

WOMEN EMPOWERMENT AND GENDER EQUALITY BILL, 2015

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SCHEDULE I

CHAPTER I

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

1 women, men, girls and boys;
2 "gender mainstreaming" means the process of identifying gender gaps and
3 making women's, men's, girls' and boys' concerns and experiences integral to
4 the design, implementation, monitoring and evaluation of policies and
5 programmes in all sectors of life to ensure that they benefit equally;
6 "Minister" means the Minister for Women Affairs;
7 "political party" means a party as defined in the Electoral Commission Act,
8 2010 "prescribed" means prescribed by regulation in terms of this Act;
9 "private body" means:
10 (a) a natural person who carries on any trade, business or profession,
11 but only in such capacity;
12 (b) a partnership which carries on any trade, business or profession; or
13 (c) any juristic person, but excludes a public body;
14 "public body" means:
15 (a) any department of state or administration in the National, State and
16 Local Government (b) any other functionary or institution when:
17 (i) exercising a power or performing a duty in terms of the
18 Constitution; or
19 (ii) exercising a public power or performing a public function in terms
20 of any legislation; "substantive gender equality" means gender equality in fact
21 and in law;
22 "this Act" includes any regulation made under this Act; and
23 "women empowerment" means the advancement of women as contemplated
24 by section 9(2) of the Constitution.

Application of
Act

25 2.-(1) Unless otherwise indicated in this Act, this Act applies to all
26 public bodies and private bodies designated under subsection (2).
27 (2) The Minister may, in order to achieve the progressive realisation
28 of this Act, by notice in the Gazette, designate public bodies and private bodies
29 which must comply with one or more provisions of this Act specified in the
30 notice.

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

4 3. The objectives of this Act are to:

Objectives of
Act

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

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

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

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

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

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

16 (ii) the Beijing Declaration and Platform for Action (September
17 1995);

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

20 (iv) the Solemn Declaration on Gender Equality in Africa (July
21 2004); and

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

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

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

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

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

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

12 CHAPTER 2 - SOCIAL DEVELOPMENT

Education and
training

13 4.-(1) Designated public bodies and designated private bodies must
14 develop and implement plans and measures in compliance with applicable
15 legislation and international agreements, to:

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

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

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

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

1 particularly young women; and

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

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

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

12 5.-(1) Designated public bodies and designated private bodies
13 must, within its available resources, develop and implement a model for
14 delivering women's health, including reproductive health, in order to
15 achieve the progressive realisation of access to health and reproductive
16 rights for women, in compliance with the applicable legislation and
17 international agreements such as the Millennium Declaration and
18 Development Goals.

Access to health
care, including
reproductive
health

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

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

27 6.-(1) Designated public bodies and designated private bodies
28 must develop and implement plans to educate the public on practices that
29 unfairly discriminate on grounds of gender, including gender based
30 violence, in compliance with applicable legislation and international

Public education
on prohibited
practices,
including gender
based violence

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

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

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

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

16 CHAPTER 3 - EQUAL REPRESENTATION AND EMPOWERMENT

Equal
representation
and participation

17 7.-(1) Despite any other law, designated public bodies and designated
18 private bodies must, within their ambit of responsibilities and available
19 resources, develop and implement measures, in order to achieve the
20 progressive realisation of a minimum of 50 per cent representation and
21 meaningful participation of women in decision-making structures including
22 Boards, which must include:

- 23 (a) building women's capacity to participate;
24 (b) enhancing the understanding and attitudes of communities to
25 accept the capabilities and participation of women as their equals; and
26 (c) developing support mechanisms for women.

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

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

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

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

11 8.-(1) Designated public bodies and designated private bodies
12 must develop and implement plans and measures which seek to ensure
13 gender mainstreaming.

Gender
mainstreaming

14 (2) The measures may include:

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

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

21 (c) remedial measures to:

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

24 (ii) reduce disparities between women and men.

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

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

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

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

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

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

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

Measures to
empower women
and to eliminate
discrimination

13 9.-(1) Despite any other law, targets for women in all laws and
14 policies on empowerment shall be at least 50%.

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

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

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

26 (a) changing the conditions and circumstances which hinder the
27 achievement of sustainable and substantive gender equality;

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

30 (c) implementing the applicable legislation, policies and strategies

1 within their mandate and:

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

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

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

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

10 (b) ensuring and promoting equal opportunities for women;

11 (c) seeking to eliminate:

12 (i) gender discrimination;

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

14 (iii) gender-based violence.

15 (6) The policies or programmes may include:

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

17 (b) initiatives that aim to promote the rights and benefits of women

18 and achieve the requisite conditions for women empowerment in the
19 workplace.

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

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

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

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

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

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

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

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

Economic
empowerment

5 **10.-(1)** Despite any other law, targets for women in all laws and
6 policies on economic empowerment shall be at least 50%.

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

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

14 (a) promote the economic empowerment of women;

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

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

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

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

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

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

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

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

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

6 11.-(1) Despite any other law, designated public bodies and
7 designated private bodies must develop and implement plans and measures,
8 to:

Socio-economic
empowerment of
women in rural
areas

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

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

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

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

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

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

28 12.-(1) Designated public bodies and designated private bodies
29 must develop and implement plans and measures for the economic
30 empowerment of women with disabilities, including special measures to

Socio-economic
empowerment of
women with
disabilities

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

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

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

11 CHAPTER 4 - GOVERNANCE

Powers of
Minister

12 13.-(1) The Minister may, in order to promote women empowerment
13 and the achievement of substantive gender equality for women, in consultation
14 with designated public bodies and designated private bodies:

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

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

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

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

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

- 1 (j) by notice in the Gazette:
- 2 (i) establish mechanisms to promote substantive gender equality;
- 3 (ii) establish mechanisms to support and strengthen the
- 4 implementation of applicable legislation; and
- 5 (iii) issue an integrated, co-ordinated and uniform framework to
- 6 achieve women empowerment and substantive gender equality.

7 (2) The Minister may, in exercising her or his powers in terms of

8 subsection (1), request a designated public body or a designated private

9 body to provide any information relating to compliance with this Act or

10 applicable legislation.

11 (3) When requesting information from a designated public body or

12 a designated private body in terms of subsection (2), the Minister may issue

13 a direction on the submission of those reports.

14 14.-(1) The Minister may, on the basis of the information obtained

15 in exercising her or his powers in terms of this Act and with regard to the

16 applicable legislation, in consultation with the relevant Minister, provide

17 guidance to the relevant designated public body or designated private body,

18 for them to promote women empowerment and gender equality.

Guidance by
Minister

19 (2) Failure or refusal to comply with the guidance provided by the

20 Minister to a designated public body or a designated private body will be

21 addressed in terms of the enforcement procedures as contemplated in

22 section 16.

23 15.-(1) Every designated public body must, within a period of three

24 years from the commencement of this Act, establish a Gender Focal Point

25 and appoint suitable personnel, at senior management level, to assist the

26 designated public body to implement gender mainstreaming and, generally,

27 to assist the designated public body to comply with this Act.

Gender Units
and compliance

28 (2) The designated private body must ensure that the designated

29 public body or designated private body, as the case may be, implements

30 gender mainstreaming and women empowerment.

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

4 CHAPTER 5 - ENFORCEMENT

Enforcement

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

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

9 AND REGULATIONS

Code of good
conduct

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

Framework on
gender
mainstreaming
and women
empowerment

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

Regulations

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

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

18 (i) the promotion of substantive gender equality;

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

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

22 (b) gender mainstreaming;

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

25 (d) equal representation and participation; and

26 (e) any other administrative or procedural matter that it is necessary or
 27 expedient to prescribe in order to achieve the objectives of this Act.

28 CHAPTER 7 - MISCELLANEOUS

Delegation

29 20.-(1) The Minister may delegate any power conferred, or assign any
 30 duty imposed, upon the Minister in terms of this Act, except the powers and

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

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

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

6 (b) must be in writing;

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

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

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