

# **National Gender Equality Policy<sup>1</sup> and Framework for Operationalisation**

**Consolidating President Mohamed Nasheed's Policy Statement  
into Public Policy and Action for Change**

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**Republic of Maldives  
May 2009**

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<sup>1</sup> Some alternative titles that may be adopted are: National Policy on Women and Gender Equality, National Policy on Gender Mainstreaming, National Policy on Gender Equality and Non-Discrimination.



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## Contents

GENDER CONCEPTS and DEFINITIONS	iii
PREFACE	ix
CHAPTER I	1
The National Gender Equality Policy	1
1. BASIS AND PURPOSE	1
1.1 POLITICAL COMMITMENT	1
1.2 NATIONAL LEGAL FRAMEWORK	2
1.3 INTERNATIONAL FRAMEWORK	2
2. POLICY VISION	3
3. GUIDING PRINCIPLES	3
4. POLICY GOALS	4
5. STRATEGIES	4
6. INDICATORS OF PROGRESS	6
7. REPORTING, MONITORING AND EVALUATION	7
Annex 1: Consolidating President’s International Women’s Day (2009) address to Gender Equality Action	9
CHAPTER II	12
Concept Note on Gender Mainstreaming	12
1. GENDER MAINSTREAMING	13
2. SITUATION ANALYSIS	14
3. NWMs IN MALDIVES, 1979 - 2009	14
4. INTERNATIONAL EXPERIENCE	16
5. LESSONS LEARNED	16
6. FUNDING AND RESOURCES	17
ANNEX 2: EXPLANATORY NOTE ON THREE CORE PRINCIPLES OF CEDAW	18
1. The Principle of Equality – Substantive Equality	18
2. The Principle of Non-Discrimination	18
3. The Principle of State Obligation	19
CHAPTER III	1

Institutional Mechanism for	1
Effective Gender Mainstreaming	1
1. INTRODUCTION	21
2. NATIONAL WOMEN’S MACHINERY	21
2.1 Institutional Policy Framework and Practice	21
3. THE PRESIDENT’S VISION OF NWM	23
4. RECOMMENDATIONS FOR RESTRUCTURING THE NWM	23
4.1 NEW MODELS FOR AN EFFECTIVE NWM	24
Chart 1: Organisation of Ministry of Health and Family	26
Chart 2: Organisation of Department of Gender and Family Protection	27
Chart 3: Positioning of NWM in Current Government Architecture	28
Chart 4: Recommended Positioning Model for NWM	29
5. MANDATE OF NWM	29
5.1 NWMs IN BEIJING PLATFORM FOR ACTION AND BEYOND	29

## GENDER CONCEPTS and DEFINITIONS

ACCESS TO RESOURCES	When a person has the use of a resource (access), but does not control it, and as such is not in a position to make certain decisions about how the resource is used (e.g. renting land to grow crops, or access to/ participate in political processes).
BASELINE	Information gathered before an intervention is implemented to tell us what the situation is before action is taken. Baseline information is useful to the process of setting targets and measuring progress. Baseline information should be disaggregated by sex wherever possible to ensure that differences for women and men are clear from the outset.
CONDITION AND POSITION	<i>Condition</i> refers to the <i>material</i> state in which men and women live (e.g. food, quality of health care and housing, etc.). <i>Position</i> refers to women's and men's political, social, economic and cultural <i>standing</i> in society (e.g. unequal representation in the political process, unequal ownership of land and property).
CONTROL OVER RESOURCES	When a person has the power to make decisions about the use of resources (e.g. use the land or when to sell it, control over which issues are discussed in political processes and what the final decisions are).
DISCRIMINATION AGAINST WOMEN	<p>“Any distinction, exclusion or restriction made 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 the political, economic, social, cultural, civil or any other field.” (CEDAW, Article 1)</p> <p>Men and women are treated differently (restricted or excluded or violated) in the family, the workplace or society due gender stereotypes. For example, when a women is not promoted to a leadership position (even when she has suitable qualifications and experience) because a society believes that only men can make important decisions.</p>
GENDER	Gender characteristics are not natural or biological, but are socially assigned roles and relations between men and women. Gender relationship relates to a range of institutional and social issues rather than a specific relationship between certain male and female individuals, and are often differentiated, leading to different outcomes for women and men. Societies create and assign gender attributes to girls and boys, men and women, and there is often considerable social pressure to conform to these ideas about behaviour.

GENDER ANALYSIS	<p>Provides a deeper understanding of the situation for and between men and women, their constraints, needs, priorities, and interests. Gender analytical information (results of gender analysis) is essential in designing good policies – because it tells us why the differences exist – the causes. Gender analysis is an important part of policy analysis that identifies how public policies (or programs/projects) affect men and women differently.</p> <p>Conducting gender analysis requires well-developed social and gender analytical skills and is usually carried out by appropriately trained and experienced social researchers or gender experts.</p>
GENDER AND DEVELOPMENT (GAD) APPROACH	<p>GAD was developed in the 1980s in response to the perceived failures of WID. Instead of focusing only on women, GAD is concerned with the relations between women and men; it challenges unequal decision-making and power relations. GAD seeks to address the underlying causes of gender inequality by addressing the different life experiences for men and women through mainstreaming gender into planning at all levels and in all sectors and focusing on whatever steps are necessary to ensure equal outcomes.</p>
GENDER BLIND	<p>Not recognizing or unaware of gender concepts and the impact that they have on life experiences and outcomes for girls and boys, men and women.</p>
GENDER DISPARITY OR GENDER GAP	<p>A specific difference or inequality between girls and boys, or men and women in relation to their conditions, or how they access or benefit from a resource (e.g. men's and women's access to health services, school drop-out rates of girls and boys).</p>
GENDER DIVISION OF LABOUR	<p>This concept looks at the different tasks and responsibilities undertaken by either women or men. The allocation of activities on the basis of sex is learned and clearly understood by all members of a given community/society.</p>
GENDER EQUALITY	<p>Women and men's similarities and differences are recognized and equally valued. Men and women enjoy equal status, recognition and consideration. Women and men enjoy:</p> <ul style="list-style-type: none"><li>- Equal conditions to realize their full potential and ambitions;</li><li>- Equal opportunities and equal access to opportunities to participate in, contribute to, and benefit from society's resources and development;</li><li>- Equal freedoms and quality of life;</li><li>- Equal outcomes in all aspects of life.</li></ul>
GENDER EQUITY	<p>The process of being fair to men and women – such as equitable allocation of resources and opportunities. Equity contributes to equality.</p>

GENDER MAINSTREAMING	<p>An approach or a strategy to achieving broad-based gender equality throughout society – by getting gender issues into the mainstream. Broadening of responsibility for achieving gender equality.</p> <p>Essentially involves acceptance by the mainstream of gender equality as a worthy goal, and acceptance of responsibility by the mainstream to actively address the gender issues relevant to them, their relationships and work, with the aim of achieving gender equality throughout society.</p> <p>Gender mainstreaming can be viewed as a tool in achieving good governance because it seeks to ensure that the needs and priorities of all members of a society are considered and met, that all members of society participate and contribute to the process of governance, and that the benefits of development are distributed equitably amongst all members of society. Gender mainstreaming is not an end in itself – it is an ongoing approach to the way we think, relate with each other and do our work.</p>
GENDER RELATIONS	<p>Social relations between women and men, in particular how power is distributed between them. They impact on men’s and women’s position in society and tend to disadvantage women. Gender hierarchies are often accepted as ‘natural’ but they are socially determined relations that are culturally based and subject to change over time.</p>
GENDER RESPONSIVE	<p>Aware of gender concepts, disparities and their causes, and takes action to address and overcome gender-based inequalities.</p>
GENDER RESPONSIVE EVALUATION	<p>A systematic approach to assessing the policy intervention, program or project (from a gender perspective) whether it achieved its objectives, what the broad impact was and why it was successful or unsuccessful. While monitoring is at the implementation (more micro) level and ongoing, evaluation occurs at the strategic (more macro) level and less frequently – typically mid-term and completion. Gender-responsive evaluations are designed to capture the impact on the entire group of stakeholders or beneficiaries, and show clearly the different outcomes for women and men. Evaluations should provide us with important information to inform future policies, programs and projects. Evaluation results must therefore be documented, communicated effectively and made available to relevant policy, program and project designers.</p>
GENDER RESPONSIVE MONITORING	<p>A systematic ongoing approach to checking if interventions are on track to achieving their goals – specifically designed to reveal the differences in experiences and impact on men and women.</p>
GENDER ROLES	<p>What women and men are expected to do and how they are expected to behave towards each other. Gender roles are different across communities and across the world. They change over time in response to changing community circumstances (e.g. in Male’,</p>



buying fish from the fish market is a gender role socially assigned to women, but on islands it is acceptable for women to go buy fish from the fishermen), and changing ideas about what is acceptable or not acceptable behaviours and roles in a given community/society.

Gender roles and characteristics affect power relations between men and women at all levels and can result in inequality in opportunities and outcomes for some groups.

GENDER SENSITIVE	Properly aware of the different needs, roles, responsibilities of men and women. Understands that these differences can result in difference for women and men in access to opportunities/ resources, control over resources; level of participation in and benefit from opportunities, resources and development.
GENDER STEREOTYPES	A set of characteristics that a particular group assigns to women or men (e.g. domestic work does not belong to men's responsibilities). Gender stereotypes usually limit what a person is permitted and expected to do by others in the society.
GENDER TRANSFORMATIVE	Actively seeks to understand the underlying causes of gender inequalities and takes effective action to transform the unequal power relations between men and women, resulting in improved status of women and gender equality.
GENDER-RESPONSIVE GOVERNANCE	Gender-responsive governance is an important step in achieving good governance. Gender-responsive governance seeks to ensure that institutions, policies, programs and projects: <ul style="list-style-type: none"><li>- Involve women and men equally in government processes;</li><li>- Learn about, take seriously, and respond to the needs, interests and priorities of all members of society;</li><li>- Distributes resources and benefits of development equally between women and men;</li><li>- Ensures that men and women, girls and boys enjoy equal quality of life.</li></ul>
INDICATOR	Indicators specify how achievement towards targets will be measured. What are the ' <i>indications</i> ' of progress? How do we know if we are getting closer to our target or objective? They can be thought of as the steps along the way to achieving the target.
MAINSTREAMING WOMEN	An approach that emphasizes the need to increase the number of women and women's active participation in mainstream activities, particularly in politics, leadership and governance; key decision-making processes at all levels, in all sectors. A strategy based on the recognition that men and women have different life experiences, different needs and priorities, and are affected differently by policies and programs. Therefore, in addition to it being women's right to participate in decision-making – their participation makes sense from a government efficiency and effectiveness perspective – as it results in more effective government policies, programs and projects.

NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN (NWM)	The main institution/ agency of the Government responsible for promoting gender equality/advancement of women (Beijing PFA) and the focal Government agency for CEDAW.
PRACTICAL NEEDS	Concrete immediate needs that are often essential for human survival such as food, water, shelter, money, security. Action to address practical needs can relieve immediate disadvantage but tends not to change underlying causes of gender inequality.
QUALITATIVE DATA	Information that is based on people's experiences, judgements, perceptions and opinions about a subject, obtained through attitude surveys, focus group discussions, public hearings and consultations, participatory appraisals etc. It is essential that qualitative information be collected in a manner that is sensitive to gender issues and shows a representative view of both male and female stakeholders.
QUANTITATIVE DATA	Quantitative data are measures of quantity (total numbers, proportions, percentages etc), such as population figures, labour force figures, school attainment rates, etc. It is important that wherever possible data for individuals be disaggregated by the sex of the individuals – sex-disaggregated data.
SEX	The biological differences between male and females that we are born with, and that are universal.
SEX-DISAGGREGATED DATA	Quantitative statistical information on the differences between men and women, boys and girls for a particular issue or in a specific area. Looking at data for individuals and breaking it down by the sex of the individuals (e.g. data of life expectancy, school enrolment, smoking prevalence divided by men and women). Sex-disaggregated data shows us if there is a difference in a given situation for women and men, girls and boys, but it doesn't tell us why the difference exists.
STRATEGIC NEEDS/INTEREST	Longer term and less visible issues that relate to the underlying causes of gender inequality. When strategic interests are met for women, there will be changes and improvements in power relations between men and women (e.g. removal of legal barriers, sharing of domestic work, equal decision-making in the household).
TARGETS	Targets (or objectives) help policy/program/project implementers and managers keep their eye on the prize – the ultimate outcome expected. Targets increase the likelihood that overall objectives will be met and that adequate resources will be allocated to ensure success. Wherever possible targets should be gender-responsive – highlighting the focus for both men and women where appropriate (e.g. reduce school dropout rates to X% for girls and boys).

THE MAINSTREAM	The dominant set of ideas, values, beliefs and attitudes, relationships and practices within the mainstream of society. Includes all of society's main institutions (families, schools, government, mass organizations) which determines who is valued and how resources are allocated, who can do what, and who gets what in society. Ultimately, the mainstream affects the quality of life outcomes for all of society.
TRIPLE BURDEN	The triple role of women includes: Productive work (production of goods and services for consumption by the household or for income), Reproductive work (bearing and rearing children, domestic work and maintenance of the household) and Community work (provision and maintenance of resources used by everyone – water, health care, education, leadership). Men tend to be more involved in Productive work.
WOMEN IN DEVELOPMENT (WID) APPROACH	The WID approach which emerged in the 1970s began with an uncritical acceptance of existing social structures and focused on how women could be better integrated into existing development initiatives. It included strategies such as women only projects, focusing on training, and women's productive work – often credit and income generation projects. WID treated women as passive recipients of development: women's concerns were viewed in isolation as separate issues. WID failed to address the systematic causes of gender inequality.

## **PREFACE**

The *National Gender Equality Policy and Framework for Action* consolidates President Mohamed Nasheed's women's policy framework announced in the International Women's Day (2009) statement into public policy.

The draft includes recommendations for an effective NWM/ Lead Agency for gender mainstreaming, and the tools for gender mainstreaming, and is targeted at realising change through coherent, focused, strategic, rights-based, result-oriented action for gender equality.

The document is organized in two parts as follows.

### **Part 1**

#### **CHAPTER I: National Gender Equality Policy**

Chapter I is the Draft Text of the National Gender Equality Policy.

The policy is based upon fundamental principle of *Equality of All* enshrined in the Constitution of the Republic of Maldives (2008) and the highest level political commitment of His Excellency President Mohamed Nasheed.

The purpose of the National Gender Equality Policy is to translate the commitment and vision of His Excellency President Mohamed Nasheed into coherent public policy directives to translate commitment to action.

International commitments of the Maldives are used as a standard of reference, and following global good practice models, emphasis is placed on a dual approach to Gender Equality through gender mainstreaming and empowerment of women.

#### **CHAPTER II: Concept Note**

Chapter II provides a Concept Note for conceptual clarity in policy discussions for operationalising the National Gender Policy, and to guide standardized policy application, operationalisation and implementation.

Guidelines for effective implementation are included with recommendations on restructuring the Gender Architecture in Government to reflect the vision of His Excellency President Mohamed Nasheed.

**CHAPTER III:  
Institutional Mechanism for Effective Gender Mainstreaming**

Chapter III Institutional Mechanism for Effective Gender Mainstreaming provides an overview of the existing institutional framework and recommendations on models to restructure the existing Gender Architecture in government to consolidate President Nasheed's directives.

**CHAPTER IV:  
Framework for Operationalisation.**

Chapter IV Framework for Operationalisation provides the standard-setting tool with sectoral duties under CEDAW, Beijing Platform for Action and the ICPD Platform for Action distributed agency-wise for easy reference and action.

**Part 2**

Section 2 provides notes and guideline to carry forward the programme coherent, focused, strategic, rights-based, result-oriented action for gender equality.

# **CHAPTER I**

## **The National Gender Equality Policy**

## **1. BASIS AND PURPOSE**

The National Gender Equality Policy is founded upon the fundamental principle of *Equality of All* enshrined in the Constitution of the Republic of Maldives (2008) and the highest level political commitment and policy directives declared by His Excellency President Mohamed Nasheed.

The international commitments of the State as a party to all relevant UN Conventions and Platforms for Actions, specifically the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action; as well as the Commonwealth standards on gender equality and regional initiatives of SAARC provides the normative framework for the National Gender Equality Policy.

The National Gender Equality Policy aims to promote substantive equality through a dual approach: Gender Mainstreaming in all areas and strategic action on Empowerment and Advancement of Women in all areas, so that women and men enjoy fundamental human rights and rewards of democracy *on a basis of equality of men and women*;

### **1.1 POLITICAL COMMITMENT**

The women and gender equality policy of the Government is, “[for] all ministries to address women’s issues... recognizing that women and men have different needs and priorities,” declared His Excellency President Mohamed Nasheed in his address at a special function to mark International Women’s Day (2009), organized by the Department of Gender and Family Protection Services/ Ministry of Health in association with women’s groups.

Emphasising that the Government’s policy on women and gender equality is a coherent policy developed and shared with the public prior to the elections, President Mohamed Nasheed spoke expansively touching on a wide range of topics which include economic empowerment of women, women and environment, special needs and concerns of women, women’s participation in development, temporary special measures/ affirmative action to facilitate women’s equal access to available opportunities, harassment of women and gender-based violence, women and non-traditional non-stereotypical work, women in politics and decision-making, and fundamental freedoms.

The National Gender Equality Policy thus translates the vision and mission and guidance derived from His Excellency President Mohamed Nasheed’s policy statement into public policy so as to provide a standard policy framework for the Government of Maldives to move from political commitment to meaningful action.

Mainstreaming Women	Mainstreaming Gender
<ul style="list-style-type: none"> <li>▪ An approach that emphasizes the need to increase the number of women and women’s active participation in mainstream activities, particularly in politics, leadership and governance; key decision-making processes at all levels, in all sectors.</li> <li>▪ A strategy based on the recognition that men and women have different life experiences, different needs and priorities, and are affected differently by policies and programs. Therefore, in addition to it being women’s right to participate in decision-making – their participation makes sense from a government efficiency and effectiveness perspective – as it results in more effective government policies, programs and projects.</li> </ul>	<ul style="list-style-type: none"> <li>▪ An approach or a strategy to achieving broad-based gender equality throughout society – by getting gender issues into the mainstream. Broadening of responsibility for achieving gender equality.</li> <li>▪ Essentially involves acceptance by the mainstream of gender equality as a worthy goal, and acceptance of responsibility by the mainstream to actively address the gender issues relevant to them, their relationships and work, with the aim of achieving gender equality throughout society.</li> <li>▪ Gender mainstreaming is a tool in achieving good governance because it seeks to ensure that the needs and priorities of all members of a society are considered and met, that all members of society participate and contribute to the process of governance, and that the benefits of development are distributed equitably amongst all members of society.</li> <li>▪ Gender mainstreaming is not an end in itself – it is an ongoing approach to the way we think, relate with each other and do our work.</li> </ul>

## 1.2 NATIONAL LEGAL FRAMEWORK

The Constitution of the Republic of Maldives (2008) guarantees *to all persons* the same rights and freedoms.

Article 17(a) stipulates non-discrimination of any kind, “including race, national origin, colour, sex, age, mental or physical disability political or other opinion, property, birth or other status, or native island;” and Article 17(b) legitimises *Temporary Special Measures* or *Affirmative Action* to redress inequalities.

Article 18 explicitly stipulates the duty of the State to follow the constitutional provisions of fundamental rights and promote the rights and freedoms of the people.

## 1.3 INTERNATIONAL FRAMEWORK

Gender Equality is a development goal recognized by Governments, international community and other development partners



The Maldives acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993, and thereby committed to promote and protect the human rights of women on the basis of the equality of women to men, under the principle of State Obligation. And in 2005, the Maldives ratified the Optional Protocol to CEDAW (OP-CEDAW), which provides for individual women (and groups) to submit complaints directly to the CEDAW Committee in cases where they are unable to access effective redress of their grievances.

In addition to the CEDAW framework which converges all fundamental human rights in the International Bill of Rights as it relates to women, the Maldives is also a party to all major human rights treaties excluding the Conventions on the Rights of Migrant Workers and their Families.

As a member of the United Nations, the Maldives has followed the international agenda on women, gender and development, at least since the Third World Conference on Women held in Nairobi in 1979. Thus, amongst other commitments to human rights and democracy, the Maldives is committed to the Beijing Platform for Action adopted by the Fourth World Conference on Women (FWCW, Beijing, 1995) and its' predecessors, the Cairo Plan of Action adopted by the International Conference on Population and Development (ICPD, Cairo, 1994), and the Millennium Development Goals (MDGs).

The Maldives is also a party to the Commonwealth Action Plans on Gender Equality, and regional initiatives such as SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and SAARC-UNIFEM Project on the Gender Infobase.

## **2. POLICY VISION**

The vision of the National Gender Equality Policy is a just society where equality of women and men are upheld, women enjoy fundamental rights and freedoms *on a basis of equality of men and women*, and both women and men are able to realize their full potential and participate in and benefit from democracy and development both in public and private life.

## **3. GUIDING PRINCIPLES**

The key guiding principles underlying the vision of the National Gender Equality Policy are:

- 3.1 Equality of women and men.
- 3.2 Recognition that traditional, customary and cultural practices that negatively affect women and girls are a violation of human rights.
- 3.3 Recognition that public and private are not separable spheres of life.

- 3.4 Women's entitlement to the right of integrity and security of person.

Overarching focus will be on **Non-discrimination** and the promotion of **Substantive Equality** through ensuring equality of opportunity, equality of access to opportunity, and equality of results/ outcome.

#### **4. POLICY GOALS**

The broad goals of the National Gender Equality Policy are:

- 4.1 To develop and activate the necessary policy, legislative and institutional framework for gender equality, so that women and men enjoy fundamental human rights and rewards of democracy *on a basis of equality of men and women*;
- 4.2 To empower women to facilitate their equal access to available opportunities with equal outcomes/ results *on a basis of equality of men and women*;
- 4.3 To cultivate a culture of non-discrimination and respect for women's human rights, so that women enjoy human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field *on a basis of equality of men and women*;
- 4.4 To eliminate all forms of discrimination against women; and

The Overarching Goal is to realize the stated vision of the National Gender Equality Policy through timely, strategic interventions at all levels, within all sectors, and through multi-sectoral collaboration to address thematic areas relevant across sectors.

#### **5. STRATEGIES**

The main strategies to be followed for effective and result-oriented implementation of the National Gender Equality Policy are:

- 1.1 Gender Mainstreaming
- 1.2 Temporary Special Measures or Affirmative Action (where strategic) to redress existing inequalities due to historical discrimination
- 1.3 Empowerment for women

As gender Mainstreaming requires all sectors to take an equal interest and commitment to gender equality, as well as the development of gender knowledge and understanding in all sectors, the following strategic interventions are a pre-requisite to the success of the National Gender Equality Policy.

- 1.4 Strong, visible and effective Gender Architecture in Government  
A strong gender architecture be established with a visible lead agency (NWM) at the highest possible level with the political weight and influence, gender knowledge and capacity, and adequate funding and resources to guide and oversee gender mainstreaming, as well as manage a gender accountability mechanism.
- 1.5 Gender Accountability  
A gender accountability mechanism be introduced to measure performance and delivery on Gender Equality goals in all sectors.
- 1.6 Training and Capacity Building  
Developing national capacity for gender analysis and gender mainstreaming
- 1.7 Gender Database  
Collecting sex disaggregated data and gender analytical information and using it to inform policy and programmes.
- 1.8 Gender Analysis  
Developing conceptual clarity based upon universal principles, norms, and shared value amongst stakeholders  
Gender Analysis of all policies and programmes, and the non-assumption that issues and/or problems are gender neutral.
- 1.9 Participation and Inclusion  
Inclusion and participation of women as well as men in agenda-setting
- 1.10 Gender Sensitive Planning  
Focused, context-specific, knowledge-based action/ intervention
- 1.11 Gender Responsive Budgeting, and
- 1.12 Gender Analytical Monitoring and Evaluation

## 6. INDICATORS OF PROGRESS

KEY INSTITUTIONAL PROCESSES	DUTY BEARER	PROPOSED TIMEFRAME	COMMENTS EXPECTED OUTCOME
<b>Gender Architecture and Institutional Culture</b>			
Gender Architecture restructured and Lead Agency strengthened through strategic positioning, technical expertise and adequate resources.	The President	Immediate	A strong, visible, Lead Agency with adequate resources takes a proactive role in Gender Mainstreaming, provides necessary technical assistance, and regular monitoring towards effective and successful implementation of the National Gender Equality Policy.
Institutional practices changed, and gender stereotyping in government ministries and agencies eliminated.	All Ministries and Government Agencies	By end of December 2009	Elimination of gender stereotyping leads to the development of a culture of respect for women and men on an equal basis. Women's access to services and resources eased and increased.
Independent Gender Equality Commission to provide effective remedies in cases of gender-based discrimination and violations of women's human rights established.	The President	By end of December 2009	Increased protection/ fulfillment of women's human rights. Women have access to effective domestic remedies.
<b>Gender Focal Points</b>			
Gender Focal Points appointed and trained.	All Ministries and Government Agencies	Within 1 month of Policy adoption by GOM	Greater co-ordination and networking leads to a coherent approach to gender mainstreaming.
An integrated co-ordination Framework developed	Lead Agency		
<b>Gender Sensitizing Policy and Practice</b>			
Existing sectoral policies (rules, regulations, guidelines, SOPs etc.) reviewed for Gender Sensitivity and Gender Responsiveness	All Ministries and Government Agencies	By end of December 2009	Lead Agency to provide Technical Assistance and build capacity in Sectoral Ministries
Gender mainstreamed in all policies (rules, regulations, guidelines, SOPs etc.)	All Ministries and Government Agencies	By end of December 2009	De jure equality leads to de facto equality. Greater recognition and acceptance of the equality of men and women. Women feel empowered leading to a rise in women's participation in and contribution to development and democracy.
Gender mainstreamed in all sectoral Action Plans	All Ministries and Government Agencies	As of January 2010	Greater recognition and acceptance of the equality of men and women. Women feel empowered leading to a rise in women's participation in and contribution to development and democracy.

*National Gender Equality Policy  
(DRAFT 1)*

Gender Responsive Budgeting introduced	All Ministries and Government Agencies	By 2011	Available resources are used efficiently and strategically. Women benefit from development and democracy on an equal basis with men.
<b>Strengthening Legislative Framework</b>			
Gaps in legislation identified.	Attorney General's Office with the Law Commission of Maldives	By end of March 2010	
Identified gaps in legislation filled	Attorney General's Office with the Law Commission of Maldives PEOPLE'S MAJLIS	By end of 2012	Greater recognition and acceptance of the equality of men and women. Women feel empowered leading to a rise in women's participation in and contribution to development and democracy.
<b>Periodic Reporting</b>			
Fourth and Fifth Periodic Report on CEDAW Implementation submitted to the UN CEDAW Committee	Lead Agency	By end of April 2010	To be drafted by the Lead Agency in consultation with all sectoral ministries and other State bodies. Maldives' commitment to gender equality and fulfillment of women's human rights; plus Maldives' respect for international human rights commitments and State Obligations conveyed.

## 7. REPORTING, MONITORING AND EVALUATION


The **Lead Agency** will be responsible for overall coordination as well as monitoring and evaluation of the impact and outcome for women and men from the application and implementation of this policy.

All sectoral agencies must provide periodic reports (quarterly??) to the Lead Agency.

The Lead Agency must provide feedback and guidance on effective gender mainstreaming and, where necessary, action for the empowerment of women.

The Lead Agency must report regularly to relevant treaty bodies on progress in implementing CEDAW and other relevant treaties.

**Annex 1: Consolidating President’s International Women’s Day (2009) address to Gender Equality Action**

Area	Policy Directives	National Framework	International Framework	Recommended Action: From Policy to Practice
<i>Overarching Principles</i>	<p>All ministries to take gender issues into consideration. All policies to recognize that women’s needs and concerns are different to men’s due to gender differences, and to ensure that all policies are gender sensitive and gender responsive.</p> <p> Gender Mainstreaming.</p>	<p>Constitution of the Republic of Maldives (2008). H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 2 and 3.</p>	<p>Convention on the Elimination of All Forms of Discrimination (CEDAW): Articles 1, 2 and 3. Beijing Platform for Action ICPD Plan of Action The Commonwealth Plan of Action for Gender Equality, 2005-2015.</p>	<ul style="list-style-type: none"> <li>i. A Gender Analysis of the MDP-Alliance Manifesto (designated by the National Planning Council Key policy document of GoM, following “abolishment” of the 7<sup>th</sup> National Development Plan) .</li> <li>ii. Gender sensitization of all sectoral policies.</li> <li>iii. Gender Impact Assessment of all initiatives, programmes and projects, at planning, implementation and monitoring stages.</li> <li>iv. A Gender Analysis of institutional culture and practices in government ministries, departments and agencies.</li> </ul>
<i>Gender Architecture in GoM</i>	<p>No designated “Women’s Ministry” in Government, as all ministries are “Women’s Ministries”. All Ministries required to give special attention to women/ women’s issues.</p>	<p>H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 4 and 5.</p>	<p>Beijing Platform for Action and The Commonwealth Plan of Action for Gender Equality, 2005-2015 places importance on a designated NWM to promote and advocate on women’s issues/ women’s rights, promote gender equality; provide technical support and direction on gender mainstreaming; and ensure accountability to women.</p>	<ul style="list-style-type: none"> <li>i. Remove the mandate of “Gender” (i.e. Gender Mainstreaming?) from the Ministry of Health and Family/ Department of Gender and Family Protection Services.</li> <li>ii. Establish a mechanism (National Women’s Machinery/ CEDAW Focal Agency) to promote gender equality, develop knowledge and conceptual clarity, provide technical support on gender mainstreaming to all sectors, build capacity of duty-bearers to effectively plan, implement and monitor Gender-Sensitive, Gender-Responsive policies, plans and programmes, and act as the oversight body to ensure accountability of all Ministers, (Executive) and other State institutions.</li> </ul>

National Gender Equality Policy  
(DRAFT 1)

Area	Policy Directive	National Framework	International Framework	Recommended Action: From Policy to Practice
<i>Special Measures/ Affirmative Action</i>	Special attention to women. Opportunities Access to opportunities	H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 7, 8, 9 and 10	CEDAW Article 4 on Temporary Special Measures. CEDAW Articles 5 to 16 on the various theme areas.	<ul style="list-style-type: none"> <li>i. A Gender Analysis of the MDP-Alliance Manifesto (designated by the National Planning Council Key policy document of GoM, following “abolishment” of the 7<sup>th</sup> National Development Plan) .</li> <li>ii. Gender sensitization of all sectoral policies.</li> <li>iii. Gender Impact Assessment of all initiatives, programmes and projects, at planning, implementation and monitoring stages, to identify and address special gendered needs/concerns of women<sup>1</sup>.</li> <li>iv. A Gender Analysis of institutional culture and practices in government ministries, departments and agencies.</li> </ul>
<i>Violence Against Women (VAW)</i>	Harassment of women and violence against women remains unaddressed. Effective measures to provide women with redress, remedies and justice does not exist at a satisfactory level. Zero tolerance of violence against women. Will pursue enforcement of highest possible penalties for perpetrators of violence against women. Will give special consideration to women and children in the provision of free legal aid.	H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 12 and 13	CEDAW General Recommendations 19 and 24 Beijing PFA ICPD Plan of Action UN Secretary General’s Campaign “Unite to End Violence Against Women”, 2008-2015	<ul style="list-style-type: none"> <li>i. Introduce the necessary legal framework to create an enabling environment to eliminate harassment, violence against women in public and private and domestic violence, and to provide justice and access to justice to women.</li> <li>ii. Gender sensitize and build capacity of law enforcement officials.</li> <li>iii. Build capacity of independent commissions/oversight bodies (Human Rights Commission, Civil Service Commission, Judicial Services Commission, Police Integrity Commission etc.) in gender analysis and rights-based approach.</li> </ul>

*National Gender Equality Policy  
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<b>Area</b>	<b>Policy Directive</b>	<b>National Framework</b>	<b>International Framework</b>	<b>Recommended Action: From Policy to Practice</b>
<i>Sex Role Stereotyping and Prejudice</i>	<p>Sex role stereotyping or gender stereotyping is not the way forward.</p> <p>Women to be given opportunities in all areas.</p> <p>Domestic responsibilities of women no excuse to keep women at home – it is not wrong for a man to stay home to nurture children and take up childcare responsibilities.</p> <p>Promote dual income families.</p> <p>End discrimination against women including marginalizing and suppressing women.</p>	<p>H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 16, 17, 19, 20, 21, 22</p>	<p>CEDAW Articles 3, 5, 15 and 16.</p> <p>Beijing PFA</p> <p>ICPD Plan of Action</p>	<p>Conduct studies/ develop knowledge of institutional practices that reinforce and uphold gender stereotypes, discriminate against women and impact negatively on women’s right to equality and non-discrimination.</p> <p>Promote an enabling environment for equality in the family.</p> <p>Promote equal participation of women in family life.</p>
<i>Political and Public Life; Representation</i>	<p>Will give attention to increase women in political appointments/ positions.</p> <p>Will work towards increasing women in parliament (target: 10 women parliamentarians in new parliament, May 2009)</p>	<p>H.E. President Mohamed Nasheed’s Statement on the occasion of the International Women’s Day, 2009: para 17, 23, 24 and 25</p>	<p>CEDAW Article</p>	<p>Set targets to achieve equal representation of women in political and public life.</p> <p>Ensure proportionate representation of women in appointed political and public positions.</p>



**CHAPTER II**  
**Concept Note on Gender Mainstreaming**

## 1. GENDER MAINSTREAMING

**Gender Mainstreaming** is a globally accepted strategy for promoting gender equality. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.

Office of the Special Advisor on Gender Issues and Advancement of Women,  
Department of Economic and Social Affairs, United Nations

Gender Mainstreaming as a strategy to for Advancement of Women and Gender Equality explicitly endorsed by Governments at the United Nations Fourth World Conference on Women (Beijing, 1995). The Beijing Platform for Action (1995; para 79) states that:

*“... governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.”*

The ECOSOC agreed conclusions (1997/2), reaffirmed Gender Mainstreaming as a necessary strategy for promoting Gender Equality, and provided a comprehensive definition of Gender Mainsteaming, elaborating it to be:

*“...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.”*

Gender Mainstreaming aims to ensure that:

- the analysis of issues and the formulation of policy options are informed by a consideration of gender differences and inequalities; and
- opportunities are sought to narrow gender gaps and support greater equality between women and men.

Recognised best practice is to pursue a dual approach, **gender mainstreaming** whilst undertaking strategic interventions/programmes aimed at **empowerment of women**. Empowerment of women is necessary for successful and effective gender mainsteaming in order to level the playing field as de jure equality and gender neutral policies do not translate to substantive equality unless specific measures to empower women and provide women with the access to available opportunities are undertaken.

## 2. SITUATION ANALYSIS

The situation of women in the Maldives, and gender and development issues are documented in a number of reports including the State and Civil Society reports on CEDAW Implementation, the human rights baseline survey *The Rights Side of Life*, as well as reports and working documents of the UN, and recommendations of the CEDAW Committee.

However, the Initial State Report on Implementing CEDAW, and the accompanying Shadow Report, which has come to be regarded as baseline documents in the absence of any other are neither comprehensive nor in-depth assessments of the situation of women in the Maldives.

Further, most of the available reports are descriptive rather than analytical, and are thus limited in its identification of root causes of existing gender inequalities in the Maldives. As a result, much of the focus to date has been on addressing women's needs rather than status issues (welfare approach rather than rights-based approach).

As such, much of the work carried out towards women's empowerment and advancement has been ad hoc, and initiated and implemented by the NWM resulting in further sidelining of gender as a mainstream issue, despite a commitment to Gender Mainstreaming since the mid 1990s.

It is expected that all sectors will use the operational framework in Part III of this document and the Addendum notes in Part 4 to do a Rapid Assessment of their respective sectors, in planning gender mainstreaming of each sector.

## 3. NWMs IN MALDIVES, 1979 - 2009

The steps Maldives has taken in relation to women, gender, and development since 1980 have been more or less parallel to international developments in the area. However, results achieved remains low as the translation of commitments/policy to practice have not been successful for a number of reasons.

According to the Second and Third Periodic Report of the Maldives to the UN (CEDAW/C/MDV/2-3, 2005) reported that;

“A gender management system was established to facilitate gender mainstreaming. The main structures of this system are: a) the Gender Equality Council chaired by the President consisting of high officials of all the stakeholder agencies to provide guidance and facilitate the role of the lead agency. b) the gender focal points appointed at all the stakeholder offices and organizations to review and monitor the development projects for gender sensitivity; and c) the lead agency which is the gender and development section of the MGFDS who would be in charge of

overseeing the running and monitoring of this system. The current focus is to strengthen these structures for an effective output.”

However, the structure for a fully functioning and effective Gender Mainstreaming System (GMS) has never been realized. The NGO Shadow Report to the Second and Third Periodic Report on CEDAW Implementation in the Maldives (2006) noted that:

“The National Machinery for the Advancement of Women (Ministry of Gender and Family – MGF), thrust with the full burden of all State Obligations to implement the Convention, have had little success in getting all other state institutions such as line ministries, the judiciary etc. to accept and act upon their responsibilities in upholding State obligation towards full implementation of the Convention. Thus, whilst a number of activities to promote and implement the Convention has been undertaken by MGF over the years, there is a lack of cohesive and result-oriented action, and very little substantive change has occurred in the advancement of women’s rights, especially in the area of normative standard setting. This suggests that, despite highly dedicated women ministers and staff at MGF, a lack of political will to grant equality to women exists despite the rhetoric of rights, and this has kept gender and women’s issues marginalised. The State as a whole, nor all agencies of the Government, has shown due regard to fulfill State Obligations under the Convention”.

<b>NWMs in Maldives, 1981 to date</b>	
1979-1981	Preparatory Committee for the UN Decade for Women (under National Planning Agency)
1981 – 1989	Office for Women’s Affairs National Women’s Council (under President’s Office).
1989 – 1993	Department of Women’s Affairs National Women’s Council (under Department)
1993 – 1996	Ministry of Youth, Women’s Affairs and Sports National Women’s Council (under Ministry)
1996 – 1998	Ministry of Women’s Affairs and Social Welfare National Women’s Council (under Ministry)
1998 – 2003	Ministry of Women’s Affairs and Social Security National Women’s Council (under Ministry) (Note: National Women’s Council was dissolved in 2000, and replaced with the Gender Equality Council (GEC headed by President Gayoom)
2003 – 2005	Ministry of Gender, Family Development and Social Security Gender Equality Council (Defunct)
2005 – 2008	Ministry of Gender and Family Gender Focal Points in all Ministries (Inactive) Gender Equality Council (A paper entity that was not activated and remained defunct)
2008 -	Department of Gender and Family Protection Services/ Ministry of Health and Family <ul style="list-style-type: none"> <li>▪ H.E. The President Gender Focal Point at the National Planning Council</li> <li>▪ Gender Focal Points (at Deputy Minister level) in all Ministries</li> </ul>

The NWM has gone through a number of changes in its positioning within the Government architecture, as well as in changes to the title. However, a corresponding

change in focus never happened. For example, although name changes imply a shift from a focus on women and welfare to gender and a rights-based approach, the thinking and practice of the NWM has remained the same throughout time.

Further, the unrealistic expectation that the NWM could design, implement, monitor, advocate programs that support gender equality *and* support government wide mainstreaming of a gender equality perspective in *all* policy areas, *and* work with all State institutions (Judiciary, Parliament, Political Parties) to mainstream gender into policy, legislation and practices, *and* set up a framework to address gender discriminatory practices by non-state actors (private sector, family, individual etc.). This belief has over time become internalized amongst decision-makers within the NWM and it appears that the NWM has over time become territorial taking anything ‘gender’ as their responsibility and acting as an implementing agency for small scale projects for women, and addressing needs. This approach legitimizes the lack of attention to gender by other agencies and stakeholders, and has had a negative impact on successful utilization of available opportunities for gender mainstreaming.

#### **4. INTERNATIONAL EXPERIENCE**

Experience shared internationally pinpoint to similar issues as reasons for most countries failing to achieve results in advancing gender equality. They are:

- Marginalization within government, with no influence on the overall policy-making process.
- Lack of financial resources. Structural adjustment and privatization policies that require reductions in public spending often impact heavily on NWMs and programmes for women’s empowerment and gender equality.
- Lack of adequate human resources with staff having little or no motivation and a lack of knowledge of conceptual clarity and gender knowledge.
- Frequent restructuring of government interrupts the continuity of national machineries and national machineries are often first to be affected by economic and government restructuring.

#### **5. LESSONS LEARNED**

Drawing upon local experience as well as lessons learnt and shared internationally, it is important to back the National Gender Equality Policy with the adequate institutional set up to inform, influence and monitor its’ implementation, if it is to bring about lasting substantive change and realize gender equality in the Maldives.

The Maldives’ experience is similar to the experience of other nations. National policy frameworks *potentially* provide the ideal context for gender mainstreaming, concerned as they are with mainstream policy development and effectiveness. They provide a context whereby:

- i. gender analytical information and sex disaggregated data on men's and women's concerns and experiences can inform *national or sector-wide* policy and planning processes;
- ii. the importance of gender-aware consultation processes, involving civil society and other stakeholders, is specifically acknowledged; and
- iii. national policy commitments to gender equality are laid out, and backed up with budgets, effective processes of monitoring, and capacity-building.

However, as Derbyshire<sup>2</sup> concludes, the *potential* of national policy frameworks for promoting effective gender mainstreaming is greater than achievements to date.

In order to fully realize the potential of the National Gender Equality Policy, it is thus imperative that the gender architecture within the government is re-structured to provide an enabling environment with political strength, technical capacity, adequate resources and an accountability framework.

The NWM must be located in the central policy coordination area of government, with a clear mandate to monitor all policies.

## **6. FUNDING AND RESOURCES**

The UN agencies, Commonwealth and other development assistance partners including bilateral donors may be approached for funding. Considering government's commitment to gender mainstreaming and advancement of women to achieve Gender Equality as a development priority that impacts positively on all development goals, it is expected that donors will be willing to offer necessary funds in addition to technical support.

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<sup>2</sup> This section draws upon lessons from the Maldives' experience to date and applies and adapts to the Maldives situation the collected knowledge in Derbyshire, H. (2002) *Gender Manual: A Practical Guide for Development Policy Makers and Practitioners*; DFID Social Development Division, UK.

## ANNEX 2: EXPLANATORY NOTE ON THREE CORE PRINCIPLES OF CEDAW

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is based upon three core principles: the Principle of *Equality*, the Principle of *Non-Discrimination*, and the Principle of *State Obligation*.

### 1. The Principle of Equality – Substantive Equality

The CEDAW Convention promotes the **substantive model of equality**, which focus on equality of **opportunity**, equality of **access to the opportunity**, and equality of **results**.

Thus, the **indicators of State progress**, in the eyes of the CEDAW Convention, lie **not just in what the State does, but in what the State achieves in terms of real change for women**. Article 2 of the CEDAW Convention enjoins the State to ensure the practical realisation of rights, whereby the State is obligated to show results, and not just stop at frameworks of equality that are strong on paper.

Initiatives for the realisation of women's rights need to compensate for or cater to the difference, disparity or disadvantage. This means taking into account the ways in which women are different from men, and ensuring that these differences are acknowledged and responded to by policy or legal interventions and programmes. How this is done, depends on what kind of analysis informs the content of policy and programmes.

### 2. The Principle of Non-Discrimination

The **principle of non-discrimination** is based on the understanding that discrimination is socially constructed and that it is not an essential or natural principle of human interaction. This recognises the need and paves the way for concerted action against inequality and the institutional mechanisms which perpetuate it.

The CEDAW Convention's definition of discrimination in article 1 can be summarised as:

*Any act of distinction, exclusion or restriction which has the intent/purpose or effect of nullifying, impairing or denying the enjoyment of rights by women.*

This definition helps to identify the weaknesses of formal or so called gender neutral laws and policies, which could in effect deny women rights or access to a right though the law or policy may not have the intention of denying a woman the enjoyment of rights.

For example, the existence of conditions for eligibility that women cannot fulfill through no fault of their own and which privileges men has the effect of discriminating against women although no discrimination was intended. Under these circumstances the State is obligated to put in place some temporary special measure or affirmative action to help correct the effect of past discrimination.

Secondly, the CEDAW Convention recognises that despite legal rights being granted to women in many countries, discrimination persists, and women's access to legal rights are curtailed by denial of women's rights to economic and social development. Hence it bridges the traditional divisions between civil and political and socio-economic rights and it mandates both legal and development policy measures to guarantee the rights of women.

The uniqueness of the CEDAW Convention rests on these core principles which further demand that power relations between women and men at all levels, from family, to community, market and state.

**The convention discards the distinction between the private and the public spheres, by recognising violations of women in the private sphere i.e. the home, as violations of women's human rights.**

The convention also recognises the negative impact of social, customary and cultural practices which are based on the idea of the "inferiority or the superiority" of either sex or on stereotyped roles for women and men (article 5).

Articles 1 and 5 give the Convention the widest applicability in identifying measures for eliminating discrimination, as together they can be interpreted to refer to almost any situation that adversely affects women.

### **3. The Principle of State Obligation**

The CEDAW Convention carries with it the **principle of State obligation**.

**When a country becomes a State party to CEDAW, it voluntarily accepts a range of legally binding obligations to eliminate discrimination against women and bring about equality between women and men.** By doing this, it has entered into a contract with all other States parties to the CEDAW Convention that it will abide by norms and standards collectively agreed upon by the States parties and that it is offering itself to a scrutiny by an international expert committee on the basis of these norms and standards.

To facilitate the scrutiny, every States party is obligated to present an Initial Report to the United Nations one year after accession on the obstacles to the equality status of women and the actions it intends to take to remove such obstacles. Thereafter, the States party is required to submit a report on the progress made every four years. **Maldives is due to submit its Fourth and Fifth Periodic Report in 2010.**

Under the CEDAW treaty the dynamics of relationship between the State and women is no longer one of the dependency of women on the good will or vagaries of the State, but one in which the State has responsibilities to women from which it cannot withdraw. These are responsibilities that the State will be held accountable at the national and international levels.

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Substantive information on CEDAW and OP-CEDAW, updates of CEDAW Committee work, and information on new developments related to CEDAW can be found on [www.iwraw-ap.org](http://www.iwraw-ap.org), the website of International Women's Rights Action Watch – Asia Pacific.



## **CHAPTER III**

# **Institutional Mechanism for Effective Gender Mainstreaming**

## 1. INTRODUCTION

An effective institutional mechanism is crucial to successful gender mainstreaming. Thus, it is imperative that a strong, visible, *National Machinery for the Advancement of Women* (NWM)<sup>3</sup> that can inform and influence policy, programmes and action in all sectors are included in the government architecture<sup>4</sup>.

This section provides an overview of the existing institutional framework for the NWM and provides recommendations on models to consolidate President Mohamed Nasheed's vision for an effective NWM.

## 2. NATIONAL WOMEN'S MACHINERY

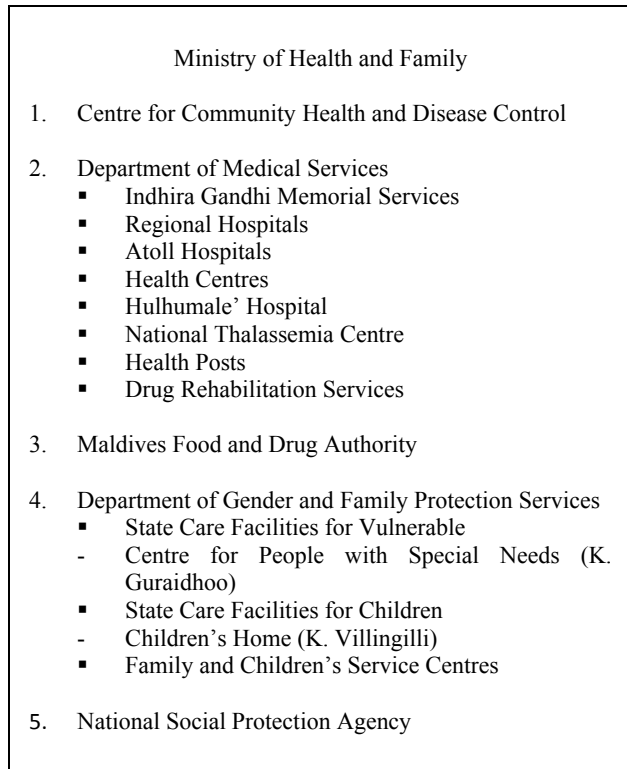
In current government architecture in the Maldives, the Ministry of Health and Family (MHF) is the assigned NWM and Lead Agency for gender mainstreaming and promoting gender equality in national government.

### 2.1 Institutional Policy Framework and Practice

Directives published by the President's Office on 23 March 2009 confers upon MHF some principle functions of a NWM and Lead Agency for a Gender Management System (GMS) thereby institutionalizing MHF as the Lead Agency for gender mainstreaming in the Government of Maldives, despite there being a department titled Department of Gender and Family Protection Services (DGFPS) being one of 5 major departments falling under MHF.

Mandate and obligations relevant to the Lead Agency for gender mainstreaming in the 19-point responsibilities of MHF include:

- *Strengthening the Gender Management System; monitoring*



<sup>3</sup> The National Machinery for the Advancement of Women (NWM), are otherwise known as National Machinery for Gender Equality/ Gender Mainstreaming, or Lead Agency for the Gender Management System (GMS).

<sup>4</sup> For documented lessons learned and best practices. Refer to resources from UN, Commonwealth, national governments for more info.

*the application of gender in all sectoral policies, rules and regulations, and projects formulated under the gender mainstreaming policy; and advocating for and promoting the implementation of the gender mainstreaming policy in all sectors. (Point 4 of MHF mandate)*

- *Promoting State Obligations under international conventions, treaties and agreements relevant to the mandate of the Ministry; reporting as required on the implementation of such conventions; and based on research and information collected for the reports, advocating for sectoral action/intervention where necessary to fulfill state obligations under international commitments. (Point 11 of MHF mandate)*
- *Providing legal advice to achieve the objectives of the Ministry, drafting necessary Bills and Regulations, and providing legal advice to relevant authorities on the enforcement these regulations. (Point 14 of MHF mandate)*
- *Lobbying for age and “gender disaggregated” [sic] and other disaggregated data collection in all sectors. (Point 17 of MHF mandate)*

In addition, the mandate of DGFPS include:

- *Establishing and monitoring the necessary framework/system to:*
  - *Increase the participation of women and people with special needs in political, economic and social development of the nation;*
  - *Strengthen the role of women’s committees and civil society organizations (CSOs) working on women’s rights and the rights of people with special needs;*
  - *Work towards maintaining gender equality in all areas. (Point 10 of DGFPS mandate)*
- *Establishing protocols/ regulations on how to work towards providing equal/equitable opportunities to both sexes; organizing ways in which women can participate in social, economic and political fields, and encouraging women to participate. (Point 11 of DGFPS mandate)*

However, the existing organizational structures of neither MHF nor DGFPS include a visible and strong structure to fulfill the duties and obligations required of a Lead Agency. And, even if the Ministry of Health and Family were to be restructured internally with adequate knowledge, technical capacity and resources, it would still be having one Cabinet Ministry as Lead Agency for advancement of women and gender mainstreaming.

In practice, the President appears to be heading the Gender Mainstreaming, with him the designated Gender Focal Point of the National Planning Council, and the President’s Office leading the appointment of Gender Focal Points at Deputy Minister level in all ministries following a Cabinet decision initiated by the President.

The following section looks at institutionalizing this practice with the necessary support of a Lead Agency.

### 3. THE PRESIDENT'S VISION OF NWM

In his policy statement, His Excellency President Mohamed Nasheed raised two important points that clearly laid out his Government's women's/gender policy and vision of an effective NWM to achieve these policy goals.

First, the women and gender equality policy of the Government is, according to President Mohamed Nasheed, "[for] all ministries to address women's issues... recognizing that women and men have different needs and priorities."

Second, the President clarified that there is no designated women's ministry (or ministry for gender/women's affairs) in his Government as "*all* ministries are women's ministries, and all ministries should give special consideration to address women's/gender issues". The President went on to clarify the omission explaining that he did not see a major role for a women's ministry unless it interferes in the work and functioning of all other ministries, noting a major factor for the failure of NWMs to advance gender equality and bring about effective change.

Thus, following from this and the current practice of the President leading Gender Mainstreaming in all sectors, it is recommended that the Gender Architecture be restructured with the necessary support base for the President to take the lead in gender mainstreaming.

Models for an effective Lead Agency consolidating President Mohamed Nasheed's vision and international best practices and recommendations follow.

### 4. RECOMMENDATIONS FOR RESTRUCTURING THE NWM

According to the Beijing Platform for Action, the necessary conditions for an effective functioning of such national machineries include<sup>5</sup>:

- Location at the highest possible level in the Government;
- Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
- Sufficient resources in terms of budget and professional capacity;
- Opportunity to influence development of all government policies.
- In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

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<sup>5</sup> Agreed by Governments at the Fourth World Conference on Women (Beijing, 1995).

Thus, to restructure Gender Architecture for an effective NWM for Gender Mainstreaming, it is recommended that:

- i. A National Policy on Gender Equality be adopted, and all sectoral Gender Focal Points be familiarized on what is required under the policy.
- ii. The term “Gender” be removed from the title of the Department of Gender and Family Protection, and the functions relevant to the NWM for mainstreaming gender in government be removed from the department’s mandate. DGFPS will continue protection services to victims and survivors of child abuse and GBV (including DV and VAW), and working on all aspects related to prevention of abuse and other forms of violence and degrading treatment.
- iii. The responsibilities of NWM be removed from the Ministry of Health and Family, and the mandate amended as such.
- iv. The NWM be restructured and established at the highest possible level in the Government as directed in the Beijing Platform for Action, with high visibility, political influence, and the resources and capacity to mainstream gender in all sectors and act as a catalyst for change through gender mainstreaming.

#### **4.1 NEW MODELS FOR AN EFFECTIVE NWM**

Drawing upon proven models, and consolidating the existing political and government structure in the Maldives, the following model is recommended as NWM.

**Model 1: NWM led by Gender Equality Advisor to the President**  
supported by professional staff and office with adequate resources.

- **Appoint a Gender Equality Advisor** to the President  
(at Cabinet or State Minister level)

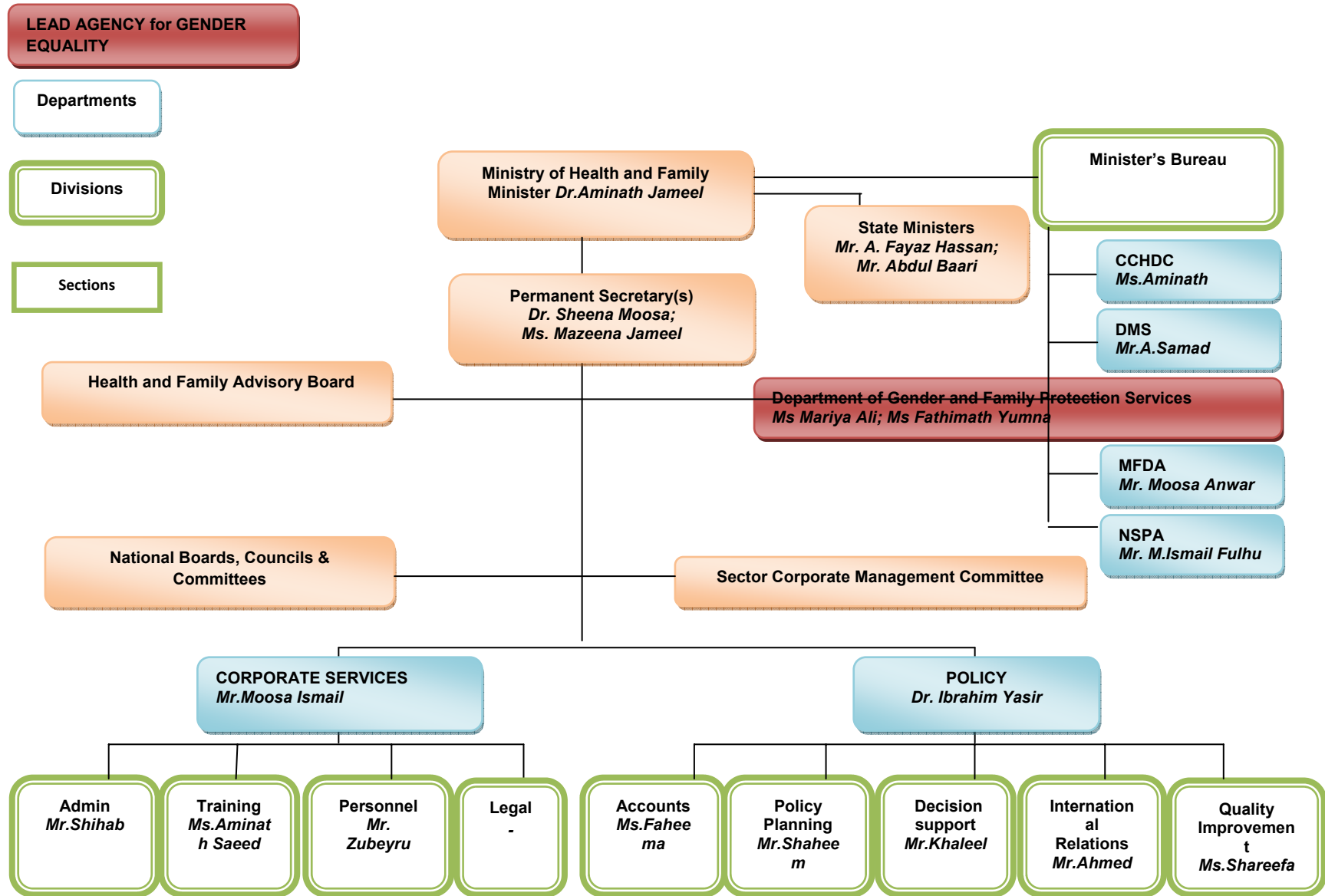
The Gender Equality Advisor must be supported by a secretariat/office (i.e. the institutional support of NWM), adequate staff with the knowledge, and professional capacity to provide informed-advice and the technical, strategic input and guidance for gender mainstreaming.

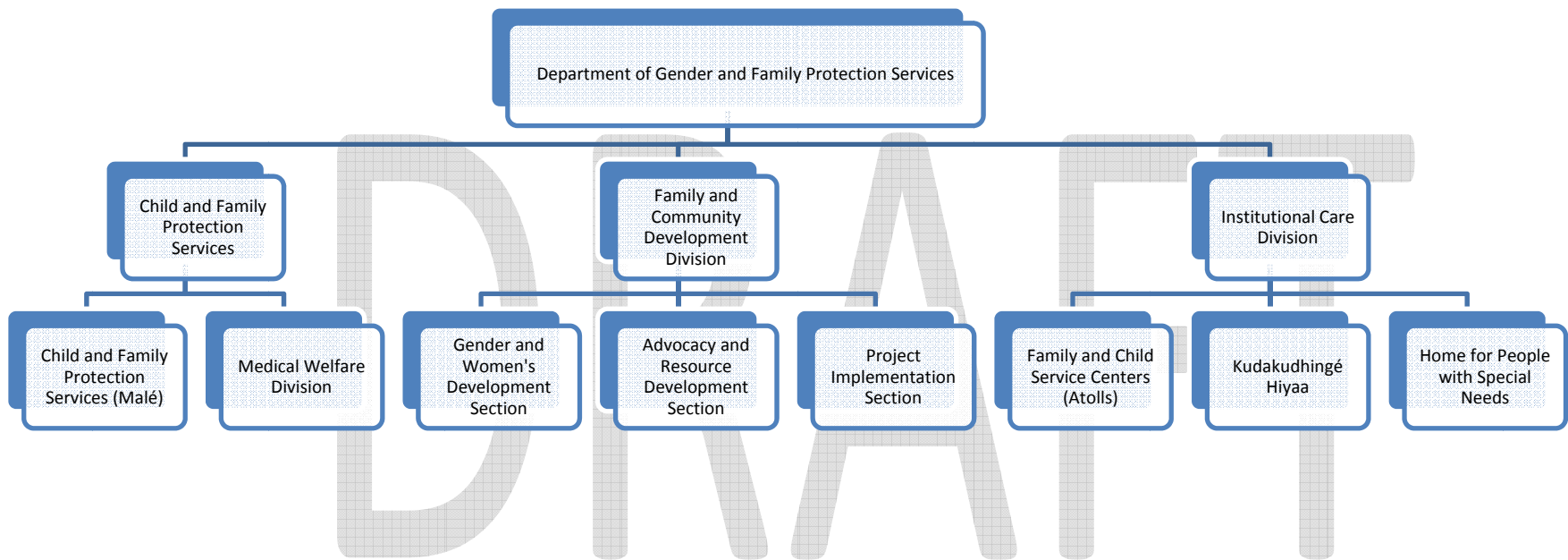
The main task of the NWM is to support government- wide mainstreaming of a gender-equality perspective in all policy areas functions of the Gender Equality Advisor will be to:

- Advise on the impact on women of all government policies;
- Monitor the situation of women/ gender comprehensively;  
and
- Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination.

- The Gender Equality Advisor will provide the necessary direction and work through the President/ Vice President, and the Cabinet to mainstream gender in all sectors following the mandate of NWMs.

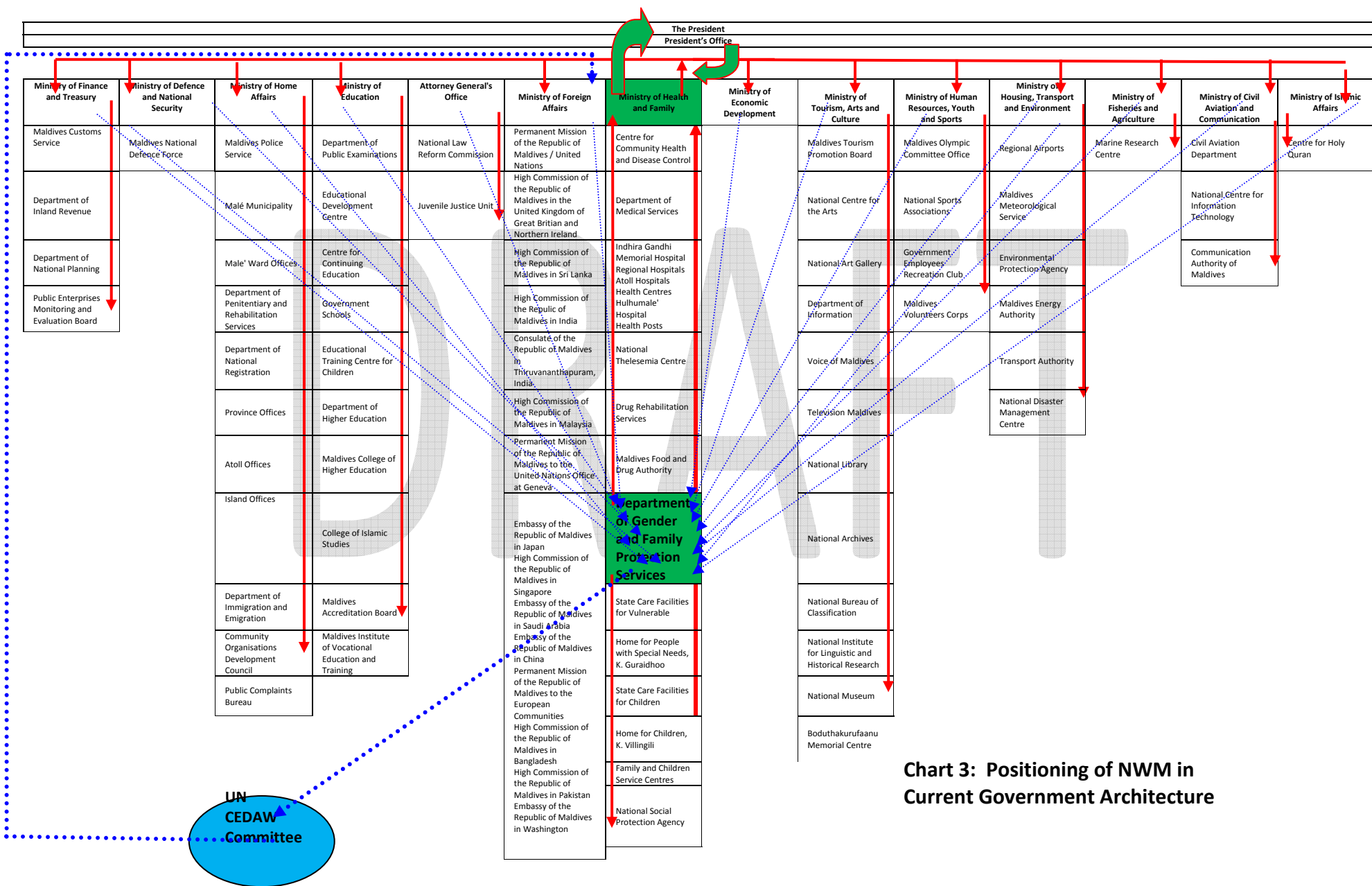
**Chart 1: Organisation of Ministry of Health and Family**





**Chart 2: Organisation of Department of Gender and Family Protection**





**Chart 3: Positioning of NWM in Current Government Architecture**

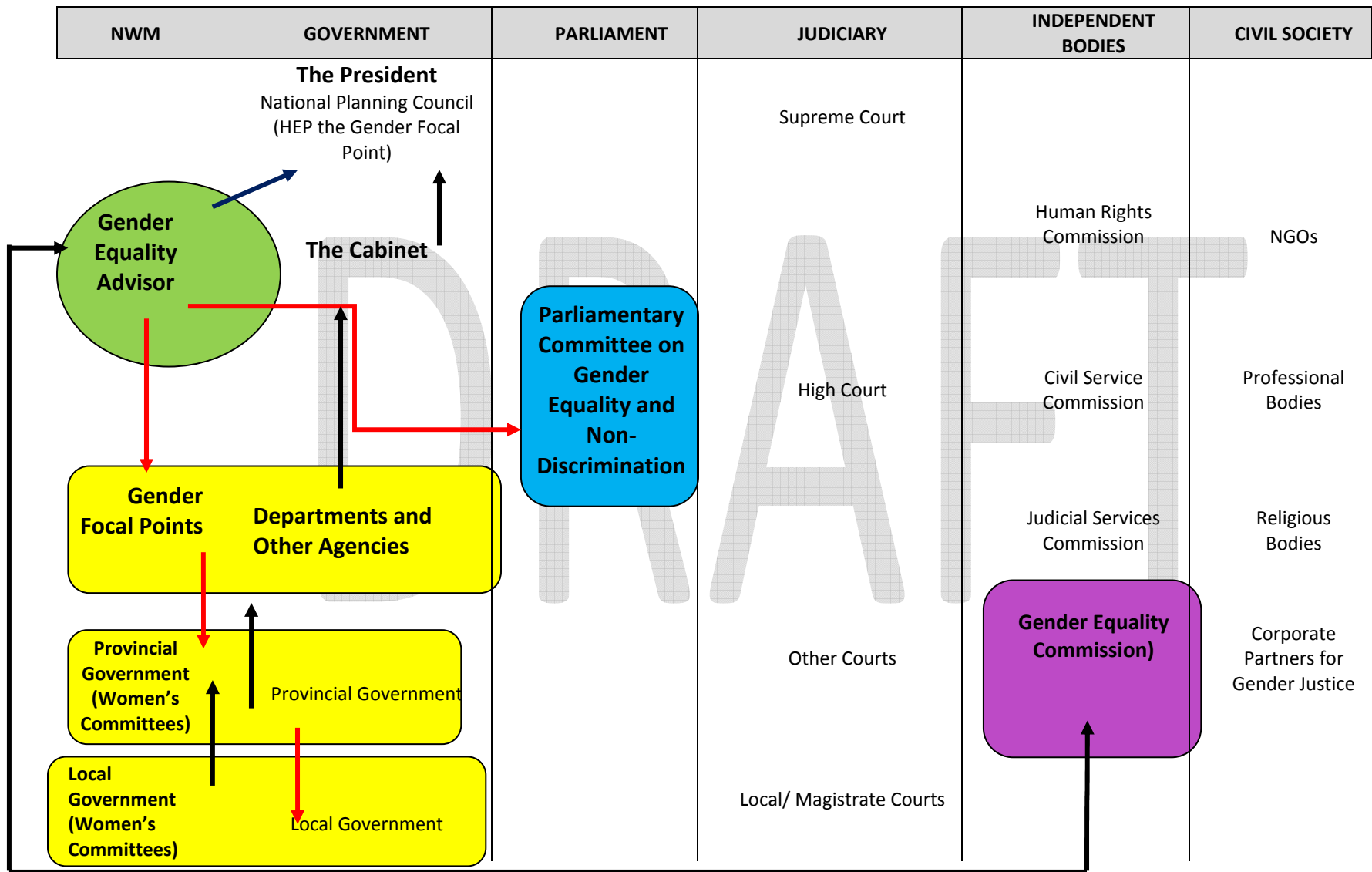


Chart 4: Recommended Positioning Model for NWM

## 5. MANDATE OF NWM

The *National Machinery for the Advancement of Women* (NWM)<sup>6</sup> is the central policy-coordinating unit inside government to promote gender equality through empowerment of women and gender mainstreaming. The main task of the NWM is to support government-wide mainstreaming of a gender-equality perspective in all policy areas.

Its mandate should include:

- Development of policies (in collaboration with appropriate ministries);
- Policy advocacy;
- Coordinating policy;
- Monitoring policy for gender impact, in particular, monitoring all Cabinet submissions;
- Reviewing legislative and policy proposals from all ministries to ensure inclusion of a gender perspective;
- Initiating reforms to create more gender sensitive legal systems;
- Coordinating gender audit of implementation of policies;
- Ensuring that Constitutional and other framework debates include a gender perspective.

Other necessary functions for the NWM are:

- Ensuring appropriate gender training for top-level government management
- Encouraging gender training at all levels of government;
- Developing methods and tools for gender mainstreaming such as gender impact assessment, guidelines for gender training, and for gender audit across all government activities;
- Collecting and disseminating of best practice models of gender mainstreaming;
- Coordinating the development and regular updating of national action plans to implement the Beijing Platform for Action and reporting on their implementation to parliaments and international bodies;
- Cooperating with the mass media to mobilize public opinion on gender issues.

### 5.1 NWMs IN BEIJING PLATFORM FOR ACTION AND BEYOND

Strategic objectives H1 and H2 of the Beijing Platform for Action (1995) details the action governments committed to, to advance gender equality. They are:

#### **Strategic objectives H1:**

#### **Create or strengthen national machineries and other governmental bodies**

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<sup>6</sup> The National Machinery for the Advancement of Women (NWM), are otherwise known as National Machinery for Gender Equality/ Gender Mainstreaming, or Lead Agency for the Gender Management System (GMS).

- Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister;
- Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation; among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation;
- Provide staff training in designing and analysing data from a gender perspective;
- Establish procedures to allow the machinery to gather information on government-wide policy issues at an early stage and continuously use it in the policy development and review process within the Government;
- Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action;
- Encourage and promote the active involvement of the broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men.

### **Strategic objective H2**

#### **Integrate gender perspectives in legislation, public policies, programmes and projects**

- Seek to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively, is carried out;
- Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning;
- Promote national strategies and aims on equality between women and men in order to eliminate obstacles to the exercise of women's rights and eradicate all forms of discrimination against women;
- Work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislation and policies;
- Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action; locate the responsibility for the implementation of that mandate at the highest possible level; establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate, to monitor progress and to network with relevant machineries.

Specific **duties and responsibilities of the national machinery** listed under strategic objective H2 are to:

- Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central Government in order to ensure mainstreaming of a gender perspective in all policy-making processes;
- Promote and establish cooperative relationships with relevant branches of government, centres for women's studies and research, academic and educational institutions, the private sector, the media, non-governmental organizations, especially women's organizations, and all other actors of civil society;
- Undertake activities focusing on legal reform with regard, inter alia, to the family, conditions of employment, social security, income tax, equal opportunity in education, positive measures to promote the advancement of women, and the perception of attitudes and a culture favourable to equality, as well as promote a gender perspective in legal policy and programming reforms;
- Promote the increased participation of women as both active agents and beneficiaries of the development process, which would result in an improvement in the quality of life for all;
- Establish direct links with national, regional and international bodies dealing with the advancement of women;
- Provide training and advisory assistance to government agencies in order to integrate a gender perspective in their policies and programmes.

## GENDER EQUALITY DUTY-BEARER FRAMEWORK

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