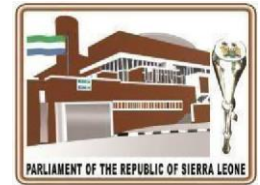




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PRESS RELEASE



SPEAKER ABASS BUNDU ADDRESSES 50/50 GROUP ON GENDER EQUALITY

Address to the 50/50 Group on Gender Equality and Women's Empowerment in an Age of Constitutional Change in Sierra Leone, on Wednesday 16/03/2022 by the Rt. Hon. Dr. Abass Chernor Bundu Speaker of Parliament.

Below is a verbatim address at the Office of 50/50 Group on gender equality by the Speaker of Parliament, Hon. Dr. Abass Chernor Bundu:

Madam Chairperson,
Ladies & Gentlemen,

I feel deeply delighted and honoured to be invited to this National Conference of the Women of Sierra Leone. This is not just any group of women but the women of substance, of real substance, in Sierra Leone. You can therefore understand why I feel so profoundly honoured to be here in your midst. I also recognise that you are not alone in organising this important national conference. Under the banner of the 50/50 Group you have also assembled a coterie of eminent supporters and collaborators like the European Union, ActionAid International SL, the Institute for Legal Research and Advocacy for Justice, Campaign for Good Governance, Search for Common Ground, Trocaire and MARWOPNET. This composition of supporters and

collaborators alone speaks with such resounding eloquence about the importance and relevance of your meeting here today that you simply couldn't get it better than this. With profound appreciation, therefore, I would like to express our warmest felicitation and best wishes for your continued success in this and all other ventures you plan to undertake in the near future.

The women of real substance gathered here today have invited me to have a conversation with them on the subject of Gender Equality and Women's Empowerment in an Age of Constitutional Change in Sierra Leone. I must confess that indeed this is a subject of great moment the topicality of which resonates and reverberates like no other through the corridors of plenary and committee meetings of international gatherings around the world. Just last week in Accra, Ghana, I had the privilege as the current President of the Commonwealth Parliamentary Association Afrca Region to remind my colleagues from Commonwealth Africa that we have done enough of talking in the international arena about women's empowerment but very little by way of domesticating and actual implementation at he national level of the plethora of international instruments on the subject. Again I want to seize this opportunity to urge all and sundry once more that the time has come for countries to step up and fulfil the international obligations they have signed up to. Enough of talking and it's now time for action.

Ladies & Gentlemen,

The empowerment of women has continued to gain momentum especially on the African continent and it now appears to be unstoppable. This should surprise no one. Its lineage goes as far back as the beginning of time. However, for our present purpose, we shall just briefly trace its contemporary international pedigree and see the extent to which it has impacted or is currently impacting developments in our own country; and what has been done to translate it into action and what still remains to be done to attain its full realisation.

For its modern origin, we need go no farther than the Charter of the United Nations adopted in 1945 by and for all the nations of the world. By that Charter the peoples of the United Nations reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in "equal rights of men and women" and also their determination to promote social progress and better standards of life in larger freedom. For the full realisation of this pledge, it was acknowledged by all that it was of the greatest importance that there should be a common understanding of the existence and observance of human rights and freedoms.

The imperative for such common standard of understanding and achievement was further accentuated by the UN General Assembly when it proclaimed the Universal Declaration of Human Rights in 1948. This Declaration reaffirmed the principle of the inadmissibility of

discrimination and proclaimed that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms elaborated therein without distinction of any kind, including distinction based on sex. It also recognised that it was essential that these human rights should be protected by the Rule of Law if man is to be prevented from having recourse, as a last resort, to rebellion against tyranny and oppression. And in Article 21 there is the declaration that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.

Thus seen, Ladies and Gentlemen, the Universal Declaration of Human Rights established a standard of action for all states and, in this regard, enjoined them to recognise without distinction that men and women have equal rights that must be protected by the law. This notwithstanding, there were those who argued that, like other resolutions of the United Nations General Assembly, the Declaration had only exhortatory effect. On the other hand, there was another school of thought that espoused the view that even if that was the case in 1948, its frequent citation in official documents, in national constitutions and legislation and occasionally in judicial decisions to a large extent reinforced the sanctity of the Declaration and elevated it into the corpus of customary international law with recognised and enforceable legal rights and obligations.

But even if in 1948 the Declaration had only a scintilla of binding force, today that view can no longer hold. The characterization of the rights and obligations it contained substantially changed in favour of recognising them as binding covenants of human rights when the very same principles became embodied to a very great extent in the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights adopted by the United Nations General Assembly in 1966. A supplementary elaboration of the rights of women followed in 1979 with the adoption of the Convention on the Elimination of Discrimination against Women. To all these international instruments Sierra Leone is a party and is bound by them. And the 1966 International Covenants, supplemented by the 1979 Convention, encapsulating more or less an International Bill of Rights, so to speak, received the most eloquent amplification in Chapter III of the 1991 Constitution of Sierra Leone, Act No. 6 of 1991.

Now, of all the provisions under that Chapter, the most pertinent to our present discourse is to be found in Section 27, which deals with protection from discrimination. It starts with a definition of the term “discrimination” as meaning, amongst other things, “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description” and then states emphatically in subsection (1) provides that “no law shall make provision which is discriminatory either of itself or in its effect”. However, subsection (5) introduces an exception

by saying that “any law to the extent that it makes provision with respect to qualifications for service as a public officer.... or for the service of a local government authority or a body corporate established directly by any law or of membership of Parliament” (emphasis added) shall not be held to be inconsistent with or in contravention of subsection (1). Subsection (6) reinforces the point again by providing that subsection (2) is inapplicable to anything which is expressly or by necessary implication authorised to be done by any such provisions of law as is referred to in subsection (4) or (5).”

The combined effect of all these provisions, it may be argued, seems to be the laying of a foundation for the justification for any new law that makes provision for affirmative action, for example, to increase the membership of women in Parliament or in local councils.

It is understandable if this is the route that the present Government seems to prefer. In its December 2021 Report on the Review of the 2017 Government White Paper on the Constitution of Sierra Leone, the Government took note of the recommendation flowing from the Justice Cowan Constitutional Review Commission which says that “not less than 30% of Members of Parliament shall be women” but stated that a separate Act of Parliament is preferred for this to inserting it in the Constitution. The reason for this is perfectly obvious. It is easier for Parliament to pass such a law by a collection of voices than by a two-thirds majority which a constitutional amendment would mandatorily require.

Additionally, it is my considered opinion that for increasing women’s representation in Parliament this is better done by way of a system of proportional representation. Again the present Government is not averse to this. In its December 2021 Report, it is stated that “Government accepts this recommendation of having Members of Parliament to be elected in accordance with the system of proportional representation as bye elections have been held at a great cost to the economy, peace and security of the nation. However, the threshold should be left to the Electoral Commission to work out and not stated in the Constitution.” Again I consider this decision by the Bio Administration to be eminently wise and I would therefore like to commend it to this gathering for your favourable consideration.

I am advising this because already the Sierra Leone Constitution of 1991 contains an existing provision that does allow for the use of a particular form of proportional representation, the District block representation system. It is embedded in Section 38A of the Constitution. It was applied in the election of 2002. It is possible to apply it again for the elections slated for 24 June 2023 so long as there is a directive from the President that the conditions exist that necessitate the invocation of that provision.

Imagine, Ladies and Gentlemen, a situation where all political parties contesting the 2023 Parliamentary elections agree to nominate their candidates for the District block representation system in such a manner that for every two male candidates there is one female candidate, it is possible to envisage a Parliament that will be composed of one-third

women and two-thirds men. If the ordinary seats to be contested remain as they are presently, that is to say 132 ordinary seats, the ultimate result will be a Parliament composed of 44 female ordinary Members of Parliament (33%) and 88 male ordinary Members of Parliament (66%).

To conclude, Ladies and Gentlemen, it is just possible that the election of 2023 will produce a landmark in Sierra Leone's journey to achieving gender parity at least in Parliament. If that happens Sierra Leone will join that elite group of African countries that have already forged ahead in this important race. My most recent tabulation shows Rwanda to be ahead in that race with 61%, South Africa with 44%, Mozambique with 43% and Tanzania with 36%. Applied wisely and with the requisite determination, we could produce a Parliament in 2023 with at least a 33% representation of women (not including Paramount Chiefs), which itself would be a phenomenal leap from the present 11% of women representation. Our journey to the promise land of gender parity may appear slow and tortuous but it is possible we shall get to our ultimate destination in the not too distant future once we all accept that of necessity we must move together side by side gradually and incrementally. The men and women of Sierra Leone will reach the promise land and they will do so together and at a pace that will bring neither irreparable harm nor frustration. Where there's a will, there's a way and the present Administration is holding the torch that is currently showing the light to enable us all see the end of the dark tunnel. According I exhort you all to embrace the firm conviction that the full and complete development of our country, Sierra Leone, the welfare of its people and their enjoyment of peace require the maximum participation of women on equal terms with men in all fields.

With this, Ladies and Gentlemen, I thank you for your kind attention.

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