

MALDIVES

CEDAW A/56/38 (Part I) (2001)

114. The Committee considered the initial report of Maldives (CEDAW/C/MDV/1) at its 498th, 499th and 506th meetings, on 24 and 30 January 2001 (see CEDAW/C/SR.498, 499 and 506).

(a) Introduction by the State party

115. In introducing the report, the representative of Maldives informed the Committee that there had been several positive developments since the submission of the initial report in 1998. She noted that the existing laws and policies did not discriminate against women in the areas of access to health services, education and employment, but socio-cultural factors restricted women's de facto enjoyment of rights in these areas. The fifth national development plan period was almost over and the sixth national development plan currently being drawn up would incorporate a separate section on gender as a cross-cutting policy issue to ensure that gender concerns were addressed in development planning.

116. The representative said that measures, including public awareness-raising campaigns and the promotion of family life education, had been taken to eliminate traditional stereotypical attitudes with regard to the roles of women, and were reinforced by images in textbooks and the media. Although domestic violence was still largely considered to be a private matter, the Government had initiated public awareness campaigns to address such violence. Women who were victims of domestic violence could now report to the National Security System, which dealt with the issue through the criminal law. Trafficking in women and girls was not considered to be a problem in Maldives, but with the growing expatriate population it was believed there would be a need to introduce anti-trafficking measures in the future. Prostitution was illegal and subject to strong religious and social sanctions, but it was thought to exist.

117. The representative informed the Committee that although the Constitution indicated that the Head of State of Maldives should be male, the political participation of women, as both voters and candidates, was encouraged. Despite public awareness and legal literacy campaigns aimed at increasing women's political participation, few women candidates presented themselves for election and only 10 per cent of the Majlis were women. In 2000, two women had been appointed to the post of Assistant Island Chief, the second highest-ranking island official, while one woman had been appointed acting Atoll Chief. There were no legal barriers to women participating in the foreign service or in international organizations, but only one female diplomat was currently working abroad.

118. The representative said that there was no discrimination with regard to nationality and that women had equal rights with men to acquire, retain or change their nationality. Marriage to a foreigner did not change a woman's nationality, and the 1998 Constitution had conferred Maldivian citizenship on children born to Maldivian mothers and foreign fathers. Women could obtain a passport and travel without the permission of their spouses or other male relatives.

119. The representative informed the Committee that no affirmative action policies to ensure gender

equality existed. There was no disparity in the enrolment of girls and boys up to grade 10, which resulted in a very high rate of literacy among girls until secondary school. Only a limited number of students gained access to higher education because of the absence of a university in the country and transportation difficulties. There were no quotas for scholarships, including in traditionally male-dominated disciplines, such as engineering and law. Although there was no discrimination between women and men where access to employment or remuneration were concerned, cultural practices promoted gender segregation in employment, with traditional views on the division of labour dictating that women's primary responsibility was with regard to childcare, the household and agricultural activities.

120. The representative noted that women and men had equal access to health care and that the overall health situation had improved as a result of better access to health and medical services. There was no disparity in the health status of girls and boys and no substantial difference in infant mortality and growth rates. A number of government initiatives had been introduced to address persisting disparities between the nutritional and health status of women and men during the reproductive years, and the media had launched public awareness campaigns on reproductive health.

121. The representative said that a new Family Law had been enacted by the Majlis in December 2000 and would enter into force on 1 July 2001. The law would include provisions on conditions for prenuptial agreements, polygamy and divorce. The new law would terminate the husband's right to non-judicial unilateral divorce and require court proceedings. It would also provide for the equal division of joint property on divorce and financial provision from the former husband for children and former wives. Eighteen years would be established as the minimum legal age of marriage for both women and men, unless the marriage registrar determined that there were special circumstances, despite the fact that the sharia provided that an individual could enter into marriage upon puberty. In that regard, the Government had implemented a programme to discourage and prevent early marriages.

(b) Concluding comments of the Committee

Introduction

122. The Committee expresses its satisfaction at the submission of the initial report of the Government of Maldives and the frank and constructive dialogue with the delegation. The Committee notes that the report did not provide specific and adequate information on national plans and laws in conformity with the Committee's guidelines, but appreciates the additional information given in the documents provided during the session and oral responses.

Positive aspects

123. The Committee commends the political will expressed in the Maldives "Vision 20/20" to work towards women's human rights as an integral dimension of national development. It welcomes the efforts at gender mainstreaming in the national plan of action and the national development plan.

124. The Committee also commends the recent measures taken to increase the participation of women as atoll chiefs and in island women's committees and atoll development committees.

125. The Committee welcomes the progress achieved and reflected in a very high adult literacy rate for women, and parity among boys and girls in primary and secondary education. It commends the improved indicators on life expectancy for women.

126. The Committee commends the efforts made to appraise laws for discrimination against women. The Committee welcomes, in particular, the ongoing efforts to bring the law on family relations into harmony with the Convention through the adoption of a new Family Law.

127. The Committee commends the Government for amending its nationality law and for granting women equal rights with men to acquire, change or retain their nationality, and also to transfer their nationality to their children.

128. The Committee also commends the Government for its progressive development of the national machinery and the establishment in 1998 of a Ministry of Women's Affairs and Social Security. It welcomes the initiative to reconstitute the National Women's Council as a Gender Equality Council chaired by the President of Maldives.

Factors and difficulties affecting the implementation of the Convention

129. The Committee notes that geographical distances between islands and atolls as well as stereotypes constitute impediments to the full implementation of the Convention.

Principal areas of concern and recommendations

130. The Committee expresses its concern with the reservations entered by the State party to articles 7 (a) and 16 of the Convention. It is concerned that the reservation to article 7 (a) on political participation supports the retention of legislative provisions excluding women from the office of the President and the Vice-President of the country.

131. The Committee urges the Government to withdraw these reservations and to repeal legislation limiting women's political participation in public life.

132. The Committee regrets that there is an absence of an effective machinery to enforce the rights recognized by the Constitution and to claim remedies. The Committee expresses its concern that the constitutional provisions on fundamental rights do not include non-discrimination on the ground of sex.

133. The Committee urges the Government to incorporate in the Constitution a provision against sex discrimination and to provide for the effective enforcement of fundamental rights.

134. The Committee notes that the Government has not yet introduced temporary special measures according to article 4, paragraph 1, of the Convention to improve women's access to higher education, decision-making positions and legislative bodies at the national and local levels.

135. The Committee urges the Government to introduce temporary special measures in a short-term and long-term framework. It requests the Government to combine them with public awareness and

legal literacy programmes that challenge sexual stereotypes and recognize the right of women to equality. The Committee urges the Government to give priority to developing such programmes in areas of the country with high literacy levels.

136. The Committee notes with concern that early marriage and domestic responsibilities contribute to high dropout rates for girls. The Committee urges the Government to introduce minimum age of marriage laws and other programmes to prevent early marriage in line with the obligations of the Convention.

137. The Committee notes with concern the under-reporting of violence against women, including domestic violence, and the absence of effective laws and law enforcement and a support system for women who are victims of violence. It expresses particular concern that violence against women is understood in the community and in the legal system to be a private matter rather than an infringement of human rights and a violation of the Convention.

138. The Committee urges the Government to improve law enforcement measures, enact laws on domestic violence, including domestic violence and marital rape, according to general recommendation 19 on violence against women,⁵ and work with women's groups to obtain reliable data and provide relief to victims of violence. The Committee requests the Government to respond to this issue in national plans, based on the Beijing Platform for Action and the Commonwealth Plan of Action. It calls upon the Government to create public awareness on violence against women as an infringement of human rights that has grave social costs for the whole community.

139. The Committee expresses its concern that family laws discriminate against women and notes with concern the high divorce rates, which have an adverse impact on women and children.

140. The Committee urges the Government to enforce the new family law, which tries to address this problem, and to continue its efforts to reform all areas of family law so as to protect the human rights of women.

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

142. The Committee notes with concern that the health and nutrition of girls suffer after puberty and that maternal mortality and morbidity rates and the mortality rate of girls under the age of 5 years remain at unsatisfactory levels. The Committee is also concerned that patriarchal and stereotypical attitudes have a negative impact on women's health and nutrition.

⁵ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.*

143. The Committee calls upon the Government to obtain information on the causes of maternal

mortality, malnutrition and morbidity and the mortality rate of girls under the age of 5 years, and to develop programmes to address those problems.

144. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.

145. The Committee requests the Government to respond in its next periodic report to the specific issues raised in the present concluding comments. It also requests the Government to provide in its next report an assessment of the impact of measures taken to implement the Convention.

146. The Committee requests the wide dissemination in Maldives of the present concluding comments in order to make the people of Maldives, and in particular government administrators and politicians, aware of the steps that have been taken with regard to de jure and de facto equality for women and for the future steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women2000: gender equality, development and peace for the twenty-first century".