

Regulatory and Gender Impact Assessment Checklist

【Part I】 : filled by the agency

Date: dd/mm/yy
<p>• Name: _____ Position: _____ Phone: _____ e-mail : _____ Status: <input type="checkbox"/>from operation unit <input type="checkbox"/>from legal unit <input type="checkbox"/>others, please explain: _____.</p> <p>• During the early stage of drawing up a bill, the agency has <input type="checkbox"/> consulted gender consultant(s), or <input type="checkbox"/> submitted to the Gender Equality Task Forces of the departments (meeting date: dd/mm/yy).</p> <p>Name of gender consultant(s): _____ Unit and position: _____ Status: _____ Paragraph 3 subparagraph ___ of the instructions below (no need to fill in if the case is submitted to the Gender Equality Task Forces of the departments)</p>
<u>Instructions</u>
<ol style="list-style-type: none"> 1. The bills submitted to the subordinate agencies of the Executive Yuan for review shall be conducted in accordance with Directions of Bill Review Submission to the Executive Yuan by the Subordinate Agencies and Directions of Legal Process of Central Administration. 2. Except for abolition cases and bills to be fully handled or completely amended in line with the reorganization of the Executive Yuan, all cases shall go through Bill and Gender Impact Assessment in accordance with this Checklist. 3. It is recommended that during the early stage of drawing up a bill, the agencies shall consult gender consultant(s) (1 member minimum), or submit to the Gender Equality Task Forces of the departments to collect opinions on gender equality perspectives. Gender consultant shall meet one of the following requirements (please remind the members of their confidentiality obligation, and they cannot disclose the draft of the plans to the public without the consent of the departments): <ol style="list-style-type: none"> (1) Gender consultant, either from public or private sectors, is listed in the “gender mainstreaming talent pool” of Taiwan Women’s Center. (The website of the talent pool: http://www.taiwanwomenscenter.org.tw/) (2) Gender consultant is or was a member of civil society of the Gender Equality Committee, Executive Yuan. (3) Gender consultant is or was a member of civil society of the Gender Equality Task Forces of the departments. (4) Gender consultant was a specialist of gender equality (gender equality business shall account for at least 70% of the overall operations) in the agencies for at least 2 years, or a joint-appointment personnel (gender equality business shall account for at least 30% of the overall operations) for at least 3 years. (5) Gender consultant used to complete or assist the agencies to complete the Bill and Gender Impact Assessment Checklists, at least one of which was compiled in the “Case examples of gender impact assessment” of Gender Equality Committee, Executive Yuan. 4. Upon the completion of the planning, the Checklist shall be attached to the Bill and delivered to a gender equality member who is invited to participate in the review (please allow 1 week for completing it). The bill may be amended according to the member’s feedback, and procedure participants will be notified after “I. Result of Gender Impact Assessment” is completed.

A. Name of the Bill			
B. Competent Authority		Responsible Agency	
C. Areas Involved in the Bill:			Tick (multiple choices allowed)
3-1 Authority, policy-making, and influence			
3-2 Employment, economy, and welfare			
3-3 Population, marriage, and family			
3-4 Education, culture, and media			
3-5 Personal safety and judicial			
3-6 Health, medicine, and care			
3-7 Environment, energy, and technology			
3-8 Others (please explain the area involved in the Bill)			
D. Scoping of Problems, and Modification of Requirements			
	Items	Description	Remarks
4-1 Scoping of problems	4-1-1 Problem description		Briefly explain the problems faced.
	4-1-2 Implementation status and problem analysis		1. Analyze the reasons when difficulties are faced during operation. 2. Explain if the existing regulations are insufficient, and if current situations shall be considered or policies shall be adjusted.
4-2 Modification of Requirements	4-2-1 Possible solutions to problems		Please specify possible solutions to the problems and the evaluations (including those involving gender equality).
	4-2-2 Necessity of modification		Please explain the reasons that the Bill must be modified to solve the problems. In the event of proposals made by legislators, please also include them for analysis.
4-3 Complementary measures and assistance from			Complementary measures include human power, budget requirements, or legal preparation. Please specify

relevant agencies		the assistance required from other relevant agencies.
E. Policy Objectives		Briefly explain the directions of policies.
F. Consulting and Negotiation Procedure		
Items	Description	Remarks
6-1 Those greatly affected by the Bill		Please specify the agencies or institutions, groups or personnel greatly affected by the Bill.
6-2 External consulting		1. Please specify the participants, subjects, time and locations of the consulting with the common society, and the negotiation with relevant agencies or institutions and local self-governing bodies.
6-3 Negotiation with relevant agencies or institutions and local self-governing bodies		2. During consulting or negotiation, please specify the key points, whether it is controversial or not, relevant provisions, major opinions, whether they would be adopted or not and the reasons (including international case examples), and take all down in the appendix . In the event of other relevant information, please also present it in the appendix. 3. Gender participation shall be fulfilled when consulting from the society is in process. Please present it in the appendix <u>if there is any statistics related to the participants' gender.</u>
G. Cost Benefit Analysis and the Influence to Human Right:		

Items		Description	Remarks
7-1 Cost			<p>1. The cost and benefit refer to the sacrifice that must be made and the benefit that could be received if the government and the society would like to promote and enforce a bill.</p> <p>2. Exact figure shall be shown where quantification could be done, while a detailed description shall also be made where quantification could hardly be done.</p>
7-2 Benefit			
7-3 Influence to human rights	7-3-1 Relevant people's rights in the Constitution		Please review whether the Bill complies with relevant people's rights set forth in the Constitution and interpretations from the Judicial Yuan or not.
	7-3-2 International Covenant on Civil and Political Rights		According to Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, please review whether the Bill complies with the Covenants and General Comments of United Nations Human Rights Committee or not in order to actively facilitate the realization of all human rights.
	7-3-3 International Covenant on Economic, Social and Cultural Rights		According to Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, please review whether the Bill complies with the Covenants and General Comments of United Nations Committee on Economic, Social and Cultural Rights or not in order to

			actively facilitate the realization of all human rights.
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H. Gender Impact Assessment: from the below columns, in addition to the influence on different genders shown from the assessment of the Bill, please also note the impacts posed on different sexual orientation, gender traits, or gender identity.

Assessment Item	Assessment Result	Remarks
<p>8-1 Identify gender-related issues to the Bill from gender statistics and gender analysis</p>		<ol style="list-style-type: none"> <li data-bbox="954 701 1473 1413">1. Please collect existing gender statistics related to the Bill, and conduct gender analysis. Please consult “Gender Equality Research Paper Resources” (https://www.gender ey.gov.tw/research/) of Gender Equality Committee, Executive Yuan, “Important Gender Statistics Database”(https://www.gender ey.gov.tw/gecdb/), gender statistics sections of the departments, women’s rights indicators of our country, and “Gender Equality Committee, Executive Yuan – Gender Analysis” (https://gec ey.gov.tw). <li data-bbox="954 1424 1473 2047">2. The above-mentioned gender statistics and gender analysis shall take into account those of different genders, sexual orientation, gender traits, and gender identities as much as possible, exploring potential differences in their positions or needs, and the causes of the differences. Furthermore, cross-analysis(e.g. elderly female with disabilities; new female immigrants in remote areas) is suggested involving factors such as age, group, region, and disability to find out whether the

		<p>aforementioned factors are aggravating the adversity of the disadvantaged groups or not, and analyze the needs of the groups.</p> <ol style="list-style-type: none"> 3. Please identify and explain the gender issues of the Bill according to the aforementioned gender statistics and gender analysis. 4. In the event that the existing gender statistics and analysis information are insufficient, please suggest things to reinforce and the methods.
<p>8-2 Realize the essence of the regulations and policies related to gender equality</p>		<ol style="list-style-type: none"> 1. Where the Bill is involved with the following circumstances, “not applicable” may not be filled in this column: <ol style="list-style-type: none"> (1) The content is only applicable to particular gender, sexual orientation or gender identity. (2) The content involves the existing gender prejudice that is generally perceived in the society. (3) The gender statistics filled in “8-1” column shows an extremely unbalanced gender ratio. 2. According to the identified gender issues involved in the Bill shown in “8-1” column, please explain the correlation with the regulations and policies related to gender equality stated in the below Point 3. 3. The regulations and policies related to gender equality stated here include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and its General Comments, Gender Equality Policy Guidelines, and associated regulations, policies, white paper or plans set by the agencies to facilitate gender equality.

		<p>4. Common methods and examples to realize the aforementioned regulations and policies:</p> <p>(1) Adopt a certain method to eliminate the discrimination caused by existing regulations and the enforcement, and provide the more vulnerable with necessary assistance to promote the equality of their virtual position. For example, to fulfill the elimination of employment discrimination to women in Article 11 of CEDAW, deleting the rule that prohibited female to work at night, which limited women's rights to work. Instead, adding rule that the employer shall provide necessary protection measures when employees have to work at night.</p> <p>(2) Eliminate or break gender stereotype and gender segregation to put an end to the difference formed by social and cultural aspects. For example, in order to promote the spirit of gender equality in media programs, regulating that programs or advertisements must not show gender discrimination.</p> <p>(3) Provide those of different genders, sexual orientations or gender identity with equal access to social resources, and increase their opportunity to participate in social and public affairs. Example 1: to assist the women who leave the workplace because of family care needs to reenter the job market, and increase women's labor participation, regulating that women starting a</p>
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		<p>second career are the government's focus on the employment.</p> <p>Example 2: to increase women's opportunity to participate in public affairs, and expand the access of participation, regulating that committees involving consulting and review systems shall have at least one third of their members being of each gender.</p> <p>5. Please prioritize the parts which conduce to the aforementioned content, and include them in the relevant provisions of the Bill, legal orders or future business. Please explain in this column.</p>
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I. Gender Impact Assessment Result
Please complete 【Part II. Procedure Participation of Gender Impact Assessment】 in accordance with "Instructions 4" before proceeding to I. Gender Impact Assessment Result.

9-1 Comprehensive description of assessment result		
9-2 Adoption	9-2-1 Explain the adjustment done after adopting the opinions (including the revision of the Bill, legal orders, or business execution)	
	9-2-2 Explain the reasons for not adopting the opinions or an alternative plan	

9-3 Notify the members participating in the procedure of the assessment result of the Bill
(Please fill in the date, and select notification method. Please do not leave them blank):
"Assessment result" has been delivered to procedure participants for review on dd/mm/yy via
fax e-mail post others

J. Verification of Legal Units (the application will be rejected because of non-conformity if this column is left blank.)

10-1 Content of the Bill: approved upon the discussion of Legal Affairs Committee
sent to a legal unit for opinions

10-2 Consulting and negotiation procedure:

- consulted and negotiated with those greatly affected by the Bill
- appropriately explained and responded to the opinions gained from the subjects for consulting and negotiation

10-3 Influence on human rights:

- reviewed by members of Legal Affairs Committee specializing in human rights, counselors who received human rights training, other senior staff, or appointed human rights experts

10-4 Revision procedure: this checklist has been fully completed.

Name and position of the verification personnel: _____

【Part II. Procedure Participation of Gender Impact Assessment】 : filled by a gender equality expert.

<p>K. The gender equality expert participating in the procedure shall meet one of the following requirements:</p> <p><input type="checkbox"/>1. The gender equality expert is listed in the “gender mainstreaming talent pool” of Taiwan Women’s Center (website of the Talent Pool: http://www.taiwanwomencenter.org.tw/). The expert shall not be the one from the agency and its subordinate agencies if he/she is from the public sector.</p> <p><input type="checkbox"/>2. The gender equality expert is or was a member of civil society of the Gender Equality Committee, Executive Yuan.</p> <p><input type="checkbox"/>3. The gender equality expert is or was a member of civil society of the Gender Equality Task Forces of the departments.</p>	
(1) Basic Information	
11-1 Duration or time of procedure participation	From dd/mm/yy to dd/mm/yy
11-2 Name, position, affiliation and specialty of the participant	
11-3 Participation via	<input type="checkbox"/> Bill discussion meeting <input type="checkbox"/> Gender Equality Task Force <input type="checkbox"/> Giving comments in writing
(2) Major Comments (If the expert participates in the procedure via the Gender Equality Task Force, he/she does not need to fill in columns 11-4 to 11-7 but provide the keynotes that he gave on the meeting. Please also notify the procedure participants of their confidentiality obligation.)	
11-4 Suitability of gender participation in due process	
11-5 Identify the suitability of gender issues relation to the Bill from gender statistics and gender analysis	
11-6 Realize the suitability of the essence of regulations and policies related to gender equality	
11-7 Comprehensive review comments	

(3) Suitability of Participation Time and Methods	
I hereby agree to scrupulously observe confidentiality obligation, and will not disclose the Bill I assessed to the public without the consent of the department. (stamp, sign or print name) _____	

F. Appendix for Consulting and Negotiation Procedure

Key Points	Controversial	Relevant Provisions	Major comments from agencies or institutions, groups or personnel	Whether they would be adopted or not and the reasons (including international case examples)
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No			
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No			
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No			
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No			
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No			

Note: For simplification, in the column of “relevant provisions”, Article, Paragraph, Subparagraph, and Item will be displayed in the following way: Article→§ (numbered in Arabic numerals), Paragraph→ I (Roman numerals), Subparagraph→(1) (Arabic numerals in brackets), Item→① (Arabic numerals in circle), and for the categories under Item, they would be presented in “-x (Arabic numerals)”.