The Impact of Legislation on Gender Equality – Implementation and Comparative Analysis

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The following report, which was prepared at the request of MK Merav Michaeli, examines the degree to which the 2007 Impact on Gender in Legislation Law has been implemented. Moreover, reports have been prepared on the implementation of similar laws in several countries around the world.

1. Background

The strategy known as "Gender Mainstreaming" ("GM"), is a progressive approach that promotes the internalization of a gender-based outlook as an integral part of the legislative process, regardless of the issue at stake.¹ The Impact on Gender in Legislation Law (legislative amendments) of 2007, which came into force in 2008 and adds an amendment to the Women's Equality Law (1951), is based on this strategy and appoints the Authority for the Advancement of the Status of Women ("the Authority") as part of the Prime Minister's Office, to present each Knesset committee with its gender-based opinion on different bills, including yearly budget draft laws and secondary legislation, which have implications for equality between men and women, or are related to the domain of the Authority. It was decided that the gender-based opinion shall be passed on to the relevant committee in the run-up to the discussion over the law.² It must be noted that the law does not obligate the Authority to submit its opinion, nor does the opinion have a binding status vis-à-vis the committee's decision, as it is simply a recommendation.

The private bill, initiated by former MK Amira Dotan, has gone through two drastic changes. Among other things, the original legislation was aimed at ensuring the examination of how all proposed laws would affect men and women, and provide explanations noting the potential implications.³ There are those who claim that the accepted wording of the bill contained "a relatively 'weak' oversight mechanism," which despite its advocating for a worldview that espouses the examination of widespread social influences on proposed legislation, also avoids concretely and bindingly evaluating those influences in general, specifically the influence on gender equality, on the legislating process.⁴ In general, evaluating the influence of legislation (be it social, economic, environmental or other) requires, among other things, the inclusion of long-term considerations, though there are those who claim that Israel's public policy is characterized by a process of decision-making based on short-term considerations.⁵

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² Section 1(2) of the law.
⁴ Morderchai, N., Ostrovsky, M., and Karmenitzer, M. "A look at the normative status of the obligation to evaluate the legislative influences on the rights of the child" (draft for comments by interested parties), Israel Democracy Institute, October 9, 2013.
⁵ See: Nahmias, D. and Sand, A., "Governance and Public Policy." By: D. Nahmias and G. Menachem (editors), Public Policy in Israel, Israel Democracy Institute, 1999, pg. 11-34. For an understanding of mechanisms for evaluating the implications of legislation, see the following report: Knesset Legislative Committee, "Mechanism for
According to the researchers at the Israel Democracy Institute, rolling back the goal of the law - from providing comprehensive information on the possible effects of the legislation to submitting an opinion - is not unique to the Impact on Gender in Legislation Law, and similarly takes place in the legislative process regarding the law for information on the impact of legislation on the rights of the child (2002). Neither cases contained regulation - both in procedure or ruling - regarding the scope and degree of detail required of the evaluator.

Importantly, these days the ministerial legislation committee approved a draft bill to establish a commission for the rights of the child as part of the Ministry of Justice - which may strengthen the process of protecting the rights of children in legislation.

An international analysis of gender equality in legislation (from an earlier report by the Knesset's Research and Information Center), as well as in the comparative analysis in this document, show that there are complementary measures that may promote gender-based aspects. For instance, the Inter-Parliamentary Union (IPU) published an action plan for Gender-Sensitive Parliaments. The plan states that parliaments should take the following complementary measure:

- Setting aside time for public debates regarding the effects of legislation on gender, as well as the effect of budgetary legislation on men and women (in committee meetings, in presenting parliamentary questions to ministers or other parliamentary tools);


6 Morderchai, N., Ostrovsky, M., and Karmenitzer, M. "A look at the normative status of the obligation to evaluate the legislative influences on the rights of the child" (draft for comments by interested parties), Israel Democracy Institute, October 9, 2013.

7 The legal adviser to the Committee for the Advancement of the Status of Women referred to the method of implementation of the law for information on the impact of legislation on the rights of the child in the debates on the Gender Implication in Legislation Law, stating that "I can testify from my own experience over the past years, that when it came to implementing the law regarding children, it was done insincerely. Carelessly. As Attorney Dror from the Ministry of the Interior stated, an additional paragraph is added in the best case, and sometimes it is just something that is integrated into the explanatory text." From the protocols of the Committee for the Advancement of the Status of Women, "Bill proposing the stating of information regarding the influence of legislation on gender rights, 2006." May 15, 2007.

8 See: Knesset notices, "Passed: Child rights commission will be established," November 11, 2013.


9 IPU, Plan of Action for Gender-Sensitive Parliaments, 2012. The Inter-Parliamentary Union (IPU) is an international organization that promotes dialogue, peace, cooperation and representative democracy among parliaments worldwide.

10 There are a number of recommendations that have already been implemented in the Knesset, specifically: the activities of the Knesset Committee for the Advancement of the Status of Women and activities for collective data and research in the field (undertaken by the Knesset Research and Information Center).
• Formulating clear directives for impact assessment of legislation on gender and gender equality;
• Implementing GM in all parliamentary committees, through a research team that specializes in gender;
• Establishing a lobby made up of members of all parties across the political spectrum, in order to promote the goal of gender equality.

2. The Authority for the Advancement of the Status of Women

The Authority for the Advancement of the Status of Women is a statutory body, within the Prime Minister's Office, which operates under the Authority for the Promotion of the Status of Women Law, 1998. The website of the Prime Minister's Office details its goals: to promote the status of women in Israel and to coordinate the different governmental and non-governmental bodies that deal with promoting the status of women. Its operations include formulating, promoting and encouraging policies and activities for gender equality and the prevention of violence against women; monitoring and overseeing the activities of governmental offices regarding issues of the status of women; consultation with government offices and activities to promote legislation vis-à-vis the Authority's activities; activities to strengthen public awareness and gathering of information and statistics vis-à-vis the Authority's activities.

At present, there are eight full-time employees in the Authority. The Authority is aided through the continuous activity of professionals in the Prime Minister's Office (legal consulting, etc.).11 Its fixed budget ranged from three to five million NIS between 2009-2012.12 The following section will discuss different aspects of the Authority's activities for implementing the Impact on Gender in Legislation Law.13

2.1 Aspects of the law's implementation

Submitting an opinion on the impact of a proposed law on gender, which may have consequences for equality between the sexes, is the law's main directive. To do so, there is currently one worker (an attorney) whose job it is to write gender-based opinions through the checking of sources and collecting of materials necessary to implement the policy, as well as to bring forth gender-based content. If there are legal elements necessary for an opinion, they are formulated by a certified legal assistant.14

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11 Vered Sweid, Head of Authority for the Advancement of the Status of Women, telephone conversation, December 10, 2013.
13 This document does not deal with the Authority's activities, but rather focuses on one of its aspects: writing gender-based opinions.
14 Vered Sweid, Head of Authority for the Advancement of the Status of Women, answering a question from the Knesset's Research and Information Center, e-mail, November 10, 2013.
**Number of gender-based opinions submitted by the Authority:**

Since the law came into effect, the Authority has written over 400 gender-based opinions. The following chart breaks them down by year:

<table>
<thead>
<tr>
<th>Year</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012 (until Knesset dissolution)</th>
<th>2013*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of opinions</strong></td>
<td>64</td>
<td>38</td>
<td>69</td>
<td>72</td>
<td>63</td>
<td>Approx. 100</td>
</tr>
</tbody>
</table>

*Were submitted or prepared as of the date of this document’s publishing*

It must be remembered that the Authority must examine many proposed laws, both private and government-sponsored. In order to contextualize the scope of legislation in Israel, we must mention that the previous Knesset (18th Knesset) approved 597 proposals in the Knesset plenum (on third reading). Since the beginning of the 19th Knesset (in February 2013), it has already discussed 141 private bills and 76 Government-sponsored bills.

**Date for submitting an opinion during the legislative process, divided by proposal type**

The Authority receives a copy of every law’s memorandum from government ministries, as well as government-sponsored proposals (as they are published). Private bills arrive through the Authority with their publication on the Knesset website or on the weekly agenda of the Legislative Affairs Committee, as is described in the following table.¹⁵

<table>
<thead>
<tr>
<th>Memorandums of laws by different governmental offices</th>
<th>Stage at which bill or memorandum reaches the Authority</th>
<th>Period of time for submitting opinions</th>
<th>Who the opinion is submitted to</th>
</tr>
</thead>
</table>
|                                                       | 1. The memorandum is transferred to the Authority for comments  
2. The Authority consistently tracks the memorandums on the Justice Ministry’s website | During the period of time established to submit opposition/comments, and after it has been decided that it is relevant to gender issues | To the relevant government office that prepares the memorandum |
| Government-sponsored bills                           | With their publication on the Legislative Affairs Committee's agenda | As early and close to their publication date as possible. The gender-based opinion is submitted before the discussion in the Legislative Affairs Committee | To the Legislative Affairs Committee; later |

¹⁵ Ibid.
Committee, which has established that it will discuss the government-sponsored bill. submitted to the relevant Knesset committee

| Private bills | 1. With their publication on the Knesset website 2. With their publication on the weekly agenda of the Legislative Affairs Committee | 1. Bills that have yet be debated in the Legislative Affairs Committee; if it decided to write a gender-based opinion, the Authority will transfer it to the Knesset legal advisor; 2. Bills that appeared on the Legislative Affairs Committee’s upcoming agenda: the gender-based opinion will be submitted before the debate; 3. Bills approved by the Legislative Affairs Committee and which are, over time, passed on to be discussed in the Knesset: before the debate in the Knesset committee | To the Knesset legal advisor; to the Legislative Affairs Committee; to the relevant Knesset committee |

As previously stated, opinions are submitted after the formulation of the law or the bill's memorandum, in accordance with the law. In response to our question, the Authority stated that a main means of potentially improving the method and scope of the law's implementation can be the integration of the Authority's representative into the primary consultation step of the legislative process. According to the Authority, it is fitting that "Members of Knesset will implement gender-based thinking and take gender into consideration during the process of formulating law proposals, as well as before their submission."16

Choosing topics and presenting a position

The Authority chooses the bills according to three main parameters: degree of effect that the bill has on equality between women and men, and to what degree the bill promotes the elimination of discrimination against women; degree of contribution to the advancement of education; degree of contribution to the prevention of violence against women.17

In an examination of nearly 75 submitted opinions, most of them from 2013, which were passed on to us by the Authority at our request, it was found that most deal with gender-based law proposals - that is, they deal directly with women.18 Some exceptions included

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16 Vered Sweid, Head of Authority for the Advancement of the Status of Women, answering a question from the Knesset's Research and Information Center, e-mail, November 10, 2013.
17 Ibid.
18 A piece of legislation is considered "gender-based" if it, first and foremost, assists women, and if the bill's explanatory notes make clear that the members of Knesset took the female population into consideration when formulating the bill. See: Israel's women's lobby and "Mitpakdot," "Advancement of Gender Equality in the 18th Knesset: Monitoring the Activities of Male and Female MKs," July 2012.
opinions on laws dealing with sexual assault (regardless of gender); work permits; guaranteed minimal income, etc. One must remember that examining the influence on gender, not only benefits women, but can also be used as a tool to identify how a proposed law or policy promotes equality between men and women, along with the ways in which implementing the laws may discriminate against one of the sexes. Therefore, special attention must be paid to the bill, whose implications for equality are invisible. As MK Dotan, who introduced the proposal, stated: "We are speaking here of all legislation, not just legislation that deals with the issue of women."\(^{19}\)

The majority of the opinions we surveyed were positive, that is, they supported the bills.\(^{20}\) There are opinions which contain reservations, and propose adding or changing certain sections of the bill. In an unusual manner, one of the opinions that was selected (from 2010) was strongly opposed the bill. It is important to note that we did not survey every opinion, but rather the aforementioned ones (most of which are from the past year), as they were passed on from the Authority in response to the Knesset's Research and Information Center.

**Structure of opinions, knowledge base and data**

An opinion is formed by two main components. The first one includes a summary of the purpose of the law based on its explanatory notes. The second part details the expected advantages (or, in the few cases, negative consequences) of the law vis-à-vis women. The opinion is based on a number of general leading questions, which are detailed on the Authority's website.\(^{21}\) For this purpose, we have attached an example from one of the European Union's (EU) reports, which contains tools and methodologies for the gender impact assessment as an addendum to this report.

In general, the Authority is aided by several sources for writing data-based opinions, including: The National Insurance Institute, statistical data provided by government offices, the Central Bureau of Statistics, data from OECD reports, data from World Economic Forum reports, laws and legal determinations as well as articles dealing with gender and law.\(^{22}\)


\(^{20}\) In opinions such as those that include the final sentence: "The Authority for the Advancement of Women supports this proposal."

\(^{21}\) The Authority for the Advancement of Women, "[Methodology for a Gender-Based Analysis](#)," 2007, entry: November 21, 2011.

\(^{22}\) Vered Sweid, Head of Authority for the Advancement of the Status of Women, answering a question from the Knesset's Research and Information Center, e-mail, November 10, 2013.
The following comparative analysis shows that a strong base of knowledge constitutes an essential component in gender impact evaluation of legislation and policies. European states and the EU invest in gathering a great deal of data regarding the status of women, as well as in measuring lessening inequality. In this context we must note the Statistics Ordinance Amendment (no. 2) from 2008, which determined that the Central Bureau of Statistics and any other body that gathers and deals with statistics, must arrange the statistics according to sex (men and women). However, from a perusal of the opinions, one can see that aside from a few cases, the opinions do not include a comprehensive review of the existing reality, and that there is a difficulty in estimating the use of professional databases and statistics.

**Presenting and publishing opinions**

As previously stated, the opinions are transferred by the Authority to the Legislative Affairs Committee, the Knesset Secretariat, the office of the Knesset's legal advisor and the relevant Knesset committee. Either the Authority's director or a representative is present during the discussions. Additionally, there are cases in which the Authority director presents the opinion to the Legislative Affairs Committee; from a perusal of protocols, one can see that the same thing takes place during committee discussions in the Knesset. From an examination of six Knesset committees, it was found that four of them accept the opinions of the Authority. Of those, in four the opinions are presented solely to the committee members before the discussion, while the other two committees provide public access to the opinions (through printed copies during the discussion or on the committee's website).

There are a number of reasons for the transparency and reports by different authorities, specifically the Authority for the Advancement of Women, regarding activities in the realm of gender-based opinions. First, the widespread implementation of the GM strategy necessitates strengthening public awareness on the issue of gender inequality that exists in both the public and private spheres. Second, it is accepted to assume that there is a great deal of significance to the degree of accountability of government authorities, that is, the public’s ability to evaluate the authorities and their activities. Indeed, non-governmental organizations are a good source of information for examining the degree of implementation of GM in the legislative process.

23 Read examples of publications by the European Institute for Gender Equality.
24 See for example, the Committee for the Advancement of Women, "Raising the retirement age for women, lessons from the Nissan Commission," July 4, 2011.
25 Heads of Knesset committee, telephone and e-mail conversations, November 11-18, 2013.
Ultimately, from its response to our questions, it seems that the Authority supports the publication of opinions to the public, and works to strengthen the public discourse on the issue.27

3. Additional points for discussion

- **Training** - As will be exemplified in a comparative analysis later on in this document, there are states that invest maximum effort and resources in training workers and female professionals in key issues vis-à-vis legislation, as well as the implementation of gender-based thinking in current work procedures of the government ministries. Moreover, there is great significance to the fact that a high-ranking person in the governmental organization will lead and support GM and gender equality.

As for training the Authority workers, in a letter responding to our questions, it was stated that the Authority director is charged with establishing policy and gender-based content needed for writing a gender-based opinion. As for training professionals in government ministries and the implementation of gender-based thinking - the Authority director stated that the issue is not under her jurisdiction, and that the Civil Service Commission is in charge of training those charged with supervising over gender issues in the offices.28

- **Evaluating gender-based influences on the budget** - the law clearly lists the Yearly Budget Law as one of the bills on which an opinion can be submitted, due to the well-known negative consequences it can have on equality between men and women.29 Despite a dearth of professional manpower, and specifically female economists, the Authority submitted its stance and comments on the 2013-2014 governmental Economic Plan, summarizing that while it is "necessary that the different budget sections, plans, initiatives and fiscal decisions will be implemented only after taking into account their gender-based implications, it is doubtful whether this was done."30

- **Improving the effectiveness of gender-based opinions** - in a discussion on the aforementioned Economic Plan in the Committee for the Advancement of Women, the Authority director stated two important possibilities: first, that there is a need for a gender-based unit in every ministry, which will be able to make a comprehensive examination of gender considerations while establishing policy. Interestingly, studies show that only when conducting a gender-based analysis of policy, one understands

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27 Vered Sweid, Head of Authority for the Advancement of the Status of Women, answering a question from the Knesset's Research and Information Center, e-mail, November 13, 2013.

28 Vered Sweid, Head of Authority for the Advancement of the Status of Women, answering a question from the Knesset's Research and Information Center, e-mail, December 10, 2013.


30 Vered Sweid, Authority for the Advancement of Women, "Gender-based opinion on the 2013-2014 economic plan," letter to Finance Minister Yair Lapid, May 12, 2013. Received in email by the Authority, October 22, 2013.
the relevance of gender, and for this reason, in most countries wherein a gender impact assessment of laws is being carried, it is performed by the law-makers themselves.

Secondly, the Authority director referred to the position of legal opinions, and suggested, "it is not enough to write or express a gender-based opinions - it must be accepted." According to another proposal being advanced by non-governmental women's organizations, MKs should be asked to explain the contradiction, should it exist, between their law proposals and the Authority's opinion.

- Enacting GM in both local and regional authorities - according to the international comparison below, there is an emphasis in the reports of different countries on the significance of implementing gender-based thinking in government institutions at different levels. That is, management and legislation are not enough - there is a need to allocate resources for GM at both the local and regional level. It is important to mention that in Israel, the Local Authorities Law (consultant for the advancement of women) of 2006 requires the appointment of a consultant for the advancement of women in the local authorities. Among her duties are: "Evaluating the effects of the decisions made by the local authority that relate to the position's activities regarding equality between the sexes, and submitting an opinion regarding these said effects." For more information on the implementation of this law, see the previous study by the Knesset Research and Information Center. It must be stated that at the time of publishing the document (February 2012), consultants for the advancement of women in local authorities mainly dealt with organizing cultural and leisure activities for women, with only a minority participating in data collection, gender analysis or similar activities.


32 The Committee for the Advancement of Women, "Hesderim Law and Budget Proposal for 2013-2014 - Effects on Gender," May 27, 2013. In this context it is important to note the Committee for the Gender-based Examination of the Budget for the State of Israel, which recently appointed the finance minister. See: Finance Ministry, press release, October 21, 2013.


34 Section 3a. (B)3

4. Implementing gender impact assessment of legislation in select countries

The following is a survey of implementation reports vis-à-vis laws similar to the Impact on Gender in Legislation Law in the following countries: France, Canada, U.K. Finland and Norway.36 In addition, we will present the findings from three states in the United States, where assessing the effects on gender is not anchored in the federal administration.

The demand for a Gender Impact Assessment (GIA) of government policy and/or legislation exists among different OECD member states, as is stated in a report recently published by the organization. For instance, until 2011, 16 countries reported that they demand to enact GIA, foremost in the framework of legislation. Only few expand that demand into policy and ministerial programs.37 However, OECD and EU reports, as well as the following survey, show that despite the calls for gender-based assessments, the implementation takes time and is currently only partial.

Because the legislating process in Israel has its own unique character, comparing the degree of implementation of the law in this context is limited. For instance, in all the countries surveyed in our previous document (and those described hereinafter), assessing the impact on gender and gender equality, is done in the first stages of legislation and under the authority of the ministries that promote it, rather than any other body. Additionally, in this context we must add that while the legislation in many countries is governmental, Israel has a significant amount of privately proposed legislation. Lastly, hundreds of bills and amendments are proposed in Israel every year - relatively more than in other countries.

4.1 France

A government directive from August 2012 requires governmental ministries to assess the impact on gender of proposed laws. It establishes that one must take into account the way in which the proposed legislation will influence the rights of women and gender equality. In addition, there is a governmental office for the rights of women (which is headed not by a minister, but by an

36 The survey of Canada, Britain and Finland expands and updates (as necessary) the descriptions of the legal regulatory framework, as well as the method of implementation that appeared in the previous in-depth report, published in 2007 by the Knesset Research and Information Center in the run-up to discussions in the Committee for the Advancement of the Status of Women regarding the Effects on Gender in Legislation Law: Knesset Research and Information Center, Assessing the Effects of Gender in Legislation - a comparative analysis, by: Orly Lotan, June 24, 2007.

In a response dated January, 24 2014, to question #2412 to the European Center for Parliamentary Research and Documentation (ECPRD), Sweden responded every governmental ministry is required to assess the effects on gender in the decision-making process for which it is responsible. The Ministry of Gender Equality is responsible for monitoring and coordination.


It must be stated that there is a method of assessing the effects on gender in practice, after the implementation of the law/program (ex post). However, this method is not common today among member states of the OECD.
inter-ministerial appointee). Its main job is to prepare studies on how proposed legislation will affect gender, which can assist ministries during the legislative process. The Ministry of Women's Rights and the secretary-general of the government prepared a written statement, which is intended to implement the process of assessing effects on gender in legislation among ministries, as well as a detailed methodology for carrying-out the assessment.\(^\text{38}\)

The year-end report, which came out in the same year as the prime minister's directive, details the list of laws for which that the Ministry for Women's Equality prepared a study of assessment the effects, among these one can find: a bill to establish public banks; a bill promoting financial transparency for public officials; a bill for accelerated building; a bill on the issue of public media independence, and more. The bills dealt with a range of issues, including: economic issues, agriculture, youth, sports, health, ecology and more. Overall, the past year saw 30 bills undergo review. Of those, 10 proposals were found to have no gender-based effects; a direct effect was found in seven bills; an indirect effect on gender equality or on the rights of women was found in 12 of the bills - nine of them included corrections that must be implemented. Assessing the impact of legislation points to three main, possible gender-based influences: the potential worsening of violence against women or the issue of sexual harassment; the potential negative impact on employment for women or professional equality between men and women; deepening the stereotypical discourse which discriminates against women.\(^\text{39}\)

### 4.2 Canada

Assessing impact on gender of legislation is done by virtue of a federal project for equality between the sexes, as well as by legislative directives handed down by the government. The responsibility of determining which bills necessitate such an examination is placed on the government ministries and the Status of Women Canada organization which has been authorized to provide training and support.\(^\text{40}\) Carrying out the assessment is accompanied by preparing a written statement to the cabinet, which is handed to the government before formulating the bill, as part of the description of the thought process that takes place prior to legislation.

In 2009, the Canadian state comptroller ruled that the despite Canada's obligation to assessing the gender-based effects of legislation, there is no set policy that obligates all government ministries and authorities to implement said assessment. Therefore, there are gaps in the degree of implementation of gender-based assessment between the different bodies. Of the 68 initiatives (legislative and others) that were examined by the controller, it was found that only 30 of them were accompanied by gender impact assessment. But even in those cases, no evidence that the findings of the assessment were considered during the policymaking process and examining alternatives. In eight of the cases, the authorities were able to prove that there was no need for

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\(^{38}\) France’s response to question #2412 ECPRD, November 20, 2013.

\(^{39}\) Le Ministère des Droits des Femmes, "Un guide plus détaillé est diffusé sous la responsabilité du ministère des droits des femmes", Octobre 2013.

\(^{40}\) The authority is part of the Ministry of Women's Affairs (headed by the minister of labor).
assessing gender-based implications, and only in four cases was there proof that the assessment was integrated into the policy development stage. In addition, the comptroller claims that the reports on the effects on gender are not always passed on to the government cabinet or the treasury. On the positive side, the comptroller stated that central governmental bodies made efforts to improve training on the issue of effects on gender among workers in the offices entrusted with policy and budget proposals.\textsuperscript{41}

4.3 Britain

Assessing the effects of legislation on gender is done in the framework of an Equality Impact Assessment of either government-sponsored or private bills (which receive government support). Since 2007, legislative bodies have required to assess the impact on gender of any bill dealing directly with equality between the sexes. The process of the assessment is done under the umbrella of the 2010's Equality Law, which developed behavioral codes for all authorities and public bodies.\textsuperscript{42} Should the laws not comply with the nine characteristics of the anti-discrimination law (among them age, physical disability, gender, familial situation, pregnancy, race, etc.), it is possible to petition the court, which may appeal their legality.\textsuperscript{43}

An inter-ministerial plan published that year identifies targeted issues of inequality, and focuses on a list of tasks and solutions. This is done through striving to strengthen and implement gender equality in policy and government programs, rather than burdening the bureaucratic legislative process.\textsuperscript{44}

In an EU conference that took place in 2011, \textit{it was argued that the fact that British legislators are required to present the impact of proposed laws on gender is having a great effect on the degree of the implementation of GM.}\textsuperscript{45} According to the presenters, the obligation to conduct an assessment by law is an active, effective tool that can be enforced. However, there is no report centered on the degree and quality of implementation of the assessments in Britain\textsuperscript{46} - perhaps because the assessment is not conducted by one, single government body.

\textsuperscript{41} The Auditor General of Canada. \textit{Spring Report, Chapter 1: Gender-Based Analysis}, 2009. In response to the state comptroller report, the Status of Women Canada organization, the treasury along with additional relevant bodies expressed their lack of agreement with the comptroller’s conclusions.


\textsuperscript{43} British’s response to question #2412 to the ECPRD, December 5, 2013.

\textsuperscript{44} Government Equalities Office, \textit{"The Equality Strategy - Building a Fairer Britain: Progress Report"}, UK, 22 May 2012.


\textsuperscript{46} In response to question #1527 to the ECPRD. However, it was written that there is no knowledge on a study that checked whether, or to what degree the assessments on the impact of legislation on gender brought about a change in either laws or amendments.
4.4 Finland

Despite the fact that Finland does not require an assessment of the impact legislation has on gender, said assessment is promoted in three complementary frameworks: a law which establishes equality between men and women from 1986; Justice Ministry directives for preparing bills; and government action plans dealing directly with the issue of equality between sexes. The action plan identifies issues with special importance for internalizing the gender-based perspective and outline the measures by which every policy or piece of legislation must be examined in a few select areas (e.g. reform in the Finnish military, reforms in the local authority, immigration policy, and more). The assessment of the impact of legislation on gender is to be conducted by professionals in different ministries (which are not experts for gender issues, but after undergoing training on the issue).

In 2011, the Finish Ministry of Social Affairs and Health published a report on gender equality, as well as actions taken to promote it within the ministry. The report also refers to the integration of gender considerations in Finland’s economic policy and programs, along with the degree of implementation of both GM as well as assessments evaluating the effect of legislation on gender.

It has been stated that the gender perspective is not taken into account when talking about the internalizing of the effect of Finland's economic policy on gender. Furthermore, it was written that until now, the government's action plan for gender equality (published in 2005) did not deal with economic issues, despite the significance of assessing the impacts of economic policy on gender. However, it must be stated that the updated government action plan mends the problem and includes a section that describes the measures for assessing the impact of economic policy on gender.

The report further states that the last few years have seen a general improvement in the degree of internalization of gender-based thinking during the legislative and policymaking process. However, it was also stated that a thorough assessment of the impact of legislation is rarely conducted, and lacks an organized procedure. As of 2008, only 14% of all proposed laws were accompanied by an assessment on their impact on gender, while other factors (such as environmental and economic ones) were more thoroughly assessed.

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48 The ministry charged with preparing the government action plan on the issue.
50 See footnote no. 40.
51 See footnote no. 42.
52 Council of Europe, Gender Equality Commission, "Feasibility study: Equal access for women to justice", Strasbourg, 2 April 2013.
4.5 Norway

The Norwegian Equality Law requires all government authorities to prepare an assessment on gender equality. The authorities are required not only to ensure that their policies do not lead to the widening of gaps between genders, but are also obligated to ensure that the policy works to lessen the gaps in reality. The responsibility of assessing gender equality is placed first and foremost on government ministries during the entire process of ministerial budgeting.\(^5\) According to the OECD report, an assessment of the impact on gender is required for every bill in Norway.\(^4\)

Norway's Equality and Anti-Discrimination Ombud published an evaluation report in 2012, which found that there is no document examining the scope of assessments that measure the impact on gender. Furthermore, it stated that there is no appropriate training for personnel conducting such assessments as a tool for advancing equality between men and women.

The Ombud further states that reports on the impact on gender were not prepared even in cases in which legislation had clear gender-related aspects, such as a proposed law that sought to integrate work with childcare; a public debate on reforms in the pension system; the national report on research in Norway; and comprehensive legislation on discrimination. Furthermore, the Ombud states that the effect of the policy reform on subgroups of women (immigrants, poor, elderly, lesbians, religious, disabled, etc.) is rarely if ever assessed.\(^5\)

4.6 United States

Generally, assessments to measure the impact of legislation is not common on the federal level in the United States, aside from bills or programs that require an evaluation for their economic or environmental impact.\(^5\) Gender impact assessments may arise in the context of state or city laws:

Ohio established the Women's Policy and Research Commission in 1991. The commission received a mandate to present opinions on the possible impact that legislation may have on women in Ohio. However, their activities ceased more than a decade ago, and there is no information available on the degree of implementation of its tasks.

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\(^4\) See footnote no. 36.
\(^5\) UN High Commissioner report that was submitted as an addition to Norway's report to the Committee on the Elimination of Discrimination against Women. See: The Equality and Anti-Discrimination Ombud, "Supplementary report to the 8th Norwegian report to the CEDAW committee", 2012.
\(^5\) The focus on the following findings was made with the assistance of Ralph Amelan, Information Resources, Embassy of the United States of America, Jerusalem, by E-mail, 22 October 2013.

In the state of California, for instance, the California National Women's Organization published a harsh letter protesting the lack of assessing the impact of legislation on gender, and called for a gender-based analysis, especially on the part of health, development and environmental authorities, respectively. See; California National Organization for Women.
Louisiana has its own Office of Women's Policy, which tasks itself with preparing an updated list of bills that impact women. The office's latest report shows that its activity focuses on monitoring the status of Louisiana women in different aspects of life (health, professional, educational, etc.).\(^{57}\)

Alabama conducts gender-specific risk assessments (that is, assessing the possibility of potentially harming women or gender equality) as part of the state's legal system. Preparing the assessment is the duty of the Alabama Women's Commission as part of its many tasks to assist women undergoing criminal procedures.\(^{58}\)

From the above, one can see that the United States does not conduct regular assessments of the impact of legislation on gender. An additional search found an example of assessing the impact on gender in programs for developing countries: USAID, a government organization, conducts a gender-based analysis for each of the programs it promotes (in developing countries, generally). The gender-based analysis gives an explanation of the role of women and men in the community, gaps in their ability to have an influence and their involvement in decision-making, as well as challenges and barriers to reaching gender equality. The goals of this gender-based analysis are 1) to identify opportunities to lessen gender inequality 2) to conduct assessments on the impact of programs on gender in order to ensure that promoting the program does not directly or indirectly harm women. The assessment is done, to the extent possible, by dividing women into subgroups by: area of residence, race, ethnic background, disability, etc.\(^{59}\)

**Addendum: Tool kit for conducting an assessment on the impact of legislation and policy on gender**

As stated previously, assessing the impact on gender aids in evaluating the different implications of each policy, action plan or law vis-à-vis equality between the sexes. The goals of the assessment are to present a gender-based perspective during the decision-making and legislative process. EU documents show, for instance, that the assessment must be conducted both early in the process as well as at its end, in order to evaluate the level of implementation of gender-based principles.\(^{60}\)

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\(^{59}\) USAID Policy on Gender Equality and Female Empowerment, Washington DC, March 2012.

The following is a translation of the process of assessing the impact on gender in six stages, as is explained in the UN document. Its authors are writing in regards to East and North Africa, though the tool kit is general and similar in composition to those surveyed in Western Europe.

It is accepted to examine the impact on gender in four categories: participation, resources, norms and values, and rights, as is explained below:

**Participation** - Is the number of men and women who benefit from the law's passing equal? Or alternatively, does the law allow men and women to participate equally in the policy at hand?

**Resources** - Do men and women have the same access to resources (time, money, information) necessary to enjoy the benefits of the law? Alternatively, does the law promote an equal distribution of resources between men and women?

**Norms and values** - How would gender stereotypes, as well as social and cultural norms and values affect men and women different, should the law go into effect? Will stereotypes and certain values be a barrier to women or men when attempting to maximize the benefits granted to them by the law?

**Rights** - Will the proposed law affect the rights of women or men in a direct or indirect way?

**Steps to conducting an assessment on the impact of legislation on gender:**

**Step 1: Identifying and describing the existing reality**

- Identifying gaps between men and women, according to the criteria of participation, resources, norms and values and rights (as described above)

There is a need to collect the relevant facts, materials and information vis-à-vis gender on the issue, including statistics, as well as through consultation with experts and even with men and women who may be affected by the implementation of the policy or law.

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62 For example, see: Helen Derbyshire, *Gender Manual: A Practical Guide for Development Policy Makers and Practitioners*, Social Development Division, UK government, 2002;

63 There is a similar explanation of the main components of the assessment as is conducted in Britain in the previous report by the Knesset Research and Information Center, *Assessing the effects of gender on legislation - a comparative analysis*, by: Orly Lotan, June 24, 2007.
Step 2: Analyzing tendencies and future developments that could arise should the law not go into effect

- Evaluating the conditions of men and women as if there was no law, in order to understand the future context of the policy vis-à-vis the issue. Said evaluation will allow for identifying the tools and measures to bring about the proper implementation.

Step 3: Prioritizing the advancement of bills that actively promote gender equality

- Based on the data analysis from steps 1 and 2 (the degree of inequality vis-à-vis the proposed bill as well as the degree of influence inequality has on the lives of men and women), one can estimate the law's impact on gender and thus establish the necessity of writing a full opinion.

At this stage it is important to locate that bills that may not guarantee gender equality, but might have either a very positive or negative influence on gender equality.

Step 4: Assessing the possible impact of the proposed law on men and women

- Conducting an assessment on the proposed law's impact on "target groups" of men and women, for whom the law is intended. It is important to notice not only quantitative impact (such as number of employees) but also more indirect, future implications (such as the quality of work, job security, possibility of promotion, etc.). One must assess both the short and long-term effects.

Step 5: Assessing the possible impact of the bill on minorities

- Conducting both direct and indirect impact assessments on men and women in the sub-groups of the "target groups" for whom the law is intended (ethnic minorities, parents as opposed to non-parents, men and women of different ages, different levels of education, etc.)

Stage 6: Bringing up reservations and suggestions for changing a bill or its subsections

- If analysis shows that the bill may adversely affect gender equality or reinforce existing inequality, one must explain how the bill must be changed in order to meet the goals of gender equality.