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D.2.3 Working paper: root causes of gendered law- and policymaking processes and their effective tackling



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Executive summary

Both laws and policy processes and their outcomes are gendered, as they reflect the persistent gender norms and hierarchies within societies. This way, seemingly neutral laws and policies can have huge (intersectional) gender implications. Based on articles 2f and 5 of the Convention on the Elimination of all Discrimination against Women (CEDAW), states do have a legal obligation to combat stereotypes, also when it comes to law and policymaking.

The consequences of gendered law and policymaking do manifest itself at different levels, such as within families and households, but also in wider society. Within the consortium countries, we found a focus on the broader phenomenon of gender mainstreaming as the solution to gendered law and policymaking. Less attention is paid to the actual problem of gendered law and policymaking and its scope. More research is required in this respect.

As other gaps in addressing gendered law and policymaking, we identified that persistent societal beliefs slow down change. Examples of this are the male breadwinner and the full-time worker that often still serve as “the norm”, also in laws and policies. In some of the consortium countries, religion also plays a part in this respect. In recent years, there is also a backlash noted as there is a trend of young men becoming more conservative and some women identifying themselves as ‘trad wives’, embracing a lifestyle that based on traditional gender stereotypes.

Within governments, administrative difficulties and the lack of a clear vision on emancipation in general and gendered law and policymaking in particular, are also gaps in addressing the issue. Crises such as the financial crisis and COVID tend to lead to diminished attention for the gender perspective. The lack of gender diversity at decision making level has a similar effect.

In order to change the structures, mechanisms, cultures and attitudes reinforcing gender stereotypes within gendered law- and policymaking processes, *a clear goal and vision of gender equality/emancipation policy* is needed. This vision should be in line with the CEDAW convention and should apply regardless of the political power or ongoing crises at a given moment in time. National Action Plans on gender equality could help create a clear vision on how to degender laws- and policymaking processes within a country. However, in order for these plans to be transformative, they have to be based upon an accurate evaluation of the underlying causes of the gendered processes, such as gender norms and stereotypes within a society. By integrating decolonial and intersectional perspectives alongside the gender perspective within these National Plans, all gender stereotypes can be tackled.

Gender-sensitive language within laws and policies could also help to frame a clear vision. It creates awareness among law- and policymakers of the gendered impact laws and policies may have. The stipulation of such a government mission, vision and plan is a first essential step towards transformative change.

Another recommendation is to create *stronger legal embedding of the CEDAW anti-stereotyping and gender mainstreaming obligations*. As international laws have been identified as effective in bringing about change within countries, stronger legal obligations might fast track these changes. Mandatory gender mainstreaming and gender tests coupled with reporting and monitoring duties would actively force countries to take ownership of the problem of gendered law- and policymaking (processes) and to remedy this.

Taking political and legal ownership and accountability for the degendering of laws and policies also implies that governments take all necessary administrative, human resources and financial measures to effectively implement and secure adequate gender tests by all agents and civil servants involved as well as gender budgeting strategies.

In doing so, it is however important to also take into account the *national cultural contexts* when combating stereotypes, as these may be very differently. Being aware and sensitive of the values of individuals within a context is crucial. Different attitudes/ readiness towards gender equality progress may lead to different outcomes of certain laws and policies. Action should thus be adapted to the context, while respecting the limits and conditions set by the (international/regional/EU) legal framework. This again highlights the importance of a thorough evaluation of how certain actions such as laws, policies or National Action Plans are impacted by their context and vice versa.

We therefore recommend enhancing the *collection of contextual data* to better identify the scope of the problem of gender inequalities and raise awareness. Data should especially be collected on the intersectional, gendered nature of law- and policymaking processes as knowledge on the intersections of various power hierarchies is lacking. The effect of crisis situations should also be taken into account. Furthermore, data collection and more in-depth research could help evaluate whether certain actions towards degendering law- and policymaking processes are effective. Hereby flaws within these actions can be identified and rectified. All in all, through data collection and research, inequalities can be mapped out and can therefore raise awareness of the problem of gendered law- and policymaking processes and help degender them.

In order to make sure legal obligations and action plans are created and transformative, we recommend ensuring *broad societal engagement*. Firstly, by strengthening women’s voice, agency and decision-making at all levels within law- and policymaking processes as well as

in civic space and grassroots organisations. By increasing the share of women in decision-making positions, the gender perspective is more often considered when designing laws and policies. The quotas mentioned above is an effective legal approach in increasing the representation of women in these positions. It does have to be accompanied by a broader gender equality approach though. This is why it is also important to engage society as a whole and to stimulate active participation from men as well. Gender inequality is often framed as a ‘women’s problem’ but it also harms men. By engaging boys and men through awareness building, discursive shift promotion¹ and concrete steps for addressing gender biases, backlash and resistance can be mitigated and prevented.

Last but not least, we recommend *building a stakeholder network on de-gendering law- and policymaking processes*. This network could consist of alliances between public and private stakeholders, including experts on gender equality and gendered law- and policymaking processes. Through this network, experiences, knowledge, expertise and awareness raising activities could be shared. A more structural engagement of stakeholders can therefore help addressing gendered law- and policymaking processes within various areas. CEDAW obligations and the Beijing conferences have both resulted in changes within the Consortium countries, partly because of the shadow reports made by NGOs. This highlights the importance of collaboration between stakeholders in order to tackle the problem of gendered law and policymaking processes.

In conclusion, not one action can degender law- and policymaking processes. However, when used together the institutional, symbolical and experiential dimension can be tackled.

¹ Using the discourse in order to change the societal norm.

1. Introduction

1.1 Focus and aims

"Our institutions are still predominantly built by men and for men".² This also goes very much for our laws and policies, which can thus said to be gendered. This Working paper is part of the RE-WIRING work package 2 which focuses on the institutional dimension of ensuring a transformative equality approach and specifically on overcoming the gendered nature of law- and policymaking processes which is still deeply rooted in our societies. The legal obligation to remedy gendered law- and policymaking ensues from Article 5a of the international Convention to Eliminate all Discrimination against Women (CEDAW) and the central aim of that Convention to combat gender ideologies. As CEDAW sets global standards,³ the obligations it creates are binding on all the countries covered in this report (EU Member States and South Africa). This CEDAW standard is taken as the point of departure of this working paper.

The working paper will provide an analysis and a synthesis of the country-level systematic review of laws, rules and policies regarding gendered law- and policymaking processes within the six countries in D.2.2. (South Africa, the Netherlands, Poland, the UK, Belgium and Spain). The analysis will also focus on two case studies regarding gendered law- and policymaking processes: Violence Against Women (VAW) and the representation of women in leadership positions. Even though the study is limited to the six countries involved in the project, the conclusions can be used to identify trends and good practices in the EU and South Africa.

The Working Paper utilises the RE-WIRING Transformative Equality Approach (TEA) to identify and propose solutions for structural inequality and gendered hierarchies. This approach is focused on fixing the institutions, not the women; institutions should be re-wired along the lines of the TEA in order to become more gender equal. The exact workings of the RE-WIRING TEA will be set out briefly below.

This working paper has three aims:

² Dr. Karolina Gilas, in response to the recent election of Sheinbaum as the first female president of Mexico, in Volkskrant

³ 189 out of the 193 UN Member States have today ratified CEDAW.

1. Acknowledgement and diagnosis: map out the level of awareness and recognition of gendered law- and policymaking processes as being problematic at all and root causes of gendered law- and policymaking processes that have come to surface in the country reports (section 2)
2. Highlight the persisting gaps (section 3)
3. Identify actions to effectively overcome gendered law- and policymaking and assess their effectiveness and transformation capacity by using the TEA. (section 4).

In addition to the national review processes of the national reports, the widest possible review has been done as a draft of this working paper was discussed during the online stakeholder meeting that was held on June 12th, 2024 with participants from various European and South African organisations.⁴ The feedback and conclusions of this meeting have been incorporated in this paper.

1.2 The RE-WIRING Transformative Equality Approach

This comparative, synthesis paper follows a three-step approach towards the identification of good and best transformative equality approaches for ungendering laws and policies (processes), in alignment with the general RE-WIRING TEA research and methodology template and checklist (see D.1.3). This template starts from the position that any – proposed – transformative action requires first a problem definition and analysis, including the identification of existing causes, gaps and shortcomings, as well as identification of benchmarks for 'effective and transformative' change.

In the first step - acknowledgement and diagnosis (section 2), we will thus zoom in on the definition and recognition of the problem of gendered law- and policymaking (processes) that can be identified and what the nature and root causes are of this problem in the countries covered in the report and how these are associated with (harmful) gendered roles/stereotypes and with – traditional/cultural - determinants? In identifying the root causes, we focus on the underlying power dynamics, systems and hierarchies and their

⁴ Representatives at European level from the Council of Europe, European Commission, the Organisation for Economic Co-operation and Development, the European Trade Union Institute and at South African level: the Triangle Project, the Sex Workers Education and Advocacy Task Force, Sonke Gender Justice, University of Capetown African Feminist Studies Department (UCT), Rise Up Against VAW. Asijiki Coalition for the Decriminalization of Sex Work, Women's legal center.

intersection as well as their possible colonial, cultural, intersectional and crisis dimensions.⁴ This focus also requires a multi-stakeholder perspective and the taking into account of the diverse realities of women, acknowledging as well the gendered inequalities anchored in a binary, heteronormative and cisnormative reality. We also seek to explore how indigenous/non-Western epistemologies and their construction of gender can be helpful in accurately diagnosing the workings of neo-colonial and neo-liberal ideologies in maintaining structural inequalities in gendered law- and policymaking in various cultural contexts.

The second step concerns the determination of the gaps (section 3). To determine the scope and the scale of the problem of gendered law- and policymaking, sound data are a prerequisite. A relevant question to address is therefore whether existing data are sufficient and whether/how those data allow to establish (direct) causal links to the identified root causes of gendered law- and policymaking. Particular issues requiring attention in this regard are: what data are lacking and/or what are possible weaknesses or limitations of existing data sets as produced by different institutions, at the national, European, global levels; how can indigenous and non-Western knowledge systems be helpful in revealing such gaps and inconsistencies in dominant representations and narratives on gender, grounded in binary logics of gender and neo-colonial power; and how does the lack of data impact on different groups; does it entail that certain undocumented groups remain invisible or that their situation is not (well) addressed or wrongly approached?

In the third step, the focus is on the identification of transformative actions and what expectations one can hold regarding their effectiveness (Section 4). What policies, rules, mechanisms and tools can be considered as both transformative and effective actions for the ungendering of law- and policymaking (processes)?

For – proposed - actions to qualify as transformative, they need to fit the following benchmarks in accordance with the benchmarks as set out in the RE-WIRING TEA checklist:

- (i) be directed adequately to the source of the problem of the gendered manifestation and the institutions/actors involved;
- (ii) when actions are directed towards women and girls, are the risks contemplated of possibly reinforcing gendered power hierarchies and/or structural inequality dynamics (through stereotyping or ghettoization, for example). If those risks exist, does the action include risk assessment and mitigation strategies?
- (iii) when the action goes beyond the gendered manifestation itself and seeks to remedy its root causes of structural inequality: does it identify specific power nodes/dynamics and their relationship with the gendered manifestation; are the requirements of intersectionality, cultural sensitivity, decoloniality and crises-robustness met; can our actions generate group coalitions and does the action rely on co-creation and meet (also) the interests of identified and/or participating stakeholders?

(iv) as structural conditions give power in the social hierarchy (e.g., being a man, being a cis person, a heterosexual person, a white person or a rich person): do the actions target the individuals who hold power in the hierarchy; do our actions contribute to overcoming resistance and encouraging the revision of the privilege of those who can be agents of change, stimulating them to hold an ally role; are the powerful groups who engage in these actions concerned about structural inequality or can they be involved or committed to transform structural inequality?

For – proposed - transformative actions to be effective not only on paper but to bring change in practice, they also need to pass a three-level effectiveness test (D.1.3 in more detail):

1. Ensure adequate institutional – regulative – output:

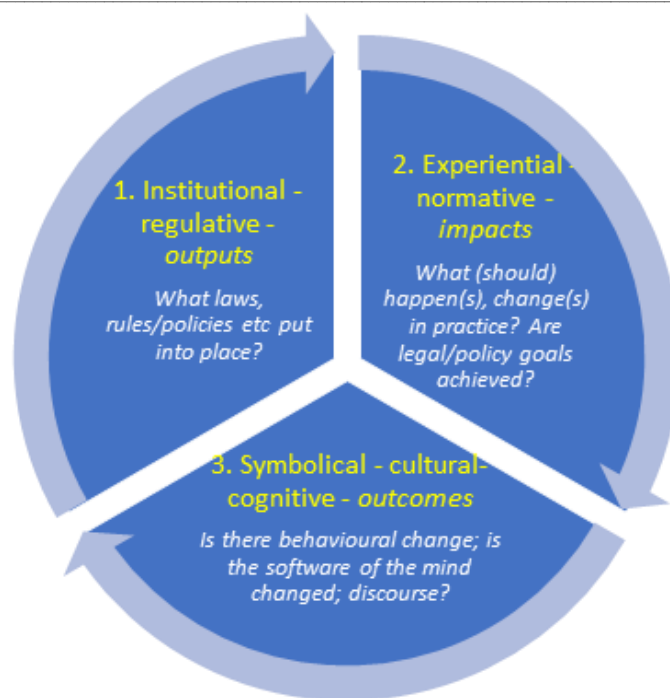
What type(s) of rule, measure, approach, practice is/are at issue? What rights and obligations do they establish, vis-a-vis whom and what are they aimed at? By whom are they set: public, private, social partners? Are they created with the voices/participation of girls and women, other stakeholders? Are they legally binding, non-binding? Is legal implementation, compliance, monitoring and enforcement secured, and if so, how? What connections are established between actors, institutions and ideas/measures?

2. Assess experiential – normative – impacts and redress where necessary:

What are the normative goals and values underlying the institutional measures, laws, policies etc. that should be achieved? Are they gender-exploitative, -blind, -neutral, -sensitive, -transformative? Do they seek to mainstream gender equality in all policy fields? What are identifiable effects in terms of realizing policy change and progress in the field that can be traced back to the rule, measure, approach, practice at issue? What are obstacles; why do they work, why not? What is necessary to make them work? Do they have unintended effects that negatively impact on girls’ and women’s inclusion, representation and empowerment?

3. Assess experiential/symbolical – cultural-cognitive – outcomes:

Is there any behavioural, organizational or social change on the part of the institutions/actors involved, that can be considered a demonstration of change of ‘the software of the mind’ towards realising more gender equality and tackling harmful gender stereotyping and biases as root causes of structural and institutional discrimination and exclusion? For instance, are there any awareness raising or publicity changes in terminology/discourse/narrative that suggest change and evolution towards transformative equality?



2. Acknowledgement and diagnosis of gendered law- and policymaking

2.1. Problem definition: what is gendered law- and policymaking and why is it problematic?

Within the RE-WIRING project the term gendered law- and policymaking is used with a negative connotation with a view to point out the genderedness of laws and policies.⁵ This means that within law- and policymaking processes all assumptions, concepts, beliefs, arguments, theories, methods, laws, policies and institutions are to some extent based upon and reinforcing male power advantages.⁶ Legal and policymaking frameworks often embed societal values that maintain traditional gender roles and stereotypes, inherently benefiting some while disadvantaging others, notably women and marginalised genders. There is a

⁵ Lombardo E, Meier P and Verloo M, “Policymaking and Gender” (*Aalborg Universitets forskningsportal*, 2012) <<http://vbn.aau.dk/da/publications/policymaking-and-gender%287a13f609-56c8-42db-ada7-b5d731b32c52%29.html>>

⁶ E.g. Hawkesworth M, “Policy Studies within a Feminist Frame” (1994) 27 *Policy Sciences* 97.

gendered hierarchy system which constructs social perception, social reality, and categorical distinctions between men and women in which men are considered to be superior.⁷

The RE-WIRING taxonomy of concepts (see D.1.1.)⁸ therefore considers the manifestations of institutionalised gender norms in legal and policy frameworks as a reflection of a complex interplay of historical, political, socio-economic, and cultural constructs. Law- and policymakers are not immune to the influence of gendered power hierarchies in our society and, therefore, laws- and policies are often gendered. The laws enacted therefore not only mirror these disparities but also actively reinforce them, by limiting opportunities and perpetuating traditional roles and stereotypes across various social strata.

Seemingly neutral laws can consequently be intersectionally gendered in their outcomes;⁹ their impact can vary between people with a different ethnic and cultural background, age, health, social class, and gender position. The OECD, EIGE and UN Women recognise this as a problem and highlight the importance of a careful consideration of the needs, perspectives and experiences of women and girls within law- and policymaking processes.¹⁰

While gender inequality is often framed as a ‘women’s problem’, gender inequality impacts men as well.¹¹ Acceptable forms of behaviour are prescribed for both women and men, causing traditional gender norms to harm both.¹² These norms tend to be reproduced by ostensibly neutral laws and policies¹³ that fail to address societal needs and perpetuate gender inequalities.¹⁴ Integrating a gender perspective in law- and policymaking processes

⁷ Catharine MacKinnon, *Feminism Unmodified. Discourses on Life and Law* (Harvard University Press 1987) 40; Catharine McKinnon, *Women’s Lives, Men’s Laws*, Harvard University Press, 2007.

⁸ Available on the RE-WIRING website: [Gendered Power Hierarchies and their Taxonomy - RE-WIRING](#)

⁹ See also D.2.2 for an explanation of the different ways in which laws can be gendered; neutral, blind, exploitative and how to understand gender-sensitivity, -responsiveness and -transformative.

¹⁰ The United Nations Entity for Gender Equality and the Empowerment of Women, “Gender-Responsive Law-Making: Handbook for Parliamentarians No. 33” (*UNWomen*, 2021) <<https://www.unwomen.org/sites/default/files/2021-11/Handbook-on-gender-responsive-law-making-en.pdf>> accessed June 3, 2024; The Organisation for Economic Co-operation and Development, “Gender Mainstreaming in Policymaking” (*OECD*, 2023); European Institute for Gender Equality, “Gender Mainstreaming” (*Eige.Europa.EU*, 2024) <[¹¹ Scambor E and others, “Men and Gender Equality” \(2014\) 17 *Men and Masculinities* 552](https://eige.europa.eu/gender-mainstreaming?language_content_entity=en#:~:text=To%20put%20this%20into%20practice,such%20as%20procurement%20or%20budgeting.> accessed June 3, 2024</p></div><div data-bbox=)

¹² Lowndes V, “How Are Things Done Around Here? Uncovering Institutional Rules and Their Gendered Effects” (2014) 10 *Politics and Gender* 685; Shastri A, “Gender Inequality and Women Discrimination” (2014) 19 *IOSR Journal of Humanities and Social Science* 27

¹³ Shaw J, “Importing Gender: The Challenge of Feminism and the Analysis of the EU Legal Order” (2000) 7 *Journal of European Public Policy* 406

¹⁴ European Institute for Gender Equality ‘What is Gender Mainstreaming’ (*EIGE*, 2021) <<https://eige.europa.eu/gender-mainstreaming/what-is-gender-mainstreaming>> accessed 14 May 2024

can be an important tool in breaking this cycle. Positive action has a role to play in this regard as well, but its framing must be carefully considered in order to reduce the risk of further reinforcing gender stereotypes. Furthermore, while the focus of this paper is on law- and policymaking at governmental level, it must be understood that also other forms of rulemaking can be gendered, such as collective agreements. Certainly in cases where such agreements are declared generally applicable by government acts, the same obligations to degender them apply.

2.2. Article 5a CEDAW: legal principle of cultural change

As mentioned in the introduction, Article 5a of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) enshrines a legal obligation to combat stereotypes. The obligation involves taking all “appropriate measures” to modify patterns of conduct and practices and ideologies that reinforce stereotypical ideas about gender and gender roles. This article has to be read in conjunction with article 2(f) CEDAW, obliging state parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”. These two articles set the legal obligation to remedy gendered law and policymaking. The aim of the Convention, therefore, is to address the culture of gender inequality within national legal orders, as well as in the processes of policymaking with a view to tackling structural discrimination.

Feminist legal scholarship has emphasised that Article 5a CEDAW can be seen as a principle of cultural change, which constitutes “a legal norm with great importance for combating so-called systemic or structural discrimination”.¹⁵ This legal norm, according to Holtmaat, entails that State parties must strive to eliminate negative gender stereotypes through measures aimed at ending the reproduction of the dominant gender ideology in law and public policies.

Most importantly, Article 5a reflects the deeper understanding of the article in both the institutional dimension as well as the cultural dimension: it mandates State parties to actively implement policies which remove stereotyped images and requires the examination of both new and existing laws and policies, to identify and address hidden gender stereotypes.

¹⁵ Holtmaat H, “Towards Different Law and Public Policy; The Significance of Article 5a CEDAW for the Elimination of Structural Gender Discrimination” [2004] The Hague: Ministry of Social Affairs and Employment

All consortium countries have signed the CEDAW putting them under a legal obligation to apply Articles 5(a) and 2(f). The European consortium countries are also EU member states. Even though the EU is not party to CEDAW, its member states are equally bound to the obligations arising from this treaty while acting at EU level.¹⁶ This is also acknowledged in the preamble of the newly adopted pay transparency directive.¹⁷ The EU member states are also bound by the EU Recast directive, obliging them to apply gender mainstreaming in the area of work and occupation, including occupational social security schemes.¹⁸

Based on the Treaties, the Union itself has a gender mainstreaming obligation. It is amongst the EU's aims "to eliminate inequalities, and to promote equality, between men and women" and also "in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex."¹⁹ In practice, this mainstreaming obligation is part of the EU's Regulatory Impact Assessment. The gender impact has to be assessed as part of the economic, social and environmental impact. "When relevant" the impact on gender has to be assessed.²⁰ This obligation is hard to apply in practice.²¹

In the practice of the EU, the focus seems generally to be more on gender mainstreaming as a solution than on the investigation of the existing actual problems of gendered law and policy making as such and the role stereotypes play in this context. Both gender mainstreaming and combatting gender stereotypes are part of the European Commission's Gender Equality Strategy for 2020-2025.²² In this strategy, the Commission acknowledges stereotypes as one of the root causes of gender inequalities, and also takes an intersectional perspective. In 2023, the Commission started a campaign to fight stereotypes. In light of the Gender Equality Strategy, in 2021, the Advisory Committee on Equal Opportunities for Women and Men also issued an advisory opinion on combatting gender stereotypes.²³

¹⁶ Holtmaat H, "Towards Different Law and Public Policy; The Significance of Article 5a CEDAW for the Elimination of Structural Gender Discrimination" [2004] The Hague: Ministry of Social Affairs and Employment

¹⁷ Preamble 1 of Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms [2023] OJ L132/21.

¹⁸ Article 29 of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), [2006] | OJ L 204/23.

¹⁹ Article 8 and 10 of the Treaty on the Functioning of the European Union (TFEU).

²⁰ Commission, 'Better regulation guidelines', SWD (2021) 305 final, 34-36.

²¹ Alexandra Timmer, 'Editorial: Mainstreaming Equality in EU Law and Beyond' [2023] 19(3) Utrecht Law Review 1–7.

²² Commission, 'A Union of Equality – gender equality strategy 2020-2025' (Communication) COM (2020) 152 final.

²³ Advisory Committee on Equal Opportunities for Women and Men, 'Towards a Stereotype-Free European Union: Opinion on Combatting Gender Stereotypes, 18 March 2021.

Remarkably, both the opinion and the EU campaign seem to focus only on the actions taken by the Member States to combat gender stereotypes in different areas and not on the role of the EU itself.

In conclusion, CEDAW sets global standards and therefore it is not a question of whether, but of how gendered law- and policymaking should be tackled within all consortium countries, as well as in the European Union. Or, it must be understood that Article 5a cannot be set aside by political actors or developments that may not be so conducive to gender equality at any given moment in time. Within the context of the EU, there is ground for further exploring the embedment and operationalization of the relevant CEDAW standards in this regard.

2.3. Recognition and root causes of gendered law- and policymaking

In its program to actively combat gender inequalities through integrating a gender perspective into all its policies, the European Commission does recognize gendered law- and policymaking processes to some extent as being problematic.²⁴ Recognition is also generally present in all the Consortium countries of the problem of gendered law- and policymaking, pursuant also to CEDAW, but national perceptions as to the scope and seriousness of the problem vary. The same is true about the framing of the problem, as well as about the approaches towards remedying it, especially where recognition comes primarily from women's organisations and academics rather than political institutions. Political institutions may thus consider it mostly as part of their effort to mainstream gender equality, while academics and civil society organisations highlight more the structural discrimination and gender stereotyping that is involved in it and the intersectionality dimension of the problem.

We explore the level of recognition and problems involved further here below.

²⁴ European Commission ‘Gender equality strategy’(European Commission, 2020) <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en#gender-equality-strategy-2020-2025> accessed 14 May 2024

For example:

When the underrepresentation of women within politics is mainly framed as a problem for democracy, the solution is easy: increase the amount of women within politics and society will be well represented. However, within this framing, the problem underlying the underrepresentation of women within politics is not addressed. Gender stereotypes about good leadership and traditional gender norms withholding women from these positions persist. This approach which focuses on the manifestations instead of the root causes can, for example, be found in Belgium and hinders progress towards gender equality. Similar approaches can be seen for the underrepresentation of women on company boards in, for example, Spain. This shows the importance of accurately problematising the problem when degendering law- and policymaking processes.

Gendered institutional practices manifest their impact on various societal levels. At the micro-level, within families and households, they might dictate unequal financial decision-making powers between genders. At the meso-level, within communities, they can perpetuate practices such as the marginalisation of widows. At the macro-level, they influence national laws and policies, often enshrining gender discrimination in legal codes, such as those governing inheritance or property rights.²⁵ These influences can be *direct*, such as laws that explicitly prohibit women from certain actions like owning land or taking specific jobs, or *indirect*, where *social norms* undervalue the activities or contributions of one gender over another, influencing less tangible but equally significant areas of life, such as investment in health and education for girls versus boys.

A general observation ensuing from the country reports is that in law- and policy practice, there is a focus on mainstreaming as the solution to gendered law and policymaking, while little attention is paid to the scrutiny of the actual problem that it is supposed to solve. Mainstreaming is a generic term, referring to various practices such as gender test, gender budgeting etc. But there is a lack of data and a lack of diagnosis of the gendered problems and gaps that actually exist both within current and proposed laws and policies. Both from the country reports and the conducted stakeholder meeting, it has also appeared that the awareness of the importance of including the gender perspective is more present in areas such as social policy, that are traditionally linked to work and family, and neglected in less ‘obvious’ areas such as climate and (renewable) energy. The lack of awareness in these areas can prove a hurdle for degendering law- and policymaking processes, as the necessity

²⁵ Jütting JP and Morrisson C, “Changing Social Institutions to Improve the Status of Women in Developing Countries” [2005] SSRN Electronic Journal.

of a gender sensitive perspective is not recognised. More data and structural research is therefore needed. More engagement with academics and civil society organisations would be helpful in this regard, as these highlight more the structural discrimination and gender stereotyping that is involved in law- and policymaking and the intersectionality dimension of the problem.

Continuing from the necessity of enforcement, the institutionalisation of gender-sensitivity in law- and policymaking and implementation is further hindered by persistent societal norms that resist progressive change. According to the World Bank, societies often exhibit a *cultural inertia* that favours traditional roles and discriminates against women in both overt and subtle ways.²⁶ This cultural inertia is reflected in the slow pace of change even after laws are formally changed, as the underlying societal attitudes and behaviours may take generations to evolve.

In the Netherlands and the United-Kingdom, the “*male breadwinner model*” and traditional gender norms and stereotypes are thus important contextual factors restricting progress towards gender equality and therefore also towards de-gendering law and policymaking processes. In the Netherlands for instance, the fact that most working women work *part-time* while the *full-time worker* (predominantly men) is taken as the standard for many laws and policies maintains and reinforces their gendered nature. Most recently, this problem has manifested itself in a major pension law reform, which will thus have a long-term lasting negative impact on women.

In most consortium countries, *traditional religious norms* which portray women not as equal partners, but primarily as mothers, caretakers or in supporting (to men) roles also appear to have hindered societal change towards gender equality. The Catholic church, for instance, was opposed to the first wave of the feminist movement, which partially explains Belgium's slow initial start towards gender equality.²⁷ In Poland the left-wing liberal values of the 1980s shifted in the 1990 towards more right-wing conservative values, obstructing process towards gender equality. This shift in attitudes was supported by the entrenched institutional position of the Catholic church. Conservative religious and cultural views towards women also appear to continue to afford women a lower status in the social hierarchy in South Africa, with white men at the top and black women at the bottom = of the social hierarchy.

²⁶ World Development Report 2012 (The World Bank 2012) <<https://documents1.worldbank.org/curated/en/492221468136792185/pdf/Main-report.pdf>> accessed June 4, 2024

²⁷ Wilcox C and Felen TG, “Catholicism and Opposition to Gender Equality in Western Europe” (1993) 5 International Journal of Public Opinion Research 40

At a more fundamental level, it has also come to the fore that the *lack of a clear vision* what emancipation/equality policy should lead to impacts negatively on the coherency and consistency of policy regarding the ungendering of laws and policies/the mainstreaming of gender equality. Importantly so, this has been said to originate to some extent in the *political system* built on coalitions (the Netherlands) and the complexities involved in the federal political structure (Belgium). Mainstreaming has also been said to risk becoming a formalistic ticking the boxes exercise when there is not a clear purpose explicated. Also political, conservative (for example Poland) as well as neo-liberal attitudes confirming the individual freedom of choice have under the guise of gender-neutrality actually contributed to confirming and maintaining traditional gender stereotypes and biases in law- and policymaking (processes) to the detriment of women (for example Netherlands). [Spain: comments Elena about fluctuations]

Also, *administrative difficulties* have been identified, some of which can be seen in connection to political factors, including the multitude of diversity plans and the complexity of reporting mechanisms, the workload and the lack of time and personnel for carrying out mainstreaming policy. Generally, there is still a problem of there not being enough awareness and knowledge among those that have to ensure that law and policymaking does not impact negatively on women. In Belgium, it has thus also been highlighted that the lack of knowledge and expertise can induce a rather formalistic, procedural 'ticking the boxes' approach towards mainstreaming rather than taking a substance-oriented approach to it.

Other contextual factors within the consortium countries, such as *economic crises, high unemployment rates, restricted access to education, and more recently Brexit and the COVID-19 pandemic*, also appear to impede progress towards de-gendering law- and policymaking (processes). Within these contexts there is less of a focus on gender equality and de-gendering law- and policymaking processes, possibly because other matters are deemed more important.

In recent years, a backlash is also visible with more conservative politicians being elected. As a trend, young men become more conservative, supporting ideas that reinforce gender stereotypes. The antifeminist content young men are exposed to online, can cause them to enter the 'manosphere'.²⁸ This manosphere is a loosely connected group of antifeminist Internet communities. While progressive norms may be widening, they are at risk of

²⁸ Nicholas L, “Young Masculinities, Masculinism, Backlash, and the Complexities of Fostering Change” (2023) 7 Journal of Applied Youth Studies p. 1-8.

becoming absorbed by ‘re-masculinising’ strategies. Young men feel pressures of masculinity, which can be affirmed in the manosphere. This reinforces traditional gender norms. Some women are also becoming more conservative as they identify themselves as ‘trad wives’.²⁹ On the internet trad wives pose feminism as a threat to ‘real’ femininity. By creating an aesthetic display of the feminine self, home, and the family, traditional gender norms are reinforced. This trend of conservatism poses a threat to the movement towards degendering law- and policymaking processes.

It is crucial to acknowledge that the challenges of gendered law- and policymaking are not only due to societal attitudes and political and socio-economic factors as flagged, but also stem from *the lack of gender diversity within law- and policymaking bodies* themselves. As highlighted by Krook and Mackay, the underrepresentation of women in politics and lawmaking institutions globally undermines the capacity of these bodies to adequately reflect the interests and realities of the entire population.³⁰ When law- and policymaking bodies are predominantly male, the policies they create are less likely to address the specific needs of women and more likely to perpetuate existing gender inequalities. To address these systemic issues, there is a pressing need for institutional reforms that enhance the representation of women in decision-making roles. According to Hughes and Paxton, increasing women’s political representation not only brings diverse perspectives into government but also changes the priorities of political bodies, often leading to greater attention to issues such as health, education, and welfare, which are crucial for societal well-being and gender equality.³¹

3. Gaps in addressing gendered law- and policymaking

Important gaps in addressing gendered law- and policymaking that have appeared from the country reports concern first of all *a lack of some states and governments to consider gendered law- and policymaking (processes) as a manifestation of the problem of structural or systemic discrimination and inequality* that may present itself in all policy fields, including

²⁹ Zahay ML, “What ‘Real’ Women Want: Alt-Right Femininity Vlogs as an Anti-Feminist Populist Aesthetic” (2022) 10 Media and Communication. P. 170-179

³⁰ Krook M and Mackay F, Gender, Politics and Institutions: Towards a Feminist Institutionalism (Springer 2010)

³¹ Hughes MM and Paxton P, “Continuous Change, Episodes, and Critical Periods: A Framework for Understanding Women’s Political Representation over Time” (2008) 4 Politics & Gender 223

technical ones. By failing to see it like this, institutional responses may be inexistent (in Poland for example) or fall short, including when it comes to collecting all the relevant data to determine the scope and nature of the problem at issue in particular fields, as well as in the development of a coherent policy and of tools to combat it. As such, there is still an *important knowledge gap*, certainly as regards existing laws and policies.

Furthermore, while in some countries (such as Belgium and Spain), the recognition of the problem has translated into a legal obligation of mainstreaming gender equality in law- and policymaking and in monitoring and assessing its implementation, in others it is still merely a *matter of policy and a responsibility approach without legal obligations, monitoring and enforcement connected to it* (the Netherlands). In the latter circumstances the collection of relevant data is more complicated and limited.

Another crucial gap concerns *the lack of taking of an intersectional approach* to gendered law- and policymaking (processes). The Dutch and Belgian governments have only recognised the existence of this gap in very recent years (2022/2023). This gap relates to many other characteristics next to gender, including gender identity, race/ethnicity, age, etc. In the South African context, by contrast, black women are considered as a particular disadvantaged group within society. But in most European countries, intersectional data and analysis of law- and policymaking are still very limited. During the stakeholder meeting it came to the fore that this is enhanced by the fact that the implications of intersectionality are in legal practice not yet crystallised in many countries.

The *limited involvement of civil society organisations and experts* that would be capable of laying bare the gendered nature and negative impact on girls/women has also been flagged as a shortcoming for effectively addressing gendered law- and policymaking. The knowledge and data that may be available within these stakeholder communities does not yet as such filter through sufficiently in law- and policymaking (processes).

Furthermore, *important administrative/political gaps* have been identified in extension to the problems already flagged hereabove: the necessity to structurally anchor gender mainstreaming in the internal workings of the services that need to apply it, via strategic policy instruments and support of hierarchy; the lack of clear procedures, coordination between services; the difficulty to make gender mainstreaming insightful and the desire of training to make the approach operational; the necessity to include it in policy lines where its integration is straightforward.

4. Action to combat gendered law- and policymaking

4.1 Who is involved in de-gendering law- and policymaking?

Different actors on national and international level are involved in the de-gendering of law- and policymaking (processes). Following the obligations that arise from the CEDAW Convention, *governments* are supposed to take the lead. The degree to which governments do so depends largely on the political context. In Poland, gender equality came on the agenda after the 2023 election, leading to the introduction of a ministry of equality. In Spain, where a ministry of equality is in place, the gender strategy depends upon the composition of the government. Also in the Netherlands, different governments took measures, but in an incoherent way. Following the 2023 elections, gender equality is not part of the plans of the new Dutch government.

Having one responsible ministry or office, such as a ministry of Equality, can be helpful in the creation of a coherent policy on gender equality. In the UK, the Government Equalities Body deals with gender equality matters. In the Netherlands, all ministries are made responsible for gender mainstreaming. The risk is that with everyone being made responsible, no one is taking responsibility, and special units and measures addressing gender inequalities are being abolished.³² We found that in the Netherlands, this tactic indeed led to nobody taking responsibility. Once the process of gender mainstreaming started, this actually led to the disappearance of the emancipation perspective.

Just like governments, *political parties* also play an important part in moving the gender agenda further. In Belgium, they contributed to changing the system by introducing quota for women in both public and private leadership positions. In Spain, political parties led many positive changes in the past, with a recent set back as after the 2008 financial crisis and in light of the covid pandemic. In the UK, change has been slow. Women tend to vote more on the right wing and the conservative party has not been very active in promoting gender equality.

The *national gender equality bodies* have to be mentioned as advocates for gender equality at the national level, as all consortium countries have them in place. These bodies mostly

³² Bacchi C and Eveline J, “Gender/Ing Impact Assessment: Can It Be Made to Work?,” *Mainstreaming Politics: Gendering practices and feminist theory* (University of Adelaide Press 2010) p. 17-37. <<https://library.oapen.org/bitstream/handle/20.500.12657/33166/1/560246.pdf#page=61>> accessed June 27, 2024

are semi-independent, falling under the responsibility of a ministry. Therefore, they risk being affected by political shifts. Another struggle they face is the lack of resources.

Women's movements and civil society organizations are also key actors, as has been stressed in all consortium countries reports. The research by Kang and Tripp highlights their role in shaping gender-responsive policies. These groups are pivotal in pushing for the adoption of new policies, monitoring their implementation, and holding governments accountable. Their activism is often rooted in deep local knowledge and an understanding of the specific challenges that women face in their societies, making them crucial stakeholders in the policymaking process. These organizations also play a key role in educating and mobilizing the public to support gender equality measures, thereby creating a supportive environment for legal reforms.

The Polish Womens Congress, that was established in 2009, is a good example of a women's movement driving societal change, as it played a pivotal part in the introduction of legal quota for the national parliament. In the Netherlands and the United Kingdom, women's organisations play a prominent role in scrutinizing the government. Spanish women's organisations became more active in voicing their criticism since the financial crisis and the COVID crisis. In South Africa, civil society plays a critical role in addressing gendered laws and policies, with numerous advocacy groups pushing for legal reforms.

Academics also play a key role in analysing the nature and scope of the problem and in developing approaches for researching it. In particular, the analysis of the scope of the legal obligation entailed in Article 5a CEDAW and its qualification as a principle of cultural change has marked a crucial step in this regard and provides an important basis for the further elaboration thereof within transformative equality approaches as proposed also by the RE-WIRING project.

Within Spain, the Trade Unions are also mentioned as key actors in degendering law- and policymaking processes. They have lobbied and advanced legislation on gender equality at work, on the gender pay gap and on equal pay. Trade Unions furthermore advocated this change through nation-wide awareness raising campaigns, training on gender equality plans, annual reports on progress and guidelines. The importance of Trade Unions as actors in degendering law- and policymaking processes was also underlined within the stakeholder meeting. Even though not all Trade Unions have promoted gender equality in the past or even in the present, the ones that do, are important. Many of them are at the forefront in the fight for gender equality as they promote awareness and training on gender equality issues (for example, among civil servants), on health and safety issues of female workers, on the

representation of women within organisations and on the importance of degendering laws and policies in general.

Trade unions can also play an important role in degendering collective agreements and law-and policymaking. So far, however, the gendered nature of collective agreements does not seem to have been given much attention.

At the international level, *several international organisations and institutions*, such as EIGE, the OECD, and UN Women, recognise the need for the integration of gender equality into public policies, security, and justice systems and for de-gendering the law, each offering methodologies, tools and resources designed to foster gender-responsiveness within public and private sectors and to ensure sustainable practices are adopted across various institutional frameworks. The more generic tools include (i) gender impact assessment, (ii) gender mainstreaming, (iii) gender budgeting, (iv) gender sensitive parliaments, (v) gender equality training and (vi) security and are described in Annex 1.

With these tools, these international organisations and institutions contribute to raising awareness for the issue at national level, as well as offering practical assistance.

4.2 What good practices have been/can potentially be identified

On the basis of the country reports, the literature review involved and the already available tools identified hereabove, the following good practices (and their requirements) can be listed:

National action plans

National action plans on gender equality and gender mainstreaming ensure an obligation to consider a gender perspective within various domains. A plan on how to de-gender law- and policymaking processes encourages transformative change. Within the Netherlands there is no overarching national action plan solely focusing on gender equality. This has contributed to an incoherent and inconsistent approach towards gender equality and this being very much dependent on how much a current government values this topic. Without a coherent strategy to de-gendering law and policymaking processes, this has remained very much a project-based and therefore fragmented approach. In Belgium there is also no action plan on gender equality, however the importance of mainstreaming is underpinned by a legal obligation. This results in a more coherent strategy towards gender equality as the government has responsibilities to ensure a gender mainstreaming approach and therefore

to de-gender law- and policymaking processes. The various versions of the Strategic Plan on equal opportunities in Spain have not been proven to be effective, however, this is mostly due to the fact that they were based on an incorrect evaluation of the problem, again highlighting the importance of an accurate problematisation and the inconsistency between the plans. A clear vision on the equality of emancipation goal is needed. Poland currently also has a national action plan, that – amongst other things - deals with addressing stereotypes and data collection. This plan has low effectiveness and impact though, due to a lack of resources.

A legal obligatory approach towards gender mainstreaming and ex ante impact assessments

The gender mainstreaming approach within Belgium and Spain serve as good practices. In both countries, there are mandatory ex ante impact assessments, that are externally reviewed and published. This obligation extends beyond politics, so after elections, new governments are under a legal obligation to define their mainstreaming strategic obligations. As this legal obligation makes it possible to assess the awareness of law- and policymakers, it is a first step towards positive change.

However, whilst the obligation can be identified as a good practice, in both countries these gender tests are less effective than previously hoped. According to reviews and research, law- and policymakers lack awareness about why a gender perspective is needed which leads to gender tests being superficial and seen as mere formal requirements (see also the mentioned administrative difficulties in sections 2 and 3). It is concluded that more awareness and training is needed for these tests to be filled out correctly and be effective. Also in the Netherlands, gender impact assessments are to be carried out but there is no legal obligation to report the results. Therefore, it is not possible to know IF or how well the gender tests are carried out. These tests thus fall short in application and enforcement. There is also a lack of awareness amongst policymakers.

Two general remaining problems that can be flagged here are that in ‘less obvious’ or more technical areas, the gender focus may be too easily dismissed for not being of relevance there. One may think of climate and energy policy and standardization and supply-chain policies. The other important limitation of gender tests/impact assessments is that these are confined to new laws and policies proposals and not applied to already existing laws and policies.

Gender budgeting

Gender budgeting is applied in Belgium and appears to be useful according to research. It has a positive effect on policy development and resource allocation; however, the process is still sector specific (progress means increasing the amount of budget share earmarked for gender equality, increase awareness of gender equality among government officials, and bring changes to the budget and policy making). This could indicate that people see the use of a gender perspective in certain areas, but do not see the relevance of this in others causing structural gender inequalities within less obvious fields to remain unnoticed. Again, this indicates that awareness on why a gender perspective is needed is still lacking. Within the other consortium countries this action has not been adopted yet, but it is stated that this kind of action could indeed be useful.

Ensuring adequate financial, administrative and human resources

Adequate financial and human resources are necessary to effectively degender law- and policymaking processes. We found a lack of adequate financial, human and administrative resources dedicated to gender equality and the effective implementation and enforcement of existing laws and policies within all consortium countries. This was one of the reasons why the Strategic Plan on equal opportunities in Spain did not prove effective. In order to effectively combat gendered law- and policymaking processes, real investments must be made.

For example:

South Africa has multiple laws and policies combatting Violence Against Women. This approach seems to be perfect on paper, but in reality VAW remains a prevalent issue in this country. The laws and policies are not implemented well. This is partly due to the gendered and racialised hierarchies in South Africa, but also due to a lack of funding and human resources on the implementation of the laws and policies. Certain laws and policies can look good on paper, but if there is no investment in the implementation stage, these laws and policies remain ineffective.

Wide awareness-raising and knowledge training

Training and awareness raising would be useful actions to undertake in order to help the above-mentioned practices in their effectiveness. The Netherlands and Belgium have



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implemented some kind of gender equality or gender mainstreaming trainings within government bodies or Strategic units, however, participation remains voluntary. Because it is not mandatory, there is a risk of only reaching people who are already aware of the importance of a gender perspective and not reaching the people whose awareness has to be raised. Research in the Netherlands has shown that most people do not participate in the training as they think it is part of ‘diversity’ training specifically and only made for women. In Poland most training and awareness raising action comes from NGO's and academics, participation in these trainings is again on voluntary basis.

These trainings and other actions to raise awareness appear to be important as the gender tests and gender budgeting seem to be less effective due to a lack of awareness. To support these legal obligations in their effectiveness an investment in these trainings could be helpful. To ensure awareness is also raised within people who do not see the use of these trainings, mandatory training could help. However, as research has pointed out, this has to be accompanied by a positive work environment open to gender mainstreaming.

Gender-sensitive language

The use of gender-sensitive language within laws and policies could be seen as positive action as this encourages the use of a gender-sensitive perspective when implementing these laws and policies. The gender-neutral language is not inherently bad as long as policymakers, developers and implementers consider the gender-sensitive perspective when implementing laws. However, for this to actually be the case, these actors have to be aware of the importance of gender-sensitivity. This does not seem to be the case in various countries. Therefore, we consider gender sensitive language within laws and policies a good practice, also to raise awareness.

For example:

In the Netherlands, the victim and perpetrator of violence are described in a gender-neutral manner, perhaps to be more inclusive towards violence against men. Within this gender-neutral framing lies an assumption of a gender equal reality. It fails to consider the gendered power dynamics and the disproportionate chance of victimisation of women and girls. By using gender-sensitive language within laws and policies, policy makers, intervention developers and implementers can be made aware of and to take into account the relevance of gender-related factors, which is now not always the case.

In South Africa a combination of gender-neutral and gender-sensitive language is used within the law describing sexual offences and domestic violence; while recognising a victim of these offences can be male or female, it also specifically states women are particularly vulnerable. By doing so actors who implement these laws can be more aware of the need for a gender-sensitive perspective in these cases. Even though this law takes the gender perspective into account, the laws and policies on gender equality within South Africa are not yet effective as they are not implemented well. A conservative culture and gender hierarchy could be contextual factors countering the gender equality laws.

Compulsory monitoring, reporting and ex post evaluation of law- and policymaking

Monitoring and reporting also appear to be important measures in de-gendering laws and policies, as they contribute to holding responsible actors accountable. In Spain, a lack of monitoring and evaluation, alongside with a lack of funding, led to the ineffectiveness of a Strategic Plan to ensure gender equality. Monitoring, evaluating and reporting on a situation are important actions for providing an accurate diagnosis of persisting problems and upon that basis, for their effective remedying. By monitoring progress and producing gender statistics, the Social and Economic Council in the Netherlands was able to highlight the ongoing underrepresentation of women in leadership positions and the continued lack of action by companies. This raised awareness and led to the introduction of legal quotas within public and private companies. Using monitoring and statistics as a way to raise awareness of how gender inequality, and specifically gendered law- and policymaking processes, are still problems within today's society as an important component part of State's positive obligations under the CEDAW Convention. An investment in evaluating the problem of Violence Against Women could for example raise awareness on why it is important to take a gender perspective and re-evaluate the law on domestic violence. In general, though, the ex-post evaluation of law- and policymaking on its gendered impacts is still given (very) limited attention. Some national reports on the implementation of the CEDAW Convention do, however, contain useful information in this regard, but more could be done, also regarding the dissemination thereof and translation into national action plans.

Quotas

A form of positive action taken in various countries is the introduction of gender quota within governments and the private and public sector. Increasing women's political representation can contribute to changing the priorities of political bodies, often increasing the amount of

attention to various issues crucial for societal well-being and gender equality.³³ This allows for a more gender-sensitive approach within companies and within governments and could therefore contribute to de-gendering law- and policymaking processes. Quotas themselves have been proven to be effective as the women's representation in politics in Belgium has increased from 9 percent in the 1990s to 41 percent in 2019 after the introduction of quotas for women on electoral lists. The increase in women in decision making positions in Spain also testifies to the effectiveness of gender quota. Yet, it must also be understood that more women's involvement in law- and policymaking institutions is not a panacea for de-gendering law- and policymaking processes as such (see also D.2.1 on this).

Cooperation with civil society and academics

Civil society, women's movements, and political women's groups have played an important role in highlighting inequalities in need of policy or policy change. The shadow reports by NGOs have been valuable to assess progress and the existing problems of gendered law- and policymaking processes. In Belgium the involvement of these groups helped developing the Federal Plan on Gender Mainstreaming and the Action Plan to Combat Gender-Based Violence. In Poland and South Africa there is a strong non-governmental sector advocating gender equality as well, however cooperation between the government and civil society has thus far been limited. Within the Consortium countries Women's organisations and academics have criticized law and policymaking processes. Their input, knowledge and awareness raising capabilities might help with the integration of a gender perspective within law- and policymaking processes.

Strong (female) leadership can advance the adoption of laws and policies

During the stakeholder meeting, it was flagged how a strong leader can put the gender issue on the agenda and advance the adoption of relevant laws and policies. A good example can be found in European Commission president Ursula von der Leyen, who achieved the passing of several important pieces of legislation within the 2019-2024 term of the European Commission.

³³ See in this respect D.2.1. Working paper on effective transformative equality processes towards leadership positions and the sources referred to therein, such as: Holman, M. R., 'Sex and the city: Female leaders and spending on social welfare programs in US municipalities' (2014) 36 *Journal of Urban Affairs* 701, Mazur, A., *Theorizing feminist policy* (OUP 2002) and Chattopadhyay, R., & Duflo, E., 'Women as policy makers: Evidence from a randomized policy experiment in India' (2004) 72 *Econometrica* 1409.

International obligations, approaches and toolkits and their reinforcement

Last, but not least, almost every consortium country signaled that international obligations, such as the Beijing platform, CEDAW, the Istanbul Convention, and general EU laws on gender mainstreaming and women’s rights have contributed to positive change towards more gender equality. These international obligations have for example led to the recognition and implementation of gender perspectives within law- and policymaking processes in Belgium and Spain. Closer consideration of the tools, approaches and toolkits developed by various international and regional actors, such as UN Women, the OECD, the EU, EIGE and the AU, identification of their strengths and limitations regarding transformative equality as well as ways for further mutual reinforcement, including with academic approaches, is warranted therefore.

4.4. Assessment against the RE-WIRING TEA approach

While assessing the good practices as identified from the country reports, we found that, in order to be truly transformative in accordance with the RE-WIRING TEA, specifically its Transformative Checklist and Implementation Strategy,³⁴ they have to be structurally embedded within the system of law- and policymaking. It is not something ‘additional’ or ‘to engage with at will’, but a legal obligation that should be intrinsically part of legislative and governmental institutions. Hereby, it is important that not only the manifestations of gendered laws and policies, but also its root causes are tackled. Beyond the already hereabove identified good practices, the following recommendations should be taken into account in this respect:

Adopt a clear and long-term governmental vision and National Action Plan on emancipation and gender equality

National Action Plans on gender equality can be used to ensure more embedding and continuity of efforts to degender law- and policymaking, as it will make them less dependent on the political will and constellation at a particular moment in time and make them more crises-proof, as in times of crisis, the gender perspective tends to be forgotten. The financial and COVID-crises have thus revealed the decline of gender equality. It is thus important to develop a clear and long-term goal and vision on gender equality and emancipation policy,

³⁴ See D.1.3.

in line with CEDAW (and regional/EU/African) legal obligations that apply. According to the TEA, this clear vision helps change the structures and mechanisms as well as the cultures and attitudes within institutions that perpetuate gendered power hierarchies and in case gendered law- and policymaking (processes).

For a national action plan to be transformative, it must be based upon an accurate evaluation of the underlying causes such as the gender norms and stereotypes within a society. In order to tackle all gender norms and stereotypes, an intersectional and decolonial perspective should be integrated within the National Action Plan.

Create stronger legal embedding of CEDAW anti-stereotyping and gender mainstreaming obligations, including gender impact assessment/tests

Ensure stronger embedding of the governmental gender vision, action plan, mainstreaming obligations, gender tests and CEDAW’s cultural change principle and make this more independent from political will and constellation, by creating stronger legal obligations thereto under both national and EU law. National and EU gender tests should not only concern newly proposed laws and policies, but also apply to existing ones. The extension of national gender mainstreaming actions under EU law should specifically be considered in this regard, akin to the obligation already contained to that effect in the Recast Directive 2006/54 on equal treatment for men and women in access to employment and employment conditions. Furthermore, the European Commission and legislature should support and proceed to an interpretation of the EU’s mainstreaming obligation under Articles 8 and 10 TFEU in the light of Articles 2(f) and 5a CEDAW.

Ensure that gender tests are culturally sensitive, crisis-proof and take the decolonial and intersectional perspective into account

Structural issues such as the decolonial perspective and intersectionality must be made part of gender impact assessment/tests. Within most of the consortium countries, the intersectional perspective within gender mainstreaming policies still appears to be in a nascent phase, while the decolonial perspective is lacking so far. The Dutch example of having a ‘Feminist Foreign Policy’ in place, but not an equivalent ‘Feminist National Policy’ showcases that the awareness is missing as far as the reinforcement of north-south stereotypes are at play.

Gender tests must be particular attentive to counterproductive or unintentional effects certain – existing or proposed – laws and policies may have in terms of reinforcing rather

than reducing harmful and traditional stereotypes, especially in areas such as care, pregnancy, parenthood, family-life, work-life balance, social security and taxation.

Training of civil servant and legal draftsmen on gender impact assessments/tests should be made compulsory and be part of their continuous learning, as awareness and knowledge of how to carry out a proper gender test of laws and policies they co-design must be considered an essential job requirement for their work. As such, it should also be given (much) more priority than is currently the case.

In line with the CEDAW framework it is also important to be sensitive to the local national and cultural context while combatting stereotypes; within the framework set by international, regional and national law, one must thus be aware of and sensitive to the values and needs of individuals present in different contexts, because they might be of different national and cultural origins and have different attitudes/readiness towards gender equality progress. Adapt action to the context.

Apply gender-sensitive language within law- and policymaking

Another way to contribute to the degendering of law- and policymaking, is the use of gender-sensitive language within laws and policies. This is a way to create awareness of the gendered impact certain laws and policies have on society, without reinforcing stereotypes.

Strengthen girls and women's voice, agency and decision-making at all levels, in law- and policymaking (processes), but also in civic space and grassroots organisations

Having more women in decision-making positions within society contributes to making sure that the gender perspective is considered in designing laws and policies, to achieve change both at the institutional and experiential level. The implementation of legal gender quotas has been identified as an effective measure to increase the share of women within these positions in both the public and private sector. However, for these quotas to be transformative, they must be accompanied by a broader gender equality approach. To ensure the symbolical level is also changed, a broader societal engagement is important. Grass roots organisations, including women’s organisations, need government support to ensure their voices are heard, especially also in crisis situations.

Ensure a broad societal engagement, also by men and boys

In the development of policies aimed at degendering law and policymaking, stimulate the active participation from all members of society and look for changes that benefit all, by taking intersectionality seriously, by being aware of the logics of coloniality and the coloniality of power and by emphasising that gender equality also benefits boys and men. Gendered law and policymaking affects both men and women, whereas it is often seen as a ‘women's problem’. Therefore, awareness raising with men and boys is important, as they are crucial allies in changing power hierarchies and overcoming persistent structures. It is thus essential to prevent and mitigate resistance and backlash by engaging boys and men and by taking all aspects of resistance into account: combine awareness building, discursive shift promotion and concrete steps for addressing gender biases.

Build a stakeholder network on de-gendering of law- and policymaking

Build an integrated strategy and broad alliances of public and private stakeholders engaged with transformative change and mainstreaming equality in law- and policymaking processes and build intersectional coalitions for sharing experiences, knowledge, expertise and change. It is important to ensure collaboration between institutions such as the government, political parties, academics, NGOs, civil society, grass roots and international organisations. By incorporating a more structural engagement of stakeholders, different types of expertise and best practices can be brought together and thereby highlight the genderedness of laws and policies or provide more insight into how to degender them.

Improve data collection and stimulate further research

Improve the data collection on the intersectional, gendered nature of law- and policymaking (processes), including in crises situations, and on the tools for their reform as well as on the (comparative) evaluation of their (in)effectiveness. This will both help in identifying the scope of the problem of gender inequalities and raise awareness. Furthermore, data collection could help in identifying the gendered effects laws and policies might have, perhaps bringing attention to fields in which these effects are less obvious. Much more in-depth qualitative research in different policy domains is needed to bring to the surface the nature and scope of the problem of gendered law- and policymaking and how this impacts on and contributes to persisting gender inequalities and exclusions.

Reinforcing technological approaches towards the identification and combating of gendered law- and policymaking

Most consortium countries do not (yet) use technology and data-driven approaches to identify and rectify harmful gender stereotypes and biases in laws and policies. Some recognise that using these approaches might be more effective as computers have the ability to quickly go through documents when researching laws and policies, however, most mention the risk of reinforcing stereotypes and discriminatory practices when using algorithms.

The underlying bias in algorithms typically mirrors existing prejudices entrenched within societal structures, influenced by historical, social, and cultural dynamics. These biases are inadvertently embedded into the data that trains AI systems, leading to outputs that reinforce these prejudices. Contrary to the popular perception of algorithms as being objective and neutral, they are a product of human design and operation, inheriting the creators' biases. This misalignment raises crucial ethical concerns, particularly when decision-making processes that significantly impact people’s lives claim to be unbiased.

Both the threats and opportunities that the use of algorithms posits regarding gendered law- and policymaking (processes) warrant much more attention and investigation in the future.

5. Conclusion

The focus is on gender mainstreaming as a solution, while the problem of gendered law- and policymaking is only limitedly recognised as a self-standing problem. Ex ante evaluation/gender test are not satisfactorily applied and lack important perspectives; the intersectional, decoloniality and crisis perspective. The gender analysis/ex-post evaluation of existing laws also gets less attention.

To lesser or larger extent, the consortium countries are sharing the following problems: a lack of political vision, will and priority, political complexities, soft or no national legal approaches, a lack of data, knowledge and research, insufficient administrative, financial, human resources dedicated to effective implementation and monitoring, disregarding civil society groups’ experiences and expert/academic research/expertise. These all contribute to the persistence of gendered law and policymaking in all consortium countries. On all these levels simultaneous action is needed to bring about transformative equality change.



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A much more straightforward, proactive and full-fledged implementation of articles 2f and 5a of CEDAW in the legal framework of the consortium countries and beyond, as well as the EU and the AU could be a game-changer in this regard.



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Annex 1: Existing toolkits

1.1 EIGE's Gender Mainstreaming Toolkits

EIGE provides a comprehensive suite of toolkits designed to infuse gender perspectives throughout public policy and organizational practices, thus ensuring a systematic approach to gender equality. These toolkits serve a broad array of sectors and cater to diverse needs within institutions, enhancing gender mainstreaming efforts across Europe. Here’s a look at each toolkit and its applications:

- **Gender-responsive Public Procurement:**

Gender-responsive Public Procurement (GRPP) is defined as the procurement process that aims to promote gender equality through the acquisition of works, supplies, or services by public entities²⁰. This approach considers the different implications that contracted activities may have on women's and men's interests, designing and delivering contracts in ways that help reduce gender inequalities (EIGE, 2021). GRPP targets inequalities not just within the workforce through the delivery of contracts—whether local or remote—but also in the manner a contract is performed and the impact it has on the users or recipients of the procured goods, services, or works.

EIGE emphasizes that integrating gender considerations into public procurement doesn't necessarily entail higher costs, but it does require specific knowledge and capacity. It involves asking pertinent questions at the start of the procurement cycle, such as whether the intended purchase has different implications for diverse gender groups, if these groups have distinct needs concerning the services or goods to be purchased, and which applicable social and labor laws promote gender equality related to the contract (EIGE, 2021).

By implementing GRPP, public bodies align their purchasing power with the principles of gender equality, ensuring that public spending not only meets the requirements of efficiency and economy but also contributes substantively to social objectives. This alignment is supported by the European Union's legal framework, which mandates the incorporation of gender mainstreaming into all EU activities, including public procurement, to eliminate inequalities and promote equality between women and men (Articles 2 and 3(3) of the TEU, Articles 21 and 23 of the Charter of Fundamental Rights of the European Union, and Article 8 of the TFEU).

Expanding on the Spanish model, the public procurement law also sets forth special implementation conditions that directly address gender equality during the execution of contracts. For example, Article 202 of Spanish Law 9/2017 specifies that during the performance of a contract, conditions related to gender equality must be fulfilled by the supplier. This not only ensures adherence to gender-specific goals throughout the contract's lifecycle but also embeds gender considerations into the routine monitoring and evaluation processes. By making gender-related performance conditions a compulsory part of contract execution, Spain ensures that contractors remain continuously engaged with gender equality objectives, thereby facilitating longer-term impacts on gender parity in the workforce.

In addition to these contract-specific requirements, Spanish Law 9/2017 also mandates that any company with more than 250 employees must have an equality plan in place to be eligible for public procurement contracts (Article 71). This requirement leverages public procurement as a tool to enforce broader social changes within the private sector, pushing larger firms to commit to structured plans that address gender disparities internally. This integration of gender equality measures into the eligibility criteria for participating in public tenders serves as a robust mechanism to encourage companies to adopt more inclusive practices and align with national objectives for gender parity.

Furthermore, these legislative measures are complemented by the introduction of gender-sensitive award criteria (Article 145). This provision allows public authorities to consider a bidder's approach to gender equality as a factor in the tender evaluation process. It incentivizes companies to develop and demonstrate their commitment to gender equality, knowing that it could give them a competitive advantage in securing government contracts.

Implementing GRPP therefore involves several steps, starting with a thorough understanding of the existing legal and regulatory frameworks. Public procurement laws need to be examined and potentially revised to include provisions that facilitate gender equality. This might involve stipulating that procurement documents and contracts consider gender impacts or require gender-sensitive reporting from contractors. Countries like Spain have integrated these elements into their procurement laws, demonstrating a commitment to addressing gender disparities through public spending.

At the strategic level, public authorities must develop procurement strategies that explicitly include gender equality objectives. This could include setting targets for awarding a certain percentage of contracts to women-owned businesses or ensuring that procurement practices do not perpetuate gender biases. For instance, using criteria that evaluate the gender equality practices of bidding companies can incentivize these companies to adopt fairer employment practices.

Operationalizing GRPP requires building the capacity of procurement officials through targeted training and support. These programs should educate officials about gender issues and provide them with the tools to assess the gender implications of procurement decisions. Furthermore, developing gender-sensitive criteria for the evaluation of bids and monitoring the gender impact of procurement activities are crucial steps in ensuring that GRPP principles are effectively implemented.

Collaboration with stakeholders, including gender experts, women’s organizations, and industry groups, is vital for the success of GRPP. Such collaboration can provide valuable insights into the challenges and opportunities in promoting gender equality through procurement. Additionally, it can help in designing contracts that address the specific needs of women and men in the community, thereby enhancing the overall impact of public spending on societal well-being.

- **Gender Budgeting**

Gender budgeting is defined as the application of gender mainstreaming in the budgetary process²¹. This involves conducting a gender-based analysis of budgets, integrating a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures to promote gender equality. This definition, widely recognized and adopted by the Council of Europe, highlights gender budgeting as both a strategy and a process aimed at achieving long-term gender equality goals.

The step-by-step toolkit for gender budgeting, intended for use in managing European Union Funds under shared management, is primarily aimed at managing authorities within EU Member States. This toolkit serves as a guide for civil servants and managers involved at both national and subnational levels in the programming of EU Funds. Moreover, it is also a valuable resource for intermediate bodies described under Article 2(7) of the Common Provisions Regulation (CPR), which includes public or private legal bodies acting under the authority or on behalf of managing authorities.

Gender budgeting, as defined by the Council of Europe, is the application of gender mainstreaming within the budgetary process. This involves a gender-based assessment of budgets, integrating a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures to promote gender equality. EIGE emphasizes that fully applying gender budgeting within EU budget processes entails integrating gender perspectives throughout all stages of budgeting and planning.

Practically, gender budgeting involves three main activities: conducting gender-based assessments to identify the gendered impacts of budgets, using these assessments to promote

changes aimed at advancing gender equality, and involving a mix of governmental and non-governmental actors to support these efforts. The approach is reinforced by experiences across Europe, suggesting that gender budgeting effectively makes visible the different impacts of fiscal decisions on men and women, thereby promoting gender equality.

This toolkit thus provides EU Funds managers and other stakeholders with practical tools and examples from various Member States, showing how gender budgeting can be effectively implemented. Each section of the toolkit directs users to relevant tools and promising practices, thereby facilitating the application of gender budgeting principles in the management of EU Funds. These resources aim to ensure that gender considerations are fully integrated into the financial management processes of the EU, enhancing the overall effectiveness and equity of public spending.

The first step in implementing gender budgeting is to establish a solid foundation of gender-aware policies and leadership commitment. This involves the development of clear policy guidelines that define the scope and objectives of gender budgeting within the organization. Leadership must actively support these initiatives, ensuring that there is both a mandate and adequate resources for implementation. Training and capacity building are crucial at this stage, as stakeholders across all departments need to understand gender issues and how budget decisions can impact different genders differently.

Data collection and analysis form the backbone of effective gender budgeting. Organizations must collect gender-disaggregated data that can illuminate disparities and inform budgetary decisions. This data should cover areas such as employment, program participation, and access to services, providing insights into how resources are distributed and the impact of these distributions on different genders. Based on this data, gender-sensitive indicators should be developed to measure performance and outcomes directly related to gender equality goals.

Once the groundwork has been laid, the next step is the actual integration of gender analysis into the budgetary process. This means reviewing existing budget allocations through a gender lens, identifying areas where disparities exist, and adjusting budgets to address these issues. It also involves predicting the gendered impacts of new budgetary measures before they are implemented, allowing for proactive adjustments. Gender budgeting should be an iterative process, with continuous monitoring and evaluation to assess the effectiveness of measures and make necessary adjustments.

Finally, transparency and accountability are key to the success of gender budgeting efforts. Organizations should publicly report on their gender budgeting processes and outcomes, allowing stakeholders to hold them accountable. This transparency not only builds trust but also fosters an environment of continuous improvement as feedback loops are established.

Engaging with civil society organizations, gender experts, and the broader public in dialogue and consultations can further enhance the effectiveness and legitimacy of gender budgeting practices.

- **[Gender Equality in Academia and Research \(GEAR Tool\)](#)**

Several critical issues contribute to the perpetuation of gender inequalities within research and innovation (R and I) settings²². Firstly, the masculine image associated with science can deter women from pursuing careers in R and I, leading to horizontal and vertical segregation. Unconscious or implicit gender bias further exacerbates these inequalities, influencing assessment and evaluation processes and hindering objective judgment. Additionally, workplace cultures and climates that are not gender-neutral, often characterized by a chilly climate for women, contribute to feelings of isolation and experiences of harassment or discrimination. Work-life conflicts and career inflexibility disproportionately affect women in R and I, leading to slower career progression and higher attrition rates. Moreover, gender-blind or biased research and training perpetuate inequalities in scientific knowledge production, impacting research quality and innovation outcomes.

Addressing these issues requires concerted efforts at multiple levels, including organizational policies, cultural shifts, and structural reforms. Leadership plays a crucial role in shaping workplace culture and climate, and efforts should be made to promote gender-neutral and inclusive environments. Research and training should adopt a sex/gender-sensitive approach, recognizing and incorporating sex and gender differences into study designs and analyses. Initiatives such as adopting guidelines for reporting sex and gender information in research findings and integrating sex/gender analysis as a cross-cutting issue in funding programs are steps toward promoting gender equality in R and I.

The Gender Equality in Academia and Research action toolbox serves as a comprehensive resource for implementing Gender Equality Plans (GEPs) in research and higher education organizations. A GEP is a fundamental requirement for participation in Horizon Europe, the European Commission's research framework programme. Defined by the Commission, GEPs consist of a series of commitments and actions aimed at fostering gender equality within an organization through structural changes. These plans are designed to comprehensively address gender imbalances and inequalities within research and innovation (R and I) organizations, engaging all stakeholders and targeting diverse gender identities. GEPs should not solely focus on enhancing career opportunities or resource access for one gender but should be inclusive of all genders. They should also incorporate monitoring and evaluation activities to facilitate reflection and learning, and delineate clear responsibilities and

governance structures to ensure effective implementation and accountability. An effective GEP operates across five key levels to drive structural and cultural change within an organization:

Establishing the Foundation: The process begins by understanding the mandatory requirements for GEPs under Horizon Europe, which includes having a public document, dedicated resources for implementation, robust data collection and monitoring systems, and ongoing training and capacity building. These elements ensure that the organization is not only compliant but is also committed to genuine transformation. This stage sets the groundwork by aligning the institution’s policies with broader EU gender equality directives and integrating these into their operational framework.

Engaging Stakeholders: Successful implementation of GEPs requires the engagement of the entire organization. This includes consultation and involvement from various levels—from executive boards to faculty and staff. Broad engagement helps in gaining diverse insights and ensures that the GEP is not viewed as an external imposition but rather as an integral part of the institution’s ethos and culture. It is crucial that this process also links to other strategic goals of the organization such as enhancing research excellence and internationalization.

Developing Tailored Actions: Each GEP must be customized to fit the specific context and needs of the institution. This involves detailed analysis and identification of key issues such as gender imbalances in leadership roles, disparities in recruitment and career progression, and potential gender biases in research and teaching content. The GEP should propose specific, actionable measures to address these areas, supported by clear objectives and timelines. Use of participatory and co-design methods in this phase can enhance the relevance and effectiveness of the plan.

Implementing with a Focus on Structural Transformation: Implementation should focus on deep-seated changes rather than superficial adjustments. This involves revising recruitment and assessment processes to eliminate gender bias, changing organizational cultures to support work-life balance, and adjusting research agendas to include gender dimensions. It's also important to address gender-based violence and harassment through clear policies and supportive measures. Integration of gender analysis into the research content itself can also lead to more comprehensive and impactful research outcomes.

Monitoring, Evaluation, and Sustainability: The final stage involves setting up robust mechanisms for monitoring and evaluating the impact of the GEP. This should include both qualitative and quantitative measures to assess progress towards the set goals. Regular reporting and review will help in fine-tuning the plan and making necessary adjustments. Sustainability of gender equality measures should be a continuous focus, ensuring that the gains made through the GEP are embedded within the institutional culture and practices long-term.

Therefore, aligned with the recommendations of Horizon Europe, the toolbox proposed by EIGE addresses five key areas essential for promoting gender equality:

Work-life balance and organizational culture: Initiatives in this area aim to create a supportive work environment that accommodates diverse personal and professional needs, fostering a culture of inclusivity and well-being.

Gender balance in leadership and decision-making: Efforts focus on promoting gender diversity in leadership positions and decision-making processes within organizations, ensuring equitable representation and participation.

Gender equality in recruitment and career progression: Strategies are implemented to eliminate biases and barriers in recruitment processes and to facilitate equal opportunities for career advancement, addressing disparities in career trajectories.

Integration of the gender dimension into research and teaching content: Initiatives seek to incorporate gender-sensitive perspectives and approaches into research projects and educational curricula, enhancing the quality and relevance of academic endeavors.

Measures against gender-based violence, including sexual harassment: Policies and interventions are implemented to prevent and address gender-based violence and sexual harassment in academic settings, ensuring a safe and respectful environment for all.

Additionally, the action toolbox covers other relevant topics essential for promoting gender equality and meeting the requirements of Horizon Europe, including:

Measures mitigating the effect of COVID-19: Strategies are developed to address the specific challenges and impacts of the COVID-19 pandemic on gender equality in research and academia.

Data collection and monitoring (including evaluation): Tools and methods are provided for collecting and analyzing gender-disaggregated data to monitor progress and evaluate the effectiveness of gender equality initiatives.

Training and awareness raising: Educational programs and awareness campaigns are conducted to promote understanding and engagement with gender equality issues among stakeholders within organizations.

GEP development and implementation: Guidance and resources are offered for the development, implementation, and evaluation of Gender Equality Plans tailored to the specific needs and context of each organization.

Gender-sensitive research funding procedures: Procedures are developed to ensure that research funding processes are fair, transparent, and inclusive, considering the gender dimension in grant allocation and evaluation.

- **[Gender-sensitive Parliaments](#)**

According to EIGE²³, gender equality action plans play a key role in advancing gender equality within parliamentary institutions for several reasons:

Demonstration of commitment: By developing and implementing gender equality action plans, parliaments signal their dedication to gender equality and gender mainstreaming. These plans serve as tangible evidence of the parliament's commitment to fairness and social justice, fostering trust among members, stakeholders, citizens, and other institutions.

Alignment with national laws and regulations: In many EU Member States, parliaments are mandated by national laws to establish gender equality action plans for their parliamentary administrations. These legal requirements ensure that parliaments actively work towards promoting gender equality and provide a framework for continuous improvement in gender equality practices.

Integration with EU commitments: Gender equality action plans align with the EU's commitment to gender equality and gender mainstreaming, as reflected in various EU treaties, resolutions of the European Parliament, and the EU's Gender Equality Strategy (2020–2025). These plans contribute to achieving gender balance in decision-making processes and politics, in line with EU objectives.

International obligations: Gender equality action plans also help parliaments fulfill their international commitments to advance gender equality, as outlined in treaties such as the UN Convention on the CEDAW and the Beijing Declaration and Platform for Action. Additionally, these plans contribute to the attainment of the UN's Sustainable Development Goal 5, which aims to achieve gender equality and empower all women and girls.

Operational effectiveness: Gender equality action plans enhance the operational effectiveness of parliaments by providing a structured framework for promoting gender equality. These plans outline specific measures and timelines for implementation, facilitate monitoring and evaluation processes, and ensure accountability for progress towards gender equality goals.

Thus, gender equality action plans serve as essential gender mainstreaming tools adopted by parliaments to outline specific actions aimed at advancing gender equality within their institutions. These plans hold parliaments accountable for their gender equality commitments, ensuring that gender equality is not merely an aspirational goal but a tangible objective achievable within the parliamentary context. Key components of gender equality action plans include:

Overarching goals: Clearly defined objectives that the parliament aims to achieve in advancing gender equality within a specified timeframe.

Specific measures: Detailed actions to be implemented by various groups within the institution to address identified issues related to gender equality.

Monitoring and evaluation: Mechanisms to track the implementation of the plan and evaluate its effectiveness in achieving the overarching goals set forth.

Gender equality action plans bring together diverse actors within parliament, fostering a collaborative approach to gender-responsive institutional transformation. These actors include

members from different political parties, ensuring that gender equality initiatives are bipartisan efforts rather than partisan agendas. Additionally, representatives from both the political and administrative sides of parliament contribute to the plan's development and implementation, providing the necessary political and technical support.

By considering gender and intersecting inequalities, parliaments can tailor measures within their gender equality action plans to address the unique challenges faced by individuals with diverse backgrounds. Intersectionality acknowledges that gender intersects with other characteristics such as age, socioeconomic status, disability, race, ethnicity, gender identity, sexual orientation, and rural or urban location, contributing to varying experiences of exclusion and discrimination. Consequently, gender equality action plans strive to ensure that the perspectives and needs of women and men from diverse backgrounds are adequately addressed, thereby promoting inclusivity and equality for all.

EIGE suggests an action plan based on 4 steps:

- **[Gender Impact Assessment](#)**

According to EIGE, the Gender Impact Assessment (GIA) is a systematic evaluation process used to analyze the potential effects of laws, policies, programs, or initiatives on gender equality²⁴. It involves assessing how a proposed action may impact different genders, particularly in terms of their access to resources, opportunities, and benefits, and their overall well-being. The central aim of GIA is to identify, in advance, any potential positive or negative consequences that a decision may have on the state of equality between women and men. By examining the gender-related implications of a proposed action, policymakers can make informed decisions to promote gender equality and ensure that policies are inclusive and equitable for all genders.

Traditionally, policies and legislation were assumed to be gender-neutral, but structural gender inequalities persist in society. Even if laws treat women and men equally, women often lack equal access to resources and opportunities. Ignoring these existing gender inequalities perpetuates them further. Gender-blind policies, which do not distinguish between women and men, may unintentionally reinforce gender inequalities.

GIA helps policymakers anticipate the differential effects of new regulations, policies, or programs on women and men. By considering the needs and interests of both genders, GIA ensures that policies support gender equality and do not inadvertently exacerbate existing inequalities. Moreover, it allows policymakers to foresee the potential impacts on the lives of women and men, thus enabling them to design policies that promote equality from the outset.

Furthermore, GIA contributes to the broader goals of strengthening gender equality and achieving better governance. It ensures that policies are responsive to the needs of all citizens, regardless of gender. By incorporating a gender perspective early in the policymaking process, policymakers can address specific issues faced by different target groups and allocate appropriate resources to achieve objectives effectively.

Additionally, GIA serves as a tool for learning about gender inequality and identifying actions to bridge gender gaps. By asking critical questions and gathering relevant data, policymakers can gain insights into the structural gender inequalities underlying gender gaps. This process helps build essential knowledge about gender inequality and informs the development of effective policies aimed at reducing it.

Hence, GIA is essential when drafting legislation, policies, programs, and projects. The Council of the European Union, in its conclusions from 2006, highlighted the need to establish or reinforce GIA processes, emphasizing its importance in gender mainstreaming efforts. While GIA has traditionally been associated with assessing legislative acts, its scope is much broader. It can be applied to various areas, including policy plans, programs, budgets, concrete actions, bills, and reports. Moreover, GIA can be used not only for new policies but also for existing ones, both within the administration and by external actors. By analyzing and foreseeing the gender impact of decisions, GIA helps improve measures and informs budget allocation decisions. Most political decisions affect the lives of both women and men, making GIA relevant to assess the gender effects and ensure the promotion of gender equality. Determining the gender relevance of proposals involves considering the target group and the impact on that group's access to resources and social position. While not all proposals may require GIA, those that do not should be accompanied by a justification. It's important to note that GIA is not a substitute for the broader commitment to eliminating inequalities and promoting gender equality. Finally, laws, policies, and programs specifically targeting gender equality do not need GIA as they are designed to address existing gender inequalities.

According to EIGE, carrying out a gender impact assessment involves several key stages, which are typically organized into five steps:

Definition of Policy Purpose: This initial step involves clearly defining the purpose and objectives of the policy, program, or project under consideration. It sets the foundation for understanding its intended outcomes and identifying potential areas where gender impacts may arise.

Checking Gender Relevance: In this stage, the focus is on assessing the relevance of gender within the context of the policy. It involves examining whether gender issues are pertinent to the policy's goals and whether there are potential gender disparities or inequalities that need to be addressed.

Gender-Sensitive Analysis: This step entails conducting a thorough analysis of the policy's potential effects on different gender groups. It involves examining how the policy may impact women, men, and other gender identities differently, considering factors such as access to resources, social roles, and power dynamics.

Weighing the Gender Impact: After analyzing the potential effects, this stage involves evaluating the magnitude and significance of the gender impacts identified. It requires assessing whether the policy is likely to reduce, maintain, or exacerbate existing gender disparities and inequalities.

Findings and Proposals Reformulate: The final step involves synthesizing the findings of the gender impact assessment and developing recommendations or proposals for action. This may include suggestions for modifying the policy to mitigate negative gender impacts and identifying opportunities to promote gender equality and social inclusion.

For instance, in Belgium, gender impact assessment is integrated within a broader Regulatory Impact Assessment (RIA) framework, which was adopted at the end of 2013. The RIA serves as a preliminary assessment of the potential consequences of regulatory projects across various sectors, including social, economic, and environmental fields, as well as their impact on public authority. Within this framework, the gender impact assessment is one of the components.

The RIA covers 21 subjects, with four subjects analyzed in more depth. These include the Kafka test, which evaluates administrative burdens on citizens, businesses, and non-profit organizations; the policy coherence test for development; the SME test, which considers the impact on small and medium-sized enterprises; and the gender test, which specifically assesses the impact of regulatory proposals on women and men.

In terms of actors involved, the scope of impact assessment, including gender impact assessment, applies only to new bills. Civil servants responsible for law drafting in different ministries are tasked with addressing gender-related aspects as part of the broader impact assessment exercise. Each minister is responsible for providing the impact assessment report on projects of regulations within their policy areas. They may also seek advice from the impact assessment helpdesk and request quality evaluation from the impact assessment committee, operating under the supervision of the Agency for Administrative Simplification (AAS). This committee conducts ex post evaluations through an annual report, guided by principles of independence, confidence, and transparency.

Although the Institute of Equality for Women and Men does not have a specific role within the impact assessment process, it offers recommendations to public authorities to enhance relevant laws and regulations from a gender equality perspective.

- [Gender Equality Training](#)

Gender equality training (GET) is a component of gender mainstreaming strategies aimed at advancing gender equality²⁵. It equips participants with the necessary knowledge, skills, and values to effectively implement gender mainstreaming in their respective fields, organizations, institutions, or countries. GET enables civil servants to identify gender inequalities and gaps, define gender equality objectives, incorporate gender considerations into policy planning and implementation, monitor progress, and evaluate programs from a gender perspective.

GET is not merely about imparting theoretical knowledge; it also involves developing practical skills and fostering a change in attitudes and behaviors. Recognizing that no political or organizational practice is gender-neutral, GET facilitates a learning process where individuals understand the importance of gender in their work and acquire the tools to integrate gender considerations effectively.

According to UN Women, gender equality training is a tool for effecting individual and collective transformation toward gender equality through consciousness-raising, empowering learning, knowledge building, and skill development. It is not an isolated goal but rather a part of a broader toolkit for implementing gender mainstreaming. GET should be integrated into a continuous, long-term process rather than being treated as a one-time intervention. While GET is just one element of gender mainstreaming, it plays a crucial role and is recognized as such by various international and European instruments on gender equality. According to EIGE, when planning gender competence development activities, authorities commissioning the training should undertake the following steps:

Step 1: Assess the need for (regular) gender competence development initiatives in the organization: Before commissioning gender competence development activities, it's essential to evaluate the organization's need for such initiatives. This assessment helps determine whether regular gender competence development initiatives are necessary and identifies areas where they can be most beneficial.

Step 2: Integrate gender competence development initiatives into the broader equality strategy of the organization: Gender competence development initiatives should be aligned with the organization's broader equality strategy. Integrating them ensures consistency and coherence in promoting gender equality across all organizational activities.

Step 3: Ensure that sufficient resources have been allocated to implement the initiative and its follow-up: Allocating adequate resources, including financial, human, and time resources, is critical for the successful implementation and follow-up of gender competence development initiatives. Insufficient resources can hinder the effectiveness and sustainability of these initiatives.

Step 4: Prepare terms of reference carefully. Clear and comprehensive terms of reference should be developed to guide the gender competence development initiative: These terms should outline the objectives, scope, expected outcomes, roles and responsibilities, and evaluation criteria for the initiative.

Step 5: Select a trainer with competencies, skills, and knowledge relevant to the organization: Choosing the right trainer is essential for the success of the gender competence development initiative. The trainer should possess relevant competencies, skills, and knowledge aligned with the organization's needs and objectives. Their expertise should enable them to effectively deliver training that addresses the organization's gender equality challenges and goals.

1.2 [OECD Toolkit for Mainstreaming and Implementing Gender Equality 2023](#)

Establishing effective institutional mechanisms for gender equality and mainstreaming is crucial for ensuring the successful implementation, coordination, and sustainability of gender equality initiatives. The OECD Recommendation on Gender Equality in Public Life²⁶ emphasizes several key provisions to achieve this goal:

Clear Roles and Responsibilities: Governments should establish clear roles, responsibilities, mandates, and lines of accountability for key governmental and oversight bodies involved in implementing gender equality and mainstreaming initiatives. This clarity ensures that each entity understands its role in advancing gender equality and can be held accountable for its actions.

Capacity and Resources: Gender equality institutions need sufficient capacity and resources to facilitate a consistent response at all levels of government. This includes developing, implementing, and monitoring gender-sensitive programs and policies based on gender-disaggregated statistics and indicators. Strengthening the effectiveness of gender equality institutions often involves placing them at the highest possible level in the government hierarchy to underscore their importance.

Integration of Gender Equality Perspectives: Public institutions should have the capacity and resources to integrate gender equality perspectives into their activities. This may involve identifying gender equality focal points within governmental bodies, investing in training, promoting collaborative approaches with knowledge centers to produce gender-sensitive knowledge, and ensuring the collection of gender-disaggregated statistics.

Coordination Mechanisms: Governments should establish robust vertical and horizontal coordination mechanisms for policy coherence across governmental bodies and levels of government. These mechanisms should involve relevant non-governmental stakeholders to ensure synergies and effective implementation of gender equality initiatives. By coordinating efforts, governments can avoid duplication of work, maximize resources, and achieve greater impact in advancing gender equality.

Examples of countries implementing these provisions include Portugal, which has established an intersectional approach to its National Strategy for Equality and Non-Discrimination, and Chile, which has engaged in participatory consultations to develop its Plan for Equality between

Women and Men. Additionally, Canada's Gender Results Framework provides a comprehensive tool for tracking progress and identifying measures to advance gender equality across key pillars of focus. These examples demonstrate the importance of institutional mechanisms in driving progress toward gender equality and mainstreaming.

The first step in the strategy involves establishing a comprehensive plan that secures leadership and commitment at the highest political levels. This plan should outline clear objectives, expected outcomes, timelines, and responsibilities across all public institutions to promote gender equality. Such a strategy ensures that gender considerations are integrated into the fabric of governmental planning and operations, transcending mere tokenism or isolated initiatives.

Essential to the strategy is the development of robust institutional frameworks that support the implementation and sustainability of gender equality initiatives. This includes assigning clear roles and responsibilities to key bodies within the government and ensuring these bodies are equipped with the necessary resources and authority to implement gender-sensitive programs. The effectiveness of these institutions is often enhanced by situating them within high levels of government, thereby affirming their influence and authority.

A critical component of the strategy is establishing accountability mechanisms to monitor progress and ensure compliance with gender equality objectives. This involves regular reviews and assessments to measure the impact of implemented policies and practices against established gender equality benchmarks. Such mechanisms help in identifying successful initiatives and areas needing improvement, facilitating continuous development in gender mainstreaming efforts.

The strategy highlights the importance of collecting and utilizing gender-disaggregated data to inform policy-making and program implementation. This data is vital for understanding the specific needs and circumstances of different gender groups, enabling targeted interventions and measuring the effectiveness of existing policies.

Engaging with the public and raising awareness about gender equality issues are also integral to the strategy. This not only involves information dissemination but also active participation of diverse stakeholders, including non-governmental organizations, civil society, and the private sector. Such engagement ensures that the strategies reflect the needs and inputs of a broad spectrum of the population, promoting inclusiveness and broad-based support for gender equality initiatives.

Recognizing the intersectional nature of discrimination, the strategy calls for policies that acknowledge and address overlapping forms of discrimination that may affect individuals

based on race, age, socioeconomic status, disability, and more. This approach ensures that gender equality measures are comprehensive and equitable, catering to the nuanced needs of diverse populations.

Finally, the strategy is designed to be dynamic, allowing for adjustments and refinements based on feedback and changing circumstances. This flexibility is crucial for responding to new challenges and opportunities in the pursuit of gender equality, ensuring that the strategies remain relevant and effective over time.

1.3 Gender and security toolkits from UN Women

The "Security Sector Governance, Security Sector Reform and Gender" toolkit²⁷ investigates into the intersection of gender with security sector governance (SSG) and security sector reform (SSR). It offers a comprehensive framework that addresses gender inclusivity in these sectors. His work emphasizes the importance of integrating gender perspectives into SSG and SSR to enhance effectiveness, accountability, and inclusivity. This toolkit aims to assist policymakers, practitioners, and stakeholders in embedding gender considerations into security and justice systems, promoting gender equality not just within these institutions but also in their operational outputs.

The toolkit is designed to be practical, providing pathways and strategies to advance gender equality through various mechanisms within the security sector. It covers defining security needs in a gender-responsive manner, adopting gender-inclusive policy frameworks, and facilitating gender training for security and justice personnel. Moreover, it stresses the need for using staff with specialized gender expertise and altering masculine institutional cultures to boost women's participation and overall diversity in security roles. These efforts are underpinned by the broader goal of ensuring that security and justice institutions are both reflective of and responsive to the diverse needs of the communities they serve. By employing a gender lens, the toolkit offers a nuanced approach that recognizes the unique security challenges faced by different genders, enhancing the overall efficacy and fairness of security sector governance and reform.

The second toolkit "Policing and Gender" focuses on the critical intersection of gender issues within policing practices and policies. It emphasizes the significant role gender plays in shaping effective policing strategies. This toolkit aims to guide police services in incorporating gender perspectives, enhancing their responsiveness to diverse community needs, and addressing gender-based violence and discrimination effectively. The toolkit provides practical advice on creating gender-responsive policing services that can better protect and serve the entire community, taking into account the unique challenges faced by women and other marginalized groups.

The toolkit underlines the necessity of transforming traditional policing paradigms to include a more comprehensive gender perspective. Denney proposes methodologies for police services to become more inclusive, such as recruiting and promoting women and other underrepresented groups, addressing institutional biases, and revising policies and practices to ensure they are gender-sensitive. The goal is to move beyond mere representation to foster an organizational culture that values diversity, equality, and inclusivity at all levels. By doing so, policing can become more effective, as it will reflect and respond to the needs of all segments of society, thus enhancing community trust and ensuring more equitable access to justice and protection.

The third toolkit, "Defence and Gender," goes into the critical importance of integrating a gender perspective within defense institutions and armed forces. This toolkit outlines how understanding the gendered aspects of conflict and security can significantly enhance operational effectiveness and contribute to broader societal goals of gender equality and inclusivity. It serves as a guide for defense institutions aiming to implement gender-sensitive practices and policies, promoting a culture that values diversity and equal opportunity.

In providing practical steps for the defense sector, the toolkit advocates for transformative changes. These include recruiting and retaining a diverse workforce, promoting women into leadership roles, and addressing systemic gender biases. It emphasizes the role of defense institutions as agents of change in society, capable of setting standards for gender equality that extend beyond the military and influence broader social norms. By leveraging the unique position of the military in many countries, a gender-inclusive approach is shown to strengthen the capabilities of defense forces while simultaneously advancing the cause of gender equality on a larger scale.

The toolkit on "Places of Deprivation of Liberty and Gender" explores the critical intersection between gender issues and the management of places where individuals are deprived of their liberty, such as prisons, detention centers, and psychiatric institutions. The toolkit addresses the unique vulnerabilities and needs of women and gender minorities in these settings, emphasizing the importance of adopting gender-sensitive approaches to improve conditions and ensure equitable treatment. It offers guidelines and best practices on how to integrate gender perspectives into the management practices and policies of such facilities, aiming to safeguard the rights and well-being of all inmates, regardless of their gender.

This toolkit underscores the need for specific measures to protect against gender-based violence within these institutions, enhance healthcare services, particularly reproductive health services, and ensure that the staff is trained in gender sensitivity. By promoting an understanding of the different impacts of deprivation of liberty on men, women, and gender-

diverse individuals, the toolkit advocates for reforms that make gender responsiveness a core element of the management and operation of detention facilities.

The toolkit titled "Justice and Gender" explores the integration of gender perspectives into the justice system, aiming to promote gender equality and address the specific needs of different gender groups within the judicial processes. This resource provides practical guidelines for justice sector professionals to recognize and respond to the diverse experiences and challenges faced by men, women, and gender-diverse individuals. By promoting a gender-responsive approach, the toolkit seeks to enhance fairness and accessibility in justice delivery, ensuring that all individuals receive appropriate consideration and support based on their unique circumstances and needs.

This approach involves training for legal professionals on gender sensitivity, revising legal frameworks to eliminate gender biases, and implementing supportive measures that cater specifically to the needs of women and other marginalized groups, such as survivors of gender-based violence. The toolkit emphasizes the importance of systemic changes to promote equality and prevent discrimination, suggesting that such reforms not only improve outcomes for individuals but also strengthen the integrity and credibility of the justice system as a whole.

The seventh toolkit, titled "Parliamentary Oversight of the Security Sector and Gender," focuses on the crucial role that parliamentary oversight plays in shaping security sector governance, particularly with the integration of gender perspectives. This toolkit underscores the importance of parliaments in ensuring that security sector operations adhere to democratic principles, human rights, and gender equality. By promoting a gender-sensitive approach within parliamentary oversight, the toolkit aims to enhance the accountability and responsiveness of security institutions, thereby ensuring that the security needs of all segments of the population are addressed equitably.

This approach advocates for legislative frameworks that not only recognize but actively incorporate gender considerations into their operations and oversight mechanisms. The toolkit provides practical guidelines on how parliamentary bodies can scrutinize security sector policies and practices through a gender lens, thereby promoting inclusivity and preventing discrimination. It also highlights the role of gender-focused training for security personnel and the significance of parliamentary engagement in setting standards for gender equality within the security sector.

The toolkit titled "Border Management and Gender" provides a detailed approach to integrating gender considerations into border security and management practices. It emphasizes the significance of understanding the unique experiences and challenges that women, men, and gender-diverse individuals face at borders. The aim is to enhance the security and facilitation



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processes at borders in a manner that respects human rights and addresses gender-specific needs. This involves training border management personnel on gender sensitivity, ensuring gender-balanced staffing, and implementing policies that protect against gender-based discrimination and violence.

Furthermore, the toolkit highlights the need for gender-disaggregated data to inform border management policies and practices. By understanding the different ways in which various gender groups interact with border security, authorities can develop more effective, equitable, and sensitive approaches to border management.

Finally, The toolkit titled "Management of Arms and Ammunition and Gender" highlights the critical role gender plays in the management of arms and ammunition, advocating for the inclusion of gender perspectives to enhance the effectiveness and accountability of arms management practices. It stresses the importance of understanding how different gender groups interact with arms and ammunition, whether through direct involvement or affected by the consequences of their misuse. The toolkit provides practical steps and recommendations for integrating gender considerations into policies and procedures, aiming to ensure that arms management systems are both responsive to and protective of all community members, regardless of gender.

Additionally, the toolkit emphasizes the benefits of gender-responsive arms management, which include more comprehensive risk assessments, better tailored disarmament, demobilization, and reintegration (DDR) processes, and more effective violence reduction strategies. By including diverse perspectives in arms management discussions and decision-making processes, policymakers and practitioners can develop more holistic and sustainable solutions to arms control challenges



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