

23 February 2024

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the sixth periodic report of Maldives, at the Committee's eightieth session, held in October and November 2021. At the end of that session, the Committee's concluding observations ([CEDAW/C/MDV/CO/6](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 61 on follow-up to the concluding observations, the Committee requested Maldives to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 28 (a), (b) and (i) and 54 (e) of the concluding observations.

The Committee welcomes the follow-up report ([CEDAW/C/MDV/FCO/6](#)) received on time in November 2023 under the CEDAW follow-up procedure. At its eighty-seventh session, held in February 2024, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 28 (a)** of the concluding observations that the State party “**amend section 52 of the Sexual Offences Act and section 47 of the Special Provisions Act to Deal with Child Sex Abuse Offenders to remove excessive evidence requirements for victims to prove sexual violence**”:

The Committee notes with interest that the issue of the evidentiary burden in relation to the Special Provisions Act to Deal with Child Sex Abuse Offender has been the subject of discussion during recent cases at the Supreme Court of the Maldives. It takes note of the State party's explanation as to why the evidentiary burden in the above-mentioned provisions is not considered excessive and of the State party's commitment to conducting training sessions for judges in order to avoid misinterpretation of these provisions. The Committee nevertheless regrets that the State party has not taken steps to amend the provisions as recommended in order to remove burdensome evidence requirements.

The Committee considers that the State party has not taken any steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party is extensive but does not relate directly to the recommendation. It thus considers that the quality of the information provided is only **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 28 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Amend section 52 of the Sexual Offences Act and section 47 of the Special Provisions Act to Deal with Child Sex Abuse Offenders to remove excessive evidence requirements for victims to prove sexual violence.

In relation to the recommendation made in **paragraph 28 (b)** that the State party “**Amend section 53 of the Sexual Offences Act to ensure that discriminatory gender stereotypes relating to delayed reporting, false accusations and women's “dignity and discipline” are removed from the adjudication of sexual violence cases and discontinue practices that contribute to secondary victimization of women, such as examining a victim's prior sexual behaviour**”:

The Committee welcomes the amendment of the Sexual Offences Act through Act No: 25/21 (First Amendment to Act No: 17/2014 Sexual Offences Act) on 6 December 2021. It takes note with appreciation of the State party's indication that the amendment effectively repeals subsections (a), (b), (c), (d) and (e) of Section 53 which covered certain circumstances that can be invoked against the victim to negate the accusations of sexual violence.

The Committee considers that the recommendation has **been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation made in **paragraph 28 (i)** of the concluding observations that the State party **“Review its current legislation, including the Penal Code and the law on domestic violence, to ensure that domestic violence is specifically criminalized, can be prosecuted ex officio and is sanctioned with appropriate penalties commensurate with the gravity of the abuse.”**:

The Committee takes note of the State party's position that offences with criminal liability pertaining to acts of domestic violence are adequately covered in legislation prescribing criminal offences in the Maldives. It regrets that, as a consequence, marital rape continues not to be explicitly criminalised. The Committee further regrets the lack of information on whether domestic violence can be prosecuted ex officio and how it ensures that it is sanctioned with appropriate penalties commensurate with the gravity of the abuse.

The Committee considers that the State party took no steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 28 (i)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Ensure that domestic violence is specifically criminalized, can be prosecuted ex officio and is sanctioned with appropriate penalties commensurate with the gravity of the abuse.

In relation to the recommendation made in **paragraph 54 (e)** of the concluding observations that the State party **“Adopt legislation to ensure that men and women have equal rights in divorce, including equal grounds and procedures for obtaining a divorce, as well as equal distribution of marital property upon divorce, including land, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.”**:

The Committee takes note of the State party's indication that in 2020, the Family Law reform initiative was launched to identify and remedy the gaps in the legislative framework pertaining to family relations and related issues in Maldives to provide better safeguards for women and children, modernise and simplify court proceedings, and introduce modern dispute settlement mechanisms. The Committee regrets, however, that no further information has been provided by the State party on progress of this review since 2020 or on efforts to adopt or revise legislation to ensure equal rights between men and women in divorce.

The Committee considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party is extensive but does not relate directly to the recommendation. It thus considers that the quality of the information provided is only **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 54 (e)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Adopt legislation to ensure that men and women have equal rights in divorce, including equal grounds and procedures for obtaining a divorce, as well as equal distribution of marital property upon divorce, including land, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Natasha Stott Despoja
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women