

GENDER EQUALITY



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What is gender?

Sex is determined based on biological attributes of a person. Whereas gender is the meaning given socially and culturally to a particular sex. This includes the roles, way of life and other related aspects of men and women, and specific roles, work and opportunities socially assigned to a particular sex.

What does gender equality mean?

The term 'gender equality' means 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.

Did you know:

- The Gender Equality Act came into force in 2016 with the main purpose of providing principles to be adhered to achieve gender equality in Maldives. The act also lists out prohibited forms of gender-based discrimination and the role of State institutions and private parties.
- The Gender Equality Act allows for 'special measures' to be taken to establish gender equality if:
 - (a) it is believed that the actions of a person prevented the well-being of a particular gender;
 - (b) the needs of a particular gender are different, in service accessibility; or
 - (c) participation of a particular gender is of a lower rate, in public service and public life.
- Some of these 'special measures' includes:
 - (a) Passing legislation or conducting programs or activities in order to create a conducive environment for women to attain equality in results, or 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 or to improve the situation of persons who suffer from being disadvantaged for more than one reason, or are victims of gender-based discrimination or are disadvantaged.

- (b) providing special protection to a particular gender, to achieve genuine equality.
 - (c) providing special protection to women to safeguard them from violence against women.
- Article 17 of the Constitution of the Republic of Maldives guarantees fundamental rights and freedoms to every person without discrimination based on sex or gender.
 - Article 20 of the Constitution of the Republic of Maldives ensures that every individual is equal before law and is entitled to equal protection and equal benefit of the law.
 - Maldives is one 187 countries that ratified 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. Both of these are international treaties and are the most comprehensive documents in promoting women's rights and gender equality. The Maldivian Gender Equality Act is tailored to uphold these treaties.

Purpose of the Gender Equality Act:

- (1) To ensure that women enjoy equal opportunities with men, in matters of human rights, basic rights and equal opportunities in their economic, social, cultural, civil and political life in the Maldives.
- (2) To protect human dignity.
- (3) To establish gender equality principles in state institutions, businesses, civil society organizations, employers, legal entities and individuals.
- (4) To establish gender equality principles in the drafting of social, economic, political and cultural policies.
- (5) To end all forms of violence against women and girls.
- (6) To take special steps to establish gender equality.

- (7) To establish a culture of empowerment, provide equal opportunities and an enabling environment to achieve results on gender equality.

Prohibited Forms of Discrimination in Law

The Gender Equality Act prohibits 5 forms of discrimination. They are:

- Direct discrimination based on gender
- Indirect discrimination based on gender
- Systemic discrimination
- Discrimination based on factors listed in Section 9 of the Act
- Violence against women

What does 'systematic discrimination mean'?

This is when certain types of jobs are reserved for one gender only. The effect of this is that the other gender is inadvertently excluded from the same opportunity. 'Systems' includes policies, culture and practices, unjust beliefs in society on the role of a specific gender, based on social circumstance.

Discrimination based on certain factors

Section 9 of the Gender Equality Act prohibits direct and indirect discrimination based on certain factors. They are:

- pregnancy or the possibility of pregnancy
- childbirth or
- the possibility of childbirth
- breastfeeding or the possibility of breastfeeding
- sex
- marital status
- family responsibility
- qualities attributed by society to a specific gender or qualities which are not ordinarily attributed to a particular gender
- roles attributed by society to a specific gender or roles which are not ordinarily attributed to a particular gender
- established practices promoting inequality between men and women

- established practices that diminish the dignity of a specific gender
- societal or cultural beliefs that a specific gender is superior or inferior

Violence Against Women

Violence against women is a form of gender based discrimination.

What types of acts amount to violence against women?

The following acts committed against a woman are deemed to be violence against women:

- (a) an act of domestic violence defined in the Prevention of Domestic Violence Act (Law Number: 3/2012)
- (b) an act or threat of rape or sexual assault defined in the Sexual Offences Act (Law Number: 17/2014)
- (c) an act or threat of physical, sexual or psychological harm;
- (d) detention without consent;
- (e) denying the dignity of an economic and social life;
- (f) denying the opportunity to financially support themselves;
- (g) an act of sexual abuse and harassment defined in the Prevention of Sexual Abuse and Harassment Act (Law Number: 16/2014);
- (h) trafficking of girls and women or profiting through the trafficking of girls and women;
- (i) carrying out an act against women prohibited by another law.

Women Living In Administrative Divisions

The Gender Equality Act ensures that all women living across the Maldives enjoys equal opportunities by guaranteeing specific rights to women living in administrative divisions. It is the responsibility of the government and local councils to fulfil these rights.

List of rights ensured for women living in administrative divisions

- (1) direct involvement of women in the various stages of design, planning and implementation of development initiatives;
- (2) availability of direct benefit services, information on health, counseling and family planning services without having to face any discrimination;
- (3) benefit from social welfare services without discrimination;
- (4) accessibility to all types of formal and informal education and training;
- (5) women are afforded the same opportunities as men, through self-help groups and cooperative societies, the economic opportunities to work or generate income through private or personal enterprise;
- (6) opportunity to participate in all activities of the society;
- (7) equal opportunity for men and women to access financial facilities, marketing resources, appropriate technology and the ownership of property;
- (8) ability to live with the benefits and adequate access to land, sewerage, water, electricity, transport and communication services.

Responsibilities of Institutions and Individuals

The Gender Equality Act breaks down the responsibilities of State and business institutions, service providers, employers (public and private sectors), media, educational institutions, financial institutions, political and economic sectors. Here are further details:

Responsibilities of state and businesses

- Eliminating all forms of discrimination based on gender
- Eliminating systemic discrimination
- Promoting equal opportunities between men and women. This include, elimination of prejudice or difficulties faced by a specific gender due to unequal opportunities, reducing the negative impacts of inequality between men and women, taking appropriate steps to facilitate gender specific needs in attaining services, evaluating degree of participation of each

- gender in public life and services and taking appropriate steps to increase participation of the gender with low participation
- Promoting gender equality to eliminate undesired preconceptions against a certain gender

Non-discrimination in provision of services or carrying out responsibilities related to the public (ie service providers)

All service providers must ensure:

- (1) there is no discrimination by way of 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 put someone in a position of 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.

Responsibilities of employers in the public and private sector

- (1) provide equal opportunity to men and women in the employment, training and advancement of position;
- (2) provide equal wages to men and women who perform the same responsibilities at the same place of employment;
- (3) when in the same workplace, both men and women are given work, wages, overtime compensation, benefits and allowances equally;
- (4) employment opportunities shall not be offered or advertised to exclude a particular gender, except in circumstances where the work is required to be undertaken by a particular gender;
- (5) announcements and advertisements for work that is likely to attract more men than women must be designed to invite and not to exclude women;
- (6) take all possible steps to eliminate exclusion to employment of women and to create conducive work environments for women;

- (7) establish a complaints mechanism for recovery and compensation in the event damage is suffered following an act of discrimination.

Responsibilities of media service providers and media personnel

Institutions in media services and media personnel must actively promote the principle of equality between men and women.

This includes:

- promote the belief in the principle of equality amongst all people,
- everyone is entitled to their rights and opportunities without discrimination,
- both men and women are entitled to the same degree of representation without having to undertake particular roles in society, regardless of the biological differences between men and women.

Responsibilities of institutions and individuals providing educational services

All personnel of educational services institution must provide the following:

- (1) promote the principle of equality between men and women through educational curriculum and to promote the principle of equality amongst all people and their entitlement to rights and opportunities without discrimination;
- (2) 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;
- (3) provide equal opportunities to 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;
- (4) to equally provide boys and girls with education related to adolescent health;

- (5) 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;
- (6) 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;
- (7) 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

All institutions in financial services must provide opportunities for financial resources and services to men and women equally without discrimination. This should be done by formulating policies to provide women with equal opportunities as men, in attaining financial facilities.

Responsibility to establish gender equality in political arena

- (1) State and political parties are responsible to facilitate women with equal opportunities as men in all levels of the political arena.
- (2) It is the responsibility of the Ministry to work towards the provision of assisting and training, in facilitating women to participate and take initiative in all levels of the political arena, on an equal footing with men.
- (3) 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.
- (4) 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

Women must be granted equal opportunities as men, in access to and use of economic resources. 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 is a result of roles assigned to men by society, despite the apparent equality between men and women in accessing economic resources.

Prioritizing gender equality in formulating policy and programs relating to housing

When it comes to housing and island land use plans, the government must consider gender equality when formulating policies and programs. Both men and women should be given genuine opportunities to benefit from government housing policies and programs.

Responsibilities of health service providers

Institutions in health services are responsible for ensuring that men and women are equally provided with adequate health services and information on health. This includes information on:

- reproductive health
- general family health
- family planning

Responsibilities of the Ministry

The Minister must:

- establish a special department to prevent gender-based violence against women and to raise awareness on such violence
- raise awareness on gender equality

- establish a mechanism of cooperation between institutions and entities who have been granted responsibilities under the Gender Equality Act
- coordinate the work done by different parties on establishing gender equality to ensure that it is carried out in accordance to national policy.

The Ministry is responsible for:

- (a) Formulating and implementing a policy and an action plan that is acted upon at the national level, within 6 months from the when the Gender Equality Act came into force, with the objective of implementing gender equality.
- (b) Reviewing and revising the policy and action plan with consultation from 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 to understand gender-based discrimination, with the objective 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 as required by the Gender Equality Act.

- (j) Providing guidance and information to legislators and policymakers.

My current employer has not complied with any requirements by law with regards to prevention of discriminations. In fact, I believe my manager is conducting himself in a manner that favors men over women. What can I do?

If your employer is non-compliant with the law in the Gender Equality Act, you have a right to file a complaint against your employer. You may claim for compensation or a review of the actions of your company. Your company or organization should investigate and inform you of its decision within 30 days. If the decision takes longer than 30 days, you may submit your complaint to the Employment Tribunal. In the event you are not happy with the decision of your company or organization, you may proceed to submit a complaint to the Employment Tribunal within 90 days of the submission.

What will the Tribunal or Court decide on?

The Tribunal or Court has to decide on the following matters:

- (a) whether an act of discrimination that is prohibited under this Act was committed and the reasons for the findings;
- (b) if it is found that an act of discrimination that is prohibited under this Act was committed, the reasons for the finding;
- (c) if it is not found that an act of discrimination that is prohibited under this Act was committed, the reasons for the finding;
- (d) if it is found that an act of discrimination that is prohibited under this Act was committed, 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 was committed, the perpetrator be fined between 12,000-50,000 Rufiyaa.

What type of compensation am I entitled to?

The Tribunal or Court will decide on the compensation. Depending on the severity of the offence, the Court or Tribunal may:

- (1) provide full compensation for the claim;
- (2) provide partial compensation for the claim; or
- (3) in instances where there has been a similar case with the same offence, compensation would follow the precedent.