

*IMPORTANT NOTE: The final version of the Executive Summary will be available as part of the guide published on 23 February 2022.*

## DRAFT Executive summary

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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 scrutiny<sup>2</sup> 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:

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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**

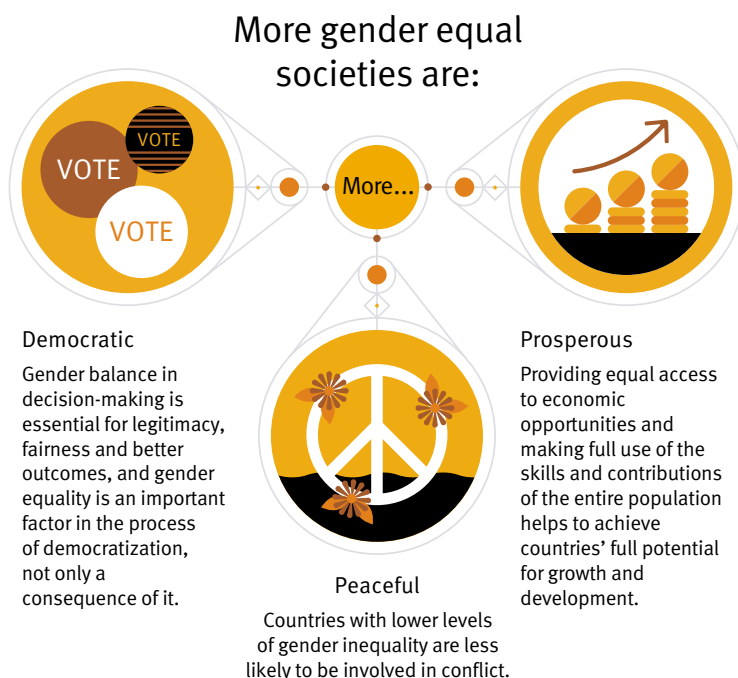
The key to gender-sensitive scrutiny is to ask the right questions using the best available evidence, and to examine the assumptions on which decisions are based, including the impact of existing measures.

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><b>1. Embed gender from the beginning</b></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><b>2. Understand the situation by gathering evidence</b></p>	<p>Parliamentarians should find out:</p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• Will women and men be differently affected because of their age, ethnic origin, disability, sexual orientation, religion, socio-economic status or geographic location?</li> <li>• 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?</li> <li>• Are there existing inequalities between men and women in this area, and are they increasing or decreasing?</li> <li>• What are the individual experiences of women and men?</li> <li>• What are the gaps in evidence?</li> </ul>
<p><b>3. Ask the right questions</b></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><b>4. Inspire change</b></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"> <li>• publish a <b>report</b> on their findings, highlighting the areas of concern;</li> <li>• make <b>recommendations</b> on changes to the law, budgets, policies or programmes;</li> <li>• propose <b>amendments</b> to bills or existing laws;</li> <li>• propose <b>motions or resolutions</b> in parliament;</li> <li>• schedule a <b>debate</b> or <b>make a speech</b> in parliament, or</li> <li>• publicize their findings through the <b>media and stakeholders</b>.</li> </ul>
<p><b>5. Monitor the outcome</b></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.