

**Act Number: 18/2016**

**GENDER EQUALITY ACT**

**23<sup>rd</sup> August 2016**

**Unofficial Translation**

**The Gender Equality Bill was passed at the 16<sup>th</sup> sitting of the second session of the People's Majlis held on the 16<sup>th</sup> of August 2016, Tuesday, and as per Article 92 of the Constitution of the Republic of Maldives it was ratified by the President and made an Act, and subsequently published in the Maldivian Government Gazette on the 23<sup>rd</sup> of August 2016, Tuesday.**

# Gender Equality Act

## Chapter 1

### General Provisions

#### Title

1. (a) The present Act delineates provisions of general principle 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 shall be cited as Gender Equality Act.

#### Objectives of the Act

2. The objectives of the present Act are to achieve the following:

(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 to 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 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.

- (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.

### **Interpretation of Act**

- 3. (a) No provision of the present 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 Article 3 (b) of this Act.

## **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 of afforded provisions**

5. (a) “Gender” is a characteristic that is afforded special provisions in the present 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 (a) of the present Article is the entitlement of rights and freedoms provided in this Act to all persons discriminated based on sex or gender.

**Application of Chapter 2**

6. The provisions stated from Article 7 to Article 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.

**Systematic 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 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 Article 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 Article.

**Direct Discrimination**

10. Direct discrimination, for the purposes of the present Act shall mean 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, for the purposes of the present Act shall mean 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 consider the following when deliberating on conditions or qualities or enforcement stated in (a) (2) of this Article.

(1) The consequences to an individual due to the inability to comply with such a condition or qualities, or inability to comply with an established procedure.

(2) The subsequent harm as a consequence of defying such conditions, qualities or established procedures.

(3) The financial condition of the individual who enforces such conditions, qualities or procedures.

(c) The provisions in (a)(1) and (a)(2) of the present Article 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 (a) (1) or (2) of the Article 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 (a)(1) and (2) of the present Article were implemented to the minimum amount necessary to achieve a goal that is permitted by law, shall lie on the accused.

**Non-exempt circumstances in the consideration of direct and indirect discrimination**

12. The following circumstances are not to be exempted in the consideration of direct or indirect discrimination.

(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.

**Exempt circumstances**

13. Measures under Article 2 of the present 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, as gender inherited, shall be considered, for the purposes of the present Act, as gender-based discrimination.

(b) Gender-based violence against women, as stated in (a) of this Article shall mean the following acts against women as gender inherited.

(1) Domestic violence stated in Law 3/2012 (Domestic Violence Act).

(2) Acts or threats of rape or sexual assault as stated in Law 17/2014 (Sexual Offences Act).

(3) Physical, sexual or psychological harm.

(4) Threats to acts of nature described in (a) (3) of this Article.

(5) Detention 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 Law 16/2014 (Sexual Abuse and Harassment Act).

(9) Trafficking of girls and women or obtaining benefits through the trafficking of girls and women.

(10) All acts against women and girls prohibited by law.

(c) Execution of penalties prescribed in law for acts of the same nature as stated in (b) of this Article shall not obstruct the application for and attainment of redress afforded under this Act.

15. The present Act does not obstruct the execution 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 actions also prescribed in Article 14 of this Act.

## Chapter 4

### Women living in administrative divisions

#### **Responsibility of offices of the State**

16. The offices of the State, 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 guaranteed to women living in administrative divisions**

17. Offices of the State, 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) The direct involvement of women in the various stages of design, planning and implementation of development initiatives.

(b) The availability without discrimination of direct benefit services, information on health, counseling and family planning services.

(c) The benefit without discrimination of social welfare services.

(d) The 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) The opportunity to participate in all activities of the society.

(g) The equal opportunity for men and women to access financial facilities, marketing resources, appropriate technology and the ownership of property.

(h) The ability to live with the benefits and adequate access to land, sewerage, water, electricity, transport and communication services.

## **Chapter 5**

### **Responsibilities of offices and individual parties**

#### **Responsibilities of offices of the State and businesses**

18. (a) Offices of the State and businesses, in the execution 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 (a) (3) of this Article shall include the following.

(1) The 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 (a) of this Article shall not apply to parties with public responsibility.

(d) For the purposes of this present Act, a particular benefit afforded to a specific gender by an office of the State or a business, through the execution of responsibilities stated in this Article shall not translate to permissible discrimination.

**Gender equality in execution of public responsibility and services**

19. (a) All providers of services 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) That the provider of service shall not refuse services to an individual seeking a service based on the individual's particular gender.

(3) That the provider of service shall not 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 stated in (a) of this Article shall also apply to all services provided to the public and public groups through execution of public responsibility.

(c) Administration services for the purposes of the present Article shall mean the administration of goods and services.

(d) An employer for the purposes of this Article shall not be considered a provider of services as stated in this Article 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 Article 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 (a) (1) of this Article shall mean the following

(1) The administration of service by a service provider at a quality lower than the quality of service provided to the public or a public group.

(2) The administration of services in different a manner than the manner of the service provided to the public or a public group.

(3) The administration of service by a service provider on different conditions than those of the service provided to the public or public group.

**Responsibilities of public and private sector employers**

20. Employers in public and private sectors shall ensure the following rights.

(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 Article 29 of this Act

**Responsibilities of institutions in media services 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 part (a) of the present Article, 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  
in 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) To 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) To 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) To 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) To 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) To provide information and training on the establishment of gender equality, for all teachers and administrative staff of schools, within teacher training programmes 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 programmes.

**Responsibilities in institutions  
in 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 part (a) of the present Article, 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.

**The responsibility of  
establishing gender equality  
in the 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) Under the present 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) Under the present 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) Under the present 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 the establishment of gender equality in formulating policies and programmes related to housing**

26. (a) In formulating policies and programmes related to housing, and in formulating island land use plans, the Government shall take into account the implementation of gender equality as per Article 4 of the present Act.

(b) For the purposes of part (a) of the present Act, both men and women should have genuine opportunities to benefit from the government's policies and programmes related to housing.

**Responsibilities of institutions  
in health services**

27. (a) It is the responsibility of institutions in health services, to ensure that sufficiently 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**

**Prohibiting violence against persons submitting complaints**

**Victimization in relation to  
complaint**

28. (a) It is prohibited under the present Act, to victimize a person in relation to a complaint against any person or entity for perpetrating any form of discrimination that is prohibited under the Present Act.

(b) “Victimization in relation to complaints” referred to in part (a) of this Article, is referring to 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 bring other proceedings against a person under the present Act;

(2) Reporting a person who has perpetrated a form of discrimination under the present Act;

(3) Providing any evidence, information or documents in relation to any procedures that are carried out under the present Act.

(c) Any person who is a victimized on the grounds of submitting a complaint, has the right under Article 31 of the present Act, to bring proceedings against the perpetrator of the violence.

## **Chapter 7**

### **Raising charges and receiving compensation**

#### **Raising charges against employers**

29. (a) Any person who suffers from damages due to noncompliance with one of the following by an employer, 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 Article.

(1) Chapter 2 of the present Act; or

(2) Article 20 of the present Act, which states the responsibilities of employers

(b) If an employer is noncompliant with the stipulations of part (a) of the present Article, the victim of such noncompliance has the right to submit a complaint to the complaints mechanism established at the place of employment under part (g) of Article 20 of the present 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 part (a) of the present Article.

(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 the present Act, the complainant has the right to submit the complaint to the Tribunal.

**Penalizing employers who fail to establish complaints mechanisms**

30. (a) Entities specified in Article 20 of the present Act, shall establish the complaints mechanism stipulated in part (g) of Article 20 of the present Act, within 3 (three) months of the present Act taking effect, and inform the Ministry of such establishment.

(b) if the entities specified in Article 20 of the present Act do not establish the complaints mechanism stipulated in part (g) of Article 20 of the present Act, within the timeframe stipulated in part (a) of this Article, 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 entity specified in Article 20 of the present Act, which has failed to establish the complaints mechanism stipulated in part (g) of Article 20 of the present Act:

(1) Publicizing information on such entities.

(2) Levying a fine not exceeding 25,000 (twenty-five thousand) Maldivian Rufiyaa, on the entity whose duty and responsibility is to establish the complaints mechanism stipulated in part (g) of Article 20 of the present Act, if the noncompliant entity is a public-sector employer.

(3) Levying a fine not exceeding 25,000 (twenty-five thousand) Maldivian Rufiyaa, if the noncompliant entity is a private-sector employer.

**Indicting entities for noncompliance with the present Act**

31. Any person who suffers from damages due to noncompliance by an entity with Chapter 2, Chapter 3 Chapter 4 and Chapter 5 of the present Act, or any person who is a victim of any form of discrimination prohibited by the present Act, has the right to raise charges against the perpetrating entity, requesting one of the redresses stated in Article 32 of the present Act.

**Forms of redress that can be requested for in raising charge**

32. In raising charges under the present Chapter, with either the Tribunal or Court as relevant, 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 entity that perpetrated a form of discrimination prohibited by the present Act.

**Compensation**

33. (a) Compensation for charges raised under the present Chapter, for noncompliance with the present Act, or for perpetrating a form of discrimination prohibited by the present 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 the present Article.

(b) In the interests of serving Justice for the case, the Tribunal or the Court may decide to provide compensation for claims made under the present 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.

**Reviewing the actions of an entity that perpetrated a form of discrimination**

34. When reviewing the actions of an entity that has perpetrated a form of discrimination, under a charge made according to the present Act, the Tribunal or Court has to make a decision on the following matters.

(a) Whether an act of discrimination that is prohibited under the present Act was perpetrated and the reasons for finding as such.

(b) If it is found that an act of discrimination that is prohibited under the present 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 the present Act has been perpetrated, the reasons for finding as such.

(d) If it is found that an act of discrimination that is prohibited under the present 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 the present 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 the present Act can be appealed as per Article 56 of the Constitution.

**Protections 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**

**Implementing special measures to establish gender equality**

**Implementing special measures to establish gender equality**

37. The present Act does not prevent a special measure or special measures being taken as stipulated in Article 38, in order to establish gender equality, in any of the following situations.

(a) Where it is believed that the actions of a person prevent the wellbeing 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 Article 37 of the present Act



(a) Passing legislation or conducting programmes 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 part (a) of Article 9 of the present Act, to establish genuine equality, for the purpose of the present Act.

(c) Providing special protections to women to safeguard them from gender-based violence against women and girls as defined in Article 14 of the present Act.

## **Chapter 9**

### **Administration of the present Act**

#### **Entity with the onus of 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 bestowed upon the Court and Tribunal, and responsibilities bestowed upon certain institutions and entities, the present Act grants the Minister the powers

directly required for the administration of the present Act and other related powers for its seamless execution.

**Some procedures related to decentralization**

40. (a) To empower and grant legal powers to the councils to administer the present 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 part (b) of the present 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 Article 42 of the present Act.

(c) At the island, atoll and city council levels, under the present Act, the Minister's guidance and authority shall extend to those entities executing the responsibility of establishing gender equality, those entities 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 the present 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 the present 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 the present Article

## **The role of the Ministry**

41. Under guidance and instruction by 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 the present 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 of the present Act taking effect, 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 programmes 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 act against the present Act.

(i) Formulating minimum standards for the complaints mechanisms established by employers under part (g) of Article 20 of the present Act.

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

**Deciding aspects that need reportage**

43. A regulation formulated under the present 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**

**Budgeting for the administration of the present 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 present Act**

45. (a) The Minister shall review the present Act once every 5 (five) years from the date of the present Act coming into effect.

(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 part (a) of the present Article.

**Commencement of the Act**

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

**Formulating and administering regulations**

47. (a) Other than the regulations that need to be formulated and administered by a relevant court or the tribunal, all other regulations under the present Act shall be formulated and administered by the Ministry.

(b) Regulations that need to be formulated and administered by a relevant court or the tribunal under the present Act, shall be formulated and administered by the relevant court or the tribunal.

(c) All regulations that need to be formulated and implemented under the present Act shall be formulated and publicized within 6 (six) months of the present Act coming into effect.

(d) No regulation formulated under the present 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 part.

(b) (1) of Article 53 of Act number 22/2010 (Courts Act). If in another island, it shall mean the Magistrate Courts in line with their jurisdiction, as stated in Chapter 4 of the Courts Act.

(b) “Tribunal” shall mean the Employment Tribunal established by 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.

(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 Institutions” shall mean and include, the Executive, the People’s Majlis, Judicial Power, 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.