TITLE 26 - FAMILY CHAPTER 7 - GENDER EQUALITY ACT, 2019



Republic of the Marshall Islands Jepilpilin Ke Ejukaan

GENDER EQUALITY ACT, 2019

Index

Section		Page
§701.	Short title	3
§702.	Interpretation.	
§703.	Purpose of the Act.	
§704.	Scope and objectives of the Act.	7
§705.	Application of the Act	
§706.	Prohibition of gender discrimination.	9
	I – HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS TO ANTEE GENDER EQUALITYAND NON- DISCRIMINATION	10
§707.	Guarantees for gender equality	 10
§708.	Special measures	10
§709.	Stereotypes and harmful practices	11
§710.	Violence against women and girls.	11
§711.	Access to justice	
§712.	Participation in political and public life	14
§713.	Education	
§714.	Employment	16
§715.	Health	
§716.	Economic empowerment of women	18
§717.	Environment, climate change and natural disasters.	
§ 718.	Women and girls with disabilities.	
§ 719.	Marriage and family relations.	



PAKI	III – FUNCTIONS AND POWERS TO PROMOTE GENDER	
EQU <i>A</i>	ALITY	19
§720.	Obligations of the Nitijela	 19
§721.	General obligations of Government.	
§722.	Functions of the Minister.	21
PART	IV – ADMINISTRATION AND IMPLEMENTATION	21
§723.	Administration and implementation of this Act	 21
§724.	Functions of the Secretary	
§725.	Statistics and data.	
§726.	Gender mainstreaming and gender responsive budgeting	23
PART	V - ENFORCEMENT OF RIGHTS	24
§727.	Right to complain to the Committee.	24
§728.	Committee investigation where no complaint	
PART	VI – OFFENSES AND PROCEEDINGS	24
§729.	Gender discrimination offence	 25
§730.	Penalties.	25
§731.	Offenses by corporate bodies.	25
§732.	Discipline of public officers.	
§733.	Civil remedies	26
§734.	Assessment of damages	26
§735.	Severability of contracts	27
PART	VII – MISCELLANEOUS	27
§736.	Regulations.	 27
§737.	Severability.	
§738.	Effective date.	28

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3

4

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TITLE 26 - FAMILY CHAPTER 7 - GENDER EQUALITY ACT, 2019



Republic of the Marshall Islands *Jepilpilin Ke Ejukaan*

GENDER EQUALITY ACT, 2019

AN ACT to create a new Chapter under Title 26 of the MIRC to recognize, protect, promote and enforce the human rights and fundamental freedoms of all women and girls, on an equal basis with men and boys, and to further implement the legal obligations of the Marshall Islands as a State Party to the Convention on the Elimination of All Forms of Discrimination against Women; and to make related provisions.

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 Commencement:
 October 1, 2019

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 Source:
 P.L. 2019-116

- §701. Short title.
- This Act may be cited as the Gender Equality Act, 2019.
- §702. Interpretation.
- In this Act, unless the context otherwise requires –
- "Committee" means the Human Rights Committee established by the

 Human Rights Committee Act 2015;
 - "communication" includes accessible information and communication technology;
 - "Constitution" means the Constitution of the Republic of the Marshall Islands;
 - "Convention" means the Convention on the Elimination of All Forms of Discrimination against Women as adopted by the United Nations on 18 December 1979 and entering into force on 3 September 1981, and



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to which the Republic of the Marshall Islands acceded on 2 March 2006;

"Convention Committee" means the Committee on the Elimination of Discrimination against Women established under the Convention;

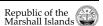
"Court" means the High Court;

"courts" include the High Court;

- "direct discrimination" means any act, law, practice or measure that purposefully treats a person unequally or purposefully restricts a person from the exercise, enjoyment or fulfillment of any human right or fundamental freedom;
- "disability" includes a long-term physical, mental, intellectual or sensory impairment which, in interaction with various attitudinal and environmental barriers, may hinder full and effective participation of a person in society on an equal basis with others;
- "domestic violence "is an offense defined in accordance with Section 904 of the Domestic Violence Prevention and Protection Act, 2011;
- "formal equality" means equality of treatment under the law including the absence of discrimination, as distinguished from substantive equality;
- "gender" means the socially determined status, roles, and responsibilities attributed to men and women on the basis of their sex in any given society;

"gender discrimination":

- (a) means any distinction, exclusion or restriction on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in any area;
- (b) may be indirect or direct, and committed in either the public or private sphere, including by a public authority, organization, enterprise, or private individual; and
- (c) includes multiple and intersectional discrimination.
- "gender equality" means both formal equality and substantive equality and includes the absence of gender discrimination;



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"gender mainstreaming":

- (a) means a strategy for integrating the concerns, needs, and experiences of women as well as men into the design, implementation, monitoring and evaluation of legislation, policies and programs in all areas and at all levels, to ensure that women and men benefit equally; and
- (b) includes the process of assessing the implications for women and men of any planned action, including legislation, policies or programs in all areas and at all levels;
- "gender quota" means a minimum measure of representation of women in a decision-making body;
- "gender stereotypes" means a generalized view or assumption about the respective attributes or characteristics of men and women, including the roles and responsibilities they are prescribed within the family and in society at large;
- "indirect discrimination" means any act, law, practice or measure that appears to be neutral but which has a detrimental affect;
- "intersectional discrimination" means discrimination against a person on several grounds which interact concurrently and which are based on the multiple identities of women including age, ethnicity, disability, marital status, HIV or health status, migrant status, religion, sexual orientation or gender identity;
- "Minister" means the Minister responsible for women and gender;
- "Ministry" means the Ministry responsible for women and gender;
- "multiple discrimination" means discrimination against a person on several grounds which apply at different times or in different circumstances and which are based on the multiple identities of women including age, ethnicity, disability, marital status, HIV or health status, migrant status, religion, sexual orientation or gender identity;
- "multiple identities" means the multiple identities of women including age, ethnicity, disability, marital status, HIV or health status, migrant status, religion, sexual orientation or gender identity, which may be a basis for multiple or intersectional discrimination;

