

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 37<sup>TH</sup> SESSION (NEW YORK, 15 JANUARY TO 2 FEBRUARY 2007)

### MALDIVES (COMBINED 2<sup>ND</sup> AND 3<sup>RD</sup> PERIODIC REPORT)

#### Information Submitted to the Committee

On 19 June 2007, the Committee on the Elimination of Discrimination against Women (the Committee) examined the combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic report<sup>1</sup> submitted by the Maldives. Aishath Mohamed Didi, Minister of Gender and Family, led the delegation and submitted a written statement summarising the State party's responses<sup>2</sup> to the list of issues and questions<sup>3</sup> raised by the Committee.

The periodic report is divided in two main parts. The first provides an overview of positive developments in promoting gender equality since the submission of the Maldives' initial report at the Committee's 24<sup>th</sup> session in 2000, specifically focusing on the Committee's recommendations from that session. The report identifies assistance to victims of violence against women; reproductive health; gender mainstreaming in the judicial system; and the institutionalisation of women's development as major areas of progress. The second section gives progress reports on the status of each article of the Convention in the Maldives. These assessments are mostly brief, sometimes no longer than a sentence, and mostly limited to announcing a new measure or law without judging its impact or efficiency. In some cases, such as with temporary special measures to accelerate *de facto* equality, exploitation of women, social and economic benefits and equality before the law, the State party simply stated that no new developments had occurred.

A shadow report<sup>4</sup> was also submitted by non-governmental organisations (NGOs) to the Committee. It reflects the State party report's structure, considering both the Maldives' responses to the Committee's previous recommendations and purported progress under each article of the Convention. The first part of the NGO report focuses more particularly on the Committee's recommendations regarding the Maldives' reservations to the Convention,<sup>5</sup> temporary special measures, health care and family planning, equality before the law, marriage and family relationship and violence against women. The second part examines all articles raising critical areas of concern and putting forward recommendation on each of these. Finally, a number of annexes provides personal accounts of domestic violence and divorce, examines the impact of dominant discourses of women, particularly with regard to violence against women, and compiles media reports on exploitation of rural women, trafficking and sexual exploitation.

#### Themes and Issues

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<sup>1</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N05/280/45/PDF/N0528045.pdf?OpenElement>.

<sup>2</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/558/58/PDF/N0655858.pdf?OpenElement>.

<sup>3</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/467/15/PDF/N0646715.pdf?OpenElement>.

<sup>4</sup> <http://www.iwraw-ap.org/resources/pdf/Maldives%20Shadow%20Report%20-%20final.pdf>.

<sup>5</sup> The Maldives has made a reservation to its application of Article 7(a) on the ability of women to vote and to be eligible for election to the extent that it conflicts with its Constitution. It also reserved the right to apply Article 16 on equality of women in matters of marriage and family without prejudice to the provisions of the Islamic Sharia.

## **Constitution, Laws and National Machinery**

The Committee expressed concern and criticism about the Government's lack of efforts to withdraw reservations to Articles 7(a) and 16 of the Convention and remove from article 34 of the Maldives Constitution the provision prohibiting women from becoming President or Vice-President. With regard to Article 7(a) of the Convention, the delegation mentioned that the President has proposed to the Constitutional Assembly to remove the gender bar from article 34 of the Constitution, but this suggestion has yet to be adopted. Concerning Article 16, the delegation indicated that the Government is committed to withdrawing the reservation and has initiated the necessary amendments to the *Family Law*. However, the State party claimed that in the present socio-cultural and political setting, the prevailing interpretation of Sharia on polygamy may impede efforts in this regard. Furthermore, the delegates stated that new *Family Law* regulations had limited the jurisdiction of courts over the ceremonial practices of child marriages, requiring the courts to seek advice from the Child and Family Protection Authority on such matters.

The Committee asked what was being done to incorporate the Convention into domestic legislation, and if judges and law enforcement officials had been trained in its provisions. Furthermore, it expressed concern about the time frame for adopting the draft law on women's rights, the inclusion of the Convention's definition of discrimination in this law and the legal implications of the current absence of a law on women's rights. The delegation replied that the Maldives Constitution has an equality provision and plans to incorporate the Convention's principles into domestic legislation. It also indicated that the draft law on women's rights would use the Convention's definition of equality and discrimination, but that this would not be the case for the Constitution.

## **Political Participation and Decision-Making**

The Committee focused on the prohibition on women becoming judges and the level at which debate was taking place on this issue. The delegation explained that the question of eliminating the gender bar in the judiciary was under consideration by ministers and judges. However, the delegation acknowledged that judges and magistrates had not been sensitised to gender issues, partly because their heavy caseloads made it difficult for them to participate in programmes run by the Ministry of Gender and Family. New training starting in late January could include training on the Convention. The Ministry of Gender and Family was supportive of allowing women judges and was studying Islamic jurisprudence to further this effort.

The delegation mentioned that a proposal to secure a quota for women in politics had failed in the Constitutional Assembly. However, the Ministry of Gender and Family planned to put forward a provision calling for a specified percentage of seats to be reserved for women.

## **Trafficking in Women and Sex Tourism**

The Committee noted that no studies had been conducted on trafficking and expressed support for the development of legislation on trafficking and prostitution. It also wanted to know what measures were in place to warn women leaving the country about promises of employment and the risks of trafficking. The Committee pointed out that no specialised police services had been established to track trafficking and asked about the assistance offered to victims of trafficking. The delegation responded that a study on the exploitation of women and children in prostitution was planned for 2007 and that strategies would be formed on the basis of its findings. It acknowledged that much work was needed in the area

of trafficking, claiming that the increase in the population of the capital had created social problems that did not exist in the past.

## **Stereotypes and Education**

The Committee asked whether a study on knowledge, attitudes and behaviour had been conducted to challenge stereotypes, and if so, what the results and follow-up actions had been. The delegation admitted that no survey had been conducted on stereotypes and that sensitisation alone would not solve this problem. The Committee noted that stereotypes were reflected in the *Family Law*, academic areas, professional choices and political life and recommended training for politicians, parliamentarians and decision-makers. The Committee commended the Media Policy's incorporation of gender issues, but added that revisions to teaching materials needed to be considered, urging the State party to hasten change. The delegation responded only briefly, indicating that a gender review on all education materials would be conducted in 2007.

On education issues, the delegation acknowledged that the Maldives has a small gender gap in school enrolment and that at higher levels, boys gain more scholarships. It stated that discussions were taking place on these issues and that strategies had recently been developed to increase access to education for girls in their homes.

## **Employment**

The Committee expressed concern about how the Government addressed discriminatory practices by employers in the absence of a Labour Code and wanted to know if the draft Labour Bill would include provisions on training, health, safety and social security. The Committee also asked if there were any legal provision in the Penal Code to address sexual harassment and if maternity leave was available to all employed women, including those on temporary contracts. The delegation reported there had been instances in which maternity leave had not been given to Government staff on temporary contracts. It added that, pending adoption of the Labour Bill, women were entitled to 45 days maternity leave. The delegation explained that sexual harassment was considered an offence under the Penal Code and would be treated in the same way under the proposed Labour Bill. However, the delegation recognised that despite the few sexual harassment cases that had been sent to the Gender Ministry, a more practical way to seek redress was needed. The delegation also mentioned that measures safeguarding equal pay for equal work, irrespective of gender, were in place.

## **Health**

The Committee expressed concern about the number of health care centres in the Maldives and the kind of health care services available to rural women. The Committee was concerned about what steps were taken to ensure easily affordable and available health care to decrease the maternal mortality rate. It also wanted to know if family planning would be available to unmarried people in the future and if rural women continue to need their husbands' consent to use contraceptives. The delegation reported that all the least populated islands had a health post staffed with a nurse and trained midwife, low to moderately populated islands had health centres with at least one doctor, moderately populated islands had a hospital and finally highly populated ones had regional hospitals. It stressed that all services in health posts and health centres were free. The State party explained that the Maldives was deeply divided on the issue of allowing unmarried people to obtain access to family planning services. While the law still requires people to show marriage certificates at pharmacies before receiving

contraceptives, this is not enforced in practice. In light of these strong traditional attitudes, the delegation acknowledged that further discussion was needed on family planning policies.

## Conclusions and next steps

Some of the main positive steps announced included the Government's proposal to remove a constitutional provision barring women from holding the country's highest political office; the restructuring of the Ministry of Gender and Family to focus on mainstreaming gender into all the development projects and programmes; the creation of the Gender Equality Council to facilitate this gender mainstreaming; and the introduction of the *Family Law* in 2001, establishing the minimum age of marriage as 18 years old and imposing fines in cases of spontaneous divorce by the husband.

The delegation established a constructive dialogue with the Committee and was very cooperative in answering all the questions. It invited Committee experts to come to the Maldives to talk to the Government and people about the Convention in order to accelerate positive changes.

The Committee congratulated the Maldives for the progress made since its initial report. However, in its Concluding Comments,<sup>6</sup> it touched on some of the same issues highlighted in its previous Concluding Comments. It notably expresses concern about the reservations entered by the State party to articles 7 (a) and 16 and urges the Government to withdraw these reservations and repeal legislation limiting women's political participation in public life. The Committee expresses concern that the constitutional provisions on fundamental rights do not include prohibitions on discrimination on the basis of sex and urged the Government to rectify this. The Committee also notes that the Government has not yet introduced temporary special measures, in accordance with article 4 of the Convention, to improve women's access to higher education, decision-making positions and legislative bodies at the national and local levels. Other Committees have also expressed the concern previously voiced by the Committee about the status of children between 16 and 18 years old, especially regarding the low minimum ages for marriage and criminal responsibility.

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<sup>6</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N07/243/86/PDF/N0724386.pdf?OpenElement>