

BILL

A BILL ENTITLED

THE GENDER EQUALITY ACT, 2012

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Act No.1
of 2004.

“local council” means a local council established
under the Local Government Act, 2004;

“Minister” means the Minister responsible for
gender affairs and “Ministry” shall be construed
accordingly.

**PART II - ESTABLISHMENT OF NATIONAL GENDER
EQUALITY COMMISSION**

**Establishment
of Commission.**

2. (1) There is hereby established a body which
shall be known as the National Gender Equality Commission.

(2) The Commission shall be a body corporate
having perpetual succession and capable of acquiring, holding
and disposing of any property whether movable or immovable,
and suing and being sued in its corporate name and subject to
this Act, of performing all such acts as bodies corporate may by
law perform.

(3) The Commission shall have a common seal
the use of which shall be authenticated by the signatures of the
Executive Secretary and any other member of the Commission
designated for that purpose by the Commission.

**Composition of
Commission.**

3. The Commission shall consist of the following
members:-

- (a) a Chairperson, being a person
eminently qualified in gender issues,
appointed by the President, on the
recommendation of the Minister after
consulting women’s groups;
- (b) two persons to represent women’s
organizations both of whom shall be
appointed by those organizations;
- (c) one Paramount Chief, nominated by
the Council of Paramount Chief;

- (d) one person to represent the disability movement, nominated by that movement;
- (e) the Financial Secretary or a representative not below a Director;
- (f) a representative of the Ministry;
- (g) a representative of the Ministry responsible for agriculture;
- (h) a representative of the Ministry responsible for education;
- (i) one person to represent the Inter-Religious Council, appointed by that Council; and
- (j) a representative of the Public Service Commission
- (k) two women one whom shall be a legal practitioner and the other knowledgeable in matters concerning women nominated by women's groups; and
- (l) the Executive Secretary, who shall be Secretary to the Commission.

Tenure members.

4. (1) The Chairperson and other members of the Commission shall each hold office for a term of three years and shall be eligible for re-appointment for another term only.

(2) A person shall cease to be a member of the Commission on any of the following grounds:-

- (a) for inability to perform the functions of the office as a result of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if the person becomes bankrupt;

(d) if the person is convicted of an offence involving fraud or dishonesty;

(e) if the person fails to attend three consecutive meetings of the Commission without reasonable cause;

(f) if the person resigns from the office by written notice to the Minister.

Remuneration of members

5. The Chairperson and other members of the Commission shall be entitled to such remuneration, fees or allowances that shall be determined by the Minister, after consultation with the Minister responsible for finance.

Filling of vacancies.

6.(1) Where the Chairperson or other member of the Commission dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or by reason of illness is unable to perform the functions of the office –

(a) the members of the Commission shall, as regards the office of Chairperson, elect one of their number to act as Chairperson until such time as the Chairperson resumes office or another is appointed; or

(b) in the case of any other member, the Chairperson shall arrange, subject to this Act, to have another person appointed to the Commission.

(2) Where a person is elected as Chairperson or appointed as a member to fill a vacancy, that person shall hold office for the remainder of the term of the previous Chairperson or other member and shall, subject to this Act, be eligible for reappointment.

Meetings of Commission.

7. (1) The Commission shall meet for dispatch of business at such a place and time as the Chairperson may decide but shall meet at least once every three months.

(2) The Chairperson shall, at the request in writing of not less than five other members of the Commission, call an extraordinary meeting of the Commission, at a place and time the Chairperson may determine.

(3) The Chairperson shall preside at meetings of the Commission and when absent, the members of the Commission present shall elect one of their number to preside.

(4) The Commission may at any time, co-opt any person to act as an adviser at its meeting but the co-opted person shall not be entitled to vote on any matter for decision by the Commission.

(5) A member of the Commission who has any interest, whether direct or indirect, in any matter being considered by the Commission shall disclose to the meeting the nature of that person's interest which shall be recorded in the minutes of the Commission; and the member shall not take part in any deliberation or decision of the Commission relating to that matter.

(6) A member who contravenes subsection (5) shall be guilty of misconduct and be liable to be removed from the Commission.

(7) The quorum at a meeting of the Board shall be eight.

(8) Decisions of the Commission shall be made by a majority of the votes of the members present and where the votes are equal, the Chairperson or other person presiding shall have a casting vote.

(9) Any proposal circulated among members of the Commission and agreed to in writing by a two-thirds majority of all the members shall be of the same force or effect as a decision made at a duly constituted meeting of the Commission and be incorporated in the minutes of the next meeting of the Commission; but if a member of the Commission requires that the proposal be placed before a meeting of the Commission, this subsection shall not apply to the proposal.

(10) Subject to this section, the Commission shall regulate the procedure at its meetings.

Committees of Commission.

8. (1) The Commission may, for the discharge of its functions, appoint one or more committees to perform any function of the Commission as the Commission may determine.

(2) A committee shall submit a report of its proceedings to the Commission at a time to be determined by the Commission.

Appointment of Executive Secretary and Deputy.

9. (1) The Commission shall have an Executive Secretary and a Deputy Executive Secretary both of whom shall be appointed by the Commission on such terms and conditions as the Commission may determine

(2) The Executive Secretary and Deputy Executive Secretary shall be persons with requisite administrative qualifications and extensive knowledge and experience in gender issues .

(3) The Executive Secretary shall be responsible to the Commission for-

- (a) the day-to-day administration and management of the Commission;
- (b) the formulation and implementation of operational policies, programmes and plans relating to the functions of the Commission as may be approved by the Commission;
- (c) recording and keeping of minutes of the Commission in a book kept for that purpose;
- (d) supervising and disciplining the other employees of the Commission;
- (e) determining the needs of the Commission, subject to the directions of the Commission; and

- (f) performing other duties that the Commission may determine.

(4) The Deputy Executive Secretary shall assist the Executive Secretary in the performance of the latter's functions and shall act in the absence of the Executive Secretary.

PART III – FUNCTIONS OF COMMISSION

Functions of Commission.

10. (1) The object for which the Commission is established is to monitor and evaluate the policies of Government, the private sector and other bodies or organizations to ensure that they protect and promote gender equality and equity.

(2) Without prejudice to the generality of subsection (1), it shall be the responsibility of the Commission to -

- (a) provide public education and information on gender issues;
- (b) review existing and proposed legislation from a gender perspective;
- (c) investigate any reports of gender inequality and forward recommendations to the relevant authorities;
- (d) carry out or Commission research on gender issues for the purposes of its functions under this Act;
- (e) in liaison with the Ministry, exercise general supervision over the implementation of the national policy;
- (f) provide annual reports on progress made on gender mainstreaming by, and women's empowerment by

government ministries and other sectors;

- (g) monitor the implementation of the provisions of this Act; and
- (h) do all other things as will contribute to the attainment of the object stated in subsection (1);
- (i) advice the Ministry on issues affecting women and recommend to the relevant Ministries, the formulation of laws, practices and policies that will seek to eliminate all forms of discrimination against women;
- (j) to report to the Minister every six months on the progress of the Commission.

PART IV - STAFF OF COMMISSION

Other staff of Commission.

11. (1) The Commission shall for the efficient discharge of its functions appoint other employees on such terms and conditions as the Commission may determine.

(2) Public officers may be seconded or otherwise give assistance to the Commission which may terminate such secondment where it is no longer needed.

(3) The Commission may engage the services of consultants and advisers that it may consider necessary for the efficient discharge of the functions of the Commission.

Organization of Commission.

12. (1) The Commission shall have Divisions or other organizational structures which shall be created with the approval of the Minister.

(2) Without prejudice to subsection (1), the Commission shall have the following Divisions:-

- (a) Division of Programmes, Gender Empowerment and Human Resource Development;
- (b) Division of Finance and Resource Mobilization; and
- (c) Division of Research, Planning, Publicity, Monitoring and Evaluation;
- (d) Division of Elections and Women's Representation.

PART V - FINANCIAL PROVISIONS

Funds of Commission.

13. (1). The activities of the Commission shall be financed by funds consisting of -

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) gifts or donations from any person, organization or authority, whether local or external, for the development or enhancement of gender issues;
- (c) monies from any other source.

(2) The Commission may, with the approval of the Minister, invest any funds not immediately required for the purposes of any function of the Commission.

Financial year.

14. The financial year of the Commission shall be the same as the financial year of Government.

Accounts and audit.

15. (1) The books and accounts of the Commission shall each year be audited by the Auditor-General or an auditor appointed by the Auditor-General and a report on the audit shall be submitted to the Commission.

(2) The report referred to in subsection (1) shall include a copy of the audited accounts of the Commission together with the Auditor-General's report on it.

(3) The Minister shall table before Parliament within six months after the end of each financial year the report on the activities of the Commission during the preceding year.

Annual estimates.

16. (1) Before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and in particular, shall provide for -

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Commission;
- (b) the payment of pensions, gratuities and other charges, if any, and in respect of benefits which are payable out of the funds of the Commission;
- (c) the maintenance of the buildings and grounds of the Commission;
- (d) the funding of training, research and development activities of the Commission;
- (e) the proper maintenance, repair and replacement of any installation and of the equipment and other movable property of the Commission;
- (f) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations or equipment and in respect of such other matters as the Commission may think fit.

(3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate and shall be submitted to the Minister for his approval.

No unauthorized expenditure.

17. (1) After the Minister has given approval of any estimates, the Commission shall not increase any sum provided in the estimates without the consent of the Minister.

(2) No expenditure shall be incurred for the purposes of the Commission except in accordance with the annual estimates approved under subsection (3) of section of 16 or in pursuance of an authorization of the Commission given with the prior approval of the Minister.

PART VI – WOMEN IN APPOINTIVE AND ELECTIVE POSITIONS

Appointment of women into public office and public service.

18. (1) Any body or person responsible for the appointment of persons into a public office or the public service shall ensure that not less than thirty percent of the persons appointed into the office or service at any time are women.

(2) Without prejudice to subsection (1) any person or body responsible for the appointment of persons under sections 151, 152, 153 and 157 of the Constitution shall ensure that not less than thirty percent of the persons appointed are women.

Reservation of seats for women in parliamentary elections.

19. (1) The Electoral Commission shall, after consultation with all political parties designate-

- (a) one constituency in each District as a reserved constituency; and
- (b) one ward in each constituency as a reserved ward,

for the election of a Member of Parliament or member of a local council, as the case may be.

(2) The Electoral Commission shall after consultation with the political parties, rotate the reserved

constituency or reserved ward after every two consecutive general parliamentary or local council elections.

(3) A person elected under a reserved constituency or reserved ward pursuant to subsection (1) shall be eligible for re-election to that constituency or ward for only one term.

(4) In this section, reserved constituency or reserved ward means a constituency or ward reserved for women candidates only

(5) This section applies *mutatis mutandis* to bye-elections.

**Women
Paramount
Chief Members
of Parliament.**

20. The Minister respectively for local government , gender affairs and internal affairs and the Council of Paramount Chiefs shall encourage and promote the election of women Paramount Chiefs as Paramount Chief Members of Parliament

Safe seats.

21. (1) Without prejudice to section 19, every political party shall ensure that at least twenty percent of women contesting parliamentary or local council elections are placed in safe constituencies or wards..

(2) Subsection (3) of section 19 shall apply *mutatis mutandis* to elections in safe constituencies and wards.

(3) In this section “safe constituency or ward” means a constituency or ward that has been won by a political party for not less than two consecutive terms.

**Application of
sections 19 and
21 not bar to
women
contestants for
other
constituencies
or wards.**

22. Sections 19 and 21 shall not operate to bar women from contesting parliamentary or local council elections in constituencies and wards other than those designated as reserved or safe,

Electoral Commission to prescribe rules. 23. The Electoral Commission shall after consulting the Political Parties Registration Commission, the Council of Paramount Chiefs and the Commission make rules for the implementation of sections 19, 20 and 21.

Employment in private sector. 24. All persons or bodies other than those in the public service, responsible for the employment of persons are encouraged to observe gender equality in performing that function.

Job advertisement 25. Persons or bodies in the public service and private sector are to encourage women to apply when positions in those bodies become vacant or become available.

Equal treatment in training of employees. 26. All persons or bodies in the public service or public offices responsible for matters relating to the training or education of employees shall ensure that all employees are treated equally.

PART VI - MISCELLANEOUS

Directions by Minister. 27. (1) Subject to this Act, the Minister may in writing, give to the Commission directions of a general policy nature and the Commission shall be bound to comply.

(2) Without prejudice to subsection (1), the Minister shall have power to oversee the proper implementation of this Act and to ensure that any operational structures established by or under this Act have the capacity to perform their respective functions.

Establishment of gender advisory committee 28. (1) There shall be established in each district, a district gender advisory committee for the purposes of this Act.

(2) A gender advisory committee shall consist of the following members:-

- (a) a chairman nominated by the district council from among the members of the council;

- (b) a representative of women's organization;
- (c) a representative of the Chiefdom Councils in the district;
- (d) the district social welfare officer, who shall be the secretary;
- (e) a representative of women Parliamentarians in the District;
- (f) a representative of women local councillors in the locality
- (g) two other citizens from the community of high moral character and proven integrity one of whom shall be an educationalist.

(3) The members of a gender advisory committee, except those serving in representative capacities, shall be appointed by the Minister for a term of three years, renewable once only.

(4) It shall be the function of a gender advisory committee to -

- (a) assist the Commission in the performance of its functions in that district;
- (b) in liaison with the Ministry and the Commission, undertake sensitization and awareness activities in the district on the objectives of the Commission;
- (c) submit recommendations to the Commission regarding measures to be taken to achieve the Commission's objectives in the district.

(5) A member of a gender advisory committee shall be paid such remuneration or allowances as may be determined by the Commission.

(6) A committee shall hold monthly meetings for the dispatch of its business.

Annual reports. 29. (1) The Commission shall, within three months after the end of each financial year submit a report of its activities, operations and finances for that year to the Minister.

(2) Subject to subsection (1) an annual report shall include-

(a) a copy of the audited accounts of the Commission together with the audit report on the accounts; and

(b) the steps taken by the Commission and the electoral Commission to implement this act.

(3) A copy of the report shall be submitted to the President who shall, as soon as possible but not later than one month after the receipt of the report cause it to be laid before Parliament

Regulations 30. Subject to section 23, the Commission may, by statutory instrument, make regulations for the effective implementation of this Act.

MEMORANDUM OF OBJECTS AND REASONS

Subsection (1) section 27 of the Constitution states that subject to subsections (4), (5) and (7) of the Constitution no law shall make any provision which is discriminatory either of itself or in its effect. This implies that national policies on the sexes or on gender issues is “equality”. However, exception is made in paragraph (1) of subsection (4) of that section with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law.

It is against the background of this wide area of interests involved in the gender issue that this Bill is intends to deal with.

Parts 1 and II deal with the definition of terms used in the Bill and the establishment of the National Gender Equality Commission the object of which is to monitor and evaluate the policies of Government, the private sector and other bodies or organizations to ensure that they protect and promote gender equality and equity respectively.

The staff of the Commission and the financial provisions are dealt with in Parts IV and V respectively.

Part VI.

Clause 18 seeks to ensure that not less than thirty percent of persons employed in public offices and the public service are women. This is to address the cumulative imbalances over the years.

Clause 24 enjoins employers in the private sector of the economy to have gender equality and equity in mind when employing persons, especially in cases where applicants of both genders have the same requisite qualifications.

In advertising for applicants for jobs, the advertisers are also required to encourage women (who have the necessary qualifications) to apply.

The upshot of this Bill is the equitable participation of women in the social, economic, political and cultural development of Sierra Leone.

Honourable Reverend Marie Yansanneh
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