

GENDER IMPACT ASSESSMENT

Gender Mainstreaming Toolkit



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The European Institute for Gender Equality created the online Platform on Gender Mainstreaming to support the EU institutions and governmental bodies with the integration of a gender perspective in their work. The Platform provides insights on the relevance of gender in a variety of policy areas and offers online tools for gender mainstreaming.

The Platform helps to improve individual and institutional competences to mainstream gender into the different sectorial areas and throughout the different stages of the development of any policy/programme/project. Understanding how to design, plan, implement, monitor and evaluate policies from a gender perspective will strengthen EU policies, increasing their societal relevance and responsiveness.



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European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policy makers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.

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1. Approach to gender impact assessment

1.1 Introduction

Equality between women and men is a fundamental principle of European Union (EU) law that applies to all aspects of social life. The EU has adopted a two-pronged approach to gender equality, combining specific measures with gender mainstreaming.

Policies on gender equality have been drawn up since the creation of the European Economic Community (EEC) in 1957, with the Treaty of Rome. Following the establishment of the founding treaty, this basic principle was gradually clarified and developed by several Council directives, which dealt mostly with economic perspectives including pay, employment, health and safety, maternity and parental leave, as well as other issues pertinent to work–life balance. None of these legal measures, however, dealt specifically with the principle of gender equality.

It was only in 1996 that the European Commission itself took a dual approach to gender equality by both implementing gender mainstreaming and initiating specific measures. In February 1996, the Commission adopted a Communication on Mainstreaming in relation to policies at Community level: ‘The principle of “gender mainstreaming” consists of taking systematic account of the differences between the conditions, situations and needs of women and men in all Community policies and actions. This global, horizontal approach requires the mobilisation of all policies’ (European Commission, 1996).

The principle of gender equality has been strengthened, notably since the 1997 Treaty of Amsterdam, by including the principle of gender mainstreaming in the EU’s founding text. Subsequently, the introduction of the Lisbon Treaty in 2009 marked a turning point as it directly addressed the principle of gender equality, and the policies to support it, as a central element of EU policy. It emphasised the importance of eliminating all types of discrimination, including those based on sex, through the Charter of Fundamental Rights of the European Union (2000), while a declaration in relation to Article 3 of the Lisbon Treaty gave

renewed attention to how gender-based violence in the EU threatened the integrity and dignity of women and men.

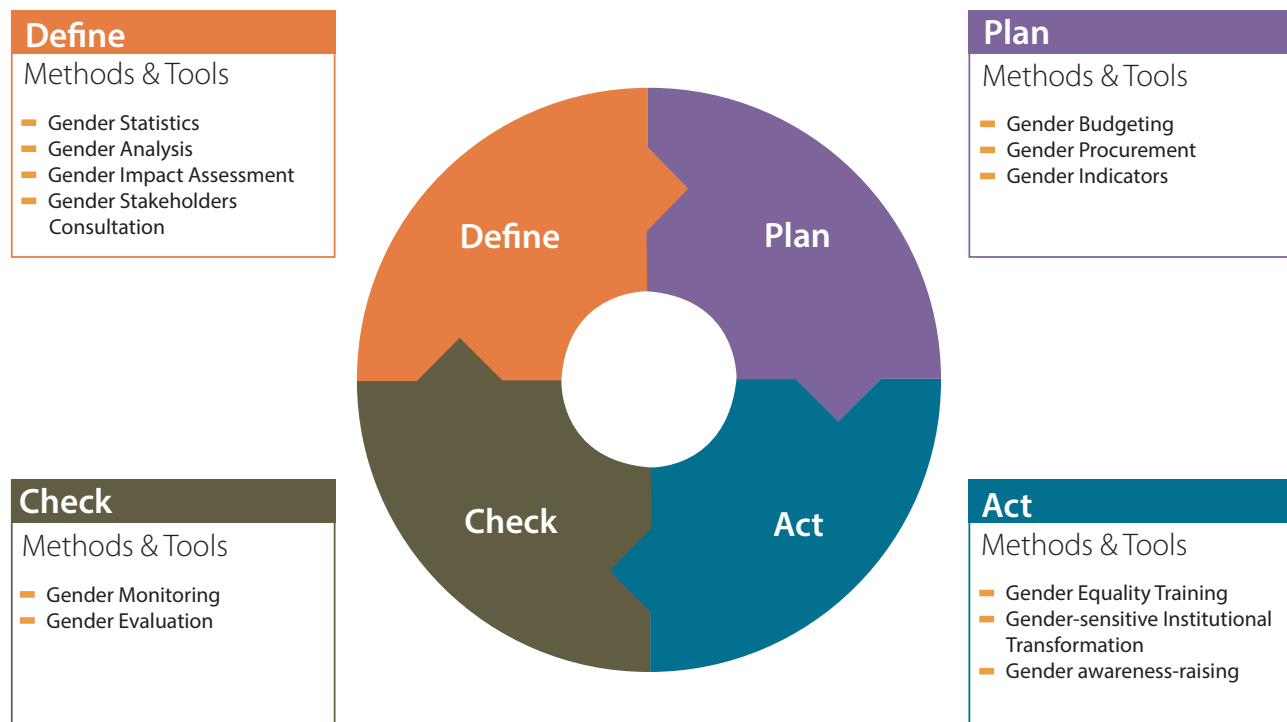
The Council Conclusions on the ‘review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action: Indicators in respect of Institutional Mechanisms’ **(1)** (2006) emphasised that a formal commitment and formal structures for gender mainstreaming are not sufficient and that practical action in all relevant areas is needed. It reiterated and reaffirmed its previous position and urged all Member States and the Commission to improve and strengthen the development and regular use of mainstreaming methods, particularly gender budgeting and gender impact assessment (GIA), when drafting legislation, policies, programmes and projects.

In this framework, gender impact assessment is the basic method for the governmental structures to use for gender mainstreaming. As part of Indicator 3 on Gender Mainstreaming, introduced by the Finnish Presidency of the Council of the European Union **(2)** in 2006, it defines the aspects to measure as the progress of Member States in the area of institutional mechanisms and gender mainstreaming.

The report on institutional mechanisms for gender equality developed by the Finnish Presidency of the Council of the EU in 2006 provides information on gender impact assessment in law drafting as well as in drafting policy programmes, action plans and projects.

The gender impact assessment is one of the methods for gender mainstreaming. It should be used in the very early stage of any policymaking, i.e. when designing it. The GIA is an *ex ante* assessment¹ and this implies the integration of a gender analysis at the ‘define’ stage of the policy cycle. The aim is to achieve a significant impact not only on the policy design but also on its planning, in order to ensure adequate equality outcomes.

¹ *Ex ante*: Assessment to forecast the result in advance.



Finally, it is important to highlight that the application of gender impact assessment is a learning process, since there is no common regulation, model or development within the public administration at European level. It is not intended, therefore, that this guide be used as a replacement for existing support tools. Nor is it intended to serve as ‘hard instructions’ to be followed to the letter. The intention is that it will perform a timely function to encourage and enable reflection on one’s current practice in this field, to provide suggestions and hints for particular challenges, and to inspire with new ideas and ways of adapting existing methods.

These guidelines build upon the information collected from the project on institutional mechanisms for gender mainstreaming, commissioned by EIGE in 2012 and further processed in 2014. They also integrate the opinions and experiences of Member States’ representatives in EIGE’s Thematic Network on Gender Training as well as those of relevant gender equality experts.



1.2 What is gender impact assessment?

Gender impact assessment has been defined as an ex ante evaluation, analysis or assessment of a law, policy or programme that makes it possible to identify, in a preventative way, the likelihood of a given decision having negative consequences for the state of equality between women and men. The central question of the GIA is: **Does a law, policy or programme reduce, maintain or increase the gender inequalities between women and men?**

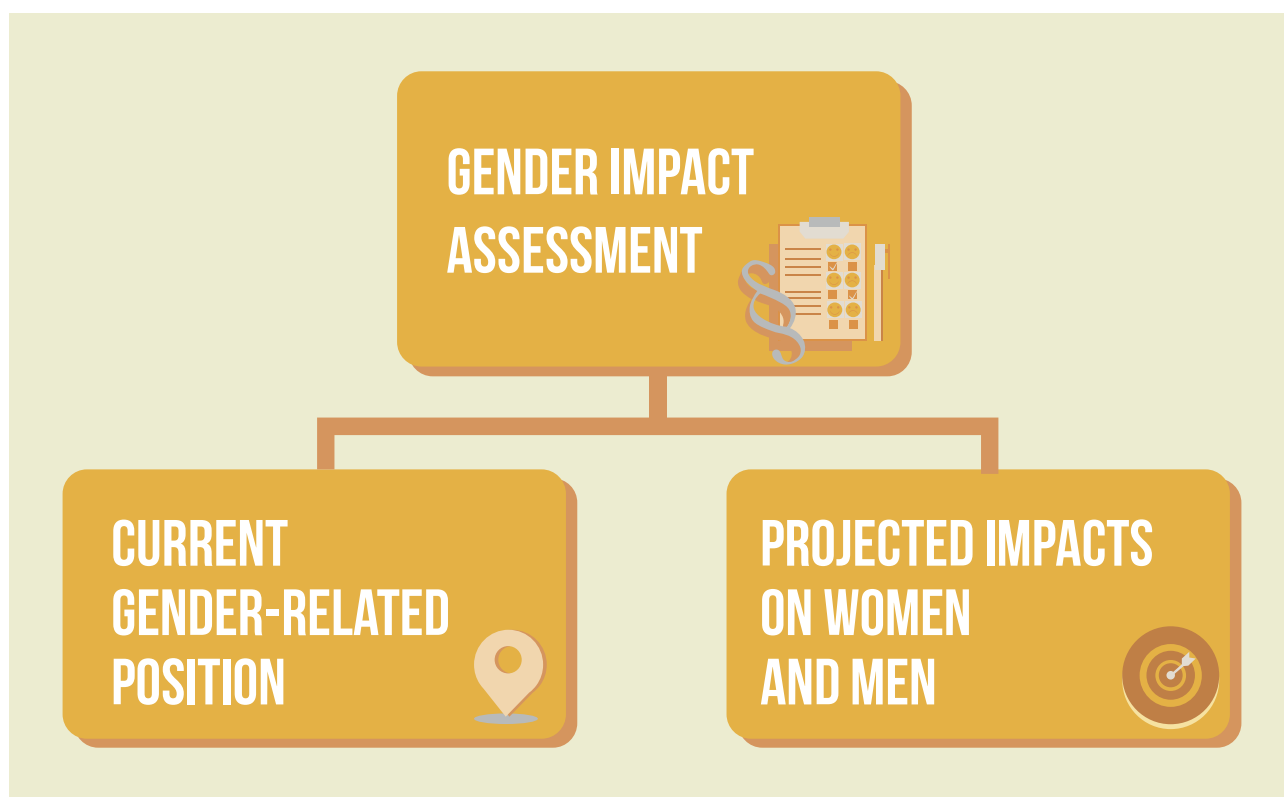
The European Commission defines **gender impact assessment** as follows:

'Gender impact assessment is the process of comparing and assessing, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy' (3).

'Gender impact assessment is the estimation of the different effects (positive, negative or neutral) of any policy or activity implemented to specific items in terms of gender equality' (4).

The assessment involves a dual-pronged approach: the current gender-related position in relation to the policy under consideration, and the projected impacts on women and men once the policy has been implemented. It is important that the assessment is structured, i.e. systematic, analytical and documented.

The final aim of the gender impact assessment is to improve the design and the planning of the policy under consideration, in order to prevent a negative impact on gender equality and to strengthen gender equality through better designed, transformative legislation and policies. A primary objective is to adapt the policy to make sure that any discriminatory effects are either removed or mitigated. Beyond avoiding negative effects, a GIA can also be used in a more transformative way as a tool for defining gender equality objectives and formulating the policy so as to proactively promote gender equality.



1.3 Why use gender impact assessment?

Traditionally, government policy and legislation have been viewed as gender-neutral and value-free instruments, on the assumption that the formulation and administration of public policy benefits all members of the public equally.

However, structural gender inequalities are still embedded in our society. Even if laws treat women and men as equals, women still do not have equal access to and control over material and non-material resources and assets. That is why addressing people suffering inequalities in an equal way causes, in practice, the perpetuation of these inequalities. That is actually what happens when existing gender inequalities in women's and men's economic, political and social position are not taken into consideration. That is why policies focused on target groups defined in broad terms (no distinguishing between women and men) are usually not neutral, but gender blind.



Although it may not be intentional, these policies often impact women and men differently and they may even strengthen social, cultural or economic gender inequalities. If these different gender impacts are not taken into account at the design stage, the policy in question will actually be gender blind. To avoid this, it is necessary to put people at the centre of the intervention, to meet the different

needs and interests of women and men, to identify gender inequalities in terms of access to and control of resources, to consider the impact of roles and gender-based stereotypes, to anticipate the possible differential effects on women and men and to ensure that the outcomes of policies will support gender equality.

In this context, gender impact assessment is the first step toward avoiding such unintended effects, as it allows policymakers to foresee the impact of a new regulation, policy or programme on the lives of women and men and the impact on gender equality.

A gender impact assessment can provide added value in a number of different ways:

A tool to strengthen gender equality

Working toward gender equality is a well-established social goal. National law in all EU Member States provides for protection against discrimination on the basis of sex. In addition, under international human rights law there is an obligation to promote gender equality and the empowerment of women.

Beyond the law, there is a general acceptance — as well as empirical evidence — that gender equality promotes better workplace conditions and improved productivity. Knowing how gender inequality operates, how it is impacted by public policy, how it is present in the different sectors and spheres of life is key to the elimination of gender inequality. A gender impact assessment is perhaps the best first step toward policies that help realise this objective.

Better policies

Gender impact assessment — like all impact assessment processes — contributes to making better policy and legislation, since it provides information about the foreseen result. It allows the possibility of including missed elements during the design phase of the regulation, policy or programme. Creating better policies implies the identification of gender gaps and an understanding of gender inequalities in the field, so that priorities can be defined and the target group reached. These measures can safeguard against potential pitfalls and maximise the scope for obtaining the intended objectives. Poorly designed and poorly targeted interventions produce unsatisfactory results and unsustainable impacts. Inadequate knowledge and analysis of the situation, and of the problems and needs of the target groups and beneficiaries, lead to the adoption of inappropriate or partial solutions to these problems and needs.



If target groups are defined only in broad terms (young people, migrants, commuters, future pensioners, the sick, elderly, students, the poor, etc.) and there is little or no analysis of gender differences within the target groups, it is impossible to ensure that — or evaluate whether — the planned intervention meets the needs of women and men within the broader groups.

Better governance

A high quality gender impact assessment contributes to policymaking and legislative work that is more relevant for society, because it is responsive to the needs of all citizens — women and men, girls and boys.

Ensuring a gender perspective in the early stages of policymaking helps to address more appropriate issues for specific target groups and enables proper measures to be planned, as well as an allocation of the appropriate budget to achieve the set objectives.

A tool for learning

Making policy that is effective in reducing gender inequality and proactively promotes equality requires knowing how gender inequality is expressed in all spheres of life. This also applies to knowing how to set priorities in relation to gender equality measures.

Gender impact assessment allows policymakers to see the challenges in terms of gender equality and to identify actions needed to bridge the gender gaps. It could also be helpful to understand the structural gender inequalities on which the gender gaps are based. Asking questions and accumulating data and other relevant information may indeed contribute to building up important knowledge about gender inequality.

1.4 Who is involved in gender impact assessment?

As gender impact assessment is a tool for gender mainstreaming, civil servants working for governmental, regional or local offices, departments or ministries initiating a new regulation or policy should be involved in the process of gender impact assessment.

There are different ways to carry out a GIA, depending on the institutional settings and different actors involved. Models can vary depending on the degree of autonomy accorded to civil servants for this task, the assistance provided by

gender equality mechanisms and the potential intervention of 'external' actors such as gender or legal experts.

Civil servant approach

The most comprehensive model for gender impact assessment foresees that civil servants are in charge of carrying out gender impact assessment. In this case, gender equality units often provide respective institutions with relevant methods, tools and recommendations during the process to ensure that the gender impact assessment is of high quality. Gender equality units may also have a monitoring role to ensure that GIA has been carried out for every relevant regulation from a gender perspective. Examples of such a model can be found, for instance, in Denmark, Finland and Sweden. At regional level, similar practices can be found in the *Länder* of Lower Saxony in Germany or in the Basque Country in Spain.

Gender equality unit approach

The gender equality unit may be directly in charge of carrying out the GIA. For instance, in the regional government of Catalonia, in Spain, civil servants working on the legislation or policy under consideration are requested to provide only the raw material (justification for a gender impact assessment and the draft regulation), which is then further processed by the central gender equality body to perform gender impact assessments.

Broader impact assessment approach

In some cases, gender impact assessment is carried out as one part of a broader impact assessment, which also includes social, economic and/or environmental impact. This would be the case, for instance, in Austria and at the European Commission. Both have general guidelines for impact assessment which include some specific questions that address gender equality-related aspects.

There is little evidence of participation by **non-governmental actors**, including gender experts, in the design of GIA models and their implementation. One exception would be the European Commission, where stakeholder consultation is foreseen as an integral part of the impact assessment procedure.

Approaches involving different actors have their own strengths and weaknesses:

- Involving civil servants promotes the inclusion of gender impact assessment into their daily routine,

since it affects the design of any regulation, policy and programme as well as the work and knowledge of any civil servant or policymaker involved. However, involving civil servants does not ensure an in-depth analysis from a gender perspective, as people involved do not necessarily have the gender expertise needed to understand how gender roles and gender power relations work in society.

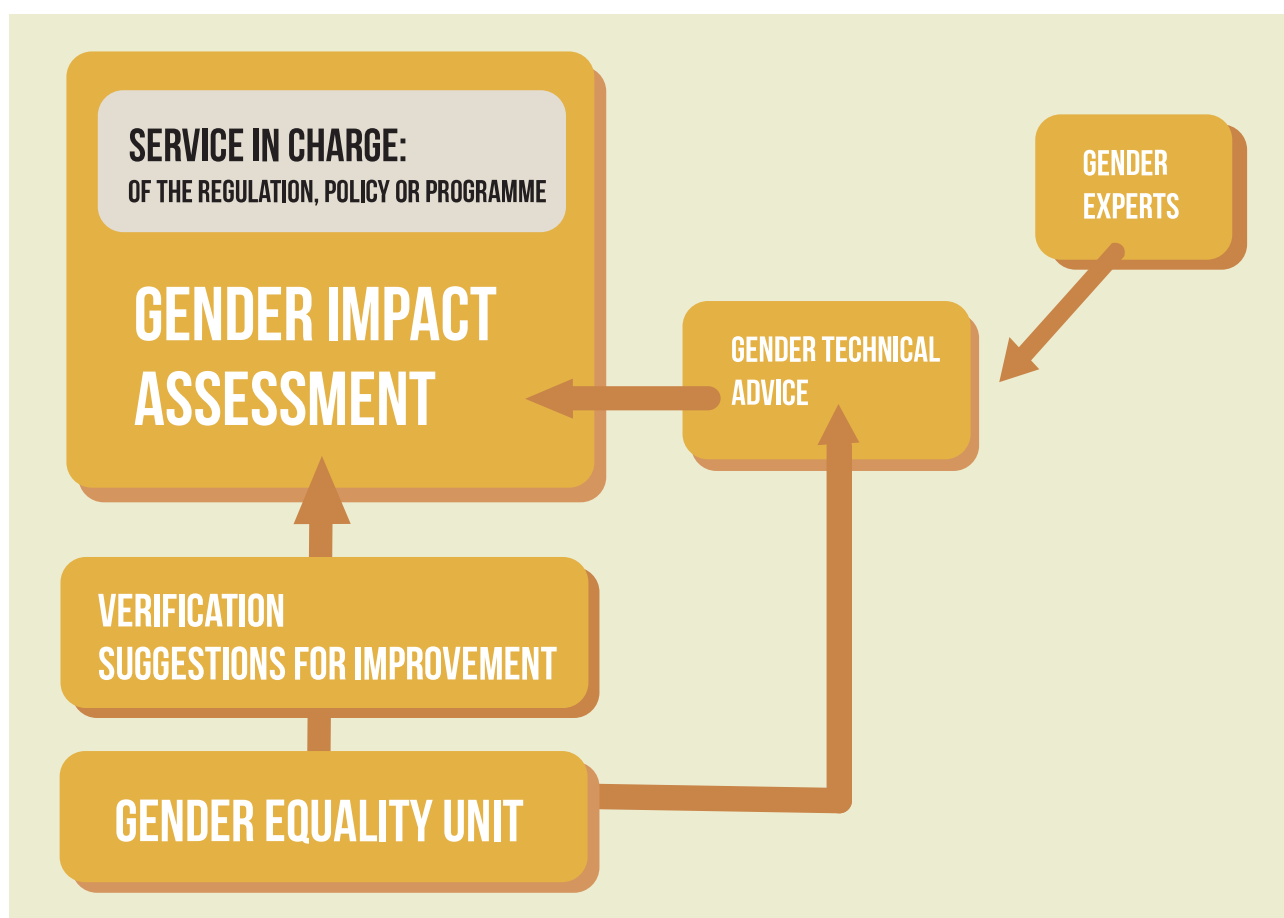
- Gender expertise is ensured when gender equality units are in charge of gender impact assessment. However, this approach means that civil servants may not necessarily feel directly responsible for the foreseen gender impact of their regulations, policies or programmes, since the gender equality unit carries on the GIA procedure in full.
- Finally, the gender perspective may become blurred and lose all its relevance when gender impact assessment is embedded, in combination with other aspects, into a broader process of impact assessment.

In this context, the following could be a convenient model for carrying out gender impact assessment:

1.5 When is gender impact assessment needed?

The Council of the European Union, in its conclusions from 2006, noted that despite some progress toward gender mainstreaming in Member States, gender impact assessment still needs to either be put in place or reinforced. The Council urged in particular to improve and strengthen the development and regular **use of gender impact assessment when drafting:**

- Legislation
- Policies
- Programmes
- Projects



Scope of GIA

The use of the gender impact assessment has often been considered exclusively for the assessment of legislative acts. However, as pointed out by the Council of Europe, this is an overly narrow reading of the potential of this instrument:

'Gender impact assessment can be applied to legislation, policy plans, policy programmes, budgets, concrete actions, bills and reports or calls for research. Gender impact assessment methods do not only have to be applied to policy in the making, they can also be applied to existing policies. They can be used in the administration as well as by external actors; in both cases they require a considerable amount of knowledge of gender issues' (5).

The scope of gender impact assessment can be very large. Even though this method has been mainly used for ex ante evaluation of legal documents, its potential is much broader. Since it is an ex ante evaluation, it should focus not only on legislation, but also on strategic policy plans and in-action programmes.

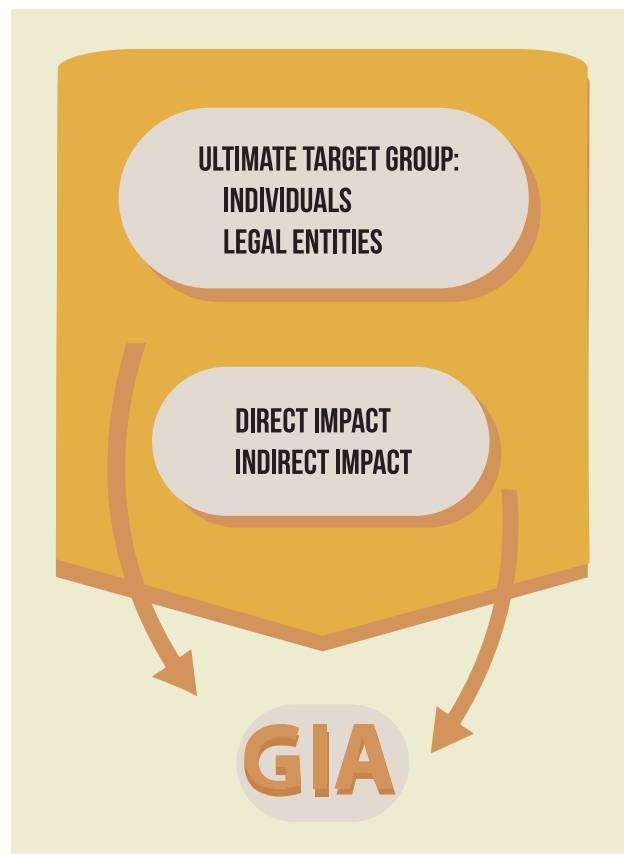
Broader use of gender impact assessment would help policymakers and public servants to analyse and foresee the gender impact of any important decision under consideration, which could help to improve existing measures and inform decisions regarding budget allocation. The findings of the gender impact assessment should be made available on time, so that legal regulations or policies can be amended during the design and planning stages.

Relevance of GIA

Most political decisions have a concrete impact on the lives of women and men. That is why in most cases gender impact assessment is relevant and needed in order to assess the effects of the decisions on both sexes — to evaluate the foreseen impact from a gender perspective and to ensure that the proposed legislation/programme will enhance gender equality.

Determining the gender pertinence of any proposal implies taking into account two criteria:

- *Target group:* Whether the ultimate target group is people (women and men), both as individuals and as legal entities.
- *Impact on the target group:* Whether the proposal directly or indirectly affects women and men, regarding their access to and/or control of resources, their social position or the gender-based social rules and norms.



Consequently, all proposals/legal acts meeting those criteria should undergo a gender impact assessment. Nevertheless, any proposal considered not relevant from a gender point of view should be accompanied by a supporting justification, explaining the reasons why gender is not relevant.

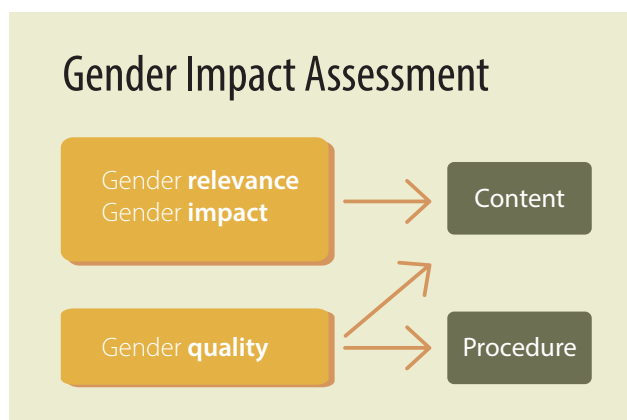
Finally, it is important to note that even if some regulations, policies or programmes are not subject to gender impact assessment it does not mean that policymakers and public servants in charge of drafting them, making decisions about them, implementing them, monitoring them or evaluating them are exempted from the general commitment of eliminating inequalities and promoting gender equality.

Lastly, it should be emphasised that law, policies and programmes specifically targeted toward gender equality do not need to implement a gender impact assessment as they have been designed to take into account the existing gender inequalities, and their main purpose is to tackle them.

1.6 How to carry out gender impact assessment

Broadly speaking, a gender impact assessment process should include three assessment stages:

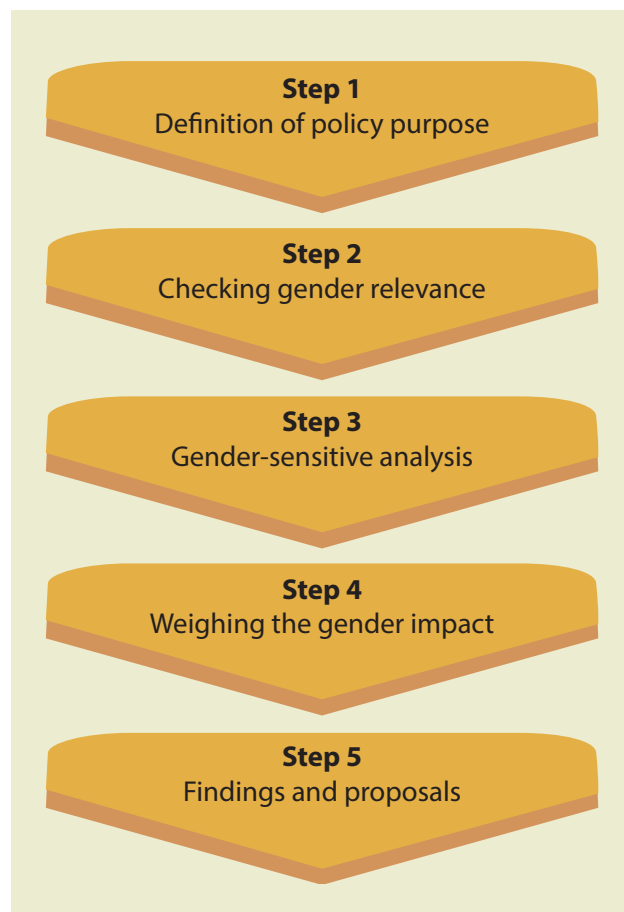
- Gender relevance assessment (Step 1 and 2);
- Gender impact assessment (Step 3 and 4);
- Gender quality assessment (Step 5).



The first two stages may be organised into several steps in the performance of a gender impact assessment. The third one, for its part, is closely related not only to the GIA's own content but also to the design of the internal procedure to ensure the quality of that content. This third aspect is explained in the next chapter regarding the follow-up of the gender impact assessment.

Some defined steps are needed to carry out a gender impact assessment, even though the number of steps defined may vary from one context to another, depending on the approach taken. However, the stages of the GIA process are always the same.

In this context, the sequence for the GIA process could be organised around the following five steps:





Step 1: Definition of the policy purpose

The first step is to define the purpose of the planned policy, law or programme and show how it connects with gender equality. The following questions could be asked:

- What social issue is being addressed by this policy/ legislative intervention?
- Why is this intervention being considered for this particular situation?
- Is the intervention intended to contribute to gender equality?
- How is the intervention intended to contribute to gender equality?
- What are the existing gender equality objectives in this field?

Step 2: Checking gender relevance

Once the law, policy or programme has been contextualised, it is necessary to determine its gender relevance. This involves analysing whether or not it is likely to impact on gender equality. To do this, the following elements must be taken into account:

- The proposed initiative will be applicable and therefore have to assess the gender impact whenever these two conditions are met:
 - 1 Target group: The ultimate target group is people, considering both individuals and legal entities.
 - 2 Impact on the target group: The proposed initiative affects women and men regarding their access to and/or control of resources. Consequently, it has an impact on the social situation or position of women and men, by either improving or harming it.
- The impact of any law, policy or programme on the target group may be direct or indirect:
 - 1 **Direct impact:** When regulating or affecting people's access to resources (grants, jobs, composition of committees, etc.). As a result, it has a direct and immediate effect on the status and position of women and men.

Example: The launch of an initiative that aims to promote the employment of certain groups of people (the young, people over a certain age, etc.).

- 2 **Indirect impact:** When regulating or planning measures affect the means of provision of certain resources or services (procedure to qualify companies, regulation of environmental quality management of certain activities and facilities, incentives for certain projects, etc.), behind which there are people (managers, workers, users, etc.) as ultimate beneficiaries. Even though the policy is not directly targeted at them, they can be affected by it.

Example: A rule, policy or programme that seeks technological development within companies. Although the target group are enterprises, these companies are formed by women and men, both as owners and as workers, with different positions and usually in unequal situations, due to horizontal and vertical gender segregation. Therefore, the initiative concerned can help to strengthen, maintain or reduce these inequalities.

Step 3: Gender-sensitive analysis

All regulations, policies and programmes relevant to gender affect the living conditions and access to resources for women and men. This effect is known as 'gender impact'. An assessment of the gender impact of any initiative involves a process of analysis to determine the impact (tangible results) that the intervention could have on the effective equality of women and men.

On one hand, such analysis should try to comprehend the present situation for the groups concerned and understand how this situation could evolve without public intervention. On the other hand, the analysis should measure, as much as possible, how the planned intervention is expected to change the existing situation.

In order to guide the analysis, the following recommendations can be taken into account:

1. Analyse the situation of women and men in the field

- Collect information and **data** about the existing situation for women and men in the areas concerned by the planned policy or legislative measure, looking for sex-disaggregated statistics.

- Complement quantitative information with **qualitative insights**, for example from studies or consultations, and combine various sources (statistical offices, academic works, policy reports) to gain a deeper understanding.

2. Identify existing gender inequalities

- Take into consideration the **views of those concerned** (primarily the groups that are directly targeted).

The following key questions could be used:

- What are their expectations and needs?
- Are these different for women and men?
- Is the planned intervention addressing the needs of both women and men, taking into account their different interests, roles and positions?
- How can the contribution to the needs of women and men be strengthened?
- Consider inequalities between women and men in terms of access to resources (work, money, power, health, well-being, security, knowledge/education, mobility, time, and so on) **(6)** and in their exercise of fundamental rights (civil, social and political rights) on the basis of their sex or because of roles attributed to women and men (gender roles).

The following questions could help in the analysis:

- Will the unequal distribution of income between women and men change? If yes, what will the changes be?
- Will the unequal use of time between women and men change? If yes, what will the changes be?
- Will women's perception of security be improved? If yes, what will the changes be?
- Will women's employment rate be increased? If yes, what will the changes be?
- Will gender segregation of the labour market be reduced? If yes, what will the changes be?
- Will women's gender-based psychosocial health risk be reduced? If yes, how?
- Consider the **norms and values** that regulate the process of access to and control of resources. This

is about the opportunities to participate on equal terms in all aspects of society. To do this, it is essential to take into account the following structures which sustain those inequalities:

a) The division of labour by gender

The structures which organise the division of labour regulate the distribution of work according to prevailing norms and values in the area of labour. This is about distribution of paid and unpaid work, and about the horizontal and vertical gender segregation of the labour market. Differences apply to different groups of women and men, according to age, ethnicity, education level, social class, validity, and other diversity criteria.

b) Organisation of private life

The structure of the organisation of private life is also regulated by a set of norms and values in the area of living arrangements, sexuality and reproduction, relationships between women and men, between adults and children. Women and men have different positions in this area. Maternity and paternity include different roles and are valued differently. These differences have consequences for the position of women and men in social life. Gender inequalities may be either reinforced or challenged by specific cultural, ethnic, religious, age-related and other diversity criteria.

c) Organisation of citizenship

This structure refers to the norms and values which regulate the process of control and decision-making. It is about the opportunities to participate on equal terms in all aspects of society. The media are an important part of this structure as well as the decision-making structures of political bodies, boards and commissions.

Strategic questions should be asked in relation to structures and it is important that reasoned arguments are provided:

- Will the organisation of division of labour change as a consequence of the proposed policy? If yes, what kind of changes?
- Will the distribution of paid and unpaid work change as a consequence of the proposed policy? If yes, what will the changes be?
- Will the representation of women in decision-making bodies change as a consequence of the proposed policy? If yes, what will the changes be?



- Will violence against women change as a consequence of the proposed policy? If yes, what will the changes be?

Step 4: Weighing the gender impact

In this phase it is important to establish how the policy or legislative measure will contribute to **gender equality**, as well as to assess the foreseen impact on **gender relations**.

Once the effects of the proposed policy have been identified, they should be 'measured', taking into consideration the expected trends as previously identified. To do this, it may be useful to take into account the following **criteria** so as to weigh the positive, neutral or negative gender impact of any initiative:

1. Participation of women and men

The impact will be considered positive when a significant increase in the representation of the under-represented sex in the area is envisaged. In this sense, the expected result should be a balanced representation of women and men (no less than 40 % for each sex) or, temporarily, at least in proportion to their overall presence in the area.

Fostering gender equality implies promoting the participation of women in the public sphere (politics, economy, employment, culture, etc.), and increasing men's participation in domestic duties and care work.

Finally, it is necessary to highlight one exception to these general rules. When talking about women's specific organisations, spaces or facilities to foster their empowerment and social involvement, it is paramount to understand that participation only by women is a relevant and accepted strategy to promote gender equality.

2. Access to and control of resources

The aim is to analyse the access of women and men to essential resources such as education, employment, careers, health, time, money, power, information, new technologies, etc.

The impact will be considered positive when the elimination of existing gender gaps, or at least a significant reduction of them, is foreseen. This reduction should always be aimed at increasing the

physical, emotional and economic empowerment of women. In the case of men, the focus should be to increase their involvement in housework and care work.

Furthermore, and in order to ensure equal control of resources, it is important to analyse the participation of women and men in decision-making in the field of the project, as outlined above.

3. Gender-based social norms and values

The aim is to evaluate how the project will impact on gender-based social norms and gender roles and how it will contribute to promoting the equal social value of women and men, femininity and masculinity.

The impact will be considered positive when:

- Mechanisms or structures that help to reproduce gender inequalities are modified. This means acting on the sexual division of labour, on the organisation of private life, or on the organisation of citizenship.
- In the first instance, progress in eliminating gender stereotypes is made.

Finally, it should be noted that the possibility of weighing up the effects of the proposal depends mainly on the quality of the information gathered during earlier stages of the gender impact assessment. The more information obtained, the better the estimation of the expected effects.

Step 5: Findings and proposals for improvement

Conclusions must be formulated in terms of the impacts on women and men within the target group(s). Furthermore, proposals should be put forward that will promote gender equality in response to the existing situation. To do this, one should identify how gender equality could be strengthened in the different parts of the draft initiative, taking into account the conclusions reached:

- 1 Gender equality should be mentioned in the preamble to the law or in the definition of the context of the policy or programme as well as in the legal framework referring to it.
- 2 Gender equality should also be mentioned in the objective so as to set a starting point and encourage the commitment of all stakeholders involved in the development of the initiative.

3 Actions to reduce imbalances and inequalities and measures to promote gender equality should be included among the different aspects of the law, policy or programme. These measures could be related to:

- promoting the access of women in sectors where they are under-represented;
- promoting the access of women to decision-making;
- promoting the co-responsibility of public administration, companies and care work;
- promoting the use of gender statistics and studies;
- preventing gender-based violence;
- promoting proactive actions to eradicate gender-based violence;
- eliminating gender stereotypes and roles.

4 Language should also be revised to ensure that gender-neutral language is used and to guarantee the fair visualisation of both women and men throughout the document.

Another important component in this last step is the identification of indicators to allow for monitoring and evaluation of the actual outcomes. To do this, the following aspects should be taken into account:

- It is important to assess what indicators are currently available and how useful they are in tracking progress on gender equality. Alternatively, it may be necessary to set new indicators based on pertinent sex-disaggregated data.
- Where lack of information curtails a proper analysis and thus produces inconclusive findings, it is important that this is explicitly mentioned in the GIA report. Making data and information gaps known allows action to be taken by those responsible to remedy this problem.

To conclude, any GIA report should contain a table of contents, such as the example given below, which can either be expanded or made more concise.

GIA Report

- 1 Definition of the policy purpose
- 2 Gender relevance of the proposal
- 3 In-depth gender analysis of the proposal
- 4 Conclusions from a gender perspective
- 5 Proposals to improve the project in terms of gender equality



1.7 Following up gender impact assessment

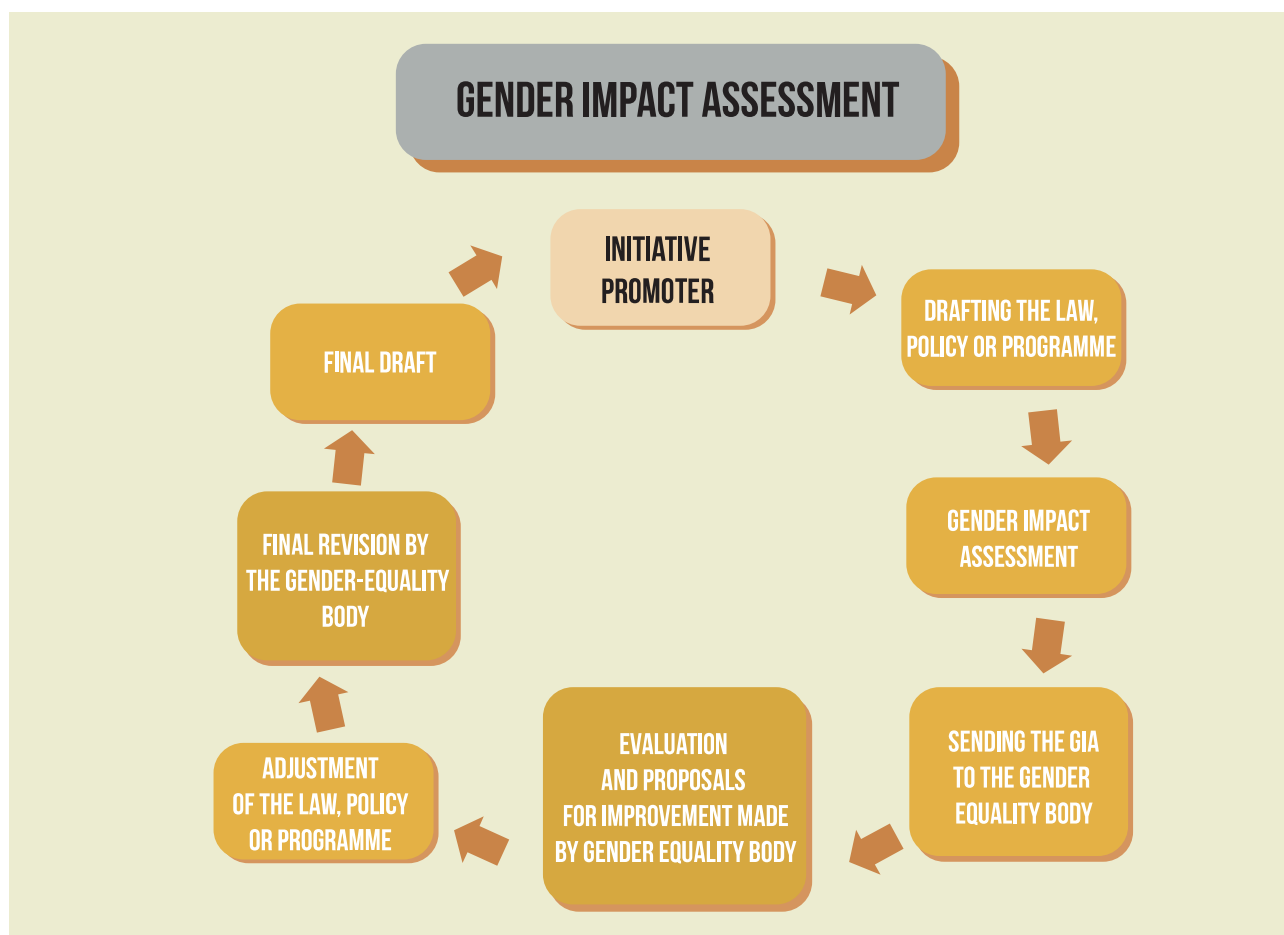
When using the gender impact assessment, it is important to take into account an **internal system** to ensure the **quality of the assessment** and the relevance of the measures proposed within it. To do this, central bodies for gender equality may have a fundamental role, since this is where knowledge and expertise on gender equality is concentrated.

Gender equality machinery may play a very important role in providing advice during the process as well, once the assessment has been made, so as to ensure quality control over the GIA process. This entails an ex post GIA evaluation, which inevitably needs to be undertaken by institutions equipped with specific gender expertise.

At this stage, the gender impact assessment requires knowledge and information, not only in the area of the policy intervention, but also in the gender equality field. This means that from a gender perspective, the quality of the information and findings gathered during the previous steps is crucial. That is why the intervention of gender experts, working together with experts in the specific area, is paramount during the whole process.

Gender expertise may come from the internal equality body or from external experts. It will depend on the specific resources of the administration responsible for the gender impact assessment. GIA is a useful tool for building the gender capacity of public servants working in the field. Whether it's developed by internal or external gender experts, it's a mechanism which needs to be developed to ensure the improvement of gender equality competences.

Finally, the following diagram represents the basic cycle that any gender impact assessment should follow:



1.8 General considerations

There are a few essential rules to keep in mind when considering the implementation of gender impact assessment.

Political commitment

The gender impact assessment is an instrument for the implementation of gender mainstreaming. Therefore, it is only a tool and as such it needs to respond to a clear objective. Therefore, to realise its full potential, it requires **unambiguous institutional back-up**, since it entails the investment of different resources: gender experts, time, gender training and capacity-building, tools, data collection, and monitoring mechanisms.

Tasks and responsibilities

Staff members have different roles and responsibilities within the process of introducing and implementing gender impact assessment. The specific tasks and responsibilities of different staff members are addressed within the individual steps of this guide. However, with respect to gender mainstreaming as a top-down approach, the executive staff's responsibility is to create accountability and ensure that the necessary resources and conditions are readily available for the implementation of the gender impact assessment.

Gender expertise

It goes without saying that for a gender impact assessment to realise its transformative potential, the mobilisation of specific expertise is required. Expertise specific to the policy area and **gender expertise** are prerequisites for performing an accurate analysis and for developing adequate policy responses. If required gender expertise is not available in-house, it should be found outside the organisation. In any case, the aim should be not only to perform gender impact assessment but also to use the potential of the GIA process for internal gender capacity-building.

Sex-disaggregated data

Gender impact assessment is an approach that is heavily dependent on sex-disaggregated data, statistics and information, which are too often missing. Data gaps may severely limit the possibility for effectively carrying out

gender impact assessment. Completing the GIA process in the absence of such data may result in overdependence on perception and speculation.

In addition, it is very difficult to set targets and indicators in the absence of baseline information. Nevertheless, it is important to make such data and knowledge gaps explicit and visible, so that these shortcomings can be taken up and remedied.

Understanding gender inequalities

Assessing the gender impact requires not only information about gender differences, but also an **understanding** of which differences actually constitute or have impact on **inequality and discrimination**. The mechanisms that lead to inequality and discrimination, if understood, can be altered and transformed into processes that promote gender equality. Legislation and policies have a tremendous potential in this respect. When developing gender impact assessment, any administration at national, regional and local level has the possibility to mobilise this potential and to turn it into an active driver for gender equality.

Performing a good analysis can be a complex process, which is often irreconcilable with some tendencies toward understanding gender impact assessment as a 'tick-the-box' exercise. An important balance has to be struck between making tools simple enough to be used by a wide range of officials and oversimplifying complex social and economic issues.

Stakeholders

Consulting stakeholders about their needs can contribute to and even deepen the analysis, by validating and adding insights to the study, suggesting policy solutions, and enriching and fine-tuning the policy and legislative plans. It can also be useful for the identification of appropriate indicators for monitoring and follow-up. When involving stakeholders, it is paramount to establish good cooperation with **civil society organisations with gender expertise**. Feminist and women's organisations are a priority, as they can contribute to reinforcing the gender perspective needed during the process.

Looking to the future

A gender impact assessment goes beyond an analysis of the existing situation, as it also includes a **prospective dimension**. This means that the exercise implies an assessment of the status of gender equality after the planned legislative or policy measure has been enacted.



Admittedly, this is not an easy task — especially when data and knowledge is scarce. A focus on analysing the existing situation is therefore a valid approach when beginning to work with gender impact assessment. And since assessing the current situation is always the starting point of a gender impact assessment, this stage of the process will provide a substantial picture of how gender inequality is manifested in a range of policy areas.

All this information will help create a culture of gender awareness within the institutions and thus contribute to the broader project of gender mainstreaming.

Gender impact assessment as a learning process

The implementation of gender impact assessments should be understood as a **learning process**. The commitment to develop gender impact assessment allows for the identification of shortcomings, data gaps, mistaken assumptions, lack of gender training, and so on.

All this information will be useful to activate subsequent measures to strengthen and improve the approach from a gender perspective. That is why gender impact assessment should always be **public and accessible**, not only for policymakers and public servants, but also for citizens.

Impact of the gender impact assessment

The implementation of an effective GIA process will result in an honest appraisal of the inequalities in the lives that women and men lead, a recognition of the consequences of those inequalities and, subsequently, a **tailor-made response in policies and practices**. Ultimately, the process will be judged on its outcomes. The opportunities presented must be accompanied by the resources and political will to make them materialise.

2. Gender Impact Assessment in the European Union

The implementation of a gender impact assessment in the European Union is not homogenous. Although gender impact assessment has been developed both at the European level (European Commission) and in many Member States, it is not an institutionalised method. While the main principles of gender impact assessment (see Part 1: Chapter 2 'What is gender impact assessment?') are the same for all, different models of gender impact assessment can be used to achieve this goal. The report *Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality*, developed in the European Institute for Gender Equality's (EIGE) review of the implementation of the Beijing Platform for Action (BPfA) in the EU in 2014, provides information reported by the Member States about their use of gender impact assessment (7).

This chapter presents information about gender impact assessment in the European Commission and in some Member States, at national level as well as regional and even local level. Only a handful of countries, which show evidence of a more substantial analysis in support of gender impact assessment, have been selected. The aim is to not show the best good practices, but to provide a basic starting point for reflection on how to improve the take up of gender impact assessment in the EU.

The countries included in the analysis are Belgium, Denmark, Germany (Lower Saxony), Spain (Basque Country and Catalonia), the Netherlands, Austria and Sweden (national and local level).

2.1 GIA in the European Commission



Model

The European Commission deploys a variety of methods in its approach to gender mainstreaming. These methods span the whole policy cycle, from policy definition, through implementation to monitoring and evaluation.

In the policy-definition phase, gender impact assessment is integrated within the Commission's impact assessment system. Indeed, the Commission does not perform gender impact assessments as a separate, standalone exercise. Rather, it has integrated the consideration of gender issues within its general impact assessment system.

Since 2002 (8), the Commission has introduced a centralised system of impact assessment for major legislative proposals, non-legislative initiatives that define future policies, and implementation measures to replace previously used single-sector types of assessment (such as gender impact assessment). The Commission's impact assessment system aims to enhance the coherence of initiatives across policy areas, and the quality of new policy proposals.

To do this, the Commission has set up an integrated approach to impact assessments, incorporating three different dimensions. The aim is to assess the potential **economic, social and environmental** consequences that proposed initiatives may have. The gender-related impacts are to be addressed under social issues.

Impact assessment gathers and presents evidence that helps determine possible policy options and their comparative advantages and disadvantages. The impact assessment runs parallel with and feeds into the development of the Commission's proposal and is carried out before a proposed activity is adopted. Impact assessments in the Commission accompany legislative, regulatory or other policy proposals which have an economic, social and/or environmental impact and which are presented in the Commission's Work Programme or Annual Policy Strategy.

A robust quality assurance system is in place, with detailed guidelines, support and helpdesk functions, training, and a review system. Furthermore, the Commission strives for **transparency and accountability** within the system and



publishes **(9)** all impact assessments online. All opinions of the Impact Assessment Board (see below) are also published once the Commission has adopted the relevant proposal.

Actors involved

Impact assessments are organised in a decentralised way in the Commission. Directorates-general and services are responsible for implementing their respective functions and activities. Yet Commission-wide networks have also been set up to coordinate activities at Commission level. They are organised by a central unit in the Secretariat-General for Impact Assessment **(10)**.

The **Impact Assessment Board** (IAB) is a central quality control and support function working under the authority of the Commission President. It was created at the end of 2006. It is chaired by the Deputy Secretary-General for Better Regulation. The IAB examines and makes public opinions on all the Commission's impact assessments.

The IAB is composed of the Deputy Secretary-General (Chair) and eight permanent officials at director level, who participate in IAB meetings on a rotating basis. Two directors are nominated from each of the following areas of expertise:

- Macroeconomic
- Microeconomic
- Environmental
- Social.

The members are appointed in a personal capacity and on the basis of their expert knowledge. The IAB is independent of the policymaking departments.

The IAB examines and comments on the quality of draft impact assessments prepared by the Commission departments. It can draw on external expertise. Upon request, the IAB can also provide advice to Commission departments on methodology at the early stages of preparation of impact assessments.

When scrutinising draft impact assessments, the IAB has to perform the following tasks:

- Check the application of Commission guidelines and agreed standards in impact assessment work;
- Deliver an opinion as to whether the degree of analysis in the impact assessment is proportionate to the potential broad economic, social and environmental impacts of the proposed initiative;

- Assess whether the analysis is of sufficient quality with reference to the reliability of the data used and the tools/methodology applied for the analysis of the options **(11)**.

The opinions of the IAB are not binding. However, the opinion accompanies the draft initiative together with the impact assessment report throughout the Commission's political decision-making process. Ultimately it is the Commission that decides whether or not to adopt an initiative, taking account of the impact assessment and the IAB's opinion.

The **impact assessment steering groups** bring together representatives of the Commission services with an interest in the development of the proposal submitted for impact assessment. They are fully involved in all phases of impact assessment work, and provide important expertise toward the development of the impact assessments.

The **impact assessment working group** is a network of officials who contribute to the Commission's impact assessment work and its coordination. It is coordinated by the General Secretariat. In 2011, it met four times and discussed topics such as guidance documents on assessing fundamental rights and impacts on competitiveness, and initiatives to improve inter-service cooperation in collecting and managing data and in enhancing the reliability and credibility of estimates and modelling results used in impact assessments.

Guidelines

This integrated approach is coherent with the principles of gender mainstreaming, and should ensure that the gender dimensions of legislative and policy initiatives are not overlooked. The use of a centralised system of impact assessment in the Commission should contribute to the quality and coherence of major initiatives taken by the European Commission, including from a gender perspective.

The latest general EU Guidelines for Impact Assessment were issued in 2009 **(12)** and the document outlines three major steps:

- Identification of economic, social and environmental impacts;
- Qualitative assessment of the more significant impacts;
- In-depth qualitative and quantitative analysis of the most significant impacts.

The guidelines also draw attention to the fact that a proposal may appear gender neutral, but in practice have a different impact on women and men, for example due to differences in the lifestyles of women and men.

Regarding further guidance on gender impact assessment, specific guidelines have been drafted to support civil servants in the analysis of **social impact**. These guidelines promote both a gender analysis and the necessity of promoting gender equality **(13)**.

According to the EC guidance on social impact assessment, the questions to be asked when conducting a gender impact assessment are:

- Does the option have a different impact on women and men?
- Does the option promote equality between women and men?

This guidance document explains how the gender perspective should be integrated into the analysis, and how potential impacts on gender should be assessed:

The assessment of potential impacts on gender should take into account the existing differences between women and men that are relevant to the given policy

*field, in particular in terms of participation rates, distribution of resources, benefits and responsibilities in private and public life, and in the norms/values, attitudes and behaviour that influence gender roles. Analysis of impacts on gender means to compare and assess, according to the gender criteria abovementioned and sex-desegregated data, the current situation/trend with the expected developments resulting from the introduction of the proposed policy, in order to ensure that the proposal contributes to eliminate inequalities and promote the Community objective of equality between women and men. Gender attention is required in particular in the analysis of groups affected and "should take into account the existing differences between women and men that are relevant to the given policy field". More specific references are given under job quality, workers' rights, social inclusion and social protection of specific groups of women' **(14)**.*

The guidance recalls that gender mainstreaming is a commitment at European level, provides reference to articles in the Treaty of Amsterdam and states that the gender perspective should be integrated in all policies at each stage of policy development — design, implementation, monitoring and evaluation. Equality between women and men should be promoted at all levels and in all policy areas.



Strengths and weaknesses

The European Commission set up an integrated approach to impact assessments, incorporating the economic, social and environmental dimensions. The gender-related impacts are to be addressed under social issues. A robust quality assurance system is in place, with detailed guidelines, support and helpdesk functions, training, and a review system.

This integrated approach is coherent with the principles of gender mainstreaming, but still has some risks. It is interesting to analyse its strengths and its weaknesses in order to use the different steps as drivers for gender mainstreaming and the promotion of gender equality.

Strengths	Weaknesses
Integrated approach (guidelines, helpdesk, training, review system)	Lack of guarantee of gender expertise during the process and within the system
Transparency and accountability	Risk of overlooking the gender dimension

The Commission's impact assessment should take advantage of its strengths and take into account the risk of overlooking the gender dimension.

Coverage of policy cycle

The ex ante impact assessment relates to the initial definition and planning phases of the policy cycle and applies a structured ex ante assessment of impacts, including those related to gender equality.

From a gender mainstreaming perspective, gender analysis should be conducted in the identification of economic, social and environmental impact and should also be integrated in the in-depth analysis of important impacts. Gender mainstreaming requires that 'people' are made visible as potential beneficiaries or final users. It also implies assessing the gender dimensions across groups (young people, older people, migrants, etc.), since women and men have different social positions due to gender roles.

Commitment and leadership

Gender is a value stated in general guidance documents (guidelines for impact assessment; social impact guidance). Since the impact assessment guidelines refer to articles of the Treaty of Amsterdam and to the necessity of taking gender equality into consideration, attention to gender equality within the impact assessment mechanisms should be given in a systematic and institutionalised way.

To do this, it is paramount to involve gender experts in the process, to provide gender training and to ensure systematic reporting on gender equality issues. In the Commission's approach, a good practice section on impact assessment exists and it could benefit from the inclusion of examples of good impact assessment exercises in terms of gender. The impact assessment performed for the Communication on the European Research Area, for instance, is an interesting example (15).

Stakeholder involvement

An important aspect of the impact assessment process is the consultation of interest groups and stakeholders. Those groups can be traditional counterparts (representatives from Member States, relevant industry or sector, research centres, etc.), social partners or specific bodies in the field. As a way to gather the relevant experience of groups affected by or benefiting from a policy initiative, stakeholder consultation is a key factor for gender mainstreaming.

In this context, consultation of organisations working on gender equality would ensure that a gender perspective is taken into account when analysing any policy proposal under consideration. Providing up-to-date information about gender equality expert groups, women's organisations and NGOs could be very useful to facilitate this work.

Gender expertise

Access to gender expertise is clearly needed to strengthen the quality of the analysis for social, economic and environmental impacts. This expertise can be provided internally or externally. As mentioned above, gender equality bodies should play a relevant role together with gender experts from the different fields. In any case, statistics and indicators on gender gaps are not enough. Specific knowledge is needed in order to be able to analyse the data and information from a gender perspective.

Finally, it is important to highlight that a number of specific evaluations of gender aspects (mid-term or ex post), in particular in the social and employment field, have been conducted over the years. Their results should also be used in the impact assessment process.

Resources

The Commission organises impact assessment training regularly. It would be very useful to open up the possibility of organising such gender-specific training in the framework of this systematic activity.

As knowledge on gender inequalities is needed to develop gender impact assessment, the Gender Equality Unit could also provide a useful helpdesk function when required. EIGE could also act as a useful resource for the provision of data, reports or gender experts' contacts that can possibly be called upon in steering groups.

Structured understanding of gender inequalities

The social impact guidance document precisely explains what gender analysis is about: it is about existing differences in terms of participation rates, distribution of resources, benefits and responsibilities in private and public life, and in norms, values, attitudes and behaviours.

However, knowledge and expertise as well as awareness-raising on gender issues are required to be able to identify such existing differences. In this respect, a number of relevant resources on gender inequalities and on the integration of the gender perspective in a number of sectors are being produced by EIGE.

Guiding questions to make people aware of the gender relevance of specific policies is very important. The GIA guide commissioned by the European Commission in 1998 can be useful in this respect **(16)**.

Transparency and accountability structures

Impact assessment reports together with IAB opinions are systematically published on the Web when the report has been accepted and the proposal is formally approved by the Commission **(17)**.

Recommendations are not binding but as they are public this can be seen as a positive incentive to improve the attention to social and in particular to gender issues. Transparency about the coverage of the gender dimension in impact assessment exercises is achieved by including an explicit question on gender in the IAB reporting template.

Learning process

There is still significant variation in how the gender equality dimension is addressed and understood. That is why it could be important to use the work performed to identify good practices of impact assessment exercises in terms of gender.

The aim would be to generate a common understanding about the gender dimension within the impact assessment system and to promote learning processes toward gender equality.

2.2 GIA in selected European Member States and regions

Introduction

The implementation of gender impact assessment in Member States is not homogenous. In general, it appears that gender impact assessment is not an institutionalised method, although it has been developed in many Member States, at different levels and using different models. The report *Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality*, developed in EIGE's review of the implementation of the BPfA in the EU in 2014, provides information reported by the Member States about their use of gender impact assessment (18).

This chapter presents information about gender impact assessment in some Member States, at national level as well as regional and even local level. The aim is not to show the best good practices, but to provide a basic starting point for reflection on how to improve gender impact assessment in the EU.

The countries included in the analysis are: Belgium, Denmark, Germany (Lower Saxony), Spain (Basque Country and Catalonia), Austria, Finland and Sweden (national and local level).

National level

1 Austria



Model

Since 1 January 2013, a regulatory impact assessment should accompany all drafted legislation starting from its inception within the responsible ministries up to parliament. As part of this procedure, the dimension of gender equality has to be addressed with respect to benefits, employment, income, education, unpaid work, decision-making and health.

Actors involved

The scope of application of impact assessment and therefore also of gender impact assessment affects all laws, ordinances, other legal frameworks and major projects originating in ministries and other public bodies.

Civil servants involved in law drafting at the level of each competent ministry are thus in charge of addressing gender-related aspects as part of this more general impact assessment exercise. They are assisted by technical services of the Ministry of Finance and the Federal Chancellery, but no gender equality machinery is directly involved in performing gender impact assessments in Austria.

Guidelines

To perform this work, two main tools have been designed so far to support gender mainstreaming and GIA implementation:

- A regulatory impact assessment IT tool, which contains a guided process for carrying out a comprehensive impact assessment that takes into account gender equality;
- Guidelines on regulatory impact assessment, which provide an overview of the regulatory impact assessment, which in turn outlines in detail the range of impacts of regulation, including from a gender equality perspective².

There is one list of questions guiding gender impact assessment in Austria. Detailed answers should be provided underlying the gender impact assessment, including statistical data whenever possible:

- 1 Does the new law have an impact on either education or vocational training, the labour force or on employment status (such as being gainfully employed in general, including self-employment) and/or the income of women and men?
- 2 Does the new law have any impact on the employment status of either women or men?
- 3 What kind of impact on employment status (in terms of quantity and quality) between women and men can be expected? Is an increase or a decrease in jobs (whether full-time, part-time or according to the different employment contracts available in Austria) to be expected? How many jobs (full-time equivalents) will be created? What will the expected employment ratio of females to males look like?

² https://www.oeffentlicherdienst.gv.at/wirkungsorientierte_verwaltung/dokumente/Folder_Wo_Folgenabschaetzung_EN.pdf

- 4 Does the new law influence access to education, vocational training, job decision-making and participation in education opportunities and/or educational qualifications? What types of schools/ educational institutions/educational sectors are involved? Are there material differences between women and men, or respectively, between girls and boys? How many educational qualifications and recomencements are concerned?
- 5 Are any impacts on the gender pay gap expected?
- 6 Does the new law have other relevant impacts on gender equality (e.g. protection against violence, access to mobility, infrastructures, information)?'

Strengths and weaknesses

In Austria, gender impact assessment is a side-effect effect of the general regulatory impact assessment to be performed for any new piece of legislation, ordinance or major project, as long as it has an impact on public resources allocation. This constitutional obligation includes a gender impact assessment and also resonates with the implementation of gender mainstreaming in the country. There are also guidelines and specific questions to be answered when carrying out the assessment. That is why, in principle, the process is fully integrated in the drafting of legal and policy measures at the state and the regional level.

However, there seems to be a clear focus on the budgetary impact of draft laws in practice, whereas the other impact dimensions are rarely addressed. In-depth gender impact assessment is scarce. Furthermore, quality control, from a gender equality perspective, may appear rather formal, as it is not performed by the gender equality machinery and no gender expertise is required during the process.

2 Belgium



Model

At the end of 2013, Belgium adopted the Regulatory Impact Assessment (RIA),³ which is a preliminary assessment of potential consequences of regulatory projects in the social, economic and environment fields as well as on public authority. It includes a section on gender.

The RIA integrates 21 subjects among which four are analysed here in greater detail:

- The Kafka test, which aims to capture whether draft regulations will increase or reduce administrative

burdens on citizens, businesses and non-profit organisations;

- The policy coherence test for development;
- The SME test, which screens the small and medium enterprise dimension;
- The gender test, which assesses the impact of regulation proposals on women and men.

Therefore, the gender impact assessment is embedded within a more general impact assessment system.

Actors involved

The scope of application of impact assessment and therefore also of gender impact assessment affects only new bills. As in the case of Austria, civil servants involved in law drafting within the different ministries are in charge of addressing gender-related aspects as part of this more general impact assessment exercise. Each minister is accountable to provide the impact assessment report on projects of regulations for policy areas covered under its authority. They can also choose to ask for advice from the impact assessment helpdesk. When the assessment is completed they may ask for quality evaluation from the impact assessment committee, which operates under the supervision of the Agency for Administrative Simplification (AAS). This committee provides an *ex post* evaluation through an annual report. Its mandate is based on three principles: independence, confidence and transparency.

The Institute of Equality for Women and Men does not have a specific role during the process. It provides only recommendations to the public authorities to improve the relevant laws and regulations from a gender equality point of view.

Guidelines

In Belgium, the gender test provides five open questions to assess the impact of the proposal on women and men⁴:

- Which persons are impacted by the new regulation (directly or indirectly) and how are these persons or group of persons disaggregated by sex? If no one is concerned, explain why.
- Identify the possible differences between the situation of women and men in the field.
- Some of those differences restrict the access to resources and fundamental rights? Why?

³ <http://www.simplification.be/fr/content/analyse-d-impact>

⁴ http://igvm-iefh.belgium.be/fr/domaines_action/gender_mainstreaming/application/de_gendertest



- Identification of positive or negative foreseen impacts taking into account the above questions.
- Measures to reduce or compensate the negative impact.

Strengths and weaknesses

The fact that gender impact assessment in Belgium is integrated into an overall system of impact assessment is both a strength — it is sure to be taken into account by all policymakers and civil servants — and a weakness, since the analysis from a gender perspective can be quite blurred. This is because gender expertise during the process as well as a follow-up system to guarantee the quality of the gender impact assessment is not ensured.

3 Denmark



Model

Gender impact assessment has not been formally regulated so far in Denmark, where it nonetheless derives from the most recent Gender Mainstreaming Action Plan (2007-2011), and the national Gender Mainstreaming Strategy (2013-ongoing). Both of those strategic documents emphasise that a gender analysis should take place as an integrated part of policymaking and that all legislative measures should be subject to gender impact assessment.

This is a specific procedure that is not embedded in a general impact assessment system. Furthermore, it has to be conducted within a very broad scope that includes law proposals, public campaigns and services directed at citizens.

Actors involved

Gender impact assessment has to be performed by respective ministries, whereas the Division for Gender Equality is usually consulted throughout the process and provides tools on the intranet website to all ministries. This division has also designed the main instruments for GIA and monitors legislative activity to identify initiatives requiring a gender impact assessment.

Guidelines

According to the current Danish gender-mainstreaming strategy, 'Gender Impact Assessment is about the public sector taking gender and equality into account in all administration and planning, meaning for instance law proposals, campaigns and services directed at citizens. GIA means to include knowledge of women and men's behaviour within a certain area of problem solving with

a view to procure the most effective intervention and improve gender equality. When performing gender impact assessments, the focus is on how the potential differences between women and men within one's area of intervention prompt particular interventions or prompt a redesign of the efforts being worked on in order to reach the target group⁵.

In Denmark, the main guidelines and supporting instruments for gender impact assessment have been jointly produced by respective ministries, with the core contribution from the Ministry for Gender Equality, in the framework of other more general tools. However, there is also a specific guide produced directly by the Ministry for Gender Equality. It is the Guidance on How to Perform Gender Impact Assessments in the Public Sector (Ministry for Gender Equality, 2013), which provides a timeline from screening to scoping and actual gender impact assessment⁶.

This guide proposes a three-step process, structured around several questions:

- 1 First, the legislative proposal is submitted to screening, which takes the form of a test of relevance to determine whether or not a gender impact assessment is requested. The following questions must be answered:

- Who will the task/measure affect?
- Are there differences for women and men as regards conditions, behaviour and/or preferences, needs and opportunities (in the field or area to be touched upon by the task/measure)?

Answers to these questions will determine if civil servants are expected to proceed with step two, and must be supported by relevant data and statistics.

- 2 For the second step (scoping), four questions will guide the assessment:

- Are there any direct gender consequences of the law proposal?
- Are there any indirect gender consequences of the law proposal?
- Are there any short-term gender consequences of the law proposal?
- Are there any long-term gender consequences of the law proposal?

⁵ http://miliki.dk/fileadmin/ligestilling/PDF/Mainstreaming/Strategi_ligestilling_2013.pdf

⁶ http://miliki.dk/fileadmin/ligestilling/PDF/Lovgivning/Vejledning_til_ligestillingsvurdering_af_lovforslag_200313-1.pdf

As for screening, answers to these questions will determine whether an actual gender impact assessment (step 3) is to be carried out.

3 For this third phase, entailing a more sophisticated assessment, the main guiding questions are the following:

- Do women and men have different conditions, behaviour, preferences and needs within the area affected by the proposal?
- What do these preferences look like?
- Which new rights, obligations and possibilities do women and men obtain with the law proposal?
- How will it affect the access of women, men, girls and boys to: education, the labour market, maternity leave/paternity leave, leave, childcare, pension, transfer income and subsidies, taxes, charges, pay, social life, leisure time, participation?
- How will this influence democratic processes, housing, health, safety (violence, crime rates, bullying and harassment), mobility (transport), innovation (technology and entrepreneurship)?

Strengths and weaknesses

In Denmark, gender impact assessment has to be performed as a specific process that affects not only lawmaking but public campaigns and services directed at citizens as well. This implies a more focused approach to ensure that regulations and policies are addressed from a gender perspective. The fact that the Ministry of Gender Equality supports and even monitors the process suggests that the gender expertise needed to carry out the gender impact assessment is guaranteed.

On the other hand, the lack of a binding procedure for gender impact assessment could mean that this gender-mainstreaming method is not solidly institutionalised.

4 Finland



Model

There is no legal obligation to conduct gender impact assessments in Finland. Yet, the Act on Equality between Women and Men (1986/609)⁷ includes a broad gender-mainstreaming obligation for public officials, which has been interpreted as the legal basis for GIA implementation by the central gender equality structure. Moreover,

instructions for drafting laws (2004) and impact assessment guidelines for legislative drafting (2007) have been issued by the Ministry of Justice, thus providing some sort of regulated frame to its implementation.

In Finland, gender impact assessment is seen as part of the thorough, everyday work of government officials, rather than as a separate process or instrument requiring specific expertise. It has been framed as practice-oriented by the main gender equality machinery, following a strategic choice made in the Gender Equality Unit in order to minimise the resistance of civil servants. For the same reason, the Finnish approach to gender impact assessment does not encourage producing separate, in-depth GIA reports, but engages with gender impact assessment as a continuous process embedded in the law and policy preparation, rather than a separate exercise for analysis and reporting.

Actors involved

Mainly focusing on the drafting of legislation, gender impact assessments are generally performed by public servants in charge of drafting a law or policy. Consultancy with experts and stakeholders during the gender impact assessment is rarely taken up.

Since 2010, each ministry has an operational gender equality working group, which is responsible for coordinating gender-mainstreaming efforts within the ministry. In some ministries, this group helps decide when a gender impact assessment should be conducted and provides internal expertise and support.

Finally, the government Gender Equality Unit (TASY) monitors the implementation of the practice across the whole administration and the data are included in the annual monitoring reports on gender mainstreaming. These reports rate the performance of ministries regarding all gender-mainstreaming measures mentioned in gender equality action plans, among them gender impact assessment. They function as tools for naming-and-shaming and recognition-based motivation. The monitoring is mainly quantitative, whereas the quality of the gender impact assessment still receives only limited monitoring.

Guidelines

In line with the goal to integrate gender impact assessment in the ordinary legislative process, GIA has been included in the guidance concerning legislative drafting. In 2007, GIA was included in the impact assessment guidelines for legislative drafting under the section 'other social impacts'⁸.

⁷ <http://eige.europa.eu/content/tasaarvolaki>

⁸ <http://www.tem.fi/files/25907/OMsaadosnetti.pdf>



Furthermore, the government Gender Equality Unit issued a manual dedicated to gender impact assessment in law drafting,⁹ as well as a checklist and a list of GIA questions to be used by civil servants¹⁰.

The procedure is described as follows:

- 1 Assess the need for gender impact assessment in the beginning of preparatory work:
 - (a) Use the following test questions: 'Are people's everyday lives affected?'; 'Are there significant differences between women and men in the area concerned?'
 - (b) If the answer is 'yes', conduct a GIA.
- 2 Make a plan for conducting the GIA:
 - (a) Take up the GIA when decisions about the legislative project are made and ensure GIA is part of the mandate of the preparatory body.
 - (b) Identify available and missing information.
- 3 Assess the gender impact:
 - (a) Analyse statistics and other available information.
 - (b) Commission further reports when needed.
 - (c) Hear experts and stakeholders.
- 4 Take the results of GIA into account when drafting the final proposal.
- 5 Report on the methods and results of the GIA in the preparatory documents and include the results in the rationale of the law proposal.
- 6 Monitor the gender impacts of the law after it has been implemented.

Gender impacts should be assessed in terms of 11 spheres of life, where differences between women and men often occur, including employment, parenthood/care, education, well-being, health, public services, leisure and decision-making.

Finally, it is important to highlight that specific training in gender impact assessment has also been organised for all ministries. This training included an introduction to GIA and related basic concepts, processes and instruments of gender impact assessment, information and sources to

conduct GIA and working group on currently law-drafting cases.

Strengths and weaknesses

In Finland, gender impact assessment has become part of everyday administrative work, since it is embedded in the general impact system. That is very important because it is already considered routine and as an obligation, and is presented as part of the core legislative work rather than a procedure appended to it.

This can also produce indirect results, since gender impact assessment may be a very powerful tool to open eyes and change the organisational culture toward gender equality. Gender impact assessment can be very useful to reveal new and relevant information about a law and can subsequently encourage further GIAs.

However, there is no binding procedure to implement gender impact assessment in Finland. That is why, in practice, it can sometimes become a quick exercise performed at the same time as other impact assessments. Indeed, the GIA instructions included in the general impact assessment are shorter and less demanding than those included in the specific GIA guidelines. However, the guidelines are simple enough for civil servants to understand and implement them.

Consequently, the practice can rely too heavily on individual law-drafters, not ensuring the involvement of internal or external gender expertise. That is why it is so important to agree common criteria regarding the quality of gender impact assessments. To do this, for example, a qualitative monitoring tool could be developed or the Gender Equality Unit's capacity for monitoring the GIAs should be increased.

5 Sweden



Model

Gender impact assessment is a relatively common instrument to support gender-mainstreaming implementation in Sweden. It appears to be strongly embedded and is carried out at the initiative of different levels of governance, from the local to the national level. At the level of government offices, gender impact assessments are most regularly performed when drawing up government bills, terms of references for inquiry committees and other relevant documents.

⁹ http://www.stm.fi/c/document_library/get_file?folderid=6511574&name=DLFE-26665.pdf

¹⁰ http://www.stm.fi/c/document_library/get_file?folderid=833479&name=DLFE-10674.pdf

The implementation of gender impact assessment is conducted in the framework of the Swedish government's gender-mainstreaming strategy¹¹.

In Sweden, a distinction is usually been made between gender impact assessments and gender equality analysis: while the first entails reporting statistics and other data disaggregated by sex, in order to assess the potentially negative impact of a measure on one particular gender, the latter is carried out in relation to the objectives of the gender equality policy in place at the corresponding governance level.

Actors involved

At the national level, GIAs are to be performed by relevant government offices. Drafts for government bills and other relevant documents have to be discussed with the Department of Gender Equality.

In Sweden, the responsibility for gender impact assessment is distributed between a great number of public services and offices at different levels, with the assistance of central, local or service-specific gender equality machineries. Gender equality units are consulted throughout the process by the ministries, departments or services in charge of the gender impact assessment, and provide civil servants with relevant instruments and expertise as well as with specific training on GIA.

Furthermore, the different ministries of the Swedish government must monitor their own work for gender mainstreaming and report to the Division for Gender Equality. The results of all monitoring are reported to the Minister of Gender Equality and each ministry receives feedback from the evaluation. The Gender Equality Division even has the right to block a draft bill if they find that it is not good enough in terms of gender equality.

Guidelines

In Sweden, a number of guidelines and other supporting tools have been developed for the implementation of gender impact assessment at the level of governmental offices, but also within the framework of locally driven projects or at the level of local/regional entities. This richness and relative plurality of the methodological instruments at hand is very broad.

At the level of governmental offices, the Division for Gender Equality provides tools on the intranet website,¹² which is accessible to all ministries. However, it is important to highlight that the ministries do not necessarily follow these methods in the fullest possible sense (since they remain optional). There is also the option of specific training on how to perform gender impact assessment.

Those tools include gender impact assessment for terms of reference to committees, in the form of a three-step process:

- Is gender equality a relevant issue or not?
- In what ways is gender relevant?
- Integrate clarity about gender equality in the terms of references.

A similar tool is also available for bills introduced by the cabinet, in the form of a four-step guideline driven by the following questions:

- Is gender equality a relevant issue or not?
- In what ways is gender relevant?
- Make the conditions for women and men respectively clear and make a conclusion.
- Report the consequences of the bill's proposal from a gender equality perspective.

Additionally, a tool is also at hand to carry out more thorough gender impact assessment, which comprises nine steps:

- 1 Identify target groups
- 2 Report gender patterns
- 3 Formulate observations
- 4 List possible causes and consequences
- 5 Discard or confirm possible causes and consequences
- 6 Analyse and describe
- 7 Identify actors and stakeholders
- 8 List possible measures
- 9 Propose measures.

¹¹ <http://www.lansstyrelsen.se/vasternorrland/SiteCollectionDocuments/Sv/manniska-och-samhalle/jamstalldhet/ovrigt/strategi-for-arbetet-med-jamstalldhetsintegrering-i-rk.pdf>

¹² <http://www.regeringen.se/content/1/c6/08/19/44/3532cd34.pdf>



Furthermore, in Sweden, different types of gender analyses, which have contributed to strengthening the Swedish gender-mainstreaming strategy, have been used over the years to assess the gender impact, such as 3R,¹³ 4R¹⁴ and GERAC¹⁵. Finally, and as has already been mentioned, the Division for Gender Equality offers training on gender impact assessment. It even provides customised training to each department on demand.

Strengths and weaknesses

In Sweden, the shared responsibility for gender impact assessment is one factor in its success, since each ministry is responsible for gender equality within its policy area. One reason why this works relatively well is that officials in the Swedish government offices are used to undertaking analysis in general and that their knowledge of gender, gender equality policies and assessment of impacts on gender is overall relatively high. The tailored training provided by the Division for Gender Equality help departments and ministries to improve the quality of their gender impact assessments.

Furthermore, political commitment is relatively high and gender equality is an issue at the political level in all ministries. In addition, the gender equality machinery plays an important part in the follow-up and evaluation of the work done by each ministry.

On the other hand, there are some weaknesses. In reality, there is no follow-up as to what extent methods for gender impact assessment provided by the Division Gender Equality are used. Furthermore, shared responsibility also means that the GIAs are not compiled and published and therefore cannot be used to generate peer learning for others.



Regional level

1 Basque country (Spain)



Model

Gender impact assessments have been required by law in the Basque Country since 2005, in the framework of the Equal Opportunities between Women and Men Act¹⁶. Furthermore, the province of Gipuzkoa, within the Basque Country, has also developed its own gender Equality Act, which regulates in detail the GIA process.

GIA was applied for the first time in 2007 by the Basque government, when the assessment procedure was established. Since then, reports have been issued on more than 500 decrees and laws. After 7 years, gender impact assessment is a consolidated practice very strongly embedded within the Basque regional government.

Subsequently, the Diputación Foral de Gipuzkoa (government of the Basque province of Gipuzkoa) developed a more tailored procedure for gender impact assessments, which was approved at the senior political level in 2011. Since then, GIAs have also been carried out at this regional level.

Currently the regional gender equality body keeps an internal register which allows for the follow-up of the number of gender impact reports issued at regional level and the extent to which the execution of gender impact assessments is contributing to the implementation of equality objectives in legislation. The further dissemination of these results will be essential to promote and strengthen the implementation of GIAs, not only in the Basque government, but also in all other Basque administrations, even at local level.

Actors involved

As gender impact assessment is a legal obligation in the Basque Country, policymakers must comply with this obligation and the legal units within the regional government are responsible for its enforcement.

The responsibility for drawing up gender impact assessments falls on civil servants responsible for formulating policies and laws in each one of the departments of both the Basque government and the Diputación Foral de

¹³ <http://includegender.org/how/3r-method>

¹⁴ <http://includegender.org/how/4r-method>

¹⁵ <http://includegender.org/how/jamkas-basic>,
<http://includegender.org/how/jamkas-plus>

¹⁶ http://www.emakunde.euskadi.net/contenidos/informacion/pub_recursos/es_emakunde/adjuntos/ley_igual_oport_en.pdf

Gipuzkoa. Civil servants are responsible for analysing how women and men would be affected and they must decide which measures must be implemented in order to achieve equitable and equivalent effects on both women and men and on gender equality.

Additionally, there are gender equality units in each of the Basque government's departments. Those units provide gender expertise and technical advice helping civil servants to develop GIAs. In the case of the Diputación Foral de Gipuzkoa, technical advice is provided by the central gender equality body, while the creation of gender equality units in each department is already envisaged.

The GIA procedure also involves the equality body in both cases, which has to verify that the GIA reports are drawn up in compliance with current legislation. To this end, the equality body must issue a prescriptive report which also allows for suggestions for improvement.

This procedure is a valuable opportunity to discover potential negative gender impacts arising from the proposed legislation, as well as to make recommendations that will make it possible to improve their impact while the laws are still being processed. Experience shows that the more specific and robust the recommendations, including data and legal mandates, the greater the possibility that they will eventually be included into the law in question.

Guidelines

Both the Basque government and the Diputación Foral de Gipuzkoa have their own guidelines, which develop the legal mandate of the Basque Law for Gender Equality.

In the case of the Basque government, apart from the guidelines, an impact report template has also been developed. It consists of three steps with a total of 12 questions¹⁷.

- Overview of the draft or proposed administrative act;
- Assessment of the foreseen impact in terms of gender equality;
- Measures to eliminate inequalities and promote equality between women and men.

For its part, the guidelines of the government of Gipuzkoa propose a procedure for gender impact assessment that consists of three steps¹⁸:

- 1 Identification of the gender relevance:
 - Direct or indirect impact on people and their access to resources;
 - No impact on people and their access to resources.
- 2 Gender impact assessment:
 - Sex-disaggregated data;
 - Identification of inequalities between women and men;
 - Analysis of those inequalities from a gender perspective;
 - Assessment of the foreseen impact in terms of gender equality.
- 3 Proposals to ensure that the policy or law will have a positive impact on gender equality.

The Basque government has also adopted a standardised impact report template, which has facilitated the methodical, ordered and homogenous execution of GIA reports by all agents involved.

Finally, it is important to highlight that specific GIA training courses have been developed, taking into account the fact that most civil servants do not have gender expertise and thus they do not know how to assess gender impact. In addition, the regional gender equality body is preparing a series of sector-specific manuals in order to facilitate the execution of gender impact assessments in individual sectors. There are currently several guides, specific to the following fields:

- Agriculture
- Communication
- Education
- Economy
- Employment
- Entrepreneurship
- Environment
- Health
- Industry
- Information
- Public safety
- Research and innovation
- Transport and mobility
- Sports.

¹⁷ http://www.emakunde.euskadi.net/contenidos/informacion/pub_guias/es_emakunde/adjuntos/26.guia.para.la.elaboracion.de.informes.de.impacto.de.genero.pdf

¹⁸ <http://berdintasuna.gipuzkoa.net/documents/73267/73649/Directrices+Impacto+de+ge+%CC% %81+nero-definitivo.pdf/d8df1380-6b9a-4e26-935c-ace751037a73>



Strengths and weaknesses

Gender impact assessments form part of the processing procedure for all legislation in the Basque Country, and they have proven to be a useful and effective tool for ensuring the systematic and effective incorporation of the gender perspective. The assessments which have been carried out show that there has been a significant increase in legislation that includes gender equality measures.

The factors which may have contributed to this progressive application and improvement of gender impact assessments in the Basque Country are:

- The requirement by law to carry out the assessments;
- The involvement of all those people who devise and introduce policies and laws;
- The availability of training, guidance and consultancy resources;
- The provision of technical advice and follow-up from gender equality units.

However, since gender impact assessment is obligatory, there is a risk that it will be seen simply as an administrative obligation. If it is perceived in such a way, it may actually prove to be counterproductive. To avoid this, efforts might be taken to persuade policymakers and civil servants of its absolute effectiveness and to convince them that it is a tool with huge potential for improving the quality of policies and legislation at all levels.

2 Catalonia



Model

Gender impact assessment is legislated in Catalonia and the law requires that a gender perspective must be included in every law approved by the regional government. It also established that reports submitted along with new bills, projects of ordinances and decrees shall incorporate a gender impact assessment of the measures included in the regulation¹⁹.

In 2001 a governmental agreement was signed, further regulating GIA implementation by establishing that the Catalan Women's Institute would be in charge of elaborating the gender impact assessment, understood as an *ex ante* evaluation.

These provisions have also been regulated by Law 26/2010 on the Legal Regime and the Procedure of the Public Administrations of Catalonia²⁰. This provision states that gender impact assessment is mandatory for all laws as well as for those decrees and regulations that innovate with regard to existing norms.

Actors involved

Catalonia has developed a fully externalised and centralised model for carrying out gender impact assessment, in which the Catalan Women's Institute, as the central gender equality body at the regional level, is the sole institution in charge of performing the impact assessment.

At the beginning of this highly consolidated process, through which nearly 3000 legal norms have been scrutinised from a gender perspective since 2001, the department (regional ministry) proposing a new norm decides whether or not it must be accompanied by a gender impact assessment. In case of decrees and regulations, the department determines whether the proposal represents an innovation and, consequently, whether it must be assessed from a gender perspective. If required, plans, reports and other types of policy documents can also be assessed by the Catalan Women's Institute.

The legal services of the competent department send the Catalan Women's Institute a brief justification of the necessity of elaborating a gender impact assessment of the draft norm.

From this first step, the Institute has 10 working days to send back a response, including a gender impact assessment. This is further assessed by legal experts of the department initiating the process, to check that the gender impact assessment is consistent with the existing legal framework.

Guidelines

Catalonia approved an official guideline for the elaboration of gender impact assessment, in 2005²¹.

Subsequently, the general guidelines (2009) for impact assessment within the Catalan government included gender impact assessment as well²².

The official guidelines for gender impact assessment provide information with regard to several key elements:

¹⁹ http://cja.gencat.cat/web/.content/continguts/la_institucio/normativa_reguladora/ley__13_1989_castella_marcadors.pdf

²⁰ <http://www.boe.es/boe/dias/2010/08/21/pdfs/BOE-A-2010-13313.pdf>

²¹ http://dones.gencat.cat/web/.content/03_serveis/docs/publicacions_eines01cast.pdf

²² http://www20.gencat.cat/docs/portaljuridic/07%20-%20Eines/Documents/Axiu/guia_metodologica_memoria_impacto_normativo_2009.pdf

- The definition of gender mainstreaming as an approach to promoting gender equality;
- The legal framework with regard to gender equality;
- The definition, uses and goals of gender impact assessment.

It also contains the proposed basic structure for gender impact assessment and a brief practical example of a gender impact assessment.

The guidelines to carry out the gender impact assessment set out five basic questions which need to be responded to and disaggregated by sex:

- 1 Who does what?
- 2 Who has access to what (resources, services, etc.)?
- 3 Who exerts control over what?
- 4 What differences are there, and why?
- 5 What are the key factors influencing the gender impact?

Finally, and since 2010, the Catalan Women's Institute has developed a standardised template applicable to all gender impact assessments. The main sections are the following:

- 1 History (presents the norm);
- 2 General proposal (revises existing policies and assesses sexist language);
- 3 Legal basis (existing legal framework);
- 4 Conclusions (suggestions).

Concerning the follow-up of gender impact assessments, the central gender equality body issued an evaluation report of GIA implementation from 2008 to 2011. An ex post evaluation helped to reveal some interesting elements, such as the type of suggestions made by the equality machinery or the degree of acceptance by department.

In 2013, dedicated software was put in place with a view to facilitating the evaluation of gender impact assessments performed in the region and increasing transparency and accountability. It will collect the work performed by the gender equality body (number of GIAs, number and type of suggestions) as well as the contribution of each department (number and type of suggestions accepted).

Strengths and weaknesses

Catalonia opted to legislate and regulate gender impact assessment, thus providing this practice with a strong legal basis. In addition, Catalonia established gender impact assessment as an exclusive competence of the Women's Institute attached to the regional government as concerns the drafting of laws, ordinances and policy plans.

This 'externalisation', with respect to policy areas where gender impact assessments are performed, has enabled the central gender equality machinery at the regional level to:

- develop a stable and exhaustive methodology;
- perform a very large number of GIAs over the past 10 years;
- ensure that quality control is integrated into the process of GIA drafting.

However, in practical terms, the envisaged policy departments proposing a new decree or regulation decide whether or not the law implies an innovation, and consequently, whether or not a gender impact assessment must be conducted.

This centralised model can have adverse effects, since it does not encourage each different department and unit to take responsibility for integrating the gender perspective into their policies from the very beginning. The model itself might be hindering the effectiveness of gender impact assessments as a tool for gender mainstreaming.

Furthermore, this model may also hinder the quality and thoroughness of the gender analyses conducted. Even though the central gender equality body provides its expertise in gender equality, a deep knowledge of the specific field is also needed. This is actually the added value that the officials responsible for drafting laws and policies could provide when conducting a gender impact assessment. Otherwise, one consequence might be that, at some point, the usefulness of GIAs performed by the staff of the gender equality structure may no longer be recognised.

In fact, specific knowledge on gender issues related to the policy area needs to be built up in the respective departments, so as to be really effective. That is why a change of roles could perhaps be considered, whereby the gender equality machinery could, for example, provide technical advice as well as take on a qualitative monitoring function.

3 Lower Saxony (Germany)



Guidelines

In Lower Saxony, the regional government has produced various guidelines and supporting instruments. These include:

- The guideline on gender mainstreaming in cabinet drafts (2002), which articulates the rationale for gender mainstreaming in general and gender impact assessment in particular, and details the different steps to be followed in a gender impact assessment of cabinet drafts, also providing examples and a brief checklist²⁷.
- An e-learning programme on gender mainstreaming, including gender impact assessment, which was developed in 2007 by the Ministry for Social Affairs, Women, Family, Health and Integration of Lower Saxony in cooperation with the University of Hildesheim. Devoted to awareness-rising and enhancing knowledge on gender equality issues in the daily work of government officials, it has been designed to complement face-to-face training measures. The programme is accessible via the intranet so that government officers can enhance their knowledge and skills regarding gender mainstreaming during their work time. It offers the possibility of taking a multiple-choice exam at the end of the programme, the result of which can be included in her or his personnel file if desired by the participant.
- Gender training is regularly organised by the gender equality unit. Although not obligatory or tailored to specific groups of public officers, this training is nonetheless offered on a regular basis.
- A knowledge pool was established in 2007, in the form of a community of practice on gender mainstreaming and gender impact assessment. It can be accessed via the intranet and provides policy officers with easy-to-find, substantial information that is needed in order to carry out comprehensive gender impact assessment.

Model

Gender impact assessment was established in Lower Saxony in 2004, in the framework of gender-mainstreaming work²³. As a consequence, draft cabinet acts and other legal acts and regulations have to perform a gender impact assessment, as set out in the Joint Rules of Procedure of the State Government and Ministries in Lower Saxony (GGO, Articles 2, 38, 39 and 40)²⁴.

The way to do this is articulated in a specific guide, which provides the rationale for gender mainstreaming in general and gender impact assessment in particular. It also includes details about the steps to be followed when assessing any draft law²⁵.

Actors involved

Gender impact assessment must be performed by civil servants. They have to demonstrate if, and in which way(s), women and men may be affected differently by the proposed measure and if the initiative addresses these gender-specific impacts. Nevertheless, and even though all cabinet drafts contain a reference to gender impact assessment, the depth and comprehensiveness of the assessment may vary, as gender expertise during the process is not ensured.

A control function can be exerted over the process by the central gender equality unit, which was attached to the regional Ministry for Social Affairs, Women, Family, Health and Integration until 2013, and is currently part of the Ministry of Social Affairs, Health and Equality (Ministerium für Soziales, Gesundheit und Gleichstellung)²⁶.

Finally, a knowledge pool was established in 2007, in the form of a community of practice on gender mainstreaming and gender impact assessment. It can be accessed via the intranet and provides policy officers with easy-to-find, substantial information that is needed in order to carry out comprehensive gender impact assessment.

23 www.niedersachsen.de/download/9585

24 http://www.nds-voris.de/jportal/portal/t/17x7/page/bsvorisprod.psm!jsessionid=149EB1E57C04C71CA7C36BF19EBA9045.jp34?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&documentnumber=1&numberofresults=1&fromdoctodoc=yes&doc.id=VVND-VVND000003122&doc.part=X&doc.price=0.0#VVND-VVND000017989

25 http://www.ms.niedersachsen.de/download/9483/Gender_Mainstreaming_in_Kabinettsvorlagen.pdf

26 http://www.ms.niedersachsen.de/themen/gleichberechtigung_frauen/gleichberechtigung---eine-gesellschaftspolitische-herausforderung-ersten-ranges-14359.html

27 http://www.bmub.bund.de/fileadmin/bmu-import/files/pdfs/allgemein/application/pdf/gia_checkliste.pdf

- Concerning the specific guidelines for gender impact assessment, those are the questions posed²⁸.

1 Determining gender-specific impacts:

1.1 Does the field of intervention, in relation to which the present proposal was developed, directly or indirectly concern persons?

- If the answer is no: end of analysis; brief explanation of results.
- If the answer is yes: who exactly does this measure affect, and how?

1.2 Are there differences in terms of the interests of the persons concerned? When evaluating whether women and men are affected differently — possibly involving a consideration of their living situations, such as family structures, age, etc. — the following questions can provide orientation:

- Available financial resources (e.g. income, receipt or distribution of public resources);
- Attitudes and behaviour (e.g. relating to political decisions, social affairs, crime);
- Participation in social formation and decision-making processes (e.g. committees);
- Access to information, healthcare and technology;
- Use of time (free time, time spent at work, time spent with family);
- Conditions of mobility;
- Education and training;
- Profession and professional development (e.g. choice of profession, working conditions, careers);
- Societal factors influencing groups of persons (e.g. concerning esteem/respect, prevalent stereotypes, discrimination);
- Particular impacts/risks (sexual violence, human trafficking of women).
 - If there are differences: explain exactly what they are.

- If there are no differences: determination of gender-specific impacts is completed. The result should be outlined briefly.

2 Assessing the different gender-specific impacts:

Does the present proposal address the potential differences and, if yes, in which way?

- The proposal acknowledges and respects female and male needs: explain how it does so.
- The proposal does not acknowledge/respect female and male needs fully or in part: explain why not.

In this regard, the following questions arise:

- Are there alternatives to the present proposal in which the differing needs could be better taken into account, and why were they not chosen?
- Could negative impacts connected to the proposal be minimised, for instance through measures targeted at one specific group of persons?
- Are there any plans to account for these needs in the future?

Strengths and weaknesses

In Lower Saxony, gender impact assessment is obligatory, which ensures its regular deployment and implies the involvement of every ministry. However, the quality and thoroughness of analyses may be very different, since gender expertise is not guaranteed during the process.

The central gender equality unit can monitor legislative activity to identify initiatives requiring gender impact assessment and it can even exert some control over how gender impact assessments are performed. However, there is not a systematic procedure to follow up GIAs. Consequently, the quality and thoroughness of GIAs may vary.

On the other hand, many instruments have been developed to support civil servants' work. These include an online knowledge pool and regular training. However, there is no tailored or mandatory training for certain groups. Therefore, there is no guarantee that it contributes to building the gender equality capacity of those directly involved in gender impact assessment.

²⁸ <http://eige.europa.eu/content/arbeitshilfe-geschlechterdifferenzierte-gesetzesfolgenabsch%C3%A4tzung-%E2%80%9Egender-mainstreaming-bei->

Local level

1 Swedish municipalities (SALAR)



Context

SALAR is the Swedish Association of Local Authorities and Regions. It supports the work on gender mainstreaming in municipalities and county councils²⁹.

It represents the governmental, professional and employer-related interests of Sweden's 290 municipalities, 18 county councils and 2 regions. In order to contribute to the improvement of Swedish municipalities, county councils and regions with regard to their functions as employers, service providers, supervisory authorities and community developers, SALAR works proactively with the Swedish government as well as European institutions.

The association is a member of the Council of European Municipalities and Regions (CEMR) and United Cities and Local Governments (UCLG). It is considered one of the strongest associations of its kind. This is due to a long tradition of decentralisation and recognition of the local political level in the Swedish constitution, which entails the attribution of significant responsibilities and functions to deliver welfare services.

Between 2008 and 2013, SALAR ran a large-scale programme for gender mainstreaming³⁰. Its aim was to help its members provide services of equal worth to girls and boys, women and men, and to ensure an equal distribution of resources regardless of sex.

The programme was funded by the Swedish government and participating organisations could apply to SALAR for grants to finance local development projects. SALAR arranged workshops, seminars and conferences to exchange experiences and developed a number of tools and materials to support work on gender mainstreaming.

Model

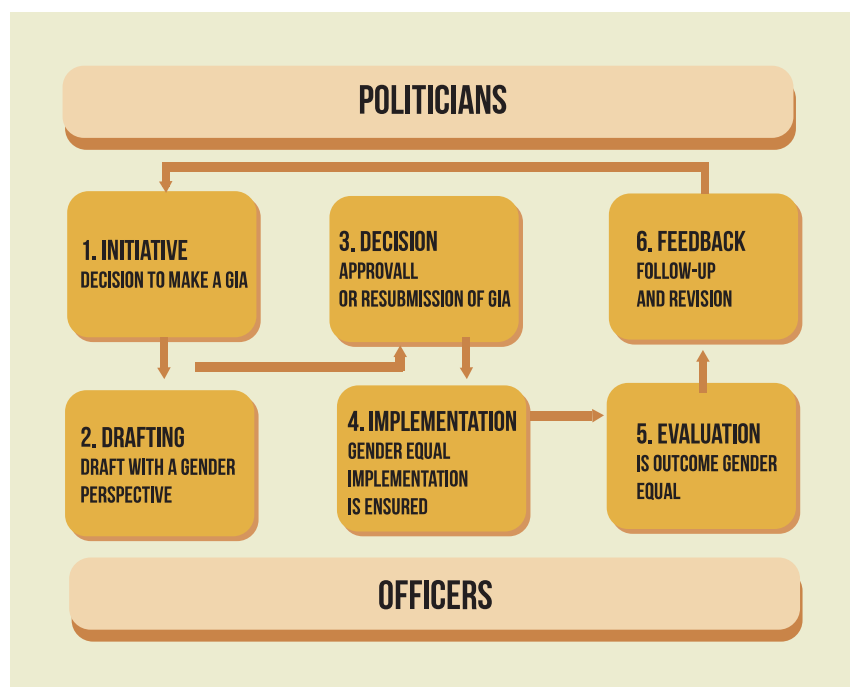
Definitions of gender mainstreaming usually cover both the development of policy content and the forms of the policy process, pinpointing that this is an issue not for gender experts but for those actors normally involved in the decision-making process. A necessary condition for this strategy to be successful is that these actors have adequate knowledge and awareness of gender equality issues. If not, the assistance of gender experts might be needed to maintain a gender perspective through the entire process³¹.

In the context of its gender equality programme, SALAR realised that a specific tool to simplify, systematise and support gender impact assessment in the decision-making processes was needed at local level. That is why the association launched a set of checklists and guidelines in 2010.

The checklist was designed in two versions, in accordance with the different roles of politicians and civil servants.

Actors involved

The decision-making process is complex and varies widely between organisations, areas and even type of tasks. The model below is a stylised description of the steps and actors that are usually involved in the process.



²⁹ <http://skl.se/english>

³⁰ <http://skl.se/demokratiledningstyrning/manskligarattigheter/jamstalldhet/jamstalldverksamhet/programforhallbarjamstalldhet.2180.html>

³¹ <http://www.includegender.org/facts/gender-mainstreaming>

As can be seen in this model, two important steps within gender impact assessment are evaluation and feedback. Only through evaluation can the administration check the outcome of activities in terms of goal achievements for women and men. And only through a constant demand for feedback can the political sphere maintain momentum in the work of gender mainstreaming.

SALAR members vary in size from a few hundred to 50000 employees, so for obvious reasons the question about organising gender mainstreaming work produces very different answers depending on the member in question. Larger organisations may have both a gender expert centrally located in a city management office and gender experts in all departments, assisting civil servants in performing gender impact assessment. In smaller organisations, gender issues might be handled part-time by an officer in the human resources department, leaving little time to support GIA work.

Guidelines

Accompanying the checklist, SALAR developed short guidelines for gender impact assessment³². It also created guidelines for politicians and for officers in the administration³³.

The guidelines stress that the checklist is not a solution in itself, but merely part of the solution. Any successful and sustainable gender equality work must be founded on concrete gender equality goals, which in turn are connected to the general goals of the service or activity at hand. This further implies the necessity of a political commitment on the part of the organisation to foster gender-equal services and resource distribution. Supply of statistics disaggregated by sex is also vital. Another success factor is the implementation of new administrative routines to ensure that gender impact assessment is always made when it is relevant for a policy.

The checklist is designed in a way that permits SALAR members to insert it in their own existing templates for drafting written proposals to political boards.

The document also contains the model diagram shown above to illustrate how the checklist could be used in the policy process, describing the various roles and mandates for politicians and officers.

The two versions of the checklist follow the same four patterns:

32 <http://www.jamstall.nu/wp-content/uploads/2014/02/Checklista-for-jamstalldhetsanalys-fortroendevalda-2.pdf>

33 <http://www.jamstall.nu/wp-content/uploads/2014/02/Checklista-for-jamstalldhetsanalys-handlaggare.pdf>

Is the checklist relevant in this particular case?

Background description: are there statistics disaggregated by sex?

Gender impact assessment, describing consequences for women and men and analysing differences and similarities.

Gender equality analysis: how do suggested decisions relate to gender equality goals?

The purpose of the checklist for politicians is to facilitate gender equality control of any incoming draft or proposal that is subject to political decision-making. All questions in the checklist are to be answered yes or no. For obvious reasons, the checklist for officers contains more information about how to perform the different steps, since it is officers who perform the gender impact assessment. The third step, the actual gender impact analyses, comes with the following questions:

Describe the consequences of the proposed decision for women, men, girls and boys.

Describe the consequences the proposed decision alternatives will have on treatment, service, representation and distribution of power and resources. Resources can be funds, time, space, localities, tools or education.

Describe the needs for women, men, girls and boys and different demands and expectations connected to gender stereotypes. Does the decision at hand contribute to fulfilling the service goals for women, men, girls and boys?

If the result is equal for women and men, is that how it should be? Are there any arguments from research, experience or political priorities? If the result is different for women and men, on which grounds? Is there a reason or is it just 'business as usual'?

Propose measures to address unmotivated differences or unreflected similarities.

The checklist contains a link to a specific website,³⁴ which offers — among other things — a large selection of tools for the different steps of the decision-making process, such as the 4R method for gender impact assessment, which consists in mapping the situation of women and men in terms of representation, realia, resources and realisation³⁵.

In addition to the checklist, there is also training material based on concrete examples and designed for in-house training sessions³⁶.

34 <http://www.jamstall.nu>, <http://www.includegender.org>

35 <http://www.includegender.org/toolbox/map-and-analyse/4r-method>

36 The tutorial can be found here: <http://www.jamstall.nu/wp-content/uploads/2014/01/Utbildning-i-SKLs-checklista-for-jamstallda-beslut-handledning.pdf>. Slides can be found here: http://jamstall.nu/wp-content/uploads/2014/01/Checklisteutbildning_jamstallda-beslut.pptx



Strengths and weaknesses

The annual follow-up reports from participants in the programme for gender mainstreaming show that only a few worked systematically with gender impact assessments in the decision-making process. Over time there was a modest increase in the use of GIA, and in the final report 19 out of 46 respondents claimed to perform gender impact assessments to some or to a large extent. No one, however, claimed to reach the highest level of the scale, which entails performing gender impact assessments in all relevant cases.

The final reports in 2013 showed that many organisations are in the course of implementing SALAR's checklist, customised versions of that checklist or a checklist of their own. A number of organisations have chosen to combine the checklist for a gender perspective with checklists for other horizontal perspectives, such as children's rights or environmental concerns.

The reports and research group that have followed the SALAR programme indicate a number of success factors:

A political commitment to gender-equal services;

Adequate resources, in terms of time, staff and knowledge;

A strategy to combine the work for gender equality with other horizontal perspectives;

Gender equality knowledge among politicians, management and officers.

One recurrent challenge has been to make sense of identified differences in outcomes for women and men, to understand what these differences imply and, hence, what to do about it. That is why SALAR has developed a simple method for gender analysis in seven steps, together with training material for three different areas of service: social services, schools and urban planning³⁷.

³⁷ The materials comprise a number of separate documents that can be found here: <http://www.jamstall.nu/verktygslada/kartlagg-och-analysera/sjuan-metod-jamstalldhetsanaly>

3. Resources

Resources for the implementation of gender impact assessment

European and international resources

EIGE, Gender Equality Index with Individual Country Profiles for Each EU country, <http://eige.europa.eu/content/activities/gender-equality-index> [accessed 6 November 2013].

European Commission (1998), A guide to gender impact assessment, <http://bookshop.europa.eu/en/a-guide-to-gender-impact-assessment-pbCE1698788/?CatalogCategoryID=WpIK-ABst.SMAAAEjGJEY4e5L>

European Commission (2009), Guidance for assessing Social Impacts within the Commission Impact Assessment system, <http://ec.europa.eu/social/BlobServlet?docId=4215&langId=en>

European Commission (2014), Exchange of good practices on gender equality Gender Impact Assessment (case studies: Netherlands, Austria and Finland), http://ec.europa.eu/justice/gender-equality/files/exchange_of_good_practices_at_nl_comments_paper_at_2014_en.pdf

Eurostat, <http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/themes>

ITC/ILO (2014), Financing for gender equality (draft report).

Country resources

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Wirkungsorientierte Folgenabschätzung (WFA) Grundsatz-Verordnung [Regulatory Impact Assessment — Basic Ordinance], <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008150> [Austria].

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Ministry for Gender Equality (2013), Strategi for ligestillingsvurdering i det offentlige [National strategy for future work with gender equality assessment in the public sector], https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cad=2&cad=rja&uact=8&ved=0ahUKEwii9XN1PHKAhUCE-poKHTdDBUkQFgglMAE&url=https%3A%2F%2Fwww.uvm.dk%2F-%2Fmedia%2FUVM%2FFiler%2FLigestilling%2FPublikationer-2002-til-2014%2F2013%2FStrategi_ligestilling_2013.ashx&usq=AFQjCNHWCqI-Z2k5alRskygnImJkYPn7p-w&sig2=2oRU6QezjZcoZnLO9xf6Dg&bvm=bv.114195076,d.bGs [Denmark].

Ministry for Gender Equality (2013), Vejledning til ligestillingsvurdering af det offentlige [Guidance on Gender Impact Assessments in the Public Sector], <http://www.ft.dk/samling/20121/almdel/liu/bilag/85/1271615.pdf> [Denmark].

Bundesministerium für Familie, Senioren, Frauen und Jugend (2007), Arbeitshilfe Geschlechterdifferenzierte Gesetzesfolgenabschätzung Gender Mainstreaming bei der Vorbereitung von Rechtsvorschriften, <http://eige.europa.eu/content/arbeitshilfe-geschlechterdifferenzierte-gesetzesfolgenabsch%3A4tzung-%E2%80%99%9Egender-mainstreaming-bei-> [Lower Saxony, Germany].

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- Ministry of Social Affairs and Health (2013), Gender Glasses in Use. A handbook to support gender equality work at Finnish ministries, <https://www.julkari.fi/handle/10024/127150> [**Finland**].
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Guía para la elaboración de informes de impacto de género, (2013), http://www.emakunde.euskadi.net/contenidos/informacion/pub_guias/es_emakunde/adjuntos/26.guia.para.la.elaboracion.de.informes.de.impacto.de.genero.pdf
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Notes

- 1** See <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014376%202006%20INIT>
- 2** EIGE (2014), Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality. Review of the implementation of the Beijing Platform for Action in the EU Member States, http://eige.europa.eu/sites/default/files/MH0213481ENC_0.pdf
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- 4** European Commission (2009), Evaluating Socio-Economic Development, Sourcebook 2: Methods & Techniques. Gender impact assessment, <http://ec.europa.eu/social/BlobServlet?docId=4215&langId=en>
- 5** Council of Europe (2004), Gender mainstreaming: Conceptual framework, methodology and presentation of good practices, http://www.coe.int/t/dghl/standardsetting/equality/03themes/gender-mainstreaming/EG_S_MS_98_2_rev_en.pdf
- 6** To assess the gender impact it is useful to use criteria related to the Gender Equality Index developed by EIGE.
- 7** See <http://eige.europa.eu/content/document/effectiveness-of-institutional-mechanisms-for-the-advancement-of-gender-equality>
- 8** Communication from the Commission on 'European Governance: Better Law Making', 5.6.2002, COM(2002) 275 final, http://www.osservatorioair.it/documenti/e_ue/documenti/%20commissione/better_lawmaking_giu_02.pdf
- 9** See http://ec.europa.eu/governance/impact/ia_carried_out/ia_carried_out_en.htm
- 10** IAB mandate, http://ec.europa.eu/dgs/internal_market/evaluation/index_en.htm
- 11** See http://ec.europa.eu/governance/impact/iab/docs/iab_mandate_annex_sec_2006_1457_3.pdf
- 12** The impact assessment guidelines are currently being revised. To do this a public consultation was launched in September 2014, http://ec.europa.eu/smart-regulation/impact/commission_guidelines/commission_guidelines_en.htm
- 13** See <http://ec.europa.eu/social/BlobServlet?docId=4215&langId=en>
- 14** See p. 19, European Commission guidance on Social Impact Assessment.
- 15** See http://ec.europa.eu/research/era/pdf/era-communication/era-impact-assessment_en.pdf
- 16** See <http://bookshop.europa.eu/en/a-guide-to-gender-impact-assessment-pbCE1698788/?CatalogCategoryID=WpIKABst.SMAAAEjGJEY4e5L>
- 17** See http://ec.europa.eu/smart-regulation/impact/ia_carried_out/cia_2014_en.htm
- 18** See <http://eige.europa.eu/content/document/effectiveness-of-institutional-mechanisms-for-the-advancement-of-gender-equality>



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