

EMPOWERMENT OF WOMEN ACT, No. OF 2023
WORKING DRAFT

DECEMBER 15, 2022

Long Title	<p>AN ACT TO MAKE PROVISION FOR THE EMPOWERMENT OF WOMEN; TO PROVIDE FOR THE IMPLEMENTATION OF THE SRI LANKA POLICY ON GENDER EQUALITY AND WOMEN’S EMPOWERMENT 2023; TO PROVIDE LEGAL RECOGNITION FOR THE MATTERS SET OUT IN THE SAID POLICY; TO MAKE PROVISION GIVING EFFECT TO ARTICLE 12 OF THE CONSTITUTION IN SO FAR AS IT RELATES TO THE EMPOWERMENT OF WOMEN AND TO ESTABLISH A LEGISLATIVE FRAMEWORK THEREFOR; TO PROVIDE MECHANISMS AND GUIDELINES FOR ENSURING THE EMPOWERMENT OF WOMEN BY THE ELIMINATION OF DISCRIMINATION AND GENDER BASED VIOLENCE AGAINST WOMEN; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR RELATED THERETO.</p>
Preamble.	<p>WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and are entitled to all rights and freedoms without distinction, including distinctions based on gender, and provides that the State shall ensure equal opportunity to all persons and that no person shall suffer discrimination or disability on grounds of sex:</p>
	<p>AND WHEREAS it is necessary in furtherance of the aforesaid principles, commitments and obligations to recognize and implement the provisions of the Sri Lanka Policy on Gender Equality and Women’s Empowerment 2023 (hereinafter referred to as “the National policy”) relating to the empowerment of women and to ensure the application and implementation of the principles of the United Nations Charter and applicable Conventions, Treaties Agreements and other relevant international instruments:</p>
	<p>AND WHEREAS it is the intention of the State to establish by law a National Commission for Women vested with necessary powers to realize the achievement of the obligations set out in this Act in order to ensure the empowerment of women:</p>
	<p>NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-</p>
Short Title and date of operation	<p>1. (1) This Act may be cited as the Women’s Empowerment Act No. of 2023.</p>

	<p>(2) The provisions of this Act shall come into operation on such date as the Minister may appoint by Order published in the <i>Gazette</i> (hereinafter in this Act referred to as the “appointed date”).</p>
<p>Objectives of the Act</p>	<p>2. The objectives of this Act shall be to provide for the empowerment of women by-</p> <ul style="list-style-type: none"> (a) the realization, protection and promotion of equality of women in the enjoyment of all rights and freedoms enshrined and guaranteed under the Constitution and other national legislation; (b) the enforcement of the obligations relating to women undertaken by the State under- <ul style="list-style-type: none"> (i) the Convention on the Elimination of All Forms of Discrimination Against Women, (“CEDAW”); (ii) the international Covenant on Civil and Political Rights, (“ICCPR”); (iii) the International Covenant on Economic, Social and Cultural Rights, (ECOSOC) (iv) the Vienna Declaration on the Elimination of Violence against Women 1993; (v) the Sustainable Development Goals adopted by the United Nations in 2015; and (vi) other international Conventions, Treaties, Agreements relating to the rights and obligations of women and other applicable international instruments; and (c) the establishment of the National Commission for Women by legislation; (d) ensuring the equal representation of women in decisions making structures and positions at every level within the government; and (e) the conduct of public education programmes relating to all aspects of empowerment of women including gender equality.

<p>Power of Minister in ensuring implementation of this Act.</p>	<p>3. (1) The Minister shall in order to promote the empowerment of women and gender equality, have the following powers and be responsible for –</p> <ul style="list-style-type: none">(a) the development of frameworks in consultation with the National Commission for Women, in relation to the promotion empowerment of women and gender equality;(b) the issuing directions for the development and implementation of plans and measures by both Ministries, Departments and statutory bodies and other institutions and organisations for the promotion of empowerment of women in compliance with this Act;(c) the collection and analysis of information on the plans and measures submitted by Ministries, Departments and statutory bodies and other institutions and organisations in terms of this Act;(d) calling for updates and reports in relation to matters set out in (b) and (c) above and upon review to specify procedures and measures required to ensure compliance;(e) collaborate with Ministries, Departments and statutory bodies and other institutions and organisations to maximize the effectiveness of this Act;(f) undertake research, educational programmes and other measures for the purpose of promoting empowerment of women and equality, both socially and in the workplace;(g) making Regulations from time to time, in consultation with the National Commission for Women—<ul style="list-style-type: none">(i) to establish mechanisms to promote empowerment initiatives;(ii) to establish mechanisms to support and strengthen the implementation of applicable legislation;(iii) to issue an integrated, co-ordinated and uniform framework to promote the achievement of women empowerment and gender equality; and(iv) and in respect of any other matter for which regulations are required to be made under this Act;(h) to issue whenever the need to do so arises, directions and guidelines in consultation with relevant Ministries and Departments in relation
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	<p>to any matter dealt with in this section. Such directions and guidelines shall be published in the Newspapers in the Sinhala, Tamil and English languages.</p> <p>(2) Any person to whom the Minister issues directions relating to the exercise of the powers specified in subsection (1) who fails to comply with the same within the periods specified therefor, shall be guilty of non-compliance and be required to furnish reasons therefor. If the Minister is satisfied with the reasons adduced the Minister may extend the period for compliance.</p> <p>(3) The Minister may if it is so required, use dispute resolution mechanisms to address issues of non-compliance.</p> <p>(4) Regulations may be made providing dispute resolution mechanisms and procedures for the purposes of this section.</p>
<p>Facilitation of empowerment of women by the National commission for Women.</p>	<p>4. (1) In furtherance of the objectives stated above, the National Commission for Women, shall be vested with the exercise and discharge of the following powers and functions in order to facilitate more fully the empowerment of women in terms of the provisions of this Act.</p> <p>(2) The exercise and discharge of powers and functions under this section shall be done in consultation with the Minister.</p>
	<p>(3) The National Commission for Women shall facilitate–</p> <ul style="list-style-type: none"> (a) the enjoyment of all fundamental rights by women on an equal and equitable basis in all political, economic, social, cultural and civil spheres of life including equal access to participate in decision making in such spheres; (b) a process for the recognition of addressing and redressing all forms of discrimination against women including legislative measures; (c) equal and equitable access of women to public office, healthcare, education, career opportunities and vocational guidance, employment and equal remuneration and occupational health and safety; (d) changes to prevalent discriminatory attitudes and community

	<p>practices which hinder the empowerment of women and gender equality;</p> <p>(e) the building and strengthening of partnerships with all relevant stakeholders both at national and international levels;</p> <p>(f) the realization of the commitments contained in the National Policy by timely interventions at all levels across all sectors.</p>
Delegation of the powers of the Minister.	<p>5. (1) The Minister may delegate all or any of the powers assigned to the Minister to the Secretary to the Ministry or to any senior official of the Ministry.</p> <p>(2) Every such delegation shall be in writing and may be subject to such limitations and directions as may be stated therein and may if it is deemed necessary be revoked by the Minister.</p> <p>(3) Notwithstanding the delegation of any aforesaid power, the Minister may continue to exercise such power, if the need to do so arises.</p>
Provisions of the Act to prevail.	<p>6. The provisions of this Act and regulations made thereunder shall be deemed to be valid and shall prevail in all matters relating to the empowerment of women.</p>
Codes of Conduct	<p>7. The Minister may from time to time prepare and publish Codes of Conduct containing guidelines relating to the different categories of women and the different sectors in which women operate. The Codes of Conduct should be reflective of the policy and the framework developed for the empowerment of women. The Minister should ensure that such Codes of conduct be reviewed and updated once in every five years.</p>
Regulations.	<p>8. (1) The Minister may make regulations for giving effect to the principles and provisions of this Act and for matters in respect of which regulations are required to be prescribed or authorized by this Act to be made.</p>
	<p>(2) Without prejudice to the generality of powers conferred by subsection (1) regulations may also be made in respect of all or any of the following matters:-</p>

	<ul style="list-style-type: none"> (a) specifying the matters which are to be included in the framework on empowering of women and gender; (b) specifying measures which need to be adopted to ensure that the empowerment of women be maintained at an accepted ratio; (c) identifying areas in which economic empowerment is required to be made, targets to be met and specifying processes to ensure maintaining the economic empowerment of women at not less than fifty percent, in relation to the national economy; (d) identifying matters to be addressed in relation to socio economic empowerment of women and more specifically women with disabilities; (e) specifying steps to be taken for the protection of the girl child from all forms of violence, forced labour, trafficking and exploitation; (f) identifying support systems for assisting women access judicial processes for obtaining redress for gender based violence and discrimination.
	<p>(3) Every regulation made under this Act shall be published in the <i>Gazette</i> and shall come into force on the date of such publication or on such date as may be specified in such regulation.</p> <p>(4) Every regulation made under this Act shall within a period of three months of the publication thereof in the <i>Gazette</i>, be brought before parliament for approval, unless prevented from doing so by Parliament not being in session, in which event it shall be placed before Parliament at its earliest.</p> <p>(5) Any regulation which is not approved by Parliament shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.</p>
Interpretation.	<p>9. Unless the context otherwise requires –</p> <p>“Minister” shall mean the Minister to whom the implementation of this Act has been assigned in terms of the Constitution;</p> <p>“prescribed” means the making of regulation in terms of this Act;</p>

Sinhala text to prevail in the event of inconsistency.	10. In the event of an inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.