

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of April 10, 2024

SUPPLEMENT

(Issued on 17.04.2024)



GENDER EQUALITY

A

BILL

to make provisions for the formulation and implementation of the National Policy on Gender Equality and Empowerment of Women; to appoint or designate Gender Focal Point; to ensure gender equality of persons of different gender identities; to provide for matters connected therewith or incidental thereto

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Gender Equality

L.D.—O. 43/2023

AN ACT TO MAKE PROVISIONS FOR THE FORMULATION AND IMPLEMENTATION OF THE NATIONAL POLICY ON GENDER EQUALITY AND EMPOWERMENT OF WOMEN; TO APPOINT OR DESIGNATE GENDER FOCAL POINT; TO ENSURE GENDER EQUALITY OF PERSONS OF DIFFERENT GENDER IDENTITIES; TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes that all persons are equal before the law and entitled to equal protection of the law and are entitled to all rights and freedoms without
5 discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

Preamble

AND WHEREAS the State ensures equal opportunity to all persons irrespective of differences in sex or gender identity in the National Policy on Gender Equality and Empowerment
10 of Women:

WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka also recognizes special provisions being made by law, subordinate legislation or executive action for the advancement of women in order to eliminate
15 gender disparity:

NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. (1) This Act may be cited as the Gender Equality Act,
No. of 2024.

Short title
and date of
operation

20 (2) The provisions of this Act other than this section, shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*. (hereinafter referred to as the “appointed date”).

(3) This section shall come into operation on the date on which the Bill becomes an Act of Parliament.

2. The objects of this Act shall be –

Objects of
the Act

- 5 (a) to establish and facilitate gender equality principles in making social, economic, political, cultural and technological policies;
- 10 (b) to ensure that every person enjoys, without discrimination based on sex or gender identity the fundamental rights and freedoms guaranteed by the Constitution;
- 15 (c) to facilitate the identification and elimination of systemic and structural causes of gender inequality and gender-based discrimination, including direct discrimination and indirect discrimination, multiple and intersectional discrimination, in policy, programmes and delivery of services to persons of different gender identities;
- 20 (d) to take measures to redress disadvantage, marginalization, sexism, stigma, categorising, stereotyping, prejudice and violence and to accommodate men, women and persons of different gender identities through structural change;
- 25 (e) to protect human dignity irrespective of sex or gender identity;
- (f) to provide equal opportunities and an enabling environment to achieve results on gender equality; and

- (g) to establish principles of gender equality and ensure compliance of such principles in the conduct of public institutions, businesses, civil society organizations, employment and other legal entities and individuals.

3. Every person shall have the right to gender equality and no person shall be denied of such right.

Protection and advancement of gender equality

4. (1) For the purpose of achieving the objects of this Act and implementing the provisions of this Act, the Minister shall be responsible for –

Powers of the Minister in ensuring implementation of this Act

- (a) prescribing a framework to facilitate and ensure gender equality (hereinafter referred to as the “framework”) in consultation with the Gender Equality Council established under section 5;
- (b) issuing guidelines by way of regulations for the development and implementation of the framework, including plans and measures undertaken by public institution and private institution;
- (c) the collection, analysis and updating of information on the plans and measures submitted annually by public institution and private institution for the implementation of the framework;
- (d) calling for updates and reports in relation to matters set out in paragraphs (b) and (c) and specify procedures and measures required to ensure compliance with the framework by public institution and private institution;

- (e) implementing regular monitoring and evaluation measures to ensure that administrative procedures and practices of public institutions and private institutions are in accordance with accepted norms and standards on gender equality as per the National Policy on Gender Equality and Empowerment of Women;
- (f) prescribing measures and mechanisms for the protection, promotion and strengthening of gender equality;
- (g) prescribing the manner of establishing a support system for assisting persons of different gender identities to obtain redress for gender-based violence and discrimination; and
- (h) all such other acts which are not inconsistent with the provisions of this Act and expedient for the accomplishment of the objects of this Act.

(2) Any person who fails to comply with any guideline issued under subsection (1) shall inform the Minister in writing the reasons for such noncompliance. If the Minister is satisfied with the reasons given, the Minister may extend the period for compliance.

(3) Where the guidelines issued by the Minister have not been complied within the extended period of time referred to in subsection (2), the Minister may report in respect of such non-compliance to the Cabinet of Ministers.

PART I

ESTABLISHMENT OF GENDER EQUALITY COUNCIL

5 **5.** (1) There shall be established a Council which shall be called and known as the Gender Equality Council (hereinafter referred to as the “Council”).

Establishment
of the
Gender
Equality
Council

(2) The Council shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

10 **6.** (1) The Council shall consist of -

Composition
of the
Council

(a) five *ex-officio* members, namely –

15 (i) the Secretary to the Ministry of the Minister assigned the subject of Women or his representative holding a post not below the position of an Additional Secretary;

(ii) the Secretary to the Ministry of the Minister assigned the subject of Justice or his representative holding a post not below the position of an Additional Secretary;

20 (iii) the Secretary to the Ministry of the Minister assigned the subject of Education or his representative holding a post not below the position of an Additional Secretary;

25 (iv) the Secretary to the Ministry of the Minister assigned the subject of Youth Affairs or his representative holding a post not below the position of an Additional Secretary; and

30 (v) the Inspector General of Police or his representative not below the rank of a Deputy Inspector General of Police; and

- ## Powers, duties and functions of the Council

relevant public institution and private institution, to promote the furtherance of, and safeguarding the right to gender equality;

- 5 (e) to initiate and implement schemes for the promotion, protection and advancement of gender equality;
- (f) to identify the principal causes of gender inequality and promote effective measures for its prevention and control;
- 10 (g) to report to the Minister with a copy to the Women Caucus of Parliament appointed by the Speaker on mainstreaming of gender issues and regarding steps to be taken for implementing;
- 15 (h) to provide necessary support to public institutions and private institutions for taking special measures to implement the National Policy on Gender Equality and Empowerment of Women;
- 20 (i) to evaluate public institutions and private institutions in the implementation of National Policy on Gender Equality and Empowerment of Women under paragraph (h);
- 25 (j) to undertake research, educational programmes and other measures including gender mainstreaming and digitalization, for the purpose of promoting gender equality, in society and in workplaces;
- (k) to organize periodic awareness training programmes on gender equality to government officials and the general public;

- (l) to promote awareness, education and research on gender related issues;
- (m) to develop an annual work plan to implement the provisions of this Act;
- 5 (n) to review the annual progress in line with the Annual work plan and report to the Minister who in turn shall report to the relevant Minister for immediate attention for ensuring gender equality; and
- 10 (o) to do all such other acts or things as may be necessary for the discharge of all or any of functions of the Council.

8. Every appointed member of the Council, shall unless he vacates office earlier by death, resignation or removal,
 15 hold office for a period of three years from the date of his appointment and unless removed from office shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Term of
office

9. (1) The Minister shall appoint one of the appointed
 20 members who has excelled in promotion of gender equality to be the Chairperson of the Council.

Chairperson
of the
Council

(2) The Chairperson may resign from office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the
 25 Minister.

(3) The Minister may for reasons assigned therefor remove the Chairperson from the office of the Chairperson.

(4) Subject to the provisions of subsections (2) and (3), the term of office of the Chairperson shall be the period of his membership of the Council.

(5) Where the Chairperson is temporarily unable to
5 exercise, perform and discharge the powers, duties and functions of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as the Chairperson in addition to his normal duties as an appointed member.

- 10 **10.** A person shall be disqualified from being appointed or continuing as a member of the Council, if such person –
- Disqualifications
for being
appointed or
continuing as
a member of
the Council
- (a) is or becomes a Member of Parliament, of any Provincial Council or of any local authority;
- (b) is not, or ceases to be, a citizen of Sri Lanka;
- 15 (c) has been or is adjudged an insolvent by a court of competent jurisdiction;
- (d) is or becomes unfit to continue in office by reason of illness or other infirmity of mind or body;
- 20 (e) has been or is declared to be of unsound mind by a court of competent jurisdiction;
- (f) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or
- 25 (g) has been removed from office during a previous term in which he was appointed as a member of the Council.

11. (1) Any appointed member of the Council may at any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

Resignation
and removal
of members

5 (2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of section 6 appoint some other person to act in his place.

10 (3) The Minister may for reasons assigned, remove an appointed member from office. An appointed member who has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the Council in any other capacity.

15 (4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to section 6, appoint another person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

20 **12.** (1) The meeting of the Council shall be held at least once in every month and the quorum for a meeting of the Council shall be five members.

Quorum and
meetings of
the Council

25 (2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present shall preside at such meeting.

(3) A meeting of the Council may be held either-

30 (a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or

(b) by means of audio-visual communication by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting.

5 (4) All questions for decision at any meeting of the Council shall be decided by the vote of the majority of the members present at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

10 (5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the meetings of the Council and the transaction of businesses at such meetings.

15 **13.** The salaries of the members of the Council shall be determined by the Parliament and shall be charged on the Consolidated Fund. Remuneration of members

20 **14.** A member who is directly or indirectly interested in any decision that is to be taken on any matter by the Council shall disclose the nature of such interest at the meeting of the Council where such decision is being taken, and such disclosure shall be recorded in the minutes of the meetings of the Council and such member shall not take part in any deliberation or decision of the Council with regard to that matter and shall not be present at such meeting while such Members to disclose any interest

25 deliberation is in progress or such decision is being made.

15. No proceeding, act or decision of the Council shall be invalidated by reason only of the existence of a vacancy among its members or of any defect in the appointment of a member thereof. Proceeding, act or decision not invalidated by reason of a vacancy

PART II

STAFF OF THE GENDER EQUALITY COUNCIL

16. (1) The Council may appoint such number of officers and employees, as the Council may deem necessary for the proper and efficient discharge of its functions. Staff of the Council

(2) The Council may –

- (a) subject to any written law and any guideline issued by the Government from time to time fix the wages or salaries or other remuneration of such officers and employees including the terms and conditions of employment and schemes of recruitment;
- (b) exercise disciplinary control over or dismiss any officer or employee of the Council; and
- (c) establish and regulate a provident fund and any other welfare and security schemes for the benefit of the officers and employees of the Council subject to relevant written law and make contributions to any such fund or scheme.

(3) At the request of the Council, any officer in the public service may, with the consent of that officer and the Public Service Commission and the appointing Authority of such officer be temporarily appointed to the staff of the Council for such period as may be determined by the Council, or with like consent, be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Council, the provisions of subsection (2) of section 14 of the National Transport

Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to, such officer.

(5) Where any officer in the public service is permanently appointed to the staff of the Council, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to, such officer.

(6) Where the Council employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Council by that person shall be regarded as service to the Government for the purpose of discharging his obligations under such contract.

(7) The Council may delegate to any officer appointed to assist the Council any of its powers, duties or functions in so far as is required for the efficient functioning of the Council and the person to whom such powers are so delegated shall exercise such powers, duties and functions subject to the direction and control of the Council. Any delegation made under this section may be withdrawn by the Council.

PART III

GENDER FOCAL POINT

17. (1) Every public institution and private institution shall appoint or designate from amongst its staff a person responsible for identifying and reporting activities relevant to gender mainstreaming and gender equality (hereinafter referred to as the “Gender Focal Point”).

(2) The Gender Focal Point shall, be an officer who holds a position not below an Additional Secretary or an Additional

or a Deputy to the Head of the respective institution, and be the main point of contact in the respective institution with regard to addressing gender issues.

(3) Each Gender Focal Point shall prepare a plan of activities targeting their areas of responsibility and report directly to the Council on a quarterly basis with a copy to Women Parliamentarians Caucus in Parliament.

18. Each Gender Focal Point shall, within their respective public institution - Functions of
the Gender
Focal Point

- 10 (a) promote implementation, of gender equality-based policies and practices;
- (b) be responsible for mainstreaming gender equality issues in the programmes;
- 15 (c) make recommendation to the Council to review and amend the policies and programmes to align with the achievement of gender equality and in accordance with gender budgeting principles, to ensure gender mainstreaming;
- 20 (d) organize and implement programmes, systems and measures to minimize the occurrence of gender-based discrimination or violence;
- (e) conduct follow-ups, analysis and audits on the implementation of programmes from a gender equality perspective and in accordance with gender budgeting principals;
- 25 (f) endeavour to promote gender balance in decision making processes;

- (g) to promote the adherence to guidelines on gender equality at inquiries regarding work place sexual harassment;
- 5 (h) create an environment, free of harassment and violence and set up appropriate follow-up mechanisms;
- (i) provide access to counselling services and health care services for individuals affected by gender-based violence or discrimination; and
- 10 (j) support to the Council to implement the Annual work plan.

PART IV

FINANCE

15 **19.** (1) The Council shall have its own Fund (hereinafter referred to as the “Fund”). Fund of the Council

(2) There shall be credited to the Fund –

- (a) all sums of money as may be voted from time to time by Parliament, for the use of the Council;
- 20 (b) all such sums of money as may be received by the Council in the exercise and discharge of its powers, duties and functions under this Act; and
- (c) all such sums of money as may be received by the Council by way of income, grants, gifts or donations from any source whatsoever whether within or
25 outside Sri Lanka:

5 Provided that, the Council shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Council.

(3) There shall be paid out of the Fund –

10 (a) all such sums of money as are required to defray any expenditure incurred by the Council in the exercise, performance and discharge of its powers, duties and functions under this Act; and

(b) all such sums of money as are required to be paid out of the Fund by or under this Act.

15 **20.** The Council may open and maintain any accounts with any State Bank as it may think appropriate, and such accounts shall be operated in accordance with prevailing financial regulations of the Government pertaining to financial transactions of public corporations.

Council to
maintain
accounts

21. (1) The financial year of the Council shall be the calendar year.

Financial
year and
audit of
accounts

20 (2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Council.

25 (3) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of accounts of the Council.

PART V

GENERAL

22. (1) The Council shall within six months of the end of each financial year, submit to the Minister an annual report of the activities carried out by the Council during that financial year, and cause a copy each of the following documents relating to that year to be attached to the report—

Annual
Report

- (a) the audited accounts of the Council for the year along with the Auditor-General's report; and
- 10 (b) a report of proposed activities for the year immediately following, the year to which such report and accounts relates.

(2) The Minister shall lay copies of the report and documents submitted under subsection (1) before Parliament within six months from the date of receipt of such report.

23. Every member of the Council and all officers and employees of the Council shall, before entering upon his duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Council, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except —

Declaration
of secrecy

- (a) when required to do so by a court of law; or
- 25 (b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.

24. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the Chairperson or any officer of the Council any of its powers, duties or functions and any such officer shall exercise or
 5 perform such power or function in the name and on behalf, of the Council.

Delegation of
powers of the
Council

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge any power, duty or function so delegated and may
 10 at any time revoke any such delegation.

25. Any person who –

Offences

(a) contravenes the provisions of this Act or any regulation made thereunder; or

(b) fails to comply with an order or directive of the
 15 Council;

shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to
 20 both such fine and imprisonment.

26. In the case of any offence under this Act committed by a body of persons, then –

Offences by
bodies of
persons

(a) where such body of persons is a body corporate, every director, secretary and officer of that body corporate; and
 25

(b) where that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence, unless the director, secretary, officer or partner as the case may be, proves that the offence was committed without the knowledge of such director, secretary, officer or partner and
5 that all due diligence was exercised by them to prevent the commission of the offence.

27. (1) The Minister may, for the purpose of giving effect Regulations
to the principles of this Act, make regulations in respect of any matter which is required by this Act to be prescribed or
10 in respect of which regulations are required or authorized to be made under this Act.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication, or on such later date as may be
15 specified in the regulation.

(3) (a) Every regulation made by the Minister shall, within three months after its publication in the *Gazette*, be brought before Parliament for approval.

(b) Any regulation which is not so approved shall be
20 deemed to be rescinded as from the date of such disapproval, but without prejudice to anything duly done thereunder.

(4) Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

28. Notwithstanding anything to the contrary in the
25 provisions of any other written law for time being in force, the provisions of this Act shall have effect in respect of all matters relating to the achievement and enhancement of gender equality and accordingly in the event of any inconsistency or conflict between the provisions of this Act
30 and such other written law the provisions of this Act shall prevail.

This Act to prevail in case of inconsistency

29. Unless the context otherwise requires –**Interpretation**

5 “discrimination”. means the differential treatment of an individual or group of people based on a specific characteristic including race, caste, color, sex, gender identity, national origin, language, religion, age, marital and parental status, disability, or health status;

10 “direct discrimination” means different treatment explicitly based on grounds of sex or gender identity;

15 “gender identity” means the cultural, economic, social and political characteristics, role and opportunities through which women, men and others are socially constructed and valued;

20 “gender-based discrimination” means any distinction, exclusion or restriction made on the basis of sex or gender identity which has the effect or purpose of impairing or nullifying the recognition on the basis of equality of persons, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;

25 “gender budgeting” is an application of gender mainstreaming in the budgetary process which means a gender-based assessment of budgets, policy on resource allocation and taxation, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality;

30

5 “gender equality” means equality between persons of different sex and gender identity without gender based discrimination and include equal opportunity of enjoyment of, or access to, –

- (a) education;
- (b) employment;
- (c) health care and health care information;
- 10 (d) private and family life;
- (e) justice and dispute resolution;
- (f) public places and buildings;
- (g) public services;
- 15 (h) media, information and communication technologies;
- (i) protection from violence; and
- (j) economic, political and social activities;

20 “gender mainstreaming” means the process of assessing the implications for persons of different sex, gender and gender identity of any planned action, including legislation, policies or programmes, in all areas and at all levels;

“indirect discrimination” means discrimination that occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to persons of different sex or gender identity;

5

“Minister” means the Minister to whom the implementation of this Act is assigned;

“prescribed” means prescribed by regulations made under this Act;

10

“public corporation” means any corporation, board or other body which was or is established by or under any written law, with funds or capital wholly or partly provided by the Government;

15

“public institution” means a department or institution of the Government, a public corporation or a statutory institution and includes a higher educational institution, a university and a professional institution and an institution offering vocational or technical education funded wholly by the Government, a public corporation or a statutory body; and

20

“private institution” means an institution established, recognized or licensed under any written law, and include a higher educational institution, a university and a professional institution and an institution offering vocational or technical education, other than those funded wholly by the Government.

25

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30. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

