

Strasbourg, 2 September 2022

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**BUREAU OF THE  
EUROPEAN COMMITTEE ON LEGAL CO-OPERATION  
(CDCJ-BU)**

114<sup>th</sup> meeting  
7 September 2022  
(by videoconference)

**PRACTICAL GUIDE FOR MAINSTREAMING GENDER IN PUBLIC AND PRIVATE LAW  
REFORM PROCESSES**

**Preliminary Outline**

**(Item 4.4 of the draft agenda)**

Document prepared by the Secretariat  
Directorate General Human Rights and Rule of Law – DGI

**Background**

The CDCJ decided at its 94<sup>th</sup> meeting (13-15 November 2019), to prepare proposals for ways to further mainstream gender in its work and for specific activities to be undertaken by CDCJ in 2022-2023 concerning mainstreaming equality between women and men in law reform. The activity contributes to the implementation of the [Council of Europe Gender Equality Strategy 2018-2023](#), and specifically to its 6th priority goal (achieve gender mainstreaming in all policies and measures) as well as to overall commitment of the organisation to ensuring that gender equality is mainstreamed as a transversal approach in all its work.

At its 110<sup>th</sup> meeting (20-21 April 2021), the Bureau examined and approved the draft activity proposals prepared by the Secretariat (document CDCJ(2021)10) concerning a publication reflecting the experience and best practices of member States on mainstreaming gender equality in (preparing) new legislation serving as a practical toolkit with a view to assist member states in implementing the issue of gender mainstreaming in legislation in practice. The Bureau also agreed to adapt and include a short questionnaire, aiming to ensure the integration of the gender equality dimension in the work of the CDCJ and its subordinated bodies. The questionnaire was adopted and decided to integrate it into its working methods by the CDCJ at its 97<sup>th</sup> meeting. The Committee continued working on the preparation of a practical guide, using as a basis the Information and ideas provided by member States, as well as examples and best practices of gender mainstreaming in their national policy-making process (document CDCJ-BU(2021)Misc2 Mos). The [Mediterranean Institute of Gender Studies \(MIGS\)](#) was selected for the elaboration of the practical guide, following a selection process and close consultation with the Gender Equality Division.

**Action required**

The draft outline has been prepared by MIGS, the work being under the supervision of [Ms Susana Pavlou](#), the director and [Stalo Lesta](#), Research Associate. The Bureau is invited to examine the draft outline and provide feedback to the MIGS to be taken into account before completing the elaboration of the practical guide.

**1. Introduction**

*This section will focus the objective of Council of Europe and the CDCJ to improve the mainstreaming of gender equality throughout the organisation and within the work of its committees. It will also refer to the discussions and decisions made by the CDCJ on how to achieve its objective through the preparation and promotion of this guide, as well as through introduction of a checklist for assessment of gender equality aspects and impact in its working methods.*

*The Council of Europe, through the European Committee on Legal Co-operation (CDCJ), has prepared this practical guide for mainstreaming gender in public and private law reform processes to guide member states on this issue. At its 97<sup>th</sup> meeting (1-3 December 2021), the Committee took note of the examples shared by CDCJ members in this respect and agreed, to prepare a brief guide, reflecting the experience and best practices of member States. This guide provides practical guidance for policy assessments of legal initiatives, in the areas of public and private law, from the point of gender equality perspective.*

*With the adoption of this guide, the CDCJ also contributes to the implementation of the Council of Europe's Gender Equality Strategy 2018-2023, specifically its 6th priority goal (achieve gender mainstreaming in all policies and measures) as well as to overall commitment of the Organisation to ensuring that gender equality is mainstreamed as a transversal approach in all its work. The*

Strategy defines **gender equality** as equal rights for women and men, girls and boys, as well as the same visibility, empowerment, responsibility and participation, in all spheres of public and private life. It also implies equal access to and distribution of resources between women and men to be included in future activity proposals.

## **2. Gender Equality and Gender Mainstreaming: The International legal and policy framework**

*This section will include a concise overview of European and the international framework on gender equality and gender mainstreaming, as well relevant key definitions and principles.*

## **3. Mainstreaming gender in public and private law reform processes: Definitions, Principles and Advantages**

*This section will explain key principles of gender mainstreaming and will highlight major advantages related to integrating a gender perspective in private and public law reform processes. This will include what happens when gender is not mainstreamed. This section will also include “who” are the main stakeholders in the law reform processes.*

- What is gender mainstreaming in legal reform processes? How to integrate a gender perspective
- Why is gender mainstreaming important? (or why do we need to integrate a gender perspective in law reform?)
- What happens without gender mainstreaming in public and private law processes?
- The role of different stakeholders in legal reform process (or, who is involved in gender mainstreaming in law reform processes?)

## **4. How to conduct gender mainstreaming in law reform processes**

*This section provides step-by-step guidance on how to ensure gender is mainstreamed in law reform processes. These steps include:*

- Step 1: Gender Analysis and data collection (recommendations on how to assess the gender implications of specific laws and identifying gender inequalities, conducting a gender needs analysis and collecting and analysing gender desegregated data);
- Step 2: Gender impact assessment (identifying direct and indirect beneficiaries, establishing how the policy/legislation contributes to gender equality and measuring the foreseen impact of the policy/legislation on the equal participation of men and women, their rights and their access and control of resources);
- Step 3: (Re)design of legislation ((re) designing the legislation based on the gender analysis and gender impact assessment, possible evaluations by a gender equality body, incorporating revisions and improvements to initial drafts of the law);
- Step 4: Monitoring and evaluation of outcomes (developing indicators to measure the foreseen gender impact of the policy/legislation and that objectives have been met, developing gender responsive budgeting).

*Under each step public or private law issues and concrete examples will be provided from the CoE Member States where available.*

## **5. Concluding remarks**

*This section will include final considerations and a concise outline of the components that need to be in place for successful gender mainstreaming in public and private law reform process.*