

**Maldives NGO Shadow Report to the  
Committee on the Elimination of Discrimination Against  
Women, 2012**

*Hope for Women NGO  
Maldives*

*30 September 2012*



**HOPE  
*for*  
WOMEN**

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## **Maldives NGO Shadow Report to the Committee on the Elimination of Discrimination against Women, 2012**

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## **Abbreviations and Acronyms**

AGO	Attorney General's Office	JSC	Judicial Services Commission
AP	Adhaalath Party	MDG	Millennium Development Goal
CCD	Common Core Document	MDHS	Maldives Demographic and Health Survey
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	MDP	Maldivian Democratic Party
CSC	Civil Service Commission	MMR	maternal mortality rate
CSO	civil society organisation	MNDF	Maldives National Defence Force
DGFPS	Department of Gender and Family Protection Service	MNU	Maldives National University
DNP	Department of National Planning	MoHF	Ministry of Health and Family
DRP	Dhivehi Rayyithunge Party	MPAO	Maldives Pensions Administration Office
DV	domestic violence	MPs	members of parliament
FCSC	Family and Child Service Centre	MPS	Maldives Police Service
FLFP	female labour force participation	Mrf	Maldivian Rufiyaa
FPU	Family Protection Unit	NGO	non-governmental organisation
GBV	gender based violence	NWM	National Women's Machineries
GER	gross enrolment rate	PPM	Progressive Party of Maldives
GNI	gross national income	PPP	public private partnership
HIES	Household Income and Expenditure Survey	SAARC	South Asian Association for Regional Cooperatin
HMP	Health Master Plan	SAP	Strategic Action Plan
HRCM	Human Rights Commission of the Maldives	SEN	special education needs
ICJ	International Commission of Jurists	TM	Transparency Maldives
IDP	Islamic Democratic Party	UNFPA	United Nations Population Fund
IGMH	Indhira Gandhi Memorial Hospital	UNHRC	United Nations Human Rights Committee
IWDs	Island Women's Development Committees	UNJP	United Nations joint programme
JJU	Juvenile Justice Unit	USD	United States Dollar
JP	Jumhooree Party	VAW	violence against women

# Introduction

## The Report Structure

This report is divided into 3 main parts. It begins with a brief introduction of the Maldives country context at the present time, followed by a critical overview of the implementation of the CEDAW Convention in the Maldives since ratification in 1993. The paragraph numbering of this report will begin with the section on the country context, on page 2.

It is noted that the available State Report to which the commentaries in Part I and Part II of this report relate, to is a revised draft dated April 2012 that was shared with Hope for Women NGO by the relevant State authority. The State's draft has several errors that are expected to be corrected during its finalisation. In the absence of a final version, the revised draft of April 2012 is the reference document used for the purposes of this report.

Part I of this report consists of a direct, critical commentary on the revised draft of the 4<sup>th</sup> and 5<sup>th</sup> Periodic Report of the State to the CEDAW Committee that is due to be submitted in 2012. This is the section in which the State responds to the CEDAW Committee's Concluding Observations of 2007, which relates to the 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report of the State submitted in 2005.

Part II of this report is the commentary on the progress report on the CEDAW articles of the State Report. In Part II, this report focuses on providing comments to the issues raised, note critical observations on the issues raised and provide recommendations to the issues from the perspective of the NGO and relevant consulted stakeholders. It is notable that in the progress report, the State appears to have provided very little substantive information on actual progress. This may be due to the many challenges faced during the production of the State's Response.

Part III contains a number of critical areas of concern, that are mostly emerging concerns or neglected issues that are perceived to be relevant to the underlying reason for producing this shadow report. Some of these issues are not addressed by the State. Hence, the primary purpose for including these issues is to draw the State's attention to them. For every issue discussed in Part III, attempts are made to provide meaningful recommendations from an NGO perspective.

Part IV outlines the updates since 2012 to date. At the time the shadow report was written the country was undergoing political changes bringing many programmes to cessations and following the new government in place in 2013, new policies have been formulated to address the equality of women and ensure participation of women in all walks of life. The purpose of this part of the report is to identify the progress made towards the empowerment of women in specific areas and the concerns that lay ahead. This part does not intend to interfere the next CEDAW reporting period of state

The final section of this report contains a number of appendices and a list of references and resources that were used to enrich the content of this document.

## Current Country Context: Political, Legal, Social

- 1) The Combined 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report to the CEDAW<sup>1</sup> Committee was submitted by the State in 2005 and the Maldives NGO Shadow Report to the CEDAW Committee was submitted by Hama Jamiyya NGO in November 2006. The Concluding Comments of the CEDAW Committee on these submissions was issued in February 2007. Between then and the present time, the Maldives had experienced dramatic political and social changes, with three significant changes of government in 2008, 2012 and 2013.
- 2) As the 2006 NGO Shadow Report observed, the Maldives had been going through a process of “major political reform and democratic transition” during the last decade.<sup>2</sup> A new Constitution came into force in August 2008, bringing a new governance structure featuring the separation of the three powers of state, the Executive, the Legislature and the Judiciary. Additionally, 7 independent institutions and commissions were created to ensure accountability and independence of various agencies within the governance structure. This include the Judicial Services Commission (JSC), Elections Commission (EC), Civil Service Commission (CSC), Human Rights Commission (HRCM)<sup>3</sup>, Anti-Corruption Commission (ACC), Auditor General (AG) and the Prosecutor General (PG). Responsibility to oversee the independent commissions is vested in the Committee for Independent Commissions at the People’s Majilis.
- 3) The 2008 Constitution includes a comprehensive chapter on fundamental rights and freedoms detailed within a set of 59 articles. Notable among these are a host of individual rights including non-discrimination, equality, freedom of expression, freedom of assembly and political participation, freedom from restraint and freedom from inhumane and degrading treatment. However, Article 16(a) specifies that these rights will be guaranteed “to all persons, in a manner that is not contrary to any tenet of Islam” and subject to such reasonable limits prescribed by a law enacted by the people’s Majilis” that does not contravene the Constitution. Moreover, any rights that is limited by a law of the People’s majilis “in order to protect and maintain the tenets of Islam” does not contravene the guarantee of rights as per Article 16(a).<sup>4</sup>
- 4) The country’s first ever democratic multi-party elections were held in October 2008, and a new democratic government was elected to power on 11 November 2008. Significant changes to the governance system resulted in many changes in the government structure. Among the change was

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<sup>1</sup>CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

<sup>2</sup> NGO Shadow Report on CEDAW – Maldives, 2006, paragraph 1

<sup>3</sup> HRC of the Maldives or HRCM was established by Presidential decree on 10 December 2003, later incorporated into the legislative framework through the Human Rights Commission Act (No. 6/2006) in 2006. The HRCM received a constitutional mandate in 2008.

<sup>4</sup> Functional Translation of the Constitution of the Republic of Maldives, 2008, Article 16(a) and 16(b)

the restructuring of the existing national women's machinery (NWM), the Ministry of Gender and Family. The Ministry was merged with the Ministry of Health in 2009, resulting in the Ministry of Health and Family. Within this structure, the primary NWM became downsized to the Department of Gender and Family Protection Services (DGFPS).

- 5) Democratic transition has been challenging in the Maldives and the establishment of the constitutionally required structures for democratic governance has been fraught with difficulties. According to a report by the International Commission of Jurists (ICJ), the "new government faced a challenging social and economic situation, exacerbated by inadequate laws, procedures, institutional norms, and a lack of sufficiently trained personnel in many areas of governance."<sup>5</sup>
- 6) The independence of the judiciary is perceived to be compromised as serious concerns about the performance of the judicial oversight body the JSC, is raised by a former member of the JSC.<sup>6</sup> The ICJ stated in their assessment in February 2011 that democratic "transition remains fragile as nascent institutions are yet to be consolidated through laws, regulations and the inculcation of new institutional cultures that embody and promote unquestioned respect for the rule of law."<sup>7</sup> Subsequently, it is amply clear that serious issues exist in relation to the establishment of rule of law, which is a necessary requirement for democratic governance and the establishment of human rights to promote social cohesion and stability.
- 7) On 07 February 2012, an unprecedented change of administration occurred following which, several changes took place in the government structure once again. A new cabinet and two new ministries were created, notably the emergence of a new Ministry of Gender, Family and Human Rights which now constitutes the NWM.
- 8) Within the currently fluid political landscape of the Maldives, the Constitutional bill of rights and the many social issues that undermine basic human rights and specifically women's human rights continue to remain relevant and important. The discourse of basic rights and freedoms remain strong despite being mired by events that continue to politically polarise and destabilise the small population of the country.
- 9) Recent events have revealed a degree of human rights violations of both men and women by State actors occurring in the political context which has hitherto not been publicly visible in the Maldives. The issue of police brutality and human rights violations of women by security forces is a particular concern that is raised in this report.
- 10) The Maldives acceded to CEDAW in 1993 and the Optional Protocol to CEDAW in March 2006.

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<sup>5</sup> Maldives: Securing an independent judiciary in a Time of Transition, ICJ, February 2011, pg.10

<sup>6</sup> Velezinee A, Democracy Derailed, 09 December 2010, <http://www.velezinee.aishath.com/content/democracy-derailed-unconstitutional-annulment-article-285-and-its%E2%80%99-consequences-democratic-0>, accessed : 11 September 2012

<sup>7</sup> Maldives : *Securing an independent judiciary in a Time of Transition*, ICJ, February 2011, pg.20

However, over the years, progress has been extremely slow in observing the State's obligations to the Convention.

- 11) Maldives ratified CEDAW with reservations on Article 7(a) and a blanket reservation on Article 16. However, in March 2010, the Maldives withdrew its reservation on Article 7(a) of CEDAW as the 2008 Constitution removed the gender bar that existed in the previous Constitution of 1998, which prevented a woman from holding the position of Head of State.
- 12) Maldives continues to maintain its blanket reservation on Article 16 of CEDAW, although some efforts have been made by the State in 2011, to address this issue (see also paragraph 23 of this report).
- 13) This report primarily responds to the time-frame since the submission of the 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report to the CEDAW Committee in 2005. However, the observation made by NGO colleagues in 2006 that the existing NWM at that time "had little success" in getting other State institutions to accept the Convention and uphold State obligations to CEDAW, remain relevant today.<sup>8</sup> The NWM that must take a leading role to implement CEDAW has been traditionally weak, under resourced and inadequately supported. This is arguably due to inadequate political will to promote and support the advancement of women, as well as both covert and overt political resistance at all levels to limit active and meaningful participation of women in national development.
- 14) In its response to the list of issues put to it by the CEDAW Committee regarding the 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report of 2005, the State noted that the Maldives is a "dualist country which means the international instruments the Maldives is signatory to takes effect in domestic law only when domestic legislation is adopted. While CEDAW has not been incorporated by legislation into domestic law to date, existing laws have been reviewed to identify discrepancies with CEDAW ...".<sup>9</sup> It is not known if the State had indeed reviewed existing legislation for CEDAW compliance. Existing weaknesses in the law enforcement sector including the judiciary does not suggest that equality and non-discrimination are practiced concepts by such authorities. Furthermore, available evidence suggests that significant gaps exist and discrimination against women prevail, which negatively affect the *de facto* situation and the lived realities of women. These observations are further elaborated in the sections of this report which follow.

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<sup>8</sup> NGO Shadow Report on CEDAW – Maldives, 2006, paragraph 25

<sup>9</sup> CEDAW/C/MDV/Q/3/Add.1, 27 September 2006

## Part I

### Commentary on the State Response to the Concerns and Recommendations identified in the Concluding Observations of the CEDAW Committee, 2007

#### **a) Dissemination of the 2007 Concluding Observations to all the relevant ministries, the Peoples Majlis and to atoll and island governing bodies (CO\_2007/3, para. 10)**

- 15) The Committee recommended the dissemination of its concluding observations to relevant state institutions “so as to ensure their full implementation”.<sup>10</sup> While the State responds that such dissemination had indeed taken place, it is highly questionable whether it was conducted in such a way to achieve the common cause both the Committee and the State is engaged to achieve.
- 16) The information provided in paragraph 25 of the State Response is not consistent with the findings of this report, nor appears to be specifically relevant to the point in question. Nevertheless, available information from the HRCM suggest that “women’s rights including CEDAW” awareness had been included in their training programmes since 2009. From April 2009 until June 2012, the HRCM had reached a total of approximately 763 persons across the country, through these training sessions.<sup>11</sup> However, as observed in the State Response, the extent of training provided by HRCM on women’s rights is very basic and introductory. Therefore, it is unlikely to make a meaningful impact in the strongly patriarchal social context of the Maldives. Consultations with HRCM suggest that the institution also has reservations about the effectiveness of this outreach due to the significant socio-cultural resistance that exists in communities towards the basic concept of gender equality.
- 17) Moreover, the formal training methodology used, with lecture style presentations and discussions is unlikely to be the most effective means to generate meaningful interactions on women’s issues and experiences that are highly sensitive and often private. HRCM has to date produced one leaflet on CEDAW awareness with the support of the UN Population Fund (UNFPA), highlighting a few key points about the Convention. A notable and relevant complaint during consultations with a group of rural women is that institutions such as HRCM are unavailable for follow up support after the completion of the ad-hoc training they provide.
- 18) Paragraph 25 of the State Response attempts to provide justification for the lack of CEDAW awareness among key decision makers. In 2009, new parliamentary elections took place under the new Constitution, increasing the number of parliamentarians from 50 to 77. It is notable that a number of parliamentarians retained their seats. Hence, the fact that new members were appointed to parliament does not remove all knowledge of CEDAW from the institution, as suggested by the State Response. Moreover, changes of government in 2008 and 2012 does not negate the fact that state institutions continue to exist, with mandates requiring them to uphold their obligations to

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<sup>10</sup> Concluding Comments of the Committee on the Elimination of Discrimination Against Women : Maldives, 2 February 2007, CEDAW/C/MDV/CO/3, pg.2

<sup>11</sup> Responses to enquiries from HRCM, June 2012

international legal commitments made by the State. A more accurate explanation would be that State institutions lack interest, acceptance and therefore capacity, to observe state obligations under the Convention. The absence of adequate political will and technical capacity to initiate the kind of change the CEDAW Convention aims to achieve persists as the root cause for the lack of progress.

**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)***

- 19) As noted in paragraph 28 of the State Response, Maldives withdrew the reservation on CEDAW Article 7(a) in March 2010<sup>12</sup> following the ratification of the new Constitution in August 2008, which removed the gender bar on women's eligibility to the post of head of state.<sup>13</sup> The State Response acknowledges the persistent "socio-cultural barriers" which "caused no effective increase ... in the political participation of women". Nevertheless, it is notable that no concrete measures have been taken to address this situation.
- 20) Further to General Recommendation No.25, the State has done little if anything of significance to actively address the observed situation, to improve the *de facto* position of women and attend to its obligation to "address prevailing gender relations".<sup>14</sup> A recent testament to this is the low number of women candidates who contested in the local council elections of 2011, constituting 8% women and 92% men.<sup>15</sup> Attempts to include a women's quota in local councils during the parliamentary discussions on the Decentralisation Bill in 2010 met with an unexplained and silent blanket rejection of the submission put forward by female MP Eva Abdulla.<sup>16</sup>
- 21) Further discussion on temporary special measures is provided in paragraphs 114 to 118 of this report.
- 22) It is arguable whether the "present socio-cultural and political setting" necessarily "impede efforts to address unequal gender relations in marriage" to continue to maintain the existing blanket reservation on CEDAW Article 16, as observed in paragraph 28 of the State Response. The current *de facto* situation of women is consistent with several clauses specified in Article 16. Evidence also shows that in March 2011, the State had agreed "to remove its reservations" on CEDAW Article 16, paragraphs 1(a), 1(b), 1(e), 1(g) and 1(h), as well as paragraph 2 of Article 16.<sup>17</sup> This was initiated by the Ministry of Foreign Affairs. However, the primary State focal point for CEDAW, the re-named

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<sup>12</sup> 'Maldives Withdraws Reservation to UN Women's Convention', Ministry of Foreign Affairs, 25 March 2010  
<http://www.foreign.gov.mv/v3/?p=news&view=sep&nid=3230>

<sup>13</sup> Constitution of the Republic of Maldives 2008, Article 109(a) [stipulates "be a Maldivian citizen" as opposed to the 1998 Constitution Article 34(c) which stipulated "is a male who has attained 35 years of age"]

<sup>14</sup> CEDAW General Recommendation No.25, 2004, paragraph 7

<sup>15</sup> Data source – UNFPA. Total no. of candidates = 2754. Women = 224. Men = 2530. (% provided in text)

<sup>16</sup> Personal communication

<sup>17</sup> Report of the Working Group on the Universal Periodic Review - Maldives, Addendum, Human Rights Council, Sixteenth session, Agenda item 6, Universal Periodic Review, 14 March 2011, A/HRC/16/7/Add.1, paragraph 100.15

Ministry of Gender, Family and Human Rights seemed unaware of this development and admits to a lack of capacity to attend to this issue, indicating its low level of prioritisation.<sup>18</sup>

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

23) Paragraph 31 of the State Response explains the situation on the definition of discrimination against women in the existing legal framework. It is also notable that Article 17(a) and 17(b) of the 2008 Constitution are further supported by Article 62(a) which assures that the rights enumerated in Chapter 2 "are guaranteed equally to female and male persons".<sup>19</sup> Therefore, despite the lack of explicit specification consistent with Article 1 of CEDAW, the spirit of the Convention is clearly stipulated within the Constitution. Additionally, Article 18 of the Constitution requires the State to "follow the provisions" of the Constitution "and to protect and promote the rights and freedoms provided" in Chapter 2.<sup>20</sup> Therefore, the persistent real issue is the dearth of institutionalised and institutional application of Constitutional provisions in practice to positively impact the *de facto* situation of women.

24) Paragraph 32 of the State Response notes several laws that "prohibit discrimination". However, with reference to some of them, certain significant points are absent, which are discussed below.

**a) Employment Act (No.2/2008)**

Although 60 days paid maternity leave is provided by this Act,<sup>21</sup> until 2013 the subsequent Civil Service Regulation specified that this leave entitlement must be counted inclusive of weekends.<sup>22</sup> This made the provision of maternity leave to civil service employees a blatantly discriminatory regulation negatively affecting women only.

Furthermore, it is telling that male employees receive 3 days paid leave in the event of the birth of a child while both parents receive a leave entitlement of 5 days each in the event of the circumcision of a male child.<sup>23</sup> This discrepancy in the prioritisation and due importance given to the birth of a child is indicative of the general discriminatory cultural mind-set that prevails against the welfare of women in the family.

**b) Civil Service Act (No.5/2007)**

While the Civil Service Act may support the legal framework to facilitate equality of opportunity for men and women, cultural norms and practices inhibit such equality in practice. Available anecdotal evidence on employment issues in the civil service indicates the existence of sex based discriminatory practices against women in recruitment, and promotions in particular. A recent study on women in public life observed that "[t]he near

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<sup>18</sup> Personal communications with government stakeholders

<sup>19</sup> Functional Translation of the Constitution of the Republic of Maldives, 2008

<sup>20</sup> Ibid:Article 18 – Duty of the State

<sup>21</sup> Employment Act No.2/2008, Article 43(a)

<sup>22</sup> Civil Service Regulation 2010, Clause 165(a)

<sup>23</sup> Employment Act No.2/2008, Article 43 and 49. Civil Service Regulation 2010, Clause 168. [Note: circumcision of a male child is a traditional practice involving much preparation and celebration by many Maldivians, though not universal.]

absence of women in executive and senior management positions in public administration calls for a corrective action in the recruitment and promotion of civil service."<sup>24</sup>

Almost 5 years since the passage of the Civil Service Act, positive practical change that manifests in non-discriminatory practices based on sex, is yet to become visible. Nevertheless, the government's policy position articulated in the Strategic Action Plan (SAP) 2009-2013 states under the theme on gender, to "ensure that there is no discrimination in civil service hiring and firing".<sup>25</sup> Lack of research on such matters limits analysis of the situation. However, available information suggests that serious gaps persist in the practical application of policy and legislation to positively impact the *de facto* position of women.

c) *Pensions Act (No.08/2009)*

Paragraph 32 of the State Response states that the Pensions Act provides for the equitable receipt of old age and retirement pensions. However, regardless of how equitable pension distribution may be required by law, in any contributory scheme, the capacity to contribute dictates the long term benefits that can be reaped. Due to the fact that most women earn less in the Maldives due to the presence of the "glass ceiling" in employment practices, the opportunity for women to draw equitable pensions as men in old age is significantly undermined. The extent to which the Pensions Act would benefit the disproportionately represented majority of women in the informal and insecure jobs market is a further question worth asking. What access do these women have to such schemes? It is important to note that life expectancy at birth in 2010 was 72 years for men and 74 for women, which further supports the need for immediate equitable access to retirement pensions for women.<sup>26</sup>

d) *Disability Act (11/2010)*

Paragraph 32 of the State Response notes that the Disability Act provides free education for children with disabilities. It is important to note that the non-discriminatory provision of free education to all children is a Constitutional provision.<sup>27</sup> Nevertheless, the State's capacity to provide special education to children of both sexes is negligible. Available information shows that recent efforts to produce a special education needs (SEN) mapping assessment to establish the extent of the issue had stalled and no data is yet available on children with SEN.<sup>28</sup>

25) The State Response in paragraph 32 duly acknowledges the situation of the absence of a "monitoring and feedback mechanism" in the implementation of laws which creates a vacuum where redress for violations is concerned. This can be interpreted as a mild acknowledgement of the fact that existing implementation structures are inadequate for purpose. Therefore, despite the existence of laws in print, the relevant implementation structures do not exist for such laws to

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<sup>24</sup> *Women in Public Life in the Maldives : Situation Analysis*, UNDP Maldives, 2011:41

<sup>25</sup> SAP, 2009-2013, Government of Maldives, pg.151

<sup>26</sup> The Maldives Health Statistics 2011, Ministry of Health and Family 2011

<sup>27</sup> Functional Translation of the Constitution of the Republic of Maldives, 2008, Article 36(a) and (b)

<sup>28</sup> Personal communications, UNICEF Maldives.

positively impact the *de facto* position of women.

26) Paragraph 33 of the State Response notes that the Human Rights Commission of Maldives (HRCM) “can facilitate redress of violations”, having the mandate to do so. Nevertheless, observations and general public perception of the institution is such that the validity of this comment is highly questionable. In recent months especially, HRCM has come under particular public criticism for their incapacity to uphold their mandate.<sup>29</sup> It is important to acknowledge that deep political divisions that currently exist in society also plays an important role in both these allegations as well as the capacity of HRCM to address rights violations.

27) Paragraph 34 of the State Response makes reference to the existence of institutional structures that could “potentially” provide redress for rights violations. While the State acknowledges the lack of sensitivity of institutional actors to ensure productive redress *de facto*, the absence of any meaningful effort to build institutional capacity actively maintains the status quo. It is regrettable that the State has thus far put little or no effort to actively and practically advance the condition of women who continue to experience the consequences of inherent gender based discrimination.

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

28) Paragraph 37 of the State Response provides an accurate explanation of the existing situation in relation to the stagnant status quo regarding women’s access to and participation in public and political life, following the removal of legal barriers in the 2008 Constitution.<sup>30</sup> Therefore, the concerns raised to the CEDAW Committee in 2006 by NGO colleagues remain unchanged.<sup>31</sup>

29) Further discussion on temporary special measures is provided in paragraphs 114 to 118 of this report.

**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)***

30) The State’s efforts to promote human rights in response to the CEDAW Committee’s recommendation in 2007 and some of the claims made in paragraph 42 of the State’s Response are ill-matched. Enquiries with the Attorney General’s Office (AGO) reveal that there was a “Legal Literacy” campaign which was targeted at secondary school children in 2005. This was an ad-hoc effort over an initial period of 1-2 months, carried out primarily for Malé based schools although the AGO made attempts to include some island schools in this campaign. The Department of Gender

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<sup>29</sup> Minivan News, 02 June 2012, “HRCM “deaf and blind” to abuses of coup perpetrators”, <http://minivannews.com/politics/comment-hrcm-deaf-and-blind-to-abuses-of-coup-perpetrators-38393> (Accessed:26 July 2012)

<sup>30</sup> Functional Translation of the Constitution of the Republic of Maldives, 2008, Article 109(a)

<sup>31</sup> *The Maldives Study on Women’s Health and Life Experiences*, Ministry of Gender and Family, November 2007

and Family Protection Services (DGFPS) community theatre project is another ad-hoc pilot project conducted with the support of UNDP. It would not be an exaggeration to suggest that projects of this nature are reactionary in the Maldives. These fleeting initiatives have no sustainability mechanisms, having little if any long term meaningful impact that would positively improve the *de facto* situation of women in Maldivian society.

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

- 31) As Paragraph 45 of the State Response describes, the nationwide survey which brought to light the depth of the prevalence of violence against women (VAW) is an important milestone in acknowledging the issue.<sup>32</sup> However, with increasing number of incidence of VAW in the community a review of the situation is much needed.
- 32) However, with reference to paragraph 46 of the State Response, the various actions that are claimed to have taken place to address the issue are significantly off the mark. Had a campaign of any significance taken place in partnership with the UN system in the country, there is little evidence to show that any effective actions had indeed taken place in practice. There is no evidence of any positive outcomes such a ‘campaign’ had yielded. In 2008, the UN system and government stakeholders agreed to conduct a UN joint programme (UNJP) on gender based violence (GBV). A subsequent UNFPA country programme evaluation conducted in 2010 found that “[t]he UNJP on GBV is an important planned intervention which is highly relevant for the Maldives. However, the progress of this project to date is nil ...”.<sup>33</sup> The existence of a plan and its execution are two very separate things. It is therefore not clear what the “two-year programme” noted in the State Response is, or indeed what this programme had achieved.
- 33) At the time of writing, Consultations indicate that the 25 people trained on GBV noted in paragraph 46 of the State Response refer to the training of personnel for the planned women’s shelter. Furthermore, the reference to a “one-day workshop” to inform “key actors in the field how domestic violence is treated in Islam” is a curious activity suggesting a new conceptual approach to address domestic violence (DV) in the Maldives. Hope for Women is one of the very few NGOs actively taking an interest in issues surrounding DV, VAW and GBV and remain unaware of this development. Update on the women’s shelter is provided in the part IV of this report.
- 34) Paragraph 45 of the State Response outlines the extent of the prevailing issue of VAW. However, considering the findings of the aforementioned evaluation by UNFPA (see paragraph 33 of this report), the trainings and workshops described in paragraph 46 of the State Response puts into perspective the weakness of the efforts made to combat the issue. It is regrettable to observe that whatever efforts made in this regard were at best superficial, wholly inadequate and negatively disproportionate to the gravity of the situation that needs to be addressed.

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<sup>32</sup> *The Maldives Study on Women’s Health and Life Experiences*, Ministry of Gender and Family, November 2007

<sup>33</sup> UNFPA Fourth Country Programme 2008 – 2010: Evolution, October 2010:62[with reference to Joint UN Programme on Strengthening Response to Prevention and Elimination of Gender Based Violence Against Women and Children in the Maldives (UNJP on GBV), 2009]

- 35) Paragraph 46 of the State Response mentioned a guideline in draft stage, regarding the operation of a women's shelter alongside the children's shelter on Villingili island. There is little practical progress of this activity to date and no support service that resembles a refuge for women in need of protection from DV exists. Therefore, paragraph 47 of the State Response provides an accurate description of the status quo when it states that "[t]here are no safe houses for abused women ...". To date, there are no facilities established to provide protection and support services to at risk and vulnerable women living under threat of physical and mental harm in their homes.
- 36) Paragraph 47 of the State Response notes the role of Family and Child Service Centres (FCSCs) with a mandate to provide services primarily to vulnerable children requiring protection from violence and abuse within the family. While the FCSCs are an important presence at regional level to attend to vulnerable groups in the community, their institutional strength, management and technical capacities to provide meaningful protection and support services are barely adequate. As the State Response acknowledges, FCSCs are understaffed and its personnel inadequately trained. Moreover, stakeholder consultations and other available information suggest that FCSC staff are poorly managed with overwhelming case-loads and few resources, undermining the quality of services they are able to provide.
- 37) The Domestic Violence (DV) Prevention Act which was passed by the People's Majlis on 9<sup>th</sup> April 2012 was indeed a milestone in the efforts to address this serious issue. However, there are numerous challenges to the implementation of this law due to lack of capacity and resources to facilitate the necessary protection services and oversight mechanisms that are integral to this legislation.
- 38) The status of other relevant legislation mentioned in paragraph 49 of the State Response, is not entirely accurate. At the time of writing, the 2009 draft of the Sexual Harassment Bill was at AGO having been returned from the President's Office.<sup>34</sup> The act has been ratified in May 2014.
- 39) According to government officials consulted, a revised Anti Human-Trafficking and People Smuggling Bill has been produced with the support of the Australian government and is currently with the AGO for translation and finalisation. Anti-Human Trafficking bill was ratified in December 2013. Key aims of the bill include the criminalization of both domestic and international human trafficking and the establishment of a legal framework to facilitate protection services for victims of trafficking.<sup>35</sup>
- 40) Certain critical bills have been pending in the People's Majlis which continues to undermine the effectiveness of the justice system. The Penal Code and the Criminal Procedure Code has been in the People's Majlis since August 2007 and the Evidence Bill was submitted in 2012. Stagnation of important legislation in the People's Majlis is a long standing barrier to law enforcement, crime

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<sup>34</sup> Communication with AGO, 29 July 2012. Also, the current situation is that due to the absence of a representative of the Executive in the People's Majlis, no legislation can be submitted by the Executive to the Majlis without amending the existing Majlis regulations on submission of bills. It is not known when this might happen

<sup>35</sup> Personal communication, Department of Immigration and Emigration, July 2012

prevention and the provision of legal protection to all citizens.

**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 SAARC Convention (CO2007/3, para. 22)**

41) The HRCM is undertaking a study to assess the situation on human trafficking in the Maldives. However, despite the fact that this study began sometime in 2010, it has yet to be completed. In the absence of formal research into the issue, available evidence from external sources, media sources and other anecdotal evidence suggest that the situation is serious.

42) Paragraph 51 of the State Response notes the issue of trafficking and describes this as ‘a new area of engagement’. Nevertheless, issues relating to migrant workers, particularly female domestic workers, have existed for many years although attention to this has always been neglected. This issue was highlighted in the NGO shadow reports to the CEDAW Committee submitted in 2001 and 2006.<sup>36</sup> Since 2010 however, this issue had been raised by the US State Department’s Trafficking in Persons Report Watch List, in which Maldives is categorised as a Tier 2 country. The issue has been reported in the national media, and highlighted in the blog of a concerned civil society organisation.<sup>37, 38, 39</sup>

43) The fact remains that the Maldives has now featured in the US State Department’s Trafficking in Persons Report Watch List as a Tier 2 country for 3 consecutive years. A recent media report stated that:

"The Maldives’ expatriate population makes up almost a third of the country’s population. Minivan News previously reported in 2010 that the scale of labour trafficking in the Maldives was so disproportionately vast that the revenue generated made it the second greatest source of foreign currency to the economy after tourism, eclipsing fishing."<sup>40</sup>

Moreover, the paper reported that while the “new government” had closed down several “illegal brothels” in Malé recently, “[t]he expatriate women arrested during these raids are typically quickly deported” and “there have been few reports of brothel owners being prosecuted.” With reference to the US report, the paper also reported that the State had made “some progress ... including the approval of an Anti-Trafficking plan in March 2012 and the establishment of an Anti Human-Trafficking and People Smuggling Unit in January 2012.”<sup>41</sup> Today, the Anti Human- Trafficking mandate is situated in the Ministry of Youth, with Focal points represented in Police and

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<sup>36</sup> NGO Shadow Report on CEDAW – Maldives, 2006, paragraph 170

<sup>37</sup> Trafficking in Persons Report 2010, US State Department, 2010  
<http://www.state.gov/documents/organization/143187.pdf>, Accessed : 31 July 2012

<sup>38</sup> Report condemns Maldives for inaction on human trafficking, Minivan News, June 2010,  
<http://minivannews.com/society/maldives-placed-on-human-trafficking-watch-list-8190> Accessed : 31 July 2012

<sup>39</sup> Madulu NGO, Alarming Reports on Human Trafficking in the Maldives, 17 August 2010  
<http://www.madulu.org/blog/labour-rights/human-trafficking-in-maldives/>, Accessed : 31 July 2012

<sup>40</sup> Maldives on Tier 2 Watch List for Human Trafficking three years running, Minivan News, 25 June 2012,  
<http://minivannews.com/politics/maldives-on-tier-2-watch-list-for-human-trafficking-three-years-running-39760>,  
Accessed : 31 July 2012

<sup>41</sup> Ibid

Immigration and other relevant agencies, forming a committee to address and take immediate action for human trafficking cases.

44) The UN Human Rights Committee's (UNHRC) Concluding Observations to the State Report to the Convention on Civil and Political Rights (CCPR) in July 2012 also raised concern about the issue of human trafficking in the Maldives. Furthermore, the UNHRC made several recommendations to address the issue, including data gathering, relevant legislation, investigation and prosecution measures, protective measures and rehabilitation as well as a national plan of action on trafficking of persons.<sup>42</sup>

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

45) The statement made in paragraph 59 of the State Response that the “participation of women in the Maldivian society is now more visible compared to the past” is both unclear and unhelpful, given that the evidence presented is mainly to the contrary. This statement does not necessarily reflect the situation in terms of the *de facto* position of women at decision-making levels in public life. This point is further elaborated in the discussion relating to Article 7 of CEDAW, in this report.

46) The State's claim in paragraph 59 of its Response that “advocacy workshops were conducted on the participation of women in politics throughout the country” in connection with the removal of the gender bar as per the new Constitution appears to be an inaccurate exaggeration. Although this statement is consistent with the same generalised claim made in the UN Common Core Document (CCD) 2010<sup>43</sup>, there is no evidence to suggest such a nationwide effort had indeed taken place to promote the political participation of women specifically. Available information from the HRCM which conducts a range of human rights awareness training activities, do not indicate such advocacy efforts.

47) A collaborative effort by 4 civil society organisations and a private sponsor facilitated a series of 3 women's empowerment workshops for women candidates who stood for local council elections in February 2011. This civil society initiative was conducted during December 2010 and January 2011. The 3 day workshop entitled “Increasing Women's Political Participation in Maldives” reached a total of 96 women, 92 of whom were women candidates contesting in the local council elections, under the decentralised governance structure.<sup>44</sup> All the participants were politically active women or those aspiring to participate in politics. The workshops showed that Maldivian women do wish to play an active role in the country's development and have little if any opportunity to do so.

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<sup>42</sup> 105<sup>th</sup> Session of the UNHRC, CCPR/C/MDV/CO/1, 9-27 July 2012, paragraph 17a, b, c, d, e

<sup>43</sup> Maldives Common Core Document to the UN HRI, HRI/CORE/MDV/2010, paragraph 162, pg.29

<sup>44</sup> Personal communication with NGO administrator of the workshops.

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

48) The UN Special Rapporteur on the independence of judges and lawyers welcomed the historical appointment of the first 2 female judges appointed to the Maldivian judiciary in 2007.<sup>45</sup> Since then, 3 further women judges have been appointed with the current female representation on the bench as follows<sup>46</sup> :

- 1 at the High Court
- 2 at the Civil Court (one resigned on 2015)
- 1 at the Family Court

The appointment of 4 women judges over a 5 year time frame indicates the speed of the ‘judicial reform’ that has taken place over the years in relation to women’s representation. With a total number of 186 judges, the representation of women in the Maldivian judiciary currently stands at 3.8%. Notably, there is no female representation on the benches of either the 7 member Supreme Court or the 7 member Criminal Court.<sup>47</sup> The latter situation was described as a “serious concern” in a mission report by the International Commission of Jurists (ICJ) published in February 2011.<sup>48</sup>

49) A news report published in October 2010 raised the issue of a recruitment announcement from the Family Court seeking 20 *mauzoon*<sup>49</sup>, with the following eligibility criteria :

“The conditions are that they be graduate followers of Sunni Islam, in possession of a sound mind, lacking a criminal record and, male.”<sup>50</sup>

This example provides a clear indication of the prevailing view of gender equality within the Maldivian judiciary. The question arises whether a *mauzoon* is a higher level official than a judge? If a woman can be a judge, what justifications prevent the appointment of a woman as a *mauzoon* of marriages, in the absence of any legal basis to do so? Nevertheless, to date such questions have not been addressed and currently, a woman cannot be a *mauzoon* on the basis of being female.<sup>51</sup> It is also worth noting here that the family court does not permit women to participate as witnesses in a marriage ceremony.

50) Credible sources inform that on the matter of disallowing women to the post of *mauzoon*, some female members of the judiciary submitted a letter of enquiry to the Supreme Court, requesting a legal clarification as they found no legal basis for such discrimination. In response, the Supreme

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<sup>45</sup> *UN rights expert welcomes appointment of first female judges in the Maldives*, UN News Centre, 13 July 2007, <http://www.un.org/apps/news/story.asp?NewsID=23226&Cr=maldives&Cr1=>, accessed : 01 August 2012

<sup>46</sup> List of Judges, <http://jsc.gov.mv/>, accessed : September 2011

<sup>47</sup> Ibid

<sup>48</sup> *Maldives : Securing an Independent Judiciary in a Time of Transition*, International Commission of Jurists (ICJ), February 2011:29, paragraph 89

<sup>49</sup> *Mauzoon* is the solemniser of a marriage [as per the interpretation provided in Family Act 2000, Article 73(a)]

<sup>50</sup> *Family Court seeks marriage registrars\* – women need not apply*, Minivan News, 21 October 2010, <http://minivannews.com/politics/family-court-seeks-marriage-registrars-%e2%80%93-women-need-not-apply-12543>, accessed : 26 October 2010 [\*the correct reference should be *mauzoon*, which is a different function to that of a Registrar]

<sup>51</sup> Personal communication with the Family Court, 01 August 2012

Court lodged a complaint with the JSC<sup>52</sup>, against those that made the enquiry, stating that the enquiry itself amounted to a disciplinary matter.<sup>53</sup> This provides an indication of the depth of resistance towards female colleagues in the judiciary.

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

51) As Paragraph 65 of the State Response observes, cultural norms inhibiting the mobility of girls is a key barrier to access to higher education for girls. This limitation is further exacerbated by the lack of State measures that support and facilitate access to higher education for girls. Data provided in a report in 2008 observes an improvement in girls' access to higher education thus:

“In 1990 there were 177 males who had degree level qualifications and above compared to 42 females. In 2006 there were 1,498 males holding tertiary qualifications compared to 874 females.”<sup>54</sup>

Available figures for tertiary education scholarship opportunities from 1997 to 2008 shows that undergraduate scholarships were awarded to 56% males and 44% females; post graduate masters scholarship awards went to 59% males and 41% females and doctoral scholarship awards went to 68% male and 32% females.<sup>55</sup> The figures show a gender gap in scholarship awards which increases significantly with higher levels of education. Although the data does not provide urban-rural differentiations, it is safe to suggest that such higher education opportunities will be accessible to those who have the means to afford a Malé based education.

52) Discussions with rural women revealed the extent of the issue, as they explained the non-existence of safe and secure environments and conditions in which their female children can continue studying following the completion of lower secondary education. Concerns included a perceived impossibility to “trust” all female children, a veiled expression indicating fears of out of wedlock pregnancy should a girl child be sent away beyond the reach of active parental supervision. One older woman expressed her personal readiness to be a matron at a girls' hostel to care for female students, should such a facility be created. The views expressed by older rural women indicate a sense of helplessness and hopelessness in terms of improving the situation of girls' access to higher education opportunities.<sup>56</sup>

53) Discussions with a group of young women in a rural community indicated their willingness to study and the lack of opportunities available. They observed the potential for online distance learning although the existing communications infrastructure such as internet access is challenging. While most of these young women had some experience of spending time in Malé for higher studies, their experience of the living conditions are less than conducive to meaningful academic achievement. Consultations with a higher education service provider revealed that young women from rural

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<sup>52</sup> JSC is the judicial oversight commission with a Constitutional mandate to ensure accountability of judges

<sup>53</sup> Personal communication

<sup>54</sup> *Human Rights Action Plan, Republic of Maldives*, Government of Maldives, 2008:38

<sup>55</sup> Statistical Yearbook 2010, Department of National Planning,

[http://planning.gov.mv/yearbook2010/yearbook/7\\_education/7.12.htm](http://planning.gov.mv/yearbook2010/yearbook/7_education/7.12.htm), Accessed : 08 August 2012

<sup>56</sup> Focus Group Discussion with women aged 30 years and over, Meemu Atoll, June 2012

communities living in Malé to access higher education can be easily identified from their presentation and performance at college. Many would complete assignments sitting in the college grounds during class breaks and many have work commitments that prevent them from giving due time and attention to their studies. However, these would still be the fortunate ones among rural young women who had found some means to be in Malé to attend college.

54) Paragraph 66 (and 155) of the State Response refers to the Technical and Vocational Education and Training (TVET) programme, noting the absence of women in the available data for 2010. This provides a clear indicator of the lack of capacity of such programmes to use an inclusive and non-discriminatory approach when promoting skills development opportunities. It would be helpful if the State could provide an explanation for this major discrepancy.

55) Statistics from the Maldives National University (MNU) provided in Appendix 1 of this report shows significant gender disparities in the student intake from 2007 to 2011, in various areas of study. It also provides insights into existing gender stereotypes within sectors. This data clearly shows the disproportionate participation of women in education and health, while men are over-represented by a large margin in the area of engineering and technology. A more equitable representation is seen in management and computing studies which is encouraging. However, the continuing gender stereotypes evident in these figures pose a significant barrier to women's capacity to participate and contribute alongside men, in a variety of areas that are critical to the social and economic development of the country.

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

56) Equality of opportunity for women has traditionally been an issue in the labour market, due to the prevailing patriarchal, gender discriminatory socio-cultural factors. Therefore, when the State Response states in paragraph 70 that “[m]ost women are fully occupied with housework and childcare”, there is some truth to it. Policy level attention to the provision of childcare facilities by the State, as the largest employer, is also absent. The State continues to lack political will in this area and fails to lead or encourage other employers to provide such facilities to improve women's participation in the labour force.

57) However, a 2007 study found that between 1990 and 2006, the female labour force participation (FLFP) rate had increased by 30%.<sup>57</sup> The report further observed “a marked improvement” in FLFP over the years, from 45% in 2000 to 52.9% in 2006.<sup>58</sup> The comparative rate for men during the same time period was 74% and 75.4% respectively. In addition as noted in the shadow report 2006, an increasing number of school leavers has limited intake to certain fields resulting in a pattern to employ young women to mostly as sales girls and receptionists reinforcing stereotypical roles for them.

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<sup>57</sup> *Increasing Female Labour Force Participation in the Maldives*, Final Draft, unpublished paper, [undated - circa 2007 ], supported by UNFPA

<sup>58</sup> Ibid:20

- 58) Women's participation in the insecure informal industry of manufacturing is far greater than any other, with an estimated 90% being self-employed home based workers.<sup>59</sup> It is unfortunate that there appears to be no official studies conducted on FLFP in the non-formal sector.
- 59) Paragraph 71 of the State Response explains the major discrepancy in female employment in the country's main revenue earning industry, the tourism sector. Available data shows that the tourism sector is largely a male dominated industry with 87% male and 13% female representation, the latter constituting only 3.7% of the employed female population. The most recent study containing FLFP figures unfortunately excluded "resorts and industrial islands", concentrating primarily on household level income and expenditure.<sup>60</sup> Therefore, the latest available estimated figures are as aforementioned.
- 60) Although paragraph 71 of the State Response claims that generally, "the tourism industry is encouraged to employ local women", there is no evidence to indicate how this manifests in practice. Anecdotal evidence suggests that both haphazard and exploitative employment practices are used by resorts that employ rural women, primarily for island cleaning/sweeping and similar other low paid and unskilled work. Available information suggests that such employment is generally insecure, unregulated and largely subject to arbitrary employment terms as well as working conditions, at the complete discretion of the employer. Wages for such insecure labour ranges from as little as Mrf900 (USD58) per month to Mrf3000 (USD194) per month. In one reported instance, after 2 years of employment, this may increase to Mrf7000 (USD454) per month at the discretion of the employer. Anecdotal evidence suggests that poor working conditions which compromise the safety and security of women exist in certain resorts.<sup>61</sup>

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

- 61) As Paragraph 76 of the State Response indicates, prevailing high divorce rates and the desire to curb it resulted in the Family Act of 2000, which narrowed the scope for divorce by verbal declaration (only by men), duly practiced with impunity by men historically. The law incurred a fine for out of court divorces as noted in the State Response. A paper produced on the Family Act in 2005 reports that according to court data, "the divorce rate in Male', dropped from an average of 28.14 divorces per week in 1999 to 9.73 per week in 2003".<sup>62</sup> Furthermore, during the first 6 months of 2004, a further drop was observed, with 5.30 divorces per week.<sup>63</sup> The paper also observed that the "main thrust of codifying the Family Law in the Maldives, as evident in the discourse leading up to codification, was to bring down the very high divorce rate in the Maldives; which, according to some

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<sup>59</sup> Ibid:24

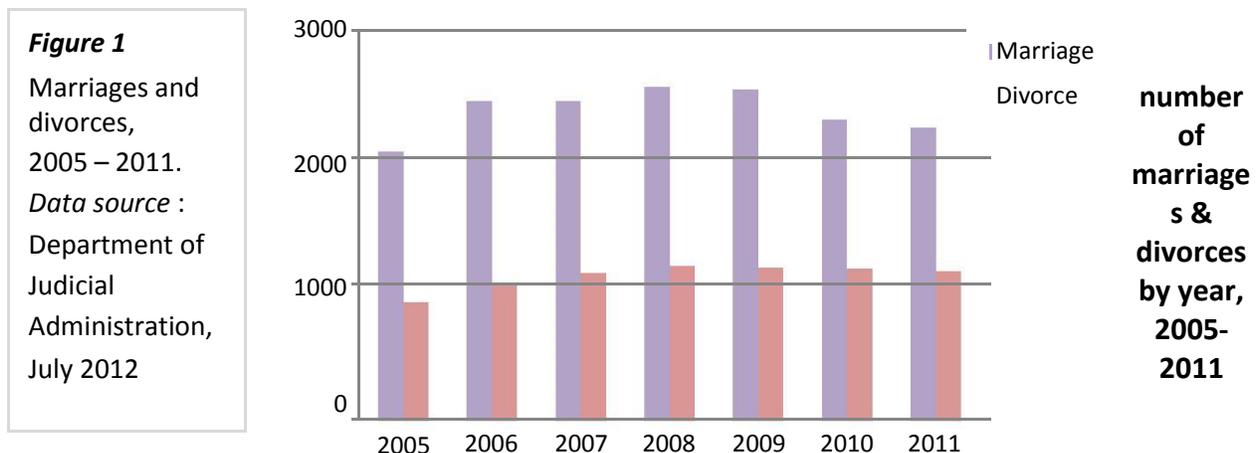
<sup>60</sup> *Household Income and Expenditure Survey 2009/2010*, Department of National Planning, Ministry of Finance & Treasury, Government of Maldives, 2012:88

<sup>61</sup> Anecdotal information from reliable primary/secondary sources. An example of this is the provision of open and insecure temporary sleeping arrangements in a situation where overnight stays could not be avoided.

<sup>62</sup> *Family Law Report*, unpublished paper, 2005, supported by UNFPA

<sup>63</sup> Ibid

accounts, was the highest in the world.”<sup>64</sup> Whether this dramatic reduction of the number of divorces as a direct result of the legislation had a stabilising and cohesive influence on family life benefitted society, is questionable. Despite the observed improvement since 2000, available data for the last 7 years indicate significantly high divorce rates (see figure 1).



62) Those wishing to enter polygamous marriages are required to prove to the court their economic capacity to provide for multiple families, as explained in paragraph 76 of the State Response. However, the effectiveness of the implementation of this regulation is unclear as the existing law enforcement mechanisms within the judicial system is reported to be very weak and largely ineffective. A gender review of the Family Act conducted in 2009 observed that:

“In practice the Court has an ‘internal understanding’ that a man would not be permitted polygamy unless he earns a minimum of MRf.10,000 which may be raised depending on his other circumstances such as number of children and dependants. Thus, the right to polygamy is not the right of all men, but the privileged few.”<sup>65</sup>

63) Out of court divorce carries a fine of Mrf 2500/- for the first time, incrementally rising to Mrf 5000/- by the fourth time. Anecdotal information obtained from a reliable source show there has been one recent divorce case where the highest fine was incurred for out of court divorce, suggesting that such rules are indeed practiced sometimes and do not deter some.

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

64) A gender analysis of the 2006 Census was produced by the then Ministry of Planning and National

<sup>64</sup> Ibid

<sup>65</sup> Velezinee A, *Gender in the Family Act (2000): Considerations for Family Policy and Law Reform*, (unpublished paper) UNFPA, 2009:16

Development (MPND), which used sex disaggregated data from the Population and Housing Census. There is evidence to suggest a somewhat increased level of attention to the generation of sex disaggregated data in research activities since.<sup>66</sup> While this can be considered an important milestone, gender sensitivity in data collection is neither consistent nor the observed norm.

65) A key concern regarding data collection by the State is the absence of recognition of certain areas of research that are specifically relevant to women. Serious issues include the prevalence of teenage pregnancy, illegal and unsafe abortion practices and access to reproductive health information and services. These are areas perceived to be sensitive and controversial in the social context. However, the State's lack of acknowledgement of these issues is highly irresponsible.

66) The distinct separation of the situation of rural and urban populations is not given due attention in the efforts to collect national level data. The 2006 Census is the first serious instance where efforts were made to "engender" the survey and produce sex disaggregated data, with a view to increase understanding of the situation of women.<sup>67</sup>

67) The Maldives Demographic and Health Survey (MDHS) of 2009 is the most recent broad-based nationwide survey. According to the MDHS, "[i]n Maldives, there is no urban-rural designation for residential households within an atoll. All residential households in the 20 atolls outside of Malé are considered rural; all residential households in Malé are considered urban."<sup>68</sup> Therefore, the designation of urban-rural is a distinction traditionally and persistently made by the State, between Malé the capital and the rest of the country, Malé being the core, the rest being the periphery. The Decentralisation Act 2010 has yet to be adequately implemented to establish a decentralised system of governance. Hence, a more balanced recognition of urban-rural statistical analysis is yet to occur, given the prevailing country context.

68) While paragraph 81 of the State Response claim that 'gender analysis' of health data and civil service data are conducted, there is no evidence to suggest that such analyses are publicly available, accessible or findings disseminated to inform the public. Evidence is also not available as to how widely used such data is in policy level decision-making. For example, the Health Master Plan (HMP) 2006-2015 states that :

"MOHF [Ministry of Health and Family] has recently initiated the process of compiling the National Health Accounts of the country. This system however is in its infancy. ... The system of obtaining data from other sectors and partners is not well established."<sup>69</sup>

These statements give some indication of the situation of health data in general. Moreover, baseline data provided against the indicators included in the HMP suggest the dearth of health data and the absence of availability of sex disaggregated data in particular.

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<sup>66</sup> Examples include the MDHS 2009, HIES 2012

<sup>67</sup> Analytical Report 2006 : Population and Housing Census 2006, (Chapter 11 : Gender), Ministry of Planning and National Development, [http://planning.gov.mv/en/images/stories/publications/analysiscd/index.html#\\_](http://planning.gov.mv/en/images/stories/publications/analysiscd/index.html#_), accessed : 5 August 2012

<sup>68</sup> *Maldives Demographic and Health Survey 2009*, Ministry of Health and Family, October 2010:5

<sup>69</sup> *Health Master Plan 2006-2015*, Ministry of Health and Family, 2010

69) Paragraph 82 of the State Response attributes the unevenness of data availability across government agencies to a lack of 'gender training'. This aspect, combined with the absence of a coherent system of data collection and management together contributes to the dearth of availability of meaningful development data. A relevant example of such under development is the stagnation of the UN joint programme on MaldivInfo launched in 2007, which was designed to improve data coherence.<sup>70</sup> While efforts are on-going to keep such investments alive, the pace of progress is both slow and lethargic. The Isles programme to monitor project development is a further undertaking to generate useful data and facilitate public access and scrutiny of information about government activities.<sup>71</sup> Currently, this effort focuses primarily on providing island infrastructure development information. The extent to which these programmes are sensitive to gender issues in relation to the production of data remains to be seen.

**n) On the full and effective implementation of BPFA and MDG (CO2007/3, para. 40)**

70) The report to the Fifth South Asia Regional Ministerial Conference Celebrating Beijing +10 held in Pakistan in 2005, noted several areas where activities were being conducted by the State to address gender issues. These included :

- Gender mainstreaming and institutionalising women's development
- Health and education of women
- Human rights and violence against women
- Implementing CEDAW
- Decision making and political participation
- Engendering the media<sup>72</sup>

Whether any of the activities had continued in a sustainable manner and had produced any significant long term effect is questionable. Sweeping changes to the political landscape of the country had since taken place, with a new Constitution that brought fundamental changes to the governance structure.

71) The new government of 2008 formulated a strategic plan for national development aligned with its manifesto pledges. The SAP 2009-2013 states that :

"The government will ensure that policy mandates are operationalized and the issues of gender equality in Maldives are addressed in a systematic manner for women and girls to be able to live a life of prosperity, dignity and respect in a safe and equitable environment."<sup>73</sup>

Therefore, the spirit of women's development and the discourse of 'gender mainstreaming' remained significantly unchanged following the change of government. Nevertheless, in implementation and the practical application of policy to practice, no significant progress has taken place to date.

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<sup>70</sup> UN Maldives Press Release, 27 June 2007, <http://www.un.org.mv/v2/?lid=14&nid=12>, accessed : 05 August 2012 / <http://maldivinfo.planning.gov.mv/>

<sup>71</sup> Isles, <http://isles.egov.mv//AboutIsles.aspx?lid=3>, Accessed : 08 August 2012

<sup>72</sup> *Maldives: Commitments, Action Plans and Challenges*, Ministry of Gender, Family Development and Social Security, 2005, Fifth South Asia Regional Ministerial Conference Celebrating Beijing +10, 3-5May 2005, Pakistan

<sup>73</sup> SAP, 2009-2013, Government of Maldives, pg.24

72) Paragraph 87 of the State Response notes that the “Maldives has achieved five out of eight Millennium Development Goals (MDGs) ahead of the 2015 deadline”. While this statement may be accurate in some respects, it is not entirely correct in important other aspects. The Maldives Country Report on the MDGs states that MDG5 is “fully achieved”.<sup>74</sup> In fact, Target 5B of MDG5 cannot be considered “fully achieved” as universal access to reproductive health is not a reality in the Maldives, making such a claim by the State “both misleading and not entirely accurate”.<sup>75</sup>

73) As paragraph 87 of the State Response also notes, MDG3 to promote gender equality and empower women has not been achieved in the Maldives. While gender parity exists in primary and secondary education, this is far from the case in access to tertiary education.

74) Gender parity in education is discussed under Article 10 on education and gender issues in health matters is discussed under Article 12 on health, in this report.

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

75) Paragraph 90 of the State Response makes reference to the Strategic Action Plan 2008-2013 which outlined the policy position of the then government that gender issues were acknowledged as a cross cutting thematic area. Nevertheless, the extent to which the three policy positions outlined in the State Response had been implemented in practice is an entirely different matter of questionable progress as noted earlier.

76) Paragraph 91 of the State Response reflects the instability of the “gender mainstreaming machinery” that has existed over the years. This point is further discussed in paragraphs 107 to 109 of this report.

77) It is encouraging that paragraph 92 of the State Response acknowledges with such frankness the limitations and inefficiency of the gender focal points framework that had so far been in place. It would be fair to note that the establishment of gender focal points had proved to be a superficial exercise with no concrete output to date.

78) Consultations reveal that gender responsive budgeting (GRB) has not been very well received among policy level actors and continues to find no leverage with important State agencies. Nevertheless, as paragraph 93 of the State Response notes, the United Nations Population Fund (UNFPA) did attempt to introduce GRB during the last UN programme cycle. In 2012, UNFPA in partnership with UN Women plans to continue efforts to advocate the adoption of GRB in their projects with the State.

*End of part*

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<sup>74</sup> Millennium Development Goals : Maldives Country Report, 2010:11

<sup>75</sup> Maternal Health, Sexual Reproductive Health and Rights, Gender Equality and Women’s Empowerment : A Rapid Situation Assessment of the Maldives, ARROW, Malaysia, October 2011 (unpublished)

## Part II

### Commentary on the State Progress Report on CEDAW Articles

#### Articles 1 – 6

##### *Article 1: Definition of discrimination against women*

##### Issues raised, observations and concerns

- 79) Paragraph 96 of the State Response accurately highlights the explicit inclusion of “sex” among other variables in Article 17(a) of the 2008 Constitution, on non-discrimination. Therefore, non-discrimination on the basis of sex is clearly assured by the Constitution.
- 80) Paragraph 97 of the State Response correctly observes the lack of precision in the State’s compliance with CEDAW Article 1 and the limitations in recognising direct and indirect discrimination. Nevertheless, Article 62(a) of the 2008 Constitution inherently stipulates that the rights specified in Chapter 2 “are guaranteed equally to female and male persons”. Article 18 further provides that it is the duty of the State to “follow the provisions” of the Constitution.
- 81) The State correctly notes the existing ambiguity on the status of CEDAW in domestic legislation with the continued blanket reservation on Article 16 of the Convention. However, the State’s effort to address this issue in 2011 has already been noted in paragraph 23 of this report.
- 82) In light of the fact that the State ratified CEDAW in 1993, it is notable that the State is critical of its own progress in complying with CEDAW. While such acknowledgement is encouraging, a greater commitment to CEDAW compliance by the State is much overdue.
- 83) In its response to the CEDAW Committee in 2006, the State reported that “international instruments the Maldives is signatory to takes effect in domestic law only when domestic legislation is adopted”.<sup>76</sup> The 2008 Constitution with its Bill of Rights (Chapter 2) is a fundamental step forward towards aligning domestic legislation with CEDAW and other human rights Conventions to which the State is a signatory. Nevertheless, to date, the State has made negligible progress in this regard. The State has acknowledged elsewhere that “the legal system lacks secondary legislation on equality and anti-discrimination”.<sup>77</sup> The State has specifically reported that “there is no anti-discrimination

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<sup>76</sup> CEDAW/C/MDV/Q/3/Add.1, September 2006, pg.2

<sup>77</sup> UPR ; A/HRC/WG.6/9/MDV/1/Rev.1, August 2010, paragraph 37

legislation currently in the Maldives.”<sup>78</sup> In this context, the concern is as always, about the commitment of the State and the will of State agencies to prioritise and facilitate the production of such legislation.

### Recommendations

- 84) Accelerate the development of the legislative framework by producing the necessary secondary legislation to remove any existing direct and indirect *de jure* discriminatory practices that undermine the *de facto* equality of women and men in Maldivian society.
- 85) Prioritise and increase efforts to sensitise and educate members of the People’s Majlis, the Judiciary and all State institutions including the Independent Commissions and the Civil Service, on human rights and non-discrimination as per CEDAW and other human rights Conventions to which the State is party.

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

#### Issues raised, observations and concerns

- 86) The State’s response to Article 2 in paragraphs 98 – 102 is largely a repetition of the information provided in paragraphs 31–33 of the State Response, regarding relevant legislations (see paragraphs 24-25 of this report).
- 87) While certain legislations have been passed which may not overtly favour discriminatory practices, these developments have to be viewed in the broader social context and the overall system and the mechanisms that exist within it, to implement and enforce such legislations.
- 88) It is evident that the State struggles to implement its obligations to CEDAW insofar as establishing the necessary legislative framework is concerned. The removal of the gender bar from the Constitution is a significant milestone. However, in terms of legislation, meaningful progress to eliminate discrimination against women resulting in an improvement in the *de facto* situation of women is yet to take place.
- 89) It is beyond the scope of this report to provide a reasonable account of the situation and the numerous issues relating to the Maldivian judiciary. However, judicial Sensitivity is a major factor in any progress towards the goal of eliminating discrimination against women and the establishment of equitable justice. Therefore, it is imperative that some clarification of the context is provided.
- 90) Judicial reform has been a slow process in the Maldives, fraught with challenges. Summarising a comprehensive review of the Maldivian judicial system in 2004, Professor Paul Robinson observed

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<sup>78</sup> Maldives Common Core Document to the UN HRI ; HRI/CORE/MDV/2010, paragraph 34

that "the Maldivian criminal justice system systematically fails to do justice and regularly does injustice, that the reforms needed are wide-ranging and that without dramatic change the system and its public reputation are likely to deteriorate further."<sup>79</sup>

91) A study to assess gender issues in the criminal justice system was also conducted in 2004, which noted several concerns about which, a series of recommendations were proposed. However, the significant majority of these recommendations remain yet to be addressed.<sup>80</sup> The report highlights issues relating to existing practices within the justice system, professional development of law enforcement personnel, victim support and the necessity to change the profile of the criminal justice system and judiciary to develop strategies to include women. The report recommended the creation of rules to facilitate the "admissibility of forensic evidence and expert witnesses and equal value given to evidence given by men and women".<sup>81</sup> It further cited the existing difficulties to prove rape and sexual violence offences due to the stringent requirement for eyewitnesses, a situation that remains unchanged.

92) In 2005, Hon. Justice Markus R Enfield made some striking observations in his assessment of the Maldivian judiciary. He observed that the "judicial system is in considerable disarray" with "no judicial independence, Judges receive little or no legal training and they have minimal expertise" and "[t]here is little respect for and trust in the judiciary."<sup>82</sup> Justice Enfield further observed that "[t]here is virtually no reference in the High Court to previously decided cases because there are no law reports. There is accordingly much inconsistency in judgments on similar types of cases."<sup>83</sup> He further concluded that "[t]his entire situation needs no words of condemnation from me. It contravenes basic tenets of the rule of law, is completely unsatisfactory and requires urgent change."<sup>84</sup>

93) Following the adoption of the 2008 Constitution and the subsequent democratic transition in the country, one of the most fundamental changes that had occurred is the separation of the three powers of the State - the Executive, Legislature and Judiciary. A two year interim period was stipulated in the Constitution to establish the new institutional framework for democratic governance. However, following a turbulent interim period, it was the incumbent judiciary that took office in 2010.<sup>85</sup> The net result was that the same judiciary described by Justice Enfield in 2005, remained.

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<sup>79</sup> Professor Paul H Robinson, *Report on the Criminal Justice System of the Republic of Maldives : Proposals for Reform*, for UNDP/AGO, 03 August 2004:3

<sup>80</sup> *Gender Issues in the Criminal Justice System of the Maldives*, Alder C and Polk K, University of Melbourne, September 2004

<sup>81</sup> Ibid

<sup>82</sup> Hon. Justice Markus R Enfield, *Strengthening the Maldivian Judicial System : Draft Discussion Paper*, June 2005

<sup>83</sup> Ibid

<sup>84</sup> Ibid

<sup>85</sup> Velezinee, A, *English Translation of Transcript : Appealing to Judges not to take Oath; respect Constitution*, <http://www.velezinee.aishath.com/content/english-translation-transcript-appealing-judges-not-take-oath-respect-constitution>, accessed : 10 August 2012

- 94) In February 2011, a delegation from the International Commission of Jurists (ICJ) reported that “[t]he Maldives continues to face the opportunities and challenges of a rapid and profound democratic transition” which “remains fragile as nascent institutions are yet to be consolidated through laws, regulations and the inculcation of new institutional cultures that embody and promote unquestioned respect for the rule of law.”<sup>86</sup>
- 95) The ICJ report further stated that “[t]here is no disagreement among stakeholders, including judges, that the majority of magistrates and some higher-level judges lack the education and in-service training opportunities that would enable them to respond to new demands under the 2008 Constitution. The vast majority of trial judges, particularly those posted to island magistrate courts, have only a certificate of judicial training, a minority have a two-year diploma, while there are a negligible number of four-year law graduates.”<sup>87</sup> In this context, a telling anecdote about the capacity of some judges is reflected in the following statement attributed to a sitting judge, provided by a reliable consulted stakeholder. According to this statement, regarding the issue of girl child sexual abuse by kin, the judge is alleged to have expressed the view that “the natural order is that the most deserving to eat the fruit of a tree is the owner of the tree”. To most and particularly to those advocating the rights of children, this frame of reference and personal viewpoint expressed by a member of the judiciary is nothing short of shocking. It further provides insights into the seriousness of the existing need to educate some Maldivian judges on human rights at its most basic and conceptual level.
- 96) In the above described overall situation during the approximate time-frame of the reporting period of this report, important questions about the capacity of the judiciary to adhere to and uphold State obligations to the CEDAW Convention must be considered very much in context.
- 97) Therefore, it is still relevant and important to re-iterate paragraph 92 of the NGO Shadow Report to the CEDAW Committee in 2006 which states “[t]he Convention is not incorporated into domestic law”.<sup>88</sup>
- 98) From a policy point of view, government recognition of the need to strengthen the justice sector is well articulated in the SAP 2009-2013 chapter on Good Governance, under the category entitled Rule of Law and Justice. The government recognised that “[m]any judges lack professional training and the courts are largely dominated by ineffectually trained judges and magistrates.”<sup>89</sup> Furthermore, the SAP states that the government “seeks to strengthen gender sensitization and understanding of human rights standards across the law enforcement, legal and judicial sectors”.<sup>90</sup>

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<sup>86</sup> *Maldives : Securing an Independent Judiciary in a Time of Transition*, International Commission of Jurists (ICJ), February 2011:20, paragraph 52

<sup>87</sup> *Ibid*:28, paragraph 84

<sup>88</sup> *NGO Shadow Report on CEDAW – Maldives, 2006*, paragraph 92, pg.15

<sup>89</sup> SAP 2009-2013, Government of Maldives, pg.122

<sup>90</sup> *Ibid*

## Recommendations

- 99) Re-visit the recommendations for judicial reform made by judicial experts in existing studies and reports observed above. Consider these recommendations with a view to addressing and rectifying observed shortcomings with specific emphasis on those recommendations that seek to eliminate discriminatory practices against women. Specific recommendations from the study, Gender Issues in the Criminal Justice System of the Maldives, requiring immediate attention include recommendations 3, 7, 8, 9, 10, 11, 12, 13 and 14(2) (see Appendix 6 for details).

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

#### Issues raised, observations and concerns

- 100) The SAP 2009-2013 includes “gender” as a key cross-cutting theme (among seven such themes) identified for policy consideration as shown in figure 2. Additionally, the sensitisation of “all lead agencies and stakeholders” on gender issues is noted as a thematic requirement on good governance within the SAP.<sup>91</sup>

**Figure 2**  
Articulation of policy priority on gender issues, in the SAP 2009 – 2013, pf28  
(image captured from document)

*iv. Gender;* The National Gender Equality Policy is founded upon the fundamental principle of *Equality for All* enshrined in the Constitution of the Republic of Maldives (2008) and the highest level political commitment and policy directives declared by His Excellency President Mohamed Nasheed. The National Gender Equality Policy aims to promote substantive equality through a dual approach: Gender Mainstreaming in all areas and strategic action on Empowerment and Advancement of Women in all areas, so that women and men enjoy fundamental human rights and rewards of democracy on a basis of equality of men and women.

The government recognizes that an effective institutional mechanism is crucial to achieve successful gender mainstreaming. The process has been initiated to establish a *National Machinery for the Advancement of Women (NWM)* that can inform and influence policy, programmes and action in all sectors including the operationalization of the Strategic Action Plan.

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<sup>91</sup> Ibid:130

101) It is unclear whether paragraph 104 of the State Response is referring to the SAP in terms of content. However, a technical Gender Equality Policy draft paper produced in 2009, which is the source of reference for the government's gender policy, identifies four broad policy goals as follows :

1. to develop and activate the necessary policy, legislative and institutional framework for gender equality ... *on a basis of equality of men and women*
2. to empower women to facilitate their equal access to available opportunities with equal outcomes / results *on a basis of equality of men and women*
3. to cultivate a culture of non-discrimination and respect for women's human rights on a basis of equality of men and women
4. to eliminate all forms of discrimination against women<sup>92</sup>

102) The National Gender Equality Policy further provides three strategic directions for policy implementation, as follows :

1. gender mainstreaming,
2. temporary special measures or affirmative action to redress existing inequalities due to historical discrimination
3. empowerment of women.<sup>93</sup>

103) Paragraph 105 of the State Response accurately observes the "shifting .. status" of the "national gender machinery". Appendix 2 of this report provides a historical timeline of the many transitions the National Women's Machinery (NWM) has experienced since its initiation in 1979. It helps to provide an overview of the shifting nature of the NWM and gives an indication of how effective it could be within a framework of constant re-branding and relocation within the governance structure over the course of its history. The continued survival of the NWM is perhaps the positive element to observe.

104) Paragraph 105 of the State Response also accurately observes that, despite the mandate of the NWM, it does not have the capacity to implement its gender mainstreaming mandate, having "no sustained gender management system" to do so.

105) Paragraph 106 of the State Response highlights an important oversight by the State in the implementation of its gender mainstreaming policy by allocating State officials in political posts as gender focal points in line Ministries. Although the 2012 change of government was unprecedented, it has showed that having political appointees as gender focal points is unsustainable for the long term achievement of planned policy goals.

106) The government's policy on gender mainstreaming outlined in the SAP and the gender equality draft policy of 2009 is both CEDAW compliant and equally idealistic on paper, despite the

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<sup>92</sup> National Gender Equality Policy and Framework for Operationalisation (Draft 1), Republic of Maldives, May 2009, supported by UNFPA, pg.4

<sup>93</sup> Ibid

challenging socio-political situation of the country. Nevertheless, with the benefit of hindsight, it is possible to say that the efforts to strengthen the NWM over the last several years have been predictably challenging and largely impossible. One of the key inconsistencies in the implementation of the policy is the lack of meaningful capacity building and resource allocation to uphold the mandate. As observed in the SAP itself :

“The key factors for developing the new architecture included the weak positioning of previous NWMs, inadequate resources, the lack of a strong and coherent policy framework, and failure to build national capacity to translate political commitments to action. The majority of initiatives undertaken have been ad-hoc and largely donor led. Ownership and commitment, especially of the different stakeholder ministries and departments have been a challenge.”<sup>94</sup>

107) It is possible to say that the efforts to turn around the existing weak NWM through the new policy position had been equally if not more challenging. The downsizing of the Ministry of Gender and Family to a department and the merging of this Ministry with the Ministry of Health was viewed by most observers as a retrograde step which undermined the existing NWM. This action in 2008 and subsequent indirect others, such as the method used to restructure and downsize the civil service, saw the loss of existing human resource capacity in the NWM. The initial high level attention given to gender mainstreaming shifted from the President’s Office to the marginalised NWM which ultimately lost its capacity to retain any existing gains made within the NWM over the years.

108) It is evident that in 2008 the government’s gender equality policy position was well intended. However, its capacity to manage the implementation of the policy requires much more serious study, based on the experiences of the past several years. The current political instability and shifting situation of the governance structure makes it difficult to comment on the situation right now. Since the re-naming of the current NWM to the Ministry of Gender, Family and Human Rights and yet again the becoming to Ministry of Law and Gender in 2014, the policy direction is yet to be analysed how it will benefit the women empowerment. On the whole, the country’s NWM can be summarised as one in which policy and practice is seriously ill-matched and complacency in policy implementation constitutes the defining feature of it.

### Recommendations

109) Gender focal points tasked with the mandate to implement the gender mainstreaming policy must be embedded within the structure of the Civil Service, and not assigned to transient political positions.

110) Prioritise the retention of technocrats within the civil service who have the requisite gender sensitivity, training, experience and capacity to support and implement the gender mainstreaming policy.

111) Prioritise resource allocation and professional capacity development of all relevant civil servants to actively implement the proposed CEDAW compliant gender mainstreaming policy.

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<sup>94</sup> SAP, 2009-2013, Government of Maldives, pg.471

Issues raised, observations and concerns

- 112) As noted in paragraph 107 of the State Response, temporary special measures as recommended by CEDAW are requisite to the acceleration of equality between men and women, although efforts to initiate this has thus far been unsuccessful in the People's Majlis.
- 113) In 2006, during the revision of the Constitution, a submission was made by female MP Aneesa Ahmed to include a 15% women's quota in the People's Majlis. At that time, there were a total of 11 female MPs in the combined Special Majlis and the People's Majlis<sup>95</sup>. These included 3 elected female MPs (2 in the People's Majlis and 1 in the Special Majlis) and 8 President appointed MPs, 4 each at both the People's Majlis and the Special Majlis. It is notable that the large majority of female MPs were not elected members. The submission for the women's quota went to a vote on 28 November 2006 and was rejected with 56% against the motion and 44% in favour.<sup>96</sup>
- 114) Following this defeat, lobbying continued through informal discussions for the inclusion of 10 seats for women, rather than a percentile quota. According to former MP Aneesa Ahmed, in November 2007 agreement was reached through informal discussions with members to accept this motion. However, dissent among some male MPs who claimed that this was a re-submission of the previously rejected motion thwarted efforts to even submit this motion to the Majlis floor on 14 November 2007. This resulted in a protest by female MPs at the subsequent Majlis meeting the same evening, when they chose to wear red dresses and staged a silent protest on the Majlis floor. Major disruption of proceedings ensued and the women's silent protest led to the cancellation of that meeting.<sup>97</sup> Despite these efforts of female MPs to include a women's quota in parliament, it is evident that male resistance was both consistent and fierce in both 2006 and 2007, with the situation continuing to remain unchanged today.

As observed in paragraph 21 of this report, the submission by MP Eva Abdulla to include a women's quota for local council elections within the Decentralisation Bill, debated in parliament in 2010, was dismissed without consideration or discussion. This is wholly consistent with the response observed in the NGO Shadow Report to the CEDAW Committee in 2006, in connection with the proposal to include a women's quota during the revision of the Constitution.<sup>98</sup> The concerns raised in that report six years ago describe the status quo as this situation remains unchanged.

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<sup>95</sup> The Special Majlis was convened temporarily during the revision of the 1998 Constitution

<sup>96</sup> Data source – Aneesa Ahmed. [A total of 88 members cast their vote, 49 voted no and 39 voted yes.]

<sup>97</sup> Personal communication with former MP Aneesa Ahmed

<sup>98</sup> NGO Shadow Report to the CEDAW Committee, 2006, pg.32, paragraph 194

115) While the Political Parties Bill was at the People’s Majlis, Hope for Women NGO submitted a proposal in February 2012 recommending the inclusion of a women’s quota of 30% for political party electoral candidates. The Majlis committee ignored the proposed amendments and the bill was ratified in March 2013

### Recommendations

116) Initiate temporary special measures as proposed by CEDAW General Recommendation No.25, to accelerate “*de facto* or substantive equality for women” by including a 30% quota for women in the People’s Majlis, at local councils as well as for electoral candidates of political parties.

117) As an immediate measure, the equal representation of men and women in all presidential and parliamentary appointments for State institutions, various appointed commissions, committees and similar entities can be initiated to begin to bridge the existing gender gaps at senior levels.

118) Strengthen advocacy efforts to implement temporary special measures in line with General Recommendation No. 25, to empower women and to significantly improve women’s representation in governance and decision making positions at all levels, to contribute equitably alongside men.

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

### Issues raised, observations and concerns

119) The State Response on Article 5 is predominantly and almost solely concentrated on the issue of VAW, in paragraphs 108 to 112 (pages 21-22 of the State Response). While this is a serious and core concern, there are other concerns relating to sex roles and stereotyping which contributes to long lasting negative effects on the lives of girls and women in the Maldives which are not mentioned here.

120) It is acknowledged that the State faces many challenges, as do civil society organisations. However, the fact that the State Response does not provide any information on some of the pressing concerns relating to sex roles and stereotyping that prevails in Maldivian society to the detriment of women, is regrettable.

121) Encouraging developments have taken place during the last reporting period on the issue of VAW, specifically the gains made on addressing the issue of DV. The publication of the Maldives

#### In the Maldives

- 1 in 3 women aged 15 – 49 experience physical and/or sexual violence at some point in her life.
- 1 in 5 women aged 15 – 49 experience physical and/or sexual violence by an intimate partner.
- 1 in 8 women aged 15 – 49 reported experiencing childhood sexual abuse before reaching 15 years.

Women’s Study on Women’s Health and Life Experiences, 2007

Study on Women's Health and Life Experiences in 2007 following a nationwide survey to assess the situation on VAW was a historical milestone in the efforts to address this social injustice. The findings of this survey helped to highlight the depth of the issue, as the data reveals.<sup>99</sup> The subsequent public recognition and acknowledgement of this highly sensitive issue but state authorities is an important step forward. However, little meaningful progress has been made at ground level, to attend to this issue to alleviate the situation of women who are victims of violence.

122) As the State Response observes in paragraphs 10 and 11, the passage of the Domestic Violence (DV) Prevention Act\* in April 2012 is a further development in the right direction. This was the result of significant and broad based advocacy efforts by supporters of the DV prevention bill over a period of over two years when the People's Majlis was lobbied by anti-DV advocates supported by UN partners, civil society actors as well as interested individuals.

123) However, the DV Prevention Act is fraught with challenges to effective implementation in the existing situation with several obstacles. These include the almost debilitating weaknesses in the law enforcement sector and barriers to the provision of necessary social protection services. Notable factors include limitations in investigative capacity, weaknesses in judicial scrutiny and capacity to consider evidence, as well as the lack of protection and social support services. The absence of an Evidence Act contributes to a crippling effect in law enforcement in a judicial system that favours confessional rather than forensic evidence.

124) Resistance towards the DV Prevention Act persists from influential sources, having been publicly contested and overtly declared unwelcome by certain actors in Maldivian society who consider it a 'problematic' law. Notable among those that reject the DV Prevention Act are those within academic circles favouring conservative religious ideologies that do not sit well with Constitutional human rights standards supporting non-discrimination and equality between men and women.<sup>100</sup> It is also noteworthy that an Islamic scholar declared that in Islam, there is no such thing as marital rape, asserting that this is as clear as "black and white".<sup>101</sup> Incidentally, the DV Prevention Act does not specifically address the issue of marital rape, which is in fact a weakness of the law. Reliable information suggests that the reason for the exclusion of this issue is mainly due to the anticipated resistance towards the DV Prevention Act from conservative religious actors. This resistance is very evident among several MPs, who during parliamentary discussions on the bill in 2010, made comments consistent with such views. However, the Sexual offense Act which was ratified in May 2014, recognizes marital rape in some instances.

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<sup>99</sup> Maldives Study on Women's Health and Life Experiences, Ministry of Gender and Family, 2007

\* hereafter referred to as the DV Prevention Act

<sup>100</sup> The DV Prevention Act was described as a law that will exacerbate issues, rather than offer solutions, by an academic at a lecture given at the Maldives National University, Faculty of Shari'ah and Law on 25 April 2012, a few weeks after the passage of the DV Prevention Act. It is notable that the lecture was a critique of the Draft Penal Code and primarily concentrated on the issue of 'zina' in that draft bill. [Author's observations based on attendance at the lecture].

<sup>101</sup> Same event as above

125) Regardless, there is no question that this is a much needed and long awaited piece of legislation that was invoked within weeks of its ratification. Local media reported the first protective order issued under the DV Prevention Act in May 2012, citing that in “a statement released on Thursday, the police said that the woman has been “a victim of domestic abuse for 21 years” and has faced various forms of abuse from her husband over the years.”<sup>102</sup> While today there are five established shelters for DV survivors, the situation of protection services the State is able to provide is cause for great concern.

126) The Family and Child Protection Service Centres (FCSCs) mentioned in paragraphs 110 and 111 of the State Response were established from 2006 onwards, with centres in 20 atolls by 2008.<sup>103</sup> The FCSC thus became the primary State entity tasked with attending to family and social issues that affect specifically children and by default, women. An information leaflet reports that between August 2007 and June 2008, the FCSC network reached a total of 2583 persons through a variety of 194 awareness raising programmes.<sup>104</sup> The efficacy of such awareness raising efforts is unclear, as monitoring and evaluation is often overlooked and such reports are unavailable. If reports on later developments such as the Child toll free Helpline initiated in 2009 can be considered as an indicator of progress, the effectiveness of awareness raising efforts can be viewed both positively and negatively.<sup>105</sup> Positively due to the fact that the Child Helpline was “inundated” with calls during the first month of its launch suggesting increased confidence in reporting abuse. This can be interpreted negatively also, as the awareness raising had failed to prevent the occurrence of abuse of children and women which, as the 2007 study on VAW shows, is alarmingly common in Maldivian society.

127) All FCSCs have not been operational, many lacking basic operational standards with little or no amenities to provide temporary refuge to victims of violence. Regrettably, despite the States’ claim that the DGFPS provides a “range of services” (in paragraph 111 of the State Response), service provision is not a particular strength of the DGFPS, despite the efforts of dedicated staff. Government restructuring efforts in 2008 had led to the depletion of technical staff within this unit, effectively undermining the existing strength and institutional memory and knowledge on sectoral development gains. In reality, the DGFPS is historically a seriously under-funded, ill- equipped, mismanaged and under-resourced agency largely dependent on donor funded programmes which, in many instances proved challenging to expend due to capacity constraints.<sup>106</sup> Considering the Maldives’ current middle-income country (MIC) status, the States’ capacity to provide necessary social care services to vulnerable citizens belies its affluence.<sup>107</sup>

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<sup>102</sup> *Maldives’ first protective order issued to a woman allegedly abused by husband for 21 years*, Minivan News, 03 May 2012, <http://minivannews.com/politics/maldives-first-protective-order-issued-to-a-woman-allegedly-abused-by-husband-for-21-years-36656>, accessed : 12 August 2012

<sup>103</sup> *Providing Decentralised Social Protection Services 2006-2008*, Ministry of Gender and Family (published leaflet, undated)

<sup>104</sup> *Ibid*:16-17

<sup>105</sup><sup>105</sup> *Childline inundated with calls in first month*, Minivan News, 23 December 2009, <http://minivannews.com/society/childline-inundated-with-calls-in-first-month-1599>, accessed : 12 August 2012

<sup>106</sup> *UNFPA Fourth Country Programme 2008-2010 : Evaluation*, October 2010

<sup>107</sup> UN Data, Maldives Gross National Income (GNI) per capita US\$ in 2000 = 2183 / 2005 = 2441 / 2009 = 3914, <http://data.un.org/CountryProfile.aspx?crName=MALDIVES#Summary>, accessed : 12 August 2012

128) Sexual harassment in the workplace is another issue connected to sex roles and stereotyping. While this is yet another area that remains to be addressed. In 2012 a high profile case helped to bring this issue to unprecedented public attention. Media reports publicized the case of a female civil servant, employed at the CSC who alleged being sexually harassed by the President of the CSC.<sup>108</sup> The employee filed a complaint with the oversight Committee for Independent Commissions at the People's Majilis as well as the Maldives Police Services (MPS). The Committee for Independent Commissions called for the resignation of the president of the CSC which he rejected, stating that the allegations were false.<sup>109</sup> Protesters calling for the resignation of the President of the Civil Service Commission were held outside government offices, organized by a group of members of the Maldives Democratic Party (MDP) Women's Wing.<sup>110</sup> Most recent reports suggest that following an investigation by the Police, the case has now been sent to the prosecutor General's Office.<sup>111</sup> It is unclear at the time of writing how this case will conclude. Reporting is often ad-hoc in the Maldivian media. However, this is a story that is being carefully followed to date. It is notable that this case has become a landmark case and promises to set a precedent for future cases of sexual harassment in the workplace, in particular the civil service. It provides an opening for women to come forward and challenge existing stereotypes which undermine respect and dignity of women in the workplace.

129) The fact that harassment of women takes place on the streets and in public is also evident, based on media reports. In March 2012, local media Minivan News reported about the prevalence of street harassment and sexual assault on foreign women living in Malé.<sup>112</sup>

130) The 2008 Constitution guaranteed freedom of expression in its most comprehensive sense. This however, has been an opening in some respects for the completely unchecked expression of all kinds of views, including conservative religious views which negatively affect the situation of women. The promotion of gender stereotypes, sex segregation in social organisation and attempts to solidify gender roles that are arguably unfeasible in many respects in the socio-economic context of the Maldives, are increasingly endorsed by extremist religious groups. Some of the critical concerns linked to these developments are elaborated in Part III of this report.

131) It is worrying that the State Response had failed to raise here the discriminatory elements embedded within the school curriculum that sustains discriminatory practices against girls and

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<sup>108</sup> Police probe sexual harassment case against CSC President Fahmy, Haveeru Online, 28 June 2012, <http://www.haveeru.com.mv/news/43014>, accessed : 12 August 2012

<sup>107</sup><sup>109</sup> CSC President Fahmy given 14 days to resign over sexual harassment, Haveeru Online, <http://www.haveeru.com.mv/news/43330>, accessed : 12 August 2012

<sup>110</sup> MDP Women's Wing protest against alleged sexual harassment, call for Fahmy's resignation, Minivan News, 18 July 2012, <http://minivannews.com/politics/mdp-women%E2%80%99s-wing-protest-against-alleged-sexual-harassment-call-for-fahmys-resignation-40872>, accessed : 12 August 2012

<sup>111</sup> Police send CSC Fahmy's sexual harassment case to Prosecutor General, Minivan News, 02 August 2012, <http://minivannews.com/society/police-send-csc-fahmy%E2%80%99s-sexual-harassment-case-to-prosecutor-general-41501>, accessed : 12 August 2012

<sup>112</sup> *Teased, touched and assaulted : foreign women facing harassment*, Minivan News, 27 March 2012, <http://minivannews.com/society/teased-touched-and-assaulted-foreign-women-facing-harassment-34147>, accessed : 12 August 2012

women. Paragraph 149 of the State Response makes reference to “gender biases and stereotypes” in “current textbooks”, which is a mild acknowledgement of the reality.

### Recommendations

- 132) Incorporate gender sensitization information in the school curriculum at primary, secondary and higher secondary levels. The same is relevant to higher education institutions in both the public and private sectors.
- 133) Include gender sensitization as an integral part of all human rights knowledge building and training to all target audiences, particularly for teachers.
- 134) Prioritize gender sensitization training for all public service personnel including the civil service and all other key institutions of the State, including the Peoples’ Majlis, the judiciary and all the independent institutions, as well as political parties.
- 135) Prioritize gender sensitization training for all actors within the law enforcement authorities and security services, specifically the MPS, the Maldives National Defense Force (MNDF), prosecutors, judges and the courts system.

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

#### Issues raised, observations and concerns

- 136) As paragraph 113 of the State Response notes, the exploitation and trafficking of persons is not an area that has been researched although the assertion these are “new developments” is not entirely accurate. It is understood that the HRCM undertook research on human trafficking in 2010. However, to date no findings of this work has been published. (see paragraph 44 of this report).
- 137) Some of the aspects mentioned in paragraph 114 of the State Response have been discussed elsewhere in this report. The issue of “prostitution of local girls” has been known for some time, particularly in relation to the drugs trade and the exposure to abuse of vulnerable and at risk young people by predatory elements as sex-workers. This is evident from the Biological and Behavioural Survey produced in 2008 to assess the HIV/AIDs situation, by a project undertaken by the Global Fund and the UN system in the Maldives.<sup>113</sup> It is understood that other studies have been conducted although reluctance by stakeholders to disclose such information is evident, due to the sensitive nature of the information. It is clear that despite available information, the State has not been able to make headway in addressing these issues.

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<sup>113</sup> Biological and Behavioural Survey on HIV/AIDs 2008, (BBS) Maldives, Supported by Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM), 2008

- 138) Paragraph 115 of the State Report states that some existing laws are “partly used to prosecute sex trafficking and child trafficking offences”. There is no information available to verify the validity of this. Available information suggests that no trafficking related prosecutions have taken place in the absence of a definition of human trafficking in the Maldives context.
- 139) Anecdotal evidence exists to suggest the exploitation of vulnerable women through the culturally accepted norm of placing young women from rural islands in households in urban Malé. This is often done for the purpose of accessing education opportunities for rural young people, where they are frequently exposed to abuse and ill-treatment by host families and/or guardians. However, to date, no formal enquiries have been conducted to understand this common cultural practice which continues to put young women at great risk of exploitation and abuse. Consultations with rural women show that there is much anxiety and misgiving about allowing young women to leave their island homes to live in Malé to access higher education in this way, due to security fears. Effectively, the situation requires parents to risk the security of their children to facilitate access to higher education. The situation supports the existing stereotype to downplay and undermine the importance of the development of the girl child.
- 140) According to a rapid assessment on the housing situation by the HRCM, “the rental market in Malé is over-heated”.<sup>114</sup> There are emerging concerns about the increased prevalence of young people who move to Malé from the atolls, who share accommodation in congested Malé, exposing them to greater risks of exploitation and entrapment.<sup>115</sup> A recent media report raised concerns about young girls who sub-let their accommodation to others to afford rent, which is an issue yet to be explored. The report observed the practice of house sharing by multiple occupants, providing an example where one sub-letting tenant was seeking 5 young women to be accommodated in an 8ft by 6ft room.<sup>116</sup> Young, rural women are perceived to be the most vulnerable groups to exploitation in such situations. The deficient high education and employment opportunities in rural communities and the serious congestion and high cost of living in Malé pose significant risk of exploitation and abuse of young girls.
- 141) Although there is reason to believe that the State has adequate information to understand the seriousness of the issue, lack of prioritisation leading to human resource and capacity constraints limit the State’s ability to address the issue. The prevailing country situation undermines progress in addressing pressing social concerns affecting particularly vulnerable and at risk groups, including women exposed to prostitution and exploitation.
- 142) Although the Maldives ratified the SAARC\* Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2003, the Convention only came into force in 2006.<sup>117</sup> There is no information available to suggest that participation in the SAARC Convention has

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<sup>114</sup> *Rapid Assessment of the Housing Situation in the Maldives*, HRCM, circa 2008 [undated]

<sup>115</sup><sup>115</sup> “Accommodate students, employees”, Haveeru Online, 19 May 2012, <http://www.haveeru.com.mv/dhivehi/blog/121341>, accessed : 07 September 2012

<sup>116</sup> Ibid

<sup>117</sup> Review of the SAARC\* Convention and the Current Status of Implementation in Bangladesh, Final Draft, October 2009:12 [\* SAARC - South Asian Association for Regional Cooperation]

resulted in any progress to combat the issue of human trafficking and exploitation in the Maldives.

143) The issue of the haste with which foreign women are accused of prostitution and deported after being found in “brothels” is a clear indicator of the level of gender bias that exists in the way law enforcement authorities handle such cases that bear the hallmarks of human trafficking (see also paragraph 44 of this report). It is not known if men are treated in this way and the available information suggests that the accusation of “prostitution” is directed solely at women, exposing possibly trafficked women to further victimization and injustice by the State.

### Recommendations

144) Ensure that the Anti-Human Trafficking Act include the appropriate implementation mechanisms, to assure its functional effectiveness with full consideration given to the recommendations of the UNHRC Concluding Observations to the CCPR in July 2012.<sup>118</sup>

145) Prioritize the issue of sensitization, training and capacity building of relevant personnel within the law enforcement authorities including immigration officers, to support the effective implementation of anti-human trafficking and related legislation.

### Article 7 – 9

#### *Article 7: Political Participation*

### Issues raised, observations and concerns

146) Political participation of women at senior decision making levels is particularly weak in the Maldives. Paragraph 120 of the State Response observes high female participation in voting at elections. However, a political violence monitoring assessment produced by an NGO in 2011 found that of the small sample of women interviewed in the survey, the majority of women respondents observed that “pressuring or influencing a woman to vote for a certain candidate is a common occurrence.”<sup>119</sup> Additionally, the report noted that “[r]espondents believed that the biggest obstacle to women’s participation in active politics was that men or society in general, expect women to stay in traditional roles”.<sup>120</sup> Anecdotal evidence also supports the assertion that women’s voting behaviour is deeply influenced by men. A somewhat extreme example of an anecdote is the use of religion to influence voting, compelling a woman to take an oath on the Qur’an to vote as instructed by a religious ‘scholar’.<sup>121</sup> This same approach is reportedly used by some men to ensure that their wives vote as instructed by them. While such tactics may be used to influence men too, the available information is strong both historically and now about attempts

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<sup>118</sup> 105<sup>th</sup> Session of the UNHRC, CCPR/C/MDV/CO/1, 9-27 July 2012, paragraph 17a, b, c, d, e

<sup>119</sup> *Political Violence Monitoring*, Maldivian Democracy Network (MDN), 2011:61

<sup>120</sup> *Ibid*

<sup>121</sup> Personal communication with a woman political activist

made by men to control and dictate women's voting behaviour.

147) At the time of writing, the People's Majlis had 5 female members out of a total of 77, constituting 6.4% female representation in parliament. All 5 women were appointed on a party ticket, although it is notable that a few women did run for the parliamentary elections in 2009 as independents. Following 2014 election, there are 5 women out of a total of 85 members in the Peoples Majlis, reducing to 5.88% women representation in parliament.

148) As paragraph 121 of the State Response observes, "gross disparities" exist between men and women in political representation. The first 2011 local council highlighted this disparity. From a total of 1086 elected councillors across the country, only 58 were women, elected to lead local councils and make local governance decisions for island and community development. This constitutes 5.3% representation of women in local government positions at island, atoll and city council levels. Notably, there are no women councillors in any of the councils of the major urban centres, such as Malé City, Addu City in the south or Kulhudhuffushi Council in the north. It is worth noting that 27 of the 58 elected council members were participants of the women's empowerment training workshop, explained in paragraph 48 of this report. For many women, the training workshop was the first such opportunity to participate and network with other women in the political arena. In 2014 there were more women who contested however, 60 women were, elected constituting 5.4% representation of women in local government positions at island, atoll and city council levels.

149) The Maldivian Cabinet is a much shuffled entity and appointments can be very transient in the current political climate. However, the Cabinet that was dismissed following the transfer of power in February 2012 had 3 female members from a total of 14 ministerial posts. At the time of writing, out of 16 ministerial posts in the Cabinet, this figure remains at 3, constituting female representation in the Cabinet at 18.75%.<sup>122</sup> Today, the number remains at 2 from a total of 14 ministerial posts.

150) At the time of writing Available figures for the additional political appointees in government, including State Ministers, High Commissioners and Ambassadors and Deputy Ministers showed a sex distribution of 10 women and 70 men, bringing women's representation at policy making level to 12.5%.<sup>123</sup> Today, the sex distribution remains at 23 women to 102 men at policy making level.

151) Women's participation in political party activities has become very evident following the significant political developments that have taken place in the Maldives since 2005. A seemingly

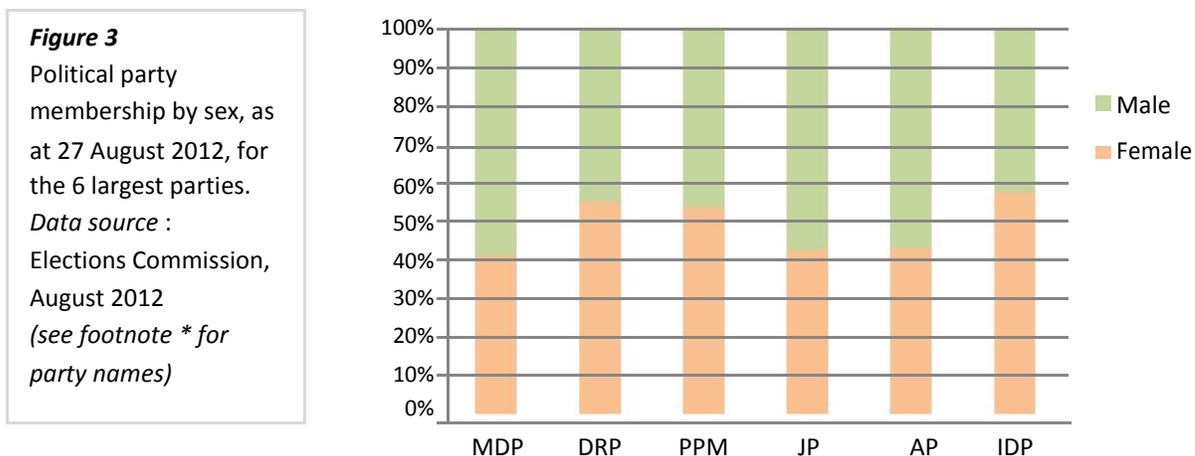
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<sup>122</sup> The President's Office, <http://www.presidencymaldives.gov.mv/Index.aspx?lid=16>, accessed : 13 August 2012

<sup>123</sup> Data courtesy of UNFPA, July 2012

disproportionate number of political parties exist for the country's population, with 15 registered political parties.<sup>124</sup> Political party membership total stands at 124,620 according to data available from the Elections Commission's website.<sup>125</sup> This suggests that nearly 40% of the country's population is registered with a political party. As figure 3 shows, political party membership among women is very high and in some parties, exceeds male membership. However, there are no female heads of political parties to date, although a handful of women are seen among the high profile party ranks.

**Political party membership by sex**  
(as at 27 August 2012)



**152)** Many of the larger political parties have Women's Wings. The largest political party, the MDP has a very active Women's Wing called *Anhenunge Roohu*<sup>126</sup>, which has been particularly vocal, active and visible since the transfer of power to the current administration on 7 February 2012. Available information suggests that the MDP *Anhenunge Roohu* appoints its President through a ballot of the party's women members. The current President was appointed in 2010, with the participation of approximately 18,000 women voters from party branches across the country.<sup>127</sup> Although recently established in 2011, The *Progressive Party of the Maldives* (PPM), is one of the few parties that encouraged women's participation through a quota system. An amendment to the parties' charter, adopted at the 2013 party congress, included a 33 percent quota for women deputy leaders. The 28-member PPM council also reserves four seats for women. The island level branches elect three members to attend the congress, one of whom must be a woman. PPM fielded three female candidates out of

<sup>124</sup> Elections Commission, Maldives, [http://www.elections.gov.mv/index.php?option=com\\_content&view=category&id=5&Itemid=9](http://www.elections.gov.mv/index.php?option=com_content&view=category&id=5&Itemid=9), accessed: 13 August 2012

<sup>125</sup> Elections Commission, Maldives, [http://www.elections.gov.mv/index.php?option=com\\_wrapper&view=wrapper&Itemid=77](http://www.elections.gov.mv/index.php?option=com_wrapper&view=wrapper&Itemid=77), accessed: 13 August 2012. Data as at 12 August 2012. Available data is not sex disaggregated.

<sup>126</sup> *Anhenunge Roohu* translates to "Spirit of Women"

\* MDP – Maldives Democratic Party ; DRP – Dhivehi Rayyithunge Party ; PPM – Progressive Party of Maldives ; JP – Jumhooree Party ; AP – Adhaalath Party ; IDP – Islamic Democratic Party

<sup>127</sup> Personal communication with the President of the MDP Women's Wing

the 23 who contested the parliamentary elections in March 2014, and one was successful<sup>128</sup>. MDP women members' political activism has been particularly notable since February 2012, especially due to various confrontations with security forces over the course of the last several months during political demonstrations. During the current political protest rallies and events, MDP is notable for providing a space for young women to participate to express political opinions and views. It is evident that a large number of women have been participating in rallies and speaking at public gatherings, many for the first time in their lives. What is striking about this new development is that it has become clear that many Maldivian women are willing and quite able to express their political views publicly, given the opportunity to do so. However, having said this, it is important to see how this activism actually translate to leadership roles for women in the political sphere.

153) Paragraphs 123 of the State Response refer to certain political achievements of individual women in Maldivian politics. Current MP Mariya Ahmed Didi and former MP, women's affairs Minister and women's development advocate Aneesa Ahmed are notable female political figures in the Maldives. They have received international recognition for their achievements in the political arena.<sup>129</sup> In April 2012, MP Eva Abdulla was appointed to the Coordinating Committee of Women Parliamentarians of the Inter Parliamentary Union (IPU).<sup>130</sup> Aishath Velezinee is another high profile figure advocating for constitutional democracy and judicial reform in the country.<sup>131</sup>

154) Paragraph 127 of the State Response refers to the existence of over 1000 NGOs in the country. There has to date been two documents produced to assess the situation of NGOs in the Maldives. One is an assessment of 27 Malé based NGOs conducted in 2009<sup>132</sup> and the other, a comprehensive study of civil society organisations (CSO), published in September 2011.<sup>133</sup> The important question is less about the numbers of NGOs but rather, their functional capacities.

155) In June 2010, the then Vice President reportedly expressed concern about the weakness of NGOs in the country, stating that "their ability to influence public policy is weak, if not nonexistent."<sup>134</sup> The relatively nascent NGO sector in the Maldives is fraught with challenges. The 2011 CSO study notes the "random and interchangeable" use of terminology within the CSO sector which "did not correlate in any consistent form with the structure, operations, functions or purposes of the

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<sup>128</sup> Women's empowerment in the political process in the Maldives , 2014, IFES

<sup>129</sup> Women of Courage Awards, US State Department, 2007 : <http://2001-2009.state.gov/g/wi/iwoc/c21757.htm>, 2012 : <http://www.state.gov/s/gwi/programs/iwoc/2012/bio/>, accessed : 14 August 2012

<sup>130</sup> IPU, <http://www.ipu.org/strct-e/comtees.htm#women>, accessed : 14 August 2012

<sup>131</sup> Judicial reform in Maldives advocacy website of Aishath Velezinee, <http://www.velezinee.aishath.com/>, accessed : 14 August 2012

<sup>132</sup> *NGO Capacity and Needs Assessment*, February 2009, Malé, Maldives, Raajje Foundation/UNDP

<sup>133</sup> *Comprehensive Study of the Maldivian Civil Society*, UNDP, September 2011 (referred hereafter in the text as the CSO study)

<sup>134</sup> Maldives civil society 'weak', says Vice President, Minivan News, <http://minivannews.com/politics/maldives-civil-society-weak-says-vice-president-7945>, accessed : 14 August 2012

organisation as were described in the registration documents”.<sup>135</sup> The study also found that “39% of the organisations had objectives that belonged to between 3-7 areas whilst 11% had objectives that fell into 8-16 areas.”<sup>136</sup> The lack of definitive and meaningful legislation to guide CSO governance and structural vigour further weakens such organisations, given the observed limitations of the existing Associations Act 2003.<sup>137</sup> The CSO study found that in some cases CSOs registered as sports clubs “worked on issues ranging from human rights to disability and governance apart from a focus on sports” while other sports clubs “lacked any focus on sports”.<sup>138</sup> It is important to note that a review of the Associations Act 2003 was initiated in 2007, which had a revival in 2011 although currently, progress has stalled once again.<sup>139</sup>

156) Despite the very challenging situation of CSO governance and other constraints including capacity and resource limitations, CSO activity has never been as vibrant as it is today in the country. A variety of CSOs, NGOs and community based organisations (CBOs) actively seek to improve the status quo. This report is a further example of such an effort. Paragraph 127 of the State Response is accurate in its statement that there are few NGOs that focus on women’s issues, although it is not quite accurate in its description that Hope for Women is a ‘large’ NGO. A more accurate description would be that Hope for Women is a small NGO, with very limited means, capacity and funds although it has a strong commitment to carrying its mandate to improve the situation of women in the Maldives. It is important to stress that the country *does not* have a strong NGO dedicated to supporting causes relating to the improvement of women’s human rights.

157) A cursory look at the CSO sector of the Maldives shows that women are active participants within the sector, notably young women. Some high profile and pro-active NGOs with issue focused mandates include the Society for Health Education (SHE), Transparency Maldives (TM)<sup>140</sup>, Maldivian Democracy Network (MDN), Society for Women Against Drugs (SWAD), Care Society, Aged Care Maldives, Advocating the Rights of Children (ARC) and Tiny Hearts of Maldives (THM). These are organisations where women play leading and pivotal roles.

158) Paragraph 128 of the State Response makes reference to island women’s development committees (IWDC). Since 1982, WDCs have been active on many islands, which provided a platform for women to participate in the development of their communities. Following the 2008 change of government and the initiation of the Decentralisation Act in 2010, the existing structure of the IWDC has changed fundamentally.

159) Available anecdotal information from representatives of different IWDCs suggest that a perception exists that since the change of government in 2008, IWDCs were neglected, undermining the gains made by the women over the years. Further, the discontinuation of the IWDC government stipend

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<sup>135</sup> *Comprehensive Study of the Maldivian Civil Society*, UNDP, September 2011:31

<sup>136</sup> Ibid:33

<sup>137</sup> Ibid:22

<sup>138</sup> Ibid

<sup>139</sup> Personal communication, Ministry of Home Affairs, August 2012

<sup>140</sup> Transparency International’s Maldives Chapter

was perceived as a blow to the women's committees, causing many members to abandon the committees.<sup>141</sup> According to a 2010 assessment of IWDCs, members viewed the allowance "as a token of appreciation" although they were aware that it did not "compare to their contribution".<sup>142</sup> On the other hand, political rivalries are such that opposing views suggest that WDCs were being used as a political tool and operated to maintain political divisions. In the 2006 NGO Shadow Report to the CEDAW Committee, IWDCs were described thus: "in practice they are coerced and forced by island authorities to act as the public kitchen and cleaning force on islands" ... "as the island's "wives" - there to clean the island and cook for festivities and VIPs, and guard the island's good name" ... "[s]ocial conditioning and the influence of island leadership keeps IWDCs in a stereotypical women's niche".<sup>143</sup> More damningly, the report conceded that IWDCs had lost track of their initial objective to establish themselves as women's NGOs in due course, but instead became "arms of the Government."<sup>144</sup>

160) The 2010 IWDC assessment revealed that despite the largely stereotypical gendered role the IWDCs were fitted into within most communities, some of the IWDCs were both active and productive. Some IWDCs were significant contributors alongside the island development committee, which is the main administrative unit at island level, while some others were completely inactive.<sup>145</sup>

161) The transition of the IWDCs into a legal entity was engineered through a national level women's conference held in 2010, where decisions were made to incorporate IWDCs within the legislative framework which facilitated decentralised governance. Subsequently, IWDCs were incorporated into the Decentralisation Act 2010 which provided a legal mandate for IWDCs with a much broader remit than their previous mandate. IWDC elections were held in 2012 leading to the formation of new IWDC. However some islands still do not have committees in place.

### Recommendations

162) Accelerate the process of establishing IWDCs in all islands and ensure that all IWDCs are supported adequately to initially set up with the necessary funds available as well as supervision by the relevant oversight body to ensure functional effectiveness, clarity of mandate and coherence.

163) Provide opportunities for women to actively participate and contribute within the political arena by inclusive policies which prioritise women's equitable participation with men at all levels within the governance structure of the State.

164) Provide opportunities for women, particularly rural women, to increase awareness and exposure

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<sup>141</sup> *An evaluation of Island Women's Development Committees in Maldives*, MoHF, 2010:13

<sup>142</sup> Ibid

<sup>143</sup> NGO Shadow Report to the CEDAW Committee, 2006, paragraphs 142 and 267

<sup>144</sup> Ibid: paragraph 267

<sup>145</sup> *An evaluation of Island Women's Development Committees in Maldives*, MoHF, 2010

on governance and policy-level decision making processes and facilitate their full participation in political and public life so that they are empowered to contribute towards all aspects of development equitably with men.

165) Support the establishment and development of civil society organisations that address the numerous issues which undermine the full and equitable participation of women and continue to sustain discriminatory attitudes and practices towards women in society.

#### *Article 8: International Representation*

##### Issues raised, observations and concerns

166) Paragraph 130 of the State Response mentions that 2 women are in senior positions in the diplomatic services. These are the High Commissioner to Pakistan and the Representative to the UN Offices at Geneva. At time of writing, these 2 positions out of 12 such senior posts in the diplomatic missions are held by women. Following the change of government on 7 February, the High Commissioner to UK who was also a woman, resigned from the post.<sup>146</sup>

167) One of the 5 female judges in the judiciary, Aishath Shujune Mohamed, is represented as a Vice-Chairperson at the Optional Protocol to the Convention Against Torture (OPCAT) Subcommittee on Prevention of Torture.<sup>147</sup> One of the female members of the HRCM, Jeehaan Mahmood, is represented in the Board of the Association for the Prevention of Torture.<sup>148</sup>

168) Paragraph 131 of the State Response refers to the former Secretary General of SAARC who resigned before completion of term of office<sup>149</sup>, she held one of the 3 Cabinet posts held by women.

169) As the somewhat limited available data shows, women are a small minority in the higher level posts of diplomatic missions and other representative positions of the country internationally. Attempts to obtain up to date data on the diplomatic services proved unsuccessful.

##### Recommendations

170) Establish procedural protocols within State institutions which require scrutiny to ensure gender

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<sup>146</sup> *Top Maldives diplomats quit in protest*, The Telegraph, UK, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/maldives/9080224/Top-Maldives-diplomats-quit-in-protest.html>, accessed : 15 August 2012

<sup>147</sup> UNHCHR, <http://www2.ohchr.org/english/bodies/cat/opcat/membership.htm>, accessed : 15 August 2012

<sup>148</sup> Association for the Prevention of Torture, <http://www.apr.ch/en/board-1/>, accessed : 29 September 2012

<sup>149</sup> *Dhiyana Saeed to resign as SAARC Secretary General*, Haveeru News, 19 January 2012, <http://www.haveeru.com.mv/news/39838>, *SAARC Secretary General's resignation first in regional body's history*, Minivan News, 22 January 2012, <http://minivannews.com/society/saarc-secretary-generals-resignation-first-in-regional-bodys-history-31063>, accessed : 15 August 2012

balance when selecting and appointing officials to represent the State internationally.

## Article 9: Nationality

### Issues raised, observations and concerns

171) Paragraph 133 of the State Response focuses on family, which will be discussed with reference to CEDAW Articles 15 and 16 later in this report.

172) The 2008 Constitution provides citizenship status to any person as defined in Article 9 as follows. “

- (a) 1) citizens of the Maldives at the commencement of this Constitution
- 2) children born to a citizen of the Maldives and
- 3) foreigners who, in accordance with the law, becomes citizens of the Maldives
- (b) No citizen of the Maldives may be deprived of citizenship
- (c) Any person who wishes to relinquish ... citizenship may do so in accordance with law
- (d) Despite the provisions of article (a) a non-Muslim may not become a citizen of the Maldives “

Furthermore, the Citizenship Act 1969 specifies the conditions by which a foreigner can acquire Maldivian nationality. Requirements include that the person be a Muslim ; had lived in the country for 12 consecutive years ; is knowledgeable about the Constitution and has an educational standard consistent with the basic education curriculum ; speaks Dhivehi language ; had not committed a “political crime” or received any punishment of *hadd* as per Islamic Shari’ah ; is beneficial to the country ; and, produces official documents revoking citizenship status of country of origin. The power to grant citizenship is vested in the President.<sup>150</sup> A further law dictating island resident status exists which require every citizen to be formally registered at an inhabited island of the Maldives, as per the process specified in the law.<sup>151</sup>

173) Paragraph 136 of the State Response makes a strange assertion that “[c]hildren born out of wedlock to Maldivian fathers will not get Maldivian nationality”. It is unclear what the State means by this statement and a clarification of this is desirable. However, the State Response accurately notes that discrimination against children born out of wedlock is a cultural problem. It is unfortunate that the State fails to note the seriously negative social consequences for children and women who find themselves in such circumstances. Some concerns relating to the prevalence of out of wedlock pregnancy is discussed in Part III of this report.

174) The information provided in Paragraph 136 of the State Response is not consistent with the provisions of the Immigration Act 2007. The foreign spouse of a Maldivian national is entitled to a Resident Visa as per Article 16 of the same Act. Anecdotal evidence suggests that often, when such marriages dissolve, the foreign national leaves the country. Given the strictness of the terms for embracing Maldivian citizenship, many foreign citizens resident in the country for several decades

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<sup>150</sup> Citizenship Act of the Maldives No.4/69, Republic of Maldives, Article 2 (a,c,d,e,f,g,h)

<sup>151</sup> Law on becoming an Island Resident of Maldives No.46/78, Republic of Maldives

do not adopt it. There are cases of foreign nationals who have lived in the Maldives for many decades, who have children who are Maldivian nationals, who continue to renew residency through regular visa application as a norm.

175) As paragraph 137 of the State Response states, the Immigration Act 2007, Article 6(a) specifies that a passport must be provided to any citizen that requests for a passport or to have one renewed. Hence, there are no restrictions to owning a passport or to travel as a general rule.

### Recommendations

176) The entitlement to citizenship for children “born out of wedlock to Maldivian fathers” (as per paragraph 135 of the State Response) ought to be consistent with that of those born to Maldivian mothers in the same circumstances. Therefore, if and when paternity is determined through legitimate processes that a child is born to a Maldivian father, citizenship entitlement to such a child must be assured.

## Articles 10 – 14

### Article 10: Education

#### Issues raised, observations and concerns

177) Paragraph 140 of the State Response refers to gender parity in literacy. However, the situation today calls not simply for ‘literacy’ but the quality and functionality of such literacy.

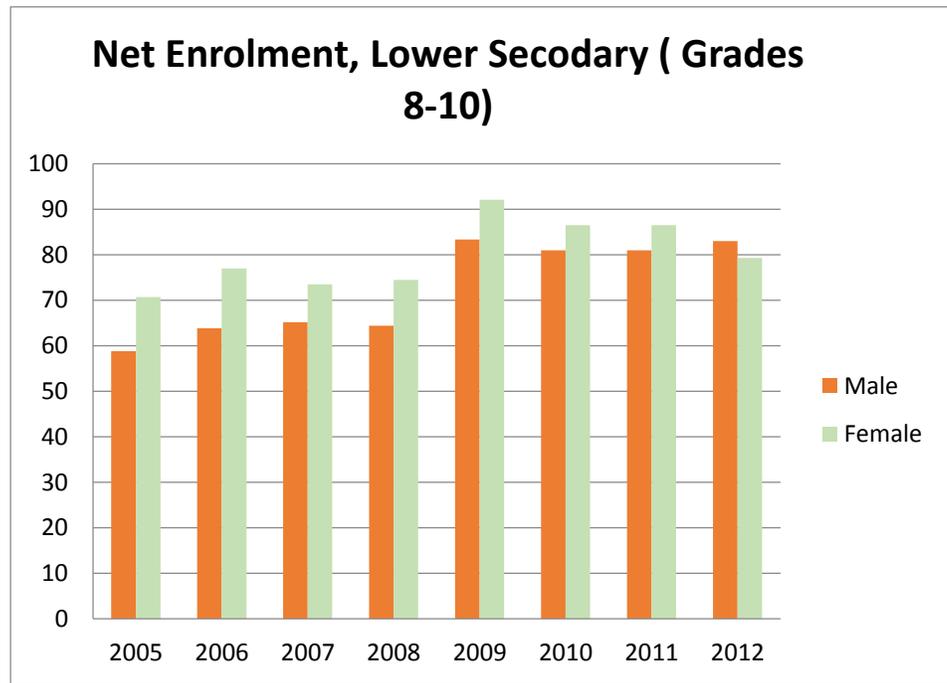
178) Education gains have been considerable over the years, as observed by the State Report. Available data as at 2010 shows that there are 208 schools offering primary education, 188 offering secondary and 38 offering higher secondary schooling in the country.<sup>152</sup> However, quality of education remains a perennial issue. Figures 4 and 5 provide data over the last 7 year period, showing lower and higher secondary level gains in education.

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<sup>152</sup> *Summary of Schools Statistics*, January 2010, Ministry of Education

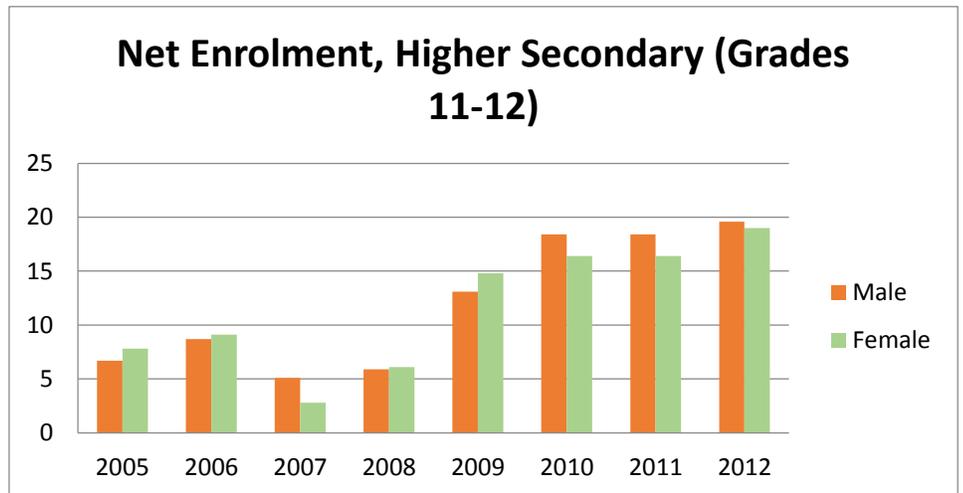
**Figure 4**

Lower Secondary  
Net enrolment by  
Sex 2005-2012  
Source:  
DNP/Statical  
Year book 2013



**Figure 5**

Higher secondary  
Net enrolment by  
Sex 2005-2012  
Source:  
DNP/ statistical  
Year book 2013



179) The fact that girls exceed boys in numbers at lower secondary is notable although overall access for both boys and girls to higher secondary is cause for concern. This is due to the limited number of schools offering education for grade 11 – 12. The significant increase in higher secondary enrolment figures from 2009 to 2011 is a positive development. However, the marked drop in girls' enrolment in higher secondary during 2010 and 2011 following the higher figure for girls in 2009 is an undesirable shift that requires scrutiny.

180) It is clear that the State had grave concerns about the quality of education and the pass rate for ordinary level (O'level) secondary education. In a document produced in March 2010, the

Educational Supervision and Quality Improvement Division (ESQID) of the Ministry of Education highlighted the need for improving the O'level pass rate. With a target set to increase the secondary pass rate by 7% in 2009, a 5% achievement is reported, increasing "the pass percentage for children passing in 5 or more subjects" to 32%.<sup>153</sup> Despite the improvement, the net result remains that nearly two thirds of students do not achieve the requisite 5 passes that many institutions require for higher secondary school enrolment. The probability therefore exists that this situation contributes to the strikingly low enrolment figures for higher secondary education among both sexes. This is in addition to the other limitations in accessing higher education noted in paragraph 141 of the State Response.

181) As paragraph 141 of the State Response also reports, upwards of 8000 young people leave school in the Maldives, annually. Between the school leaving age of 16-17 and employment at 18 years, a void had existed for many young people. Lack of access to further education and opportunity has defined this part of the lives of young people for many years. A recent situation assessment observed that "the low levels of access to higher secondary enrolment, challenges to mobility and employment opportunities especially for girls. This means that marriage is the somewhat inevitable life option available for young women. Recent anecdotal evidence from young women suggests that the expectation for young school leavers, especially in the islands, is to become a good housewife."<sup>154</sup>

182) Reliable information compiled in 2010 reports the existence of 10 higher education centres in Malé.<sup>155</sup> The Maldives College of Higher Education (MCHE) was the largest higher education service provider in the country, which was converted to the MNU in February 2011 following the passage of the University Act in December 2010.<sup>156</sup> The annual report of the MNU shows that over the last 5 years, the enrolment figures show a higher number of female students overall, as indicated in paragraph 142 of the State Response (see figure 6, also Appendix 1). An upward trend in female enrolment is also noted since 2009.

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<sup>153</sup> *Improving Educational Quality : Action Plan for Reaching O'level Targets*, Educational Supervision and Quality Improvement Division (ESQID), Ministry of Education, March 2010

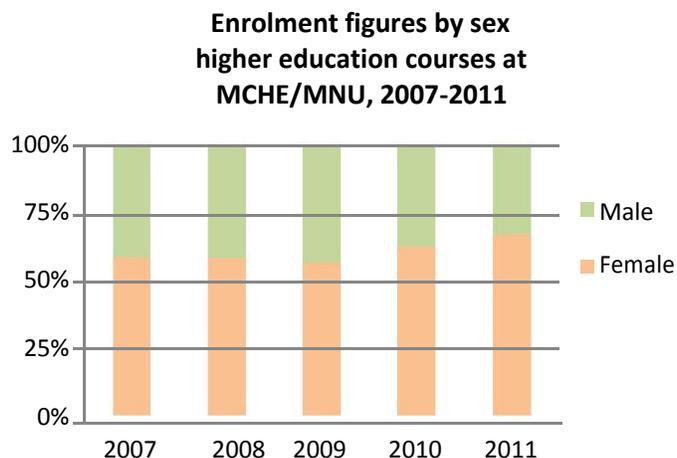
<sup>154</sup> *Maternal Health, Sexual Reproductive Health and Rights, Gender Equality and Women's Empowerment : A Rapid Situation Assessment of the Maldives*, ARROW, Malaysia, October 2011 (unpublished)

<sup>155</sup> *Summary of Schools Statistics*, January 2010, Ministry of Education

<sup>156</sup> *Maldives : First national University inaugurated*, University World News, 20 Feb 2011,

<http://www.universityworldnews.com/article.php?story=20110220073157661>, accessed : 15 August 2012

**Figure 6**  
Enrolment in  
higher education  
courses at  
MCHE/MNU  
2007-2011.  
Data source :  
Annual Report  
2011, MNU



183) A World Bank Report published in 2011 concluded that :

“Only some of the normal accountability mechanisms for a higher education system exist at present in the Maldives. This is due to the fact that, as yet, there is only an embryonic national program for higher education. There is no systematic funding formula, or results focused targets and performance indicators agreed with public HEIs, [Higher Education Institutions] or a good Higher Education Management Information System (HEMIS).”<sup>157</sup>

The report further stated that the Maldives has a 3% gross enrolment rate (GER) in higher education for university degree or equivalent level, when in 2010 the country had a GNI of USD5790. In comparison, among “much poorer” neighbours with “less developed basic education systems”, Sri Lanka had a GER of 21% with a GNI of USD1990, India had a GER of 13% with a GNI of USD1220 and Bangladesh had a GER of 8% with a GNI of USD580. <sup>158</sup>These figures put into perspective the level of investment in higher education in the Maldives and help to explain the status quo.

184) The data provided in Annex 2 of the State Response as per paragraph 143 shows an increase in women’s access to tertiary education opportunities. This is clearly a development in the right direction towards achieving gender parity in tertiary education. However, a comprehensive effort to increase women’s access to higher education opportunity is needed to bridge the historical and sustained gap in this area.

185) The economic disparity that exists between rural and urban populations as well as within the urban population of Malé also creates a serious access gap to higher education. The government conducts loan schemes on an ad-hoc basis, to support higher education abroad, mostly funded by donors as

<sup>157</sup> *Human Capital for a Knowledge Society : Higher Education in the Maldives – An Evolving Seascape*, The World Bank, Human Development Unit, South Asia, 2011, pg.E3

<sup>158</sup> Ibid:8-9

observed in paragraph 144 of the State Response. A recent such announcement was made in June 2012 for those working in the education sector.<sup>159</sup>

186) As paragraph 147 of the State Response acknowledges, quality of education is a serious concern in the education system in the Maldives. The lack of trained teachers and the long standing dependency on expatriate teachers are continuing concerns. A media article from 16 January 2007 reported a statement made by the then Minister of Education in a television interview that “poor quality foreign teachers were jeopardising young people’s education.”<sup>160</sup> Available data shows that in 2008, at primary, lower and higher secondary levels, the trained teacher population stood at 76%, increasing in 2009 to 89%. In 2008, the untrained teacher population stood at 24%, decreasing to 11% in 2009. In 2008, about 1.8% of untrained teachers were expatriates and in 2009, there was no data for untrained expatriate teachers, suggesting there are no untrained expatriate teachers in the system now.<sup>161</sup>

187) Sex disaggregate data available for primary, lower and higher secondary school teachers show that among local teachers, 49% are women and 17% are men, showing the disproportionately high representation of women in the school teaching profession. Among expatriate teachers in the schools system, this trend is the opposite with 27% men and 11% women.<sup>162</sup>

188) Paragraph 147 of the State Response further refers to Teacher Resource Centres (TRCs), which is erroneously described as a “recent” development. TRCs were established in 2007 with UNICEF funding, which was a major infrastructure investment to boost capacity building of teachers.<sup>163</sup> Unfortunately, the State Response does not adequately provide an update of how well used, effectively managed or productive the TRCs have been.

189) Paragraph 148 of the State Response provides a cursory picture of the situation in relation to SEN. Although the first SEN class was established in 1984 with further classes created in 2007 in selected schools in Malé and the roll out of SEN to atoll schools since, progress in this area has been particularly slow. Enquiries with government officials suggest that although education policy has attempted to provide segregated support to SEN children historically, the general policy direction currently is inclusivity. Therefore, the indication is that the established SEN Units and classes may be dissolved in future in line with the inclusivity policy.

190) Furthermore, there are major gaps in SEN definitions and the necessary regulations for addressing SEN are not yet in place, following the passage of the Disability Act in 2010. There is no published data to identify the existence of gender based discrimination in access to the limited opportunities

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<sup>159</sup> Website of the Department of Higher Education, MoE, <http://dhe.gov.mv/index.php/ann/12-announcement/80-pdi>, accessed : 16 August 2012

<sup>160</sup> Government : Poor education due to teachers, Minivan News, 16 Januaru 2007, <http://minivannews.com/politics/government-poor-education-due-to-teachers-489>, accessed : 16 August 2012

<sup>161</sup> *Summary of Schools Statistics*, January 2010, Ministry of Education

<sup>162</sup> Ibid

<sup>163</sup> *Teacher resource centres launched in the Maldives*, UNICEF Press Centre News Note, 26 November 2007, [http://www.unicef.org/infobycountry/media\\_41952.html](http://www.unicef.org/infobycountry/media_41952.html), accessed : 16 August 2012

available in the area of special education. Available information from both education and health professionals as well as anecdotal information suggest that girl children with a disability are more frequently observed to be victims of abuse and ill treatment. Therefore, the possibility of neglect and denial of access to education opportunity based on gender based discrimination could well be an unacknowledged reality among girls with SEN.

191) Paragraph 149 of the State Response notes the existence of gender discriminatory aspects within the school education curriculum and textbooks. This is an important acknowledgement that requires serious attention. A recent study conducted by UNFPA to assess reproductive health behaviour and knowledge among young women provides important insights into the issue of the removal of reproductive health information from the science curriculum.<sup>164</sup>

192) While the State observes the impressive gains in education and literacy, what is ignored is the quality of that literacy and education. It is notable that few islands have a public library, making access to information a nationwide problem. The emphasis has always been on providing information through State radio or TV which does not contribute to an improved standard of literacy of the population. A national library exists, being recently housed with aid received from the Government of China. However, information dissemination and literature about governance and functions of the State, legislation and so on is unavailable to the greater public. Therefore, the accomplished parity in literacy has yet to improve the *de facto* situation of women.

193) Quality of education at all levels is a major concern and it is evident that efforts are being made by the State to address some of these issues. However, this effort is not adequate to support the development of the largest demographic in the country, which is the youth.

194) The State Response fails to address the issue of gender segregation practices in schools, as endorsed by increasingly conservative religious views. It also fails to mention recent developments such as when a school board changed the school uniform, making it mandatory for girls to wear the veil or hijab and long trousers for both boys and girls.<sup>165</sup>

### Recommendations

195) Take appropriate measures to significantly increase access to higher secondary education on an equitable and non-discriminatory basis, to both girls and boys.

196) Increase investment in higher education provision to support the meaningful establishment and development of the sector, to support the future development of the country with equitable and non-discriminatory access and enrolment opportunities provided to girls and boys. Efforts must also be made to remove existing gender stereotypes and achieve gender balance in the education,

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<sup>164</sup> RH Knowledge and Behaviour of Young Unmarried Women in the Maldives, UNFPA, 2011 (unpublished report)

<sup>165</sup> Kulhudhuffushi school makes veil mandatory, Minivan News, 22 November 2009,

<http://minivannews.com/society/kulhudhufushi-school-makes-veil-mandatory-5047>, accessed : 16 August 2012

health and engineering and technology sectors, as evident in the data for higher education enrolment (see Appendix 1).

197) Sustain the efforts to improve the quality of education and increase the competency of the education system with a full complement of trained teachers. Existing data indicates a significant gender imbalance among school teachers and efforts must be made to address the stereotype representing women disproportionately in the school teaching profession.

198) Bearing in mind the observed increased vulnerability of girl children with SEN, the State is recommended to conduct a meaningful assessment of children with SEN to establish the prevalence of discrimination against girls with SEN, and provide sex disaggregated data to understand the situation.

199) The emerging practice of gender segregation in school classrooms within a co-education system, influenced by conservative religious views, is unlikely to promote inclusivity or be supportive of collaborative educational experience for young children. Such developments, along with the observed existence of “gender bias” within school textbooks and the curriculum noted by the State Response require careful consideration and attention by the State. The State is therefore recommended to support inclusive, non-discriminatory and child friendly approach to education in all schools.

## Article 11: Employment

### Issues raised, observations and concerns

200) It is observed that many of the State’s comments replicate information provided in the Common Core Document, and some of the points are repetitive. This section will try to avoid repetition and will respond to relevant points only.

201) As paragraph 150 of the State Response observes, the 2008 Constitution includes a comprehensive chapter on basic rights among which is the right to work. This includes the right to fair wages, safe conditions, equal remuneration for work of equal value, equal opportunity for promotion, right to rest and leisure with limits to hours of work and paid holidays. The Constitution further prohibits slavery, servitude or forced labour. It provides the right to strike and the right to State pension for employees of the State. <sup>166</sup>The Employment Act 2008 defines and prohibits “forced employment” and includes a clause on non-discrimination.<sup>167</sup>

202) The Maldives accession to the International Labour Organisation (ILO) in 2009 and related

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<sup>166</sup> Constitution of the Republic of Maldives 2008, Articles 37, 25, 31 and 38 (in that order)

<sup>167</sup> Employment Act No.2/2008, Article 3 and 4. The latter on non-discrimination “based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations ...”.

conventions is a step forward towards establishing and protecting the rights of workers. However, the State's capacity to comply with the obligations towards such international instruments has been historically weak. In the currently challenging political climate in the Maldives, the State's commitment to establishing Constitutional reforms is also notably poor. Therefore, without further strengthening the State's capacity and commitment to both State building and to international obligations, the accession to numerous international Conventions arguably serves to further weaken State capacities.

203) The States' participation in the International Convention on the Protection of the Rights of Migrant Workers and their Families is desirable. However, it is important to reiterate that the available evidence suggests that the State is very limited in its capacity and in many instances, its commitment to adhere to its international obligations in practice.

204) Paragraph 152 of the State Response refers to a "series of labour laws" but fails to provide further information about what these are and how they protect the rights of women workers.

205) The establishment of the Employment Tribunal in December 2008 is a relatively new and welcome development to improve accountability and protect the rights of both employers and employees. In 2009 and 2010, the Tribunal mediated on a total of 194 and 276 cases respectively, indicating increased use of the service in its second year. Among the cases attended over the 2 year period, 56% of cases relate to unfair dismissal and termination which is the most common complaint, followed by claims of unpaid wages at 18%. Other complaints include issues relating to breach of contract, promotions, demotions, and so on.<sup>168</sup> It is notable that sex disaggregated data is not available in the published statistics of the Employment Tribunal.

206) Considering that the Employment Tribunal is in its fourth year of existence, the State fails to validate its suggestion in paragraph 152 of the State Response that the Tribunal "is expected to afford better legal protection to migrant workers." How has this manifested to date and when is this expected to happen?

207) Paragraph 153 of the State Response refers to a Labour Relations Authority. While such an authority is to be established as per Chapter 9 of the Employment Act 2008, there is little information available on the work of such an authority and the State fails to provide insights.

208) Paragraphs 154 and 155 of the State Response refer to labour force participation and gender imbalances that exist within the country's workforce. Tourism is the largest industry in the Maldives. However, a recent report produced by the ILO stated that local female participation in the tourism industry was 2% and local male participation is 47%.<sup>169</sup> The expatriate labour force in

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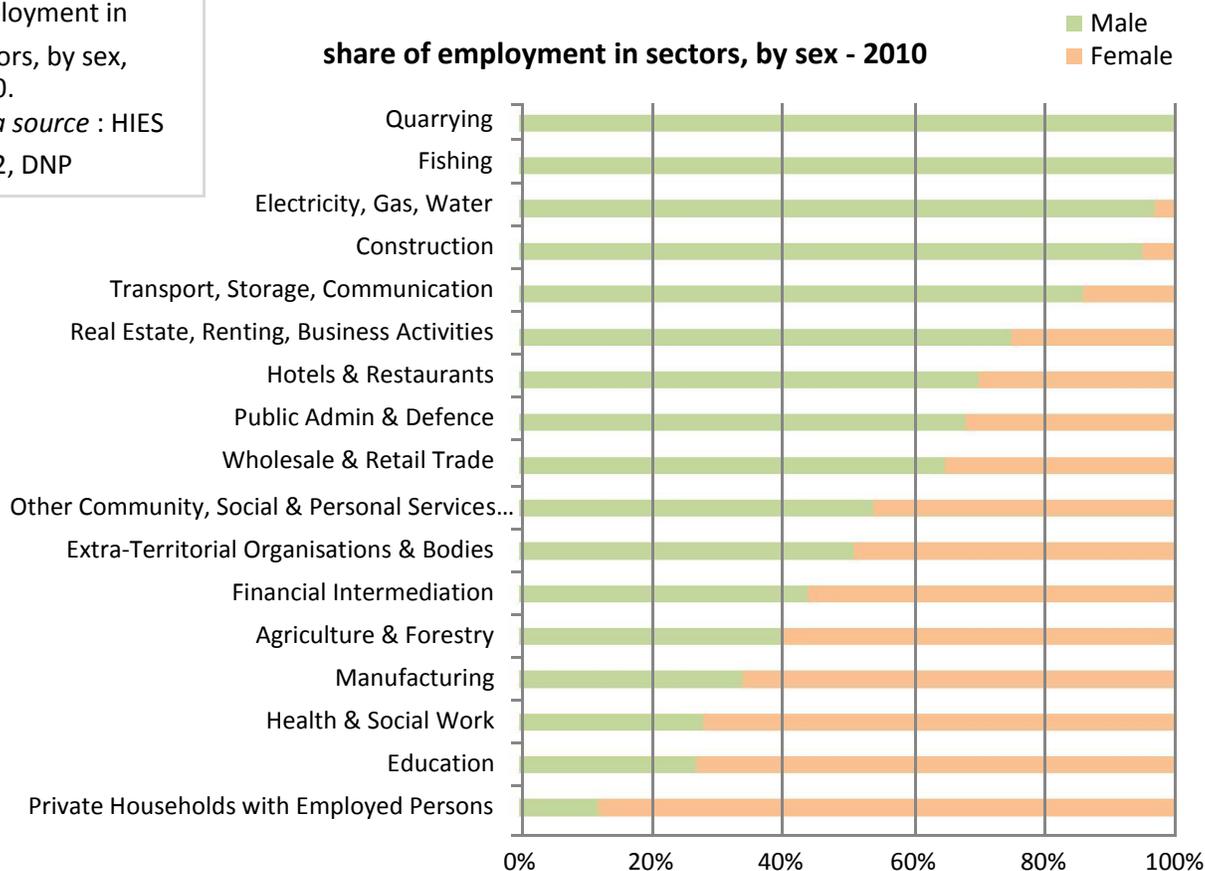
<sup>168</sup> Website of the Employment Tribunal, Maldives, [http://www.employmenttribunal.gov.mv/index\\_en.html](http://www.employmenttribunal.gov.mv/index_en.html), accessed : 17 August 2012

<sup>169</sup> *Migrant Workers in the International Hotel Industry*, International Migration Paper 112, ILO, 2012

the sector is significant at 5% foreign females and 46% foreign males.<sup>170</sup> The fact that even expatriate female workers exceed the number of locals by such a large margin indicates the situation of employment opportunities for Maldivian women in the tourism sector.

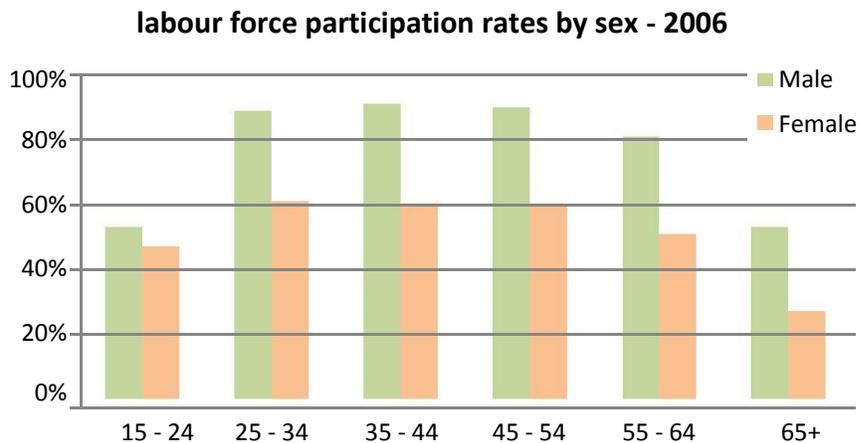
209) In the major income generating economic sectors, significant inequity and imbalance exists in the share of employment among men and women as evident in figure 7. It is unfortunate that the Household Income and Expenditure Survey (HIES) produced in 2012 by the Department of National Planning (DNP) did not collect information relating to the tourism sector which is the largest economic sector, where women’s participation is negligible. Moreover, anecdotal evidence suggests that women’s participation in the tourism sector is largely through the informal and insecure access routes, in low paid and unskilled areas.

**Figure 7**  
Share of employment in sectors, by sex, 2010.  
Data source : HIES 2012, DNP



Significant disparity is evident in labour force participation (LFP) and the share of employment between the sexes. Figures 8 and 9 provide a comparison of data from 2006 and 2010. In 2006, the LFP rate was 52% for females as opposed to 70% for males. In 2010, this had risen slightly to 54% for females and 75% for males.

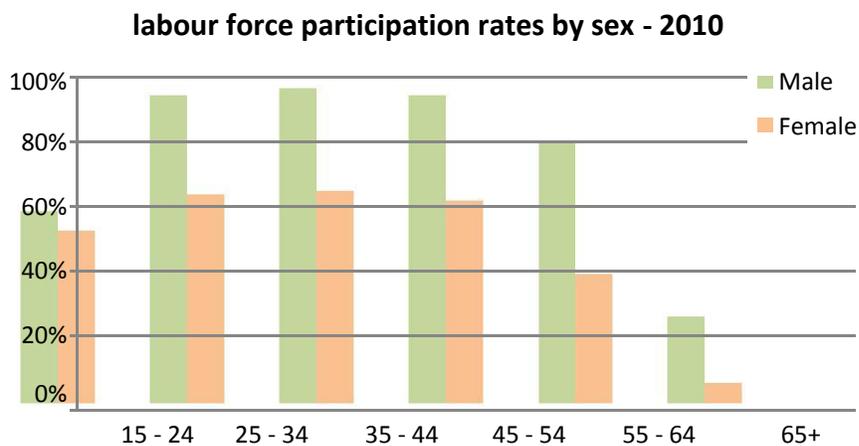
<sup>170</sup> Ibid



**Figure 8**

Labour force participation rate by sex, 2006.

Data source: HIES, 2012, DNP



**Figure 9**

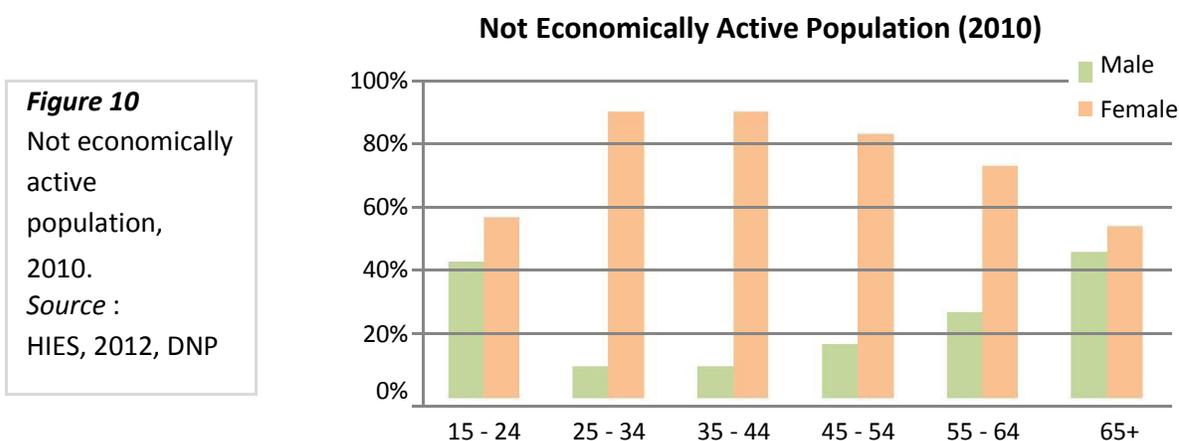
Labour force participation rate by sex, 2010

Data source: HIES, 2012, DNP

Figures 8 and 9 also show fairly consistent LFP rates during 2006 and 2010. According to the 2012 HIES, among the highest LFP demographic between the ages 25 to 54, the female LFP rate is 30 percentage points lower than for males.<sup>171</sup> A clear decrease in the LFP of women over 65 years is also evident from the data. This is most likely due to the provision of the over 65 pension by the State under its social protection mandate, which is a welcome change to the situation of the elderly.

<sup>171</sup> HIES, 2012, DNP, pg.34

210) Data relating to economic inactivity rates are disturbing, as shown in figure 10, highlighting youth unemployment as a particularly pertinent issue. As the data shows, the disparity in male and female unemployment among youth is significant.



As paragraph 156 of the State Response suggests, Maldivian society continues to view women generally as agents of reproduction and service to men, reinforced by increasing influences of such conservative religious patriarchal views. The stereotype defies the lived experiences of women, with high divorce rates, prevalence of single motherhood and one of the highest rates of female headed households in the world at 47%.<sup>172</sup> Measures to support increased economic participation of women are insignificant. The State, as the largest employer has to date provided no child-care facilities despite the disproportionate numbers of women working in the civil service (notably in the lower ranks). This issue has been highlighted in various assessments published before and recently.<sup>173</sup> It is also encouraging that there is some expression of public concern about this issue, as evident from a letter to the editor of a mainstream newspaper, published in 2011 (see Appendix 3).<sup>174</sup> In the prevailing context, it is particularly interesting that this issue was raised by a concerned man.

“The complete absence of childcare facilities in the Maldives forces many women to leave their job once their first child is born.”

*Internationally recognized core labour standards in the Maldives ITUC (Report), 2009*

211) The State Response fails to provide an adequate account of the ‘labour market vulnerability’ of women, referred to in paragraph 157 of the State Response.

**[Note :** A numbering error is noted in the State Response from paragraph 167. Numbers 160 to 167 are repeated on pages 31 – 32. Reference to the repeated numbers in the State Response is made in

<sup>172</sup> Millennium Development Goals : Maldives Country Report, 2010:47

<sup>173</sup> Rapid assessment of the employment situation in the Maldives, 2009, HRCM ; also *Internationally recognised core labour standards in the Maldives*, ITUC, 2009 – Executive Summary

<sup>174</sup> Letter on lack of child care facilities, Minivan News, 28 June 2012, <http://minivannews.com/letters/letter-on-lack-of-child-care-facilities-21955>, accessed : 18 August 2012

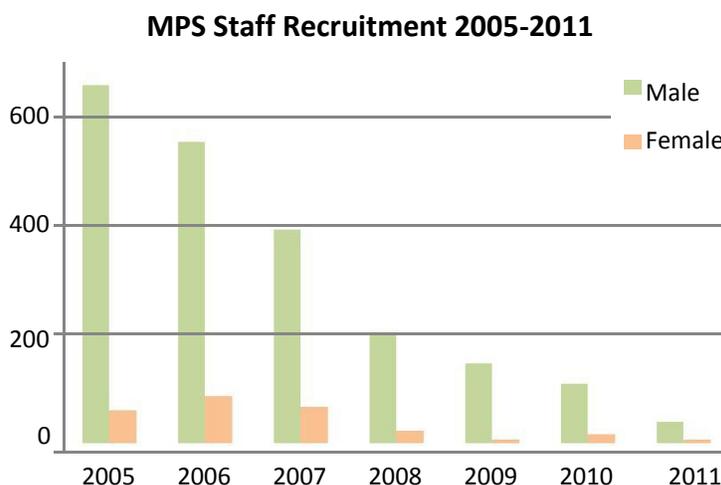
*this report, by using both paragraph and page numbers.]*

212) Paragraph 160 (of page 22) of the State Response shows that the State is well aware of the extent of gender based discrimination that exists within government structures, specifically the civil service when it observes that “females are in the minority in senior management posts”.

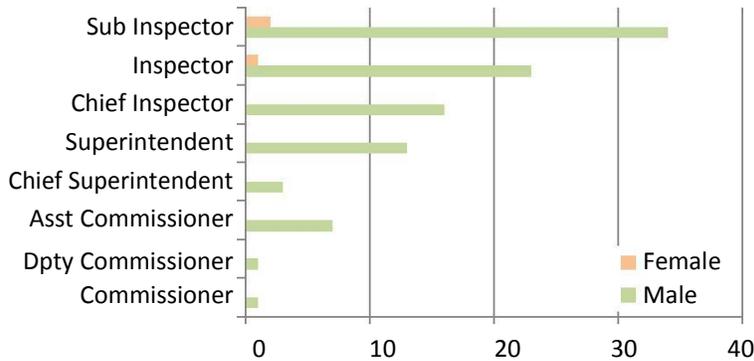
213) The fact that gender stereotyping results in the unequal distribution of men and women in certain sectors is acknowledged in paragraph 161 (of page 22) of the State Response. The information shown in figure 7 (see pg. 54) of this report provides at a glance the share of the jobs market by sex, clearly showing the disproportionate numbers of women in public services sectors such as education and health. State security services which include the Maldives Police Service (MPS) and the Maldives National Defence Force are particularly weak institutions for gender equality.

214) Figures 11 and 12 shows the recruitment numbers for MPS, where among the total number of staff recruited over the 7 year period from 2005 – 2011, 11% were female and 89% male. As at July 2012, in the officer ranks, 3% were female as opposed to 97% male. Information provided by MPS shows that currently, the highest ranking female officer in the service is a Police Inspector. Anecdotal evidence suggests that this situation dates back to 2004.

**Figure 11**  
MPS staff recruitment by sex, 2005-2011.  
Source : MPS, July 2012



**Number of Officers by Rank (July 2012)**



**Figure 12**

MPS Officers by rank and sex, 2012.

Source : MPS, July 2012

215) The MNDF which has the Constitutional mandate to "defend and protect the Republic, its territorial integrity, its Exclusive Economic Zone and the people" as per Article 243 of the 2008 Constitution is another State institution which has negligible female representation. As figure 13 shows, there is a consistent discriminatory bias which excludes women, in the recruitment pattern for the MNDF military service. Available data shows that between 2005 and 2012, the MNDF recruited 4.2% women and 95.8% men. In 2014, the female to male ratio stands at 1:21.

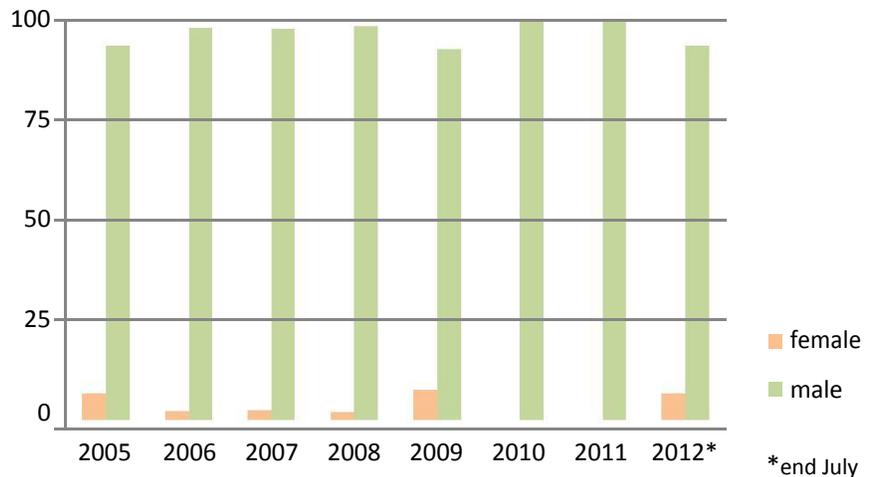
**MNDF staff recruitment 2005 - 2012**

**Figure 13**

MNDF staff recruitment by sex, 2005-2012.

Source :

Ministry of Defence and National Security, September 2012



216) Paragraph 162 (of page 23) of the State Response recognises the existence of a significant gender gap in wages. The 2012 HIES reported that a "male in the financial intermediation industry earned more than 11 thousand [Maldivian rufiyaa] whereas a female in this same industry earned about 19 percent less of this income, amounting to a little more than 9 thousand rufiyaa."<sup>175</sup> This statement agrees with the overall finding in the same report that women earned 20% less than men, in a calculation of mean monthly income for 2009 and 2010. This wage gap is further significant

<sup>175</sup> HIES, 2012, DNP, pg.50

because women's participation in the financial intermediation sector is higher than men, at 56% and 44% respectively.<sup>176</sup> Although one instance is reported where women's wages exceeded that of men, in the 'extra-territorial' organisations, the 2012 HIES reports that "[i]n almost all industries, males are paid higher monthly incomes than the females."<sup>177</sup>

217) Paragraph 163 (of page 23) of the State Response refers to the low participation of women in the tourism sector, which has already been addressed elsewhere in this report (see paragraphs 60, 61 and 213).

218) The absence of women's economic participation in the fishery sector, observed in paragraph 164 (of page 23) of the State Response, is also clearly evident in the data provided in figure 7 of this report on the share of employment. The fact that no alternative opportunity for income generation has been available for women to replace lost livelihood in the traditional fishery sector has arguably resulted in their disproportionate representation in the informal and insecure jobs market currently. According to an unpublished paper, "[a]lmost 90% of the females in manufacturing (81% in Malé and 91% in Atolls) are home based workers, who are self-employed and contributing female workers."<sup>178</sup> Data provided in figure 7 of this report shows the disproportionately high female representation in the manufacturing sector.

219) Paragraph 165 (of page 23) of the State Response refers to a major government project to encourage women to set up small to medium sized businesses although the State fails to provide any information about its implementation status or extent of support provided. What gains have been made?

220) Paragraphs 166 to 167 of the State Response focuses on the situation of expatriate workers, although reference to the situation of women is absent. The State does not provide adequate information on efforts made by the State to improve the situation of female expatriate workers. The situation of female expatriate domestic workers continues to remain a neglected issue by the State, notable by its absence in the State Report.

221) Paragraph 169 of the State Response is not entirely accurate and fails to address the situation of women specifically. According to a report on trade policy, "the concept of collective bargaining is yet to be introduced to the Maldives" observing that the 2008 Constitution "do not address workers' rights to bargain collectively". The report recommends the formulation of labour law to include the right to collective bargaining.<sup>179</sup> Although there has been a number of workers protests and strikes in the country over the last few years, there have been no known women workers' strikes relating to any issue(s) of discrimination against women.

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<sup>176</sup> Ibid

<sup>177</sup> Ibid:51

<sup>178</sup> *Increasing Female Labour Force Participation in the Maldives*, Final Draft, unpublished paper, [undated - circa 2007 ], supported by UNFPA

<sup>179</sup> *Internationally recognised core labour standards in the Maldives*, ITUC, 2009 – Executive Summary

222) Paragraph 170 of the State Response provides a series of statements without presenting any credible factual information. Some meaningful data and achievements to date would be helpful. Additionally, what is the Women’s Economic Council, their mandate, scope of work and output to date?

223) As paragraph 173 of the State Response observes, youth unemployment is a particularly problematic issue given the high youth demographic in the Maldives. The 2012 HIES informs that among youth 40% of unemployed females reported an inability to find suitable employment, as opposed to 51% unemployed males. Interestingly, 22% of unemployed females reported they were not working “due to household chores”, a category featuring 0% for males.

Additionally, 3% unemployed females reported “objection to work by family members”, whereas for males, this was 0%. A significant 12% of females and 15% males explained their unemployment was due to lack of opportunities and poor health condition is cited as the reason for unemployment among 5% females and 7% males.<sup>180</sup> It is evident that social beliefs also play a significant role in youth unemployment.

224) Paragraph 174 of the State Response is very unclear, and many of the points referred to in paragraph 175 is largely dependent on possibilities based on the shifting political dynamics of the country currently.

### Recommendations

225) Prioritise the collection of sex-disaggregated data to facilitate substantive assessment of the situation of women in the workforce. This is particularly pertinent to understand the situation of the informal and insecure jobs sector where women are reported to be disproportionately represented.

226) Prioritise the provision of affordable childcare facilities to support working women and encourage increased participation of women in the workforce, including single mothers.

227) Remove the discriminatory clauses featured in the regulations pertaining to maternity leave of female employees and ensure consistency in adherence to Constitutional and legislative requirements on non-discrimination on the basis of sex.

228) Prioritise the equitable development and provision of job opportunities for young women and men and fully support their equitable participation in the workforce.

### Article 12: Health

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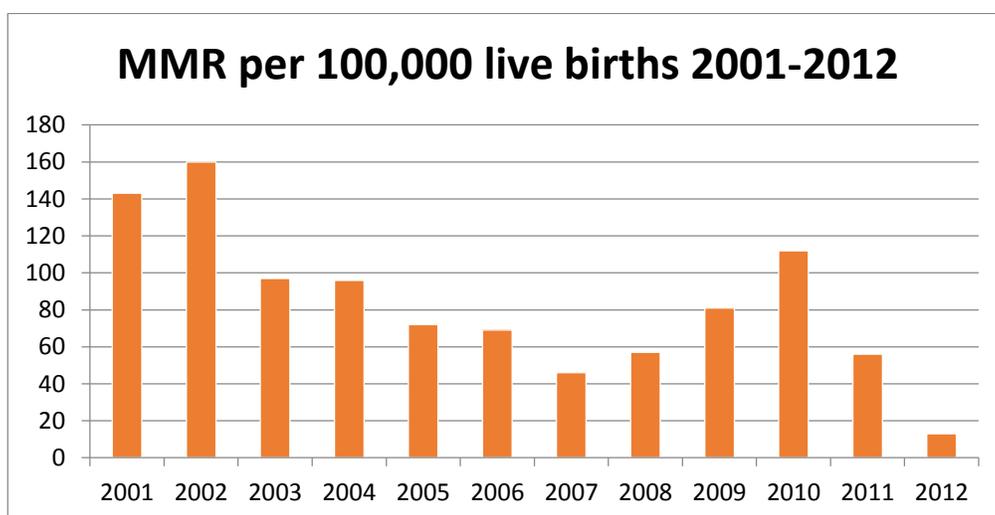
<sup>180</sup> HIES 2012, DNP, pg.45

## Issues raised, observations and concerns

229) Paragraph 176 of the State Response describes some of the health gains over the past, although fails to provide a clear picture of the current situation. There has been a considerable shift in health policy since the change of government in 2008, from a predominantly State funded public healthcare system to a public private partnership (PPP) concept where health service delivery was corporatised.

230) The transition has been traumatic to the sector, which is reflected in the changes evident in one of the key health indicators relating to women's health - maternal mortality. A significant change to the maternal mortality rate (MMR) is notable, as shown in figure 14.<sup>181</sup>

**Figure 14**  
MMR from  
2001- 2012  
Data Source:  
See foot note 183



Other maternal health indicators provide a generally robust picture, although the alarming trend observed in the maternal mortality rate suggests the existence of serious failures in the health sector.

231) The introduction of *Madhana* (2009), *Madhana Plus* (2010) and the eventual rollout of *Aasandha* (2012) health insurance scheme were important developments in healthcare facilitation for all citizens, towards which significant investment had been made by the State.<sup>182</sup> It is directly connected to the 2008 government's pledge to provide affordable healthcare for all and improve access to healthcare services. However, there are many administrative and implementation issues relating to these developments, which are beyond the scope of this report to provide in any depth. The most pertinent distinction to make, however, is that the increased facilitation of access to healthcare, does not guarantee availability of services in a healthcare system that does not possess the capacity to deliver necessary services. The insurance scheme is designed to facilitate access to

<sup>181</sup> Figure 14 – data sources : Maldives Health Profile 2014, Ministry of Health and Gender

<sup>183</sup><sup>182</sup> Ref. Table 18.8 of the Statistical Yearbook 2011, DNP

[<http://planning.gov.mv/YearBook2011/yearbook/Social%20Protection/18.8.htm>, accessed : 20 August 2012]

tertiary medical services that are not available in the country, in neighbouring countries. However, the efficacy of the system to date is not yet known. It is necessary to highlight that the health system has been the focus of intense political power play, which detracts from the real health needs and service provision to improve the situation of women, men and children.

232) Since the change of political administration on 7 February 2012, a reversal of the policy of the corporatised health system is now taking place. The political instability of the country negatively affects the stability and strength of the health sector, and has the potential to undermine significant sectoral gains. An early indicator of the negative effects is the alarming changes to the MMR (see figure 14).

233) Paragraph 177 of the State Response refers to the introduction of Tele-medicine to facilitate remote diagnosis of patients. This development was reported by the media in January 2011.<sup>183</sup> However, the State does not provide any meaningful information about the service. What has this new innovation achieved in the health sector? How many patients has it benefitted?

234) Mental health is an area of serious concern that has been ignored and overlooked, not dissimilar to many other social issues that may contribute to poor mental health, such as violence and abuse in the family. Mental health problems cannot be described as “an emerging concern” as noted in paragraph 178 of the State Response. A more apt description may be an ignored reality. The 2004 tsunami introduced the necessity for psycho-social support and the provision of mental health welfare. To date, there has been no meaningful progress in this area, with the institutionalisation of more severe and difficult cases with little investment made by the State for the care and welfare of such persons. It is not known if there has been any effort made to assess the situation of mental health patients (see also paragraphs 264 and 265 of this report).

235) The issue of HIV/AIDS in the Maldives, noted in paragraph 180 of the State Response, has been under scrutiny for several years and the 2008 Biological and Behavioural Survey (BBS) provides important insights on the prevailing risk factors. Girls and women are clearly among those most vulnerable in the powerful and destructive nation wide illicit drugs trade, prostitution and human trafficking trades. Among the local population, the BBS found a child of 13 among the female sex workers (and one of 10 among the males) including a significant number of 15-17 year old girls. The median age of the report’s Malé (urban) sample was 24 years. A quarter of these were married with dependent children, parents or grandparents. Over 60% had grade 8 or above education and one did not go to school.<sup>184</sup> This socio-demographic profile of female sex workers should urge the state to take a holistic approach to both drugs awareness and sexual reproductive health education in schools, which are both culturally *uncomfortable* issues. The State Response accurately observes the absence of “interventions” to address high risk behaviours among the youth demographic in the country, which is also the most vulnerable, irrespective of gender.

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<sup>183</sup> Ministry to introduce Telemedicine in three islands, Haveeru Online, 22 Jan 2011, <http://www.haveeru.com.mv/news/33875>, accessed : 20 August 2012

<sup>184</sup> BBS Maldives 2008, GFATM, pg.17-18

236) One of the 5 key pledges of the 2008 government was to close all doors to the illegal drugs trade and prevent narcotics abuse and trafficking. Therefore, the issue of drug addiction is identified in the SAP as a key policy area.<sup>185</sup> Nevertheless, the predominance of young males among addicts somewhat undermines the level of attention given to assessing the situation of women. The need for a study to understand the situation of female drug addicts exists among concerned stakeholders, although no such assessment has been produced to date. Legislation relating to the drugs issue was ratified in December 2011 which recognised the necessity for a holistic approach to address the issue and requires the establishment of a drug rehabilitation centre specifically for women.<sup>186</sup>

237) Paragraph 181 of the State Response is dedicated to the issue of access to clean water, which is reiterated in paragraph 204. While the issue of water quality is a concern to all citizens, it is not known if women have an undue disadvantage or are discriminated against in relation to access to clean water. Nor is it known whether women's burden of work is unduly affected by the requirement to seek or access water. Most households in rural communities in the Maldives have both a potable and non-potable water source within the household. The quality of both may raise health concerns, which affects everyone and not just women. Many islands have a community water storage facility as an emergency measure. It is therefore unclear why the State Response emphasises this as an issue that impacts women's work-load specifically.

238) The State Response fails to address many pertinent health issues affecting women, one of the most important being the issue of access to reproductive health information and services and the situation of family planning. The Maldives Demographic and Health Survey (MDHS) of 2009 reported the unique trend where contraceptive use pattern is different in the Maldives to elsewhere in the world where "contraceptive prevalence rises with increasing education". In the Maldives contraceptive prevalence is reported to decrease with increasing education, "with use of modern methods declining from 36 percent among women with no education to 21 percent among women with more than secondary education."<sup>187</sup> The report also found that with increasing education, pill use declined although male condom use increased. Nevertheless, available data for 2010 shows that contraceptive use among women is much higher at 73.8% while among men it was 26.2%, showing contraceptive responsibility is largely taken by women.<sup>188</sup>

239) Unmet need for contraception in the country stands at 28.1%, which is the highest in the South Asia region.<sup>189</sup> Family planning services at community level health centres keep registers to provide contraceptive commodities to married couples. Historically and until relatively recently, contraceptive commodities were available only to married couples through such formal channels.

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<sup>185</sup> SAP 2009-2013, Government of Maldives, pg.128

<sup>186</sup> Drug Law No.17/2011, Article 47(a)4

<sup>187</sup> MDHS 2009, MoHF, pg.10

<sup>188</sup> Health Statistics 2011, MoHF

<sup>187</sup><sup>189</sup> *Maternal Health, Sexual Reproductive Health and Rights, Gender Equality and Women's Empowerment : A Rapid Situation Assessment of the Maldives*, ARROW, Malaysia, October 2011 (unpublished)

However, some contraceptive commodities are now available at private pharmacies although access is still an issue due to negative attitudes and socio-cultural discomfort surrounding sexual health matters.

240) Despite the efforts of various concerned sources including the UNFPA over the last decade or so, the introduction of adolescent sexual reproductive health (ASRH) education in Maldivian schools has been largely unsuccessful. In fact, the school curriculum had removed all traces of such information in 2003 and the only school based knowledge relating to the subject is included in the secondary level biology subject. Therefore, among the school leaving population of almost 10,000 students annually, about 20% who have access to biology as an elective subject may be exposed to any sexual reproductive health (SRH) information through the school curriculum.<sup>190</sup> Socio-cultural discomfort prevents young people from being informed about SRH within the family by parents. This situation leaves young women vulnerable to misconceptions, peer pressure, sexual predators and the risk of sexual exploitation. According to the 2007 study on women's health and life experiences, an alarming 20% of respondents reported that their first sexual experience was forced, having occurred before the age of 15 years.<sup>191</sup>

241) The MDHS reports a high level of contraceptive "knowledge" among ever married women, 99% of whom reported having heard of any modern contraceptive method. Interestingly, the MDHS states that "knowledge of a family planning method is defined simply as having heard of a method".<sup>192</sup> By this definition, the ever married female population of the Maldives is well aware of contraceptive methods. Nevertheless, the unique trend in contraceptive use as well as the generally confused state of family planning, as evident from available data, is worthy of scrutiny. The MDHS reported that 75.8% of women who underwent sterilisation were informed of the permanence of the method, suggesting a significant rate of neglect to inform.<sup>193</sup>

242) The State Response also fails to recognise the serious issue of illegal and unsafe abortion practices, which the State is well aware of and happens to be a well-kept public secret.<sup>194</sup> This issue will be separately discussed in Part III of this report.

243) The State is especially uncomfortable about the issue of teenage and out of wedlock pregnancy 250) which it fails to address. The prevalence of child sexual abuse is a serious issue and the State can ill afford to ignore the consequences of abuse and neglect at both family and State level, which largely contributes to the prevalence of such social issues. Data available from a case analysis of the Family Protection Unit (FPU) at the Indhira Gandhi Memorial Hospital (IGMH), the primary State hospital, in 2010 showed that 20% of the unit's case load related to out of wedlock pregnancy

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<sup>190</sup> Reproductive health knowledge and behaviour of young unmarried women in the Maldives, 2011, UNFPA (unpublished report)

<sup>191</sup> *The Maldives Study on Women's Health and Life Experiences*, MoGF, November 2007:57

<sup>192</sup> MDHS, 2009, MoHF, pg.53

<sup>193</sup> *Ibid*:60

<sup>194</sup> *Abortion in the Maldives : the untold story*, Minivan News, 07 January 2010,

<http://minivannews.com/society/abortion-in-the-maldives-the-untold-story-2191>, accessed : 21 August 2012

cases.<sup>195</sup> It is also notable that the FPU at IGMH is the only such unit that exists, which is dedicated to attend to victims of VAW. FPU statistics from 2005 to 2009 shows that women are disproportionately represented among the unit's caseload, consisting 87% of all cases (see Appendix 4). The FPU is both under-funded and under-resourced, which is grossly inadequate.

### Recommendations

- 244) Initiate all measures to improve the situation of maternal health care provision to prevent maternal deaths, the seriousness of which is indicated in the observed upward trend in the MMR.
- 245) Ensure that the provision of universal health insurance puts specific emphasis on outreach and constitutes appropriate mechanisms to include and support the most vulnerable among rural women, who would be among the most in need of such social security benefits.
- 246) Produce an assessment of the situation of female drug addicts, which should inform the State to effectively undertake its obligations to provide rehabilitative care services to women under the existing drug legislation.
- 247) Recommendations relating to the issue of SRH and illegal and unsafe abortion practices are provided in paragraphs 335 to 337 of this report.
- 248) Improve the FPU and the availability of similar medical and psychological support services through health service providers to attend to vulnerable women who are victims of violence and abuse and extend collaboration across relevant sectors to provide VAW prevention and support services to victims.

### Article 13: Social and Economic Benefits

#### Issues raised, observations and concerns

- 249) The points highlighted by the State Response in this section relate mainly to the introduction of the concept of a social protection floor at policy level, introduced in 2009. The Law on National Social Health Insurance System<sup>196</sup> was ratified in December 2011 which brought under it the previously existing National Social Protection Agency (NSPA) which managed *Madhana* social protection scheme. Through this legislation, the social health insurance system became legally established on 01 January 2012.
- 250) Paragraph 184 of the State Response refers to the universal health insurance scheme *Aasandha* which is in fact a bone of contention in the current political situation. There is yet to be consensus

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<sup>195</sup> A Statistical Analysis of the FPU, IGMH, August 2010, UNFPA/(FPU)IGMH

<sup>196</sup> Law No.15/2011

and an established norm for the provision of services within this system, which some consider unsustainable whereas others disagree.<sup>197</sup> In the prevailing situation, the implementation of such public services appears to be subject to frequent changes.

251) The Pensions Act was passed in 2009, and the Old-age Basic Pension provided by the state to citizens over 65 was introduced in 2009 which was very well received by elderly Maldivians in particular. This pension is eligible to those residing in the country. According to data available from the Maldives Pension Administration Office (MPAO), in January 2011, beneficiaries of this pension included 47% women and 53% men. The figures for July 2012 show that the beneficiary numbers showed a slight increase for women at 48% and decrease for men at 52%.<sup>198</sup> There is no information to suggest that any gender discriminatory practices exist in the old age basic pension distribution.

252) The Retirement Pension Scheme of the MPAO is disproportionately subscribed to by men, with figures between February 2011 and July 2012 showing that beneficiaries included 80% men and 20% women.<sup>199</sup> This is indicative of the fact that fewer women participate in formal employment and consequently, women do not benefit from state pensions equitably with men. This is despite the fact that there are more women in the public sector than men, as noted in paragraph 99 of the State Response. Subscription for other pensions provided by the MPAO has a similar gender difference, with 72% male and 28% female beneficiary participation.<sup>200</sup>

253) Paragraph 187 of the State Response refers to the single parent benefit introduced in 2010. This is a welcome development that supports many women. However, this does not replace the necessity to facilitate access to economic opportunities for women through gainful employment.

254) Paragraphs 189 and 191 of the State Response focuses on the provisions of the disability law. The Law on Protecting the Rights of Disabled Persons and Provision of Financial Support was ratified in July 2010.<sup>201</sup> According to a media report, by March 2011, approximately 4000 applications had been submitted to the then Ministry of Health and Family. However, during the first two months since the ratification of the law, 186 beneficiaries of disability allowances were reported.<sup>202</sup> The implementation of newly enacted legislation on social issues is particularly challenging due to limitations in both the legislations as well as the existing government mechanisms to provide the

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<sup>199</sup><sup>197</sup> *Patients to be charged at private clinics under Aasandha from August 1*, Minivan News, 30 July 2012, <http://minivannews.com/politics/patients-to-be-charged-under-aasandha-from-august-1-41326>, accessed : 21

August 2012 / *Patients must share insurance when seeking services from private health care providers ; Afaal*, Haveeru Online, 01 August 2012, <http://www.haveeru.com.mv/news/43777>, accessed : 21 August 2012

<sup>198</sup> Maldives Pensions Administration Office website, <http://pension.gov.mv/stat/basic-pension.html>, accessed : 21 August 2012

<sup>199</sup> Maldives Pensions Administration Office website, <http://pension.gov.mv/stat/maldives-retirement-pension-scheme.html>, accessed : August 2012

<sup>200</sup><sup>200</sup> Maldives Pensions Administration Office website, <http://pension.gov.mv/stat/other-pension.html>, accessed : August 2012

<sup>201</sup> Law No. 08/2010

<sup>202</sup> *Maldives Health Ministry hands allowance to the disabled*, Haveeru Online, 07 March 2011, <http://www.haveeru.com.mv/news/34662>, accessed : 22 August 2012

services required by law. In the case of disability allowance, there is no sex disaggregated data available to assess equitable, non-discriminatory access to and distribution of allowances. It is unfortunately that the State Response fails to provide an assessment of progress thus far, that could shed light on the benefits of such developments for women.

255) The Maldives ratified the Convention on the Rights of Persons with Disabilities (CRPD) in April 2010 and has yet to adopt its Optional Protocol. The first domestic law on the rights of disabled persons was passed in 2010. A recent media report informs that NGOs working to improve the rights of disabled persons find that despite legislations, the lack of necessary regulations continue to inhibit progress.<sup>203</sup>

256) Data on disability is not strong in the Maldives, being a historically neglected area. Although a screening of disabled persons was conducted in 1981, a later survey of disabled persons in 2002 found that 1.7% of the population came under that definition. This study is reported to have found there were more men with disabilities than women. A more recent survey by Handicap International conducted in 2009 found that 4.7% of the sample population had “severe permanent functional limitations or disabilities”.<sup>204</sup> The most common forms of disability in the Maldives are reported to be visual impairment, speech impairment and mental illness. Some island level data shows that both men and women with disability are extremely disadvantaged. One of the findings showed that 76% men and 81% women who were unable to walk did not have a wheelchair or similar to facilitate mobility.<sup>205</sup> According to the HRCM baseline assessment, “[h]igh quality, comparable data on disability that is important for the planning, implementation, monitoring, and evaluation of policies is not available.”<sup>206</sup>

257) Although the State alleges in paragraph 190 of its Response that it provides drugs free of charge to mental health patients, no data or other information is provided. Mental health patients are possibly the most neglected and disadvantaged cohort within the social services umbrella. There is little information available on the treatment and institutional management of mental health patients. Anecdotal evidence suggests that families of mental health patients struggle to obtain necessary psychiatric services and medical drugs to manage mental health conditions.

258) A 2006 report by the World Health Organisation (WHO) states that “there is no mental health policy, plan, or mental health law in the Maldives” and no mental health authority or mental health hospital.<sup>207</sup> The report provided data which showed that among “all users treated” in the only existing mental health outpatient facility in the country, 53% are female and 27% are children and adolescents”, diagnosed mainly with “neurotic, stress related and somatoform disorders”. The report further informs that government provided “free access (at least 80%) to essential

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<sup>203</sup> NGOs cite lack of regulation as a key barrier to Maldivian disability rights, Minivan News, 11 July 2012, <http://minivannews.com/society/ngos-cite-lack-of-regulation-as-a-key-barrier-to-maldivian-disability-rights-40596>, accessed : 22 August 2012

<sup>204</sup> Activities addressing rights of persons with disabilities : A baseline assessment, HRCM, April 2010:25

<sup>205</sup> Ibid:66

<sup>206</sup> Ibid

<sup>207</sup> WHO-AIMS Report on Mental Health System in Maldives, WHO/Ministry of Health, Maldives, 2006. pg.iv-2

psychotropic medicines” for the population.<sup>208</sup> More recently, according to a baseline assessment on disability produced by the HRCM in 2010, “[t]here is no mental health authority, mental hospital or mental health clinic in the Maldives”. There are “only two psychiatrists working in the country” both of whom worked at the IGMH in the out-patient facility.<sup>209</sup> Available evidence therefore suggests that there is little or no progress in this area. There are no known studies that provide insights into the situation of women and mental health. However, such a study is long overdue for the benefit of both men and women, considering the seriousness of the prevailing situation of VAW in the country.

259) Housing is a particularly problematic issue in the Maldives where land is scarce and urban congestion can be attributed to some of the worst social problems occurring in the country including poverty, crime and extreme violence. As paragraph 192 of the State Response observes, there is a significant gender gap in land and housing ownership. Available data from the 2006 Census gender analysis shows that house/property ownership by women was 31.3%, as opposed to men which was 65.5% and joint ownership of housing was low at 3.1%.<sup>210</sup> Nationally, 76.2% of households were owner occupied as per the 2006 Census.

260) Providing affordable housing was a key pledge of the 2008 government, and the recognition of the housing problem by the State is evident. A rapid assessment of the housing situation conducted by the HRCM around 2008/2009 presented a bleak picture of the housing situation. The progressive deterioration of housing conditions over the years as Malé became over-burdened with immigration is evident from this report. The report cited the Census 2006 data showing the population explosion that occurred in Malé from 2000-2006 with a 40% increase.<sup>211</sup> There are no known studies that have been conducted to assess the social cost or health burden of the housing situation, which arguably has a disproportionately detrimental impact on the life situation and quality of life of women.

261) Paragraph 194 of the State Response raises the situation of mobility of women, although the emphasis is laid on infrastructure. During the last few years, the State began the task of establishing a nationwide transport network, as per the 2008 government’s key policy priority to increase mobility of isolated communities. This development had seen an improvement in access to affordable transport between islands thereby increasing the physical mobility of women. Nevertheless, the issues that inhibit the mobility of women are less physical than attitudinal, rooted in cultural beliefs that inhibit the social and economic mobility of women, on the basis of their sex. The State would be well advised to address the latter issues concurrently.

262) Maldivian women have traditionally been active in all areas of life, although changing cultural attitudes limit them significantly now. Paragraph 195 of the State Response refers to women and sport, which is in fact a much neglected area. Investment in women’s sport is virtually non-existent,

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<sup>208</sup> Ibid : 2-3

<sup>209</sup> *Activities addressing rights of persons with disabilities : A baseline assessment*, HRCM, April 2010:12

<sup>210</sup> Census Analysis 2006 - Gender, Ministry of Planning and National Development

<sup>211</sup> *Activities addressing rights of persons with disabilities : A baseline assessment*, HRCM, April 2010:17

particularly in rural communities. Although some small developments have taken place recently such as the National Women's Football Team as noted in paragraph 195 of the State Response, most Maldivian sports women are in competitive sport against the odds. The State Response fails to acknowledge the rapid decline in community sporting efforts by women over the last several years, largely due to the spread of conservative religious ideology undermining women's freedom to participate in sport. Anecdotal evidence suggests that in some islands, women's sport of any kind have been completely stopped due to such influences. This is a seriously alarming development among communities where women enjoyed competitive sport between islands and at atoll level.

### Recommendations

- 263) Support awareness and advocacy to increase women's participation in retirement and old age pensions, as well as conduct enquiries to understand the underlying reasons for the significant existing gender disparity between men and women in pension subscriptions.
- 264) Take appropriate measures to establish an enabling environment for single mothers to enter the workforce to achieve financial independence. The provision of affordable childcare facilities would be a defining feature of such efforts, as noted in paragraph 232 of this report.
- 265) Conduct a meaningful assessment to establish the situation and prevalence of disability among women, to produce disaggregated data to inform and support the State in its obligations to provide necessary support services to all disabled persons, including women.
- 266) Comprehensively address the continuing absence of mental health care provisions including basic legislation, policy, effective implementation mechanisms to provide services and access to reasonable health and social care provisions for mental health patients. Available figures, though dated, indicate the prevalence of mental health issues among women and children in particular, which is an issue requiring urgent State attention and remedial action.

### Article 14: Rural Women

#### Issues raised, observations and concerns

- 267) Paragraph 196 of the State Response refers to the challenges to rural development due to the dispersed and isolated nature of communities. The Maldives has historically had a strictly centralised governance structure where rural affairs have been managed by the central government. However, in the current context, the 2008 Constitution requires decentralised governance to be established in the country. In line with this new development, the Decentralisation Act was passed in 2010, supporting a governance structure that empowers island development through local government oversight mechanisms at various local levels. This fundamental change is thought to be an effort to overcome some of the challenges to rural

development. A further aim of decentralised governance is to relieve the urban congestion of Malé and to facilitate easier access to services at local level.

268) The description of the income generating activities of rural women provided in paragraphs 197 and 198 of the State Response is consistent with the observation that women are disproportionately represented in the informal manufacturing sector (see also discussion on employment under Article 11 in this report). The State Report observes that “demand exists for women to work in [rural] farms” although women “do not seek long term work on other islands.” This statement suggests that the State is somewhat oblivious about the life situation of rural women and the conditions and facilities available for them to seek employment in such farms. It could also be interpreted as an indication of the State’s lack of attention to respond to the requirements of this report, on the situation of women.

269) The challenges to women’s representation in island councils and local governance has already been discussed in this report. The Decentralisation Act 2010 mandates local councils to have IWDCs as an integral part of local governance. However, to date this organ of local governance has yet to be established. The present challenging situation further hinders progress in this area although at the time of writing, IWDC elections are scheduled for November 2012.

270) It is interesting that in paragraph 203 of the State Response, the State notes the need for women to be “informed and .. equipped to participate in drafting ... sectoral legislation” on fundamental issues relating to the environment. The State however, fails to acknowledge the reasons for women’s limited participation in such activities. Historically, rural women played a key role in island cleaning and related environmental maintenance efforts, including solid waste management. They continue to do so, on many islands. This is an extension of their traditional and fundamental stereotypical role as cleaners and maintainers of the home environment. Rural women continue to manage island solid waste sites at the level of voluntary labourers, but not in positions where they are empowered to make meaningful decisions to manage the problem of waste, which has today become a serious issue.

### Recommendations

271) Greater political participation and empowerment of rural women is essential and the provisions of the Decentralisation Act 2010, specifically the establishment of IWDCs which support this, must be implemented comprehensively. Refer also to the recommendations provided in paragraphs 167 to 170 of this report on the political empowerment of women.

*Article 15 & 16: Law, Marriage and Family*

Issues raised, observations and concerns

272) Article 34 of the 2008 Constitution, referred in paragraph 204 of the State Response, assures the right to marriage and the establishment of a family for everyone of marriageable age as specified by law. Further, the family is described by the Constitution as the “natural and fundamental unit of society” which is “entitled to special protection by society and the State”.<sup>212</sup> While the government “supports and respects choices” made by citizens in marriage, the implementation of the law to protect families as the fundamental unit of society is generally weak, as the following paragraphs will clarify.

273) The Family Act 2000 was a historical milestone towards improving the situation of women in several ways. It established the minimum age of marriage at 18 years, albeit with provisions that undermined it, in compliance with the socially accepted interpretation of Islamic Shari’ah. It is possible to assert that the Family Act 2000 did have a positive impact on the *de facto* situation of women, as it supported social change which subsequently resulted in the age of marriage for girls to increase as well as a decrease of divorce rates. Paragraph 205 of the State Response however, provides a helpful critique of the Family Act 2000, although the State does not propose any solutions to the situation described.

274) A review of the Family Act 2000 and its subordinate regulations is considered necessary by many sources, although this has yet to occur. Efforts have been made by external sources such as UNFPA to assess the Family Act 2000.<sup>213</sup> It is interesting that in paragraph 208 of the State Response, the State is highly critical of the existing regulations with its reference to the current child maintenance figure of Mrf450 per month as a “paltry” figure. The State also recognises in the same paragraph that “legal aid is lacking” and “family issues are not given priority”. However, the State fails to provide information about any meaningful efforts it is engaged in, to improve the situation. This is a worrying aspect of the State Response.

275) As paragraph 206 of the State Response observes, the Family Act 2000 forbids the marriage of a Maldivian woman to a non-Muslim man although the reverse is admissible, as per the socially accepted religious norm that prevails in the country. This could therefore be termed a discriminatory practice.

276) It is ironic that in paragraph 207 of the State Response, it claims “difficulty” about maintaining statistics on polygamous marriages. It is notable that the country uses modern technology, has embarked on e-governance and has sophisticated digital information systems to manage data in

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<sup>212</sup> Constitution of the Republic of Maldives 2008, Article 34

<sup>213</sup> *Family Law Report*, unpublished paper, 2005, supported by UNFPA

other areas. It is also an acknowledgment of the State's long standing neglect of the many social issues that directly stem from the prevalence of marital dysfunction, divorce and family breakage. This admission can be interpreted as a confirmation of the State's continued failure to build the necessary systems to implement laws and maintain records within the judiciary and law courts. Further, the State's acknowledgment of the occurrence of unrecorded marriages in remote islands, conducted "by religious scholars" indicates the distance from which the State views such developments. The complete absence of reference to any action being taken to address these issues is both surprising and worrying.

277) Paragraph 208 of the State Response mentions the situation regarding the financial assessment of men entering into polygamous marriages. The Family Act 2000 conforms to Islamic Shari'ah interpretations of polygamous marriage whereby men are allowed to have up to four wives. Over 22 years after the passage of the Family Act, the Family Court Regulations came into effect from 01 January 2012 requires that a man applying for additional marriages are assessed by the court to establish his financial capacity to carry out his obligations to his dependents. Article 116 of this regulation states that a person who requests a second (polygamous) marriage should:

- be someone who is financially providing [currently] for his wife and children as per his obligations
- be earning a minimum monthly income of Mrf 15,000
- as proof of income, has to submit the previous 6 months' bank statements [to the court]
- if the man requesting to marry a third wife already has a total of more than three wives and children [ie. dependents], for every additional person, an income of Mrf1000 should be earned in addition to the aforementioned monthly minimum income.<sup>214</sup>

Additional regulations and checks also apply as per the regulation. It is however, unclear how this would be administered in a courts system that fails in most aspects of judicial administration and management. Anecdotal evidence from reliable sources suggests that the existing administrative system is both haphazard and irregular. Therefore, in such a system, the existence of a regulation has no correlation to the quality of its execution. In the absence of relevant information to substantiate such claims, it is curious that the State Response should assert that the conditions set by the Family Court Regulations had "restricted the exercise of polygamy". How so? Where is the information to qualify this statement? The inconsistency of this claim is further noted as the State observed in paragraph 207, the difficulty to get data on polygamous marriages. A further irony is that a recent media report, on the release of statistical data from the justice sector, observed that a notable increase has occurred for polygamous marriages in the Maldives during the last 5 years.<sup>215</sup>

278) In paragraph 208 of the State Response, the reference to the paltriness of the child maintenance amount required by law from men who abandon their responsibilities to their children is an important admission worthy of repetition. The State's admission of the situation highlights the lack of attention to updating legislations and regulations in line with the passage of time and

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<sup>214</sup> Unofficial translation.

<sup>215</sup> *Increase of marriages to more than one wife in the Maldives* [translated from Dhivehi], Sun.mv, 29 Sept 2012, <http://www.sun.mv/22650>, accessed : 29 September 2012

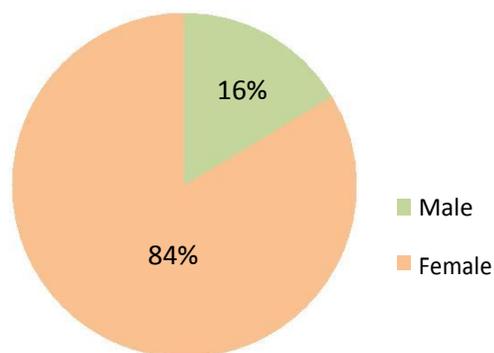
development status of the country. The regulation created under the Family Act 2000 which specified the child maintenance amounts, dates back to June 2001 and remains unchanged to date.

279) Paragraphs 209 and 213 of the State Response dwells on the issue of adultery and punishment, correctly stating that co-habitation is an offence. MPS statistics on the number of women arrested shows that data collection has a category entitled “living together under the pretense of being married”. However no woman was arrested for this offence over the duration data is available.<sup>216</sup>

280) The issue of adultery and punishment is a particularly serious and emotive one where embedded gender based discrimination continue to exist. Data available from the Criminal Court, which adjudicates on cases of adultery, help to highlight this fact, with a disproportionate number of women being found guilty and punished for adultery (see figures 15, 16 and 17). It is not clear why the State Response asserts in paragraph 229 that the practice of flogging is “seldom applied and there were no public reports of flogging in 2010”. Available data from the Criminal Court shows that in 2010, there were 67 women and 19 men who were served the punishment of *hadd*<sup>217</sup> for adultery, which is public flogging in the Maldives context

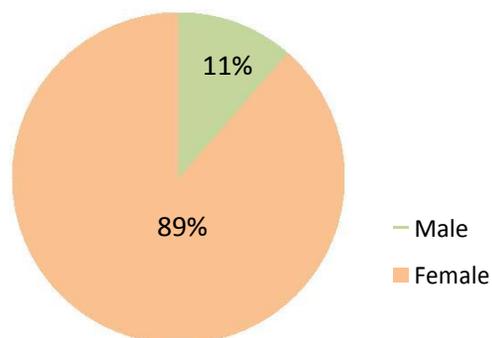
**Figure 15**  
Suspected cases of adultery from 2005-2011, by sex.  
*Data source :*  
Criminal Court,  
July 2012

**suspected cases of adultery, 2005-2011**



**Figure 16**  
Number of adultery cases where a guilty verdict was passed, from 2005-2011, by sex.  
*Data source :*  
Criminal Court,  
July 2012

**found guilty of adultery, 2005-2011**

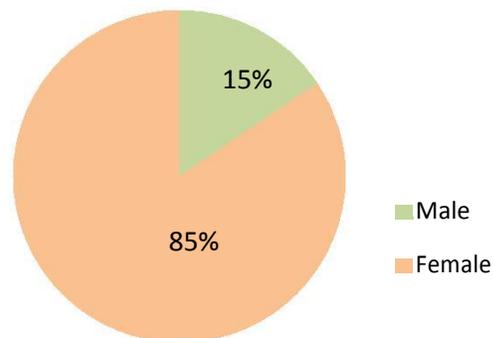


<sup>216</sup> Statistics provided by MPS for the duration 2008-June 2012 on number of women arrested and offences for arrest

<sup>217</sup> *Hadd* – in the Maldives context, is lashing or public flogging as punishment for adultery

**Figure 17**  
 Number of adultery cases where *hadd* was delivered, from 2005-2011, by sex.  
*Data source :*  
 Criminal Court,  
 July 2012

**sentenced for adultery, 2005-2011**



281) In 2009, there was a public protest by conservative religious supporters that called for the deportation of a female foreign journalist, Mariyam Omid, who publicised the discriminatory aspect of the practice of flogging in the country.<sup>218</sup> The furore attracted international media attention<sup>219</sup> and Amnesty International called for a moratorium on flogging.<sup>220</sup>

282) In November 2011, the UN High Commissioner for Human Rights (UNHCHR) Navi Pillay visited the Maldives, whose comments on the issue of flogging sparked further protests by conservative religious supporters. Ms Pillay stated in a press conference that :

“The fact that people, especially women, are still flogged in the Maldives is a serious blot on the country’s otherwise increasingly positive and progressive image overseas. There should be no place for flogging anywhere in the 21st century, and by continuing to carry out floggings – albeit only occasionally – the Maldives is in breach of its obligations under several international treaties.”<sup>221</sup>

Ms Pillay also reiterated the call of Amnesty International in 2009, for a moratorium on flogging, stating that :

“At the very least, pending more permanent changes in the law, it should be possible for the government and the judiciary to engineer a practical moratorium on flogging.”<sup>222</sup>

<sup>218</sup> *The religious right calls for violence against women and children to continue*, Maldives Dissent Blog, 18 July 2009, <http://maldivesdissent.blogspot.com/2009/07/religious-right-calls-violence-against.html>, accessed : 24 August 2012

<sup>220</sup><sup>219</sup> *150 women face adultery flogging in Maldives*, The Independent, UK, 22 July 2009, <http://www.independent.co.uk/news/world/asia/150-women-face-adultery-flogging-on-maldives-1757150.html>, accessed : 24 August 2012

<sup>220</sup> <sup>222</sup> *Maldives : 180 people face flogging for extramarital sex on honeymoon islands*, Amnesty International, 22 July 2009, [http://www.amnesty.org.uk/news\\_details.asp?NewsID=18345](http://www.amnesty.org.uk/news_details.asp?NewsID=18345), accessed : 24 August 2012

<sup>221</sup> Opening remarks by UNHCHR Navi Pillay at press conference, Office of UNHCHR Website, 24 Nov 2011, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11641&LangID=E>, accessed : 24 August 2012

<sup>222</sup> Ibid

283) The UNHCHR delivered a keynote address to the People's Majlis during her visit, where she advocated parliamentarians to address the issue of discrimination and VAW stating the following.

"However, patterns of discrimination against women and girls continue to arise, including various forms of violence. A powerful illustration of this trend is the flogging of women found guilty of extra-marital sex. *This practice constitutes one of the most inhumane and degrading forms of violence against women, and should have no place in the legal framework of a democratic country.* I strongly believe that a public debate is needed in Maldives on this issue of major concern. I, therefore, urge the People's Majlis to enact the domestic violence bill without delay and other laws that will ensure that women will enjoy their rights as equal partners in society. I also urge you to discuss the withdrawal of the remaining reservation to the Convention on the Elimination of all forms of Discrimination against Women concerning equality in marriage. These are necessary steps, not only for protecting the human rights of women and girls in Maldives, but securing Maldives' transition."<sup>223</sup>

The Ministry of Islamic Affairs issued a statement declaring its displeasure about Ms Pillay's comments given in the People's Majlis, condemning members of parliament for allowing the UNHCHR to address the People's Majlis.<sup>224</sup> The statement is further reported to have said that "No Muslim has the right to advocate against flogging for fornication".<sup>225</sup> A media article published in October 2010 provides some insights into the position of the Minister of Islamic Affairs on women's rights who is reported to have said that:

"Those who robustly advocate feminism and women rights, those of the west in reality deprive the woman of her rights and deprive her from her property rights. Thus they force her to work in jobs that do not suit her femininity such as working in coal mines and the likes".<sup>226</sup>

According to the news article, the Minister expressed these views at a two day conference on the role of women in society, organised by the Ministry and Islamic Call Society.

284) In November 2011, media sources reported the views of the Minister of Foreign Affairs who responded to the protests to Ms Pillay's call, stating "What's there to discuss about flogging? ... No one can argue with God."<sup>227</sup> Conservative religious supporters protested outside the UN building in Malé, expressing a variety of sentiments, including calling for the arrest of Ms Pillay.<sup>228</sup> Responding

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<sup>224</sup><sup>223</sup> "Responding to the Past while safeguarding the Future" – Keynote Address of the Members of the People's Majlis by Navi Pillay, UNHCHR, 24 November 2011, UNHR-Office of the HCHR

<sup>225</sup><sup>224</sup> Islamic Ministry condemns MPs for allowing UN Human Rights Commissioner to address parliament, Minivan News, 30 November 2011, <http://minivannews.com/society/islamic-ministry-condemns-mps-for-allowing-un-human-rights-commissioner-to-address-parliament-28878>, accessed : 24 August 2012

<sup>225</sup> Ibid

<sup>226</sup> Western women work hard because they have not been given their rights – Dr Majeed, Miadhu News, 24 October 2010, <http://www.miadhu.com/2010/10/local-news/western-women-work-hard-because-they-have-not-been-given-their-rights-dr-majeed/>, accessed : 24 August 2012

<sup>227</sup> Maldives won't allow debates on anti-Islamic issues : Foreign Minister, Haveeru Online, 26 November 2011, <http://www.haveeru.com.mv/news/38902>, accessed : 24 August 2012 / Foreign Ministry opposes UN Human Rights Commissioner's call for debate on flogging, Minivan News, 27 November 2011, <http://minivannews.com/politics/foreign-ministry-opposes-un-human-rights-commissioners-call-for-debate-on-flogging-28742>, accessed : 24 August 2012

<sup>228</sup><sup>228</sup> Maldivian Islamic groups calls for arrest of UN High Commissioner on Human Rights, Minivan News, 26

to journalists, Ms Pillay reportedly stated that she was not “plucking principles from the air”, and directed her critics to international acceptance by governments and scholars alike, that “there is no conflict between human rights and Islam”.<sup>229</sup>

285) In December 2012, the then President Mohamed Nasheed declared that the UNHCHR's call in November was a “missed opportunity” for the Maldives, to demonstrate the humanity of Islam, with the words :

“That the punishments and ruling of Islamic Sharia are not inhumane is very clear to us ... We have the opportunity to show the whole world how noble and civilised Sharia is. That is because we are the only Islamic nation with a democratically elected government.”<sup>230</sup>

The President reportedly stated that the opportunity for dialogue presented by the UNHCHR's visit was wasted “in a Jihadi spirit”.<sup>231</sup> The issue of flogging for adultery remains one of the most controversial issues within family law in Maldivian society. Hitherto moderate and liberal views have become fiercely and loudly opposed by a growing conservative voice commanding a highly politicised religious platform. Notably, the issue of discriminatory practices, resulting in the blatantly disproportionate numbers of women whose lives are ‘socially stained’ by the punishment of flogging for adultery is completely invisible in the maelstrom.

286) Available data on offences by women, from the MPS, does not provide any information on homosexuality among women, nor does such a category of offence exist in the data. When paragraph 210 of the State Response discusses the issue of homosexuality, it would be helpful to know meaningful details of how this issue affects the *de facto* situation of women.

287) Paragraph 211 of the State Response does not provide a reasonable assessment of the issue of child custody. The State should be able to provide a more comprehensive assessment of the concerns surrounding custody. This is important as according to consultations with stakeholders, this is a particularly problematic area that comes under family law, which is inadequately addressed by the State.

288) Reporting on DV is an issue that remains to be adequately addressed, Key concerns regarding functional mechanism will be addressed in part IV of the report. As previously discussed in paragraph 123 of this report, the issue of VAW and violence within the family has been studied through a national level survey and reliable information exists on the gravity of the problem. In this section, the State Response does not provide any meaningful comments to substantiate the State's efforts to address the issue of DV in the country.

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November 2011, <http://minivannews.com/politics/maldivian-islamic-groups-call-for-arrest-of-un-high-commissioner-on-human-rights-28676>, accessed : 24 August 2012

<sup>229</sup> Ibid

<sup>230</sup> Pillay controversy a missed opportunity to demonstrate nobility of Sharia : President, Minivan News, 04 December 2011, <http://minivannews.com/politics/pillay-controversy-a-missed-opportunity-to-demonstrate-nobility-of-sharia-president-29000>, accessed : August 2012

<sup>231</sup> Ibid

- 289) Paragraph 233 of the State Response refers fleetingly to the issue of out of wedlock pregnancy among mentally disabled persons, stating that they “may be sexually molested when they roam the streets”. This quality of reporting is appalling and regrettable on an issue of this magnitude. It puts into question the State’s approach to addressing human rights violations of mentally disabled persons who are among the most vulnerable in society.
- 290) Paragraph 245 of this report noted the imbalance in housing/property ownership between men and women. Land is very scarce in the Maldives and property is generally inherited. As the State Response observes and as cited in the CCD 2010, estate inheritance as per Shari’ah grants male heirs twice the share of females.<sup>232</sup> The State provides no information on how such inheritance is shared in practice because anecdotal information do exist suggesting inheritance is sometimes shared equally among male and female siblings, as preferred by the property owner(s). It is not known if such data is kept and whether sex disaggregated data relating to this is produced by the relevant State authority.
- 291) The level of discussion on the issue of rape presented in paragraph 215 of the State Response is incongruent to the seriousness of this offence. The State provides no meaningful data and it is evident that little effort has gone into providing an assessment of the issue. It is not clear if rape is in fact, a categorised offence in the Maldives, in the absence of relevant legislation and a requisite definition. The DV Prevention Act 2012 also does not include marital or spousal rape, for reasons noted earlier in this report (see paragraph 127). This legislative vacuum on the issue of rape does not in fact mean that rape is a non-issue in the Maldives. Available evidence from reliable sources show that rape occurs and the frequency of gang rape had increased alarmingly. Available statistics from the FPU at IGMH shows that between 2005 and 2009, the unit attended to 43 cases of rape of women and girls, of whom 22 were minors. Of these, more than half of the cases of rape of minors were gang rapes.<sup>233</sup> (See also Appendix 4).
- 292) Paragraph 217 of the State Response notes the passage of a “Child Sex Abuse Act”, which is perhaps a reference to the Law on Special Procedural Action Towards Child Sexual Offenders<sup>234</sup> ratified in November 2009. It is unfortunate that the State is unable to provide any statistical information on how well used and meaningful this legislation has been since its passage, to improve the situation of girl children which would be relevant to this report. The State Response notes that Article 14 of this legislation provides exception to cases of married minors. That the State accepts child marriage is disturbing. It is further a serious concern that legislation allegedly designed to protect children ignore the potential vulnerability and risk of harm to which a married girl child may be exposed.
- 293) Further, it is worrying that the State Report informs of reports of perpetrators being released back

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<sup>232</sup> Maldives Common Core Document to the UN HRI, HRI/CORE/MDV/2010, paragraph 162, pg.36

<sup>233</sup> *A Statistical Analysis of the FPU, IGMH*, August 2010, UNFPA/(FPU)IGMH

<sup>234</sup> Unofficial English translation for this report

into the community where the victim lives, without reference to what the State is doing to address this failure of law enforcement authorities.

294) It is not clear what the State Response means in paragraph 218 when it states that access to justice is “intricate”. While the State admits to a string of shortcomings in the justice sector and society, “democratic reform” is also portrayed as a problem. Legal aid is not an integral part of the law enforcement system, although consultations with some stakeholders suggest that the Attorney General’s Office is required to provide legal aid to a certain number of cases annually. How this occurs in practice, who benefits from this or the efficacy of this alleged service is not known.

295) A more recent development is the establishment of an Advocacy and Legal Advice Centre by TM, focusing on providing free legal assistance to victims of corruption.<sup>235</sup> Corruption is one of the most serious governance concerns in the Maldives and a public opinion survey conducted in 2011 shows that 3% of women and 8% men had paid a bribe to access services among 9 service providers. Public perception in the Maldives about the most corrupt public institutions include the People’s Majlis, political parties, judiciary, public officials, media and police in that order.<sup>236</sup> The fact that the legislature and the judiciary are among the institutions perceived to be most corrupt in the country, the limited participation of women in them and the traditionally practiced exclusion of women from these institutions in the prevailing context, is notable. The corruption perception study sample included 47% women and 53% men of whom, 93% of women and 87% of men thought that “ordinary people can make a difference in the fight against corruption”.<sup>237</sup> Therefore, the perception among women that they can make a difference in fighting corruption is positive and indicates the potential for productive action.

296) Paragraph 219 of the State Response raises the issue of “lack of confidence in the justice sector institutions” and the reasons for these have been already elaborated through various points in this report.

297) Paragraph 222 of the State Response is a further example of a generalised statement presented as the prevailing reality, which is a consistent weakness of the report. If the reality is that “the offender almost always will confess to whatever is being charged under the so called Shari’ah crimes”, why does the State fail explain what it is doing to improve the situation of injustice? Why is the State content to report that in these cases, “no evidence is provided, and charges will be based purely on the offender’s confession”, without reference to any efforts being made to rectify this deplorable situation?

## Recommendations

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<sup>235</sup> *Transparency Maldives launches free legal assistance for victims of corruption*, Minivan News, 11 June 2012, <http://minivannews.com/society/transparency-maldives-launches-free-legal-assistance-for-victims-of-corruption-38854>, accessed : 25 August 2012

<sup>236</sup> *Daily Lives and Corruption : Public Opinion in the Maldives*, Transparency International, 2011

<sup>237</sup> Ibid

- 298) The State Response to Articles 15 and 16 of the CEDAW Convention contains strange observations and statements which are both worrying and questionable. It is therefore recommended that the State provide a more meaningful, substantial and productive update on these articles, which provide an accurate and up to date assessment of the situation in relation to these two important articles of the Convention.
- 299) A review of the Family Act 2000 is considered overdue by several stakeholders. Therefore, it is recommended that such a review be conducted to bring the legislation and its subsequent regulations up to date and in line with the existing socio-economic realities of the current country situation.
- 300) Establish appropriate and productive digital information system(s) within the judicial system that support the effective management of information to ensure efficiency, functionality and facilitate the necessary due diligence in information management that is required by a judicial administration system.
- 301) The issue of flogging as a form of punishment is clearly controversial in the Maldives context and causes friction with the various human rights instruments to which the country is a State party. Nevertheless, constructive dialogue is worth pursuing to bring greater and broader understanding among all actors, of the underlying principles and purpose of this form of punishment, its effectiveness in the delivery of justice in the prevailing system and its pertinence in the current socio-historical context of transition to a modern democratic society.

*End of part II*

## Part III

### Additional critical issues of concern including emerging issues not addressed by the State

#### 1 - Endorsement and occurrence of female circumcision / genital cutting (relates to CEDAW Article 12)

302) In December 2009, a newspaper article reported that the then Attorney General had raised concerns that female circumcision was being practiced in Addu Atoll, in the far south of the country.<sup>238</sup> According to the report, the Attorney General stated at a State function that :

“I will note one thing I learned in the past two weeks: religious scholars are going around to midwives giving fatwas that girls have to be circumcised. They’re giving fatwas saying it is religiously compulsory. According to my information, the circumcising of girls has started and is going on with a new spirit.”<sup>239</sup>

The Attorney General’s words clearly suggested that the practice does exist in the country. Further, he is quoted in the report as follows :

“This is not something we can just stand by and watch. In the recent past, I would say this had ceased almost completely. But today in Addu atoll, the circumcision of girls is going on at some speed. I call upon the relevant authorities to stop this.”<sup>240</sup>

303) In October 2011, once again, the same newspaper reported on the issue, quoting the then Vice President who stated at a formal function that :

“We are beginning to hear reports of this occurring, and I have heard on radio and television people justifying the practice. It is quite disheartening”.<sup>241</sup>

Further, the newspaper reported that the Vice President “did not pinpoint a specific area where female circumcision was taking place, but attributed the “general trend” to “rising conservatism and traditional values imported from other parts of the world.”” The paper also said that their own investigation into the matter after travelling to Addu following the previous concerns, “was unable to determine if the practice was indeed occurring.”<sup>242</sup>

304) An official of the Ministry of Health is reported to have stated that female circumcision was “widely known to have occurred in the Maldives”, although it had stopped during the 1980s and 1990s.<sup>243</sup> Following the Minivan News report of October 2010, this issue was picked up in an article on the

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<sup>238</sup> *Female circumcision occurring in Addu Atoll, reveals AG*, Minivan News, 10 December 2009, <http://minivannews.com/politics/female-circumcision-occurring-in-addu-atoll-reveals-ag-1101>, accessed : 27 August 2012

<sup>239</sup> Ibid

<sup>240</sup> Ibid

<sup>241</sup><sup>241</sup> *Reported increase in practice of female circumcision raises alarm*, Minivan News, 30 October 2011, <http://minivannews.com/politics/reported-increase-in-practice-of-female-circumcision-raises-alarm-27670>, accessed : 27 August 2012

<sup>242</sup> Ibid

<sup>243</sup> Ibid

website of the International Federation of Gynaecology and Obstetrics (FIGO).<sup>244</sup> Hope for Women NGO raised concerns with the government following reports the organisation had received about the practice, as well as the continuing endorsement of the practice by conservative religious speakers on State radio and other media. No action has to date been observed by State authorities to address these concerns.

305) It is notable that since the political transformation that occurred in the country during the last two reporting periods to the CEDAW Committee, there has been a significant increase in conservative religious activism. Such religious views and practices had been increasing in Maldivian society for many years, as observed with concern in the NGO Shadow Report of 2006. However, more recent developments suggest that freedom of speech and expression provided in the 2008 Constitution had facilitated the rise of conservative religious views within the hitherto moderate mainstream. Although there is a media standards regulating body called the Maldives Media Council (MMC), the authority is extremely weak and ineffective. Moreover, it is unclear if the regulators are sensitive to social issues or to the social realities and consequences of gender based discrimination.

306) Very public concerns about the re-emergence of female circumcision/genital cutting had been raised by various officials of the government and reports produced by one of the few socially minded and issue aware media outlets. Additionally, the alarm had been raised by Hope for Women NGO. However, to date there are no known efforts to investigate the re-emergence of this serious issue which threatens the life-long health and well-being of girls and women.

### Recommendations

307) As encouraged by General Recommendation No.14 of the CEDAW Committee<sup>245</sup>, the State must urgently recognise and take all “appropriate and effective measures with a view to eradicating the practice of female circumcision”. This requires immediate acknowledgement and action by relevant State authorities to address these concerns by initiating the necessary investigations and situation assessment(s) to understand the prevalence and extent of the practice, in any community it is suspected or reported to be occurring.

308) Relevant State authorities must ensure that all health professionals and community based health workers are aware of the harmful effects of the practice of female circumcision/genital cutting and work closely with community leaders and NGOs to eradicate this harmful practice.

309) The State must ensure that media regulators in particular and all media actors are fully sensitised about the gravity of the issue and become accountable and active participants to eradicate the endorsement and spread of this harmful practice.

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<sup>244</sup> *Female genital mutilation ‘may be occurring’ in the Maldives*, 01 November 2011, FIGO, <http://www.figo.org/news/female-genital-mutilation-may-be-occurring-maldives-005395>, accessed : 27 August 2012

<sup>245</sup> CEDAW, General Recommendation No.14, 1990, point (a)

## 2 - Endorsement of the removal of girl children from school / denial of access to education, and discrimination against girls and women

(relates to CEDAW Article 5 and 10)

310) There have been increased anecdotal reports of the removal of girl children from school, another deeply alarming practice, influenced by conservative religious views. This issue was noted in the same media article which raised the issue of female circumcision in December 2009, which stated that “some families were refusing to send girls to school”.<sup>246</sup> This is reiterated in the State’s CCD to the UN in 2010.<sup>247</sup>

311) Reliable anecdotal information from research conducted for other studies show that the practice is occurring where in some instances, a blanket rejection of the schools system by some people is resulting in the denial of access to education to both boys and girls. There is a perception among conservative religious practitioners that many basic practices that are integral to the schools system in the Maldives are either *haram* (prohibited) or frowned upon by Islam. These include the use of music, artistic expressions and depictions involving the human form and face, as well as co-education. Singing the school song therefore becomes unacceptable and drawing facial features are ‘prohibited’ leading to the extreme action by parents following such views, to deny their children access to mainstream State education. Consultations for this report with a local NGO revealed that on one island, a number of families had denied their children access to pre-school as a result of similar ‘beliefs’. However, the NGOs efforts to integrate such parents and increase awareness among them on the importance of education are reported to be having a positive effect.

“Recently, patterns of discrimination against women and girls have started arising within the family, mainly based on religious beliefs, ranging from *removal of girls from schools, preventing women from going out for work and increased pressure on them to wear the veil* in addition to the rise in the incidence of child marriages, mainly cases of *parents consenting to the marriage of a girl child* before the legal age of eighteen.”

Common Core Document to the UN-HRI, February 2009, paragraph 202  
*(italicised for emphasis)*

312) Anecdotal information about the specific practice of removing girls from school before puberty has also been observed, allegedly underpinned by the view that educating girls is unimportant and girls do not need to study for too long.

313) Consultations for this report revealed an informant’s personal experience where she was denied a teaching position in a higher education institution of the State because she is a woman, due to a perceived view that a woman cannot teach male students. Interestingly, it is alleged that this view is held by some male students, who object to being taught by a woman, which the institution had

<sup>246</sup> *Female circumcision occurring in Addu Atoll, reveals AG*, Minivan News, 10 December 2009,

<http://minivannews.com/politics/female-circumcision-occurring-in-addu-atoll-reveals-ag-1101>, accessed : 27 August 012

<sup>247</sup> Maldives Common Core Document to the UN-HRI ; HRI/CORE/MDV/2010, paragraph 202

accepted and duly followed. While these anecdotes sound extreme to the point of ridiculousness in the overall Maldives context, the covert practice of such radical views cannot be denied. It is evident that the education system also includes those with radical conservative views in decision-making positions. It is therefore plausible that these anecdotes indicate the presence of much deeper social issues and resultant gender discrimination that are simmering underneath, within the State education system in the Maldives. This is an issue that requires further study and scrutiny.

### Recommendations

314) The Maldives Constitution 2008 assures the right to education to all citizens and the State must ensure its obligation that all children have equitable and non-discriminatory access to education. Therefore, the State must exercise its responsibility to actively ensure through the relevant State authorities, that no child is deprived of access to education on the basis of their sex or any other difference.

315) Acknowledge the existence of discriminatory practices in society, including State institutions, that actively limits, discourages and inhibits access to and the full participation of women in education, among other sectors. The State must conduct specific research to establish the depth of such discriminatory practices, especially within State institutions. Further, it must take all necessary steps to eradicate such practices that remove women's full participation and access to education opportunities, self-development, professional progress and capacity to contribute to the country's development.

### 3 - Endorsement of child marriage both registered and unregistered (relates to CEDAW Articles 5, 6, 12 and 16)

316) It is important to highlight that it was only in the year 2000 that a minimum age of marriage was established in the Maldives. This development brought the country in line with international standards and the definition of a child was finally adopted in domestic law that is consistent with the Convention on the Rights of the Child (CRC).<sup>248</sup> However, marriage to children is subject to State accepted interpretations of Islamic Shari'ah. This is reflected in the Family Act 2000, which gives discretion to the Registrar of Marriages to permit the marriage of a minor.<sup>249</sup> Data available from the Family Court shows that during 2009, a total of 47 girls between 16 and 17 years and 1 boy of 17 were given permission to marry by the court. Among these, one 16 year old girl was permitted to marry a 50 year old man. In 2010 and 2011, a total of 22 and 26 girls respectively, between 16 and 17 years (no boys), were permitted to marry. Among these was the marriage of a 41 year old man and a 17 year old girl. Between 2009 and 2011, a total of 96 minors were permitted to marry by the State among which was one boy and the rest were girls. While the girls' age was between 16

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<sup>248</sup> The Maldives ratified the CRC in 1990

<sup>249</sup> Family Act 2000, Article 4(b) : "If a person who has not reached the age of 18 applies for marriage and if that person has reached puberty, the marriage registrar has the discretion to permit the marriage after referring to the physical health status, livelihood and income capacity of the applicant and the reason for marriage." [unofficial translation]

and 17 years, the men who married these girls had an age range between 18 and 50. The vast majority of men were aged between 18 and 28 years.<sup>250</sup>

317) In September 2009, there was a media report about the police investigation into a suspected case of an under-age marriage of a 9 year old girl in Laamu Atoll.<sup>251</sup> The report revealed anecdotal evidence that the man involved in the case was a former magistrate, who had allegedly left his government post because of a belief that the State's revenue (with which he is paid) was *haraam*, as it was obtained through the sale of pork and alcohol. In this report, an official from the Ministry of Health and Family gave information that most applications of marriage to minors come from girls aged 16-18 years.<sup>252</sup> Hence, in the context of the case, the young age of the girl was a concern for the authorities.

318) In November 2009, serious allegations about an under-age "concubine" or "jaariyaa" surfaced, becoming very well publicised where subsequently, the family of the 17 year old pregnant girl implicated in the case denied the allegations.<sup>253</sup> This case was reported to have been investigated by both the HRCM and the Police although the outcome of these investigations is not clear. One of the weaknesses of the Maldivian media is the lack of capacity to report on a particular case until its conclusion and the case of the "concubine" appears to have faded without a clear outcome being publicised. There is no information available to suggest if any further actions to investigate this issue was subsequently undertaken by the State or any other stakeholder(s). Attempts to obtain conclusive information for this report were unsuccessful.

319) In November 2009, an anonymous commentator submitted a letter to the editor of Minivan News on the then topical issue of child marriage, raising several concerns that are relevant to this report. This article is provided in Appendix 5 of this report. Here, the concerned writer observed that "child marriage in these extremist communities have been going on for a long time without anyone noticing it ... children as young as 13 have been given away in marriage to men as old as 50".<sup>254</sup> Despite the recognition of this issue in the State's CCD to the UN in February 2010 there have been no known attempts by the State to investigate the prevalence of child marriage in the Maldives.

320) Consulted government stakeholders for this report also observed that the issue of unregistered marriages is particularly problematic. It is suspected that unregistered, illegal marriages are linked to marriage of under-age girls. Other explanations suggest that this occurs due to the desire to enter polygamous marriages by men who are ineligible to do so under existing regulations for such marriages.

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<sup>250</sup> Data provided by Family Court, July 2012

<sup>251</sup> Police investigating reports of illegal underage marriage, Minivan News, 23 September 2009, <http://minivannews.com/society/police-investigating-reports-of-illegal-under-age-marriage-108>, accessed : 28 August 2012

<sup>252</sup> Ibid

<sup>254</sup><sup>253</sup> Family of alleged concubine denies media reports, Minivan News, 22 November 2009, <http://minivannews.com/society/family-of-alleged-concubine-denies-media-reports-5023>, accessed : 28 Aug 2012

<sup>254</sup> Letter on child marriage, Minivan News, 21 November 2009, <http://minivannews.com/letters/letter-on-child-marriage-5096>, accessed : 28 August 2012

321) A media article of April 2010 reported on concerns raised by the Ministry of Islamic Affairs and the Family Court about unregistered marriages explaining that :

“There were “certain religious people” giving false information to others in small communities ... who were instructing their followers to marry “according to Islam and not Maldivian law.””<sup>255</sup>

Thus, the prevalence of conservative religious views that lead to the rejection of State legislations exposes young girls and women to abuse and exploitation, particularly in rural communities where access to information and services are at best weak, or non-existent.

322) What is further notable is the endorsement of child marriage by “Islamic scholars” who were invited to preach in the Maldives by various local organisations and State authorities, at high profile and well organised public events. These events while being held in open public spaces in the capital Malé, were also broadcast through radio and television across the country. Concerns about one such event publicised as “The Call”, a series of lectures by a foreign Islamic preacher, prompted a reaction by two protest groups called *Rehendhi* and *Enough is Enough*. A media report described *Rehendhi* as an ‘underground feminist movement’ who, along with *Enough is Enough*, began a campaign to petition the sponsors of the event to withdraw support.<sup>256</sup> The media report stated that:

“Rehendhi issued a press statement today condemning Dr Philips’ preaching at last years’ Call [in 2009], accusing him of “preaching that it is Islamic to marry off young girls as soon as they reached puberty, irrespective of their age.... We refuse to tolerate this misogynistic, regressive and repressive interpretation of Islam, especially in a public lecture,” *Rehendhi* claimed.”<sup>257</sup>

*Rehendhi* has a blog, in which they posted their campaign letter, entitled “Protect the Girl Child! Withdraw support for The Call 2010!”.<sup>258</sup> In their letter, the group claimed that the organisers of the event, Jamiyathul Salaf was “a wellknown extremist Wahhabi NGO in the Maldives”, whose 2009 lectures by the same title reached a third of the country’s population. *Rehendhi*’s letter further claimed that in 2009 :

“In these sermons, Dr. Philips preached that it was Islamic to marry off young girls as soon as they reached puberty, irrespective of their age. On the issue of women becoming heads of state, he said that although it was permissible in Islam for women to become heads of states, there were grave consequences. “It’s a fact,” he said, “that rule by women ended in failure, pointing out that this was what the prophet Muhammad had warned us a long time ago.”<sup>259</sup>

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<sup>255</sup> *Unregistered marriage leaves children unable to inherit, warns Family Court*, Minivan News, 12 April 2010, <http://minivannews.com/society/unregistered-marriages-leave-children-unable-to-inherit-warns-family-court-5744>, accessed : 28 August 2012

<sup>257</sup><sup>256</sup> *Feminist group launches letter writing campaign against sponsors of Dr Bilal Philips event*, Minivan News, 27 May 2012, <http://minivannews.com/society/feminist-group-launches-letter-writing-campaign-against-sponsors-of-dr-bilal-philips-event-7578>, accessed : 31 August 2012

<sup>257</sup> *Ibid*

<sup>258</sup> *Letter-writing Campaign Protesting Sonee’s Funding for Dr Bilal Philips*, *Rehendhi*, 27 May 2010, <http://rehendhi.wordpress.com/2010/05/27/letter-writing-campaign-protesting-sonees-funding-for-dr-bilal-philips/>, accessed : 31 August 2012

<sup>259</sup> *Ibid*

323) *Rehendhi* describes itself as “a feminist movement operating in the Maldives” and *Enough is Enough* describes itself as “an anti-extremist movement operating in the Maldives”.<sup>260</sup> It is understood that these protest groups are not officially registered, indicating a possible lack of trust in the authorities to support them and a hesitation to be publicly known due to their views. While the Maldivian Constitution 2008 guarantees freedom of expression as a basic right, speaking out against practices that are alleged to be endorsed by Islam is both difficult and socially labelled as “irreligious”. The *Rehendhi* campaign letter also made the following allegations, which is a further indication of the reluctance of key stakeholders to address these emerging issues.

“The Ministry of Health and Family, UNICEF, Doctors Association, Child Protections Unit at the Maldives Police Services, Human Rights Commission, Ministry of Education and almost all the NGOs working on child rights in the Maldives remained silent, reluctant to be labeled as un-Islamic.”<sup>261</sup>

The group also noted the State’s international obligations to protect the rights of women and girls, citing the CRC, CEDAW as well as relevant existing domestic legislations. Increasing religious extreme views in the Maldives which affect the *de facto* position of women is an important topic which is beyond the scope of this report. However, it is important to acknowledge that the increased acceptance of conservative religious views herald an increase in harmful practices that undermine certain basic human rights of women and the girl child.

### Recommendations

324) The active engagement of the State to protect the rights of girl children and prevent the endorsement and practice of marriage to minors is critical. The State must seriously attend to its obligations to ensure protection of minors from predatory elements within society, and take urgent necessary measures to stop the prevailing trend in the marriage of minors. As a necessary first step, the State is urged to establish the prevalence of unregistered marriage to minors through careful, collaborative scrutiny of available systems across relevant sectors and other possible means of investigation and assessment.

325) Ensure appropriate sensitisation of the Registrar of Marriages, on the detrimental effects of child marriage which undermine the progress and development of the girl child and the capacities of a child to bear and take responsibilities for their own children, to prevent endorsement of child marriages. As a party to the CRC, the State must be cognisant of the fact that the acceptance of marriage of children is against the best interest of the child.

326) The State is urged to immediately and actively take appropriate measures to address the situation of unregistered marriages which undermine and negate the rights of all parties involved, specifically that of vulnerable minors and any children such a ‘marriage’ may produce.

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<sup>260</sup> *ibid*

<sup>261</sup> *ibid*

#### 4 - Increase of girl children among juvenile offenders (relates to CEDAW Article 1 and 5)

327) Stakeholder consultations reveal concerns regarding an observed increase of girls among juvenile offenders. The cases submitted to the Juvenile Justice Unit (JJU) based at the Ministry of Home Affairs shows that in 2011, 92% of juvenile offence cases submitted to the unit were boys and 8% were girls in 2013 it was 87% boys and 13% girls and in 2014 in the first 6 months it was 90% boys and 10% girls.<sup>262</sup> However, the detention of girls is infrequent. According to consulted stakeholders, there is no facility to keep female juvenile offenders during custody and the absence of arrangements to separate young offenders from those in State custody serving sentences for serious criminal offences is a significant issue. According to the JJU, a temporary detention facility for girls was recently created under a court ruling, in Maafushi island which is where one of the main prisons are located.

328) JJU also informs that juvenile female offenders are disadvantaged compared with male juvenile offenders in terms of access to opportunities. These include lack of appropriate training and rehabilitation programmes, education programmes as well as a safe and secure custodial environment. Additionally, the perception is that there is a stronger social stigma associated to girls that are in conflict with the law and they are more likely to be socially ostracised.

329) It is a further curiosity, albeit a consistent one with the situation of adults on the same issue, that the Juvenile Court found more female than male juvenile offenders guilty of adultery. Available data from the Juvenile Court shows that of the 33 cases of adultery among minors recorded between 2005 and 2011, a total of 25 girls and 01 boy were found guilty and sentenced on charges of adultery.<sup>263</sup> These figures indicate the extent of discrimination against girls who come in conflict with the law, by the juvenile justice system.

#### Recommendations

330) As a matter of urgency, ensure that equitable treatment of both girls and boys among juvenile offenders in custody is assured, such that girl children have access to equitable facilities and opportunities for a safe and remedial custodial environment as boys, without discrimination.

331) Ensure effective training and sensitisation of relevant officials that deal with juvenile offenders to limit and remove any negative impact of stigmatisation or marginalisation of girls that are in conflict with the law, to ensure meaningful rehabilitation and social re-integration of girl children.

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<sup>262</sup> Data provided by the JJU, July 2012

<sup>263</sup> Data provided by the Department of Judicial Administration, July 2012

5 - Barriers to access sexual reproductive health (SRH) services, social taboo of out of wedlock pregnancy and lack of recognition of the issue of illegal and unsafe abortion practices

(relates to CEDAW Article 1, 5 and 12)

332) The issue of access to sexual reproductive health services is a continuing concern, despite reports of the achievement of the Millennium Development Goal (MDG) 5, on maternal mortality and universal access to reproductive health.<sup>264</sup> Target 5A of MDG5 is the indicator on maternal mortality, which the Maldives had achieved, although the currently observed trend as evident in figure 14 of this report is both undesirable and alarming. Target 5B of MDG5 to achieve universal access to reproductive health (RH) is clearly not achieved in the Maldives. RH indicators such as contraceptive user rate and unmet need for family planning, the most recent rate of which is 28.10% provides a different picture to the one that is conveyed in official reports.<sup>265</sup> The near absence of SRH services for the highest demographic, the youth, is particularly problematic. There is a significant reluctance to support sexual health information provision and education to young people in schools, as the challenges to projects promoting such education had experienced over a number of years.<sup>266</sup> As observed previously in this report (see paragraph 196), the general school curriculum does not support even basic scientific information on human reproductive health.

333) The issue of illegal and unsafe abortion practices is a further concern that requires serious State intervention and the particular attention of the health sector. This issue had been identified in the Reproductive Health Baseline Survey of 1999 and reinforced in the Reproductive Health Survey of 2004. It was reported in the latter survey that a third of consulted opinion leaders in island communities informed that “unwanted pregnancies were a big issue for their communities.”<sup>267</sup> More recently, the issue was launched into the public spotlight in a media report in 2010.<sup>268</sup> However, these developments have not resulted in the acknowledgement of the issue by the relevant authorities. A qualitative study on abortion in the Maldives conducted in 2008 supported by the International Planned Parenthood Federation (IPPF) was reportedly rejected by the authorities on the grounds of an administrative oversight. Most recently, a UNFPA supported qualitative assessment of the situation of SRH knowledge and behaviour among young unmarried women provides alarming insights into the prevalence of unsafe and illegal abortion.<sup>269</sup>

334) It is notable that no effort was made in the nationwide MDHS 2009 to collect information on the issue of out of wedlock, unwanted pregnancy and illegal abortion. In fact, the MDHS went so far as to state that “pregnancies among teenagers in Maldives are rare”, quoting data that only 2% of adolescents had begun childbearing, with few starting at age 18 and only 7% started at age 19.<sup>270</sup>

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<sup>264</sup> Millennium Development Goals, Maldives Country Report, 2010:16

<sup>265</sup> Unmet need for family planning, latest figure from the MDHS 2009

<sup>266</sup> UNFPA Fourth Country Programme 2008-2010 : Evaluation, October 2010, UNFPA

<sup>267</sup> Reproductive Health Survey 2004, Ministry of Health/UNFPA, pg.34-35 [note : “unwanted pregnancy” refers to out of wedlock pregnancy in this instance]

<sup>268</sup> *Abortion in the Maldives : the untold story*, Minivan News, 07 January 2010,

<http://minivannews.com/society/abortion-in-the-maldives-the-untold-story-2191>, accessed : 29 August 2012

<sup>269</sup> *RH knowledge and behaviour of young unmarried women in the Maldives*, 2011, UNFPA

<sup>270</sup> MDHS 2009, pg.51

The findings of the 2011 assessment on RH knowledge and behaviour, as well as the 2008 IPPF report on the issue are significantly inconsistent with the information in the MDHS 2009. The simple fact of refusing to acknowledge the existence of a problem does not negate the fact of its reality and impact on the *de facto* situation and life experiences of women.

- 335) The social taboos surrounding out of wedlock pregnancy is significant and potentially undermines the life opportunities and development of a young woman. This issue is elaborated in the 2011 assessment of RH knowledge and behaviour of young unmarried women in the Maldives, supported by UNFPA. An important issue that is closely linked to this social taboo is the occurrence of infanticide. As the 2011 assessment stated, “there is no research to correlate pregnancy outside marriage to infanticide” although “existing cases indicate the strong likelihood of such a correlation in the socio-cultural and punitive legal context of the Maldives.”<sup>271</sup> Cases of infanticide have made loud headlines in the Maldivian media over the last few years. It is very likely that newfound media freedoms may have some role to play in the increased publicisation of such a hitherto hushed social issue.
- 336) A notable finding of this study is the discriminatory practice used by the courts to fine a couple charged with adultery. This study found that for the same charge of adultery where a fine was incurred on the couple, the woman was charged Mrf1200 whereas the man was charged Mrf700. There was no explanation provided in the documentation, for this evident discrimination between the two accused.<sup>272</sup>

### Recommendations

- 337) Incorporate age appropriate reproductive health information within the core school curriculum to educate and inform all students, using a gender sensitive and human rights based approach, so that young people may be better able to protect their physical and mental health through adolescence and youth.
- 338) State authorities must acknowledge existing research which highlights the issues surrounding the prevalence of illegal and unsafe abortion practices that are seriously detrimental to women’s health and practically address this critical public health concern. All appropriate measures must be taken to address these issues and attend to the recommendations of the existing studies, to protect women’s physical and mental health and well-being.
- 339) Significantly improve support services to educate and inform women on sexual and reproductive health matters and RH rights. Facilitate access to confidential counselling and support services through professional healthcare providers with a view to prevent the complex issues that are linked to serious socio-cultural malaise, that negatively impact the health and lives of women.

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<sup>271</sup> *RH knowledge and behaviour of young unmarried women in the Maldives*, 2011, UNFPA, pg.92

<sup>272</sup> *Ibid* : 84

6 - Police brutality and degrading treatment of women political protestors  
(relates to CEDAW Article 1, 5 and 7)

340) The change of government and transfer of political power on 07 February 2012 resulted in a significant number of women protestors, sympathetic to the ousted MDP, joining the political rallies that began to take place in the capital Malé. Since then, there have been many media reports of police brutality against both men and women protestors, which are both seriously alarming and disturbing. Human rights violations by security forces were reported by both local media and international observers, such as Amnesty International, on the specific issue of police brutality and VAW.<sup>273</sup>

“Another woman said that they began to beat her on her breast, repeatedly shouting they would see to it that she does not breastfeed again”

Account of a woman political protestor in Addu attacked by security forces, reported by Amnesty International, 29 February 2012

341) In February 2012, Amnesty International reported on an incident in Addu, in the South of the Maldives, where security forces were reported to have attacked women political protestors. This report states that "Amnesty International learned that one woman had her arm twisted and sprained when MNDF soldiers grabbed her. They then took her glasses off, forced her to open her eye and sprayed it with pepper spray. She said they pressed her against the wall and kicked her with their boots. Another woman said that they began to beat her on her breast, repeatedly shouting they would see to it that she does not breastfeed again."<sup>274</sup> Following protests on 19 March 2012, a media report published allegations of ill treatment and sexual harassment made by women protestors who were taken into police custody, where police officers allegedly “tore women’s clothes during arrest” and while in police custody, “ordered female detainees to strip and squat multiple times”.<sup>275</sup> Several reports allege the use of undue force, degrading and humiliating treatment including foul language used by police officers towards women protestors and detainees. One of the detainees of 19 March reported her experience in police custody as follows :

“I don’t know what happened after the pepper-spray. I woke up in the police ambulance. A police officer was pressing hard on my chest. I found it very hard to breathe. I was hand-cuffed. I started thrashing, my leg hit a policeman. They cuffed my legs as well. I told them I was in pain. But they said ‘You dog, we will kill you today.’ They were very verbally abusive. They insulted my mother and father.”<sup>276</sup>

342) On 28 March 2012, Amnesty International raised concerns about the allegations of sexual

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<sup>273</sup> Blog : *Maldives security forces assault women protestors*, News, 29 February 2012, Amnesty International, <http://www.amnesty.org/en/news/blog-maldives-security-forces-assault-women-protestors-2012-02-29>, accessed : 01 September 2012

<sup>274</sup> Ibid [accessed in March 2012, Livewire article through Blog link]

<sup>275</sup> *MDP detainees accuse police of sexual harassment : “What right do they have?”*, Minivan News, 25 March 2012, <http://minivannews.com/politics/mdp-detainees-accuse-police-of-sexual-harassment-what-right-do-they-have-34122>, accessed : 01 September 2012

<sup>276</sup> Ibid

harassment of women detainees, stating that :

"The beating and sexual harassment of political detainees under the pretext that they are suspected of possessing drugs must end. None of the four women detainees had been arrested on that suspicion so there was no justification for the searches."<sup>277</sup>

However, on 29 March, in response to Amnesty International's concerns, the MPS announced in a press statement that :

"The allegations that the female individuals arrested in the protests of 19 March 2012 was sexually harassed and assaulted by police officers are false and without any factual basis."<sup>278</sup>

It is notable however, that the Senior Researcher for Amnesty International's Asia Pacific Regional Programme met with the Commissioner of Police on 23 February 2012 and discussed MPS procedures for arrests and interrogations, as per an announcement made by the MPS.<sup>279</sup> It is highly unlikely that Amnesty International, having clarified the due process, would investigate allegations from victims and raise concerns, if the organisation found them baseless.

343) Anecdotal evidence from several women protestors confirms these allegations. Consultations with MPS officers of the Professional Command unit, for the purposes of this report elicited a response denying the occurrence of such conduct by police and reiteration that police follow due protocols. This is not unexpected in the current situation, where the MPS had formally denied allegations of human rights violations made by Amnesty International on a further occasion in June 2012.<sup>280</sup>

344) On 6 March 2012, the security forces used high pressure salt water cannon against women protestors, a historical and new development in responding to women protestors by security forces. The women had attended a rally near the HRCM to protest the institution's lack of progress of its investigations into human rights violations by security forces against peaceful protestors on 08 February 2012, an event that was broadcast on television and well known. From the HRCM, the women marched to the President's Office to deliver a petition, where they conducted an impromptu sit-in on the street. On that day, security forces used high pressure water cannon at close range to forcibly disperse approximately 100 women protestors.<sup>281</sup> This was a public show of force against unarmed women hitherto not witnessed in the Maldives.<sup>282</sup>

345) A detailed report of violence perpetrated by the security forces was submitted to the 105<sup>th</sup> Session of the UNHRC held in Geneva from 9 – 27 July 2012. The report is a compilation of 15 testimonies of victims which includes 7 women and 8 men.<sup>283</sup> The significant increase and relevance of this level

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<sup>277</sup> *Maldives must investigate sexual harassment of detained women protestors*, Amnesty International, News, 28 March 2012, <http://www.amnesty.org/en/news/maldives-must-investigate-sexual-harassment-detained-women-protesters-2012-03-28#.T3MCiSrOVfw.facebook>, accessed : 01 September 2012

<sup>278</sup> MPS Press Release, Thursday 29 March 2012, <http://www.police.gov.mv/page/25946>, accessed : 01 September 2012

<sup>279</sup> MPS Media Announcement, 23 February 2012, <http://www.police.gov.mv/page/24657>, accessed : 01 September 2012

<sup>280</sup> MPS Press Release, Thursday 19 June 2012, <http://www.police.gov.mv/page/28006>, accessed : 01 September 2012

<sup>281</sup> *Security forces use water cannon on MDP women's sit-down protest*, Minivan News, 06 March 2012, <http://minivannews.com/politics/security-forces-use-water-cannon-on-mdp-womens-sit-down-protest-32897>, accessed : 01 September 2012

<sup>282</sup> *Female anti-government protestors dispersed by spraying sea-water*, Haveeruvideos, 06 March 2012, <http://www.youtube.com/watch?v=We1CWlvDsOA>, accessed : 01 September 2012

<sup>283</sup> *Human Rights Violations Maldives*, February – June 2012, compiled by Mariya Ali,

of violence perpetrated against citizens and against women political activists by agents of the State is an ominous development in the Maldives context. Several other reports relating to human rights violations in the Maldives were submitted to the 105<sup>th</sup> Session of the UNHRC, which reported cases and testimonies by women. These include a joint report by Redress and the Torture Victims Association of Maldives as well as a report by the Helios Life Association, which raised concerns about reversals in the State's ICCPR commitments.<sup>284</sup> Issues pertaining to VAW by agents of the State, especially the increased evidence on the role of female police officers in perpetrating sexualised, physical, verbal and psychological VAW, are deeply disturbing developments.

### Recommendations

- 346) A thorough investigation of the allegations of police brutality against women political protestors to establish how such unprecedented human rights violations had occurred is necessary, especially bearing in mind that these are perceived to be new developments in the behaviour of police officers, particularly among women officers. Such an investigation must be conducted with a view to ensure the prevention of repetition of similar acts of police brutality against civilians and requires serious attention to assess the limitations in basic training police officers receive.
- 347) Re-evaluate the training protocols of both MPS and MNDF officers to ensure appropriate and relevant human rights education and training, including substantial gender sensitisation elements are productively featured in such training.
- 348) Significantly strengthen the education, training and capacity building of MPS officers *at all levels* to ensure that *all officers* are adequately familiar and able to uphold the Constitution and the subsequent laws and regulations which inform and guide their professional conduct and behaviour in law enforcement practices. MPS officers require essential and intensive training to observe and uphold the laws by which they are duty-bound, to protect and serve citizens.

*End of Part III*

## Part IV

### Progress and key concerns to date

349) This report was written to comment on the combined 4<sup>th</sup> and 5<sup>th</sup> report representing the time up to 2012. This part of the report highlights some of the important progress and key concerns to date.

350) On November 2013 the new government concentrated its efforts on an inclusive gender policy focusing mainly on:

1. Eliminating barriers for employment of women
2. Zero tolerance to violence and harassment against women
3. Foster opportunity for women's participation in political spheres
4. Enhance economic empowerment of women
5. Protect Families from experiencing negative consequences from divorce
6. Ensure equal distribution of matrimonial property after divorce

351) As mentioned in paragraph 4 and 7 of this report NWM has undergone various changes under different governments. With the current government it has been renamed as Ministry of Law and Gender, and states Attorney General appointed as the minister. The positive element to note with this change is that perhaps Existing legislation will be reviewed for CEDAW compliance.

352) There has been progress in legal reform establishing gender equality with the passage of Anti-Human Trafficking Act, the Sexual Offences Act, the Sexual Harassment Act Harassment Act and drafting of the Gender equality Bill which would outline in law the structure and framework for the gender machinery.

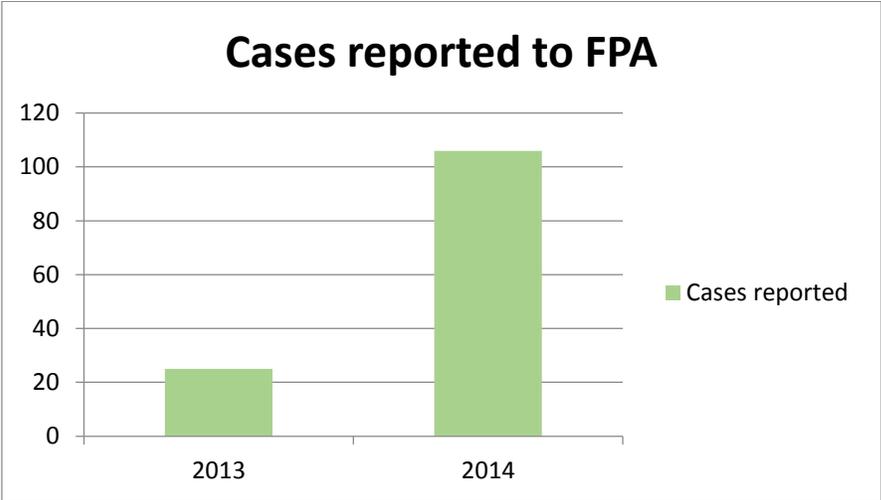
353) In 2012 Family protection Authority was established for the implementation of the Domestic Violence Act (2012). Meeting with stakeholders<sup>i</sup> informed in spite of numerous challenges, number of activities has been conducted. While activities such as a service mapping related to available services for domestic violence survivors, formulation of the Domestic Violence Prevention National Strategy (DVPNS, 2014 – 2016) and development of a commentary of the Domestic Violence Prevention Act has been produced, it is important that as a regulatory body, monitoring and evaluation of these tool also need to be in place.

354) Stakeholders consultations further revealed concerns regarding the lack of service providers for DV victims. While the act states FPA as a regulatory body and also as a service provider this leaves FPA and Ministry of Law and Gender replicating roles.

355) Recently, FPA has established a reporting and referral mechanisms for domestic violence cases with

the Ministry of Law and Gender and Maldives Police Service. However, the state needs to acknowledge the existing challenges in collecting data and providing services to DV victims. Stakeholder meetings suggested, each agencies had their own system of receiving complains hence different definitions for VAW within its system. Although referral mechanism may be in place the inconsistencies in the defining and entering data may allow service for DV victim to be missed and in addition Data issue could also lead to unreliable or misleading information that could lead to poor policies

**Figure 18**  
 Number of cases reported in 2013 January to December  
 Number of cases reported in 2014 January to November  
 Data Source: FPA 2014



356) Currently an NGO, Society for Health Education is also a partner in providing psycho social support for DV and VAW victims However, with increasing number cases within the last year indicates service providers in existence are already overburdened and cannot efficiently handle more workload hence concentration towards prevention is necessary and it is notable that no efforts have been made to working with Men to end VAW.

357) It is important to note, while VAW concerns is debated across all stakeholders, the fact that the Main state authority to implement DV act and relevant sectors have indicated common challenges as Lack of funds from the government for programmes as the main concern. the fact that High dependence on donor agencies for funding limits and put restrictions on FPA to negotiate activities, as the activities incorporated into donor agency’s work plans has to be aligned to their priority and focus areas as well. In addition as Maldives has been graduated to a middle income country, UN donor agencies now focuses on funding upstream level work, which again restricts FPA to negotiate funding. Unless ending VAW becomes the states priority this issue will remain merely a debate.

358) In 2014 government announced the opening of five women's shelter in Haa Dhaal Atoll, Shaviyani Atoll, Thaa Atoll, Gaafu Dhaal Atoll and Villimale' in Kaafu Atoll. While the Family Children Service Centers ( FCSCs) in these atolls are responsible to cater to women victims, it is important to note that the existing challenges mentioned for the FCSCs' in Paragraph 37 and 130 still remains the same. Hence, while their technical capacities to provide meaningful protection and support services are barely adequate, It is unclear how state plans to provide the support services for victims of violence in these shelters targeting victims specific immediate and longer-term needs.

359) A Notable finding from Women Vision 2014 reported that the main concern for women from Atolls and Male' was Violence against Women, limited recreational facilities, discrimination and limited choice for women at decision making levels<sup>ii</sup>. Hence its evident that even today these concerns for women stems from their lived realities that continue to reinforce their secondary roles in society.

*End of Part IV*

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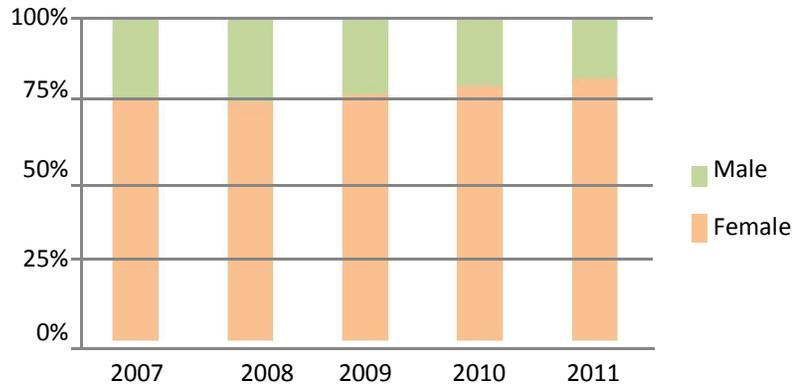
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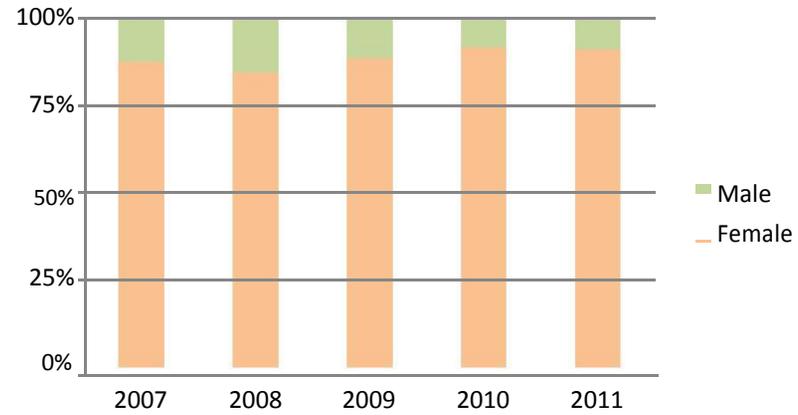
## Appendices

### Appendix 1: MNU – Student intake for long-term courses (by sex) at various faculties, 2007-2011

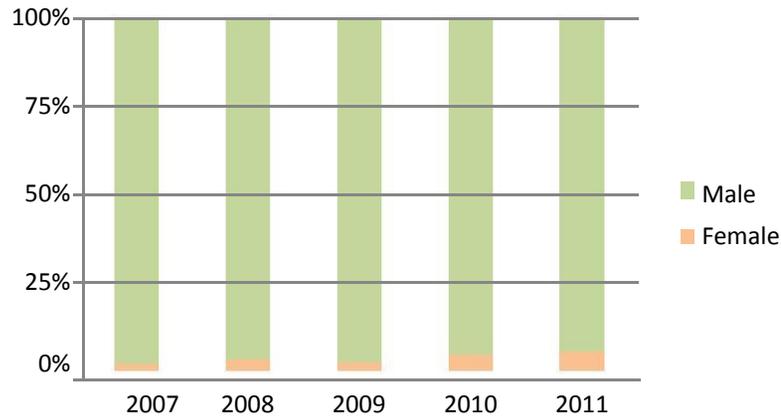
#### Faculty of Education



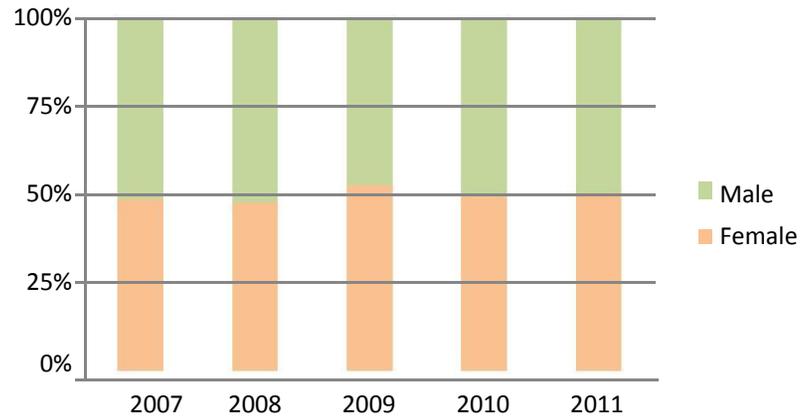
#### Faculty of Health Sciences



#### Faculty of Engineering & Technology



#### Faculty of Management & Computing



Data Source : Annual Report 2011, MNU

## Appendix 2 : Historical transition of the National Women’s Machinery (NWM)

Title of National Machinery	Period
Preparatory Committee for the UN Decade for Women (under National Planning Agency)	1979 – 1981
Office for Women’s Affairs National Women’s Council (under President’s Office)	1981 – 1989
Department of Women’s Affairs National Women’s Council (under Department)	1989 – 1993
Ministry of Youth, Women’s Affairs and Sports National Women’s Council (under Ministry)	1993 – 1996
Ministry of Women’s Affairs and Social Welfare National Women’s Council (under Ministry)	1996 – 1998
Ministry of Women’s Affairs and Social Security National Women’s Council (under Ministry)	1998 – 2003
National Women’s Council dissolved. Replaced with the : Gender Equality Council, headed by President Gayyoom	2000
Ministry of Gender, Family Development and Social Security Gender Equality Council [Defunct*]	2003 – 2005
Ministry of Gender and Family Gender Focal Points in all line Ministries [Inactive] Gender Equality Council [“paper entity – defunct”* ]	2005 – 2008
Department of Gender and Family Protection Services (DGFPS) under the new Ministry of Health and Family Gender Focal Point – President Nasheed at the National Planning Council Gender Focal Points in all line Ministries – Deputy Minister level [no longer in effect due to change of government on 07 Feb 2012]	Nov 2008 – 07 Feb 2012 (Ministry remained till May 2012)
Department of Gender and Family Protection Services (DGFPS) under the new Ministry of Gender, Family and Human Rights	07 May 2012 <sup>285</sup> – 2013

*\*Information from reference sources below :*

- National Gender Equality Policy and Framework for Operationalisation (Draft 1), Republic of Maldives, May 2009, supported by UNFPA, pg.15

- NGO Shadow Report to the CEDAW Committee, 2006, paragraph 114, pg.17

*Table adapted with information from both above noted documents and available current information.*

<sup>285</sup> Press Release of the President’s Office, Maldives,

<http://www.presidencymaldives.gov.mv/Index.aspx?lid=11&dcid=7342>, accessed : 10 August 2012

## Appendix 3: Opinion on lack of childcare facilities

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- Minivan News - <http://minivannews.com> -

### Letter on lack of child care facilities

Posted By [Mohamed Saeed](#) On June 28, 2011 @ 6:11 PM In [Letters](#) | [8 Comments](#)

I totally agree on the importance of women's contribution to our economy and our job market.

So, let me share my experience. I have noticed that the practiced rules and procedures for employees do not encourage women to work.

If one looks at a working woman who requires no-pay leave for a short intensive course, leaving behind her young child with an expatriate baby-sitter, it's not a difficult thing. But if a woman requests no-pay leave due to a problem with her child – for instance, if it is suffering from being severely underweight and no one is available at home to take care of the child, she has no choice other than to resign from her job. This means the existing rules and procedures for employees are encouraging the importing of a baby-sitter for each and every woman working in this country.

I think this is a serious issue that has to be addressed without any delay. Why has a concept like day care centres not been set up? I have noticed there is a Hulhumale' ferry service for those living in Hulhumale' to go to Male' for their work. Also there is now a bus service between Hulhumale' jetty and various locations of Hulhumale'.

I take interest in the issues, hidden and untold, and I thought I would try to bring this important issue to all concerned to comment on.

Regards

**Mohamed Saeed**

*All letters are the sole view of the author and do not reflect the editorial policy of Minivan News. If you would like to write a letter, please submit it to [editorial@minivannews.com](mailto:editorial@minivannews.com)*

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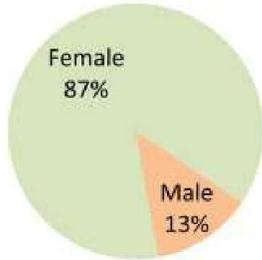
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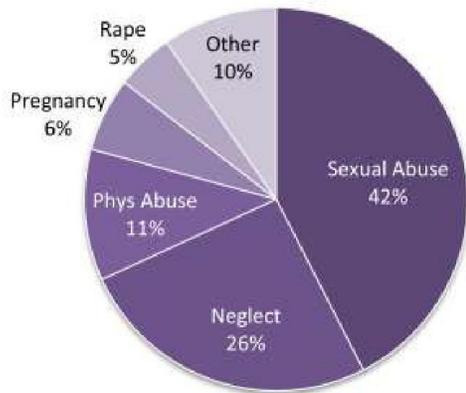
*Note : Full text provided with permission from Minivan News, September 2012*

**Appendix 4 : FPU statistics on cases of rape and VAW, 2005 – 2009**

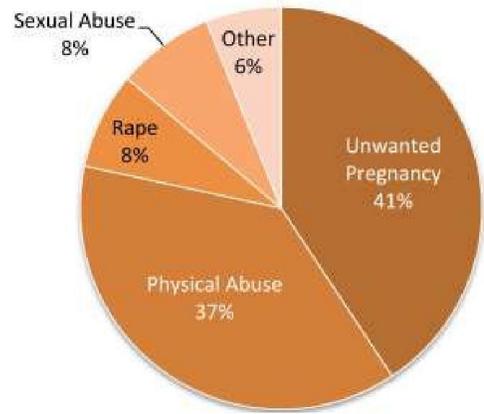
**FPU Patients by Gender**



**Analysis of the 433 Patients Aged Under 18**



**Analysis of the 231 Patients Aged 18 and over**



## Appendix 5 : Opinion - letter on child marriage

- Minivan News - <http://minivannews.com> -

### Letter on child marriage

Posted By [Minivan News](#) On November 21, 2009 @ 6:34 AM In [Letters](#) | [No Comments](#)

Dear Editor,

I salute the UNICEF Representative Mansoor Ali for commenting about the reservations in the article 14 of the new child abuse law. This reservation is based solely on a corrupt interpretation of Islamic texts which, I believe, many of the fundamentalist 'scholars' (Adhaalath, Jamiyyatussalaf, Islamic Foundation etc) support. It is the same idea that Sheikh Abu Ameena Bilal Phillips expressed at "The Call" lectures; that a child who has reached puberty is ready to get married.

While I agree that children do not grow up all of the sudden on their 18th birthday, we should understand that laws cannot be made for individual cases, it would be general. Since we have made 18 years the age of consent, any form of sex between an adult and a minor (below 18) should be considered as sexual abuse. The special reservation is approval of child abuse, decriminalising a crime just because it is committed in the name of Islam. It is a shame to our nation and to all Muslims that disapprove of such evils.

I believe child marriage should be a more serious crime than child abuse outside of such a 'marriage', since the child will be under a lot of pressure as their community and parents support the abuse. The child may even have to give birth, do household work inappropriate for their age, or take care of a family at such young ages. They would be continuously abused by their 'husbands'. The beliefs of most extremists give no excuse for women (or girls) to deny it when their husbands 'need' them. So the law should consider this to be continuous and systematic statutory rape of an innocent child!

I'm surprised to see that the concubine issue is so troubling to many people while child marriages in these extremist communities have been going on for a long time without anyone noticing it. Children as young as 13 have been given away in marriage to men as old as 50! But what sort of sentences do these people get? In one case it was just banishment under the 'religious unity act'. The reason was that the extremists have produced all the documents proving the 'marriage' was carried out as Islamic Shariah requires (the child having reached puberty too). They just did it at home, with their gang members as hakim and witnesses instead of going to a court. So the Judges at court were obliged to consider this a valid marriage in accordance to Islamic Shariah. When he drafted the bill MP Mohamed Nasheed warned us about this issue, but I was hopeful that it would be solved by the time it become a law.

When Shariah overrides law, and this Shariah is the word of any bearded Sheikh; I don't think this is a very democratic picture. We all need to uphold the law and respect it. But for this to happen, the laws should treat everyone equally, it should be clear and understood by all, it should not be too vague, it should not be overridden by anything (including the words of random Sheikhs). Since the constitution does not define 'Islam' or 'Islamic' Shariah, it is left for the gang of Mullahs who are in bed with the ruling government to define it as they wish. Such unquestionable and absolute power held by one small group of people will never yield any good results. It is a door to corruption and absolutism. This is exactly why I support secularism, a state where religion cannot be used against people and for political gains. This is not the un-Islamic thing, but rather the only Islamic thing to do. The Quran clearly forbids such worship of Sheikhs (9:31). It also tells that individuals are responsible for their OWN actions and that God gave us free will and intellect to test if we do the right thing. All the three estates of the state and the personal lives of individuals need not be policed by a bunch of Sheikhs who claims to be men of God. May Allah save us from his followers that have gone astray. Amen.

Regards,  
Anonymous

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URL to article: <http://minivannews.com/letters/letter-on-child-marriage-5096>

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## **Appendix 6**

### **Selected recommendations from the study :**

#### ***Gender Issues in the Criminal Justice System of the Maldives, 2 September 2004***

3- Develop a penal code that establishes spousal assault, non-consensual sex (whether inside or outside of marriage) and sex with an underage minor as criminal offences.

7- To establish policing and criminal justice system processes and procedure that are gender sensitive and take into account social and cultural difficulties in bringing such cases to the attention of authorities.

8- Enhanced capacity to collect and analyse forensic evidence, eg. forensic science, set up modern systems of investigation at hospitals, police, island/atoll office level, skilled professionals - trained police, justice, health and social service areas.

9- On-going professional development of police, investigators, prosecutors and judges, and related professionals such as hospital staff and staff in key administrative centres in atolls.

10- Judiciary, Police and Prison Authorities to develop and include in their human resources policies strategies for increasing the number of women.

11- The establishment of victim support services outside of the criminal justice system eg. counselling services, safe houses and legal advice.

12- Planning should be carried out to assure

1) the development of a wider range of drug treatment programmes in the community that are voluntarily accessed through health services and include programs designed to meet the needs of women and

2) women in detention should have access to drug treatment programs that are not shared with men.

13- A review be conducted of the secure detention of adult women and juvenile girls.

14 - Given the urgent needs for data and information on the issues relevant to this report, it is recommended that :

2) as a matter of priority research of Gender in the Criminal Justice System (especially women in prison) be carried out.

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<sup>i</sup> Meeting held with FPA

<sup>ii</sup> Maldives Women's vision Document, UNDP,2014:45