WOMEN EMPOWERMENT AND GENDER EQUALITY BILL, 2015

ARRANGEMENT OF SECTIONS

Sections:

CHAPTER 1 - GENERAL PROVISIONS

1. Definitions
2. Application of Act
3. Objectives of Act

CHAPTER 2 - SOCIAL

4. Education and training
5. Access to health care, including reproductive health
6. Public education on prohibited practices, including gender based violence

CHAPTER 3 - EQUAL REPRESENTATION AND EMPOWERMENT

7. Equal representation and participation
8. Gender mainstreaming
9. Measures to empower women and to eliminate discrimination
10. Economic empowerment
11. Socio-economic empowerment of women in rural areas
12. Socio-economic empowerment of women with disabilities

CHAPTER 4 - GOVERNANCE

13. Powers of Minister
14. Guidance by Minister
15. Gender Units and compliance

CHAPTER 5 - ENFORCEMENT

16. Enforcement

CHAPTER 6 - CODE OF GOOD CONDUCT, NORMS AND STANDARDS AND REGULATIONS

17. Code of good conduct
18. Framework on gender mainstreaming and women empowerment
19. Regulations

CHAPTER 7 - MISCELLANEOUS

20. Delegation

21. Short title and commencement

SCHEDULE 1

CHAPTER 1

GENERAL PROVISIONS

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE EMPOWERMENT OF WOMEN AND GENDER EQUALITY TO ESTABLISH A LEGISLATIVE FRAMEWORK FOR THE EMPOWERMENT OF WOMEN; TO ALIGN ALL ASPECTS OF LAWS AND IMPLEMENTATION OF LAWS RELATING TO WOMEN EMPOWERMENT, AND THE APPOINTMENT AND REPRESENTATION OF WOMEN IN DECISION MAKING POSITIONS AND STRUCTURES; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Biodun Olujimi

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

CHAPTER 1 - GENERAL PROVISIONS

1. In this Act, unless the context otherwise indicates: Definitions

"applicable legislation" means the laws specified in Schedule 1;

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

"gender based violence" means all acts perpetrated against women, girls, men and boys on the basis of their gender and sex which cause or could cause them physical, sexual, psychological, emotional or economic harm, and includes any threat to cause such harm;

"gender discrimination" means any distinction, exclusion or restriction made on the basis of gender and sex which has the effect or purpose of impairing or nullifying the equal recognition, enjoyment or exercise by a person of her or his human rights and fundamental freedoms in any spheres of life;

"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 gender 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 to ensure that they benefit equally;

"Minister" means the Minister for Women Affairs;

"political party" means a party as defined in the Electoral Commission Act, 2010 "prescribed" means prescribed by regulation in terms of this Act;

"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; or

(c) any juristic person, but excludes a public body;

"public body" means:

(a) any department of state or administration in the National, State and Local Government (b) any other functionary or institution when:

(i) exercising a power or performing a duty in terms of the Constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation; "substantive gender equality" means gender equality in fact and in law;

"this Act" includes any regulation made under this Act; and

"women empowerment" means the advancement of women as contemplated by section 9(2) of the Constitution.

Application of Act

2.-(1) Unless otherwise indicated in this Act, this Act applies to all public bodies and private bodies designated under subsection (2).

(2) The Minister may, in order to achieve the progressive realisation of this Act, by notice in the Gazette, designate public bodies and private bodies which must comply with one or more provisions of this Act specified in the notice.

(3) The Minister may from time to time, for the purposes of subsection (2), designate different public bodies and private bodies which must comply with the relevant provisions. Objectives of Act

3. The objectives of this Act are to: Objectives of Act

(a) give effect to the letter and spirit of the Constitution, in particular:

(i) the equal enjoyment of all rights and freedoms by every person;

(ii) the promotion of equality, specifically gender equality; and

(iii) the values of non-racialism and non-sexism contained in section 1 of the Constitution.

(b) facilitate compliance by designated public bodies and designated private bodies, with the country's commitments to international agreements, including:

(i) the Convention on the Elimination of All Forms of Discrimination Against Women (December 1979);

(ii) the Beijing Declaration and Platform for Action (September 1995);

(iii) the Millennium Declaration and Development Goals (September 2000);

(iv) the Solemn Declaration on Gender Equality in Africa (July 2004); and

(c) align all aspects of the laws and the implementation of the laws relating to women empowerment and the appointment and representation of women in decision-making positions and structures;

(d) facilitate the development and implementation of plans and strategies by designated public bodies and designated private bodies for the promotion of women empowerment and gender equality, and the submission of those plans and strategies to the Minister for consideration, evaluation and guidance;

(e) provide for the implementation of measures to achieve a

progressive realisation of a minimum of 50 per cent representation and meaningful participation of women in decision-making structures including Boards by designated public bodies and designated private bodies, as contemplated in section 7;

(f) provide for the implementation of gender mainstreaming by designated public bodies and designated private bodies as contemplated in section 8; and

(g) provide for the development and implementation of public education programmes on practices that unfairly discriminate on grounds of gender as contemplated in the applicable legislation and in international agreements in order to promote gender equality and social cohesion.

CHAPTER 2 - SOCIAL DEVELOPMENT

Education and training

4.-(1) Designated public bodies and designated private bodies must develop and implement plans and measures in compliance with applicable legislation and international agreements, to:

(a) address the pervasive discriminatory patriarchal attitudes and the lingering effects of apartheid faced by women in the education system, and ensure that woman's childbearing responsibilities are not the cause for drop out or exclusion, in order to achieve the progressive realisation of access to education for all;

(b) educate and train women in order to achieve the progressive realisation of equitable and sustainable development for women and gender equality;

(c) capacitate and enable women to assimilate and develop knowledge, requisite skills and values, in order to achieve the progressive realisation of at least a minimum of 50 percent equal representation and meaningful participation of women in all decision-making position and structures, contemplated in section 7(1) and their economic empowerment contemplated in section 10(1);

(d) improve access to education on reproductive rights for women,

particularly young women; and

(e) eliminate prejudices and current practices that hinder the achievement and enjoyment of gender equality and social cohesion.

(2) Designated public bodies and designated private bodies must submit to the Minister their plans and measures in compliance with subsection (1) within one year of being designated, for consideration, review and guidance.

(3) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

Access to health care, including reproductive health

5.-(1) Designated public bodies and designated private bodies must, within its available resources, develop and implement a model for delivering women's health, including reproductive health, in order to achieve the progressive realisation of access to health and reproductive rights for women, in compliance with the applicable legislation and international agreements such as the Millennium Declaration and Development Goals.

(2) Designated public bodies and designated private bodies must submit to the Minister their plans and measures in compliance with subsection (1) within one year of being designated, for consideration, review and guidance.

(3) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

Public education on prohibited practices, including gender based violence

6.-(1) Designated public bodies and designated private bodies must develop and implement plans to educate the public on practices that unfairly discriminate on grounds of gender, including gender based violence, in compliance with applicable legislation and international

agreements such as the Beijing Declaration and Platform for Action (September 1995), in order to achieve substantive gender equality in society and the workplace.

(2) The Minister may establish mechanisms to undertake research, educational programmes and other measures to strengthen efforts of designated public bodies and designated private bodies to prevent and respond to gender-based violence.

(3) Designated public bodies and designated private bodies must submit to the Minister their plans and measures in compliance with subsection (1) within one year of being designated, for consideration, review and guidance.

(4) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (3), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (I), for consideration, review and guidance.

CHAPTER 3 - EQUAL REPRESENTATION AND EMPOWERMENT

Equal representation\ and participation

7.-(1) Despite any other law, designated public bodies and designated private bodies must, within their ambit of responsibilities and available resources, develop and implement measures, in order to achieve the progressive realisation of a minimum of 50 per cent representation and meaningful participation of women in decision-making structures including Boards, which must include:

(a) building women's capacity to participate;

(b) enhancing the understanding and attitudes of communities to accept the capabilities and participation of women as their equals; and

(c) developing support mechanisms for women.

(2) Despite any other law, all political parties must develop and implement measures for the progressive realisation of a minimum of 50 per cent representation and meaningful participation of women in decision-making positions and structures.

(3) The Minister may develop guidelines to assist designated public bodies and designated private bodies to comply with subsection (1).

(4) Designated public bodies and designated private bodies must submit to the Minister their plans and measures in compliance with subsection (1) within one year of being designated, for consideration, review and guidance.

(5) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

Gender mainstreaming

8.-(1) Designated public bodies and designated private bodies must develop and implement plans and measures which seek to ensure gender mainstreaming.

(2) The measures may include:

(a) the integration of gender considerations by all managers into all policies, structures, systems and processes relating to the designated public bodies and designated private bodies;

(b) steps to ensure that decisions and activities of the designated public body or designated private body are preceded by a gender equality analysis;

(c) remedial measures to:

(i) prevent or alleviate actual and potential prejudice on the basis of gender; and

(ii) reduce disparities between women and men.

(d) steps aimed at ensuring compliance with obligations contained in applicable legislation and the international agreements; and

(e) assessing the implications of its planned measures, in relation to gender mainstreaming.

(3) The policies, plans, programmes and strategies must, in the case of the designated public bodies, be approved by the. Gender Focal Point

contemplated in section 15, and in the case of designated private bodies, by the accounting officer also contemplated in that section.

(4) The Minister may require a designated public body or a designated private body to submit its plan and measures contemplated in subsection (1) within one year of being designated to the Minister, for consideration, evaluation and guidance.

(5) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

(6) The Minister may develop guidelines to assist designated public bodies and designated private bodies to comply with subsection (1).

Measures to empower women and to eliminate discrimination

9.-(1) Despite any other law, targets for women in all laws and policies on empowerment shall be at least 50%.

(2) Designated public bodies and designated private bodies must, within their ambit of responsibilities, develop and implement plans and strategies to align their laws and policies with subsection (1) within two years of coming into operation of this Act.

(3) Designated public bodies and designated private bodies must, within their ambit of responsibilities, develop and implement plans and strategies which will assist women to gain power and control over decisions and resources that determine the quality of their lives, in order to achieve the progressive realisation of women empowerment and gender equality.

(4) Designated public bodies and designated private bodies must promote women empowerment by taking measures such as:

(a) changing the conditions and circumstances which hinder the achievement otsustainable and substantive gender equality;

(b) establishing appropriate and relevant measures designed to recognise and support the roles of women in various sectors of life; and

(c) implementing the applicable legislation, policies and strategies

within their mandate and:

(i) aligning targets to improve compliance with such legislation, policies and strategies; and

(ii) auditing factors that cause and contribute to non-compliance with such legislation, policies and strategies.

(5) Designated public bodies and designated private bodies must develop and implement policies or programmes:

(a) designed to protect and advance women who have been disadvantaged by unfair discrimination;

(b) ensuring and promoting equal opportunities for women;

(c) seeking to eliminate:

(i) gender discrimination;

(ii) exploitation of women in the labour market; and

(iii) gender-based violence.

(6) The policies or programmes may include:

(a) economic and land reform initiatives that benefit women; and

(b) initiatives that aim to promote the rights and benefits of women and achieve the requisite conditions for women empowerment in the workplace.

(7) Designated public bodies and designated private bodies must submit within one year of being designated, the:

(a) plans and strategies contemplated in subsection (2);

(b) plans and strategies contemplated in subsection (3);

(c) measures contemplated in subsection (4); and

(d) policies or programmes contemplated in subsection (5), to the Minister for consideration, evaluation and guidance.

(8) The Minister may, at any time after the submission of the plans, strategies or measures contemplated in subsection (7), require a designated public body or a designated private body to submit to the Minister a report

on its implementation of subsection (1), for consideration, review and guidance.

(9) The Minister may develop guidelines to assist designated public bodies and designated private bodies to comply with this section.

Economic empowerment

10.-(1) Despite any other law, targets for women in all laws and policies on economic empowerment shall be at least 50%.

(2) Designated public bodies and designated private bodies must, within their ambit of responsibilities, develop and implement plans and strategies to align their laws and policies with subsection (1) within two years of coming into operation of this Act.

(3) Designated public bodies and designated private bodies must, within their ambit of responsibilities and available resources, develop and implement plans and measures, to:

(a) promote the economic empowennent of women;

(b) promote women's access to economic and educational opportunities and productive resources;

(c) increase access to financing, procurement, land rights, skills development, especially entrepreneurial skills and capacity building of women;

(d) facilitate employment opportunities and access to the markets for women;

(e) compile such data relating to economic empowerment of women as may be prescribed; and

(f) comply with prescribed measures aimed at achieving the economic empowerment of women as contemplated by the applicable legislation.

(4) Designated public bodies or designated private bodies must submit its plans and measures contemplated in subsection (3) within one year of being designated to the Minister for consideration and evaluation.

(5) The Minister may, at any time after the submission of the plan or

measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

(6) The Minister may develop guidelines to assist designated public bodies and designated private bodies to comply with subsection (1).

Socio-economic empowerment of women in rural areas

11.-(1) Despite any other law, designated public bodies and designated private bodies must develop and implement plans and measures, to:

(a) facilitate sustainable livelihoods and decent work for women in rural areas, largely but not solely within agriculture;

(b) mainstream gender in land reform programme to ensure more land in the hands of women in rural areas, together with the skills and financial resources necessary for them to use the land productively;

(c) improve conditions for women on farms, women farm workers and women married to farm workers, to achieve a progressive realisation of security of tenure, housing and improved living conditions for women in rural areas; and

(d) ensure equal representation and meaningful participation of women in traditional councils.

(2) The Minister may require a designated public body or a designated private body to submit to the-Minister its plan and measures contemplated in subsection (1) within one year of being designated, for consideration, evaluation and guidance.

(3) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (1), for consideration, review and guidance.

Socio-economic empowerment of women with disabilities

12.-(1) Designated public bodies and designated private bodies must develop and implement plans and measures for the economic empowerment of women with disabilities, including special measures to

facilitate equal access to education and employment, and their meaningful participation in all areas of economic, social and cultural life, to achieve the progressive realisation of their right to substantive gender equality.

(2) A designated public body or a designated private body must submit its plans and measures contemplated in subsection (1) within one year of being designated to the Minister for consideration and evaluation.

(3) The Minister may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the Minister a report on its implementation of subsection (I), for consideration, evaluation and guidance.

CHAPTER 4 - GOVERNANCE

Powers of Minister

13.-(1) The Minister may, in order to promote women empowerment and the achievement of substantive gender equality for women, in consultation with designated public bodies and designated private bodies:

(a) develop frameworks in relation to the promotion of women empowerment and gender equality;

(b) require the development and implementation of plans and strategies by designated public bodies and designated private bodies for the promotion of women empowerment and gender equality in compliance with applicable legislation and the submission of those plans and strategies for consideration, evaluation and guidance by the Minister;

(c) collect and analyse information on the plans and strategies submitted by the designated public bodies and designated private bodies for the promotion of women empowerment and gender equality;

(d) collaborate with designated public bodies and designated private bodies to maximise the effectiveness of this Act and the implementation of the applicable legislation;

(e) undertake research, educational programmes and other measures for the purpose of promoting and improving gender equality socially and in the workplace;

(j) by notice in the Gazette:

(i) establish mechanisms to promote substantive gender equality;

(ii) establish mechanisms to support and strengthen the implementation of applicable legislation; and

(iii) issue an integrated, co-ordinated and uniform framework to achieve women empowerment and substantive gender equality.

(2) The Minister may, in exercising her or his powers in terms of subsection (1), request a designated public body or a designated private body to provide any information relating to compliance with this Act or applicable legislation.

(3) When requesting information from a designated public body or a designated private body in terms of subsection (2), the Minister may issue a direction on the submission of those reports.

Guidance by Minister

14.-(1) The Minister may, on the basis of the information obtained in exercising her or his powers in terms of this Act and with regard to the applicable legislation, in consultation with the relevant Minister, provide guidance to the relevant designated public body or designated private body, for them to promote women empowerment and gender equality.

(2) Failure or refusal to comply with the guidance provided by the Minister to a designated public body or a designated private body will be addressed in terms of the enforcement procedures as contemplated in section 16.

Gender Units and compliance

15.-(1) Every designated public body must, within a period of three years from the commencement of this Act, establish a Gender Focal Point and appoint suitable personnel, at senior management level, to assist the designated public body to implement gender mainstreaming and, generally, to assist the designated public body to comply with this Act.

(2) The designated private body must ensure that the designated public body or designated private body, as the case may be, implements gender mainstreaming and women empowerment.

(3) The Minister must, by notice in the Gazette, make regulations on the qualifications, skills and duties of the personnel to be appointed in the Gender Focal Point.

CHAPTER 5 - ENFORCEMENT

Enforcement

16. The Minister, acting in the interests of women as a group or class of persons, may use any dispute resolution mechanisms to address non-compliance with this Act or applicable legislation.

CHAPTER 6 - CODE OF GOOD CONDUCT, NORMS AND STANDARDS AND REGULATIONS

Code of good conduct

17. The Minister may, by notice in the Gazette, publish a code of good conduct on gender mainstreaming and women empowerment.

Framework on gender mainstreaming and women empowerment

18. The Minister may, by notice in the Gazette, publish frameworks on gender mainstreaming and women empowerment.

Regulations

19. The Minister may, by notice in the Gazette, make regulations regarding:

(a) the establishment of institutional mechanisms to advise the Minister on:

(i) the promotion of substantive gender equality;

(ii) the promotion of the economic empowerment of women; and

(iii) monitoring and evaluation of progress on women empowerment and gender equality.

(b) gender mainstreaming;

(c) the competencies required for appointment of personnel in the Gender Focal Point;

(d) equal representation and participation; and

(e) any other administrative or procedural matter that it is necessary or expedient to prescribe in order to achieve the objectives 6ftl l is Act.

CHAPTER 7 - MISCELLANEOUS

Delegation

20.-(1) The Minister may delegate any power conferred, or assign any duty imposed, upon the Minister in terms of this Act, except the powers and

duties contemplated by sections 14, 17, 18 and 19, to the Permanent Secretary or to other officials in the Ministry.

(2) A delegation or assignment under subsection (1):

(a) is subject to any limitations, conditions and directions the Minister may impose;

(b) must be in writing;

(c) may include the power to sub delegate or reassign; and

(d) does not divest the Minister of the responsibility concerning the exercise of the power or the performance of the duty.

Short title

21. This Act may be cited as the Women Empowerment and Gender Equality Bill, 2015.