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**GENDER EQUALITY COMMISSION
(GEC)**

**Roadmap for the Steering Committee on Human Rights
on mainstreaming gender and human rights
as suggested by the
Gender Equality Commission**

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

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Introduction

1. At its 91st meeting (18-21 June 2019, DDH(2019)R91 item 7) the CDDH exchanged views with the Special Advisor for Gender Equality of the Council of Europe, Ms Carlien SCHEELE, the new Secretary of the Gender Equality Commission (GEC) of the Council of Europe, Ms Caterina BOLOGNESE, and with its Gender Equality Rapporteur, Mr Philippe WERY (Belgium). The CDDH reiterated its appreciation for the GEC's work to address current challenges and to remove obstacles to achieving concrete and comprehensive gender equality within member States and the Organisation. It fully endorsed the Gender equality strategy between men and women 2018-2023.
2. The CDDH noted that it could usefully contribute, during the next biennium, to the implementation of this Strategy by presenting not only its contribution during the last decade to the gender equality policies of the Council of Europe (see document CDDH(2019)14) but also future opportunities in this field.
3. At the end of this exchange of views, the CDDH agreed that, on the basis of a draft text to be prepared jointly by the Secretariats of the GEC and the CDDH, it could examine a CDDH report on Human Rights aspects of gender equality to be possibly adopted during the next biennium.
4. The present document contains the requested joint report prepared by the GEC in cooperation with the Secretariat of the CDDH. This document takes the form of a roadmap that could help the CDDH, with the support of its Gender Equality Rapporteur, to scrutinise the gender dimension of every activity to be conducted during the forthcoming biennium. The GEC suggests that, at the end of the biennium, the CDDH adopts a report taking stock of what was done and possible challenges, gaps, etc.

Preliminary remark - Gender equality as a fundamental value of the Council of Europe and a precondition for the fulfilment of human rights

1. Does a new policy or law reduce, maintain or increase human rights for all?

This is a key-question for the Council of Europe Steering Committee for Human Rights (CDDH) whose core-mandate is to enhance the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the latter at national level.

Article 14 of this Convention prohibits discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.¹

Protocol 12 to the Convention states in Article 1 (par. 2) that no one shall be discriminated against by any public authority on any ground as mentioned before.²

2. Public authorities may unintentionally increase inequalities between women and men or consolidate existing discriminating practices, when drawing new policy documents and laws. This may happen if they do not recognize or are unaware that gender (defined as socially constructed differences between women and men) is an essential determinant of social outcomes.
3. Governments worldwide are committed to the United Nations Beijing Declaration and Platform for Action (BPfA, 1995)³, which establishes under paragraph 204 that governments are called to carry out an analysis of the impact of policies on women and men before taking policy decisions. (Beijing Platform for Action, 1995: Strategic Objective H.2).

Through the BPfA States also affirmed women and girls' human rights as an inalienable, integral and indivisible part of all human rights and fundamental freedoms (paragraphs 210 to 233).

States also committed themselves to ensuring the full implementation of the human rights of all women, and to work towards the ratification and implementation of international and regional human rights treaties to promote and protect women's human rights.

The BPfA contains a series of specific objectives and recommendations regarding the promotion of women's human rights.

4. ***Example: How reducing public expenditure for health care can increase gender inequalities***

¹ European Convention on Human Rights (Rome, 1950), ARTICLE 14 - Prohibition of discrimination: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

² Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms Rome, 4.XI.2000, ARTICLE 1 - General prohibition of discrimination: 1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. 2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

³ United Nations Beijing Declaration and Platform for Action (1995), available at https://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf

Reducing the average length of a hospital stay in a country may be a legitimate aim, but it will have a differentiated and heavier impact on women than on men. In this case, the policy focused on reducing public expenditure for health care may implicitly assume that an increased number of sick, disabled and elderly people will have to be attended at home.

This means an increase of unpaid care labour, mostly done by women.

This in turn affects women's position and opportunities at the labour market, increasing the gender gap and affecting equal rights.

This policy measure therefore is not consistent with other possible policy goals including increasing women's labour market participation or promoting gender equality. It transfers the costs of care needs from the state to individuals, mostly women.

5. The promotion of gender equality is a question of human rights and freedoms and as such a mandate and a goal for the Council of Europe. In order to comply with the European Convention on Human Rights, public authorities must avoid any negative gender impact of policies, laws and plans, and create conditions that allow all women and men - regardless of their identity and background - to fully enjoy their human rights and freedoms.

In 2012, the Council of Europe introduced the Transversal Programme on Gender Equality to improve the visibility and impact of the Organisation's gender equality activities in member states and within the Organisation itself. The aim of the Programme is to move from legal equality to real equality, as member states were called upon to do by the Committee of Ministers in its Declaration "Making Gender Equality a Reality".⁴

In order to do so it is necessary to implement a gender mainstreaming strategy at legislative and political level in member states and in Council of Europe activities.

The Programme therefore seeks to mobilise all the Council of Europe's bodies, in particular intergovernmental structures, and its external partners.

6. Several interdependent structures are responsible for implementing the Programme to achieve this aim, a steering committee, the Gender Equality Commission (GEC) composed of a representative from each member state; Gender Equality Rapporteurs (GER) appointed from among the members of the steering committees and other intergovernmental structures of the Council of Europe and an inter-secretariat Gender Mainstreaming Team (GMT).
7. Therefore, Council of Europe bodies and member states have a duty evaluate if the existing structural inequalities between women and men are consolidated or even unintentionally exacerbated by new policies, legislations and programmes, preferably prior to their adoption. This can be done through a gender impact assessment (see hereunder).
8. Gender equality is also a question of social justice, a key-requirement for democracy and critical for building peaceful, sustainable, innovative and flourishing societies. Research and scientific data show growing evidence of the fact that gender equality contributes to unleashing the potential of women and girls, who represent more than half of world's

⁴ Council of Europe Committee of Ministers, Declaration "Making Gender Equality a Reality", adopted by the Committee of Ministers adopted in Madrid, Spain, on 12 May 2009

population by allowing and ensuring them equal access to education, health, and resources and to contribute to human wellbeing, to human wealth creation and sustainable economic growth.

The economic dimension of gender equality has been subject to extensive research in the past decades.

Research has also shown solid empirical evidence about the economic benefits of gender equality.⁵For example, the European Institute for Gender Equality calculated that in 2012 the cost to the EU of gender-based violence against women was over 225 billion EURO (EUR 225.837.418.768).⁶

What is gender mainstreaming?

10. Structural gender inequalities are still embedded in all societies; women and men have different needs, experiences and living conditions, including unequal access to and control over power, money, human rights, justice, resources and decision-making.

The needs of women and men also differ depending for example from age, ethnicity, disability, religion, class, economic or other status, sexual orientation or gender identity and even by country and/or area within a country.

It is important to take this intersectional approach, taking into account the multiple identities of individuals into account when designing policies, projects and legislation in order to address the hindrances to the enjoyment of the rights and freedoms for all, as set forth in the European Convention on Human Rights and to make sure that all new policy or legal instruments contribute to (gender) equality.

11. Gender mainstreaming is not an end, it is a strategy to promote equality between women and men and to eliminate all forms of discrimination. It consists of a process of incorporating a gender equality perspective in all legal and policy frameworks, strategies and interventions, at all levels and at all stages.

Gender mainstreaming starts with a gender analysis, which studies the differences in the roles, situations, activities, needs, and opportunities of women and men in a given context.

Such a gender analysis is the systematic attempt to identify key issues contributing to gender inequalities so that they can be properly addressed.

A gender analysis provides the basis for gender mainstreaming and is also necessary to determine whether specific actions are needed for women or men, in addition to gender mainstreaming.

12. Mainstreaming a gender equality perspective is a way of inclusive thinking, of putting the gender lens in order to be able to assess the implications for women and men of any planned action, in any area and at all levels. It is a strategy to create an enabling environment that allows women and men in all their diversity to fully enjoy their human rights and freedoms. The goal of gender mainstreaming is to achieve gender equality. Because of its focus on

⁵ Studies of McKinsey, EU research, IMF, World Bank, Credit Suisse, etc

⁶ EIGE, 2014: Estimating the costs of gender-based violence in the European Union.

diversity and on the needs of people of the ground, gender mainstreaming also contributes to the elimination of other forms of discrimination and inequalities.

13. The Council of Europe was instrumental in developing the gender mainstreaming concept and methodology since it was introduced in the international human rights' agenda in the 1990's.

The implementation of a gender mainstreaming perspective in all policies and measures is one of the strategic objectives of the Council of Europe [Gender Equality Strategy 2018-2023](#).

The Council of Europe has also adopted a series of recommendations to implement gender mainstreaming in different areas (sport, media, health, education, the audiovisual sector) and produced a series of practical tools⁷, including a dedicated [website](#).⁸

14. An important tool for gender mainstreaming is the gender impact assessment, which helps detecting and addressing unintended negative effects leading to an increase or consolidation of existing gender gaps and discrimination. The aim of such gender impact assessment is therefore to improve the quality and effectiveness of legislation and policies.

A gender analysis is always part of the initial stage of a gender impact assessment.

The gender analysis looks at the differences between and among women, men, girls and boys in terms of their relative distribution of resources, opportunities, constraints and power in a given context.

Performing a gender analysis allows the development of policies and legislation that better remedy gender inequality and that meet the needs of different groups of the population.⁹

15. Other key factors to ensure proper gender mainstreaming are political will, including at the highest level, gender-balance at all levels of decision-making, commitment to, training on and awareness on gender equality issues, evidence and analysis, resources and availability of information, and adequate accountability mechanisms to monitor progress.

⁷ <https://www.coe.int/en/group/project-management-methodology/gender-mainstreaming-toolkit>

⁸ Consult the [link](https://www.coe.int/en/web/genderequality/gender-mainstreaming) <https://www.coe.int/en/web/genderequality/gender-mainstreaming> to learn more about Gender mainstreaming at the Council of Europe.

⁹ See hereunder and Annex for more practical information about gender analysis and gender impact assessment.

EXAMPLES OF THE GENDER EQUALITY DIMENSION IN THE WORK OF THE CDDH

16. All policies that concern people have an impact on women and men and therefore a gender equality dimension. Each of the areas of intervention of the CDDH has a distinct gender equality aspect. Including gender equality into the Committee's work on each of these issues will contribute to fulfilling CDDH's mandate as well as to improve the effectiveness of its work. Hereunder are some examples of how gender equality relates to:

- some of the CDDH's areas of work done in the current biennium 2018-2019 and
- some of the CDDH's areas of work to be done during the forthcoming biennium

2018-2019 BIENNIUM

Protection of social rights

17. The social rights which are enshrined in the European Social Charter and the European Convention of Human Rights are experienced differently by girls and boys, women and men due to existing gender inequalities and gender roles.

Various data sets, reports and policy documents¹⁰ document the continued gender gaps when it comes to enjoyment of rights in areas of employment, housing, health, education, social protection and welfare.

These differences stem from traditional gender roles which assign to women and men different behaviours and result in differences in access to services, resources and decision-making.

Examples of continuing challenges include vocational segregation in the higher education system, ensuring gender-sensitive materials throughout the education system, persistence of the gender pay and pension gaps, differences in employment rate, types of employment, horizontal and vertical segregation of the labour market much of which is due to the persisting inequalities in the distribution of unpaid care work between women and men.

This often results in significant gender inequalities in relation to income, access to housing and even to social protection as well as higher poverty rates for women. Including a gender equality perspective in the work of the CDDH when it comes to the protection of social rights would involve exploring gender-specific impacts of legislative frameworks, as well as including good practices that address gender differences or conducting specialised studies on how gender impacts the enjoyment of social rights.

It would also involve looking at the situation of groups of women who are in particularly vulnerable situations and would require policy action to ensure better access to social rights for example migrant women, older women, women with disability or single mothers

¹⁰ See for example the Council of Europe [Gender Equality Strategy 2018-2023, the UN Women Progress of the world's women 2015–2016 Report "Transforming economies, realizing rights "](#) or the European Institute for Gender Equality, [Gender Statistics Database](#).

Female genital mutilation and forced marriage

18. Female genital mutilation and forced marriage represent some of the most extreme forms of violence against girls and women and a violation of women's and girl's human rights. Since they often occur in childhood, they also represent a violation of children's rights. As CDDHs work in this area highlights, female genital mutilation and forced marriage are emblematic of deeper, systemic, persisting gender inequalities and need to be addressed through an integral rights-based approach.

Freedom of Expression and human rights

19. The right to gender equality is a fundamental human right. Its interrelations with freedom of expression are complex and multifaceted. Integrating gender into exploration of the links between freedom of expression and other human rights would entail mainstreaming gender equality in specialised study areas, such as hate speech for example, but also undertaking a study on freedom of expression and gender equality.

As with other fundamental rights and freedoms, freedom of expression cannot come at the cost of regressions in terms of gender equality.

Reconciling these rights includes regulation and practices on sexist hate speech, gender-sensitive communication, protection against gender stereotypes and sexism including sexist advertising, gender-sensitive reporting on gender-based violence, and looking at the challenges and violence women journalists are confronted with, among others.

Promotion of human rights of older women and men

20. In general women are over represented among the elderly due to their longer life expectancy overall in Europe. Yet due to gender roles and experiences across their lifetimes, when they arrive to old age women and men are in different social and economic situations. Gender inequalities are likely to be exacerbated in old age, as they accumulated throughout the life-cycle.

For example, in most countries women are less likely than men to receive an old age pension, and even where they do, they usually have a much lower pension than men and high poverty rate.¹¹ This is to a great part due to gender inequalities in employment: women tend to occupy more lower-paid, part-time and precarious jobs and to be under-represented in decision-making. This is partly due to unpaid care responsibilities, which continue to be mostly carried by women and also affects elderly women to a greater extent than men: women in old age are often supporting younger family members by taking care of small children when no social support is available, but are also frequently the ones taking care of their spouses and of elderly or sick relatives.

Older women, especially women over 80, also have more trouble accessing basic services such as health services, long time care and decent housing. Their limited income also makes it more difficult for them to afford complementary health care.

¹¹ In 2017, the gender pension gap in the European Union was 35.7 % (European Parliament Briefing, The gender gap in pensions in the EU, July 2019).

2020-2021 BIENNIUM

Migration and human rights

21. There is a distinctly different picture of migration when looking at it from a gender equality perspective. Men and boys, women and girls, have different reasons for migration, but also distinctly different migration experiences.

The risk and vulnerabilities that girls and boys, women and men face, differ notably according to sex, age, gender identity, sexual orientation, legal and social status, professional and personal situation as well as access to resources and income. As a result, protecting the rights of migrants can only be done taking into account their sex, age and other factors.

While fleeing to safety or in the process of migration in search of a better life, women and girls are often confronted with trafficking, forced marriage, gender-based and sexual violence and abuse and gender-based or racist discrimination.

The risks are particularly high for unaccompanied girls, pregnant women, those with small children or women experiencing intersectional discrimination.

Gender also influences women's and men's experience in administrative detention which has been a recent area of work of the CDDH.

In order to ensure that these gender differences are not further exacerbated and to protect equally the human rights of women and men migrants it is essential that a gender equality perspective is mainstreamed into any future work of CDDH in this area.

Civil society and national human rights institutions

22. Many civil society organisations are engaged in initiatives and programmes relating to gender equality or are specifically focusing on gender equality and women's rights.

Mainstreaming gender equality into the study of national legislation, policies and practices on the activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights would include addressing topics such as gender balance in civil society organisations (e.g. where in CSOs are women engaged, in what areas, at what level), addressing the situation of women human rights defenders, and exploring the role, protection and promotion of a space for women's organisations.

It would also include looking at the challenges that many organisations working on gender equality have been confronted to due to the current backlash on women's human rights, including cuts in funding, attacks and restrictions in their advocacy activities.

Artificial intelligence

23. Artificial intelligence poses specific challenges in relation to gender equality and gender stereotypes. The use of algorithms can transmit and strengthen existing gender stereotypes and therefore may contribute to the perpetuation of sexism. Integrate a gender equality perspective in all policies, programmes and research in relation to artificial intelligence to avoid

the potential risks of technology perpetuating sexism and gender stereotypes and examine how artificial intelligence could help to close gender gaps and eliminate sexism. Women and girls are also seriously under-represented as workers and students in the sector.

Looking at policies regarding artificial intelligence with a gender equality perspective would include measures to increase the participation of women and girls in the information and technology area as students, professionals and decision makers.

The design of data-driven instruments and algorithms should also factor in gender-based dynamics. Transparency around these issues should be improved and awareness raised about the potential gender bias in big data; solutions to improve accountability should be offered.

Another gender-related issues in the area could relate to the use of automated decision-making to evaluate access to social benefits services (for example attribution of disability benefits), whereby challenges related use of incomplete or biased data coupled with the gender digital literacy gap could negatively impact, especially on some vulnerable groups of women.

The environment

Women and men have a different impact on the environment and are also affected differently by the impacts of environmental policies and of climate change, due to differences in roles and responsibilities, both in private and working life. In the latter, labour market segregation and the income gap play a significant role.

For example, women and men have different travel patterns and men tend to travel more often by car. Women tend to use public transport, a less expensive means of transport, more frequently. Measures related to transport policies will therefore have differentiated impacts on women and men.

With relation to climate change, women generally have lower income levels, for example single mothers or elderly women, it therefore may be more difficult to take adaptation measures to climate change, because these are often expensive. Care work may also increase due to the health impacts of climate change or due to natural disasters, which will put an extra burden on carers, who often are women.

Women also tend to be more aware of environmental and health issues and are more willing to change their behaviour and consumption patterns than men, who generally have more trust in technological solutions to mitigate climate change. Moreover, women may feel less well informed about options to mitigate climate change than men and express a greater need for adequate information.

Importantly, women are seriously under-represented in environmental decision-making. An equal representation of women and men in decision-making positions, in climate change research, technology development and in international negotiations is an important prerequisite for gender-responsive climate change policy. It is important to take gender differences into account when developing environmental and climate change policies, measures and instruments.

GENDER ANALYSIS AND GENDER IMPACT ASSESSMENT: KEY TOOLS FOR CDDH

24. To enhance human rights for all, gender equality must be taken into account and mainstreamed at all stages of the work of the CDDH. It is vital to start at the initial planning stage, when the problems, concerns and needs of the beneficiaries are identified and the ways to address them are defined. Therefore, a gender analysis and gender impact assessment are key tools for starting the process of gender mainstreaming.

25. Gender analysis and gender impact assessment) are two key tools to initiate a process of gender mainstreaming from the planning stage of the development of any new legal or policy instrument, or to review whether existing legal or policy frameworks are compliant with gender equality standards and objectives.

A gender impact assessment can be applied to any intervention of any authority, including laws, policies, plans, programmes, projects, measures, and decrees, whether acting on local, national, or international level. However, this roadmap will refer to standard-setting and policy-making in the context of intergovernmental co-operation, as this is the focus of the Steering Committee for Human Rights.

26. A gender impact assessment detects unwanted discriminatory effects of existing legal practices and examines unforeseen gender effects of proposed policies and laws. The quality and effectiveness of legislation and policies will improve in with regards to the promotion of gender equality and human rights if the recommendations of a gender impact assessment are followed. The main result of a gender impact assessment is the design of inclusive policies and laws which contribute to reducing gender and intersecting inequalities and to the promotion of human rights and freedoms for all.

27. The process of carrying out a gender impact assessment can vary from case to case. A gender impact assessment can be outsourced or implemented as part of CDDH's own work. It can also be a mix, where CDDH manages the process and outsources some elements of the gender impact assessment, such as the gender analysis.

Assessment criteria to be used for a gender impact assessment

28. Criteria are needed to assess the effects of policy proposals or law and must be agreed in advance.

29. The domains included in the Gender Equality Index developed by the European Institute for Gender Equality (EIGE) which cover all aspects of gender-based inequalities and discrimination can serve as a basis to define criteria for a gender impact assessment:

- **VIOLENCE:** The domain of violence takes into consideration all forms of gender-based violence against women, in order to consider their impact on women and men. Violence is a particularly crucial area with regards to the promotion of human rights. In general, “women and girls are exposed to a higher risk of gender-based violence”¹²,

¹² Preamble of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No.210)

this violence is “one of the crucial social mechanism by which women are forced in a subordinate position compared to men”¹³ has an effect on many other areas at the individual (for example capacity of victims to integrate the labour market) and social level (for example gender stereotypes and of acceptance of violence and impacts on justice systems) .

- **WORK:** The domain of work relates to the position of women and men in the labour market. It measures gender gaps in participation in the labour market, duration of working life, sectoral segregation patterns and quality of work.
- **MONEY:** The domain of money examines inequalities in the access to financial resources and economic situation of women and men. An analysis of gender gaps in this domain shows that mostly women are disadvantaged compared to men.
- **KNOWLEDGE:** The domain of knowledge shows differences between women and men in terms of education and training. It measures gaps in participation in tertiary education, segregation and lifelong learning. While women represent a high proportion of tertiary graduates, the picture for lifelong learning is less gender-balanced.
- **TIME:** The domain of time focuses on the trade-off between economic, care and other social activities. It measures time spent in unpaid activities, including gender gaps in time spent in childcare and domestic activities, but also other aspects of life such as cultural, leisure etc.
- **POWER:** The domain of power looks at the differences between women’s and men’s representation in decision-making in all areas (political, economic, social etc.). In general, women are still under-represented in most areas of decision-making in Europe.
- **HEALTH:** The domain of health relates to differences between women and men in health status and in access to health structures. It can for example look at sex-based differences in self-perceived health, life expectancy and healthy life years and gender gaps in unmet needs. In this area for example, women in Europe have a higher life expectancy than men but the difference between women and men in terms of healthy life years is rather low (+0.3 year on average to the advantage of women (EU, 2016)).
- **INTERSECTING INEQUALITIES:** The domain of Intersecting inequalities considers characteristics other than sex and gender that may affect gender equality, for example ethnicity, age, disability, religion, social status, sexual orientation or gender identity.

¹³ Ibid.

**ROADMAP FOR CDDH:
HOW TO UNDERTAKE A GENDER IMPACT ASSESSMENT?**

The following describes the different steps of a gender impact assessment as it could apply to the work of the CDDH. In the Annex, you will also find a more elaborate example of gender impact assessment.

QUESTION 1 - DO YOU SEE A POSSIBLE CORRELATION BETWEEN THE IMPACT (GOAL) OF THE POLICY/PROJECT AND GENDER *INEQUALITY* PATTERNS IN SOCIETY?

To be able to answer this question, you will have to establish which gender inequality and discrimination patterns exist regarding the issue or the country/region/municipality where the policy/project will take place.

Using the above criteria, make an inventory of possible social, cultural and material differences between women and men/girls and boys for the issue you are seeking to address.

Find out about the situation of women and men/girls and boys in the given area (e.g. in terms of participation, access to resources and to institutions).

Collect and analyse facts and figures: which sex-disaggregated statistics, research results, qualitative surveys are available on the topic?

Consider also differences in relation to ethnicity, age, level of education, etc.

Look at the work of other institutions and gender equality experts, including non-governmental (women's) organisations and whether good practices and experiences are available from other countries.

There are two possible answers to this question:

YES - Your gender analysis shows that there are gender inequality patterns in the area you want to act upon. If that's the case, then these inequalities will ALWAYS affect the desired impact of your policy/project and there is a correlation. GO TO QUESTION 2

NO - No gender specific actions are needed in this instance; but monitoring is essential. If possible, correlation appears at a later stage, undertake a new gender analysis and take remedial actions if needed.

QUESTION 2 - WILL REACHING YOUR POLICY/PROJECT OBJECTIVE(S) AFFECT WOMEN AND MEN IN A DIFFERENT WAY?

YES - Your gender analysis has shown the gender inequalities in society. Make an inventory of possible different (intended or unintended) effects of the policy/project on women and men/girls and boys. Look at the policy/project activities and see how they will probably affect women and men/girls and boys. It is always helpful to look at earlier projects/programmes on the same topic, to organise hearings or to discuss the issue with colleagues, gender equality experts (for example the Council of Europe Gender Equality Division) or women's NGOs. GO TO QUESTION 3

NO - No gender specific actions are needed in this instance; but monitoring is essential. If possible, correlation appears at a later stage, undertake a new gender analysis and take remedial actions if needed.

QUESTION 3 - WILL THIS CAUSE INEQUALITY IN SOCIETY?

YES - If it is clear that your policy/project's activities will cause or deepen existing gender inequalities in society, GO TO QUESTION 4)

NO - No gender specific actions are needed in this instance; but monitoring is essential. If possible, correlation appears at a later stage, undertake a new gender analysis and take remedial actions if needed.

Remark: There are occasions where activities that you undertake will lead to inequalities between women and men in the policy/project itself. This is the case when the policy/project aims at improving the situation of the under-represented sex in this domain in society. However, the result of the policy/project should be to contribute to the elimination of existing gender inequalities in that domain (see example hereunder).

QUESTION 4 - HOW TO SOLVE THESE INEQUALITIES?

1. What?
2. Who?
3. How?

In this phase you look at which mitigation measures should be taken (=what?). Which actors are relevant to bring about the mitigation measures and you probably need to involve other stakeholders (=who?). What will you change in the intended policies measures or activities (How?).

Example

In a country, despite years of specific measures and positive action by the national government, the percentage of women professors is still very low: around 19%. Universities simply continue to select much more men professors. The old boys' networks seem difficult to break. The government decides to take more rigorous action and introduces a subsidy scheme that supports universities in appointing more women professors. The money can only be spent on projects targeting women candidates. There is a great deal of protest by men in the media. They feel discriminated against because they have less chances to be selected.

Let's do a gender impact assessment of this measure:

1. Is there a correlation between the goal of the measure (subsidy scheme) and gender inequalities in society? Answer: yes. The percentage of women in decision-making positions in academia is strikingly lower than that of men. Especially the fact that there are more women than men as students make it difficult to believe that there are not enough qualified women to become professors.
2. Will the effects of the subsidy scheme affect women and men in a different way? Answer: yes. Women will have more chances and opportunities to be selected. Men less so.

3. Does this lead to inequalities? Answer: in the project itself: yes. But in society: no. Women are clearly underrepresented in the senior positions in universities. Diverse European and international policy instruments as well as Article 157 of the EU Lisbon Treaty and Article 4 of the UN Convention on Combating Discrimination against Women (CEDAW) encourage or permit Member states to take temporary measures to support the underrepresented sex¹⁴. So: No needs to act differently, no changes need to be made to the subsidy scheme. The intention of the subsidy scheme is to correct existing and lasting inequalities between women and men in this area.

¹⁴ See Article 157 of the Treaty on the Functioning of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E157> and Convention on the Elimination of Discrimination Against Women, article 4, on temporary special measures: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article4>

Appendix I
Gender analysis
and gender impact assessment¹⁵

Gender analysis	Gender impact assessment
<u>What?</u> Diagnostic	<u>What?</u> Opinion on the impact
<u>Why? Need to assess</u> what gender issues are at stake and to identify opportunities and obstacles for gender mainstreaming	<u>Why? Need to assess</u> future impact of policy interventions (draft policy, law, guideline, plan)
<u>When? Before <u>planning</u></u> policy interventions	<u>When? Before <u>adopting</u></u> policy interventions
<u>Who? Anyone both governmental and non-governmental entities</u> , involved in planning policy interventions	<u>Who?</u> In the first place the government and civil servants in charge of designing new policies, laws, regulations, or guidelines. The tool is also useful for entities that review existing policies and laws or the compliance of new legislation with internationally agreed standards; for parliaments to control the government; for civil society organisations to keep the government accountable on issues of human rights and gender equality.

¹⁵ This material is adapted from on the GIA-Tool developed by Thera van Osch, OQ Consulting BV, 2012.

Appendix II
Sample for a table of contents of
a gender impact assessment

1. **Executive summary** (approximately 3 pages A4)
 - 1.1. Key issues (max. half page A4): Background and the reason why a Gender Impact Assessment is applied. Formulation of the problem.
 - 1.2. Summary of the (draft) policy document (max. half page A4): describe identified problematic issues, policy goals and proposed policies.
 - 1.3. Key findings (max 1-page A4): summary of important, positive and negative findings of the GIA and effects of policies.
 - 1.4. Recommendations (max 1-page A4): All recommendations of the report.

2. **Introduction and problem**
 - 2.1. Background and history of the policy: short background and history of the policy proposal.
 - 2.2. Scope of the research area: definition of what is included and what is not included in the research, and its implications for the results of the GIA.

3.
 - 3.1. Precise formulation of the challenges/difficulties identified in the GIA study.

4. **The effects of policies from the gender equality perspective**
 - 4.1. Description of the (draft) policy document: Description of the intention in terms of policy problem, policy goals and means/instruments.
 - 4.2. Expected effects of the policy: Description of the gender/diversity effects of the policy.
 - 4.3. The consequences in terms of gender equality: weighing the impact of legislation based on the criteria and answering the main question: Will the structural power relations of gender and diversity deteriorate, improve or remain unchanged as a result of the proposed legislation?

5. **Recommendations**
 - 5.1. Policy Alternatives: A description of the policy alternatives from a gender equality perspective, which will have more positive and/or less negative impact on gender relations than the original policy intention.
 - 5.2. Other recommendations: Any other recommendations, such as capacity development for using sex-disaggregated data, strengthening gender focal persons networks, gender sensitive monitoring mechanisms, etc.

Annex 1: Explanation and substantiation of the results

- A. Gender analysis of the existing situation regarding the relevant issues
- B. The expected trends and developments in case no new policies would be implemented
- C. Analysis of the policy proposal.

Annex 2: Any other Attachment

Appendix III Example of a more detailed gender impact assessment¹⁶

Step 1: Analysis of the policy intention and delineation of the study area

Start with **summarizing the policy intention** and focus on the problems that should be solved by the existing or the proposed policy. The following **questions** are important for the description of the policy intention:

- Which purposes does the policy maker want to achieve?
- Which measure(s) does the policy maker propose to achieve these purposes?
- Does the policy specify output, outcome or impact indicators?
- What is (are) the target group(s) of the policy?
- Does the policy establish distinctions between gender, ethnicity, age, sexual orientation, income or other personal characteristics?
- If one or more of these diversity criteria are applied, what arguments are used to distinguish these personal characteristics?
- Is there any reference to the objectives of the International, European, or National legal and policy frameworks to promote gender equality and/or women's rights and freedoms?

Once the policy intention is clear, start searching for **explicit and implicit assumptions** which underlie this intention. This refers to questions such as:

- What has been the political motivation for the policy proposal?
- Which situation has induced the initiative for this policy?
- Which reasons are used to justify the policy?
- Which alternatives have been abandoned in the phase of preparing the policy? Why have these alternatives been abandoned?
- Are there any **implicit assumptions** which are not described in the (draft) policy? For example, if the policy is focused on reducing public expenditure for health care, it may implicitly assume that an increased number of sick, disabled and elderly people must be attended at home. This means an increase of unpaid care labour, mostly done by women. This in turn affects women's position and opportunities at the labour market, increasing the gender gap and affecting equal rights.

Step 1 finishes with **defining the scope of the gender analysis**, including the area of investigation, thematic issues, sources of quantitative and qualitative information required, the populations and organisations to be consulted, and the kind of methods to be applied to obtain the right information.

¹⁶ Ibid.

Step 2: Gender analysis

This step consists of undertaking a gender analysis of the current situation. The gender analysis consists of a diagnosis of the position of women/girls and men/boys in the area at stake, their assigned roles, their opportunities and rights, their access to and control over resources and benefits, their decision-making power, their skills, education levels, habits, etc. More in-depth information on how to carry out a gender analysis is available in the Toolkit for gender mainstreaming of the Council of Europe.¹⁷

The gender analysis can consist of a desk study, carried out by the CDDH or an external expert. The Gender Equality Division can be consulted as well as different relevant the Council of Europe webpages.¹⁸ For an internal desk study, existing publications, qualitative gender studies, research material and sex-disaggregated statistical data are to be consulted. If there are gaps in the available quantitative and qualitative information needed to describe the current situation, or lack of sex-disaggregated statistical data, the GIA should reflect these limitations and include recommendations for future improvement on this issue.

Step 3: Analysis of the effects of the proposed policy

In case new policies are proposed, this step is needed to assess its effects in terms of gender equality.

- What are the expected effects of the draft policy for women and men in their diversity?
- Will gender inequalities increase, decrease or remain the same?

Such assessment requires knowledge and information about the causal relationships in the area of the intervention. In this phase, the gender analysis is an important source of information. Additional interviews with gender experts, as well as thematic or sector experts in the policy area, may be needed. The following questions can be answered in this step of the GIA using the above criteria:

- Will aspects related to gender-based violence against women and girls change, because of the proposed policy? If yes, what will be the changes?
- Will the organization of division of labour between women and men change because of the proposed policy? If yes, what kind of changes?
- Will the unequal distribution of income between women and men change because of the proposed policy? If yes, what will be the changes?
- Will the access for girls and boys to education change because of the proposed policy? If yes, what will be the changes?
- Will the distribution between women and men of paid and unpaid work change because of the proposed policy? If yes, what will be the changes?
- Will the representation of women in decision making bodies change because of the proposed policy? If yes, what will be the changes?
- Will the access to proper health services for women and men change, taking into consideration their multi-identity, because of the proposed policy? If yes, what will be the changes?
- Will intersecting and gender-based inequalities between women and men (including in relation to age, ethnicity, migrant status, minorities, LGBTI, disability, etc.) change, because of the proposed policy? If yes, what will be the changes?

¹⁷ <https://www.coe.int/en/group/project-management-methodology/gender-mainstreaming-toolkit>.

¹⁸ Webpages on [gender equality](#), on [gender mainstreaming](#) or on [violence against women/Istanbul Convention](#).

Step 4: Weighing the impact of the policy proposal

If all questions of step 4 have been answered negatively, then the proposed policy will not affect gender relations, and there will be no negative nor positive impact on the existing gender (in)equality situation. The weighed gender impact of the proposed policy /measure will be low, but the GIA had been useful in highlighting that pro-active measures are needed in that area, in order to promote gender equality and to avoid that the consolidation of existing gender inequalities through the implementation of the new Policy or legislation.

If step 4 has identified effects of the proposed policy, these should be measured in terms of the above-mentioned criteria, taking into consideration the expected trends as previously identified. The question to be answered is:

Will the changes – as observed in step 4 - increase or decrease gender equality?

The answers to these questions will indicate if *the existing gender-inequalities (as detected in the gender analysis) will increase, decrease or remain unchanged as a result of the existing or proposed legislation and with respect to the expected trend.*

Step 6: Formulation of policy alternatives

This step looks at how to avoid negative effects of the policy /legislation and to ensure positive impact in terms of gender equality.

During the first step of the GIA, policy alternatives and discussions held prior to the existing or proposed policies, have been listed. As in all preparatory phases for policies, there are always several alternatives that have been abandoned for some reason. These alternatives could be re-checked, and additional alternatives could be developed. For the members of CDDH it will be important to dedicate enough time to assess the policy alternatives, in order to ensure qualitative progress in the follow-up phase.

In formulating policy alternatives, the following question should be kept in mind for each of the relevant criteria where change can be expected: *which adjustments are needed in the proposed policies in order to promote gender equality?*

Appendix IV

As a reminder, this appendix contains document CDDH(2019) 14 (« Information on possible work to be conducted by the CDDH during the next biennium on the gender equality dimension of human rights») which was considered by the CDDH at its 91st meeting (18-21 June 2019)

Introduction

1. The CDDH has already commended the work conducted by the Council of **Europe Gender Equality Commission (GEC)** to address current and emerging challenges and remove barriers towards achieving substantive and full gender equality both in the member States and within the Organisation.
2. The CDDH fully endorses the Council of Europe Gender Equality Strategy 2018-2023. It appointed a Gender Equality Rapporteur in its 83rd meeting (17-19 June 2015) and it had an exchange of views on gender mainstreaming in the work of the CDDH with the Senior Gender Equality Adviser of the CoE and the CDDH Gender Equality Rapporteur in its 88th meeting (5-7 December 2017).
3. Given the particular place of the CDDH in the intergovernmental co-operation activities of the Organisation, it could contribute usefully, during the next biennium, to the implementation of the Council of Europe Gender Equality Strategy 2018-2023.
4. Such a contribution could show not only the results achieved in terms of gender equality by the activities the CDDH conducted over the past 10 years, but also future opportunities in this field.
5. In view of a possible exchange of views of the CDDH on this issue at its 91st meeting (18 - 21 June 2019), the present document contains elements which could form a scheme for a future CDDH report on the gender equality dimension of Human Rights, to be drafted jointly by the Secretariats of the GEC and of the CDDH.
6. The scheme could contain two parts, namely:
 - A. Results achieved - *“Looking 10 years back: how has CDDH contributed to the Gender Equality policies of the Council of Europe?”*
 - B. Perspectives - *“Future opportunities of the CDDH in the field of Gender Equality”*.

**DRAFT SCHEME FOR A POSSIBLE
CDDH REPORT ON THE GENDER EQUALITY DIMENSION
OF HUMAN RIGHTS - BUILDING ON ACHIEVEMENTS SO FAR**

[EXECUTIVE SUMMARY]

INTRODUCTION

After having briefly presented the CDDH (its purpose and its means) the introduction could indicate that the present report aims at describing:

- (a) the various activities conducted by the CDDH over the years which have a link with one or another of the six areas identified in the Council of Europe Gender Equality Strategy 2018-2023;
- (b) the intentions of CDDH on how to further contribute to the implementation of the Strategy 2018-2023.

A. RESULTS ACHIEVED - LOOKING 10 YEARS BACK: HOW HAS CDDH CONTRIBUTED TO THE GENDER EQUALITY POLICIES OF THE COUNCIL OF EUROPE?

**FIRST OBJECTIVE OF GENDER EQUALITY POLICY
PREVENT AND COMBAT GENDER STEREOTYPES AND SEXISM**

1. *Women and the Media*

- At its 76th meeting (27-30 November 2012), the CDDH decided that Women and the Media should be one of the priorities of the GEC¹⁹.

2. *Protect freedom of expression concerning the rights of women*

- At its 77th meeting (19-22 March 2013), the CDDH decided to take on board the freedom of expression and rights of Women when elaborating a study on the development and promotion of human rights.

**SECOND OBJECTIVE
PREVENT AND COMBAT VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

1. *Prevent and combat violence against women and domestic violence*

- At its 69th meeting (24-27 November 2009) adopted its opinion about PACE Rec “Action to combat gender-based human rights violations, incl. abduction of women and girls”.
- At its 75th meeting (19-22 June 2012) CDDH adopted its opinion on PACE Rec on “Equality between women and men: a condition for the success of the Arab Spring”.

¹⁹ GEC was subordinate to the CDDH between June 2012 and November 2013.

- At its 76th meeting (27-30 November 2012), the CDDH decided that violence against women and domestic violence should be one of the priorities of the GEC.
- At its 76th meeting (27-30 November 2012), the CDDH appointed a member to represent the Steering Committee in CAHVIO and to report back on a regular basis.
- At its 77th meeting (19-22 March 2013), the CDDH noted that the 4th questionnaire of GEC on implementation of CM REC (2002)5 on protection of women against violence should be linked to work of the CDDH concerning the development of human rights (see document CDDH(2013)005 Rev).
- At its 86th meeting (6-8 December 2016), the CDDH exchanged views on PACE Resolution on “Women in the armed forces: promoting equality, putting an end to gender-based violence”.

2. Prenatal sex selection

- At its 81st meeting (24-27 June 2016), the CDDH declared that it was ready to contribute to study this issue. Based on the responses to a questionnaire sent out by the Committee on bioethics (DH-BIO) it said that guidelines intended to professionals were not useful. It noted the need of a more thorough and targeted examination within the Council of Europe to address this challenge to the principle of Gender Equality.

3. Prevent and combat female genital mutilation

- At its 84th meeting (7-11 December 2015), the CDDH-MF drafting group was appointed.
- At its 85th meeting (15-17 June 2016), an Analysis of legal situation at international level and in CoE Ms was adopted.
- At its 87th meeting (6-9 June 2017), a draft CM Declaration on the need to intensify the efforts to prevent and combat FGM and forced marriage in Europe was adopted. A Guide to good and promising practices aimed at combating FGM and forced marriage was adopted. There was a proposal to organise an international conference on the topic was adopted.
- At its 90th meeting (27-30 November 2018), the CDDH decided to contribute to the Conference Policy for Progress: Ending FGM and forced marriage to be held in London on 15-16 November 2018.

**THIRD OBJECTIVE
ENSURE THE EQUAL ACCESS OF WOMEN TO JUSTICE**

- At its 73th and 76th meetings (6-9 December 2011 and 27-30 November 2012), the CDDH decided that this topic should be one of the topics to be taken on board by the new GEC.
- At its 72nd meeting (29 March-1 April 2011), the CDDH adopted comments on the PACE Rec “Promoting the most favourable gender equal laws in Europe”.

**FOURTH OBJECTIVE
ACHIEVE A BALANCED PARTICIPATION OF WOMEN AND MEN IN POLITICAL AND PUBLIC DECISION-MAKING**

- At its 77th meeting (19-22 March 2013), the CDDH decided from the next meeting on to include the gender distribution figures for participants.

**FIFTH OBJECTIVE
PROTECT THE RIGHTS OF MIGRANT, REFUGEE AND ASYLUM-SEEKING WOMEN AND GIRLS**

- At its 91st meeting (18-21 June 2019) the CDDH will discuss the draft handbook on alternatives to administrative detention of migrants. A reference to pregnant women and nursing mothers has been included in the draft.

**SIXTH OBJECTIVE
ACHIEVE GENDER MAINSTREAMING IN ALL POLICIES AND MEASURES**

- At its 69th meeting, (24-29 November 2009), as a reaction to “Making gender equality a reality” (CM Declaration May 2009), the CDDH decided to take Equality between men and women on board as one of its topics.
- At its 71st meeting (2-5 November 2010), the CDDH adopted comments on PACE Resolution “Decent pensions for women”.
- At its 73rd meeting (6-9 December 2011), a discussion took place on set up of GEC, terms of reference and procedure on designation of GEC members agreed upon.
- At its 74th meeting (7-10 February 2012), a final report of predecessor of the GEC, the Steering Committee for gender equality (CDEG) was discussed and taken note of.
- At its 79th meeting (26-29 November 2013), a draft study on the feasibility of new activities: possible issue for further consideration: gender equality issues. This has to do with the fact that the GEC from

now on will operate under the supervision of a new Steering Committee: the CDDECS)²⁰.

- At its 84th meeting (7-11 November 2015), the CDDH decided that its 'Feasibility study on Impact of economic crisis and austerity measures on Human Rights' should look at both women and men.
- At its 84th meeting (7-11 December 2015), the CDDH adopted its draft "Guidelines of the Committee of Ministers to member States on the protection and promotion of Human rights in culturally diverse societies". The Guidelines were adopted by the Ministers' Deputies on 2 March 2016. Section III deals with equality and non-discrimination.
- Further to the decisions taken by the CDDH after its 89th meeting (19–22 June 2018), the Ministers' Deputies adopted on 28 November 2018 "Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe". The text stated notably that member States should take effective measures to promote civil society space "in particular to ensure women human rights defenders are able to access specific support, funding, and protection, including against gender-based violence, and guarantee an environment in which they can work free from violence and discrimination".

CONCLUDING REMARKS (PART A)

1. The main substantial contribution of the CDDH to the Gender Equality Strategy in the recent years concerns the second objective, namely Combating Violence against Women and Domestic Violence.
2. The CDDH has been regularly requested by the Committee of Ministers to give its opinion and comments on gender sensitive resolutions and recommendations of the Parliamentary Assembly.
3. CDDH handed over supervision of the GEC to CDDECS in November 2013, and since December 2015 the GEC reports to the Committee of Ministers. The purpose of this report is to ensure that, notwithstanding the fact that the CDDH no longer oversees the steering of gender equality policies at the Council of Europe, the CDDH mainstreams gender equality throughout its work.

²⁰ GEC was subordinate to the CDDECS between December 2013 and December 2015.

B. PERSPECTIVES - "FUTURE OPPORTUNITIES OF THE CDDH IN THE FIELD OF GENDER EQUALITY"

[...]

CONCLUDING REMARKS (PART B)

1. On the basis of this current research, it would be useful to discuss how the CDDH could reinforce gender mainstreaming in its portfolio in a streamlined manner, stressing the importance to integrate a gender equality perspective in all the intergovernmental activities of the Organisation and taking into account existing Council of Europe standards and policy documents on gender equality and gender mainstreaming.
2. For that purpose, the Gender Equality Commission, in consultation with the CDDH, could design a checklist on gender mainstreaming and the promotion of human rights. This checklist could be used in the design, implementation and evaluation of the work of the CDDH activities on human rights and could also act as a guidance to other bodies of the Organisation.