

Annex 3

Observations and Recommendations on the Draft Women's Empowerment Bill

Pursuant to the mandate of the Human Rights Commission of Sri Lanka under section 10(c) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, the Commission submits the following observations and recommendations with respect to the draft Bill.

Clauses 2 and 7

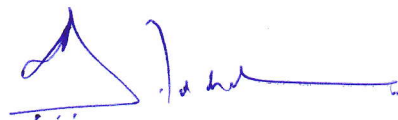
1. Clause 2(e) of the Bill states that one of the objectives of the Bill is 'introducing a process for the recognition of addressing and redressing all forms of discrimination against women including legislative measures'. Although the term 'legislative measures' is likely to mean enactment, amendment and/or repeal of Acts of Parliament and subordinate legislation issued thereunder, it is observed that further clarity may be useful to define what is meant by 'legislative measures'.
2. **It is recommended that either Clause 2(e) or the interpretation clause, i.e., Clause 7, be revised to clarify what is contemplated by the term 'legislative measures', and whether such term means the enactment, amendment and/or repeal of Acts or Parliament and/or subordinate legislation including regulations.**

Clause 3

3. Clause 3(1)(f) of the Bill empowers the Minister to issue 'directions and guidelines to the Ministries, Departments and statutory bodies and other institutions and organisations'. It is observed that 'statutory bodies and other institutions and organisations' could include independent commissions.
4. **It is recommended that the powers of the Minister to issue directions and guidelines be confined to ministries, departments, and other government institutions, and not extended to statutory bodies, or other institutions and organisations.**

Clauses 5 and 7

5. Clause 5(1) of the Bill states that the Minister may prepare Codes of Conduct relating to 'special categories of women'. It is observed that the phrase 'special categories of women' is not defined in this provision or the interpretation clause.
6. **It is recommended that a definition of the phrase 'special categories of women' be included in the interpretation clause, i.e., Clause 7, to ensure greater clarity as to whom the 'Codes of Conduct' relate to. If the intention is to reference intersectionality, it is recommended that the term be used and a definition provided (See Observations and Recommendations on the Gender Equality Bill.)**

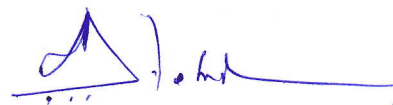


Clause 6

7. Clause 6(2)(b) of the Bill empowers the Minister to make regulations including to 'ensure not less than fifty percent contribution of women in the national economy'. It is not clear whether this provision takes into account unpaid care work and women's contribution to the informal economy.
8. **It is recommended that Clause 6(2)(b) be revisited to explicitly include unpaid care work and women's contribution to the informal economy.**

General Observations and Recommendations

9. The Commission observes that there are substantial similarities in the provisions and legislative intent behind this Bill, and the draft Gender Equality Bill. They both reference the National Policy on Gender Equality and Women's Empowerment.
10. **It is recommended that the amalgamation of the above two Bills into a single consolidated Bill be considered. With reference to the institution that will be established under this Bill, we recommend that the Gender Equality Council be housed in the new department to which the Women's Bureau will be upgraded. We recommend that such an amalgamation be considered to minimise overlap and resource wastage. We recommend that the naming of the department as the 'Department for Gender Equality' be considered in view of such a change.**



Justice L.T.B. Dehideniya
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka