

# GENDER ARCHITECTURE

## What is 'gender architecture'?

The 'gender architecture' of a country consists of the governance structures put in place to tackle gender inequality and discrimination. A wide variety of models that combine different approaches and tools are in operation globally, including:

- Distinct **ministries** or ministers for women or gender (such as New Zealand's Ministry for Women, and Canada's federal department 'Women and Gender Equality Canada' (WAGE)<sup>1</sup>)
- **Independent oversight mechanisms** (such as Croatia's Ombudsperson for Gender Equality and South Africa's Commission for Gender Equality<sup>2</sup>)
- **Advisory and non-departmental public bodies** (such as the Equality Commission for Northern Ireland<sup>3</sup>)
- Dedicated **parliamentary committees** (such as the Danish Gender Equality Committee and the European Parliament Committee on Women's Rights and Gender Equality<sup>4</sup>)
- Embedded '**gender focal point networks**' across government departments and public bodies (such as those in Norway and Spain<sup>5</sup>)
- Institutionalised **gender budgeting** (such as the related provisions within 'Organic Budget Law' in Austria, Iceland, Mexico, Netherlands, South Korea and Spain<sup>6</sup>)
- **Anti-discrimination laws** and **statutory requirements** to proactively promote gender equality (such as the UK's Equality Act 2010 and Public Sector Equality Duty<sup>7</sup>).

There are also international organisations which aim to promote gender equality and support efforts to achieve this, such as UN Women, the European Institute for Gender Equality and the Organisation for Economic Co-operation and Development (OECD).<sup>8</sup>

---

<sup>1</sup> See <https://women.govt.nz/> and <https://cfc-swc.gc.ca/index-en.html>

<sup>2</sup> See <https://eige.europa.eu/gender-mainstreaming/structures/croatia/ombudsman-gender-equality> and <https://nationalgovernment.co.za/units/view/52/commission-for-gender-equality-cge>

<sup>3</sup> See <https://www.equalityni.org/Home>

<sup>4</sup> See <https://www.thedanishparliament.dk/en/committees/committees/the-gender-equality-committee> and <https://www.europarl.europa.eu/committees/en/femm/home/highlights>

<sup>5</sup> See Norad, 2015. *Evaluation of Norway's Support to Women's Rights and Gender Equality in Development Cooperation*. Available at:

<https://www.oecd.org/derec/norway/Evaluation-of-norways-support-to-womens-rights-and-gender-equality-in-development-cooperation.pdf> [accessed 3 March 2020]. For more on gender focal points, see:

<https://eige.europa.eu/gender-mainstreaming/institutions-and-structures/eu-member-states>

<sup>6</sup> OECD, 2017. *Gender Budgeting in OECD Countries*. Available at:

<http://www.oecd.org/gender/Gender-Budgeting-in-OECD-countries.pdf> [accessed 3 March 2020].

<sup>7</sup> See <https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland>

<sup>8</sup> See <https://www.unwomen.org/en> ; <https://eige.europa.eu/> ; <http://www.oecd.org/>

## Gender architecture in Scotland

### Ministerial and government responsibility

The [Scottish Cabinet](#) is the main decision-making body of the Scottish Government and is made up of the First Minister, Cabinet Secretaries, the Minister for Parliamentary Business and the Permanent Secretary. Equality (along with human rights) is the portfolio responsibility of the Cabinet Secretary for Social Security and Older People, supported by the Minister for Older People and Equalities.<sup>9</sup>

Within the Scottish Government, the Equality Unit has responsibility for policy on gender equality including specific issues such as violence against women and girls. It has recently increased substantially in size, and the budget allocation for equality and human rights rose by £5.5 million for the next year (2020-21), to its highest ever level of £30 million.<sup>10</sup> The First Minister announced in January 2020 that this unit will be upgraded to a standalone Equality, Inclusion and Human Rights Directorate.<sup>11</sup>

Other units and directorates in the Scottish Government are responsible for specific areas of gender equality, such as [tackling the gender pay gap](#), which is led on by the Directorate for Fair Work, Employability and Skills; and addressing the [under-representation of women in STEM](#), which is the responsibility of the Directorate for Learning.

The Scottish Government provides Secretariat and dedicated resource for the First Minister's [National Advisory Council on Women and Girls](#) (NACWG). It also funds organisations and projects that promote gender equality and play a strong role in developing Scotland's gender architecture. These include [Engender](#), [Close the Gap](#), [Equate](#), [Scottish Women's Convention](#) and [YWCA Scotland](#).

### Legislation

The **Human Rights Act 1998** and the **Equality Act 2010** are the statutory cornerstones of the UK and Scotland's gender architecture.<sup>12</sup> Provisions incorporate overarching protection of women's rights, and legislate against discrimination on the grounds of sex and other 'protected characteristics'. The Public Sector Equality Duty (PSED) obliges proactive due regard for equalities issues across the daily work of all public authorities, and the 'general

---

<sup>9</sup> <https://www.gov.scot/about/who-runs-government/cabinet-and-ministers/minister-older-people-equalities/>

<sup>10</sup> <https://www.gov.scot/publications/scottish-budget-2019-20/pages/16/> ;  
<https://www.gov.scot/publications/scottish-budget-2020-21/pages/15/>

<sup>11</sup>

<https://onescotland.org/wp-content/uploads/2020/02/NACWG-2020-Meetings-Wednesday-29-January-2020-Meeting-Note.pdf>

<sup>12</sup> See <https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

duty' is supported by specific duties, which are different in England, Scotland and Wales.<sup>13</sup> Scotland's regulations are notably less minimalist than those of England and less prescriptive than those of Wales.<sup>14</sup>

**Targeted legislation** is another key dimension of a government's gender architecture. Since devolution, the Scottish Parliament has developed legislation in parallel with equivalent bills at UK level, as with equal marriage<sup>15</sup> and female genital mutilation<sup>16</sup>; adopted legislation developed at Westminster, as with forced marriage<sup>17</sup>; or spearheaded progressive divergence, as with the Domestic Abuse (Scotland) Act 2018 and Gender Representation on Public Boards (Scotland) Act 2018.<sup>18</sup>

## Oversight bodies

The bodies responsible for oversight of equality issues in Scotland are the Equality and Human Rights Commission and the Scottish Parliament's Equalities and Human Rights Committee. The Scottish Human Rights Commission undertakes related work, some of which touches on equality concerns.

Other oversight bodies (such as regulators, inspectors and ombudsmen) are also covered by the PSED themselves and are therefore also responsible for overseeing equality issues in the course of carrying out their scrutiny functions.

The **Equality and Human Rights Commission (EHRC)** is statutory, non-departmental public body established by the Equality Act 2006. As Great Britain's equality body, they have a remit to safeguard and enforce the laws that protect people's rights to fairness, dignity and respect.<sup>19</sup> There is a specific office of the Commission in Scotland.

The **Scottish Human Rights Commission (SHRC)** is an independent public body established by the Scottish Commission for Human Rights Act 2006. It has a duty to promote awareness, understanding and respect for human rights (including the enjoyment of rights without

---

<sup>13</sup> See <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

<sup>14</sup> Northern Ireland is not covered by the Equality Act.

<sup>15</sup> See

<https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/overview/lawofmarriage/> and <https://www2.gov.scot/Topics/Justice/law/17867/samesex>

<sup>16</sup>

<https://www.gov.uk/government/publications/female-genital-mutilation-resource-pack/female-genital-mutilation-resource-pack#legislation>

<sup>17</sup> <https://www.gov.uk/guidance/forced-marriage#understand-the-legislation-on-forced-marriage>

<sup>18</sup> <https://www.gov.scot/news/domestic-abuse-act-in-force/> ;

<https://www.gov.scot/news/gender-representation-on-public-boards/>

<sup>19</sup> See <https://www.equalityhumanrights.com/en/about-us/who-we-are>

discrimination) and to encourage best practice in relation to human rights. A Memorandum of Understanding between EHRC and SHRC ensures that the work of the two commissions does not unnecessarily overlap.

Scottish Parliament's Equal Opportunities Committee was one of the eight mandatory committees of the Scottish Parliament as established in 1999.<sup>20</sup> Committees are small groups of Members of the Scottish Parliament (MSPs) who meet on a regular basis to scrutinise the work of the Scottish Government, conduct inquiries into subjects within their remit and examine legislation.<sup>21</sup> In 2016 the Equal Opportunities Committee became the **Equalities and Human Rights Committee** and its remit expanded to include human rights as well as equality. The Committee considers and reports on matters relating to equal opportunities and their observance within the Parliament, including the prevention, elimination or regulation of discrimination between people on the grounds of the 9 protected characteristics set out in the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation).

### Gender mainstreaming

Gender mainstreaming is a broad approach that aims to make gender equality a routine objective across all public sector activity. This includes research, advocacy, legislation, resource allocation and policy development, implementation and monitoring.<sup>22</sup> It incorporates the types of infrastructure set out above, as well as a host of tools and processes to embed gender perspectives within the development of legislation, policy and programmes. Key elements include:

- building gender competence (the skills, attributes and behaviours that people need in order to mainstream gender concerns effectively and help build gender equality)<sup>23</sup>
- gender impact assessment
- mechanisms to monitor and evaluate progress
- standardised data collection.

Intersectional approaches to gender mainstreaming are vital, since women are not a homogenous group – their needs and aspirations will also be influenced by other characteristics such as their age, ethnicity or sexual orientation. Political will, commitment and knowledge of gender equality issues are also key to successful gender mainstreaming.<sup>24</sup>

---

<sup>20</sup> <http://www.parliament.scot/parliamentarybusiness/PreviousCommittees/101379.aspx>

<sup>21</sup> <http://www.parliament.scot/PublicInformationdocuments/Committees-EnglishLP18pt-100713.pdf>

<sup>22</sup> <https://www.un.org/womenwatch/osagi/gendermainstreaming.htm>

<sup>23</sup> <https://eige.europa.eu/thesaurus/terms/1169>

<sup>24</sup> <https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming> ;  
<https://eige.europa.eu/gender-mainstreaming/what-is-gender-mainstreaming>

The Equality Unit in Scottish Government currently leads on gender mainstreaming, but the NACWG has recommended that a substantial increase in the resources available to assist with mainstreaming for all equalities across the whole of government is required if this remit is to be effectively discharged.

## Gender budgeting

Gender budgeting analysis (GBA) systematically takes account of how public spending decisions impact on women and men, and aims to strengthen gender equality of outcomes across all public expenditure. In Scotland, the **Equality Budget Advisory Group** reports to the Minister for Social Security and Older People and helps to shape the Scottish Government's equality and human rights approach to the budget.<sup>25</sup> Since 2009, the Scottish Government has also published an **Equality Budget Statement** (now the Equality and Fairer Scotland Budget Statement) alongside its annual draft budget.<sup>26</sup> Whilst this approach is more progressive than budgetary processes at the UK Treasury, the Equality Budget Statement has received criticisms including for a lack of full transparency on budget options accepted or rejected; a lack of joining up of revenue raising and spend impacts; a lack of consideration of whether the budget was spent in the way anticipated; and a lack of consideration of the cumulative impact of a specific budget over time.<sup>27</sup>

## Gender architecture in the UK

There have been a number of changes to the UK's gender architecture in the past 15 years, which indicate an inconsistent direction of travel on gender issues. These include:

- The Women and Equality Unit was replaced by the Government Equalities Office (GEO) in 2007.<sup>28</sup>
- The Women's National Commission, a longstanding non-departmental public body which was advisory to the UK Government, was disbanded in 2010 and no alternative cross-departmental mechanism has been introduced.<sup>29</sup>

---

<sup>25</sup> <https://www.gov.scot/groups/equality-budget-advisory-group/>

<sup>26</sup> <https://www2.gov.scot/Topics/People/Equality/Equalities/EqualFramework/UsingEvidence>

<sup>27</sup>

<https://www.gov.scot/publications/equality-fairer-scotland-budget-statement-scottish-budget-2019-20/pages/3/>; <https://eige.europa.eu/gender-mainstreaming/countries/united-kingdom>

<sup>28</sup> <https://eurogender.eige.europa.eu/users/government-equalities-office-uk>

<sup>29</sup> <https://discovery.nationalarchives.gov.uk/details/r/C18109>

- EHRC, the UK's statutory equalities regulator, has seen considerable funding and staffing cuts (from £53m and over 400 staff in 2010-11 to £18.3m and under 200 staff in 2018-19).<sup>30</sup>

In 2018, a House of Commons [Women and Equalities Committee report](#) highlighted the high frequency of change in terms of both the person holding the position of Minister for Women and Equalities and the location of the associated policy function.<sup>31</sup> The position has changed hands 15 times since 1997, and the policy function has been located in at least 8 different government departments.<sup>32</sup> The report notes that, 'Each move brings disruption and incurs costs. Each change of leadership requires time for a new Minister to get to grips with the brief. In each new department there will be beneficial policy synergies, but none of these departments has had an overwhelming claim to be the home of equalities in Whitehall, and the benefits have been incidental and short-lived rather than part of a planned strategy.' The position of Minister for Women and Equalities is also a 'part-time' role, added to the portfolios of Secretaries of State.<sup>33</sup>

The Committee suggested that a Cabinet sub-committee for equalities should be established and a cross-government equalities strategy developed, both led by the Minister for Women and Equalities; and that GEO should be 'represented separately and distinctly within the financial accounts and departmental plan of its current home department'.

---

<sup>30</sup> See [https://www.equalityhumanrights.com/sites/default/files/annual\\_report\\_2010-11.pdf](https://www.equalityhumanrights.com/sites/default/files/annual_report_2010-11.pdf) and [https://www.equalityhumanrights.com/sites/default/files/ehrc\\_ara\\_2018-19\\_i.pdf](https://www.equalityhumanrights.com/sites/default/files/ehrc_ara_2018-19_i.pdf)

<sup>31</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/356/356.pdf>

<sup>32</sup> See <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/356/356.pdf>, <https://www.gov.uk/government/ministers/minister-for-women-and-equalities--3>

<sup>33</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/356/356.pdf>

## References