



FAMILY

LEGAL CLINIC

GENDER EQUALITY ACT

Act number: *18/2016*

Date: *20-11-1437 H*

23-08-2016 M

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GENDER EQUALITY ACT

CHAPTER 1

GENERAL PROVISIONS

- Introduction and short title*
- 1.** (a) This Act provides general principles to achieve gender equality in the Maldives, policies to prohibit discrimination based on gender in the Maldives and the duties and responsibilities of State institutions and other relevant parties to achieve gender equality in the Maldives.
- (b) This Act may be cited as Gender Equality Act.
- Purpose*
- 2.** This Act intends to achieve the following objectives:
- (a) To ensure that every person enjoys without discrimination based on sex or gender, the fundamental rights and freedoms guaranteed by the Constitution of the Republic of Maldives, as provided by Article 17 of the Constitution of the Republic of Maldives, which determines the rights and freedoms for everyone, without discrimination of any kind, including sex or gender and as provided by Article 20 of the Constitution of the Republic of Maldives which states that every individual is equal before and under the law, and is entitled to equal protection and equal benefit of the law;
- (b) To facilitate all steps towards prevention of discrimination based on gender and prevention of all ideas and practices that promote discrimination between men and women, in conformation with the Conventions on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol to the Convention on

the Elimination of All Forms of Discrimination Against Women.

- (c) To ensure that women enjoy equal terms with men, human rights, fundamental rights and equal opportunities in their economic, social, cultural, civil and political life in the Maldives, in conformation with the Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- (d) To protect human dignity;
- (e) To establish principles of gender equality in the conduct of state institutions, businesses, civil society organizations, employers, other legal entities and individuals;
- (f) To establish gender equality principles in making social, economic, political and cultural policies;
- (g) To end all forms of violence against women and girls;
- (h) To take special steps to establish gender equality;
- (i) To establish a culture of empowerment, provide equal opportunities and an enabling environment to achieve results on gender equality;

*Special
principles for
interpretation
of the Act*

- 3. (a) No provision of this Act shall be interpreted in a manner that contradicts the Constitution of the Republic of Maldives or the principles of Islam.
- (b) The present Act must be interpreted and applied to uphold the principles of the Convention on Elimination of All Forms of Discrimination Against Women, the Optional Protocol to the Convention on Elimination of All Forms of Discrimination Against Women, the conventions and treaties the Maldives is party to and to promote the values that underlie an open and democratic society.

- (c) Reservations by the Maldives to conventions and treaties the State is a party must be considered in the implementation of subsection (b) of this Section.

CHAPTER 2

EQUALITY AND NON-DISCRIMINATION

- Gender Equality* 4. Gender equality, for the purposes of the present Act shall mean equality of opportunity, equality in accessing opportunities, the opportunity to achieve results on equal terms and the fundamental equality of rights and freedoms for men and women.
- Characteristics which are afforded protection* 5. (a) “Gender” is a characteristic that is afforded special provisions in this Act as provided by Article 17 of the Constitution of the Republic of Maldives which prohibits discrimination of any kind, including sex or gender.
- (b) The special provisions stated in subsection (a) of this Section is the entitlement of rights and freedoms provided in this Act to all persons discriminated against based on sex or gender.
- Application of this chapter* 6. The provisions stated from Sections 7 to 12 of this Act is applicable to State institutions, businesses, civil society organizations, employers, other legal entities and individuals.
- Discrimination based on gender* 7. (a) Discrimination based on gender, either directly or indirectly, is prohibited under this act.
- (b) Discrimination based on gender, for the purposes of this Article shall mean any action to prohibit, deny or discriminate on the basis of sex or gender with the purpose of obstructing the right of men and women to enjoy equally fundamental rights and freedoms.
- Systemic discrimination* 8. (a) The use of a discriminatory system to allocate certain types of jobs for a specific gender and the subsequent exclusion of a

*due to an
unjust system*

specific gender from opportunities due to this systemic discrimination shall be construed as discrimination based on gender.

- (b) Systemic Discrimination in the present Article shall mean systems designed to maintain through laws, policies, culture and practices, unjust beliefs in society on the role of a specific gender, based on social circumstance.

*Discrimination
based on
circumstance*

9. (a) Direct and indirect discrimination of women based on the following circumstances is prohibited:

- (1) pregnancy or the possibility of pregnancy;
- (2) childbirth or the possibility of childbirth;
- (3) breastfeeding or the possibility of breastfeeding.

- (b) Direct or indirect discrimination based on the following circumstances is prohibited:

- (1) sex;
- (2) marital status;
- (3) family responsibility;
- (4) qualities attributed by society to a specific gender or qualities not attributed by society to a specific gender;
- (5) roles attributed by society to a specific gender or roles not attributed by society to a specific gender;
- (6) established practices promoting inequality towards men and women;
- (7) established practices that diminish the dignity of a specific gender;
- (8) social and cultural beliefs that a specific gender is superior or that a specific gender is inferior;

- (c) Discrimination in this Section shall mean the presentation of any of the following circumstances through the action or inaction of

an individual, law, regulation, policy or general practice:

- (1) for a person unjustly blamed, forced to carry a burden or difficulty;
- (2) denial of a profit, gain, ease or opportunity for a provision stated in this Section.

*Direct
discrimination*

10. Direct discrimination shall, for the purposes of this Act, shall mean doing of any of the following:

- (a) a blatant discrimination between men and women in the realization of rights guaranteed by a regulation or in the implementation of a mandate by an institution through the relevant procedures, or under any such circumstance;
- (b) the inferior treatment of an individual based on a quality for which provisions are provided in this Act or the inferior treatment of an individual for qualities inherent to the individual.

*Indirect
discrimination*

11. (a) Indirect discrimination shall, for the purposes of this Act, means occurrence of any of the following:

- (1) inequality to a specific gender caused by the neglect to adequately consider and address injustices that had occurred prior to the implementation of a regulation, policy or procedure, despite the superficial presence of equality promotion evident in the regulation, policy or procedure;
 - (2) an individual afforded the protection of the present Act is subject to unjust harm due to the manner of enforcement or due to the result of conditions set to achieve a specific objective or due to the imposition of qualities made mandatory or due to the manner an action is implemented;
- (b) A court of law shall have regard to the following when deliberating on conditions or qualities or customs stated in subsection (a) (2) of this Section:

- (1) consequences to an individual due to the inability to comply with such a condition or qualities, or inability to comply with an established custom;
 - (2) subsequent harm as a consequence of defying such conditions, qualities or custom;
 - (3) financial condition of the individual who enforces such conditions, qualities or procedures.
- (c) The provisions in subsections (a)(1) and (a)(2) of this Section shall not be considered indirect discrimination if they are implemented to the minimum amount necessary to achieve a goal that is permitted by law.
- (d) If a complaint with regard to provisions in subsection (a) (1) or (2) of this Section is made and if the complainant can prove from the outset that the complaint warrants legal charges, the onus to prove that no indirect discrimination occurred, and the provisions set in subsection (a)(1) and (2) of this Section were implemented to the minimum amount necessary to achieve a goal that is permitted by law, shall lie on the accused.

Matters that should not be considered when determining existence of direct or indirect discrimination

- 12.** The following circumstances shall not to be considered when determining existence of direct or indirect discrimination by an act of a certain person:
- (a) that the action is believed to obstruct only a particular gender;
 - (b) that the person understands the act amounts to discrimination;
 - (c) that the essence of the act is to discriminate and if the only reason or the elementary reason for the action is to discriminate based on gender;
 - (d) the objective of the discrimination;
 - (e) that the act of discrimination was performed by an individual or a group;

- (f) that discrimination was the result of performing or neglecting to act;

Exemptions of discrimination **13.** Measures taken in furtherance of achieving the purposes stipulated in Section 2 of this Act, with reference to Article 17 (b) of the Constitution of the Republic of Maldives, aimed at aiding a particular gender or protecting a particular gender, shall not be considered discrimination as defined in the present Act.

CHAPTER 3

GENDER-BASED VIOLENCE AGAINST WOMEN

Gender-based violence against women **14.** (a) Any violence towards women, for reason of her being a woman, shall be considered, for the purposes of this Act, as gender-based discrimination.

(b) Gender-based violence against women, as stated in subsection (a) of this Section shall mean the following acts against women for reason of her being a woman:

- (1) an act of domestic violence as stipulated in Act number 3/2012 (Domestic Violence Act);
- (2) an act of rape or sexual assault as stated in Act number 17/2014 (Sexual Offences Act), or a threat thereof;
- (3) physical, sexual or psychological harm;
- (4) threatening to commit acts of nature stated in subsection (a) (3) of this Section;
- (5) detention in a certain place without consent;
- (6) denial of dignified economic and social life;
- (7) denial of opportunity to earn for self-sustenance;
- (8) acts of sexual abuse and harassment as stated in Act number 16/2014 (Sexual Abuse and Harassment Act);
- (9) trafficking of girls and women or obtaining benefits through the trafficking of girls and women;

(10) carrying out an act against women prohibited by another law.

(c) Imposition of penalties prescribed in another law for acts of the same nature as stated in subsection (b) of this Section shall not be a bar to recover compensation for such acts under this Act.

Steps taken where gender-based violence occurs against women

15. This Act does not prevent the enforcement of laws or the execution of penalties prescribed in such laws or the application of social responsibility as prescribed in such laws or the application of criminal charges prescribed in such laws for the acts stipulated in Section 14 of this Act.

CHAPTER 4

WOMEN LIVING IN ADMINISTRATIVE DIVISIONS

Responsibilities of state institutions

16. State institutions, alongside the implementation of all appropriate steps to ensure that women living in their administrative divisions are afforded every benefit of this Act, shall recognize the concerns of such women, the diverse work carried out by such women that do not generate income yet benefit the society as a whole and the roles such women take towards the safety and wellbeing of their families.

Rights to be ensured for women living in administrative divisions

17. State institutions, businesses, civil society organizations, employers, other legal entities and individuals shall abolish all discrimination against women in administrative divisions, establish gender equality, ensure the involvement of women in the development of administrative divisions, ensure that women enjoy the benefits of development and that women are assured the following rights:

- (a) direct involvement of women in the various stages of design, planning and implementation of development initiatives;
- (b) availability without discrimination of direct benefit services, information on health, counseling and family planning services;
- (c) benefit without discrimination of social welfare services;

- (d) accessibility to all types of formal and informal education and training;
- (e) women are afforded the same as men, through self-help groups and cooperative societies, the economic opportunities to work or generate income through private or personal enterprise;
- (f) opportunity to participate in all activities of the society;
- (g) equal opportunity for men and women to access financial facilities, marketing resources, appropriate technology and the ownership of property;
- (h) ability to live with the benefits and adequate access to land, sewerage, water, electricity, transport and communication services.

CHAPTER 5

RESPONSIBILITIES OF INSTITUTIONS AND INDIVIDUALS

- Responsibilities of state and business institutions*
- 18.** (a) State institutions and businesses, in the enforcement of their roles shall take all appropriate steps to achieve the following goals:
- (1) abolish gender-based discrimination, including direct and indirect discrimination stipulated in this Act;
 - (2) abolish all systemic discrimination caused through established systems with unequal practices;
 - (3) promote equal opportunities for men and women;
 - (4) promote notions and ideas of gender equality to eliminate undesired preconceptions against a certain gender.
- (b) The promotion of equal opportunity as stated in subsection (a) (3) of this Section shall include the following:
- (1) elimination of weakness or difficulty caused by inequality between men and women;
 - (2) reduce the negative effects of inequality between men and

women;

- (3) take appropriate steps to facilitate the special needs of a particular gender to achieve ease of attainment of services;
- (4) evaluate the degree of participation of each gender in public life and public services and take appropriate steps to balance such participation.

- (c) Exceptions stated in subsection (a) of this Section shall not apply to parties with public responsibility.
- (d) For the purposes of this Act, a particular benefit afforded to a specific gender by a State institution or a business, through the enforcement of responsibilities stated in this Section shall not translate to permissible discrimination.

*Non-
discrimination
in provision of
services or
carrying out
responsibilities
related to the
public*

- 19.** (a) All service providers shall ensure the following in administration of services to the public and public groups:
- (1) elimination of discrimination caused through the denial of service to an individual to his/her particular gender;
 - (2) not to refuse services to an individual seeking a service based on the individual's particular gender;
 - (3) not to cause disadvantage or difficulty based on gender in the administration of services;
 - (4) that no individual seeking a service or attaining a service is harassed based on gender or on any other basis.
- (b) The provisions stipulated in subsection (a) of this Section shall also apply to all services provided to the public and public groups through execution of public responsibility.
- (c) For the purpose of this Section, "provision of services" shall mean the provision of goods and services.
- (d) An employer for the purposes of this Section shall not be considered a provider of services as stated in this Section if the

employer maintains the service through a third party. In the aforementioned instance, the employees shall be considered public individuals.

- (e) An individual seeking a service for the purposes of this Section shall mean an individual who seeks the benefits of a service or an individual who desires to seek the benefits of a service.
- (f) The denial of service to an individual as stated in subsection (a) (1) of this Section shall mean the following:
 - (1) provision of service by a service provider at a quality lower than the quality of service provided to the public or a public group;
 - (2) provision of services in different a manner than the manner of the service provided to the public or a public group;
 - (3) provision of service by a service provider on different conditions than those of the service provided to the public or public group.

*Responsibilities
of employers in
the public and
private sector*

- 20.** It shall be the responsibility of employers in public and private sectors to do the following under this Act:
- (a) provide equal opportunity to men and women in the employment, training and advancement of position;
 - (b) provide equal wages to men and women who perform the same responsibilities at the same place of employment;
 - (c) men and women at the same place of employment with work adequately equal in value and weight shall be given equal wages, overtime compensation, benefits and allowances;
 - (d) employment opportunities shall not be offered or advertised to restrict a particular gender, except in circumstances the work is required to be undertaken by a particular gender;
 - (e) announcements and advertisements for work that is likely to

attract more men than women must be designed to invite and not to exclude women;

- (f) take all possible steps to eliminate obstructions to employment of women and to create conducive work environments for women;
- (g) establish a complaints mechanism for the purposes of Section 29 of this Act.

Responsibilities of media service providers and media personnel

- 21.** (a) Institutions in media services and media personnel shall actively promote the principle of equality between men and women.
- (b) For the purposes of subsection (a) of this Section, it is the responsibility of media personnel to promote the belief in the principle of equality amongst all people, that everyone is entitled to their rights and opportunities without discrimination, and that both men and women are entitled to the same degree of representation without undertaking particular roles in the society, regardless the biological differences between men and women.

Responsibilities of institutions and individuals providing educational services

- 22.** As per the stipulations of the present Act, it is the responsibility of all personnel in educational service institutions to undertake the following:
- (a) promote the principle of equality between men and women through the educational curriculum and to promote the principle of equality amongst all people and their entitlement to rights and opportunities without discrimination;
 - (b) represent both men and women equally in the curriculum and while teaching, without assigning particular roles to them, regardless the biological differences between men and women;
 - (c) provide equal opportunities to both men and women in acquiring education, reaping the benefits of education, training, learning, acquiring skills, acquiring knowledge, reaping the benefits of subjects related to science and technology, and in invention and

innovation;

- (d) To equally provide boys and girls with education related to adolescent health;
- (e) establish gender equality within extracurricular activities amongst students; to open-up equal opportunities for men and women in such activities; and to encourage reaping the benefits of such opportunities;
- (f) provide information and training on the establishment of gender equality, for all teachers and administrative staff of schools, within teacher training programs and in the professional development of teachers;
- (g) To promote equality between men and women and to increase the participation of women, in all institutions working on the provision of education and skills training programs.

Responsibilities of institutions providing financial services **23.** (a) It is the responsibility of institutions in financial services to provide opportunities for financial resources and services to men and women equally without discrimination.

(b) For the purposes of subsection (a) of this Section, under relevant circumstances, institutions in financial services and other authorities related to financial services shall formulate policies to provide women with equal opportunities as men, in attaining financial facilities.

Responsibility to establish gender equality in political arena **24.** (a) It is the responsibility of the State and political parties, to facilitate women with equal opportunities as men in all levels of the political arena.

(b) Pursuant to this Act, it is the responsibility of the Ministry to work towards the provision of help and training, in facilitating women to participate and take initiative in all levels of the political arena, on an equal footing with men.

- (c) Pursuant to this Act, it is the responsibility of any government in place to work towards facilitating women with equal opportunities as men, in appointing persons to positions in government, in working at all levels of government, in representing the government at the international level, and in participating in the work of international organizations.
- (d) Pursuant to this Act, it is the responsibility of political parties to work towards facilitating women with equal opportunities as men, in running for candidacy in an elected post, and in fielding candidates for such posts.
- Economic empowerment* **25.** (a) Women shall be granted equal opportunities as men, in access to and use of economic resources.
- (b) It is the responsibility of the Government and the relevant State authorities, to formulate and implement policies related to the identification and overcoming of barriers faced by women in their economic empowerment, that arise due to the roles assigned to men by society, albeit the apparent equality between men and women in accessing economic resources.
- Prioritizing gender equality in formulating policy and programs relating to housing* **26.** (a) In formulating policies and programs related to housing, and in formulating island land use plans, the Government shall consider the implementation of gender equality as per Section 4 of this Act.
- (b) For the purposes of subsection (a) of this Act, both men and women should have genuine opportunities to benefit from the government’s policies and programs related to housing.
- Responsibilities of health service providers* **27.** (a) It is the responsibility of institutions in health services, to ensure that adequate health services and information related to health is provided equally to both men and women.

- (b) It is the responsibility of institutions in health services to ensure a system whereby information on reproductive health, information on ensuring family health and information on family planning is available in places providing health services, on an equal basis for men and women.

CHAPTER 6

PROHIBITION FROM BEING SUBJECTED TO VIOLENCE FOR SUBMISSION OF COMPLAINTS

*Prohibition
from being
subjected to
violence for
submission of
complaints*

- 28.** (a) It is prohibited under this Act, to subject a person to violence for having made a complaint against any person or entity for perpetrating any form of discrimination that is prohibited under this Act.
- (b) For the purpose of subsection (a) of this Section, “Subjection to violence for submission of a complaint” shall mean perpetrating an act of violence or threatening violence against a person who acts, or is suspected of acting, or intends to act in one of the following ways:
- (1) submitting a complaint against or initiating proceedings against a person under this Act;
 - (2) reporting a person who has perpetrated a form of discrimination under this Act;
 - (3) adducing any evidence, information or documents in relation to any procedures that are carried out under this Act.
- (c) Any person who is a victimized on the grounds of submitting a complaint, has the right under Section 31 of this Act, to initiate proceedings against the perpetrator of the violence.

CHAPTER 7

CLAIMING FOR AND RECOVERY OF COMPENSATION

29. (a) Any person who incurs damages due to noncompliance of employers with one of the following, or becomes the victim of any form of discrimination prohibited under the present Act, has the right to raise charges against the employer, as stipulated in this Section:
- (1) Chapter 2 of this Act; or
 - (2) Section 20 of the present Act, which states the responsibilities of employers.
- (b) If an employer is noncompliant with the stipulations of subsection (a) of this Section, the victim of such noncompliance has the right to submit a complaint to the complaints mechanism established at the place of employment under subsection (g) of Section 20 of this Act.
- (c) Employers shall investigate and inform the complainant, of the decisions made following the investigation, within 30 (thirty) days of receiving any complaints submitted as stipulated in subsection (a) of this Section.
- (d) If the complainant is not satisfied with the decision made by the employer, the complainant has the right to submit the complaint to the Tribunal within 90 (ninety) days of the decision.
- (e) If a decision regarding a complaint is not made within 30 (thirty) days as stipulated in this Act, the complainant has the right to submit the complaint to the Tribunal.
- Penalties for non-establishment* 30. (a) Institutions specified in Section 20 of this Act shall establish the complaints mechanism stipulated in subsection (g) of Section 20 of this Act within 3 months from the date this Act comes into

*of complaint
mechanism*

force and inform the Ministry of such establishment.

- (b) If the institutions specified in Section 20 of this Act do not establish the complaints mechanism stipulated in subsection (g) of Section 20 of this Act within the timeframe stipulated in subsection (a) of this Section, all persons have the right to lodge complaints with the Minister regarding such noncompliance.
- (c) The minister has the authority to take one of the following actions against an institution specified in Section 20 of this Act, which has failed to establish the complaints mechanism stipulated in subsection (g) of Section 20 of this Act:
 - (1) publicizing information on such entities;
 - (2) imposing a fine not exceeding 25,000 (twenty-five thousand) Maldivian Rufiyaa, on the institution whose duty and responsibility is to establish the complaints mechanism stipulated in subsection (g) of Section 20 of this Act, if the noncompliant institution is a public-sector employer;
 - (3) imposing a fine not exceeding 25,000 (twenty-five thousand) Maldivian Rufiyaa, if the noncompliant entity is a private-sector employer.

*Initiating claims
against persons
who are in
contravention
of this Act* **31.** Any person who incurs damages due to noncompliance by an institution with an obligation stipulated in Chapter 2, Chapter 3 Chapter 4 and Chapter 5 of this Act, or any person who is a victim of any form of discrimination prohibited by the present Act, has the right to initiate a claim against the perpetrating institution, requesting one of the redresses stated in Section 32 of this Act.

*Prayers that
can be made in
a claim* **32.** In initiating a claim under this Chapter, either in the Tribunal or the Court as applicable, the following forms of redress can be requested for by the complainant:

- (a) a claim for compensation;
 - (b) a review of the actions by the institution that perpetrated a form of discrimination prohibited by the present Act.
- Recovery of compensation* **33.** (a) Compensation for charges raised under this Chapter for noncompliance with this Act, or for perpetrating a form of discrimination prohibited by this Act, shall be decided upon by the Tribunal or the Court, based on the facts of the case, through procedures that are to be established by the Tribunal or the Court, in reference to this Section.
- (b) In the interests of serving justice for the case, the Tribunal or the Court may decide to provide compensation for claims made under this Chapter, in one of the following ways:
- (1) provide full compensation for the claim;
 - (2) provide partial compensation for the claim, as decided upon by the Tribunal or the Court;
 - (3) in instances where there has been a similar case in the past and a precedent was set, compensation as stipulated by the precedent.
- Review of an act by the perpetrator of discrimination* **34.** When reviewing the actions of an institution that has perpetrated a form of discrimination, under a claim made according to this Act, the Tribunal or Court has to decide on the following matters:
- (a) whether an act of discrimination that is prohibited under this Act was perpetrated and the reasons for finding as such;
 - (b) if it is found that an act of discrimination that is prohibited under this Act has been perpetrated, the reasons for finding as such;
 - (c) If it is not found that an act of discrimination that is prohibited under this Act has been perpetrated, the reasons for finding as such;
 - (d) If it is found that an act of discrimination that is prohibited under

this Act has been perpetrated, the steps that need to be taken in order to make amendments;

- (e) If it is found that an act of discrimination that is prohibited under this Act has been perpetrated, the perpetrator be fined by an amount of between 12,000 (twelve thousand) Maldivian Rufiyaa and 50,000 (fifty thousand) Maldivian Rufiyaa.

Appeals **35.** Any decisions made by a Tribunal or Court under this Act can be appealed as per Article 56 of the Constitution.

Protection afforded to witnesses **36.** Where a person is not being charged with producing false testimony or evidence, the person shall not be held liable in civil or criminal court in relation to a written or oral testimony given to a court of law by that person.

CHAPTER 8

SPECIAL MEASURES TO BE TAKEN TO ENFORCE GENDER EQUALITY

Special measures to enforce gender equality **37.** This Act does not prevent taking special measure or special measures as stipulated in Section 38 in order to establish gender equality, in any of the following circumstances:

- (a) where it is believed that the actions of a person prevent the well-being of a particular gender;
- (b) where the needs of a particular gender are different, in service accessibility; or
- (c) where participation of a particular gender is of a lower rate, in public service and public life.

Special measures **38.** The following are measures that can be taken under Section 37 of this Act:

- (a) Passing legislation or conducting programs or activities in order to achieve one of the following objectives:
 - (1) creating a conducive environment for women to attain equality in results;

- (2) taking steps, to review the distribution of power and resources amongst men and women, or to expedite the establishment of genuine equality, with the objective of solving the issue of the low participation of women at different levels of the political arena;
 - (3) taking steps for the improvement of the situation of persons who: suffer from being disadvantaged for more than a single reason; are victims of gender-based discrimination; or are disadvantaged.
- (b) Providing special protections to a particular gender, under the situations defined in Section 9 (b) of this Act, to establish genuine equality, for the purpose of this Act.
 - (c) Providing special protections to women to safeguard them from gender-based violence against women and girls as defined in Section 14 of this Act.

CHAPTER 9

ENFORCEMENT OF THE ACT

*Primary
responsibility*

- 39.** (a) Except the responsibilities bestowed upon the Court and Tribunal, and responsibilities bestowed upon certain institutions and entities, the Minister shall carry out all responsibilities stated in the present Act with regard to establishing gender equality.
- (b) Except for the responsibilities vested upon the Court and Tribunal, and responsibilities bestowed upon certain institutions and entities, this Act grants the Minister the powers directly required for enforcement of this Act and other related powers for its seamless execution.

Principles

- 40.** (a) To empower and grant legal powers to the councils to enforce this

*relating to
decentralization*

Act in their respective jurisdictions, the Minister may appoint island councils, atoll councils and city councils as the primary implementing agency in their respective jurisdictions.

- (b) The Minister may only grant a council such duties or responsibilities stipulated in subsection (b) of this Article, after providing the necessary resources for the council to execute the responsibility and authority, and in accordance with the Gender Equality Establishment Policy and Action Plan formulated under Section 42 of this Act.
- (c) At the island, atoll and city council levels, under this Act, the Minister's guidance and authority shall extend to those entities executing the responsibility of establishing gender equality, those institutions working on raising public awareness on the prevention of gender-based violence against women and those entities working on protecting women from such violence.
- (d) Any responsibilities granted under this Act at the island council, atoll council or city council levels, shall be granted in writing, clearly articulating the specific powers or responsibilities being granted.
- (e) Any responsibilities granted under this Act to the island councils, atoll councils or city councils shall be detailed in a regulation made under the present Act which shall be publicized and published in the government's Gazette. The Minister shall be responsible for the administration of this Section.

*Role of the
Ministry*

- 41.** Under guidance and instruction of the Minister, and working on the forefront at a national level, the following shall be carried out by a special department established at the Ministry: preventing gender-based violence against women and raising awareness on such violence; establishing gender equality and raising awareness on gender equality;

establishing a mechanism of cooperation between institutions and entities who have been granted responsibilities under the present Act and other stakeholders; and coordinating the work done by different parties on establishing gender equality such that it is carried out under a national policy.

Responsibilities of the Ministry **42.** Responsibilities of the Ministry under this Act are stated below:

- (a) Formulating and implementing a policy and an action plan that is acted upon at the national level, within 6 (six) months from the date this Act comes into force, with the objective of implementing gender equality.
- (b) Reviewing and revising the policy and action plan with consultation with individuals, experts and civil society actors working in the area, every two years from the policy and action plan taking effect.
- (c) Conduct various activities with the objective of establishing gender equality, and formulate and implement steps, in line with.
- (d) In order to effectively implement gender equality and preventing gender-based violence, propose amendments to existing laws or present related bills to the People's Majlis.
- (e) Conducting various programs to disseminate information to train the general public or organizations.
- (f) Collecting and compiling gender segregated data that helps in understanding gender-based discrimination, with the objecting of preventing such discrimination.
- (g) Collecting statistics and publishing relevant data that show the high prevalence of gender-based violence against women, the reasons behind such violence and the effects of such violence.
- (h) Establishing a reporting mechanism to report those who

contravene this Act.

- (i) Formulating minimum standards for the complaints mechanisms established by employers under subsection (g) of Section 20 of this Act.
- (j) Providing guidance and information to legislators and policymakers.

Determining the matters to be reported

- 43.** A regulation made under this Act shall state what needs to be reported and who the report should be made to, with regard to establishing gender equality or preventing gender-based violence against women and girls.

CHAPTER 10

GENERAL PROVISIONS

Inclusion of finance in the budget for enforcement of this Act

- 44.** In passing the State budget every year for the following year, the Ministry shall be afforded a sufficient budget with the objectives of establishing gender equality, preventing gender-based violence against women and helping victims of such violence.

Reviewing the law

- 45.** (a) The Minister shall review this Act once every 5 (five) years from the date this Act comes into force.
- (b) It is the responsibility of the Government to present a bill to the Parliament to amend the present Act, if it is found that an amendment is required following a review as stipulated in subsection (a) of this Section.

Coming into force

- 46.** This Act shall come into effect 6 (six) months from the date of its publication in the government Gazette following its passage and ratification.

Making and enforcing regulations

- 47.** (a) Other than the regulations that need to be made and enforced by a relevant court or the tribunal, all other regulations under this Act shall be made and enforced by the Ministry.
- (b) Regulations that need to be made and enforced by a relevant court or the tribunal under this Act, shall be made and enforced by the relevant court or the tribunal.
- (c) All regulations that need to be made and enforced under this Act shall be made and published within 6 (six) months from the date this Act comes into force.
- (d) No regulation made under this Act shall be in conflict with the objectives of the Act, negate any objectives of the Act, or prevent the achievement of an objective of the Act.

Definitions

- 48.** Unless otherwise stated, the following terms and phrases shall have the meanings stated below:
- (a) “Court” shall mean, if in Male’, the Civil Court as stated in Section 53 (b) (1) of Act number 22/2010 (Courts of Judicature Act). If in another island, it shall mean the Magistrate Courts in line with their jurisdiction, as stated in Chapter 4 of the Courts of Judicature Act.
- (b) “Tribunal” shall mean the Employment Tribunal established under Chapter 10 of Act number 2/2008 (Employment Act).
- (c) “Duties related to the public” shall mean duties in the realm of public interest by their nature.
- (d) “Women” shall mean all women and girls without regard to their age.
- (e) “International convention on elimination of discrimination against women” shall mean the Convention on the Elimination of All

Forms of Discrimination Against Women.

- (f) “Minister” shall mean the Minister responsible for all national level actions to establish gender equality.
- (g) “Ministry” shall mean the Government Ministry responsible for all national level actions to establish gender equality.
- (h) “Media” shall mean television, radio, interactive CDs, websites, daily newspapers, weekly newspapers, magazines, trade publications, all publications that are either registered or not registered, that do or do not charge a fee for its availability, that publishes information, news, information, opinions and advertisements, that is disseminated online or otherwise.
- (i) “Men” shall mean all men and boys without regard to their age.
- (j) “State Institution” shall mean and include, the Executive, the People’s Majlis, Judiciary, independent institutions, independent positions, Security Services, and councils elected under the Constitution. Furthermore, it shall mean any institution that executes a duty of the state, any institutions that are funded by the State budget and any institution that is run with aid from the State budget.
- (k) “State-run businesses” shall mean State-run businesses as stated in Act number 3/2013 (Act on the Privatization, Corporatization and Monitoring of State-run Businesses)
- (l) “Gender” shall mean the meaning given to men and women socially and traditionally, in reference to their sex. This shall include the roles, way of life and other related aspects of men and women and specific roles, work and opportunities societally assigned to a particular sex.