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Civil society and state framing of gender equality policies in Turkey and Croatia**

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## **Introduction**

The paper is going to research the effects of Europeanisation on civil society and state actors in framing gender equality policies in two candidate states for accession to EU – Croatia and Turkey. The aim of the paper is to see what strategic and discursive framing civil society and state institutions use and if EU changes and Europeanisation influence actors' strategies and (strategic and discursive) frames. The paper therefore aims to assess differences/similarities in framing specific gender equality policies (i.e. Intimate Citizenship, Gender Based Violence, Non-employment) by state and civil society actors (between two countries). The analysis is based on the material produced in the research project QUING.<sup>1</sup>

Liebert (2003) has shown that rigid country clusters do not make much sense for gender equality policies. Analysing and comparing Turkey and Croatia, countries which are not typical national "cluster countries" makes sense, to assess the meaning and negotiations of Europeanization in two 'non-cluster' countries along different issues of gender equality policies and show whether and how the compliance with the EU varies according to issue and not the "world of compliance" that a specific country as a whole may represent.

Further aim of this paper is to see whether Europeanization works as one-way impact on national political systems (only one-way adaptation) or if it is a negotiable concept being "stretched" and "bended",<sup>2</sup> along with the negotiations; how are gender equality policies (the concrete issues) stretched and bended in specific socio-historical contexts and/or if it causes

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<sup>1</sup> The QUING project: Quality in Gender+ Equality Policies, looks into framing of gender+ equality policies in all EU member states and two candidate countries and the EU in four gender equality policy issues: General gender equality, Non-employment, Intimate citizenship, and Gender Based violence. For purposes of this paper we will analyse all issues except General gender equality issue. The three analysed issues are composed of policy documents dealing with: in Non-employment issue: tax-benefit policies, care work policies, reconciliation of work and family life policies, and pay gap and equal opportunities in employment policies; in Intimate citizenship issue: divorce, marriage and separation policies, sexual orientation discrimination and parenting policies, reproduction including abortion and assisted reproduction policies; in Gender based violence issue: domestic violence policies, sexual harassment policies, and forced marriage, female genital mutilation, honour crime and trafficking policies.

<sup>2</sup> The text of Lombardo et al. (2009) describes various ways of "stretching" and "bending" of gender equality, depending on current contextual needs.

any differentiation and resistance and not only convergence/compliance in national political systems.

The paper will build upon theoretical framework on new, more dynamic explanations of Europeanization – as a cognitive, institutional and interactive process of change - dependent on different configurations of institutional framing and agency (Jacquot and Woll 2003, Radaelli 2004) and on methodological/theoretical contributions of Critical Frame and Voice Analysis (Lombardo et al. 2009, Bacchi 2009) as developed in the QUING project. The analysis will be based on the two countries' frame analysis, voice analysis and reference analysis of supertexts in three sub-issues (Non-employment, Intimate Citizenship and Gender Based violence).<sup>3</sup>

### **Europeanization as convergence and compliance**

The concept of Europeanization was first developed as referring to the impact of EU integration processes on national political systems by modification of national systems through transfer of competencies to the supranational level, the adaptive response of member countries to EU inputs and convergence of policies between member states and European Union. Therefore analysis of Europeanization has mainly focused on convergence of decision-making and policy outcomes between European Union and member states (Lombardo and Forest 2009). Although Europeanization is generally used to characterize transformation on national level, which adapts to European level logic, model or constraint, new approaches to Europeanization emerged in the last decade.

Within these approaches the impact of Europeanization has shown differences across policies, politics and politic (Jacquot and Woll 2003, Börzel and Risse in Featherstone and Radaelli 2003, Radaelli 2004: 16) or to say it differently *policies determine politics* (Theodore Lowi in

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<sup>3</sup> QUING project employs the Critical Frame and Voice Analysis, which takes a look at four selected policy issues: General gender equality, Non-employment, Intimate citizenship, and Gender Based violence, which include four types of documents: laws, governmental policy plans, parliamentary debates and civil society texts. Sample texts were selected for analysis and they were analysed in terms of how policy problems are defined, what solutions are offered and who is the voice expressing these solutions (state, civil society). These dimensions were analysed through the *coding process*, which produced *supertexts*, from where various analytical dimensions can be read (besides problems, solutions and voice the coding process analysed passive and active actors, references, norms, policy actions and mechanisms in various policy documents). According to defined parameters, these dimensions were then incorporated/interpreted by researchers to form specific frames, which express discursive characteristics of policy framing. It is important to mention, that from all types of documents just few samples were selected, which means that results could vary depending on the selection of documents for analysis.

Radaelli 2004: 9). There are also definitions on the meanings or ways in which Europeanization takes place. Caporaso et al. (1999: 3 in Featherstone 2003: 14 ) define top-down Europeanization, which besides positive integration (compliance between European level and national level); and negative integration (alteration of domestic rules) includes also *alteration of beliefs and expectations of domestic actors, which includes a change of preferences and strategies ("framing integrations")*.

Based on Schimmelfennig & Sedelmeier (2005a: 7 in Krizsan and Popa 2008) Krizsan and Popa define Europeanization as a process of adoption and internalization, including behaviour and discursive levels, of EU rules, shared norms and beliefs by states. Similarly, Ladrech (1994: 69 in Featherstone 2003: 12) defines Europeanization as reorientation of actors to redefine their interests and behaviours, to norms, imperatives and logic of EU membership.

However, these top-down approaches do not seem to encompass adequately the effects of Europeanization, since it is not only a top-down process but also bottom-up process. It is useful to approach Europeanization beyond the top-down approach or "impact" of the EU on domestic systems and to provide new opportunities for "usage" of Europe, because domestic actors can use Europe in many ways. Europeanization thus deals with the process of domestic change, and the adaptation processes can be more complex than a simple "reaction" to Europe (Radaelli 2004: 6). Actors can choose and learn from Europe outside adaptational pressures (Jacques and Woll 2003: 3 in Radaelli 2004: 9).

The bottom-up approach takes as a starting point the system of interactions at the domestic level and checks if, when and how the EU provides a change in any of the main components in the system of interaction, which includes also systems of "usage" of Europe and not a simple "reaction" to it (Radaelli 2004: 7). Indeed, Europeanization can involve also responses to the policies of the European Union (EU), the impact of which may not necessarily be the one of convergence (Heritiere and Knill 2003 in Featherstone 2008: 3). Europeanization is thus no longer the *explanans* (solution) but the *explanandum* (problem that needs to be explained) (Radaelli 2004: 6).

Radaelli (2003, 2004) and Börzel and Risse (1999, 2003) have, besides decision-making and policy outcome, focused on paradigms, ideas and good practices to understand the cognitive

dimension of Europeanization and whether Europeanization necessarily means convergence or also contention, resistance to and differentiation from EU policy framework. According to Radaelli Europeanization is not convergence, and even in case of convergence, the pattern is not clustered convergence – according to country clusters – since same country may respond to Europeanization in different ways, depending on policy area, constellation of policy actors and resources available in policy areas (Radaelli 2004: 16). This type of analysis pays attention to strategies of policy making in the EU and member states, placing focus on lobbying and networking of political practices through which state and civil society actors influence the process of decision-making (Lombardo and Forest 2009).

Indeed, the role of actors in social interactions and their mediation in the integration process have been underlined by others analysts too. Jacquot and Woll, for example, stress the underdevelopment of analysis of the role of political actors on adaptation, since according to them the actor can "choose" and learn outside institutional pressures.<sup>4</sup> In their sociological approach to European integration Jacquot and Woll emphasize the role of actors in social interactions and their mediation in the integration process, which implies studying the mechanisms of re-appropriation and dis-engagement in the process of European integration. What is important in Jacquot and Woll's model is also the inclusion of interactions between actors and the consequences of this interaction, which differentiates between and includes strategic mobilisation and cognitive adaptation of actors. They developed the concept of "political usage".<sup>5</sup>

Usage thus includes 1. strategic mediations used by an actor to transform political resources of European integration into political action; 2. the repetition of such acts, which acquire habitual practice and are thus less conscious than at first use, and become a customary practice. This approach seems to receive merit because of its insistence on discretionary action of individuals, which provides a means of studying the adaptation of public policy as carried out by individuals, which makes the concept of Europeanization a dynamic process (Jacquot and Woll 2003).

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<sup>4</sup> Like theories of Europeanization, which focus on structural elements and institutional pressures (like fit-misfit theory), but not taking into account the actors potential to block or pursue these changes.

<sup>5</sup> "Usage is a process of transforming resources and constraints into political practices" Jacquot and Woll develop three forms of usage: cognitive – interpretation and persuasion; strategic – transformation of resources in political practices for pursuing a specific goal; and legitimizing – reference to Europe as a way of legitimising national public policies (Jacques and Woll 2003).

Power and participation in the policy making process is dispersed across actors who engage in policy networks of horizontal and vertical nature (Rhodes et al. 1996). Europeanization covers vertical (from EU to domestic politics) and horizontal dynamics (among actors). The EU may provide the context, the cognitive and normative "frame", the terms of reference, or the opportunities for socialisation of domestic actors who then produce "exchanges" (of ideas, power, policies etc.) between each other (Radaelli 2004: 7). According to characteristics of EU polity (with its multilevel, supranational and inter-governmental structures, and heterogeneity of the actors), the emergence of network mode of governance seems inevitable to Featherstone and Radaelli thus the focus being more on how EU policies develop and the role of EU actors in the process, rather than domestic impact and response (Featherstone and Radaelli 2003: 8).

This complex interpretation between domestic and "European" level creates a variety of opportunities for actors to exploit. Thus Europeanization can be a process of exploiting the "vincolo esterno – external tie", which interprets EU as an external constraint to impose certain policy (Featherstone 2003: 9) or a process in which EU becomes a *political reference* for actors at the level of member states to justify policy claims (Hanf and Soetendorp 1998: 1 in Featherstone 2003: 11). Thus Europeanization can be both "pressure" and "usage" (Radaelli 2004: 13).

The actor is therefore an independent and active negotiator within the institutional processes. However, the actor's performance may be autonomous to some extent; since the actor is still faced with institutions, which represent the "realm of possibilities" or "frame" for his/her behaviour (Jacquot and Woll 2003). Although actors may be acting to influence the policy process and policy outcome strategically, there is still a dimension, which is not taken into account while assuming that actors, although constrained by institutions, act consciously in strategically framing their demands ("usage") according to a sociological approach or rational choice theory that Jacques and Woll develop. Individuals are not always autonomous in their decisions, since they are bound by external constraints, even more, they are not strategically rational and aware that their cognitions and acts are shaped by structure, so that they may act unconsciously. By applying the concept of *unintentional framing* and the theory of strategic

and discursive framing (see below) on political usage, we would like to focus here on *unintentional* political "usage".

### **Strategic and discursive framing**

Carol Bacchi (2009) differentiates between *intentional (strategic) framing* and *unintentional framing*<sup>6</sup> and points to the interaction between *agency and structure*. While intentional framing is made by actors (political subjects) who consciously and intentionally shape or *negotiate* political claims and therefore try to change the perception of a problem or concept,<sup>7</sup> the unintentional framing explains the limits of actors' independent action constrained upon them by the structure, which constrains the agency of a political subject.

Jacquot and Woll's concept of usage can be defined as intentional, since actors consciously and pre-meditatively use (e.g. usage) resources<sup>8</sup> to influence accordingly interpretation, problematization and diffusion of solutions in policy debate, decision making procedure, and justification (see figure 1 in Jacques and Woll 2003: 18).

The structure can be understood in Foucauldian terms as the *hegemonic discourse* or *master frame* or "*normative assumptions of knowledge and history*" (Lombardo et al. 2009). The frame analysis, deployed in QUING research, in that sense, "aims at identifying the *cognitive*

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<sup>6</sup> For understanding of this differentiation between intentional and unintentional framing Bacchi (2009) relies on the term "discourse", the understanding of which is many times different, according to the discipline where it is used. Therefore Bacchi points to the distinction between discourse as a social psychological focus on patterns of speech (discourse analysis), and a political theoretical focus on the ways in which issues are given a particular meaning within a specific social setting (analysis of discourses) (Potter & Wetherell 1990; Burr 1995: 164 in Bacchi 2009). In the first tradition the term 'discourse' means something very close to language. There is a focus on the 'linguistic and rhetorical devices' used in the construction of a text (Burr 1995: 184 in Bacchi 2009). In the second tradition, the goal is to identify, within a text, institutionally supported and culturally influenced interpretive and conceptual meanings (discourses) that produce particular understandings of issues and events. In frame analysis or the "discursive approach to politics" that we use in our research, the second understanding of discourse is applied.

<sup>7</sup> Concepts are defined by Bacchi (2009) as "open signifiers" and by Lombardo et al. (2009) as "open or travelling" concepts, especially when referring to gender equality as a concept. Bacchi and Lombardo et al. rely on the definition of concepts as "essentially contested" (Gallie 1955: 56 in Bacchi 2009), which means that concepts and categories have no fixed meaning but reflect specific historical contexts and contested uses (Bacchi 2009). According to Bacchi "concepts are so solidly grounded in history and culture that it is difficult to recognize their constructed nature". Furthermore it is therefore "unsurprising that the concept of gender equality is consistently shaped and reshaped" and the aim of Critical Frame Analysis is to identify the "dominant ways in which gender equality is understood and shaped in specific political sites" (Bacchi 2009).

<sup>8</sup> The resources that actors use are of material and immaterial nature (see Jacques and Woll 2003: 8). The immaterial *discursive references* like ideas and public sphere are rhetoric figures, which are employed to invoke positive or negative association. Material resources are institutions, policy instruments (directives and recommendations etc.) and financing.

*schemata* that people use to interpret and give meanings to reality" (Lombardo et al. 2009), a cognitive schemata of which people are not aware of.

This research agenda relies on the understanding of power employed in discourse. This is mainly connected to VOICE analysis, which enables us to "detect who is included and who excluded from the possibility of framing an issue" (Lombardo et al. 2009). These are the features of the *Critical Frame and Voice Analysis*, which enables us to pay attention to the ways in which a problem is perceived and constructed (diagnosis of a problem, prognosis for the solution of the problem) and to the voices that have power in identifying and *framing* these problems.

The (intentional and unintentional) action of framing of problems in policy realm (policy framing) is therefore an outcome of many actors' (some included and some excluded from framing) negotiation over one problem (or concept), which has concrete material consequences especially for those actors who are not included in the policy framing process. (Lombardo et al. 2009). The power that some voices (actors) have while framing a policy problem is reflected in the discourses produced, which thereof influence the understanding and the meaning of a specific problem or concept. Although actors themselves are influenced by hegemonic discourses or *meta frames*, these cannot be challenged if actors (re)producing them, have appropriated the exclusive right in defining/framing policy problems (producing discourses) while excluding others from this activity.

Carol Bacchi (2009) repeats Foucault's questions on how the struggle over appropriation of discourses is conducted between classes and nations, linguistic, cultural or ethnic collectivities. What individuals, what groups or classes have access to a particular kind of discourse? In assessing who frames the concept of gender equality itself and how the problem of gender equality is discursively framed, *Critical Frame and Voice Analysis* aims at understanding The Who and How of this framing processes.

### **Civil Society**

A neat definition of civil society and civil society organisation (CSO) is not provided in the literature, however a common definition that encompasses both refers to non-state actors to

which different expectations are associated (Habermas 1992 in Kröger 2008: 7). As CSO suggests civil society organisations are characterised by a higher level of organisation and continuity while civil society defines actors in a broader sense (individuals, protesters, churches etc.) (Kröger 2008: 6). Some definitions include business, union and trade associations to characterize "market" oriented CSOs as the Centre for Civil society of London School of Economics defines:

*Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group.*<sup>9</sup>

For our purposes, CSOs or more precisely non-governmental organisations (NGOs), which deal with gender equality and women's rights will be paid attention to. This is because according to Kröger, CSO's contribution to EU is driven by democratic expectations: their potential contribution to legitimacy of EU is of interest. Kröger, however, notes a limitation in the CSO's power and role in democratic processes and concludes that their contribution to lowering democratic deficit is little and does not go beyond consultation (Kröger 2008: 6).

### **Europeanization in Turkey and Croatia**

Our analysis will focus on three policy issues; Non-employment, Gender based violence and Intimate citizenship. These three issues differ according to requirements of the *acquis communautaire*, since policies in the field of Non-employment are clear requirements to be adapted to EU demands by candidate countries and are part of the European hard law, while Gender-based violence and Intimate citizenship are still in the domain of national legislation and for these policy areas EU develops only soft law in forms of recommendations.

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<sup>9</sup> Centre for Civil Society, London School of Economics, [http://www.lse.ac.uk/collections/CCS/what\\_is\\_civil\\_society.htm](http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm), last accessed on 05.05.2009.

To assess the influence of Europeanization on the candidate countries in these three different policy issues we will look at policy frames identified in QUING project research.<sup>10</sup> Focus on frames expressing *International obligations/norm and Europeanization* will be strengthened by focus on which VOICES (state or civil society) express which frames. The importance of other frames as identified within QUING LARG comparative reports<sup>11</sup> will be included as well. Furthermore attention will be paid to *References to EU* in the documents. Since identified frames do not always differentiate between *international obligations* or *Europeanization*, we make use of references in specific documents to see which frame has more relevance and to assess if influence can be attributed more to Europeanization or/and to global influence.

Due to intertwining and influence of both global and EU changes, especially as we will see in Turkey, we find relevant Radaelli's (2004: 10ff) question on how does one know that change on domestic level is related to Europeanization? What about globalisation? Since, authors may conceal globalisation or domestic politics under a discourse of Europeanization – either by blame discourse or by using Europe to legitimise decisions. Radaelli proposes two methods: Europeanization has to precede domestic change (which is not easy to assess) and counter factual analysis by asking: Would this change have taken place without Europeanization? Through the analysis we will try to differentiate between EU and globalization influences by looking at references specific voices make and to frames specific voices produce. Special attention will be paid to policy issues to assess which influence is at work, but this may be easier to assess in some policy areas/issues while it may not be easy to assess in all cases.

According to Acar et al. (2007) and Altunok and Küçükalioglu (2009) in Turkey strong presence of patriarchal norms and some political attempts of retraditionalization of society mark public debates and political tensions in terms of gender equality policies. This is an issue in adultery, abortion and matrimonial property rights, especially after the Justice and Development Party (AKP) has taken power in 2003. Similar retraditionalization developments have happened in Croatia during the 90's, which were strongly influenced by

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<sup>10</sup> For detail on methodology see note 2.

<sup>11</sup> Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey; Frank, Ana (2009): Deliverable No. 36: Series of LARG comparative reports, Croatia.

fundamentalist Catholic beliefs. Croatia has also experienced right-wing governments during the 90's and after 2003 only after a short period of Social Democratic rule from 2000 to 2003 (Dedić 2007).

In the Turkish case, as described by Acar et al. (2007) and Altunok and Küçükaliöğlu (2009) the EU and CEDAW were very important actors in the development of gender equality policies, especially since 1990. Turkish parliament's ratification of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) in 1986 and the ratification of the Optional Protocol to CEDAW in 1999, accelerated civil society activities and encouraged women's NGO to translate their demands to the political arena and take active part in policy making. The acceptance of Turkey's EU candidacy in 1999 and the start of accession negotiations in 2005 gave impetus to state actions for legal reforms. For this reason, it is not surprising to find major presence of *international obligations/norms* frames used in the articulation of gender equality policies in Turkey, as according to Altunok and Küçükaliöğlu (2009), they are even "in line" or "even imported from the global discourse."

Some important steps forward in terms of gender equality were the establishment of the General Directorate for the Status and Problems of Women (KSSGM) in 1990, the adoption of the new Civil Code in 2001, new Penal Code in 2004, adoption of the new Labour Law in 2003 and Constitutional amendments (art. 10, 41, 90) since 2001. According to Acar et al. (2007) and Altunok and Küçükaliöğlu (2009) although explicit provisions on gender equality were already present in the Constitution, the addition to article 10, which states that the state is responsible to ensure non-discrimination between women and men, and more importantly, to take necessary measures for equality in practice in every field, had important impact on the development of gender equality policies in Turkey. Besides, the amendment of article 90 gives supremacy to international conventions concerning basic human rights and freedoms over national laws. However, Acar et al. (2007) and Altunok and Küçükaliöğlu (2009) stress that the generality of constitutional provisions requires further development in concrete laws.

As analysed by Dedić (2007) despite efforts of retraditionalization of gender policies in some aspects, in Croatia the adoption of comprehensive gender equality legislation passed without major controversies. The most important legislative document is Gender Equality Act, which introduced gender equality bodies: Gender Equality Ombudsperson and Office for Gender

Equality. In these terms Croatia seems to be successful in transposing EU gender equality directives. However, Dedić reports, this can be counted a result of grass-roots' activities of women's NGOs and groups and to active involvement of some female parliamentary deputies (mainly from SDP – Social Democratic Party) than to the EU's direct influence. This may be an answer to the rather rare occurrence of frames expressing EU obligations and absence of wide references to EU as we will see during the analysis.

Croatian socialist background from Yugoslavian times, with a state ideology, which was grounded in official egalitarianism, guaranteed social security for everyone. This state egalitarianism, although not guaranteeing a full range of civil liberties, formally promoted equality between women and men. However, after the break-up of Yugoslavia and the establishment of an independent Croatian state in 1990, there were attempts of retraditionalization of the society by nationalist and conservative political and civil society actors, especially influences from fundamentalist Catholic beliefs (Dedić 2007).

Furthermore, as recorded by Dedić (2007), the first turning point in gender equality policies was the establishment of the government Commission for Equality Issues in 1996 and the adoption of the National Policy for the Promotion of Equality in 1997, which was an outcome of cooperation with women's NGOs and the Council of Europe's experts and constituted the first Croatian comprehensive policy of acting in the gender equality field. The second turning point occurred in the beginning of 2000, when the coalition led by Social Democrats won the elections after a ten-year rule of the right-wing Croatian Democratic Union (HDZ). The new government undertook a radical transformation of the then existing model of welfare state and with pressure from the women's groups gave place to a more favourable atmosphere for (gender) equality. The immediate results of these processes were the inclusion of gender equality among the highest constitutional values (art. 3 of the Constitution of the Republic of Croatia) in November 2000, the renaming of the government Commission for Equality Issues into the Commission for Gender Equality in 2000, and the establishment of the parliamentary Committee for Gender Equality in 2001.

## **Non-employment**

It has been noted that in **Turkey** non-employment gender equality policies have a limited range since non-employment seems mainly to be a concern for women, who take part in informal, black labour market or unpaid home-based activities and agricultural work (Altunok and Küçükalioglu (2008). Legal regulations and policies on women's employment have therefore had limited impact. A turning point in gender equality non-employment policies in Turkey was the Accession Partnership agreement after which the Turkish Government adopted the National Programme for the Adoption of the *Acquis Communautaire* (NPAA) in 2001, which set Turkey's priorities for EU accession. Following this programme Turkey prepared a new Labour Law, which aimed at adapting to EU Directives and implement them into national legislation. A commission composed of state, civil society and market actors, including professors, employers, business and trade confederations was established to prepare a new Labour Law. The new Labour Law was adopted on 22 May 2003 (Altunok and Küçükalioglu (2008).

The new Labour Law was adopted without major public debate, which was due, as noted by the authors of Turkish LARG report Altunok and Küçükalioglu (2008), to the satisfaction with the new law, because of its progressiveness in gender equality provisions but also to the fact that the already existing Law in Turkey was not very discriminatory, thus not setting the expectations from the new legislation too high. It was welcomed by women's groups and legal experts alike. However since a large proportion of Turkish female population is included in informal labour-market with working conditions, which granted them no rights and protection, the Law displayed deficiencies.

Low female employment rates in Turkey urged a Summit on Women's Employment, held by Turkish Confederation of Employer Associations (TİSK). Recommendations for the development of long-term national women's employment strategy to increase women's access to labour market, support for employers to employ more women, and recommendations on women's self-employment were adopted. Because of lack of activities and the fragmented nature of women's NGOs in employment issue, TİSK made a call for the establishment of a strong women's NGO movement in the area of employment. Thus the Initiative for Women's Work and Employment (KEİG) dealing specifically with female employment issues was established in February 2007 (Altunok and Küçükalioglu 2008).

It has been noted that in Turkey, employers' associations had the most active role in

influencing non-employment policies, and because of the absence of strong feminist engagement and no inclusion of trade unions, employers' organisations had an opportunity to introduce flexible work conditions into the Labour Law and oppose paternity leave changes, so advocating for economic driven interests (Altunok and Küçükalioglu 2008). Furthermore, in non-employment issue the most important role was played by European Union, which displays clear economic driven interests in the employment and labour area. However, Altunok and Küçükalioglu (2008) argue, EU's demands on Turkish government to implement gender equality policies and the changes in the new Labour Law, were welcomed by women's groups, although as mentioned earlier, there is a concern on the actual reach and effectiveness of the law, since many women remain in the black labour market without any legal protection. Besides EU, international influence had its stake in Turkish non-employment policies. ILO and World Bank also present important pressure on Turkey to implement international conventions on work and employment. World Bank supported projects such KSGM's women's employment research stream.

In **Croatia's** non-employment legislation and policy action, similarly as in Turkey, the main turning point has been the Stabilisation and Association Agreement with the EU in October 2001 (entered into force on 1 February 2005). Croatia achieved candidate status in June 2004 and started accession negotiations in October 2005. In May 2006, the representatives of the European Community and Croatian government signed a Memorandum of Understanding on the Participation of the Republic of Croatia in the European Community framework strategy on gender equality.<sup>12</sup> In its first National Programme for the Integration of the Republic of Croatia into the European Union for year 2003, the Croatian government set the adoption of gender equality legislation as a priority. As a result, in 2003 a series of regulations aiming at the elimination of gender-based discrimination were adopted, and the most important are the Gender Equality Act, which introduced two gender equality bodies (i.e. the government Office for Gender Equality and the Gender Equality Ombudsperson), and the changes of the Labour Act (Dedić 2007).

In the National Policy for the Promotion of Gender Equality 2006-2010, one of the main goals is the harmonisation of the national legislation with the *acquis communautaire* in the field of equal opportunities and employment. However, European Commission pointed on the

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<sup>12</sup> See [http://ec.europa.eu/enlargement/croatia/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/croatia/key_documents_en.htm) (accessed April 15, 2007 in Dedić 2007).

shortcomings with respect to parental leave – excessive obligatory maternity leave – the difficulties faced by pregnant women and mothers of small children in the field of employment, and the occupational pension schemes. Since, according to Dedić (2007), two main approaches can be identified in the employment legislation and policy action. The first approach reflects the attempts of the retraditionalization of Croatian society and, consequently of the exclusion of women from the labour market as the extension of parental leave, the introduction of a status *mother-nurturer*, and the increase of parental compensations. This approach was pursued under the Croatian Democratic Union (CDU) rule in the 1990s and, to a smaller extent, after 2003 when the CDU re-gained the power. However, the policy approach of domestication of women and exclusion of women from the labour market changed in 2007 with Social Welfare Act, which degendered the status of *parent-caregiver* instead of *mother-nurturer*.

The second approach is an outcome of social policy reforms undertaken by the government led by the Social Democrats (SDP) in the period 2000-2003, which among others include the shortening of parental leave, promoting of paternity leave, strengthening of anti-discrimination protection in employment, and reconciliation of work and family life. Dedić (2007) states that the issues of gender equality and equal opportunities are relatively significant in the labour market, while the debates concerning care work are of minor importance.<sup>13</sup> Besides, Dedić states, the government authorities have rarely included NGOs in the policy processes concerning non-employment issues; usually social partners and within this only trade unions' voices can be identified, whereas the employers' organisations are absent. This has been understood as a result of non-transparent negotiations between the government and global financial institutions like IMF and the World Bank and the necessity to harmonize national legislation with the EU *acquis communautaire* (Dedić 2007).

Similarly as in Turkey women's NGOs have paid the least attention to non-employment issues; being largely active in reconciliation of work and family (i.e. parental leave, parental benefits etc.) policies. For these reasons, it seems that apart from government and trade unions there are no other actors in non-employment issue (Dedić 2007).

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<sup>13</sup> Dedić, Jasminka (2008): Deliverable No. 40: LARG country report; Frank, Ana (2008): Deliverable No. 40: LARG country report.

## **Framing and References according to Voice**

Since in **Turkish**<sup>14</sup> case state and civil society voices were pretty aligned as regards the adoption of legislation regarding non-employment policy issue we would expect similar framing of policy problems. Indeed, frames expressing the need of *inclusion of women* in the labour market are present in both types of texts; however there is clear differentiation in framing. Civil society texts place more emphasis on structural gender inequality and therefore stress the need for transformation of division of labour while governmental voices frame the non-employment issue mainly in terms of *international obligations* and *efficient capitalism*.

There are however two civil society texts, which express *efficient capitalism* frame (one of them also *international obligations* frame), but it is important to note that these texts are voices of business civil society expressed by Turkish Confederation of Employer Associations (TİSK), who were actually opposing some legislation in favour of gender equality (like parental leave for fathers) due to conflict of interests, thus favouring economic interests.<sup>15</sup>

The combination of *international obligations* and *efficient capitalism* frames and the significance of *women inclusion* frame (in its both variations: *full employment of women* and *full employment of mothers and workers*) indicate that gender equality is understood in terms of economic development and international obligations, where gender equality is seen as an instrumental means to achieve economic development and Europeanization (and westernisation and modernization of Turkey according to authors of LARG comparative report Altunok and Küçükalioglu 2009).<sup>16</sup>

According to references in texts *international references* as well as *EU references* are present in most of the documents. Where *international obligations* frame is present references to EU abound, however it is not possible to exclude international references like CEDAW, ILO,

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<sup>14</sup> The frames analysed in Turkish context are described in the Turkish comparative report: Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

<sup>15</sup> See Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

<sup>16</sup> See Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

Beijing and UN, since most of the time they are present. EU references correspond with *efficient capitalism* frame as well.

In **Croatia**<sup>17</sup> only two documents stress the importance of EU and of adjustment to EU legislation (harmonisation to the *acquis communautaire*): explanatory memorandum to Labour Act and Promotion of Gender Equality policy plan, which are also the only documents expressing *International obligation frame (Europeanization)*. Although frames on international obligations are present in Croatia, they do not have specific EU references and for this reason, *Europeanization* frame can not be counted as a strong frame. Besides, EU seems not to be an important reference in other Non-employment issue documents either.

In fact, the policy plan with international obligations frame does not have any reference to EU or other international bodies and the law refers to EU references only as guiding principles, and example to follow. EU references in general (directives, conventions, recommendations, declarations, court decisions) are mentioned in two governmental texts (laws) and one civil society text. Other international bodies/documents are mentioned in parliamentary debates, policy plans and civil society texts but only as examples to follow (especially documents stressing the importance of protection of rights of children and mothers).

There are specific frames expressed by specific voices. It is very clear that civil society texts express more gendered and gender equality frames (gendered protection of workers, and especially transform division of labour), and therefore give more importance to transformational aspects. In Croatia *Inclusion of women frame* is expressed only in one civil society text as a weak frame, while mostly parliamentary debates stress this frame although the *workers and mothers sub-frame* is referred to more often.

Croatian state voices expressed in parliamentary debates and policy plans on the other hand express *demographic decline/balance* frame characteristics. Moreover, two parliamentary debates from a right wing party are overtly anti-gender equality with *relieve the father from paternity leave* argument, which shows that state voices are concerned with demography and economic growth. Furthermore policy plans are concerned with *demographic balance, social justice, fragile capitalism and transform division of labour* frames stressing the necessity of

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<sup>17</sup> The frames analysed in Croatian context are described in the Croatian comparative report: Frank, Ana (2009): Deliverable No. 36: Series of LARG comparative reports, Croatia.

reconciliation policies to be an incentive in service of economy, which many times employ gender equality as a means to achieve increase in demographic and economic growth. Similarly law voices appear mostly in *social justice, family justice and care crisis/deficit* frames. It can be said that they are concerned with gender equality but clearly express the concern of economic and demographic growth as well.

### **Conclusions in non-employment**

Preferences of economic interests are present in Turkey and Croatia, therefore a clear conflict of priorities is present since economic interests prevail over gender equality principles in non-employment issue. Such an economic inclination and convergence in adapting to EU requirements may be explained by clear-cut EU competence in the issue of non-employment.

However the fact that European policies on gender equality have been most developed in the issue of employment though,<sup>18</sup> while regulation of social policies remained in the domain of the countries, caused a lack of adjustment and implementation of redistributive social policies (except in some countries where social policy standards were high or even higher than EU standards). The main problem arises when countries have to adapt to policies of common market, but this often happens to the expense of social policies. Social policies are therefore subordinated to market policies (Rosilli 2000: 2-6).

This has been revealed in the combination of *international obligations* and *efficient capitalism* frames and the significance of *women inclusion* frame, which indicate that gender equality is conceptualised in economic development terms in Turkey. In Croatian case state voices express *demographic decline/balance* frame and anti-gender equality with *relieve the father from paternity leave* argument, which show that state voices are concerned with demography and economic growth. Although there are some frames expressing gender equality they seem to be the concern of economic and demographic growth as well (like *social justice, fragile capitalism and transform division of labour* frames) stressing the necessity of reconciliation policies to be an incentive in service of economy, thus employing gender equality as a means to achieve increase in demographic and economic growth.

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<sup>18</sup> (Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services, just to mention few of them.

European gender equality policies in the domain of employment follow this logic causing greater need of adaptation to market incentives and lack of adjustment in social terms in member states and candidate countries. We can talk of a European “master discourse of market competitiveness” (Radaelli 2003: 7) in the domain of gender equality non-employment issue policies. While selected civil society texts (which are limited and fragmented though) in Turkey take a critical position towards such economic preferences over social rights, state voices (including employers’ associations) seem to follow this master discourse of market competitiveness while claiming gender equality at the same time.

Similarly, in Croatia, although we do not have clear *Europeanization* and *efficient capitalism* framing, the market and competitiveness is the master discourse in non-employment policies in general. It is therefore not surprising that Croatian policies are being harmonized with European directives in economic terms, since in non-employment issue the issue of gender equality is mostly emphasized in terms of "gender equality in the labour market" where gender equality is employed for economic purposes and interests. In this case gender equality is shrunked (reduced) to equality in the labour market and bended to fit higher national goals and interests (demography) (Lombardo et al. 2009). So in Croatia gender equality is not an end in itself but a strategy for pursuing "higher" national interests of fostering higher birthrate and economic effectiveness, while in Turkey it can be said that besides economic effectiveness there is a desire to align to what seems to be perceived as European norms or Europeanness that Turkey aims to achieve.

We can see that although in Turkey *Europeanization* and *International obligations* are clearly expressed frames while in Croatia they are not relevant, there is a master discourse of economic effectiveness that influences actors of both countries while attempting to pursue specific policy problems and decisions. Although in Turkey references to Europe, European union and international organisations are very much present and employed, in Croatia this is not the case; it may be said that Europeanization "in economic terms" – as an economic master discourse – has effect in both countries as regards the adoption of the *acquis communautaire* and national compliance. On the other hand, when it comes to "usage" of Europeanization by actors (strategic usage of ideational or norm related Europeanization to "justify" policy decisions) there are clear differences between the two countries. In non-employment issue in Turkey both state and civil society actors use Europe or Europeanness as normative and ideationally desirable aim, perceived as the direction of progress to push

through their agenda, while in Croatia, no sign of European identity or tradition is invoked for policy demands.

### **Intimate citizenship**

As noted by Acar et al. (2007) and Altunok and Küçükaliöglu (2009) in **Turkey** the issue of intimate citizenship mainly emerge in policies regulating marriage, divorce and separation; and reproductive rights policies, while the issue of sexual orientation and sexual discrimination has very limited attention. Turkey's EU candidacy has been an important generator of legislative reform; in fact EU's requirements to implement gender equality policies in the private sphere have been influential along with Turkey's commitments to CEDAW. Besides, especially women's NGO's used the EU accession process to accelerate already formulated demands.

Important changes in Turkish Civil and Penal code took place, although not without heated public debate, where traditionalist and modernist views competed. The Justice and Development Party's (AKP) seizure of power in 2002, albeit showing eagerness to complete legislative arrangements for EU membership, according to Acar et al. (2007) and Altunok and Küçükaliöglu (2009) brought to attempts of retraditionalization of gender equality issues, especially in the domain of adultery, marital property and abortion rights, where religious and nationalist ideology prevailed. However, modernist attitudes and women's NGO's succeeded in their demands and criticism of conservative politics, causing a government's step back.

The most important reform for the provision of gender equality has been the adoption of the New Civil Code in 2001. It has been noted that women's movements pressured and urged for a reform and full equality of women and men in the new Civil Code. Changes in the domain of family law and particularly in those clauses, which were undermining equality between women and men, were introduced. During the discussions of the Civil Code draft in the Commission, several reforms met strong resistance from religious conservatives and nationalists in the Parliament. However women's groups formed an effective pressure on religious and nationalist groups (Acar et al. 2007 and Altunok and Küçükaliöglu 2009).

Acar et al. 2007 note that another important issue, which not enough attention is paid to, is the LGBT groups' demand for the inclusion of the lesbians, gays, bisexuals and transgenders

among the groups that are protected by the Turkish Penal Code in order to prevent discrimination against LGBT people. In 2004, the Justice Commission advocated for a change in the Penal Code in order to criminalise 'discrimination based on sexual orientation'. This was supported both by LGBT organisations and women's organisations, which were strongly advocating for the elimination of gender based discriminatory clauses from the Penal Code. However the position of LGBT in Turkey remains without any legal protection and support. LGBT community claims that EU has failed to react to discrimination against homosexuals in the same way as other human rights abuses were dealt with.

In **Croatia**,<sup>19</sup> similarly as in Turkey, the field of intimate citizenship has been very controversial and debated, with main controversies around issues of reproductive rights, particularly concerning the access to abortion, assisted reproduction, sexual education, and same-sex partnerships. Dedić (2007) notes that the period from the mid-1990, after the proclamation of Croatian independence, has been marked by extreme nationalist/religious discourse that reopened the issue of abortion and questioned women's right to choice. The right to abortion was attacked mainly by pro-life groups, conservative/nationalist political parties and Catholic Church in name of higher nationalistic purposes, namely to increase the birth rate. However due to sound civil society mobilization by women's NGO, the right to abortion was preserved in the new constitution.

Since 2000, when a coalition led by the leftist Social Democrats replaced the conservative nationalist government, gender equality gained a different momentum. Gender equality became fully integrated into law with the adoption of Gender Equality Act in July 2003.<sup>20</sup> In the same year, a package of gender equality and anti-discrimination legislation was adopted: Act on Same-Sex Unions, Act on Protection from Domestic Violence, and amendments to the Labour Act. In this period the debate on same-sex partnership gained importance with the adoption of the Act on Same-Sex Unions, which, although being more a declaratory document, constitutes an important shift in the field of gender equality policies in intimate citizenship. In fact, the issue of discrimination of sexual minorities has become a part of

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<sup>19</sup> The frames analysed in Croatian context are described in the Croatian comparative report: Frank, Ana (2009): Deliverable No. 36: Series of LARG comparative reports, Croatia.

<sup>20</sup> On 16 January 2008, the Constitutional Court (decision no. U-I / 2696 /2003) abolished the Gender Equality Act due to irregularities in legislative procedure while adopting the Act, and ordered the legislator to comply the Act with the Constitution until 15 July 2008. On that date the parliament adopted the new Gender Equality Act, which does not differ from the previous one.

public debate (Dedić 2007).

### **Framing and References according to Voice**

In **Turkey**<sup>21</sup> *Europeanization* frame appears only in Divorce, Marriage and Separation sub-issue of intimate citizenship and is included mainly within state voices (law text and parliamentary debates). In these terms, authors of the Turkish report Altunok and Küçükalioglu argue that Turkey's EU accession process has had some impact on adoption of necessary amendments in national legislation, but only in terms of "equality of women and men within family." We have seen that the most important change was the adoption of the New Civil Code granting women and men equality in marriage, divorce and property rights. In this domain, civil society has also been noted as an important actor. After the ratification of the CEDAW protocol in 1986, which encouraged women's NGOs in their demands in the political arena, women's organisations have campaigned for changes of Civil Code and along with EU have been the most important incentive for reforms (Altunok and Küçükalioglu 2009).

But since there are no frames expressing Europeanization and neither references to EU<sup>22</sup> (of any kind) by civil society voices, it can be said that civil society did not use EU to legitimize its demands. The only references civil society texts made were international conventions. Here we can say that Europeanization has not been an issue within civil society voices, but parallel to them, i.e. Europeanization has not influenced civil society actions in any way and we can contribute civil society mobilisation in promoting gender equality to globalizational influences and internal changes, according to Radaelli (2004: 10ff). Furthermore, LGBT organisations have even criticised EU of not defending gender equality rights in terms of non-discrimination according to sexual orientation as it defended other discriminations (Acar et al. 2007).

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<sup>21</sup> The frames analysed in Turkish context are described in the Turkish comparative report: Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

<sup>22</sup> See Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

References are made to some European countries and their legal regulations (French, Italian, Austrian and Swiss law) by state voices. According to authors of Turkish Comparative report, they count these references as European references where "Legal regulations in Europe are referred as good examples in many texts, and adoption of such legislation is recommended by the modernists, thus we see the presence of *Europeanization* frame"(Altunok and Küçükalioglu 2009: 27). However it cannot be said that these references are EU references, since specific country regulations, where intimate citizenship is in the domain of national legislations, cannot be counted as "EU" references. Thus it is necessary to redefine the concept and process of Europeanization. In our analysis we refer to Europeanization as a clear influence from EU structures and ideas, and not specific countries. However, it can be said that Europeanization encompasses also identification with particular European countries to refer to European identity and Europeanness in general.

The fact that policies in the domain of intimate citizenship are still regulated mostly by national legislation and the fact that EU competences in these terms are minimal (amounting only to recommendations) has somehow "served" the local patriarchal and traditional views of private issues as Altunok and Küçükalioglu (2009) also state. Indeed EU was never mentioned as a reference in intimate citizenship documents, with only some references to particular EU countries and some international obligations and conventions, mainly voiced by parliamentary debates.

In **Croatia**<sup>23</sup> the voices that express Europeanization frame are only state voices (law and one parliamentary debate) and they have also many EU references and a very strong EU component as a positive identification: as an example to follow, as reference for the support of change of legislation, which would bring Croatia closer to EU, especially within the issue of Same-sex partnership. The parliamentary debate is a woman speaker from Croatian Social Liberal Party, which is very much in favour of non-discrimination and recognition of same-sex couples and has a strong Europeanization element. However even this voice is limited in claiming equal rights for same-sex couples, since they are not entitled to the right of marriage and adoption. In these two documents EU is explicitly mentioned as a standard to achieve, while in other documents it is mentioned only as reference.

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<sup>23</sup> The frames analysed in Croatian context are described in the Croatian comparative report: Frank, Ana (2009): Deliverable No. 36: Series of LARG comparative reports, Croatia.

Other documents with EU (Council, Parliament) and international documents and conventions (CEDAW) as important references are expressed by both state and civil society voices. Law on Family, parliamentary debate and two civil society voices have a strong international commitment; according to these documents legislation should be written in accordance with international obligations. Some documents have reference to EU or West EU countries as an example to follow or reference for legal changes (law, parliamentary debates, civil society text). One parliamentary debate uses EU countries as an argument for artificial insemination, while law uses EU countries as an example for Same-sex partnership regulation, while civil society text uses it as a reference for adoption of legislation on sexual and gender minorities.

However as regards references, the use of EU is twofold: while most of the documents with EU references use EU as argument for change, support for adoption of legislation or as an example to follow, some documents (in this second case parliamentary debates of conservative and nationalist parties emerge) use EU reference as an excuse for non-adoption of legislation, especially in case of same-sex partnership, since it is seen as an issue, for which EU does not demand or oblige countries to adopt equality legislation. EU is also used as an argument more important to deal with than same-sex partnership. Europeanization frame is present, however due to its rare occurrence as a frame it is a frame with minor strength in Croatia. However it is interesting to see that references to EU are most expressed in IC issue, which is a very weak field of competence for EU.

There is clear difference in voices, which display specific characteristics in frames and references. Parliamentary debates of conservative parties can express more anti-equality positions and use EU as an excuse to not adopt legislation (same-sex partnership issue). Civil society texts on the other hand express more equality frames and consultation frames but do not refer to Europeanization frame, although they have some references to EU. Law and policy plans are somewhere in between the two poles, since some governmental voices give importance to EU in terms of gender equality but many times this equality is in service of demographic and economic growth, where demographic decline is seen as a cause for lack of labour force, thus repeating the same logic as in non-employment issue, by following an "economic interests" master discourse.

## **Conclusions in intimate citizenship**

The effects of Europeanization on intimate citizenship policies and voices contributing to policy changes in both countries display some similarities and some differences. In the Turkish case Europeanization frame had influence on state actors but it has had no influence on civil society actors, and it was limited only to Marriage, Divorce and Property sub-issue. Similarly, in Croatian case Europeanization frame was displayed by state voices and not by civil society voices, however in Croatia civil society voices do refer to EU as reference, while this is not the case for Turkey. Parliamentary voices in Croatia display use of Europeanization in terms of justification (or an excuse) for non accepting legislation on same-sex partnership, since EU has no competence in private issues and does not demand legislation while in Turkey this has contributed to the "non-presence" of legislation and debates on same-sex partnership. Thus, in both countries this has served conservative, traditional, religious and nationalist attitudes (meta frames), which have had an impact and influence in framing intimate citizenship policies.

### **Gender-based violence**

In **Turkey**<sup>24</sup> the gender-based violence issue has gained political and public importance during 1980's, when various women's groups initiated different activities and played an important role in raising public awareness on the issue. As noted by Turkish authors Acar et al. (2007) civil society engagement thus paved the way for legal and policy change to fight violence against women. Along with civil society action international influence has played an important role, especially the ratification of CEDAW in 1986, the Beijing process and various UN programs. The state has responded to this impetus and initiated reforms in the domain of gender-based violence (Acar et al. 2007, Altunok and Küçükalioglu 2009 ).

A turning point in legal development was noted to be the adoption of the Law on the Protection of the Family in 1998 and the adoption of the new Civil and Penal code in 2001 and 2005 respectively (Acar et al. 2007). Most legal changes took place in the domain of domestic violence and honour killings. In the new Penal code marital rape, virginity tests, forced and early marriages have been criminalised.<sup>25</sup> However, it has been argued by the authors of the Turkish report that the emphasis on family" and "protection of family" reveals

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<sup>24</sup> The frames analysed in Turkish context are described in the Turkish comparative report: Altunok, Gülbanu and Elif Gözdaşoğlu Küçükalioglu (2009): Deliverable No. 36: Series of LARG comparative reports, Turkey.

<sup>25</sup> In Turkey female genital mutilation is not an issue.

the overwhelming influence of patriarchal social values on state decision-making. In this regard civil society has played an important role in initiating change and criticising traditional state and social structures (Acar et al. 2007, Altunok and Küçükaliöğlu 2009).

As regards the EU impact, the most common influence has been on sexual harassment in the workplace, again pointing to the importance of market-oriented gender equality agenda, but also on domestic violence and sexual exploitation and trafficking. However, gender-based violence remains an issue in the domain of national competence, since EU has no strict directives on this issue.

In **Croatia**,<sup>26</sup> domestic violence and trafficking in women constitutes a dominating issue within gender-based violence issue. As Dedić (2007) has analysed the issues of forced marriage, female genital mutilation and ‘honour’ crimes are virtually non-existing in Croatian public and policies. In Croatia there is a relatively long tradition of women’s NGOs in providing psychosocial and legal help to women victims of domestic and sexual violence. A consensus has been achieved on the necessity of combating domestic violence and violence against women among all major stakeholders; i.e. government, political parties and civil society. Therefore, Dedić notes, there have not been any major controversies concerning this issue.

In relation to gender-based violence issue the most significant legislative and policy documents are the 2003 Act on Protection from Family Violence and the 2004 National Strategy for Protection from Family Violence 2005 – 2007. Trafficking in human beings is addressed by the National Program for the Suppression of Trafficking in Human Beings 2005 – 2008. Croatia has adopted a series of other legislative changes concerning domestic violence, such as the inclusion of marital rape and domestic violence as criminal offences in new Criminal Code from 1997, the prohibition of domestic violence in the 1998 Family Act, introduction of restraint orders and compulsory psychosocial treatment for the perpetrators of violence and introduction of the term “domestic violence” into Croatian legislation in 1998, which was largely a result of the lobbying of women’s NGOs (Dedić 2007). Sexual harassment was prohibited and the obligation on employers to protect workers’ dignity in the workplace was imposed with the amendments to the Labour Act in 2003. These changes were

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<sup>26</sup> The frames analysed in Croatian context are described in the Croatian comparative report: Frank, Ana (2009): Deliverable No. 36: Series of LARG comparative reports, Croatia.

mainly influenced by the EU equal treatment and non-discrimination directives.

Similarly as in Turkey, there is a tendency to degender the issue. Dedić (2007) states that this is most evident in the use of terminology used in different documents; gender equality programmatic documents and NGO documents more frequently use the notion of “violence against women,” whereas the legislative regulations consistently speak about “family violence.”

### **Framing and References according to Voice**

In **Turkish** framing of the problem of violence there is a presence of *international obligations frame* in domestic violence, honour killings, and trafficking policy problems, however no significant EU references are present. References are mostly international obligations like conventions, treaties and conferences (CEDAW, Beijing, UN), which are present in all types of documents, therefore being expressed by state and civil society voices alike. EU and EU membership is expressed as reference only in parliamentary debates.

Civil society voices express structural understanding of gender inequality in terms of gender-based violence, while state voices have no structural understanding of gender inequality in the domain of gender-based violence. However there is some emphasis on cooperation between stakeholders at national and international level.

In **Croatia** we have only 2 documents expressing *international obligations frame* (law and policy plan in trafficking in human beings sub-issue). In both documents it is a weak frame. Both documents have no specific references but refer to international cooperation and international organizations. As references are concerned, only 4 documents (state and civil society voice) express international references and most of them are international (UN, CEDAW, Beijing, UN), while on EU (EU accession agreement, European Council and EU directives) only few and vague references are mentioned in state voices (law and policy plan in domestic violence and sexual harassment sub-issues). EU references and importance of EU in this issue seem not to be important in Croatian case, and voices expressing EU references are only institutional voices (laws and policy plans).

### **Conclusions in gender-based violence**

In gender-based violence where European Union has no competence in changing national legislation, there are neither any significant EU references or frames neither is there any difference in voice expressing those frames and references. In these terms the Croatian and Turkish case seem to express similar characteristics. The EU influence is mostly recognizable in workplace regulations, which deal mostly with sexual harassment. This again proves the "economic discourse" of EU influence.

Broadly speaking international influence has a greater stake than EU for policy change in gender-based violence domain along with civil society endeavours. In both countries civil society organizations' and especially women's NGO's efforts to fight against gender-based violence seem to be common. Besides, civil society voices in both countries also seem the most gendered documents, with emphasis on structural understanding of gender equality.

## CONCLUSION

In general, as regards international obligations and Europeanization frames with special reference to EU, it seems that in Turkey there is greater occurrence and influence while in Croatia we have relatively few references and frames stressing EU level of influence. Even those frames that stress *efficiency-good governance* and *quality of legislation* do not refer to EU level significantly. The international obligations frames do stress international obligations but reference to EU is minor indeed. Even in Intimate citizenship issue where the Europeanization frame is present, it is a minor frame in Croatia and Turkey and it is only expressed by state voices. However it is interesting to note that references to EU in Croatia are most expressed in Intimate citizenship issue, which is a very weak field of competence for EU.

We can conclude that Europeanization has different influence in different policy areas and within voices expressing Europeanization but also in the way Europeanization is used. For example in non-employment issue, where EU has direct influence with hard law imposing legislation on member states thus "pressuring" for adaptation and implementation, the use of Europeanization diverges in Turkey and Croatia. We can see that although in Turkey *Europeanization and International obligations* are clearly expressed frames while in Croatia they are not relevant, there is a master discourse of economic effectiveness that influences actors of both countries while attempting to pursue specific policy problems and decisions in

non-employment area. Although in Turkey references to Europe, European Union and international organisations are very much present and employed, while in Croatia this is not the case, it may be said that Europeanization "in economic terms" – as an unintentional, discursive economic master frame – has effect in both countries as regards the adoption of the *acquis communautaire* and national compliance.

On the other hand, when it comes to "usage" of Europeanization by actors – as intentional, strategical usage of ideational or norm related Europeanization to "justify" policy decisions – there are clear differences between countries. In non-employment issue in Turkey both state and civil society actors use Europe or Europeanness as normative and ideationally desirable aim, perceived as the direction of progress to push through their agenda, while in Croatia, no sign of European identity or tradition is invoked for policy demands.

In intimate citizenship issue, where EU competence is limited, we have Europeanization framing by state actors in Turkey, but no Europeanization frames or references by civil society voices. Similarly in Croatia we have clear Europeanization framing and references by state actors but only EU references expressed by civil society actors. It is interesting to see that references to EU are most expressed in IC issue, which is a very weak field of competence for EU.

However here we have examples of Europeanization, which is "used" in two ways, as a justification for adoption and change in legislation and as an excuse to avoid legislation. So non-competence of EU in one specific policy issue may be used as an excuse for non-adoption of equality legislation, although EU recommendations may be clearly in favour of more equality policies. In gender-based violence issue Europeanization seems not to have a greater impact, since international obligations frames and references dominate. So we can see that Europeanization does not work only as one-way impact on national political systems (only one-way adaptation) since it is a negotiable concept being "stretched and bended" along with the negotiations. Besides, Turkish LGBT organisations have even criticised EU of not defending gender equality rights in terms of non-discrimination because of sexual orientation as it defended other discriminations

Besides the different aspects of Europeanization that we could identify in our analysis, gender equality policies as well are stretched and bended in specific socio-historical contexts,

which causes differentiation and resistance and not only "convergence"/compliance in national political systems. According to Lombardo et al. (2009) gender equality "stretch" and "bend", according to the current contextual needs. For example the EU has tended to label gender equality in different ways, but mostly as linked to competition, combating non-employment etc. This clearly reveals the market oriented inclination of definitions of gender equality within the EU, which is also the case of Croatia and Turkey. This means that gender equality is "bended" to fit "higher" or national goals and interests (e.g. demography). Furthermore gender equality is also "shrunked", which means reduced to gender equality in the labour market. Within EU this is often the case and so it is for Croatia and Turkey.

To rely on Radaelli's question on how to assess whether the change on domestic level is caused by globalizations' or Europeanization's influence, it is possible to say that to some extent both countries respond to EU demands, which can be seen in the incorporation of EU requirements, especially in Non-employment policy field (and to some extent the sub-issue of sexual harassment at work in the Gender-based violence issue), while in the other two issues (Gender based violence issue, and to a lesser extent in Intimate citizenship<sup>27</sup> issue) global influence (in terms of analysed frames and references) has precedence over Europeanization, although international frames represent weak frames in both countries.

However, to problematize Radaelli's conceptualization of global and EU changes: do they really differ from each other in terms of gender equality policies, so that it would be possible to assess which influence is at work? Is not globalization influenced by "European" values? So if we ask whether this change would have taken place without Europeanization, we have to recognize the similarities of processes that both globalization and Europeanization cause in terms of change of gender equality policies and policy making.

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<sup>27</sup> In Turkey for example there are no frames expressing Europeanization and neither references to EU by civil society voices, so Europeanization has not influenced civil society actions in any way and we can contribute civil society mobilisation in promoting gender equality to globalizational influences and internal changes. In Croatia on the other hand we have EU references in Intimate citizenship expressed by civil society voices but no Europeanization frame, thus we can conclude that for both countries in the field of Intimate citizenship, Europeanization was not the driving force in civil society's actions.

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