

GENDER EQUALITY AND WOMEN'S EMPOWERMENT ACT, 2022

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GENDER EQUALITY AND WOMEN'S EMPOWERMENT ACT 2022

Being an Act to address the gender imbalances by making provision for increased appointment of women to decision making positions and structures so as to achieve at least 30 % representation, to provide for the promotion of gender equality in employment and training, to provide for the implementation of gender mainstreaming and budgeting, to provide for financial institutions to prescribe procedures for the improvement of women's 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;

"appointment to public office" means a position that is not obtained through elections but appointed by the state;

"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;

"financial institution" means an establishment that completes and facilitates monetary transactions, such as loans, mortgages, and deposits;

"gender" means roles, duties and responsibilities culturally or socially ascribed to women, men, girls and boys;

"gender equality means the full and equal enjoyment of rights and freedoms and equal access to resources, opportunities and outcomes, by women, men, girls and boys";

"gender mainstreaming" means the process of identifying gaps and making women's, men's, girls and boys concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all sectors of life that they benefit equally;

“Minister” means the Minister responsible for Gender and Children’s Affairs and Ministry shall have corresponding meaning;

“private body” means:

- a) a natural person who carries on any trade, business or profession, but only in such capacity
- b) a partnership which carries on any trade, business or profession;
- c) any juristic person

“public body” means;

- a) any department of of state or administration in the central government or any municipality in the local spheres of government; or
- b) any other functionary or institution when:-
 - (i) exercising a power or performing a duty in terms of the Constitution
 - (ii) exercising a public power or performing a public function in terms of any legislation

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

"women’s empowerment" means advancement of women in the political, social and economic spheres to promote the realization of gender equality

PART II – PUBLIC ELECTIONS AND APPOINTMENT TO PUBLIC OFFICE

Public Elections

2. (a) public elections shall be in accordance with section 58(2) of the Public Elections Act 2022

Appointment to Positions in public offices

3. (1) In making appointments to cabinet and other government positions, the President may take due consideration to the possibility of appointing women to at least 30%.

(2) For appointments in the public office made by persons other than the President at least 30% shall be women.

PART III – WOMEN’S EMPOWERMENT

Women’s Empowerment

4. (1) A designated public or private employer shall have at least 30% of women in his employment.

(2) An employer shall, in addition to his responsibility to employ at least 30% of women under subsection (1), ensure that at least 30% of women in his employment, is in a decision making position at all levels within his organisation.

(3) An employer shall prohibit discrimination in employment against women and prohibit dismissal as a result of pregnancy.

(4) An employer shall ensure the prohibit Sexual Harassment in accordance with the Sexual Offences Act.

(5) An employer shall ensure paid maternity leave of at least 14 weeks to women.

Equal pay.

5. An employer shall ensure equal remuneration for persons of equal skills, competence, expertise and knowledge without discrimination of any kind.

Equal training, education

6. An employer shall, in relation to training, education and scholarship provide equal opportunity for all employees.

Access to finance.

7. (1) Women 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 procedures and processes for improving access to finance for women.

PART IV – GENDER UNIT

Gender Unit.

8. (1) Every Ministry, Department, Agency and other public service Institution shall have a Gender Unit within its Planning Directorate which shall be responsible to –

- (a) integrate gender demands into sectoral legal framework, policies, strategies and action plan;
- (b) collect and analyse gender disaggregated data and present in a report to the relevant Ministry, Department, Agency or other public service institution .

(2) The Ministry of Finance shall facilitate fiscal and administrative policies for national gender budgeting.

PART V – MONITORING, EVALUATION AND REPORTING

Gender Steering Committee 9. Every public or private body to which this Act applies shall annual report containing measures planned and implemented to promote gender equality to the Ministry in a template developed and published by the Ministry

10 (1) **The** Ministry shall have a Gender Steering Committee which shall be responsible for monitoring and evaluation of Ministries, Departments and Agencies and other public service institutions for compliance with this Act.

(2) The Gender Steering Committee shall under sub-section (1) Ministry shall be chair of the Gender Steering Committee under subsection (1) comprising representatives from the following institutions not below the rank of Director:-

- (a) a representative from the Ministry who shall be the chairman
- (b) a representative from the Ministry of Technical and Higher Education
- (c) a representative from the Ministry of Labour and Social Security
- (d) a representative from the Ministry of Agriculture
- (e) a representative from the Ministry of Lands, Housing and Country Planning
- (f) a representative from the Ministry of Health and Sanitation;
- (g) a representative from the Ministry of Planning and Economic Development
- (h) a representative from the Ministry of Finance
- (i) a representative from the Ministry of Local Government and Rural Development
- (j) a representative from the Ministry of Youth Affairs
- (k) a representative from the Ministry of Internal Affairs
- (l) a representative from the Ministry of Basic and Senior Secondary Education
- (m) a representative from the Ministry of Mines and Mineral Resources
- (n) a female representative representing Paramount Chiefs

(o) a representative, representing Civil Society Organization specializing on gender issues.

(3) The Director of Gender in the Ministry shall serve as Secretary to the Committee.

(4) The Committee shall conduct annual gender auditing of Ministries, Departments and Agencies and other public service institutions and submit a report of their findings and recommendations to the Minister to be laid in Parliament not later than 3 months.

(5) The report of the Committee under sub-section (4) shall include factors and challenges affecting the implementation of this Act including recommendations.

PART VI - MISCELLANEOUS

Penalty

11. (1) A person who fails or neglects any of the duties imposed under this Act, commits an offence and shall be liable on conviction to a fine not less than N1e 50,000 or to a term of imprisonment not less than 1 year or to both such fine and imprisonment.

(2) An organ or agency of government, public or private institution, commercial or corporate body, community or other entity who fails or neglects any of the duties imposed under this Act, commits an offence and shall be liable on conviction to a fine not less than N1e 100,000.

(3) Any person who suffers violations of his rights, or becomes victim of any action, omission or inaction of any organ or agency of government, public or private institution, commercial or corporate body, community or other entity or any representative of such organ or agency of government, public or private institution, commercial or corporate body, community or other entity shall be entitled to fair and adequate compensation as may be determined by the court, taking into consideration the special damages suffered, as well as social, psychological, emotional and health related burden suffered by such person by reason of such action, omission or inaction aforesaid.

(4) The court may in addition order such exemplary damages, public apology or such redress or restitution as may be deemed appropriate in the circumstances by the court.

Application of this Act

12 (1) Unless otherwise indicated in this Act, the Act applies to all public bodies and private bodies designated under sub-section (2)

(2) The Minister shall, subject to sub-section (4) publish in the Gazette, designated public bodies and private bodies which shall comply with one or more provisions of this Act.

(3) The Minister may periodically for the purpose of sub-section (2), designate different public bodies and private bodies which shall comply with the relevant provisions.

(4) The public and private bodies designated under sub-section (2) shall be those that employ 25 or more employees.

Implementation of Act

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

Regulations.

14. The Minister may make regulations to give effect to this Act.