Gender Sensitivity in Legislation

As representatives of many diverse members of the public, it is vital for parliamentarians to take an inclusive approach to the performance of their legislative functions. This is particularly important in the drafting and review of legislation. Applying a *gender perspective* in these processes will help to ensure that laws and policies are designed to respond to the unique experiences of women and men, avoiding "one-size-fits-all" thinking. This contributes to greater equality and to a legal framework that works in favour of as many people as possible.

Thinking about gender and intersectionality in relation to legislation

An individual's gender shapes social expectations of their specific interests, careers, household responsibilities, and characteristics. These expectations reflect historical patterns that have reinforced particular roles in society for women and men, which have also led to gender norms and stereotypes that continue to shape our daily lives. These have also contributed to gender inequalities in access to resources, opportunities, and power that particularly disadvantage women.

> *Example*: Women's labour force participation has been increasing for decades, but gendered expectations around responsibilities in the household have been slower to change. Women continue to take on the majority of unpaid household care work in addition to carrying out their paid work, resulting in a "double shift" that limits their time and negatively impacts their relative earnings.

We are often unconscious of the many ways in which gender impacts our lives. A gender perspective can be applied in legislation as a means of correcting this, in an understanding that – because of their gender – women and men may have different needs and experiences in relation to policy issues, as well as specific needs from responses. The different ways in which issues could positively or negatively impact different individuals must be brought to light when developing such proposals to ensure that these will benefit as many constituents as possible.
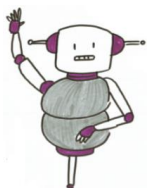
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> *Example*: When assessing a labour reform that would stimulate job creation, it is important to think about which sectors will be growing and who this will impact. New jobs in science, technology, engineering, and math (STEM) fields, for instance, could primarily benefit men, as women are currently underrepresented in these fields and in related training programmes. To make this reform more gender-sensitive, additional provisions could be put into place to support women's increased entrance in the field.

It is also important to recognise that all women and men are different: individuals are not just one element of their identity at a time – a woman, a migrant, a youth, a mother, an urban dweller, etc. – but rather all of these at once. This unique collection of characteristics can result in an individual having an entirely different set of (dis)advantages, needs, and experiences in relation to a policy issue when compared to those who may share one or more of the elements of their identity. Thinking in this way when legislating makes a gender perspective *intersectional*.

Example: In natural disaster response planning, it is necessary but insufficient to think about the different needs of women and men. It is also important to consider how constituents will be impacted and experience vulnerabilities based on their geographic location, exposure to climate risk, age, (dis)ability, and socio-economic status, among other characteristics. An able-bodied and relatively wealthy young woman living with her family in a rural location far from the coastline will require different supports than an unmarried elderly man[1] with impaired mobility who lives alone along the coastline. The realities and vulnerabilities of both of these individuals will need to be contemplated as part of a comprehensive national response.

Key definition

Intersectionality: A tool for analysis, advocacy, and policy development that addresses multiple discriminations and helps us understand how different sets of identities impact on access to rights and opportunities.

Source: The Association for Women's Rights in Development (AWID)

While it can sound complicated to consider how issues and legislative responses may impact each constituent differently – and it *does* require additional effort – applying a gender perspective is more likely to result in outcomes that generate equality and sustainable development. Ultimately, parliamentarians must recognise the diversity in their constituencies and consider what provisions within a legislative response could serve a wide majority of individuals, with specific attention to the most marginalised.

How do we put this into practice?

A key line of action for applying a gender perspective to legislation is drawing upon a greater range of perspectives and voices to inform its development. This can and should include parliamentarians' direct engagement with the public through, for example, open and accessible consultations, the use of social media tools like polling, and dialogue with women's rights and other civil society organisations. Speaking with constituents to gather their thoughts and expand your own thinking is critical.

Information gleaned from the public can be complemented by further research and dialogue. Asking yourself and others the right questions when building your understanding of an issue and reviewing and debating a bill will help to bring forward additional considerations that may not have previously surfaced, but that could help to improve the accessibility of the solution for all members of the population. Sample questions can be found on the following page.

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[1] Studies have found that unmarried and elderly men are at greater risk during climate events due to greater social isolation and gender norms that deem it "unmanly" to ask for help. These factors were not found to be as relevant in impacting the vulnerability of unmarried women. (Source: *Gender, Climate Change, and Health*, World Health Organisation, 2016, pg. 3)

Questions to ask when conducting research to build your understanding of an issue

❑ How is this issue experienced differently by individuals of different genders? How could someone's age, geographic location, ethnicity, (dis)ability, or other characteristics further impact their experience with this issue?

    o Is there disaggregated data available on any online databases that could speak to national trends?

    o What other qualitative information – such as national reports, studies from regional or international organisations, news articles, or speeches by ministers or parliamentarians in national and international settings – can I find that discusses how different individuals currently experience this issue in the country?

    o How can I connect with others to learn about their perspectives? Would social media or in-person meetings be helpful tools for asking my constituents' thoughts?

    o What are key barriers or themes emerging from my learning and conversations that will need to be considered in solutions?

> **Key definition**
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> *Disaggregated data:* Data that is broken down by characteristics such as sex, age, location, or other variables. Rather than aggregate data, which presents a summary data point (e.g. national school enrolment), disaggregated data helps to highlight variations across different subgroups (e.g. national school enrolment of girls and boys).
>
> Source: Global Partnership for Sustainable Development Data

❑ What related legislation, programmes, and policies are in place to address this issue? Is there any evidence available on how these have been working or possible gaps in provisions?

    o What do civil society organisations working on this topic think about the effectiveness of current responses?

    o Can I gather any insights from the staff of ministries or parliamentary committees who work on this issue regularly?

❑ How has this issue been addressed in other countries? What responses were most and least effective?

Sources for disaggregated data and qualitative information on the state of gender equality issues

- The World Bank Gender Data Portal: http://datatopics.worldbank.org/gender
- ECLAC's Gender Equality Observatory for Latin America and the Caribbean: https://oig.cepal.org/en
- CEPALSTAT Gender Statistics System: http://interwp.cepal.org/sisgen/ConsultaIntegrada.asp?idAplicacion=11&idioma=i
- Country reports on the implementation of international gender equality frameworks
  - Beijing Declaration and Platform for Action: https://www.cepal.org/en/work-areas/gender-affairs/la-plataforma-accion-beijing-cumple-25-anos
  - CEDAW: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29
- National Policy on Gender and Development and other relevant policies and legislation in your country

Questions to ask when developing and implementing legislation

❑ How are different women and men differently impacted by this issue? In addition to gender, what other characteristics need to be considered to develop a full understanding of how this issue is experienced by my constituents?

    o What consultation and research must be undertaken to strengthen my knowledge?

❑ What is the purpose of the proposed legislation? What provisions need to be included to ensure it accomplishes its goals?

    o Why is this a priority issue according to national data and constituent experiences? What information do I need to advocate for its importance in parliament?

    o What are the gaps in current legal frameworks that should be addressed through this law? What provisions of international agreements adopted by my country can be referenced for good practices?

    o If one of the goals is positive advancement for a particular marginalised group, how do I ensure that the legislation benefits all of the diverse members of that group and not just a particular subsection?

❑ Which actors should I draw upon for expertise regarding effective implementation and resourcing?

Questions to ask when reviewing legislation

❑ Does the bill recognise that individuals of different genders will experience the issue differently? Does it further consider how individuals' more complex identities (e.g. as rural women, elderly men, single mothers, etc.) may affect their experience?

  o Do the solutions proposed similarly reflect an understanding that some groups will require additional supports or attention to address inequalities?

❑ Does the bill cover all of the issues that were identified as priorities in my research and consultations? If not, what additions or deletions could be necessary?

  o Is there evidence of good practices from international and national experiences having been adapted to suit the purpose and context?

❑ Given my specific portfolio, are there any specific additions I could suggest that would highlight issues not yet considered?

❑ How will the bill work with other laws in the country? Are there any possible gaps in coverage?

❑ Is there a plan for implementation? Have sufficient resources been allocated for this?

Questions to ask when debating legislation

❑ How were diverse perspectives and experiences sought out to inform this bill? How were the key concerns that were raised reflected in the legislation?

  o What kinds of qualitative and quantitative data were used? Was this disaggregated by different characteristics?

  o How was the public consulted? Was this done in an accessible, inclusive way to facilitate contributions from often marginalised groups?

  o Were women's rights organisations and other civil society groups active on the issue involved in shaping or reviewing the legislation? Is their feedback reflected?

❑ Has the legislation passed through relevant committees or been reviewed by other public bodies that regularly work on the topic?

❑ How will this piece of legislation support the achievement of international agreements to which the state has committed, such as the Sustainable Development Goals or other relevant frameworks?

❑ If passed, how will the bill's implementation be monitored? How will success be measured?

  o What disaggregated data will be collected to inform this analysis?