



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

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### Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Maldives

1. The Committee considered the combined second and third periodic report of Maldives (CEDAW/C/MDV/2-3) at its 763rd and 764th meetings, on 19 January 2007 (see CEDAW/C/SR.763 and 764). The Committee's list of issues and questions is contained in CEDAW/C/MDV/Q/3 and the responses of the Government of Maldives are contained in CEDAW/C/MDV/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which takes into account the Committee's previous concluding comments, but which did not, however, provide enough statistical data disaggregated by sex nor sufficiently detailed information about the developments covering the reporting period, and did not refer to the Committee's general recommendations. The Committee expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

3. The Committee welcomes the high-level delegation sent by the State party, headed by the Minister of Gender and Family, and appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee congratulates the State party for its accession, on 13 March 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and for accepting, on 7 February 2002, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee. The Committee commends the State party for translating the Optional Protocol into the Dhivehi language and for publicizing it in its local newspapers on the occasion of its entry into force.



5. The Committee notes the delegation's recognition of the role of recently established local non-governmental organizations to monitor governmental action to implement the Convention and contribute to raising public awareness, particularly women's awareness, about their human rights.

6. The Committee also notes that Maldives has not withdrawn its reservations to articles 7 (a) and 16 of the Convention.

### **Positive aspects**

7. The Committee commends the State party for its National Policy on Gender Equality, endorsed by the Cabinet in April 2006, which will give impetus to efforts to achieve gender equality and facilitate gender mainstreaming. It welcomes the National Plan of Action on Gender (2001-2006), which was based on the concluding comments of the Committee on the initial report of the State party and the Beijing Platform for Action; the formulation of the seventh National Development Plan, which emphasizes human rights-based planning and includes indicators in the area of advancement of women; the "Engendering of Census 2005" initiative to ascertain women's work and their economic contribution; and the formulation of an action plan to implement the recommendations of the "Study on Women, Health and Life Experience", conducted by the Ministry of Gender and Family.

8. The Committee welcomes the ongoing process of legal reform within the context of the President's reform agenda and road map, which aim at ushering in a modern democracy. In particular, it welcomes: the passage by the Special Majilis (Constitutional Assembly) of a provision on non-discrimination on the basis of sex for inclusion in the Constitution, which is currently being amended; the Human Rights Commission Act, which provides for a mechanism for redress of violations of women's human rights; and numerous bills which have been submitted to the People's Majilis (Parliament) for adoption, including the Labour Bill, which contains a prohibition of direct and indirect discrimination, a provision on equal pay for equal work, paid parental leave and the establishment of a Labour Tribunal; the Evidence Bill, which provides for forensic and scientific evidence to be used in courts; and the Penal Bill, which includes a provision that criminalizes marital rape.

9. The Committee commends the State party for having become party to most international human rights instruments.

### **Principal areas of concern and recommendations**

**10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries, the People's Majilis and to atoll and island governing bodies so as to ensure their full implementation.**

11. While welcoming the statement by the delegation that the Government of Maldives has entered into formal discussions on the withdrawal of the reservations

made to articles 7 (a) and 16 of the Convention, the Committee is deeply concerned that, despite a similar statement made by the delegation when the Committee considered the initial report of the State party, no positive action in this regard has been taken in the last five years. The Committee draws the attention of the State party to the fact that reservations to articles 7 (a) and 16 are contrary to the object and purpose of the Convention.

**12. The Committee calls upon the State party to accelerate the process of removing the Constitutional provision that bars women from the country's presidency and vice-presidency, which is contrary to the principle of equality of women and men contained in article 2 of the Convention, so that the State party may withdraw its reservation to article 7 (a) of the Convention. It also calls upon the State party to make the necessary revisions to law in the area of marriage and family relations without delay in order to facilitate the withdrawal of the reservation to article 16, which is contrary to the object and purpose of the Convention, and to indicate in its next periodic report, if still relevant, a time frame for its withdrawal.**

13. The Committee is concerned that, although the Convention was ratified in 1993, the Convention is not yet part of Maldivian law and that its provisions are thus not enforceable in domestic courts. The Committee is also concerned that neither the Constitution nor other domestic legislation contains a definition of discrimination against women, in accordance with article 1 of the Convention.

**14. The Committee calls upon the State party to complete the process it has initiated to fully incorporate the Convention and other international human rights treaties to which it has become a party into national law so that they become fully applicable in the domestic legal system. The Committee further urges the State party to take the opportunity afforded by the reform agenda and road map to include in the Constitution the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, or to enact the draft legislation on the human rights of women, to include such a definition of discrimination against women and the principle of equal rights of women and men. It also urges the State party to include adequate sanctions for acts of discrimination against women and to ensure that effective remedies are available to women whose rights have been violated.**

15. The Committee expresses concern that temporary special measures are neither provided in the law nor used by the State party as a policy to accelerate the achievement of the de facto equality between women and men in any area of the Convention. It regrets that recent attempts to introduce temporary special measures have failed, for example when an effort to secure a quota for women in the legislature was defeated in the Special Majilis.

**16. The Committee requests the State party to pursue its efforts to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include in the draft legislation on women's rights a provision on temporary special measures. It encourages the State party to develop awareness-raising programmes and training for parliamentarians on the provisions of the Convention. Such training should**

**also clarify, in particular, the purpose of temporary special measures as elaborated by the Committee in its general recommendation 25.**

17. While the Committee welcomes the efforts made to change stereotypes, including awareness-raising and sensitization activities, and other noteworthy developments, such as the inclusion of a gender equality provision in the national media policy, the Committee is concerned about the subordinate and subservient role women and girls continue to play within the family and the deep-rooted, traditional stereotypical attitudes that persist, and which are reflected particularly in women's professional and educational opportunities and choices and their participation in public and political life.

**18. The Committee urges the State party to strengthen measures to eradicate negative stereotypes and to carry out training for parliamentarians and decision-makers on the importance of equality of women and men in a democratic society. It also recommends that information on the content of the Convention be disseminated in the educational system, including in the rural (atoll) areas, that school textbooks and teaching materials be reviewed and revised and that human rights education have a gender perspective, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles in the family and society and creating an environment that is supportive of the practical realization of the principle of equality of women and men. It recommends that the media continue to be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

19. While noting the establishment of rudimentary support services for women victims of violence and the projected 11 shelters to be established in 2007, the Committee expresses its deep concern about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated or even expected by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence and specific legislation to address sexual harassment.

**20. The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the carrying out of further public awareness-raising campaigns on all forms of violence against women.**

21. The Committee is concerned about the lack of information and data on the exploitation of prostitutes and by the lack of rehabilitation services provided to them. It is also concerned about the lack of attention paid by the State party to the

problem of trafficking in women and the resulting lack of information about the extent of trafficking in women, both internal trafficking and cross-border trafficking, as well as by the absence of measures taken, including legislation, to address this issue. The Committee is further concerned by the possibility that women and girls who have been exploited in prostitution could be re-victimized by the authorities because of the criminalization of extramarital relations.

**22. The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society; and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, and to initiate steps to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to consider formulating a plan of action with clear goals, to train police officers to deal with inter-island and cross-border trafficking, to cooperate with other countries in the region so as to address more effectively the causes of trafficking and to improve prevention of trafficking through information exchange. The Committee urges the State party to prosecute and punish traffickers and to ensure the protection of the human rights of trafficked women and girls.**

23. The Committee expresses concern at how very few women have been elected to the People's Majilis and how few are represented in decision-making positions in Government, on public boards of directors and public commissions and at high levels of the administration. It is also concerned that there are no women atoll chiefs and that women are underrepresented at the international level. The Committee is of the view that the weak position of women in decision-making in Maldives is exacerbated by the fact that women are barred from standing for the office of President or Vice-President, sending a negative signal about the role of women in public and political life.

**24. The Committee requests the State party to undertake effective measures to progressively increase the number of women in decision-making positions, in accordance with its general recommendation 23 on women in political and public life and at the international level. It also requests the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and establish concrete goals and timetables to accelerate women's full and equal participation in public and political life. The Committee recommends that the "Political Parties Bill", which is currently being drafted, stipulate that a specified percentage of women be represented in lists of candidates or that a minimum percentage of either sex be represented in lists of candidates. The Committee urges the State party to strengthen its training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

25. The Committee is concerned at the exclusion of women from the judiciary, in spite of the fact that there is no legal impediment to their appointment.

**26. The Committee recommends that the Judicial Service Commission be directed to use its authority to appoint women as judges and magistrates. The Committee also requests that temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, be utilized to substantially improve the position of women in this sector, together with the establishment of timetables and targets for women's equal participation at all levels of the judiciary. It also recommends that the State party ensure that training programmes for judges be made available to future women judges and that awareness-raising activities about the importance of women's participation in the judiciary be designed and implemented for judges, the legal establishment and society in general.**

27. The Committee is concerned at the gap between males and females in the educational system at the tertiary level. While recognizing that there has been an increase in the number of girls enrolling in traditionally male-dominated fields of study and in tourism and hospitality courses, the Committee is concerned at the persistence of gender segregation in educational fields and its consequences for women's professional opportunities. It is also concerned by the marked difference in the quality of education in urban and rural (atolls) areas and the greater negative impact of the disparity on girls due to a lack of appropriate boarding facilities on islands other than their home island. The Committee is further concerned that pregnant girls are suspended from school and may not resume their studies after giving birth.

**28. The Committee urges the State party to strengthen proactive measures for women's access to tertiary levels of education, particularly for rural women, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to actively encourage the diversification of educational and professional choices for women and men. It further urges the State party to implement measures to support pregnant girls and raise awareness in secondary schools about teenage pregnancy prevention. The Committee encourages the State party to monitor and regularly assess the impact of such policies and programmes in relation to the full implementation of article 10 of the Convention.**

29. The Committee expresses concern at the discrimination faced by women in employment, as reflected in job hiring practices, the wage gap and occupational segregation. It is concerned about the differential treatment of women working in the public and private sectors as regards maternity leave, which puts women in the public sector in temporary contracts and women working in the private sector at a disadvantage. The Committee is further concerned about the societal barriers that women face in entering the tourism and fishing sectors, which obliges them to leave home, forcing them to work in lower-paying traditional jobs instead.

**30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and to harmonize legal provisions for the public and private sectors, especially in relation to maternity leave, in the Labour Bill. The Committee requests the State party to pay particular attention to the impact of societal attitudes and expectations on women's opportunities to seek**

**employment in the tourism and fishing sectors. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.**

31. While recognizing geographical constraints and the high cost of transportation, the Committee is concerned about the status of women's health, particularly of women in the rural (atolls) areas, who experience difficulties in accessing specialized health services in a timely manner.

**32. The Committee urges the State party to continue its efforts to improve the quality of health and social services for women and to integrate a gender perspective into all health sector reforms so that all women in the atolls have equal access to appropriate and adequate health services.**

33. While appreciating that the State party has formulated a national reproductive health strategy (2005-2007), which seeks to ensure reproductive health and rights for all Maldivian women, men and adolescents, the Committee is concerned at the limited control that women have over the choice of family planning methods and spacing of children, as stated by the delegation. The Committee is particularly concerned that access to contraceptives is limited by law to married couples; that reproductive health information is not readily available; and that punishments such as flogging and banishment remain in the Penal Code and can be imposed for violating its provisions prohibiting extramarital sex, which, in practice, disproportionately affect women.

**34. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education as part of the regular education curriculum, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. It also urges the State party to expeditiously revise its Penal Code to eliminate punishment for extramarital sex, which disproportionately affects women.**

35. The Committee remains concerned that family law discriminates against women. It is concerned about the high divorce rates, recent reports of early marriage and the practice of polygamy. It is further concerned at the lack of a specific time frame within which the State party will conclude its review of the compatibility of its family law with article 16 of the Convention.

**36. The Committee urges the Government to aim to complete its law reform in the area of family law within a specific time frame and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution.**

**37. The Committee again calls upon the State party to obtain information on comparative jurisprudence seeking to interpret Islamic law in harmony with international human rights standards and the Beijing Platform for Action.**

38. The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and by urban and rural areas, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.

39. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

40. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

41. The Committee notes that the adherence of States to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Maldives to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

42. The Committee requests the wide dissemination in Maldives of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

43. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in July 2006, and its fifth periodic report, due in July 2010, in a combined report in 2010.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.