



WFD

Case study 3: Data and gender- sensitive post- legislative scrutiny

Dr Maria Mousmouti

Lecturer in Law, Institute of Advanced Legal Studies, University of London
and Executive Director, Centre for European Constitutional Law

London, August 2020

Table of Contents

Executive Summary.....	3
Gender, legislation and data.....	4
What is gender (-sensitive) data? How is it relevant and why is it important?.....	5
What kind of gender-sensitive data is needed in post-legislative scrutiny?.....	7
What does 'good' gender-sensitive data look like?.....	8
Where can gender-sensitive data be found?.....	9
How can gender-sensitive data be used in post-legislative scrutiny?.....	11
What if gender-sensitive data is not available?.....	15
How can parliamentary committees collect gender-sensitive data?.....	16
How can scrutiny findings and recommendations be made gender-sensitive?.....	18
Conclusion: learning points.....	19
Resources.....	21
About the author.....	23

Executive Summary

The case study titled 'Data collection and gender-sensitive post-legislative scrutiny' examines the importance and the key role of gender-sensitive data in gender-sensitive post-legislative scrutiny.

The purpose of the case study is to assist parliamentarians, parliamentary staff, policy makers, parliamentary development practitioners and civil society activists to design or support processes that identify gender-based consequences in the implementation of legislation.

The case study is part of a broader project of the Westminster Foundation for Democracy on Gender analysis and post-legislative scrutiny. The project includes several deliverables that are complementary to the present document and address different aspects of the topic. These are: a policy brief on Gender-Sensitive Post-Legislative Scrutiny; a case study on Gender-sensitive Post-Legislative Scrutiny of general legislation and a case study on Post-Legislative Scrutiny of gender-specific legislation.

The present document identifies the relationship between gender, legislation and data, examines the concept of gender-sensitive data and its features, importance, sources and potential uses in post legislative scrutiny. It explores ways in which parliamentary committees can collect gender-sensitive data, and identifies strategies to generate gender-sensitive data and to make sure findings and results are gender-sensitive.

Acknowledgements and disclaimer

The author would like to thank Edward Wood, Director of Research at the House of Commons Library; Elise Uberoi, Senior Research Analyst, Social and General Statistics at the House of Commons Library; Dr Masha Zakharova, Data visualisation and statistics lead at the Scrutiny Unit of the Westminster Parliament; Dr. David Perfect, Research Manager at Equality and Human Rights Commission; Jon Hunter, Equality Statistics, Scottish Government; Dr. Sonia Palmieri, Australian National University; Christine Weidenslauffer, Library of Congress in Chile; Mikang Chae, Korean National Assembly; Kelly Harris, Principal Legislative Counsel, New Zealand Parliament; Pavan Sharma, Manager (Parliamentary Law and Practice Team), Acting Manager (House Office) at the New Zealand Parliament; Leonardo Paraiso Vilela Carvalho from the Brazilian Parliament; Geoff Dubrow, Consultant of the Westminster Foundation for Democracy and Dr. Dina Melhem, Regional Director MENA at the Westminster Foundation for Democracy for the information, examples and ideas they provided.

The author would also like to thank Franklin De Vrieze, Senior Governance Advisor at the Westminster Foundation for Democracy and Shannon O'Connell, Senior Policy Adviser, Gender and Politics at the Westminster Foundation for Democracy for their valuable comments on earlier versions of this paper. The views expressed in the paper, as well as errors and mistakes, are of the author alone.

Gender, legislation and data

Every law, policy or public intervention generates data. The implementation of the law is a data generation process on change achieved through law. Data on results, outcomes and social change, data on (wanted and unwanted) effects, data on how distinct population groups (men, women, young and old) were affected¹. Without this data, the achievements or failures of these laws, policies or programmes remain in the dark. One can only speculate with regard to whether objectives were achieved, what worked or did not work and why, and whether people were impacted in a positive or negative way.

Data, whether numerical or in other forms, is about facts or perceptions around facts. When processed, organised and combined it can be turned into information that can be used to analyse and understand social phenomena and support decision-making. This is necessary to allow a robust understanding of reality, to support the design of effective policies and legislation and to move from rhetoric to action. The graph below depicts the relationship between 'raw' data, analysis and decision making.

Figure 1: From Big Data to Analytics to Decisions



Source: <https://www.autocab.com/blog/2016/09/23/autocab-introduces-business-intelligence-private-hire-taxi-industry-autocab-analytics-industry-first/big-data-analytics-decisions/>

The 2020 COVID-19 pandemic is an excellent example of the potential that data offers. The pandemic *generated* a massive amount of data at multiple levels (household, hospital, local, national and global) and on multiple issues (people affected, number of deaths and cures, population groups that are most and least vulnerable, the response of health systems, human resources within the health systems, community responses, government responses, among myriad others). The availability of statistical data allows everyone with a smart phone to monitor in 'real time' the spread of the epidemic. On Sunday 24 May 2020 we know that there were 5,418,513 coronavirus cases worldwide, 344,207 deaths, 2,254,432 recoveries and 2,819,874 active cases.

However, this is not all. The availability of more sophisticated, disaggregated datasets allows more refined analysis and nuanced interpretations of this complex phenomenon. For example, the emerging COVID-19 data analysed in conjunction with existing gender and sectoral datasets strongly suggests that even the pandemic is not gender-blind. Women and men are affected in different ways and positive and negative shifts are currently taking place in their personal, family and professional lives.

1. Maria Mousmouti *Designing Effective Legislation* (Elgar 2019) p. 86.

Gendered impact of COVID-19

Key points:

- More men have died from COVID-19 in comparison to women.
- A predominantly female healthcare workforce places women on the frontlines of the crisis.
- The increase in caring responsibilities during the COVID-19 crisis is likely to be shouldered by women.
- As more people work from home, are under-employed or unemployed, men may take on more care and domestic work, which would affect the gendered division of labour and social norms.
- The need for workplace flexibility during the crisis may have a continuing effect on workplace policies and practices.
- While the economic impact of COVID-19 will affect all workers, it may have particular impact on women.
- Increased time at home due to social distancing and isolation measures is placing individuals at risk of violence.

Source: Australian Workplace Gender Equality Agency (WGEA), 11 May 2020

Data is powerful in its capacity to reveal, but it can also conceal. Statistical data, with its large datasets, claims to representativeness and its reliance on averages can miss the specific challenges of specific population or age groups and conceal differences in their situations.² Disaggregated data is needed to capture the distinct realities of women and men but also other population groups like the young and the old, persons with disabilities, persons of distinct race or ethnic origin among others.

What is gender (-sensitive) data? How is it relevant and why is it important?

Gender-sensitive data is data that provides information disaggregated by sex (for example, data on education, working life or health) and information on the situation of men and women (for example, wage comparisons).

Features of gender (-sensitive) data

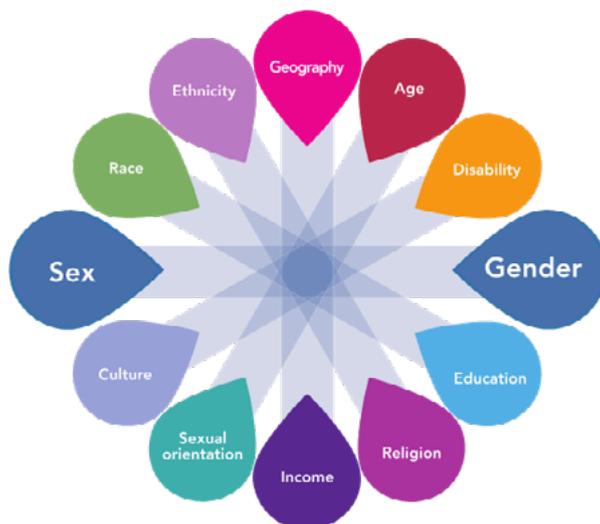
- a) collected and presented by sex as a primary and overall classification;
- b) reflects gender issues;
- c) is based on concepts and definitions that adequately reflect the diversity of women and men and capture all aspects of their lives;
- d) is developed through collection methods that take into account stereotypes and social and cultural factors that may induce gender bias in the data.

Source: UN, [Gender Statistics Manual. Integrating a Gender Perspective into statistics](#), updated 2015

2. Rolando Avendano, Carolyn Culey, Charlotte Balitrand, '[Data and diagnostics to leave no one behind](#)' in OECD, Development Co-operation Report 2018 Joining Forces to Leave No One Behind.

Disaggregated data is broken down in relation to specific characteristics, inherent to the population, including sex, age, disability or other critical factors like race or ethnicity, religion, poverty and so on. The figure below depicts features that can be captured by disaggregated data.

Figure 2: Factors captured by disaggregated data



Source: WFD, Learning materials on gender and intersectional analysis

Disaggregated data mirrors the population more accurately, can reveal information about the situation of women and men, the young and old and so on beyond averages and preconceptions and provides a solid basis for assessing progress at larger scale. The more refined the data, for example by being disaggregated also by age and disability or ethnic origin, the more accurately it can reveal real impact and serve to establish proper baselines, develop and implement targeted policies and monitor progress.³

Statistical disaggregation on gender grounds is a key methodological tool for the analysis of gendered dimensions of policy and legislative processes. For example, the disaggregated data available through the Department of Citizenship and Immigration Canada allows us to know the number of men and women arriving through different migration schemes. The lack of similar publicly available disaggregated data in Australia (data from the Statistics Unit at DIAC is accessible on request and at a cost) affects both the possibility to analyse and understand the issue, the quality of the analysis but also the focus placed on the issue.⁴

Beyond its importance as a tool for evidence-based policy and law-making, sex disaggregated data is relevant and important for one more reason. The 2030 Agenda for Sustainable Development set the ambitious goal to 'leave no one behind'. This important commitment relies on the availability of data that allows to count and account for factors that contribute to exclusion and monitor progress using specific indicators.⁵ The UN Economic and Social Council recognises the need to disaggregate data by gender, age and location and has approved a [set of indicators](#) to track SDG implementation. This issue places a set of obligations on national statistical systems, but also other players in national systems, for more refined data collection and disaggregation strategies.

3. Source: <https://iisd.org/library/disaggregated-data-essential-leave-no-one-behind>

4. Anna Boucher, Skill, Migration and Gender in Australia and Canada: The Case of Gender-based Analysis (2007) 42:3 Australian Journal of Political Science 383-401.

5. Avendano et al (n2)

What kind of gender-sensitive data is needed in post-legislative scrutiny?

Data is factual information (such as measurements or statistics) that can be used for reasoning, discussion, or calculation. Data comes in different formats, is gathered using a wide variety of methodologies and can have different scope - and value. It can be collected, stored and processed to produce and validate results or further the knowledge around a specific topic or problem. Types of data that are relevant to the analysis of legislation are presented in the box below:

Figure 3: Different types of data that can be used in scrutiny



Statistical data deals with the collection, analysis, interpretation, and presentation of large data sets of numerical data. Basic statistical data are collected on a regular basis (by survey from respondents, or from administrative sources) by survey statisticians in the national statistical system to be edited, imputed, aggregated and/or used in the compilation and production of official statistics. It includes: baseline data, demographic data and socioeconomic data (census, register or survey data); data on material and experienced inequalities.

Administrative data is collected primarily for administrative purposes, by government departments or other organisations for the purposes of registration, transaction and record keeping, usually during the delivery of a service.⁶ It includes recorded data (for example taxpayers), reported data, complaints data, spending and so on.

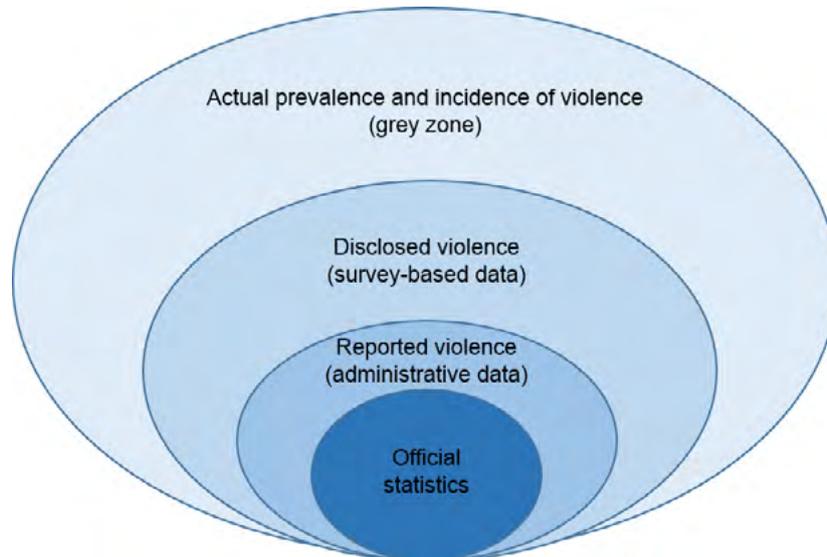
Quantitative data is numerical data about social reality and human behaviour that can include census data, labour-force surveys or surveys of the target population, for example, official surveys on gender based violence or victim surveys.

Qualitative data deals with perceptions around social phenomena. Non-numerical, they facilitate understanding and interpretation of phenomena. It includes data from interviews, focus groups, observations or field research reporting individual experiences of violence, discrimination or other issues.

6. OECD, IMF, ILO, Interstate Statistical Committee of the Commonwealth of Independent States, '[Measuring the Non-Observed Economy: A Handbook](#)', Annex 2, Glossary, Paris, 2002.

Different types of data highlight different aspects of a phenomenon. Let's take the example of data on violence against women. Related data can be obtained from different sources, yet each data set highlights different aspects of the phenomenon. Sample surveys are considered the most accurate proxy to real prevalence or incident rates of violence in the population; administrative data includes reported cases of violence against women based on the records kept by the police, justice, or health and social services; and official statistics show rates of violence based on official data collection. As shown in the figure below each type of data captures only a fraction of reality and essentially a different one.

Figure 4: Different types of data and their coverage



Source: EIGE, <https://eige.europa.eu/gender-based-violence/data-collection>

This means that while it is important to collect available data, it is equally - if not more - important to be aware of what it represents and what it refers to.

What does 'good' gender-sensitive data look like?

As mentioned above, different types of data provide different information. Complaints or reports of violence are excellent sources for highlighting the nature of the phenomenon but poor indicators of actual levels of violence. Reported cases constitute a small fraction of all gender-based violence. Administrative data are important for assessing how public services respond to the needs of women who have experienced violence, and to monitor trends over time. However, low number of reports or complaints do not necessarily indicate low levels of discrimination or violence. Underreporting may well be associated with the existence of obstacles in access to justice, reflecting, for example, difficulties in obtaining necessary evidence among others. **What this means is that the quality of gender-sensitive data relates to the data itself and its interpretation.**

Important features of 'good' data are validity and reliability. Validity is a matter of degree and encompasses the factual accuracy of the data, the accuracy in capturing the meaning and interpretations of participants and the generalisability of the findings. Reliability is the degree of accuracy and comprehensiveness of coverage and is linked, again, to the scope and the method of the scrutiny.⁷

Data is rarely perfect. Data on gender and discrimination (and equality data in general) is beset with the methodological challenges relating to data collection and problems associated with measuring a complex phenomenon. Potential problems can include sampling, lack of accepted and applied definitions or use of

7. Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (6th Edn Routledge) 2007 p 349

different definitions, difficulties associated with asking sensitive questions, lack of comparability of data (especially administrative data) and over- or underreporting.⁸ However, **this does not mean that data should not be used. It means that it should be carefully used and interpreted in a way to provide accurate information and accounts of reality.**

Where can gender-sensitive data be found?

There are several sources of gender-sensitive data, both official and unofficial. An obvious place to start are **National Statistical Offices/agencies**. There is work in progress at the level of the UN and the OECD and other international fora to make statistical systems more sophisticated so that they can monitor and track progress in relation to the Sustainable Development Goals. These processes take a long time, require significant investments and are uneven around the world. It needs to be noted however that National Statistical Offices are making notable progress in providing more and more elaborate datasets with data disaggregated by sex. Specialised portals devoted to gender issues, like the [Gender, Diversity and Inclusion Statistics](#) of Statistics Canada are a welcome development and a source of easily identifiable data. The Centre for Equalities and Inclusion of the Office for National Statistics (ONS, UK) offers access to [ONS releases on equalities](#), [Equalities data development](#), [Best practice methods](#) and other resources. The Gender data guidance from the Department for Digital, Culture, Media & Sport offers access to additional resources.

The Scottish Government [Equality Evidence Finder](#) presents gender-disaggregated data and offers access to evidence by equality characteristic and policy area. It also provides information on Scotland's National Performance Framework indicators. At the same time the Scottish Government is developing a [Gender Equality Index](#) to measure progress over time on gender equality, using statistical indicators covering a range of policy areas (work, money, time, knowledge, health and power, each area comprising six-eight statistical indicators). A baseline index is expected in late 2020 and will be accessible to a wide range of users, including policy makers, the media and the public and provide an up-to-date picture of facets of gender equality and change over time. At the same time, Scotland's Chief Statistician is leading a working group looking at sex and gender data collection.

Other agencies across governments also provide statistical information. For example, in Australia, the [Workplace Gender Equality Agency](#) collects data across six gender equality indicators (gender composition of the workforce; gender composition of governing bodies of relevant employers; equal remuneration between women and men; availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities; consultation with employees on issues concerning gender equality in the workplace; and other matters specified by the Minister: sex-based harassment and discrimination). In addition it produces Gender Equality Scorecards with key trends in gender equality across the labour force; a [WGEA Data Explorer](#) offering interactive data, fact sheets, research and insight papers and access to external research on gender equality.

International Organisations

Several international organisations collect and make gender data available. The Gender Data Portal of the World Bank Group is a comprehensive source for the latest sex-disaggregated data and gender statistics covering demography, education, health, access to economic opportunities, public life and decision-making, and agency.

The Organisation for Economic Cooperation and Development (OECD) [Social Institutions and Gender Index](#) (SIGI) measures discrimination against women in social institutions across 180 countries to capture the drivers of gender inequality and provide the data necessary for transformative policy change. The [OECD Gender data portal](#) includes selected indicators shedding light on gender inequalities in education, employment and entrepreneurship. [WikiGender](#) is an online platform to share research, data and solutions to advance gender equality.

8. Timo Makkonen, [European handbook on equality data](#), European Commission, 2016 p. 33

The Gender Statistics division of the UN offers a [set of gender indicators](#). The [Global Gender Statistics Programme](#) mandated by the United Nations Statistical Commission works to improve coherence among existing gender statistics, develop methodological guidelines, strengthen national statistical and technical capacity for the production, dissemination and use of gender relevant data and facilitate access to gender relevant data and metadata through a data portal.

In the European Union, the [Gender Statistics Database](#) of the European Institute for Gender Equality offers access to gender statistics as a form of evidence which can be used to support and complement the European Commission's Strategy on Gender Equality and support the Member States to monitor their progress. The [Gender Equality Index](#) is a tool developed by the European Institute for Gender Equality to measure the progress of gender equality in the EU, give visibility to areas that need improvement and support policy makers to design more effective gender equality measures.

Administration/implementing agencies, equality bodies and independent agencies

Administrative data is collected primarily for administrative purposes and can be accessed through agencies involved in the implementation of legislation, policies or programmes or through civil society organisations. Administrative data is an important source of information. For example, the data collected by [Skills Development Scotland](#) on the [Modern Apprenticeship programme](#) includes:

- *Participation rates and outcomes:* gender-disaggregated data in relation to the number of women and men starting an apprenticeship, the number in training, and the number who have successfully completed an apprenticeship
- *Spending:* gender-disaggregated data on the levels of public spending relating to each occupational framework and level
- *Beneficiaries and targets:* composition of beneficiary groups, disaggregated by gender, and composition of the target group, dis-aggregated by gender.

An analysis of this administrative data in the [Case study: Modern Apprenticeships](#) identifies the gender difference in spending allocations, participation, experiences, and outcomes. It can also help identify the main causes behind different gender experiences, the impact of the gendered differences on the outcomes of the training programme, measures that have been taken to tackle gender disparities in this training programme and measures to address gender inequality in the programme.

Administrative data can also be accessed through research partnerships and networks. In the UK, the [Administrative Data Research Network](#) is a partnership between universities, government departments and agencies, national statistics authorities, the third sector, funders and researchers through which administrative data can be made available. Other sources, like the [UK Data Service](#), might make available government-sponsored surveys, cross-national surveys, longitudinal studies, census data, international aggregate business data, and qualitative data. Similar networks and resources are available around the world to a varying extent.

Complaints data is an important source of equality data.⁹ It is generated by bodies that handle complaints and can provide a wealth of information on the numbers and types of complaints filed, aggregate profiles of offenders/respondents and complainants, broken down by variables such as age and gender. The primary source of complaints data is the justice system, specialised bodies such as equality bodies and ombudsmen, police crime report registers and prosecution registers. Complaints data may also be collected by non-governmental organisations who provide services on the ground.

9. Timo Makkonen, [European handbook on equality data](#), European Commission, 2016 p.33

Self-reported data

Gender pay is an interesting and evolving area in relation to the availability of data. Gender pay relates to the difference in wages between men and women. In several countries, legislation or regulations impose obligations on employers to publish the gender pay gap for workers. The gender pay gap is the percentage difference between the average earnings for men and women. Gender pay gap data is cumulative data that shows the situation. In the UK, the [Gender Pay Gap Service](#) makes the data publicly accessible, allowing interested parties to browse, compare and use the information at company, sectoral or aggregate level. The [Global Gender Gap Report](#) of the World Economic Forum also makes related information available.

Open Source Data

Open data is freely available for use with rights to republish without restrictions from copyright, patents or other mechanisms of control. The Open Data Institute states that open data is only useful if it is shared in ways that people can actually understand. It needs to be shared in a standardised format and easily traced back to where it came from. There are several open source resources currently being developed, the [Gender Data Kit](#) being only one example of gender-responsive technologies, methods and resources for gender data. Global Health 5050 and its [COVID-19 sex-disaggregated data tracker](#) is another example of information available.

Disaggregated data is an area of work in progress and rapid change. A lot of work is currently taking place in data collection and statistical systems. One should investigate thoroughly before concluding that no data is available.

How can gender-sensitive data be used in post-legislative scrutiny?

Data can be used in different ways. Its main uses are to describe or understand a phenomenon, to predict future developments and to identify courses of action.

Figure 5: Different uses of data



A 2019 Report by the Standing Committee on the Status of Women in Canada titled [Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics](#) offers an interesting example of the different uses of data during its review. The report relies on sex-disaggregated statistical data and qualitative data to identify the issue, diagnose its causes and propose solutions.

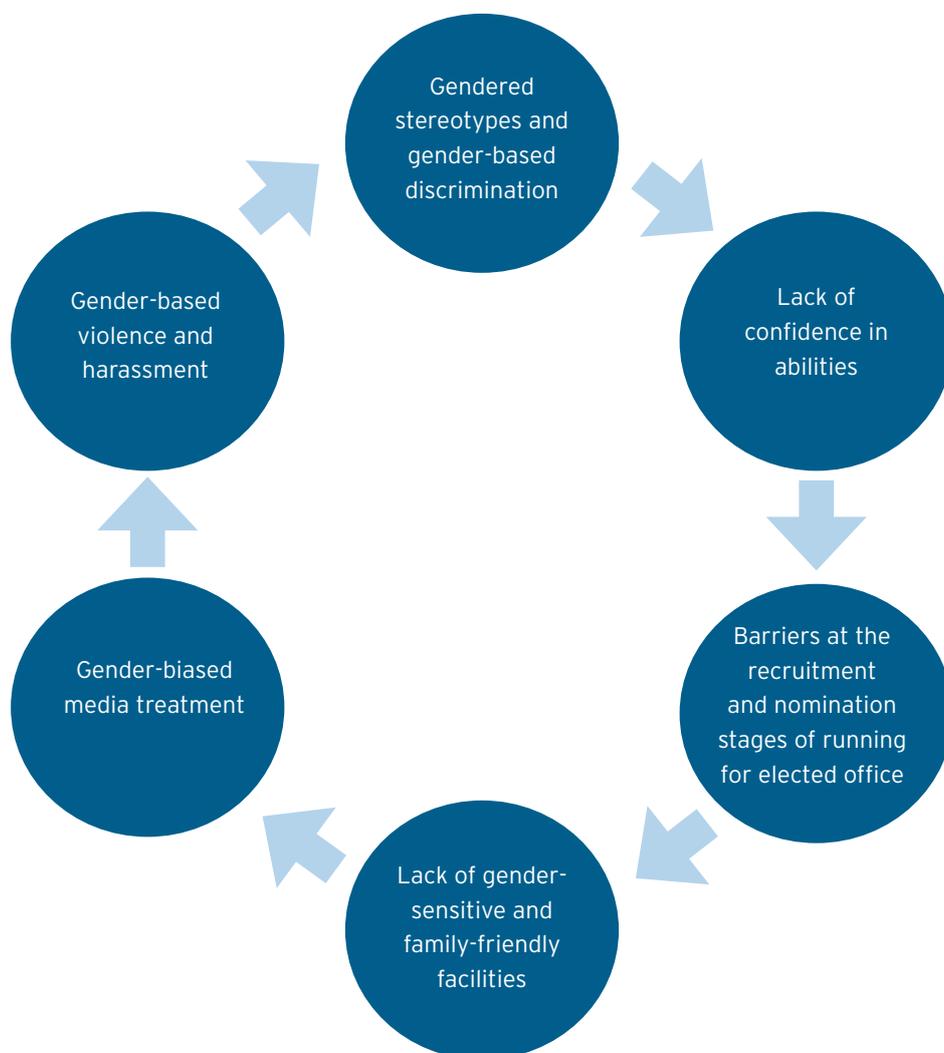
As a starting point, the Report uses existing sex-disaggregated data to identify the current situation with regard to the presence of women in Parliament. According to it, representation has risen from 20.6 per cent in 1997 to 27.2 per cent in 2018, a figure that includes 4.4 per cent of visible minority women and 0.9 per cent Indigenous women. 45.5 per cent of senators are women (appointed - not elected). The percentage

of female legislators in provincial and territorial legislatures ranges from 10.5 per cent to 42.4 per cent . Several provinces and territories have reached or surpassed the 30 per cent threshold but only two (Quebec and Ontario) have reached the parity zone between 40 per cent and 60 per cent . At municipal and local level, the overall proportion of women elected has increased but they remain underrepresented as municipal councillors and mayors. On average, they represent 18 per cent of mayors and 28 per cent of municipal councillors.

Statistical data is used to describe the facts, determine and identify the issue. It is also used to draw a clear link between the situation in Canada and the commitments in the Sustainable Development Goals: the Report notes that although women's representation in the House of Commons is at an all-time high, it *'still falls below the United Nations' recommendation of having at least 30% as the critical threshold for women in decision-making roles'*.

At a next step, qualitative data is used to diagnose and understand the facts described by the data. Qualitative data was collected by the Committee through hearings, testimony from 10 organisations, 18 individuals and four federal departments and agencies, and 12 briefs from individuals and organisations. The qualitative data and its analysis led to the identification of seven factors linked to lower representation rates.

Figure 6: The Six Factors That May Deter Women from Participating in Electoral Politics in Canada



Source: Standing Committee on the Status of Women in Canada, [Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics](#), 2019

The qualitative data collected and the related analysis allowed the formulation of recommendations on what needs to be done. The Committee could have gone a step further to propose gender-sensitive indicators to monitor progress in achievements or in the recommendations proposed.

Recommendations of the Standing Committee on the Status of Women for Improving the Representation of Women in Canadian Politics

Recommendation 1: That the Government of Canada increase funding to Statistics Canada with the goal of expanding survey data collection about the participation and engagement of diverse groups of women in political activities, including, but not limited to, women's leadership in community work and women's participation and engagement in volunteering and donating to a political party.

Recommendation 2: That the Government of Canada develop and implement a public education campaign whose goal is to positively shift how women in electoral politics are perceived.

Recommendation 3: That the Government of Canada, at the next meeting of Canada's Federal, Provincial and Territorial Ministers responsible for Education and for the Status of Women, encourage all jurisdictions to incorporate the topics of gender equality, gender stereotypes and women's participation in politics into their education curricula with the goal of increasing women's political participation and building girls' and young women's confidence.

Recommendation 4: That the Government of Canada continue to strengthen the application of Gender-based Analysis Plus (GBA+) in all federal departments and agencies' programs, initiatives, and strategies.

Recommendation 5: That the Government of Canada increase funding for organizations and projects that:

- support the political engagement and empowerment of diverse groups of women;
- provide relevant training, both in person and online, for women interested in seeking elected office;
- provide women with internships and similar opportunities in political workplaces;
- provide mentorship, role modelling, networking opportunities and guidance to women in order to increase their confidence and willingness to take risks and encourage them to seek elected office; or
- involve men in efforts to encourage women to run for elected office.

Recommendation 6: That the Government of Canada encourage elected officials to engage women in their communities by providing guidance, job shadowing and networking opportunities, including through local women's councils and youth councils.

Recommendation 7: That the Government of Canada, in collaboration with provinces and territories, consult and collaborate with diverse groups of women to develop a strategy to encourage women from diverse backgrounds to participate in electoral politics and a strategy supporting Indigenous women in electoral politics, and report back to Parliament on the implementation and outcomes of these strategies on an annual basis.

Recommendation 8: That the Government of Canada consider making changes to encourage gender equality and diversity in electoral politics; to ensure more transparency and consistency in nominations processes; and to require registered parties to publicly report on their efforts to recruit female candidates from diverse backgrounds after every federal general election.

Recommendation 9: That the Government of Canada encourage registered parties and registered electoral district associations to set goals and publicly report on their efforts to nominate more female candidates, to achieve gender parity on their boards of directors, including in positions of leadership, and to establish search committees for candidates in federal general elections and by-elections.

Recommendation 10: That the Government of Canada create a financial incentive for all registered parties to nominate more candidates who are women in general elections and by-elections.

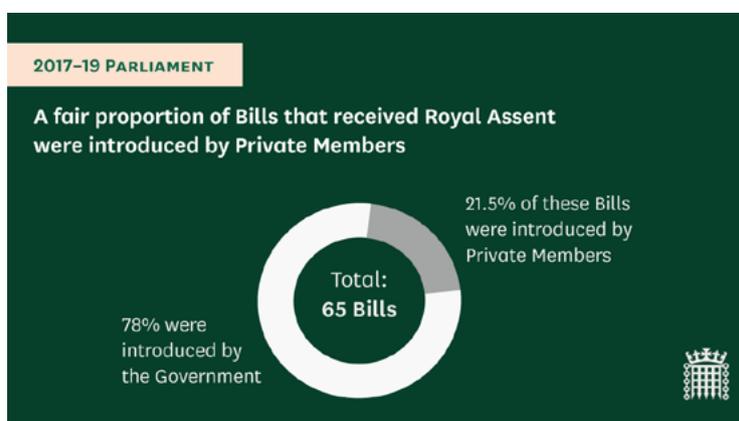
Recommendation 11: That the Government of Canada consider making changes to allow, with candidates' permission, the collection of intersectional data on candidates in nomination races, including data on gender identity.

Recommendation 12: That the Government of Canada request that the Minister for Women and Gender Equality, at the next meeting of Canada's Federal-Provincial-Territorial Status of Women Forum, urge all jurisdictions to discuss ways to make legislatures more gender-diverse.

Recommendation 13: That the Government of Canada develop and fund awareness campaigns and training programs to counter the negative effects of gender-biased treatment and harassment of female politicians, both in traditional and social media.

Recommendation 14: That the Government of Canada support data collection on the barriers faced by minority women and women from diverse backgrounds in electoral politics, and that this data be publicly available.

Another important use of data is for communication purposes. Data is powerful in codifying complex messages and communicating them in a straightforward way. Data in tables, graphs, diagrams, charts, maps or infographics can be very successful in putting across important messages, where lengthy texts might fail. The Scrutiny Unit at the House of Commons emphasises the [benefits of data visualisation](#) to communicate messages with impact and the value of using data and visualisation tools in scrutiny reports to make even complex documents like [Government spending plans](#) accessible and understandable. Data and visuals are also an excellent way to communicate findings and recommendations, especially on social media.



Source: <https://twitter.com/HouseofCommons/status/1224299096099434496>

What if gender-sensitive data is not available?

The availability of sex-disaggregated data and gender-sensitive data is always a challenge. Despite the progress, large scale gender-sensitive data remains a work in progress. Such data is not widely available, has a limited scope and might not be up to date. This is no excuse however for not using what is available or for not making an effort to generate gender-sensitive data, when this is not available. The sources of data presented above can be put to good use and can be used to formulate hypotheses or arguments that micro-data or qualitative data can then support or refute. Further, creative use of existing data or joining of data sets can very well provide valuable information.

Even if statistical data is not available, there might be solutions for generating small scale data that can make a difference in the context of post-legislative scrutiny. Parliamentary research services have resources that can help or assist in identifying or generating gender-sensitive data. Joining data sets is a good way of combining existing datasets with those emerging through scrutiny. Parliamentary Budget Offices can help provide independent financial and economic analysis to support parliamentarians in carrying out scrutiny. They can use existing data to perform analysis integrating a gender perspective or conduct small scale surveys. Other independent oversight institutions like the Offices of the Auditor General, Ombudsmen Institutions, Equalities and Human Rights Commissions or equivalent bodies in other jurisdictions¹⁰ can use existing data to produce objective, fact-based information.

An interesting example of how existing parliamentary data can be used and analysed using sex as a criterion comes from the Library of the House of Commons in the UK.

Conducting gender-sensitive analysis using parliamentary data

Library of the House of Commons (UK)

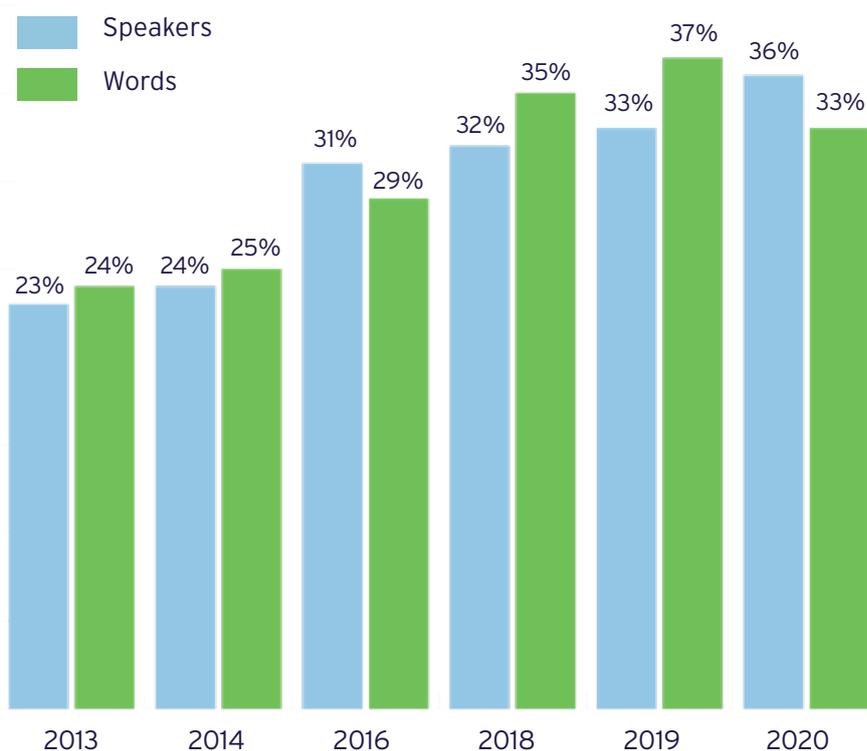
A recent insight titled [Coronavirus: What does data show about men and women MPs in the hybrid Commons?](#) explored the potential impact of the hybrid model for proceedings adopted in response to the COVID-19 pandemic on men and women MPs. The Library of the House of Commons, with the assistance of in-house statisticians, collected existing parliamentary data on the participation of women and men MPs in Question Time (PMQs and ministerial questions) and debates in the period from April- May 2020, disaggregated the data by sex, analysed and compared it to come up with very interesting results (Graph 1, below).

The analysis showed that men contributed more words than their female peers (33.1 per cent compared to 66.9 per cent for men) to debates (but in a way proportional to overall representation of men and women MPs) and that both men and women MPs were more likely to participate remotely, although men were more likely than women to speak physically. The comparison with equivalent data from the same period (22 April - 20 May) from previous years showed that slightly more women MPs participated in proceedings this year but their contribution (number of words) was lower.

Although it is difficult to draw definitive conclusions, and several methodological challenges are noted, the Insight comes to the conclusion that the model of hybrid proceedings used by the House of Commons in April-May 2020 does not appear to have strongly impacted the amount of contribution by men and women MPs to Question Time and debates.

10. Jonathan Murphy and Franklin De Vrieze, [Parliaments and independent oversight institutions, Global and country-specific analysis of parliaments' relationships with Supreme Audit, Anti-Corruption and Human Rights Institutions](#), 2020; Franklin De Vrieze, [Bringing accountability to national governance: parliament interacting with independent oversight institutions](#), March 2020.

Graph 1: Female contributions to proceedings, 22 April - 20 May



Source: [Elise Uberoi, Richard Kelly, Coronavirus: What does data show about men and women MPs in the hybrid Commons?, House of Commons Library, May 26, 2020](#)

What this example shows is that existing data, when used and analysed creatively, can generate insightful results, and can serve as a baseline or reference for the future.

Last but not least, some data is always collected in the context of post-legislative scrutiny. The majority of post-legislative scrutiny reports rely on qualitative data collected by the competent committees through field visits, written submissions, inquiries and hearings. It is of utmost importance to ensure that the data collected - and the data collection process - is gender- and equality-sensitive.

How can parliamentary committees collect gender-sensitive data?

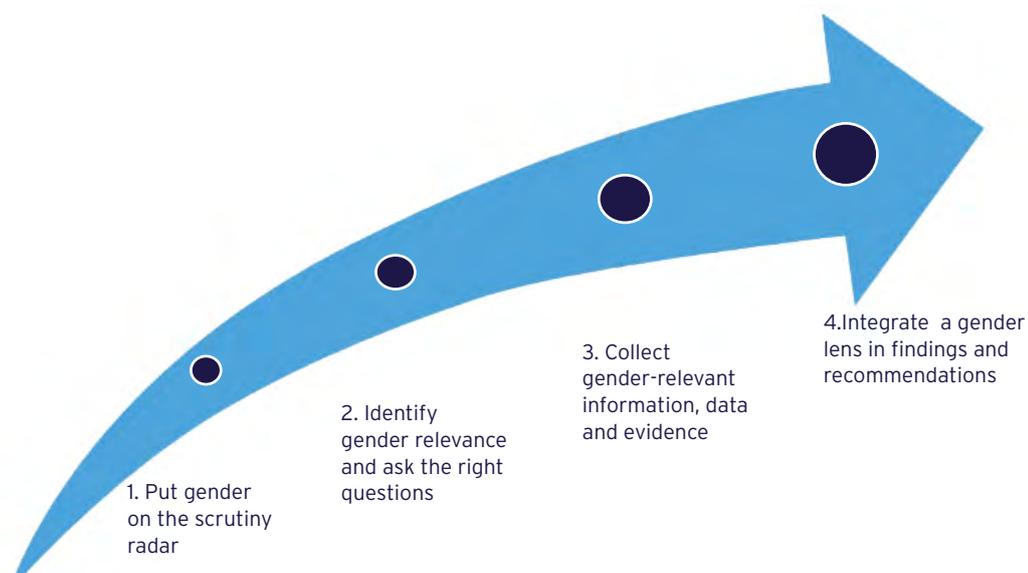
Gender-sensitive post-legislative scrutiny¹¹ integrates a gender perspective to the scrutiny of legislation by assessing whether legislation has produced (positive or negative, unintended or unexpected) impacts on gender relations.

Gender-sensitive scrutiny can take the form of horizontal reviews of policy or legislation from a gender perspective; scrutiny of gender-specific legislation; and gender-sensitive post-legislative scrutiny of general (non gender specific) legislation.¹² The main steps for a gender-sensitive post-legislative scrutiny are presented in the figure below:

11. See Policy Paper: Gender-sensitive Post-Legislative Scrutiny.

12. See Case study 1: Gender-sensitive post-legislative scrutiny of general legislation

Figure 7: Main steps for gender-sensitive post-legislative scrutiny¹³



Data collection is a very important step for gender-sensitive scrutiny. **If the gender perspective is not mainstreamed in the data and evidence collection process, it is hardly possible to have gender-sensitive information to analyse or act upon.**

A consistent gender-sensitive *data collection process* relies both on tracking and using existing data and on generating solid micro data (quantitative or qualitative). Although there is no definitive method for data collection, it is recommended to combine - to the greatest extent possible - quantitative and qualitative data in scrutiny. This offers the potential to both use statistical or big data to describe the magnitude of an issue but also to look in more depth into the distinct experiences of men and women or the causes of specific phenomena.

Data that parliamentary committees need to look for comprises the following:

- Statistical data disaggregated by sex
- Implementation or administrative data from the relevant agencies
- Available quantitative or qualitative data (for example, official surveys or research data)
- Comparative data

In the process of post-legislative scrutiny committees should:

- Identify and collect available sex-disaggregated data (at international, national, local levels)
- Address requests for (administrative) data to competent institutions/bodies and service providers/non-governmental or other organisations that work in the field
- Identify key stakeholders and invite them to submit data or evidence (government, market, third sector, academia)
- Organise expert groups or invite experts to give opinions
- Conduct interviews
- Organise field visits

Whatever the components of the data collection process, **it is important to ensure that it is gender-sensitive.** The box below includes some ideas on how to make the data collection process gender-sensitive.

13. Ibid.

Tips for a gender-sensitive data collection process by parliamentary committees:

Ensure that gender impact is explicitly included in the call for evidence



Ensure that gender relevant questions are integrated in the data collection instruments (questionnaires, interview guides etc)



Ensure that experts and witnesses are explicitly asked to report gender-related information or experiences



Ensure gender balance in the witnesses invited to report, especially if evidence concerns individual experiences



Ensure that gender experts are given the opportunity to contribute to the inquiries



How can scrutiny findings and recommendations be made gender-sensitive?

Data collection is not an end in itself. Its aim is to generate information to inform the post-legislative scrutiny with a gender perspective. It is therefore important to make the findings and conclusions of the scrutiny gender-sensitive.

Gender-sensitive conclusions use data to identify numerical progress and highlight how this progress relates to the achievement of the Sustainable Development Goals. It is important to make this link. For example, the Standing Committee on the Status of Women in Canada [Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics](#) note in their Report that although women's representation in the House of Commons is at an all-time high, the figures '*still fall below the United Nations' recommendation of having at least 30% as the critical threshold for women in decision-making roles*'.

It is also important to orient the recommendations towards important gender-sensitive points or gaps. The Committee makes reference to gender-sensitive data in its recommendations. In specific, its first recommendation asks the Government of Canada to *increase funding to Statistics Canada to expand survey data collection about the participation and engagement of diverse groups of women in political activities, including, but not limited to, women's leadership in community work and women's participation and engagement in volunteering and donating to a political party*.

Last but not least, is important to identify and propose gender-sensitive indicators and targets for monitoring progress. This is something that the Standing Committee on the Status of Women in Canada Committee did not do in the example above.

Indicators are 'pointers' that measure changes and progress.¹⁴ Gender-sensitive indicators point out how far gender objectives have been met and measure gender-related changes in society over time towards gender-sensitive targets. Gender-sensitive indicators require and rely on statistical data disaggregated by sex and qualitative types of information reflecting differences between women and men. Gender-sensitive indicators can be at macro, meso and micro levels to capture change at different levels.

Gender-sensitive indicators

Quantitative indicators

They measure quantity (total numbers, percentages and so on) and indicate average outcomes in a sex-disaggregated manner. They rely on sex-disaggregated data sets like census data, labour-force surveys, administrative records, or sociological surveys of the target population.

Example of quantitative indicators:

- number of men and women who lost their jobs as a result of the pandemic
- number of men and women in caring professions
- Number of men and women who benefited from support schemes

Qualitative indicators

They indicate perceptions around an issue and they are useful for understanding processes in depth. Qualitative indicators may indicate changes in attitudes and behaviour; growth in knowledge and skills, self-reliance, confidence, independence or self-esteem; and progress in building contacts, networks, or mechanisms for social support.

Example of qualitative indicators:

- The proportion of women and men who perceive local government management as participatory over a certain period of time.

Conclusion: learning points

- Law, policies and programmes generate results, outcomes and effects and impact the population in different ways. Data is necessary in order to capture, understand and analyse these results and the complex processes linked to them. This allows a robust understanding of reality and supports the design of effective policies and legislation.
- To capture reality in a representative way, data needs to be gender-sensitive. Gender-sensitive data is collected and presented by sex (sex-disaggregated), reflects gender issues, is based on concepts and definitions that reflect the diversity of women and men and captures all aspects of their lives and is developed through collection methods that take into account stereotypes and social and cultural factors that may induce gender bias.
- 'Good' gender-sensitive data needs to be reliable and valid. However, data always comes with inherent limitations and must be put to good use and be carefully interpreted. Data scientists and gender experts can provide valuable support in generating new data and using it correctly.

14. Gender Campus, The Global Development Agenda: Tools for Gender Sensitive Planning and Implementation. [Introduction to Gender Analysis and Gender-sensitive Indicators](#), International Training Centre of the International Labour Organisation, 2009.

- Gender-sensitive data can be used to describe or understand phenomena from a gender perspective, to predict future developments, to identify courses of action and communicate key messages. It can be found in a number of sources, from National Statistical Offices/agencies, to databases maintained by international organisations, administrative agencies, specialised bodies or through open sources. Availability of gender-sensitive data is often a challenge, but there are always solutions for generating small scale or qualitative gender-sensitive data.
- A key issue for generating gender-sensitive data is to make the data collection process gender-sensitive. This means introducing a gender perspective (and gender balance) in the call for evidence, in the interviews and hearings conducted, in the selection of stakeholders and experts invited to report or provide evidence.
- Data collection is not an end in itself. The findings and conclusions of the scrutiny need to be gender-sensitive as well. This means referring to numerical progress and drawing the links with the Sustainable Development Goals; identifying requirements in relation to data and identifying and proposing gender-sensitive indicators and targets for monitoring progress over time.

Resources

Literature

- Avendano, Rolando; Culey, Carolyn; Balitrand, Charlotte. '[Data and diagnostics to leave no one behind](#)' in OECD, Development Co-operation Report 2018 Joining Forces to Leave No One Behind.
- Boucher, Anna . Skill, Migration and Gender in Australia and Canada: The Case of Gender-based Analysis (2007) 42:3 Australian Journal of Political Science 383-401.
- Cohen, Louis; Manion, Lawrence; and Morrison, Keith (2007) Research Methods in Education (6th Edn Routledge) 2007 p 349
- De Vrieze, Franklin (2017). Post Legislative Scrutiny. Guide for Parliaments, Westminster Foundation for Democracy, 2017
- Makkonen, Timo (2016) [European handbook on equality data](#), European Commission, 2016
- Mousmouti, Maria (2019) *Designing Effective Legislation*. Elgar 2019
- Murphy, Jonathan and De Vrieze, Franklin. [Parliaments and independent oversight institutions, Global and country-specific analysis of parliaments' relationships with Supreme Audit, Anti-Corruption and Human Rights Institutions](#), 2020
- Uberoi, Elise and Kelly, Richard. [Coronavirus: What does data show about men and women MPs in the hybrid Commons?](#) House of Commons Library, May 26, 2020.

Reports and papers

- BRIDGE. Cutting Edge Packs, <https://www.bridge.ids.ac.uk/bridge-publications/cutting-edge-packs/gender-and-budgets>
- EIGE Gender Statistics Database
- Gender Campus, The Global Development Agenda: Tools for Gender Sensitive Planning and Implementation. [Introduction to Gender Analysis and Gender-sensitive Indicators](#), International Training Centre of the International Labour Organisation, 2009.
- [Gender Equity in the Health workforce](#)
- Global Health 5050 (2020), [COVID-19 sex-disaggregated data tracker](#)
- Global Banking Alliance for Women, Data2X, Multilateral Investment Fund (MIF), [Measuring Women's Financial Inclusion: The Value of Sex-Disaggregated Data](#), accessed 29 May 2020
- [International Labour Organization, Gender Equality](#)
- [OECD Gender Initiative](#)
- OECD, IMF, ILO, Interstate Statistical Committee of the Commonwealth of Independent States, '[Measuring the Non-Observed Economy: A Handbook](#)', Annex 2, Glossary, Paris, 2002
- The World Bank, [Gender Data Portal](#)
- The World Bank, [The Little Data Book on Gender](#), 2019

- UN, [Gender Statistics Manual. Integrating a Gender Perspective into statistics](#), updated 2015
- [UN Women](#)
- Women Deliver, <https://womendeliver.org/deliver-for-good/>
- [World Economic Forum, The Global Gender Gap Report 2017](#)
- World Economic Forum, [Global Gender Gap Report](#)

About the author

Dr Maria Mousmouti



Dr. [Maria Mousmouti](#) is Lecturer in Law at the [Institute of Advanced Legal Studies](#) of the University of London and Executive Director at the [Centre for European Constitutional Law](#), a research center based in Athens, Greece.

Her research interests evolve in the 'niche' field of legislative studies with a specific focus on legislative quality and effectiveness, legislative design and mechanics across the life cycle of legislation and in different areas of law, especially equality and fundamental rights. Her monograph titled '[Designing Effective Legislation](#)' was published in August 2019 and she is the author of several articles.

At the IALS, she teaches at the [LLM in Drafting Legislation, Regulation, and Policy](#) at the Legislative Drafting Course and other specialised short courses offered to students and practitioners. She has been actively involved in the design and delivery of several professional courses on post-legislative scrutiny offered by the IALS in cooperation with the Westminster Foundation for Democracy. She coordinates the work of the [Sir William Dale Legislative Drafting Clinic](#) and is in charge of the [Urban Law Initiative](#), a research cooperation between the Sir William Dale Centre for Legislative Studies at IALS and the United Nations Human Settlement Programme (UN-Habitat) that promotes innovative research, generates knowledge and improves the quality of urban legislation in countries around the world.

She is Secretary of the Board of the [International Association for Legislation](#), participates in several international research networks and works as an Expert for the European Commission. Her consultancy work over the years has focused on supporting legislative and policy reform initiatives through research, evidence-based advice and capacity-building in more than 20 countries in the EU, Southern Europe, the Middle East, Africa and Central Asia.

About Westminster Foundation for Democracy

Westminster Foundation for Democracy (WFD) is the UK public body dedicated to supporting democracy around the world.

Operating directly in over 40 countries, WFD works with parliaments, political parties, and civil society groups as well as on elections to help make countries' political systems fairer, more inclusive and accountable.

WFD experts, both in-house and associates, develop tools, guides and comparative studies on democracy and governance issues.

Westminster Foundation for Democracy
Artillery House, 11-19 Artillery Row, London, SW1P 1RT
🐦 @WFD_Democracy | 📘 @WestminsterFoundation
www.wfd.org