



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention**

**Combined fourth and fifth periodic reports of States parties  
due in 2010**

**Maldives\***

[13 December 2012]

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document has not been edited.

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\*\* Annexes may be consulted in the files of the secretariat.

## I. Introduction

1. The Maldives ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 13 March 2006. The last dialogue with the CEDAW Committee on its combined second and third report was conducted on 19 January 2007. The Concluding Comments of the Committee were issued on 2 February 2007.

2. The Government of Maldives is a young democracy that is in a continuing process of political transition. It remains committed to harmonizing its national laws, policies and programmes with CEDAW despite the challenges of cultural and political resistance and the limited economic and technical resources.

3. The Maldives improved its overall human development indicators in the past 5 years but registered a slight decline in its gender equality indicators. Maldives ranked 109th out of 187 countries and territories in terms of its 2011 Human Development Index earning its place among the medium human development countries.<sup>1</sup>

4. Maldives is ranked fifty-second out of 146 countries in terms of its gender inequality index of the Human Development Report, a composite index that shows the loss in human development due to inequality between female and male achievements in the three dimensions – reproductive health, empowerment and economic activity. The Human Development Report indicated that women in Maldives hold 6.5 per cent of parliamentary seats, and 31.3 per cent of adult women have reached a secondary or higher level of education compared to 37.3 per cent of their male counterparts. For every 100,000 live births, 37 women die from pregnancy related causes. Adolescent fertility rate is 12.2 births per 1,000 live births. Female participation in the labour market is 57.1 per cent compared to 77.0 per cent for men. These data translate to an overall increase in gender inequality gap from 0.288 in 2008 to 0.32 in 2011. While these data compare most favourably with its South Asian neighbours, the in-country disparities in the employment and economic indicators are significant. (Comparative Gender Inequality Indices of Maldives and South Asian countries are in Table 1 of Annex 2.)

5. A similar trend is also reflected in another gender scorecard, the Gender Gap Index<sup>2</sup> that ranked Maldives 101st out of 135 countries. It should be noted, however, that between 2009 and 2011, both the gender inequality index and GDI indicate a slight decline in overall rank and sub-indicators. The Gender Gap Index of Maldives slid down from 91st in 2008 to its 99th rank in 2010. It is also noted that the gender equity gains in the areas of education and health do not yet translate into equitable economic and political benefits for women. (Please refer to the Graph No. 1 of the Annex 1).

6. There has been uneven progress in the achievement of the Millennium Development Goals in the country. Maldives has achieved five out of the eight Millennium Development Goals (MDGs) ahead of the 2015 deadline, making it South Asia's only "MDG+" country. Progress has been substantial in eradicating extreme poverty and hunger (MDG1), achieving universal primary education (MDG2), reducing child mortality (MDG4), improving maternal health (MDG5), and combating HIV/AIDS, malaria and other diseases (MDG6). On the other hand, progress has been relatively slower toward achieving gender

<sup>1</sup> Human Development Report, 2011. United Nations Development Programme.

<sup>2</sup> Global Gender Gap Report. 2011. World Economic Forum, pp. 166-167.

equality and women's empowerment (MDG3), ensuring environmental sustainability (MDG7) and developing a global partnership for development (MDG8).<sup>3</sup>

## Report Preparation

7. The Government of Maldives is pleased to present this Combined Fourth and Fifth Periodic Report to CEDAW to be read in conjunction with the Common Core Document prepared in 2010.<sup>4</sup> This report was prepared following the Harmonized Guidelines issued by the Office of the High Commissioner for Human Rights in May 2006<sup>5</sup> and the 2008 Revised Reporting Guidelines of the CEDAW Committee.<sup>6</sup>

8. The Department of Gender and Family Protection Services (DGFPS) under the Ministry of Health and Family has been assigned as the focal agency for the CEDAW report preparation. The DGFPS acknowledges the joint technical and financial assistance of the United Nations Population Fund (UNFPA) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) in drafting this report. This included support for the series of consultation meetings with at least nine key government agencies on 5 December 2011; consultations in the islands of Kulhudhuffushi, Makunudhoo, and Nolvaramu of the Haa Dhaal Atoll with its local councils, non-governmental organizations (NGOs) and women's groups on 13–15 March, 2012; and the national validation workshop with 17 state agencies on 20 March 2012.<sup>7</sup> (Please refer to the list of agencies that attended the validation workshop on Table 18 of Annex 2.)

9. The delay in the submission of this report has been partly due to the limited technical expertise and human resources of the concerned government agencies and the intervening political developments in Maldives from January to March 2012 that led to a turnover of top government officials.

## Major Policy Developments

10. The most important policy developments are the endorsement of the new constitution of the Republic of Maldives that came into effect on 7 August 2008 and the Domestic Violence Law that was passed on 9 April 2012. The new Constitution of the Republic of Maldives enacted in August 2008 guarantees to all persons the same rights and freedoms, and upholds the principles of equality and non-discrimination. In this new Constitution, the former constitutional bar that prevents women from contesting for the highest political office has been removed. The Domestic Violence Law provides legal provisions to protect victims from domestic abuse through protective orders and improved monitoring mechanisms.

11. In addition, positive actions are manifested in the series of laws enacted that provide for equality and non-discrimination in the compliance with CEDAW and the 2008 Maldives Constitution. These include the 2007 Civil Service Act, the 2008 Employment

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<sup>3</sup> Millennium Development Goals. Maldives Country Report 2010. Department of National Planning, p. 6.

<sup>4</sup> Core document forming part of the reports of States parties Maldives, 16 February 2010 in HRI/CORE/MDV/2010.

<sup>5</sup> Harmonized Guidelines on Reporting under the International Human Rights Treaties, including Guidelines on a Core Document and Treaty-Specific Documents, 10 May 2006 in HRI/MC/2006/3 and Corr.1.

<sup>6</sup> Annex 1 on Reporting Guidelines of the Committee on the Elimination of Discrimination Against Women in E/CN.6/2008/CRP1

<sup>7</sup> Refer to Appendix \_\_ on the list of agencies and participants to the Consultation Workshops

Act, the 2009 Pensions Act, and Special Measures for Perpetrators of Child Sexual Abuse Act, 2009 e, the 2010 Disability Act, the 2010 Decentralization Act and the Domestic Violence Law. These new laws provide equal access to economic and political participation and socio-economic services and benefits to men and women.

12. The Strategic Action Plan (SAP) 2009–2013 that serves as the medium-term national development plan outlined a three-point policy on gender equality and non-discrimination. Also, gender has been treated as a cross cutting issue in all the other sector plans in the SAP.

13. The Human Rights Commission of Maldives (HRCM) that was established by Human Rights Act of 2006 is also a most welcome reinforcement to monitor the human rights awareness raising programmes that includes a module on women’s human rights and with investigation powers that can also cover gender related human rights violations cases.

### **Key Challenges to Gender Equality**

14. Despite the gender equality provisions in the 2008 Constitution and slew of recent laws, women continue to face “de facto” discrimination in some walks of life. For example, women continue to face hurdles in securing tertiary education scholarships, have a lower participation rate in the labour market, and are still underrepresented in leadership and governance positions in the public and private sectors. The 2008 and 2009 national elections provided clear evidence that, notwithstanding the progressive new Constitution, negative gender stereotyping and institutionalization as well as societal discrimination, continue to pose significant challenges.<sup>8</sup> The Constitution remains ambiguous in its interpretation of gender equality as applied to family and marriage laws in relation to the sharia. Hence, the reservation to Article 16 of CEDAW is sustained.

15. The 2008 Constitution has not explicitly defined gender discrimination in compliance with Article 1 of CEDAW. In the absence of specific provisions to prohibit discrimination based on gender, religion, disability or social status, women are traditionally disadvantaged particularly in the application of the sharia in matters such as divorce, education, inheritance and testimony in legal proceedings.<sup>9</sup>

16. Legislative bills on Sexual Harassment, Human Trafficking, Political Parties, Penal Code and Criminal Procedures to address policy gaps in human rights issues are still pending in Parliament.

17. The Decentralization Act of 2010 is lagging in implementation due to the recent political crisis. It has a provision to reconstitute the Island Women’s Development Committees through elections that has been delayed. The training for women to participate competently in island development planning has not yet been implemented.

18. Gender justice has yet to be ensured along side the initiatives for judicial reforms. There are pending legislative bills on the revised Penal Code, the Criminal Procedure Code, the Evidence Bill, the Legal Aid Bill, the Juvenile Justice Bill and the Judicature Bill – all vital for the proper functioning of the justice system that should be expedited.<sup>10</sup>

19. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women that was signed in 2006 is not widely disseminated and

<sup>8</sup> Resolution 7/23 and Resolution 10/4. Maldives UPR National Report, p. 5.

<sup>9</sup> Ibid., paragraph nos. 190 & 203. (double check).

<sup>10</sup> “Successes and Achievements of the Maldives’ Democratic Transition Will Not be Lost - State Minister” Friday 02 March 2012 accessed in [http://www.maldivesmission.ch/index.php?id=30&tx\\_ttnews%5Btt\\_news%5D=399&tx\\_ttnews%5BbackPid%5D=18&cHash=07eb7016db](http://www.maldivesmission.ch/index.php?id=30&tx_ttnews%5Btt_news%5D=399&tx_ttnews%5BbackPid%5D=18&cHash=07eb7016db)

understood by women's NGOs, civil society and government agencies hence no case of violation of CEDAW has been explored nor filed.

20. There are no temporary special measures approved and implemented in relation to gender equality gaps in the areas of political participation and tertiary education for girls in accordance with General Recommendations 25 of CEDAW. Special measures to promote economic empowerment of women are in place though not adequate. In awarding government loans, priority for women or a quota for women was allocated. However, this is not sufficient and in some cases the women became simply a front which the men in the family used to get to the loan money themselves. During the constitutional reform process in 2007, attempts were made to include a quota for women in Parliament. However, this was not successful.

21. There is a serious capacity gap in the national gender machinery and the gender focal point system in terms of limited authority, inadequate number of trained programme personnel and inadequate budget to undertake a comprehensive approach to mainstream gender equality and women's human rights in policies, plans, programmes and monitoring of results.

22. Most of the parliamentarians, justices and the executive agencies of Government are not well informed on CEDAW hence have not passed the urgent gender-related laws on Sexual Harassment and Trafficking in Persons. Only a few government agencies have gender-oriented initiatives.

23. Most of the policies are relatively new and require capacity-building among programme implementers, service providers and law enforcers for these to be properly implemented. Programme monitoring, using sex-disaggregated data and gender analysis, is not yet in place such that monitoring of progress and addressing lapses in implementation are not yet adequately undertaken.

24. Religious extremist interpretations have introduced practices of underaged marriages, non vaccination of infants and decreased school enrolment rates of children leading to increased impact on girl child. Similarly, these extremist ideologies confining women in the domestic sphere also hinders women's participation in the public sphere.

## **II. Updates on the 2007 Concluding Observations to the Second and Third Periodic Report of the Government of Maldives**

### **a. Dissemination of the 2007 concluding observations to all the relevant Ministries, the People's Majlis and to atoll and island governing bodies (CO\_2007/3, para. 10)**

#### *Actions and Challenges to Date*

25. The 2007 concluding observations was translated to Dhivehi and printed copies of which were disseminated to Members of Parliament and to government Ministries. However, there have been two changes in Government in 2008 and in 2012 as well as parliamentary elections in 2009, and consequently there were turnover of people in the Parliament and Ministries. Many of those who were previously oriented and trained left their posts with no continuity mechanism in place.

26. From 2007 to 2009, the HRCM has included one-hour sessions on women's human rights in at least 27 training programmes around the country. These sessions were at the basic orientation level that reached only a limited number. There was no follow-up mentoring on how to apply human rights on analysing and responding to community issues. At the atoll consultations, people mistook human rights as "protecting the interests of the

offenders who go unpunished hence it tends to pit the rights of one group of people against the rights of another group”.<sup>11</sup>

*Priority Action Required*

27. The Government of Maldives will embark on a comprehensive capacity development programme on the substantive equality framework of CEDAW and its latest concluding observations, to ensure its application in the legislative drafting of gender-responsive laws in the Parliament, in the national plans and mechanisms of all government agencies, in the atoll and island development plans, and in the training programmes for law enforcers and judicial institutions.

**b. Withdrawal of reservations to CEDAW Article 7(a) that bars women from running for the presidency and vice-presidency, and Article 16 on revisions to the law on marriage and family relations (CO\_2007/3, para. 12)**

*Actions and Challenges to Date*

28. The 2008 Constitution removed the provision that barred women from the Presidency that was in Article 34(c) of the 1998 Constitution. In effect, it lifted the reservation on article 7(a) of CEDAW and ensures the women’s right to vote in all elections and to be eligible to all publicly elected posts. However, socio-cultural barriers persist that caused no effective increase and quality in the political participation of women.

29. The Constitution maintains the reservation on the application of article 16 of the CEDAW concerning the equality of men and women in all matters relating to marriage, and family relations “without prejudice to the provisions of the Islamic Shari’ah, which govern all marital and family relations of the 100 percent Muslim population of the Maldives”. Article 2 of the Constitution identifies the Maldives as Republic based on the principles of Islam and the full separation of powers. Article 10 states that Islam is the State religion. The present socio-cultural and political setting in the Maldives and the prevailing interpretation of the sharia on matters relating to reservation on Article 16 impede efforts to address unequal gender relations in marriage.<sup>12</sup>

*Priority Action Required*

30. The Government remains committed to exploring the removal of the reservations made to the Convention as long as they do not conflict with Islam and sharia provisions. The ongoing legal reform programme will present an important opportunity for the further clarifying CEDAW in the reform agenda and process such as in the training programme of the parliament, the judiciary and executive branches of government.

**c. Definition of “discrimination against women” in the new Constitution; sanctions for acts of discrimination against women (CO2007/3, para. 14)**

*Actions and Challenges to Date*

31. Article 17 of the 2008 Constitution affirms the principles of gender equality and non-discrimination but does not explicitly define direct and indirect discrimination on the basis of sex in accordance with Article 1 of the Convention. Article 17(a) of the Constitution deals with the principle of non-discrimination and states that “Everyone is

<sup>11</sup> One of the comments made by participants in the island consultations in Kulhudhuffushi, Makunudhoo, and Nolhivaramu conducted by a joint team of gender specialists from the Department of Gender and Family Protection Services and UN agencies on 13-15 March 2012.

<sup>12</sup> HRI/CORE/MDV/2010, paragraph no. 113, p. 22

entitled to the rights and freedoms included in this Chapter without 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". Article 17(b) provides for affirmative action to disadvantaged individuals or groups but does not specifically mention women in the following provision – special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law shall not be deemed to be discrimination as provided in article (a).

32. Specific laws prohibit discrimination such as the Employment Act (2/2008) that prohibits direct and indirect discrimination, provides for equal pay for equal work, paid maternity leave and the establishment of an Employment Tribunal; the Civil Service Act (5/2007) that provides equal opportunity for women and men in the Maldives Civil Service; the Pensions Act (8/2009) that provides for equality in receiving retirement and old age pensions; and the Disability Act (11/2010) that provides financial assistance of a minimum of Rf 2,000 a month for persons with disabilities by the Government (no ceiling is set) and provides free education for children with disabilities. In addition, a Single Parent Allowance is also provided. The men and women in the communities receive and acknowledge the benefits of these laws. However, maternity leave under the civil service regulations is the only leave counted including weekends and public holidays. There has yet to be a systematic monitoring and feedback mechanism of implementation of laws particularly on addressing cases of violations.

33. The HRCM, which was established as an independent legal entity to lead the promotion and protection of human rights, is vested mainly with investigation authority on human rights cases, including women's rights and can facilitate redress of violations thereof.

34. There are mechanisms that have the potential to serve sanctions on acts of gender discrimination such as the Employment Tribunal, the Civil Service and the Family Court but these are not yet equipped with gender sensitivity hence they are not yet responsive to gender discrimination issues.

#### *Priority Action Required*

35. The Government of Maldives will undertake a gender review of key legislations to remove the discriminatory elements. It will also draft a gender equality bill for the consideration of Parliament.

36. The Parliament will be oriented on CEDAW and its concluding observations and follow-up with evidence-based advocacy on priority women's human rights issues that needs legislation.

#### **d. Accelerating de facto equality through the provision of temporary special measures (CO2007/3, para. 14)**

##### *Actions and Challenges to Date*

37. While the gender bar for women from the top elective posts has been removed, there has been no systematic and effective increase in the number and quality of women's participation in politics, decision-making and public life. There has been no sustained intervention to address gender equality issues in political participation as described in General Recommendations 25 of CEDAW.

38. A temporary special measure in terms of quota for women in political parties was proposed for the 2011 local councils election but this was rejected by the Parliament.



*Priority Action Required*

39. The Government of Maldives will review and enhance proposals for temporary special measures in political participation in accordance with General Recommendations 25 through:

- the introduction of a requirement in the Political Parties Bill to have a percentage of women candidates in their national listings;
- the introduction of quotas for women as decision makers in local governance structures;
- the installation of effective monitoring mechanisms, including sex-disaggregated baseline data and progress reports, to oversee the implementation of existing regulations and compliance by state and non-state actors.

40. The Government of Maldives will support leadership training programmes for women's political participation at the national, atoll and island levels.

**e. Eradicating negative stereotypes through the training of parliamentarians and decision makers, disseminating the substance of CEDAW in the education system and media (CO2007/3, para. 18)**

*Actions and Challenges to Date*

41. The Government of Maldives promotes human rights education programmes in Maldivian schools, and has also developed, in consultation with education experts, a range of human rights modules specifically for use at graduate level. For example, the Faculty of Shari'ah and Law at the Maldives College of Higher Education are developing modules with important human rights components such as Public International Law, Human Rights Law and Feminist Legal Theory. The Faculty has also organized a series of workshops and seminars to increase human rights awareness in the judiciary.<sup>13</sup>

42. Individual Ministries also promoted human rights within their mandates. The Attorney General's Office carried out a "Legal Literacy" campaign for school children above the age of 14. The Ministry of Health and Family has also undertaken a range of public information and education initiatives, especially with respect to women's rights and children's rights. The DGFPS has launched a community theatre on women's rights issues. In 2011, the HRCM held various training programmes around the country that involved 267 teachers in 11 islands; 135 participants from 6 NGOs; and 62 police and prison officials in two major islands. These workshops allocated a one-hour module on women's human rights.<sup>14</sup>

*Priority Action Required*

43. Capacity development activities and public awareness campaign will be conducted in a programmatic manner around priority gender issues such as violence against women and children that coherently links public awareness, community action, policy reform and institutional support.

44. The Government will involve and provide resources to community-based institutions in the islands and atolls such as the local councils, the police, the health centres, the family and child centres, NGOs and mass media to ensure the widest reach and follow-up action on cases affected by the issues.

<sup>13</sup> HRI/CORE/MDV/2010, para. 120, p. 28.

<sup>14</sup> HRCM data submitted to DGFPS for the CEDAW State Report in December 2011.

**f. On comprehensive measures to address violence against women (CO2007/3CO, para. 20)**

*Actions and Challenges to Date*

45. In 2006, the then-Ministry of Gender and Family conducted the first-ever nationally representative, quantitative research on violence against women in Maldives, the report on which was published in 2007. The key findings showed that violence against women is prevalent and experienced by one in three women between 15 and 49 years old at least once in their lives; one in nine cases reported experiencing severe violence; one in six women in Male' and one in eight countrywide experiencing childhood sexual abuse under 15 years old. Majority of the perpetrators are male intimate partners challenging the assumption that the home is a safe refuge for women.<sup>15</sup>

46. In May 2009, the Government, in partnership with the United Nations, launched a two-year programme to raise awareness on gender-based violence, develop social support and counselling, provide women with legal options, and advise them on economic opportunities that would empower them to leave abusive relationships. At least 25 people were trained in a weeklong session on how to analyze gender-based violence cases. A one-day workshop was also conducted with the Ministry of Islamic Affairs with the goal of informing key actors in the field how domestic violence is treated in Islam. Draft guidelines on operating a separate women's shelter next to the children's home on the island of Villingili.<sup>16</sup> Most of these plans need funding, implementation and monitoring especially now that the law against domestic violence is passed.

47. There are Family and Children's Service Centers (FCSC) in every atoll to coordinate the process of reporting abuse against women and children between the police and health centres and to provide psycho-social counselling. The FCSCs are short of staff that has limited training on psychosocial interventions and on CEDAW. Work is underway to open the safe shelter in Villingi. The Shelter is now under the Ministry of Gender, Family and Human Rights. There is no harmonized system of monitoring of cases of violence against women as indicated in sample reports from national agencies such as DGFPS and FCSCs. (Please refer to Table 2 and Table 3 of Annex 2).

48. The Domestic Violence bill was passed by Parliament on 9 April 2012 as a major milestone in legal provisions to protect victims from domestic abuse through protective orders and improved monitoring mechanisms.

49. Related pieces of draft legislation on violence against women were submitted to the Parliament that are at various stages of legislative action:

- The Sexual Harassment Bill has been reviewed by the Attorney General's Office and is now sent to Parliament;
- The first draft of the Human Trafficking and People Smuggling Bill is ready for submission from the Attorney General's Office to the Parliament.
- The Penal Code and the Criminal Procedure Code are also pending with Parliament.

*Priority Actions Required*

50. CEDAW orientation and its application to urgent gender-related bills will be organized with the Parliament to facilitate the approval of the bills on sexual harassment and anti-trafficking and allocating funds for the implementation of gender-responsive laws.

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<sup>15</sup> The Maldives Study on Women's Health and Life Experiences: Initial Results on Prevalence, Health Outcomes and Women's Responses to Violence. 2007. Ministry of Gender and Family.

<sup>16</sup> Ibid.

- g. A holistic approach to trafficking and prostitution of women and girls, including the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the SAARC (South Asian Association for Regional Cooperation) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (CO2007/3, para. 22)**

*Actions and Challenges to Date*

51. Trafficking-in-persons is a new area of engagement for Maldives where no official assessment of the situation was undertaken hence, laws and services are lacking to respond to the trafficked cases. The Constitution prohibits forced labour and slavery. Some laws covering sexual offences and child protection can be used to prosecute sex trafficking and child trafficking offences. The lack of anti-trafficking legislation is a major hindrance in tackling suspected cases of trafficking and prosecuting offenders.

52. The 2011 United States Global Report on Trafficking in Persons classified Maldives as a Tier 2 country in the United States watch list. Its data showed that Maldives is a primary destination country for migrant workers from Bangladesh and India trafficked into labour and to a lesser extent, as destination country for women trafficked for the purpose of commercial sexual exploitation in Male<sup>7</sup>.

53. In April 2009, the Maldives became a member of the Bali Process on Combating Human Smuggling and Trafficking in Persons. It was also admitted as member of the International Organization for Migration in December 2011 and collaborates on strengthening the existing mechanisms to better investigate trafficking in persons in the country.<sup>17</sup>

*Priority Actions Required*

54. The enactment of the Anti-Trafficking Law will be facilitated.

55. The United Nations Convention against Transnational Organized Crime, its Protocol Prevent, Suppress and Punish Trafficking in Persons and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families will be ratified.

56. Protection services will be provided to trafficked women and to women migrant workers.

57. Capacity development will be undertaken for parliamentarians, law enforcers and judicial institutions on the interpretation and enforcement of international laws on cases of trafficking and prostitution of women.

58. A public awareness campaign will be conducted on trafficking, gender and exploitation issues and laws among the atoll and island officials and communities.

- h. Undertaking effective measures to increase the number of women in decision-making, political and public life (CO2007/3, para. 24)**

*Actions and Challenges to Date*

59. Representation of women is still comparatively low at 6.4 per cent in the Parliament and 5.3 per cent at the local councils.<sup>18</sup> Since the removal of the gender bar for women to

<sup>17</sup> Reported in <http://www.miadhu.com/2011/12/local-news/maldives-becomes-member-of-international-organisation-for-migration/>

<sup>18</sup> Ibid., para. 249, p. 42.

run for top elective posts, advocacy workshops were conducted on the participation of women in politics throughout the country. More women contested in the last parliamentary elections, which could be a direct or an indirect result of the increased gender sensitization conducted throughout the years.<sup>19</sup> There were 214 women out of the total 2,754 candidates who ran in the first-ever local council's election in the islands; 58 or 6 per cent of them won seats from out of the 942 seats.<sup>20</sup> (Refer to Table 4 for the number of female candidates in Annex 2.)

*Priority Action Required*

60. Legislate and implement temporary special measures in women's political representation and public participation through:

- the enactment of the Political Parties Bill to have a percentage of women candidates in their national listings;
- the introduction of quotas for women as decision makers in local governance structures;
- women's leadership training towards their effective participation particularly in the atolls' political and environmental governance.

**i. On the appointment of women in the judiciary and the training of women judges (CO2007/3, para. 26)**

*Actions and Challenges to Date*

61. The first woman judge to the high court was appointed in 2011.<sup>21</sup> In 2012, there are now two female judges out of eight in the civil court, one female judge in Family Court and one female magistrate is designated to the Hulhumale'. There are no female judges in the Criminal, juvenile and Supreme Court.<sup>22</sup> In the Judicial Services Commission, there are five female judges or 5.38 per cent out of the total 186.

62. A report of the International Commission of Jurists indicated that the Maldives legal system is failing to serve its citizens despite many "positive developments" that have been made in an effort to de-politicize the courts; with many of judges found lacking in qualifications and independent attitude. The report recommends a number of areas, such as education and training programmes for court appointees.<sup>23</sup>

*Priority Action Required*

63. Gender equality and women's human rights framework and tools will be integrated in the training programmes and continuing professional education of judges, prosecutors, lawyers and judicial staff.

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<sup>19</sup> Ibid., para 162, p. 29.

<sup>20</sup> "Maldives gears up for second round of council elections", Haveeru Daily, 8 March 2011 accessed in <http://www.haveeru.com.mv/english/details/34683> on 29 March 2012.

<sup>21</sup> "Women and Development in the Maldives- Some Facts" accessed in <http://countryoffice.unfpa.org/maldives/drive/MicrosoftWord-WomenandDevelopmentinMaldives-Somefact.pdf>

<sup>22</sup> Updated data provided by the Attorney General's office at the Validation Workshop on March 20, 2012.

<sup>23</sup> International Commission of Jurists, "Maldives: Securing an Independent Judiciary in a Time of Transition", February 2011 <http://www.icj.org/dwn/database/Maldives%20ICJ%20Mission%20Report%2021-02-11.pdf>

64. A gender trainers' pool among judicial institutions will undergo technical training on CEDAW and the sharia law, preferably with development assistance to learn from the experiences of other Islamic states.

**j. On women's access to tertiary education, especially for rural women, and diversification of educational choices (CO2007/3, para. 28)**

*Actions and Challenges to Date*

65. There is one government university, one government college, and five private colleges in the Maldives currently providing a graduate programmes. The Government grants scholarships under different schemes and also a recently established Government loan scheme has opened further opportunities for higher education and development.<sup>24</sup> The enrolment in courses tends to follow stereotypical choices, i.e. nursing and education are taken up by mostly women while men opt for engineering. However, areas such as finance and law are also gradually becoming first choices of women. Cultural norms that are imposed by families limit women's mobility from leaving the islands to seek tertiary education outside.

66. Technical and vocational educational training (TVET) programmes have been established for practical skills for the field of work. In 2010, the Maldives Institute for Vocational and Technical Education was established and was renamed the Maldives Polytechnic in 2011. The 2010 data indicate only men are enrolled in TVET course. (Please refer to Table 12 of Annex 2.) Women mostly take up stereotypical courses of cake decoration, tailoring and hairdressing and beauty. However, these do not make an impact on their economic independence due to lack of business viable demand for such goods and services because of the small size of population, and difference in the customs and culture of the people in islands from that in Male'.

*Priority Action Required*

67. Investment will be made in the collection and gender analysis of sex-disaggregated labour market statistics to inform education planning and investment. Strategies to enable increased female enrolment in TVET will be designed.

68. Technical support will be provided for the capacity development on gender-responsive planning for the Ministries and programme officers of planning, education and labour on the application of CEDAW, the Beijing Platform for Action, MDG and International Labour Organizations (ILO) policy standards into their planning and budgeting priorities and targets for education and labour.

69. School officials, teachers and guidance counsellors will be trained in gender-responsive curriculum development and career guidance with enrolled students and their families so that preferences and opportunities veer towards non-stereotypical career choices.

**k. Equal opportunities in the labour market, particularly in the tourism and fishing sectors (CO2007/3, para. 30)**

*Actions and Challenges to Date*

70. Most women are fully occupied with housework and childcare hence women are restrained from being gainfully employed. There are no adequately equipped day-care facilities to support them with childcare while at work.

<sup>24</sup> HRI/CORE/MDV/2010, paragraph 413, p. 65.

71. The share of women in paying jobs is lowest in the tourism sector – men are 87 per cent; women are 13 per cent.<sup>25</sup> Tourism is the largest economic sector of the country, contributing 32.9 per cent of GDP and employing a large portion of the labour force. Generally, the tourism industry is encouraged to employ local women in the resorts of the islands. However, women are restricted from participating in this employment both by cultural mores and transportation limitations. Specifically, there is strong community and family opposition, to allowing female workers to remain on a resort island overnight.<sup>26</sup>

72. The production of virgin coconut oil and value-added products are successfully started, involving women's groups in 4 northern islands and in 4 southern islands for use in soaps and massage oils for the tourism industry. The project is being undertaken by the Ministry of Fisheries and Agriculture and an environmental NGO, Live and Learn, with technical and funding support from the Food and Agriculture Organization from 2007 to 2011.<sup>27</sup>

*Priority Action Required*

73. More day-care facilities will be provided and the existing ones will be upgraded to support working mothers and enhance child socialization and protection.

74. The Government will carry out a gender review of the sector development plans for tourism, fisheries and agriculture to identify areas of women's employment and support affirmative action in terms of industry guidelines and skills training to employ qualified women.

75. Technical and funding support will be provided to organize and train women to participate in sector and island development planning to ensure their share of employment and benefits in terms of food, health and income security.

**I. Law reform in Family Law and comparative jurisprudence on the interpretations of Islamic Law (CO2007/3, paras. 36 and 37)**

*Actions and Challenges to Date*

76. The Government introduced new divorce regulations to control the high rates of divorce in the country. All persons divorcing their wives outside the court are fined with a monetary value not more than Rf 5,000 (approximately US\$450). Any person wishing to marry more than one person should earn Rf 15,000 per month. During the validation workshop, there was feedback that this amount is inadequate considering that many divorced men who enter into another marriage may already have many children to support from one or more previous marriages.

77. A new regulation by a family court requires foreign men marrying Maldivian women to earn a minimum Rf15,000 (US\$972) per month. This does not apply for Maldivian men marrying foreign women. There is another new regulation at the Family Court that requires underage couples applying for marriage to submit criminal records and police reports, in a bid to ensure that young girls are fully informed of their partner's social standing.

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<sup>25</sup> UNDP Report on Women in Public Life.

<sup>26</sup> Common Country Assessment of Maldives, 2007; CCD, para. 32, p. 10.

<sup>27</sup> Maldives and FAO Achievements and Success Stories. 2011. Food and Agriculture Organization accessed in <http://www.fao.org/fileadmin/tenplates/rap/files/epublicaitons/MaldivesdocFINAL.pdf>

*Priority Action Required*

78. Judges will be trained on the application of CEDAW and the Convention on the Rights of the Child in the interpretation of the family law and advocacy in the drafting the relevant amendments. There is a need to review and revoke the flexibility in rules in the marriage of minors that violates the Convention on the Rights of the Child and CEDAW.

79. The implementation of the Family Law will be monitored and any gaps addressed, including the provision that all custody issues be resolved during the divorce settlement process in the courts.

**m. Adequate statistical data and analysis disaggregated by sex, and by rural and urban areas (CO2007/3, para. 38)**

*Actions and Challenges to Date*

80. The Ministry of Gender and Family, in collaboration with the then-Ministry of Planning and National Development, together with the technical assistance of UNFPA undertook the initiative of engendering the Population and Housing Census that was conducted in 2006. As women's economic contribution is largely underrepresented in national surveys and censuses, a pragmatic effort was made to accurately capture and reflect women's contribution to the national economy in the census of 2006.

81. The Statistics Division of the Department of National Planning published an annual statistical Yearbook with sex-disaggregated statistical data on selected areas such as on socio-demography, education and employment. Other government agencies such as the Maldives Civil Service Statistics and the Ministry of Health and Family also provide gender analysis of their data.

82. The collection of sex-disaggregated baseline and the practice of gender analysis are still uneven among government agencies due to the lack of technical gender training. There is even less sex-disaggregation in the monitoring of programme results.

*Priority Action Required*

83. The Government will invest in strengthening technical skills and systems of government agencies the collection of sex-disaggregated baseline and monitoring data to inform their planning and focused targeting.

84. Methods of data collection will be enhanced, e.g. by using time-use surveys to make visible women's unpaid work at home and in the community that will facilitate awareness on the valuation of women's work and improve intra-household division of labour and the need for support services.

85. CEDAW indicators will be included in the Government's monitoring and evaluation system to track the sustained and effective compliance of all government agencies and at all levels of governance. Monitoring feedback will be used to guide the progressive improvements of policies, plans, programmes and service delivery targets.

86. resources will be allocated for the comprehensive capacity development on CEDAW from the government budget and resources mobilized from international development assistance in the country that are also mandated to integrate gender-responsive programmes in all their programmes in the country.

**n. On the full and effective implementation of the Beijing Platform for Action and MDG (CO2007/3, para. 40)**

*Actions and Challenges to Date*

87. Maldives has achieved five out of the eight Millennium Development Goals (MDGs) ahead of the 2015 deadline, i.e., eradicating extreme poverty and hunger (MDG1), achieving universal primary education (MDG2), reducing child mortality (MDG4), improving maternal health (MDG5), and combating HIV/AIDS, malaria and other diseases (MDG6). Slower progress is noted in gender equality and women's empowerment (MDG3) alongside environmental sustainability (MDG7) and developing a global partnership for development (MDG8).<sup>28</sup> There is gender parity in primary education with 100 per cent net enrolment of both girls and boys. At lower secondary and higher secondary level of education there is more female enrolment. (Please refer to Table 15 on the MDG Monitoring Data in Annex 2). There is also gender parity in access to health services and health insurance.

*Priority Action Required*

88. A major challenge to achieving MDG3 is the violence experienced by women and girls in the country that is just being addressed by the new anti-domestic violence law.

89. Maldives also needs to show more political will in implementing gender-responsive budgeting to fast track the implementation of gender-related laws.

**o. Clarifying and strengthening the status of the national gender machinery**

*Actions and Challenges to Date*

90. The SAP 2008–2013 identified gender as a cross-cutting theme to achieve the following goal: “ensure that equality of women and men is upheld, women and girls enjoy fundamental rights and freedoms on an equitable basis, and both women and men, boys and girls, are able to realize their full potential and participate in and benefit from democracy and development both in public and private life.” Under the cross-cutting theme of gender in the Government strategic action plan, Policy 1 is to develop and activate the necessary policy, legislative and institutional framework for gender equality. Policy 2 is to empower women to facilitate their equal access to available opportunities with equal outcomes/results. Policy 3 is to cultivate a culture of non-discrimination and respect for women's rights.

91. The gender mainstreaming machinery of the state has been shifting in status and continues to be redefined and realigned from one entity to another. Before 2008, it was a Ministry of Gender and Family, then under the Office of the President. After 2008 up to 11 May 2012, it stood as a DGFPS under the Ministry of Health and Family. Under President Mohamed Waheed a new Ministry of Gender, Family and Human Rights has been formed and is now functioning.

92. Given its history, the capacity of the gender machinery is at its lowest with few staff left who are trained on gender. Ministerial gender focal points were appointed in 2011, and some of them were trained but since they were mostly political appointees (Deputy Minister or State Minister), they left the post when the Government changed in February 2012. The DGFPS has limited human and financial resources. Technical capacity on CEDAW is

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<sup>28</sup> Millennium Development Goals. Maldives Country Report 2010. Department of National Planning, p. 6



perceived to be low hence the absence of an effective and sustained gender management system within.

93. Since 2008, with the technical assistance of UNFPA and UN Women, Gender Responsive Budgeting was introduced to policymakers of Ministry of Finance and Treasury, Department of National Planning and other line ministries and departments through a series of meetings and sensitizations.

#### *Priority Actions Required*

94. Considering the gender deficits and lags in the country, the breadth and depth of undertaking for gender equality and human rights, the national gender machinery will be better placed as at the Ministerial level, and serve as one of the oversight agencies of Government that should also be vested with due authority, personnel and budget to conduct gender a comprehensive capacity building programme for government agencies, implement and monitor the gender-responsive implementation of programmes and services.

95. The ministerial gender focal points will be reconstituted and strengthened with training on CEDAW and gender analysis skills that will be applied in agency-specific programming and monitoring.

### **III. Progress report on the CEDAW articles**

#### **Article 1: Definition of Discrimination against Women**

96. Article 17(a) of the 2008 Constitution includes gender among the variables of non-discrimination and states that “Everyone is entitled to the rights and freedoms included in this Chapter without 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.”

97. There is no explicit definition of gender discrimination and there has been no reference to direct and indirect discrimination that approximates Article 1 of CEDAW. There is also ambiguity in the status of the Convention in relation to the national laws as illustrated in the sustained reservation to Article 16 of CEDAW pertaining to marriage and family laws.<sup>29</sup> Article 16(a) of the Maldives Constitution guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms and provision of special protection to vulnerable groups, including children, adolescents, elders, and people with special needs<sup>30</sup> but subject only to such reasonable limits prescribed by a law enacted by the People’s Majlis in a manner that is not contrary to its Constitution.

#### **Article 2: State Obligations to Eliminate Discrimination**

98. The 2008 Constitution lifted the gender bar for women to be elected to the presidency. The following laws also provide for gender-equitable programmes and services that uplift the welfare of Maldivian men and women.

99. The Civil Service Act (5/2007) provides equal opportunity for women and men in the Maldives Civil Service. As of 2010, women comprise 52 per cent of public sector employment.

100. The Employment Act (2/2008) prohibits direct and indirect discrimination, provides for equal pay for equal work, paid maternity leave and the establishment of the Employment Tribunal to act on complaints of violations.

<sup>29</sup> HRI/CORE/MDV/2010, para 190, p. 34

<sup>30</sup> HRI/CORE/MDV/2010, para. 121, p. 23

101. Pensions Act (8/2009) provides for equality in receiving retirement and old age pensions.

102. The provisions of the Disability Act (8 July 2010) include: providing financial assistance of a minimum of Rf 2,000 a month for persons with disabilities by the Government (no ceiling is set); providing free education for children with disabilities up to the age of 18; creating a council to protect the rights of persons with disabilities with its members to be appointed by the president and entrusted with compiling a national database on persons with disabilities, protecting the rights of persons with disabilities, overseeing monitoring centres and formulating guidelines for their operation, addressing complaints and compiling an annual report.

103. The Human Rights Commission Act (6/2006) established the HRCM that is mandated: (a) to protect and promote human rights in the Maldives in accordance with Islamic sharia and the Constitution of the Maldives; (b) to protect, preserve and promote human rights in the Maldives in accordance with international and regional treaties that are binding on Maldives; and (c) to assist and encourage NGOs in creating awareness and in promoting human rights. The HRCM complements the gender machinery in human rights education and monitoring of women's rights hence coordination across the agencies can be further enhanced to maximize impact with limited resources.

### **Article 3: Development and Advancement of Women**

104. The SAP 2009–2013 outlined the Government's three-point policy in terms of the following: Policy 1 is to develop and activate the necessary policy, legislative and institutional framework for gender equality. Policy 2 is to empower women to facilitate their equal access to available opportunities with equal outcomes/results. Policy 3 is to cultivate a culture of non-discrimination and respect for women's rights. It recognized the need for effective national gender machinery that can inform and influence policy, programmes and services in all sectors including the implementation of the SAP.

105. The national gender machinery has been shifting in status and continues to be redefined. It was Ministry of Gender and Family in 2008, and then became a DGFPS under the Ministry of Health and Family. However, on 7 May 2012, the current Government established a Ministry of Gender, Family and Human Rights. The Gender Equity and Women's Empowerment section of the newly established Ministry has a limited number of trained gender officers and financial resources that is not proportionate to the urgency and breadth of gender mainstreaming work ahead. There are eight programme staff positions based on the latest organizational structure. (Please refer to Figure 2 of the Annex on Graphs and Figures) The technical capacity on CEDAW is perceived to be low considering that those who received training already left their posts. There is no sustained gender management system between the Ministry of Gender, Family and Human Rights and other government agencies.

106. There were ministerial gender focal points at deputy minister level appointed in 2011 but since they were political appointees, most are no longer in their posts with the recent change of government. A new set of gender focal points have to be appointed and will need to undergo CEDAW orientation and technical skills building.

### **Article 4: Acceleration of Equality between Men and Women**

107. A proposal for temporary special measure was proposed through a women's quota in the Parliament but was rejected by Parliament. It will be best to provide orientation to the Parliament on the framework on CEDAW and good practices in the application of CEDAW and Islamic states before the bills is refiled for approval. It will also be better to revisit the proposed bill to ensure that the provisions are in accordance with CEDAW and its General Recommendations 25.

### **Article 5: Sex Roles and Stereotyping**

108. In 2006, the then Ministry of Gender and Family conducted the first-ever nationally representative, quantitative research on violence against women in the Maldives.<sup>31</sup> The study found out that violence against women is prevalent in Maldives. One in three women between the ages of 15 and 49 years reported some form of physical or sexual violence at least once in their lives and one in nine reported experiencing severe violence. Majority of perpetrators are male intimate partners, challenging the assumption that the home is a place of safety and refuge for women.

109. There are many barriers to women seeking help from both formal and informal networks; 39 per cent of women who had experienced partner violence (physical and or sexual) reported that they had not told anyone about their partner's violence. Very few women who had experienced violence had sought help from formal services due to reported barriers including feeling that the violence is normal or not serious, fear that disclosure of their situation will lead to more violence and feeling shame and embarrassment.<sup>32</sup>

110. Reporting on statistics on violence against women is not yet harmonized across the government agencies and is more likely underreported. The number of cases of violence against women reported by the DGFPS is much less than the media and police reports on violence against women for this period. The categories of cases used are unclear, e.g. "family issues" and "domestic violence" and not coherent at the national and FCSC levels. (Please refer to Table 2 and Table 3 in Annex 2).

111. The DGFPS, under the Ministry of Health and Family, provides a range of services from protection, rehabilitation programmes, vocational skills development and legal services to imparting coping strategies. Currently, there are Family and Children's Service Centers (FCSC) on every atoll in the country. They are intended to help streamline the process of reporting abuse against women and children. The centres had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases. They also need follow up technical training on violence against women and childrencase management and will need to improve coordination work with the police, health centres, and atoll and island officials.

112. Under the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women, a grant of US\$120,000 was awarded to the Ministry of Gender and Family through the United Nations Development Fund for Women (UNIFEM) for a project on targeted capacity building of the staff of FCSCs and CFPS, who provided support services for women and children subjected to abuse and violence. Valuable support services are also available from the Society for Health Education, an NGO focusing on women and health care issues, which provides professional counselling for abused women. At present there are no safe houses for abused women, although provisions for their creation are included in the Domestic Violence Law.

### **Article 6: Exploitation of Prostitution and Trafficking**

113. Exploitation of prostitution and trafficking are new developments that is not adequately researched and where there are major gaps in social services. The Government is faced with the dilemma how to identify the "trafficked" cases considering that the issue may immediately manifest itself. Inter-atoll transport of people is not considered trafficking. Services are not yet provided to foreigners trafficked into Maldives.

<sup>31</sup> The Maldives Study on Women's Health and Life Experiences: Initial Results on Prevalence, Health Outcomes and Women's Responses to Violence, 2007. Ministry of Gender and Family.

<sup>32</sup> Ibid.

114. The 2011 United States Global Report on Trafficking in Persons categorized the Maldives as a Tier 2 country in its watch list. It noted that Maldives was primarily a destination country for migrant workers from Bangladesh and India trafficked into labour and to a lesser extent as a destination country for women trafficked for the purpose of commercial sexual exploitation in Male', the capital. Some reports indicate that the prostitution of local girls is also a problem in the Maldives. Some underage Maldivian children are transported to Male' from other islands for forced domestic service. The HRCM reported that some migrant female domestic workers were trapped in circumstances in which employers used threats and intimidation to prevent them from leaving and a small number of who were reportedly sexually abused by host families they stayed with.

115. The lack of legislation is proving to be a major hindrance to tackling suspected cases of trafficking and prosecuting offenders. While the Maldives Constitution prohibits forced labour and slavery, the Government has yet to pass an anti-trafficking law. Some laws covering sexual offences and child protection are partly used to prosecute sex trafficking and child trafficking offences. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment. However, under Article 14 of the Act, if a person were legally married to a minor under Islamic sharia, none of the offences specified in the legislation, including child prostitution, would be considered a crime.

116. At the regional level the Maldives has entered into a SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution that was ratified in 2003. In this regard, the Maldives Police Service is working with the United Nations Office on Drugs and Crime to establish an information sharing mechanism within the region. To this effect to date the Police Service has established a separate sub-unit within the Organized Crime Division that centrally deals with human smuggling, complete with a comprehensive database.

117. The Government also became a member of the Bali Process on Combating Human Smuggling and Trafficking in Persons in April 2009. The Maldives is now in the process of ratifying the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

118. In December 2011, Maldives was admitted to the International Organization for Migration and collaborates on strengthening the existing mechanisms to better investigate trafficking in persons in the country.

#### **Article 7: Political Participation**

119. The 2008 Constitution removed the gender bar to run for the top national elected posts but social barriers exist. The general public opinion is still unfavourable towards women taking up posts at the top level of the executive, legislative and judicial branches of the State.<sup>33</sup>

120. In terms of electoral participation, women comprised 48.5 per cent of the total voting population of 212,549 for both the 2009 parliamentary elections and the 2011 local councils election. There was nearly equal turnout of actual women voters at 48.8 per cent in 2009 and 49.9 per cent in 2011. However, gross disparities are shown in terms of elected female candidates – only 6.4 per cent female in Parliament and 5.3 per cent in the local councils. There were 214 women out of the total 2,754 candidates who ran in the first-ever

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<sup>33</sup> HRI/CORE/MDV/2010, pp. 42-43

local councils election in the islands, 58 or 6 per cent of them won seats from out of the 942 seats.<sup>34</sup> (Please refer to Table 4 of Annex 2.)

121. The previous administration had 14 Cabinet Ministers and 3 were women. In the 2012 Cabinet, there are three (3 or 18.75 per cent) out of 16 Cabinet Ministers and 7 out of 32 Women State Ministers and 4 out of 48 Women Deputy Ministers appointed so far in the new Government. In the Civil Service Commission, there is one female out of five commissioners. At the HRCM, two female members were appointed, one of who became its President. The female nominee for vice commissioner was not approved by parliament because parliamentarians expressed concern about having two women leading the commission.<sup>35</sup>

122. There are only two women out of eight judges in the civil court, one female judge in Family Court and one magistrate in Hulhumale' Court and no female judge in the Juvenile Criminal Court, High Court and Supreme Court. One female judge was appointed to the Juvenile Court but was removed to Family Court after she gave a verdict in a case of fornication.

123. Notwithstanding the societal limitations, two Maldivian women were awarded the prestigious Outstanding Women of Courage by the United States Government in the last four years, the latest of who is a former Minister of Gender and Family.

124. Political parties were introduced and recognised since June 2005. Since then, 13 political parties have been registered and operational. Of these, members belong to the Maldivian Democratic Party, The Progressive Party of Maldives, the Dhivehi Rayyithunge Party, the People's Alliance, the Jumhooree Party and the Dhivehi Qaumeey Party. Women also participated in domestic party politics, with a woman holding the post of Chairperson in one of the major political parties, the Maldivian Democratic Party. A number of Political parties have their respective women's wing. Women have been visible in numbers in the opposition party, including in protest actions and also in local council elections.

125. More females are assuming careers in journalism and to speed up the advancement of women in the media, the media has special provisions urging for the inclusion of women in executive positions in media organisations.<sup>36</sup>

126. Women occupy 52 per cent of posts as civil servants as of 2010, an increase from 41 per cent in 2007. The increased percentage in 2008 was due to the downsizing of the bureaucracy in the previous Government. (Please refer to Table 6 and Table 7 of Annex 2).

127. Under a revised regulatory framework and with encouragement by the Government, the number of NGOs that are registered has increased dramatically to a total of 1,069. A few have been in existence for a while and provide free and immensely helpful assistance to fulfill the needs of society. There are 48 NGOs under the Human Rights NGO Network collaborating with the HRCM.<sup>37</sup> The Maldives Democracy Network is one of the largest human rights NGOs and has established a network of human rights defenders to train a volunteer network of dedicated individuals to advocate for and monitor human rights across the country. There are fewer women-focused NGOs, the largest of which is Hope for Women that is closely identified with the present Government.<sup>38</sup>

<sup>34</sup> <http://www.presidencymaldives.gov.mv/Index.aspx?lid=16>, viewed on March 18, 2012.

<sup>35</sup> 2010 Human Rights Report, US State Department, <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154483.htm>

<sup>36</sup> HRI/CORE/MDV/2010, paragraph 164, p.30.

<sup>37</sup> "HRCM Human Rights NGO Network Meeting Begins", Published on 07-08-2010 accessed in <http://hrcm.org.mv/news/page.aspx?id=5>

<sup>38</sup> 2010 Human Rights Report, US State Department in <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154483.htm>, as of 20 February 2012

128. The Decentralisation Act of 2010 provided that each island council will have a women's development committee which will advise the island on key women's issues such as income generation and development of women, women's rights, religious awareness amongst women, political participation by women, higher education for women, women's health and collecting information and statistics on women's issues.

129. The election originally scheduled for February 2012 is now scheduled for June 2012.

#### **Article 8: International Representation**

130. In terms of international representation, two new women have been appointed as heads of diplomatic missions abroad. A woman ambassador also represents Maldives in its seat into the United Nations Human Rights Council in Geneva. Another woman diplomat represents Maldives in the Subcommittee on Prevention of Torture.

131. A Maldivian woman in SAARC became its first woman secretary general for a brief period.

132. Women head of missions comprise 21 per cent of 3 out of 14 diplomatic mission heads for the last 3 years. Among the staff of missions, women comprise 34 per cent of the total staff. (Please refer to Table 5 on the Diplomatic Missions in Annex 2).

#### **Article 9: Nationality**

133. Article 34 of the Constitution provides for the right to marry and establish a family. The Government supports and respects choices made by Maldivians in defining their own families and provides substantial protection (such as the payment of alimony and strict procedural criteria for divorce proceedings) to families, women and children in accordance with the above articles. The Citizenship Law enables foreigners married to Maldivian nationals to acquire Maldivian citizenship after meeting certain criteria<sup>39</sup> (CCD, 2010, paras. 325–326).

134. Article 9 for the 2008 Constitution provides that citizens of the Maldives are those citizens of the Maldives at the commencement of this Constitution; children born to a citizen of the Maldives; and foreigners who, in accordance with the law, become citizens of the Maldives. Despite the provisions of article (a) a non-Muslim may not become a citizen of the Maldives.

135. The Department of National Registration provides national identity cards to all children above 10 years of age. Children born out of wedlock to Maldivian mothers will get Maldivian nationality. Children born out of wedlock to Maldivian fathers will not get Maldivian nationality. Maldivian children born out of wedlock continue to experience discrimination because of existing stigmas around this issue and inequity in access to welfare services. There is no explicit expression in respect of this within legislation of the Maldives, but based on the principles of sharia law, a child born out of wedlock has no rights to inheritance from the father's side.<sup>40</sup>

136. When Maldivians get married to foreigners, the foreign spouse gets a dependent's visa and their children will get Maldivian nationality and citizenship. When such marriages end in divorce, foreign spouses will get a special visa if they have children under 18(Maldives Immigration Act (1/2007)).

137. Maldives Immigration Act (1/2007) article 6(a) states that: "Passports shall be issued to any Maldivian national who requests for one. Passports shall also be renewed to

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<sup>39</sup> HRI/CORE/MDV/2010, para 325-326)

<sup>40</sup> Combined First and Second Report to the CRC, 28 February 2006, Ministry of Gender and Family paragraph 154, p. 22 accessed in [http://www.unicef.org/maldives/CRC\\_Report\\_Ministry\\_of\\_Gender.pdf](http://www.unicef.org/maldives/CRC_Report_Ministry_of_Gender.pdf).

any Maldivian national who requests for renewal". As such there is no restriction for women to own a passport. With regard to minors irrespective of gender, a parent should sign passport application form and the passport will be released to the parent. There is no legal barrier to travel even for minors, but as a policy, the Department of Immigration checks if the minors are accompanied by their parent/s.

138. There is a policy draft (which is also part of the people smuggling and trafficking bill), which stipulates that minors should have a parents' consent form when traveling.

#### **Article 10: Education**

139. The 2008 Constitution guarantees the right to education without discrimination of any kind. It also makes it obligatory on the State to provide primary and middle school education free of cost and makes it imperative on parents to provide education for their children. Despite the absence of a constitutional guarantee for education until the new Constitution was ratified in 2008, Maldives has made impressive progress in education and is moving towards achieving universal access to secondary education. It has established a national system of public education with a common national curriculum.<sup>41</sup> The Maldivian budget contributes approximately 100 per cent of school running costs and includes the provision of free books and stationery and the payment of exam fees in secondary and higher secondary examinations.<sup>42</sup>

140. Maldives' impressive achievements in gender parity in literacy rate and primary education enrolment for male and female are graphically presented below in the 2011 Global Gender Gap Report. However, the gaps emerge at the levels of secondary and even higher at tertiary education.<sup>43</sup> (Please refer to Graph No. 2 of the Statistical Annexes)

141. Every year there are more than 8,000 students graduating from secondary schools but the slots available locally for post secondary or higher education are still very limited. There are one government university and one government college, and five private colleges in the Maldives currently providing few graduate programmes.

142. The Maldives College of Higher Education, which was converted to the Maldives National University in February 2011, is the main higher education provider in the country. Its student enrolment in 2010 registered a total of 11,433 students, 59 per cent or 6,787 are female and 4,636 are male. (Please refer to table Nos. 11, 12 and 13 of the Statistical Annexes for tertiary enrolment in various curricular offering.)

143. In addition, the Maldives Polytechnic along with 7 other private providers of higher education offer a number of pre-degree level diploma and certificate programmes along with some degree level courses. The enrolment data from 2008/2009 from the Maldives National University (previously the Maldives College of Higher Education) show that about 60 per cent of students are female due to the apparent popularity of areas of study such as education and health sciences which are more popular with female students.<sup>44</sup>

144. Therefore most in search of higher education opportunities leave for institutions abroad. This leads to unequal access to higher levels of education as only those who can financially afford will be able to obtain higher education. In order to reduce this inequality, the Government grants scholarships under different schemes and also a recently established Government loan scheme has opened further opportunities for higher education and

<sup>41</sup> HRI/CORE/MDV/2010, para. 38.

<sup>42</sup> HRI/CORE/MDV/2010, para. 42.

<sup>43</sup> Global Gender Gap Report, 2011. World Economic Forum, pp. 166-167.

<sup>44</sup> Human Capital for a Knowledge Society – Higher Education in the Maldives: An Evolving Seascape, The World Bank, 2011.

development.<sup>45</sup> Most tertiary educational opportunities are through international scholarship programmes and aid. Recent statistics showed that more women gained higher access to educational scholarships from 2008 to 2010. (Please refer to Table 10 of Annex 2).

145. Technical and Vocational Education Training programmes (TVET) have also been established which are concerned with the acquisition of knowledge and skills for the field of work. In 2010, the Maldives Polytechnic, earlier called the Maldives Institute for Vocational and Technical Education, was upgraded to serve this purpose. The 2010 statistics showed an all-male enrolment in TVET courses. (Please refer to Table 12 of Annex 2). The absence of women in TVET could be attributed to cultural mores restricting the mobility of women, especially beyond their respective islands.

146. Despite these accomplishments, the challenges of providing quality education still remain in the context of the geographical isolation and remoteness of most inhabited islands of the Maldives. All except five inhabited islands in the Maldives provide education at least up to grade 7. The schools in the said five islands were closed after community consultation in 2008, as there were not enough students in these schools to make these viable. The students from these islands are provided with a monthly allowance to attend school in a nearby island.<sup>46</sup>

147. The major challenge in the provision of quality education arises from the lack of capacity within the Maldives to train teachers for primary and secondary levels. There are over 6,800 teachers serving in the Maldives of whom three-fifths are Maldivians. The remaining are teachers recruited mainly from neighbouring India and Sri Lanka. There are still more than 700 untrained teachers serving in schools due to a shortage of trained teachers. The current priority of the Government is to train more Maldivian teachers. Teacher Resource Centres have recently been established in 20 atolls, which provides teachers with the opportunity to receive in-service training and refresher courses in modern teaching techniques.<sup>47</sup> The majority of teachers at the primary and tertiary level are women at 74 per cent and 67 per cent respectively.<sup>48</sup> (Please refer to Table 14 of the Statistical Annexes on Female Teachers.) For 2012, new appointments for school principals included 9 or 9.5 per cent women out of 86. There is also a large disparity in the gender ratio among deputy principals.

148. Another challenge is in the provision of education for children with special needs. In the capital Male', there are three primary schools that offer special classes for children with special needs. This includes a class for hearing impaired, visually impaired and one for those who have multiple disabilities including those who are intellectually challenged. To ensure that educational opportunities are provided to all children, special education needs units are being progressively established in the atoll schools. Currently there are 18 such units across the country. The target is to establish one such unit in at least one school in each atoll within the next two years.<sup>49</sup>

149. The Ministry of Education just conducted a revision of the school curriculum, including a gender review. Some of the current textbooks have gender biases and stereotypes. The new curriculum is being rolled out in a few islands. Of particular concern is the removal of topics relating to reproductive health from textbooks. The lack of appropriate and separate sanitation facilities for girls also needs urgent attention.

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<sup>45</sup> HRI/CORE/MDV/2010, para 411.

<sup>46</sup> HRI/CORE/MDV/2010, para. 39-40

<sup>47</sup> HRI/CORE/MDV/2010, para 38 -45, pp. 10 -12.

<sup>48</sup> 2011 Global Gender Gap Report on Maldives, World Economic Forum.

<sup>49</sup> HRI/CORE/MDV/2010, para 413.



### Article 11: Employment

150. The new Constitution (2008) grants the right to work, organize trade unions, the right to strike and prohibits forced labour and discrimination. In May 2009 Maldives became a member of the ILO and is in the process of developing labour legislation, establishing labour administration, increasing labour market data and information, and initiating elements of social dialogue, tripartism, negotiation and collective bargaining to increase capacity and set up mechanisms to deal with labour relations and dispute resolution.

151. Maldives joined the ILO in 2009. It ratified 8 core conventions of the ILO in particular C132 or (Holidays with Pay Convention) and C138 (Minimum Age Convention). The Maldives, however, is yet to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Government is working towards completing all the national formalities to accede to it.<sup>50</sup>

152. There have been a series of labour laws enacted that promote and protect the rights of workers in formal employment. The Employment Act (2/2008) prohibits direct and indirect discrimination, provides for equal pay for equal work, maximum hours of work, overtime, annual and sick leave, guidelines for workplace safety, maternity and additional parental leave. An Employment Tribunal is established to enhance labour rights in general and is expected to afford better legal protection to migrant workers.<sup>51</sup>

153. The 2008 Employment Act establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. In 2008 the Government established a Labour Relations Authority and an Employment Tribunal to implement the Employment Law.

154. The most recent data on labour force participation and employment are available from the 2006 Census. Total Maldivian employment was estimated to be about 110,231 of whom 63per cent were males (69,701) and 37per cent females (40,530). The total number unemployed was estimated at 18,605 bringing the total labour force participation to about 128,836 out of an estimated population of 205,931 aged 15 and over. Updated estimates are provided in the 2011 Global Gender Gap Report on employment as shown in Table 16 of Annex 2.

155. The labour market is characterized by a lack of participation and considerable spatial inequity and gender imbalances. The unemployment rate is significantly higher in the atolls than in Male' across all age groups but the number not economically active was higher in Male'. Labour force participation rates stood at 73per cent for males, while female participation rates were just 52per cent. Similarly, male unemployment rates have been estimated to be considerably lower than their female counterparts – 8per cent versus 24per cent. Thus not only is labour force participation considerably lower for a woman in the Maldives, but the probability of unemployment is higher compared to males<sup>52</sup>.

156. As in many other Asian countries the burden of home care, the age of the youngest child, number of children and spacing between them, household production, and sociocultural or religious beliefs are important determinants of female labour force participation. However, an encouraging trend is that of those women who are employed nearly 28per cent are employed as legislators, senior officials, managers, professionals, technicians and associate professionals while only 24per cent of men are in these sectors.<sup>53</sup>

<sup>50</sup> HRI/CORE/MDV/2010, para 106, p. 20.

<sup>51</sup> Ibid, paragraph 130, p. 24.

<sup>52</sup> 2010 Situation Analysis of Emerging Development Challenges, p. 34.

<sup>53</sup> 2009 DNP Statistical Yearbook

There is a glaring need for adequately trained, equipped and affordable day care facilities for working mothers.

157. There is a significant “informal” or “unorganized” sector. Nearly 37 per cent of the employed population was engaged in livelihoods in these sectors. The labour market vulnerability of women is evident from the high proportion involved in home-based own-account work or contributing family workers.<sup>54</sup>

158. There is feedback on implementation issues of the Employment Act that is interpreted restrictively by the Civil Service Commission. For example, the 60 days stipulated for the maternity leave is interpreted to include weekends and holidays and family emergency leave is given only in extremely limited circumstances that require extensive documentations.

159. Most women in formal employment are government workers. Women occupy 52 per cent of posts as civil servants as of 2010, up from 41 per cent in 2007.<sup>55</sup> This is partly due to the downsizing of the bureaucracy in 2008 that lay off more male workers through a redundancy package. (Please refer to Table 6 of Annex 2).

160. When analysed by responsibility level by gender, females are in the minority in senior management posts and lower level positions except for SS3 level. However, the occupancy of female employees is more than 50 per cent from MS2 level to GS1 level that is categorized as mid-management level. Among the executive ranks, men comprise 66 per cent while women are 34 per cent.<sup>56</sup> (Please refer to Table 7 in the Statistical Annex)

161. In sectoral terms, 38 per cent of government workers are in the Ministry of Education of the Maldives. The second highest sector of employees is in the Ministry of Health and Family that consists of 22 per cent of the overall permanent local civil servants. The lowest number of employees was in Maldives Media Council that was formed in the year 2010. The most significant gender discrepancy is noticed in the Ministry of Defense and National Security, where the male to female proportion is 90 per cent to 10 per cent respectively.<sup>57</sup>

162. In terms of salary range, most women are at the lower- and middle-income ranks and earn less than Rf 10,000 per annum while men dominate the higher paid with an annual pay scale above Rf 10,000. Civil Service regulations established the wage floors for government employment. (Please refer to Table 8 of Annex 2).

163. A new study finds that Maldivian women are the least employed demographic in the resort industry, accounting for only 3 per cent of the total 8 per cent of female workers at resorts in 2010. Local and foreign men constitute 92 per cent of the industry. Tourism directly accounts for 30 per cent of the Maldives’ GDP, and for 70 per cent indirectly. According to their findings, “culture, religion, and women’s role in the family, the role of the family, safety, geographical spread, transportation, education and awareness” were the main factors preventing women from seeking resort employment.<sup>58</sup>

<sup>54</sup> Maldives National Report to the Human Rights Council, 2010 accessed in <http://www.foreign.gov.mv/v3/pdf/Maldives%20UPR%20National%20Report%20%20submitted%20Aug%202010.pdf>, p. 36.

<sup>55</sup> Maldives Civil Service Statistics-January 2011 in <http://en.csc.gov.mv/2011/08/25/statistical-bulletin/> accessed on 24 Feb. 2012

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> The thesis, “Women in Tourism: Challenges of Including Women in the Maldivian Resort Sector” was prepared by Eva Alm and Susanna Johansson during their five-month stay in the Maldives in 2010 was cited in “Social stigma limiting employment of local women in resort industry, report finds” by Eleanor Johnstone | September 12th, 2011 in <http://minivannews.com/society/social-stigma->

164. Fisheries account for 5 per cent of the GDP. Until a few decades ago, men and women had relatively equitable roles in fishing, with men going fishing and women carrying out the processing and preparing of the fish primarily for subsistence. However, with the shift in the Maldivian economy towards the service and tourism sector, together with the modernization of the fishing industry, the fish processing activities done by women in the islands have decreased substantially.<sup>59</sup>

165. In March 2009 the Government established an Rf 10 million (US\$780,000) Fund for the Economic Development of Women. Provided by the Asian Development Bank as part-loan and part-grant, the project encouraged economic independence by assisting women to establish small- and medium-sized enterprises.<sup>60</sup>

166. The Expatriate Employment Regulation of April 2009 promotes the welfare of foreign workers and imposes the following duties on the employer: be responsible for the employee during their stay in the Maldives; to pay the salary before the 7th of each month, due for work done during the past month; to provide adequate food and accommodation to the employee for the duration of the employment; to pay all expenses as agreed in the contract; to pay the work permit and all related fees; and to pay for all the costs of repatriating the expatriate employee, in case the Government requests such, prior to the end of the duration of the work permit.<sup>61</sup>

167. The total number of migrant or expatriate workers in the Maldives as of October 2009 is 71,480. Many migrant workers from India, Sri Lanka and Bangladesh have come to the Maldives, attracted by its higher wages and close proximity to their home countries. These migrants have made a major contribution towards shaping the modern day Maldives. Many of them work in the education, construction and tourism sectors.<sup>62</sup>

168. Many expatriate workers have been reported missing to the authorities and many continue to work illegally. Many are also forced to work at low pay, without adequate health insurance, do not receive a safe and healthy working and living conditions, standard rest, leisure and reasonable limitation of working hours.<sup>63</sup>

169. Article 30 of the 2008 Constitution recognizes workers' rights to organise and bargain collectively. Such association could be for the purposes of social, economic, educational and cultural pursuits and it extends to the right to participate or not to participate in trade unions. Strikes are uncommon in the Maldives, but have seen an increase recently. In June 2009, state attorneys went on a one-day "leave" over pay and security conditions. The staff at Diva Island Resort also went on strike in 2009. In July 2008, schoolteachers participated in a strike to press demands for higher salaries. Following the civil service salary revision in 2009, salaries more than doubled for teachers going up from about US\$330/month (including overtime and other benefits) to around US\$900/month at an estimated cost of about US\$15 million to the budget.<sup>64</sup> The teachers' strike is the only second major industrial action in Maldivian history, after the strike by taxi drivers in June 2007.<sup>65</sup>

170. The Department of Gender and Family Protections Services conducted awareness and training programmes to empower women that included training on writing proposals,

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limiting-employment-of-local-women-in-resort-industry-report-finds-25467 accessed on April 12, 2012.

<sup>59</sup> World Bank, 2005 as cited in HRI/CORE/MDV/2010, paras. 28-29.

<sup>60</sup> <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154483.htm>

<sup>61</sup> HRI/CORE/MDV/2010, para 348, p. 55

<sup>62</sup> HRI/CORE/MDV/2010, para 22, p. 8

<sup>63</sup> HRI/CORE/MDV/2010, para 350, p. 55

<sup>64</sup> 2010 Situation Analysis of Emerging Development Challenges, p. 40

<sup>65</sup> HRI/CORE/MDV/2010CCD, 2010, paras. 352-354, page 55.

managing finances, small- and medium-sized enterprises, credit facilities and savings. The Women's Economic Council also conducts training for women.

### Challenges

171. The labour market is characterized by a lack of participation and considerable spatial inequity and gender imbalances. The unemployment rate is significantly higher in the atolls than in Male' across all age groups but the number not economically active was higher in Male'. There are very few day-care facilities for children of working parents, especially for women heads of households. Hence, their participation in the labour market is further constrained.

172. The informal sector, mainly engaged in agricultural activities in some islands, continues to suffer from a complete lack of any formal social protection. Women dominate the informal sector with almost 90 per cent working as self-employed home-based workers. The country has one of the highest rates (47per cent) of female-headed households in the world, with more than half due to migration of spouses for work and one sixth as a result of being widowed or divorced.

173. Youth unemployment is one of the biggest social challenges facing the Maldives. The labour market has been unable to absorb the growing number of school leavers in recent years as a result of bias towards white-collar work, skills mismatch to the type of jobs available and their lack of experience in employment. The 2007 MDG report underscores the fact that nearly 40per cent of young women in the 15–24 age group and 20per cent of young men in the same age group are unemployed. The situation is acute in Male' as a result of congestion and labour market choking – 1 out of 5 young women and 1 out of 6 young men are unemployed. Given the limited job opportunities in the Atolls, predictably the situation is worse there – nearly 1 out of 3 young people are unemployed. The problem is inextricably linked with the rising incidence of drug abuse and juvenile delinquency among the youth and the social costs of this situation is cause for serious alarm – not only because it perpetuates existing inequalities, but it also impacts future productivity. A vocational training institute targeting youth has been opened to cater to semi-skilled industrial training to overcome skill gaps that are currently being fulfilled by expatriate workers.

174. The absence of household level longitudinal data precludes attributing job losses, unemployment and underemployment to the economic crisis directly. However, given the high unemployment rates, especially for women and youth, and the high share of women engaged in crafts and trade work that is largely dependent on manufacturing, tourism and fish processing, it is quite likely that a demand slump or rising costs in these sectors could result in a steep fall in incomes for this vulnerable group.

175. There could be a shift of employment from Male' to the atolls as a result of decentralization policies and redundancies in the public sector. The Government has already announced its plans to reduce the public sector workforce by as much as 20per cent in the immediate future. This may have an immediate impact on about 5,000 public sector workers and their families. There have been job relocations from the Ministry of Atolls Development in Male' to the newly created provincial offices. In addition, privatization of many government services and enterprises as well as the development of new resorts has the potential to increase jobs in the islands. However, this potential can only be realized if there is a coherent strategy to match the skills of the unemployed workers (old and new) to the new opportunities that may arise.<sup>66</sup>

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<sup>66</sup> 2010 Situation Analyses of Emerging Development Challenges, p. 36

## Article 12: Health

176. The Maldives has made much progress in public health as evidenced by a significant reduction of maternal mortality, the eradication of malaria and near eradication of most communicable diseases such as polio, neonatal tetanus, whooping cough and diphtheria. Health expenditure has increased over the years and has remained at around 10 per cent of the national budget. These were invested in increased numbers and upgraded complement of health personnel, universal vaccine coverage and related immunization campaigns.<sup>67</sup> As of January 01, 2012, a universal health coverage or “Asandha” replaced the Madhana to provide all Maldivians free basic health services. (Please refer to Figure 2 on health expenditures in Annex 1).

177. Health cooperation agreements consolidated the health service delivery of the Government and private health providers at the island, atoll and central levels. A network of six health sections, 26 health posts, 140 health centres and 19 hospitals within the atolls, along with two Government-owned central level hospitals, as well as a private hospital in Male’ and several private clinics are involved in providing healthcare in the Maldives. Many of the locals in the islands are referred to the central island for intensive healthcare as well as several specialized health services and many of the locals also travel to neighbouring countries to seek better and prolonged health care. Tele-medicine, a computer-aided case consultation between senior medical experts based in the regional hospitals and general medical practitioners to supervise the clinical management of cases in the outlying islands, is already introduced.

178. The mental health problems are an emerging concern. According to a recent report from the Ministry of Health and Family, the issue is closely related to drug and sexual abuse—both of which are serious concerns for the Maldives. The cabinet agreed on a national policy on mental health is to be started in 2012 based on a decision reached in February 2012. Among the policy’s main objectives are improving accessibility to mental rehabilitation programmes; decentralizing services for medical and psychological health; and providing sufficient financial support to the mental health sector.<sup>68</sup>

179. According to the 2009 Demographic and Health survey conducted by the Ministry of Health and Family, 99 per cent of women received prenatal care from a skilled provider (92 per cent saw a gynaecologist, 7 per cent received care from a doctor other than a gynaecologist, and less than 1 per cent received care from a trained nurse or midwife, a community health worker, or a traditional birth attendant). The maternal mortality rate in the country is 37 deaths per 100,000 live births. Only 6 per cent of women did not receive any postnatal care. Women who live in Male’ have the highest rate of care (96 per cent) from a gynaecologist, doctor, nurse, or midwife versus 90 per cent in rural areas.<sup>69</sup>

180. Though the Maldives has remained a low HIV-prevalent country (below 0.1 per cent in adults aged 14–49), it remains extremely vulnerable due to high-risk behaviours. There is a large drug addict population, mostly men and some female drug users, who may be significant sector to the HIV-AIDS threat. A total of 257 HIV-infected expatriates were detected up to December 2009 and had to leave Maldives, as they were not granted work permits. The first Biological and Behavioural Survey on HIV and AIDS, carried out in 2008 among vulnerable populations surveyed (female sex workers, men who have sex with men, injection drug users, seafarers, resort workers, construction workers and youth) found

<sup>67</sup> HRI/CORE/MDV/2010, para. 46, p. 11.

<sup>68</sup> “Cabinet backs national mental health policy” By Minivan News | January 31st, 2012 accessed in <http://minivannews.com/news-in-brief/cabinet-backs-national-mental-health-policy-31387>, accessed on 24 March 2012 <http://www.foreign.gov.mv/v3/pdf/Maldives%20UPR%20National%20Report%20-%20submitted%20Aug%202010.pdf>

<sup>69</sup> <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154483.html>

HIV among male resort workers, at 0.2per cent<sup>70</sup>. There are no interventions for sex workers and men who have sex with men although the HIV situation analysis in 2006 and the Biological and Behavioural Survey highlighted their existence and high behavioural risks.<sup>71</sup>

181. Access to clean and potable water is a health factor that affects women's workload and family well-being. The proportion of population using an improved water source has declined from 96per cent in 1990 to 87per cent in 2000 and 83per cent in 2006. This decline is much more dramatic for rural areas – only 76per cent of the population had access to an improved water source in 2006 compared to nearly 100per cent in urban areas, while in 2004 over 30per cent of atolls reported drinking water shortages. In Male', 100per cent of the population is privileged to have access to piped desalinated water although this comes at an environmental cost as desalination involves the heavy use of diesel oil. Though atoll households use rainwater as the principal source of drinking water and increasingly for cooking, more than 90per cent of the atoll households did not use any method of treatment for the drinking water. This makes it all the more important to establish mechanisms to monitor and enhance the quality of harvested and stored rainwater as a sustainable water source for drinking in the atolls where nearly two thirds of the population live, to manage better other sources, and to enhance coordination in managing water resources.<sup>72</sup>

### **Article 13: Social and Economic Benefits**

182. The SAP 2009–2013 outlines the Government's policies on social protection: "...social protection policy will be geared towards inclusion that will close the gap in access to social services and meet the basic needs deficit among the poorest sections of the populations; preventive measures in the face of contingencies and promotional and transformational measures to provide trajectories out of poverty."

183. To translate this policy of social protection into action, the Government has adopted a "minimum social protection floor" (refer to Figure 1) in 2009 and established a separate institution, the National Social Protection Agency, to coordinate and implement national social protection programmes. (Please refer to Table 17 of Annex 2).

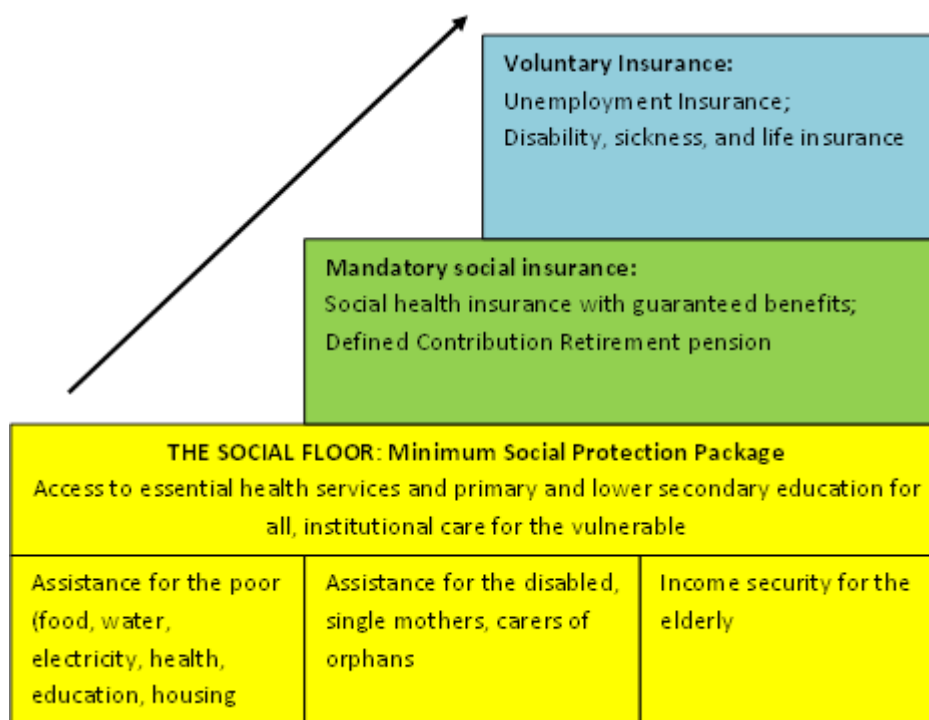
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<sup>70</sup> Ibid.

<sup>71</sup> UNGASS COUNTRY PROGRESS REPORT- Maldives, January 2008 – December 2009 accessed in <http://www.unaids.org/es/dataanalysis/monitoringcountryprogress/2010progressreportsubmittedbycountries/file,33609.es.pdf>

<sup>72</sup> 2010 Situation Analysis of Emerging Development Trends in Maldives (Draft), p. 50

Figure 2  
**Minimum Social Protection floor of the Maldives**



184. There is a universal health insurance scheme (Asandha) accessible to all citizens of the Maldives who pay a premium. The annual premium amount is Rf 2,000 and gives an annual coverage of Rf 100,000. The scheme was extended as follows to include individuals who are subsidized based on their income band. The family package (regardless of income) enables families to register for a contribution of Rf 1,000 per head for 3 or more participants.

185. Maldives Civil Service Act of 2007 stipulates that the civil servants upon reaching 55 years can retire either voluntarily or the Civil Service Commission has discretion to retire the employee with retirement benefits that includes the monthly benefit and “one time” benefit.

186. The Maldives Pensions Act provides for an Old Age Basic Pension Plan and a Retirement Pension Plan for to all Maldivians 65 years and over. The two pension plans were introduced on 13 May 2009.<sup>73</sup> The Retirement Pension contribution covers 70,000 workers, 30 per cent of who are women. However, women tend to leave the labour force earlier hence avail less amount of social protection.<sup>74</sup>

187. The single parent benefit is a direct cash transfer assistance that was started in 2010. At the moment the “Guideline for single mother/father taking care of children” is the basis for giving out the benefit. The geographic coverage of the benefit is nationwide. The value of the assistance is Rf 1,000 per child with a ceiling rate of Rf 3,000 per family.

188. The foster parent allowance is a direct cash transfer assistance which was started in 2010. At the moment the “guideline for assistance given to legal guardians taking care of children” is the basis for giving out the benefit. The geographic coverage of the benefit is

<sup>73</sup> HRI/CORE/MDV/2010, para 258, p. 43

<sup>74</sup> HRI/CORE/MDV/2010, 2010. Para 34

nationwide. The value of the assistance is Rf 1,000 per child and Rf 500 for the legal guardian.

189. On 8 July 2010 the Disability Act was ratified onto law by the President. The provisions of the law include: providing financial assistance of a minimum of Rf 2,000 a month for persons with disabilities by the Government (no ceiling is set); providing free education for children with disabilities up to the age of 18; creating a council to protect the rights of persons with disabilities with its members to be appointed by the president and entrusted with compiling a national database on persons with disabilities, protecting the rights of persons with disabilities, overseeing monitoring centres and formulating guidelines for their operation, addressing complaints and compiling an annual report.

190. The Government provides approved essential psychotropic drugs free of charge to registered psychiatric patients, and in April 2009 there were 1,150 registered psychiatric patients.

191. The Government invited the Special Rapporteur on adequate housing in February 2009 to undertake an independent assessment of the housing situation in the Maldives. The Special Rapporteur's report emphasised the dire implications of climate change and environmental degradation on the housing sector as well as the impact of overcrowding in the Maldives, which have been included in the formulation of the housing development plans. Considering the lack of an adequate land-use plan and due to the concentration of urban development in the capital Male' and its surrounding areas, the Government deemed as priority the provision of affordable housing and satisfactory living conditions.<sup>75</sup> The Government has also pledged to facilitate housing benefits for those unable to pay the cost of housing. Fifty per cent of all houses in the country were owned by a male while 23 per cent were female-owned and the remainder was co-owned. The average household size in the Maldives is 6.47, and this figure is slightly higher at 7.35 for Male'.

192. An electricity subsidy for households was initiated as a result of the increase in electricity price due to the increase in fuel prices. This provision started in 2010. The subsidy is offered to households whose service providers are utility companies.

193. The construction of ports and terminals has been improved in bigger islands that now generated local employment and resulted to lower cost of goods. Transport services are expected to facilitate "Improved mobility of women to access employment and other services".

194. Sports are highly encouraged in the Maldives and football is the preferred sports for young men. The Maldives Women's National Football Team, composed of 21 young women, was launched in September 2010 to increase women's participation in football and sports – and to encourage them to reach their goals in life.

#### **Article 14: Rural Women**

195. Of the Maldives' total population of 320,100, 58.7 per cent is classified as rural and 41.3 per cent as urban. Sex distribution is 50.5 per cent male and 49.5 per cent female. One third of the population lives in the capital, Male', while the rest of the population is scattered over approximately 198 islands. The average population size of these islands is 900. Only 15 islands have over 2,000 inhabitants, while 11 have less than 200. The dispersed population is not only a constraining factor to equitable and balanced social and economic development, but also imposes serious development challenges – particularly in terms of transportation and utilities.<sup>76</sup>

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<sup>75</sup> HRI/CORE/MDV/2010,para. 53

<sup>76</sup> Situation Analysis of Emerging Development Challenges in Maldives, 27 January 2010, p. 9.



196. Women tend to operate small income-generating ventures, such as eating houses, shops and tailoring units, and are responsible for managing the household, home gardens and small agricultural plots. A few uninhabited islands have been leased by the Government for large-scale commercial agriculture. While demand exists for women to work on these farms as paid labour, women usually do not seek long-term work on other islands. In general, they only clear wilderness and collect fuel wood on the commercial agriculture islands.<sup>77</sup>

197. Coconut is an important commercial crop and women are engaged in coconut processing activities, including dehusking, grating, drying and milling for oil. Women and men undertake manufacturing coir rope jointly. Women also make brooms from the fibrous husk of coconuts.

198. Fishing activities and the harvesting of marine life in the oceans, lagoons or reef flats are performed exclusively by men. Women perform post-harvest activities and must gather fuel wood three times a week, compared to once a week for normal household needs. Marketing the catch is the responsibility of both women and men.

199. Women are underrepresented in atoll and island governance. The Decentralisation Act of 2010 stipulated that the old structure of Island Women's Development Committee be dismantled to give way to elective seats for women. Election is pending for that Committee and political leadership training is wanting among women aspirants.

200. Women have little role in environmental resource management and are less prepared to engage in gender-responsive local development planning and programme monitoring, in climate change adaptation and in disaster preparedness and planning. Island Women's Development Committees were dismantled after 2008.

201. Access to potable and clean water is a woman's issue that affects her family's health and well-being and impacts on her time and workload and participation in the community. There are no data on how Maldives' environmental resource management affect and involve women. Water remains one of Maldives most scarce and precious resources, and access to safe drinking water is a health and time-labour concern of women. An estimated 75per cent of the population collects water from communal rainwater storage tanks or individual household tanks. Except in Male', where drinking water is desalinated, the proportion of the remaining population deriving drinking water from rainwater tanks increases to 87per cent (Government of Maldives-UNICEF, 2000). Except during two or three dry season months when rainwater supplies have become too depleted, groundwater is used mainly for non-potable purposes.

202. In general, the country's environmental legislation is very underdeveloped. Women need to be informed and be equipped to participate in drafting of the sectoral legislation on fundamental issues such as solid waste, hazardous waste, wastewater, air, clean water, drinking water, protected areas, biodiversity protection, physical planning and coastal zone management. Women need to be consulted in the drafting a physical framework planning and land/water law that incorporates due consideration of environmental factors, food and economic security issues.

#### **Articles 15 and 16: Law, Marriage and Family**

203. Article 34 of the 2008 Constitution provides for the right to marry and establish a family. The Government supports and respects choices made by Maldivians in defining their own families and provide substantial protection (such as the payment of alimony,

<sup>77</sup> Fact Sheet: The Maldives. Women in Agriculture, Environment and Rural Production  
<http://www.fao.org/docrep/007/ae543e/ae543e04.htm#TopOfPage>

strict procedural criteria for divorce proceedings etc.) to families, women and children in accordance with the above articles.

204. The Family Act (4/2000) codifies the family related sharia provisions in effect in the Maldives such as pre-nuptial agreements, marriage, divorce, and polygamy; gendered assumptions that underlie the Family Law and gendered discursive practices influenced by gendered notions that weigh on judicial reasoning disempower women and thereby inhibit the full development and advancement of women. Women's human rights and fundamental freedoms are compromised.<sup>78</sup>

205. No Maldivian woman shall contract a marriage with a non-Muslim man. Where a Maldivian man wishes to contract marriage with a non-Muslim female, that marriage may only be solemnized if that non-Muslim female is permitted by Islamic sharia to contract a marriage with a Muslim male.<sup>79</sup>

206. Marriage is defined as the voluntary union of a man and a woman. Divorce is legal; divorce rate in Maldives is among the highest in the world. Both spouses are allowed to remarry. Polygamy, up to four wives, is legal and is practiced to a limited extent. It has been difficult to monitor the statistics for polygamous marriage because some may be conducted by religious scholars in remote islands and unrecorded.

207. The Government introduced new divorce regulations to control the high rates of divorce in the country. All persons divorcing their wives outside the court are fined with a monetary value not more than Rf 5,000 Maldivian (US\$450 approximately). Since January 2012, any person wishing to marry more than one person should earn at least Rf 15,000. These conditions have restricted the exercise of polygamy, though it is permissible under the Islamic Law that prevails in the country.<sup>80</sup> There is general lack of awareness on family and the rights provided therein such as on pre-nuptial agreement. Legal aid is lacking in family issues and family issues are not given priority. There is lack of awareness on available legal aid that can be provided by the HRCM in cases of human rights violation. Laws are not reviewed and revised in relation to socio-economic changes. For example, the child subsidy after divorce is only Rf 450 per month, paltry considering the cost of living, and not clearly interpreted if the amount is per child or for the total number of children.<sup>81</sup>

208. Unmarried cohabitation is not supported in the Maldives.<sup>82</sup> The law permits flogging as a form of punishment. While the practice is seldom applied and there were no public reports of flogging in 2010, the practice continued and targeted women accused of adultery. In July 2009 local and international media reported that authorities sentenced an estimated 180 persons to public flogging for engaging in extramarital affairs. The head of the country's Criminal Court, Abdulla Mohamed, told the local media then that flogging was meant as a deterrent and not designed to cause injury, as regulations prohibit those carrying out the sentences from raising their arms above their shoulders. While the law stipulates that men and women who are found guilty of this offence should face the same punishment, the law is interpreted and applied in such a way that women are several times more likely to suffer from public flogging than men.<sup>83</sup>

209. The law prohibits homosexuality and its violation can be meted with punishment. For men, it includes banishment from nine months to one year or flogging from 10 to 30

<sup>78</sup> <http://countryoffice.unfpa.org/maldives/drive/FamilyLawReport.pdf>

<sup>79</sup> Family Act (English translation) in <http://www.agoffice.gov.mv/pdf/sublawe/Family.pdf>

<sup>80</sup> Data inputs from the March 20, 2012 Validation Workshop

<sup>81</sup> Inputs made by government participants during the March 20, 2012 Validation Workshop.

<sup>82</sup> HRI/CORE/MDV/2010, paragraph 327, p. 52

<sup>83</sup> 2010 Human Rights Report: Maldives. <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154483.htm> viewed on 14 February 2012

times. For women, the punishment is house arrest for nine months to one year.<sup>84</sup> The Islamic faith views homosexual relationships as a sin<sup>85</sup>.

210. A presumption of joint parental responsibility exists to promote parents consulting together on important parenting decisions, such as where a child goes to school or on major health issues. However the presumption does not exist in cases of family violence and child abuse.<sup>86</sup>

211. Cases of domestic violence are brought to the attention of the relevant department at a very superficial level. This is primarily attributed to the traditional societal restrictions, whereby, affairs of the family are not revealed to the public domain, including the authorities. Reflecting the seriousness with which the Government of Maldives takes domestic violence, the Maldives has launched campaigns to reinforce the message that violence against women is totally unacceptable and this message is being disseminated to the public through the media.<sup>87</sup>

212. Sharia, which is applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Under Islamic practice and according to national laws, husbands may divorce their wives more easily than vice versa in the absence of mutual agreement to divorce. Sharia governs estate inheritance that grants male heirs twice the share of female heirs on the premise that men bear the responsibility of sustaining a home financially while females are not required to bear financial responsibilities even if they do inherit property.

213. In March 2009 the Ministry of Health and Family, stated that out of 10 rape cases reported, only two led to convictions, partly due to the difficulty of proving rape. Rape is not classified as a separate offence in the current penal code and cannot be prosecuted under any act. Under the law, spousal rape is not a crime. Other provisions of the law on sexual assault or misconduct charges, depending on the gravity of the offense, are used to criminalize rape. A man can be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify.<sup>88</sup>

214. The testimony of women is equal to that of men for finance and contract matters. The testimony of women is not equal to that of men for inheritance cases, but in practice, witness testimony is seldom required as most of the property of the deceased such as land, estates, boats, vehicles, shares, and bank accounts is registered. Male heirs get twice the share of female heirs, but the most valuable property (that is, land) of the deceased is usually shared equally as most of the land is owned by the state and not privately owned. If the land is privately owned, then sharia applies.<sup>89</sup>

215. In November 2009 Parliament passed the Child Sex Abuse Act, which codified child sex offenses for the first time and outlined sentences of up to 25 years for those convicted. However, under article 14 of the act, if a person is legally married to a minor under Islamic sharia, none of the offences specified in the legislation would be considered a crime. There were reports that, although the courts had the power to detain perpetrators, most were released pending sentencing and were allowed to return to the communities of their victims.

216. Access to justice in the Maldives is intricate due to several factors such as the unique geographical location of the Maldives; political, economical and social issues; lack of procedures, policies and law; corruption; lack of qualified human resources in the justice

<sup>84</sup> HRI/CORE/MDV/2010, 2010, paragraph 191, p. 34

<sup>85</sup> HRI/CORE/MDV/2010, paragraph 330, p. 52.

<sup>86</sup> HRI/CORE/MDV/2010, para 329

<sup>87</sup> HRI/CORE/MDV/2010, para 355, p. 53.

<sup>88</sup> 2010 Human Rights Report, p. 2

<sup>89</sup> 2010 Human Rights Report, p. 9

sector institutions; fundamental religious beliefs; and most importantly, the newly founded democratic reform. There is currently no legal aid scheme. The United Nations Development Programme supports an Access to Justice programme that includes legal aid.<sup>90</sup>

217. The present socio-cultural and political setting in the Maldives and the prevailing interpretation of the sharia on matters relating to the reservations made, impede efforts to address the underlying societal reasons for them. One example is that there was considerable resistance after the appointment of female judges in the Maldives, which was made following a recommendation by the Special Rapporteur on the independence of judges and lawyers. Despite heavy criticism from different parts of the society, the Government is committed to uphold the spirit of the conventions to which it is party.<sup>91</sup>

218. In the Maldives, many cases brought before the courts could be settled out of court if an alternative dispute resolution mechanism is introduced. Methods such as mediation or reconciliation could be introduced in family matters and commercial disputes.

219. Victims of sexual abuse and domestic violence cases often get unreported as the victims lack confidence in the justice sector institutions. The major issues victims confront relate to lack of confidentiality, in particular by the institutions, and the stigmatization of victims and lack of support services (shelter, economic support, etc). Also often the perpetrator is the family's breadwinner, which often leads the victim, due to financial hardship, to retract statements in court. The traditional gender biases and cultural values hinder the ability of women to sustain legal claims, resulting in a loss of confidence in the justice sector institutions.

220. Often institutions judgment is based on the person's criminal history, in particular if the offence falls under sharia law, therefore the offender almost always will confess to whatever is being charged under the so-called "sharia crimes". In these cases, no evidence is provided, and charges will be based purely on the offender's confession.

221. One of the weakest areas in the criminal and civil procedure in the Maldives is the right to appeal. Reasons include a lack of awareness, cost, lack of legally qualified lawyers in the Atolls and the lack of legal aid system.

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<sup>90</sup> United Nations Development Assistance Framework, 2011-20145, p. 11.

<sup>91</sup> HRI/CORE/MDV/2010para 113, p. 22