

# Gender Expertise

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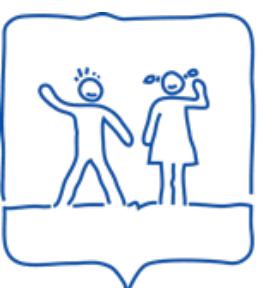
# Gender expertise

- establishes how a normative document (law, code, policy paper) responds to guarantees of gender equality and legal provisions for human rights based on the CEDAW convention and national laws;
- Defines if there is a legal discrimination, both direct and indirect;
- Recommends amendments, revisions and improvements to align the law under expertise with the normative practices of gender equality.



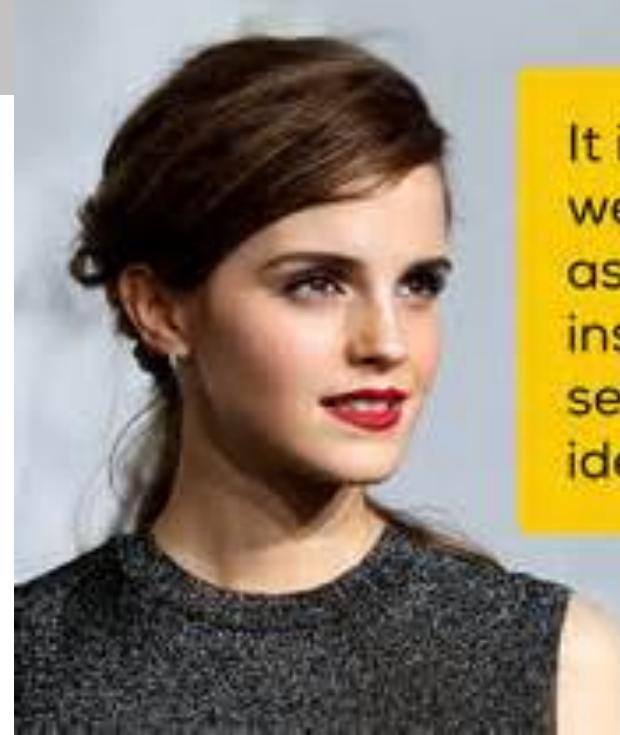
*"GENDER EQUALITY IS MORE THAN A GOAL IN ITSELF. IT IS A PRECONDITION FOR MEETING THE CHALLENGE OF REDUCING POVERTY, PROMOTING SUSTAINABLE DEVELOPMENT AND BUILDING GOOD GOVERNANCE."*

-KOFI ANNAN



**EQUAL  
DOES NOT MEAN  
IDENTICAL**

**What is  
gender  
equality?**



It is time that we all see gender as a spectrum instead of two sets of opposing ideals....



# Feminist Legal Theory

- feminism is a set of theories and strategies for social change that takes gender as its central focus to understand social institutions, processes, and relationships;
- embraces conflict view;
- patriarchy: sociocultural system that is male dominated at all levels;
- law is a mirror of patriarchy.

# Feminist Jurisprudence

- feminist jurisprudence is the practice of examining and evaluating the law from the feminist perspective;
- reformist/radical
  - reformist: liberals who want to retain current legal system and reconfigure it
  - radical: present system should be abandoned;
- sameness/difference
  - should women and men be treated equally or differently?
  - compromise position: law must accept relevant gender differences but should not focus on the differences; rather, focus on their consequences

# Gender equality

Gender equality, equality between men and women, entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. Gender equality means that the different behaviour, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equity means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities.

\* *ABC Of Women Worker's Rights And Gender Equality*, ILO, 2000: 48.

# Structure

- General part: establishes background information on the document under expertise
- Special part: analyses its consistency with gender equality guarantees and its efficiency

# General part: background information

- When, where, how and why did the document appear?  
Who authored it and to what purpose?
- The main purpose and regulation field of the document;
- What gender characteristics are involved in the regulation the document provides?
- To what branch of law does this document belong?
- What place does it occupy as a source of law?
- What's its importance for the regulation of gender in the respective legal system?
- Does it follow the Constitution of the RF (if national document);
- Does it follow international treaties, mainly, CEDAW?

# Special part: consistency and efficiency

- How does the document follow the principle of gender equality and protection against discrimination?
- How is the document applied and to what legal situations?
- What is case law under the document in respect to gender equality and discrimination?

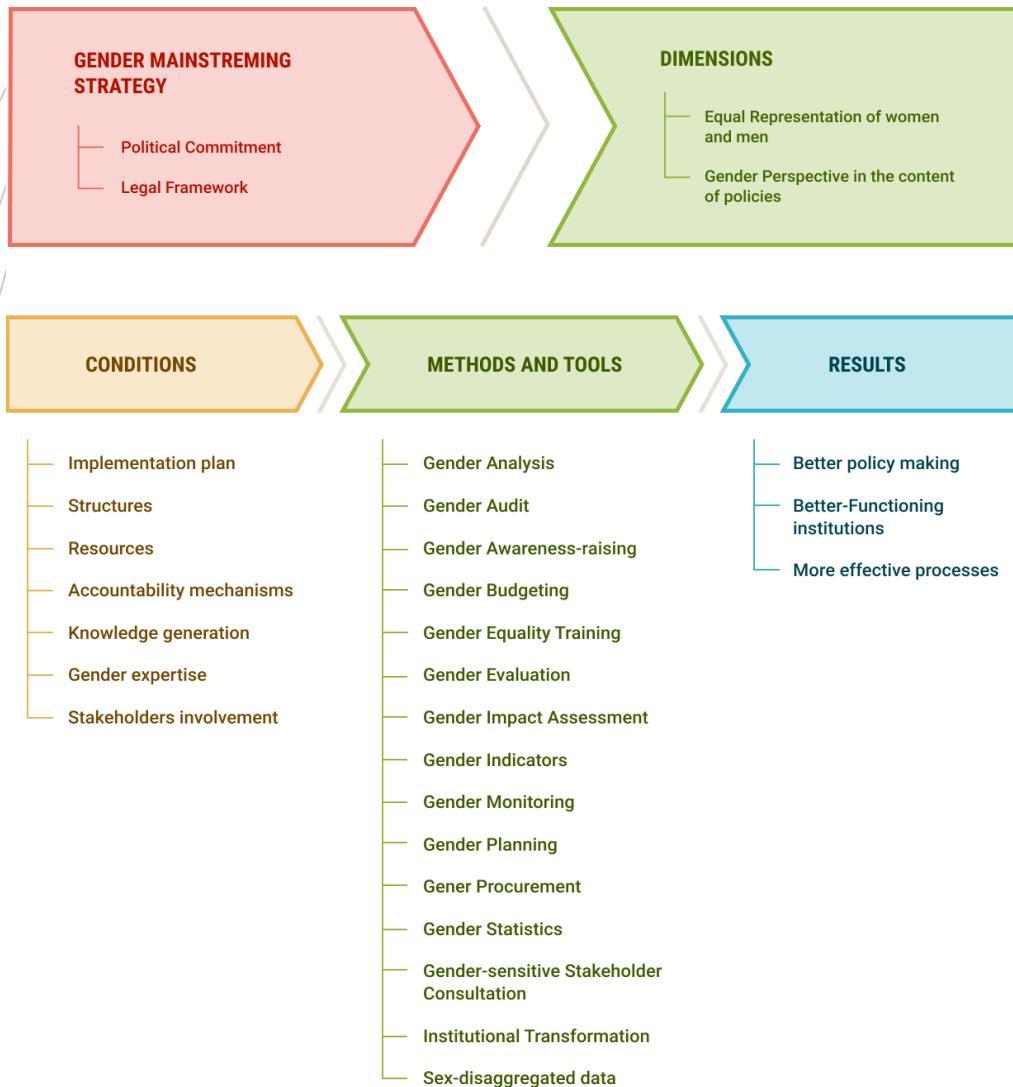
# Special part: (in)efficiency

- How effective/ineffective the document in protection of gender equality and elimination of discrimination?
  - What are reasons for its (in)efficiency? Give the historical analysis.
  - What are the institutional (structural) obstacles for efficiency of the document's measures?
  - What are the socio-economic reasons for the (in)efficiency of the document's measures in relation to general social development and gender order?
  - What are the state policies and their influence on the (in)efficiency of the document's measures?

## Special part: recommendations

- Provides detailed recommendation for making
  - Amendments if the document is not consistent with the gender equality guarantees;
  - Improvements to make the document's measures more efficient;
  - General recommendations to avoid inconsistencies in the future.

# Gender mainstreaming



# References

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