

GENDER-BASED ANALYSIS OF LEGISLATION

Submitted to:

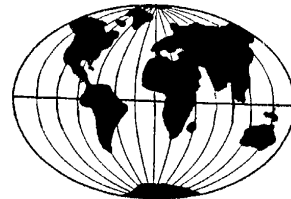
**United States Agency for International Development
USAID/Armenia Legislative Strengthening Program (ALSP)**

Under:

USAID/Armenia Contract No. OUT-AEP-I-803-00-0004

Prepared by:

**Jemma Hasratia, Editor
Association of Women with University Education
Center for Gender Studies**



Submitted by:

**Development Associates, Inc.
1730 North Lynn Street
Arlington, VA 22209-2023**

February 24, 2004

CONTENTS

	Page No.
Preface.....	ii
Foreword.....	iii
Gender Equality as a Prerequisite for Democracy and Development.....	1
European Approaches to Gender Issues	5
Procedures for Implementing Gender-based Analysis.	9
Appendix	A-1

PREFACE

The Guide presents theoretical and methodological foundations for the process of including gender into legislation and state policies as well as the procedures for conducting a gender-based analysis. The application of gender analysis will make it possible, while drafting legislation and formulating State policies, to address to a certain extent a gender asymmetry existing in this society and to promote harmonious societal development.

The guide is intended for all the experts that are engaged in drafting legislation and in formulating state policies and that are responsible for practical application of gender approaches as well as for public figures and individuals that design various gender-related projects.

FOREWORD

At this stage in the development of Armenia, the goals of democracy building and of sustainable development require a balanced social strategy in the enactment of legislation and State policies processes of its implementation.

Drastic changes undergone by Armenia in recent years resulted in a progressively growing gender asymmetry that became noticeable in all the spheres of the society's life. The values of the society have changed.

The State faces new problems of mapping out a strategy. The solution of those problems should aim to lay a political groundwork and to create necessary social conditions, to secure a maximum of use of men's and women's abilities in all fields as well as to implement the policy of women's and men's balanced participation in socio-political life.

That presupposes that the state development strategy should be focused primarily on ensuring equal rights, freedoms and equal opportunities to men and women, thus requiring the inclusion of a gender component into all spheres of legislation and state policies.

In Armenia, while making their decisions, the analysts and politicians in legislative and executive branches of government do not necessarily take into consideration the possible gender consequences of the laws they are drafting or of the policies they are establishing.

The expansion of gender knowledge stimulates the elaboration of new approaches to and the discovery of new means and techniques of conducting a gender-based analysis thus making possible to assess adequately the gender impact. That, in its turn, is an important mechanism in policies that are implemented for attaining gender equality.

Any country's development level is determined by such indicators as gender equality and a real elimination of explicit and hidden forms of sex-based discrimination.

It is natural that the achievement of those goals should require the responsibility of both the legislative and executive power and of the state's social partners (epitomized by the civil society institutions) for drafting laws and drawing up socioeconomic projects to promote development.

Due to the efforts of and support given by OSCE, UNDP and USAID *Armenia Legislative Strengthening Program* (ALSP) the country's National Assembly started to recognize gender analysis as an indispensable integral part of lawmaking. The analyses made in various realms of policies as well as the elucidation of the impact that those policies-related 2004 budgetary expenditures have on gender issues were an important contribution to raising public awareness of gender policies.

The realization of this on the part of lawmakers and of the staff in the legislative body that integration of gender issues will make legislation much more adequate to such goals as the UN Conventions, the Millennium goals and provisions of the Armenian Constitution. The integration

of a gender component by way of analysis of various stages in legislation drafting will ensure that the issue is treated in all seriousness.

The analysis of the Armenian legislation is intended to ascertain the degree to which the legislation is adequate to meet the needs of various social groups or to identify the existing discrimination, particularly, gender-based discrimination. The analysis also provides an opportunity to find ways for attaining gender equality.

By initiating the production of this guide, the *Armenia Legislative Strengthening Program* (ALSP) and the Center for Gender Studies of the Association of Women with University Education aimed to make their modest contribution to the integration of a gender component into legislation thus assisting in the creation of the rule-of-law state and in building parity democracy. We will be satisfied, if this Guide is helpful in your lawmaking activities.

Eleanor Valentine, Director
Armenia Legislative Strengthening Program

Jemma Hasratian, President
*Association of Women with University
Education*

GENDER-BASED ANALYSIS OF LEGISLATION

GENDER EQUALITY AS A PREREQUISITE FOR DEMOCRACY AND DEVELOPMENT

Gender is one of the core and basic concepts of the present-day. It shapes or strengthens an attitude of each person in a society. Gender is not a biological sex but a social relation and the presentation of every individuality through that relation's concepts.

In a broader sense, the concept of gender is a complex system based on individual and societal, cultural, physical and spiritual as well as political experience. In other words, it is a life's reflection wherein any difference or division is located in a system of hierarchical relations.

The definitions of gender reflect the "strategy" of sex/gender system and demonstrate what model of a woman or man, of a girl or boy we should fit. Even at birth, male or female individuals find themselves in a system of established relations.

Gender is also construed as a set of concepts, which is a basic element of social stratification. Gender is an existing reality and is reproduced in all social processes. Gender is a conceptual strategy. It reflects, shapes, recommends and requires certain actions.

The concepts of "sex" and "gender roles" are different. *While "sex" is a characteristic grounded in physiological and biological differences, gender is a characteristic of social and cultural roles of the two sexes and it reproduces the existing ideas about the mission of each sex in the society.*

Gender equality as an issue is quite important. The Armenian Constitution declares the principle of equality of the sexes. This principle should be reflected in the priorities of State policies and of the laws that are being drafted in the country.

"Each human individual, whether Armenian or of another ethnicity, whether male or female, born in Armenia or moved to Armenia from other countries, will live in equality and will be free in all their occupations. No one will have the right to lord over another person, whereas their manual labor shall be remunerated according to any other work, as required by the Armenian Law".

Shahamir Shahamirian,
Pitfalls of glory, Article 3.

"Equality between women and men is necessary for strengthening family, since the latter is a foundation of the nation. The revival and salvation of the nation are but a dream, if that nation's family life is rotten."

Mikael Nalbandian
Hishatakaran/Diary, Complete Works, Vol. 1, p. 456.

The attainment of gender equality is predicated on the extent to which gender component will be integrated into economic, political and social spheres and into a system that ensures a country's security. The process of development of the Republic of Armenia depends on equal use of women's and men's potential and opportunities in socioeconomic life.

Gender system makes a significant impact on people. It is noteworthy that inequality of women's and men's rights and opportunities in public life and in economy is an outcome not only of cultural traditions and socioeconomic situation but also of a disregard of the impact of a gender component. The consideration of that component is a new approach and a new paradigm that determines the roles to be played by both sexes, i.e. by men and women in the processes of societal development.

▶ *“Endowing women with voting rights will result in a great reform that will be regarded as a new radiant and bright epoch in human life and history.”*

*Grigor Artsroonie
Mshak, 1877, # 41*

▶ *The right to vote and to be elected was given to women in Armenia by the Constitution of the First Republic (1918-1920).*

▶ *Women were granted the right to vote: in 1893 in New Zealand, in 1902 in Australia, in 1906 in Finland, in 1913 Norway, in 1918 in Great Britain, in 1920 in the USA, in 1921 in Sweden, in 1932 in Belgium, in 1944 in France, in 1945 in Italy and Japan, in 1953 in Greece and in 1971 in Switzerland.*

It is not incidental that the UN Millennium Declaration goals stress that “the equal rights and opportunities of women and men must be assured” as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable¹.

In real life the impact of a gender component is often disregarded or is not taken into consideration while drafting laws and implementing policies thus upsetting gender balance in economic, social and political spheres.

Gender asymmetry is particularly obvious in economic and social spheres².

Thus,

- ▶ In this country, 76% in the entire male population are able-bodied and 54% of them are employed in the economy, while the respective figures for women are 53% and 46%;
- ▶ Men account for 35.6% and women for 64.4% of the registered unemployed;
- ▶ 37.5% and 62.5% of the registered unemployed men and women respectively have college-level education;
- ▶ Men account for 74.0%, while women for 26.0%, of the officially registered entrepreneurs;

- ▶ In 2000, women's average wages were equal to 55% (and in 2002, to 48%) of men's average wages; the majority of women work fewer hours and thus get a lower remuneration;
- ▶ In 1990-1998 the share of employed women decreased in those branches where remuneration is relatively high: while in 1990 they accounted for 54% of the workforce in the industries, in 1998, for only 44%; in the field of crediting and insurance their share went down from 73% to 50%;
- ▶ In Education and Health sectors that are primarily funded from the State budget and characterized by low pay, women account for 83.5% of the workforce in education and for 85.6% in health care;
- ▶ Men's mortality rate is higher than that of women (6.5 and 5.7 respectively);
- ▶ Family is no longer perceived as a unit that provides social security. The change in a gender profile and composition of the Armenian family gives food for thought. At present, in the country every fourth woman in a 35-49 age group is single, i.e. she has never been married, is a widow or divorced. Every third woman in a 50-59 age group and every second woman in a 60-69 age group is single. It is noteworthy that the growth in the number of such women is accounted for by the increase in the number of widows. Besides, the past few years are characterized by an increase in the number of women who are de facto single but de jure married (i.e. whose husbands have left the country); and
- ▶ The study of poverty from a gender/age perspective has shown that women end up in poverty more often than men. In particular, when the matter concerns women-headed households (Table 1). The risk for those households to find themselves in an extreme poverty is 33% higher than that for other households. This phenomenon is primarily accounted for by considerably lower levels of women's employment as compared to men³, thus increasing a poverty risk for women-headed households because of an absence of a man. According to the survey results, 45% of women-headed households are below poverty-line and the share of poor population in those households is 55%⁴ (See Appendix, Table 1).

Gender asymmetry is also visible in a political realm⁵:

- ▶ Women are not adequately involved and their interests are not sufficiently represented and taken into consideration in the areas where vital decisions are made, viz. in the legislature and at a level of political appointment in the executive branch of government. Even in such sectors as education and health it is men that play a decisive role in the administration of institutions and establishments. For example, 83.5% of teachers in the education system are women, whereas most educational institutions are headed by men. In the system of institutions of higher learning where women constitute a majority of the faculty, not a single woman has been nominated for a position of a president of a State-run college/university and women vice-presidents and department heads are a rare occurrence. The situation is the same in health sector where women constitute 85.6% of the employees; however, only 13% of hospitals and out-patients' clinics are headed by women.

- ▶ The number of women in the legislature has plummeted in the independence years. Women account for 5% in the National Assembly of the Republic of Armenia; in the Government there is 1 woman Minister, 6 women Deputy Ministers, whereas in the newly established democratic structures, i.e. in the bodies of regional administration and in local governments, there are no women Regional Governors or Town Mayors and very few women hold the position of a community head.

The existence of a gender asymmetry in public life and economy is also evidenced by the country's Gender-related Development Index (GDI). Of 173 countries, Armenia ranks 76th according to the Human Development Index and 62nd according to the Gender-related Development Index reflecting the existing inequality between men and women⁶.

Even though there has been a positive change since 1999 in terms of the Gender Empowerment Measure (GEM)⁷, which assesses gender inequality, the differences in incomes earned by men and women, their political and economic participation and involvement in decision-making, however, that change was so insignificant that it was calculated for Armenia⁸.

Gender asymmetry is not only a reflection of the political, economic and social environment existing in a given country but, in its turn, it is able to have an impact on that environment.

Obviously, it is impossible to effect drastic changes in all socioeconomic sectors of public life without gender equality, i.e. the provision of equal rights and opportunities to women and men.

Despite certain steps that are being taken to that effect in this country, efficient mechanisms for securing gender equality, i.e. equal rights and opportunities for women and men have yet to be designed. The RA Prime Minister's Council on Women's Issues has been set up. Appreciating the role of the Council, at the same time it could be pointed out that for the most part it makes short-term situational decisions, while strategic planning for the solution of key gender issues as well as the core issues of the gender approaches elaboration and implementation of are put on the back burner. *The National Program for improving women's situation and enhancing their role in the Republic of Armenia in 2004-2010 has been drafted.* The Program aims to implement the state policies for the solution of women's issues in Armenia. The Program is grounded in the provision of equal rights and opportunities to men and women as a prerequisite for establishing a democratic, social, rule-of-law state and building civil society.

The (Draft) National Program for improving women's situation and enhancing their role in the Republic of Armenia in 2004-2010 consists of 7 sections:

- ▶ *the securing of equal rights and opportunities for women and men in decision-making and in social and political spheres,*
- ▶ *improvement of women's socioeconomic situation,*
- ▶ *Education sector,*
- ▶ *improvement of women's health status,*
- ▶ *elimination of violence against women,*
- ▶ *the role of mass media and institutions of culture in covering women's issues and in shaping a woman's role model, and*
- ▶ *institutional reforms.*

Gender approaches have to become an indispensable part of the legislation and policies of the Republic of Armenia. The effectiveness of the process of introduction of gender approaches into legislation is also predicated on the collective responsibility of the RA National Assembly. That requires the creation of legal foundations for alleviating gender asymmetry that appeared in the society and in economic life. It is obvious that the implementation of gender approaches entails certain, albeit surmountable, difficulties and is dependent primarily on the political will of the authorities.

The introduction of gender approaches into legislation and policies will make it possible to decrease the level of gender asymmetry in society and to contribute to the harmonious development of society.

EUROPEAN APPROACHES TO GENDER ISSUES

When there are serious intentions to build a modern, advanced democratic society, social justice, including gender equality, becomes one of the key priorities. The UN and other international organizations' documents stressed time and again that *the issues of equality are fundamental for the success of the transition processes*.

For the past ten years the entire set of gender issues is grouped around two key issues of gender equality and social justice. Of 12 areas of critical concern outlined by the Beijing Platform for Action, nine are directly related to the issue of equality, while three are focused on overcoming gender asymmetry, which is rooted in inequality.

The awareness of gender issues emerged and developed within a broader context of the human rights paradigm that is underlying the ideology, philosophy and practice of the UN and European structures. A significant contribution to the conceptualization of gender issues was made due to the elaboration of the idea of the "third generation" of human rights (i.e. collective, group rights) and to the inclusion of women's rights into that category.

Gender equality is indeed a key, a truly core issue. All other gender issues are either its concrete aspects and manifestations or derivatives or else are not so topical for the European countries since they have to a large extent already been resolved.

The UN has drafted and adopted over 100 legal instruments such as Declarations, Covenants, Agreements, etc.

While at first the special emphasis was on legal, legislative provision of equal rights to women and on the protection of women from violence and arbitrariness in family and wider society and from trafficking and prostitution, gradually, especially after the First World Conference on Women (held in Mexico in 1975) and during the United Nations Decade for Women (1975-1985), it turned out that formal equality between the sexes did not solve all the problems and did not improve the situation by many parameters and that, therefore, gender equality should also include the *equality of opportunity*.

An important milestone in that respect was the UN *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which provided a detailed treatment of the concepts of discrimination and of its forms and of the measures for its elimination. Using the

ideology (although not the term) of ‘positive discrimination’ (later better known as ‘affirmative action’, i.e. the provision of additional rights and opportunities to individuals or groups that earlier were discriminated against, infringed upon and that were not in an equal situation), the Convention substantiated the necessity, advisability and legitimacy of special temporary measures that seek to expedite the attainment of actual equality between women and men.

Article 4 of the Convention states, “*Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*”

In 1993 the CEDAW was ratified by the Republic of Armenia.

The Fourth World Conference on Women (Beijing, September 1995) as well as the UN General Assembly Special Session (New York, June 2000) “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century” (informally called “Beijing+5”) became epoch-making. The Beijing Conference adopted the Platform for Action, which outlined both 12 areas of critical concern and strategic objectives and actions. It drew up a global agenda for gender action and set concrete tasks for participating countries. Practically for the first time the outlines of uniform and comprehensive strategies and policies on achieving and consolidating gender equality began to emerge.

Proceeding from the advanced European practices, the *Convention on the Elimination of All Forms of Discrimination against Women* raised the issues of overcoming gender asymmetry and of attaining gender balance, i.e. of the balanced participation and, in the future, of equal representation of women and men in decision-making both in political and social life and in other sectors. At the same time the CEDAW did not disregard the traditional issues of elimination of sex-based discrimination, prevention of violence against women and of trafficking of women for the purposes of their exploitation as sex workers and of resisting, in general, any infringements on women’s dignity and freedom. The Beijing Conference underscored the necessity of creating efficient tools such as *institutional mechanisms* for the advancement of women and for the attainment of gender equality and *integration of gender dimension* into all programs and policies (the so-called “*gender mainstreaming*”). The European structures take a broader view of the issue and formulated, additionally, an issue of *parity democracy*.

Within this context, gender equality is empowerment of women, women’s equal and full-fledged political and economic participation and getting women to a central place in the society’s life (since they have so far been in the background). In Western countries gender equality is seen as a key dimension of democracy and human rights. In other words, gender equality is a priority for the present-day Western civilization (Europe and North America) due to axiological and pragmatic attitudes and reasons.

The issue of ensuring gender equality is that of enhancing democratization and of approaching Western norms and standards (Appendix 2 & 3). Gender inequality not only slows down economic and socio-political development of the transition countries but is also one of the most significant structural obstacles in the way to integration into Europe and to membership in important European entities (such as the European Union, OECD, etc.).

Currently, to be European means internalization of European values, including the *ideal* of gender equality and the *principle* of societal organization on the basis of true equality, solidarity, cooperation and tolerance of all social groups.

As an independent State, member of the UN and of the Council of Europe, that is moving along the way of further integration into Europe, Armenia assumed certain obligations not only in terms of ratification the most important international legal instruments and of harmonizing the national legislation with the provisions of those instruments but also in terms of implementation of policies and strategies that are in line with the letter and spirit of those instruments.

Geographical shift is impossible (South Caucasus is designated, with a good reason, as a part of Asia on some maps) but *civilizational* and *cultural shift* is possible, especially for the nations that historically have been a part of the *domain of the European culture*. Since Armenia has opted for genuine integration into the unified Europe as its strategic priority, it must clearly and unequivocally highlight the points that it sees as priorities in its concrete policies, in particular, at a legislative level. First of all, two major issues could be raised, *viz.* the establishment of an institution of Ombudsman on gender equality and the introduction of quotas in legislative, executive and regional government bodies, in local governments, in political parties and sociopolitical organizations. As a result of the quota mechanisms operation, the presence of women at a decision-making level in the Parliament, Government and in other governance bodies should be brought to at least 25-30% (Appendix, Table 4). The legislative provision of the above norms and mechanisms of the quotas could ensure women's participation in elections, political parties and parliamentary activities (and in forming the Government).

Gender mainstreaming, or integration of a gender dimension into legislation and policies of the state, is a new efficient and promising strategy applied by the European structures. It is important, first of all, because it complements the philosophy of equal rights and opportunities with the principle of *equal* (but not necessarily identical) results.

Gender mainstreaming encompasses several aspects, first of all the assessment of consequences that any planned action (including legislation, policies or programs in all spheres and at all levels) may have for men and women⁹. Thus, gender mainstreaming incorporates (as its components) gender analysis, including gender-based analysis and monitoring. It also includes "initiatives to enable women as well as men to formulate and express their views and participate in decision-making across all development issues."¹⁰ In other words, gender mainstreaming is also a policy.

At the same time, gender mainstreaming is a strategy, since the Council of Europe experts define it as "*the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.*"¹¹ This definition has become universally accepted and widely used, first of all in the European countries.

Two things are noteworthy. *Firstly*, virtually all international and national structures that subscribe to the principle of gender mainstreaming stress that **gender equality** is contrasted to **inequality** but not to **gender differences**. Secondly, the European (first of all the North European) experience has demonstrated that the approach of gender equality can and should be incorporated not only into policies but also virtually in every field and every aspect of the

society. While in the past the emphasis was on family policies, women's rights to employment, equal pay and social conditions (including the provision of kindergartens, etc.) and then on presence of women in state bodies and non-governmental organizations and legislative structures, now it has shifted to women's presence in economic and financial sectors, including the production sphere, and in the sphere of communication technologies earlier considered "gender neutral."

The experts from the Council of Europe have identified necessary prerequisites as well as techniques and tools for gender mainstreaming¹².

The prerequisites include:

- ▶ political will,
- ▶ specific gender equality policy,
- ▶ sex-segregated statistics on the current situation of women and men,
- ▶ gender studies,
- ▶ financial means and human resources, and
- ▶ full participation of women in political and public life and in decision-making processes.

The techniques and tools are broken down into three main sets:

1. ANALYTICAL TECHNIQUES AND TOOLS, INCLUDING

- ▶ statistics disaggregated,
- ▶ surveys,
- ▶ forecasts regarding gender relations,
- ▶ cost-benefit analyses from a gender perspective,
- ▶ research in gender studies, and

- ▶ Other tools, including checklists (describing main actions to be taken), guidelines, monitoring, gender impact assessment, etc.

2. EDUCATIONAL TECHNIQUES AND TOOLS, INCLUDING:

- ▶ awareness-raising and training courses,
- ▶ involvement of special experts,
- ▶ manuals and handbooks, and
- ▶ booklets and leaflets for the general public and other educational materials.

3. CONSULTATIVE AND PARTICIPATORY TECHNIQUES AND TOOLS, INCLUDING:

- ▶ think tanks, working or steering groups, etc.,
- ▶ special measures to ensure the participation of women in decision-making bodies, and
- ▶ conferences, seminars and hearings.

PROCEDURES FOR IMPLEMENTING GENDER-BASED ANALYSIS

The implementation of a gender-based analysis requires the use of a concept of “gender” as a complex socio-cultural process created by a society as a result of differences between men and women.

The implementation of a gender-based analysis makes it possible to conclude that the two sexes’ rights and opportunities are not always balanced at the existing level of standards.

There is a gender asymmetry in legislation and the discrimination issue that is accompanied by the traditions existing in the society and is felt particularly at a legislation implementation stage.

Gender-based analysis is a process of assessment of various impacts on women and men by the proposed or existing legislation, by the existing programs and by the lines of policy implemented in individual spheres of life of a society and State¹³. It is a tool that helps to understand social processes, to see and compare how and why political, economic, social and cultural factors affect women and men. In other words, a gender-based analysis is the collection of quality information, the detection of gender tendencies in economy and in public life, the identification (by way of application of that knowledge in a daily life) of the emergence of possible problems and the search for necessary solutions.

The **goal of a gender-based analysis** is to present a true picture of the enjoyment of the constitutional right of gender equality. At first glance, the constitutional principle is reflected in a socioeconomic life. However, it may look so only at first glance. This perception is changed not only by practical life and real social relations but also by the legislature, as it is not always that the principle of equality between sexes is adequately accepted during the regulation of the relations.

Gender-based analysis provides an opportunity to study the equality of women’s and men’s rights and opportunities through the following parameters:

- ▶ Protection of human rights in political, civic, economic, social and cultural spheres. Those rights are enshrined in the RA Constitution and in international legal instruments and are subject to mandatory execution.
- ▶ Protection of human rights of women. It is a specific group of human rights that contains a basic idea of protection of human rights as women’s rights. The recognition of those rights is related to the ideology of equality and to violation of implementation of equality in real life. It should be stressed that discrimination is a source of infringement on equality. This phenomenon contravenes the law and “eliminates” the ideas of justice and democracy and brings about violation of women’s rights.
- ▶ Protection of the constitutional rights and freedoms and duties and responsibilities. The compliance with those parameters is important, since they operate as criteria for evaluation of equality.

The basic parameters of gender (and not only gender) equality are equal opportunities. They demonstrate whether there is an adequacy between the levels of ensuring the equality standards

and of their implementation. The study of equality between sexes through those parameters helps to give a meaning to a constitutional principle of equality in its gender dimension.

Gender-based analysis is instrumental in ascertaining the impact made on legislation, State policies and programs by stereotypes and social expectations grounded in gender roles. The better one is informed about a gender impact of their activities, the more effectively they can help men and women who can then make a real contribution to improving their own lives, families and the entire society. At the same time, gender is a critical angle in all fields of the operation of the state since there is not a single law, state strategy or program that would have the same impact on women and men.

Women and men have different roles in the society, different responsibilities and different levels of access to resources and goods. Besides, women do not constitute a homogeneous group as they can be young or old, disabled, single mothers, married or unmarried, etc. It is not surprising then that legislation and state policies should have a different impact on each sub-group. In that context, gender-based analysis needs to be made at each stage in drafting legislation, formulating policies or drawing programs so as to ensure equal outcome of that impact for men and women. It should be stressed that equal outcome cannot be obtained only through equal treatment. Pro-active measures are required for overcoming systemic distortions. In other words, for everyone to reach the finishing post with equal opportunities it is necessary that the “same rules of the game” be set for all.

Coming up with gender-oriented legislation, policies or programs requires good knowledge of factors that affect men and women differently in the society. The following factors have great significance:

- ▶ ***Family make-up.*** The family make-up has undergone quite considerable changes in recent years. The number of single-parent families has increased. Even though the majority of women are employed, care for their children and elderly parents as well as housekeeping are nevertheless their responsibility.
- ▶ ***Economy.*** Gender is an important factor in the fields of employment and income distribution. Women hold lower-paid jobs and, consequently, control smaller amounts of money. They are forced to interrupt their careers because of child care or of other family responsibilities thus landing low-paid jobs in the future.
- ▶ ***Social and medical issues.*** Gender has an important role in the system of social factors (incomes, labor conditions, social status, accessibility of education, child care, environmental issues, etc. that make their impact on human health).
- ▶ ***Legal perspective.*** Gender distortions are often brought about by legislation, since many laws are drafted without taking women’s interests into consideration. Thus, not infrequently, the application of those laws results in discrimination against women.

For example, the analysis of legislation from gender perspectives aims at answering the following questions:

Is there an effective legislation that prohibits discrimination against women and men?

Is it possible to find glaring examples of discrimination against women or men in any legislative act?

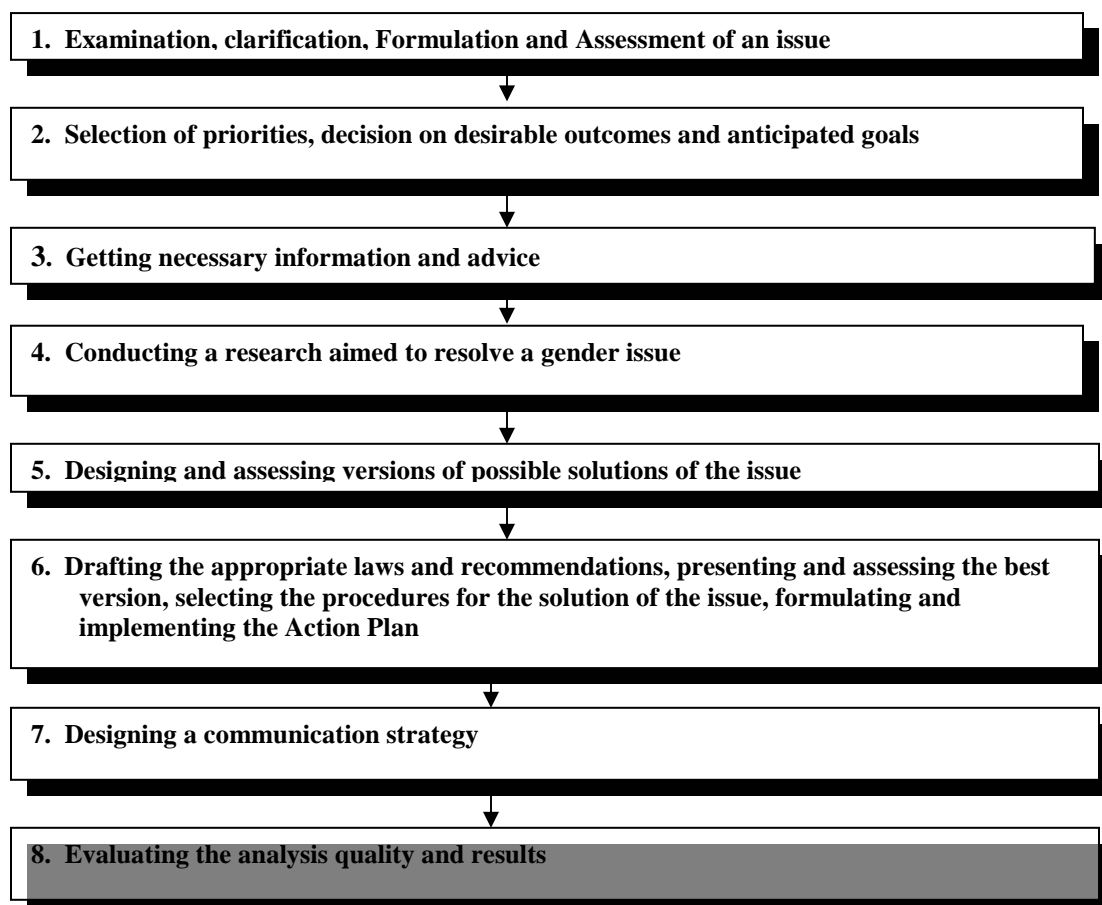
Is there strong evidence that the application of a given piece of legislation may affect other legislative acts in such a way so as to lead to indirect discrimination against women and men?

Has a gender-based analysis been made of a given legislative act at the drafting stage?

Thus, the analysis assesses the situation with gender equality through the concept of human rights (as an equality framework and as a common standard for both sexes). It is an achievement of a civilization and of a society's culture and is reflected in uniform constitutional norms. It lays down the equality in women's and men's political, civil, social, economic and cultural rights and freedoms.

The technologies for conducting a gender-based analysis are broken down into the following principal stages (Fig. 1).

Fig.1. Stages of Gender-Based Analysis



FIRST STAGE

(Examination, Clarification, Formulation and Assessment of an Issue)

Any process of a gender-based analysis starts with an examination of a given gender issue.

*What is a gender issue? What issues could there be and inside what groups have they come about? Do those issues indeed have an impact on women and men? How do they emerge or who gives rise to them? Is it possible to avoid them?
The answers to those questions are provided by a process of a gender-based analysis.*

An issue needs to be explored in such a fashion that it will make possible to identify all key factors that affect women and men.

For example, the RoA Law On State pensions contains provisions for making the retirement age the same for men and women and for a mandatory length of insurance.

However, at retirement, women usually have a shorter employment history than men since women have gaps in their employment. That is accounted for partially by the fact that women give more time to household-related unpaid work (they do not work for rather long periods of time because of care they provide to children and elderly or disabled parents), whereas men – to paid work in a national economy. Since women on the average have a shorter employment history, their pension is lower than that of men.

The above example testifies that the Law in question will subsequently have an impact on the intensification of gender asymmetry in the field of pension provision for women and men.

As per another provision of the same Law, only 6 years of a child care leave is counted towards the length of service for women for is 6 years (as per the RoA Labor Code, a 2-year partially paid leave is given for a care of each child).

The conclusion is clear: the Law does not encourage having a fourth child. The examples brought from merely one Law demonstrate vividly that gender component was not taken into consideration when the Law was being drafted. In other words, a gender issue arose.

It should be stressed that priority should be given to a consideration whether a given issue indeed has a different impact on women and men.

At the same time a clear presentation of the issue is dependent on what factors affect that issue and what sources led to the emergence of the latter, on who presents that issue and what value system that presenter has and on whether the existing legislation or policies that give rise to the issue should be analyzed. To that end it is necessary to collect maximum complete and accurate information concerning the issue in question. In order to obtain that information research can be undertaken by agencies engaged in formulating policies, drafting legislation or drawing up development programs in a given sector as well as by experts that study a given issue.

SECOND STAGE

(Selection of Priorities, Decision on Desirable Outcomes and Anticipated Goals)

In a gender-based analysis process a considerable importance is given to deciding desirable/anticipated goals, to examining possible alternative options of priorities selection and to setting the solution evaluation criteria. All this is used as a basis for assessing the proposed options and for selecting the best solution. To formulate the basic goals and anticipated outcomes it is necessary to ascertain at this stage what specific outcomes the states wishes to achieve through a given policy or a legislation that is being drafted and how those outcomes can be obtained, *viz.* via legislation and formulation of new policies or via the revision of the existing policies.

What outcomes do we want to obtain? What will the planned changes bring to the country? Are there chances that the outcome will be different for two sexes? If men and women have different needs, the option that allows meeting their differing needs should be selected as a goal. If women and men lose as a result of the application of a given piece of legislation, the drafting of legislation that will change their situation should be selected as a goal.

Does the proposed goal indeed encompass the broadest commitments in attaining gender equality? All the proposed goals need to be viewed from the perspective of attaining gender equality. The goals should entail the opportunities to change social, political, economic, cultural and other structures and institutions so that gender equality could be ensured most effectively.

Are the goals of achieving gender equality balanced with the state's other priorities?

Also, in order to ensure gender approaches while determining desired outcomes or goals it is necessary to take into consideration the fact that traditional approaches are grounded in male norms. Thus, a new paradigm may be an order of the day.

Indeed, to single out the most important one among gender issues it is necessary to assess it properly. The assessment requires comparing and contrasting various situations and processes, setting priorities and choosing ways for achieving possible goals. As a rule, the goal is a desirable state of the system that is different from the existing state. Since a desirable state always has a number of alternatives, the solution of gender issues can boil down to pluralism of envisaged goals.

In the process of the solution of a gender issue there is usually a range of goals. Therefore the legislation or recommendations versions drafted on their basis have numerous alternatives. The principal goal of the gender-based analysis is the selection of the best version of a draft law or recommendation concerning the resolution of a gender issue since the issue resolution technology is concluded with the presentation of the best version of the issue resolution to a relevant body. A given draft law is rules and requirements that coordinate the activities of the relevant bodies for the attainment of the selected goals.

E.g. A gender-based analysis pursues two goals in the process of drafting the RoA Law On State budget:

- 1. To ensure a gender-balanced participation and democracy in the budget formation process, i.e. women's and men's views should be taken into consideration in the process of working out the budget;*
- 2. The budget should reflect the goals of gender equality and social justice by distributing means and channeling revenues in such fashion so that are fair from a gender perspective.*

At the same time, the gender-based analysis enables experts to design such gender indicators that will be instrumental in evaluating the budget from social and gender perspectives.

For instance:

- ▶ *a share of State expenditures that will be specifically allocated to securing gender equality,*
- ▶ *a gender impact on basic expenditures,*
- ▶ *the number of persons and groups directly involved in the budget formation processes.*

In other words, the setting of goals of the analysis makes the issue more visible and thus enhances the chances for resolving it. Also, it is necessary to select the goals in such a way so that they take into account women's and men's needs and are:

- ▶ progressive but realistic,
- ▶ attainable.

THIRD STAGE

(Getting Necessary Information and Advice)

This stage is implemented alongside the research during which the required information is collected about the issue and about its origin. It should be pointed out that often the gender differences-based information is not available. Thus, it is necessary to get advice and to undertake a study of a concrete experience and of the official data. Women's NGOs can provide significant support to information collection.

What should one know about a given issue? All factors that affect on the issue should be taken into account.

Who should be the source of necessary information or advice? NGOs can serve as a source of information since not infrequently they possess such information that cannot be obtained from traditional sources.

After receiving the required information it is necessary to describe the situation existing in a given sector and to present from a gender perspective the conceptual frameworks of legislation and strategies that will make it possible to discover whether there is a commitment and political will that will help attain gender equality as a State level.

While analyzing the current situation with the aim of ensuring equal rights and opportunities for men and women in the system of gender relations, it is necessary to bear in mind that structural elements in a new gender relations system (that is being introduced) should rest primarily upon the institutions of the existing system and upon earlier approaches.

It should be stressed that without undertaking a gender analysis it is impossible to be entirely confident that the steps, which are being initiated, can indeed be helpful in terms of ensuring gender equality and social justice. Without making a gender analysis it is not possible to answer the following questions:

- ▶ Will the proposed law indeed serve as an incentive for overcoming obstacles to the attainment of gender equality?
- ▶ Will the law in question strengthen a woman's role or will instead increase the existing gender discrimination?
- ▶ Will the proposed law promote the process of starting an effective dialogue between the sexes?

FOURTH STAGE *(Conducting a Research Aimed to Resolve a Gender Issue)*

At this stage, research projects are drawn up and implemented and research methodology, tasks and approaches are discussed.

Usually, the implementation of research projects requires first of all that a goal and issues of a given research be identified. It should also be taken into consideration that not all research methods are capable of bringing to light the specifics of men's and women's needs. From that perspective, many of those methods are not applicable since the analysis should be focused primarily on revealing gender differences.

At this stage research methodology, tasks and approaches are discussed and answers are given to the following questions:
What is a goal of the research? Who identified the issues to be researched? What factors affect the research? Who should be involved in research processes? What methods should be used?

The best options among possible solutions are drawn up, assessed and selected on the basis of the research. In other words, this stage entails the clarification of the object of study, assessment of necessary inputs and the formulation of research tasks.

For example, the *(Armenian) Association of Women with University Education* made a gender-based analysis of the appropriations for Health sector as per the RoA Law *On the RoA State budget 2004*. The analysis sought to determine out the impact of budgetary means on gender issues. To that end the research methodology and the indicators describing current situation were selected and research was conducted that made it possible to assess the current state of health through the following indicators:

- ▶ demographic situation,
- ▶ data on the population morbidity rate,
- ▶ sanitary-epidemic situation of the population,
- ▶ share of money to be allocated to health sector in the GDP (Gross Domestic Product).

The study of the existing situation in the health care system allowed identifying those specific obstacles faced by women and men. Taking into consideration the results of the conducted research, a recommendation was made to make intra-sectoral redistribution of budgetary expenditures in order to increase the accessibility of health services.

It is noteworthy that the framework for conducting research for the purpose of solving a gender issue is predicated on concrete situations. However, in any case in order to conduct a gender study it is necessary to define the following three elements with more accuracy:

1. Object of study (hypothesis – proposal), i.e. what needs to be known or proved,
2. Theoretical foundations (research framework), i.e. what basic theoretical knowledge is required about gender equality or gender relations?
3. Methodology, i.e. how to find answers to the questions under study.

FIFTH STAGE

(Designing and Assessing Versions of Possible Solutions of the Issue)

At the *Designing and assessing versions of possible solutions of the issue* stage, the alternative options of possible solutions to the issue are drawn up and evaluated. In that process it is necessary to take into consideration a number of important factors, including:

promptness

- ▶ **how can a proposed goal be reached?**

effectiveness

- ▶ **comparison of expenditures and results,**

social justice and gender equality

- ▶ **to what extent have the ways for overcoming historically emerged inequality in social terms between various groups of the society been discovered?**

In the general assessment process of the situation it is necessary to take into consideration the impact of each element on economic, social and public factors as well as on the environment and gender equality. At the same time, to ensure the opportunity for gender perspective it is necessary to undertake the evaluation of each gender factor.

Therefore, the answers have to be found for the following questions:

- ▶ What advantages (human and financial) does this option of the issue's solution have for women and men?

- ▶ What expenses are required?
- ▶ How do the parties concerned (i.e. women and men) evaluate a given option?
- ▶ What consequences are expected, if the proposed option is not selected?

Also, while evaluating advantages or flaws of each element, it is necessary to proceed from cost effectiveness (comparison of expenditures and outcomes expressed, however, not only in monetary terms), realism (involvement, scale, sustainability of results) and consideration of gender issues (have women's and men's interests been indeed taken into account?) of the option under review.

It is also necessary at this stage to study other countries' experience so that new system of gender relations does not start from scratch. That will allow avoiding the re-invention of what has already been known and learning by someone else's mistakes rather than by one's own.

SIXTH STAGE

(Drafting the Appropriate Laws and Recommendations, Presenting and Assessing the Best version, Selecting the Procedures for the Solution of the Issue, Formulating and Implementing the Action Plan)

At this stage the appropriate laws and recommendations are drafted for the procedure of the solution of the issue, the best option is presented, evaluated and selected and the Action Plan is formulated and implemented. It is quite important at this stage to provide answers to the following questions:

- ▶ *What has been selected as a basis, when drafting a given law or recommendation?*
- ▶ *On the basis of what values has it been drawn up?*
- ▶ *What kind of a document is needed for its implementation?*
- ▶ *What obstacles exist in the implementation process of the elaborated laws and*

To ensure gender approach while drafting laws and recommendations it is necessary to safeguard gender and social justice so that the drafted document does not contain legal, economic, social or cultural limitations.

It is worth noting that in Armenia women and men have equal rights in economy, in the employment field, on the labor market as well as to get equal pay for the same job. However, the Armenian legislation does not guarantee women and men equal opportunities. Therefore the appropriate laws and recommendations drafted as a result of the gender-based analysis do not boil down merely to legal guarantees of women's and men's rights but address a broad spectrum of legislative regulation of gender relations.

To ensure the use of gender approaches in the process of drafting versions of laws and recommendations it is necessary:

- ▶ to regard gender justice as a mandatory condition for elaboration of drafts,

- ▶ to validate the produced drafts from gender perspectives and to ensure that they do not contain legal, economic, social or cultural limitations in terms of fair gender participation.

SEVENTH STAGE *(Designing a Communication Strategy)*

This stage is quite important since it aims at drafting legislation or formulating policies or strategies instrumental in promoting a proposed version of the solution of any gender issue.

For the purpose of securing equal rights and opportunities of men and women in a system of gender relations the following are primarily necessary:

- ▶ *enhancement of interest in introducing gender approaches and manifestation of political will to do so,*
- ▶ *designing, presentation and dissemination of a conceptual framework and examination of attitudes of concerned groups via parliamentary hearings,*
- ▶ *adoption and implementation of laws that are just from gender and social perspectives.*

Since mass media have an important role to play in this process, a “core” needs to be developed that would ensure media support by way of explaining to them, at the initial stage of the introduction of gender approaches, the goals of the activities to be undertaken. That will help turn journalists into sympathizers due to which the latter will accept any change as their own. To that end it is necessary to provide all political parties with information and materials related to the introduction of gender approaches. The influence of parties concerned is dependent on the extent to which they are connected to and back forces that obstruct or support as well as on their own capacity to put pressure on or to support the process.

By informing that the provision of equal rights and opportunities of men and women in its turn promotes development and by explaining the consequences that will result from the perpetuation of gender asymmetry, the cooperation could be promoted in ensuring the analysis of the process of introduction of gender approaches.

The support to the conceptual framework’s coverage and discussions can also come from international and donor organizations. Those can use their financial support for promoting the organization of discussions for the purpose of presenting the mechanisms that are proposed for the solution of gender issues. Also the establishment of a special information center will significantly spur the said processes. In order to organize effective operation it may hire advertising companies and agents that need to take professional training courses for that purpose. Besides, adequate financial resources have to be envisaged for the organization of all the activities mentioned above.

The passage of the laws can even be qualified as a “celebration” stage that testifies that there are already certain results. Gender-based analysis of the new legislation in the RoA National

Assembly should be assigned to a special entity (to some unit in the staff, to a working group or commission).

EIGHTH STAGE

(Evaluating the Analysis Quality and Results)

At this stage, the quality and results of the gender-based analysis are evaluated.

The evaluation of the process of the gender-based analysis will allow answering the following questions:

- ▶ *is the proposed piece of legislation indeed fair in terms of a gender perspective?*
- ▶ *does the proposed piece of legislation indeed contain such measures that will be instrumental in achieving gender equality,*
- ▶ *have gender issues been identified that are not included in the draft law, how could those be solved?*
- ▶ *are unanticipated consequences (from a gender perspective) possible as a result of the application of law?*

A 3-level evaluation of the results of the analysis presupposes:

1. to assess the input, i.e. to ascertain whether the proposed goals have been attained,
2. to assess the results, i.e. to ascertain to what extent we have achieved the proposed goals, and
3. to assess the developments: what measures have been taken and what results have been obtained.

Besides, it is necessary:

- ▶ to clarify during the entire period of the gender-based analysis the opportunities for integration of issues related to gender issues,
- ▶ to identify gender results within the context of active legislation and the policies that are being implemented,
- ▶ to have a clear view, while selecting options for drafting laws, of to what extent each option will contribute to gender equality and justice,
- ▶ to substantiate each solution with reliable gender information,
- ▶ to secure the balance of the goals of achieving gender equality and other priorities.

Thus, the gender-based analysis will provide an opportunity to incorporate gender approaches into the legislation, policies and programs that are being formulated in the country and thus to change the existing gender relations, i.e. to raise an issue and to produce such procedures that will assist the passage of laws that target gender equality.

The incorporation of a gender component into legislation and policies will make it possible to secure equal rights and opportunities to women and men. In their turn, those rights and opportunities will be instrumental in:

- ▶ changing gender stereotypes that exist in the division of labor,
- ▶ consolidating the encouragement of equal inputs in human capital,
- ▶ reducing discrimination through the formation of competitive markets,
- ▶ in promoting economic development.

The incorporation of a gender component will make it possible to evaluate the effectiveness of legislation, to find out to what extent it expresses women's and men's needs, to specify those institutional mechanisms of economic, administrative and organizational measures that secure the application of laws and, finally, to attain, within the human rights context, the implementation of basic women's rights.

CONCLUSION

The above approaches to the integration of a gender component into the legislation, state policies and programs formulated in the country have been proposed and tested in the developed countries. In the Armenian context those approaches can be used widely in the process of a gender-based analysis of legislation and social-economic programs.

It is obvious that the primary obstacle to the application of the approaches towards integration of a gender component into the country's legislation and policies does not boil down merely to difficulties and complexities of collection of necessary information. Even a more formidable obstacle is posed by insufficient readiness on the part of the legislators to accept the significance of gender issues. It should be noted that legislation or policies that are gender neutral or that rule out gender approaches are typical of the present-day Armenian reality. Actually, it is necessary to formulate (taking into account a gender component) such legislation, policies and socioeconomic programs that will incorporate the needs of each sex and will ensure a gender balance of the legislation as well as of the policies and socioeconomic programs that are being implemented.

NOTES

¹ *United Nations Millennium Declaration* (8 September 2000). N.Y.: UN DPI, 2000, pp. 3 and 8.

² Sources: Materials of the National Statistical Service of the Republic of Armenia (RA NSS) published in 2001. *Family and children in Armenia*. Statistical Booklet (Gender statistics). RA NSS. Yerevan, 2001. *Poverty Reduction Strategy Paper*. Yerevan, 2003. *Social profile of Armenia and poverty*. Statistical Analytical Report. Yerevan, 2002.

³ According to a sample survey of a demographic and health status conducted in Armenia in 2000, the level of women in a 15-49 age group was 32% in contrast to a 46.7% level of employment of men of the same age. See *Armenia. Demographic and Health Survey*. Yerevan, 2001.

⁴ *Social profile of Armenia and poverty*. Statistical Analytical Report. Yerevan, 2002.

⁵ Source: Materials of the studies conducted by the Center for Gender Studies of the Association of Women with University Education.

⁶ The GDI is used to make more accurate the components of the Human Development Index, viz. life expectancy, education and GDP indices, and to take into consideration inequality between men and women from the perspective of those indices. See: *10 Years of Independence and Transition in Armenia*. National Human Development Report 2001. Yerevan, UNDP, 2001, pp. 143-144.

⁷ Three variables are used for the calculation of this Index, viz. female and male shares of parliamentary seats, female and male shares of positions as legislators, senior officials and managers and of professional and technical positions and female and male estimated earned income.

⁸ *Human Development Report 2002*. Deepening democracy in a fragmented world. N.Y. & Oxford: OUP, 2002, p. 227.

⁹ ECOSOC... *Mainstreaming the Gender Perspective in All Policies and Programmes in the UN System...* (Agenda item 4 a. Session, June-July 1997, Geneva). E/1997/L.30.

¹⁰ *DAC Guidelines for Gender Equality and Women's Empowerment in Development Co-operation*. Paris: OECD, 1998, p. 12.

¹¹ *Gender Mainstreaming. Conceptual framework, methodology and presentation of good practices*. (Council of Europe, Report EG-S-MS(98)-2). Strasbourg, May 1998, p. 15.

¹² *Gender mainstreaming. Conceptual framework, methodology and presentation of good practices*. Final Report of Activities of the Group of Specialists on Mainstreaming. Summary. (Council of Europe, EG (1999) 03). Strasbourg, February 1999. Part II, 1 & 3.

¹³ *Øäääîää, Í.À. İðîñî î ñëïæîî: äâîääðîâ ìðîñâüüâîëâ (İîñîæâ). İñêââ: ÀÍÒÈÈÂÂ, 2002, ñ. 13. [Shvedova, N. *Complex ideas explained in simple terms: Gender education (A Guide)*. Moscow: ANTIKVA publishers, 2002, p. 13 (in Russian).]*

APPENDIX

Table 1

**Poverty (Disaggregated by Sex) in 1998-1999 and 2001
(%)**

	Men		Women		Women-headed households in 2001	On average in Armenia	
	1999	2001	1999	2001		1999	2001
Not poor	45.2	49.5	44.7	48.9	44.9	45.0	49.1
Poor	32.5	35.3	31.8	34.5	33.8	32.1	34.9
Very poor	22.3	15.2	23.5	16.6	21.3	22.9	16.0

Source: Sample studies of households conducted by the National Statistical Service of the Republic of Armenia (RA NSS) in 1998-1999 and 2001.

Table 2

Share of Women in Parliaments in the Scandinavian Countries

Country	1929	1949	1966	1977	1984	1990	1999	2000
Norway	1	5	8	24	26	35.8	36.4	42.1
Finland	3	12	17	23	31	31.5	37	44.4
Sweden	1	10	13	21	28	38.1	42.7	55.0

Table 3

The Model for Organizing State Institutions of Equality in the Scandinavian Countries

	Advisory functions	Administrative functions in a ministerial hierarchy	The existence of a position of Minister on equality issues	Location of a Ministry
Norway	<ul style="list-style-type: none"> • Secretariat • Gender Equality Center • Division • Commission on appeals concerning equal status issues 	<ul style="list-style-type: none"> • Gender Equality Department • PR Committee affiliated with the Minister on Gender Equality Issues 	+	Ministry on Family & Children's Issues
Finland	<ul style="list-style-type: none"> • Equality Bureau • Human Rights Ombudsman on Equality • Council on Equality Issues 		+	Rotates
Sweden	<ul style="list-style-type: none"> • Council on Equality Issues • Human Rights Ombudsman on Equality of Opportunity • Council on Equality of Opportunity 	<ul style="list-style-type: none"> • Equality Issues Department 	+	Rotates

Table 4
Women in Politics
(Year 2000)

Country	Women's participation in Parliaments (percentage)
France	37.9
Great Britain	33.3
USA	31.8
The Netherlands	31.0
Luxembourg	28.6
Canada	24.3
Belgium	18.5
Ireland	18.8
Italy	17.6
<i>CIS countries</i>	
Ukraine	37.5
Belarus	23.7
Kazakhstan	17.5
Estonia	14.3
Georgia	9.7
Armenia	3.9