

Critical analysis of the role of the European Union on gender equality progress. The case of research policy *

Análisis crítico del rol de la Unión Europea en el progreso en igualdad de género. El caso de la política de investigación

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Abstract: This article reviews how European policy in gender equality has generated an impact on the lives of European women since reporting and data has been compiled, analysing if there is a potential improvement that could be attributed to the existence of a supranational body and supranational policy. The article will identify some of the structures, regulations and gender policy in the European Union and its potential impact on member states. For that purpose, a wealth of knowledge, which has been developed in the last years by feminist and gender scholars, will be considered and reinterpreted highlighting the most relevant arguments, approaches and debates. Similarly, I will draw on the European Union data and analysis available on the numerous reports developed by multiple EU institutions. Given the limitations of this study and the extensive reach of gender policy within the Union, after a general overview, I will focus briefly on the research sphere, where a series of developments has shown an optimistic picture, despite the possible critics to the level of engagement and effective leadership of the Union in this area.



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Keywords: gender equality, policy-making, supranational, research and innovation, critical approaches.

Resumen: Esta comunicación revisa cómo las políticas de igualdad de género en la Unión Europea ha generado un impacto en las vidas de las mujeres europeas desde el momento que ha existido monitoreo y datos al respecto, analizando si existe una potencial mejora debida a la existencia de un marco supranacional. La ponencia identificará algunas de las estructuras, regulaciones y políticas de género en la Unión Europea y su potencial impacto en los estados miembros. Con ese propósito, se revisará material documental generado por académicas feministas y de igualdad de género, reinterpretando sus puntos de vistas, debates y enfoques. Igualmente, me basaré en los datos y análisis existentes en numerosos informes desarrollados por múltiples instituciones de la Unión Europea. Dadas las limitaciones de este estudio, y el alcance de las políticas de género en la union, tras una vision general, me centraré en el ámbito de la investigación, donde existe un escenario un tanto optimista, a pesar de las críticas respecto a la existencia de un compromiso efectivo y real de la UE en esta área.

Palabras clave: igualdad de género, diseño de políticas, supranacional, investigación e innovación, enfoques críticos.

INTRODUCTION: THE STATE OF GENDER EQUALITY IN THE EUROPEAN UNION. A TIME COMPARATIVE APPROACH.

During the implementation of the Fourth Medium-term Community Action Programme on Equal Opportunities for Men and Women, 1996 and 2000, the Commission established obligatory reporting for member states, what translated into the “Report on Equality between Women and Men”. This report, developed almost every year since 2004, provides great information regarding the degree of progress and the gender equality situation is in the European Union, as well as key information about the directives and policy guidance that frame those actions.

The 2004 report describes how “at the 2003 Spring European Council in Brussels, Heads of State and Government invited the Commission to prepare, in collaboration with the Member States, an annual report to the Spring European Council on developments towards gender equality and orientations for gender mainstreaming of policy areas. This report responds to that request.” (European Commission, 2005, 3)

The existence of this monitoring system is relevant not only to understand the progress that women’s rights and gender equality have had during the year in the European Union, but also as an accountability

tool, where both the national and supranational levels need to be involved and monitor the situation.

The comparison between the first report in 2004 and the last report in 2021 reveals some degree of progress and improvement. In 2004 the report identified “significant gender gaps in most policy fields although it also shows slow progress towards narrowing gaps in certain areas” (European Commission, 2005, 3), together with a variance on these gaps between member states.

Given the difference in the topics analysed in the reports this article focus exclusively on the only comparable dimension of the report; the economic inclusion of women within labour market.

During the time lapse analysed by the 2004 report women’s employment rates increased to a 55.6%. Estimates of the time perceived how in several countries the rate of employment for women ambitioned by the Lisbon target (60%) was remarkably below the ambition. It was the case for Spain, Italy or Greece, with rates of occupation under 50%.

The gender gap in employment was very high (17.2 percentage points). Women with small children had a lower employment rate (12.7 percentage less than women without children). Sex segregation reflected percentages of 25% for occupational segregation and 18% for sectoral segregation, with stronger presence of women in sectors such as health care, social services, public administration or retailing.

In the 2021 report, data shows certain improvement¹. This report shows how the employment rate continues to be systematically higher for men (79%), but how the women’s rate employment had raised to 67.3% in 2019. The gender employment gap for the EU27 was of 11.7 percentage points, what is also lower than data from 2004². Again, as the 2004 report showed women’s employment rate is affected by being the parent of one child under 6 years (reducing their employment rate by 14.3 percentage points less). Occupational and sectoral gender segregation in

¹ We must be wary however, of how the enlargements have altered the measures of comparison having increased the number of countries involved in the reporting process. In fact, the 2004 report, already warned about the possibility that in case of an enlargement “the employment gap will become less pronounced but this is mainly due to lower male employment in the acceding countries”.

² Only if not taking into consideration part-time work, which will raise the gender gap for full-time equivalent employment 17.4 percentage points, presenting no improvement whatsoever.

the labour market has not improved much representing an 18.8% in 2017 for EU28 and a 24% respectively (European Commission, 2019)

Some of these trends have become more acute with the COVID-19 pandemic. For instance, despite the same decline in employment for both sexes in the second quarter of 2020 women have faced more difficulties to re-enter the labour market (employment rate rise for women was 0,8% compared to 1.4% of men). Interestingly, the 2004 report already pointed out that women tended to be more vulnerable to unemployment, what seems to continue to be the case.

The evolution of gender indicators in the European Union can also be followed through the Gender Equality Index, a tool designed as a composite indicator to measure gender equality progress in the EU, both at EU and member states levels. The Equality Index consists of eight domains; the first six (work, money, knowledge, time, power, health) being combined into a core index and an additional two satellite domains (intersecting ine-qualities and violence) (EIGE, 2021). The first year the index was elaborated, 2013, the overall marking was of 6.8 points (where one stands for no gender equality and 100 for full gender equality). In 2020, considering again that the members evaluated were not the same, the marking raised into 67.9.

This limited review allows understanding, with limitations, how the implementation of gender policies at a supranational and national level may have contributed to the improvement of these indicators³. Both monitoring exercises lead us to the conclusion that focus on gender equality in policy led to progress and change, while still considerations of how this change is slow, meagre and can break easily must not been overseen⁴. Therefore, the importance of reflecting on why gender equality policy in the EU has an influence in the integration of gender equality principles and progress in their member states.

1. THE MAKING OFF; GENDER EQUALITY REGULATIONS AND POLICY DEVELOPMENT IN THE EUROPEAN UNION.

³ The change cannot be attributed only to the EU gender policy and action and the word may is employed. There are multiple national and regional regulations, rules and movements not related to the EU that could play a part in this change, and it is not the object of this review.

⁴ Moreover, differences between countries can be significant as well.

The European Union states in many of its documents and policies how “equality between women and men has been one of the fundamental principles of the European Union since the very beginning”. (European Commission, 2004, 7)

This has translated into the existence of a solid legal framework that represents a commitment respected by Member states, meaning this supranational framework “has also had an important and continuous impact on the framework for equal opportunities in the Member States”. (European Commission, 2004, 7)

Established and progressive legal and policy gender frameworks are one of the factors that enables and positively affects the consecution of gender equality. Progressive legal frameworks relating to gender equality “legitimises gender and gender equality as matters relevant to society and to research and higher education institutions in particular” (EIGE, 2016)

The European Treaties reflect equality between men and women since its onset. However, the approach was not always the same, its initial interest and focus being on issues of equal opportunities in the labour market, while positive action and gender mainstreaming coming to complete the approach in successive stages (Lombardo & Meier, 2008).

Already in 1957, after a series of hard negotiations influenced by the internal legislations and pressures by social groups, the Treaty of Rome included the principle that sexes should receive equal pay for equal work, in its article 119.

The treaty of Amsterdam (1997) introduced the concept of gender mainstreaming together with the commitment to incorporate a gender dimension into all EU policies and institutions, aiming to fight all discrimination and inequality between women and men and the promotion of gender equality. This meant the incorporation of gender mainstreaming to European hard law and the Beijing agenda to the EU (Navarro & Sanz, 2021).

Gender mainstreaming measures were defined by the Council of Europe in 1998 as 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”. This implies that every policy framework by the European Union is expected to integrate a gender approach.

Gender mainstreaming has been included as well in:

- The “Charter of fundamental rights of the European Union” (2000), in its article 23 says that Equality between women and men must be ensured in all areas, including employment, work and pay .The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex”
- The Lisbon Treaty (2007) included the equality principle as an essential part of the Union, reading its article 1.a as follows “ The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. Article 2 and 3 also mention equality between women and men.
- The Treaty on the Functioning of the European Union (2012), article 8: “In all its activities, the Union shall aim to eliminate inequalities and to promote equality, between men and women”.

On top of those, from 1982 a series of action programs have also focused on gender equality policy, consolidating with the implementation of the Third Medium-term Community Action Programme on Equal Opportunities for Women and Men (1991-1995) the programme expanded the focus beyond employment policies (Ahrens, 2018). The fourth and fifth plans went even further in terms of the reach and scope, both in terms of issues, and institutions addressed. However, “despite the fact that programmes had been institutionalised as instruments that gender expertise had been assembled in the form of networks, the legal form and function of programmes was considerably downgraded after the end of the fifth programme” (Ahrens, 2018, 58)

In addition, numerous soft legislation (communications, recommendations, etc.) has also be generated on the issue by the Council of the EU, the European Parliament and the Commission.

Hard law is implemented and supported by a series of institutions within the EU. Despite of the existence of these institutional networks, the impact, as we have seen in the introduction has not had the desired

levels. As Navarro and Sanz (2021) argue “the effective inclusion of this approach into European policies continue to be a pending subject, persisting the fragmentation in rules and initiatives pro gender equality, shared among supranational, national support structures and stakeholders.” (p 46)

In 2006 the European Regulation No 1922/2006 of the European Parliament and the Council set the basis for the creation of the European Institute on Gender Equality, which became fully operational in 2010. The institute was created with the ambition of addressing the challenges of and promoting gender equality across the European Union. It would provide support in the implementation of gender equality strategies, and would collect, analyse and disseminate relevant data on the matter. (Navarro and Sanz, 2021)

Together with the institute of gender equality, a numerous number of structures in this aim supports The Commission. The high-level group on gender mainstreaming, the Advisory committee on equal opportunities for women and men, and the European network of legal experts in gender equality and non-discrimination.

In the latest gender strategy “2020-2025” gender mainstreaming is one of their priority strategies, aiming to integrate a gender perspective into all the Commission areas, and putting in place the structures to make it work, including an Equality Commissioner and an interdisciplinary task force (European Commission, 2020).

The Committee on Women's Rights and Gender Equality supports the Parliament. The Committee is a mainstreaming network and a high-level group on gender equality and diversity to promote capacity building within the Parliament staff and political parties. The European Council is lacking this type of support.

We could conclude then that there exists a variety of legislation supported by institutions, in charge of progressing the gender equality agenda, both at a supranational and national level. However, precisely the complexity of their design organization does not guarantee the existence of a shared common agenda. In fact, EU institutions have mixed and mild approaches and variant approaches to gender equality; “no wonder there is disagreement when assessing EU preferences” (Vleuten, 2007, 11). It could be added as well that the multiplicity of organizations pushing for the gender equality agenda within the EU realm involve both positive and negative traits. On the one hand, multiple actors advocating and

implementing actions. On the other hand, a feeling of diluted leadership on the issue.

2. LIMITATIONS AND STRENGTHS OF GENDER EQUALITY POLICY AND APPROACHES

Many feminist scholars argue that EU policies on gender equality have had an unequal development depending on the focus. This fact relates to the neoliberal identity of the Union, which, to some extent, has prioritised, at least initially, issues related to equal opportunities.

Quoting the 2004 report, on equality between women and men, this equal treatment is a “prerequisite for the EU to succeed in reaching the objectives for sustainable economic development and growth as formulated at Lisbon and Gothenburg.”, given the need to “utilise” full labour force to become the most competitive economy. “The promotion of women’s participation in the labour market and efforts, aiming at eliminating gender gaps in all spheres of life are crucial for success.” (European Commission, 2014, 7). In consequence, there is a utilitarian perception and use of the gender equality concept.

This seems to be a general trend in diverse institutions within the EU. For instance, the Commission recognises a significant progress over the last decades due a triple pronged approach that combines equal treatment legislation, gender mainstreaming and specific measures for the advancement of women. However, they pose the accent still in the labour market and related issues: “Encouraging trends are the higher number of women in the labour market and their progress in securing better education and training. However, gender gaps remain and in the labour market women are still over-represented in lower paid sectors and under-represented in decision-making positions”. (European Commission, no date).

This quote gives sense to the critiques that argue how “deliberately ignoring underlying structural differences that distort the outcome of equality policies and mean only limited benefits for the women targeted. EU gender policies have been justified by referring to the ensuing benefits for the internal market. EU tackles sexual harassment in order to make workers perform better, not because it cares for all citizens”. (Vleuten, 2007, 3)

Continuing that line of thought, some authors (Jacquot, 2015) point to the neoliberal EU’s agenda as the impediment for the gender equality

programmes to address gender inequality structural causes, focusing on market issues. As Lombardo and Meier (2008) reflect upon, the broadening of the EU discourse on gender equality may have not brought with it a deepening of it, “the introduction of an equal opportunities perspective in a broader range of policy areas and discourses but no challenge to gender relations or gendered practices of inequality”.

The approach and interests of the European Union around gender equality issues seems to have increased over time, moving towards issues such as violence against women. In 2018, the European Parliament approved resolutions against harassment and sexual aggression in the workplace, the public domain and European political life. In 2019, the institution approved a resolution on male-female parity.

However, some authors remain sceptical about the true intentions behind those broad proclamations, “we can expect far-reaching and thus feminist readings of gender mainstreaming in areas where the EU can permit itself an empty rhetoric than where it has to take binding measures.” (Lombardo and Meier, 2006).

Yet, there is not an effective implementation of gender mainstreaming in the EU political arena “in spite of its formal incorporation in the *acquis communautaire*” (Lombardo and Meier, 2006).

It seems that the transformative potential of gender mainstreaming is not achievable given the technocratic and non-participatory approach of EU policy (Vida, 2021). Another remarkable limitation is the shared responsibility over the subject. This translates into a lack of leadership and power over nations.

However, despite these critiques of the lack of a comprehensive approach, some authors agree that gender equality policy is a paradigmatic case for social policy in Europe (Leibfried and Pierson, 1996). Gender equality policy is a policy that has transcended national interests and introduced new regulations. Remarkably, governments accept it despite states reluctance to cede their policy-making prerogatives, the levels of investment they represent and the wide-scale of entities they affect (Vleuten, 2007).

Moreover, the EU can influence national governments into translating EU regulations to national legislation. Despite the critics that apply to the limitations of the EU approach, as Vleuten argues “Without pressure by the Commission and the Court, the implementation record in

the field of gender equality policies would show even more serious lacunae that it does”. Hence, the importance that the EU plays, despite the limitation in transformational approaches, in conditioning member states to progress their laws and policies into more gender-equal ones.

There are limitations in the possibility of success of these policies and actions, such as the inexistence of clear responsibilities and understanding; “Gender inequality as a policy problem is subject to a variety of interpretations that, consciously or unconsciously, affect the framing of public policies” (Lombardo & Meier, 2006).

3. THE CASE OF THE RESEARCH POLICY AND GENDER EQUALITY

As any other European policy (Gender Strategy, 2020-2025), research policy needs to be guided by gender mainstreaming considerations, and framed within a directive policy on gender equality issues. The ERA Communication (COM(2020) 628 final) research framework already set the basis on the centrality of gender equality approaches in the European Union research strategies and policies, establishing Gender equality and gender mainstreaming in research, as one out of the five priorities.

The ERA framework ambitions to both increase and consolidate women’s researchers in the system, together with the inclusion of a gender dimension into research (design, evaluation and implementation). Both approaches are part of the same strategy seeking “to improve the European research and innovation system”, also with a focus on smart economics⁵ (World Bank, 2007).

The 2018 ERA progress report shows that still there is a lot of work to do to achieve equality. There has been a substantive increase in the number of equality plans developed and different measures to favour women’s presence and the gender dimension within projects. However, this progress is still insufficient to overcome gender inequality in research and academia.

⁵ This concept is highly contested by feminists, as this term fails “to capture the structural discrimination against women in the form of patriarchal, cultural and social norms that continue to play a central role in social life, especially in developing and low-income countries” (Berlanga, 2020)

As in any other sphere, feminist scholars question the depth and the ambition for structural change of gender equality policies in the spheres of research. Hence, the importance of maintaining a critical eye upon these policies and efforts as well.

The European Commission started identifying already which were the main barriers to women in science in 1993, through the report the position of women in scientific research within the European Community. After, two factors enabled the flourishing of women's focus: the mobilisation of women scientists and a high level political commitment (European Commission, 2010). The 1999 Communication of the Commission on Women and Science crystallized EU commitment to gender mainstreaming in research encouraging research 'by women', 'for women', and 'on women' (Mergaert and Lombardo, 2014).

Later, promote gender equality and diversity in science was included among the objectives stated by the European Research Area Communication (2012), considering a whole set of dimensions such as gender equality in scientific careers, gender balance in decision-making and the integration of the gender dimension into research and innovation.

Despite the progression of policy frameworks, resistances and hidden inaction and biases influence the implementation and possible impact of actions. Mergaert and Lombardo portrait the implicit and explicit, individual and institutional resistance to gender mainstreaming in the Sixth Framework Programme (2002–2006) and the Seventh Framework Programme (2007– 2013):

“Our findings about resistances in DG Research show that in the institutional battleground between formal norms demanding the implementation of gender mainstreaming and informal patriarchal norms socializing individuals to preserve the gender-unequal status quo, gender mainstreaming gets ‘filtered out’.” (Mergaert and Lombardo, 2014, 16).

Achieving a high understanding of how resistance looks like and operates (lack of resources, trained staff, ...) is key to understand the enabling or disabling environment to gender equality actions, and the implications that it has in the possibilities of success, impact and transformation.

The last European framework (Horizon 2020) and the current framework agreements (Horizon Europe) have integrated with greater determination a gender approach into their rules and spirit. Like the

online manual mentions, “gender equality concerns all parts of Horizon 2020” (European Commission, no date) . It is a crosscutting issue mainstreamed into the Work Program. In Horizon Europe (2021-2027) gender equality is a cross-cutting issue and is reflected all over the impact assessment document including issues such as gender balance in research, in evaluations committees, and of course the gender equality and the gender dimension in research. Not only that, but gender equality plans is from now onwards an eligibility criteria for institutions. These facts, together with a high level of investment, could make us think of a high transformative potential.

However, feminist scholars points to this as a rhetoric, technocratic and administrative exercise, deprived of the political goal that gender mainstreaming entails, “the conflicting frames of gender equality used by advisory group experts that are being imported into the work programmes overall undermine the quality and successful execution of GM as a policy tool for real social change” (Vida, 2021, 37). As the research from Vida highlights, in order to be effective the policies and actions need to be backed by individual commitment.

A lot of attention has been paid through EU institutional structures to generate improvements in gender equality issues on R&I. However, the figures show a mixed scenario, with women’s doctoral graduate growing at a rate of 2.3% while men at 1.4%, while “the proportion of female R&D personnel working as researchers is lower than the corresponding proportion for men in most countries, in the higher education, government and business enterprise sectors” (European Commission, 2019, 37).

CONCLUSIONS

It is undeniable that the European Union focus and attention on gender equality has had an impact on the improvement in a number of social indicators. However, this impact may have been too humble or limited considered the high-level discourse employed, the number of hard and soft law produced, and the number of structures and institutions created at that effect.

Gender equality policy is a particularly interesting example of the production of supranational policy, where multiple interests, points of view and politics play a part. To some extent, states have shown a willingness that may be absent in others spheres of EU policy. However, gender academics and scholars question to what extent this has been possible given the tokenistic approach of the gender paradigm by EU institutions, and the lack of a real commitment to the transformative nature of gender mainstreaming.

Nevertheless, this communication highlights that the public scrutiny that states are under within a political frame as the EU provokes the need to invest time, resources, and even adapt national legal frameworks to progress on gender equality. Importantly, not only the national level is affected, but supranational policies and investments (such as the research and innovation one) are under this pressure as well. This in itself is a source of power for transformation that can be used and promoted by those within the supra and national machinery to continue to deepen the progress towards a more gender equal future.

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