

## **Social Protection Act (2/2014)**

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### **1. Introduction and Name:**

- a.** This Act provides for the establishment of guidelines for provision of government assistance on social protection to the citizens of the Maldives
- b.** This Act shall be cited as the Social Protection Act

### **2. Objectives**

The objective of this Act is to facilitate the following:

- a.** Provision of social protection to citizens in difficult situation due to poverty shocks
- b.** Reduction of the gap between the rich and the poor
- c.** Equitable redistribution of national resources among citizens; and
- d.** Assist those (citizens) who cannot afford to meet their basic needs

### **3. Benefits (Assistance) for social protection**

Assistance provided by the government for social protection to those citizens in difficult situation:

- a.** Financial Assistance for single mothers or fathers looking after children on their own
- b.** Assistance for those who do not have anyone to look after them
- c.** Assistance for psychiatric patients
- d.** Assistance for children and caretakers of children who do not get support from their parents
- e.** Assistance to pay electricity bill
- f.** Assistance for food
- g.** Assistance to pay water bill
- h.** Housing assistance
- i.** Social protection assistance due to emergencies
- j.** Assistance for owners of small or medium businesses operating in various industrial sectors that may require assistance due to a difficult incident; and
- k.** Assistance for students

#### **4. Those who can lodge an application for assistance on social protection**

Assistance under programs classified as social protection by GoM shall be provided to those who lodge applications, as per the regulation stipulated under this Act, from among those mentioned below

- a. Person needing Assistance; or
- b. A family member of the one needing Assistance; or
- c. Legal guardian of the person needing Assistance; or
- d. A government agency; or
- e. A helper of the person needing Assistance

#### **5. Lodging an application for assistance on social protection**

- a. An individual can apply for more than one assistance in a single application when lodging an application for assistance on social protection
- b. If a person applies for social protection Assistance under (a) of this section, decision to provide Assistance shall be made in accordance with the relevant regulation concerning the Assistance.
- c. The regulation to be drafted for this section shall include the following:
  - 1. The maximum amount that can be given as assistance for an individual in a calendar month
  - 2. The maximum amount that shall be provided in a calendar month under each of the assistance programs specified in section 3 of this Act
  - 3. The maximum amount an individual shall be provided in a calendar year as assistance
- d. The regulation to be drafted under this Act shall include the eligibility criteria for each of the assistance programs mentioned under section 3 of this Act

#### **6. Provision of Assistance**

- a. For those applicants (of assistance deemed as social protection by the government) who meet the eligibility criteria set out in the regulation made under this Act shall be provided assistance
- b. Application for Assistance under this Act shall be lodged to the agency providing the Assistance with all the required information as specified in the regulation made under this Act. The required information include the following:
  - 1. Information on the income
  - 2. If there is a bank account, accounts details and Bank Statement for the last 3 (three) months
  - 3. Property and other assets owned by the applicant

#### **7. Obligations of the recipient**

- a. Changes or updates to the living condition or personal information should be informed annually to the institution providing assistance in accordance with the regulation made under this Act.
- b. Failure to comply with section 7 (a) is a crime.
- c. This Act obligates the applicant to submit or disclose all the information with integrity at the time of application for Assistance
- d. The Minister has the right to cancel an application or discontinue an assistance if the information provided at the time of application or during receipt of assistance is found to be false or misleading, on the grounds of violating this Act
- e. The Minister has the right to discontinue an assistance if the information provided during receipt of assistance is found to be false or misleading, on the grounds of violating this Act

## **8. Discontinuation of assistance on social protection**

The Minister shall discontinue assistance on social protection in cases where a recipient no longer meets the eligibility criteria

## **9. Provision of information by other institutions to the institution responsible for provision of assistance**

- a. If a government agency comes to know of a change in living condition or information of a recipient of assistance, that institution shall inform the institution responsible for provision of the assistance of this change.
- b. If the institution responsible for provision of assistance requests information on a recipient from another state institution or a private party, that information shall be provided

## **10. Privacy and confidentiality**

- a. The government institution responsible for provision of assistance under this Act shall maintain privacy and confidentiality of personal, medical and other information of the beneficiary.
- b. Any employee of the institution responsible for provision of assistance shall not disclose any document prepared on a beneficiary, or any information gathered or submitted by an applicant, for the purpose of provision of assistance under this Act, except as stipulated under subsection (c) of this section.
- c. Disclosure of the following information by an employee of the institution responsible for provision of assistance shall not be considered as a violation of subsection (b) of this section.
  - 1. Publicly available information
  - 2. Information for which owner has given written consent for disclosure
  - 3. Information disclosed in a civil proceeding under this Act or another Act
  - 4. Information disclosed in a criminal proceeding under this Act or another Act

5. Information disclosed by an employee implementing this Act and any other Act on provision of assistance to another such employee for the purpose of fulfilling employment responsibilities
  6. Information disclosed for the purpose of interpretation of this Act and any other Act on provision of assistance
  7. Information disclosed to investigate or stop a crime.
  8. Information disclosed to investigate or stop a crime as per an agreement between the Government of the Maldives and another government.
  9. Anonymous information of the beneficiaries disclosed for inclusion in the statistical data of the government.
- d. All the employees of the institution responsible for provision of Assistance shall sign a non-disclosure agreement before starting employment

## **11. Inclusion in State Budget**

Funds required for each financial year for provision of Assistance on social protection under this Act and administrative cost of the institution responsible for provision of assistance shall be included in the State Budget

## **12. Crime and penalty**

- a. Any prohibition specified under this Act is a crime. Unless otherwise stated in this Act, the convicted perpetrator for a crime specified in this Act shall be punishable with a fine in the range of 1000 and 2000 Maldivian Rufiyaa or house arrest in the range of 1 and 3 months
- b. The punishment for repeated convicted perpetrators shall be a fine in the range of 3000 and 8000 Maldivian Rufiyaa or house arrest in the for a period between 3 and 6 months
- c. Any person convicted on the grounds of disclosure of information against section 10 shall be punishable with a fine in the range of 5000 and 10000 Maldivian Rufiyaa

## **13. Assistance currently being received**

- a. The enactment of this Act shall not result in the discontinuation of any assistance to any existing recipients
- b. Regardless of the provision in subsection (a) of this section, all existing recipients shall re-apply for assistance as stipulated under section 5 of this Act within a maximum period of 12 months of enactment of this Act.
- c. Assistance shall be discontinued for existing recipient who fail to re-apply as per (b) of this section

- d.** Continuation of assistance shall be upon reapplication and from the reapplication date as stipulated under this Act.

#### **14. Drafting and implementation of regulation**

- a.** The regulation for implementation of this Act shall be made by the National Social Protection Agency on the advice of the Minister
- b.** The regulations shall be made and published in the gazette of the Government within 3 (three) months of enactment of the Act

#### **15. Enforcement of the Act**

The Act shall come into force 6 (six) months from the date of this Act is passed, rectified and published in gazette.

#### **16. Meanings**

Unless otherwise stated, the following terms/phrases are to be interpreted as stated below

- a.** Minister: Minister responsible for formulation and oversight of the social protection policy
- b.** Income: regular (monthly) payments and benefits or lump sum payments
- c.** Responsible institution for provision of Assistance: National Social protection Agency or the institution mandated to provide assistance on social protection
- d.** Difficult situation: fulfillment of the eligibility criteria (as per regulation made under this Act) made for the various assistance listed under section 3 of this Act
- e.** Emergency state: life threatening situations and situations from which one cannot escape on its own or in another way