



POSITION PAPER OF LEGAL ACCESS THROUGH WOMEN YEARNING FOR EQUALITY RIGHTS AND SOCIAL JUSTICE ("L.A.W.Y.E.R.S") ON THE GENDER EMPOWERMENT BILL 2021

BRIEF BACKGROUND

In Sierra Leone, women make up more than half of the country's population yet still they are grossly underrepresented in leadership positions. Women and girls face gender and sexual based violence, rape, sexual assault, sexual harassment, disinheritance and early marriage to name a few. Women's political participation and representation in decision making bodies remains abysmal. Currently only 16 seats out of the 146 seats in parliament are occupied by women and only 18% of cabinet positions are occupied by women. This is also the trend in other appointive positions such as Heads of Consular Missions and Embassies, Heads of Government Departments, Agencies and Parastatals.

With consistent advocacy and engagements on the rights and empowerment of women in Sierra Leone, a Gender Empowerment Bill 2021 has been drafted and, on Thursday 21st October 2021 it was tabled in Parliament. We commend the Minister of Gender and Children's Affairs on this momentous feat. Parliament has directed that sensitive bills of this nature deserve widespread national consultations and we welcome this step which will enable Civil Society Organisation and other public interest groups to make their inputs to the Bill, engage parliamentarians in order to garner support for the Bill and also educate the general populace on its contents.

It is against this background that L.A.W.Y.E.R.S offers our recommendations on the Bill. It is hoped that these recommendations will strengthen the Bill and the resulting legislation will be all encompassing, progressive and impactful.

RECOMMENDATIONS ON THE KEY PROVISIONS OF THE BILL:

The following are our recommendations on the said Gender Empowerment Bill, 2021:

1. THE TITLE OF THE BILL

The short title of the Bill is not reflective of the long title. The long title reads *"Being an Act to address gender imbalances by making provision for elective and appointive public office positions through a minimum of 30% quota to provide for the promotion of gender*



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equality in employment and training, to provide for financial institutions to prescribe procedures for the improvement of women access to finance and to provide for other related matters”

Gender refers to both men and women and the term ‘Gender Empowerment’ connotes that the Bill is meant for the empowerment of both genders and so it fails to recognise the power imbalances that women have historically faced. Therefore we suggest that the title of the Bill be changed to “Women’s Empowerment and Gender Equality Bill”.

2. PART I- PRELIMINARY

In Part 1 of the said Bill, section 6 as listed in the outline does not form part of the contents of the Bill and therefore should be rectified. We submit that Local Councils are vital and important decision making bodies and the same 30% quota should apply to women’s representation in Local Councils and included in this Bill to cover all levels of decision making in national governance.

3. SECTIONS 2 & 4- RESERVED SEATS AND TENURE OF RESERVED SEATS

We note that section 2 (2) provides that a reserved seat shall rotate within the district or constituency after every term. The term ‘rotate’ should be defined in the interpretation section to avoid ambiguity.

We also note that Section 4 states: “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.” What is the rationale of imposing a term limit on reserved seats when that is not the case for other seats in Parliament? It is our view that this provision should be removed from the Bill.

We are of the opinion that the quota should not be restricted to elections alone but political parties must also be encouraged to embed the minimum of 30% quota in their organisational structure. Otherwise it will be used only as a tool for political parties to ensure that their lists submitted to the Political Parties Registration Commission are accepted.



4. SECTION 3- PROCEDURES TO DETERMINE RESERVED SEATS

We submit that the procedure to determine reserved seats should be included in this Bill as a schedule to avoid delays and facilitate swift implementation of the Act when passed.

5. SECTION 11- MONITORING AND EVALUATION

We urge that this section be expanded to include Government Department, Agencies and Security Forces. All of these institutions should be mandated to include in their governance structure at senior management or directorate level, a Gender Desk which will monitor the implementation of the Bill.

Additionally, a National Women's Commission should be established with the mandate to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws including this Bill and to put measures in place to monitor, evaluate and report on the implementation of the Bill.

6. ADDITIONAL HEADINGS/PROVISIONS

Women's empowerment involves more than just political representation and participation and access to finance. Women's empowerment is the process by which women gain influence and equal opportunity to pursue personal, social and economic endeavors, engaging in all parts of society on the same basis as men. It is, therefore our view that the following should be included in the Bill:

- a. Access to land and the right to own property,
- b. Abolition of discriminatory and harmful customary laws and practices such as early marriage and disinheritance to name a few;
- c. Adopting appropriate measures to improve women's ability to earn income, achieve economic self-reliance, and ensure women's equal access to the labour market and social security systems through education, skills training and development,
- d. Women's access to quality healthcare especially for maternal health,



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e. Women's access to justice and equal treatment before the law

The contents of the Bill in its current draft focuses on the areas of political participation and access to finance and in light of this, it is our considered opinion that the name of the Bill should be changed to reflect this fact. The title of the Bill must tally with its contents.

7. INCLUSION OF PRIVATE SECTOR

With regards to the private sector, a criterion should be set for all private institutions working with or seeking to work with the Government to also implement the minimum quota female representation in their corporate governance structure. Tax break incentives could be offered to urge adherence to the provisions of the Bill in the private sector such as that provided for in Section 38 of the Finance Act 2016.

8. PENALTIES

Penalties serve as deterrent which compel to prompt adherence to laws. With the exception of Section 10 which deals with Access to Finance, the other provisions in the bill do not contain penalty clauses for defaulters. We urge that penalty clauses be added to deter disregard for the provisions of the Bill.

CONCLUSION

While we thank Parliament for the opportunity granted to ensure proper consultations and the opportunity to be heard, we also urge Parliament to take into consideration the comments that will emerge from the Nationwide consultations. This we believe will enable Parliament to pass a legislation that will be regarded as all encompassing and geared towards rectifying gender gaps/imbbalances prevalent in our Society that have prevented women from attaining their fullest potential.

