



# MANUAL

## ON GENDER MAINSTREAMING OF LEGISLATION

*The manual has been prepared within the framework of the project on*  
**PROMOTING MORE GENDER-SENSITIVE LEGISLATION IN ARMENIA**

*The project “Promoting More Gender-Sensitive Legislation in Armenia” is implemented by*  
*OxYGen Foundation in cooperation with National Democratic Institute (NDI).*

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## **INTRODUCTION**

The Manual on Gender Mainstreaming of Legislation is produced within the framework of the joint project by OxYGen Foundation and National Democratic Institute “Promoting More Gender-Sensitive Legislation in Armenia”.

The project aims to build the capacity of key stakeholders, with the specific focus on women MPs, on gender mainstreaming of legislation by offering a practical exercise on what gender-sensitive legislation (GSL) is, why it is important, what it consists of and how to ensure that it works for constituents.

The project also aims to build the awareness and responsibility of political parties within and beyond the Parliament on legal and voluntary measures that political parties can adopt to enhance gender equality within party structures by introduction of gender equality principles into intra-party developments.

As the Armenian Parliament is well placed to promote the objective of gender equality, this Manual is intended primarily for members of Parliament and their staff. It will help to improve their capacity on the main principles to be applied in gender mainstreaming, develop an understanding on how to assess the implications of any piece of legislation, policy and government program for women and men, in all areas and at all levels, also be able to address the women’s as well as men’s concerns and experiences into an integral dimension of the design, implementation, monitoring and evaluation of legislation in all political, economic and social spheres so that women and men benefit equally and inequality is not perpetuated.

### **PART 1. THE NECESSITY OF GENDER MAINSTREAMING OF LEGISLATION:**

#### **GENDER-SENSITIVE LAWS**

Attainment of women and men’s equality is one of the main goals and an inalienable part of the international development agenda. The principle of gender equality reflects the idea that it is impossible to achieve full realization of human rights without ensuring equal rights, responsibilities, and opportunities for men and women. This principle is enshrined in numerous international documents, agreements, national constitutions, and legislative acts of the states of the world, including the Republic of Armenia.

If gender equality is a general and long-term goal of policies, gender mainstreaming or, to put it differently, a multi-faceted study and appropriate use of gender issues is an entirety of strategic approaches, which is applied in a specific context, as well as in technical and institutional processes to achieve that goal.

Gender mainstreaming implies integration of gender equality elements in the work of governmental structures, policies implemented at the central or local levels, as well as in processes of development and implementation of programs in different areas.

In the long-term perspective, gender mainstreaming leads to transformation of social institutions and practices based on discrimination.

Gender mainstreaming is very important for both women and men from the perspective of upholding human rights and social justice, and it unequivocally helps effective realization of other socio-economic objectives.

The legislative process is the starting point of gender mainstreaming. Laws affect the lives of citizens in a direct and tangible way and to the maximum extent reflect needs and priorities of different groups of the population. The legislative process creates a platform for society to discuss the most important issues. Thus, this process is an effective tool for protecting the values and principles of gender equality.

***The principle of women and men's equality*** was recognized as one of the fundamental principles of the UN Charter adopted by world leaders in 1945 and was confirmed in the Universal Declaration of Human Rights (1948)<sup>1</sup> and the UN Convention on the Elimination of All Forms of Discrimination against Women (1979)<sup>2</sup> and other UN and European documents.<sup>3</sup>

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<sup>1</sup> UNIVERSAL DECLARATION OF HUMAN RIGHTS, the Republic of Armenia ratified it in 1992 [http://www.un.am/up/file/Universal%20Declaration%20of%20Human%20Rights\\_official%20translation.pdf](http://www.un.am/up/file/Universal%20Declaration%20of%20Human%20Rights_official%20translation.pdf)

<sup>2</sup> CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), the Republic of Armenia ratified it in 1993 <https://www.arlis.am/DocumentView.aspx?DocID=60505>

<sup>3</sup> Including *the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women, Beijing Declaration and Platform for Action, Millennium Development Goals, Sustainable Development Goals, Agenda 2030; Council of Europe Declaration on Equality of Women and Men, Istanbul Declaration on Equality between Women and Men as a Fundamental Criterion of Democracy, 5<sup>th</sup> European Ministerial Conference on Equality between Women and Men, Recommendation of the Committee of Ministers of the Council of Europe on Balanced Participation of Women and Men in Decision-Making, PACE Resolution on Mechanisms to Ensure Women's Participation in Decision-Making, Recommendation of the Committee of Ministers of the Council of Europe on Gender Equality Standards and Mechanisms, etc.*

The Republic of Armenia has not been left out of this crucial process either and during the independence years has, on the one hand, ratified the above noted international documents and, on the other hand, developed a number of national documents on gender equality:

- Equality before the law and prohibition of discrimination are principles enshrined in the RA Constitution. According to Article 28 of the Constitution revised in 2015, everyone is equal before the law. Article 29 of the Constitution stipulates the prohibition of discrimination, and Article 30 of the Constitution separately states the legal equality of women and men.
- In addition, Article 86 of the Constitution defines promotion of de facto equality between women and men as a main objective of state policies.
- Gender equality safeguards are envisioned in *the RA Law on Equal Rights and Equal Opportunities of Women and Men (2013)*, which primarily defines general regulations (for example, general principles and directions of the state policy in the area of ensuring gender equality).

In addition, the RA Government has periodically adopted national programs on improvement of the situation of women in the Republic of Armenia and enhancement of their role in society (1998-2000, 2004-2010, 2011-2015), including the recently adopted Strategy and Action Plan on Implementation of Gender Policies in the Republic of Armenia in 2019-2023.

In 1995, the 4<sup>th</sup> World Conference on Women held in Beijing incorporated **gender mainstreaming** in the *Beijing Platform for Action*<sup>4</sup> as an internationally recognized strategy for promotion of gender equality. According to the Platform for Action, all stakeholders engaged in implementation of development policies and programs, including the UN agencies, member states, international development actors and members of civil society should take measures to ensure women's equal and full participation in decision-making structures and processes.

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<sup>4</sup> BEIJING DECLARATION AND PLATFORM FOR ACTION, the Republic of Armenia signed it in 1995  
[http://www.un.am/up/file/Beijing-Decl\\_PLAT\\_ARM.pdf](http://www.un.am/up/file/Beijing-Decl_PLAT_ARM.pdf)

Within the UN system, gender mainstreaming was defined in the resolution of the UN Economic and Social Council (ECOSOC) in 1997:

“Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.”<sup>5</sup>

Therefore, gender mainstreaming of legislation allows resolving the following problems:

- **To ensure that women and men’s rights are fully recognized and guaranteed** in the laws in effect and to be adopted through full gender analysis of the legislation impact and through the existing documents on ensuring equal rights and equal opportunities for women and men.
- **To promote gender-responsive budgeting**, which properly takes into account different needs and priorities of women and men and which aims at eliminating the existing discrimination and inequality.
- **To oversee the work of the governmental subdivisions and officials** aimed at implementing international and national obligations on gender equality and ensuring gender mainstreaming.
- **To facilitate** creation of inter-party cooperation networks, knowledge exchange and capacity building of legislators to promote gender equality principles and to reduce any inequality between men and women in political, social, and economic spheres.

Another way to define gender mainstreaming is to distinguish between three types of gender equality strategies: tinkering, tailoring and transforming<sup>6</sup>:

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<sup>5</sup> Point A, Chapter IV, UN Economic and Social Council (ECOSOC) Resolution A/52/3, *Mainstreaming a gender perspective into all policies and programmes of the United Nations system* (1997). - [http://www.un.org/ru/documents/ods.asp?m=A/52/3/REV.1\(SUPP\)](http://www.un.org/ru/documents/ods.asp?m=A/52/3/REV.1(SUPP)).

<sup>6</sup> Rees (1998). See also Stevens and Van Lamoen 2001.

- Tinkering refers to measures aimed at establishing formal equality between men and women, such as equal treatment legislation and mechanisms to ensure law enforcement. Examples at the EU level are the directives regarding equal pay and equal treatment in access to employment, training, and promotion and working conditions. Tinkering is in fact one of the oldest strategies for promoting equal opportunities.
- The second strategy is tailoring. As equal treatment does not automatically lead to equal outcomes, specific measures and facilities for women may be necessary. For example, positive “discrimination” programs.
- The third strategy of transforming goes a step further by questioning the status quo (the mainstream) and assuming that a transformation of institutions and/or organisations may be necessary to establish gender equality. Thus, gender mainstreaming would result in adding this potential for transformation to the established gender equality policies of formal equality and positive action.

**The non-application of gender mainstreaming of legislation can lead to negative consequences:**

- Rights, opportunities, privileges, and services envisaged by law and policies may affect women and men differently and/or may not be available to this or that group of men or women, which might even deepen the already existing inequality.
- Disregarding women’s needs may adversely affect the entire society since women make up the majority of the population, and hence, the half of the resources and the potential. These resources will remain unused if women are limited by unfair and discriminatory factors.

Gender mainstreaming of laws is also important from the perspective of ensuring long-lasting and sustainable economic growth and social justice since it allows examining the needs and ruling out negative consequences at the initial stage of law preparation.



## **PART 2. THE PROCESS OF GENDER MAINSTREAMING OF LEGISLATION**

The process of gender mainstreaming of legislation implies the following sequence of harmonious steps:

- Step 1.** Gender analysis of the situation existing in the relevant area, including identification of issues and data collection,
- Step 2.** Study of international and national documents on gender equality pertaining to a given area,
- Step 3.** Gender impact assessment of laws in development or under revision,
- Step 4.** If necessary, envisioning special measures<sup>7</sup> in laws in development or under revision to bring them into line with identified needs,
- Step 5.** Development of gender indicators to track enforcement of laws and progress in the relevant area.

### **STEP 1. GENDER ANALYSIS OF THE SITUATION EXISTING IN THE RELEVANT AREA, INCLUDING IDENTIFICATION OF ISSUES AND DATA COLLECTION**

The process of **gender mainstreaming** starts with gender analysis, which is comprised of a combined analysis of the situation, international indicators, statistical data, laws and policies from the gender perspective.

**The analysis of the situation** is aimed at developing a good understanding of the target groups of the application of laws, developing a grasp of possible differences in their situation, their practical and strategic needs and priorities and at clarifying whether there are inequalities between women and men (or women and men's subgroups) that should be resolved through public policies. **Target groups** are the expected beneficiaries of the intervention. Target groups can include persons, who belong to certain professional or age groups: the unemployed, individual entrepreneurs, those, who earn less than the minimum

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<sup>7</sup> They might include, for example, a quota requirement in the area of women's political participation to rectify the situation.

income, students, participants in investment programs, business people, etc. As far as identification of needs is concerned, it is important to differentiate between practical gender needs and strategic interests. ***Practical gender needs*** originate from the actual conditions that women and men have in society because of the gender roles ascribed to them. They are often related to being mothers, being responsible for family households and primary needs, which gives rise to a concern among women about lack of proper living and working conditions, such as food, water, shelter, income, healthcare and employment. ***Strategic gender interests*** are the necessary requirements for overcoming women's subordinate position in society with respect to men and relate to women's empowerment. They vary in accordance with those social, economic, and political peculiarities, within which they are formulated (ILO, 2000).

Activities targeting the satisfaction of merely practical needs will not produce sustainable results without taking into account strategic interests. Actions aimed at mere satisfaction of practical needs may contribute to reinforcement of women and men's unequal status in society. In their turn, strategic interests cannot be satisfied without taking into account practical needs.

To analyze the situation of a target group, it is important to look at as much data as possible accessible from different sources: ***quantitative data and qualitative information, sex-disaggregated data from the statistical service, research reports and other sources.***

## **INFORMATION SOURCES**

### **National:**

- ***Publications of the Republic of Armenia Statistical Committee*** (<https://www.armstat.am>). Here, it is very important to determine which publication on the available data can be helpful and it largely depends on the area a given law or document is regulating or will be regulating. Thus, the following annual publications of the RA Statistical Committee can be useful:
  - The statistical digest [Women and Men in Armenia](#)
  - [Report on the Socio-Economic Situation in the Republic of Armenia](#)
  - [Armenia in Figures, report](#)
  - [Social Snapshot and Poverty in Armenia, report](#)

- The report on [Social Situation of the Republic of Armenia in 2019](#)
- The report on [the Migration Snapshot of the Republic of Armenia in 2018](#)
- The analysis of [Gender Pay Gap and Gender Inequality in the Labor Market in Armenia, etc.](#)
- ***The RA Government.*** In this case, if the data are strictly sectoral or it is the RA Government who initiates/presents a given bill, it is possible to request that the governmental structure provide sex-disaggregated data of the relevant sector.
- ***The RA Bodies of Territorial Administration.*** This level can be very useful for obtaining information of territorial significance.
- ***The RA Research Structures, the RA National Academy of Sciences.***

### **International**

There exist a number of international information sources, which collect statistics of a number of countries, analyze it and based on that, publish annual reports on global gender indices. They include:

- [UNDP, Human development index](#)
- [WEF, Global Gender Gap index](#)
- [Social watch report](#)
- [WEF, Global human capital report](#)
- [WBG, Doing business Analytical study](#)
- [UN-Women, Women Count Data Hub](#)
- [OECD, Gender Data Portal](#)
- [European Institute for Gender Equality, Gender Statistical database, etc.](#)

To carry out gender analysis, it is necessary to have ***meetings/consultations with interested parties***: representatives of a target group, specialists in the relevant area, gender experts, officers-in-charge of relevant sectoral ministries, and analysts.

The information obtained from data collection and consultations with interested parties should be combined and analyzed to provide answers to some of the following questions:

- Who are the main target gender groups in this area (for example, girls, boys, teenage girls/boys, single parents, working parents, elderly women/men, etc.)?
- What are the inequalities between women and men (or female and male subgroups)?
- What are the practical and strategic interests, needs, and priorities of each of these subgroups?
- What are the obstacles to satisfaction of the needs and priorities of each subgroup?

Even if discrimination is not immediately apparent, gender analysis should pay great attention to less obvious manifestations of gender inequality. For example, the reduction of the number of girls getting their education in the area of mathematical and natural sciences may lead to the reduction in the number of academic discoveries and achievements. When professional orientation is not gender-sensitive and does not contribute to girls' electing "non-feminine" professions and discriminatory principles in textbooks and curricula are not prohibited, the entire society bears the negative consequences of such a situation.

In general, it is more expedient to apply a structured gender analysis approach based on studies of gender differences and needs at the level of individuals, institutions, and national policies.

Gender analysis should also include *analysis of* research materials and *international and national documents* related to the relevant area.

## **STEP 2. STUDY OF INTERNATIONAL AND NATIONAL DOCUMENTS ON GENDER**

### **EQUALITY PERTAINING TO A GIVEN AREA**

When carrying out gender mainstreaming of legislation, it is necessary to become aware of the documents enshrining gender equality created with the framework of both national and international organizations and to check/to compare the proposed provision with the principles and approaches pointed out in these documents.

Below presented is a list of fundamental national and international documents on gender equality. However, when studying each area, it is necessary to find and familiarize with the document regulating gender principles in that very area.

#### **National:**

- The RA Constitution : Articles 29, 30, 86, 87;

- The RA Law on Ensuring Equal Rights and Equal Opportunities for Women and Men (adopted by the RA National Assembly in 2013);
- The RA Gender Policy Conceptual Framework (endorsed by the RA Government in its protocol decision No. 5 on February 11, 2010);
- The Decision on Endorsing the 2019-2023 Strategy and Action Plan for Gender Policy Implementation in the Republic of Armenia (approved by the RA Government in its protocol decision No. 19 on May 20, 2011).

**International:**

- Sustainable Development Goals: Agenda 2030, Goal 5;
- The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- The UN CEDAW Committee General Recommendations since 1986;
- Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women;
- Beijing Declaration and Platform for Action;
- The Council of Europe Declaration on Equality between Women and Men;
- Istanbul Declaration on Equality between Women and Men as a Fundamental Criterion of Democracy;
- Declaration on Making Gender Equality a Reality/the 119<sup>th</sup> session of the Committee of Ministers, Madrid, May 2009/;
- The Council of Europe Gender Equality Strategy 2018-2023;
- The Committee of Ministers Recommendation CM/REC(2007)17 on Gender Equality Standards and Mechanisms, etc.

An analysis for the purpose of gender mainstreaming can be conducted also through checklists created based on the requirements of international documents and agreements.

This approach allows evaluating the level of performance of international obligations in terms of women and men's rights.

For example, **the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** has 16 articles and 2 recommendations, and the gender situation in a given area can be analyzed in line with CEDAW articles and recommendations.

- Is there discrimination in a given area? How is it manifested?
- Do the laws regulating this area address the problem of women's discrimination? Do they offer any regulations?
- Do the laws and documents regulating a given area contain discriminatory expressions and provisions?
- Do the laws and documents regulating a given area contain special measures/for example, quota/ promoting women's advancement? And so on.

***The course of implementation of the CEDAW articles*** is overseen by the UN CEDAW Committee, created specifically for that purpose, through analysis of national reports. The implementation of the Committee recommendations is mandatory<sup>8</sup> for the Republic of Armenia.

From 1993 up to date, the UN Committee, having received six national reports from the Republic of Armenia, has prepared the following packages of recommendations and suggestions:

- [Concluding observations on the first report of the Republic of Armenia - 1997](#)
- [Concluding observations on the second periodic report of the Republic of Armenia - 2002](#)
- [Concluding observations on the fifth and sixth periodic reports of the Republic of Armenia - 2016](#)

**BEIJING DECLARATION AND PLATFORM FOR ACTION (BPfA)** is yet another document, which can be used for the purposes of gender mainstreaming of legislation. The document, which was signed by Armenia in 1995, contains twelve critical areas of concern:

1. The persistent and increasing burden of poverty on women
2. Inequalities and inadequacies in and unequal access to education and training

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<sup>8</sup> Committee on Elimination of Discrimination against Women (CEDAW)  
<https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

3. Inequalities and inadequacies in and unequal access to health care and related services
4. Violence against women
5. The effects of armed or other kinds of conflict on women, including those living under foreign occupation
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources
7. Inequality between men and women in the sharing of power and decisionmaking at all levels
8. Insufficient mechanisms at all levels to promote the advancement of women
9. Lack of respect for and inadequate promotion and protection of the human rights of women
10. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment
12. Persistent discrimination against and violation of the rights of the girl child

It is also suggested that the situation with gender equality be checked with the help of national documents.

For example, with the help of **the 2019-2023 Strategy and Action Plan for Implementation of Gender Policies in the Republic of Armenia** adopted by the RA Government's decision of September 2019. The document highlights five priority directions:

- *Perfection of the national machinery for women's advancement, equal participation of women and men in the area of governance and decision-making.*
- *Overcoming gender discrimination in the socio-economic area, expansion of women's economic opportunities.*
- *Full and effective participation of women and men and expansion of their equal opportunities in the areas of education and science.*
- *Expansion of equal opportunities for women and men in the area of healthcare.*
- *Prevention of gender discrimination.*

## STEP 3. GENDER IMPACT ASSESSMENT OF LAWS IN DEVELOPMENT OR UNDER REVISION

Information obtained from needs analysis and consultations with interested parties should be subjected to a compressive analysis for the purpose of assessing the gender impact of a law in development or under revision. The analysis of this stage of gender mainstreaming of legislation is based on the impact that it has or might have on women and men. In this respect, the general rule is that when a law targets “people” (citizens, children, the elderly, employees, entrepreneurs, etc.), it in reality affects women and men, girls and boys. Therefore, its impact should be assessed from this perspective. To put it differently, *measurement of law’s impact* should be made:

- What are short-term, medium-term and long-term goals of a law?
- What is its intended impact on different subgroups of women and men?
- Will the adoption of this law help reduce the existing inequalities (based on the above-described analysis of the needs of gender groups)? If yes, then how?

One of the main components of the impact assessment is an analysis of the four indicators, which reflect women and men’s inequalities in terms of representation, resources, rights and realities.<sup>9</sup>

**Representation.** The impact of a law on the gender composition of the target population and representation of women and men in leadership positions.

**Resources.** The impact of a law on the most important resources: time, space, information and money, political and economic power, education and training, work and professional career, new technologies, healthcare services, housing, transportation and leisure assignment.

**Rights.** The impact of a law (in the legal, political, and socio-economic context) on overt or alleged gender discrimination, human rights, including on freedom from sexual violence and humiliating treatment, and accessibility of justice administration.

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<sup>9</sup> Redeveloped. *Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation*, Warsaw, 2017, OSCE/ODIHR



**Realities.** The impact of a law on factual and expected gender roles, gender division of work, attitude and behavior of women and men, and reinforcement of the stereotypic notions of masculinity and femininity.

For gender impact assessment of some laws, it is possible to also use the following sectoral checklist:<sup>10</sup>

AREA
<b>Questions on laws (drafts)</b>
<b>GENERAL ISSUES</b>
Is this law conducive to equality between women and men? Does it express a de facto equal attitude to men and women? Does it reveal women and men's special needs to the satisfactory extent? Does it envision special measures, approaches to women or men? Will this law have an impact on the long-term prospect of attainment of gender equality?
<b>ADOPTING DECISIONS</b>
Does this law show a differentiated approach to and impact on women and men in terms of capacity to participate in adoption of decisions and influence the decisions? Does this contribute to women and men's opportunities for participation in decision-making in different areas?
<b>ECONOMIC STATUS</b>
Does this law manifest a differentiated approach to women and men's issues conditioned by their economic status? For example, what impact might salaries, taxation or income-related privileges have? Do the anticipated positive or negative economic changes affect women (men) more?
<b>PROFESSIONAL ACTIVITIES</b>
Does this law envision a different impact on women and men in the labor market? Does this have an impact on those sectors of work, pay or working conditions where women are primarily employed and in those areas where men are prevalent? Are special solutions proposed for ensuring women or men's position in the labor market? Does this law support women's career development? Does this law contribute to or impedes gender disaggregation in different activity areas and different professions? Does this law help employees to maintain a balance between professional activities and family life?
<b>EDUCATION</b>
Does this law provide for educational and professional development opportunities for both women and men regardless of their professional activities or educational area? Does this law require special solutions for developing opportunities in the area of education of women or men, girls or boys?

<sup>10</sup> Redeveloped. *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>*

## HEALTH AND WELL-BEING

Does this law offer changes in terms of mental and physical health or well-being of women and men?

Are risk factors affecting health and well-being of women and men taken into account?

Does this law contribute to reducing the gap between women and men's health?

Does this law promote women and men's participation and well-being in public life? And so on.

### **STEP 4. IF NECESSARY, ENVISIONING SPECIAL MEASURES IN LAWS IN DEVELOPMENT OR UNDER REVISION TO BRING THEM INTO LINE WITH IDENTIFIED NEEDS**

The above noted sequence of steps logically leads to the most important stage of gender mainstreaming – that of preparing proposals on ensuring gender equality and securing them in the law.

The most important possible outcome of gender mainstreaming is the fact that it can promote creation and implementation of gender-sensitive legislation, policies, change the nature of relations between women, and men, reveal new trends in development, and create conditions for equal opportunities for women and men.

Four levels of gender sensitivity are identified in legislation:

- In its initial form, the law can be **gender-blind**. This means that it does not recognize the real needs and peculiarities of women and men, girls and boys and the fact that their roles and obligations are reserved to them by origin and as determined by certain socio-cultural, economic and political contexts.<sup>11</sup> Gender-blind laws bring about deepening of gender inequalities and women and men's issues are not resolved in case of such laws.
- The law can be **gender-neutral**. This means that it maintains the status quo and does not help transform the unequal structure of gender relations. This approach is also considered negative from the perspective of gender sensitivity.

To provide for positive changes in society and in the lives of women and men, it is necessary to envision gender-sensitive laws.

<sup>11</sup> UNICEF, UNFPA, UNDP, UN Women. "Gender Equality, UN Coherence and You

- To achieve the goal, the **gender-sensitive** approach takes into account gender norms and roles and targets access to resources.

The next positive type of gender-sensitive legislation is

- **Gender-transformative** law, which allow to transform unequal gender relations for the purpose of promoting general empowerment, carrying out the oversight of resources, participating in decision-making and expanding women's powers.<sup>12</sup>

**Hence, the main purpose of gender mainstreaming of laws** is to ensure that laws are gender-sensitive or gender-transformative by building on the results of the performed gender analysis, checking the compliance of approaches with national and international documents on gender equality, and consulting with the law's target groups and other interested parties.

The chain of gender mainstreaming of laws and change of the level of gender sensitivity can be presented in the following way:

Problem	Underrepresentation of women at the decision-making level as a result of the discrimination against women
Situation	Representation of women in the National Assembly is 22%
Consequence	Women, who make up 52% of the population, cannot participate in the re their families decision-making
International practice	Only in case women comprise at least 30% of the country's parliament, the issues of social and health area are raised and discussed.

**Gender-sensitive approach**

Law for gender mainstreaming	Electoral Code
Proposed change	To increase the level of women's political participation, it is proposed to apply a quota for inclusion in the electoral lists of parties, for example 25%.
Result	Representation in the parliament has factually increased reaching the unprecedented level of approximately 20%.

<sup>12</sup> UN-INSTRAW, Glossary of Gender-related Terms and Concepts

The level of change in the situation	Average: women are represented in the parliament to some extent however, discrimination persists in society, and the change in public opinion is insignificant.
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Law for gender mainstreaming	Complex approach to gender mainstreaming of laws regulating electoral processes and related laws.
Proposed change	Legislative provision of non-discriminatory approaches and practices, 50/50 representation in electoral lists and in the administration of political parties, development of gender strategies and action plans of parties, career growth of women in parties, conduct of gender audit, adoption of a law on gender impact assessment of policies and laws, etc.
Result	Dramatic positive change in the situation, equal representation of women and men in the parliament, local self-government structures, decision-making, etc.
The level of change in the situation	High: dramatic positive change in the situation, equal representation of women and men in the parliament, local self-government structures and decision-making. The change in the public opinion attitudes is noticeable.

It is important to remember, though, that there is no need to artificially introduce special gender measures in those laws, which do not directly affect establishment of gender equality or change in the situation. If the above described gender analysis has not revealed future gender consequences, there is no need for such actions. At the same time, if the gender analysis of the situation has nevertheless revealed the necessity of including special provisions in the law, it should be made in consonance with the law's goals and scope.

### **STEP 5. DEVELOPMENT OF INDICATORS TO TRACK ENFORCEMENT OF LAWS AND PROGRESS IN THE RELEVANT AREA**

The last stage of gender mainstreaming is the creation of a monitoring and evaluation framework for laws and policy actions. Gender issues should find their solutions in all reports evaluating impact of laws in terms of progress and results.

At this stage, gender mainstreaming pursues two goals:

- First, indicators should be determined, which can be used for assessment of the gender impact of the law.
- Second, it is necessary to develop a regulatory field, which will oblige special governmental bodies or civil society organizations to measure the degree of the law's impact with the help of these indicators.

For this purpose, quantitative and qualitative gender indicators are defined and applied:

- **Quantitative indicators are** needed to measure average results, i.e. the degree of attainment of the goal or target. For quantitative indicators, information sources are data systems and registries, where information is divided according to sex. As a rule, they include population censuses, research on workforce, administrative documents or results of sociological surveys carried out among target population. Quantitative indicators are usually easier to formulate and collect than qualitative ones and they are subject to definition, registration, and evaluation. An example of a quantitative gender indicator is the number of new jobs created for women and men because of targeted policy measures undertaken in the area of small business.
- **Qualitative indicators** can be defined as provisions that reflect people's opinions and judgements on a particular issue. They are useful for understanding processes, but are not trustworthy to make judgements on how typical or prevalent the expressed opinions are. It is more difficult to measure qualitative indicators since they relate to processes and use categories based on perceptions for classification. For example, qualitative indicators can reflect changes in attitudes and behavior, as well as development of knowledge and skills, autonomy, increase in trust, independence and boosting of self-esteem, etc. As a rule, qualitative indicators are formed based on public hearings, work of focus groups, surveys and interviews to study opinions and attitudes, as well as to conduct a collective assessment. An example of a qualitative indicator is the level of trust of women and men in family legislation recorded through interviews.

***An indicator of law implementation and gender impact can also be the measurement of budget allocations for women and men in a given area within implementation of a given law.***

It will specifically allow:

- To increase the transparency and accountability of the general budgeting process taking into account what the funds are expended on in reality and how they are used by different gender subgroups,
- To better understand the impact of state expenditures through grouping the data in accordance with the budget allocation between men and women,
- To ensure that fiscal resources help reduce, not increase, inequalities between women and men,
- To take actions to solve special issues of concern from the gender perspective.

If possible, gender equality indicators should be developed jointly with the main interested parties. This principle applies for all indicators, but it is especially important in case of gender equality indicators since they serve to measure changes in relations between society's gender groups: women and men often have different experiences and perceptions of relations between gender groups (including of gender roles and obligations, decision-making forms, changes in relations between gender groups, etc.).

Both women and men should participate in determination of gender results and indicators of the implementation of laws, information collection, and analysis.

## **CONCLUDING REMARKS**

Parliament, women members of Parliament and also political parties have all the opportunities to serve as a positive example to the Government and other state bodies and other organizations in terms of carrying out gender mainstreaming throughout the entire legislative process. The gender mainstreaming process can ensure that issues of concern to women and men, their needs and experiences be fully taken into consideration during the process of legislation drafting, implementation, monitoring, and evaluation. In this case, the existence of the following conditions/situation becomes the guarantee of success:

- Firstly, introduction of the gender integration approach requires ***a full understanding of its essence***. Gender mainstreaming proposals are the means and concepts for integration in the legislative field. They will significantly contribute to gender equality attainment. This approach does not relate to gender issues in an isolated way and aims at clearly incorporating gender prospects into laws. Gender mainstreaming relates not only to women, but also to relations between women and men to the benefit of the two sexes. This is not about “gender neutrality,” this is a

“gender-sensitive” approach aimed at smoothing out the existing inequalities and indemnifying for them. Gender mainstreaming does not mean application of one standard approach to women and men; it implies a delicate analysis of special conditions, needs, and priorities of different groups making up the society.

- Secondly, ***application of participatory methods*** (meaningful participation of different external and internal interested parties) in the process of a comprehensive gender analysis is the most important and inseparable component of gender mainstreaming of laws, and, most importantly,
- Gender mainstreaming cannot be successful without an adequate ***institutional system***. Supporting institutional environment implies the existence of political will, adoption of an effective implementation strategy, which makes up a part of the official legal field and includes a clear-cut description of institutional roles, functions, obligations, and performance of different structures engaged in the implementation of gender mainstreaming. Sustainable implementation of gender mainstreaming also implies the existence of a certain infrastructure in the Parliament, for example, special commissions on gender equality issues, multiprofessional commissions, including those responsible for gender equality issues: women’s groups or non-formal networks, and opportunities for capacity building and training.

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