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Introduction

In recent years, there has been growing interest in theorizing the way national gender equality policies come about. Such processes have been analysed especially in connection to international levels of policy making, as the vast range of Europeanisation literature (e.g. Liebert 2003) shows. The main focus of these studies lies on the relationship between national and international actors – and to a lesser extent, civil society actors – trying to offer models of how policies become effective, usually assessed by changes in laws. Another point of fairly constant interest, especially in feminist literature, has been the question whether growing internationalisation and globalisation opened up spaces for the women's movement to get their claims into the policy process or rather contributed to a backlash (see e.g. Marx-Ferree/Tripp 2006, Snyder 2006, Holland-Cunz/Ruppert 2000).

The focus of this article is on civil society voices – representing gender and other inequalities than gender – articulating positions in policies of crucial relevance for gender as inequality structure. A main question is whether civil society actors actually refer to international actors in gender equality processes, especially when literature suggests that reference to the international level is particularly strong in countries and for policy fields where social movements do not systematically participate in the policy process. Both Austria and Germany have been steadily characterised as neocorporatist states with historically little participation of civil society into policy making. Looking at civil society voices in these two countries and the way they refer to international actors (or don't) seems to offer promising insights regarding the role that international actors actually play for civil society voices in exclusionary policy settings.

The aim of this paper is threefold: first, it aims to identify and compare how the EU and other international actors (e.g. the UN) are referred to by civil society voices in Austrian and German gender equality policies. Second, it aims to establish whether there are differences in referring to international actors depending on the inequality that is represented by a civil society voice – such as women's movement voices as compared to voices representing other inequalities. A third aim is to examine whether reference to international actors is connected to articulating transformative gender equality goals and claims to participation in the policy process. Following the third step, these findings will feed back into debates on the relevance of international actors for civil society voices in gender equality policy processes, both regarding content of gender equality goals articulated, and regarding the claim to democratic participation of civil society in policy making.

Debates on policy change, international actors and civil society voices

While there are diverse schools that seek to explain policy change, the approaches that in some way attempt to take into account that policy change might be influenced by 'ideas' transmitted by language vary in the use of concepts. The most common ones seem to be the concepts of discourse (see Schmidt/Radaelli 2003), and especially for the area of gender equality policies, framing or frames (see Knill/Lehmkuhl 2002, Verloo 2007).

With regard to the influence of civil society actors and international actors on the policy process, this article argues that the idea of general applicability of hypothesis on how international norms become visible, effective or accepted in national contexts, such as the 'spiral model' developed by Risse/Ropp (1999) for the context of human rights implementation or the 'Pincers and Prestige' model developed by VanderVleuten (2005) for EU gender equality policy implementation by 'reluctant' states, do not seem to offer sufficient explanation for the role international actors play for civil society voices in policy settings that are characterised by exclusion of a vast range of different civil society actors and for policy processes where pressure by an international actor to bring states before court is lacking. Both

above-mentioned models seem to have methodological implications that make them less suitable for using them for the present study. The first implication concerns the aspect of a 'fully mobilized domestic opposition' that is seen as necessary for policy change. The second concerns the conditions of mechanism 'pressure by supranational actors' (VanderVleuten 2005).

The first model, developed on implementation of international human rights norms or their 'socialisation into domestic practice' (Risse/Ropp 1999: 237), assumes that policy change basically follows a 'spiral model' pattern, moving from a 'denial phase' through various stages to a fully 'rule-consistent behavior' by states. Within this model, civil society actors are seen as influencing the policy process mainly if they are characterised as 'domestic opposition' that needs to be 'fully mobilized' and linked to 'transnational networks of human rights activists'. (Risse/Ropp 1999: 242). This logic may be too simplistic, especially regarding assumptions on civil society actors as homogenous domestic opposition, as it does not pay justice to the variety of civil society actors representing different inequalities such as in gender equality policies.

The second 'Pincers and Prestige' model assumes that pressure by a supranational actor can only be effective when the supranational actor actually has the power to bring non-complying states before a court (VanderVleuten 2005:485): Thus, for the range of gender equality policies analysed in Austria and Germany, this model cannot apply to the majority of policy areas where no such court sanctioning mechanism is foreseen, as is the case for most gender equality policies (or policies of relevance to gender equality) outside direct national accountability under the EU framework providing competence for the European Court of Justice, such as equal treatment in employment, and anti-discrimination in access to goods and services. Most notably, the issues analysed in *Intimate Citizenship and Gender-based Violence* will lack such a sanctioning mechanism.

The question that remains in such cases, then, is what happens when pressure in form of threat of court decisions is not possible – are international actors less referred to by civil society voices? Or are they referred to nonetheless? In connection to which gender equality goals? Is there a difference between women's movement voices and voices representing other inequalities, since 'fully mobilized domestic opposition' is rather unlikely within the variety of civil society voices representing different inequalities? Is there a difference between countries? Since the two analysed countries share great similarities regarding the exclusion of civil society voices in policy making, one hypothesis is that the way civil society voices in both countries make use of international actors might be similar.

The theoretical debates that this article touches upon are both feminist critiques of neo-corporatist states and the internationalisation of policies, as well as feminist and non-feminist theories on policy change or implementation and the role of civil society and international actors in this process. While the exclusion of women's movement representatives in neo-corporatist states has been well documented for a long time (for Austria e.g. Appelt 1995, for Germany e.g. Lang 1997) and hasn't been subject to much contestation, previous studies on the interaction of women's movement actors and international actors and their influence on national gender equality policies vary particularly in their assessment of the success of such interactions. Despite this variation, there seems to be some degree of understanding that international actors such as the UN and the EU have, in some settings, opened a space for women's movement actors to get their claims on the agenda in national settings (see Holland-Cunz 2000, True 2008, Sauer 2008, Tripp 2006). The question of interest for this article, then, is to determine whether international actors such as the EU and UN actually did 'open a space' for women's movement and other civil society actors in two neocorporatist middle European EU member states and how that relates to the gender equality goals formulated by these actors. Are these goals transformative for gendered structures in society? Are references to the international level, in some way, connected to claims to participation in the policy

process? After all, as one position in academic debates about who should have a voice and determine the meaning of gender equality policies argues, gender equality policy can be seen as as a political process of democratization in which women's voices are included in the policymaking process (Walby 2005).

Material and methodological approach

The material forming the basis of this article are the research reports¹ written within the QUING project for Germany and Austria, as well as the results of the analysis of frames and references to the international level in individual documents for both countries.

The methodological approach of this article is not only informed by the frame and voice analysis, but also goes beyond it. Frame and voice analysis (compare Verloo/Lombardo 2008:31) is characterised by identifying crucial elements or dimensions of policy frames that enable a comparison of these dimensions. These dimensions are: voice (who is speaking, who is referred to in a policy text), diagnosis (of the policy problem), the prognosis (goals and strategies suggested for solving the problem), attribution of roles in both diagnosis and prognosis (who is responsible for the problem, who is responsible for solving it, who is facing the problem), and balance, the dimension analysing the extent of balance between diagnosis and prognosis in a frame. A set of standardized questions provides input for the dimensions allowing for coding. Frame analysis enables to detect frames as entities, which can then be put in a comparative perspective along the different dimensions. Using frame and voice analysis, statements issued by civil society voices in the formal² policy process in gender equality policies were analysed regarding three aspects: (1) reference to international actors, (2) articulation of transformative gender equality goals and (3) articulation of claims regarding participation in the policy process.

Reference to international actors is analysed by looking at the way international actors or documents originating from an international actor (such as the EU or UN) are directly quoted, mentioned or referred to indirectly by civil society voices. Transformative gender equality goals are defined as expressing at least one of the following objectives: to transform society, to challenge gender roles and (gendered) power inequalities and structures. Articulation of claims on participation in the policy process is assessed by identifying whether civil society voices claim that there is a lack of democracy in the policy process by excluding civil society actors and whether this should be remedied by adequate participation in the policy process.

Drawing from the above sources, civil society voices, reference to international actors, and transformative gender equality goals will be set into context and compared across issues and the two countries. Additional research on the policy process in the two countries, such as whether international actors were important in bringing about a policy or the extent to which civil society voices made statements in the formal policy process, will serve to make the picture more complete.

¹ See bibliography for detailed list of reports.

² Formal policy process means the policy procedure followed in Austria and Germany for the coming about of legislation, in which civil society actors are usually only informed about the content of a draft legislation when it has been made public by the responsible ministry and is open to comments. The vast majority of civil society statements analysed are statements whose intention it is to be 'taken on board' in the final version of a draft law, and which have been made public in the form of a comment at the electronic parliamentary archives.

Issues in gender equality policies in Austria and Germany

This article examines gender equality policies that are classified into four issues: General Gender Equality, Intimate Citizenship, Gender-based Violence and Non-Employment. While the first three have long been regarded as central issues for gender equality, Non-Employment is deemed crucial to examine given the question how policies construct that it is legitimate not to be in gainful employment and how this relates to the gendered division of labour. For each issue, two or more major subissues were identified where a civil society actor commented upon an actual policy in the formal policy process. The actual policies analysed were characterised as a major change in the respective policy field in each country and as salient regarding the construction of gender and gender relations as intersected with other inequalities. As these criteria vary in the two countries, the actual policies analysed differ slightly in Intimate Citizenship and Gender-based Violence (see Table 1). In Intimate Citizenship, for Austria, the subissue Divorce, Marriage, Separation contains an analysis of the 2001 Law introducing obligatory joint custody after divorce, whereas in Germany, two policies were analysed under this category: the New Immigration Act 2007 regarding family reunion and the 2007 Contestation of Paternity Acknowledgement Act. For the subissue Reproduction, no policy was analysed for Germany, while in Austria, the 2004 Amendment of the Law on In-vitro-fertilisation was analysed. In Gender-based Violence, the subissue Forced marriage/Trafficking contains an analysis of trafficking policies in Austria (2004 Amendment to Penal Code), and an analysis of forced marriage policies in Germany (2005 Amendment to Penal Code). These differences regarding the particular issues debated in the policy processes of the two countries need to be kept in mind, as they are important for interpreting presence or absence of reference to international actors by civil society voices.

For Germany, the analysis comprises four governmental periods between 1996 and 2007. For Austria, the analysis comprises two governmental periods between 2001 and 2007 (see Table 2). The general time frame 1995 – 2007 was chosen because the Beijing UN World Conference on Women in 1995 is seen as a starting point for incorporating a gender perspective into all policy areas. The governmental periods compared are different in the two countries because the most major policy changes in the respective issues all happened between 2000 and 2007 in Austria, while in Germany two major policy changes took place before that period (Intimate Citizenship: 2001 legal recognition of same-sex partnership, and Gender-based Violence: 1996 criminalisation of marital rape).

Table 1: Policies commented upon by (semi-)civil society voices per issue, subissue per country

AUSTRIA

GERMANY

General Gender Equality Policies

1. General Gender Equality Legislation	General Gender Equality Legislation
2004 Draft Amendment to Federal Law on Equal Treatment Government 'Schüssel II'	2006 Transposition of EU-anti-discrimination directives Government 'Merkel I'
2. General Gender Equality Machinery	General Gender Equality Machinery
2001 Establishment of Men's Policy Unit at Ministry for Women's Affairs Government 'Schüssel I'	2006 Draft of General Equal Treatment Act Government 'Merkel I'

Non-Employment Policies

1. Tax-benefit	Tax-benefit
2006 Amendment of Childcare Benefit Law Government 'Schüssel II'	2007 Parliamentary motion on taxing schemes of spouses Government 'Merkel I'
2. Care-work	Care-work
2006 Draft Law Amending the Care Transition Law Government 'Schüssel II'	2007 Care Time Act (Long-term care insurance reform) Government 'Merkel I'
3. Reconciliation	Reconciliation
2003 Draft Law on Part-time work for Parents Government 'Schüssel II'	2006 Draft Parental Benefit Act Government 'Merkel I'
4. Gender pay gap and equal treatment	Gender pay gap and equal treatment
2006 Gender pay gap and equal treatment of women in employment Government 'Schüssel II'	2001 Voluntary Agreement on Equal Opportunities of Women and Men in the Private Sector Government 'Merkel I'

Intimate Citizenship Policies

1. Divorce, marriage, separation	Divorce, marriage, separation
<p>2001 Amendment to Law governing Child-Parent Relations introducing obligatory shared custody after divorce</p> <p>Government 'Schüssel I'</p>	<p>1. 2007 New Immigration Act</p> <p>Government 'Merkel I'</p> <p>2. 2006 Draft Contestation of Paternity Acknowledgement Act</p> <p>Government 'Merkel I'</p>
2. Same-sex partnership	Same-sex partnership
<p>2005 Legal equality of same-sex partnerships</p> <p>Government 'Schüssel II'</p>	<p>1. 2000 Draft Life Partnership Act</p> <p>Government 'Schröder I'</p> <p>2. 2004 Draft Life Partnership Revision Act</p> <p>Government 'Schröder II'</p>
3. Reproduction	---
<p>2004 Draft Amendment to Law on In Vitro-Fertilisation Fund</p> <p>Government 'Schüssel II'</p>	---

Gender-based Violence Policies

1. Domestic violence	Domestic violence
<p>2005 Draft Amendment to Penal Code, section on Dangerous Threat</p> <p>Government 'Schüssel II'</p>	<p>Violence Protection Act 2001</p> <p>Government 'Schröder II'</p>
2. Sexual Assault	Sexual Assault
<p>2005 Draft Amendment to Penal Code, section on stalking</p> <p>Government 'Schüssel II'</p>	<p>1996 Draft Penal Code Reform on Marital Rape</p> <p>Government 'Kohl V'</p>
3. Forced Marriage, FGM, Trafficking	Forced Marriage, FGM, Trafficking
<p>2004 Amendment to Penal Code 2004 introducing new definition of trafficking</p> <p>Government 'Schüssel II'</p>	<p>2005 Amendment to Penal Code, introducing forced marriage into provision on coercion</p> <p>Government 'Merkel I'</p>

Table 2: Governments at time of civil society comments

AUSTRIA

GERMANY

Governments

	<p>‘Kohl V’ Coalition of conservative Christian-Democratic Party (CDU/CSU) and Liberal Party (FDP) under Chancellor Kohl (1994 - 1998)</p>
	<p>‘Schröder I’ First coalition of Socialdemocratic Party and Green Party under Chancellor Schröder (1998-2002)</p>
<p>‘Schüssel I’ First coalition of conservative People’s Party (ÖVP) and right-wing Freedom Party (FPÖ) under Chancellor Schüssel (2000 – 2002)</p>	<p>‘Schröder II’ Second coalition of Socialdemocratic Party and Green Party under Chancellor Schröder (2002 – 2005)</p>
<p>‘Schüssel II’ Second coalition of conservative People’s Party (ÖVP) and right-wing Freedom Party (FPÖ) under conservative Chancellor Schüssel (2002 – 2007)</p>	<p>‘Merkel I’ Coalition of conservative Christian-democratic (CDU/CSU) and Socialdemocratic Party under Chancellor Merkel (2005 – ongoing)</p>

Table 3: (Semi-) civil society voices and inequality represented per issue, subissue

AUSTRIA

GERMANY

General Gender Equality Policies

1. General Gender Equality Legislation	General Gender Equality Legislation
'CARITAS'	'German Women Lawyers Association'
CSO: no particular inequality, close to Catholic Church	CSO: gender
2. General Gender Equality Machinery	General Gender Equality Machinery
'HOSI – Homosexual Initiative Linz'	'German Women Lawyers Association'
CSO: sexuality	CSO: gender

Non-Employment Policies

1. Tax-benefit	Tax-benefit
'Asylum-Coordination/SOS Human Rights Austria'	NGO-Forum 'Future Forum Family'
CSO: nationality/citizenship status	CSO: gender, sexuality, nationality/citizenship status, family and marital status, class
2. Care-work	Care-work
'Hilfswerk Austria'	'Ver.di Women's and Equality Policies Section'
CSO: no particular inequality	Semi- CSO: gender and class
3. Reconciliation	Reconciliation
'Austrian Student's Union'	'Confederation of German Trade Unions – Women's Section'
CSO: no particular inequality	Semi- CSO: gender and class
4. Gender pay gap and equal treatment	Gender pay gap and equal treatment
'Chamber of Labour, Women's Section'	'German Women Lawyers Association'
CSO: gender and class	CSO: gender

Intimate Citizenship Policies

1. Divorce, marriage, separation	Divorce, marriage, separation
'Association of Women's Shelters'	1. 'Association of Women Migrants' (2007)
CSO: gender	CSO: gender/ethnicity/nationality/citizenship status
----	2. 'Association of Binational Families and Partnership' (2007)

----	CSO: nationality/citizenship status
2. Same-sex partnership	Same-sex partnership
‘HOSI – Homosexual Initiative Vienna’	1. ‘LSVD – Association of Lesbians and Gays Germany’ 2000
CSO: sexuality	CSO: sexuality
---	2. ‘LSVD – Association of Lesbians and Gays Germany’ 2004
---	CSO: sexuality
3. Reproduction	---
‘HOSI – Homosexual Initiative Vienna’	
CSO: sexuality	

Gender-based Violence Policies

1. Domestic violence	Domestic violence
‘Association of Intervention Centres’	‘Terre des Femmes’
CSO: gender (institutionalised)	CSO: gender
2. Sexual Assault	Sexual Assault
‘Association of Intervention Centres’	‘German Women Lawyer’s Association’
CSO: gender (institutionalised)	CSO: gender
3. Forced Marriage, FGM, Trafficking	Forced Marriage, FGM, Trafficking
‘IBF-LEFÖ - Intervention centre for women affected by trafficking’	‘agisra’ - Human rights for Migrant Women and Female Refugees
CSO: gender/nationality/citizenship status	CSO: gender/nationality/citizenship status

Civil society voices: inequalities represented and presence in formal policy process

For this paper, civil society voices are defined as being not part of the statutory interest representations, such as the social partners, and as not being part of government. They typically represent the inequalities gender, or an intersection of gender (e.g. with ethnicity/citizenship status), or another inequality such as ethnicity/citizenship status, sexuality, class. Three civil society voices (all of which Austria) cannot be classified as representing one particular inequality.

The first aspect of interest here is the presence or absence of voices representing gender and of voices representing other inequalities than gender in the formal policy process. Throughout the issues, the majority of civil society voices represent gender and are women’s movement voices in the broadest sense in Germany, while in Austria, the majority comes from a larger variety of representatives of different inequalities. When one looks at which inequalities are represented in the respective policy processes, the findings differ considerably across the four issues and countries: while Gender-based Violence is characterised by statements from women’s movement voices throughout all policies in both countries, in Intimate Citizenship only policies on Divorce, Marriage, Separation see women’s movement

statements in both countries. EU-generated General Gender Equality policies see women's movement statements in all policies in Germany, whereas in Austria they are commented on by voices representing other inequalities than gender or no specific inequality. Non-Employment finally sees a large variety of represented inequalities, and only pay-gap/equal treatment policies see women's movement statements in both countries.

Gender and class: semi-civil society voices in neo-corporatist settings

Regarding voices representing the intersection of gender and class, a central aspect here is the historically grown 'monopoly' on class issues for social partner voices forming the core of corporatist policy settings (such as trade unions, chamber of labour). Especially for the issue Non-Employment, it becomes quite visible that civil voices representing gender and class are sometimes not present in the respective policies³.

A question that needs to be addressed here is thus the relation of civil society voices addressing gender and class and social partner voices. A distinct contrast has been found concerning the openness of corporatist social partner voices in Germany and in Austria towards gender. In Germany, the statements made in Non-employment in Care-work policies and Reconciliation policies come from the women's section of large trade unions (ver.di women and German Trade Union – Gender equality and women's policy unit). These two voices can not be classified as 'classic' civil society voices, due to the status of trade unions as statutory corporatist interest representations, but might be classified as 'semi-civil society voices', since they can be qualified as representing women's interests within traditionally male-oriented trade unions. Thus, a certain degree of self-organisation along the inequality gender is present. These 'semi-civil society' voices are an example for a certain openness for expressing gender issues of the German neocorporatist setting. This is in marked contrast to the characteristics of neocorporatism in Austria, which has been described as stronger than in Germany, also in trade unions (Appelt 1995). In Austria, in Non-Employment, Pay Gap policies, the Chamber of Labour, Women's Department was analysed. This statement, however, can clearly be classified as coming from civil society because it was made as part of the NGO Shadow Report to CEDAW. It is interesting, that regarding the pay gap policy analysed, no civil society women's movement voice gave a statement in the formal policy process and no other statement in the formal policy process from a social partner voice (e.g. trade unions) contained the same degree of comprehensiveness and gendering. It is thus noteworthy that, contrary to Germany, the voice that is institutionally classified as a social partner voice expresses a very gendered position (only) when it is speaking outside of the formal policy process not as the social partner 'as such', but as a civil society voice being part of the CEDAW NGO Shadow Report.

Reference to international actors across issues

Referring to international actors or international obligations varies significantly between and across issues. The EU and in particular the anti-discrimination directives are referred to in

³ Another factor influencing the choice of actors was the comprehensiveness and genderedness of the position articulated. For the choice of actors for Germany Care-work policy and Reconciliation policy, one has to note that all major actors in the policy process should be represented, and the women's movement civil society voice that commented in these policies is already overproportionally present in the sampling of documents (German Women's Lawyers Association – Deutscher Juristinnenbund DJB).

detail in General Gender Equality policies throughout both countries⁴, with the exception of the subissue Machinery in Austria. In Non-Employment, half of the subissues – Care-work policies and Reconciliation policies – do not show any reference to an international level, while the subissues Tax-benefit policies⁵ and Pay Gap/Equal Treatment⁶ are characterised by reference to various international actors, both at the EU and UN level. Intimate Citizenship shows a low level of reference to the international level, and only in the subissue Same-sex Partnership in both countries⁷. Gender-based Violence shows reference to the international level in both countries only in the subissue Trafficking/Forced Marriage in both countries⁸, and in Domestic Violence in Germany⁹.

Analysing the results in detail, a significant pattern can be recognized regarding both presence and absence of international references of civil society actors: the EU is strongly referred to in General Gender Equality policy in both countries – except in Machinery in Austria. Non-Employment policies are split: while Tax-benefit policies and Pay-gap/Equal Treatment are characterised by reference to the EU in both countries – and in addition to the UN in Austria – Care-work and Reconciliation do not show any reference to the international level in both countries. Intimate citizenship policies show a low reference to the international level – only in Same-sex Partnership are the EU and the Council of Europe called upon, while Divorce, Marriage, Separation (and Reproduction in Austria) do not show any such reference. In Gender-based Violence, reference to the international level is rather low: in Sexual Assault policies it is absent in both countries, while in Domestic Violence, such reference is present only in Germany. Regarding Forced Marriage/Trafficking policies, there is explicit reference in Austria, and only implicit reference ('human rights of women') in Germany. In each of these cases, statements are made in the context of the CEDAW NGO Shadow Report.

This means that civil society actors in both countries do strongly invoke international actors in Gender Equality policies, with the exception of Machinery policy in Austria. For Gender Equality policies, the EU is the only international actor that is referred to – via the invocation of EU anti-discrimination and equal treatment directives. The EU is also referred to in Non-Employment in Tax-benefit policies and Pay Gap/Equal Treatment policies – with

⁴ Germany: German Women Lawyers Association (DJB): Comment on Draft General Equal Treatment Act, 22.6.2006; German Women Lawyers Association (DJB): Letter to EU-Commissioners about insufficient transposition of EC anti-discrimination directives, 19.6.2007. Austria: CARITAS: Statement to Draft Federal Law on Equal Treatment, 09 September 2003

⁵ Austria: Reference to the UN, Geneva Refugee Convention, Council of Europe and European Convention on Human Rights, the EU and EU Directive 2004/83/EC providing legal protection for person not entitled to asylum who cannot return to country of origin, in: Asylum Coordination Austria and SOS-Human Rights Austria: Statement on Draft Amendment of the Childcare Benefit Law, July 20, 2007.

Germany: Reference to EU Lisbon Strategy, Draft of the European Constitution, in: NGO Future Forum Family: Appeal 'We need policies that are beneficial to all children' [regarding taxing schemes of spouses], 15.5.2007.

⁶ Austria: Reference to CEDAW (indirect), EU Barcelona Goals (direct), in: Chamber of Labour, Women's Section: CEDAW NGO Shadow Report, section on discrimination of women in employment, October 2006.

Germany: Reference to EU Commission, in: German Women Lawyers Association: Comment on the 2006 Report on the Voluntary Agreement on Equal Opportunities of Women and Men in Employment. 28.3.2006.

⁷ Austria: Reference to European Court of Human Rights decision Karner vs. Austria of July 2003, in: Homosexual Initiative Vienna: 'We want to marry'. Positions and demands on legal equality of same-sex partnerships'. April 4, 2005.

Germany: Reference to EU Charter of Fundamental Rights, EU-Directive 2000/78/EC, European Convention on the adoption of children of 1967, in: Lesbian and Gay Association of Germany: Comment on Draft Life Partnership Revision Act. 18.10.2004.

⁸ Although the German reference is indirect: Reference to 'human rights of women', in: agisra - Human Rights for Migrant Women and Female Refugees: Comment at Public Hearing on forced marriage. 19.6.2006.

Austria: Reference to CEDAW, OSCE, EU and the UN, in: Interventioncentre for Women affected by Trafficking (IBF-LEFÖ): CEDAW NGO Shadow Report, section on trafficking. October 2006.

⁹ Germany: Reference to CEDAW Committee, in: Terre des Femmes: CEDAW Shadow Report, section on violence against women. June 2003.

the notable difference that in Germany, no other international actor referred to, while in Austria, also the Council of Europe and the UN are referred to in Tax-benefit policies, and the UN is referred to in Pay Gap/Equal Treatment policies. For Intimate Citizenship, only Same-sex Partnership policies see reference to the EU in Germany and to the European Convention on Human Rights in Austria. Regarding the EU as international actor in Gender-based violence, the EU is explicitly only referred to in Austria in Trafficking policies.

Regarding lack of reference, civil society actors (and semi civil society actors)¹⁰ in both countries do not invoke international actors as a means to back or to further their claims in Care and Reconciliation policies (Non-Employment), and in Divorce, Marriage, Separation policies (Intimate Citizenship). In addition to the lack of reference for both countries, the following issues lack reference to the international level by one country: For Austria, this is Reproduction (Intimate Citizenship), and Sexual Assault and Domestic Violence policies (Gender-based Violence). For Germany, this is Sexual Assault policies (Gender-based Violence).

This seems to indicate that civil society voices do not refer to Gender-based Violence policies as being part of Gender Equality policies where the EU has competency to act. What is surprising, however, is the infrequent reference to other international actors throughout Gender-based Violence policies: in fact, only statements made as part of the CEDAW shadow report in both countries invoke international actors (CEDAW in Domestic Violence in Germany and CEDAW, the UN, EU and OSCE in Trafficking in Austria). Another surprising aspect is the importance of the EU and the Council of Europe as international actors for civil society voices in policies regulating partnership as intersected with sexuality (Same-sex Partnership), while policies regulating partnership as ‘merely’ being about gender (Divorce, Marriage, Separation) in both countries do not show any reference to the EU or other international actors. This is surprising given the fact that the EU does not have formal competency to regulate matters such as marriage, separation and divorce or partnership regulations in its member states. However, for civil society voices representing sexuality, EU anti-discrimination directives and decisions by the European Court of Human Rights serve as a basis to claim that these regulations should be extended to these policies – whereas the women’s movement voices do not make such a connection in Divorce, Marriage, Separation policies where the issue is similar, yet ‘only’ about gender and not openly intersected with sexuality.

Reference to international actors and transformative gender equality goals

Frames that contain transformative gender equality goals express the objective to transform society and challenge gender roles and power inequalities. What is striking is that civil society statements in two out of four policy fields, General Gender Equality policies and Intimate Citizenship policies, do not contain transformative goals regarding gender equality (women and men). Intimate Citizenship policies contains one minor reference in Germany to transformative goals regarding equality regardless of sexuality, stating that same sex partners ‘should not have to feel like 2nd class citizens’¹¹. Non-Employment and Gender-based Violence, on the other hand, see reference to transformative gender equality goals throughout in Germany, especially calls for a transformation of the gendered division of labour¹².

¹⁰ As has been noted above, for Germany, the voices that were analysed in Reconciliation and Care-work policies are semi-civil society voices, coming from the trade unions’ women’s and gender equality sections.

¹¹ Lesbian and Gay Association of Germany: Comment on Draft Life Partnership Revision Act. October 18, 2004.

¹² Tax-Benefit: NGO ‘Future Forum Family’: Appeal ‘We need policies that are beneficial to all children’, 15.5.2007. Care-work: Ver.di Women’s and Equality Policies Section: Comment on long-term care insurance

Transformative gender equality goals are also voiced in Non-Employment in Austria (Reconciliation¹³ and Pay-Gap/Equal Treatment¹⁴), but are lacking in Care and Tax-benefit.

Another striking finding is that whenever reference to international actors is made and (elements of) transformative gender equality goals are articulated, this is done by women's movement voices (or umbrella associations containing women's movement voices), not by civil society voices representing another or no particular inequality.

The constant reference to the EU as international actor in General Gender Equality policies does not correspond to transformative gender equality goals, for neither women's movement voices (in Germany) nor voices representing sexuality or no particular inequality (in Austria). In Non-Employment, the EU is referred to by civil society statements by the women's movement (or containing a voice from the women's movement) in Pay-Gap for both countries, containing transformative equality goals. In Tax-benefit policies in Austria, the EU is also referred to by the voice representing nationality/citizenship status, but without transformative gender equality goals. In Intimate Citizenship, reference to international actors does not correspond to transformative equality goals: While European actors¹⁵ are referred to in Germany and Austria, there are no transformative equality goals articulated in this context, but equal rights for same-sex partnerships are. Only the 2001 civil society statement on same-sex partnership legislation in Germany refers to transformative equality of LGBT people, but not to the international level. In Gender-based Violence, transformative gender equality goals are articulated both in connection with reference to international actors and without such reference: Forced Marriage and Trafficking sees such references in both countries, even if it is rather marginal and abstract in Germany 'forced marriage as a human rights violation', and very strong in Austria (CEDAW, EU, UN, OSCE as reference). In Domestic Violence in Germany, and Trafficking in Austria, both statements articulate transformative gender equality goals in the context of CEDAW. Sexual assault policies see transformative gender equality goals in both countries, but no reference to international actors.

Reference to international actors and claims to participation

Explicit claims to participation are very rare, and appear only once in each country, and only once in connection with international actors. Both references concern the quality of democracy as regards participation of civil society into policy-making (or administration), and claim that civil society should be included. In Intimate Citizenship, Divorce, Marriage and Separation policies, the German women's movement voice (intersected with ethnicity/citizenship status) demands that democratic principles of participation and voice should be followed in the subissue Divorce, Marriage, Separation (New Immigration Act)¹⁶, but this statement lacks reference to international actors. In General Gender Equality policy, the Austrian civil society voice (not representing any particular inequality) refers to inclusion of NGOs in equal treatment procedure (thus, policy administration) as demanded by the European Union, but only briefly and not in explicit connection with participation in the policy process.¹⁷

reform: Care Time Act. June 7, 2007. Reconciliation: Confederation of German Trade Unions – Women's Section: Comment on Draft Parental Benefit Act, 14 June 2006. Pay-Gap/Equal treatment: German Women Lawyers Association: Comment on the 2nd Government Report on Equal Opportunities, 28 March 2006

¹³ Austrian Students' Union: Statement on Draft Law on Part-time Work for Parents. December 22, 2003

¹⁴ Chamber of Labour, Women's Section: Statement in CEDAW-Shadow report on discrimination of women in employment. October 2006

¹⁵ The EU and the European Charter of Fundamental Rights in Germany, and the European Court for Human Rights in Austria

¹⁶ Federal Association of Women Migrants in Germany: Press Release on the New Immigration Act. June 2007

¹⁷ CARITAS: Statement to Draft Amendment of Federal Law on Equal Treatment. 09 September 2003

Thus, ideas on democracy are generally not explicitly voiced by civil society voices in gender equality policies in both countries. In the rare case that they are mentioned, the German voice does not relate democracy to international actors such as the EU, while the Austrian voice does – even if not explicitly regarding policy making, but policy administration. In both cases, transformative gender equality goals are not expressed.

Conclusions and discussion

Strategies of civil society voices do not seem to have consistent patterns in the two countries regarding reference to international actors – except for General Gender Equality Policies – while there are different patterns regarding transformative gender equality goals, especially in Non-Employment.

The EU serves as a ‘space of reference’ for civil society voices in General Gender Equality Policies, but gender equality goals articulated in this context are decidedly not transformative. Non-Employment policies see transformative gender equality goals connected to the EU especially in Germany, in Austria only in Pay Gap (and only as part of the Shadow report to CEDAW). Non-Employment is characterised by transformative gender equality goals throughout all policies in Germany, but only in Reconciliation and Pay-Gap in Austria. Care-work policies and Reconciliation policies do not show any reference to the international level in both countries.

The UN, notably CEDAW, is referred to in some Gender-based Violence policies by women’s movement voices, and transformative gender equality goals are connected to this reference. However, in Austria Gender-based Violence policies without reference to the international level also see transformative gender equality goals articulated by civil society voices. In Intimate Citizenship policies, transformative gender equality goals are not articulated with reference to the international level.

Whenever reference to international actors is made and transformative gender equality goals are articulated, this is done by women’s movement voices, not by civil society voices representing another or no particular inequality. This seems to indicate that civil society voices from the women’s movement see the international level as a ‘space’ to articulate gender equality goals which are somewhat challenging to their respective governments. At the same time, however, transformative gender equality goals are sometimes also expressed by institutionalised women’s movement voices without reference to the international level.

Lastly, civil society voices in both countries hardly ever express explicit ideas on the (lacking) quality of democracy by exclusion of civil society in policy making, and hardly use international actors as a ‘space’ to articulate their claims regarding inclusion and representation in policy making. If this is done, it does not correlate with transformative gender equality goals. This is a finding which can be seen as both surprising and non-surprising: surprising, because one might expect civil society voices to draw much more attention to their exclusion in policy making in general. Non-surprising, however, given the history of neo-corporatism and the conditions of the policy-processes at the time, which was marked by reluctance to implement EU anti-discrimination regulations in both countries and, at least in Austria, a distinct governmental hostility towards civil society.

When linking the results to the theoretical puzzles discussed earlier, the assumptions regarding civil society actors in the ‘Spiral-model’ in bringing about policy change of the respective governments do not seem to be supported by the findings of the present study, since the pattern of support assessed by reference to the international level varies significantly across issues and the two countries, despite the equal status of Austria and Germany as

members of the EU and as state-parties to CEDAW and the European Convention on Human Rights.

Regarding the 'Pincers and Prestige' model by VanderVleuten, some of these findings seem to support the assumptions: according to them, it is not so surprising that civil society voices will refer to the EU in General Gender Equality policies, when the policies analysed were informed by infringement procedures against both countries for the lack of transposition of EU anti-discrimination directives. Also, the respective lack of reference to the EU in Gender-based Violence policies is not surprising in this respect given the fact that the EU has no competence in the field of gender-based violence as such, whereas it does have competency in the field of gender equality. However, the findings do not support the 'Pincers and Prestige' model in the case of the General Gender Equality subissue Machinery in Austria, where infringement proceedings by the EU were not met with reference to the EU by the civil society voice in the policy process. Neither does the model apply for Reconciliation policies in both countries, where there is no reference to the international level despite EU-competency regarding employment. Similarly, civil society actors' reference to the EU and to the Council of Europe in Intimate Citizenship (subissue Same-sex Partnership) occurs despite the fact that the called upon international actors do not have competency to sanction non-existence of a family law institution for same-sex partnership. These findings indicate that further research regarding the interaction between civil society and international actors is necessary.

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Austria

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Austria

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Germany
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Austria
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Germany
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4.2 Sexual Assault

Austria
Association of Intervention Centres: Statement on 2006 Draft Amendment to Penal Code. Section on stalking. 16 December 2005

Germany
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4.3 Forced Marriage/Trafficking

Austria
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