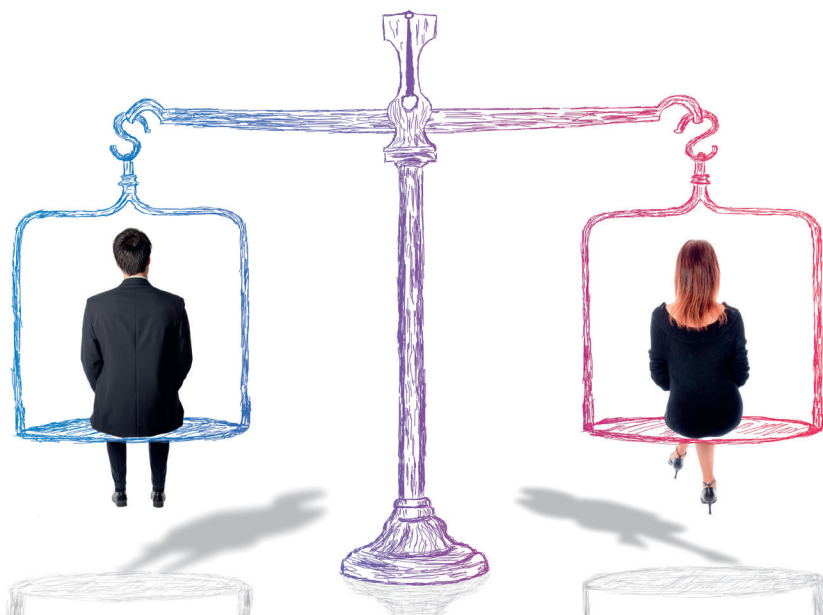


# MAINSTREAMING GENDER IN PUBLIC AND PRIVATE LAW REFORM PROCESSES



**PRACTICAL GUIDE  
IN SHORT**

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# **MAINSTREAMING GENDER IN PUBLIC AND PRIVATE LAW REFORM PROCESSES**

## **PRACTICAL GUIDE IN SHORT**

prepared by the Mediterranean Institute of Gender  
Studies (MIGS), under the supervision of the  
European Committee on Legal Co-operation (CDCJ)

French edition:

*Intégration de la dimension de genre dans  
les processus de réforme du droit public et  
du droit privé*

*Guide pratique en bref*

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This publication is based on the practical guide for mainstreaming gender in public and private law reform processes adopted by European Committee on Legal Cooperation (CDCJ) at its 100<sup>th</sup> plenary meeting (30 May-1 June 2023).

The publication aims to be a concise, step by step, introductory guide to mainstreaming gender in public and private law reform processes. It deals with the essential, practical issues relating to good policy development. It is intended to be a short guide for practitioners who can use this publication as a first source for finding quickly information on the steps and processes to follow to better mainstream gender in public and private law reform processes, without getting into details of each step and examples that are contained in the proper guide itself.

## **WHAT is gender mainstreaming?**

**Gender mainstreaming is not to be confused with gender equality. Whereas the latter refers to the equal rights, empowerment and visibility of women and men, girls and boys, the former is the enhancement of those rights by ensuring that engendered differences be strategically considered when designing and implementing law and policy.**

Gender mainstreaming constitutes a pro-active, targeted and tailor-made response in policies and practices that addresses gender inequalities and the consequences of these inequalities in the lives of women and men, including intersectional groups. It instigates policy makers to use their oversight and legislative scrutiny to highlight gender discrimination that is embedded in laws. Being a strategic and transversal *process* for achieving gender equality,<sup>1</sup> it often

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<sup>1</sup> Institute for the Equality of Men and Women (2007), *Manual for the application of gender mainstreaming within the Belgian federal administration*, [https://igym-iefh.belgium.be/sites/default/files/downloads/32%20-%20Gender%20Mainstreaming\\_ENG.pdf](https://igym-iefh.belgium.be/sites/default/files/downloads/32%20-%20Gender%20Mainstreaming_ENG.pdf), accessed 20 July 2023.

results in the reorganisation, reform, and development of laws to safeguard gender equality in practice and in the law.

### **WHY mainstream gender in public and private law?**

**Gender mainstreaming acts as an important methodological tool to institutionalising the promotion of gender equality across all laws and policies in all areas.**

Benefits of gender responsive legislation and policy include pushing gender equality issues to the forefront of the political agenda and adopting a more human-centred approach toward the development of contemporary democratic societies.<sup>2</sup> Additionally, it is a way to strengthen good governance through monitoring the achievement of policy goals.

### **WHAT are the stakes?**

The absence of gender mainstreaming consequently affects legal reform processes. Without a gendered approach to law-making, the distinct needs and expectations of both genders tend to be overlooked, thus having a direct negative effect on the efficiency and impact of laws, further exacerbating existing inequalities. As a result, women gain fewer benefits than men from legislative reform, later affecting society as a whole, as the lack of reliable evidence available on legislation contributes to such inequalities and discrimination.

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<sup>2</sup> Council of Europe, Group of Specialists on Mainstreaming (EG-S-MS) (2004), *Gender mainstreaming: Conceptual framework, methodology and presentation of good practices - Final report of activities*: <https://rm.coe.int/1680596135>, accessed 20 July 2023.

## Gender mainstreaming in a snapshot

The focus:	Relations between women and men
The problem:	Unequal relations that prevent the full participation of women and men, unequal access and control over resources and services
The goal:	Equal participation of women and men in society and enjoyment of all human rights, equal power structures, and equal distribution of resources
The solution:	Transform unequal relations and structures; empower women and subgroups
The strategies:	Identify and address the different <i>practical and strategic</i> needs of women and men and the different impact of laws and policies according to gender.

## HOW to implement gender mainstreaming?

The gender mainstreaming process consists of 5 steps:



### **Step 1: Is gender equality relevant?**

If the proposal has a direct or indirect **impact on individuals**, then a **gender perspective is relevant**.

### **Step 2: Gender Analysis of the existing situation and data collection**

A Gender Analysis aims to identify any underlying gender inequalities through a critical and systematic analysis of **disaggregated data** that helps to identify long-term patterns and tracks changes over time. In short, **Gender analysis = disaggregated data + analysis of data + gender perspective**.

### **Step 3: Gender impact assessment (GIA)**

An evaluation of the *potential impact of the law or policy on its target groups* identifies the likelihood of a given policy decision having negative consequences for the state of equality by scrutinising whether the law addresses different needs and barriers.

The key to a successful GIA depends on **asking the right questions** and **examining the assumptions** to identify all direct and indirect beneficiary groups and subgroups to then assess whether there is a **disproportionate impact both in numbers and in effect**.

### **Step 4: Redesigning the law**

The *integration of gender-focused perspectives* or considerations into the law in question ensures that gaps or inequalities be addressed and that the specific gender equality goals be attained.

## **Step 5: Monitoring and evaluation of outcomes**

As gender mainstreaming entails a process of change, it requires systematic and continuous monitoring and evaluation. **Gender responsive indicators** need to be developed *to monitor the outcomes* of the amended law or policy, to ensure that *the anticipated impact is in line with the stated gender objectives* and that *progress on gender equality is achieved in practice*. Gender responsive indicators usually refer to quantitative indicators based on disaggregated statistical data, however qualitative input is also important (such as measurements of attitudes, stances and behaviours).

**HOW to ensure that gender mainstreaming be applied correctly in the law reform process?**

<b>Signs that gender mainstreaming has been applied correctly</b>
Consequent use of <b>gender-specific language</b>
Gender is <b>strategically embedded</b>
<b>Gender-specific data collection and analysis</b>
<b>Gender-sensitive view of different needs</b>
<b>Gender competence of the people responsible for the law reform process</b>



Today's society calls for greater consideration and integration of gender equality at all levels.

This guide, drawn up by the European Committee on Legal Co-operation (CDCJ) of the Council of Europe, in collaboration with the Mediterranean Institute of Gender Studies, aims to provide guidance to ensure that the gender dimension is mainstreamed correctly and efficiently in public and private law reform processes.

This publication is intended for all actors involved in the formulation, implementation, monitoring and evaluation of laws and policies, notably public officials and other policy makers to guide them and facilitate their daily work. The guide may also be of interest to any person wishing to know more about gender mainstreaming in law reform processes.

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