

BILL

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THE GENDER EMPOWERMENT ACT, 2021

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No.



2021

Sierra Leone

A BILL ENTITLED

THE GENDEREMPOWERMENT ACT, 2021

Short title.

Being an Act to promote gender equality, to make provision for a minimum of 30% quota for elective and appointive public officer positions, to make provision for equal opportunity for the training of employees, to make provision for financial institutions to prescribe procedures for the improvement of women access to finance and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation.

1. In this section, unless the context otherwise requires -

"access to finance" means women's ability to obtain finance from financial institutions;

"appointive position" means a position that is not obtained through elections;

"constituency" means a constituency prescribed under subsection (1) of section 38 of the Constitution of Sierra Leone, 1991 (Act No.6 of 1991);

"discrimination based on gender" means an action to prohibit or deny on the basis of sex or gender with the purpose of obstructing the right of a person to enjoy fundamental rights and freedoms equally;

"District" means a district established under the Provinces Act, 1960 (Cap. 60 of 1960);

"Electoral Commission" means the Electoral Commission referred to in section 32 of the Constitution of Sierra Leone, 1991 (Act No.6 of 1991);

"gender empowerment" means a single gender shall not occupy less than 30% of elective and appointive positions in the public office;

"gender parity" means the equal representation of men and women contesting parliamentary elections, other than Paramount Chief elections;

"list" means the list of candidates for public elections submitted by a political party to the Electoral Commission;

"local council" means a local council established under paragraph (c) of subsection (2) of section 2 of the Local Government Act, 2004 (Act No. 1 of 2004);

"locality" means the administrative area of a local council and includes a district, town, city or metropolis;

"Member of Parliament" means a person elected as a Member of Parliament under subsection (1) of section 74 of the Constitution of Sierra Leone, 1991 (Act No.6 of 1991);

"Minister" means the Minister responsible for Gender and Children's Affairs and Ministry shall have corresponding meaning;

"political party" means an association of persons registered as a political party under the Political Parties Act, 2002 (Act No.3 of 2002);

"public elections" means presidential, parliamentary, local government and paramount chieftaincy elections;

"quota" means the minimum representation of female or male in elective and appointive governmental and public office positions;

"reserved seat" means a seat reserved in each district exclusively for female candidates contesting parliamentary elections and local council elections which shall rotate within that district, constituency or ward after every term;

"ward" means an area within a locality which is delineated and designated by the National Electoral Commission for the purpose of electing a Councillor to a local council.

PART II- RESERVED SEATS AND APPOINTMENT TO PUBLIC OFFICE

Reserved seats in public elections.

2. (1) There shall be, in public elections, the following reserved seats-

- (a) 30% constituency seat in each district, specified in the First Schedule, shall be reserved exclusively for female candidates contesting parliamentary election;
- (b) 30% ward seat reserved in each locality, specified in the Second Schedule, shall be reserved exclusively for female candidates contesting local council election.

(2) Without prejudice to paragraph (a) of subsection (1), a reserved seat in a district or constituency shall rotate within the district or constituency after every term.

(3) Where a political party fails to comply with subsection (1), the Electoral Commission shall reject the party's list of candidates.

Procedures to determine reserved seats.

3. The Electoral Commission in consultation with Political Parties Registration Commission, Council of Paramount Chiefs and representatives of civil society organisations interested in elections shall prescribe the procedures for securing reserved seats under subsection (1) of section 2.

Tenure of reserved seats for female candidates.

4. A female candidate elected under a reserved seat during a public election shall be eligible for re-election for not more than one term in reserved seat.

5. Notwithstanding section 2, a female candidate shall be eligible to contest public elections in other constituency or ward. Quota not a bar to public elections.

6. (1) There shall be a minimum of 30% of each gender in appointive positions in public office, at each level or category of governance, including the following- Appointive positions in public office.

- (a) Government Ministers;
- (b) Ambassadors and High Commissioners;
- (c) Government Boards, Committees and Commissions, and
- (d) fully or partially government funded institutions.

(2) Subsection (1) shall not affect appointments to positions in public office made before the commencement of this Act.

(3) Where there is less than 30% of any one gender appointed within the public service, respective authorities shall take appropriate steps to address the inequality and maintain gender parity.

PART III - PROMOTION OF GENDER EQUALITY

7. (1) A public or private employer including civil society organisations shall have a minimum of 30% of each gender in his employment. Duty to promote gender equality.

(2) An employer shall, in addition to his responsibility to employ a minimum of 30% of each gender under subsection (1), ensure that a minimum of 30% of each gender in his employment, is in a decision making position within his organisation.

8. A male and female employed in the same institution with the same qualifications, experience, grade and job description shall have equal pay for the same work or work of equal value. Equal pay.

9. An employer shall, in relation to training, education and scholarship provide equal opportunity for male and female employees. Equal training and other opportunity.

Access to
finance.

10. (1) A male and a female shall have equal access and rights to credit and financial services, transactions and products.

(2) A Government financial institution, including the Bank of Sierra Leone and the Ministry of Finance shall prescribe the procedures for improving access to finance for female.

(3) A person who discriminates in providing access to financial services or resources, based on gender or any other grounds commits an offence and is liable on conviction to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both such fine and imprisonment.

PART IV - MONITORING, EVALUATION AND REPORT

Monitoring
and
evaluation.

11. Every Ministry shall be responsible to monitor, audit, collect and analyse gender disaggregated data.

Report.

12. (1) A public or private institution to which this Act applies shall prepare and submit an annual report containing measures planned and implemented to promote gender equality to Parliament through the Ministry.

(2) A report under subsection (1) shall include factors and challenges affecting the implementation of this Act.

Periodic
review.

13. (1). The Political Parties Registration Commission and the National Electoral Commission shall undertake a mid-term review of the implementation of this Act.

PART V - MISCELLANEOUS

Implementation
of Act.

14. The Minister shall ensure that appropriate measures and mechanisms are put in place for the implementation of this Act.

Regulations.

15. The Minister may, by statutory instrument, make regulations to give effect to this Act.

FIRST SCHEDULE

Section 2(1)(a)

30% CONSTITUENCY RESERVED SEAT

DISTRICT	NO. OF CONSTITUENCIES	RESERVED SEAT (MEMBERS OF PARLIAMENT)
KAILAHUN	10	3
KENEMA	11	3
KONO	9	3
EAST	30	9
BOMBALI	8	2
FALABA	4	1
KOINADUGU	4	1
TONKOLILI	10	3
NORTH	26	8
KAMBIA	6	2
KARENE	5	2
PORT LOKO	10	3
NORTH WEST	21	6
BO	11	3
BONTHE	4	1
MOYAMBA	6	2
PUJEHUN	6	2
SOUTH	27	8
WESTERN RURAL	8	2
WESTERN URBAN	20	6
WEST	28	8
TOTAL	132	40

SECOND SCHEDULE

Section 2(1)(b)

30% WARD RESERVED SEAT

DISTRICT	NO. OF WARDS	RESERVED SEAT (COUNCILLORS)
KAILAHUN	29	9
KENEMA	43	13
KONO	27	8
EAST	99	30
BOMBALI	24	7
FALABA	18	5
KOINADUGU	18	5
TONKOLILI	29	9
NORTH	89	27
KAMBIA	23	7
KARENE	21	6
PORT LOKO	31	9
NORTH WEST	75	23
BO	42	13
BONTHE	24	7
MOYAMBA	22	7
PUJEHUN	23	7
SOUTH	111	33
WESTERN RURAL	27	8
WESTERN URBAN	48	14
WEST	75	23
TOTAL	449	135

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to address the gender imbalances in accessing decision making positions by providing for a minimum representation of each gender and to provide for other related matters.

The Bill is divided into four parts:

Part I- makes provision for the interpretation and definition of words used throughout the Bill.

Part II-contains provisions aimed at promoting gender equality in elective and appointive decision making positions.

Part III-establishes a quota system and makes provision for a minimum 30% representation of each gender.

Part IV-deals with miscellaneous provisions.

MADE this 22nd day of July, 2021.

MANTY TARAWALLI

Minister of Gender and Children's Affairs

FREETOWN,
SIERRA LEONE.