



MAKING LAWS WORK  
FOR WOMEN AND MEN:  
A PRACTICAL GUIDE  
TO GENDER-SENSITIVE  
LEGISLATION

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*Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation*

Warsaw, 2017  
OSCE/ODIHR

Published by the OSCE Office for Democratic Institutions and Human Rights

[www.osce.org/odihr](http://www.osce.org/odihr)

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ISBN 978-92-9234-948-6

Designed by Homework  
Cover photos by OSCE Parliamentary Assembly  
Printed in Poland by Centrum Poligrafii

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# Introduction

The achievement of equality between women and men has become a major objective and integral part of the international development agenda. The principle of gender equality embodies the idea that human rights cannot be achieved without guaranteeing that women and men enjoy full and equal rights, responsibilities and opportunities. This principle is enshrined in multiple international treaties and in national constitutions and legislation all over the world, including in the OSCE region and in the OSCE's own commitments.

While gender equality is the overarching and long-term policy goal, gender mainstreaming is a set of context-specific, strategic approaches, as well as technical and institutional processes, adopted to achieve that goal. Gender mainstreaming integrates gender equality components in national public and private organizations, in central or local policies, and in services and sector-specific programmes. In the long run, it aims to transform discriminatory social institutions and practices, recognizing that discrimination can be embedded explicitly or implicitly in a wide variety of laws, cultural norms and community practices.

Gender mainstreaming is essential for securing human rights and social justice for women, as well as men. It is also increasingly recognized that incorporating a gender perspective in different areas of development ensures the effective achievement of other social and economic goals. Mainstreaming can reveal a need for changes in goals, strategies and actions to ensure that both women and men can influence, participate in and benefit from development processes. This may lead to changes in organizations – structures, procedures and cultures – to create organizational environments that are conducive to the promotion of gender equality.

National parliaments are well placed to champion the objective of gender equality and promote gender mainstreaming in government. Parliaments aim to reflect society, and so they must reflect the changing dynamics of their elector-

ates. A gender-sensitive parliament is a parliament that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. For example, gender-sensitive parliaments can contribute to removing the barriers to women's full participation in society, and empower both men and women to shape their own lives and make decisions.

The legislative process is a vital entry point for gender mainstreaming. Legislation has a direct and tangible impact on the lives of citizens, and reflects in the most direct manner the needs and priorities of various constituencies. The legislative process creates a platform for dialogue on issues that matter most in society and may foster the expression of multiple voices and perspectives. Thus, this process presents an effective vehicle for the promotion of gender equality values and principles.

This Guide primarily targets members of parliament and parliamentary staff, and aims to offer practical guidance on what gender-sensitive legislation (GSL) is, why it is important, what it consists of and how to integrate it into routine parliamentary work.

- **Part I** begins with a general overview of the international framework on gender equality and gender mainstreaming.
- **Part II** discusses GSL concepts, principles and benefits; addresses the question of what a GSL *is* and *is not*; and refers to the role of parliaments in promoting GSL.
- **Part III** provides a step-by-step guide on how to implement GSL, including recommendations on how to conduct a gender needs analysis in a given sector, how to assess the gender implications of specific laws, whether and how to integrate gender-focused activities in new legislative acts, and how to develop gender-sensitive indicators that can facilitate the monitoring of the law's implementation. This Part also discusses some of the main principles of gender-responsive budget analysis, a central component of any successful GSL.
- **Part IV** outlines approaches to institutionalizing GSL in the routine work of parliaments, while drawing on good practice examples of parliaments from around the world, including in OSCE participating States. This Part focuses on three major principles for GSL mainstreaming in parliaments: adopting an actionable GSL strategy, creating the parliamentary infrastructure for GSL,

and collaborating with external stakeholders. This Part also outlines some of the enabling factors that contribute to the institutionalization of GSL.

- **Part V** provides concluding remarks and a set of general good practices related to the implementation of GSL.
- **Annex I** offers analysis of gender mainstreaming in the Republic of Belarus,<sup>1</sup> as a case study. It discusses existing gender equality and GSL practices in the country and identifies entry points for the introduction of systematic GSL analysis.
- **Annex II** outlines a self-assessment tool on GSL guiding readers and practitioners through different stages of lawmaking from a gender perspective.
- **Annex III** presents a set of gender-sensitive indicators for the education sector as an example.

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<sup>1</sup> This publication was developed within the framework of an ODIHR extra budgetary project “Strengthening democratic governance and gender equality in Eastern Partnership countries”. In turn, the Republic of Belarus was selected for case study analysis in this Guide.





# Part I. Gender Equality and Gender Mainstreaming: The International Framework

A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is the “equal rights of men and women”. The principle of gender equality was also recognized in the Universal Declaration of Human Rights in 1948, as it included an affirmation of the “equal rights of men and women”. The Declaration paved the way to further strengthening international commitments in the area of women’s rights, most comprehensively in the 1979 United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention contains a “bill of rights” for women, defining what constitutes discrimination against women and setting up an agenda for national action to end such discrimination. By 2016, 187 countries, including 56 OSCE participating States, had ratified CEDAW, and many of them followed through with the introduction of gender equality principles in their legislation related to, for example, health, education, employment, family and marriage, the prevention of trafficking in women and children, and criminal codes.

In 1995, at the Fourth International Conference on Women held in Beijing, gender mainstreaming was established in the Beijing Platform for Action as an internationally agreed strategy for promoting gender equality.<sup>2</sup> The Platform commits all stakeholders in development policies and programmes – including United Nations entities, Member States, the international development community and civil society actors – to take action “to ensure women’s equal access to and full participation in power structures and decision-making.” That same

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<sup>2</sup> The idea of mainstreaming concerns of women first made the transition into the work of the United Nations in the “Forward-Looking Strategies for the Advancement of Women” adopted at the Third World Conference on Women, Nairobi 1985, <[http://www.5wcc.org/conference\\_background/1985\\_WCW.html](http://www.5wcc.org/conference_background/1985_WCW.html)>.

year, the General Assembly adopted a resolution establishing gender mainstreaming as a United Nations system-wide policy.<sup>3</sup>

In the United Nations, gender mainstreaming was defined in 1997, by the United Nations Economic and Social Council (ECOSOC):

*“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetrated. The ultimate goal is to achieve gender equality.”<sup>4</sup>*

As such, gender equality is an overarching and long-term development goal, while gender mainstreaming is a method consisting of context-specific, strategic approaches, as well as technical and institutional processes adopted to achieve that goal.

Gender mainstreaming integrates gender equality components in national public and private organizations, in central or local policies, and in services and sector-specific programmes. In the longer run, it aims at transforming discriminatory social institutions, recognizing that discrimination can be embedded in laws, cultural norms and community practices that, for example, limit women’s access to property rights or restrict their access to public space.

Under its Millennium Development Goal 3 (Empowerment of Women), the United Nations has encouraged its Member States to develop a framework by which gender is mainstreamed at both government and parliamentary levels. The United Nation’s 2030 Agenda for Sustainable Development reaffirmed the commitment to gender equality and mainstreaming, endorsing a number of goals, including Goal No. 5 to “achieve gender equality and empowerment [to] all women and girls,” and stating that:

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3 Follow-Up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and the Platform for Action, UN General Assembly’s Resolution 50/203, 1995, <<http://www.un.org/documents/ecosoc/res/1996/eres1996-6.htm>>.

4 Mainstreaming the gender perspective into all policies and programmes in the United Nations system, ECOSOC Resolution, Excerpt from A/52/3, Chapter IV, 1997, <<http://www.un.org/womenwatch/osagi/pdf/ECOSOCAC1997.2.PDF>>.

*“Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. [...] Women and girls must enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels. [...] All forms of discrimination and violence against women and girls will be eliminated, including through the engagement of men and boys. The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.”<sup>5</sup>*

The European Union endorsed gender mainstreaming as a guiding strategy toward gender equality and set about promoting the consideration of gender equality in all policy domains. In 1999, the Treaty of Amsterdam included the promotion of equality and the elimination of discrimination between men and women among the EU’s fundamental tasks. Over the years, a number of additional gender equality-related directives were issued, and, in 2006, these were brought together in the so-called Recast Gender Directive.<sup>6</sup> The EU has had a positive influence on the development of gender equality policy, not only on its Member States but also in other European countries, where candidacy for accession or other aid-related relationships require countries to work towards compliance with EU norms.

The 2004 OSCE Action Plan for the Promotion of Gender Equality directly links equal rights of women and men to “peace, sustainable democracy, economic development and, therefore, to security and stability in the OSCE region.” The OSCE Gender Action Plan – the most comprehensive OSCE framework, to date, in guiding OSCE institutions and participating States on gender equality – emphasizes the need to “develop further and strengthen a continuous and sustainable gender-mainstreaming process.” The Action Plan commits the Organization to the objective of gender mainstreaming in all its programmes and operations, and to supporting the attainment of these objectives in the OSCE’s assistance to participating States.<sup>7</sup>

The vast majority of OSCE participating States have signed and ratified CEDAW and have undertaken other international commitments to protect and promote

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5 Transforming our world: the 2030 Agenda for Sustainable Development, UN General Assembly’s Resolution, 2015, para. 20, <<https://sustainabledevelopment.un.org/post2015/transformingourworld>>.

6 Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, 5 July 2006, “<<http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32006L0054>>.

7 OSCE Ministerial Council Decision No. 14/04, “2004 OSCE Action Plan for the Promotion of Gender Equality,” Sofia, 7 December 2004, <<http://www.osce.org/mc/23295?download=true>>.

gender equality. While national legislation usually contains explicit provisions prohibiting discrimination on the basis of gender, the declarative nature of these provisions does not automatically translate into mechanisms to ensure equal opportunities for women to participate in all types of social, political and economic activities on an equal footing with men. Therefore, mainstreaming gender into legislation plays a significant role in the process of promoting and attaining the ultimate objective of gender equality.

# Part II. Gender-Sensitive Legislation: Definitions, Principles and Advantages

This section will explain key notions of gender-sensitive legislation (GSL) and highlights major advantages related to integrating a gender perspective in legislation and budgets.

## a) GSL concepts and principles

**Gender-sensitive legislation** is a central part of mainstreaming gender considerations into the legal system. It refers to the integration of a gender perspective into all components of the legislative process – design, implementation, monitoring and evaluation – **in order to achieve the ultimate objective of equality between women and men**. Similar to other gender-mainstreaming endeavours, GSL is not a goal in itself, but a means to achieving equality.

For the purposes of GSL implementation, **gender equality** means equal rights and opportunities for women and men in laws and policies, and equal access to resources and services within families, communities and in society. It refers to women and men being able to access and participate in all spheres of life on an equal footing, such as democratic governance, decision and lawmaking and the security sector, for example. Gender equality requires that women and men receive adequate and equitable protection of their human rights, including the right to live free of violence in a safe and supportive home and community.<sup>8</sup>

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<sup>8</sup> *Gender Equality and Women's Rights, Factsheet* (Warsaw: ODIHR, 2017), <<http://www.osce.org/odihr/303541?download=true>>.

Gender equality has multiple implications in the context of GSL, including: equal rights in the distribution of resources and gains, as well as in access to services and other resources; equal consideration of the interests, needs and priorities of women and men in formulating laws and policies; and ensuring equal opportunities for women and men, while taking into account their distinct needs and priorities.

### **The introduction of GSL typically involves several stages:**

- 1** First, it requires a **thorough analysis of the *status quo* from a gender perspective and the possibly distinctive needs and priorities of women and men** in relation to the law under consideration. This analysis, commonly dubbed a “**gender-based analysis**”, aims to systematically identify the key issues contributing to gender inequalities, so that they can be properly addressed by the law in question. It can be described as an analysis of differences in the conditions, needs, participation rates, access to resources and development, control of assets, and decision-making powers between women and men. This analysis typically draws on the existing evidence base on gender distinctions within a particular sector and may also require new data collection;
- 2** Second, it includes an **analysis of the likely impact of the law** on its target groups, and whether the needs and priorities of women and men, identified as part of the initial analysis, are addressed by the law;
- 3** Third, based on the findings of the previous steps, a GSL process requires the integration, if applicable, of **gender-focused interventions, perspectives or considerations** into the law in question; and
- 4** Last, a sustainable GSL process includes the development of **gender-sensitive indicators** that would enable regular monitoring and evaluation of the progress of the law towards its stated gender objectives.

Detailed guidance on the implementation of each of these steps is provided in Part III below.

In order to clarify the meaning of GSL, it may be useful to understand **what GSL is NOT**:

- **GSL does not mean mere inclusion of terms “gender” or “gender equality” in already existing laws, policies or activities.** GSL goes

beyond the mere inclusion of “proper” terminology in legislation, requiring the responsible inclusion of the perceptions, experiences, knowledge and interests of both women and men within the legislative process, and as part of specific activities prescribed by law for both women and men.

- **GSL is not only about women.** GSL is not concerned solely with women, but with the relationship between women and men for the benefit of both. In many cases, GSL aims to level the playing field for women, so that they can benefit from equal opportunities. However, this can also include targeted actions for women and/or men, where they are discriminated against due to perceived gender roles.
- **GSL is not only about gender balance or gender parity.** Gender balance is often used as a human resources term, referring to the number of women versus men employed, but can also refer to the “women to men” ratio in any activity (e.g., the numbers of women and men school graduates, or women and men beneficiaries of a health clinic). While achieving gender balance is a good step towards attaining equality, GSL is not just about numbers, but about substance. Simply counting women and men and increasing the numbers of women present in the room does not necessarily lead to gender-sensitive legislation. Seeking only gender balance could also incorrectly imply that all men are insensitive to gender issues. Gender-balanced participation is seen as one step towards attaining equality.
- **GSL is not necessarily “gender neutral”.** A gender-neutral approach assumes women and men have the same needs and concerns. However, experience shows that women and men can have different needs and priorities. Women and men may have different roles in society, different responsibilities and different levels of access to resources and goods. In most societies, men typically dominate community and household decision-making so that, in effect, “gender-neutral” approaches may be responding more to male priorities than addressing women’s needs.
- **GSL is not limited to the promotion of formal equality before the law.** Different realities often emerge when the concrete lives of men and women are examined. Women are frequently discriminated against in the labour market, underrepresented in decision-making bodies and still bear most of the burden for unpaid work in the home. On the other hand, life expectancy for men in many cases remains shorter than that of women, as there may be insufficient attention to men’s needs in areas of health and



safety. Men are less likely to visit a doctor when they are ill and, when they see a doctor, are less likely to report their symptoms of disease or illness.

- **GSL does not mean a “one size fits all” approach to women or men.** Women and men do not constitute homogeneous groups, but their experiences can be diverse based on many characteristics, such as age, marital status, ethnicity, disability and many others. Therefore, it is not surprising that legislation and government policies would have different impacts on each sub-group. In this context, GSL is not only about equality of opportunity, but also about equality of outcome. When people are offered an opportunity, they should be enabled to take advantage of that opportunity with assistance from society in removing barriers to participation. This helps to create more equal outcomes for all individuals.

## **b) The advantages of GSL**

**GSL is one approach to institutionalizing promotion of gender equality and achieving a variety of socioeconomic benefits.** As international experience shows, diminishing gender inequality leads to higher growth rates and helps achieve a variety of development goals. Some of the benefits of GSL include the following:

- ***Contributing to evidence-based and responsive public policies*** – Comprehensive GSL analysis examines the distribution of resources among male and female beneficiaries and the impact of public policies and public spending. This provides legislators with a robust – and otherwise unavailable – evidence base to better understand the needs and priorities of their constituencies, to ensure that new legislation responds to concrete needs and demands on the ground and, thereby, to level gender imbalances. Naturally, the likelihood that a law or policy is thoroughly implemented is greatly enhanced if the perspectives and needs of all beneficiary groups are taken into account;
- ***Enhancing legislative transparency and accountability*** – By revealing the gender impact of legislation, GSL analysis contributes to the transparency and accountability of the whole legislative process. It also enables non-governmental actors to monitor government performance in various areas and to hold public officials to account;
- ***Improving the inclusiveness and quality of decision-making*** – Empowering women as economic, political and social actors can change

policy choices and make institutions more representative of a range of voices. The GLS approach ensures that the points of view of diverse groups of citizens are presented at all stages of the legislative process;

- **Monitoring the achievement of policy goals** – GSL analysis enables monitoring of the extent to which the international and national standards on improving the equality of women and men, as well as other policy goals, have been achieved. It also helps in highlighting the gaps between international standards and national legislation that affect women and men in a variety of socioeconomic and political contexts;
- **Enhancing economic growth** – According to the World Bank’s World Development Report on Gender Equality and Development (2012), women now represent 40 per cent of the global labour force, 43 per cent of the world’s agricultural labour force and more than half of the world’s university students.<sup>9</sup> Productivity will rise if their skills and talents are used more effectively. For example, enacting laws that eliminate barriers that discriminate against women working in certain sectors or occupations (e.g., in agriculture or access to credit) could increase economic productivity by as much as 25 per cent in some countries. Companies that have strong track records of gender diversity are 15 per cent more likely to have higher earnings than similar companies that do not.<sup>10</sup>
- **Combatting discrimination** – According to UN Women’s Progress of the World’s Women 2015-2016 report, women worldwide earn nearly a quarter less than men doing exactly the same job.<sup>11</sup> On top of this, women do 75 per cent of the world’s unpaid work, and yet spend, on average, 90 per cent of their salaries on their families, creating a positive ripple effect across their communities. Thorough GSL analysis can reveal these and other discriminatory patterns, and help mitigate them by integrating appropriate measures into new legislation; and
- **Strengthening the rule of law** – There is growing evidence that understanding gender relations, identities and inequalities in the legislative process can help improve the rule of law. For instance, crime has profoundly different impacts on women and men. Research shows that young men are

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9 “Gender Equality and Development”, World Development Report, World Bank, 2012, <<https://openknowledge.worldbank.org/handle/10986/4391>>.

10 *Ibid.*

11 “Progress of the World’s Women 2015-2016”, UN Women, 20 October 2015, <<http://progress.unwomen.org/en/2015>>.

more vulnerable to recruitment into organized criminal groups, while more women are at risk of violence in their homes by someone that is known to them. Women and men often highlight different concerns and bring different perspectives, experiences and solutions to issues. Understanding these differences and inequalities can help identify needs, target assistance and ensure that legislation meets all social needs and priorities.

### c) What happens without GSL?

**Rights, benefits, services and opportunities prescribed by laws and policies may impact men and women differently and unequally.** Ignoring the distinct needs and capacities of women and men will significantly reduce the efficiency and impact of laws and policies, and may exacerbate inequalities. Persistent differences and disparities between women and men can mean that women have to bear more of the costs of lack of development and gain fewer benefits than men from legislative reform.

**The absence of gender mainstreaming in the legislative process not only has negative repercussions for women, but for society as a whole.** As women represent half of the resources and half of the potential in any society, their resources and potential will remain untapped if women are constrained by inequality and discrimination. When there is no reliable evidence about whether and how legislation contributes to such inequalities and discrimination, it becomes more difficult to understand how to mitigate them.

**GSL is vital to ensuring long-term sustainable economic and social development,** as it allows the systematic identification of opportunities for advancing gender equality across all laws and policies adopted by a government. In operational terms, gender mainstreaming allows policymakers and practitioners not only to focus on the outcomes of gender inequality, but also to identify and address the processes that cause it.

### d) The role of legislative bodies in GSL

Legislative bodies may create space for dialogue and building common agendas that include all voices, priorities and interests in society. These bodies **are well positioned to provide a strong role model for government agencies and other organizations in mainstreaming gender throughout the legislative process.** Gender mainstreaming in legislative bodies ensures that women's and men's concerns, needs and experiences are taken fully into account in the design, implementation, monitoring and evaluation of legislation.

**The adoption of a gender-sensitive approach allows legislators to achieve the following objectives:**

Ensure that the human rights of both women and men are fully acknowledged and guaranteed in existing and newly enacted legislation, through comprehensive gender analysis of a piece of legislation's impact and by taking advantage of newly created legislative entitlements to empower men and women;

Contribute to the development of a gender-responsive budget that properly considers the distinct needs and priorities of women and men, and seeks to eliminate any existing discrimination and inequality;

Monitor the work of government agencies and officials to ensure that they comply with international and national commitments on gender equality, and mainstream gender considerations into their daily work; and

Create networks of cross-party collaboration, knowledge exchange and capacity building for legislators to promote gender equality principles and mitigate any existing political, social or economic inequalities between men and women.

Detailed guidance on how to institutionalize GSL in legislative bodies is offered in Part IV below.



# Part III. Conducting GSL Analysis

**This part provides step-by-step guidance on how to ensure that new bills or existing legislation are gender sensitive.** These steps include (i) gender-based analysis of the current gender situation in a given sector; (ii) analysis of the likely impact of a new law on the needs and interests from a gender perspective; (iii) integration, if applicable, of gender-focused activities that respond to the identified needs on the basis of gender; and (iv) development of gender-sensitive indicators to monitor progress.

While increasing attention has been given to the importance of achieving gender equality in education, most efforts to date have focused on assessing gender parity – the equal number or proportion of girls and boys accessing educational opportunities. Although gender parity is important, gender mainstreaming encompasses a wider concept, of which gender parity is only a part. Achieving gender equality does not only mean equal access to education for girls and boys, but also assumes the same level of quality and outcomes of education.

## **STEP 1** Understanding gender issues in a specific sector: needs analysis and data collection

**Any gender-sensitive legislation requires thorough gender-based analysis as a basis.** Such analysis is a prerequisite to ensuring that every step of design, planning, implementation, and monitoring and evaluation of laws and policies takes into account existing gender disparities. It creates an opportunity to identify and address gender needs throughout the life cycle of a legal intervention, and allows users to evaluate the way in which interventions will impact gender roles, relations or responsibilities.

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**In employment**, making it easier for a woman to find jobs in the education or health sectors may meet her practical need for income; if, however, there is no associated change in the division of labour, the burden of domestic work will still hinder the woman's ability to engage in paid employment or move up the career ladder.

**In education**, a practical need may be the allocation of additional funds to girls' sports, while a strategic need may be the engagement of girls in sports in which only boys typically participate.

**In childcare**, a practical need would be to subsidize existing day-care facilities for poor families or single mothers, while a strategic need would be reforming parental leave policies to allow both mothers and fathers to take leave days in order to take care of their children. Therefore, when designing laws and policies, it is important both to consider practical needs and address existing inequalities in the specific context, within a long-term strategic perspective, aimed at tackling the root causes of such inequalities.

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Comprehensive gender-based analysis starts with a **study of the practical and strategic needs of men and women through data collection and stakeholder engagement.**

*i. Defining needs analysis*

**The first step of GSL analysis is to assess the current situation and needs of women and men in the specific sector targeted by the law.** This needs analysis is intended to shed light on the target audience of the law, understand possible differences in the needs and interests of women, girls, men and boys, identify their practical and strategic needs and priorities, and highlight whether there are existing inequalities between women and men (or sub-groups of women and men) that need to be addressed by the law.

**Needs analysis typically focuses on two factors:**

- **Practical needs** – These are needs that arise out of the daily life circumstances of women and men based on the gender roles assigned to them by society. These are often associated with parental duties and domestic chores assigned more often to women than men.
- **Strategic needs** – These needs include the eradication of women's dependence on men in society and expansion of opportunities for women. They depend on concrete social, economic and political conditions. Usually, these needs are related to issues of equality, such as equal access for women to employment opportunities and professional training, equal payment for work of equal value, the right to own land and real estate and protection from sexual harassment and domestic violence, as well as reproductive rights and freedoms. Addressing these issues leads to the gradual achievement of gender equality.

**Special attention should be given to the distinctive needs of various sub-groups.** Different women and men have distinctive needs, often related to class, ethnicity, age, family status and composition, disability and other factors. Urban, middle class women do not necessarily accurately represent the views and priorities of poor, rural women, for example. These distinctions must be fully considered in order to accurately capture the needs, interests and priorities of each sub-group.

**A thorough, gender-based needs analysis has to rely on robust and comprehensive data, and on consultation with stakeholders** who can provide additional information:

- **Data collection** – What data and reference materials are available and can be consulted?
- **Consultation with stakeholders** – Which governmental officials, civil society organizations, professional unions and private sector firms can be consulted to better understand the gender aspects of the situation in the sector?

#### *ii. Collecting data*

**Accurate and in-depth data collection is integral to successful analysis of gender needs.** Data should include both qualitative and quantitative information, in order to measure all aspects of gender inequality within a society or sector, and identify current conditions, trends and impacts. **Both quantitative sex-disaggregated data<sup>12</sup> and qualitative data are important for gender-based analysis.** Both types of data are necessary to examine the existing gender balance within a specific context or sector.

Specific questions that should be addressed at this stage include:

- *Availability* – What sex disaggregated data are available in the sector? What is the quality of the data?

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12 Disaggregating information by sex means that we count males and females separately when gathering information on activities and benefits. Sex-disaggregated data are important because they help assess whether an initiative is successful at targeting and benefiting women, men, girls and boys as planned. Indicators should specify that all data about target groups and beneficiaries be sex-disaggregated. Information may also be disaggregated according to other key variables, depending on the type of initiative, target group, and context, such as socio-economic group, age, ethnicity, race, religion, disability or location (rural or urban).



- *Analysis* – Do the data show gender differences or gender interactions with the following socio-economic variables: age, education, ethnic origin, belonging to a national minority, marital and family status, income group, disability or any other.
- *Need for additional data* – What sex disaggregated data have to be collected? Who can collect them? What are the costs of collecting them?

For example, **the following types of data could be useful to inform a gender-based needs analysis in the education sector:**

- **Sex-disaggregated educational data** should include information such as enrolment, retention and completion rates for students in pre-primary, primary, secondary and tertiary schools. It is also helpful to collect and analyse data about broader issues that affect educational access and achievement, such as the distance between a child's school and home, means of transport and their use by girls and boys, measures of parental awareness about educational opportunities, and adult literacy rates. School quality, the socio-economic status of families, regional constraints on the availability of qualified teachers, health barriers and nutrition should all also be considered and measured, to the extent possible, at the school, community, regional and/or national levels.
- **Qualitative data about the school and community environment in which a child is being raised are equally important.** A school environment where gender-based violence, discrimination or harassment occur is not safe for students, nor conducive to their learning. Similarly, it is important to understand whether girls and boys are explicitly or implicitly funnelled into specific areas of study (e.g., social sciences for girls, natural sciences for boys) through curricula choices or other factors.
- Gender analysts should also collect **information about external factors that may affect girls' or boys' ability to access education**, be they physical, psychological or cultural. For example, data on the average age when girls begin to marry and have children or girls' access to hygienic products can provide insight into potential causes for extended absences or dropouts. Sexual and reproductive health data, including HIV/AIDS infection rates, information about age of first sexual activity and maternal health statistics can be useful in determining some of the root causes for gender inequalities, as they are reflective of health-sector factors that affect education. On the other hand, boys can also face negative peer pressure not to try too hard

or to perform as well as girls. In poor and urban environments, the pressure to quit schooling and start working can affect boys more.

### Box 1. Data collection sources

There are a variety of sources that can be used to collect and sort data. These include international, national and local databases maintained by governments and their statistical services, international organizations, nongovernmental organizations and aid organizations.

A list of some of the available databases and indices that can be used as data sources for gender equality research is available in a study published by the Swedish International Development Agency (SIDA), "Tool: Indicators for Measuring Results on Gender Equality."<sup>1</sup> It also includes demographic and health surveys, databases of work and employment laws, and human rights data, as well as potential indicators that can be used to measure gender equality in various sectors. Some of these data sources include the following:

- **OECD, Gender, Institutions, and Development Database:** 60 institutional variables in the database, ranging from intra-household behaviour to social norms;
- **ILO Database of Conditions of Work and Employment Laws:** the database provides legislation on maternity protection, minimum wages and working time. Actual texts and interpretations are presented.
- **ILO Key Indicators of the Labour Market:** country-level data on 20 key indicators of the labour market from 1980;
- **UNAIDS:** survey data on the global AIDS epidemic;
- **UNDP, Gender Development Index:** index on gender-related indicators;
- **UN Economic Commission of Europe (UNECE) Gender Statistics:** data from national statistics agencies collated by UNECE;
- **UNStats:** 60 indicators to measure progress towards the Millennium Development Goals;
- **World Bank, GenderStats:** a country-based compilation of data on key gender topics from national statistics agencies, United Nations databases, and World Bank-conducted or funded surveys;
- **World Bank, Gender Law Library:** a database of national legal provisions impacting women's economic status;
- **World Bank, Women, Business, and the Law:** these indicators were constructed by using codified sources of national law – such as constitutions, marriage and family codes, labour codes, passport procedures, citizenship rules, inheritance statutes, tax regulations, land laws, and social security codes – as well as responses from country practitioners. Data were gathered directly from the text of laws; and
- **World Development Forum, Global Gender Gap Index:** one index designed to measure gender-based gaps in access to resources and opportunities in individual countries based on four dimensions. Indicators are taken from a variety of sources.

1 Disaggregating information by sex means that we count males and females separately when gathering information on activities and benefits. Sex-disaggregated data are important because they help assess whether an initiative is successful at targeting and benefiting women, men, girls and boys as planned. Indicators should specify that all data about target groups and beneficiaries be sex-disaggregated. Information may also be disaggregated according to other key variables, depending on the type of initiative, target group, and context, such as socio-economic group, age, ethnicity, race, religion, disability or location (rural or urban).

**Once data collection is completed, the quality and comprehensiveness should be assessed.** Are the available data sufficient to assess the existing gender balance and the practical and strategic needs of various gender sub-groups? If the data are not adequate, special tools and surveys (e.g., a household survey in a specific area) may need to be employed to complete data collection.

### *iii. Engaging with stakeholders*

**Consulting stakeholders about their needs can contribute to and deepen the gender-based analysis,** by validating and adding insights, suggesting policy solutions, and enriching and fine-tuning the policy and legislative plans. It can also be useful for the identification of appropriate indicators for monitoring and follow-up. Stakeholders may also assist in offering ideas on how to strengthen and promote gender equality objectives. Mitigating the negative impacts of existing inequalities should be explored through a participatory and consultative process.

Such stakeholders may include the following:

- **Prospective beneficiaries of the law** – In the education sector, for instance, these may include school principals, teachers, representatives of parent-teacher associations and students. Public decision-making processes with these stakeholders can be organized in the form of public consultations, online discussion forums or through other means.
- **Government representatives** – Members of parliament and representatives of government agencies that will be engaged in the implementation of the law.
- **Civil society, academia, and media** – When involving stakeholders, it is paramount to establish good co-operation with civil society and human rights organizations with gender expertise. Feminist and women’s organizations are a priority, as they can contribute to reinforcing the gender perspective needed during the process. Academics and think tanks that work on relevant issues, as well as journalists that cover the relevant sector, should also be engaged in the process.

Public decision-making processes could be held in an open and inclusive manner as part of parliamentary committees, women’s caucuses or other networks (see Part IV for further information). They could also be carried out as part of parliamentarians’ visits to their constituencies, through public town halls or online consultations. It is important to ensure that these consultation opportu-

nities are properly advertised to all relevant stakeholders and that a wide variety of voices and perspectives can get heard.

*iv. Bringing it all together*

**The information gathered as part of the data collection and stakeholder consultation endeavours should be brought together and analysed** to respond to some of the following questions (adapted to each sector and legislative area):

- What are the major target gender sub-groups (e.g., girls, boys, young women/men, adolescent women/men, single parents, working parents, elderly women/men) in the sector?
- What are the existing inequalities between women and men (or sub-groups of women and men)?
- What are the practical and strategic interests, needs and priorities of each of these sub-groups?
- What are the impediments that prevent the fulfilment of these needs and priorities for each sub-group?

**Even when discrimination is not immediately evident, gender analysis should give careful attention to more insidious ways that gender disparities may exist.** For example, in education, the subtle lowering of expectations for girls in classes such as math and science can lead to very real differences in performance. When girls are discouraged from achieving, either by discriminatory treatment in classes or by textbooks and curricula that enforce restrictive gender stereotypes, achievement suffers.

A useful approach to structuring gender analysis is by focusing on gender discrepancies and needs on *individual, institutional and macro-policy* levels. The following example of **needs analysis in the context of access to financial services** can be illustrative.

### **Box 2. Access to financial services by women and men**

A bill that seeks to facilitate access to credit for female entrepreneurs should take into account the following considerations:

**Individual level** – Women and men have different credit needs for income generation and other expansion schemes. Women typically control money for small household items, while men control income for larger items. Women may often not know about their rights when applying for loans, or may be less likely to hold title deeds for collateral property. Women may be uncomfortable with financial language or interacting with financial institutions, as men are more likely to own land and other fixed capital.

**Institutional level** – The structure of the formal credit system is typically hierarchical and is not always user-friendly. Minimum loan amounts can be high, as it costs lending institutions the same resources to process large or small loans. In some regions, it may be mainly men who are employed in the

formal credit system and may be considered inappropriate for women to deal with banks. Informal sources of credit are often through moneylenders, who may prefer to deal with male heads-of-households. Information about credit systems is circulated through the media and word of mouth. Small-scale women entrepreneurs often face prejudice as they are not seen as “serious” entrepreneurs or are not considered “serious” by financial institutions, and may find it more difficult to obtain credit.

**Policy level** – State regulation prevents financial institutions from lending to individuals who do not possess fixed capital, for example women farmers. Even though governments may seek to promote entrepreneurship, complexities seem to keep government institutions from offering loans. There are often no additional channels to offer small loans or credit to individuals with good credit.

**Source:** *Module on Gender Mainstreaming: Approaches and Methodologies* (Turin: ITC/ILO, Gender Campus, Turin, 2006).

This situation analysis implies that women have some of the following needs:

- The **practical needs** of women may include the creation of channels to apply for small loans through dedicated government programmes or non-governmental initiatives, provision of more accessible information about credit options and the simplification of credit loan applications.
- **Strategic needs** would include promoting the idea of female entrepreneurs in society and making it more socially acceptable for women to become entrepreneurs. They would also include working with financial institutions to prevent explicit or implicit discrimination against women, to examine reform options to make it profitable for financial institutions to provide small loans and to explore alternatives to typical collateral requirements.

## **STEP 2** Assessing the gender impacts of a specific law

The information gathered as part of the needs analysis and consultation with stakeholders should all be comprehensively analysed to **assess the concrete gender impact of the law in question**. This step of GSL analysis moves from the sector level to the gender implications of a specific bill or law. A simple rule of thumb in this context is that whenever a law targets “people” (citizens, children, elderly, employees, entrepreneurs, etc.), it actually concerns women and men, girls and boys, and thus its gender impact should be disaggregated and assessed.

The main questions that should be explored at this stage are: Will women and men be impacted differently (e.g., eligibility, level of benefits, accessibility, availability of support activities, etc.) by the law? How, why and to what extent? (Box 3 outlines a number of questions useful to include in an assessment.)

Gender impact can be assessed by analysing the following aspects:

- **Identifying direct and indirect beneficiaries** – Who are the intended beneficiaries of the law? How many women and men (and subgroups of women and men) will benefit from the law (e.g., from the services offered, infrastructure built, cash transfers paid, etc.) and how? How many women and men will face negative implications as a result of the law, and why?
- **Measuring impact** – What are the short-, medium – and long-term objectives of the legislation, and what are its intended impacts on various subgroups of women and men? Is the law likely to perpetuate or diminish any existing inequalities (based on the gender needs analysis above) and, if so, how?

**A key component of impact measurement is the analysis of the “4 Rs”, which refer to the inequalities between women and men in terms of representation, resources, rights and realities.** The following issues could be considered in this respect:

- *Representation* – the impact of the law on the gender composition of the target population and representation of women and men in decision-making positions;
- *Resources* – the impact of the law on the distribution of crucial resources, such as time, space, information and money, political and economic

power, education and training, jobs and professional careers, new technologies, health care services, housing, means of transport and leisure;

- *Rights* – the impact of the law on implicit or explicit gender-based discrimination, human rights (including freedom from sexual violence and degradation), and access to justice, in the legal, political or socio-economic environment; and
- *Realities* – the impact of the law on actual and perceived gender roles, division of labour by gender, attitudes and behaviour of women and men, perpetuation of masculine and feminine stereotypes.

### **Box 3. Specific questions to assess the distinctive impact of legislation on women and men**

**General questions** – Does the law promote equality between women and men? Are women and men de facto treated equally by the law? Have the special needs and circumstances of women and men been adequately identified? Are special measures directed at either women or men needed? Does the law affect the long-term perspective for the realization of gender equality?

**Decision-making** – Does the law have differing consequences for women's and men's opportunities to participate and influence decisions? Does it strengthen the opportunities for both women and men to participate equally in decision-making in all areas?

**Economic status** – Does the law have different effects on the economic status of women and men? What are the consequences, for example, in relation to pay, taxation or earnings-related benefits? Do anticipated positive or negative economic changes affect either women or men in particular?

**Professional life** – Does the law affect women's and men's position on the labour market differently? Does it have different consequences for employment, conditions of employment, pay or working conditions in female-dominated and male-dominated sectors, respectively? Are special solutions needed in order to ensure the labour market

status of women or men, or in order to, for instance, support recruitment and career advancement in the field? Is gender-based segregation in different fields and professions weakened or strengthened by the law? Does the law support the balance of work and family life for employees?

**Business and industry** – Does the law have a different impact on businesses in female – and male-dominated fields or on businesses of different sizes? Does the law weaken entrepreneurship opportunities for either women or men? Are special measures needed to support women's entrepreneurship?

**Education** – Does the law support the educational opportunities and professional development of both women and men independently of the professional or the educational sector? Are special solutions needed to support the educational opportunities for either girls or boys, women or men?

**Parenthood** – Does the law support both women and men in parenting and starting a family? Does the law affect differently custodial and non-custodial parents? Does the law encourage equal distribution of parental leave and of the sharing of caring responsibilities between women and men? Are any special measures needed to strengthen paternity leave or responsibilities?

**Public services** – Are the consequences for men and women accessing needed services and assistance different? Are special arrangements needed to ensure that women and men both get such assistance and services?

**Well-being and health** – Does the impact of the law on mental and physical health or well-being differ between women and men? Are differences in risk factors for the health and well-being of women and men accounted for? Does the law reduce health discrepancies between women and men or within the respective group? Does the law strengthen the social participation and well-being of both women and men?

**Safety** – Does the law have different effects on safety as experienced by women and men? Are the different security risks for women and men at home, at work and during recreation considered in the law? Are special

measures needed to reduce violence against women?

**Surroundings and living conditions** – Does the law impact the living conditions or everyday life for women and men differently? Has the law taken into account the needs of both women and men concerning, for instance, community structures, transport planning or accessibility?

**Leisure time** – Does the law promote both women's and men's opportunities for leisure and hobbies? Are cultural and sports services used by women and men, respectively, equitably supported?

**Source:** *Gender Glasses in use: A handbook to support gender equality work at Finnish ministries*, (Helsinki: Finnish Ministry of Social Affairs and Health, 2013), <<http://julkaisut.valtioneuvosto.fi/handle/10024/74721>>.

### **STEP 3** Integrating gender-focused activities in a proposed law

**If applicable to the sector and law in question, specific activities should be designed to target particular areas or issues related to gender equality within the law.** The main question at this stage is how can the law contribute to the *elimination of existing inequalities and promote equality between women and men* – in participation rates, in the distribution of resources, benefits, tasks and responsibilities in private and public life, and in the perception of gender roles, behaviour and priorities?

In **education-related legislation**, for instance, such activities may include holistic early childhood care and development programmes, changes in curricula to challenge stereotypes, training for teachers to be more gender sensitive in their classrooms and create safer learning environments, efforts to engage boys and men in education, or distance learning programmes for women who cannot attend regular classes due to family or other commitments.

It is important, however, to remember that **gender-focused activities should not be “forced” into legislation that lacks gender-related implications.** If the gender analysis described above does not identify concrete gender-related legislative impacts, such considerations should not be artificially pushed for or



integrated. Rather, the adoption of gender-focused activities should naturally fit into the objectives and scope of the law in question.

#### **STEP 4** Developing indicators to measure the prospective gender impact

**The final step in GSL analysis is to put in place a framework to monitor and evaluate laws and policies.** Gender issues should be taken into account in all progress and performance reports that assess the impacts of the law in question.

This stage of the GLS analysis should achieve two objectives. First, **identify indicators** that can be measured to assess the gender impacts of the law. Second, **devise a regulatory framework** that puts specific government bodies or civil society groups in charge of **monitoring the implementation of each of the indicators**.

#### **Gender-sensitive indicators can be quantitative or qualitative:**

- **Quantitative** indicators are needed for indicating the average outcome, or the degree to which a goal or objective has been attained. Sources of quantitative indicators are data systems and records where information is presented in a sex-disaggregated manner. Typically these sources include censuses, labour-force surveys, administrative records or sociological surveys of the target population. Quantitative indicators tend to be easier to define, record and assess than qualitative indicators.

An example of a quantitative gender-sensitive indicator is to measure the numbers of new jobs created for women and men respectively in the small enterprise sector as a result of a government focus on this sector.

- **Qualitative** indicators can be defined as including people's judgments and perceptions of a given subject. They are useful for understanding processes, but frequently do not show how typical or widespread the views expressed are. Qualitative indicators are harder to measure, as they involve processes and use categories of classification, such as those based on perceptions. For instance, qualitative indicators may indicate changes in attitudes and behaviour; growth in knowledge and skills, self-reliance, confidence, independence or self-esteem; and progress in building contacts, networks or mechanisms for social support. Typical sources of qualitative indicators are public hearings, focus groups, attitude surveys and interviews, participatory appraisals, participant observation, sociological and anthropological fieldwork.

An example of a qualitative gender-sensitive indicator is the level of women's and men's confidence in and approval of legislation pertaining to family law, judged through interviews.

**Wherever possible, gender equality indicators should be developed in a participatory manner with key stakeholders.** While this principle is true for all indicators, it is even more important for gender equality indicators, because they assess changes in gender relations in a society, which are based on deeply held beliefs about social norms and behaviours. Women and men often have different perceptions and experiences of gender relations – including gender-based roles and responsibilities, patterns of decision-making, views on how gender relations are changing and the causes of these changes. Both women and men should be involved in identifying results and indicators, and in collecting and analysing information.

Examples of indicators that could be measured in the education sector are suggested in **Annex 1**.

### **Financial implications of GSL: Gender-responsive budget analysis**

**Gender-responsive budgeting (GRB) is an important part of GSL.** The budget is the single most important policy tool for the government as it affects the successful implementation of all other policies. Gender-responsive budgets are not separate budgets for men and women, but rather budgets that ensure that the needs and interests of individuals from different social groups (gender, age, race, ethnicity, disability and location) are addressed in expenditure and revenue policies. As a public finance management tool, gender-responsive budget analysis allows the determination of how and to what extent the state policy affects diverse groups of women and men as service consumers, infrastructure users and taxpayers. A gender-responsive budget uses various tools, approaches and strategies to monitor outcomes, outputs, activities and inputs of budgets with a gender perspective.

More specifically, GRB enables mechanisms to:

- Increase transparency and accountability in the overall budget process by focusing on where spending actually goes, and how various sub-groups benefit from it from a gender perspective;

- Better understanding of the impact of public expenditure by disaggregating the way in which budget allocations are distributed between men and women;
- Ensure that budgets contribute to the mitigation of inequalities between women and men, and do not deepen them; and
- Actively address specific gender-related concerns (e.g., low quality of or access to health care or education).

#### **Box 4. Example of gender-responsive budgeting in childcare**

One of the most effective examples of gender-responsive budgeting is the funding of early childhood care and development programmes, which disproportionately benefit women. Such measures relieve women from the burden of childcare that may prevent them from attending school or holding a steady job. These may include the allocation

of government funding for the establishment of new day-care facilities across the country or in areas where women's employment is low; improvement of the quality of existing day-care facilities; subsidization of day-care for single parents or other socially vulnerable groups; launch of information campaigns to familiarize parents with available day-care options; and more.

**Gender-responsive budgeting works best when institutionalized.** In some parliaments gender-responsive budgeting initiatives have been driven by parliamentary committees (see example in Box 5), in others it happens through collaboration between parliament and governmental and/or nongovernmental organizations (as in South Africa).<sup>13</sup>

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<sup>13</sup> "Women's Budget Initiative: South Africa", World Bank, 2010, <[http://siteresources.worldbank.org/INTEMPowerment/Resources/14659\\_S-Afr-Wmn-Budg-web.pdf](http://siteresources.worldbank.org/INTEMPowerment/Resources/14659_S-Afr-Wmn-Budg-web.pdf)>.

### **Box 5. Gender-responsive budgeting in the Swedish and Austrian Parliaments**

In the Swedish Parliament, the Committee on Finance takes gender into consideration while working on the central government budget. One aspect of the process has been that every year since 1988 a separate appendix has been attached to the budget bill showing the distribution of economic resources between the sexes. The appendix shows how gender inequalities between women and men are expressed in economic terms (e.g., the distribution of household work, gainful employment, studies, the distribution of earnings, capital income and social insurance benefits), and how the welfare system helps to diminish gender discrepancies. A good practice of the Swedish Parliament is that the parliamentary Committee on Finance has been empowered – through established rules and adequate timetables – to analyse and discuss each expenditure item with interested stakeholders in the Parliament, government agencies and civil society.

**Sources:** “Europe: A Survey of Gender Budgeting Efforts”, Working Paper, WP/16/155, IMF, July 2016, <<https://www.imf.org/external/pubs/cat/longres.aspx?sk=44148.0>>; “Gender Budgeting in OECD countries”, OECD, June 2016, <<http://www.oecd.org/gov/budgeting/latestdocuments/>>.

Gender-responsive budgeting was introduced in Austria as part of a general federal budget reform that was led by the Ministry of Finance in 2013. As a result of the reform, all public institutions that undertake budget analysis were mandated to address gender issues as a separate category of analysis and control. The reform also integrated gender equality into the principle of performance-oriented budgeting. The main methodological tool for gender responsive budgeting in Austria is the identification of a gender equality objective for each budget chapter as an integral element of performance-oriented budgeting. However, a potential weakness of Austria’s approach is a built-in disincentive to the identification of relevant and potentially transformative gender equality objectives. Evaluation in 2015 showed that budget personnel, while expressing commitment to the goal of gender equality, largely lacked capacity for meaningful gender analysis.

**Source:** “Europe: A Survey of Gender Budgeting Efforts”, Working Paper, WP/16/155, IMF, July 2016, <<https://www.imf.org/external/pubs/cat/longres.aspx?sk=44148.0>>.

**Parliamentarians have to be trained, have access to information and be able to independently analyse the gender impact of the budget.** In addition to information provided by the government, parliamentarians need to have independent access to information, preferably through a parliament’s own research service. This can be complemented with analysis by independent think tanks, private sector economists and academics.



# Part IV. Approaches to Institutionalize GSL

In order to be effective, **GSL has to be implemented within an institutional framework that allows regular and systematic gender-focused scrutiny of proposed bills and existing laws.** The Inter-Parliamentary Union's 2011 report *Gender Sensitive Parliaments: A Global Review of Good Practice* highlights three major principles for institutionalizing gender equality in parliamentary activities.<sup>14</sup> These include:

- **Adopting gender-mainstreaming strategies to ensure that the parliament as a whole considers all of its policies and processes from a gender perspective.** This includes gender mainstreaming across both the processes and output of parliamentary work. Effective implementation of such a strategy also requires that all members of parliament are well versed in the need for, and principles of, gender equality and the means to mainstream it in legislation.
- **Establishing dedicated gender equality infrastructure,** such as a parliamentary committee on gender equality, multi-portfolio committees that also have responsibility for gender equality, a women's parliamentary caucus, or units that provide research services. These bodies are typically entrusted with monitoring the progress of gender mainstreaming across the parliament, the scrutiny of gender-related aspects of all government reporting, as well as the effectiveness of performance indicators used to monitor progress.

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<sup>14</sup> *Gender Sensitive Parliaments: A Global Review of Good Practice* (Geneva: Inter – Parliamentary Union, 2011) <<http://www.ipu.org/pdf/publications/gsp11-e.pdf>>.

- **Ensuring that linkages to gender equality advocates outside the parliament are strengthened** and that communication is regular and institutionalized.

The following pages outline some global good practices related to the implementation of each of these principles.

#### **a) Adopting an actionable GSL strategy**

**The vast majority of OSCE participating States have in place constitutional and legislative provisions that address gender equality.** These provisions play a significant role, but the mainstreaming of GSL requires the enactment of an actionable GSL framework that sets up appropriate gender equality machinery in the government, establishes the main principles, and outlines the division of labour among various units of government. Thus, **to facilitate the analysis of GSL needs, it is useful to distinguish between gender equality on paper and gender mainstreaming in practice.**

**Factors that indicate the institutionalization of gender mainstreaming include the following:**

- Has a law guaranteeing equal opportunities for women and men been drafted and/or adopted?
- Is the establishment of mechanisms or institutions for ensuring gender equality and women's human rights mandated by law?
- What is the official role of the national gender equality machinery within the government? Does it have any decisive power or is the role primarily advisory?

**Factors to consider in assessing gender equality and mainstreaming in practice include the following:**

- Are equal-opportunities laws translated into comprehensive policies at the national and/or local level? (e.g., regulations and guidelines for ensuring equal opportunities, adopting a gender-mainstreaming approach, establishment of implementation and monitoring mechanisms)?
- Does any gender-mainstreaming policy function in practice (i.e., are equal opportunities for women and men an integral part of the government's policy?)

- Do gender equality institutions or machineries established by the law have independent statuses, budgets and adequate resources?
- Who or which body is responsible for reviewing legislation from a gender perspective? Should a new body be established, or can an existing entity undertake this task?
- What resources or tools does the body require to fulfil its mandate?
- Are there sufficient infrastructure and resources to take responsibility of the gender-mainstreaming framework, such as a committee with commensurate powers to monitor a law's implementation and appropriate budgetary allocations?
- Have public-awareness initiatives been undertaken in order to educate the public about the need for an equal-opportunities law or other special temporary measures to eliminate discrimination?
- Are citizens aware of their rights and of laws and institutions established to promote and protect them?

**GSL should exist both on paper and in practice in order to be effective and sustainable.** Examples of GSL strategies that include specific provisions and requirements to ensure that gender equality is mainstreamed into other legislation include the following:

- In **Spain**, the 2007 *Equality Law* focuses on the equal right to work, to political participation and to pursue a career in the public sector. In these spheres, the law establishes mandatory and positive actions and policies, such as Strategic Equal Opportunities Plans, the creation of an Inter-Ministerial Commission on Equality, the inclusion of gender-impact reports in every law or national plan, as well as regular reports on the effectiveness of the law;
- In **Belgium**, the 2007 *Gender Mainstreaming Act* ensures, among other things, that strategic gender equality objectives are set for each new policy. The law also requires that each new bill or proposed policy pass a “**gender test**”, as the federal government is required to define **strategic objectives on gender equality** at the beginning of the legislative act for every policy area falling under its remit. The act also provides for **follow-up and evaluation** of these actions. Ministers are required to define gender indicators for use in measuring the achievement of the strategic objectives set, and



to submit annual reports on the actions, measures and projects carried out in pursuit of these strategic objectives. Potential bottlenecks and remedies are to be included in interim evaluations. Also, overall progress has to be measured in terms of the relative societal positions of women and men at the beginning and end of the legislative act; and

- In **Austria**, the federal budget reform of 2013 mandated regulatory impact analysis of “effective” equality between men and women, and required that all new laws, regulations and directives, as well as other large government projects, be assessed for their gender impact.

In sum, **a successful GSL strategy should be part of a dedicated and formal legal framework** – either a specific law on gender equality or more general human rights legislation – that includes concrete institutional arrangements on entities that will be responsible for the implementation of gender-based analysis (e.g., an inter-ministerial committee), on their mandate and functions, and on the specific output of gender-based analysis (e.g., gender tests, gender indicators, etc.). It is also vital to ensure that these institutional arrangements are accompanied by appropriate budgetary allocations that would allow the implementing institutions to function properly.

## **b) Creating the infrastructure for GSL**

**A crucial step in the institutionalization of GSL is the establishment of dedicated infrastructure for GSL.** As of November 2016, the Inter-Parliamentary Union (IPU) has recorded 151 parliamentary bodies dealing with gender equality across 123 countries.<sup>15</sup> These bodies include parliamentary committees, women’s parliamentary caucuses, technical gender units or research services.

**Gender equality-focused parliamentary bodies vary widely in design, structure, activities and degrees of formality.** Some structures, such as cross-party women’s caucuses, are recognized as important forums for representing women’s interests across political party lines.<sup>16</sup> Parliamentary committees represent a more formal mechanism to enable both female and male members of parliament to influence legislative and policy agendas, both

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<sup>15</sup> Inter - Parliamentary Union, PARLINE database on national parliaments, <<http://www.ipu.org/parline-e/parlinesearch.asp>>.

<sup>16</sup> On women’s parliamentary bodies that promote gender equality and women’s representation, see *Comparative Study of Structures for Women MPs in the OSCE Region* (Warsaw: ODHR, 2013), <<http://www.osce.org/odhr/105940>>.

through reviewing bills to ensure they are gender sensitive, but also by holding inquiries into gender equality issues.

*i. Dedicated gender equality committees*

Effective GSL strategies include mechanisms mandated to hold governments accountable for the mainstreaming of gender equality principles. This is in line with the Beijing Platform for Action, which notes that governments should report “on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns.”<sup>17</sup>

Parliaments play a central role in mainstreaming GSL by establishing dedicated gender equality committees. These are permanent parliamentary bodies, constituted under internal rules, with membership reflecting the representation of political parties (or parliamentary party groups) in the parliament. Dedicated specialized gender equality committees have been established in more than 30 countries around the world.

The functions of these committees include:

- **Conducting gender-based analysis of legislation and monitoring the gender impact of existing laws;**
- **Creating a network of gender focal points across other committees of the legislature, and working in partnership with national women’s machinery, civil society, NGOs, the private sector and the media to ensure follow-up parliamentary action, review and oversight;**
- **Holding public hearings** to determine the impacts of laws, policies and programmes on women and men, girls and boys. Ministers and government

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**In France**, the Task Force on the Rights of Women and Equal Opportunities for Men and Women in both the Senate and the National Assembly drafts public reports containing recommendations on bills and draft laws. The Task Force also proposes how to enhance legislation and regulations in areas that fall within its sphere of competence.

**In Austria**, the Parliamentary Committee on Gender Equality examines legislative amendments related to gender, reports on gender budgeting, issues related to the discrimination of women and men, and equal treatment in all policy areas.

**In Georgia**, the parliamentary Gender Equality Council has been established to carry out analysis of existing legislation and new bills to eliminate gender inequalities, to develop and plan activities to promote gender equality, to raise awareness of the equal rights of men and women, and to develop and implement a monitoring and evaluation system to measure the gender impacts of legal acts.

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<sup>17</sup> United Nations’ Beijing Declaration and Platform for Action, Beijing, 1995, paragraph 205, <[http://beijing20.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf](http://beijing20.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf)>.

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**In Moldova**, for example, the Women's Committee has sought expertise, specifically on temporary special measures, from the Gender Equality Platform comprised of 19 prominent Moldovan NGOs.

**In Monaco**, the Committee regularly seeks the opinion of NGOs involved in women's issues, and these groups may request that the Committee includes certain issues on its agenda.

**In Belarus**, the National Council on Gender Policy is an interagency advisory and co-ordinating body composed of the heads of central government agencies, local executive and administrative authorities, and non-governmental organizations. The Council serves as a parliamentary focal point on all issues related to gender equality and is in charge of co-ordinating activities under the National Action Plan on Gender Equality and providing a platform for dialogue on gender equality issues

**In Bosnia and Herzegovina, Cyprus and Romania**, men have chaired the gender equality committees, thus sending a public signal that gender equality is a men's issue as well. In some countries, such as Croatia, the membership of the gender equality committee is not restricted to parliamentarians, and includes representatives from civil society and the academic community.

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officials may be brought before the committee to respond to questions;

- **Issuing documents or preparing reports**, including recommendations for government action, on a variety of gender-related issues;
- **Investigating** complaints on matters related to gender equality and recommending sanctions as appropriate; and
- **Examining budgets and public expenditures from a gender perspective, and conducting gender audits.**

Based on international experience, factors that contribute to the effectiveness of gender equality committees include:

- **Permanence** – Permanent committees are more effective than ad hoc committees, since their functions are well outlined and they possess dedicated resources to promote gender equality;
- **Decision-making power** – Committees that serve a merely advisory function have limited impact in ensuring proper gender-based analysis of legislation and integration of gender activities into laws or programmes;
- **Clear focus and action plans** – Committees that work pursuant to specific action plans on promoting specific gender issues are typically more effective in achieving their objectives;
- **Support of parliamentary or executive government leadership** – This is likely to significantly facilitate the committee's work; and

- **Diverse committee membership** – Men in leadership roles in these committees send a strong message that gender equality is a men's issue as well.

#### **Box 6. Examples of functions of gender equality committees**

The **Gender Equality Committee of the Republic of Croatia** is one of 30 committees monitoring the implementation and promotion of gender equality principles in Croatian legislation. The Committee also: promotes the signature of international documents on gender equality and monitors their application; participates in the drafting, implementation and analysis of the implementation of the National Gender Equality Policy; proposes packages of measures to eliminate gender-based discrimination; promotes gender-balanced representation in parliamentary working bodies and delegations; prepares draft legislation and other regulations on gender equality; and undertakes efforts to introduce gender equality principles in education, health-care, public information, social policy, employment, free enterprise, decision-making processes, family relations, etc.

**Source:** Dr. Sonia Palmieri, *Gender Sensitive Parliaments: A Global Review of Good Practice* (Geneva: Inter-Parliamentary Union, 2011) <<http://www.ipu.org/pdf/publications/gsp11-e.pdf>>.

One of the European Parliament's committees is responsible for the definition, promotion and protection of women's rights within the European Union; the promotion of women's rights in other countries; equal opportunities policy, including equality between men and women with regard to labour market opportunities and treatment at work; the removal of all forms of discrimination based on sex; the implementation and further development of gender mainstreaming in all policy sectors; the follow-up and implementation of international agreements and conventions pertaining to the rights of women; and information policy on women.

**Source:** European Parliament Committees: FEMM Women's Rights and Gender Equality, <<http://www.europarl.europa.eu/committees/en/femm/home.html>>.

#### *ii. Multi-portfolio committees that include gender equality*

**Multi-portfolio committees that include gender equality as one of their areas of competence and interest exist in most parliaments.** Sectoral interests such as health, social affairs, family or children, labour, education and welfare are commonly combined with women's or gender equality issues.

**There are two predominant sub-groups of multi-portfolio committees that include gender equality concerns:** those that have a heavy **emphasis on social affairs and the family** (e.g., the Committee on Family and Social Policy of the Polish Senate, the Norwegian Parliament's Standing Committee on Family and Cultural Affairs), and those that are **focused on human rights, and legal and constitutional matters** (e.g., the Estonian Parliament's

Constitutional Committee, the Joint Committee on Justice, Defence and Equality of the Irish Lower House of Parliament).

International experience suggests that multi-portfolio committees **may have both positive and negative aspects.**

- An **advantage** of the multi-portfolio committee is that its members can apply gender mainstreaming methods to a broader range of issues. Moreover, in theory, there is **potential for members** of the multi-portfolio committee **to implement mainstreaming strategies** in the work of other committees of which they are members.

### Box 7. Swedish Parliament

All parliamentary committees of the Swedish Parliament are responsible for considering gender equality issues within their respective fields of work. In addition, the Swedish 2014 Parliament (Riksdag) Act sets out that the Committee on the Labour Market has a special responsibility for overseeing issues relating to equality between women and men in working life. A practice has also developed whereby gender equality issues that do not belong within any

other committee's area of responsibility are referred to the Committee on the Labour Market, which also prepares appropriations falling within the expenditure area on 'Integration and gender equality'.

**Source:** Marian Sawyer, Lenita Freidenvall, Sonia Palmieri, *Playing their part? Parliamentary institutions and gender mainstreaming*, Paper for Third European Conference on Politics and Gender, Universitat Pompeu Fabra, Barcelona, March 2013, <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2488867](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2488867)>.

- A **disadvantage** of multi-portfolio committees is that their members are **expected to address gender equality issues as one set among a large number of others**. In practice, this implies that less time is dedicated to specific gender-related concerns or to a comprehensive gender-based analysis.

### iii. Women's parliamentary structures and informal networks

#### **A distinct type of gender-focused parliamentary structure is a women's parliamentary caucus.<sup>18</sup>**

Such entities can bring together women from different parliamentary factions, across party lines, and can also engage other partners, including civil society organizations and the private sector.

Women's caucuses have been created to serve a number of purposes and functions:

- **Pursue legislative amendments** to strengthen gender equality, identify specific policy issues that require deeper examination, collect data and conduct investigations in order to strengthen the advocacy impact of the caucus.
- **Provide support to caucuses' members** in the form of mentoring, training, capacity-building, confidence-building, networking, discussions and information sharing.
- **Facilitate communication and dialogue** within and across parties on a range of issues. Some success has been reported in gaining support across party lines, particularly on topics such as violence against women, non-discrimination, healthcare, and children's rights.

Gender-focused parliamentary bodies also need to **build relationships with "power brokers"** in parliament (including the executive and the opposition), and with the relevant parliamentary commit-

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**The Women's Parliamentary Club** in the Assembly of the former Yugoslav Republic of Macedonia successfully advocated for an amendment to the Election Code that ensures that every third place on party election lists is allocated to the less represented gender.

**In Estonia and Poland**, women's caucuses helped pass domestic violence legislation.

**The Network of Women Deputies of the Finnish Parliament** organizes seminars and informal events that promote information-exchange and raise awareness of gender issues.

**In the former Yugoslav Republic of Macedonia**, the Women's Parliamentary Club has established close relations with the Committee on Equal Opportunities for Men and Women. The chairperson of that Committee participates in the Club's co-ordination bureau and the chairperson of the Club is officially invited to all of the Committee's sessions. This close relationship has resulted in strategic co-operation between the two bodies.

**In Serbia**, the Network of Women Parliamentarians closely co-operates with the Parliamentary Committee on Human and Minority Rights.

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<sup>18</sup> A study conducted by ODIHR in 2013 found that women's parliamentary structures existed as cross-party women's caucuses in Albania, Bosnia and Herzegovina, Canada, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Poland, the Slovak Republic and the United States of America. These also exist in Kosovo. Internal party women's caucuses are active in Austria, Canada and Norway. Voluntary associations, clubs or networks play this role in Andorra, Denmark, Finland, Kazakhstan, Norway, Serbia, Sweden, Tajikistan and Ukraine. Issue-focused groups work in Canada, Estonia, and the United States and as a platform involving civil society/others in Georgia.

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**In Finland**, the Equality Unit, which is administratively linked to the Finnish Ministry of Social Affairs and Health (MSAH), regularly organizes workshops and training events that are open to all ministries and that help participants consider how to integrate a gender perspective in their work. The Equality Unit also co-ordinates the gender policy of the government and works on other gender-related measures.

**The German Bundestag**, for instance, has established formal links with the dedicated unit on gender equality at the **Humboldt University of Berlin**, ensuring access to quality gender analysis for parliamentarians and staff.

**The Austrian Parliament**, which has not established a cross-party women's caucus or a dedicated gender equality committee, nonetheless provides a range of gender-sensitive research services on request to Members of Parliament from its **Parliamentary Library**. The library collects and compiles sex-disaggregated data across a range of indicators, including women's representation in the parliament; their background and previous experience; and partisan affiliation. Some of this data is publicly available and some is produced only for the use of Members and Senators.

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tees that encounter gender-related issues as a part of their work. Such relationships are important, since women's parliamentary bodies are rarely vested with the power to make the changes they seek. Therefore, developing relationships with other authoritative committees or parliamentary bodies can be important for the implementation of gender-mainstreaming strategies.

*iv. Gender technical units and external research services*

**Gender-focused parliamentary bodies may also take the form of “technical units” or research services.**

**Research services also play an important role** in providing information and research on the gender impact of legislation, and generally strengthen the knowledge and capacity of parliamentarians on gender-related issues. Parliamentary committees, women's caucuses, and research services often **rely on the assistance and support of women's groups outside the parliament**. They often hold roundtable discussions with women's organizations and research institutes to identify the key gender issues associated with particular legislation. Non-governmental organizations and think tanks with gender expertise may also be able to **collate research and statistics** that assist a women's parliamentary group to formulate legislative proposals or prepare for legislative discussions. Thus, the relationships between non-parliamentary women's organizations, centres and groups and women's parliamentary bodies can serve as important channels for knowledge exchange and capacity building.

**c) Enabling factors for the introduction of GSL**

Enabling conditions and factors that contribute to and facilitate the institutionalization of GSL through the adoption of GSL strategies and establishment of dedicated parliamentary bodies include the following:

- **Support from the ruling party and parliamentary leadership** – A survey conducted by the IPU in 2011 aimed to assess the factors required for the mainstreaming and institutionalization of GSL. Respondents reported that the most important factor is the degree of support provided by the ruling party, followed by the degree of support provided by parliamentary leadership (e.g., the speaker).<sup>19</sup>
- **Support from female MPs** – The IPU survey revealed that the degree of support for gender mainstreaming from female MPs is more important than the number of women in parliament;<sup>20</sup>
- **Multi-party collaboration and party discipline** – An ODIHR 2013 study revealed that gender-focused parliamentary bodies had been established in various types of parliamentary and presidential systems, and in parliaments that had been elected through all kinds of electoral systems (i.e., proportional representation, mixed and majoritarian), so that these factors alone are not likely to determine whether a body is established or how effective it is. By contrast, the degree of multi-party co-operation or polarization and the strength of political party discipline can have a significant impact on the establishment of women’s parliamentary structures, and the form they take. For instance, **collaborative parliaments are able to establish cross-party caucuses**, while parliaments that are composed of **highly disciplined political parties are more likely to need a structured committee system**, where the rules are clear and adjudicated by parliamentary staff. Alternatively, a more informal network is more likely to emerge in politically contested environments;<sup>21</sup>
- **Timing** – The IPU survey revealed the importance of timing in mainstreaming GSL. One approach is to integrate the enactment of GSL a strategy within **broader socioeconomic reform**. Another approach is to introduce GSL as a response to a **political crisis** or controversy in government; and
- **Collaboration with gender-focused civil society organizations** – Parliamentary gender-mainstreaming mechanisms are not likely to succeed without appropriate support from women’s civil society organizations. These

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19 *Gender Sensitive Parliaments: A Global Review of Good Practice* (Geneva: Inter-Parliamentary Union, 2011) <<http://www.ipu.org/pdf/publications/gsp11-e.pdf>>.

20 *Ibid.*

21 *Comparative Study of Structures for Women MPs in the OSCE Region* (Warsaw: ODIHR, 2013), <<http://www.osce.org/odihr/105940>>.



organizations are important both as information providers to parliamentary committees and in their work to hold parliamentarians accountable.

Interestingly, factors that IPU survey respondents considered to be less important for the mainstreaming of GSL include support from the business community and from member constituencies.

# Part V. Concluding Remarks

Parliaments are well positioned to provide strong role models for government agencies and other organizations in mainstreaming gender equality through the legislative process. Gender mainstreaming in legislation ensures that women's and men's concerns, needs and experiences are taken fully into account in the design, implementation, monitoring and evaluation of laws.

This Guide shows that several components have to be in place for a successful mainstreaming of gender-sensitive legislation.

**1** First, the implementation of GSL requires a full **understanding of what GSL is**. It is about the integration of activities and perspectives that could substantively promote gender equality. GSL does not view gender as an isolated matter, but rather seeks to explicitly integrate a gender dimension into all programmes and activities prescribed by the law in question. It is not only about women, but about the relationship between women and men for the benefit of both. It is not necessarily “gender neutral,” but rather gender-sensitive, aiming to mitigate and redress existing inequalities. GSL is not a “one size fits all” approach to all women and men, but rather a nuanced analysis of the specific conditions, needs and priorities of various social groups in society.

**2** Second, **comprehensive gender-based analysis** is a crucial component of GSL. Such analysis draws first and foremost on thorough data collection that takes advantage of all available data sources and on the engagement of relevant stakeholders in understanding and defining the practical and strategic needs and priorities of men and women in a given sector. As part of the concrete impact assessment of a specific legislative act, this assessment also requires clear identification of target beneficiary groups and evidence-based analysis of how each of these groups would be affected by the law in question. Gender-based analysis also requires the identification of activities

that could be sensibly integrated into the law, without artificially overburdening it, but rather through expanding its reach and impact. Lastly, a gender-based analysis requires the development of a monitoring and evaluation framework that consists of gender-sensitive indicators that can be measured throughout the implementation of the law to gauge its impact on various beneficiary groups.

**3** Third, GSL cannot be successful without relevant **institutional frameworks**. A conducive institutional environment consists of an actionable GSL strategy that is part of a formal legislative framework and that includes a clear outline of the institutional roles, functions, responsibilities and outputs of various entities that are engaged in GSL implementation. A viable GSL approach also requires that some parliamentary infrastructure is in place, such as specialized gender equality committees, multi-portfolio committees that include gender equality and women's caucuses or informal networks, as well as capacity-building opportunities and training offered by parliamentary research services. An inclusive GSL process also necessitates collaboration among a variety of external and internal stakeholders that both contribute to and benefit from engagement on gender-related matters.

# Annex I. GSL in Belarus: A Case Study

## a) Overview of gender equality in Belarus

**Belarus has signed and ratified a number of international documents aimed at promoting gender equality**, including CEDAW (1979), the Beijing Declaration and Platform for Action of the Fourth World Conference (1995) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2004), and Article 8 of the Constitution of the Republic of Belarus assumes the priority of generally recognized international law principles and requires the compliance of national legislation with these principles.

**Article 22 of the Constitution of the Republic of Belarus declares that all citizens “shall be equal before the law and entitled without discrimination to equal protection of their rights and legitimate interests”.** Formal principles of equality and non-discrimination before the law in family relations, educational, professional, social, political, cultural and other spheres are also enshrined in the Constitution (Art. 32, 42), the Family and Marriage Code (Art. 20), the Criminal Code and the Civil Code, the Labour Code and the Law on the Procedure and Conditions of Detention. These laws in their respective fields prohibit discrimination based on gender and other grounds.

**Belarus is ranked highly on international indexes that measure human development and adherence to gender equality principles.** The UNDP Global Human Development Report 2015 places Belarus in the first tier, among the countries performing high in human development, with Belarus occupying 50th place out of 188 countries.<sup>22</sup> The 2015 report also ranks Belarus among the

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<sup>22</sup> “Human Development Report 2015, UNDP, 2015, <[http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report\\_1.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report_1.pdf)>.

countries where the Gender Development Index of women is equal or higher to that of men (1.021).<sup>23</sup> For the sake of comparison, in the 2014 Global Human Development Report, Belarus stood at the 53rd place (out of 188) with its Gender Development Index.<sup>24</sup> According to the 2016 Global Gender Gap Report by the World Economic Forum, Belarus is also ranked at 30 out of 144 countries.<sup>25</sup> Furthermore, Belarus is among the 16 countries within the “very low discrimination” category in the social institutions and gender index, calculated by the OECD Development Centre based on 14 indicators in 2014.<sup>26</sup>

**National action plans to achieve gender equality serve as the main legal instrument to promote gender-sensitive legislation and policy in Belarus.** The fourth and latest National Action Plan on Gender Equality of the Republic of Belarus for 2011-2015 was approved by the Council of Ministers in August 2011.<sup>27</sup> The Plan declared that the implementation of gender policy in Belarus draws on universally recognized international norms of gender equality and aims to: promote equal representation of men and women at all levels of government; integrate gender into the education system; create public awareness of gender equality in all spheres of public life; improve the reproductive health of men, women and teenagers to ensure normal reproduction of the population; and improve the quality of life. Special attention is given to strengthening the institution of the family and family relations, advocating marriage and family values, achieving gender equality in families, including increased engagement of men in the household and in childcare. The Plan also states the importance of encouraging women’s entrepreneurship and increasing women’s competitiveness in the job market, as well as the transformation of public consciousness regarding gender equality and the eradication of discriminatory gender stereotypes. The fifth National Plan, for the period of 2017-2020, has been prepared and is currently under consideration by the government.

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23 The Gender Development Index (GDI) measures gender gaps in human development achievements by accounting for disparities between women and men in three basic dimensions of human development – health, knowledge and living standards. The GDI is the ratio of human development indexes calculated separately for females and males using the same methodology. It is a direct measure of gender gap and shows how much women are lagging behind their male counterparts and how much women need to catch up within each dimension of human development. For more details on GDI see < <http://hdr.undp.org/en/content/gender-development-index-gdi>>.

24 “Human Development Report 2014”, UNDP, 2014, <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>.

25 “Global Gender Gap Report 2016: Belarus”, World Economic Forum, <<http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=BLR>>.

26 “Social Institutions & Gender Index: 2014 Synthesis Report”, OECD, <<https://www.oecd.org/dev/development-gender/BrochureSIGI2015-web.pdf>>.

27 The first Action Plan covered the period of 1996-2000; the second Plan covered the years 2001-2005; the third Plan covered the period 2008-2010.

**Challenges related to gender equality in Belarus include the integration of women into the labour market and gender stereotypes.** As of 2015, 56.1 per cent of Belarusian women and 43.9 per cent of Belarusian men had a higher education. According to the 2009 census, 57.4 per cent of women and 42.6 per cent of men have attained some level of higher education. However, women most often occupy non-managerial positions, and they primarily work in the public sector and in areas such as medicine and education.<sup>28</sup> Civil society commentators also refer to the “feminization” of underpaid spheres of economic activity, the exclusion of women from managerial positions, the significant pay gap between men and women (one explanation for this could be the higher propensity of women to work in lower-paid jobs), and the lack of equal parental leave policies.<sup>29</sup> Additional challenges include access to health care (and, in particular, reproductive health), retention of gender stereotypes and paternalistic attitudes towards women, as well as domestic violence.

Women’s participation in political and public life is also a challenge. Although nearly one-third of members of Parliament in Belarus are women, civil society commentators note that women are poorly represented in top positions in the government, judiciary and diplomatic service.<sup>30</sup> They are often excluded from men’s political networks, and gender equality concepts are generally missing from the election programmes of both male and female candidates. Along with economic barriers preventing women from participating in the political and public life of their country, female politicians and entrepreneurs are often said to be disadvantaged because of prejudiced attitudes towards them.

**The 2016 report on Belarus of the UN Committee on Elimination of Gender Discrimination against Women recommends the establishment of centralized national machinery for the advancement of women, with a clearly defined mandate and responsibilities.** It stressed that this machinery should be provided with adequate human, financial and technical resources, enabling it to co-ordinate and effectively promote gender equality and gender mainstreaming. The Committee also recommended that the Department

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28 “Alternative Report on Compliance with the Convention on the Elimination of all Forms of Discrimination Against Women by Belarus”, Prepared by the Anti-Discrimination Centre Memorial with the assistance of Her Rights Center for the 65th session of the UN CEDAW, 2016, <<https://adcmemorial.org/wp-content/uploads/BeLENGwww.pdf>>.

29 Dzmitry Ananyeu et al., “Country Report Participation of Women in Public and Political Life”, Belarus, 2013, <https://webcache.googleusercontent.com/search?q=cache:udzuoNYCcXsJ:https://rm.coe.int/1680599095+&cd=1&hl=en&ct=clnk&gl=pl>> and S. Burova & O. Yanchuk, “Analysis of the Gender Sector in Belarus”, Office for European Expertise and Communications, 2014, <<http://eng.oeec.by/wp-content/uploads/2015/06/Analysis-of-Gender-Sector-in-Belarus.pdf>>.

30 *Ibid.*

of Population and Gender and Family Policy within the Ministry of Labour and Social Protection place an increased focus on gender equality and women's rights issues, and called for the speedy adoption of the National Action Plan for Gender Equality 2016–2020 and allocation of adequate human, technical and financial resources for its implementation.

## **b) GSL analysis in Belarus: stakeholders and entry points**

**A systematic gender-sensitive analysis of legislation has not been formally implemented in Belarus as of summer 2017.** The vast majority of legislative acts in Belarus are gender neutral and gender-related issues are largely absent from the political and legislative agendas. Regular gender impact analysis of new bills is not legally mandated. However, several entry points could be considered for the integration of such analysis.

**The main government stakeholder in the field of gender equality in Belarus is the National Council on Gender Policy under the Council of Ministers of the Republic of Belarus (National Council).** The Council was established in 2000 as an inter-agency advisory and co-ordination body composed of the heads of central government agencies, local executive and administrative authorities, National Assembly deputies and representatives of the Supreme Court and public and international organizations (overall 31 individuals, 21 women and 10 men). The Council is in charge of co-ordinating the activities under the National Action Plan, and it aims to provide a platform for dialogue to discuss progress in addressing gender equality issues and to provide advice and recommendations on gender equality to government officials. However, local civil society organizations note that the Council does not have sufficient budget, resources and authority. The UN Committee on Elimination of Gender Discrimination against Women (hereinafter CEDAW Committee) also noted in its 2016 report on Belarus that the Council meets twice a year, and “is not able to operate as an effective national machinery for the advancement of women.”<sup>51</sup>

- **Entry point for GSL analysis** – The National Council benefits from a diverse membership body, bringing together members of parliament, heads and members of parliamentary committees, government agency representatives and civil society organizations. Despite the financial and structural limitations of the Council, it could serve as an effective platform for co-or-

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51 “Concluding observations on the eighth periodic report of Belarus”, UN Committee on the Elimination of Discrimination against Women, November 2016, <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBLR%2fCO%2f8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBLR%2fCO%2f8&Lang=en)>.

dination and knowledge exchange among its members, who could play an important role in promoting gender equality principles in Parliament and across government agencies.

The government agency that has a specific mandate to address gender-related issues is the **Department of Population, Gender and Family Policy at the Ministry of Labour and Social Protection**. The department regularly initiates gender-related policies and programmes, submits comments on bills and raises gender-related considerations that should be considered by other agencies. However, this typically occurs on an *ad hoc* basis, dependent on the subject matter and specifics of new laws, and there has been no systematic attempt to mainstream gender impact analysis of legislation into the department's work. Further, the CEDAW Committee noted in its 2016 report that the capacity of this department to advance gender equality is limited due to its primary focus on "family and demographical issues, violence against women and trafficking."<sup>32</sup>

- **Entry point for GSL analysis** – Given the department's robust experience in dealing with gender issues and deep knowledge of the gender situation in the country, it could serve a major function in systematically providing input on the gender impacts of legislative proposals that are relevant to the Ministry's areas of responsibility. Such inputs could either be directed to relevant line ministries, or co-ordinated with the **National Centre of Legislation and Legal Research** (NCLLR), whose functions are described below.

A promising stakeholder that could lead the integration of GSL analysis into legislative acts is the NCLLR. Established by a Presidential decree in 2007, the NCLLR employs 53 individuals. It is entrusted with the development of "drafts of legal normative acts, methodical guidance of rule-making activity, carrying out research studies in the field of law, as well as the training of scientists of higher level of proficiency."<sup>33</sup> All government agencies that are interested in new legislative enactments have to submit proposals to the NCLLR, which drafts new bills according to an annual plan. The NCLLR also provides capacity-building and training for Members of Parliament and government agency representatives in a variety of legal areas.

- **Entry point for GSL analysis** – The NCLLR presents a highly promising entry point for the mainstreaming of GSL analysis due to its central role in

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<sup>32</sup> *Ibid.*

<sup>33</sup> National Centre of Legislation and Legal Research NCLLR website can be found at: <<http://center.gov.by/legal-status/?lang=en>>.



the legislative process in the country. The NCLLR drafts all new bills in the country, and no bill can be enacted without going through the NCLLR process first. Thus, mandating the NCLLR to systematically perform gender-impact analysis on all the legislative proposals it drafts and to incorporate gender-related activities and indicators in these proposals would effectively mainstream GSL in Belarus. The NCLLR could also play a central role in building the capacity of Members of Parliament and government agencies representatives on gender-related issues. Indeed, some of these activities are envisaged in the National Action Plan of the Republic of Belarus on Gender Equality for 2017-2020. Additional funding would have to be provided to the NCLLR in order for it to perform this function, and some capacity-building would be required to fully familiarize NCLLR staff with all the nuances of GSL analysis in various sectors. However, such investment in NCLLR capacity could guarantee that GSL analysis is thoroughly implemented and position Belarus among global leaders in the mainstreaming of gender equality principles in legislative work.

The **Ministry of Justice** also scrutinizes all new legislative bills and examines their adherence to constitutional principles and consistency with other legislative acts. As gender equality is a constitutional principle in Belarus, the Department of Legal Regulation of State Social Activities examines gender aspects and potential gender-related risks of new legislation. However, the Department seems to have fewer resources to conduct systematic and in-depth gender-based analysis than the NCLLR.

Another promising stakeholder in the GSL landscape in Belarus is the **National Statistics Committee (NSC), which collects sex-disaggregated** data on a variety of issues. One major endeavour of the NSC is the collection of household data. Also, with the support of UNICEF in 2012, the NSC carried out a Multiple Indicator Cluster Survey to assess the situation of children and women in Belarus. The survey aimed to measure progress in achieving major Millennium Development Goals targets, and helped obtain unique data on gender relations, including women's reproductive health, women's and men's attitudes towards domestic violence, men's awareness on HIV/AIDS, etc. Another useful data collection effort of the NSC was the 2014-2015 "Time Use" survey. The survey results confirmed existing gender stereotypes in society concerning distribution of family roles and helped to build a picture of gender-based differences in the use of time.

Since 2000, the NSC has been developing a **gender-statistics database, which includes gender-sensitive indicators** in the following thematic areas:

economy, poverty, education, health, demography, children and adolescents, violence, authorities and decision-making in the society and in households, communication and the environment. The system draws on the gender indicators in use by the United Nations Economic Commission for Europe (UNECE), and takes into account national particularities and proposals made by the National Gender Council. The NSC publishes annual bulletins with aggregated gender statistics in a variety of areas, but its primary data are largely unavailable to the public.

- **Entry point for GSL analysis** – NSC data can serve as a central source of information for GSL analysis undertaken by other institutions, such as the NCLLR or the Ministry of Labour and Social Protection.

**There are nearly 32 NGOs working on gender issues in Belarus.** The most active NGOs and their leaders are the international NGO “Gender Perspectives”, the “Belarusian Young Women’s Christian Association”, “Women’s Independent Democratic Movement”, “Radislava”, and the feminist initiative “Gender Route”. These organizations monitor government decisions and action on various gender issues, but their influence on public opinion is reportedly limited. Human rights NGOs in Belarus are not particularly active on gender issues. Trade unions are generally not engaged in promoting gender equality principles.

- **Entry points for GSL analysis** – As is often done in other countries, NGOs that deal with gender issues could be engaged in discussions on the gender impacts of new legislative enactments. Such discussions could be co-ordinated by the National Council and/or the NCLLR.

### c) Opportunities for further action

**The mainstreaming of gender equality and GSL in Belarus could be done by taking full advantage of its existing institutions and capacity.** Belarus has achieved high rankings on international indexes of human development and gender equality. This high capacity should be harnessed to promote substantive – and not only formal – gender equality. As indicated above, the National Council, NCLLR and NSC could serve as the institutional pillars for mainstreaming of gender equality and GSL.

**The NCLLR, if given the appropriate mandate and resources, could champion the mainstreaming of gender-based analysis of all new legislative acts,** systematically integrate gender-related perspectives and activities into all bills that it drafts, and develop a coherent monitoring and evaluation

framework to measure the gender impacts of existing legislation. It could also take the lead on delivering training and capacity-building activities on gender equality to members of parliament and government agency representatives. Given the breadth of the NCLLR's mandate to draft all new bills in the country, it presents a rare opportunity to mainstream GSL through a single institution, and position Belarus among global GSL leaders.

**The National Council** could also play an important role in mainstreaming GSL and promoting gender equality by serving as a **co-ordination and knowledge-sharing platform** for its members. Allocation of some additional financial resources to the Council could help perform such functions.

The **NSC** currently performs a central function in **collecting sex-disaggregated data**. This data could be highly informative for GSL analysis in various sectors, and it should be disseminated to all relevant government agencies and to the NCLLR accordingly. Looking forward, it will be important for the NSC to co-ordinate its data-collection efforts with the GSL activities of the NCLLR (or any other institution that will be entrusted with GSL analysis).

The **Department of Population, Gender and Family Policy of the Ministry of Labour and Social Welfare** could contribute its knowledge and expertise to other government agencies, as well as to the NCLLR, to provide gender-related inputs on new legislative acts.

Based on international good practice, a combination of a top-down and bottom-up approaches could be considered to advance these suggestions. From the top down, two strategies could be useful:

- First, the importance of and need for mainstreaming of gender equality and GSL in Belarus should be conveyed at the highest political level. The identification of high-ranking officials who could serve as gender champions could be vital for promoting gender equality and advancing the cause of GSL mainstreaming; and
- Second, a clear legal directive would be important to require the NCLLR to undertake gender-based analysis of all new legislative acts.

From the bottom up, two approaches could be tested:

- First, it would be useful to strengthen the capacity and enhance the resources of the National Council to establish informal working relations with Members of Parliament, advocate gender-related policies and reforms, and collaborate on the integration of gender-based analysis into various legislative agenda projects; and
- Second, the NCLLR could also proactively integrate GSL analysis in its work. In order to do this, the NCLLR would benefit from capacity building on how to use its existing tools and resources to conduct meaningful gender-based analysis, and how to integrate sex-disaggregated data collected by the NSC into new legislative proposals.



# Annex II. Self-Assessment Tool on Gender- Sensitive Legislation

## a) General information

Title of the legislation (referred to below as “the LAW”): \_\_\_\_\_

Policy area: \_\_\_\_\_

Outline description of the LAW: \_\_\_\_\_  
\_\_\_\_\_

Groups/persons likely to be affected by the LAW: \_\_\_\_\_

Brief description of the current stage of the LAW (circle below): \_\_\_\_\_

Design / implementation / monitoring / evaluation and review

Officer-in-charge: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Title)

\_\_\_\_\_ (Bureau or Department)

\_\_\_\_\_ (Telephone) (Email)

## **b) Design**

### ***Compilation and analysis of gender information***

1. Prior to designing the LAW, have sex-disaggregated data on people impacted been collected and considered?
2. Do the data show gender differences or gender interactions with the following socio-economic characteristics, : age, education, family status, income group, disability or other (please specify: \_\_\_\_\_)
3. Please provide a summary of such data on the above: \_\_\_\_\_  
\_\_\_\_\_

### ***Participation***

4. Have any of the following groups been consulted about the gender impact of the LAW:
  - (a) Gender specialists (e.g., women's organizations, academics, re-search centres, think tanks)
  - (b) Relevant statutory bodies
  - (c) Non-governmental organizations
  - (d) Beneficiaries (both women and men) likely to be affected positively or negatively by LAW
5. Please provide names of those consulted and a summary of their views.  
\_\_\_\_\_

### ***Considering women's and men's specific needs***

6. Have the specific needs of women and men and other gender issues been identified, considered and integrated into the design of the LAW?
7. Does the LAW require any specific reference to women or men?

### ***Considering the impact on women***

8. Will women or any sub-groups of women be affected differently from men by the LAW? In a positive or negative way?

9. Will the LAW, in any way (directly or indirectly, in the short, medium or long-term), promote and ensure the elimination of discrimination of women by:
- (a) improving upon any previous legislation, public policy or programmes that were discriminatory or disadvantageous to women;
  - (b) establishing legal and other protection of the rights of women;
  - (c) strengthening women's decision-making roles;
  - (d) increasing women's access to and control of resources;
  - (e) contributing towards the empowerment of women; or
  - (f) any other way, e.g., \_\_\_\_\_?
10. Will there be any restrictions or limitations, even of a temporary nature, imposed on women (or sub-groups of women) by the LAW?
11. Is gender neutral/sensitive language used throughout the legislation/public policy/ programme/public information or any other related official documents?

### **c) Implementation**

#### ***Public education and promotion***

12. Has the promotional information about the LAW been presented in a gender-sensitive manner?
13. Has the medium of promotion (e.g., venues, channels or time slots) effectively reached women?

#### ***Impact on women***

14. Have women or any sub-groups of women been affected differently from men during the implementation process of the LAW, e.g., eligibility, level of benefits, accessibility or availability of support facilities? In a positive or negative way?
15. Have there been any affirmative measures taken to address women's needs during the implementation of the LAW?



## **d) Monitoring**

### ***Compilation and analysis of gender information***

16. Have sex-disaggregated data and gender-sensitive indicators (qualitative or quantitative) been compiled to monitor the process and outcome of the LAW?

### ***Inclusion of gender issues***

17. Have gender perspectives and women's and men's concerns been considered by the monitoring mechanism?

## **e) Evaluation and review**

### ***Gender analysis of the impact on women and men***

18. Has gender analysis been conducted to evaluate and review the design, implementation and outcome of the LAW?
19. Has the evaluation systematically identified and addressed gender issues?
20. Have any of the following groups been consulted during the external evaluation (if applicable) of the LAW:
- (a) Gender specialists (e.g., women's organizations, academics, research centres, think tanks);
  - (b) Relevant statutory bodies;
  - (c) Non-governmental organizations; and
  - (d) Beneficiaries (both men and women) being affected by the LAW.
21. Has the LAW, in any way (directly and indirectly, in the short-, medium – or long-term), resulted in:
- (a) improvements to any previous legislation, public policy and/or programme that was discriminatory or disadvantaging to women;
  - (b) establishment of legal and other protection of the rights of women
  - (c) strengthening of women's decision-making role;
  - (d) an increase in women's access to and control of resources;
  - (e) a contribution to empowerment of women; or
  - (f) any other dynamic \_\_\_\_\_?

22. Have there been any restrictions or limitations imposed on women, men or sub-groups of women or men?
23. Have staff that are responsible for reviewing the evaluation reports ensured gender-related omissions and successes in the LAW are reflected and included in the report?

***Future planning***

24. Have the evaluation findings been used to enhance gender-sensitivity in future planning, implementation and monitoring processes of the LAW and related legislation, public policies and/or programmes?

**f) Administration**

***Staff sensitivity and capacity building***

25. Is there a gender focal point (a designated person or team) for the LAW?
26. Have relevant staff responsible for the following stages been briefed or given training on gender issues? If so, please specify or give details.
- Design \_\_\_\_\_
- Implementation \_\_\_\_\_
- Monitoring \_\_\_\_\_
- Evaluation \_\_\_\_\_



# Annex III. Examples of Gender-Sensitive Indicators for the Education Sector

Objective	Indicator(s)
<b>Human capital indicators</b>	
<p>Reduce gender gaps in enrolment, completion and learning outcomes in basic and secondary schooling</p>	<ul style="list-style-type: none"> <li>• Number of additional girls and boys enrolling, attending and completing primary and secondary education compared to previous year(s)</li> <li>• Number and percentage of female and male students receiving direct support (e.g., stipends, scholarships, conditional cash transfers or nutritional supplements)</li> <li>• Repetition and dropout rates for primary and secondary schooling by sex, ethnicity and location (e.g., rural or urban)</li> <li>• Number and type of targeted activities to monitor and assist girls and boys at risk of dropping out, by level of education</li> <li>• Number of girls and boys attending educational institutions made more accessible for people living with disabilities</li> <li>• Number of girls and boys benefiting from special education</li> </ul>
<p>Creation of educational infrastructure that meets the needs of girl and boy students and women and men teachers</p>	<ul style="list-style-type: none"> <li>• Number of schools in catchment areas that reduce the distance for girls and boys to travel to school</li> <li>• Number of hostels and dormitories constructed or upgraded, and number and percentage of girls and boys benefiting</li> <li>• Proportion of educational institutions that provide private and safe sanitation and boarding facilities for girls and boys, including those living with disabilities, by level of education</li> <li>• Proportion of teacher housing provided to women and men teachers in rural and remote areas, by level of education</li> <li>• Number of new or upgraded gender-neutral facilities designed to improve the learning environment for girls and boys (e.g., libraries, laboratories and sports facilities)</li> </ul>

### Economic empowerment indicators

Reduce gender disparities in women's employment in the education sector	<ul style="list-style-type: none"> <li>• Number and percentage of qualified women and men teachers</li> <li>• Number and percentage of women and men teachers trained, by content area (e.g., planning, management and teaching methods)</li> <li>• Percentage of women and men holding primary, secondary and tertiary teaching positions (public and private systems)</li> <li>• Percentage of women and men in senior teaching, management and curriculum review positions (e.g., supervisors, principals, vice-principals and heads of departments)</li> <li>• Percentage of women and men teachers in rural and remote areas, and the percentage of qualified teachers (to minimum standards)</li> <li>• Number and type of incentive and support programmes for recruitment, training and career advancement, including those aimed at increasing the number of qualified women and men teaching staff in rural areas</li> <li>• Percentage of women and men who receive in-service or overseas training, compared with the total percentage of eligible women and men (teachers and school officials)</li> </ul>
Reduce gender disparities in women's employment in non-traditional, high income and growth sectors of the economy	<ul style="list-style-type: none"> <li>• Percentage change in female enrolment and completion rates in technical and vocational education, including in areas traditionally dominated by men and growth sectors of the economy</li> <li>• Number and percentage of women and men students receiving stipends, scholarships or other financial support for technical and vocational education</li> </ul>
Reduce gender gaps in technical and vocational, as well as tertiary education	<ul style="list-style-type: none"> <li>• Number and type of incentive and support activities enabling women and men to enrol in training institutions (e.g., affirmative action policies, review of entry qualifications or selection procedures)</li> </ul>
Strengthen transition from schooling to decent work for young women and men (school-leavers, university graduates, technical and vocational education and training graduates)	<ul style="list-style-type: none"> <li>• Number and percentage of women and men graduates (school-leavers, university, technical and vocational) who secure employment in their areas of study</li> <li>• Number and percentage of women and men benefiting from industry placement programmes</li> </ul>

- Evidence of mentoring and other support activities aimed at assisting women's transition to employment in non-traditional, high income and growth sectors of the economy
- Percentage of women and men graduating in law, science, medicine and information and communication technology
- Number of child-care places provided for women and men students with parental duties
- Number and type of non-formal education programmes offered to women and men, by subject area
- Number and percentage of women and men completing these programmes
- Number and percentage of women and men career guidance counsellors trained on gender issues
- Annual percentage of short-term national and overseas training scholarships awarded to women and men, by subject area (for higher education and post-graduate studies)

#### Voice and rights

Increase participation by women in decision-making on education sector policies, reforms and practices of educational institutions

- Number and percentage of women involved in the formulation and review of education policies and strategies, curricula and teaching and learning materials
- Percentage of women on school committees
- Percentage of women and men office-bearers in school committees and education boards
- Percentage of women and men in teachers' professional associations, compared with total numbers of male and female teachers, and percentage of male and female office-bearers

**Source:** Adapted in accordance to the *Tool Kit on Gender Equality Results and Indicators (2013)* which offers additional examples of gender-sensitive indicators in the sectors of finance, health, transport, urban development, etc.<sup>1</sup>

<sup>1</sup> *Tool Kit on Gender Equality Results and Indicators*, (Mandaluyong City: Asian Development Bank, 2013), <<https://www.adb.org/documents/tool-kit-gender-equality-results-and-indicators>>.



# Glossary

**Gender** is a term used to describe socially constructed roles for women and men. Gender is an acquired identity that is learned, changes over time and varies widely within and across cultures. On the contrary, sex identifies the biological differences between men and women. Sex roles are universal and do not change over time or across cultures.<sup>34</sup>

**Gender Analysis** involves the collection and analysis of sex-disaggregated data in order to reveal any differential impact of an action on women and men, and the effects of gender roles and responsibilities. It also involves qualitative analyses that helps to clarify how and why these differential roles, responsibilities and impacts have come about.<sup>35</sup>

**Gender Budget Analysis** is analysis of how funded programmes address the needs of different genders and different social groups. A result of gender budget analysis would be recommendations on improvements for budget programmes, fiscal and sectoral policies so that programmes and policies respond better to the needs of different sexes, and different social groups.<sup>36</sup>

**Gender Discrimination** refers to any distinction, exclusion or restriction made on the basis of socially constructed gender roles and norms which prevents a person from enjoying full human rights.<sup>37</sup>

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<sup>34</sup> *Glossary on Gender-Related Terms* (Vienna: OSCE, May 2006), <<http://www.osce.org/gender/26397?download=true>>.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Gender-Responsive Budgeting: Analysis of Budget Programmes from Gender Perspective* (Kyiv, UN Women, 2016) <<http://eca.unwomen.org/en/digital-library/publications/2016/05/gender-responsive-budgeting--analysis-of-budget-programmes-from-gender-perspective#view>>.

<sup>37</sup> *Glossary on Gender-Related Terms*, *op. cit.*, note 36.



**Gender Gap** is the gap in any area between women and men in terms of their levels of participation, access, rights, remuneration or benefits.<sup>38</sup>

**Gender Equality** means equal rights and opportunities for women and men in laws and policies, and equal access to resources and services within families, communities and society. It refers to women and men being able to access and participate in all spheres of life on an equal footing, including in democratic governance, decision-making and the security sector. Gender equality requires that women and men receive adequate and equitable protection of their human rights, including the right to live free of violence in a safe and supportive home and community.<sup>39</sup>

**Gender Impact Assessment** involves examining policy proposals to see whether and how they will affect women and men differently, with a view to adapting these proposals to make sure that discriminatory effects are neutralized and that gender equality is promoted.<sup>40</sup>

**Gender Mainstreaming** is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's, as well as men's, concerns and experience an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, such that inequality between men and women is not perpetuated.<sup>41</sup>

**Gender Neutral** is having no differential positive or negative impact for gender relations or equality between women and men.<sup>42</sup>

**Gender Parity** is a numerical concept concerned with the relative equality in terms of numbers and proportions of women, men, girls and boys. In education, this means that the same number of boys and girls receive educational services at different levels and in diverse forms.<sup>43</sup>

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38 *EU Toolkit on Mainstreaming Gender in development cooperation: Glossary of gender and development terms* (Brussels: European Commission, 2004), < <http://library.euneighbours.eu/content/eu-toolkit-mainstreaming-gender-development-cooperation-glossary-gender-and-development-term>>.

39 *Gender Equality and Women's Rights* (Warsaw: OSCE Office for Democratic Institutions and Human Rights 2017), <<http://www.osce.org/odihr/303541?download=true>>.

40 *EU Toolkit*, *op. cit.*, note 40.

41 *Glossary on Gender-Related Terms*, *op. cit.*, note 36.

42 *EU Toolkit*, *op. cit.*, note 40.

43 *Gender Analysis in Education: A Conceptual Overview* (New York: UNGEI, 2012) <[http://www.ungei.org/files/Gender\\_Analysis\\_in\\_Education.pdf](http://www.ungei.org/files/Gender_Analysis_in_Education.pdf)>.

**Gender Relations** are the relations and unequal power distribution between women and men that characterize any specific gender system.<sup>44</sup>

**Gender-Responsive Budgeting** is an approach that aims at integrating gender perspectives into the entire planning and budgeting process at all levels of government. Gender responsive budgeting aims to restructure revenues and expenditures in such a way that the needs, interests and priorities of both women and men are equally taken into account in the process of developing government budgets and policies.<sup>45</sup>

**Gender Sensitivity/Awareness** encompasses the ability to perceive, acknowledge and highlight existing gender differences, issues and inequalities and to incorporate a gender perspective into strategies and actions.<sup>46</sup>

**Gender-Sensitive Indicators** provide information about progress in the move towards gender equality. An indicator summarizes a large amount of information in a single figure, in such a way as to show an aspect of the relative advantage or disadvantage between men and women and give an indication of change over time. Indicators differ from statistical data in that, rather than merely presenting facts, indicators involve comparison.<sup>47</sup>

**Occupational or Segregation Gap** refers to the concentration of women and men in different types and levels of activity and employment, with women being confined to a narrower range of occupations (horizontal segregation) than men, and to the lower grades of work (vertical segregation).<sup>48</sup>

**Sex** refers to the biological differences between women and men.<sup>49</sup>

**Sex-disaggregated Data** is the collection and presentation of all statistics separately on women and men.<sup>50</sup>

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44 *EU Toolkit, op. cit., note 40.*

45 *Gender-Responsive Budgeting, op. cit., note 38.*

46 *Glossary on Gender-Related Terms, op. cit., note 36.*

47 *Ibid.*

48 *EU Toolkit, op. cit., note 40.*

49 *Gender Analysis in Education, note 45.*

50 *Glossary on Gender-Related Terms, op.cit., note 36.*



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