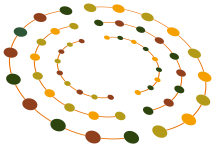




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INTER PARES | Parliaments in Partnership
EU Global Project to Strengthen the Capacity of Parliaments

Gender-Sensitive Scrutiny

A Guide to More Effective Law-Making
and Oversight

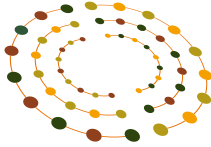




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Gender-Sensitive Scrutiny

A Guide to More Effective Law-Making and Oversight

Hannah Johnson

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Foreword

Parliaments are the central institution of democracy. They are the oldest of all democratic institutions reflecting pluralism and diversity in society. They legitimise the rule of law through their law-making function and they are pivotal in ensuring accountability of the executive to the people.

Having been myself for many years a Member of Parliament in my home country Finland, I am convinced that democracies deliver best where parliaments are strong.

When capable of exercising their core constitutional functions of representation, law-making, oversight and budgetary prerogatives, parliaments have a transformational impact on citizens' lives.

If parliaments are crucial to democracy, so is supporting parliaments around the world an important part of the EU's approach towards democracy promotion, as reflected in the Council Conclusions on Democracy of 2019 and the EU Action Plan on Human Rights and Democracy 2020–2024.

It is in this light that the European Commission launched in 2019 the EU's flagship project on parliamentary strengthening “INTER PARES | Parliaments in Partnership—*EU Global Project to Strengthen the Capacity of Parliaments*”.

INTER PARES aims to strengthen representative democracy by strengthening parliaments around the globe in a peer-to-peer approach, through the facilitation of exchanges between EU Member State parliaments and the parliaments of EU partner countries worldwide.

The project prioritises a number of key crosscutting thematic areas, the first among which is Gender Equality and Women's Empowerment.

This is in line with the EU Gender Action Plan (GAP) III (2021–2025), which, among its key areas of engagement, focuses on advancing equal participation and leadership, calling specifically to enhance women's capacity as political leaders and to promote gender-responsive legislative processes. From supporting parliamentary committees on gender equality and cross-party women's caucuses to organising peer-to-peer workshops and seminars, promoting Gender Equality and Women's Empowerment has become a crucial thrust of INTER PARES's efforts.

This guide aims to serve as a hand-on reference, providing with essential guidance on how to contribute to ensuring a gender-sensitive law-making and oversight through a simple five-step model.

As a former parliamentarian myself, I trust it will be useful for Members of Parliament, parliamentary staff and parliamentary development practitioners around the globe working for a more democratic and gender-equal world.

Jutta Urpilainen
Commissioner for International Partnerships
European Commission

Preface

The future of global gender equality hangs in the balance. Parliaments are uniquely placed to address current challenges and advance gender parity—not only through the numerical balance of women and men, but through the type of decisions made by all Members of Parliament (MPs).

MPs—whether they are women, men or non-binary—can use their oversight and legislative scrutiny to eliminate gendered discrimination (even if it is unintentional or indirect), and ensure that the actual impact of laws, policies, programmes and funds on women and men is monitored.

A gender-sensitive parliament can respond to the needs and interests of women and men alike and removes barriers to women’s full participation. An updated definition, presented this year, shows that parliaments must move from passive responsiveness to an active pursuit of gender equality:



“A gender-sensitive parliament values and prioritizes gender equality as a social, economic and political objective, and reorients and transforms a parliament’s institutional culture, practices, and outputs towards these objectives.”¹

INTER PARES, the EU-funded global programme implemented by International IDEA, supports parliaments, efforts to become truly gender-sensitive.

This Guide is a core part of these efforts and provides MPs and parliamentary staff with a practical and flexible framework through which they can embed gender into their oversight work and legislative scrutiny.

It is not a publication that is intended to sit on a shelf. It was developed based on the expertise and advice of EU Member State Parliaments (EU MSPs), partner parliaments and gender equality organizations so that it can

1 Childs, Sarah and Palmieri, Sonia (forthcoming, 2022). “Gender sensitive parliaments: Feminizing Formal Political Institutions”, in Sawyer, Marian, Lee Ann Banaszak, Jacqui True and Johanna Kantola (eds). Handbook of Feminist Governance. Edward Elgar Publishing.

provide practical advice and tools which can be tailored to the needs of each parliament. It is a representation of the INTER PARES approach to democracy support in action—peer-to-peer, innovative and adaptable.

International IDEA understands that every parliament is unique, with its own strengths and challenges. The INTER PARES programme recognizes this by bringing the experiences and expertise of EU MSPs and partner parliaments together. It creates a space for MPs and parliamentary staff to share ideas about how to ensure gender is built into the DNA of oversight and legislative scrutiny and find out what works.

Gender equality and women's empowerment are mainstreamed throughout the entire INTER PARES programme. This reflects the objectives of the EU's blueprint for building a gender-equal world and the Gender Action Plan III to accelerate progress on gender equality and women's empowerment as a key part of building back better from the Covid-19 pandemic. The Action Plan emphasizes the important role of national parliaments, particularly parliamentary committees, in ensuring the implementation of existing gender equality and women's empowerment policy commitments.

Through illustrative examples and real-life case studies, this Guide brings international standards and good practices to life while recognizing the diverse everyday realities of parliamentary work. We hope that it can contribute to active parliamentary debates, actionable proposals and ultimately real-life progress on the road towards enhanced gender equality.

Dr Kevin Casas-Zamora
Secretary-General
International IDEA

Executive summary

Gender equality is more than a human right: It is also key to development, well-being and good governance. Parliaments have a key role in ensuring not only that everyone is properly represented in decision-making, but also that legislation and government actions take account of the needs, interests and experiences of women and men on an equal basis.

‘Gender’ is often understood in a binary way as ‘woman’ or ‘man’, but people identify and express their genders in much broader ways, including non-binary and transgender people. References to women and men in this paper should not be interpreted in a limited, binary way, but as including the range of gender identities that people experience.

Women and men experience life in different ways and, as a result, they have different needs and 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 agriculture policy to laws on taxation and healthcare budgets, to economic development programmes. This means that every decision a parliamentarian makes is an opportunity to enhance 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 scrutiny² is a way of exploring and addressing the potential and real impacts on men and women of laws, policies, programmes and budgets to ensure the impacts are fair and the laws are effective. When making laws, carrying out oversight of government actions and approving budgets, parliamentarians have a key role in ensuring that:

2 ‘Scrutiny’ combines law-making and oversight activities

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

Why is gender-sensitive scrutiny important?

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

Decisions that ignore gender risk negatively affecting people’s lives, providing ineffective solutions to problems, unfairly or inefficiently allocating public funds and deepening existing inequalities.

Who conducts gender-sensitive scrutiny?

Every parliamentarian and official 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 and approving budgets in all policy areas.

What is 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 reveals unfairness, discrimination or ineffectiveness, parliamentarians can do a number of things, such as making recommendations for change, proposing amendments to legislation or budgets, or publicizing their findings to apply political pressure.

How to conduct gender-sensitive scrutiny

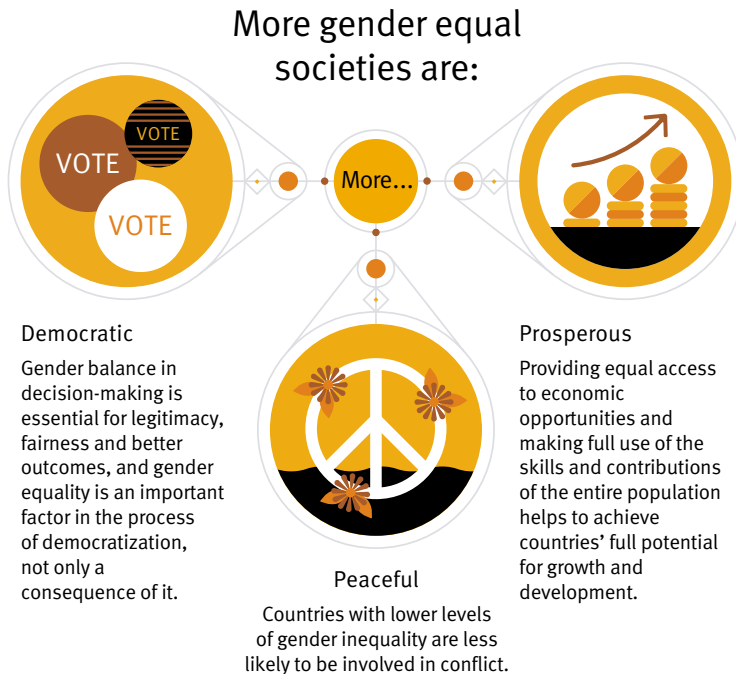
The key to gender-sensitive scrutiny is to ask the right questions using the best available evidence, and to examine the assumptions on which decisions are based, including the impact of existing measures.

A systematic approach to gender ensures consistency but can easily be tailored to suit the issue and the context. The five-step model (Figure 1) provided in this Guide can be modified for legislative scrutiny, post-legislative scrutiny, financial scrutiny or oversight activities (see Section 4).

Figure 1. A five-step model for conducting gender-sensitive scrutiny



<p>1. Embed gender from the beginning</p>	<p>This means including gender in terms of reference, calls for evidence and consultation questions. It also means requesting evidence from organizations and people that specialize in gender issues, and ensuring that any citizen engagement actively seeks out the views of both men and women.</p>
<p>2. Understand the situation by gathering evidence</p>	<p>Parliamentarians should find out:</p> <ul style="list-style-type: none"> • 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 are there in the data? • 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 affected than another? Is it more likely that men or women will benefit 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?
<p>3. Ask the right questions</p>	<p>It is important that gender-sensitive questions are asked of stakeholders, experts, ministers and government officials. Some examples are outlined in Sections 3 and 4.</p> <p>It is also important to find out whether, or to what extent, gender has been considered during the decision-making process. This means finding out whether gender analyses/gender impact assessments have been carried out, and who was consulted.</p>
<p>4. Inspire change</p>	<p>If it is discovered that the law/policy/programme/budget discriminates against women or men, or will not address existing inequalities, parliamentarians can:</p> <ul style="list-style-type: none"> • publish a report on their findings, highlighting the areas of concern; • make recommendations on changes to the law, budgets, policies or programmes; • propose amendments to bills or existing laws; • propose motions or resolutions in parliament; • schedule a debate or make a speech in parliament, or • publicize their findings through the media and stakeholders.
<p>5. Monitor the outcome</p>	<p>The aim of gender-sensitive scrutiny is to increase gender equality in practice, and this must be monitored. Scrutinizing the implementation of laws, policies and budgets is not a one-off event but an ongoing process throughout the parliamentary, legislative and budgetary cycles. Post-legislative scrutiny, follow-ups of recommendations made during oversight inquiries and financial scrutiny are all important tools for checking whether promises on gender equality are being delivered.</p>

Figure 2. The effects of more gender equal societies

Source: OECD (2017); IMF (2018); UN Women (2015). Inglehart et al. (2002); Inglehart, R. F., Norris, P. and Welzel, C., 'Gender equality and democracy', *Comparative Sociology*, 1/3–4 (2002), pp. 235–64; Interparliamentary Union (IPU), *Plan of Action for Gender-sensitive Parliaments* (Geneva: IPU, 2017), <<https://www.ipu.org/resources/publications/reference/2016-07/plan-action-gender-sensitive-parliaments>>, accessed 16 November 2021; Organisation for Economic Co-operation and Development (OECD), 'Better governance for gender equality', 2017, <<https://www.oecd.org/gov/gender-public-life-flyer.pdf>>, accessed 16 November 2021; UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325* (UN Women, 2015), <<https://wps.unwomen.org/index.html>>, accessed 16 November 2021.

Parliaments have a key role in ensuring not only that everyone is properly represented in decision-making, but also that legislation and government actions take account of the needs and experiences of women and men on an equal basis. However, the achievement of gender equality requires more than commitments and good intentions. It is reliant on action.

This Guide is designed to help parliamentarians, officials, civil society and democracy-support organizations undertake gender-sensitive scrutiny. It provides a model for gender-sensitive scrutiny and demonstrates how the techniques can be used when carrying out pre- and post-legislative scrutiny, conducting oversight and monitoring budgets. It also provides case studies and resources.

1. An introduction to gender-sensitive scrutiny

It is often assumed that laws, policies, programmes and budgets will affect everyone in the same way, or that they are 'gender-neutral'. But every policy area affects men and women in different ways because of their different needs and experiences.

Many governments have committed to mainstreaming gender into their operations, policy planning and decision-making. Section 6 of this Guide provides an overview of the international instruments that require gender to be mainstreamed into decision-making. The fulfilment of these obligations requires evidence of how gender has been considered in the design and implementation of laws, policies, programmes and budgets, and what has changed as a result. However, few governments have systematic ways of ensuring that gender equality is consistently embedded in decision-making processes in practice.

Failure to move beyond commitments to gender equality to active integration in the policy process can lead to unfair and ineffective outcomes. This is because different needs and potential effects need to be systematically understood if effective and efficient solutions are to be found. It can also lead to wasted resources if decisions have to be reversed at a later date.



Gender equality

Gender equality is a situation where women, men, boys and girls in all their diversity enjoy the same rights, resources, opportunities and protections.



Gender mainstreaming

Gender mainstreaming is widely accepted as the most practical means for achieving gender equality and the empowerment of women. It is defined by the UN as ‘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’.

Gender mainstreaming 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’ (UN Women 1997).

Parliamentarians are in a unique position to explore whether laws, policies, programmes and funding are discriminatory or exclusionary, either intentionally or unintentionally. They have the power to consider draft laws and budgets from a gender perspective, and to initiate oversight in areas where gender equality persists in order to reveal underlying causes, individual experiences and possible solutions.

Parliamentarians can also find out whether national and international commitments to gender equality are matched by a comprehensive consideration of gender issues during decision-making, and they can push for change.

Gender-sensitive parliaments

The Inter-Parliamentary Union (IPU) defines a gender-sensitive parliament as one in which structures, operations, methods and work respond to the needs and interests of both men and women. The IPU emphasizes the importance of mainstreaming gender throughout all parliamentary work. This means making gender a key consideration when representing constituents, working as part of a cross-party committee, agreeing or amending legislation and budgets, conducting oversight inquiries and debating.

Parliaments mirror our societies by representing and responding to everyday reality. This means that they constantly evolve in line with economic, social and cultural progress. A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate (IPU 2017).



Practical needs and strategic interests

Addressing practical needs does not necessarily challenge power relations between women and men, or the ascribed gender roles of women and men in a household or society. It is therefore necessary to consider both practical needs and strategic interests during scrutiny.

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 positions 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.

Source: Centre for Development and Population Activities (CEDPA), Social Mobilization for Reproductive Health, Mobilizing for Equity: Gender and Reproductive Health Considerations (CEDPA, 2000).

What is gender-sensitive scrutiny?

'Gender sensitivity' means understanding and taking account of the different economic, social and cultural needs and experiences of men and women. It aims to ensure that no one is excluded or discriminated against (intentionally or unintentionally) because of these differences. The ultimate goal is to eliminate inequalities and increase effectiveness by targeting and adapting laws, policies and resources.

Gender-sensitive scrutiny is the deliberate exploration of how laws, policies, programmes and budgets will affect, or are affecting, women and men based on their experiences, needs and contributions to society.

Unless these differences are understood, there will be an assumption that decisions will affect everyone in the same way, which could lead to negative or unintended consequences. Laws, policies, programmes and budgets that take a 'one-size-fits-all' approach often result in discriminatory or ineffective outcomes because the 'one size' is usually modelled on one gender, without consideration for others.

This is why it is important to approach even issues that at first glance appear gender-neutral from a gender perspective. This ultimately leads to better decision-making that is tailored to the different needs and strategic interests of women and men.

An example of an apparently 'gender-neutral' government programme is explored in Example 1.

Example 1:

Unintentional and unexpected discrimination

A government introduces a grant for all business owners. Eligibility for the grant is based on the amount the business earned in the previous year. The grant scheme appears to be non-discriminatory as it does not exclude women business owners. Scrutinizing this scheme in a gender-sensitive way would involve seeking out the views of women and men business owners, and asking questions such as, ‘Can women and men access these funds equally in practice?’

An issue that may arise from this scrutiny concerns female business owners who took maternity leave in the past year. They would receive a smaller grant than male business owners. This was not an intentional policy design, but a result of decisions being made without consideration of different experiences.

In the context of pay inequality between men and women, and the small proportion of businesses owned by women, MPs scrutinizing this scheme might decide that this is unfair and an opportunity to increase equality.

As a result of this gender-sensitive scrutiny, MPs could recommend that the government introduce an exemption for maternity leave to reflect the distinct experiences of women and ensure they are not disadvantaged for having children, or that eligibility for the grant be calculated in a different way, such as a business’s average turnover over the past five years.

MPs might also ask the government to provide statistics on the number of male and female business owners who have received the grant after 12 months, and monitor the distribution of funds in practice, ensuring that everyone has equal access.

Why is gender-sensitive scrutiny important?

Parliamentarians are elected by citizens to represent them in the decision-making process, so it is essential that they identify the needs and understand the experiences of the entire population in its diversity, not just one section. By doing this, parliaments can make decisions that meet the needs of more people, more effectively and more efficiently. Decisions that fail to consider gender risk negatively affecting people's lives, providing ineffective solutions to problems, unfairly and inefficiently allocating public funds or deepening existing inequalities.

The vast majority of decisions made by parliamentarians affect *people*, as service users, employees or consumers. As around half of the population are women and half are men, it is essential to understand the needs and experiences of both before making decisions that affect them. Gender-sensitive scrutiny is also an important way of testing political commitments to gender equality to see whether they are being realized in practice.

Who 'does' gender-sensitive scrutiny?

All parliamentarians and parliamentary 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 and approving budgets in all policy areas.

Such scrutiny does not have to be confined to specific gender equality/women's committees, or women's caucuses. In fact, gender-sensitive scrutiny is more effective when it is taken on as part of the working methodologies of each parliamentary committee and body. **Every issue has a gender dimension, and every parliamentarian, official and committee can conduct gender-sensitive scrutiny.**

Male MPs have an important role to play in gender-sensitive scrutiny. Around the world, only a quarter of MPs are women despite the fact that they make up half of the population (IPU Parline 2020). It is important for male MPs to seek out the views of women and men, and to gather evidence on gender when undertaking scrutiny.

Mechanisms for conducting gender-sensitive scrutiny

Parliaments around the world take different approaches to gender-sensitive scrutiny. Some rely on the motivation and interests of individual MPs, while others have specific bodies, structures, rules or legislation in place to ensure that gender is considered in all parliamentary decision-making.

An ideal situation is where committed MPs ('champions') can make use of an established framework for gender-sensitive scrutiny.

Benefits of a dedicated gender/women's equality committee	Drawbacks of a dedicated gender equality committee	Other options
<ul style="list-style-type: none"> the ability to consistently explore the gender impact of issues across all policy areas; strong links with gender/women's national machinery and civil society; the concentration of gender expertise in one place, and the ability to support other committees with mainstreaming gender into their policy areas. 	<ul style="list-style-type: none"> other committees may not consider gender issues as they are seen as being covered by the dedicated committee, leading to their marginalization; in some parliaments gender equality committees have a lesser status than other committees (for example, they cannot initiate or amend legislation and only act in an advisory capacity); women MPs may be concentrated on one committee, rather than spread among different committees and thus able to influence policy in different substantive areas. 	<ul style="list-style-type: none"> multi-portfolio committees that deal with gender issues alongside others, such as social policy, welfare or human rights; this option can be a mid-point between a dedicated body and mainstreaming through all committees, but risks gender being seen as a 'women's issue' that is not relevant to all policy areas; mainstreaming gender throughout all committees, which allows a gender perspective to be introduced to a broad range of issues albeit probably with less focus and consistency; women's caucuses, which are cross-party bodies that all women MPs can participate in on a voluntary basis; these can be influential bodies, but are often informal, are not provided with parliamentary resources such as staff support, and may have less status than traditional parliamentary committees. Sometimes such caucuses include male MPs too.

The **Swedish Riksdag** does not have a specific committee on women's rights or gender equality as all committees are responsible for considering gender in their respective fields. The Speaker's Gender Equality Group promotes gender equality internally through training, research, events and support to individual MPs.

The **Fiji Parliament** was among the first to include gender scrutiny in its Standing Orders (internal regulations). The Standing Orders require all committees to consider gender equality to ensure that the impact on both men and women is explored in all matters. Every committee report contains a 'gender analysis' section.

In **Finland**, the Network of Finnish Women Members of Parliament is coordinated by the Employment and Equality Committee. It aims to achieve equality between men and women, promote women's rights, and introduce a female perspective to legislative work. The network organizes seminars and meetings, sends representatives to attend international conferences, and engages with MPs from other countries on gender equality.

The **Italian Chamber of Deputies' Research Service** provides a short gender impact analysis of all the bills introduced to parliament, in a similar way to the Portuguese Parliament. The analysis takes account of the context of the proposed provisions and the data that characterizes the regulatory intervention, using statistical indicators and the methodology tested in drawing up gender budgeting, which relates to the ex-post evaluation phase and focuses on expenditure items (European Parliament 2021).

The **Costa Rican Legislative Assembly** established a permanent technical administrative body, the Technical Unit of Equality and Gender Equality, in 2007 to promote gender mainstreaming in all legislative work. It does this by delivering training, providing expert advice, coordinating institutional action on gender mainstreaming and developing strategies for communication with civil society.

In **Slovakia**, the Human Rights and Ethnic Minorities Committee assesses draft laws and conducts oversight with regard to various issues, including gender equality, with an emphasis on human rights and non-discrimination. It monitors the functioning of independent institutions such as the Ombudsman, the Commissioner for Children, the Commissioner for Persons with Disabilities and the National Centre for Human Rights. Each year, the committee debates an annual report on gender equality and makes recommendations.

In the **European Parliament** the main body responsible for implementing gender mainstreaming across policy sectors is the Committee on Women's Rights and Gender Equality (FEMM). FEMM's 'gender mainstreaming amendments' give the committee the power to introduce a gender perspective into the reports of other committees. A gender mainstreaming network, chaired and coordinated by FEMM, links Members of the European Parliament and appointed staff to bring a gender dimension into the work of committees and delegations (Shreeves 2019).

What is the aim of gender-sensitive scrutiny?

The aim of gender-sensitive scrutiny is to increase equality between men and women by making decisions that address different needs. It does this through in-depth examination of individual issues to reveal discriminatory or ineffective practices or rules, identifying opportunities to enhance equality and effectiveness or ensuring that existing equalities are not perpetuated or deepened.

Misconceptions about gender-sensitive scrutiny

Parliamentarians may be discouraged from undertaking gender-sensitive scrutiny for many reasons. The most common are misconceptions such as:

- **‘It’s just about women.’** Gender equality means that men, women, boys and girls in all their diversity have equal rights, resources, opportunities and protections. As noted by the UN, ‘[e]quality does not mean that everyone will become the same, but that rights, responsibilities and opportunities will not depend on their gender’ (UN Women n.d.). This includes addressing inequalities faced by men and boys too.
- **‘It’s only relevant when looking at issues related to women or equality.’** Laws, policies, programmes and budgets affect *people*, which means they affect men and women. Gender-sensitive scrutiny is arguably more relevant when looking at seemingly ‘neutral’ issues such as transport or agriculture, as gender issues are less obvious than when looking at subjects such as domestic abuse or public health.
- **‘Gender equality is not an issue in my country.’** No country in the world has achieved full gender equality. Each year, the World Economic Forum benchmarks 153 countries on their progress towards gender parity; it estimates that at the current rate of progress it will take nearly 100 years to close the gender gap (World Economic Forum 2020). The report provides a gender equality ‘score’ for each country in relation to economic participation and opportunity, educational attainment, health and survival, and political empowerment, along with many other issues.
- **‘Our decisions are gender-blind so they are fair to everyone.’** Gender-blind laws and policies that have no regard for gender are not always gender-neutral in impact. While they may not directly discriminate against people based on their gender, they can miss opportunities to increase equality by ignoring underlying situations, perpetuating existing inequalities or making them worse. Laws and policies that treat everyone the same regardless of gender may have very different outcomes to those that acknowledge the different needs, interests and experiences of women and men, and address them in appropriate ways.
- **‘As MPs we never discriminate against women or men when making decisions.’** Discrimination and exclusion can become so normalized that they are seen as the natural order of things. This means that decision-making processes can result in discriminatory outcomes even if no one involved in the process is behaving in a discriminatory way. As demonstrated by Example 1, discrimination is often an unintended or unexpected consequence rather than a deliberate action. This is described as *structural* discrimination.

- **‘The government will have considered these issues already.’** Few governments undertake comprehensive gender analyses or impact assessments when designing policies, drafting legislation and planning budgets. If gender analyses or impact assessments are not part of the process, there is a high risk that gender issues will not have been considered to the fullest extent. If they have been considered, it is important that MPs understand what impact assessments and information were used in the decision-making process, and if they were adequate and accurate.
- **‘Our country has ratified the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and/or has laws about gender equality, so we don’t need to take any more action.’** Making laws and ratifying international instruments are *recognitions of a commitment* to achieving gender equality, not the *achievement* of gender equality itself. Gender-sensitive scrutiny is a way of verifying that those commitments are being practically achieved.

2. How to conduct gender-sensitive scrutiny

The key to gender-sensitive scrutiny is asking the right questions, using the best available evidence and examining the assumptions on which decisions are based. It fundamentally aims to answer three questions:

- 1 Is the law, policy, programme or budget affecting or likely to affect women and men in different ways?
- 2 Was gender a consideration in the decision-making process?
- 3 Is the law, policy, programme or budget likely to enhance or reduce equality between men and women, or keep it the same, and are there opportunities to increase equality?

A systematic approach to gender ensures consistency, but can easily be tailored to suit the issue and the context (Figure 3). The five-step process outlined below can be modified for different situations as shown in Section 3 of this Guide.

Figure 3. What is needed to conduct gender-sensitive scrutiny?



While anyone can conduct gender-sensitive scrutiny, it is helpful to have:

- **An open mind.** Scrutiny might reveal inequality and unfairness that are unexpected and surprising, so it is important to begin the process without preconceived ideas about what the findings will be. People's backgrounds and perspectives may influence their analysis, or prevent them from asking questions or hearing answers. It is also important to base analysis on a wider range of reliable evidence, not stereotypes or single sources of information.
- **Evidence and expertise.** Gender-sensitive scrutiny is reliant on high quality, up-to-date data and evidence about gender inequality from a range of sources. Parliamentarians need the support of non-political researchers and lawyers with expertise on gender who can provide advice and information, summarize evidence and highlight areas of concern with regard to legislation and policy. MPs can request this information from internal research services or from external specialists that can inform their scrutiny in an impartial way. Section 5 of this Guide provides a range of statistical sources for sex/gender-disaggregated data at the country level.
- **Good relationships.** Parliamentarians undertaking gender-sensitive scrutiny should constantly consult and establish relationships with national human rights institutions, civil society organizations (specifically gender equality organizations) and academics with expertise on gender issues. They should also speak to men and women on the ground to gather information and first-hand experience. These sources provide valuable evidence about the everyday realities of women and men in a country, beyond what may be found in government reports. Different perspectives can be collected in many ways, including traditional consultations and calls for evidence, but also through more proactive citizen engagement techniques such as surveys, focus groups and interviews.
- **An understanding of legal obligations and the policy framework.** Most countries have ratified international treaties related to gender equality, passed national laws or committed to gender equality in strategies and action plans or by making political commitments. It is important that parliamentarians are aware of and understand these obligations and commitments so they can be tested against the government's actions.

Gender-sensitive scrutiny: a five-step process



Step 1

Embed gender from the beginning

- ensuring that any citizen engagement work actively seeks out the views of men and women; and
- ensuring that any media work or promotional activity is clear and is looking at the issue from a gender perspective.

It should never be assumed that evidence about gender issues will be provided automatically. Such evidence will often have to be sought out. People experiencing discrimination or exclusion may not identify it as a gender inequality until a wider pattern of structural discrimination is established, which MPs and committees are in a good position to explore.



Not just gender

People's needs and experiences are determined not just by their gender, but also by their age, ethnic origin, disability, sexual orientation, socio-economic status and geographic location (rural or urban). Other statuses such as immigration or citizenship can also have a big impact on people's needs and lives.

When these characteristics overlap, disadvantage can be magnified and marginalization can be increased. For example, women are more likely to experience domestic violence, and women with disabilities are at an even higher risk of such violence.

Considering different inequalities together like this is called **'intersectionality'**. Many countries struggle to collect data and evidence in ways that reveal multiple, intersectional inequalities. MPs can use gender-sensitive scrutiny techniques to address this issue.

Example 2:

Putting gender on the agenda

A parliamentary committee is exploring the effectiveness of a government's teacher training programme. The scope of the inquiry is defined by the terms of reference, which are to look at:

- whether the programme is achieving its aim of improving the quality of teaching and encouraging more people to become teachers;
- whether it provides value for money; and
- how well the programme is working in practice.

A member of the committee highlights data that male teachers are paid on average 30 per cent more than female teachers. They request the inclusion of 'opportunities to increase gender equality, and the experiences of women and men in the teacher training programme' in the terms of reference.

To gather evidence on this specific issue, the committee secretariat conducts research on existing gender inequalities in the teaching sector, approaches women's teaching bodies for evidence, and conducts a survey of women and men who have undertaken the teacher training programme.

The research shows that while 70 per cent of all teachers are women, only 15 per cent of better paid, senior teaching roles are filled by women. The evidence gathered by the committee shows that the optional leadership module of the teacher training programme is only available to students who are approved by a board. The board is made up entirely of men, who approve men for the programme more than women by a factor of 5:1, even when students have equivalent qualifications. The committee also hears evidence that trainers on the programme discourage women students from applying to take the module.

As a result of the inclusion of gender in the terms of reference, the committee now has a range of evidence, data and information on which to make informed recommendations for improvements to the programme. These recommendations include: requiring 50 per cent of board members to be women, that board members and trainers undertake training on bias and discrimination, and that the eligibility criteria for the leadership module be made more transparent.

The committee decides to review the situation in 12 months to assess whether improvements have been made, and whether these have increased the number of women in senior, better paid teaching roles.



Step 2

Understand the situation by gathering evidence

- 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 more men or women will benefit 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?

Reliable data and research are at the core of gender-sensitive scrutiny. Parliamentarians need access to impartial expert analysis and disaggregated data to ensure that all decisions take account of the different experiences and needs of women and men.

Evidence can be gathered in several ways:

- by asking parliament's research department or impartial experts to conduct research on gender in the subject area;
- by gathering written submissions and holding oral hearings with people or civil society organizations with gender expertise;
- by collecting the individual experiences of women and men; and
- by asking the government (particularly statistics departments) to provide information and data that is disaggregated by sex or gender, as well as other characteristics where possible.

Without accurate information, gender-sensitive scrutiny can easily become an exercise in stereotyping. Everybody has preconceived ideas about people or issues, which makes it important to base decisions on evidence rather than assumptions.

A lack of information is also revealing: if there is no information about a particular issue, then on what basis are decisions being made? Often, it is only when information about differential impacts is collected that problem areas are identified.

STEP 2: UNDERSTAND THE SITUATION BY GATHERING EVIDENCE

Having ensured that gender is a clear part of the scope of the scrutiny, the next stage is to find out:

- Who is, will be or has been affected by the law, policy or programme. Is up-to-date information available disaggregated by sex/gender? If not, what are the gaps in data collection? What assumptions have been made about these people?

Example 3:

Better evidence means better solutions

There has been an increase in road traffic deaths in recent years in a particular country. There is a cultural stereotype that 'women are bad drivers', which leads to a conclusion that they are more likely to die in road accidents. The government decides to run a road safety campaign targeted at women in an attempt to decrease road fatalities.

However, the evidence shows that globally almost three times as many males die from road traffic injuries because of various factors such as alcohol use, greater exposure to driving long distances and risky driving behaviours (World Health Organization 2002). Understanding the gender-based evidence around the issue would have led to more effective solutions or campaigns and provided better value for money. In this case, a campaign addressing risky behaviour by men might reduce the excess number of male deaths in road traffic accidents.



Step 3

Ask the right questions

STEP 3: ASK THE RIGHT QUESTIONS

The next stage of gender-sensitive scrutiny is to ask the right questions. MPs will usually have opportunities to ask stakeholders, experts, ministers and government officials for further information about the law, policy, programme or budget under review.

Parliamentarians may find it useful to focus on the parts of the law, policy, programme or budget that are likely to have the biggest gender impact, based on the information gathered in Step 2, rather than attempt an in-depth assessment of every issue.

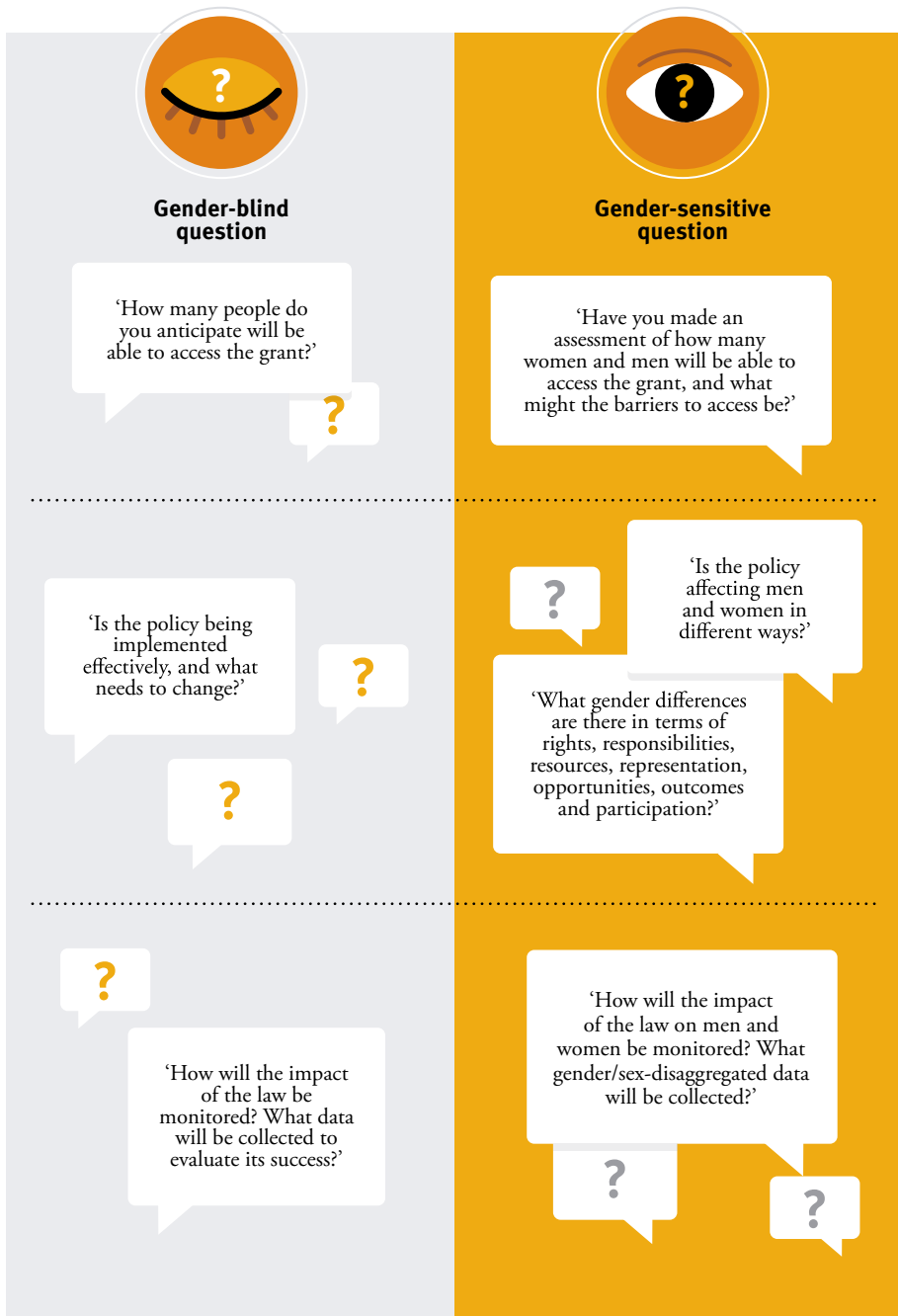
It is important that these questions are asked in a gender-sensitive way (see Figure 4).

It is also important to find out whether—and if so, to what extent—gender has been considered during the decision-making process. The best way to find this out is to ask the relevant minister questions such as:

- Has a gender analysis/gender impact assessment been carried out? What did it conclude?
- Who was consulted during the design of the law, policy or budget, and whose voices are missing?
- How will gender issues be monitored during implementation, including the gathering of disaggregated data?
- Is it easier for some people to access the service/information/resources than others?
- Who will administer or enforce the law, policy, programme or budget? What roles do women and men play in terms of production and community management?
- Does the change meet the country's international/national obligations on and commitments to gender equality?
- Is the law or policy drafted in inclusive language? (UNDP 2017)

Once answers to these questions have been collated, parliamentarians will have a fuller understanding of how gender has been considered in the decision-making process, and of what the likely effects of the law, policy, programme or budget allocation might be on men and women.

Figure 4. Gender-blind and gender-sensitive questions



Source: Mousmouti, M., *Policy Paper: Gender-sensitive Scrutiny of Legislation* (London: Westminster Foundation for Democracy, 2020b).

Example 4:

Missing voices

The government's budget allocates a significant amount of money to build a well in a rural village. Currently, the villagers have to walk for 30 minutes each day to collect water.

The cost of the project increases and MPs on the parliamentary rural affairs committee decide to make a site visit to speak to the contractors and local people to find out more. The local authority displays posters asking local people for their views on the proposal and invites them to attend a public meeting. No objections are raised at the meeting.

Two women MPs are invited to speak to a group of local women. Collecting water is usually the responsibility of women and older children, so it had been assumed that they would be in support of the project because it will make their lives easier. But the local women are unhappy; the time they spend together walking to the well is important to them in many ways, including socializing and getting some outdoor exercise. Some buy food from a nearby shop, so they will still have to walk that far even if there is a well closer to the village. They would have preferred the money to be spent on improving the bus service to and from the nearest town.

The women have low levels of literacy, so they did not read the posters asking for views, and they did not feel comfortable speaking at a public meeting, which in any case was held in the evening when many of them were tending to their children or preparing food.

The MPs may still support the additional funding for the well, or they may recommend that the money is diverted to public transport. But they can make the decision with a fuller understanding of the situation and the priorities of the people that the well is intended to benefit.



The informal economy

Women and men around the world make different contributions to the economy.

Traditionally, much of the work that women do (such as caring, reproduction, domestic labour, subsistence farming, and informal work in small enterprises) is not recognized as part of formal economic activity.

But formal economic activity cannot be performed without the support of this ‘invisible’, usually unpaid, informal work.



Triple role of women

In many societies, women perform reproductive (household work, childcare), productive (farm work, market production) and community management roles at the same time.

In contrast, men are often less engaged with household tasks and more engaged in production and community management activities, which usually generate status, payment or power.



Step 4

Inspire change

STEP 4: INSPIRE CHANGE

The aim of gender-sensitive scrutiny is to understand whether the law, policy, programme or budget allocation under scrutiny takes account of the needs, interests and experiences of women and men.

If a gender-sensitive scrutiny approach reveals unfairness, discrimination, inequality or ineffectiveness, or if the issue under consideration does not address existing inequalities, MPs may wish to:

- recommend changes to budgets, policies or programmes;
- publish a report or make a public statement outlining areas of concern;
- draft a new law and introduce it to parliament;
- propose amendments to a law, policy or budget;
- publicize their work through the media and stakeholders;
- schedule a debate or make a speech in parliament; or
- apply political pressure to make changes to policies or programmes.

Example 5:

Gathering support for change

A long-standing law prevents women from buying property without the consent of their husband. The state has ratified the UN CEDAW (see Section 6), which requires states to give women and men equal rights in respect of the ownership and acquisition of property. The state entered a reservation (which means it opted out) with regard to this requirement in 1981 on the basis that the ownership of property was determined by traditional custom, and there was not enough public support for change. The UN CEDAW Committee has repeatedly recommended the withdrawal of the reservation and a change in the law but the government has always said that there is not enough support at the national level.

A cross-party parliamentary committee undertakes an inquiry into housing. Using a gender-sensitive scrutiny approach, it includes gender in the terms of reference and receives detailed evidence from individuals, civil society organizations and experts on the issue of women's ownership of property. When asked why the law has not been amended, the minister still claims that there is not enough support, but admits that public opinion has not been tested in research or consultations for several decades.

The parliamentary committee recommends that the government amend the law, and drafts a bill to amend it. The chair of the committee puts forward a motion in parliament specifically on this recommendation, which passes by an overwhelming majority across all parties.

In the face of calls for change from multiple political parties, and evidence of strong support for the change at the international and national levels, the government agrees to support the changes in the law contained in the bill.

The use of formal parliamentary routes to highlight the outcomes of gender-sensitive scrutiny is preferable because:

- recommendations by a cross-party committee carry much more weight than those of an individual MP;
- ministers or government departments are often required to officially respond to such recommendations, and state whether they accept or reject them, and why;
- amendments to bills or laws are an important expression of intent that, if passed, can be enforced by the courts; and
- votes on resolutions/motions can indicate the strength of support for a particular change in parliament, and can motivate the government to act.

The design and drafting of new laws, policies and budgets should involve men and women, and women's voices should be represented at every level.



STEP 5: MONITOR THE OUTCOME

The aim of gender-sensitive scrutiny is to enhance gender equality in practice. This has to be monitored. Scrutinizing the implementation of laws, policies and budgets is not a one-off event, but an ongoing process throughout the parliamentary legislative and budgetary cycles.

Post-legislative scrutiny, follow-ups of recommendations made during oversight inquiries and in-year financial scrutiny are

all critical parliamentary tools to verify that what has been promised is being delivered.

Regardless of whether a gender-sensitive scrutiny approach was taken when the law, policy, programme or budget was initiated or passed, parliamentarians can still evaluate effectiveness through consideration of gender (Figure 5).

Taking a gender-sensitive approach to such monitoring might mean looking at:

- The impact of the law, policy or programme on women and men: did it increase equality, change behaviour or choices, provide extra rights or responsibilities, and 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 the law, policy, programme or budget is working in practice?
- Were resources equitably distributed between women and men?
- Are women represented in monitoring and evaluation processes? (Mousmouti 2020a)

Example 6:

Assessing whether action led to increased equality

In 2017, a parliamentary finance committee used gender-sensitive scrutiny to examine funding for services to help people to stop smoking. It found that funding for such services had been declining for many years due to reduced demand and wider public funding cuts.

The committee gathered data on the number of smokers and smoking-related illnesses disaggregated by gender. This showed that while the overall number of smokers was falling due to the rapidly declining rate of female smokers, the number of male smokers was slowly increasing. The committee recommended that funding for the smoking cessation service be maintained, which was accepted by the government.

Two years later, the health committee conducted an inquiry into smoking-related illnesses and found that the increasing trend of male smokers and reducing rate of female smokers were continuing. It also found that smoking-related illnesses among men had increased.

Using gender-sensitive scrutiny, the committee found that the smoking cessation services were usually advertised in places such as clinics and hospitals, where women were more likely to see them. (Women make up the majority of healthcare staff and are more likely to attend regular health check-ups for themselves or their children.) So, while the funding appeared to be effective in reducing the smoking rates of women, the gender gap between women and men smokers was actually widening.

The committee recommended that the government undertake a review of how such services are targeted and advertised, to ensure that men would see the health messages. It also recommended the government commit to a target of decreasing the number of male smokers by 25 per cent within two years.

Other issues to consider

While the focus of this Guide is on mainstreaming gender issues in law-making and oversight, it is also important to:

- **Ensure gender balance.** One of the fundamental pillars of a gender-sensitive parliament is representation. This means aiming for a gender balance of MPs and staff, but also in parliamentary leadership roles. In the context of scrutiny and oversight work, this means ensuring a gender balance on site visits, delegations, research teams, social media campaigns, events and hearings, as well as any other related activities.
- **Use appropriate language and visual representation.** It is important to use gender inclusive language in all material, from press releases to committee reports (e.g. avoid using masculine terminology such as ‘mankind’ and ‘chairman’, or male pronouns as the norm) (United Nations n.d.a). Visual representations (in photos, graphics and videos) are also important in breaking down gender stereotypes (e.g. do not use stock images that reinforce traditional gender stereotypes).
- **Include gender in parliamentary indicators.** Many parliaments measure their effectiveness through indicators, either for their own performance management or to compare with other parliaments. Including indicators on gender-sensitive scrutiny (such as the proportion of women and men who are invited to attend committee hearings, or the proportion of committee reports that discuss gender) is a good way to measure progress.
- **Enhance research capacity and expertise.** As demonstrated in this section, gender-sensitive scrutiny is reliant on good evidence and good data. Parliaments should consider enhancing the capacity of research staff or creating partnerships with other research bodies to ensure that MPs have access to high-quality information about gender on which to base their decisions.
- **Consider changing rules of procedure.** This could involve requiring all committee reports to include a section on gender (as in Fiji), making time for gender-specific debates on a regular basis (as in Slovakia), or creating a requirement for gender parity among attendees at committee hearings or in evidence.
- **Address violence and violent discourse in parliament and politics.** Women politicians are disproportionately subjected to violent discourse and attacks, a phenomenon that has increased in recent years, associated with the growth of open access to social media. This phenomenon has a chilling effect on women’s decisions to become involved in politics. Parliaments and political parties have an obligation to root out such behaviour in their institutions, and to ensure the national legal frameworks sufficiently regulate threatening speech and actions.

Figure 5. Scrutiny and gender-sensitive scrutiny



3. Gender-sensitive scrutiny in different contexts

The five-step model set out in Section 2 provides a foundation for gender-sensitive scrutiny that can be used when considering draft laws, monitoring the implementation of existing laws, holding the government to account for its actions and scrutinizing proposed and actual expenditure by the government.

Each parliament, committee, issue and context is different. This means that it will not always be possible to undertake every step of the scrutiny model in Section 2, for reasons of context, time constraints, lack of resources, politics, lack of evidence or information, or other issues.

The types of scrutiny and oversight outlined below can be used in different contexts, such as in committees and debates and for questions. The techniques of gender-sensitive scrutiny can be used by committees, individual MPs or less formal groups of MPs in caucuses or cross-party groups. They can also be used by officials in the design of scrutiny work.

Legislative scrutiny

Parliamentarians review draft laws and have the power to amend, approve or reject them. Conducting gender-sensitive legislative scrutiny involves making sure that laws take account of and cater for the different needs, interests and experiences of women and men.

Post-legislative scrutiny

Post-legislative scrutiny is a way of finding out how a law has worked in practice and whether it is achieving its original aims. Undertaking gender-sensitive post-legislative scrutiny means assessing the actual impact of the law on women and men and whether changes need to be made to make it fairer.

Financial scrutiny

Financial scrutiny involves reviewing and monitoring the entire process of how and why decisions are taken to spend money, how wisely the money is being spent, and the effectiveness of the outcomes of the spending. Governments spend money to implement legislation and pay for programmes and policies, so financial scrutiny can form part of legislative scrutiny or oversight of policies and programmes. The agreement of a government's budget in parliament is a unique opportunity to see where and how money is being spent, and on whom. A gender-sensitive approach to budget scrutiny is essential because who and what a government chooses to spend money on demonstrates who and what are valued and prioritized.

Oversight

Oversight is a way of holding the government to account for its actions and monitoring the quality of its work. Parliamentarians can oversee the implementation of legislation and budgets (as discussed above) but also policies, programmes and any other actions taken—or not taken—by the government. The oversight of policies and programmes is often more flexible and less structured than legislation and budgets. MPs and committees may choose to conduct an investigation into a policy or programme where there is a known problem, or they may choose to monitor it as a matter of course—as is often the case, for instance, when scrutinizing government departments' annual reports. In many parliaments, committees develop annual workplans that include the allocation of specific time for oversight activities, as well as programming specific oversight themes. Planning to take time to carry out oversight is particularly important when committees are responsible for addressing both legislation and oversight. Planning can also help to ensure that gender equality is taken into account in programme oversight.

Oversight work is an important avenue for exploring the underlying causes of gender inequalities and finding out whether enough is being done to address them.

Step 1: Embed gender from the beginning

Regardless of the subject matter or form of parliamentary activity, parliamentarians should ensure that their work:

- includes gender in the scope of its scrutiny;
- invites both women and men to give evidence in writing and at oral hearings;
- invites gender experts to submit evidence; and
- includes gender as an issue in any citizen engagement or media work.

Step 2: Understand the situation by gathering evidence

Legislative scrutiny	Post-legislative scrutiny	Financial scrutiny	Oversight
<p>The next stage is gathering evidence from a range of sources about the current situation of the people likely to be affected by the change in law. Parliamentarians should aim to answer the following questions:</p> <ul style="list-style-type: none"> • Who will be affected by the law? Is this information available disaggregated by sex/gender? What assumptions have been made about these people? • Will women and men be differently affected because of their age, ethnic origin, disability, sexuality, religion, socio-economic status or geographic location? • Is there evidence to show that one gender is more likely to be affected than another? Is it likely that more women or men will benefit from the law or will gender not be a factor? • Are there existing inequalities between women and men in this area, and are they increasing or decreasing? • What are the relevant national and international standards, obligations and commitments in relation to gender equality? • What are the individual experiences of women and men? • What are the gaps in evidence? 	<p>The next stage is gathering evidence from a range of sources about the situation of the people affected by the change in law and what has changed for them. Parliamentarians should aim to answer the following questions:</p> <ul style="list-style-type: none"> • Who has been affected by the change in law? Is this information available disaggregated by sex/gender? • Is there evidence to show that one gender has been affected disproportionately? Did more women or men benefit from the change? • Has equality between women and men in this area increased, decreased or stayed the same? • What are the individual experiences of women and men in relation to the law? • What are the gaps in evidence? 	<p>The next stage is gathering evidence from a range of sources about the current situation. This will differ depending on whether MPs or committees are considering part of a budget or the whole budget, but might involve gathering evidence on:</p> <ul style="list-style-type: none"> • the existing inequalities between men and women (on a specific issue, or across all issues); • whether women and men have equal access to benefits/resources; • data on the employment of women and men in different sectors of the economy, and on average pay; • disaggregated data on the impact of previous expenditure on men and women; and • the individual experiences of women and men with accessing resources/benefits (in relation to specific expenditure). 	<p>The next stage is gathering evidence from a range of sources about the situation of the people affected by the policy, programme or action. Parliamentarians should aim to answer the following questions:</p> <ul style="list-style-type: none"> • Who is affected or involved? Is this information available disaggregated by sex/gender? What assumptions have been made about these people? • Is there evidence to show that one gender is differently affected than another? • Are there existing inequalities between men and women in this area, and are they increasing or decreasing? • What are the relevant national and international standards, obligations and commitments in relation to gender equality? • What are the individual experiences of women and men? • What are the gaps in evidence?

Step 3: Ask the right questions

Legislative scrutiny	Post-legislative scrutiny	Financial scrutiny	Oversight
<p>Ask witnesses in oral hearings, ministers and government officials:</p> <ul style="list-style-type: none"> • Whether gender was considered in the Regulatory Impact Assessment (RIA), and whether a gender impact assessment has been conducted on the change in the law. If so, what were the findings and what changes were made as a result? • Who was consulted about the change, and were women and men properly represented? • How will the impact of the law on women and men be monitored during its implementation, including the collection of gender/sex disaggregated data? • Who will administer/enforce the law, and are women underrepresented in this administration and enforcement? What roles will women and men play in terms of production and community management? • Has unpaid work been considered during the design of the law? • How does the law fulfil national and international obligations on gender equality? • What is being done to increase awareness of and expertise in gender equality in government departments? 	<p>Ask witnesses in oral hearings, ministers and government officials:</p> <ul style="list-style-type: none"> • Were the original assumptions made about the intended beneficiaries of the law correct? • What gender impacts can be identified in terms of rights, resources, representation, opportunities, outcomes and participation? • Were there any unintended or unexpected effects of the law on women or men? • What lessons have been learned as a result of the law's implementation, in terms of the impact on women and men? • Who administers the law, and are women and men equally represented in its administration? What roles do women and men play in terms of production and community management? • Has unpaid work been factored into the law's implementation? • Does the law meet national and international standards, obligations and commitments on gender equality? • What is being done to increase awareness of and expertise in gender equality in government departments? 	<p>Ask witnesses, ministers and government officials:</p> <ul style="list-style-type: none"> • Has a gender budgeting approach been taken and, if so, what were the outcomes of the exercise? • Has the impact been assessed of proposed reductions or increases in expenditure on women and men and, if so, what changes were made as a result? • Have budget allocations been targeted to reduce inequalities between men and women? • What is the overall gender impact of the budget? • If specific sectors of the economy are prioritized for funding, how many women and men are employed in each? • Have considerations been given to the productive, reproductive and community management roles of women and men in allocating funds? • Are changes to taxes on employment, goods or services likely to affect women more or men? • How are social security and unpaid care addressed in the budget? • What assumptions have been made about the intended beneficiaries of a service, benefit or scheme? • Has funding been allocated to meet national/international commitments on gender equality? • What is being done to increase awareness of and expertise in gender equality in government departments? 	<p>Ask witnesses in oral hearings, ministers and government officials:</p> <ul style="list-style-type: none"> • How has gender been considered in the design and implementation of the policy, programmes or action? • Were women and men consulted about this issue? • Is the impact on men and women being monitored during implementation, including the collection of gender/sex-disaggregated data? • Who administers the policy/programme and are women underrepresented? What roles do women and men play in terms of production and community management? • Has unpaid work been considered during the design of the policy/programme? • How does the policy/programme/action meet national and international obligations on gender equality? • What is being done to increase awareness of and expertise in gender equality in government departments?

Step 4: Inspire change			
Legislative scrutiny	Post-legislative scrutiny	Financial scrutiny	Oversight
<p>On the basis of the evidence gathered in Steps 2 and 3, parliamentarians should now have a fuller understanding of the impact of the proposed law on women and men.</p> <p>If they have discovered: that the draft law will not benefit women and men fairly; will not contribute to reducing existing inequalities between women and men; or will directly or indirectly discriminate against women or men, either intentionally or unintentionally; or that government departments are not adequately considering gender in the law-making process, they can:</p> <ul style="list-style-type: none"> • publish their findings; • propose amendments to the law; • make recommendations about how the law should be implemented and monitored; and • publicize their findings in the media. 	<p>On the basis of the evidence gathered in steps 2 and 3, parliamentarians will now have a fuller understanding of the impact of the law on women and men.</p> <p>If they discover: that the law does not benefit women or men fairly; is not adequately contributing to decreasing existing inequalities between men and women; or directly or indirectly discriminates against women or men, whether intentionally or unintentionally; or that government departments are not adequately considering gender in the law-making and implementation process, they can:</p> <ul style="list-style-type: none"> • publish their findings; • propose changes to the law; • make recommendations about how the law should be implemented and monitored (or repealed); and • publicize their findings in the media. 	<p>On the basis of the evidence gathered in Steps 2 and 3, parliamentarians will now have a fuller understanding of the impact of the spending decisions on women and men.</p> <p>If they discover: that spending does not benefit men and women fairly; is not adequately contributing to decreasing existing inequalities between men and women; or directly or indirectly discriminates against women or men, whether intentionally or unintentionally; or that government departments are not adequately considering gender in the budget-setting process, they can:</p> <ul style="list-style-type: none"> • publish their findings; • make recommendations; • propose amendments to the budget; and • publicize their findings in the media. 	<p>On the basis of the evidence gathered in Steps 2 and 3, parliamentarians should now have a fuller understanding of the impact of the policy/ programme/action on women and men.</p> <p>If they have discovered: that men and women are not affected fairly or benefiting equally; existing inequalities between men and women are not being reduced; or women or men are being directly or indirectly discriminated against, whether intentionally or unintentionally; or that government departments are not adequately considering gender in the policymaking process, they can:</p> <ul style="list-style-type: none"> • make recommendations about how the policy/programme/action should be changed; • propose a new law or amendments to existing laws, if appropriate; and • publicize their findings in the media.

Step 5: Monitor the outcome			
Legislative scrutiny	Post-legislative scrutiny	Financial scrutiny	Oversight
<p>Parliamentarians could ask the government to provide regular updates on:</p> <ul style="list-style-type: none"> the impact of the law, policy or programme on women and men, including disaggregated monitoring data; whether implementation of the law is contributing to a narrowing of gender gaps between men and women; any unintended or unexpected effects on women and men as a result of the change in law; and how government departments are working to increase awareness of and expertise in gender equality, and how gender is being mainstreamed into the design and implementation of laws, policy, programmes or actions. <p>Parliamentarians could also commit to undertaking post-legislative scrutiny of the law in the future.</p>	<p>Parliamentarians could ask the government to provide regular updates on:</p> <ul style="list-style-type: none"> the changes made to the law or its implementation to take account of the needs, interests and experiences of women and men; the impact of the law, policy or programme on women and men, including disaggregated monitoring data; whether implementation of the law is contributing to a narrowing of gender gaps between men and women; and how government departments are working to increase awareness of and expertise in gender equality, and how gender is being mainstreamed into the design and implementation of laws, policy, programmes or actions. 	<p>Parliamentarians could ask the government to provide regular updates on:</p> <ul style="list-style-type: none"> the changes made to the budget to take account of the specific needs, interests and experiences of men and women; the impact of the spending on men and women, including disaggregated monitoring data; whether the expenditure is contributing to a narrowing of gender gaps between men and women; and how government departments are working to increase awareness of and expertise in gender equality, and how gender is being mainstreamed into the design and implementation of laws, policy, programmes or actions. 	<p>Parliamentarians could ask the government to provide regular updates on:</p> <ul style="list-style-type: none"> the impact of the policy/programme/action on men and women, including disaggregated monitoring data; whether it is contributing to a narrowing of gender gaps between men and women; any unintended or unexpected effects on women and men; and how government departments are working to increase awareness of and expertise in gender equality, and how gender is being mainstreamed into the design and implementation of laws, policy, programmes or actions.

4. Gender-sensitive scrutiny in practice: case studies



Case study 1. Ireland: using disaggregated data to make targeted recommendations during oversight work

In 2019 a joint committee of the Irish Parliament undertook an inquiry into the take-up of apprenticeships and traineeships. The basis for the inquiry was the low take-up of apprenticeships following the 2008 recession. The committee received evidence that 85 per cent of current apprentices were men under the age of 25 and that women were taking up only 2 per cent of all apprenticeships.

The committee found two reasons for this: first, that most apprenticeships are in traditionally male-dominated areas of work in science, engineering, technology and maths; and, second, the lack of quality affordable childcare. The eligibility criteria for some apprenticeships was also found to be incompatible with family commitments.

While the committee heard evidence of several initiatives to encourage women into apprenticeships, such as widening the range of apprenticeships in and to different industries, it stressed the need to drive cultural change so that women are able to take places in traditionally male-dominated sectors in the construction industry, engineering and mechanics. These are often industries with relatively high pay, and the government had previously highlighted that the concentration of men in these sectors contributes to the gender pay gap (Government of Ireland 2018), which was 14.4 per cent in 2017 (Eurostat 2021).

The government's National Strategy for Women and Girls, 2017–2020 (Government of Ireland 2021) contains objectives to increase female participation in apprenticeships, reduce the gender pay gap and improve support for working parents. Therefore, the committee recommended that the government undertake a national campaign to 'ensure broad appreciation of the range of apprenticeships now available and in development', with an emphasis on encouraging more women to consider such opportunities.

In August 2020, the government launched a consultation to develop a new action plan for apprenticeships, noting that the model needs to be expanded

and the perception of the type of people who take up apprenticeships needs to change. The minister noted that apprenticeships also need to be expanded in traditionally female-dominated sectors such as health services and childcare, to meet demand where it may be needed in the future.



Case study 2. Bhutan: assessing existing laws to overcome barriers to women's representation

In Bhutan, there are legal requirements on literacy in order to stand for election in local government, which involves passing a 'functional literacy test' (Parliament of Bhutan 2009: section 21). While on the surface this provision applies to everyone regardless of gender, meaning that it is seemingly 'gender-neutral', just 57 per cent of women aged 15 and over are literate in Bhutan, compared to 75 per cent of men. Among the over-65s, only 9 per cent of women and 36 per cent of men were literate in 2018 (UNESCO 2019). Research from 2018 cites the low level of awareness of the test among women, and a lack of confidence in taking it as key reasons for the low representation of women in local government (Sharma and Zangmo 2018).

In March and April 2021, as part of an INTER PARES workshop on gender-sensitive scrutiny, members of the Bhutan National Assembly and National Council assessed the 2009 law from a gender perspective in anticipation of the introduction of a new local government bill (National Assembly of Bhutan 2021). Various solutions to the multifaceted problem of the low level of women's representation were proposed, such as targeted literacy programmes for women (particularly older women), ensuring that literacy tests are accessible and promoted to women, making literacy part of the training for local government representatives or removing the legal requirement for the test altogether.

Other provisions of the Act were also found to be indirectly discriminatory, such as there being no minimum notice for calling a session alongside provisions for the removal of members who miss more than two consecutive sessions. Members concluded that this could indirectly discriminate against women, as they are more likely to be primary caregivers and so less able to attend sessions at short notice.

Opportunities to advance gender equality in this area were also discussed, such as the introduction of temporary special measures and proxy voting for representatives unable to attend sessions in person.



Case study 3. Slovakia: making budgets more gender-sensitive

The National Council of the Slovak Republic (Parliament) exercises its power of oversight primarily over the Slovak Government and its members, approves the state budget and final state budgetary account and supervises its implementation.

When the draft budget is delivered to parliament, all parliamentarians have an opportunity to analyse it. Committee meetings are convened to discuss the budget. Some committees explore specific chapters of the budget and others explore it in its entirety. Each committee can examine the budget from a gender perspective in relation to its own remit. For example, the Education, Youth, Science and Sports Committee discusses the budget chapter on the Ministry of Education, Science, Research and Sport.

In the draft budget for 2020, a financial package was allocated in this chapter for the National Program for the Development of Science and Technology, in order to provide a modern and effective system of state support for science, technology and research. However, it did not include specific funding for women in technology, who are still underrepresented in this sector. Using gender-sensitive scrutiny of this chapter of the budget and knowledge of existing inequalities between women and men, the committee proposed the allocation of funding for a programme to support women working in technology.

In addition, the Committee for Human Rights and National Minorities may also discuss all the chapters of the state budget with regard to the adequacy of expenditure to address human rights, nationalities and the status of women.



Case study 4. United Kingdom: commissioning research to understand the gendered impact of policy changes

In 2010 the UK Government made a commitment to reducing its budget deficit by reducing public spending. The main opposition party asked the impartial parliamentary research service to examine every specific change to direct taxes, benefits and tax credits to work out the financial impact of these changes on women and men.

It found that between 2010 and 2017, 86 per cent of the GBP 94 billion net reduction in public spending, which the government made through tax and benefit changes, came from money that previously went to women. Women were the main recipients of the benefits that have seen the biggest reductions in government spending. In addition, the changes to taxes were found to benefit men more than women.

There were limitations to the analysis, as it assumed that policies primarily affect the gender of the person to whom the benefit is paid or on whom the tax

is imposed, and did not take the indirect impact on others in a household into account. The conclusions were reinforced in 2017, however, by an in-depth study by the Equality and Human Rights Commission, which found that ‘[w]omen lose more than men from reforms at every income level’ (Portes et al. 2017).

The UN Special Rapporteur on Extreme Poverty and Human Rights highlighted the gendered impact of the changes, stating that ‘[r]ecent policies have too often perpetuated rather than tackled the gendered aspects of poverty’ (United Nations 2019). While the changes to tax and benefits did not directly discriminate against women, the impact was unequal and contributed to the deepening of existing inequalities.



Case study 5. Denmark: using parliamentary resolutions to negotiate gender-sensitive legislative change

In May 2020, members of the Folketinget (Danish Parliament) Gender Equality Committee proposed a parliamentary resolution on promoting equal representation of men and women on the boards of larger companies. Regulation of the obligations of companies in this area already exists in Denmark. Larger companies without a minimum 40/60 gender balance in the senior management positions must publish plans and policies to achieve this split.

However, the committee concluded that the existing regulation was insufficient. Its parliamentary resolution (Folketinget 2020) sought to impose more binding rules, including:

- to reintroduce mandatory follow-up targets for private companies to ensure a more equal distribution between men and women on boards and in management positions;
- to establish a public database under the Danish Business Authority, which will constitute a single entry for company reporting of targets and policies on an equal gender distribution at management level; and
- for the government to convene negotiations to expand the number of private companies covered by the rules.

The proposal was not passed, but the government promised to initiate political negotiations in 2021 on the specific elements of the proposal.



Case study 6. Timor-Leste: promoting gender budgeting from within parliament

The push for gender budgeting in Timor-Leste came from the National Parliament, led by the Women’s Caucus. As a result of a quota system that requires at least one in every three candidates on political party candidate lists to be a woman, 38 per cent of parliamentarians are women.

A parliamentary resolution in 2009 requires all parliamentary committees to use and promote gender budgeting instruments and methods, and establishes a parliamentary process that assigns roles to the different actors involved. Each budget is now accompanied by a gender statement.

In addition, a Centre for Capacity Building and Information on Gender Equality was established to help parliamentarians integrate gender equality issues into their work. The centre provides information services and training for elected officials and their staff to help them better understand and address gender-related issues in policymaking.

In 2010, the Group of Women Parliamentarians, working with members of civil society, secured additional funding for the Ministry of Agriculture's gender budget (Christie and Thakur 2016).

The Gender Responsive Budget Working Group of Civil Society undertakes an independent gender review of the government's Annual Action Plans and State Budget, and submits recommendations to parliament.



Case study 7. Fiji: taking a systematic approach to scrutinizing legislation from a gender perspective

The Standing Orders of the Fiji Parliament require all committees to consider gender equality and to ensure that the impact on both men and women is explored in all matters. Every committee report includes a 'gender analysis' section. To ensure that this is done consistently across all committees, the Research and Library Service has created a handbook for staff and MPs to help them scrutinize laws from a gender perspective (UNDP 2017).

The handbook uses a draft law on aquaculture as an example. MPs examined the bill's proposals for a licensing regime and the establishment of a supervisory board to determine whether it was likely to affect women and men in different ways. They found that while women and men are involved in aquaculture activities, they play very different roles. The MPs questioned the government about whether these different roles were considered in the design and drafting of the bill, and on what gender-disaggregated data was available.

They suggested a range of ways to make the legislation and its implementation more gender-sensitive, including requiring women to be represented on the supervisory boards, requiring disaggregated data to be collected as part of the licensing regime, and ensuring that both women and men have access to information about the new laws and their obligations.

5. Statistical resources

A common problem for parliamentarians and officials is finding data and information disaggregated to the national level. The sources below can help with Step 2 of the scrutiny model set out in Section 2.

The **European Institute for Gender Equality (EIGE)** Gender Statistics Database is a comprehensive knowledge centre for gender statistics and information on various aspects of equality and inequality between women and men, see <<https://eige.europa.eu/gender-statistics/dgs>>.

The International IDEA Gender Quotas Database provides details of gender quotas in parliaments worldwide, see <<https://www.idea.int/data-tools/data/gender-quotas>>.

IPU Parline is a free resource with over 600 data points provided directly by national parliaments on their structure, composition, working methods and activities, see <<https://data.ipu.org>>.

The **Organisation for Economic Co-operation and Development (OECD) Gender Data Portal** contains selected indicators on gender inequalities in education, employment, entrepreneurship, health, development and governance, showing how far we are from achieving gender equality and where action is most needed. The data covers OECD member states, as well as partner economies such as Brazil, China, India, Indonesia and South Africa, see <<https://www.oecd.org/gender/data/>>.

The Multiple Indicator Cluster Survey (MICS) is **UNICEF's** main instrument for gathering sex-disaggregated and gender-relevant data on children, women and men, see <<https://mics.unicef.org>>.

The **UN Women Data Dashboard** provides the most recent available data and statistics gathered from national sources and compiled and harmonized by international agencies. It includes data on Sustainable Development Goal (SDG) indicators, as well as the Progress of the World's Women report and thematic area, see <<https://data.unwomen.org>>.

The **World Bank Gender Data Portal** is a comprehensive resource for the most recent sex-disaggregated data and gender statistics on demography, education, health, economic opportunities, public life and decision-making, and agency. The database is updated four times a year in April, July, September and December. Data is available at the national level, see <<https://www.worldbank.org/en/data/datatopics/gender>>.

The **World Economic Forum** *Global Gender Gap Report* benchmarks 153 countries on their progress towards gender parity, see <<http://reports.weforum.org/global-gender-gap-report-2020/>>.

6. International frameworks

There are a range of obligations and examples of good practice at the international level. Gender-sensitive scrutiny can help to ensure that obligations are met and good practice is followed.

Inter-Parliamentary Union

The IPU's **Plan of Action for Gender-sensitive Parliaments** (IPU 2017) recommends that parliaments mainstream gender throughout all parliamentary work. This includes:

- debating the implications of bills and expenditure allocations for women and men, girls and boys;
- developing clear gender-based legislation assessment toolkits for members;
- allocating time for special debates on gender equality or gender-specific questioning of ministers; and
- ensuring that committees investigating gender equality concerns have sufficient time and resources, including staff with gender expertise, to fulfil their mandate.

It also recommends that parliamentarians have access to library/research staff with gender expertise, who have access to up-to-date information, books, computers and online databases, and who can assist with gender-based analyses.

European Union

Gender mainstreaming became the official policy approach of the European Union and its member states under the Amsterdam Treaty (1997). The legal basis was strengthened in article 8 of the Treaty on the Functioning of the European Union (TFEU), which commits to both eliminating inequalities and promoting the principle of equality between women and men in all their actions.

The EU pursues a three-pronged approach, which combines gender mainstreaming with targeted actions and political dialogue. The EU Gender Equality Strategy, 2020–25 (European Commission 2020a) frames the European Commission's work on gender equality and sets out the policy

objectives and key actions for the period 2020–2025. The strategy aims to achieve a gender equal Europe in which gender-based violence, sex discrimination and structural inequality between women and men are a thing of the past. The goal is an EU where women and men, girls and boys, in all their diversity, are free to pursue their chosen path in life, have equal opportunities to thrive, and can equally participate in and lead our European society.

The **‘Gender Action Plan III (GAP III): An Ambitious Agenda for Gender Equality and Women’s Empowerment in EU External Action 2020–25’** (European Commission and High Representative 2020a) is the EU’s blueprint for building a gender-equal world. It aims to curb the increase in inequalities created by the Covid-19 health and socio-economic crisis, and to accelerate progress on gender equality and women’s empowerment as a key part of building back better (European Commission 2020b). It focuses on five pillars:

- ❶ Making EU engagement on gender equality more effective as a cross-cutting priority of EU external action in its policy and programming work.
- ❷ Promoting, together with EU member states, strategic EU engagement at the multilateral, regional and national levels, and jointly stepping up implementation of GAP III in each partner country and region.
- ❸ A focus on key areas of engagement: ensuring freedom from all forms of gender-based violence; promoting sexual and reproductive health and rights; strengthening economic and social rights and the empowerment of girls and women; advancing equal participation and leadership; implementing the women, peace and security agenda; and addressing the challenges and harnessing the opportunities offered by the green transition and the digital transformation.
- ❹ Leading by example, by establishing gender-responsive and gender-balanced leadership at the senior EU political and management levels.
- ❺ Reporting and communicating on results, putting in place a quantitative, qualitative and inclusive monitoring system to increase public accountability, ensuring transparency and access to information, and achieving better EU outreach on the impact of its work worldwide.

The GAP III strategic objectives (European Commission and High Representative 2020a) include the integration of a gender perspective into political, security and sectoral policy dialogues, which involves engaging on gender equality and women’s empowerment with governments and national gender equality mechanisms, parliaments, other key institutional actors and local authorities. GAP III also includes a thematic area of engagement to promote equal participation and leadership, which is particularly relevant to work on supporting parliaments.

The overall thematic objective is to ensure that ‘women, men, girls and boys, in all their diversity, participate equally in decision-making processes, in all spheres and at all levels of political and public life, including online, to take on leadership roles, to enjoy and exercise their human rights and seek redress if these rights are denied’. This involves ‘[e]nabling conditions created for equal participation of women, men, girls and boys, in all their diversity, in decision-making’, which includes ‘reforms and specific measures taken by the national parliament and parliamentary committees to implement existing gender equality and women’s empowerment policy commitments on women’s participation in decision-making’.

United Nations

A fundamental principle of the United Nations Charter of 1945 is the ‘equal rights of men and women’. This principle is reflected in the three human rights instruments known as the international Bill of Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights). The principle of equality between men and women has been further elaborated by various instruments of international law and development agendas in recent decades.

UN Convention on the Elimination of All Forms of Discrimination Against Women

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979) is often described as an international Bill of Rights for women. The Convention is a human rights instrument that provides a framework for identifying what constitutes discrimination against women, and sets an agenda for national action to end such discrimination.

The cornerstone of CEDAW is the principle of equality between men and women and the prohibition of discrimination against the rights of men and women. Article 2 mandates that states parties on ratifying the Convention declare an intent to eliminate discrimination against women through legislative and other measures to achieve the ‘practical realization’ of equality between men and women.

CEDAW requires states to achieve not only purely ‘formal’ equality (i.e. equality between women and men in and before the law with respect to formal opportunities and treatment), but also ‘substantive’ equality, meaning that women enjoy equality with men in practice. The concept of substantive equality arose out of a recognition that formal equality may not be sufficient to ensure that women enjoy the same rights as men.

In 2008, the UN Committee on the Elimination of Discrimination Against Women adopted a standard paragraph on ‘parliament’ in its concluding observations to draw attention to the importance of involving states’ parliaments

in the reporting process and the implementation of all the provisions of the Convention (UN OHCHR n.d.). The statement also highlighted the role of parliaments in the ratification process, and the withdrawal of reservations which are seen as a key weakness in the global implementation of CEDAW (Mullally 2006). It emphasizes that '[t]he functions of Parliaments—notably legislative and budgetary functions and oversight of the executive branch of the government—are at the heart of the implementation of the principles and rights enshrined in the Convention'. It goes on to note that '[p]arliamentarians can take active measures to ensure that national laws, policies, actions, programmes and budgets reflect the principles and obligations in the Convention' (UN OHCHR n.d.).

The Committee:

- encourages states to include information on parliamentary initiatives to incorporate CEDAW provisions into domestic law;
- reiterated the importance of strengthening the national machinery dedicated to gender equality; and
- drew attention to the importance of relationships between parliaments and civil society, and particularly women's organizations.

Beijing Declaration and Platform for Action

At the United Nations World Conference on Women in Beijing in 1995, 189 nations developed an ambitious **political declaration and Platform for Action** to outline the objectives and actions required to achieve greater equality between women and men (United Nations 1995). Governments committed themselves to effective integration of a gender perspective into all their operations, policies, planning and decision-making. Governments also accepted an 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.

Sustainable Development Goals

In 2015, all UN member states adopted **the 2030 Agenda for Sustainable Development**, which provides a shared blueprint for peace and prosperity for people and the planet (United Nations n.d.b). The 17 Sustainable Development Goals (SDGs) are a call to action to achieve a better and more sustainable future for all.

SDG 5 is on gender equality, which is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Its targets include:

- ending all forms of discrimination against all women and girls everywhere;
- recognizing and valuing unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;

- ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;
- undertaking reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws; and
- adopting and strengthening sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

7. Glossary of terms and definitions

A full library of gender-related definitions and concepts can be found on the website of [the European Institute for Gender Equality](#). Some select terms used in this Guide are explained below.

Direct discrimination is when a law, policy, programme or action treats one person worse than another person on the basis of their gender or another characteristic. One example of direct discrimination is a business that bans women from working for it.

Disaggregated data is information that has been broken down by sex or gender, and ideally other characteristics such as age, disability or ethnic origin.

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

Gender analysis is critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect women, men, girls and boys in a given policy area, situation or context.

Gender blind refers to the failure to recognize that the roles and responsibilities of men/boys and women/girls are assigned to them in specific social, cultural, economic and political contexts and backgrounds. Projects, programmes, policies and attitudes that are gender blind do not take account of these different roles and diverse needs. They maintain the status quo and will not help to transform the unequal structure of gender relations.

Gender budgeting is the application of gender mainstreaming to the budgetary process. It means a gender-based assessment of budgets, which incorporates a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures in order to promote gender equality.

Gender equality is a situation where women, men, boys and girls in all their diversity enjoy the same rights, resources, opportunities and protections. It does not require that everyone be the same or that they be treated exactly the same, as they have different needs.

Gender identity refers to a person's personal concept of their gender. A person's gender identity can be the same or different to the sex assigned to them at birth.

A gender impact assessment is a tool for examining policy proposals to assess whether they will affect women and men differently, with a view to adapting these proposals to ensure that discriminatory effects are neutralized and that gender equality is promoted.

Gender inclusive language means speaking and writing in a way that does not discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes.

Gender mainstreaming refers to the systematic 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 and 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.

Gender-sensitive-scrutiny is the deliberate exploration of how laws, policies, programmes and budgets will affect, or are affecting, women and men based on their lived experiences, needs and contributions to society.

Gender sensitivity means understanding and taking account of the different economic, social and cultural needs and experiences of men and women. It aims to ensure that no one is excluded from or discriminated against (intentionally or unintentionally) because of these differences.

Indirect discrimination is when a law, policy, programme or action appears to treat everyone in the same way, but in practice disadvantages a group of people. Indirect discrimination might occur if a business banned people who are shorter than 150cm from working for them with no justifiable reason, as the majority are likely to be women.

Discrimination might be appropriate in some circumstances, such as only allowing women to work in women's domestic abuse refuges, but there should be a fair and reasonable justification for any discrimination, based on sound evidence.

Non-binary is a term used to describe people who experience a gender identity that is neither exclusively masculine nor exclusively feminine.

Positive action (sometimes known as positive discrimination) is when one group of people is favoured over another, such as women over men, to guarantee rights on an equal basis with one another.

Sex refers to the biological characteristics that define humans as female or male. These characteristics are not mutually exclusive as there are individuals who possess both, but these characteristics tend to differentiate humans as males and females.

Sex/gender disaggregated data is data that is collected and tabulated separately for women and men or males and females.

Trans refers to people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

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Gender-Sensitive Scrutiny: A Guide to More Effective Law-Making and Oversight is the new guide produced by INTER PARES | Parliaments in Partnership—EU Global Project to Strengthen the Capacity of Parliaments, which aims to contribute to making democracies stronger. It is the first project of a global nature funded by the European Union and implemented by International IDEA, contributing towards strengthening the capacity of Parliaments in partner countries, by enhancing their legislative, oversight, representative, budgetary and administrative functions. Through demand-driven peer-to-peer partnerships between partner parliaments and EU Member State parliaments, the project aims to make parliaments more effective, transparent, accountable, representative and approachable.

Gender is a key area of focus for the INTER PARES programme and is mainstreamed across all its pillars. For the European Union, the ‘Gender Action Plan III’ (European Commission and High Representative, 2020b) is the blueprint for building a gender-equal world. A key pillar is making EU engagement on gender equality more effective as a cross-cutting priority of EU external action in its policy and programming work.

This guide aims to be a tool that can be used in a concrete way by parliamentary staff and is inspired by the experience of working with partner parliaments of the INTER PARES project.

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