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# A quick guide to gender-sensitive scrutiny

This guide is designed to help Members and staff of the Parliament of Bhutan undertake gender-sensitive scrutiny of laws, budgets, and policies.

## Gender inequality in Bhutan: key statistics

Bhutan ranked **130 out of 156 countries** in the World Economic Forum's [Global Gender Gap Report 2021](#).

### Labour force and employment

- The **labour force participation rate** for women is 55%, and 70% for men, and women have much lower participation in **regular paid employment** (18.4% as compared to 33.0% for men)
- 15% of women's time is spent doing **unpaid work**, compared to 6% of men's
- Women make up 18% of **legislators, senior officials and managers**, and 38% of **civil servants**, but they primarily work in lower paid positions
- Men make up 67% of **professional and technical workers**, and women make up 33%
- Women have more substantial engagement in the **agricultural sector** (63% against 47% for men)

### Education

- There are near equal proportions of boys and girls in **school**, but slightly more boys than girls in **tertiary education**
- Women make up 94% of **teachers** in ECCD centres, but men make up 58% of teachers in schools, rising to 82% in technical training institutes
- The **literacy rate** for both males and females for the 15-24 age group is 93%, but the female literacy rate for all people aged 15+ is 57%, and 75% for males.

### Health

- **Life expectancy** is very similar for males and females at around 71 years
- The **maternal mortality rate** is 183 per 100,000 live births
- 32% of girls have their first **pregnancy before the age of 18**
- 44.6% of women and girls experienced one or more forms of **partner violence** during their lifetime
- 61% of people treated for **alcohol liver disease** were male, and 63% of people treated for **nervous disorders** were women (out of 64,000)

### Representation

- 11.6% of elected **local government leaders** are women
- 14.9% and 10% of elected MPs in the **National Assembly and the National Council** respectively are women

Sources: [Bhutan National Gender Equality Policy 2020](#), [National Statistics Bureau's statistical yearbook](#), [World Bank](#), [UNESCO](#)



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## An introduction to gender-sensitive scrutiny

Gender equality is more than a **human right** - it is also key to **development, well-being and good governance**.

Parliaments have a key role not only in ensuring that everyone is properly represented in decision-making, but also that **legislation and government actions take into account the needs, interests and experiences of women and men on an equal basis**.<sup>1</sup>

Women and men experience life in different ways, and as a result they have different needs, interests, and make different contributions to society. **Every law, policy, programme and budget that is examined by a parliament will affect women and men in different ways**, from agricultural policy to laws about taxation, and healthcare budgets to economic development programmes.

This means that **every decision a parliamentarian makes is an opportunity to increase equality between men and women**, and to ensure that everyone's needs are met in the most effective and efficient way.

### What is gender-sensitive scrutiny?

Gender-sensitive scrutiny<sup>2</sup> is a way of exploring and addressing the **potential and actual impact of laws, policies, programmes and budgets on men and women to ensure they are effective and fair**.

When making laws, conducting oversight of government actions and approving budgets, parliamentarians have a key role in making sure that:

- decisions do not discriminate against or exclude women or men, either directly or indirectly, intentionally or unintentionally;
- every opportunity to increase gender equality is taken; and
- the actual impact on men and women is monitored.

### Why is gender-sensitive scrutiny important?

If different needs and experiences are not understood, there is an assumption that decisions will affect everyone in the same way, which could lead to harmful or unintended consequences. Laws, policies, programmes and budgets that assume 'one size fits all' often result in discriminatory or ineffective outcomes because 'one size' is often subject to gender bias.

**Decisions that do not consider gender risk negatively affecting people's lives, providing ineffective solutions to problems, unfairly or inefficiently allocating public funds, or deepening existing inequalities.**

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<sup>1</sup> 'Gender' is often understood in a binary way: 'woman' or 'man'. But people identify and express their genders in a much broader way, including non-binary and trans. References to 'women' and 'men' in this paper should not be interpreted in a limited, binary way, but to include the range of gender identities that people experience.

<sup>2</sup> 'Scrutiny' includes law-making and oversight activities



## Who conducts gender-sensitive scrutiny?

All parliamentarians and officials should take responsibility for carrying out gender-sensitive scrutiny. The approach can be used when **examining draft laws, reviewing existing laws, undertaking oversight of government actions or approving budgets in all policy areas.**

## What's the aim of gender-sensitive scrutiny?

The aim of gender-sensitive scrutiny is to **increase equality and effectiveness by making decisions that address different needs, and correct inequalities and inefficiency.**

If gender-sensitive scrutiny uncovers unfairness, discrimination or ineffectiveness, MPs can do a number of things, including: making recommendations for change, proposing amendments to legislation or budgets, or publicising their findings to apply political pressure.

## A five-step model for gender-sensitive scrutiny

The key to gender-sensitive scrutiny is asking the right **questions**, using the best available **evidence**, and examining the **assumptions** upon which decisions are based, including the impact of existing measures. This five-step model can help with your scrutiny:

### 1. Put gender on the agenda

This means including gender within the scope of all scrutiny work from the start, such as in: **terms of reference, calls for evidence, or press releases.** It also means **requesting evidence** from organisations and people that specialise in gender issues, and ensuring that any **citizen engagement** actively seeks out the views of men and women.

### 2. Understand the situation by gathering evidence

This involves finding out:

- **Who is/will be/has been affected** by the law, policy or programme? Is this information available **disaggregated by sex/gender**? What **assumptions** have been made about these people? What **gaps in data** are there?
- Will women and men be differently affected because of their **age, ethnic origin, disability, sexual orientation, religion, socio-economic status or geographic location**?
- Is there evidence to show that **one gender is more likely to be differently affected than another**? Is it likely that men or women will **benefit more** from the law, policy, programme or budget, or will they benefit equally?
- Are there **existing inequalities** between men and women in this area, and are they increasing or decreasing?
- What are the **individual experiences** of women and men?
- What are the **gaps in evidence**?

### 3. Ask the right questions

It is important that **gender-sensitive questions** are asked of stakeholders, experts, Ministers and government officials.

It is also important to find out if, and to what extent, **gender has been considered during the decision-making process.** This means finding out if gender analyses/ gender impact assessments have been carried out, and who was consulted.

Some suggested questions are:

#### 4. Inspire change

- How is this change **likely to affect men and women** in different ways?
- Does the law/policy **need to be changed** to account for differences between men and women?
- Is the law/policy likely to **increase or decrease existing inequalities** between men and women?
- Is there **disaggregated data** available about the people likely to be affected by this change?
- How was gender considered during the **decision-making process**?
- Who was **consulted** in the design of the law, policy, budget etc?
- How will the **impact on women and men be monitored**?
- Does it adhere to **international law and standards**?

If the scrutiny finds that a law, policy, or budget...

- will not benefit women and men fairly, or
- will not contribute to reducing existing inequalities between women and men, or
- directly or indirectly discriminates against women or men, whether intentionally or unintentionally,

MPs can do a number of things, such as:

- Publish a **report** of the findings, highlighting areas of concern;
- Make **recommendations** for changes to law, budgets, policies, or programmes;
- Propose **amendments** to bills or existing laws, or propose a **new law**;
- Propose **motions or resolutions** in parliament;
- Schedule a **debate or make a speech** in parliament

#### 5. Monitor the outcome

The aim of gender-sensitive scrutiny is to increase gender equality in practice, and this has to be monitored. Scrutinising the implementation of laws, policies and budgets is not a one-off event, but an ongoing process through the parliamentary legislative and budgetary cycle.

**Post-legislative scrutiny, follow-ups to recommendations made during oversight inquiries and in-year financial scrutiny** are all important tools to check if promises of gender equality are being delivered.

This involves considering:

- What has been the **actual impact** of the law, policy or programme on women and men: did it increase equality, did it change behaviour or choices, provide extra rights or responsibilities, increase or decrease access to resources, power or representation?
- Were there any **unintended or unexpected effects** on men or women?
- What does the **monitoring data** show in terms of women and men, and are there any **gaps in knowledge** about how it is working in practice?
- Were **financial resources** equitably distributed between women and men?

## International obligations and standards

By using gender to help make decisions, parliamentarians are **helping to fulfil various international obligations** that Bhutan is party to, and international **parliamentary good practice**.



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## Plan of Action for Gender-sensitive Parliaments

The Inter-Parliamentary Union's (IPU) [Plan of Action for Gender-sensitive Parliaments](#) recommends that parliaments:

- **mainstream gender** throughout all its work, and
- **review all government policy and legislation for their gender impact and compliance with international obligations.**

## Sustainable Development Goals

Parliaments have a key role in ensuring full implementation of **Sustainable Development Goal (SDG) 5** (achieve gender equality and empower all women and girls), through law-making, budgeting, oversight, and representation.

## UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)

The **CEDAW was ratified by Bhutan in 1981**. Article 2 mandates that governments declare intent to:

- enshrine gender equality into their domestic legislation;
- repeal all discriminatory provisions in their laws, and
- enact new provisions to guard against discrimination against women.

The UN CEDAW Committee's [Concluding Observations](#) on the periodic report of Bhutan from November 2016:

- stressed the **crucial role of the legislative power in ensuring the full implementation of the Convention**, and
- invited Parliament to take the **necessary steps regarding the implementation of the present concluding observations** between now and the next reporting period under the Convention.

## Beijing Declaration and Platform for Action

In the [Beijing Declaration and Platform for Action 1995](#) governments (including Bhutan) committed to:

- effective integration of a **gender perspective** throughout their operations, policies, planning and decision-making, and
- adopted the obligation to **carry out gender impact assessments** of the effects of government bills or political decisions on women and men before the decisions could be taken.

Parliaments have a key role in **checking whether these commitments are being realised in practice.**

## Data sources

A common problem for parliamentarians and officials is finding disaggregated data and information at a national level. The sources below can help in the fulfilment of step 2 of the scrutiny model:

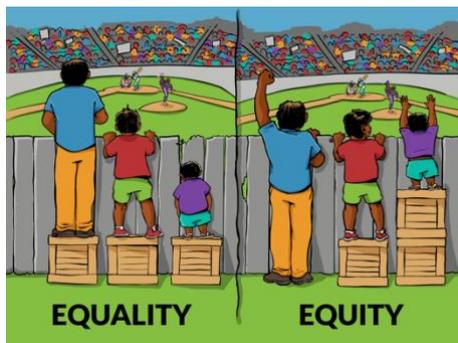
- The Bhutan Government's National Statistics Bureau [Statistical Yearbooks](#) provides lots of gender and sex disaggregated data on a range of issues;

- The [World Bank's Gender Equality Portal](#) is a comprehensive source for the latest sex-disaggregated data and gender statistics covering demography, education, health, economic opportunities, public life and decision-making, and agency. The database is updated four times a year (April, July, September, and December). Data is available at a country level, including Bhutan;
- The [World Economic Forum Global Gender Gap Report](#) benchmarks 153 countries (including Bhutan) on their progress towards gender parity;
- The [UN Women Data Dashboard](#) provides latest available data and statistics gathered from national sources, and compiled and harmonised by international agencies. It includes SDG indicators, Progress of the World's Women report and thematic areas.

## Key gender concepts<sup>3</sup>

**Gender** refers to the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women.

**Sex** is the physical and biological characteristics that distinguish males and females.



**Gender equality** is the state or condition that affords women and men equal enjoyment of human rights, socially valued goods, opportunities, and resources.

**Gender equity** is the process of being fair to women and men. To ensure fairness, measures must be taken to compensate for historical and social disadvantages that prevent women and men from operating on a level playing field.

**Gender stereotypes** are ideas that people have about masculinity and femininity: what men and women should be like and are capable of doing. (e.g., girls should be obedient and cute, are allowed to cry, and boys are expected to be brave and not cry, or women are better housekeepers and men are better with machines).

**Practical gender needs** are the needs of women or men that relate to responsibilities and tasks associated with their traditional gender roles or to immediate perceived necessity. Responding to practical needs can improve quality of life but does not challenge gender divisions or men's and women's position in society. Practical needs generally involve issues of condition or access.

**Strategic gender interests** concern the position of women and men in relation to each other in a given society. Strategic interests may involve decision-making power or control over resources. Addressing strategic gender interests assists women and men to achieve greater equality and to change existing gender roles and stereotypes. Gender interests generally involve issues of position, control, and power.

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<sup>3</sup> Sources: [Interaction Institute for Social Change](#), [CEDPA \(2000\) Social Mobilization for Reproductive Health](#), [European Institute for Gender Equality](#), [John Hopkins University Affiliate gender analysis toolkit for health systems](#)