, so... nothing specifically on IA."[522]

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517 | EU24, Interview.

518 | EU25, Interview.

519 | EU14, Interview.

520 | EU21, Interview.

521 | One example for prying open the black box—though outside the IA system—is the European Social Fund (ESF), demonstrating that spending on gender could be measured. In its Synthesis Report on the gender equality objective during the 2007-2013 funding period, compared to the 2003-2006 funding period, the report noted a 34 per cent decrease in the funding of gender equality initiatives due to a less central role of a gender equality objective in the funding regulations and more reliance on gender mainstreaming (GHK Consulting Ltd./ Fondazione G. Brodolini 2011, 84-87).

522 | EU10, Interview.

"The Commission is not alone in facing this problem. Gender analysis tool application remains "a matter of experimentation that needs the necessary human and final resources as well as authority."[523]

It is evident that the first steps in implementing gender mainstreaming have not yet been completed, let alone the mechanism for tracking its instruments. The need not only to allow extra time, but also to allocate money to foster gender analysis has been emphasised. Offering additional external incentives, instead of a legal obligation often perceived as punitive, should be considered. In the Dutch context, Conny Roggeband has reported on the idea of creating a special gender analysis experimentation fund, but the idea has not been taken up:

"One thing we talked about in the very early stage was experimental money, so there would be a small budget available for doing experiments with gender impact assessment, so the department could apply for a small subsidy of using it [...] but again, it was hardly used, this experimental money. It was not a lot either, but it was not used. So that's interesting."[524]

With gender included in the new IA system, interviewees were unable to identify the actual number of hours or percentage of staffing available for a gender analysis. Staff capacity in IA and evaluation departments was not visibly marked, and gender experts and educational backgrounds could not be retrieved from the Commission's directory website. Based on estimates in the interviews, the number of staff responsible for gender equality issues in general varied from zero ("In terms of staffing there is no one in the DG who would do, who would be responsible for doing internally GIA. And so it would be always contracted out."[525]) to a few working hours per week ("I think we have one about person-hour per week at maximum for the gender."[526]) to ten staff members (as reported by interviewees in the Directorates General.[527] In most cases gender experts were not full-time employees and were responsible for more than gender:

"Shooting from the hip, I would say that we have [three names, A.S.] part-time and myself. But we don't do just gender. Part of the gender equality strategy is multiple discriminations."[528]
"Oh no, it's not full-time. I mean she is half-time and my full-time is for the coordination of all the work among the domains I mentioned [...]. So for me it's 10-15% if you want."[529]

In a sample of nine Directorates General, respondents came up with the following estimate of staff working on gender issues for five Directorates (see the following table 24).

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523 | Holvoet/Inberg 2012, 10.

524 | Roggeband, Interview.

525 | EU22, Interview.

526 | EU19, Interview.

527 | DG Justice with its ten members of staff in its D.2 equality unit (according to the EC's directory) is not included. DG Justice is also not included in the following table.

528 | EU14, Interview.

529 | EU21, Interview.

Table 24: Estimated Staffing Resources for Gender Equality in Individual Directorates-General as Part of the Interview Sample (Number of Staff)

	No. of full time staff for gender	No. of part time staff for gender	Additional hours per week for gender mainstreaming other staff
DG A	3	2	
DG B	2	1	
DG C	10		
DG D		1	4
DG E	1		2
Total No.	*16*	*4*	*6*

These statistics are based on estimates and not specifically pertaining to gender analysis, but they show how small the institutional support for gender equality appears to being general (with the exception of one Directorate-General), rendering actual expert support for GIAs very unlikely. Another model could be to employ staff with knowledge about gender in the IA and evaluation unit, without assigning them hours specifically for working on gender. I did not, however, come across any such situation in the interviews. And sometimes the IA and evaluation units had very slim working capacities indeed. When asked whether there would be a gender support unit in a Directorate General, one respondent replied: "Well you know, in my unit no. Because we are two colleagues who are doing the whole work on IA and evaluation."[530] The general lack of staff is mentioned as a reason why gender mainstreaming has not yet been satisfactorily implemented and why talking about a budget for GIA or gender in IA would mean discussing overall budget inadequacies:

"Especially with the very strong limitations of what we can do in terms of the mandate, staff resources—budget not really being the prime concern. We are understaffed, this is the main concern I would say. We are understaffed and we could do much more maybe with an impact that would be reflective of the number of people that you put at task of your previous questions—we haven't been there yet. Yes if it is confidential."[531]

Although such lines of argument can be interpreted as a way to avoid discussions on the need for more gender resources, the concerns ought to be taken seriously, as they represent day-to-day reality in a lean, modern bureaucracy that is experiencing pressure from New Public Management efficiency and financial austerity:

"A clear commitment from my own hierarchy that this is important and that resources in the sense of time, for instance two or three hours per week could be invested in it. Or if I'm told, try to minimise the workload then well, this is one thing."[532]

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530 | EU22, Interview.

531 | EU16, Interview.

532 | EU 20, Interview.

In an environment of general scarcity, gaining enthusiastic commitment from staff is difficult when they are not backed by resources and there is no clear top-down communication that GIA and gender mainstreaming are a required part of the job. In the course of the interviews, most participants—even gender experts themselves— found it hard to grasp the intent of my questions on staffing and resources. In many instances they though I was actually driving toward a discussion on employment equity. The following excerpt represents a common reaction to questions about resources and budget for gender and GIA:

"A.S.: In your DG is there any [...] are there resources, like financial resources, like in form of hours of staff or budget allocated to gender or gender impact assessment...?
EU19: I'm not aware of that [...]. I am not sure about that.
A.S.: But your position was...
EU19: I think there has been talk about doing that within the Commission, but I don't know if that is being done...
A.S.: Ok...
EU19: You would have to contact the human resources to ask that. I think you could contact the DG Human Resources [...] Instead of contacting just our HR contact the DG HR, or you contact DG Justice, their Gender Equality Unit first: they would guide you on how to find out about that, who the person is... I keep some basic statistics on gender, but then I... how many women on management level, I've seen something like that, but I couldn't... I wouldn't be able to tell you more...
A.S.: No, I was more trying to find out how many hours of work maybe you have as a person or other colleagues...
EU19: On gender?
A.S.: ...On gender
EU19: ...On the gender work!
A.S.: Exactly!
EU19: Oh, I don't know it has been calculated anywhere... I don't think so."[533]

Such a confused response to this seemingly straightforward question about resources was not unusual during the interviews. The confusion could possibly be attributed to problems of communicating in a foreign language (English). But given that there were very few communication problems otherwise, such a hypothesis seems likely. It seems more likely that participants were taken aback by the questions because they found it surprising that any money would be spent on gender mainstreaming or gender in IA, let alone that there would be registering and monitoring.

The difficulty of tracking budget and staff allocated to GIA, gender in IA or gender mainstreaming highlights one of the main weaknesses of implementing gender mainstreaming in the Commission: The absence of gender budgeting[534] that would help Directorates, with their various policy sub-fields and duties,

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533 | EU19, Interview.

534 | With respect to gender budgeting, one interviewee already offered a counter-argumentation strategy: "A lot of people have talked about it for a long time and this never materialised, because it's run contrary to the idea of mainstreaming. If you see you have so much money coming, to do gender, that means all the rest of the money can go freely about its own business." (EU16, Interview).

strategically plan and monitor resources spent on gender. The field of development cooperation could provide a useful model here. In development cooperation projects many Western countries, including Canada and the EU, use a gender marker, which provides an expression of effort and resources allocated to gender (including GIA activities) and therefore serves as a gender mainstreaming instrument.[535] Because resources are known, gender is brought from a vague, undefined position in the background to a concrete, evidence-based position in the foreground. In the realm of GIA, a similar tracker or gender marker could be introduced in the IA system and, depending on the gender relevance, additional budget and time could be allocated to the assessment.

4.4.5 Knowledge: "An Indicator As Such Doesn't Say Much"

Good data is required but not sufficient for GIA. Indicators by themselves don't tell the story of disparate impact or result in better policy. Gender expertise is essential to getting the right data and interpreting it accurately. Inserting expert gender knowledge into the Commission's IA practice would not only help in better policy design, but would also circumvent politically motivated resistance to gender mainstreaming. Easy to obtain sex-disaggregated data can be the deciding factor in whether to employ gender analysis—or not. Fortunately, gender statistics are now an integrated part of the EU's statistics; "if possible," sex-disaggregated data is collected in "all subject areas."[536] Easy to obtain sex-disaggregated data can be decisive for the inclination to employ gender analysis, or not. Sex-disaggregated data collection enables the statistical offices to calculate, for example, the gender pay gap, the division of paid and unpaid labour, demographic and social statistics and education.[537] Childcare and health are also part of DG Eurostat's (DG ESTAT) statistical equality indicators. Today Commission officials are able to consult many sources on gender effects of policy and programme making:

"A lot of progress is being achieved on the EU level with those data for instance by DG ESTAT and the services can find a lot of data on the DG ESTAT website."[538]
"So we have regular reports for instance we have a report on women in the crisis, women in the life-long learning, women in the unemployment and all those types of information. We have DG ESTAT which is developing a lot of data related to gender and there is a website where you can find those data that could be used by anybody in the Commission or outside the Commission. And we have, as I mentioned earlier for instance, a database on women

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535 | Holvoet/Inberg 2012. I.e. in the German development aid, the percentage of legislation being subject to GIA was introduced as a conditionality indicator for receiving German development aid (Deutsche Gesellschaft für Technische Zusammenarbeit GmbH 2008, 13).

536 | It is noteworthy that in the Commission's Statistical Compendium, unlike with all other modules, the legal basis to disaggregate data by sex is neglected to be given (European Commission; Eurostat 2008, 65). For sex-disaggregated data as the basis for gender mainstreaming, see chapter 1.4.1.3.

537 | European Commission; Eurostat 2008, 22; 25; 62; 236.

538 | EU23, Interview.

in decision-making and so on. [...] And we can also launch, if we want, specific studies on gender aspects that could be used for an IA."[539]

The Directorates-General also generate new data when necessary to close data gaps, or they can ask DG Eurostat to provide supporting data. Such specific studies are typically linked to information required for specific IAs *("we are launching specific studies always linked to an IA."[540])*. DG Eurostat provides sex-disaggregated data and separate statistics for the development of policies and programmes, but is not involved in the interpretation of data.

Data for use in analysis is available from a number of other studies and indexes. Among many studies on gender disparities, the "She Figures"[541] is the most prominent; in fact, it is sometimes called the gender data "bible."[542] It provides statistics and indicators with a focus on women in science and research, but also includes other issues such as horizontal and vertical segregation of the labour market, work-life balance, innovation and mobility. It strives to offer "pan-European harmonised statistics" and "to build a base of gender-disaggregated data available at the EU-level," which would enable cross-national comparative research and interpretation of data.[543]

Another recent initiative is the Gender Equality Index[544], introduced in 2013 by the European Institute for Gender Equality. This Index is a regularly and routinely updated resource on aggregated equality indicators for all EU countries.[545] Although it is a step forward in terms of comparability of country specific gender data, my interview respondents felt that it had limited use for IA—that it was too much on the meta-level and not specific enough for particular IAs on the Commission level. Aggregated indexes are typically coarse grained and are often of little use for detailed policy questions.

There are great differences in availability and reliability of data among the member states, and these differences only increase when the data is multi-variable.[546] As in Canada, data disaggregated by sex as well as other factors or grounds for discrimination is difficult to obtain. As a result, qualitative studies become the choice for IA, but their use conflicts with the EU's preference for quantitative— even monetised—analysis under the integrated IA approach:

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539 | EU23, Interview.

540 | EU23, Interview.

541 | Since 2003, the She Figures are published every three years. After 2003, 2006 and 2009, they have recently been launched in their fourth version (European Commission; Directorate-General for Research and Innovation; Directorate B—European Research Area; Unit B.6—Ethics and Gender 2013).

542 | EU25, Interview.

543 | As mentioned in the Commission IA for the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (European Commission; Directorate-General for Research and Innovation; Directorate B—European Research Area; Unit B.6—Ethics and Gender 2013, 14).

544 | European Institute for Gender Equality 2013a.

545 | European Institute for Gender Equality 2013a.

546 | European Commission 2008c, 11; 59.

"What we always recommend is at least to have the first analysis, when... it depends which type of policy and so on, it's very difficult to answer just like that, but... of course the first step is always the same to have the analysis of the problem which considers the gender issues and for instance which looks at the data broken down by sex, to see if there is differences. I guess you know that, to see whether there are differences between women and men and then if there is any significant difference to try to address those differences in developing the policy and so on. This is why one asks as a minimum requirement to always have the data broken down by sex. Even if the thing is not always the case."[547]

Regarding data, a lack of gender expertise in individual DGs endangers the correct execution, the collection and interpretation, as a first step. For engendering the problem framing,[548] the sex-disaggregation of data is the basic requirement in IA. But in order to become transformative, gender savvy experts in the field are needed to also ask the *right* questions and then to interpret the data *right,* as the following example illustrates:

"I was involved in the quality support mechanism, and so I had provided advice many times on programmes dealing with [policy area, A.S.], especially supported through the society, but also dealing with minority issues, so not directly on gender... [...] my comments were that [...] there was a potential impact on gender that was not emerging from the [...] note or—I mean—on the first project outline [...]. There was no sex-disaggregated data... Even if based on other documents, [...] or the background data [...] we already knew that there were relevant gender issues."[549]

From this statement it is clear that gender experts are critical to the process, not only for paying attention that the right data is collected, but also for contextualising and interpreting the data. This integral role, however, has not generally been recognised. Although the preference of the Commission is to conduct IA studies in-house to strengthen the analytic capacity of Directorate evaluation and IA units, gender expertise is not yet seen as an integral part of that capacity. Gender knowledge and expertise for IA studies can be acquired by contracting out, but in-house expertise is needed to manage these contracts. For example, expertise is required to manage the terms and conditions of contracts to ensure that consultants are obligated to execute a gender analysis—which they often are not:

"We commission external consultants to provide input and then certainly we screen or feed this input into our policy analysis or our IA analysis of the commission IA or the commission evaluation. But let's put it that way: If consultants are not asked to this analysis, and we do not have in-house the expertise to do it better than the external consultant, than if this topic [gender equality, A.S.] is not included in the list of things to be done by the contractor, it means this topic will not be looked at. So, let's put it that way, it's almost a necessary condition to ask external consultants to look at these things, if we want anybody to look at these things."[550]

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547 | EU23, Interview.
548 | See sub-chapter 1.5.3.
549 | EU11, Interview.
550 | EU20, Interview.

When contracting IA studies out, the Commission should run a basic GIA relevance test to influence the design of contract requirements. But sufficient in-house capacity on gender equality is also needed to write up the terms and to oversee contracting. The selection of capable research institutions is yet another area where analysts with gender expertise should be empowered to identify bidders capable of *doing the job* in a gender sensitive way. But these outside experts must be managed with in-house expertise:

"Even if it's direct management, we promote the recruitment of experts on certain fields, so we would get experts on that field to advise us on. So we are not going to write up an IA completely by ourselves, we launch preparatory studies. We need to know about the types of impact in more detail, [...] we recruit experts to do the analysis for us. So we do more the management, the administration where we can make sure that some experts have collected and analysed information, and we put it neatly together in a report that would make sense to us and would be understood by decision makers."[551]

This citation highlights another role of policy analysist: that of policy advisor. This is a critical role. Even if an external study, or more typically, a series of studies for larger policies, picked up on gendered effects, it is left to the Commission to frame the policy problem and its solutions for policy makers. In practice, the framing of gender disparities is often placed in competition with other discriminatory aspects. When data interpretation takes place under a paradigm of direct discrimination, structural and systemic (indirect) factors get overlooked and are interpreted as gender-neutral with no effect on the direct discrimination. Thus, gender disparities are "explained away" by other reasons:

"We are able now to have statistics on a number of proposals that would have some relevance in terms of gender, but also in terms of racism, in terms of disability etc. We have to be very very cautious with those statistics, because sometimes you may find a gender imbalance that can be explained away because of socio-economic reasons and not discrimination. We are working on that base of discrimination we are not working on the sociology of gender. We act and we need act when there is a discrimination, which is based on... on gender, gender-based violence etc. and things like that."[552]

Knowledge of concrete forms of direct discrimination seems to obstruct the view of systemic components of oppression. What the above citation reveals is an insufficient understanding of social and economic systems as being deeply gendered and as sources of indirect discrimination. The truth is that statistics often hide more than they disclose, and such an approach to testing for gender relevance will most likely not result in indicators that will foster gender equality. And it will certainly not bring about the transformative shift so desperately hoped for by feminist scholars.

As we have seen, the very "first analysis" that checks for gender relevance is far from trivial and requires a high degree of gender competency in the specific policy field. Interviewees agreed on the usefulness of providing data in a disaggregated manner that emphasised the importance of data interpretation. Sex-disaggregated

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551 | EU19, Interview.

552 | EU16, Interview.

data as the "minimum" can only be regarded as the first step and needs to be followed by an informed interpretation of data that will result in an integration of objectives and performance indicators.[553] Establishing gender indicators or mainstreaming gender in other indicators during the IA appraisal is not seen as the end but rather a means for data interpretation:

"I think we always talk about indicators, in general a lot of attention is drawn to indicators. But an indicator as such doesn't say much, you always have to have interpretation of the indicators and just thinking about a set of indicators to reflect and open the issue [...] ok it's nice—but it won't tell anything until you do analysis and until you provide interpretation of indicators, because numbers as such say nothing. So I would not put that much emphasis in indicators."[554]

Even an interpretative effort that includes gender in IA performance indicators, as this quote suggests, does not always come to the right conclusions. In order to overcome personal, educational, and institutional limitations, multi-disciplinary teams with gender experts on board are best suited for solving research problems. In addition to employing gender-sensitive tools like GIA, interdisciplinary IA research in teams can counter the effects of limited data interpretation—a corrective measure mentioned in the interviews. In sum, sex-disaggregation of data collection has improved overall, but some problems with data availability remain, especially in multi-variable studies disaggregated by sex and additional factors. The most critical issues at the EU level, however, are interpreting the data with a background of sufficient field-specific gender expertise and integrating qualitative data sets in quantitative IAs.

Last but not least, communication—or knowledge transfer—is crucial for the success or failure of the inclusion of sex and gender in IA. Non-bureaucratic, accessible language is key to the integration and translation processes and essential both for internal team communication and for communicating assessment results to a wider public. In communicating IA results, for instance, the Commission's IA guidance emphasises the necessity to express IA results clearly in brief and concise reports with a maximum of 30 pages and a maximum ten page summary:[555] "The report should be **written in clear and simple language**. A non-specialist reader should be able to follow the reasoning and understand the impacts of each of the options."[556]

It is worth remembering, however, that these 30 pages contain a deeply complex, often highly aggregated, integrated assessment of combined economic, ecological and social effects, of which gender aspects constitute a minor part. Simplicity has its downsides: it may actually be an obstacle to concise scientific representation

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553 | At performance indicator level, gender mainstreaming mostly stops at monitoring participation in i.e. programmes: "On the annual basis, we have this data on what you would call, call the head counts, on the participants." (EU24, Interview).

554 | EU14, Interview.

555 | IA reports and summaries can either be written in French, English or German, but IA summaries have to be translated into all official EU languages (European Commission 2009a, 10).

556 | European Commission 2009a, 9. Emphasis as in original.

and may not grant gender analysis the space it might deserve. Restraints on space and language can lead to tainted interpretations of complex research findings. Here lies the danger expressed in the opening statement by Norman Glass, Director of the British National Centre for Social Research: "Knowing things that are not so is worse than knowing nothing at all."[557]

4.4.6 Accountability: "Monitoring Is the Only Way to Check It"

Accountability for GIA and its quality management is old news to the EU: The Commission's first comprehensive GIA progress report was issued in 1998[558] and was followed by the 2002 Advisory Committee on Equal Opportunities for Women and Men's "Opinion on the Implementation of Gender Mainstreaming in EU Policies."[559] And in 2000 Rubery and Fagan identified GIA as a central and crucial instrument of the wider gender mainstreaming strategy in a EU commissioned study.[560] Since then, however, there has been no systematic follow-up action, such as focused implementation, or routine reporting on gender mainstreaming in IA. Neither the annual gender equality reports[561] nor the statements of the different EU gender equality bodies, such as the Gender Equality Dialogue, document or account for gender in IA implementation practice. But documents such as the 2010 Progress Report do point to policy and programme making that is devoid of gender sensitivity and to the absence of systematic GIA in the aftermath of the financial and economic crisis:

"In order to limit the negative repercussions of the economic crisis on the equal participation of women and men in the labour market, policy makers have to build their policy responses on a gender-sensitive analysis of the labour market as well as systematic gender impact assessments and evaluations."[562]

Until recently, the mainstreaming of gender in IA was not subject to systematic reporting or quality management requirements under the current EU gender equality architecture—this even though the European Parliament did call for more reliable sex-disaggregated data and assessment, and also for monitoring "the cross-cutting nature of gender equality in all policies."[563] The Parliament has repeatedly identified special areas of concern, such as gender effects of pension systems or the financial and economic crisis, and has called for a specific gender

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557 | United Kingdom 2006, 52.

558 | Commission of the European Communities 1998.

559 | Advisory Committee on Equal Opportunities for Women and Men 2002.

560 | Rubery/Fagan 2000.

561 | As in the last three reports (European Union; DG Justice 2013; European Commission 2012f; European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2010).

562 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2010, 11.

563 | European Parliament; Committee on Women's Rights and Gender Equality 2012, 15.

assessment.[564] But its activities have been limited to contracting studies on gender equality in key policy areas[565] and providing supplementary assessments on initiatives that were treated as neutral under the Commission's IA but later deemed gender relevant by the Parliament.[566] These efforts, however, are but a bandage on a bleeding wound. As the Canadian GBA practices show, ex-post or parallel quality management performed through the challenge function of the central agencies is an indispensable step in encouraging gender-sensitive ex-ante IAs.

The European case leaves open questions with regard to controlling for gender in IA practices and quality management, or by locating gender in IA tools and practices. As pointed out before, the first initiative since 2000 to monitor gender analysis practices in the Commission and the member states, was initiated by the European Institute for Gender Equality in 2012[567], but not yet fully published.[568] The EU debate on the quality of gender assessments is only in its beginnings,[569] and has not yet led to formulating core tool quality criteria for gender mainstreaming tools.[570]

Gender analysis is generally missing from IA reporting. For example, an *Evaluation of the Commission's IA System for the Secretariat General of the Commission*,[571] published by Evaluation Partnership Limited in 2007, examined 20 single IAs and six IA case studies, but only attested for social impacts in general.[572] Similarly, the Impact Assessment Board's annual reports 2007-2011 do not explicitly mention gender analysis, subsuming it under the social impacts.[573] There is also little data on the number of gender-relevant IAs. This is generally due to the decentralised execution of IAs and a gap in control by the Impact Assessment Board. The Board controls for Social Impact Assessment in general, which is to be found in only a third of all integrated IAs.[574] The low occurrence is approved by the Board, since many IAs are concerned with financial market regulations, where it sees no or little

564 | For example in its 2011 gender equality report (European Parliament; Committee on Women's Rights and Gender Equality 2012, 9).

565 | European Parliament 2014.

566 | European Parliament, Directorate General for Internal Policies, Policy Department C: Citizenships' Rights and Constitutional Affaires 2012; European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs 2013; European Parliament 2014.

567 | European Institute for Gender Equality 2014c, 9. In 2011-2012 the EIGE declined repeated interview requests on GIA in the EU for the purpose of this study.

568 | Partial results on member states only were disclosed in (European Institute for Gender Equality 2014a, 23-26; European Institute for Gender Equality 2014b, 59-65).

569 | European Institute for Gender Equality 2014c.

570 | See quality criteria as established in

571 | The Evaluation Partnership 2007, 8-9.

572 | The Evaluation Partnership 2007.

573 | See the results of a document screening of these five annual Impact Assessment Board's reports in subchapter 4.4.6.3.

574 | For example, in the 2010 annual Impact Assessment Board's report, the board states that of the 66 IAs examined, 83 statements of which 18 were concerned with re-tabled IAs (Europäische Kommission; Ausschuss für Folgenabschätzung 2011, 4).

connection to social or environmental impacts.[575] Of interest for general questions of quality management is also the fact that only 13 per cent of all IAs make use of ex-post evaluations and their data, which leaves a policy cycle gap of 87 per cent in the concluding step in an IA: feeding back the results of old programmes and policies into new initiatives.[576]

A later study on the quality management of Commission IAs, as conducted by Oliver Fritsch, Claudio Radaelli, Lorna Schrefler and Andrea Renda in 2012,[577] paints a somewhat conflicting picture. After analysing 251 Commission IAs dating from 2005-2010, they deemed that "the EU assesses social impacts almost as often as economic impacts."[578] But although the authors state that they also inquire into the status of gender in the integrated IA, their study is silent on the actual occurrence of gender impact assessment. They conclude that while economic and cost-related assessments have achieved a high level of sophistication in quality, "assessments of environmental or social impacts, policy options, or policy objectives"[579] have yet to be lifted to that level. Overall they attest to a progressive improvement in the quality of assessments, which they attribute to institutional learning and regulatory oversight.

The European Court of Auditors offers some interesting insights into quality management of IA, although it does not specifically control for gender equality. In its screening of 12.000 documents issued by committees, working groups of the European Parliament and the European Council between 2004 and 2009, only five were devoted to discussion of IAs.[580] Irrespective of their gendered effects, quantifiable or monetised assessments of social impacts were included in only 12 per cent of the documents, and only 23 per cent included benefits of planned policies or programmes.[581] Concerning ex-post evaluation, the European Court of Auditors found that evaluations of public interventions were rarely implemented. Such findings demonstrate the limited reach of IA in general and bring to ground the high-flying expectations of many feminists and gender mainstreaming experts with regard to GIA in particular.

Accountability can be exercised by multiple actors. External institutions such as the media, with its "litigation and audit explosions,"[582] lobby and special interest groups, and even individual citizens demand to be treated as stakeholders, and, in these times of fast communication and Internet democracy, are increasingly emerging as accountability actors.[583] Internal actors include civil servants in senior management and the analysts themselves who are made accountable. It should

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575 | Europäische Kommission; Ausschuss für Folgenabschätzung 2011, 16.

576 | The Evaluation Partnership 2007, 8-9.

577 | Fritsch et al. 2012.

578 | Fritsch et al. 2012, 9.

579 | Fritsch et al. 2012, 10.

580 | European Court of Auditors 2010, 21.

581 | European Court of Auditors 2010, 38.

582 | Bovens 2005, 203.

583 | Bovens 2005. For instance, in the absence of an internal systematic evaluation of the considerations of gender aspects, there is an external study on the practices of including gender equality concerns in EU funded research projects and research content (Lipinsky/Samjeske 2012).

be noted, however, that analysts in their role of conducting IAs are located rather low in the administrative hierarchy and are subject to low levels of professional accountability due to the scientific rigor of IAs. But their research is not exempt from accountability, which is exercised by peer analysts in multi-disciplinary teams, the IA steering group, and the Impact Assessment Board.

Accountability can also be achieved in other ways. Bovens and other public administration researchers see new forms of horizontal accountability on the rise, with answerability concentrated on the meso level of the government agency.[584] At the same time, public policy analysts, as members of bureaucracy, rather than being independent researchers, are subject to the same mechanisms of hierarchical and administrative accountability. Such multi-sites of governance form a contextual matrix[585] that can be used to establish accountability for GIA.

Accountability for the IA system merits discussion here. The issue is that IA is far removed from accountability due to its science-based orientation.[586] IA experts, such as Andrea Renda, have therefore sought to strengthen the accountability of the Commission's IAs.[587] According to Renda, the Common Approach to IA has failed to make IAs accountable for their scientific quality and soundness, and he argued for a strong need to establish some form of external oversight,[588] which now has been realised through the Impact Assessment Board. The Board's role in quality assurance was later deemed very successful by Renda and his colleagues Oliver Fritsch, Claudio Radaelli and Lorna Schrefler of the influential IA think tank Centre for European Policy Studies.[589] Participants in my interviews noted the quality management function of the Board, which placed accountability for gender issues in the Commission's ex-ante assessments. But they also emphasised that a multiplicity of players is (or could possibly get) involved:

"Normally, it is the Sec Gen [Secretariat General, A.S.] which is responsible to check the quality of evaluation, as they are checking the quality of IA. And normally, it is up to them to check if the gender aspects are included [...]. In each DG also there is normally a gender correspondent who is supposed to ensure that the gender aspects are well integrated by the other units in that DG. So, normally it is a chain of persons, it depends, which services and if there are a lot of gender aspects in the policy."[590]

According to the interviews, the Commission's hierarchical and professional mechanisms of accountability, which include the Impact Assessment Board, the Secretariat General, the heads of the Directorates-General and their internal gender

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584 | Bovens distinguishes also between vertical and horizontal accountability in a pluralistic accountability regime (Bovens 2007, 196-200). For a more detailed discussion of the underlying concepts of accountability, see chapter 1.5.4.
585 | Bergsteiner/Avery 2006, 6.
586 | See also Peter Alcoin's analysis of institutional characteristics that diminish Parliament's ability to hold Ministers and Officials accountable for their actions (Aucoin 2006).
587 | Renda 2008.
588 | Renda 2008.
589 | Fritsch et al. 2012.
590 | EU23, Interview.

experts, and the gender experts in DG Justice, do not seem to function smoothly with regard to gender impacts. One of the inventors of GIA calls for explicitly assigning a gender analysis challenge function: "I believe [...] if it wasn't checked at the end of the line, if it was not undertaken, then it would have to be sent back to the relevant service. Somebody would have to check this at a higher level and the service."[591] To date, gender experts have not been consulted routinely on IA proposals and are therefore excluded from the IA system—especially in remote policy fields not associated with gender equality at first glance:

"If it is an IA on specific legislation regarding gender equality, there ok often we launch a study to draft the IA. So there is external expertise included in that case. The problem is always when it is just, not just, but when it is gender issues to be promoted into another policy. There you have a review time available because either way, when an IA is launched or if a study is launched, it should be part of the time plans. But it's not always the case. It's very rare I think. In fact we should be [...] to improve the system, I think that we DG JUST or Sec Gen [Secretary General, A.S.] should take care of the terms of reference of the studies which are launched to support the preparation of the IA."[592]

It is not just about allowing extra time and resources for GIA; it is about inscribing the demand for a gender analysis (and consequently gender expertise) into all procurement contracts of consultation services. Only in this way can GIA be elevated from invisibility to a desirable and financially rewarding aspect of quality assurance. Coupled with this would be the demand for gender expertise on the side of the bidders.

4.4.6.1 Accountability Through Consultations: "Sometimes I'm Looking at Who Has Answers, But [...] Nobody Asked Me That"

Micro-level forms of horizontal and peer accountability can be extended by the processes of consultations embedded in IA. In subchapter 4.2 of the integrated IA guidelines, stakeholder consultations are called a "treaty obligation"[593] and a compulsory part of the information collection process. The Commission calls consultation a "dynamic process."[594] The consultation process concerns basically all segments of the IA, such as the definition of the problem, objectives and policy options or impacts. It can accompany the comparison of policy options or the assessment of costs and benefits.[595] Analysts are free to incorporate deliberative elements, but some sort of consultation is always obligatory. It is most useful if it comes early: "It comes at a preparatory stage... for an IA, so it's before you start to write it, when you have like an outline in your head. You'll launch specific ones and opened consultations, so you can launch both."[596]

Consultation can take many forms, such as an open public meeting or a session with a few specialised stakeholders. The minimum standards in the IA guidelines

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591 | Anne Havnør, Interview.

592 | EU23, Interview.

593 | European Commission 2009a, 18-20.

594 | European Commission 2009a, 19.

595 | European Commission 2009a, 19.

596 | EU19, Interview.

require that "all affected stakeholders"[597] and "all relevant target groups"[598] be consulted—which indirectly imposes an obligation to ensure participation of women's organisations in all initiatives, because, in the end, impacts on the population affect both men *and* women. In reality, no such effort has been visible, although proactive outreach to stakeholders is recommended. The consultation guidelines do not give advice on how to choose between contradictory inputs from stakeholders in developing IA policy options. In fact, this is yet another point where bias can be introduced into the process.

To facilitate IA consultation, the use of web-based e-consultation tools such as "Your Voice in Europe"[599] and "SINAPSE"[600] is encouraged. "Your Voice in Europe" does not require registration; it is available to anyone and offers open consultations arranged by policy area and target groups. Participation usually takes the form of filling in on-line questionnaires.[601] SINAPSE is another free public service provided by the Commission. It was created to give the Commission's policy makers a set of consultation methods, such as networking of advisory bodies, support to expert groups, ad-hoc/public consultations and e-debates. Through the tool *e-Communities*, SINAPSE enables members and organisations with a common interest (such as an IA) to share information and opinions.[602]

The 2009 integrated guidelines do not make it clear when to use which consultation tool, although they state that open public consultations must be published on "Your Voice in Europe. "The fact that "Your Voice" is called the Commission's "single access point for consultation"[603] can be misleading, given the existence of SINAPSE. The result could be a two-tier system of open consultation ("Your Voice in Europe") and restricted or priority access (SINAPSE). One problem with open consultations is that there may be little control over who responds to the call for participation: "Stakeholders' consultations are run by an operational unit that prepares the initiatives, the concrete initiatives [...]. [They] have very little influence [on] who is actually going to answer [...]."[604] Commission's civil servants are aware of the requirement to ensure that the consultation process is inclusive with regard to women, but since participation is voluntary, they may be faced with situations where no women's organisations actually join the stakeholder pool:

"Yes, we have a sort of obligation to include different stakeholders, and usually the women associations and government agencies or whoever exists. I mean, all the kind of entities which exist in the different countries, [...] are involved in the decision making processes, so yes. [...] who is to involve the different stakeholders. They had clear instructions to have diverse participation, so... I'm sure they check, they do their best to involve as much women

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597 | European Commission 2009a, 19.

598 | European Commission 2009a, 20.

599 | European Commission 2015e.

600 | European Commission n.d. b.

601 | European Commission 2015e.

602 | European Commission n.d. b.

603 | European Commission 2009a, 20.

604 | EU13, Interview.

as men, even if sometimes it's not easy because—of course—sometimes there are no women associations or there are no women in associations [...]."[605]

When "it's up to them to decide"[606] whether or not to participate, gender equity in consultation cannot be assured by the EU. According to the interviewees, so far no women's organisation has complained about gender imbalance or about not being able to contribute to the content of IA consultations. The truth is, however, that the thought of preparing meaningful input to a meta-level consultation covering the whole EU might overwhelm an underfunded, slimly resourced national or regional women's organisation. But the challenge remains for Eurocrats to monitor consultations for gender:

"The consultations are open to everyone, and yes, some of them have responded, but whether this is a complete coverage, this is impossible for us to do, because quite frankly, we don't know what kind of organisations there are in the 27 member states, I mean sorry [...]."[607]

Proactively reaching out to women's organisations before a consultation is considered could benefit IA design and would help make analysts aware of all the relevant players and interested parties in their field. It would therefore make sense for the IA steering group to ask gender experts for support in planning consultations. At this point, such out reach is not happening. Gender experts: "Are not involved before to launch those consultation and... sometimes I'm looking at who has answers, but it is very time consuming and nobody asked me that in addition. It is not properly integrated, I must say."[608]

Not being asked for advice on the IA consultation process, gender experts are not able to give input on appropriate consultation methods or stakeholders that could influence the process. In practice, consultation processes are often launched and administered by third parties within the Commission, outside the IA steering group. Some Directorates-General have decided to collaborate on a permanent level with external advisory groups of gender experts in the field. These experts set the general policy or programming agenda of the Directorate from a gender equality perspective, but they do not give advice or consult specifically on individual IAs. One interviewee interpreted this dialogue with gender expert networks outside the Commission as a substitute for deliberation on specific IAs and felt absolved from paying attention to gender mainstreaming in IA consultations:

"Because gender is such a transversal mainstreamed item, you can find it all over the place and [...] we, we do get out of DG [name of the DG] to lend expertise and to discuss [policy field of the DG] related items with a gender dimension. You see. Your question, if I may translate it, do we have on-going stakeholder consultation on [policy field of the DG] and gender here [...]."[609]

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605 | EU10, Interview.

606 | EU19, Interview.

607 | EU24, Interview.

608 | EU23, Interview.

609 | EU16, Interview.

But the downward IA accountability provided by consultations relies heavily on the legitimacy of those consultations with regard to target group participation. The external advisory networks, typically composed of academics and experts, not civil society organisations, can help establish crucial links to relevant stakeholders in the member states. They need to be better integrated into the IA system. At present, institutional funds and funded expertise remain unused for formulating consultation advice.

In my interviews, it became clear that gender mainstreaming in IA stakeholder consultation has not yet been realised. Nor has it been recognised as a relevant field of action, even though numerous academic publications in the field of governance and policy studies have identified participation of the feminist and women's movements as an integral part of quality assurance in policy making.[610] According to some feminist scholars, the "lack of gender specificities and concrete articulations"[611] is one of the weaknesses of existing processes of democratic deliberation. It is also an intersectional challenge to the assumed homogeneity of target groups.[612]

Commission policy analysts find it impossible to guarantee for equity in consultation processes. In spite of the demand for comprehensive consultations, target groups or under-represented stakeholders may or may not have an affinity for a particular policy field or policy traditions:

"Probably, I think also that it depends on the sector in which the programme is done. [...] because they probably consult women more easily, women associations if it's a programme in the education, in health sector, for instance, than for a programme—let's say—in infrastructure or—I don't know—energy."[613]

Outside of IA consultations, some Directorates already monitor gender equity in stakeholder input to programmes, although there is still no strategic approach to involving women's organisations directly or in a more proactive and targeted fashion:

"I mean we do a lot of stakeholder consultations. The most recent one was done in the context of the preparation of [name of the programme], [...] which triggered an enormous interest, I mean by our standards, with more than 1,300 responses to a questionnaire and over 700 position papers received. To be perfectly honest, I'm not aware that in this process we had any particular—how should I say—attention or focus on gender. It's also fair to say that the vast majority of the replies to this consultation came from organisations, so it's not, so to speak, a gender issue in the direct sense. We also try for other consultations, just take the interim evaluation of [name of another programme], where we did some gender statistics, where we ended up with something like 32-33 per cent which is, ok, below our target, but better than the participation average in the [name of yet another programme] which is around

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610 | Krizsan/Lombardo 2013; QUING 2011a; Lombardo/Rolandsen Agustín 2011; Squires 2007.

611 | Lombardo 2009, 324.

612 | Squires 2007; Walby/Armstrong 2010.

613 | EU11, Interview.

20 per cent. We don't have any, let's say, very elaborate strategies, to increase the female participation in the stakeholder consultations."[614]

Head-counting is not a reliable way of monitoring equity, since the Commission has not way of knowing how many women and men have been part of individual submissions unless the figures were provided directly by feminist or women's organisations. A process to proactively identify and encourage women's or feminist organisations to participate in the IA consultations has not been attempted; and setting one up might be seen as problematic since it would require country-specific knowledge of all relevant local players in the specific policy field. Currently, there are no resources or infrastructure for setting up such an inclusive and strategically guided gender mainstreamed consultation process under the IA regime.

Since no feminist stakeholder has yet noted the absence or underrepresentation of women's organisations in the process, it may be that women's organisations have not yet discovered IA consultations as means of democratic deliberation. Their more usual intervention is a demand for GIA to be conducted.[615] If the Commission is not actively made aware of that there is room for improvement in consultation practices, it seems unlikely that change towards more equity and better integration of gender concerns is underway. The Dutch international development specialists Nathalie Holvoet and Liesbeth Inberg have made observations about the need for strong gender demand to change such situations. Although their comments pertain to non-state actors, they apply to state-actors alike:

"Non-state actors such as civil society organisations are often pointed at as an important mechanism of 'downward' accountability. However, it is naive to assume that the gender dimension or gender actors will be automatically taken on board in the accountability exercises [...]. It necessitates the presence of a strong 'gender demand' side [...]."[616]

Such a "gender demand" is not yet present in European IA deliberation. On a micro-level, gender demand could be created through a stronger inter-service pre-consultation process, but external women's organisations would also need to respond.

4.4.6.2 Controlling for Gender Impact Assessment: "We Did Work Informally, You Know Networking"

Together, women's organisations and internal gender experts can play a much more active role in making policies and programmes accountable to gender by working to influence IA design and objectives through consultations and delivering gendered evidence that would otherwise not be sought or that might be overlooked. But such an influential role remains an ideal. The Impact Assessment Board in its latest report raised concerns about quality in the IA process. The Board found it "disappointing that so many impact assessments fail to properly integrate views and report them in an unbiased way" mainly due to "weaknesses in the collection" and

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614 | EU24, Interview.

615 | E.g. the European Women's Lobby in its statement on economic policy governance (European Women's Lobby 2011).

616 | Holvoet/Inberg 2012, 6.

non-transparent presentation of stakeholders comments.[617] A similar concern has been voiced by gender experts: They have a chance for input to single IA initiatives during the IA planning stage, but they have no means of following up on how their input influences the design and outcome of final analysis:

"We can ask our colleagues to improve the situation, to improve the planning of the programme. Usually they agree with us, usually they comply with what we require. Of course there is a designing level, and then we won't have any more the picture of the situation until the end of the project. So we won't be able to check if it really would have been [...] ."[618]

On the meso level, there is also the question of whether coordination and oversight of IAs should be exercised by DG Justice or the Impact Assessment Board. In theory, DG Justice should have the chance to examine planned IAs in order to establish possible gender relevance, to contact the Directorate-General in charge, and to intervene. In practice, the gender experts of DG Justice—like the State of Women Canada—are not fully informed about IAs in the pipeline or when they are launched. In addition, the gender mainstreaming unit within DG Justice currently consists of only ten people. The unit has neither the time nor the analytical capacity to exercise this quality watchdog function; that is reserved to the Impact Assessment Board.[619]

Moving accountability for GIA ahead in the direction of controlling for its application, could take many forms. The most binding form would be to communicate the GIA tool application as an obligation in the IA process. Initially, when the tool was designed, the developers themselves had intended to make its use obligatory, but did not succeed in their efforts. They then turned to external actors to raise awareness of the tool in the attempt to create some form of support and bureaucratic accountability:

"This is maybe something I should not say, because this is not the way you should work, but we did work informally, you know networking, involving the European's Women's Lobby and the Women's Committee in Parliament—not very closely, but there were links and contacts. Because we needed somewhat, what you can call... to push from several corners to move things."[620]

As the former chapters demonstrate, such attempts to establish more binding forms of administrative support for GIA were unsuccessful. As long as peer-accountability is not exercised due to a lack of (assumed) political and peer support, it is even more important to establish clear accountability trajectories for gender across the policy cycle, including ex-ante IAs and ex-post evaluations.[621] Controlling for the implementation of ex-ante GIA or proper gender analysis in the integrated IA is—as in Canada—not taking place. Thus, it might be assumed that a demand for exhaustive and even compulsory GIA implementation would come up against

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617 | European Commission 2013b, 26.

618 | EU10, Interview.

619 | See following chapter 4.4.6.3.

620 | Anne Havnør, Interview.

621 | Compare chapter 1.4.3.

resistance in today's Commission bureaucracy as well, especially since the EU is pushing for an integrated approach. Making GIA mandatory (and with support of gender experts) in environmental and economic IAs is, however, an effective way to assure mainstreaming in the current IA system.

Another way to ensure accountability in GIA application is to surrender all policies and programmes, including the ones that have been deemed gender-neutral in their ex-ante IAs, to another (or first) parallel gender check in the interim evaluation phase.[622] This check at the close of the policy cycle may uncover gendered effects that might not have been predictable, but that surfaced in the implementation phase. Such an approach—an obligatory ex-post gender check for the equal participation of women and men—was put forward by the one interviewee:

"[...] [E]x-ante is more difficult to do, because it is more linked to the varying implementation of the action rather than to the design. Because the design of the actions they are neutral in this respect, because they are not focussing specifically on gender issues. It's rather that there should be some bias in the implementation when it comes to the gender representation, then we could look mid-term at how can we compensate for this, could we do anything further to improve the situation."[623]

The accountability mechanism of evaluation on delivery could serve as an entry gate for a gender analysis, even if performance indicators were not gender sensitive to begin with:

"It seems quite relevant, but actually they haven't had really a proper monitoring—in the current programming too. They are kind of first generation of [initiatives, A.S.], they haven't done it enough and they are not really monitoring it. Their monitoring system is to be established already now for the future perspective after 2013."[624]

If a first evaluation shows a policy or programme to be gender-neutral or gender insensitive, a compulsory ex-post gender check could be performed. After the first, gender-insensitive generation of policies and programmes, there then could be a second generation that would be gender aware. After a successful relevance check—an in-depth GIA would test for rights, resources, norms and values and how the respective programme or policy could not only prevent unequal treatment, but actually actively "promote equality between women and men."[625] The parallel application of GIA could trigger organisational learning and is a way to monitor for gendered effects. As such, monitoring for gender mainstreaming would entail two steps: monitoring for ex-ante implementation of GIA and monitoring programmes and policies a second time, by making sure GIA is used at least in parallel ways to evaluate at policy and programme implementation. Some Directorates have seen the necessity for monitoring for gender equality in their programming: "The monitoring is the only way to check it... But not all programmes are monitored, so

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622 | Compare the start of this chapter 4.4.6.

623 | EU13, Interview.

624 | EU22, Interview.

625 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 5.

we hope that what we require is implemented, but we have no way to check and eventually penalise them if they don't."[626]

And some Directorates have incorporated systems for overall monitoring, such as the Result Oriented Monitoring, into their operations:

"'Result Oriented Monitoring', ROM. System, which is our overall monitoring system [...]. We have framework contracts with external experts that are in charge of monitoring. Basically all our projects, all our financial initiatives, they take a sample every year, a representative sample of both large programmes or small projects implemented by NGOs or... all types of programme, and they do short mission, like one-week mission, to do the monitoring during implementation. So this is the general system, they have standard checklists to fill. Now, one year ago our unit was in charge of developing a gender sensitive ROM methodology and used the same checklist that the monitors have to fill, and we—in a way—reformulated some of the benchmarks, the indicators that they used to make them gender-sensitive. And we created a training programme out of it."[627]

These efforts might be transferable to policy design and implementation as well, for example, to provide accountability of externally conducted research or to audit gender analysis practices, as is done in Canada.

4.4.6.3 The Role of the Impact Assessment Board: "I Have Never Seen That the IAB Requests Something on Gender Equality"

If IAs are not deemed sufficient according to the current quality standards, they will not be accepted by the Impact Assessment Board. Currently, there are no penalties against inadequate individual IAs other than non-acceptance by the Board. As one interviewee said, there is "no sanction for anything other than the comment from the IAB. So if the Impact Assessment Board accepts the IA, it is ok."[628] The Impact Assessment Board is headed by the Deputy Secretary General responsible for Better Regulation and acts as quality control body of the Commission's IAs.[629] Questions of quality assurance precede the Impact Assessment Board and begin with re-formulating guidance documents: Should gender issues be taken into consideration in the SIA section of the IA guidelines or does gender mainstreaming also demand the consideration under economic and environmental impact?

"We had this discussion when we were adopting the commission strategy, there was this discussion with the services if we should go for something a bit more binding, but... it was decided not to have it. Because, ok how to say, it is still very difficult to justify the need of having gender equality integrated everywhere, because the fact that it could improve the overall efficiency and effectiveness of the policies is not always so well understood."[630]

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626 | EU10, Interview.

627 | EU11, Interview.

628 | EU23, Interview.

629 | For a more detailed discussion of the Impact Assessment Board's role, see chapter 4.1.3.4.

630 | EU23, Interview.

There were also questions about procedures for the inclusion of gender concerns in existing quality management routines, as voiced by one study participant: "I think also that the guidance should be clearer and also, ok, that for instance in the scrutiny of the IA it is more compulsory to address a gender issue. All those types of things would improve the system."[631]

The role of the Impact Assessment Board was basically to provide top-down approaches for "improvement of the system." At the time my interviews were conducted, however, the Board had not yet raised any concerns about the inclusiveness if IA proposals regarding gender equality: "I have never seen that the IAB requests something on gender equality."[632] And there are as yet no consequences for ignoring the gender dimensions in current integrated IAs.

Although the opinions or judgements of the Board that accompany an IA draft are not binding, they do have an authoritative function and require a response. Where there are serious quality concerns, the Board requests resubmissions.[633] Such processes provide internal accountability for GIA by reminding analysts of their gender mainstreaming duty under the integrated IA. Theoretically, the Board could also demand proof that at least a GIA relevance check had been conducted. If special gender relevance was found, the Board could recommend implementation of the stand-alone GIA tool in addition to the integrated IA.[634] The Board could also ask that gender-insensitive IAs be submitted as a special case. Such pro-gender interventions would be especially valuable in light of the failure of existing guidelines to give a clear and contradiction-free orientation.

In order to overcome the lack of gender mainstreaming in IA, the Impact Assessment Board should be the central body—like the Central Agencies in the Canadian context—that creates a "demand" for GIA and/or gender mainstreaming in the integrated IA by ensuring scrutiny from an *informed* gender perspective. The current practice of nominating heads of Directorates-General (formerly five, but nine since 2011) to the Impact Assessment Board for a period of two years[635] is not advantageous to bringing gender (back) on the map. They could and should be aided by the gender experts present in the Commission's structure, whether members of the DG Justice gender equality unit or consulting tool specialists in the ranks of the European Institute for Gender Equality. Or they could reach for gender researchers in academia or from various external networks.

To further explore the question of whether gender should be structurally integrated or subordinated, I decided to look onto actual assessment practice and its quality management. I studied the yearly reports of the Impact Assessment Board

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631 | EU23, Interview.

632 | EU23, Interview.

633 | As a latest development, the Impact Assessment Board is critical of the lower rate of acceptance practices of its recommendations in its opinions in IAs, as expressed in a higher resubmission rate, calling its qualitative assurance purpose and authoritative function into doubt (European Commission 2013b, 13).

634 | Which is already practice regarding e.g. operational guidance on assessing impacts on micro-enterprises or operational guidance for assessing impacts on sectoral competitiveness (European Commission 2013b).

635 | European Commission 2013b.

since its foundation around 2007 until 2011.[636] On no occasion in these documents did the Board mention gender effects (or the lack thereof) in reporting on the quality of the overall Commission's IA system. This finding of an absence of gender effects is similar to findings for the Commission's integrated IA system, where gender is in a subordinate position[637]: in an evaluation of 20 single IAs and six IA case studies in 2007, no gender aspects could be found.[638] I also performed an additional randomised content screening of 19 individual IAs conducted by the Commission in 2011, including their respective Board opinions, according to key terms (sex, gender, women, men, equality, equity, equal, discrimination).[639] Of 19 IAs, eight mentioned gender equality and five general fundamental rights/non-discrimination issues—most of them in passing without real assessment of their effects.

The Boards' opinion found one instance in which a lack of assessment of fundamental rights/non-discrimination was attested for as an area of improvement for the overall assessment. At no instance, the Impact Assessment Board picked up on any possibly missing gender issues. Of the eight IAs that raised a form of gender dimension in the assessment text, the relevant aspects were found again in only three of the final recommendations, albeit not on the indicator level. All three case studies remained very general in their recommendations to e.g. include women's empowerment in programming, just emphasised the important role of women in development or stressed the need to pay attention to the disaggregation of users of cultural venues by gender, age group, educational attainment and income level. In none of these three IAs it was visible that a full-fledged, evidence-based GIA was conducted and the level of assessment did not seem thorough at this quick glance (i.e., statistical or other evidence on the gender effects was rarely cited).

These findings indicate that even if the Board's capacity for interrogating IAs on their gender equality effects is in place, it is not evident to the outside observer. There is also no evidence in the annual reporting on whether and how often external gender experts were invited to the Board meetings.[640] Even though there could be a trickle-up effect from having gender experts or representatives from the Directorates-General on the Board, there is no indication that gender equality concerns have ever been considered by the Impact Assessment Board or the Commission's IA quality management system.[641] Thus far, as the interviews suggest, the Impact Assessment Board has not made use of existing gender expertise within the Commission to hold IA practices accountable to gender: "Yes [the gender experts, A.S.] should be consulted by the Impact Assessment Board that would be good. But it's not the case."[642]

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636 | European Commission 2008b; European Commission 2009d; European Commission 2010a; European Commission 2011b; European Commission 2012d.

637 | For the concept of subordination in the EU's integrated IA, see chapter 4.2.3.3.

638 | The Evaluation Partnership 2007.

639 | For methodological explanation about the conducted key word screening, see sub-chapter 2.4.4.

640 | European Commission 2012c, 5.

641 | The role of gender in the IA quality management of the EU is elaborated in chapter 4.1.3.4.

642 | EU23, Interview.

The entry points for gender expertise in IA quality management are manifold and go beyond the ex-post quality management process of the Impact Assessment Board: In the preparatory stage of IAs, gender experts could already be present during the meetings of the Board Chair and could be visiting the management teams of the Directorates General.[643] In such meetings, the focal points of policy coherence (such as reducing regulatory burdens) could be determined, and awareness of gender issues in the up-coming IAs could be raised. An additional step toward integrating gender in the Commission's IA system would be to hire gender experts in the Secretariat General's regulatory policy and IA unit to support the Impact Assessment Board's quality assurance process. This would place the experts closer to the institutional spine of IA quality management, where they could be included in routine (and not special) modes of consultation. Asking the gender question from an informed position, across all impact areas, and not subsuming gender under the social impacts[644] should be standard.[645]" Policy consistency and coherence"[646] starts here.[647]

4.4.6.4 The Role of the European Institute for Gender Equality: "I Know Their Work, But It's Almost by Accident"

The relationship of the European Institute for Gender Equality as it pertains to the European Commission's IA system has not been fully clarified. It operates as an independent agency, mostly outside the DG structure, in an advisory and capacity building role, with the European member states as its target audience. It was not part of the Institute's mandate to transfer its policy capacity and equality expertise to support GIA or gender in IA analysis on the Commission level.[648]

None of my interview subjects has yet worked with or consulted the Institute with regard to gender in IA. This may be because the DG's policy analysts are not sufficiently aware of the Institute or its function as an EU-wide resource centre for gender equality (although mainly geared towards the member states). When seeking advice, IA analysts typically remain within the DG structure of the Commission. Some respondents felt the Institute should publicise its mandate, GIA expertise and advisory capacity more widely and more clearly within the organs of the EU:[649] "I

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643 | European Commission 2013b, 11.

644 | After raising concerns about the quality of economic assessment, with reducing the administrative costs and impacts on small and medium sized businesses (SMEs), "improving the assessment of social impacts was the second most frequently issued recommendation (64 %) and this has risen from 2011 indicating that the need to strengthen the quality of the analysis for social impacts, such as on employment levels, is a growing concern." (European Commission 2013b, 18-19).

645 | Especially in the light of the "relatively higher percentage" (European Commission 2013b, 19) of IAs on health, consumer or justice issues, the obligatory gender question is inevitable in order to achieve equitable outcomes.

646 | European Commission 2013b, 9.

647 | Compare gender mainstreaming quality criteria for tools as in 1.6.

648 | See chapter 4.3.2.

649 | See the exhaustive EIGE's gender mainstreaming website (European Institute for Gender Equality n.d. c).

know the European Institute for Gender Equality, I know their work, but it's almost by accident, because I know some of the people there."[650]

In fact, the scope of the European Institute for Gender Equality could be widened to become an additional support unit for the IA process, co-ordinating with DG Justice, which by itself is not properly resourced to support the whole Commission IA System. The European Institute for Gender Equality has the required competencies to advise EU member states and the Commission's institutions with regard to gender analysis tools, their sophistication and implementation. At this point in time, however, the links between the Commission's IA system and the European Institute for Gender Equality as the state feminist actor seemed dysfunctional with regard to IA and policy advice, for reasons that could not be explored within the scope of this research.[651]

4.4.6.5 Summary

It is evident that neither the gender equality architecture nor the general quality management bodies control visibly, in a routine, systematic fashion for gender equality governance in and through the Commission's IA system. Moreover, social IA remains the weakest streamlined IA component in the integrated approach, and the possible gender aspects of it are not accounted for. The potential of closing of the policy cycle by performing evaluations and monitoring remains mostly unused. As the literature and document review demonstrates, the implementation of gender in the Commission's IA system and policy cycle is incomplete. Benchmarking gender in IA, policy cycle and equality governance, I found that the central actor in quality management of IA, the Impact Assessment Board, remains silent on the gender in IA implementation gap, which raises questions concerning the used or unused potential for coordinating with extra-Commission equality actors and specialists within the Institute, while internal gender equality expertise is limited. As a consequence, the current European equality architecture, especially the European Institute for Gender Equality, does not seem to play a role in IA quality management—despite the fact that developing and improving methods of ex-ante and ex-post gender analysis are for instance included in the mandate of the European Institute for Gender Equality.

4.5 SUMMARY: "IT DOESN'T MAKE A CRITICAL MASS FOR US TO [...] ANSWER ON THIS"

The starting point of my research was the basic hypothesis that an integrated gender lens is more likely to be applied than an additional stand-alone policy tool, since it is already part of the administrative *Eurocratic* IA process. By doing so, the Commission has made a (albeit limited) gender perspective mandatory for all assessments. Gender as a power structure is now part of a dominant frame of analytical questions. At the same time, the Commission has disempowered the

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650 | EU18, Interview.

651 | An interview request in 2011 was declined twice by EIGE. For a short discussion of the equality architecture of the EU and the role of EIGE based on document analysis, see subchapter 4.3.1.

gender mainstreaming strategy by limiting gender equality questions to the social impact areas of its integrated IA. There, gender equality is not linked to economic or environmental impact areas; instead it is subsumed under social impacts. Since the gender questions in the integrated IA guidelines were directly taken from the GIA tool, GIA was even, in a certain sense, made *complicit* in enabling this process of subordination and de-gendering other impact areas.

We can conclude that gender as part of the integrated IA process does play a role in the Commission's policy and programme advice, albeit submerged. As put by one interviewee: "It doesn't make a critical mass for us to... answer on this."[652] The overall state of gender in the Commission's IA system is marginal and still far removed from what Verloo called "possibly revolutionary."[653] The empirical analysis confirmed the hypothesis that GIA as a stand-alone tool was never really adopted and was essentially abandoned before it could become effective, which has contributed to the subordination of gender in the Commission's integrated IA. Leaning on Hawkesworth's concept,[654] I have identified these subtle technocratic processes of burying gender aspects and keeping explicit gender tools at the margins of IA that may be called *practices of subordination*.[655] I observed a *European experiment in subordination,* and indeed a double subordinate status in which gendered aspects are to be found in the Commission's IA tools: a) subordinated within the guidelines of the Commission's integrated IA and b) subordinated as the *orphan tool*[656] GIA.

Groupist diversity aspects in analysis are represented in a concurring tool (fundamental rights IA), while the potential for actual intersectional appraisals is not ascribed to GIA. Intersectionality in general is difficult to operationalise even in the integrated IA, due to its compartmented nature and problems with data availability. However, the: "complex interferences between inequalities do not necessarily require complex new policy instruments or measures,"[657] they rather mandate a more serious engagement with already existing, streamlined add-on tools, fit for intersectional implementation, like GIA.

Although the DG Employment GIA stand-alone guidelines[658] and gender mainstreaming manual[659] as well as the Commission's integrated IA guidelines state that DGs are required to consider the relevance of gender and to carry out in-depth GIAs, there has not been one case study identified in which gender was mainstreamed as one of the central objectives in a policy outside of gender-specific policies and the structural fund's programming. In the absence of oversight, due to the subordinated status of gender aspects as part of the social IA element of the

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652 | EU11, Interview.

653 | Verloo 2013, 904.

654 | In correspondence to her attested scripted practices of subordination of feminist knowledge about feminisation in mainstream policy discourses (Hawkesworth 2010).

655 | Sauer 2010c.

656 | The IA community speaks of the "orphan tool problem," when an IA instrument does not produce uptake beyond its scientific publication (Helming et al. 2011, 26).

657 | Verloo 2013, 902.

658 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998.

659 | European Commission; Directorate-General for Employment, Social Affairs and Equal Opportunities; Unit G.1 2008.

integrated IA, the EU's quality management has not, to date, been effective with regard to the fundamental right of gender equality. This ineffectiveness could not be counter-acted by the numerous Commission's equality actors in the DGs or the overall EU system due to a lack of mandate and institutionalised access to the IA system. The involvement of these actors was arbitrary as well. I found the EU's gender equality governance to be detached from the common approach to IA (with the exception of the gender unit at DG Justice), and a lack of coordination between the various gender equality governance players. This situation makes it difficult to provide good policy advice from a gender perspective. A possible answer to these challenges would be to introduce gender controlling in and via the IA system.

Scholars attribute this implementation gap mainly to a *softness*,[660] which is not binding and has never been officially endorsed across all the DGs of the Commission. One Commission employee highlighted how important it would be as a first step for the Secretariat General to officially endorse GIA as an official DG-wide IA instrument, to be uploaded on the IA webpage when the process of authorising of the SIA guidelines is described:

"The endorsement of the guidance by the SecGen [SG] and by the other DGs. So it was recognised as the main tool for assessing social impacts in the IA system. And that wasn't in force [before, A.S.]. Because otherwise it's hard in a way to sell your tool as a DG tool to the other DGs in charge of IA."[661]

The sales problem is worsened by a "lack of effective enforcement mechanisms."[662] As the interview results show, the absence of gender mainstreaming from the integrated IA guidelines, in combination with the voluntary gender blindness of the DGs, leads to the result that "gender assessments will rarely be viewed as necessary."[663] As a consequence and as MacRae has put it:

"Liberalization wins out against gender equality without any actual competition. The gendered realities emerging from these policies hardly represent the idealistic picture painted by the European Commission of a polity based on the equality of men and women."[664]

While the Commission's IA system is still struggling with the all-encompassing mainstreaming mandate, European women are still waiting for delivery on gender mainstreaming's promise of "systemic change in policy structures."[665] While the Commission's institutions and networks are quick to scrutinise member states for ignoring IA duties,[666] the Commission does not hold itself and its own administrative

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660 | Kantola 2010b, 125-126. For soft vs. hard instruments, see chapter 1.4.1.

661 | EU26, Interview.

662 | Kantola 2010b, 126. Compare also chapters 1.3 and 1.5.4 on the sales logics of gender mainstreaming under the NPM paradigm.

663 | MacRae 2010, 169.

664 | MacRae 2010, 169.

665 | Kantola 2010b, 126.

666 | On the basis of an Estonian national IA system audit that attested a poor state of the art (Estonia; National Audit Office 2011), the European Network of Legal Experts in the Field of Gender Equality noted that: "Special attention should also be given to gender

institutions and legislative processes accountable for gender equality in ex-ante IA. Notably, the subordination of the GIA tool and gender in the Commission's integrated IA guidelines has resulted in an almost complete institutional memory loss with regard to the existence and technicalities of the tool. Gender in the Commission's integrated IA system is not being mainstreamed in the tool set up, but rather it is integrated in the social IA sub-division. Tool design has as much influence on application realities as institutional backing; therefore the integrated IA guides need to be revised to ensure gender mainstreaming in all impact areas.[667]

Today's gender analysis practice and capacity leave ample room for improvement. My qualitative analysis of the interviews demonstrated a lack of awareness, analytical capacity, time, individual and political will, and technical capability to streamline gender into the analysis, all of which hinder the ability of the Commission's IAs to delve deeper into gendered effects. Therefore overarching gender equality strategies and IA roadmaps should be aligned and more binding. What became also evident is how gender analysis shares many of the obstacles commonly occurring in the EU's IA system, such as the unsolved questions of integration, quantification, monetisation or data harmonisation with the member states. Equally, the area of IA quality management is in general still in its initial and therefore developing phase, offering a window of opportunity to devote attention to gender concerns within the Impact Assessment Board answerability framework. The degree of transparency that would result from publishing all IAs and Board opinions would add to the overall accountability.

An increase of gender competency among public servants in general, and IA analysts in particular, and the introduction of organisational incentives (i.e., in-depth, full-fledged gender analysis as an example of good practice in IA) and sanctions (e.g., letters returned for missing gender analysis from the IAB) would certainly lead to improvements, but they would not be sufficient by themselves. The general default *neutral* setting in bureaucratic policy IA cannot be overcome via the integrated method unless GIA also gains official recognition and prime exposure as an IA tool and accountability is tightened to control for its implementation. Only this would reset the default to *gendered*.

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impact assessment. The legislative impact assessment must give explicit consideration to questions of gender equality. A list of areas which are subject to attention (social consequences, the effects on national security, on international relations, the economy, the environment, regional development and organising the work of state agencies and local government agencies and other direct or indirect consequences) today are too broad and more precise categories for analysis should be mentioned in a new Government Regulation." (European Network of Legal Experts in the Field of Gender Equality 2012, 51).

667 | This tool gap seems wide-spread in IA tools. I.e. the international LIAISE research project, evaluating EU funded research on sustainability IA, examined 203 EU funded research projects, designing IA tools. Only six times "gender quality, equality treatment and opportunities, non-discrimination" were included as targeted impact areas in those sustainability IA tools (Podhora et al. 2013, 85-89).

5. Present and Future of Gender in Impact Assessment: a Standpoint—a Paradigm Shift?

It is said that "theories are to serve a purpose of change, or none."[1] Accordingly, the overall paradigm of my study is feminist: I propose that an implementation of gender equality tools for policy IA will eventually contribute to better equality policy and programming outcomes. Mainstreaming GIA/GBA practices in public policy and programme analysis is indispensable both to fulfilling constitutional and international commitments to legal equality as well as to exercising democratic stewardship.

In the first part of this last chapter, I synthesise my empirical findings, providing comparative conclusions from the Canadian and European approaches to gender analysis. In the second part, I then contextualize these empirical results in relation to feminist, post-positivist, standpoint and critical governance theories. In the third and concluding part, I present a vision for the future of IA and the role of gender analysis could play in it.[2]

5.1 Gender Equality Governance through Impact Assessment: Comparative Conclusions

This section provides a comparative overview of the implementation and practice of gender analysis tools in the Canadian and European environments. It identifies the factors that hinder enhanced tool implementation and practice and those that drive change by providing institutional learning opportunities. The following table is a reminder of the genealogy of each tool.

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1 | Bogason 2005, 251.

2 | For usage of central terminology, see subsections 1.4.1 and 1.6.

Table 25: Gender Analysis Tool Genealogy in Canada and the EU
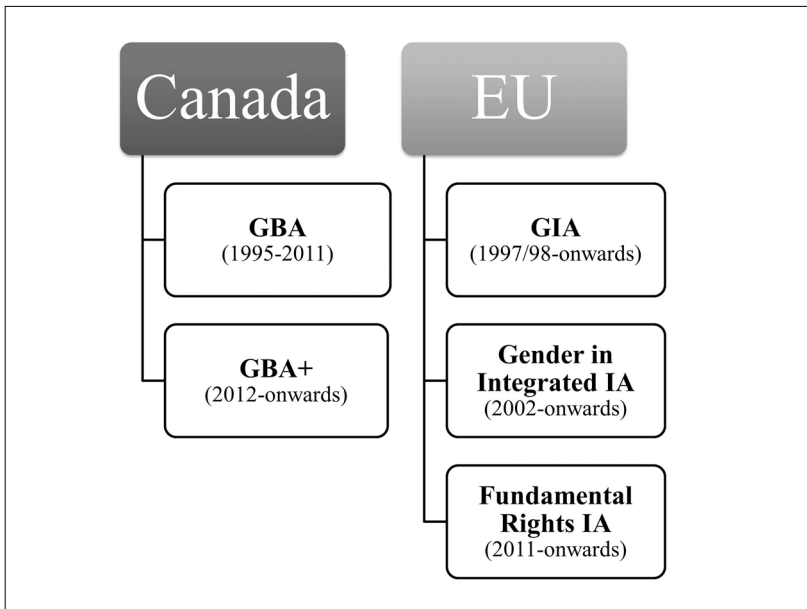
5.1.1 Tools: Fit for Use?

If both the Commission Gender Impact Analysis (GIA) and the Canadian Gender Based (GBA),[3] are held up to the instrument and quality principles, it is clear that they meet the core criteria for *good* gender mainstreaming tools.[4] They were developed by feminist researchers, in not only a method—but also a theory-driven fashion. They are scientific in nature, geared towards equality, and suited to establishing measurability. With their checklists of questions, they are structured like other tested IA tools, such as environmental IA or health IA, which gives them a good context fit. They both have legal triggers and call for institutional (self-)commitment through their inclusion in gender action plans. And finally, they both have the clear goal of fostering gender equality by addressing strategic levels of decision making (gender mainstreaming). As such, GIA and GBA are *explicit* IA tools. They fulfil all IA tool criteria, and are therefore theoretically fit for use. The practice of GIA and GBA, however, tells a different story. Ex-ante IA has gained tremendous importance in Western public policy and programme making. But what became clear in my study is that, in practice, gender IA tools are not central to the integrated IA process and that the gender lens is not (yet) widely applied in either the EU or Canadian IA environment. The reason for this may lie in the relevance tests for GIA, which make it essentially a "procedure in the procedure."[5] As long as it is assumed that gender is accounted for in integrated guidelines and

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3 | For Canada (SWC 1995). For the Commission, compare (European Commission 1996).

4 | The quality assessments of the Canadian tools are presented in detail in 3.2, the European tools in 4.2.

5 | Windoffer 2011, 246.

as long as there is no accountability for gender mainstreaming in IA, GIA can and will be ignored. Both Canadian and European experts are concerned with the lack of GIA application, the absence of system-wide, routine implementation of gender analysis tools, and insufficient consideration of gendered effects in integrated IA.

The surprise is that this is occurring in Canada, where GBA has a long history. The tool originated in 1976 in the first worldwide "Policy on the integration of concerns about the status of women,"[6] which called for a strategy for gendered analysis of all federal Canadian legal and programmatic initiatives.[7] The path toward gender equality and GBA was further paved by the 4th World Conference on Women 1995 in Beijing with the introduction of Canada's *Federal Plan for Gender Equality 'Setting the Stage for the next Century'*[8], which included a GBA strategy and an outline for a GBA tool. In the years that followed, the Status of Women Canada refined its GBA stand-alone tool, which government departments, such as Health Canada, the Canadian International Development Agency, and the Department of Aboriginal Affairs and Norther Development Canada, further diversified and custom-tailored for ex-ante IA. Thus, in Canada, GBA is highly diversified and policy-field specific. But despite its long history and refinements, it is still little used in practice.

GIA and GBA are "explicit"[9] policy analysis tools, structured according to the policy cycle and streamlined with ex-ante IA processes and procedures. GBA/GIA as stand-alone tools are intended to be applied (with other assessment forms) early in the policy process to ensure that a gender perspective is integrated and mainstreamed in the problem definition, the overall assessment design, and policy or programme goals and objectives. However, even when implemented later in the process, a gender lens can be added to the assessment, either in parallel or ex-post. The stand-alone tool approach seems to guarantee visibility and attention to gender in the assessment process. Here, however, one of the differences between the Canadian and EU environments becomes evident. Canadian experts were familiar with GBA and the GBA duty, but the EU gender experts had only heard of GIA's existence.

The Canadian interviewees voiced their satisfaction with tool design and process integrability, but they were disappointed with missing departmental GBA frameworks and with the lack of proof of assessment, the quality of assessments, and the non-systemic government-wide implementation. Creating accountability for GBA was an overarching theme of the interviews, along with fostering more transparency in and sustainability of GBA and better quality analytical outcomes.

In the Commission, impacts on gender equality are, in principle, part of the social IA section of the integrated IA guidelines.[10] However, they are not mainstreamed into the economic and ecological impact sections of the assessment.[11] The EU experts interviewed knew generally that gender equality was part of the

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6 | SWC 2000b, 2; SWC 2000a, 5.

7 | Hankivsky 2007c, 144.

8 | SWC 1995.

9 | Podhora/Helming 2010, 2. See also chapter 1.6.1.

10 | European Commission 2009a.

11 | This finding poses no difference to Windoffer observations for the years 2006-2010 (Windoffer 2011, 252).

overall IA duty, but they were not aware of the particular GIA tool itself. In only one Directorate General were staff aware that the stand-alone GIA, as developed by DG Employment, still existed.[12] Only in this Directorate did staff know that GIA would still be acceptable and applicable as an add-on, stand-alone tool when there was a need to deepen an integrated assessment with respect to gendered effects.

As with the Canadian GBA, GIA is also intended to be applied very early in an assessment, but only after gender relevance has been established:

"Gender impact assessment should be carried out once it is established that a certain policy has implications for gender relations. It is most successfully carried out at an early stage of the decision-making process, to allow for changes, and even major reorientation, of policies, when appropriate."[13]

The developer of the Commission's GIA, as well as the academic interviewees and the few Commission gender experts who were aware of GIA, described the tool as well suited to the ex-ante IA system. However, none of them was able to provide proof that GIA had ever been used for assessment. In fact, most were sure that GIA had never been put into action. The Canadian interviewees were not able to provide proof either, but most *claimed* that it had been used, citing case studies in GBA training material. However, they were not able to demonstrate how the case studies informed actual policies.

Three factors may help explain the absence of GIA practice in Commission policy and programme analysis. First, there appears to be an underlying *neutrality* assumption that not many policies or programmes need a gendered analysis, despite evidence from gender research that almost all do, since they affect all people, both women and men. Second, mainstreaming gender is absent in the tool design of the integrated guidelines and the IA support structures surrounding it. By *subordinating* gender questions to the social IA section, the Commission implies that economic and ecological factors do not produce differently gendered effects— which sends a powerful negative message to the Directorates General. This subordination continues in tool methodologies: GIA, seen as a tool for qualitative research, ranks lower in the informal hierarchy of trusted methods of analysis. Quantitative research methods, at best enabling monetisation[14], are preferred within the Commission's IA system, where computer models and scenarios are the most widely applied assessment techniques.[15] Third, GIA practice is hindered by the mixed messages in the integrated IA guidelines regarding gender. Inequality is framed under both a) a systemic, rights-based, empowering gender equality paradigm (which calls for addressing indirect discrimination by positive action), and b) a protective, paternalistic, anti-discrimination paradigm (where women

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12 | The mentioning of GIA is reduced to a footnote in the supporting SIA sub-guidelines of the integrated IA manual (European Commission 2009b, 21), see chapter 4.2.3.1.

13 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 4.

14 | As such, it becomes clear that methods of monetisation are not exempt from gender bias.

15 | I.e. in sustainability IA tools (Podhora et al. 2013, 91).

are perceived as a vulnerable group subject to direct discrimination).[16] While all interviewed public servants in the Commission did have some perception of the latter, only the gender experts had an understanding of the more structural and indirect workings of gender difference.

The challenges to a cross-cutting implementation of GBA in Canada may also be explained by three main factors. First, individuals may resist taking up the tools because of a perceived *dramatization* of gender or because they believe that a state of gender equality has already or almost been achieved (for these individuals, diversity would be a more accepted frame). Second, GBA is hampered by a lack of cultural acceptance in departments that deal with so-called *hard policies* and that do not recognise the far reaching, structural effects of gender in their presumably *neutral* policies. Third, GBA policy resources and support structures have suffered cut backs in the past, which has delayed accountability for GBA implementation. These challenges are not limited to Canada, and are, in one way or another, present in the European context, where agencies have even less experience with gender analysis and do not yet provide specific resources for ex-ante gender analysis.

The tools for gender analysis have changed since I completed my field work. In Canada, the intersectional approach provided in the latest edition of the GBA+ in 2011-2012 added a degree of sophistication to the tool. It gave GBA a wider mandate, but still placed gender at the centre of the tool tradition.[17]

In Europe, the Commission introduced another stand-alone tool in 2011 that addresses non-discrimination and gender equality: the *Operational Guidance on Taking Account of Fundamental Rights in Commission IAs*[18]. Like GIA, this tool sees gender equality as a fundamental right, although it does not include gender mainstreaming of all fundamental rights and non-discrimination categories. It has a parallel tool in the social IA section of the integrated IA, which provides a "discernible continuity with existing gender and equality assessment tools."[19] This overlap of tools mirrors a similar overlap between the Fundamental Rights Agency, the EU's non-discrimination body and a driver of equality and diversity, and the European Institute for Gender Equality.[20] Such duplication of tools is a reminder of the need for joint political and research efforts to clarify the benefits and drawbacks of tools in their multi-jurisdictional and multi-sectoral application.

In Canada, demands by women academics for increased attention to intersectionality in policymaking and assessment have strengthened gender analysis tool since GBA+ became the *one-stop-shop*. In the European context, however, GIA's position has been weakened. It is now even further marginalised as a misinterpreted, seemingly out-dated, mono-dimensional tool—even though intersectionality was built into its original design and even though, much like GBA+, it manages to address the structural level:

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16 | Compare also sub-chapter 2.3.1.

17 | SWC 2012h.

18 | European Commission 2011c. See also sub-chapter 4.2.3.5.

19 | Toner 2012, 4.

20 | The competing in/equality regimes and European shift from gender equality to multiple discrimination and diversity are expressed in IA tools. For a critique of this transference on the political and institutional level, see (Krizsan et al. 2014); for a transnational analysis centred on civil society actors, see (Siim 2014).

"It should be borne in mind that gender is a structural difference which affects the entire population. Neither women nor men should be treated like some special interest group among several such groups. On the contrary, gender affects, and indeed often reinforces, differences and vulnerabilities according to other structural differences, such as race/ethnicity, class, age, disability, sexual orientation etc."[21]

Academic debates on intersectionality have been translated into tool design in both GBA+ and the Fundamental Rights IA—although in a limited way—with a focus on direct discrimination based on group membership and supported by patchy databases. Still needed is a profound intersectional approach to analysis of systemic discrimination—racism, ableism, sexism, heteronormativity, etc.—in the structures and institutions of policy and programme making, including their intersections or interdependencies. Gender analysis tools, with their long tradition, level of sophistication and existence across policy fields, have the most potential for implementing intersectionality. Their concepts of sex/gender have been intersectional from the start, and their data base has improved tremendously since their introduction.

What lessons can be drawn from this status quo for the future? The principles of democratic decision making and the quest for better, more inclusive ways of doing research will demand that political decision makers, including femocrats, pay more attention to moving gender analysis, and with it gender mainstreaming, from the fringes to the core of IA. If gender analysis is really taken seriously as one of the main tools to implement gender mainstreaming, GIA, GBA and similar tools need to be included in routine, systematic and institutionalised ways into IA processes and guidelines. Both the EU and Canada provide valuable case studies on the current status of gender mainstreaming in ex-ante policy IA: they have started on the road to gender equality through ex-ante IA, but there are still major roadblocks to overcome.[22]

Integration of gender into IA could be a way forward, but the quality of that integration is central.[23] The current, integrated guidelines of the Commission are an example of why it makes only limited sense to "just add a few questions on gender (and non-discrimination) and stir." In theory, a true mainstreaming approach in

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21 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998, 3.

22 | As do other member states of the Organisation for Economic Co-Operation and Development (OECD). A OECD study shows, only 48 per cent of the OECD member states show "some" evidence of conducting analysis on the gender-differentiated effects of policy making (Organisation for Economic Co-operation and Development 2012a, 39). With "some," the OECD means traces of gender aspects to be found in singular policies, and decidedly not the cross-cutting implementation of evidence-based gender analysis in ex-ante policy IA. The OECD attests for a sporadic implementation among its member states and recommends to: "Enhance the incorporation of gender impact assessment in the design, implementation and evaluation of laws, policies, regulations, programmes and budgets in a systematic and comprehensive manner." (Organisation for Economic Co-operation and Development 2012a, 41).

23 | In order to overcome "separate silos," better scoping and integration is requested (Morrison-Saunders et al. 2014). The silo concept is explained in 1.5.2.

IA would make explicit gender analysis tools irrelevant. In practice, however, the gender dimension is not mainstreamed into integrated IA tools, nor are questions of meaningful integration (i.e., of how to weigh effects against each other) resolved. Over twenty years after the introduction of gender mainstreaming, there is still insufficient expertise among IA practitioners to grasp the full consequences of direct gendered effects, not to mention effects that are less obvious or that are related to structural discrimination of women in their fields and impact areas. Until a higher level of expertise is achieved and until we see a mainstreamed commitment to gender equality, it will be essential for gender experts to continue promoting GIA/ GBA or other gender analysis mechanisms as stand-alone and key policy making tools. Here, the Status of Women Canada, with its committed femocrats, serves as an example of good gender equality governance.

But even this organization faces a major challenge: how to raise expertise for gender public policy assessment practice. Feminist writings have pointed to the marginalisation of gender in the academy and the ignorance of gender in research.[24] At the macro-level, feminists have observed a lack of attention to their attempts to engender the state, its institutions and practices:

"One thing that has remained constant over the course of the past three decades has been the feminist lament that their contribution to understanding the state has not been taken seriously by the 'mainstream.' The importance of gender and other relations of power to the operation of the state has been documented empirically and defended theoretically, but very little of it is reflected in nonfeminist work."[25]

Many authors have noted the resistance to gender mainstreaming in public bureaucracy.[26] Suggestions are that it emanates, on an abstract level, from androcentric systems and processes, but also on a personal level, from the preponderance of men among the legal, economic and financial experts in public administration.[27] Academic writers have also noted a general science-knowledge gap between existing tools and the need to provide policy advice in areas that deviate from the economic-financial paradigm, for example, in ex-ante research with an environmental and sustainability focus.[28]

Gender analysis shares with other impact analyses the need for appropriate tool selection and handling, and this has become the object of a new strand of research.[29] At present, a few in the international IA community recognise the value of "agency" and emphasis on specialised tools like GIA to enable "genuinely informed project planning"[30] and to pursue "[...] social justice, human rights, [...] and more inclusive

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24 | Just to name a few in the context of the marginalisation of gender in the realm of policy making and feminist critical governance (Brodie 1995; Carney 2004; Abu-Laban 2008; Brodie 2008; Paterson 2010).

25 | Chappell 2013, 621.

26 | Benschop/Verloo 2006; Won 2007; Erfurt 2007; Erfurt 2010. See especially chapter 1.5.2.

27 | Lewalter 2013, 51.

28 | Turnpenny et al. 2008; Podhora/Helming 2010; Podhora et al. 2013.

29 | de Ridder et al. 2007; Nilsson et al. 2008; OECD et al. 2011; Adelle et al. 2012.

30 | Harvey 2011, xx.

democratic practice."[31] But if gender mainstreaming researchers and feminist academics want to open a wider entry gate for gender in policy and project analysis and to gain access to the IA community, they need to find new ways to frame and communicate their findings to target groups, in this case policy analysts as users and politicians as consumers. They need to become better gender "knowledge brokers"[32] at the policy interface.

What the Canadian example shows is that it is not sufficient to create demand for gender analysis by reminding the actors involved of their legal duty to the mainstreaming strategy or to the raising of awareness for the tools. The disconnect between tools and users needs to be transformed into a mutually meaningful connection. From my research, there appear to be three ways to achieve this: 1) by integrating gender mainstreaming and forms of gender analysis into obligatory well-known, instruments like social IA under the integrated approach, as has been done in the EU, 2) by enlarging the gender frame to include a more widely accepted diversity framing in GBA+, renaming (with a little remodelling) the already intersectional tool GBA, and 3) by increasing accountability and providing more GBA exposure, as been done in Canada.

One way to increase GBA(+) tool uptake is through a top-down requirement for gender analysis of all initiatives—as Canadian departments were challenged to do by the administrative quality management boards (the Treasury Board Secretariat and the PCO). The former Canadian bottom-up integration approach did not ensure gender analysis practices, particularly when analysts were disconnected from the tools and the subject and where no quality management system for gender equality concerns was in place.

To a certain extent in the EU, the gender questions in the social IA tool section of the integrated IA have been seen as fulfilling the crosscutting assessment duty. But while gender aspects may be mainstreamed in economic or ecologic impact areas of the tool, integration into IA is difficult as long as analysts lack a theoretical and data-based understanding of gender relations and their effects in specific fields. Analyst's lack of insight into sex and gender as power relations and as determinants of the different impacts of processes, structures and institutions, obstructs meaningful uptake in integrated instruments.

One way to advance the practice of gender analysis would be to raise awareness of the impacts of policy and programme making on real people and of the gendered nature of the structures, processes and power relations concerned. The international policy analysis/policy IA community still lacks such awareness and has few field-specific case studies as reference points. Usually practitioners of policy IA operate on meta-levels and analyse quantified, stratified, monetised meta-data mainly through computer modelling. Other approaches have received little attention or resources for conducting full-fledged gender analysis.

As long as analysts are not capable of making such connections, stand-alone gender analysis tools with a focus on gender equality (including its intersections with other equality strands) and applied by gender experts in field-specific research teams, are the tools of choice. The disconnect between tool users and the gender analysis tools can be bridged further through gender training combined with

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31 | Mintrom 2012, 247.

32 | Söderman et al. 2012; Lyytimäki et al. 2015. See also sub-chapters 2.2.3. and 5.1.7.

hands-on practice. The goal is to increase familiarity with tool content, analytical goals, and methods, which in turn enables more profound analyses and avoids trivialisation. Instead of aiming for immediate cross-cutting implementation of gender analysis, which can only cause frustration on all sides, efforts could be first concentrated on policies and programmes that affect women and gender relations substantially and directly (based on a pre-test), in order to build an easy to create, fast-growing, evidence-based demonstration of relevance. These can be called the "fast gains." Then the focus could be turned to selected larger scale or highly aggregated assessments of meta-policies and to larger programmes involving big-data (i.e., free trade agreements[33]) that, at first glance, seem removed from people and therefore neutral or without gender relevance. These gains would be "hard won", but would provide important institutional examples. In the end, all gender analysis practices would need to be centrally collected, sorted by tools, policy field, assessment purpose, methods and data (at a minimum), and placed in practice libraries, with open access for analysts.

5.1.2 Responsibilities: Linking Gender Equality and Impact Assessment Governance

Gender equality strategies firmly anchored in legal frameworks, with specific goals, responsibilities, timelines and monitoring mechanisms, are indispensable for the advancement of gender equality. And to be effective, these strategies must be intertwined with other government frameworks and strategies, including IA and performance measurement. This is not the case in either Canada or the EU.

In Canada, despite the clear constitutional mandate for gender equality, there is no gender action plan or gender equality strategy. The Office of the Attorney has criticised the weak legal base for GBA application: "there is no government-wide policy requiring that departments and agencies perform it."[34] In Canada, the 2009 audit by the Office of the Attorney General (as a form of administrative accountability) confirmed the findings of this study that the implementation of GBA had been insufficient and non-systematic.[35] A wide variety of practices were being employed: The Department of Indian and Northern Affairs Canada, for example, had implemented all key elements of a proper framework for GBA, whereas Transport Canada and Veterans Affairs Canada had no GBA framework or proof of GBA implementation. Despite the existence of GBA frameworks in some Canadian departments, GBA was not visible in policy outcomes or objectives. The Auditor General attested that "very few of the departments that perform gender-based analysis can show that the analyses are used in designing public policy."[36]

The state of ex-ante policy analysis in the EU and Canada are similar. In the case of the EU, the Commission did not consider supporting frameworks necessary to conduct gender-sensitive ex-ante analysis. As a result, few such analyses have been conducted. In the EU to date, the Commission's annual IA roadmaps have not been

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33 | For gender equality concerns in trade agreements, see (True 2009; Wagner 2012).

34 | Office of the Auditor General of Canada 2009a, 2.

35 | Office of the Auditor General of Canada 2009a.

36 | Office of the Auditor General of Canada 2009a, 2.

linked to gender equality strategies.[37] The Canadian GBA in particular, requires clarification with regards to its status in the policy documents. The GBA label itself is confusing: GBA as a tool needs to be clearly distinguished from GBA as an overarching strategy, and the gender mainstreaming duty and the institutional framework under the GBA strategy should be rationalised in a communication to public policy makers. In the EU roadmap on gender equality, we see a buy-in by European equality actors into the mainstreaming rhetoric, despite the absence of mainstreaming in the IA guidelines. If they are to be used more broadly and effectively, gender analysis tools will need to be given separate attention in *interlinked* equality *and* IA strategies.

5.1.3 Training: Building Sustainable Gender Competency for Impact Assessment

In Canada, GBA training is a crucial part of the GBA implementation framework. Training focuses on GBA both as an overarching strategy and as the equivalent to gender mainstreaming. It also focuses on implementation of policy field specific GBA tools.[38] The Status of Women Canada has offered a train-the-trainer programme,[39] although it was discontinued due to a lack of demand for trainers. Some departments such as the Canadian International Development Agency, the Department of Aboriginal Affairs and Northern Development Canada, Health Canada and Citizenship and Immigration Canada were leaders in educating their analysts and in making GBA training mandatory, e.g., as part of the International Development Agency's recruitment programme. However, the majority of the Canadian departments did not provide special training and left it to Status of Women Canada to offer general, inter-departmental GBA training for all interested civil servants on a volunteer basis.[40] Since 2007 there has been special training for staff of the Central Agencies[41] to them understand and exercise their GBA challenge function. At the time I conducted my field research, consideration was also being given to making GBA training an integrated module in the Canadian School of

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37 | European Commission 2010b. In the Commission, GIA implementation is based on the soft mechanism of the Communication on gender mainstreaming, which again is decoupled from Communications pertaining to the IA system: The Commission's IA website mentions only the Communication on Impact Assessment, the Communication on Better regulation for Growth and Jobs in the European Union and the Commission Report on Impact Assessment: the Next Steps—In Support of Competitiveness and Sustainable Development as key documents guiding the Commissions IA system.

38 | Canadian International Development Agency 1997b; Canadian International Development Agency 2007; Citizenship and Immigration Canada 2008b; SWC 1998; SWC 2001; SWC 2003b; SWC 2004; SWC 2005g.

39 | SWC 2005e.

40 | I.e. in 2011 and 2012, SWC provided GBA training to public servants from 27 different, federal organisations (SWC 2012j, 14). No such figures are available for the European context, since it is not monitored.

41 | TBS/SWC 2008.

Public Service's introductory course. In 2012 an online self-learning training for GBA+ was rolled out,[42] which has made Canada a leader in gender training.

In the European Commission, training focused on implementing GIA or on how to consider gender issues under the integrated IA has not been delivered. Gender trainings have tended to be general, i.e., they introduce basic concepts and provide some case studies, which were deemed not particularly relevant for the field of practice. At the time of my research, such trainings were neither regular nor frequent enough to satisfy the needs of the interviewed Commission staff.[43] As a result, facing the day-to-day challenges of handling the integrated IA, the Commission's analysts did not seem equipped to deal with the integration of gender concerns in a meaningful way. These findings correlate to studies of other IA researchers, who have attributed the general shortfall in IA quality, independent of gender aspects, to the lack of resources and training in IA tools and practices.[44]

The most notable criticisms of gender trainings in both Canada and the EU were that they were provided in a non-systemic way, that they were infrequent, and that they were not relevant enough to the field (i.e., that they had few case studies). Goals beyond raising general awareness for gender issues were not always set or achieved. Gender competency was created, but with varying degrees of sophistication, depth, and field-specific practicability. My study points up a need for more training that is policy-field and tool-specific and that is delivered as a mandatory, regular and repeated part of the analyst's education. Also, post-training coaching in the course of an IA process are needed (learning by doing)—which remains an unmet demand in both Canada and the EU.

These important aspects were not addressed in the Madrid declaration on gender+ training by the QUING research group, which focused on content and not context of trainings.[45] The European Institute for Gender Equality has pushed for more quality in gender training,[46] but has focused on gender training practices in EU member states rather than in the Commission. However, it hosts a comprehensive website on gender training[47] and gender mainstreaming tools and best practices[48]. It is interesting to note that in 2013, the Commission planned to launch its own

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42 | SWC 2012d.

43 | After the interviews were conducted, the Commission was determined to provide "staff at all levels with the required technical capacity to determine gender relevance and to integrate gender aspects into policies, regulatory measures and spending programmes is a prerequisite for putting gender mainstreaming into practice." (European Commission; Directorate-General for Justice 2013, 12). Specific policy relevant training was then only developed by DG Research and Innovation and DG Development and Cooperation, however it remains unclear of how well connected those are with the IA system. The Commission's equality strategy mid-term report concludes: "The development of more policy-specific gender mainstreaming training in other Directorates-Generals would be useful." (European Commission; Directorate-General for Justice 2013, 12).

44 | Turnpenny et al. 2008.

45 | QUING 2011b.

46 | European Institute for Gender Equality 2012b.

47 | European Institute for Gender Equality 2014d.

48 | European Institute for Gender Equality n.d. b; European Institute for Gender Equality n.d. c.

intranet website to serve "as a pool of information on gender mainstreaming but also as a platform for exchange of experiences."[49]

Such siloed[50] approaches to gender training do not allow for discussion of the broader, more fundamental issues that IA analysts face: a) competing policy commitments, b) the perception that assessments should support rather than determine policy, c) (gender-blind) organisational traditions, including qualifications of staff and hiring practices, and d) the sectoral character of policy making and its double selective perception[51].

There is a large gap between the information available on gender mainstreaming and gender equality and the information available on gender in IA. My literature review attested to the existence of two research communities: a gender research community and a scientifically oriented IA community, each with their own research interests, habits, semantic codes and language.[52] There is not much cross-fertilization between the two. The gender research community has a wealth of publications on the benefits, risks, theories and practices of gender mainstreaming, but very little has been published specifically on gender in IA. Publications scarcely move beyond presenting tools, and very few case studies are available. Gender mainstreaming implementation tools, such as GIA or GBA, were mentioned in some of the general gender mainstreaming publications, but I was only able to uncover this information through meticulous content analysis. Clearly, gender IA tools and practices do not get a high degree of exposure in the literature, nor are they much acknowledged in current IA research.[53] As a consequence, theories on

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49 | European Commission; Directorate-General for Justice 2013, 13. Since 2013, the EIGE has an exhaustive website on gender mainstreaming (European Institute for Gender Equality n.d. c).

50 | For the concept of maintaining separate silos, see sub-chapter 1.5.2 and (Morrison-Saunders et al. 2014).

51 | Turnpenny et al. 2008; Lewalter 2013. For the concept of double selective perception, see 1.5.2. For suggestions of how to bridge the knowledge gap, see chapter 5.1.5.

52 | In large more interested in the practices of IA, tools, case studies, indicators and data, risk management etc. than in theorising IA or gender in IA. Although this represents a catch-twenty-two, since most gender mainstreaming publications lend heavily from theory because there is so little practice, the gender research community must nevertheless understand the rationales of IA practitioners and learn how to speak each other's language.

53 | There are very few conferences, seminars or workshops devoted exclusively on gender in IA. For example, I organised and chaired the first panel on GIA ("Gender Impact Assessment: between benefits, betterment and betrayal") in the history of the International Association for Impact Assessment (IAIA) at the occasion of its 31st Annual Conference in Puebla, Mexico, from May 29 to June 4th, 2011. I wish to express my gratitude to the two panellists, Dr. Aranka Podhora and Francesca Viliani, as well as to Ana Maria Esteves, who encouraged me to do so. Without their generous support this panel would not have happened. Other examples are the expert meeting on gender equality and impact assessment ("Gleichstellungsorientierte Folgenabschätzung & Wirkungsanalysen—Beispiele und Erfahrungen"), held at Humboldt University Berlin, 10 April, 2008, and organised by the GenderCompetencyCentre (GenderKompetenzZentrum 2008b). In the Commission, the DG for Health and Food Safety held a seminar on gender in health IA in 2012 (European Commission 2013, 49) and there was a GIA good practice exchange workshop in Vienna,

gender and case studies of gendered impact analysis do not find their way into IA evidence, training material, or knowledge.[54]

There is a continued need among policy analysts, especially those who are new and untrained in gender in policy making and IA, for greater access to custom-tailored research and information on gendered tools, case studies, and data sources in their policy fields. The main gender mainstreaming implementation instruments, such as GIA or GBA, need to be made visible and accessible.

Gender analysis training can function as a communication tool to provide this visibility. Training can communicate the necessity for and benefits of conducting a gendered analysis and can provide information on appropriate tools and competencies to the IA practitioner community. Training can also communicate gendered consequences in concrete, policy field specific case studies and can show the analytical benefits of integrating the gender dimension. Information on the micro-level relevancy and results of gender analysis when applied to tangible policy issues needs to be disseminated widely.[55]

Among my interviewees, even experienced gender specialists who had worked for years in public administration admitted to not always feeling confident about or to not having the right information on gender in their policy field. They expressed the need for repeated gender training and more support. Femocrats and gender trainers are valuable mediators in this process, especially for their ability to translate gender research into the language and procedures of public policy analysts. Executives, even parliaments, such as the Committee on Women's Rights and Gender Equality of the European Parliament, have discovered a need to sensitise their policy departments to gendered effects in policy making:

"To this end, specific gender training on how to include a gender perspective within EP's work (especially for the assistants, the network of GM administrators and/or the FEMM secretariat) as well as promoting studies and analysis on women's rights and gender equality contribute to improving knowledge and raising awareness of gender mainstreaming."[56]

Regular and custom-tailored gender trainings will remain indispensable as long as mandatory modules on gender are not part of professional training in public administration and policy analysis/policy IA. But attention must also be drawn to gender in other trainings and informational activities—to make up for the fact that the methods and practices of gender analysis are not widely covered in other venues. It goes without saying that policy analysts must be asked to actively look for *all* relevant factors, including gender, in their IAs and to reach for the appropriate tools. The easier the access to gender research, the more likely that this knowledge will be deployed in IA practice.

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initiated by the Commission at 4-5 June 2014 (European Commission; Directorate-General for Justice 2014).

54 | One exception being Austrian administrative studies, which see the travelling international concept of gender mainstreaming as a quality criteria for good governance and an integral part of IA systems, see (Bauer et al. 2011), and especially (Bauer/Dearing 2011; Heinisch-Hosek 2011; Hödl 2011).

55 | See chapter 5.1.5.

56 | European Parliament et al. 2014, 19. Emphasis as in original.

In these times of budget cut backs and dwindling resources for gender trainings, experimentation with DVD-ROM[57] and online self-learn formats[58] are in vogue, (such as a voluntary self-assessment on GBA). The effectiveness of these type of training, however, has not yet been evaluated. At a first glance, online courses, such as the one on GBA+, appear to introduce the tool and set the stage for the topic. But the format tends to oversimplify the content, and the courses lack in-depth engagement and do not convince in terms of conceptualisation and theorisation. Good policy advice rests on solid education and a profound understanding of the subject matter, but in online courses, knowledge transfer is usually tested via short, playful, multiple-choice questionnaires designed to keep people motivated. Building organisational gender competency depends on having an overview of the educational level and qualifications of employees, but self-learn tools often lack the specificity required for effective transfer of learnings into daily work routines. In Canada, participation in these online courses is voluntary, and the test results are not given to managers or recorded.

In an ideal world, IA trainings should have integrated, policy field specific gender modules. All public servants, and policy analysts in particular, would bear the responsibility for implementing gender mainstreaming. In-depth gender trainings should be offered to employees upon entering the institution, and there should be refreshers at frequent intervals. Interviewees working for equality bodies said that, to fulfil their public duties, all public employees, but policy analysts first and foremost, should attend at least one gender training unit. Knowledge transfer should be assured by mandatory, rigorous, policy field specific tests that public servants would need to pass in order to advance in their professional careers.[59]

Policy analysts also voiced a need for coaching on the job, either through external gender trainers or colleagues who are also gender experts. Such coaching would help operationalise the lessons learned and ensure a "four-eye" principle of quality monitoring in the use of gender analysis tools. The quality and sustainability of trainings could be increased by creating a trainer pool under the auspices of a qualified institution, as has been done by the Status of Women Canada. Gender trainers would be selected according to their experience with the specific policy area *and* the relevant gender analysis tool(s). Their knowledge of the field and relevant academic discourses would be frequently refreshed and tested by the responsible body (ideally the equality body in collaboration with education bodies). In short, for sustainability, building gender competency should follow the paths typically taken by bureaucracies to ensure that they have qualified employees.

5.1.4 Resources: Doing Gender Is Taking Time

Gender mainstreaming and the application of gender analysis tools need time, financial, and personal resources. Extra expenses are to be expected. *Doing gender* and gender analysis in public administration means additional work simply because these things have not yet been done.[60] Including sex and gender as additional

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57 | SWC 2005c.

58 | SWC 2012d.

59 | SWC 2012d.

60 | As the example of the German Federal Environment Agency shows (Sauer 2014).

variables and lenses raises the bar for precision, quality and excellence of research and is not cost-neutral.[61] The interviewees were not able to state the actual budget spent on GBA/GIA, due to a lack of tracking or activity. In the rare cases where spending could be estimated, interviewees reported on budgets for gender equality activity in general (e.g., for gender-specific programming or gender expert full-time equivalents) rather than GBA/GIA in particular. In all cases, spending on GBA/GIA was estimated as insignificant compared to the overall departmental budget.[62] In both the Canadian and the EU contexts, it was clear that more resources were needed for work on gender equality, including tracking mechanisms for allocations and expenditures with respect to gender analysis.[63]

Status of Women Canada staff in particular emphasised that that the equality machinery needs budgetary lines and departmental discretion to support gender analysis across government—that is, to conduct GBA and react in a flexible manner in response to requests for policy advice. Without mid- to long-term financial security, the continuity of gender analysis and capacity cannot be guaranteed. The Status of Women Canada served as a warning example when its GBA policy analysis unit was reduced under the politically motivated funding cuts between 2006 and 2008. As long as gender analysis is not routine, the lead entity for gender equality, as well as the departmental network of gender focal points, will need substantial, regularised and predictable resources,[64] adequate to implement their equality mandate and their responsibilities for policy and programme IA.[65]

In addition, all departments and governmental bodies will need to continue introducing gendered budgets in order to make transparent the resources they allocate to gender equality goals. Funding for gender equality goals, including GBA/GIA implementation, ideally would come from regular budgets and not extra-budgetary sources alone. Budgetary transparency would enable better

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61 | The claim, gender mainstreaming could be implemented in an almost cost-neutral fashion, since it was supposed to be included in the routine tasks, is one of its myths proven to be wrong and harmful, by raising wrong expectations and creating frustration instead of acceptance, as initially hoped for.

62 | With the exception of SWC, which in the fiscal year 2011-12 spent 2 million Canadian dollars (of a total budget of 29.4 million Canadian dollars) on 17 full-time equivalents for strategic policy analysis, planning and development (SWC 2012j, 7; 9; 11).

63 | Gender analysis and gender budgeting operate at the two opposite ends of the same policy problem, as Layey's brilliant case study of international taxation shows (Lahey 2009/2010). They could potentially lead to the same result.

64 | While African ministries argue with their "tight budget" and "financial constraints," exacerbating the level of priority given to gender issues and inhibiting instrument use (Haastrup 2014, 109-110), a wealthy Western context should be able to demonstrate more financial leverage.

65 | I.e. in 2011, SWC provided direct support to eight federal agencies, assisting them to meet their obligations laid out in the GBA Departmental Action Plans. SWC is still in the process of strengthening the departmental usage of GBA "through institutional mechanisms that create an environment where routine application of GBA can be carried out" (SWC 2012j, 5). This careful choice of words indicates that such environments have not yet been fully completed and GBA "routine" implementation is not yet guaranteed.

future planning and policy advice.[66] Budgetary steering toward gender equality in government spending lines could highlight where stewardship for gender analysis lies and help inform the gender-sensitive content of policies.[67]

A major topic raised by my interviewees was the lack of time. They said they worked under constant pressure to react in a timely fashion to everyday problems, and the pressure has only intensified with the New Public Management cutbacks. They said they were not allowed the extra time needed to integrate gender into the analytical IA process, and, in the case of GBA in Canada, that the time factor had also impeded uptake of the stand-alone tool. In general, IAs were produced under time pressure, with assessments taking a few weeks to a couple of months, depending on the complexity of the assessment. In the EU, integrated assessments added yet another time-consuming layer of complexity.

Having officially endorsed extra planning time would demonstrate that gender analysis is important and part of *good IA conduct,* and it would indirectly validate good analytical performance. Time set aside for GBA/GIA would act as an incentive. Integrating gender questions into a standard IA guideline, as in the Commission's IA system, is a first step, since it justifies the time and staff resources spent on answering the questions. But as long as there is no real requirement, specific time allocation, or system for monitoring individual assessment performance, gender considerations in IA will remain patchy at best.

5.1.5 Knowledge: Bridging the Science-Gender Gap

As noted in the preceding section, the lack of data and indicators has often been identified as a barrier to gender analysis:

"Pragmatic barriers are those most often identified in accounts of gender mainstreaming and reflect the level of resources required for successful implementation of gender equality policies. A common problem is the lack of gender-specific information."[68]

Recently, however, more sex-disaggregated data and studies on differential gendered effects of public policies and programmes have become available. The question is: how widely are they acknowledged? Gender experts interviewed for my study expressed an overall satisfaction with the collection of sex-disaggregated data on a meta-level by statistical offices. They also made clear, however, that knowledge production and the statistical evidence-base for gender equality are fragile. In the case of Canada, for example, the statistical compendium *Women in*

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66 | As the Austrian practice in the city of Vienna proves (City of Vienna 2006; City of Vienna 2008).

67 | With regards to gender budgeting of their fiscal policies, Canada, as well as the EU, have stalled their efforts (or are in no hurry to make strides despite standing commitments) (Council of Europe 2005; Brodie/Bakker 2008). Also the German government refuses to implement gender budgeting, claiming that gender effects should rather be considered at the input (policy content), not output (spending) side, which heightens the significance of ex-ante gender analysis (Deutscher Bundestag 2012).

68 | Payne 2011, 525.

Canada depended more or less on the work of a single individual.[69] Other data-related problems noted were the lack of quality in meso and micro level data (an issue particularly relevant for ex-ante assessment of policies and programming), the unavailability of disaggregated data for multi-variable studies, and the lack of sufficient, field specific gender expertise for interpreting the data.

One particularly daunting issue was raised: the difficulty of integrating qualitative data sets, such as those associated with GIA and GBA, into quantitative IAs. Quantitative data prevails in IA, perpetuating and accentuating existing evidence hierarchies in research. Most interviewees seemed to regard the focus on quantitative data and appraisal methods as disadvantageous for the inclusion of gender in IA.[70]

One way of mainstreaming sex/gender concerns into quantitative IA methods such as modelling and cost-benefit analysis could be to perform a feminist critique of mathematical models, variables and underlying assumptions to expose their inherent biases.[71] Another way could be to mimic cost-effectiveness analysis and develop quantification parameters and models for the incurred (societal, economic, health) costs of gender inequality. This approach, however, may not be practical, as there are currently no accepted instruments or mathematical models and few case studies available.[72] Recently though, the German Federal Environment Agency has set an example by presenting guidance for calculating costs and benefits of proposed legislation as part of the German Regulatory Impact Assessment.[73]

Even more than lack of data or instruments, however, current gender analysis seems to suffer from a translation problem. There is a disconnect between the research cultures of gender studies, with a preference for qualitative methods and data, and the science-heavy IA and policy analysis community, with a preference for quantitative methods and data.[74] To bridge the gap, femocrats and gender experts could play an interpretative role both in the larger international IA and policy analysis discourse and in public administration. A role largely characterised as knowledge brokerage.[75] Creating and disseminating policy field specific case studies on successful applications of the gender lens could also provide analysts with concrete examples and easy to follow models. IA case studies should be developed for gender-specific policies or programmes and for situations where

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69 | It is coordinated by SWC in collaboration with 18 contributing departments (SWC 2012j, 12).

70 | Although the women's movement internationally has gained its biggest support through the presentation of statistical evidence as hard facts on sex imbalance.

71 | Sigle-Rushton 2014; Floro 2014.

72 | I.e. the methodology of calculating the sex-differential benefits of the current German tax system for spousal income as a Standard Cost Model (Färber 2013). This is not to confuse with gender budgeting, which anticipates (ex-ante) or measures (ex-post) the sex-differential budgetary costs.

73 | Porsch et al. 2015.

74 | Compare sub-section 1.4.1, which addresses the disconnection between the IA/public policy analysis and gender analysis communities.

75 | For the concept and role of IA knowledge brokerage at the policy-interface, see sub-chapter 2.2.3 and (Söderman et al. 2012; Lyytimäki et al. 2015).

gender aspects have been integrated in policies and programmes with different focuses (environmental, sustainability, financial policies etc.).[76]

Feminist policy researchers and gender studies experts can also invest more thought and care in developing communication strategies and using straightforward language to explain gendered effects to different science communities and the administration. Gender researchers should work to insure that their papers and findings can be understood by non-specialist readers and across disciplines. *Applied gender studies* as a transdisciplinary public policy interface is yet to be institutionalised as a subject in academic programmes and international conferences.[77]

The reoccurring challenge is to establish the relevance of the categories sex and gender and how such knowledge can be found, created and injected into specific IA research. Solving this translation problem is critical to the future of gender analysis, as knowledge transfer is as important as having instruments. Gender researchers need to make their work understood by public policy and programme analysts, who must convert it into administrative language devoid of "bureaucratese."[78] The at times theory and jargon heavy gender studies enter a learning curve while in the process of becoming an *applied* (non-)discipline.[79]

To meet the demands of good governance, public administrators in their turn must communicate their actions[80] quickly and in an accessible, transparent and

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76 | Especially for the later, there is an immediate need. The integration of gender needs explanation and additional information on what is expected (European Commission 2014). The public provision of case studies can also serve an accountability function, see subsequent chapter 5.1.6.

77 | Here, the Gender Summits are a fruitful initiative and beneficial forum of transdisciplinary exchange in the realm of academic networking under the EU research framework Horizon2020 (European Commission 2015b, 31). The Gender Summits were initiated by the EU and DG Research and Innovation (RTD), in order to strengthen gender aspects in research by using gender analysis as well as the role of female researchers in its 8th framework programme Horizon 2020 (European Commission 2013e). The so far four conferences brought international experts from research, industry and policy together, to consider gender research evidence as a way of improving the quality and impact of research. The Gender Summits lobby for the inclusion of gender in science knowledge making and frame it as inciting innovation and constituting criteria for research excellence. In 2011, they started out as an European event, but quickly became international, spanning continents from North-America (in 2013) to Africa and Asia (in 2015) and scientific communities. (European Commission 2014).

78 | Watson 2006. A desirable principle also for communicating academic research in general. It was most certainly and knowingly violated also in this dissertation in the attempt to successfully navigate different Anglo-American and German scholarly writing traditions. The Canadian administration is sensitised to the exclusionary effects of bureaucratic langue (TBS 2006/2012). The importance of gender inclusive or gender-neutral language in regulatory drafting, has long been emphasised, but remains an on-going conflictual issue in public administration (Wilson 2011).

79 | I.e. Health Canada's experience with the gender jargon in its first GBA manual and the resulting resistance to use it, see sub-section 3.3.3.

80 | Compare e.g. the German recommendations in its evaluation of its federal regulatory IA practices (Bundesministerium des Innern, Stabsstelle Moderner Staat—Moderne Verwaltung

comprehensible manner.[81] Decision-makers need to be able to understand policy recommendations that are derived from complex assessment processes and they need to understand them quickly. The same is true for lobby groups and the average citizen outside of public administration. The public needs to understand policies, the motive behind them, and intended outcomes—in a way that is free from IA "jargon."[82]

To overcome disciplinary jargon, a bureaucratic siloed way of thinking and to raise the likelihood that a gender lens would be applied in public policy problem solving and framing, some feminist authors have called for a change of playing fields, that is, to take a transdisciplinary approach to "doing gender" in research, in both humanities and sciences.[83] They want to change university curricula to familiarise students early on with the impact of gender in their disciplines. This approach has not yet been widely followed due to its systemic, overarching character.[84] However, invoking new feminist research epistemologies expands to the reflection on norms and the ontology and objects of research, which as a process can be incited by the implementation of gender-based analysis tools in applied IA research. Such practice also requires the questioning of one's own subject position and adopting positions of multiple others.[85]

In sum, increased interaction and communication between the various scientific and non-scientific communities is essential to position gender analysis as a routine part of policy making.[86] Here, feminist academics and gender researchers can learn from social IA projects in international development cooperation and extractive industries, areas that face similar challenges.[87] Deanna Kemp sees

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2002, 31) or the results of the first and still sole evaluation of the implementa-tion of Germany's gender-oriented ex-ante regulatory IA tool in 2004 (Lewalter 2012, 255).

81 | Watson 2006, 621.

82 | Watson 2006, 623-624. See the EU example as in chapter 4.4.5.

83 | For a more detailed theoretical engagement with the epistemologies of knowledge production for IA from a gender perspective, see chapter 5.2.

84 | According to Marhsa Lyle-Gonga there "is some resistance in many political science departments to the integration of gender into their curriculum" (Lyle-Gonga 2013, 212). Currently over 900 BA and MA programmes, departments, research centres, and even PhD programmes in interdisciplinary or transdisciplinary women and gender studies exist worldwide, mostly in the Anglo-Saxon countries (Korenman 2016). In Europe, gender and women's studies are mostly found in Western and Northern countries, complemented by a few sexual diversity and masculinity study programmes. A recent EU-wide evaluation attested for 21 countries, universities and accreditation agencies being active in mainstreaming gender analysis in curricula (Lipinsky 2014, 14).

85 | Hesse-Biber 2007b.

86 | As this study shows for the EU and Canada, which was confirmed by a OCED survey for its member states (Organisation for Economic Co-operation and Development 2012a, 41).

87 | Mainly by inhabiting the same subordinate position: SIA is most often not mandatory for development and—if conducted—it is decoupled from the technical part from the project and poorly integrated in environmental or sustainability IA (Harvey 2011). Non-implementation of SIA even in the light of negative social impacts of the project has no negative consequences for the project and developer (Manfredi 2000, xxvii). Even if SIA is mandated by governments and lending institutions, "compliance" trumps the "exploration of possibility" (Harvey 2011,

"social science professionals" as the agents of change who need to "become adept at utilising language and concepts that bridge the 'hard' and 'soft' sciences."[88] Bridging the science-gender knowledge gap will require more gender experts with a technology and/or science background. But better communication of the gender relevance and the full potential of gender in policy IA will also be essential. More and better exchange via inter- and trans-disciplinary and participatory projects, research, publications, forums, workshops, and conferences will go a long way toward achieving the ultimate goal of greater application of the gender lens in IA.[89]

5.1.6 Accountability: Conflict For and Over Oversight

From my interviews and research on GIA/GBA practices (or non-practices), it was clear that gender in IA systems in both Canada and the EU needs to be subjected to tighter accountability and oversight.[90] While there are first steps towards controlling for gender mainstreaming in Canada,[91] the European Commission does not routinely monitor how gender equality goals and indicators are included in overall assessment goals, processes, indicators and outcomes, due to the subordinated character of gender analysis.

Whereas Canada had just started to exercise hierarchical, professional and administrative accountability[92], the EU had some form of accountability built into the integrated IA process, the mechanisms in both cases were inadequate. There was personal responsibility among the analysts, but apart from guidelines issued by the Treasury Board Secretariat in Canada[93], there were no accountability mechanisms to steer and monitor the implementation of gender-based policy and programme analysis. In fact, quality assurance of IA in general is relatively new, and the application of gender analysis suffers from a lack of oversight.

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xx). Such a traditional, techno-centred perspective of developers "limits the potential of SIA to make a difference" (Vanclay/Esteves 2011b, 3).

88 | Kemp 2011, 26.

89 | A position and experience again fully shared in project SIA by Frank Vanclay and Ana Maria Esteves, who suggest that "the SIA community is at a critical juncture: either we learn how to communicate more effectively and demonstrate the value of SIA, or we will become increasingly tainted by the limitations of the traditional regulatory compliance mind-set and become increasingly irrelevant" (Vanclay/Esteves 2011b, 4). One of the main defeats of project SIA was the non-inclusion in the newly developed International Standards on Social Responsibility ISO 26000 for private sector organizations (Vanclay/Esteves 2011b, 9). Gender equality was also not explicitly included into the ISO 26000 requirements and can only be interpreted via respect for the rule of law and human rights in international project and strategic IA.

90 | The modes of accountability are presented in sub-chapter 1.5.4.1.

91 | Welpe 2005, 103-105; GenderKompetenzZentrum 2010; Eschner 2011.

92 | Through the Treasury Board Secretariat's submission guidelines (Treasury Board of Canada Secretariat 2007b), the audits of the Auditor General (Office of the Auditor General of Canada 2009a; Office of the Auditor General of Canada 2009b; Office of the Auditor General of Canada 2016) and the two Action Plans on GBA (Privy Council Office et al. 2009; SWC et al. 2016).

93 | Treasury Board of Canada Secretariat 2007b.

In the absence of legal, hierarchical and downward accountability,[94] other modes of accountability become essential. One means of achieving accountability is through what I have called the *conflict* thesis, in which external stakeholders are expected to point out instances of dissonance and thus create horizontal or political accountability.[95] In this model, accountability is established through the recognition that not pursuing gender in IA will create conflict. There are two main groups of stakeholders with potential for raising conflict: the extra-institutional interest groups, such as women's groups and the feminist movement at large, and the intra-institutional actors, such as femocrat gender equality bodies. Ideally, conflict with intra-institutional actors would lead to administrative accountability by audits (as later occurred in the case of Canada)[96] or the establishment of quality management bodies for IA (such as the Impact Assessment Board, also in Canada).

But due to the internal character and the technocratic nature of public policy analysis/IA, the chances of raising such conflict is low. External actors find it hard to evaluate highly specialised and diverse assessments (if they are accessible at all and not subject to government secrecy) or to note the absence of gender. Outsiders also find it difficult to lobby the IA system to remedy a lack of gender consideration, since its assessments are supposed to be conducted scientifically and independently from external influence. Only a few academics are occupied with analysing gender-blind policy making, and almost no one targets the pre-policy making phase of ex-ante IAs. In the cases of both the Commission and the Canadian federal government, it was evident that, apart from consultations, the feminist or women's movement was not able to exert much influence on the IA system. Clearly, non-existing or low levels of internal oversight for GBA/GIA practices cannot be counter-balanced by external, horizontal or political accountability—accountability by conflict. It remains a question as to why the engagement of women's lobbying organisations in the political process is high[97] but in IA consultations and processes is barely visible.

At the point in time, the EU and Canadian practices showed no hierarchical accountability, that is, no supervision, over individual policy analysts with regard to incorporating gender aspects into IA. In Canada, guidelines have required the conduct of GBA since 2007,[98] but the professional accountability that is "marked by high levels on operating autonomy on the part of those who have internalised norms of appropriate practice"[99] was not yet in place. Gender equality is a clear organisational goal of both the European Commission and the Canadian federal government, but in neither institution has it been translated into professional accountability at the level of individual actors. The element of political oversight by key stakeholders, such as elected officials, the public at large, client groups—a construct called "dual accountability"[100]—was also missing due to weak feminist movements (Status of Women Canada) or only recently established (European

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94 | Bovens 2007, 187.

95 | See accountability chapter 1.5.4.1.

96 | Office of the Auditor General of Canada 2009a; Office of the Auditor General of Canada 2009b; Office of the Auditor General of Canada 2015.

97 | van der Molen/Novikova 2005, 153.

98 | Privy Council Office 2013. It is a mandatory requirement for all submissions to Cabinet.

99 | Gregory 2003, 559.

100 | Gregory 2003, 559.

Institute for Gender Equality) intra-institutional gender equality bodies, each of which had decoupled from the IA system. At the time of my research, there was also no binding obligation to conduct GIA/GBA, and consequently no legal oversight in the form of "external bodies such as legislatures and courts."[101] Only the Canadian Court of Auditors, as a result of appeals by the Standing Committee on the Status of Women, has managed to exert some degree of oversight through its reports on GBA[102]—a function of political oversight the European Parliament's Women's Committee has yet to fulfil.

The biggest paradigm shift with regard to accountability in Canada was the 2007 update of the Treasury Board Secretariat guidelines[103] that reminded departments and agencies of their continued GBA duty. By introducing what the Canadian civil servants prefer to call the *challenge function*, the Secretariat is required to ask for proof that GBA has been conducted and to point out instances where gender was deemed irrelevant. As a result, departments and agencies are bound to deliver financial submissions to the Secretariat that include sex-disaggregated evidence as to why or why not gender plays a role in their policy and programme initiatives. The Privy Council Office provides a second level of quality assurance and control; it too challenges policy and programme content with regard to the presence of GBA or gender non-relevance. Non-relevance can no longer be claimed in a tick-box fashion; it must be substantiated in the same manner as gender-relevance.[104] The effects of the update to the Treasury Board guidelines were beyond the scope of this study. Regrettably, the 2008 update of the guide on drafting memoranda to the Cabinet missed an opportunity to clarify how and when gender-specific impacts are to be considered and reported in policy proposals.[105]

Although the Status of Women Canada as an external body or department does not have the mandate and institutional powers to oversee departmental GBA implementation, and although the evidence refutes any belief that "under the auspices of the Canadian Government's Status of Women, all departments now conduct GBA of their own policy and legislation,"[106] the latest common activities of Status of Women Canada, the Treasury Board Secretariat and the Privy Council Office offer hope that the gender lens will be applied systematically in policy analysis. The new European Institute for Gender Equality could potentially fulfil a function similar to that of Status of Women Canada, in that it would provide gender expertise in the process of challenging the quality of IAs and policy proposals. Its mandate, however, has thus far not been intertwined with the EU IA system, and it was created too recently for the role it will finally assume to be seen.

In 2006, the Commission created the Impact Assessment Board as the central quality management entity to ensure more consistent and high quality IAs.[107]

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101 | Gregory 2003, 559.

102 | Office of the Auditor General of Canada 2009a; Office of the Auditor General of Canada 2016.

103 | TBS 2007b.

104 | A "rationale" should be "included in those cases where GBA+ is not conducted" (SWC et al. 2016, 5).

105 | Office of the Auditor General of Canada 2009a.

106 | Boucher 2007, 396.

107 | European Commission 2016a.

The Board is supported by a High-Level Group Of National Regulatory Experts,[108] which operates under the mandate for *smart* or *better* regulation to reduce the administrative burden and enhance growth and employment.[109] It is not linked to other expert groups occupied with horizontal issues such as gender equality, e.g., the Inter-service Group on Gender Equality or the High-level Group on Gender Mainstreaming. Its deliberations are confidential and can only be made public by majority vote.[110] More transparency and resolution of the conflicting roles of the Board would have benefits for IA quality.[111]

The Impact Assessment Board performs its watchdog role by receiving and commenting on drafts of IAs one month prior to their completion. Even though the Board has no right to issue return letters and has no veto powers, and therefore is in a weaker position than the Canadian Treasury Board Secretariat and Privy Council Office, it can make evaluations and ask for resubmission of IA drafts. In order to improve accountability, the Commission—after initially hesitating—has decided to publish all Board opinions, thus opening up the policy making process at a point where discretionary decision making is most needed.[112] Although the Board does not identify a possible lack of gender analysis as a *specific and visible* quality concern in its annual reports, since gender issues are subsumed under social impacts in general,[113] its opinions and the transparency of individual IAs create a role model for external accountability.

With the advent of the Common Approach to IA in 2005[114], the EU decided to publish all IAs on a central website,[115] which provides lists of all IAs conducted or in process,[116] as well as roadmaps for future and open consultations for current IAs.[117] But so far, GIA methods, tools or approaches to integrating gender in IAs do not appear in the Commission's best practice library.[118] In the Canadian context, a best

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108 | It was established in 2006 based on the Commission Decision 2006/2010/EC, amended by Decision 2012/C 390/09, and is comprised by high-level national regulatory experts (European Commission 2012g). For a list of members see (European Commission; Impact Assessment Board 2013).

109 | European Commission 2016a.

110 | According to Art. 10(2) of it Rules of Procedure (European Commission 2006b, 4).

111 | Mainly the imbalanced composition (no seat for an explicit gender expert, economic expertise outweighing other fields of competency) and unsolved questions of departmental loyalty in the absence of an explicit Gender Equality DG, as addressed in chapter 4.1.3.4.

112 | Karpen/Hof 2003, 74.

113 | Compare Annex V.

114 | In 2016, the Council of the European Union, the European Parliament and the European Commission launched a new Inter-institutional Agreement on Better Law-Making, which was not subject of this study. It replaces the Interinstitutional Agreement on Better Lawmaking from 2003 and the Common Approach to Impact Assessment from 2005.

115 | European Commission 2016a.

116 | E.g. for the last year 2012 (European Commission 2016a).

117 | European Commission 2016a. Organizations interested to receive information on the roadmaps need to subscribe to the Transparency Register.

118 | Compare the Best Practice Library on the EC Impact Assessment website (European Commission 2016a).

practice GBA library was underway at the time of my field research,[119] but I was not able to retrieve detailed information on a single executed GBA in the course of my interviews. In the past, the "maybe existing" case studies were not shared in the Inter-departmental Committee on GBA due to the facts that the members of the committee (GBA champions and gender unit officers) were not always aware of GBA activity in their departments and that not all departments sent representatives to this volunteer body. Sometimes matters of secrecy may prohibit the publication of IAs (as claimed in Canada), although in the European context this has not yet been the case.

Full scientific transparency should mean publishing full IA reports and policy recommendations, providing open access to research data, tools and logbooks, and describing how data and information were interpreted in the respective IAs. As soon as the need for an IA is established, stakeholders should be informed about how they can get involved in the IA consultation process and given the details about how the IA will be performed. Insider gender expert groups and advisory networks should be integrated into the IA system through consultation. A high-level transparency into the IA research process can pique the interest of outsider groups—peer researchers and experts in independent think tanks, civil society, NGOs, and public research institutes—and encourage them to contribute in a timely fashion so that they can influence the IA design and database. Lastly, real scientific transparency of IA data, methodologies, and results would enable non-administrative, independent researchers to inject IA findings into their own body of work in academia and educational institutions for the larger benefit of society, without having to appeal under Freedom of Information Acts.

In a study by Van der Vleuten and Verloo, the authors noted that while benchmarking and best practices as governance tools set the standard, they are usually derived from "technocratic exercises", and "experts and the availability of data will define the problem."[120] This observation raises questions about transparency, the legitimacy of public action, and who should be held accountable.[121] Unscrutinised technocratic tools, such as ex-ante IA, might actually reduce the overall transparency of decision-making and public accountability. The European Court of Auditors for example, criticised the non-transparent "case by case" decision making in the Commission's roadmap for conducting IAs.[122] In this line of thinking, the IA selection process suffers when political factors are not made transparent in choosing initiatives and determining the *right* IA toolbox and assessment method. As a possible solution, the European Court of Auditors suggested monetisation and a financial threshold for quantifying the impact of initiatives.[123] First, such interventions do not solve the more basic question of how to determine the monetary impact without properly conducting a full-fledged IA that considers all relevant aspects and data, including gender. Second, monetisation is vulnerable to integration problems between qualitative and quantitative data. Third,

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119 | Privy Council Office et al. 2009, 7-9.

120 | van der Vleuten/Verloo 2012, 76. See also sub-chapter 1.5.4.1.

121 | van der Vleuten/Verloo 2012, 76.

122 | European Court of Auditors 2010, 28.

123 | European Court of Auditors 2010, 28.

it perpetuates a positivist view of research, leading to the one and right answer to always messy policy problems.

Additionally, different approaches to the same policy problem will likely produce more than one solution.[124] Democratic decision makers find themselves in the middle of politically and often heated debates on issues framed by multi-stakeholder constellations. By establishing complete transparency in the IA research process and by opening it up for external comments by independent, academic peers as well as other stakeholders, IAs will be messier, but the IA practitioner has the chance to improve IA design through participation. Moreover, if external contributions are made visible, along with the reasons for adopting or rejecting them, political decision makers would have the chance to see the possible biases in IAs and policy recommendations.

Research has called for a wider scope for IA quality management bodies such as the Impact Assessment Board in providing general oversight.[125] However, due to different regulatory environments and mandates, to date there are no shared core *quality criteria* for guiding these bodies and their watchdog function. Adding cross-cutting obligations like gender mainstreaming would require them to assume a quality duty beyond cost-benefit analysis and technocratic adherence, and help shape such quality criteria. Neither the challenge function of the Central Agencies in Canada nor the Commission's Impact Assessment Board, has yet introduced a quality indicator for the integration of gender in IAs. There are, however, some inspiring practices, for example, the gender marker introduced by the Canadian International Development Agency and the "G-marker" of DG EuropeAid Development and Cooperation.[126] The latter sets quantitative objectives for GIA implementation and qualitative targets for the depth of assessment.

At the end of the so-called "decade of striving for accountability for GBA" in Canada, the 2007 update of the Treasury Board Secretariat submission guidelines represents a crucial step forward. It shifts the responsibility for GBA oversight from Status of Women Canada, which in reality never had this mandate, to the central agencies. Canada became an international role model for GBA stewardship when it instituted its first controlling elements—the Central Agencies' GBA challenging function and the mandate for reporting ex-ante GBA implementation and departmental GBA frameworks to parliament.

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124 | See also chapter 5.2.

125 | Wiener/Alemanno 2010, 328.

126 | To be applied in 80 per cent of the EU development projects and reported to OECD (European Commission et al. 2011, 12). For the EC's Toolkit in development cooperation, see (European Commission; Directorate-General for Development and Cooperation 2004). In the EU's development cooperation gender is integrated as a cross-cutting issue in its performance measurement system (European Commission, EuropeAid Co-operation Office; 2012, 15).

5.1.7 Summary: Hidden Leadership Disowned

The current state of GBA and GIA implementation corresponds to the perception of public policies as something that "governments choose to do or not to do."[127] So far, the absence of cross-cutting GBA in Canada practice and the lack of gender mainstreaming in IA in the European Union indicates that these governments have not yet chosen "to do" proper gender mainstreaming in their ex-ante IA or policy analysis. As noted in the introductory chapter, gender mainstreaming was transformational in its conception and rhetoric.[128] Its implementation, however, has been extremely limited.

The presence of equality strategies and tools is no proof of the existence of gender mainstreaming.[129] Gender mainstreaming has often been only reluctantly adopted in *mainstream* departments and agencies, largely because its relevance was not acknowledged and top leadership did no adequately supported the agenda. Canada and the EU are no exception to this general rule. Gender mainstreaming on the level of IA tools has too often been a policy of *adding women and stirring*, without questioning basic assumptions, power relations, or ways of conducting assessments. In Canada as well as in the Commission, gender analysis tools are implemented in organisational contexts of hierarchy and political agenda setting that have not prioritised women's rights or equality issues over neo-liberal economic growth paradigms. In the Commission, such a hierarchy is represented by gender equality and non-discrimination stand-alone tools[130] and in the subordinated status of gender equality and non-discrimination questions in the social IA[131].

Page observes, however, that equality leadership is emerging in the context of changes and innovations in the public service.[132] Gender analysis tools were seen as innovative when they were introduced over 15 years ago. The incorporation of comprehensive ex-ante IA systems beyond cost-benefit analysis into public policy and programme making is even newer. My study shows that roughly two decades after the first instruments were launched, gender analysis is still regarded as a bureaucratic innovation and a novelty.

Applying Mackay's concept of *nested newness*, public administrators should be encouraged to remember the new, while not forgetting the old, by "locking in" gender quality in IA.[133] As a metaphor, nested newness captures the ways in which the new is *embedded* in time, sequence, and the institutional environment. While the new is a "blank slate," it depends on institutional culture, environment and

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127 | Dye 2001, 2.

128 | Wetterer called gender mainstreaming merely a „rhetoric modernisation" (Wetterer 2002).

129 | For example in the EU and its member states, there was a "large amount of material" produced, such as "gender impact assessment guides, gender budgeting guides, check lists, training modules, databases, e-learning tools," but little real engagement with the "horizontal clause" of gender mainstreaming (European Commission 2013c, 34).

130 | European Commission, Directorate-General Employment, Equal Opportunities Unit DG 5 1997/1998; European Commission 2011c.

131 | European Commission 2009b; European Commission 2009a.

132 | Page 2011, 334.

133 | Mackay 2014, 549.

"legacies of the past."[134] Gender analysis can be perceived as "bounded innovation within an existing system,"[135] but Benschop and Verloo have stressed the central function of internal bureaucratic actors in bringing about desired change from within: "The feminist researchers remain organisational outsiders, while the civil servants have the power to decide what is an acceptable agenda for change."[136] In the inner-governmental setting of competing value paradigms, the gender equality machinery[137] remains the main proponent and driver for gender mainstreaming tools.

My findings further support Page's *hidden leadership*[138] argument that leadership is critical and is required to foster gendered, relational and interpretive GIA/GBA practices. Without a lead entity, gender equality continues to be everybody's and nobody's responsibility. Women's or gender equality units are in place both in Canada and the EU, but with different positions and mandates. The central equality machineries have limited (in Canada) or no (in the EU) authority to initiate, monitor and control gender equality in policy and programme assessment. Nor do they have the authority to hold policy analysts accountable. Neither in Canada nor in the Commission are they interlinked with particular accountability and quality management systems for IA.

In the EU, gender focal points or gender units in the individual Directorates General serve as supplements, but their network is not government-wide. The European central equality agency, the European Institute for Gender Equality is an institutional outsider to the Commission's IA system and—due to its recent creation—is not (yet) nested. The larger EU equality architecture is neither aligned with regards to its GIA mandate, nor linked to the IA system. Canada, however, with its long history of employment equity and institutionalised state feminism, seems more amenable to *nesting* gender concerns in ex-ante IA due to GBA accountability novelties and the central role of Status of Women Canada.

Anchoring gender firmly in IA practice requires a strong and *persistent* lead from government bodies that can advocate at the highest levels and increase inner-institutional accountability for gender equality. An entity with system-wide reach and connectivity and that is placed near the apex of power will most likely improve the sharing of information and be able to provide expertise and follow-up between the normative political and operational administrative arms. In order to function effectively, this entity must be backed up with several critical components or characteristics—as the shortcomings of the Status of Women Canada and the European Institute for Gender Equality show. The entity must have *autonomy*; it must be *adequately and sufficiently resourced* (financially and with personnel with the high levels of substantive expertise); and it must have the *authority and clout* necessary to function as a substantive and political leader that is recognised and routinely sought after by and within the IA system.

With respect to the implementation of gender analysis tools, it is critical for gender equality units to develop their capacity for evidence-based strategic and

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134 | Mackay 2014, 552.

135 | Mackay 2014, 553.

136 | Benschop/Verloo 2006, 31.

137 | For a definition of gender equality machinery, see subsection 2.2.3.2.

138 | Page 2011. For the concept of hidden leadership consult sub-chapter 2.2.3.

intersectional thinking, constituency building and research. To enhance their leadership role in policy expertise, Canadian gender equality units sought to provide high quality research and practice on gender dimensions in a range of areas, from macroeconomic policy and governance issues to micro-issues. Such research was conducted in-house and/or developed in partnership with gender experts, specialised research institutions, women's or feminist NGOs and equality networks. Building policy capacity within the gender equality machinery, they were able to establish links to the gender research community and institutions (supply side), as well as to inner-institutional actors, such as individual departments and the Canadian Central Agencies (demand side). In contrast, the Commission's Secretariat General and the Impact Assessment Board did not provide policy capacity building, and gendered research was only conducted in a policy specific fashion in single Directorates General or the European Parliament's new policy research unit.[139]

As observed in Canada, in the mainstreaming process, the perception of femocrats in equality machineries could shift from being promoters of unwanted, seemingly superfluous and hard to promote gender analysis tools to being appreciated partners in the gender equality assessment duty. Such a shift in perception can only be effective once tight accountability is established. Status of Women Canada has demonstrated how its role has switched from that of *gender police* to *partner in crime* and "knowledge broker,"[140] thus enabling departments to excel in their gender duty as a routine part of their IA practice. In order for this shift to take place, gender equality needs to *disappear* in a neutral discourse of technicalities and IA regulative framework, as has happened in Canada. And a requirement for a gender lens needs to be put in place as a marker for policy and programming quality and good governance.

As long as there is a strong state *feminist* institution, gender mainstreaming technology can be beneficial rather than harmful in administrative, technocratic contexts. Even in a less than empowering framework, gender experts at Status of Women Canada were successful in engaging a field of inter-institutional relationships. Their accounts of how they went about their work to promote GBA reinforces Page's observation of "hidden leadership"[141] as a success model. Canadian femocrats did not act in isolation, but formed official and unofficial networks (i.e., the inter-departmental GBA committee) with key persons in other departments. With such networks, GBA leadership was distributed among various actors in a variety of organisational contexts and roles. Most notably, in the absence of a binding GBA strategy and in an unfavourable political climate, the quiet insertion of the GBA duty in the Treasury Board submission guidelines in 2007 succeeded—mainly due to the persuasiveness of the actors in inner-bureaucratic networks. By inciting such change, Status of Women Canada's *hidden leadership* with regard to GBA helped create the conditions in which other actors might feel responsible for and capable of gender mainstreaming:

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139 | European Parliament 2014.

140 | SWC 2012j, 14. For the concept and role of IA knowledge brokerage in environmental IA see also sub-chapter 2.2.3 (Söderman et al. 2012; Lyytimäki et al. 2015).

141 | Page 2011.

"Just as the advocacy and specific content associated with gender equality that was associated with a politically driven past had to be disowned, replaced by business driven regulatory processes, so leadership based on advocacy of gender or women's equality also had to be disowned and outsourced, in order to sustain a break with history and to reposition equality as core business in their organization."[142]

As we have seen in the Canadian context, in order to achieve an increase in GBA accountability, gender equality had first to be *disowned* by Status of Women Canada, handed over to the responsibility of the Central Agencies, and replaced by rationale-driven regulatory processes. Consequently, Status of Women Canada's advocacy role for gender or women's equality also had to be disowned: GBA accountability was placed with the Central Agencies to reposition equality governance as a core business of government, with the goal of routinely integrating equality in ex-ante policy and programme analysis.

Such practices of disownment and hidden leadership from within have yet to be established in the Commission, where the newly founded European Institute for Gender Equality is still struggling to own GIA as part of its institutional role.[143] The transfer of the gender equality duty from DG Employment to DG Justice in 2010.[144] This reorganisation has produced ambiguous results: a theoretical gain in status for gender equality as it moved from its origin in social and employment policy fields, allowing gender equality finally to become an actual crosscutting and rights-based issue; but also a loss in practical status due to the much smaller size and lower staffing of DG Justice, which is a newer Directorate with less perceived status in the unspoken hierarchy of the Directorates General.

For IA practices, the gender equality unit D.2 of DG Justice could provide a cross-cutting entry to the Directorate's internal actor networks and IA system. It is conveniently nestled in the D. equality unit, in which D.1 is responsible for *Equal Treatment Legislation*, D.3 for *Rights of Persons with Disabilities,* and D.4 for *Non-discrimination Policies and Roma Coordination*. Placing gender equality in DG *Justice* and thus making it an overarching Commission duty, rather than placing it with social and labour policies, could eventually have a positive effect on the IA system and help overcome its sectoral boxing. If DG Justice's gender experts were also internal bureaucratic actors, they could play a much more active part in the inner-institutional approach to IA. This, however, would require adaption of IA processes and an increase in staffing and resources in D.2 to serve the different policy advice needs across all the Directorates General. In any case, there is a need for clear allocation of responsibility for gender in IA among the institutional components of the EU's equality architecture—DG Justice, the European Institute for Gender Equality and the expert networks.

As my research in Canada demonstrates, the central equality machinery should be complemented by a system-wide, sustainable network of gender equality units or focal points in individual departments. If the hidden leadership model is abandoned

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142 | Page 2011, 334.

143 | With its seat geographically removed from Brussels' policy making in Vilnius, the EIGE currently focuses on GIA practices in the member states and not the Commission itself.

144 | While DG Employment has 755 members of staff, DG Justice has 440 (European Commission 2015a, 1).

in favour of an open leadership model, the central gender equality machinery should be at the core of the gender equality network and at the heart of IA and policy making. It should perform the three critical equality governance functions: 1) It must have policy-setting responsibilities on substantive issues of gender equality and women's rights; 2) It must have the capacity to monitor, that is, it should have the authority to ensure accountability on gender mainstreaming throughout the political system; 3) Finally, it must have access to steering capabilities of the IA system to inform, conduct, shape and control operational assessment activities and ensure that intersectional gender equality mainstreaming efforts in policy analysis are carried out effectively.

Comparing the potential benefits or drawbacks of the stand-alone tool GBA in the Canadian context to those of the EU's integrated method, it appears that the single gender analysis tool approach, combined with a tight accountability mechanism, is superior. The gender lens in the EU's integrated IA does not live up to the more encompassing GIA tool or to the EU's commitment to gender equality and gender mainstreaming. I have concluded that the European experiment in subordination does not fill the gap in gender-based policy advice. Rather, it is a starting point and requires more intense top-down support, monitoring and real gender mainstreaming in all impact areas. At no point does it match the sophisticated understanding of gender relations in such stand-alone gender analysis tools as the Canadian GBA, the EU's GIA or the Dutch GIA.[145]

When the gender mainstreaming strategy was first designed, the hope was that it would produce custom-tailored tools for better equality governance processes in the new ex-ante assessment systems for policy making.[146] The new regulatory clothes for an old Europe cannot disguise that the EU's integrated IA system in its current state does not ensure "equality between women and men [...] in all areas."[147] But more patience is required before the effectiveness and sustainability of this process can be judged. At present, though, the European experiment in subordination of gender to social impacts runs counter to the political commitment to gender mainstreaming and enlarging "the scope of gender equality beyond the social sectors"[148] to other impact areas such as governance, infrastructure, migration, trade, economic growth, environment and climate change or agriculture. The mainstreaming of gender into the other two IA pillars, environmental and economic impacts, is currently missing from the Commission's IA system. The integration

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145 | Verloo 2008.

146 | Verloo 2005a.

147 | Art. 23 of the Charter of Fundamental Rights of the European Union. The first paragraph is based on Art. 2 and 3(2) of the EC Treaty, now replaced by Art. 3 of the Treaty on European Union and of Art. 8 of the Treaty on the Functioning of the European Union, which impose the objective of promoting equality between men and women on the Union, and on Art. 157(1) of the Treaty on the Functioning of the European Union. It draws on Art. 20 of the revised European Social Charter of May 3, 1996 and on point 16 of the Community Charter on the rights of workers. See the EU Charter of Fundamental Rights (European Union 2000) and chapter 4.1.

148 | O'Connell 2013, 3. Mainstreaming gender analysis across all policy areas and practice e.g. is envisioned in the EU Gender Action Plan (European Commission 2010e).

of gender into the EU's social analysis of policy and programme making is far from routine or systematic, and could not be attested to in practical terms in this study.

Canada has launched promising initiatives for comprehensive GBA implementation. Canada is in the midst of reforming its GBA system through more centralised quality assurance and accountability, as exercised by the Treasury Board Secretariat and the Privy Council Office. In assuring the application of GBA, it appears to be simpler to train for and track a stand-alone, independent policy tool.[149]

In the EU context, questions of integration into other (cost-benefit[150], environmental, small- and medium-sized enterprises, etc.) assessments remain. The European Institute for Gender Equality does not have the central role that the Status of Women Canada plays in building networks, competencies and fostering gender tool application. Nor has the Commission taken the indispensable step for quality management that Canada has taken by evaluating its federal equality governance through an audit report by the Office of the Auditor General.

A shared experience in Canada and the EU is the problem of gender competency.[151] Outside of gender focal points and gender experts, the level of sophistication of gender competency in both contexts was low to medium. Occasionally, individual interviewees demonstrated a high awareness of gendered effects in their field, but they also admitted that they had neither time nor the resources to apply them to IA. This creates a persistent theory-practice gap, which gets in the way of a gender relevance check and meaningful in-depth tool application.

The theory-practice gap in tool implementation is symbolic of an even larger credibility gap for IA in democratic governance environments. Governments remain slow to respond to the constitutional mandates of gender equality and for demands for equitable and sustainable policy designs and outcomes. Birgit Sauer and Yvonne Benschop and Mieke Verloo, in their work on gender mainstreaming, discuss these points.[152] These researchers found that the genderedness of organisations and sub-systems such as the IA system negatively influenced the transformative potential of gender mainstreaming—a point also made by many feminist institutionalists.[153] GIA and GBA operate in non-feminist contexts of public administration and government, which marginalise, even devalue, gender analyses in IA.[154]

Sara Payne has identified pragmatic, conceptual and political barriers to implementing gender mainstreaming in international health sector policies.[155] Conceptually, she worried about the *othering* of gender analysis tools, the potential of the tools for rendering women's needs as special, and the possibility that the tools may simplify implementation by reframing the question of structural gender inequality

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149 | PCO et al. 2009, 6.

150 | For a gender critique of economic analytical models, see (Hankivsky/Friesen 2007).

151 | For a definition of what defines gender competency, see (Baer/Lewalter 2007, 130; Lewalter 2013; 50). For a definition of gender competency, see sub-section 1.5.3.2.

152 | Sauer 2005a; Benschop/Verloo 2006. See also chapters 1.5.1 and 1.5.2.

153 | Haussman et al. 2010; Mackay et al. 2010; Mackay/Waylen 2014a; Mackay/Waylen 2014b.

154 | An observation made as early as 1999 in Canada Williams 1999.

155 | Payne 2011. Her pragmatic and conceptual barriers are laid out more specifically in sub-chapter 1.6.2.

"as one of knowledge, which is itself variable and contestable."[156] In agreement with Payne, As political barriers I identified a) the lack of compulsion in introducing and monitoring gender mainstreaming[157] in ex-ante policy IA, b) the subordinated status of knowledge produced by the epistemic community of feminists, women and gender studies researchers (as opposed to privileged/hegemonic androcentric knowledge), which prevents it from being carried sufficiently into the process, either by internal actors (femocrats and the analysts themselves) or by external actors like women's organisations,[158] scholars or academic associations or political actors, and c) the narrow focus of and confusion of gender mainstreaming with policy and programme making for women.[159]

In sum, a number of factors—missing or insufficient resources and gender expertise; lack of accountability and quality management mechanisms; lack of political top-down support, which allows analysis requirements to be ignored with impunity—are preventing gender analysis from being applied in a crosscutting fashion as just another regular, routine IA assessment. With respect to GIA and GBA, it is too early to answer questions about their "integrationist" or "transformative" potential[160], since there are not yet enough cases where these tools have been put into practice. Any questions concerning the implementation of gender mainstreaming in IA and policy making processes and who controls for gender are not to going to be answered in the short run. As Dorte Sindbjerg Martinsen notes with regard to realising gender equality through gender mainstreaming tools, the "impact must be investigated over time, as it is unlikely to happen fully, or be detected in the short or medium term."[161]

All the above raises questions about the future of gender research and gender IA tools in the interdisciplinary epistemic IA community. Which knowledge is regarded as superior and who is enabled to partake in knowledge creation? What political and institutional backing could be beneficial in overcoming the subordinate, inferior status of gender equality concerns? Do we need a completely different perception of what constitutes an *evidence base* and *knowledge* for public policy making if the current system misrepresents large parts of the population and/or renders them invisible? In doing so, is it enough, to target the *narrow* IA system and its actors? Or should we take Payne's insights and those of the interviewees seriously and address political and educational systems in an all-encompassing way, in order to have our states live up to their gender equality duty in public policy and programme making? Which theoretical underpinnings could be useful to start individual as well as institutional reflexive processes that could deal with these questions and trigger desired changes in applied research for public administration? The concluding chapter discusses these challenges that the empirical material has disclosed, looking at them in the light of feminist standpoint theory in combination with new post-positivist, critical governance approaches to policy analysis/IA.

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156 | Payne 2014, 38.

157 | Payne 2011, 528-529. For Payne's concept of narrow versus all-encompassing gender mainstreaming, see sub-chapter 1.5.2.

158 | Payne 2011, 529-530.

159 | Payne 2011, 530-531.

160 | Lombardo 2009, 324.

161 | Sindbjerg Martinsen 2007, 556.

5.2 Equality Governance Through Impact Assessment

"Science can be a powerful ally in the struggle for equality for women. Science, after all, can expose society's prejudice against women for that what it is, and science can both justify the replacement of this prejudice with a more adequate perspective and move society to accept the replacement. All too frequently however, science has done more to perpetuate and add to the problems women confront than to solve them."[162]

Placing gender equality at the centre of ex-ante public policy and programme advice, where it belongs, has not yet happened in the IA world. In my study, I sought to answer Annesley and Gains' question as to whether, in the absence of an engendered executive, gender-oriented policy making can be institutionally embedded or whether it is "vulnerable to entrenchment."[163] Studies finding that women feel betrayed by IAs and their negative consequences for women (e.g., in tax reforms, labour market or social benefit reforms) still outnumber the optimistic views.[164] Science and evidence-based policy advice have disappointed equality-seeking feminists by largely ignoring questions of gender justice. Contrary to other fields, such as environmental research, where developments in scholarly research and IA appraisals usually inform each other,[165] gender research and IA practices have not yet interacted deeply enough.

The constitutions of such nation states as Canada and such supranational systems of governance as the European Union have already formally transitioned to the point of enhancing and ensuring gender equality. The question now is how individual actors, policy makers and analysts will better position themselves in systems of governance (of IA and policies) and in the scientific communities they stem from. This chapter also engages with questions of how to foster gender equality governance through policy IA in the light of feminist theories of *knowing*:

"Knowledge is an important dimension of discursive politics; in order to understand the dynamics of discursive politics, it is pivotal to analyze processes of institutional knowledge production and to unfold different ways of knowing (e.g., normative, scientific, or everyday knowledge) in gender mainstreaming practices."[166]

Focussing on standpoint theory, which calls for self-reflexive processes and structures, I conclude this research with a theoretical reflection on gender equality governance and the possible benefits to agencies of engendering IA tools and practices. Standpoint theory points towards the interlocutors, in this case the policy IA system and its actors, with their subjectivities and positionalities within public administration frameworks, with their inherent logics. At the same time, it positions gender in IA in a wider context of hegemony in science and scholarly knowledge production, which replicates itself in IA practice (tools, methods, research questions) and tool take-up.

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162 | Kourany 2010, 4.

163 | Annesley/Gains 2010, 926.

164 | Compare literature reviews in 1.5 on gender analysis.

165 | Adelle et al. 2012.

166 | Çaglar 2013, 342.

5.2.1 Feminist Standpoints in Impact Assessment

Feminist theorists are concerned with the way subconscious (or overt) androcentric (male-centred) and sexist values have found their way into the structures of society, including science, influencing methods, observations and theories, whereas female or femocentrist values have largely been excluded. Feminist and other reflexive, critical methods are only recently acknowledged as playing a role in policy development and advice—and that by authors on the periphery of policy analysis research.[167] IA research remains dominated by science, and science remains not only a male-dominated activity, but one whose applications function to serve "typically male" activities and perceptions of the world:

"Androcentric thinking is not a 'prejudice' created by false beliefs and bad attitudes. Rather, the kind of activities socially assigned to men and from which women tend to be excluded make certain kinds of concepts and thinking appear natural and right to men."[168]

The core message Harding conveys is that the resulting *value-intrusion* in science also concerns women and is based on the binary organisation of society and its institutions. To date, gender in IA research still poses more questions than it provides answers. Having gender analysis tools is not sufficient to integrate a gender perspective into ex-ante policy assessment. Feminism as a social and political movement has criticised non-gendered modes of knowledge production as well as the biased results they produce, which justify, stabilise and perpetuate asymmetrical relationships of power in society. Consequently, it is not surprising that IA, as a very specialised, standardised, purpose-driven mode of knowledge production, is often blamed for overlooking or ignoring core issues of gender equality, and for insufficient, dissatisfactory, even harmful effects. The question then arises: Is it even desirable to ask an inherently (male) biased system with its (male-)biased tools to assess the effects on women and men[169]?

5.2.1.1 Epistemic Advantage—Embodied, Embedded, Entrenched

Looking behind the reasons for the unsatisfactory status quo, it appears that the absence of gender analysis in IA is the result of the fact that analysts are signatories of an incomplete contract, in which the terms, conditions and goals of assessments are laid out, but hidden agendas are not made transparent. A host of factors—education in the professional discipline, loyalty to ministerial or bureaucratic positions and policy field traditions—all influence the likelihood that an actor will choose respected, robust, causal-positivist IA methods. IA today is facing a paradoxical situation. On the one hand evidence-based policy advice is sought in order to overcome the "neoliberal anxiety regarding 'capture' of the public sector by partial interests,"[170] and GIA or GBA are still largely seen as political tools

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167 | Hassard et al. 2008.

168 | Harding 2003, xv.

169 | As discussed in 2.3.1 transgender, intersex, non-gender and gender-queer people are not yet part of the assessment under a possible gender diversity framework.

170 | Teghtsoonian 2004, 281.

representing the partial interests of women.[171] On the other hand, public policy advice is forced to comply with equality rights based calls: "To re-examine the role of the state in reproducing or challenging masculine domination, the operations of power within the bureaucratic apparatus and state policies, and the way in which changes in the state effect changes in society."[172]

As such, gender analysis tools are at the epistemic core of what standpoint feminists called the *bias paradox*.[173] While feminists problematise the inherent androcentric values of male-dominated science and academic knowledge production, standpoint feminists propose the need for and point out the positive role of feminist questions, values and interests in science and research. Whereas feminist standpoint theory criticises scientific objectivity as wrong in its partiality on the side of men, it calls for partiality on the side of women. Such *balanced partiality*[174] is supported by agentive[175] and *embodiment* theories,[176] in short: subject positions matter in IA.

Individuals with particular backgrounds and visions as researchers, as bureaucrats and/or politicians, who demand and accept policy advice, inhabit a central role:

"The social locations of individual group members, insofar as they produce different experiences relevant to the critical evaluation of background assumptions, can make a difference to how epistemically rigorous this critical reflection is."[177]

Thus, civil servants are positioned as powerful individual actors responsible for organising, designing, and conducting ex-ante IAs, as well as writing and negotiating policy drafts:

"Policy analysts have the potential to add value to policy making in a variety of ways. It is important to be able to define problems, to consider how those problems might be addressed, and to develop and present useful advice to decision makers. But it is the careful and appropriate use of various analytical strategies that distinguishes policy analysts from other actors in and around the policy-making process."[178]

Complex political and scientific struggles come together to form a policy problem in the hands of one or a few analysts, operating under positivist paradigms of seeming impartiality and objectivity. As disciplinary trained individuals, however, they are not free or independent. They are embedded in structured, social and

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171 | See chapter 1.6 on tool typology.

172 | Prügl 2010a, 447.

173 | Intemann 2010, 792-793; Rolin 2006. For an understanding of bias paradox, see chapter 2.1.2.

174 | For the concept of balanced partiality, see chapter 2.1.2.

175 | Barad 1998; Barad 2007. The actor-centred approach is mainly laid out in chapters 2.2.3.1 and 2.3.1.

176 | Thanem 2011. For considerations about embodiment, see subsection 2.1.3 and 2.2.3.1.

177 | Intemann 2010, 787.

178 | Mintrom 2012, 111.

institutional spheres with hierarchical system logics, particular epistemic cultures, organisational and individual values.[179] To gain an epistemic advantage[180] through gender analysis, it is necessary to engage in a systematic examination of how gender equality is *entrenched* in governance systems, including the accountability mechanisms, and to devote attention to the system-bound actors within.

Embodied

In order to understand the effects of policy and programme making from "the experiences of women,"[181] the question needs to shift from technicalities of what tool to apply and when, to what role should public analysts and researchers inhabit between disciplinary education and bureaucratic rationalities. Actors play a crucial role in the reconstruction of knowledge for decision making. They are also exposed to the powers and logics of the system they operate in. Especially in the limited framework of policy advice for public administration based-on standardised tools, individual actors possess the ability to invoke change, to introduce innovation, and to make a difference, as noted by Benschop and Verloo.[182] Annesley and Gains stressed the importance of feminist actors in the core executive in efforts to enhance "women's substantive representation"[183]: In order to offset Abel and Mushaben's *double democratic deficit*,[184] gender equality and gender competency must be *embodied*. This can be accomplished by increasing the gender competency of staff through routine training, by consulting external specialised gender expertise and by paying attention to gender equity in hiring practices. Addressing employment inequity was recognised by the Canadian government as one route to the representation of women's issues in public policy making.[185] In the face of uncertainty in policy advice and in the quest for excellence in research, Canadian science advisory mechanisms have discovered the role that hiring practices play in ensuring quality of research through openness and inclusiveness:

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179 | Biegelbauer/Grießler 2009, 73.

180 | See chapters 2.1.1 and 2.1.3.

181 | Kitch/Fonow 2012, 116.

182 | Benschop/Verloo 2006, 31.

183 | Annesley/Gains 2010, 926.

184 | Abels/Mushaben 2012, 14. See also sub-chapter 2.2.3.1.

185 | Phillips et al. 1998; Weiner 2010. While Bey Benhamadi accounts for the benefits of successful diversity hiring in Canadian public administration (Benhamadi 2003), Suzan Ilcan, Marcia Oliver and Daniel O'Connor report about the frictions with a NPM-oriented civil service experienced by the women in it (Ilcan et al. 2007). The Commission also pursues more employment equity, but mainly frames it as an equality and equal opportunities issue, not connecting it with better policy making. Whereas, much could already be learned from its own recommendations to European research institutions by DG Research and Innovation: "Within the complex array of capacity variables to shape the quality of the scientific system and the scientific knowledge production, gender equality and diversity represent a key and well understood—but much underutilised—tool to promote excellence and enable sustainable success." (European Commission; Directorate-General for Research and Innovation/Raudma 2012, 35).

"Special attention should be paid to obtaining qualified persons from groups historically under-represented in scientific fields such as women, under-represented minorities, and persons with disabilities. Members should be elected to balance age, ethnicity, language, etc."[186]

When representatives of socially marginalised groups are able to enter institutions and processes of power, the power will shift, because they are bearers of former outsider knowledge that determines the "context of discovery."[187] Institutional learning is more likely when institutions not only get involved (through trainings and internal regulations), but *are* involved through *embodiment*, resulting in representational employment policies and staff.[188]

Also the requirements and institutional settings for coordination among departments influence the design of IAs. As Melissa Tyler states, "gender and organisation are mutually implicated."[189] Policy and related departmental cultures (*hard* and *soft* issues[190]) determine the susceptibility to or immunisation against gender concerns. Smith and Monaghan were able to establish which policy areas are gendered and how.[191] Their multi-variable testing of the way *representative bureaucracy*[192] works for women brought to light: 1) a statistically significant correlation between gender in leadership and gender of the policy area (commonly categorised as hard, equalling masculine, or soft, equalling feminine policy areas)[193]; 2) and a statistically evident correlation between women in bureaucratic top leadership positions and feminine policy areas and female representation in second-level leadership.[194] Their findings support the hypothesis that women in the highest political leadership positions reinforce the representation of women in the higher echelons and middle management of public administration.

Due to its methodological limits, my study could not confirm the beneficial effects of female top-down leadership in departments, apart from assertions made in individual interview statements. But the limited number of non-anonymous interviews in Canada (Health, International Development, Indigenous Affairs) did indicate that soft or stereotypically feminine policy areas are more prone to show higher GBA/GIA activity. A qualitative analysis of all my interviews, both in the EU and Canada, underlined how female civil servants are more likely to work as gender experts and to be advocates for or enforcers of GBA/GIA implementation, despite the fact that gender expertise as knowledge cannot and should not be essentialised.

Civil service hiring and subcontracting practices do not yet pay enough attention to diversity, gender partiality and multi-disciplinary research teams.[195]

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186 | Kinder 2010, 131. Emphasis by author. See also chapter 2.3.1.

187 | Harding 1992, 577.

188 | Biegelbauer 2012.

189 | Tyler 2011, 22. See also chapter 1.4.1 and 2.2.3.

190 | See sub-chapter 1.4.1.

191 | Smith/Monaghan 2013.See also chapter 1.4.1.

192 | See chapter 1.4.1.

193 | For the genderedness of each policy area, see table 2 in (Smith/Monaghan 2013, 59).

194 | Smith/Monaghan 2013, 62.

195 | It also does not pay enough attention to contracting female researchers to the same extent as male researchers in its research funding, as it became evident in Plenary Session

Heterogeneity may be difficult to achieve in practice, but research thrives in environments of diversity and new perspectives on unsolved problems. Smith and Monaghan's research for instance, indicated that a more balanced sex ratio in the representation of women in IA would be another way to increase GIA/GBA activity.[196] The assumption is that public service workforces that reflect the variety and gendered realities of their constituencies across all hierarchical levels are more likely to pick up on the relevant issues.

If standpoint feminism is to be applied to the circumstances of policy IA, it tells us a story of *balanced partiality*,[197] one in which ideally a multitude of actors, men, more women, people from different backgrounds work together and add their perspectives to frame political and research problems. Such *balanced partiality*[198] offers a solution to overcome androcentrism in IA research by injecting multiple standpoints and providing different ways of inquiry as well as a diversity of people counter-balancing each other. The *Sex of the Knower*[199] matters, but so do other experience- and education-based differences. To value equality in a diversity of knowledge producers is a first step on the path to a more reflexive, standpoint approach to IA that gives policy makers a "less partial and distorted"[200] account.

A lack of balanced partiality became apparent in my study. According to research on Canadian science advisory experience, overcoming bias in research, including gender bias in IA research, is possible where there is diversity in research boards, based on individual qualifications, field of expertise, public impact, under-represented views and other demographic factors.[201] As such, the "science question" is inseparable from the "women's question"[202] in its intersectional implications, as Harding has pointed out with her concept of "strong objectivity"[203].

Embedded

Building on balanced partiality and strong objectivity, gender equality needs to be embedded in epistemic IA culture.[204] Although the issue of employing more women scientists has been elevated to the science agenda,[205] simply increasing the numbers is not enough. In the current state, pushing for gender analysis does not come from the regular actors within the IA process; it is still largely left to internal gender experts and femocrats. In the case of GBA implementation in Canada's

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1: Best Practices for Gender Policy in Research Organisations at the 4th Gender Summit 2014 in Brussels in the case of the EU. For example in the past EU Framework Programmes, women were awarded less than 20 per cent of senior Grade A posts (genSET—gender in science; European Gender Summit 2012, 1).

196 | Smith/Monaghan 2013. A point made in a very early—yet largely unheard—critique, expressed for the realm of environmental IA (Goudie/Kilian 1996).

197 | Intemann 2010, 792. For the concept of balanced partiality, see also chapter 2.1.2.

198 | Intemann 2010, 792.

199 | Code 1981. See also chapter 2.1.3.

200 | Harding 1987, 187.

201 | Kinder 2010, 129-133.

202 | Abels 2012, 202.

203 | Harding 1992. See also following chapter 5.2.1.2 on strong objectivity and IA.

204 | See chapters 2.1 and 2.2.

205 | Compare the Gender Summits (European Commission 2014).

federal administration and GIA in the Commission's IA system, my results support the vulnerability[206] and roll-back thesis, in which a gendered analysis is rarely executed without strong institutionalised equality governance structures within and knowledgeable, partial actors to carry it.[207] Strengthening the representation and mandate of gender experts is therefore important for challenging gender bias in IA research and raises the likelihood and quality of gender analysis application. In largely androcentric academic systems of knowledge production, positivist ideas of hard science obstruct the internal and external views needed to achieve a standpoint consideration of women's realities, which is where the inquiry needs to begin:

"The activities of sociologists and political philosophers are complicit with different activities of the dominant institutions; thus changing conceptual frameworks in those disciplines can affect how women are served by, say, a welfare system and a legal system."[208]

Gender experts help IA actors reflect on their personal role in *un/doing* gender in the organisation and assessment at hand and on the genderedness of the policy analysis/IA system itself. As internal femocrats partnering with IA analysts, gender experts help question the procedures of selection and the definitions of policy problems in guideline drafts, assessment designs and objectives of assessment in order to *undo* unquestioned bias and the assumed neutrality of policy analysis/IA.[209] My study confirmed that gender experts are not (yet) an integral part of the relevant IA systems and communities of practice. They and their knowledge base are still seen as outsiders and are subjected to *othering* and *devaluation* processes. *De-othering* attempts as through the Status of Women Canada are not yet advanced enough for their epistemological effects to be fully understood.[210]

External support to scientific communities for this *strong objectivity* and *epistemic advantage* in conducting academic inquiry for policy advice is available from interdisciplinary or transdisciplinary gender studies.[211] An epistemic commitment to gender equality and implementation of gender analysis tools would require governments to employ formerly excluded members of marginalised or "outsider" groups (such as gender experts and feminists) and to equip them with IA responsibility, giving them a new unique position as *insider-outsiders*.[212] The Status of Women Canada as the main gender equality machinery, with its clear mandate and role pertaining to GBA, was seen as one of the driving forces for change.

Gender studies form yet another epistemic community, examining power relations, institutions, policies, and technologies that perpetuate hierarchies and subordination from the women's perspective. The goals are to render oppressive, inequality-producing mechanisms visible by critiquing them, to abolish the

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206 | For a definition of vulnerability, see sub-chapter 2.3.1.

207 | Many interviewees additionally stressed the importance of outside feminist actors (the women's movement) pressing for the integration of gender in IA and monitoring practices.

208 | Harding 2009, 198.

209 | For the concepts of un/doing gender, see chapter 2.3.1.

210 | Compare subchapter 3.4.1.

211 | For the concepts of strong objectivity and epistemic advantage, see chapter 2.1.1.

212 | Compare also chapter 2.2.3.1.

systemic causes of inequality and to alter the way knowledge is produced. In order to include multiple forms of knowledge, IA research needs a moderated process that includes representation across disciplines and employs intersectional modes of knowing.[213] Although transdisciplinarity and intersectionality are used so frequently as to be in danger of becoming buzzwords and empty shells, university education is undergoing a major shift towards problem-oriented, inter- and trans-disciplinary education in an ever increasing portfolio of BA and MA programmes.[214] This is to suggest that there is general agreement with Kristina Rolin "that a standpoint is a commitment to diversity in a scientific community."[215] A standpoint is therefore a plea not only to acknowledge internal diversity (e.g., of gender studies, of IA practices), but also to appreciate and openly encounter external diversity among disciplines, in order to achieve a state of balanced epistemic partiality. According to standpoint theory, such policies of representation and balanced epistemic partiality, mandated through human resources and university education, thereby divorced from policy making, would provide the epistemic community of policy advisors and makers with "both expertise and experience to recognise problematic background assumptions and to identify the sort of evidence that will be relevant given the aims of the research."[216]

The democratisation of IA, for the purpose of attenuating the *double democratic deficit* seen in the EU and other multilevel governance systems, is an all-encompassing process.[217] The long-term goal, in the case of gender equality, should be the full integration of policy field specific gender experts in IA units. Full proportionate representation and comprehensive transdisciplinarity will certainly be as unachievable as finding and speaking *the truth* to power in IA, but it is the approximation that counts. Establishing gender competency in *ghettoised* bodies of government, as Stacy and Thorne have noted, by employing femocrats in gender equality bodies such as Status of Women Canada or the European Institute for Gender Equality, represents an important but insufficient step in changing the status quo. Sustainability of gender in IA will only be achieved through a government-wide cross-cutting *entrenchment* with gender competency and policy field specific gender expertise embodied in all government institutions and functions, including IA.

The IA expert Radaelli stated that "institutions are the *riverbeds* in which regulatory processes flow."[218] Based on the Charter of Rights and Freedoms,[219] Canada has carved out a bed to accommodate the results of its long history of immigration and indigenous diversity. Canadian public servants and the policies they developed are often portrayed as being at the forefront of consideration of diversity and participation in policy analysis and policy making. As part of the

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213 | Banse/Fleischer 2011.

214 | Although to a varying degree, compare A. Lann Hornscheidt and Susanne Baer's critique of the German university system regarding the disciplinary incorporation of transdisciplinarity and gender aspects (Hornscheidt/Baer 2011, 169).

215 | Rolin 2006, 135.

216 | Intemann 2010, 788.

217 | For the current deficit of democratisation within the EU and its IA system, see sub-chapter 2.2.3 (Abels/Mushaben 2012a; Abels/Mushaben 2012a).

218 | Radaelli 2005, 933.

219 | Canada; Department of Justice 1982.

vision of a Canadian government "for, by and with the people,"[220] public servants constantly seek to improve federal governance structures through responsible and accountable administrative practices. These are meant to be fair and inclusive, embracing and validating a multitude of differences—race, gender, age, language, ethnic origin, religion and disability, and aboriginal values and traditions.[221] It seems appropriate to apply this metaphor of a Canadian *riverbed* to gender analysis, with the newly designed intersectional GBA+ tool and a government agency, Status of Women Canada, supporting its development and tool up-take.

The European Commission's IA system is equally based on fundamental values, including gender equality, but it does not yet provide a similar institutional *riverbed*. It is rather a trickle far from the *main stream*, perhaps because the Commission's overall culture is geared more towards economic coherence and because there is no strong gender equality player in the IA system. However, this neglect is not unique to mainstreaming gender equality in IA. The integration of environmental IA has been equally neglected. [222] The integrated IA has proven problematic, partly because of its complex nature, but also because organisational traditions and the sectorisation of policy making are hampering its successful practice.[223]

Entrenched

Creating accountability is an effective method for entrenching gender equality, thereby correcting bias and re-democratising IA. Accountability can be hierarchical, integrated into existing IA accountability and quality management structures. Accountability can also be horizontal, taking the form of deliberation and other softer modes. The complications of accountability are myriad. Depending on the interpretative approach, the same instruments will trigger different results if implemented in different contexts by different actors,[224] making replicability and robustness a deception. Due to the historical factors and institutional set-up, not all instruments fit all local political systems.[225]

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220 | Bogason 2005, 251.

221 | See also chapter 2.3.1. North-America in general, is a laboratory for inclusive approaches in policy advice: In the late 1990s and early 2000s, a group of primarily African American scholars in the U.S., including Henry Frierson, Rodney Hopson, Stafford Hood, Veronica Thomas and Gerunda Hughes, started what is today known as "culturally and context responsive evaluation" (Greene 2006, 131). These participatory and critical evaluations, also sometimes called "borderland epistemology," are based on deliberately democratic models and critical indigenous inquiry (Denzin/Lincoln 2008, 2), and part of a larger empowerment framework of democratically-oriented evaluations that foster social change (Greene 2006). Along similar lines run the Canadian first nation's value-based, holistic approaches to a culturally sensitive Gender-based Analysis (Assembly of First Nations; National Aboriginal Women's Summit 2008; Stirbys 2008). For the diversity commitment in Canadian government with regard to representation and employment equity of designated groups, see (Benhamadi 2003).

222 | OECD et al. 2011, 12.

223 | Turnpenny et al. 2008.

224 | Durnová 2012.

225 | Biegelbauer 2012.

There is a growing demand for a transformative, participatory science. At sustainability conferences, speakers from technology-oriented research institutions call for new modes of experimental social research, such as theatre plays, city-hall meetings, strategic games or participatory scenarios, as opportunities for developing political systems focused on democratic citizen-oriented policy outcomes.[226] An *experimental turn* and the democratisation of a *post-normal* science are called upon to answer the question of "what should be done" to bring about greater economic, environmental, social and inter-generational justice.[227] In the IA field, this experimental and social turn is still fresh, fragile and limited, yet promising.[228] Gendered forms of policy analysis/IA, whose main function is to challenge underlying assumptions, could benefit from these participatory methods. The result would be more sustainable assessments.

Traditionally, gender analysis and other *social justice tools,* as I call the vast selection of socially transformational tools,[229] have a strong focus on stakeholder consultation, and they need to target stakeholders *from below.* Such targeting includes thinking about empowerment elements for reaching and activating non-organised stakeholders and individuals as part of the appraisal and problem framing process. The related academic literature also stresses the need for continuous monitoring on whether the effects have benefited the intended stakeholders and encouraged thinking about how to keep the target groups in the process. The importance of this monitoring was confirmed by a Canadian example, in which a seemingly sound GBA ex-ante analysis did not trickle down to positive effects on women during policy implementation.[230]

Changes in the way research is conducted are context specific. When the direct participation of multiple marginalised standpoints is not ensured, because of exclusive or elite education, political and economic systems, the tools and methods of research and knowledge production become doubly important, along with the institutional riverbeds and accountability frameworks they are embedded in. Transforming the institutional set-up is as important for the entrenchment of gender equality as employing a knowledgeable, more diverse work force—or paying attention to tool design, field specific (gender) knowledge, (gender) expertise, the reflexivity of analysts or gender-sensitive stakeholder consultations. Especially in the light of *selective perception*, Klaus Jacob et al. have confirmed the importance of vertical integration in bureaucratic hierarchies and processes, which I also found to be relevant.[231]

Blame for lack of accountability is usually laid on institutional constraints, such as a lack of resources or insufficient horizontal integration or an absence of alignment with departments in charge of gender equality. Canada has attempted to inscribe GBA into the departmental performance management system, but the

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226 | Biegelbauer 2012; Schneidewind 2012.

227 | Schneidewind 2012; Weiland 2013; Ferretti et al. 2014. See also chapter 1.4.1.

228 | Adelle/Weiland 2012. Mainly limited to social, sustainability and environmental IA.

229 | Such as social, gender, health, poverty, indigenous, culture, vulnerability, sustainability, equality, diversity, human rights IA, just to name a few. See chapter 1.6.1.3.

230 | Scott 2003a.

231 | OECD et al. 2011. The need and possibilities for vertical integration of gender into IA processes is discussed in the context of the accountability chapter 5.1.6.

Commission lags behind in this respect. But as Teghtsoonian asserts, establishing an initial fit into the existing IA system and its accountability mechanisms is the goal and still holds the potential for overall transformation:

"In conjunction with more vigorously enforced and broadly applied Cabinet submissions guidelines, the formal inclusion of gender-sensitive policy analysis as key 'outputs' and 'result areas' in purchase and performance agreements could well provide the necessary incentive for significant change to take place."[232]

Increased accountability in the Canadian system is also an attempt to close the policy cycle and is essential to move forward.[233] Creating institutions with specific, hierarchical streamlined instructive powers and state equality machineries—like Status of Women Canada—is crucial for entrenching gender quality in governance systems. The mandated existence of these institutions demonstrates the importance of equality-oriented policy and programme making, and the femocrats employed in these organisations have the opportunity to act for change from within. They provide opportunities for cross-fertilising administrative cultures across departments and seeding state bureaucracies with equality-seeking values and tools. The interview participants underscored the importance of interlinking public equality machineries with central policy advice and IA quality assurance processes. The disconnect of the European Institute for Gender Equality from the Commission's IA roadmap, including IA steering groups in the Directorates General and the Impact Assessment Board quality management routines, demonstrates the need for stronger liaisons based on a democratic argument that is inclusive of gender equality. Gender equality can transform the political climate and overarching paradigms (like cost efficiency, economic growth) only if both actors *and* context are conducive.[234]

Table 26: Gender Analysis and Epistemic Advantage: Embodied, Embedded, Entrenched
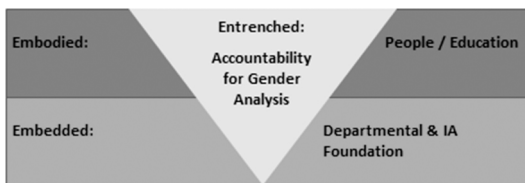
5.2.1.2 Strong Objectivity and Expertocracy

In the EU or Canada, we find that constitutional democratic values prevail as legal foundations for analytical frames. All protected areas in the constitution (and more) compete for attention in policy analysis and IA, leading to the possibility

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232 | Teghtsoonian 2004, 279.

233 | Teghtsoonian's envisioned IA system seems to have been realised in Austria in the meantime. In the Austrian integrated IA, gender equality is one of a total of eight impact elements and is subject to general IA quality management and controlling (OECD 2013; Bundeskanzleramt Österreich 2013).

234 | Doppelt 2008, 304-305.

of overlapping frames. Rights-based social justice tools like gender analysis derive from a "philosophy of democracy."[235] In fact, some theorists see gender analysis as a kind of ethical analysis.[236] But recently, the more inclusive tools proposed in the EU's Fundamental Rights IA, along with other equality seeking tools, make gender analysis appear overly simplified—although in a thorough intersectional application it is not.

In addition, current and reoccurring postmodern critiques of our Western democracies see our systems in danger of becoming *post democratic*—subjected to the economic interests of business and political elites as privileged groups, as Crouch observed.[237] Knodt describes the result as a *semi-permeable* bureaucracy, penetrable mainly by the economic privileged elites.[238] What Knodt sees as semi-permeable, Harding sees as *almost impermeable* from the perspective of the excluded, the non-beneficiaries, in their failing attempts to interfere with the: "Exceptionalist and triumphant ways in which privileged groups (and the research disciplines that serve them) think and interact with others and the world around them."[239] Like Crouch and his followers,[240] Harding critiques this self-reproducing system of privileged elites from a standpoint perspective for its assumptions about the creation of knowledge as fact-based and value-free:

"It is scientists as a group (and their philosophers) and the politicians who rely on them who have gained an illegitimate authority about both the nature of the world and the desirable social politics, through their insistence on the fact/value distinction which they can't even achieve in their own best work."[241]

Merging these post democratic and standpoint theoretical concerns and transferring them to IA raises the apprehension that business elites will operate from a dominant position in the competing assessment framework.[242] Thus, extending the reach of expert advice through an emphasis on ex-ante IA could weaken the political and democratic processes of policy and programme making and provide even more entry ways for elite issues. To follow this logic through: strengthening gender expertise and gender analysis tools in IA could actually increase the potential for democratically disempowering analyses.

Again drawing on Annesley and Gains's work, it is crucial to reclaim gender analysis from being a *politicised* technocratic exercise. The two researchers draw a dubious picture of policy making practices—outsourced to public administration and research institutions that pretend to inhabit a neutral space. As Crouch stated,

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235 | Vanclay 2002, 388.

236 | Mintrom 2012, 257.

237 | Crouch 2008; Crouch 2013. For Crouch and his followers, modern Western democracy is little more than window dressing, giving the illusion of participation, while being steered by business and media elites; see also chapter 2.2.3.

238 | Knodt 2013. See also chapter 2.1.3.

239 | Harding 2008, 233.

240 | Crouch 2008.

241 | Harding 2008, 217.

242 | The cooptation of gender equality and reinterpretation of equality demands in favour of EU economic and labour market goals, for instance is described in (Rubery 2015).

research institutions follow the logic of markets and bureaucracies, serving the dominant elites and not always acting in the common interest.[243] Annesley and Gains also address the lack of transparency and democratic legitimacy inherent in technocratic, evidence-based policy advice systems such as the EU's ex-ante IA, which is based on *expertocracy*[244]:

"In the EU, negotiations on new legal standards to be approved by the national and European parliaments have been replaced by the production of seemingly depoliticised data. The latter is presented as a technical, a-political process in which experts determine the indices based on shared academic knowledge. However, it is a two-stage political selection process, first one of who will count as experts, and then one of negotiations between officials and experts in the selection of indices and the definition of targets, all without control by the national parliaments or the European Parliament and without possibility for appeal before the Court."[245]

Creating gender analysis tools and wanting to mainstream their application can represent an uncritical desire to be admitted to elitist expertocratic IA circles[246] while trying to win over competing assessment frames. This leads again to a paradoxical question: How to incite a power shift while participating in exclusionary mechanisms power? As van der Vleuten and Verloo put it, IAs can never be better than instruments and context allow: "All of them have to do with the political, power-based logic underneath the construction and application of these instruments."[247] The assumption that policies are *gender-neutral*[248] unless proven otherwise deviates from IA practice with other impact factors—i.e., nobody deems all policies *cost-neutral* unless proven otherwise—and does not correspond to the complex nature of policy problems.

In the preceding chapters, I explored a related critique on what I decided to call *the double epistemological* trap for gender in IA: that is, IA is marginalised in 1) a non-sensitised system of mainstream, non-feminist science and research, and 2) a mainstream, non-feminist, system of policy making that fails to recognise policy needs and effects that, after careful analysis, might turn out to be different for women and men. In such an environment, rights-based tools focused on gender equality alone, like GBA/GIA, and used by analysts in uncritical, positivist ways are prone to failure. The reality of failed tool integration, combined with postmodern and intersectional perspectives on IA, forces feminists toward such fundamental critiques of postdemocracy and expertocracy. New ways of conducting IA (including gender analysis) need to be established if they do not want to abandon the entire IA project altogether.

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243 | Crouch 2013.

244 | For a definition of expertocracy and the expert-bureaucratic model, see chapter 1.5.2.

245 | van der Vleuten/Verloo 2012, 85.

246 | See chapters on the technology of gender mainstreaming and gender analysis 1.5.2 and 1.5.3.

247 | van der Vleuten/Verloo 2012, 84.

248 | See for example the critique of gender-blind microfinance policies (Johnson 2000; Goodwin/Voola 2013).

As demonstrated in the previous chapter, the perspectives of science and scientists are subject to individual standpoints, the influence of systemic professional (main-)streams, and societal and individual values. The existence of a global women's movement, albeit marginalised, and its involvement in policy and agenda setting through its stakeholders, has not sufficiently challenged *expertocratic* IA actors and their *evidence-based* policy advice. The IA's top-down approach is waiting to be complemented by bottom-up efforts, in which all—governments, science, public administration, parliaments, NGOs and individuals—have a role to play in framing and tackling problems of the "everyday world."[249] When feminist stakeholders are engaged, policy analysts and scientists cannot be allowed to abdicate their professional role in taking democratic—in this case gender equality—considerations into account, even though those considerations might not represent their daily experience or views of the world. At the same time, the postmodern feminist awareness of the potential for coercion and the limited conception of sex/gender as a focus of non-intersectional examination in gender analysis tools, are still waiting to enter the sphere of policy analysis/IA. A critical employment of gender analysis tools is still in the wings.

5.2.2 Feminist Empiricism in Impact Assessment

"The effects of the postmodern problematic on public administration/affairs lie more in the future than in the present [...].”[250]

The future of evidence-based policy and programme making lies in its ability to answer the *postmodern problematic.*[251] The shattering effects of the 2008-2009 worldwide economic and financial crises are not yet over. The collapse of financial markets triggered second and third waves of crises, including austerity measures, declining labour protection and wages, cut backs in health and social security systems, and more precarious, fragmented, temporal modes of employment in many states. The policies and programs designed to provide relief, have in turn provoked gendered effects, with the most marginalised suffering the most.[252] In this chapter I will discuss how standpoint feminism and feminist empiricism can join forces with the latest development in postmodern policy analysis to innovate IA.[253]

Harding notes that science is now faced with a new challenge: "people's daily experiences are producing demands that new questions be addressed by scientific institutions."[254] She argues that the key to infiltrating the impermeable systems lies in acknowledging the end of a modern meta-narrative and replacing it by a

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249 | Smith 1987a.

250 | Fox/Miller 2006, 632. See also sub-chapter 1.4.1.3.

251 | Fox/Miller 2006.

252 | Sabarwal et al. 2009; Walby 2009b; European Commission; Advisory Committee on Equal Opportunities for Women and Men 2009; European Parliament; Directorate General for Internal Policies; Policy Department C Citizens' Rights and Constitutional Affairs; OpCit Research 2013; Klatzer/Schlager 2014; Rubery 2015.

253 | See also chapter 1.4.1.1.

254 | Harding 2008, 218.

multiplicity of postmodern, fragmented narratives representing fragmented societies: "in the present era 'reflexive' modernities emerge alongside continuing forms of industrial modernity [...]."[255] These "reflexive modernities" also emerge in the realm of evidence-based IA, where critical authors are questioning the "technical rational model" and wanting to insert "more reflexive approaches."[256] Gender mainstreaming literature has called for more self-reflexive approaches to conducting IAs in general and gender analysis in particular, highlighting the partial character of analytical endeavours and questioning methods and the very evidence-base itself.[257] To question positivism and causality is akin to critiquing objectivity.[258] For Catherine MacKinnon "the state is male in that objectivity is its norm."[259] When objectivity is androcentric and carries a normative, androcentric bias, the appropriateness of applied science and research in public administration must also be questioned:

"Values and beliefs (i.e. subjectivity) will always be extant. And, most importantly, striving to apply ontologies, epistemologies, and methodologies of the natural sciences will not produce better research and will not improve the field of public administration; they are, in effect, inappropriate."[260]

Recently, positivist approaches in IA have been criticised from many perspectives as being prone to bias. Klaus Jacob et al. found for instance that although policy analysts see the drafting of IA as an objective, technical task[261] that follows strict guidelines and procedures, there is in fact room for (unintended) bias:

"Political positions often predetermine the range of options that can realistically be explored. The definition of the problem, the scope of the assessment and the formulation of options may already exclude or favour certain policy options. The design of the methodology (e.g. choice of time scale, discount rate in cost benefit analysis, or safety margin; the consideration of distributional effects, external costs or impacts on other countries) influences its outcome. In short: IA is an exercise that combines evidence, logic, norms, judgment and rhetoric in a certain 'policy space'."[262]

Jacob et al. posits, in addition, that knowledge creation, politics and values are intertwined in IA practice in EU member states. Thus, IAs are not separate from political processes and currently operate under a neo-liberal paradigm that places

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255 | Harding 2008, 218.

256 | Adelle et al. 2012, 401. Proponents of more self-reflexive science and research designs and procedures that are more conscious of the process and of the barriers to knowledge use are also (Hertin et al. 2009; Jones 2009; de Schutter/Lenoble 2010; May/Perry 2011).

257 | Bacchi/Eveline 2010; Lombardo et al. 2010; Krizsan/Lombardo 2013.

258 | Compare also chapter 1.4. and the concept of post-normal science, establishing a fragmented "truth."

259 | MacKinnon 1987, 141.

260 | Riccucci 2008, 9.

261 | Jacob et al. 2008, 12.

262 | Jacob et al. 2008, 12.

the highest value on financial and economic criteria. This is troubling for many feminist economists, who—since the 1980s—have been examining the harmful consequences of economic models, which are bare of the non-paid economic care-sector (in households).[263] That economic assessment is perceived as superior to and independent of social and gender assessment is also evident in the Commission's integrated IA guidelines and a recent study on the role of cost-benefit analysis conducted for the purpose of informing the guideline's update.[264]

Consequently, from a postmodernist point of view, the concept of what is *appropriate* research, knowledge production, and policy advice needs to shift from "nomothetic, inductive" and "value-free, rationally derived, testable, and verifiable" to value-aware and value-seeking (gender equality) "hermeneutics and phenomenology."[265] The doing enables the knowing and determines its limits. Critical realism, which hints at the multi-entangled processes by which researchers are involved in the re-creation of reality through knowledge production, should be turned into postpositivist and nominalism and postmodern relativism. Which questions are important to ask? Which method should be used to tackle which—when the "choice of method is the choice of determinants"[266]?

In both postmodern and postpositivist ontologies, "researchers and reality are one and the same,"[267] and scientifically valid, monolithic truth can never be achieved. The basic difference is that postpositivism upholds the critical realist idea of an objectivity and a *reality*, although too complex to be fully understood and examined; postmodernism denies even the option of objectivity and stresses the relativity of knowledge based on the social construction of *truth*:

"Postmodern approaches to the study of organizations tend to share in common a discursive understanding of the self, an emphasis on truth as a socially contingent multiplicity, a conception of knowledge as the situated outcome of power relations [...]."[268]

Or as MacKinnon, reflecting on the question of power posed by feminism to state theory, has said: "Dis-engaged truth only reiterates its determinations."[269] The old

263 | Hanappi-Egger 2014; Bauhardt/Çaglar 2010. Central to a feminist critique of economics is the privatisation of care and reproductive unpaid work, mostly performed by women, externalising economic costs (Bauhardt 2012, 4).

264 | Renda et al. 2013. In the case of the EU, Andrea Renda, Loran Schrefler, Giacomo Luchetta and Roberto Zavatta as the authors of this study see: "The need to reconcile CBA [Cost Benefit Analysis, A.S.] with the requirement for an integrated assessment of economic, social and environmental impacts. As a corollary of the above-mentioned wider scope of the EU system compared to systems in place in other jurisdictions, it must be observed that monetizing some of the impacts listed in the IA guidelines, such as respect for fundamental rights, would be a meaningless exercise, and as such should not be undertaken. Rather, multi-criteria analysis (which falls outside the scope of this study) should be used in order to provide policymakers with a basis for informed decisions." (Renda et al. 2013, 221).

265 | Riccucci 2008, 8.

266 | MacKinnon 1987, 136.

267 | Riccucci 2008, 7.

268 | Tyler 2011, 12.

269 | MacKinnon 1987, 136.

question of how to speak truth to power, with its old empiricist answer, needs to be converted into the more humble acknowledgement that there is no *dis-engaged* truth, in fact there might be many truths or no one truth at all. Here, with regard to IA, feminism asks: how can IA account for the multiplicity of truths, based on democratic, constitutional values and an awareness of the entanglement in power dynamics, including the power exercised by IA systems?

New postmodern and postpositivist streams of evaluation research are marked by a scepticism about truth and by a distrust of the representation of *realities* in language and research.[270] Also included in the mix are feminist concepts of strong objectivity and situated knowledge.[271] Postmodernism asks for changes in the attitude toward policy making. It brings about changes in how this policy machinery (namely the administrative structures for designing and implementing policies) is perceived. And it alters the self-perception of public servants and the ways they conduct their public duties, since they are the core actors in the *policy game* in which: "Postmodernists have something to add, [...] with such themes as democratic governance, links to the public, interaction with clients and methods of evaluation of the consequences of public policies."[272]

Although "there is no unifying postmodernist approach,"[273] most postmodernists "criticize generalizing science, and their anti-foundationalist stance leads them to a new pragmatism."[274] Based on such postmodern interventions and again drawing on Harding's work, I would plea for a critical knowledge construction that does not attempt to create novel angles and that does not valorise some voices (e.g., those of women) or political projects (e.g., feminist) over others in a bid to claim the truth. Rather, in the quest for "strong objectivity" and "less false" science, knowledge construction should start from a position perceived as the least privileged or, as Donna Harraway says, a position that "better accounts for the world that is science"[275]—that is the closest possible approximation to scientifically true representations of the potentially endless versions of reality.[276]

According to one line of thinking, the researcher is a person with subjective experiences in or outside the field of inquiry, who manages to catch the fugitive figure of the distanced, objective scientist.[277] Such sophisticated epistemology intentionally: "Delegitimates certain voices and interests—specifically, the voices and interests of policy makers—and [...] legitimates others—specifically, the voices and interests of marginal and invisible groups."[278] This positioning reverses pre-constructed hierarchies (e.g., male-female, black-white, intellectual elite-working

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270 | Schwandt 2005, 325.

271 | See chapter 2.1.

272 | Bogason 2005, 251.

273 | Bogason 2005, 252.

274 | Bogason 2005, 251.

275 | Haraway 1988, 590. Such an attitude is called for even by public policy and management studies (Adler/Jermier 2005).

276 | Whereas Elvira Scheich intervenes, that viewing science as a "single purpose" project of "gaining power, appears standardized and simplified. [...] there is no one science," rather a multitude (Scheich 1991, 29).

277 | Smith 1990.

278 | Trubek/Esser 2011, 155.

class, same-other), but even more, it questions, contextualises and then historicises the relational systems within which subjectivities are constructed.[279] If it is no longer possible to construct "the big picture", then science must pursue different routes,[280] one of which may be offered by standpoint theory. Standpoint theory provides a notion of subjectivity as established through communal, temporal and spatial belongings and processes of self-identification that challenge universalist and essentialist frameworks and identity concepts without ceding to relativism:[281]

"Unlike the subject of a group identity who strives for the reformation of one axis of the symbolic order, the collective subject of a counterhegemonic ideology critique emerges from a discourse that calls for a sweeping rearrangement of the social imaginary and the political and economic structures it supports. Once the feminist standpoint is formulated as this sort of dis-identifying collective subject of critique, the emphasis in its claims for authority can shift from concern over the grounds for knowledge—women's lives or experiences—to consideration of the effects of knowledge as always invested ways of making sense of the world."[282]

5.2.3 Reflexivity in Impact Assessment

IA carries an inherent optimism: the positivist evaluation model aims to predict and plan the future. It is thus often criticised as being romantic and unable to foresee and prevent social and political conflicts or to create just and balanced interventions.[283] The increased formalisation of ex-ante IA, with fixed guidelines and assessment procedures, allows for the negotiation of different strands of power seeking *truths* (the economy, the ecology, the social) in a way that is standardised, presumably transparent and fair. But still missing from IA is the Foucauldian insight into power "as both a repressive and a productive capacity."[284] Such insight results in an awareness that it is impossible to pay due diligence to all truths and power imbalances and a realisation of the capacity to empower certain truths while disempowering others.

In public administration and governance literature, policy assessment tools, including gender analysis, are described as institutionalised forces for self-reflexivity, with the goal of promoting rationality.[285] But what if rationality itself, as discussed in the prior chapter, is questioned and at stake due to postmodern and feminist standpoint interventions? From discussions on the role of ex-ante IA and the presence of postpositivism in ex-post evaluations, it becomes clear that a mere technocratic and positivist application of impact analysis runs the risk of simplification and would not provide a full range of outcomes.[286] According to Antke

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279 | Hennessy 1993, 30.

280 | Trubek/Esser 2011, 153-154.

281 | Intemann et al. 2010, 927.

282 | Hennessy 1993, 30.

283 | Kevenhörster 2006, 115.

284 | Tyler 2011, 12.

285 | Schuppert 2003, 35.

286 | Adelle/Weiland 2012. A fear shared with regards to gender by many authors (van Eerdewijk/Davids 2014; Payne 2014; Bock 2015).

Engel, the relationship between queer-feminist theories and public policy advice will always be in conflict because of the (power) struggle over (positivist) cause-effect assumptions. And this tension can never be resolved.[287] Acknowledging, even entertaining this tension, I maintain that an engagement of critical governance approaches with feminist standpoint reflexivity would benefit gender analysis tool implementation and foster a general awareness of the dynamic processes of equality governance through IA.

Ex-ante instruments represent different, more specialised lenses, such as human rights, poverty, social and environmental IA, through which a problem is analysed from a certain angle, a particular intervention is assessed, and targeted mitigating options are developed. Verloo limits the expectations for GIA as an instrument by positioning gender in a political rather than a technocratic perspective:

"The assumptions behind these demands are rooted in a technocratic perspective in policymaking; they assume that the gender problematic is a simple problem, or that gender studies can provide the final analysis of the problem, and then action can follow. This denial of the political character of the gender problematic is a first problem. The gender problematic is not a simple problem, but a messy one, or a wicked one, or simply a political one, meaning that there is no real consensus about what the problem is exactly, about why and for whom it is a problem, about who is responsible for the existence of the problem, who is responsible for solving it."[288]

Here, Verloo reveals the political nature of instrument application, including gender analysis. But what is the alternative? How do we support better policy advice? Should we denounce ex-ante IA altogether in favour of purely political decision making? I would like to suggest a middle path, one that takes a reflexive, standpoint-oriented, postpositivist approach to collecting and analysing evidence. Gender analysis in ex-ante policy and programme assessment needs to be placed in the context of a much larger transformation: a critical engagement with the epistemologies of research and knowledge production. To arrive at a reflective paradigm for IA, we need to shift from today's dominant positivism to a postpositivist perspective. At the same time, we must frame and make effective the New Public Management modes of gender quality governance and accountability.[289] At first glance, this attempt to reconcile postpositivist, self-reflexive, democratic approaches to IA with heightened accountability and control may seem contradictory. At a second glance, however, it makes more sense. Policy making for messy real life problems is "wicked," as Loma Turnbull points out, but:

"Women must continue to hold governments accountable, insist on gender-based analyses of all policies, and demand that the federal plan be meaningfully implemented. Recognizing problems as wicked and approaching them in the collaborative ways that are suggested by design theory may really be about just using feminist methods with a new name."[290]

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287 | Engel 2013, 39.

288 | Verloo 2001, 13-14.

289 | It is worth noting that all of these ontologies are based on belief systems.

290 | Turnbull 2010, 238.

In the area of European research funding, Abels describes some of the ways such "wicked" problems could be addressed in order to counter the *double democratic deficit*.[291] Gender mainstreaming and its tools can be used to counteract the gender-blindness of programming and the ways that research is conducted within a programme:

"Gender statistics and indicators, GIA, gender awareness and GAP [Gender Action Plans, A.S.] are leading to some success, as FP [Framework Programme, A.S.] evaluations show. [...] Still missing is a comprehensive approach gendering the epistemological foundations of EU research policy and the underlying scientific cultures."[292]

The tools she describes navigate a paradoxical mandate. On the one hand, they are essentially a critique of insufficient knowledge production and of the failing ways of that scientific truth is established in positivist IA. On the other hand, gender mainstreaming and its instruments introduce a partiality toward women that is necessary as long as the overall scientific culture has not accepted and dealt with the critique of androcentrism and male bias within its structures, methods and analysts. The mere existence of gender analysis tools is a *political intervention* in the administrative systems of states and of bureaucracies that had previously imagined themselves *neutral* in acting upon, and on behalf of, a neutral, genderless citizen. By challenging this illusionary neutrality or sameness, the presence of such tools touches on a central part of postmodernist thought, the scepticism of metanarratives.

To develop gender-analysis tools, but not use them is wasteful. But gender analysis tools can no longer be "a means to an end."[293] The goal of gender quality as the desired outcome and *end* of good public governance raises questions about how to increase tool usage and the sophistication of its implementation. It is problematic that the normalising function of existing tools and practices has not been recognised. To correct this, inherent paradigms need to be made visible and reassessed: "there is no doubt that RIA incarnates cognitive and normative beliefs about the role of economic analysis and cost—benefit principles."[294]

Normative beliefs are already represented in the guidelines and structures of IA, and shape the way these guiding principles are applied by the end-users. IA research demonstrates that these highly standardised "guidelines written by governments are implemented by constellations of actors," whose "ideas behind the instrument" are "ambiguous and pliable."[295] Strictly speaking, guidelines do not dictate research questions or the use of concrete methodologies. They guide, but even so, do not replace the negotiation of tool application (whether in-depth and functional, or partial and superficial and perfunctory)[296] on the ground. This is left to individual analysts and working groups:

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291 | See also sub-chapter 2.2.3.1 on the double democratic deficit.

292 | Abels 2012, 203.

293 | Beveridge et al. 2000a.

294 | Dunlop et al. 2012, 40.

295 | Dunlop et al. 2012, 40.

296 | See typology chapter 1.6.1.

"The initial commitment of the government to carry out the RIA is an incomplete contract that can be shaped by implementation actors. Since appraisal is reframed by communities of practice, it often leads to outcomes that are different from the original aims set by the government."[297]

But the communities of practice that shape tool implementation through practice, are already pre-determined by their assessment guidelines, education, values and departmental logics. As a result, gender analysis is vulnerable, especially in integrated tools. The existence of overarching guidelines that pay attention to some gender aspects has so far resulted mostly in formal rather than enthusiastic inclusion. My findings resonate well with Veit's results concerning regulatory IA in the German and Swedish contexts, where gender equality is formally included as one variable of assessment, but in most cases is deemed irrelevant, with no follow-up.[298]

   The implementation of gender analysis tools demands and begins a self-reflexive process that questions the basic premises of gender-neutral policy research. Since their introduction, however, gendered analysis tools have not managed to engage the largely positivist IA community in such theoretical self-reflection. Why this resistance to reflecting on practices in a field that proclaims itself *scientific*? The answer may lie in the perception that the development and deployment of IA tools is fraught with power struggles within and between larger societal structures. According to Elisabeth Prügl's theorising of state feminism[299], the power question extends beyond the area of tool application:

"Gender mainstreaming encounters both sedimented masculinity institutionalized in laws and policies and masculinist power in the state bureaucracy. An investigation of gender mainstreaming must account for both the path dependencies resulting from previous institutionalizations and the techniques of power in practices of administration."[300]

Systemically anchoring gender analysis practice in the realities that affect women as much as men, requires a transformation of epistemological frames in administration and research for public bureaucracy, including those underlying positivist causal thinking, still prominent in IA. As we face the additional challenge of increasingly fragmented, post-industrial societies, this critique of gender (or intersectional gender+) blindness needs to extend to a critique of objectivist evidence-based policy making in general. This line of questioning, however, sets an unsettling process in motion. How can we reconcile the need to address the postmodern problematic with the fact that IA practitioners, as well as the policy makers who relying on their advice, are looking for clarity and answers not for more questions? The field of IA was not prepared for postmodern and feminist critiques of its accounts of *reality*. *Reality* in IA must be a *reflection* of its own problem framing, methods, evidence and needs—a lesson taught by feminist standpoint theory. It also must reflect the (gendered) hierarchies, exclusions, presences and absences that lie inside

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297 | Dunlop et al. 2012, 40.

298 | Veit 2010. See also chapter 1.5.2.

299 | See also chapter 2.2.3.2.

300 | Prügl 2010a, 455.

and outside the narrow bureaucratic and IA systems. This *double reflexivity* at the micro-level and macro-levels is required to avoid reproducing persistent relations of domination and marginalisation. A third layer of reflexivity needs to be added to provide an intersectional, situated gender+ assessment.[301] This third layer must *start* with the most marginalised positions, rather than adding them in the end. Doing so will ensure the inclusion of context-specific, real life needs of those subject to laws and the recipients and users of public services.

Public bureaucracies need to make their actions transparent and accountable to the wider public. Despite continued criticism of their positivist set up, IA tools offer standardised, tested means of appraisal, which are trusted. Gender analysis tools offer an additional level of reflexivity for users who might otherwise not be trained in critical studies or sensitised to gender issues—who in short would not have started from outsider or marginal perspectives. Gender analysis tools, especially those with an in-built, intersectional gender+ framework, as technocratic as they might seem to those outside of bureaucracy, are useful to achieve all three levels of reflexivity within an administrative setting. They need, however, to be accompanied by user education and coaching on how to engage in the reflexivity exercise.

The reflexivity exercise consists in acknowledging that a gender perspective in IA produces just one of manifold possible narratives, but it gets closer to the impossible (and maybe not even desirable, from a postpositivist perspective) meta-narrative of an all-encompassing (integrated) IA. If such a postmodernist conceptualisation of IA were to be applied, new questions would emerge about if and how to assess, measure, weigh and actually make policy recommendations in the light of incommensurable multiple truths and decentred subjectivity.

Mitigation and weighing of various impacts is in fact the daily business of IA practitioners and is mainly achieved through quantification, preferably even monetisation. Here, it is important to be reminded that public stewardship already operates with a simulacrum[302] of truth, rather than with truth and reality itself. Variables, indicators, performance reports and so forth are all representations and therefore variations and approximations of truth. Every public policy manager who has found that on the ground conditions vary greatly from the progress reports received, and every IA practitioner who has been confronted with policy outcomes contrary to or unforeseen in the ex-ante assessment, knows what I am trying to convey. The step from this insight to the general acceptance of an un-representable truth is small, and the terrain is not so new or unfamiliar to public administration as is commonly assumed.[303]

The outcome of the reflexive process is evaluation and then control, through yet another layer of accountability, either by gender experts (i.e., femocrats) or quality management agencies with the required gender competency. This is what I would call the fourth reflexive loop. As long as analysts are told, "Here is the tool, have fun," the tools will not be taken up, and even they are, the quality of assessment will disappoint feminists and gender experts, who have already worked through several

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301 | See sub-chapter 2.3.1.

302 | Fox/Miller 2006, 658-658.

303 | Fox/Miller 2006, 632.

levels of reflexivity and knowledge. These modes of reflection are indispensable to arrive at *evidence-informed* rather than evidence-based policy advice.[304]

5.3 Conclusion

Public bureaucracy has a central role to play in equality governance. Policies, legal initiatives, public programmes and services shape the future of states and their people—women and men, transgender and intersex. Yet, ex-ante policy analysis is not as occupied with questions of gender equality as it should be. In this transdisciplinary and transnational study, I have established IA and gender analysis typologies in order to bridge the tool gap between the largely disconnected IA and gender mainstreaming communities. Building on quality criteria for IA tools, I then specified gender mainstreaming quality criteria for gender analysis tools. I also developed a framework for the institutionalisation of gender analysis specifically, since existing frameworks focused on the institutionalisation of gender mainstreaming in only very general terms.

My study revealed that gender impact assessment tools have resulted in a lot of "paper production,"[305] in integrated instruments not in tune with gender mainstreaming criteria,[306] and very little practice. The interviewees had an understanding of gender mainstreaming as a legal duty and an all-encompassing organisational strategy. However, the implications of gender analysis for policy making and assessment beyond issues specific to women remained largely unexplored. Even social policies are not always deemed relevant for gender analysis. Overall, there seems to be very little expertise with mainstreaming gender issues in integrated IAs[307] or hard policies in general,[308] which almost reduces gender equality to a "gender myth."[309]

Only stand-alone assessment tools like GBA or GIA heighten visibility and lived up to gender mainstreaming quality criteria and the legal duty. According to the IA tool typology, as established in this study, the examined stand-alone gender analysis instruments (GBA and GIA) are explicit IA tools as they have a legal trigger, are method- and evidence-based, applicable to project, programme and/or strategic levels and address levels of decision-making. Low internal support and visibility, paired with non-welcoming scientific cultures and a lack of monitoring and accountability, are the main drivers behind the low rates of acceptance for these instruments. In the case of the EU, the—however incomplete—integration method is yet another factor for the subordination of gender analysis.

It is important to remember that decision making is politicised at all levels of governance, and IAs, whether they are conducted in-house or contracted out, are part of that politicised structure. As I have argued before, gender equality needs to be internalised as a central value in bureaucratic systems, and those systems

304 | Atkinson et al. 2013, 141. See also chapter 1.4.1.3.

305 | Holzleithner 2002, 86.

306 | See quality criteria for gender mainstreaming tools in sub-chapter 1.6.2.

307 | Esteves/Vanclay 2010. As in the European Union.

308 | As in the Canadian case.

309 | MacRae 2010, 169.

need to be held accountable for the outcome of their practices. What is needed is a accountable commitment to equality and to a set of equality norms and values, both at the abstract level as systems of governance (*entrenchment*), as well as at the individual level of the people (*embodiment*) who work within those bureaucratic environments and IA systems (*embeddedness*).[310]

Knowledge production has a real impact on persons, groups, and institutions in what Smith would describe as the "everyday" world.[311] In this study, I have conceptualised IA and policy analysis as particular modes of applied knowledge production that can never be value-free or a-political. Drawing on Harding and other standpoint theorists, I have acknowledged this strong objectivity[312] and the interrelatedness of diverse constructions of multiple worlds,[313] resulting in Harraways' situatedness of knowledge.[314] From this perspective, empiricism can no longer provide an interpretation of reality. It can, however, offer a frame for defining meaningfulness if it allows for a multiplicity of perspectives. The unravelling of the empirical impact of policies and programmes on women and men, as individuals, part of groups, and institutions can stimulate an ongoing reflexive process and lead them to ask "whether one is ready to accept responsibility for this impact."[315] In my research, I sensed a desire among the interviewed gender experts to introduce a reflexive, partial, experimental, participatory turn in IA through gender analysis.

If governments adopt the gender mainstreaming strategy, they will need to embrace this responsibility, which will require a commitment to better ways of understanding[316] and the revision of epistemic practices such as assumed neutrality. Public bureaucracies will need to foster implementation of gender analysis tools so as to identify, understand, and ultimately abolish the ways in which systemic inequality limits knowledge production and obstructs the path to scientific truth (or a multiplicity of truths). In this sense, standpoint feminism, as a normative aid to policy advice, regards certain ethical and political values—in short, gender equality—as central to inquiry. The illusion of neutrality is still central in the public service and in the policies of fiscal restraint advocated by neo-liberal governments, which have followed the trajectory from "state feminism" to "market feminism."[317] Public administration has an active role to play in re-framing and re-democratising the policy issues at hand. Issue framing, the central starting point of any analysis, is political, contested and a power struggle,[318] even in the hands of scientists and researchers in ex-ante IA.

Due to a continued focus on the internal logics of administration, gender mainstreaming is still "sowing the seeds of its own failure."[319] This will continue

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310 | Compare chapter 5.2.1.1.

311 | Smith 1987a; Smith 1990.

312 | Harding/Hintikka 1983; Harding 1986; Harding 1991; Harding 1992. Compare chapter 5.2.1.2.

313 | Harding 2003; Harding 2004a; Harding 2011.

314 | Harraway 1988; Harraway 2004.

315 | Trubek/Esser 2011, 155.

316 | Including feminist ways (Zalewski 2010).

317 | Kantola/Squires 2012.

318 | Blofield/Haas 2013, 712-714.

319 | Meier/Celis 2011, 470; 484.

as long as New Public Management modes of public stewardship do not account for gender equality in a crosscutting fashion. Thus, pretending that gender analysis tools can be implemented like any other IA procedure and that they are simply bureaucratic "business as usual," is a questionable approach. Such technocratic tools have been accused of serving the economic elites. Gender equality tools are trapped within a system of biased tools and analytical systems and are applied by users who are not trained (or inclined?) to ask *all* the right questions. Answering these questions requires a high level of gender competency in the particular policy area, a capacity for introspection in order to uncover one's own (research) biases, and a propensity to reflect upon methodologies and the subject at large. But if supported with resources, expertise and time, and if applied in a systematic and monitored fashion, formalised gendered IA tools and methods could push against the "male-stream" and add another layer to the simulacra of truth of complex realities. To avoid elite supporting effects, gender analysis application as well as general ways of conducting IA, are asked to pay attention to the margins and to do "science from below,"[320] which would give this research an epistemic advantage.[321]

Postmodernity is characterised not only by fractured truths and an absence of meta-narratives, but also by a fragmented, diverse population base. New diversity instruments (Fundamental Rights IA, GBA+) have appeared that reflect this base and that attempt to go beyond *just* gender equality. However, in their mostly groupist framing of inequality, these new tools run the risk of being applied in an additive way rather than based on an in-depth, intersectional understanding. They also rarely address intra-group gender inequalities and are better at picking up on direct discrimination of groups instead of addressing indirect discrimination in seemingly neutral structures. However, value-based acceptance for diversity framings seems to be higher with analysts in public administration, and it remains a subject for further research whether less resistance will actually translate into tool up-take.

Along with calls for reflexivity and increased intersectionality in IA, expert policy advice also needs to answer accusations that it lacks legitimacy and accountability, both in general and with regard to gender equality. Despite a history of over 20 years, gender in IA and the *travelling instruments* of gender mainstreaming are still characterised by their nested newness[322] as administrative innovations. In the perception of this study, they have just started out on a long journey as a "slow revolution,"[323] "in small steps."[324] Making gender analysis sustainable, calls for both heightened accountability and educational efforts. These efforts must continue for as long as gender equality is not mainstreamed in the disciplinary curricula of policy analysts and researchers and for as long as gender competency is not sufficiently *embodied* in organisations. The existing IA systems, with their epistemic cultures

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320 | Harding 2008.

321 | Thus, following up on standpoint theories, which "map how a social and political disadvantage can be turned into an epistemic, scientific and political advantage." (Harding 2004b, 7-8).

322 | Mackay 2014.

323 | Davids et al. 2014, 397.

324 | van Eerdewijk/Davids 2014, 313.

and inherent accountability mechanisms, would serve well as a means to *embed* and *entrench* gender equality into organisations.

Introducing accountability for gender analysis is procedural; it cannot suddenly convert the (post?) neo-liberal state into a state that puts gender equality and other human and fundamental rights at its core. However, it can provide a starting point for more reflexivity in policy making. A new accountability model would be deemed successful if it managed to integrate gender concerns as an epistemic advantage in a cross-cutting way. What was formerly situated at the fringes and was always at risk of being subordinated would be moved more to the centre of the dominant (fiscal and economic) concerns in ex-ante policy analysis/IA (as attempted by the Commission's integrated IA). Such practices would eventually provide a critical, non-normative perspective in IA that over time will help develop new ways of seeing. Even when IA is executed in a positivist empiricist fashion in an integrated assessment, as in the EU, it provides an additional perspective that adds other data, another layer of assessment, another truth. Building accountability for many variations of truth in IA and enhancing policy advice through heightened equality governance in IA are endeavours that are long overdue.

To overhaul the entire IA system in favour of more democratic, reflective, feminist approaches will take time and strategic effort on many levels. It is not easily achieved, and the areas of required action are also outside of bureaucratic IA systems—in curricula and education systems. Nevertheless, there are already many actions that public administrations can take today: Build and maintain cross-cutting gender competency among staff and analysts, beyond femocrats; hire gender experts and build, extend and link the gender equality architecture to all policy areas in all departments and agencies, etc.; validate gender expertise in area-specific policy capacity and establish inter-linkages and collaborations between gender experts and IA and evaluation units; steer and monitor IA contracting and research policies towards more reflective, democratic designs as well as towards more inclusivity; foster inter- and trans-disciplinary as well as participatory and experimental IA designs; fund research on gender analysis tools and practices; create interfaces between gender equality strategies and IA roadmaps in order to steer assessments; involve female and male researchers from diverse educational and personal backgrounds in more equitable ways; make gender expertise in research teams, boards and IA quality management mandatory; control for gender mainstreaming and ensure the policy-relevant refinement and application of gender analysis tools in all initiatives and for all impact areas as a routine practice (including substantiating non-relevance); make gender analysis part of heightened accountability by introducing gender mainstreaming in controlling and IA quality management; and close the policy cycle with respect to gender equality governance (gender controlling).

Such steps would transform IA into a more reflexive, deliberate and equitable process. Striving for gender equality governance and heightened accountability, parliamentary democratic processes of checks and balances will again become crucial to exercise control and regain stewardship.[325] Ideally, the democratic

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325 | Lahey 2009/2010, 415. In a way, the latest efforts of building IA capacity in the European Parliament's policy department can be interpreted as an effect of re-appropriating some corrective control over IA outcomes.

element lies within IA (through deliberation),[326] but it also remains outside of IA in the hands of parliamentary committees, women groups and feminists in media and academia, who should continue to challenge and engage with public service about its practices of knowledge production. As we know from governance research, "disturbance" and "conflict" generate learning and new governance modes in interactive structural-actor processes.[327] Here, the loci of disturbance are important and twofold: More conflict around the institutional absence of gender analysis practice is necessary, if gender is to be put (back) on the IA agenda. As long as gender is primarily seen as the scientific "other", as a negative disturbance in IA instead of a quality-enhancing asset, there remains much for policy analysts to learn—and the academic disciplines they stem from.

The endeavour is worthwhile: IA practitioners and policy analysts will benefit from a spill-over of reflexive feminist empiricism. Reflexive, intersectional and theory-based gender equality analysis tools will not only deliver more refined research results, but also more equitable policies and programmes for a diverse population base. Gender analysis will potentially be the catalyst for a more reflexive analytical process that can also target other structural inequalities. If implemented well, gender analysis tools will help re-democratising the expertocratic IA exercise. After all, even evidence-based, feminist, reflexive policy advice is nothing but advice that can be taken—or disregarded—by the elected political class and the electorate, the citizens.

The results of this comparative study suggest a new, transformative pragmatism regarding equality governance under the ex-ante IA rationale of public administration. Gender analysis may not be revolutionary, but its implementation practice is evolutionary and as many have said: Evolution is here to stay, while revolutions sometimes have an expiry date. The institutionalisation of gender analysis is on its way at the international level, but a full implementation will require a longer time frame and greater accountability and attention from within bureaucracy, the IA and policy analysis communities. Fully implementing gender analysis might indeed be the start of a future paradigm shift in IA towards standpoint perspectives. I want to conclude with Nora Fuhrmann's: Such "miracles take slightly longer."[328]

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326 | The participation of women's organisations is named as indispensable for executing quality GBA (Findlay 2015). "The ultimate goal should be participatory gender-based analysis" (Findlay 2015, 193).

327 | Benz 2008, 54.

328 | German original: "Wunder dauern etwas länger" (Fuhrmann 2005, 281).

Annexes

ANNEX I: INTERVIEW SAMPLE

Canada

The average length of the Canadian interviews was 1 hour 25 minutes.[1] In the pre-interview phase a total of 14 departments were identified in which GBA activity was assumed. This assumption was based on the participation of these departments in the IDC on GBA and on existing and published case studies. With the support of SWC, knowledgeable individuals and GBA experts in the respective departments were identified and contacted by email, followed up by phone calls in case of non-responsiveness. Of these 14 departments, a total of 18 members representing 12 departments initially agreed to participate in an expert interview on GBA. Two departments declined the interview request. In addition to the public servants, two external academic experts on GBA, who are professors at two Canadian universities, were interviewed. Three original participants from two departments later withdrew their interviews in the review process. Reasons for withdrawal did not need to be stipulated. In the end, a total of two scholars and 15 public servants representing ten Canadian Federal Departments (as listed in the following table 26) remained in the final sample.

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1 | All Candian interviews were conducted between January 22, 2008 and April 4, 2008.

Table 27: Participation Statistics Expert Interviews Canada

Canadian Departments	Interview request accepted by dep.	No. of interviewed persons	No. of persons withdrawing interviews	No. of persons remaining in sample	No. of federal dep. participants	No. of confidential participation
AANDC/DIAND	1	3	0	3	3	
Health Canada	1	2	0	2	2	
CIDA	1	1	0	1	1	
SWC	1	1	0	1	1	
Statistics Canada	1	1	0	1	1	
Agriculture and Agrifood	1	1	0	1	1	1
CIC	1	1	0	1	1	1
DEFAIT	1	1	0	1	1	1
HRSDC	1	2	0	2	2	1
Defence Canada	1	1	1			
Treasury Board	1	2	0	2	2	2
Finance Canada	1	2	2			
Privy Council						
Industry Canada						
External Academics	2	2		2		
TOTAL	*14*	*20*	*3*	*17*	*15*	*6*

Six participants opted for full confidentiality, as opposed to eleven who were non-confidential participants, i.e., they were willing to have their name and departments made known. In order to protect the anonymity of individual participants, codes were attached to each individual participating in the interview.[2] Confidentiality was a relevant concern for Canadian public servants: Six of the 15 public service participants agreed to the interview only after repeatedly following up on the interview request, and by clarifying the ethical, multi-step research process, guaranteeing full confidentiality. With regard to the positions inhabited in the department, in some (but not all) cases the exact position was generalised in order to not endanger the confidentiality status of the person.

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2 | The acronym PA represents participant, the adjacent figure was randomly chosen in order to systemise interviews, without further attributed significance.

Table 28: Canadian Interview Participants' Statistics by Positions, Acronyms and Gender

Department/Institution	Position	Name of participant or code-acronym	Sex of participant
Anonymous Federal Dep.	Senior Advisor	CAN1	male
Anonymous Federal Dep.	Senior Analyst	CAN2	male
Anonymous Federal Dep.	Senior Analyst	CAN3	female
Anonymous Federal Dep.	Senior Management	CAN4	female
Anonymous Federal Dep.	Senior Management	CAN5	female
Anonymous Federal Dep.	Senior Management	CAN6	female
Anonymous Federal Dep.	Policy Analyst	CAN7	female
Canadian International Development Agency	Senior Management	Diana Rivington	female
Health Canada	Senior Policy Analyst	Jennifer Payne	female
Health Canada	Senior Policy Analyst	Sari Tudiver	female
Aboriginal and Northern Affairs Canada/Indian and Northern Affairs Canada	Senior Policy Analyst	Monique Lucie Sauriol	female
Aboriginal and Northern Affairs Canada/Indian and Northern Affairs Canada	Policy Planning Officer	Audrey Hanningan-Peterk	female
Aboriginal and Northern Affairs Canada/Indian and Northern Affairs Canada	Research and Planning Officer	Marcel Williamson	female
Statistics Canada	Senior Analyst	Colin Lindsay	male
Status of Women Canada	Senior Policy and Programme Advisor	Michéle Bougie	female
University of Toronto, Ontario Institute for Studies of Education	Professor for Sociology and Equity Studies in Education	Margrit Eichler	female
University of Laval, Quebec	Professor for Law and Chaire d'étude Claire-Bonenfant sur la conditione des femmes	Louise Langevin	female

Accordingly, for the protection of privacy, only a general distinction between senior management, senior advisor, senior analysts (senior management) and general analysts, gender experts or policy officers (middle management) was made, thus not disclosing the detailed hierarchical position in the respective departments.

Table 29: Departmental Participant's Position Breakdown
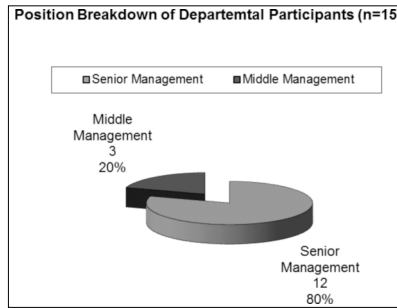
The sample demonstrates that persons who were prepared to answer questions pertaining to GBA and gender equality are still predominantly female (80 per cent)—not surprising given that most of the gender experts in gender equality units agreed to participate. The reluctance of (male) departmental analysts, evaluator and programme managers to reflect on departmental GBA practices, could indicate either a lack of actual implementation and integration in routine analysis or a selection bias that is based on which departments (with a more *soft* policy focus) were approached—or both. The analysis of the gender bias in the sample remains inconclusive.[3] An analysis of the inevitably gendered interactions[4] and the *doing gender* between (male) researcher and (female/male) interviewees was not attempted due to methodological concerns and impracticability.[5]

Table 30: Gender Breakdown of Participants Remaining in the Interview Sample
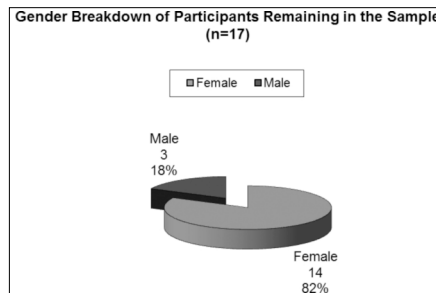
The high number of gender experts (80 per cent) with departmental (Dep.) gender duty does not allow for quantifiable conclusions on the sophistication of the Canadian

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3 | For incorporating intersectionality in my sample, I initially intended to also register race/ethnicity and age of the interviewees (rendered anonymous). In the case of Canada, racial/ethnic self-determination would have been a known and most likely accepted procedure, but in the European Union context not. Age is in both context a sensitive issue prone to discrimination, which in the end of the day made me decided against it.

4 | Littig 2009.

5 | Beate Littig recommends the reconstruction of gendered interactions only for a group of researchers, being able to commonly reflect on the interview situation as well as the text from multiple perspectives (Littig 2009, 194).

gender equality machinery and equality governance. Based on selection bias as first and foremost (although not in all cases), SWC's departmental GBA Committee members were contacted. From there, the reach out followed the snowball principle, asking the first contact person for other, additional knowledgeable people in the respective department. Due to this selection technique, the alleviated level of gender expertise in the sample guaranteed for advanced insights into the necessity of GBA implementation equality frameworks. It had the disadvantage that very few first-hand experiences with actually using the tool GBA were included, due to the few participating general analysts or policy officers.

Table 31: Breakdown by Gender Experts in Canadian Federal Departments
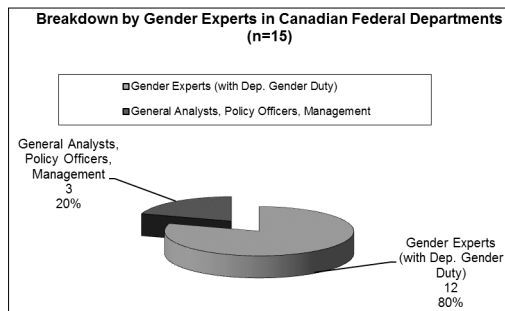
With regard to the comparative content analysis of the expert interviews, it is important to note the different expert status as well as the different roles of the interrogated gender experts, policy analysts and academics.[6] Whereas the gender experts demonstrated a professional devotion to enhancing GBA, resulting in comparative openness about departmental practices, the interviewed policy analysts, senior managers, and other departmental representatives were more reluctant to admit to failures or insufficient implementation practices that did not live up to the official equality mandates and regulations. Both categories of experts were subject to departmental and governmental loyalty.

In terms of equivalency, the external, non-public servants and third expert category of academics interviewed were feminist scholars. In spite of their academic interest in the field of GBA and gender mainstreaming, and even their involvement in tool development, they were one step removed from governmental implementation practices. Although they answered freely with regard to their expert judgement of governmental GBA implementation, their positions might have been influenced in return by some professional interest in creating demand for academic external expert advice, their tools and/or further contracted research in their field of expertise.

The average Canadian expert interview took 1 hour and 25 minutes and was conducted face to face in person on site, in the respective department. The interview atmosphere was generally open, and no question was ever declined or left unanswered. The Canadian interviewees used the revision and authorisation step of the written verbatim transcript in order to clarify individual issues, correct typos or to delete single parts of sentences that were found nonsensical in that

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6 | Meuser/Nagel 2010.

context. No other interventions were made to the content of the original transcript and no answers to questions were withdrawn, although all participants were given the option to do so. In particular the step of allowing participants to have a say on the final transcript proved to be vital in encouraging participation and establishing an open, trusting interview atmosphere.

European Union

The average EU interview took 47 minutes and was significantly shorter than the Canadian average interview (1 hour 25 minutes).[7] I adapted the semi-guided questionnaire used in the Canadian interview sample by deleting two questions on communication strategies (4.1 and 4.2), not applicable to the EU context. Instead I inserted an additional question (5.1) pertaining to the role of equality players outside of the DG structure, such as the European Institute for Gender Equality, to the DG's IA (see Annex IV). The reason for the shorter interview span is not the one question less, but time constraints. In most cases EU participants were not able to allocate more than 45 minutes for the interview and communicated this time constraint to me in advance.

The heads of all 33 Directorate-Generals were contacted by email and as well as individual members of all existing IA and evaluation units, which I retrieved from the directory. Of the 33 DGs, heads of nine DGs responded and consented to participate in the study, linking me to the person(s) in charge within their Directorate-General. Additionally, I contacted four tool developers of GIA and the integrated IA tool (one internal and two external experts), of which three participated.[8] The European Institute for Gender Equality was also contacted, but declined an interview twice,[9] first due to the assumption that the research request "falls outside the mandate of EIGE"[10] and then, upon repeated request due "no appropriate data"[11] at the time.

All interviews were conducted by phone or via video-conferencing between 2011 and 2012 (not face-to-face). Since all interviewed DG experts opted for full confidentiality, their respective acronyms are not linked to their Directorate-General. Instead, I assigned a series of 17 acronyms ranging from EU10 to EU26, whereof EU10 to EU25 represent interviewed gender experts, policy analysts and members of senior management (heads of units, team leaders etc.) currently employed in nine Commission DGs. EU26 represents one internal expert and tool developer, still employed in the DG administration and therefore also treated with full confidentiality. Anne Havnør, at the time of tool development formerly seconded Norwegian expert working for DG Employment, and the external academic expert Conny Roggeband agreed to have their names and positions disclosed.

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7 | All EU interviews were conducted between 9 September 2011 and 29 February 2012.
8 | One anonymous, Conny Roggeband and Anne Havnør agreed to disclose their names.
9 | Instead, I was recommended by EIGE to direct my request to the EP or the EC (Email from EIGE <EIGE.SEC@eige.europa.eu>, August, 26th 2011, on file with the author).
10 | Email from EIGE <EIGE.SEC@eige.europa.eu>, 26 August 2011, on file with the author.
11 | Email from EIGE <EIGE.SEC@eige.europa.eu>, 2 September 2011, on file with the author.

Table 32: Sample of Participating Directorate-Generals and Positions of Interviewed EU Experts

European Commission, Directorates-General (DGs)	No. of Participants	Participants Position (Acronyms EU10 – EU26)
EuropeAid Development & Cooperation (DEVCO)	2	1 Senior Management; 1 Administrative Officer (all anonymous)
Translation (DGT)	1	1 Senior Management
Education and Culture (EAC)	6	5 Policy or Evaluation Officers, Assistant Officers and Co-ordinators; 1 Senior Management (all anonymous)
Employment, Social Affairs and Inclusion (EMPL)	1	1 Evaluation Officer (anonymous)
Enterprise and Industry (ENTR)	1	1 Policy Officer (anonymous)
Eurostat (ESTAT)	1	1 Senior Management (anonymous)
Home Affairs (HOME)	1	1 Evaluation & Impact Assessment Officer (anonymous)
Justice (JUST)	1	1 Policy Co-ordinator (anonymous)
Research and Innovation (RDT)	2	1 Senior Management; 1 Policy Officer (all anonymous)
Internal Experts & Tool Developers	2	1 Former Seconded National Expert, DG Employment (Anne Havnør); 1 Commission Civil Servant (anonymous)
External Experts & Tool Developer	1	1 Scholar (Conny Roggeband)

This high degree of confidentiality obstructs the policy field specific analysis of GIA implementation, but still allows for the identification of general patterns, challenges, and driving factors for GIA or gender in IA implementation. The representation according to positions in senior or middle management roles is reversed in comparison to the Canadian sample, thus resembling common hierarchical structures within public administration in more representational ways.

Table 33: Position Breakdown of European Commission DG's Participants
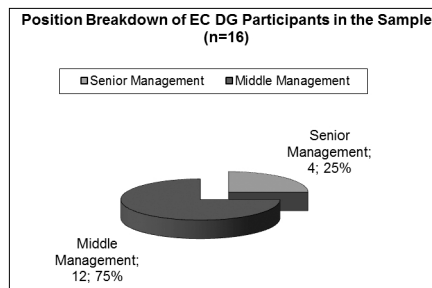
Almost half of the interviewed DG experts (n=16) were gender experts (seven), which is a smaller percentage than in the Canadian sample. It would be premature do draw conclusions regarding a more successful degree of gender mainstreaming or more support for gender equality structures, from this fact, since there is a heavier Canadian bias towards gender experts due to the different selection techniques.

Table 34: Gender Experts in the European Commission Directorate Generals

Gender Expert Breakdown in DG Participants Sample (n=16)

■ Gender Experts (with DG Gender Duty)

■ General Analysts, Policy Officers, Management

Gender Experts (with DG Gender Duty); 7; 44%

General Analysts, Policy Officers, Management; 9; 56%
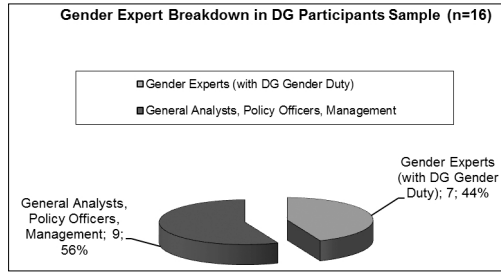
The overall gender breakdown was 42 per cent male and 58 per cent female experts of the 19 participants, which was more balanced than the Canadian interview sample. As in the case of Canada, the selection technique could have posed a severe bias, since all DGs were approached in a twin track strategy: Once via contacting the heads of DGs and asking for knowledgeable persons within the department, and second via identifying individuals through the Commission's directory and IA authorship. Both routes of access were snowballed until a minimum of one DG representative was willing to participate in the study. An interesting particularity of the snowballing technique was that my request to the heads of DGs was forwarded to either the gender experts in the Directorate-General or back to the DGs responsible for the EU's equality duty, instead of identifying people in the respective evaluation and IA units. This indicates a lack of knowledge about the roles and responsibilities for the top-down strategy of gender mainstreaming, a strategy meant to be implemented by all actors. Such problematic field access strengthened the hypothesis that gender is not yet sufficiently mainstreamed in bureaucratic structures and processes and that the IA system has not yet been perceived as an implementation arena even among the top management. As for the Canadian sample, an analysis of the gendered interactions[12] and the *doing gender* between (male) researcher and (female/male) interviewees was not attempted.

Table 35: Gender Breakdown of all European Commission Participants

Gender Breakdown of all EU Participants in the Sample (n=19)

□ male   ■ female

male; 8; 42%

female; 11; 58%

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12 | Littig 2009.
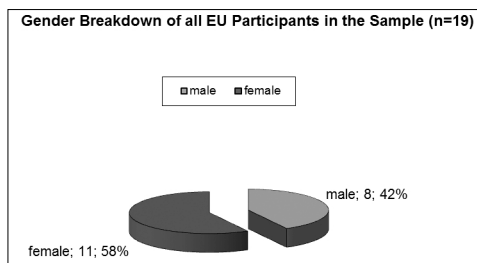
ANNEX II: INVITATION LETTERS

Invitation Letter—English

Dear Ms./Mr. [...],

My name is Arn Sauer, I am a PhD candidate at the Department of Interdisciplinary Women and Gender Studies of Humboldt University, Berlin, and an associate researcher with the Simone de Beauvoir Institute for Women's Studies at Concordia University, Montreal.

I am currently conducting dissertation research comparing Gender-based Analysis (GBA) in a Canadian context with Gender Impact Assessment (GIA) in Europe. The full (working) title of this study, for which I also collaborate with the Status of Women Canada, is *"Comparative Analysis of and Experiences with and Application of Gender-Based Analysis in Canadian and Gender Impact Assessment in European Legislation, Policies, Programs and Services of Governmental Bodies*." The goal of this comparative study is to provide mostly qualitative but also some quantitative data for a gender-based approach to policy development and program planning. Additionally, I will be questioning basic assumptions of gender and the notion of difference, as well as evaluating the current strategies commonly used in policy formulation (GBA/GIA), which ensure that gender factors are part of the process from the onset. In comparing and evaluating the efficacy of the various forms of GBA/GIA in Canada and Europe, I will develop best practice models through case studies that support policy and program makers. The interview results will be used for publication of the final dissertation thesis and/or research essays as well as in a research paper for the Policy Section of the Status of Women Canada.

I have chosen to contact you, as a representative of the [...] in the position of [...], because of your specialization in the subject in question. I would like to ask you to participate in an approximately 1 ½ hour face-to-face tape-recorded interview, in which I will pose questions regarding the application and results of GBA in your institution, organization and/or agency. Participation in the interview is entirely voluntary and will not be remunerated. The interview will be conducted in English only (my apologies in advance) at a place and time of your choosing. I assure you that the research will be conducted in full accordance with the *Code of Ethics of the Simone de Beauvoir Institute, Concordia University Montréal* (please compare: http://artsandscience1.concordia.ca/wsdb/main6.html). The interview participation is based on *informed consent, freedom to discontinue, with an option to enjoy full confidentiality, and there is no deception or risk involved.* You find a sample of the full form of consent (in English) attached to this email.

I would be delighted to receive your support and would be very grateful if you could make some time available for me in the period of January-March 2008. You can reach me by mail, email or phone any time for further questions, to receive more detailed project information, or to address any concerns you might have with regard to this project. Please note that your participation and contribution as a specialist is important to inform the advancement and increased practicability of Gender-based Analysis and/or Gender Impact Assessment.

Best regards,

Arn Sauer

Invitation Letter—French

Madame/Monsieur [...],

Je me nomme Arn Sauer, aspirant au doctorat au département d'études interdisciplinaires sur la condition féminine et les rapports sociaux entre les sexes de l'Université Humboldt, à Berlin, et chargé de recherche associé en études sur la condition féminine pour l'Institut Simone de Beauvoir de l'Université Concordia, à Montréal.

Je rédige présentement une thèse visant à comparer l'analyse comparative entre les sexes (ACS) et l'étude d'impact sur le genre (EIG), utilisées respectivement au Canada et en Europe. Le titre complet de cette étude, pour laquelle je collabore également avec Condition féminine Canada, est : « *State of the Art of Gender-Based Analysis and Gender Impact Assessment. Comparative Evaluation of Gender Mainstreaming Instruments and Machinery in Canada and Europe » L'objectif de cette étude comparative est de produire des données principalement qualitatives, et parfois quantitatives, visant à favoriser une approche axée sur les sexes en ce qui a trait à l'élaboration de politiques et à la pl*anification de programmes. En outre, dans cette étude, je remettrai en question la notion de différenciation et les hypothèses élémentaires relatives aux sexes, et j'évaluerai les stratégies actuellement utilisées de façon courante lors de l'élaboration des politiques (ACS/EIG), ce qui garantit que les facteurs relatifs aux sexes seront intégrés au processus dès le départ. En comparant et en évaluant les différentes formes de l'ACS/EIG au Canada et en Europe, j'élaborerai, par l'entremise d'études de cas, des modèles de meilleures pratiques qui appuient les responsables des politiques et des programmes. Les résultats de l'entretien seront publiés dans la version finale de la thèse et/ou dans les rédactions de recherche, ainsi que dans un rapport de recherche destiné à la section Politique de Condition féminine Canada.

J'ai choisi de communiquer avec vous, représentant de [...] occupant le poste de [...], en raison de votre spécialisation dans le domaine dont il est question dans cette étude. J'aimerais vous inviter à prendre part à un entretien individuel enregistré d'une durée approximative de 1 h 30 au cours duquel je vous poserai des questions relatives à l'application et aux résultats de l'ACS au sein de votre institution, organisation et/ou agence. Votre participation à cet entretien est entièrement volontaire et n'est pas rémunérée. L'entretien se déroulera en anglais (je vous présente d'ores et déjà toutes mes excuses pour ce désagrément) à l'endroit et à l'heure de votre choix. Je tiens à vous assurer que la recherche sera menée conformément au *Code de déontologie de l'Institut Simone de Beauvoir, Université Concordia, Montréal,* (veuillez consulter le http://artsandscience1.concordia.ca/wsdb/main6. html). Votre participation à cet entretien est fondée sur *le consentement éclairé, la liberté de désistement et la possibilité de bénéficier d'une totale confidentialité. Il ne s'agit pas d'un leurre et vous n'encourez aucun risque.* Vous trouverez ci-joint le formulaire de consentement complet (en anglais).

Je serais très heureux de bénéficier de votre appui et je vous serais très reconnaissant si vous acceptiez de me consacrer un peu de votre temps au cours de la période de janvier à mars 2008. Si vous avez d'autres questions, si vous désirez obtenir des renseignements plus détaillés sur le projet ou si vous souhaitez obtenir des réponses à toute inquiétude que vous pourriez avoir à propos de ce projet, vous pouvez me joindre en tout temps par courrier, courriel ou téléphone. Veuillez prendre note de l'importance de votre participation et de

votre contribution à titre de spécialiste afin de refléter la progression et l'augmentation de la possibilité de mise en œuvre de l'analyse comparative entre les sexes et/ou de l'évaluation d'impact sur le genre.

Meilleures salutations,

Arn Sauer

ANNEX III: FORM OF CONSENT

This is to state that I agree to participate in a program of research being conducted by Arn Sauer of the Department of Transdisciplinary Women and Gender Studies of Humboldt University Berlin, Sophienstr. 22a, 10178 Berlin, Germany and Research Associate of the Simone de Beauvoir Institute of Concordia University, 2170 rue Bishop, Montréal, Québec, H4B 1R6, Canada. In addition I agree that results of this research can be also used to highlight GBA case studies for the Status of Women Canada, Policy Directorate, 123 Slater Street, 10th Floor, Ottawa, Ontario, K1P 1H9, Canada.

I have been informed that the purpose of the research is as follows: data collection for German dissertation research project "State of the Art of Gender-Based Analysis and Gender Impact Assessment. Comparative Evaluation of Gender Mainstreaming Instruments and Machinery in Canada and Europe". The interview results will be used for publication of the final dissertation thesis and/or research essays as well as in a research paper for the Policy Section of the Status of Women Canada.

The research will be conducted at the place of choice of the interviewee. The data collection will be performed by face-to-face in-depth tape-recorded interviews of approx. 1 ½ hour each. Each interview partner will be assured that the research will be conducted in accordance with the CONCORDIA UNIVERSITY CODE OF ETHICS with regard to confidentiality and data security. No third party will have access to the collected data. Moreover full anonymity and the confidential use of the collected data and personal information will be granted if desired. Before evaluation and/or usage the full transcript will be sent the respondent for review. A withdrawal from the research is possible at any stage of the project without any explanation or negative consequences. The respondent can furthermore refuse to answer any question and choose to withdraw parts of the interview at any given time.

There are no foreseen risks. Participation in interviews is entirely voluntary and will not be remunerated financially.

- I understand that I am free to withdraw my consent and discontinue my participation at anytime without negative consequences.

- I understand that my participation in this study is (*please circle the appropriate word*):

- CONFIDENTIAL (i.e., the researcher will know, but will not disclose my identity)

OR
- NON-CONFIDENTIAL (i.e., my identity will be revealed in study results)

- I understand that the data from this study may be published.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT.I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

PLACE, DATE   _____ _____

NAME (please print)   _____ _____

SIGNATURE   _____ _____

If at any time you have questions about your rights as a research participant, please feel free to contact Vivian Namaste, Associate Professor and Chair of the Simone de Beauvoir Institute, Concordia University, at (514) 848-2424 X 2371 or by email at **viviane@alcor.concordia.ca.**

ANNEX IV: INTERVIEW QUESTIONNAIRE

Annex IV contains the Canadian and EU interview questionnaire. For the European GIA context, I used the same semi-guided questionnaire as for the first Canadian GBA interview sample. I only marginally adapted it, by deleting two questions on communication strategies (4.1 and 4.2), not applicable to the EU context. Additionally, I opened the question 5.1 pertaining to the role of equality players outside of the DG structure, such as the European Institute for Gender Equality (EIGE).

Table 36: Interview Questionnaire

Semi-guided_Questionnaire_Am Sauer	PhD project Humboldt University Berlin	
Place of Interview		
Date of Interview		
Starting Time of Interview		
Ending Time of Interview		
Confidentiality status		
Name of Interviewee		
Position of Interviewee		
Organisation/Insitution of Interviewee		
Time in the Position of Interviewee		
Age of Interviewee		SEPERATE BLOCK JUST FOR MY DISSER
Sex of Interviewee		ASKED AFTER INTERVIEW
Ethnicity/nationality of Interviewee		
Special Personal Remarks about Background of Interviewee		

Questions GBA	Questions GIA/SIA	Interviewers Observations/Remarks
1. Implementation		
1.1 Has gender-based analysis (GBA) or a similar tool ever been performed by your institution/organization/agency and if yes, and if yes how does it look like? If no, why not?	Has Gender Impact Assessment (GIA) or a similar tool (e.g. gender analysis as part of Social Impact Assessment) ever been performed by your unit and if yes, and if yes how does it look like? If no, why not?	
1.2 Is there a penalization for not applying GBA? If yes what does it entail? If no, why not?	Is there a penalization for not applying GIA respectively SIA? If yes what does it entail? If no, why not?	
1.3 Is there an incentive for applying GBA? If yes, how does it look like? If no, why not?	Is there an incentive for applying GIA or gender analysis as part of SIA? If yes, how does it look like? If no, why not?	
1.4 How many legislation, programs, policies and/or services have been subject to GBA in your institution/organization/agency in the last two years?	How many legislation, programs, policies and/or services have been subject to GIA or any gender analysis as part of SIA in your unit in the last two years?	
1.5 How many legislation, programs, policies and/or services GBA have been subject to GBA in your institution/organization/agency since 1995 (how many)?	How many legislation, programs, policies and/or services have been subject to GIA or gender analysis as part of SIA in your unit since 1995 (how many)?	
1.6 Please describe the key GBA initiative(s) that your institution/organization/agency has undertaken between 2003 and 2005. Include origin (response to a need or gap), timelines; objectives and goals, resources allocated, partners, target group(s) and accountability measures or indicators?	Please describe the key GIA initiative(s)/case studies that your unit has undertaken between? Please include origin (response to a need or gap), timelines, objectives and goals, resources allocated, partners, target group(s), accountability measures or indicators, feed in the policy cycle?	
1.7 What tools do you use to conduct GBA (can you please provide a written template) and do you regard them as useful for your purposes? If yes, why? If no, why not? Did you use a SWC template? If yes why? If no, why not?	What tools do you use to conduct GIA within the integrated IA framework as part of SIA (can you please provide a written template) and do you regard them as useful for your purposes? If yes, why? If no, why not? Did you use a EC template? If yes why? If no, why not?	
1.8 Did your way of conducting GBA reinforce or challenge traditional or stereotyped perceptions of women and men? Please explain how?	Did your way of conducting GIA reinforce or challenge traditional or stereotyped perceptions of women and men in your oppinion? Please explain how?	
1.9 Were stakeholders consulted and how did you ensure that the consultation process was inclusive? Can you give an example?	Were stakeholders consulted and how did you ensure that the consultation process was inclusive? Can you give an example?	
1.10 How many GBA/gender trainings did you have? How many persons got trained? By whom (e.g. by SWC)? In what intervals? When was the first/last training? Do you think that training was sufficient? If not, please explain why not and what could be improved?	Did you have any gender trainings or trainings on how to use the GIA tool? How many gender trainings did you have? How many persons got trained in your unit? By whom? In what intervals? When was the first/last training? Do you think that training was sufficient? If not, please explain why not and what could be improved?	
1.11 How big is your staffing/budget (and in comparison to the overall staffing/budget of your institution/organization/agency)? Do you think you have sufficent staffing and funds, allocated to GBA and gender equality in general?	How big is your staffing/budget for GIA/SIA (and in comparison to the overall staffing/budget of your unit)? Do you think you have sufficient staffing and funds, allocated to GIA and/or gender equality in general?	
1.12 Do you have information about whether the diversity of staff delivering the legislation, policies, programs and/or services did represent the diversity of the community being served? If not, who would and how is it ensured?	n/a	
1.13. Was there support for GBA within your institution/organization/agency and how did it look like (e.g. support on management, executive staff or program/service delivery level or statements commitments policies)? Did you have to overcome challenges and/or obstacles and what were the lessons learned?	Was there support for GIA or gender analysis within SIA within your unit and how did it look like (e.g. support on management, executive staff etc.)? Did you have to overcome challenges and/or obstacles and what were the lessons learned?	
1.14 Do you believe that the work your institution/organization/agency is doing on GBA is leading to gender equality? If not what would need to be done to achive that?	Do you believe that the work your unit is doing on GIA/SIA is leading to gender equality in that policy area? If not what would need to be done to achive that?	

2. Monitoring		
2.1	Are monitoring requirements for a GBA follow-up specified in the implementation plans? If yes, how? If no, why not?	Are monitoring requirements for a GIA/SIA follow-up specified e.g. as part of evaluations? If yes, how? If no, why not?
2.2	Please describe the results of the application of GBA to the legislation, policies, programs and/or services, qualitative and/or quantitative, in terms of their affect on the target group(s)?	Please describe the results of the application of GIA/SIA to a directive, policies, programs and/or services, qualitative and/or quantitative, in terms of their affect on the target group(s)?
2.3	What do target groups, including their representative organizations, say about the issues and outcomes?	What do target groups, including their representative organizations (NGOs), say about the issues and outcomes?
2.4	Were measures taken to address any unintended outcome(s) and/or to adjust the legislation, policies, programmes and/or services if it did not meet the equality objective? If yes, how? If not, why not?	Were measures taken to address any unintended outcome(s) and/or to adjust the directive, policies, programmes and/or services if it did not meet the equality objective? If yes, how? If not, would you find it useful and where would you inject it in the policy cycle?
2.5	Were the legislation, policies, programs and/or services meant to overcome gender inequalities or eliminate barriers and was there a gender equality objective included at the outset? If not, why not and would it make sense according to you to include one? How would it look like?	Were the policies, programs and/or services meant to overcome gender inequalities or eliminate barriers and was there a gender equality objective included at the outset? If not, why not and would it make sense according to you to include one? How would it look like?
3. Data Collection / Indicators		
3.1	Did the results of research and data collection help you develop policy recommendations or policy options in terms of gender quality and GBA? If yes, how? If no, why not?	Did the results of research and data collection help you develop policy recommendations or policy options in terms of gender quality and GIA/SIA? If yes, how? If no, why not?
3.2	What research, data and/or indicators did you use to base your GBA implementation and/or assessment of outcomes on?	What research, data and/or indicators did you use to base your GIA/SIA of outcomes on?
3.3	Do you think the gender difference between men and women is affected by race, health, age, culture, religion and/or sexual orientation and how is it embodied in your way of conducting GBA? If not, why not?	Do you think the gender difference between men and women is affected by race, health, age, culture, religion, gender identity and/or sexual orientation and how is it embodied in your way of conducting GBA? If not, why not?
3.4	Do you think it is important to also include the particular experience of transgender and transsexual people? If yes, where and how would it best be taken into account in your GBA process? If not, why not?	Do you think it is important to also include intersex/transgender in your target group scoping? If yes, where and how would it best be taken into account? If not, why not?
3.5	How can data and statistical information best be collected by gender, race, health, age, culture, religion and sexual orientation, so that it is useful to you? Is there a need for additional data collection apart from gender disaggregated data and do objectives and indicators need adjustment in the light of your past experience?	How can data and statistical information best be collected by additional intersectional criteria such as race, health, age, education, culture, religion, sexual orientation etc., so that it is useful to you? Is there a need for additional data collection apart from gender disaggregated data? Do objectives and indicators need adjustment in the light of your past experience?
4. Communication		
4.1	What communication strategies did you use and was the messaging appropriate for the target groups (e.g. aboriginal people and immigrants). Did you rely on third party resources (e.g. from the SWC) and did you find them useful? If yes, how? If no, why not?	n/a
4.2	Have gender appropriate symbols and examples been used in the materials of your communication strategies and did they respect the notion of difference too? If yes, please explain how? If not, why not?	n/a
5. Personal Opinion / Additional Remarks		
5.1	Is there anything you would like to mention or add with regards to GBA and your experience in your institution/organization/agency?	Is there anything you would like to mention or add with regards to GIA/SIA and your experience in your unit?
	Thank you very much for your time, collaboration and valuable input!!!	

ANNEX V: ANALYSIS OF COMMISSION IMPACT ASSESSMENTS 2011

Randomised sample and screening of a total of 19 IAs from eight policy fields (DG), conducted in 2011 (methodology explicated in chapter 2.4.4).

Table 37: Analysis of Commission Impact Assessments 2011 (Gender Screening)

All Impact Assessments taken from: http://ec.europa.eu/governance/impact/ia_carried_out/cia_2011_en.htm

(last accessed 2015-08-20, analysis conducted from July to August 2012)

Analytical research questions:

1) Did the IA use gender analysis and/or provide of sex-disaggregated data?

2) Did the IAB opinion pick up on gender analysis and/or the provision (or lack thereof) of sex-disaggregated data?
3) Did the final IA contain gender issues and/or -sex-disaggregated indicators in its final policy recommendations?
4) Did the IA mention issues of non-discrimination and/or fundamental values?
5) Did the IAB opinion pick up on issues of non-discrimination and/or fundamental values?

DG Policy Area / Impact Assessment	IA final: Gender analysis and/or sex-disaggregated data: no	IA final: Gender analysis and/or sex-disaggregated data: yes	IAB Opinion: Gender analysis and/or sex-disaggregated data: no	IAB Opinion: Gender analysis and/or sex-disaggregated data: yes	Gender and/or sex-disaggregated indicators in final recommendations: no	Gender and/or sex-disaggregated data in final recommendations: yes	IA final: Non-discrimination and/or funda-mental values included (yes = 1; No = 0)	IAB Opinion: Mentioning of non-discrimination and/or fundamental values (yes = 1; No = 0)
Agriculture and Rural Development								
SEC(2011) 1153 final	0	1	1	0	1	0	0	0
Climate Action								
SEC(2011) 1407 final	1	0	1	0	1	0	0	0
SEC(2011) 517 final	1	0	1	0	1	0	0	0
SEC(2011) 288 final	1	0	1	0	1	0	0	0
Communication								
SEC(2011) 1562 final	0	1	1	0	1	0	1	1
Competition								
SEC(2011) 1581 final	1	0	1	0	1	0	1	0
SEC(2011) 1524	1	0	1	0	1	0	0	0
Development and Cooperation								
SEC(2011) 1459 final	0	1	1	0	1	0	0	0
SEC(2011) 1469 final	0	1	1	0	0	1	1	0
SEC(2011) 1472 final	1	0	1	0	1	0	0	0
SEC(2011) 1478 final	0	1	1	0	1	0	1	0
SEC(2011) 1481 final	0	1	1	0	1	0	0	0
SEC(2011) 1484 final	1	0	1	0	1	0	0	0
SEC(2011) 1172 final	0	1	1	0	0	1	1	0
Development and Cooperation / Foreign Affairs and Security								
SEC(2011) 1466 final	0	1	1	0	1	0		
SEC(2011) 1475 final	1	0	1	0	1	0		
Economic and Financial Affairs								
SEC(2011) 1237 final	1	0	1	0	1	0		
Education, Culture, Multilinguism and Youth								
SEC(2011) 1433 final	1	0	1	0	1	0		
SEC(2011) 1399 final	1	0	1	0	0	1		
TOTAL	11	8	19	0	16	3	5	1

ANNEX VI: CANADIAN GENDER-BASED ANALYSIS TOOLS

Canada's federal departments have not been active producing a variety of specified GBA tool adaptations. The following list gives an overview of all GBA tools or related tools developed for or by Canadian federal bureaucracy until 2012, such as training manuals or performance measurement guides etc. It can serve as a toolbox resource, and demonstrates the variety and policy sector specific differentiation and sophistication achieved.

Biasutti, Marina: Vibrant Communities: Gender And Poverty Project. Ottawa: Status of Women Canada (SWC), n.d.

Peebles, Dana: Increasing Gender Inputs into Canadian International Trade Policy Positions at the WTO. Ottawa: Status of Women Canada (SWC), 2005.

Status of Women Canada (SWC): Agenda for Gender Equality. Ottawa: Status of Women Canada (SWC), 2000.

Status of Women Canada (SWC): An Integrated Approach to Gender-based Analysis. 2004 edition. Ottawa: Status of Women Canada (SWC), 2004.

Status of Women Canada (SWC): Gender based analysis Guide. Second Edition. Ottawa: Status of Women Canada (SWC), 2003.

Status of Women Canada (SWC): Gender-based Analysis (GBA) Performance Measurement of its Application. Ottawa: Status of Women Canada (SWC), 2003.

Status of Women Canada (SWC): Gender-Based Analysis (GBA) Policy Training. First Edition. Ottawa: Status of Women Canada (SWC), 2001.

Status of Women Canada (SWC): Gender-Based Analysis (GBA) Training. Ottawa: Status of Women Canada (SWC), 2005.

Status of Women Canada (SWC): Gender-based Analysis +. Ottawa: Status of Women Canada (SWC), 2012.

Status of Women Canada (SWC): An Integrated Approach To Gender-Based Analysis. Ottawa: Status of Women Canada (SWC), 2005.

Department for Aboriginal Affairs and Northern Development Canada (AANDC)—formerly Indian and Northern Affairs Canada (DIAND)

Indian and Northern Affairs Canada (DIAND): Gender Equality Analysis Policy. Ottawa: Minister of Public Works and Government Services, 1999.

Indian and Northern Affairs Canada (DIAND): Gender-Based Analysis: Toolkit. Gatineau: Indian and Northern Affairs Canada (DIAND), 2006.

Canadian International Development Agency (CIDA): CIDA China Program: Gender Equality Toolkit. Gatineau: Her Majesty the Queen in Right of Canada, 2007.

Canadian International Development Agency: Guidelines for completing the Gender Equality Assessment Form. Gatineau: Canadian International Development Agency (CIDA), 2005.

Boscoe, Madeline; Tudiver, Sari: Health Knowledge for All? Ottawa: Health Canada (HC), 2007.

Canadian Institutes of Health Research (CHIR): Gender and Sex-Based Analysis in Health Research: A Guide for CIHR Researchers and Reviewers. Ottawa: Canadian Institutes of Health Research (CHIR), 2006.

Health Canada (HC): Health Canada's Gender-Based Analysis Checklist. Ottawa: Health Canada (HC), n.d.

Health Canada (HC): Health Canada's Gender-based Analysis Policy. Ottawa: Her Majesty the Queen in Right of Canada, 2000.

Health Canada (HC): Gender-based Analysis Awareness: Asking the Right Questions. [Intranet Resource] http://www.hcintranet.gc.ca/gba-acs/index_e.html (2014-06-06).

Health Canada (HC): Gender-based Analysis Awareness: Health Canada's Gender-Based Analysis Checklist, n.d. [Intranet Resource] http://www.hcintranet.gc.ca/gba-acs/index_e.html (2014-06-06).

Health Canada (HC): Women's Health Bureau; Larocque, Marlene: Gender-Based Analysis: The Women's Health Bureau. Ottawa: Canadian Heritage, 2004.

Health Canada (HC): Women's Health Bureau: Gender-based Analysis. Ottawa: Health Canada, Women's Health Bureau, 2002.

Spitzer, Denise L.: Canadian Institutes of Health Research (CIHR): Gender and Sex-Based Analysis in Health Research. Ottawa: Canadian Institutes of Health Research (CIHR), 2007.

Human Resources Development Canada (HRDC): Women's Bureau; Strategic Policy Branch; Morris, Marika: Gender-based Analysis Backgrounder. Gatineau: Human Resources Development Canada (HRDC), 1997.

Human Resources Development Canada (HRDC): Women's Bureau; Strategic Policy Branch; Morris, Marika: Gender-based Analysis Guide. Gatineau: Human Resources Development Canada (HRDC), 1997.

Department of Foreign Affairs and International Trade (DFAIT): Gender Mainstreaming. Ottawa: Department of Foreign Affairs and International Trade (DFAIT), 2004.

Foreign Affairs and International Trade Canada (DFAIT): Steps in Gender-Based Analysis. Ottawa: Foreign Affairs and International Trade Canada (DFAIT), 2007.

Citizenship and Immigration Canada (CIC): A Strategic Framework for Gender-Based Analysis at Citizenship and Immigration Canada 2005-2010. Ottawa: Minister of Public Works and Government Services Canada, 2005.

Citizenship and Immigration Canada (CIC): Gender-Based Analysis at CIC: A Working Guide. Ottawa: Citizenship and Immigration Canada (CIC), 2008.

Treasury Board of Canada Secretariat (TBS): Tools for the preparation of Treasury Board Submissions: Gender-based Analysis. Ottawa: Treasury Board of Canada Secretariat (TBS), 2007.

Treasury Board of Canada Secretariat (TBS): Status of Women Canada (SWC): Gender-Based Analysis Training for TBS. Ottawa: Treasury Board of Canada Secretariat (TBS), 2008.

Department of Justice Canada (DJC): Policy of the Department of Justice on Gender Equality Analysis. Ottawa: Department of Justice Canada (DJC), 1997.

Department of Justice Canada: Diversity and Justice: Gender Perspectives: A Guide to Gender Equality Analysis. Ottawa: Office of the Senior Advisor on Gender Equality, 1998.

Department of Justice Canada: Gender-neutral Language. Ottawa: Department of Justice Canada (DJC), 2008.

ANNEX VII: CODING TREE

The following presentation of the coding system does not strive to be reliable, objective, or transferable[13] due to the understanding of subject position of the researcher.[14] The quantification of coding results complement the prior hermeneutic findings of qualitative text analysis. Such triangulated quantification can confirm or raise questions about the qualitative text analysis, but needs to be regarded as a relative and reflexive form of triangulation. It serves mainly an additional insight into the methodology of this study, allowing for more detailed and context-specific understanding of the subject matter. The code system was first based on the Canadian interview sample (with 23 original codes) and before incorporating the EU interviews stratified to 17 overarching codes. These categories were found applicable to also evaluate the EU interviews.[15] While in Canada 1,028 individual codes were generated, the only slightly smaller sample of EU experts produced 621 individual codes.[16] In quantitative terms such large a numerical difference gave reason for the hypothesis of a lesser level of GIA relevance according to the amount of answers to the standard set of questions.

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13 | Herkommer 2012, 6.

14 | Haraway 1988. Since I worked on the codes as an individual and not i.e. in a research team, they are as much an expression of my research paradigms as a result of research. Or to express it in Elvira Scheich's words: "No 'better' and no 'worse' perspective can be traced. [...] Domination results on both sides in fragmentation, in a denied or ambivalent subjectivity" (Scheich 1991, 32).

15 | For a detailed description of the Candian and EU interview samples, see subsection 2.2.1.3 and Annex I.

16 | Individual codes equal excerpts of answers or statements of experts pertaining negatively, positively or neutral to the overarching code under which they are subsumed.

Table 38: Code Tree Comparison Canada and EU Interviews

Codes	Number of Individual Codes	
	Canada	EU
Accountability / Controlling	165	62
Staffing / Budget	54	28
Commitment / Political Will	38	13
Consultation / Participation	57	14
Data / Indicators	85	60
Departmental Implementation Structure	90	47
Employment Equity / Staff Diversity	20	16
Goal Gender Equality	13	1
Frameworks / Policies	17	9
Incentives / Sanctions	13	17
Intersectionality / Diversity	76	39
Challenges / Obstacles	123	183
Gender Equality Machinery	21	17
Gender Roles / Stereotypes	25	2
History of Tools / Training	34	31
Tool Design / Implementation	101	37
Training	96	45
Total	**1028**	**621**

A specificity of the EU sample is that the overarching codes, "Goal Gender Equality" and "Gender Roles / Stereotypes," which were important to categorise what Canadian experts mentioned regarding GBA, could not be filled with a significant number of individual codes. The quantitative findings indicate that the GIA practices in the Commission have not (yet) touched on such qualitative questions, since IA mostly operates on a quantitative meta-level. The EU sample further demonstrates a concentration of codes: "Challenges / Obstacles" ranks first (with a total of 183 individual codes), "Accountability / Controlling" second (with a total of 62 individual codes), "Data / Indicators" third (with a total of 60 individual codes), "Departmental Structure" fourth (with a total of 47 individual codes) and fifth "Training" (with a total of 45 individual codes). This distribution shows in relation to other codes a clear focus of answers concerned with issues of GBA accountability and/or controlling that overlap with the thematic code representing negative experiences articulated in challenges and obstacles to GBA implementation. This

qualitative finding proofs to be complementary to the qualitative text analysis as presented in the chapters before.

The interpretation of intersectionalities in the coding system is also revealing. Text passages cannot be included in the coding system when deemed irrelevant for the research goal, but they can be marked for coding if clearly assignable to one category only, or they can be coded twice or more (multiple times) if the content pertains to more than one overarching issue. If we look at the top five codes in relation to the overall coding tree, with 46 double coded identical text segments, a dominating cluster at the intersection of "Accountability / Controlling" and "Challenges /Obstacles" becomes evident. Such a concentration at the intersection of the strictly negatively coded category in combination with (desired or existing) measures of establishing accountability in order to control for GBA implementation, reveals a distinct dissatisfaction with the status quo and problematizes current practices indicative in quantitative terms.

For Canada, departmental implementation structures (35 overlapping codes) ranked second, and training (27 overlapping codes) ranked third in terms of sustainability and control. Another third ranking (also 27 double assigned codes) was the intersection of the category "Tool Design / Implementation" with the overarching code for every statement pertaining to "Intersectionality / Diversity," underlining a dynamic process that in the meantime has resulted in a new tool (GBA+), which already bears intersectionality in its name. Ranking fourth was the departmental structure providing the implementation framework for GBA, united under the umbrella category "Challenges / Obstacles".

The anonymity of interviews did not allow for a quantitative comparison of individual departments other than CIDA, AADNC, Health Canada, and SWC. Quantifying the amount of text passages indicates that the code "Accountability / Controlling" is dominant. This signifies that all four departments provided the majority of information on that topic, with the SWC answering the most questions. The second most coded segment in Canadian GBA practices was again "Challenges / Obstacles," with SWC delivering the most information on negative experiences with or opinions on GBA.

Table 39: Code Matrix Comparison of Non-confidential Canadian Departments

Codesystem	SWC	Health Canada	AANDC	CIDA
Accountability / Controlling	●	●	●	●
Staffing / Budget	·	·	●	·
Commitment / Political Will	·	·		·
Consultation / Participation	·	●	·	·
Data / Indicators	●	·	·	·
Departmental Structure	●	●	●	●
Employment Equity / Staff D…	·	·	●	·
Goal Gender Equality	·	·	·	·
Frameworks / Policies	·	·	·	·
Incentives / Penalisation	·	·	·	
Intersectionality / Diversity	●	●	·	·
Challanges / Obstacles	●	●	·	
Gender Equality Machinery	●	·	·	
Gender Roles / Stereotypes	·	·	·	
History of Tool / Training	·	·	·	·
Tool Design / Implementation	●	●	●	●
Training	●	●	●	●

It is remarkable that CIDA did not get coded once for "Challenges / Obstacles." This implies that GBA practices in that department can be seen as exclusively positive or

at least neutral. Whereas we see high text activity for "Accountability / Controlling," a result that testifies to the activity of the topic in relation to departmental structure (16 individual codes) in positive terms. This can be attributed to the positive measures under way to integrate GBA into the department's Management Accountability Frameworks or to the introduction of the gender marker codification. CIDA was also not coded for discussions on the overall goal of gender equality, incentives or penalties for GBA implementation and the gender equality machinery, which indicates that these debates are either resolved or are not being addressed at the moment. Contextualising such findings with the detailed text analysis of the CIDA interview, they underline the impression that gender equality support structures are seen as sufficient, thus rendering CIDA the most advanced department in terms of GBA and departmental culture.

The second largest coding clusters for Health Canada was in the realm "Departmental Structure" for implementing GBA practices, but also "Accountability / Controlling" and "Challenges / Obstacles" indicates a very active implementation process. Also "Training" and a little less crucial "Tool Design / Implementation" seemed to be one of the "hot topics." This reading supports the qualitative text analysis in the preceding chapters that showed Health Canada as having a long and fruitful GBA implementation history.

Table 40: Code Matrix Comparison in Absolute Numbers for Non-confidential Canadian Departments

Codesystem	SWC	Health Canada	AANDC	CIDA
Accountability / Controlling	26	20	15	19
Staffing / Budget	2	3	6	3
Commitment / Political Will	2	4		3
Consultation / Participation	3	7	5	5
Data / Indicators	7	6		3
Departmental Structure	8	16	7	7
Employment Equity / Staff D...	1	5	2	1
Goal Gender Equality	1	1		
Frameworks / Policies		3		4
Incentives / Penalisation		1	1	
Intersectionality / Diversity	8	6	5	5
Challanges / Obstacles	26	20	4	
Gender Equality Machinery	6	5	1	
Gender Roles / Stereotypes	2	4	2	1
History of Tool / Training	5	1	4	2
Tool Design / Implementation	9	10	18	8
Training	10	14	10	8

In contrast, the AANDC seemed to face little opposition or to its GBA implementation, but still had to deal with pressing issues first around tool design (18 individual codes) and application, and second around accountability (15 individual codes). This indicates the advanced state of GBA implementation in this department; however, surrounded by ambivalence. At the time of the interview the department was preparing for its internal GBA evaluation and there was already criticism that its GBA tools were not culturally sensitive.

Looking at which codes were absent or only rarely assigned, it was a surprising that SWC was not coded at all for "Frameworks / Policies," despite the expired national Gender Action Plan and urgency to act on it. Also "Incentives / Penalisation" was not a topic for SWC, indicating that the national gender equality machinery is not engaged in such considerations. AANDC had no codes for "Commitment / Political Will", the "Goal Gender Equality" and "Framework / Policies," pointing to the fact that such discussions were not relevant at that point in time. In general

it is important to note that the absence of discussions on certain topics or codes does not necessary equal a lack of need to address these issues. It can also result from the political and/or practical impossibility or unfeasibility to address these issues, illustrating the framework of limitations inside which the quantification methodologies need to be understood. Of all participating departments, the Health Canada analysts and gender experts alone covered *all* codes in their answers. This speaks to the wealth of knowledge and breadth of GBA theorisation and practice in that department.

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List of Abbreviations

AAFC—Agriculture and Agri-Food Canada
AANDC—Department of Aboriginal Affairs and Northern Development Canada
ADB—Asian Development Bank
AGE—Agenda for Gender Equality
AoMs—Areas of Management
APPAM—Association for Public Policy Analysis and Management
APS—Annual Policy Strategy
BPfA—Beijing Platform for Action
CEDAW—United Nations' Convention on the Elimination of All Forms of Discrimination against Women
CIC—Department of Citizenship and Immigration Canada
CIDA—Department of Canadian International Development Agency
CLWP—Commission's Legislative and Work Programme
Commission—European Commission
Council—Council of the European Union
CPA—Core Public Administration
DAC—Development Assistance Committee
DAW—Division for the Advancement of Women
DFAIT—Department of Foreign Affairs and International Trade Canada
DFID—Government Department for International Development, United Kingdom
DG DEVCO—Directorate-General EuropeAid Development and Cooperation
DG DGT—Directorate-General Translation
DG EAC—Directorate-General Education and Culture
DG EMPL / Employment—Directorate-General Employment, Social Affairs and Equal Opportunities, renamed in Directorate-General Employment, Social Affairs and Inclusion
DG ENTR—Directorate-General Enterprise and Industry
DG ESTAT—Directorate-General Eurostat
DG HOME—Directorate-General Home Affairs
DG JUST / Justice—Directorate-General Justice, Fundamental Rights and Citizenship
DG RDT—Directorate-General Research and Innovation
DIAND—Department of Indian and Northern Affairs Canada
DIGMA—Database of Instruments for Gender Mainstreaming
DNDCF—Department of National Defence and the Canadian Forces

DOFC—Department of Finance Canada
DOJC—Department of Justice Canada
DPR—Departmental Performance Report
EC—European Commission
EEAC—Network of European Environment and Sustainable Development Advisory Councils
EGGE—Expert Group on Gender and Employment
EIA / environmental IA—Environmental Impact Assessment
EIGE—European Institute for Gender Equality
EP—European Parliament
EPRS—European Parliamentary Research Service
ESF—European Social Fund
EU—European Union
EVALSED—Evaluating Socio Economic Development
FEMM—Committee on Women's Rights and Gender Equality of the European Parliament
FRA—Fundamental Rights Agency
FTE—Full-time Equivalent
GAP—Gender Action Plan
GBA—Gender-based Analysis
GBAR—Gender-based Analysis Representative
GEA—Gender Equality Advisor
GEA—Gender Equality Analysis
GEM—Gender Equality Machinery
GIA—Gender Impact Assessment
GID—Gender in Development
HC—Department of Health Canada
HRSDC—Department of Human Resources and Social Development Canada
IA—Impact Assessment
IAB / Board—Impact Assessment Board
IAIA—International Association for Impact Assessment
IDB—International Development Bank
IDC—Inter-Departmental Committee
IMRT—Investment Monitoring and Reporting Tool
INSTRAW—International Research and Training Institute for the Advancement of Women
ISG—Inter-Service Group on Gender Equality
LIAISE—Linking Impact Assessment Instruments to Sustainability Expertise
MAF—Management Accountability Framework
MAGEEQ—Mainstreaming Gender Equality in Europe
MMR—Mixed—or Multi-method Research
MRRS—Management, Resources and Results Structure
NPM—New Public Management
OAG / Auditor General—Office of the Auditor General
OECD—Organisation for Economic Co-Operation and Development
OSAGI—Office of the Special Adviser on Gender Issues
PAA—Programme Activities Analysis
PAA—Programme Activity Architecture/Programme Alignment Architecture

PCO—Privy Council Office
PHAC—Public Health Agency of Canada
PPBS—Planning, Programming and Budgeting System
QUING—Quality in Gender+ Equality Policies
RIA—Regulatory Impact Analysis / Regulatory Impact Assessment
RIAS—Regulatory Impact Analysis Statements
RPP—Report on Plan and Priorities
SG—Secretariat-General
SGBA—Sex and Gender-based Analysis
SIA / social IA—Social Impact Assessment
SIDA—International Development Cooperation Agency, Sweden
SNW—Seconded National Expert
SPP—Strategic Planning and Programming
SRW—Substantive Representation of Women
STATCAN—Statistics Canada
SWC—Status of Women Canada
TB—Treasury Board
TBS—Treasury Board Secretariat
TEU—Treaty on European Union
TFEU—Treaty of the Functioning of the European Union
UN—United Nations
UN WOMEN—United Nations Entity for Gender Equality and the Empowerment
   of Women
UNDP—United Nations Development Programme
UNIFEM—United Nations Development Fund for Women
WID—Women in Development
WIGE—Women's Issues and Gender Equality Directorate
WP—World Bank
WPA—Women's Policy Agencies
WPM—Women's Policy Machineries

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