

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



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

GENDER EQUALITY ACT, 2019

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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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<i>Commencement:</i>	<i>October 1, 2019</i>
<i>Source:</i>	<i>P.L. 2019-116</i>

13

§701. Short title.

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This Act may be cited as the Gender Equality Act, 2019.

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§702. Interpretation.

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In this Act, unless the context otherwise requires –

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“Committee” means the Human Rights Committee established by the *Human Rights Committee Act 2015*;

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“communication” includes accessible information and communication technology;

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“Constitution” means the Constitution of the Republic of the Marshall Islands;

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“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

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

3 “**Convention Committee**” means the Committee on the Elimination of
4 Discrimination against Women established under the Convention;

5 “**Court**” means the High Court;

6 “**courts**” include the High Court;

7 “**direct discrimination**” means any act, law, practice or measure that
8 purposefully treats a person unequally or purposefully restricts a
9 person from the exercise, enjoyment or fulfillment of any human
10 right or fundamental freedom;

11 “**disability**” includes a long-term physical, mental, intellectual or sensory
12 impairment which, in interaction with various attitudinal and
13 environmental barriers, may hinder full and effective participation of
14 a person in society on an equal basis with others;

15 “**domestic violence**” is an offense defined in accordance with Section 904 of
16 the Domestic Violence Prevention and Protection Act, 2011;

17 “**formal equality**” means equality of treatment under the law including the
18 absence of discrimination, as distinguished from substantive equality;

19 “**gender**” means the socially determined status, roles, and responsibilities
20 attributed to men and women on the basis of their sex in any given
21 society;

22 “**gender discrimination**”:

23 (a) means any distinction, exclusion or restriction on the basis of
24 sex, which has the effect or purpose of impairing or nullifying
25 the recognition, enjoyment or exercise by women, irrespective
26 of their marital status, on a basis of equality of men and
27 women, of human rights and fundamental freedoms in any
28 area ;

29 (b) may be indirect or direct, and committed in either the public or
30 private sphere, including by a public authority, organization,
31 enterprise, or private individual; and

32 (c) includes multiple and intersectional discrimination.

33 “**gender equality**” means both formal equality and substantive equality and
34 includes the absence of gender discrimination;

1 **“gender mainstreaming”**:

2 (a) means a strategy for integrating the concerns, needs, and experiences
3 of women as well as men into the design, implementation,
4 monitoring and evaluation of legislation, policies and programs in all
5 areas and at all levels, to ensure that women and men benefit equally;
6 and

7
8 (b) includes the process of assessing the implications for women and
9 men of any planned action, including legislation, policies or
10 programs in all areas and at all levels;

11 **“gender quota”** means a minimum measure of representation of women in
12 a decision-making body;

13 **“gender stereotypes”** means a generalized view or assumption about the
14 respective attributes or characteristics of men and women, including
15 the roles and responsibilities they are prescribed within the family
16 and in society at large;

17 **“indirect discrimination”** means any act, law, practice or measure that
18 appears to be neutral but which has a detrimental affect;

19 **“intersectional discrimination”** means discrimination against a person on
20 several grounds which interact concurrently and which are based on
21 the multiple identities of women including age, ethnicity, disability,
22 marital status, HIV or health status, migrant status, religion, sexual
23 orientation or gender identity;

24 **“Minister”** means the Minister responsible for women and gender;

25 **“Ministry”** means the Ministry responsible for women and gender;

26 **“multiple discrimination”** means discrimination against a person on
27 several grounds which apply at different times or in different
28 circumstances and which are based on the multiple identities of
29 women including age, ethnicity, disability, marital status, HIV or
30 health status, migrant status, religion, sexual orientation or gender
31 identity;

32 **“multiple identities”** means the multiple identities of women including age,
33 ethnicity, disability, marital status, HIV or health status, migrant
34 status, religion, sexual orientation or gender identity, which may be a
35 basis for multiple or intersectional discrimination;