

MALDIVES

CERD A/44/18 (1989)

173. The initial and second periodic reports of the Maldives (CERD/C/125/Add.1 and CERD/C/152/Add.1) were considered by the Committee at its 838th meeting, held on 11 August 1989, without the participation of a representative of the reporting State (CERD/C/SR.838).

174. The Committee regretted that there was no representative of the reporting State to take part in its proceedings. Remarks made by members of the Committee were, of necessity, brief since neither of the reports followed the guidelines on the form and content of reports, nor did they contain all the information stipulated in article 9, paragraph 1, of the Convention.

175. Clarification on general conditions within the country was requested, and members wished to know whether the Convention could be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities.

176. Noting that the population had increased by 80 per cent since 1966, they asked whether this considerable increase was due to a high birth-rate, or whether it was caused by immigration; in the latter case, details concerning countries of emigration were sought.

177. Although the initial report claimed that racial discrimination did not exist in the Maldives, members requested that information on the implementation of article 4 of the Convention should be provided by the State party in its next periodic report, particularly since the invasion of Malé by foreign mercenaries in November 1988 demonstrated that specific provisions to punish all forms of racial discrimination were necessary, even in a racially harmonious society. Incitement to racial hatred and discrimination could be brought into the country from outside, especially since Malé was visited by a great number of tourists each year.

178. In so far as sufficient information on article 3 of the Convention had been provided in the initial report, members wished to draw the attention of the Maldives, in particular, to the relevant information required under article 2, 4, 5, 6 and 7 of the Convention. They also requested the Government to forward in its next report the texts of legislation enacted in the country that were relevant to the implementation of those articles of the Convention.

179. Finally, members inquired whether laws and regulations enacted under the Sultanate had been revised in order to amend, rescind or nullify possible discriminatory elements that might arise in the future.

CERD A/47/18 (1992)

69. The Committee considered the third and fourth periodic reports of Maldives (CERD/C/203/Add.1) at its 944th and 950th meetings, on 6 and 11 August 1992 (see CERD/C/SR.944 and 950).

70. The Committee, while welcoming the report as an indication of the willingness of Maldives to continue its dialogue with the Committee, regretted the absence of a Government representative to present the report during its consideration by the Committee. Members also expressed regret that the report had not taken into account the Committee's guidelines for the preparation of reports.

71. Members of the Committee recalled that, on the occasion of the consideration of the previous report, information had been requested on the implementation by Maldives of the provisions of articles 2, 4, 5, 6 and 7 of the Convention. Information had also been sought on the possibility of invoking the Convention before the Courts, and on the role of immigration in the considerable increase in population. The Committee had also asked whether there had been a review of laws and regulations in order to amend or delete any discriminatory provision.

72. Members of the Committee expressed disagreement with the Government's view that it was unnecessary to enact specific legislation to implement the provisions of the Covenant and stressed the obligations of the States parties to adopt relevant legislative and other measures to give effect to those provisions.

Concluding observations

73. In concluding the review, the Committee regretted that Maldives had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly.

74. The Committee noted that Maldives had stated that, since no forms of discrimination existed in the country, specific legislation was not required. Calling the attention of the State party to the Committee's General Recommendation I, the Committee reiterated that that is not a legally defensible interpretation of the obligations that a State assumes on acceding to the Convention.

CERD A/54/18 (1999)

314. At its 1343rd meeting, on 9 August 1999 (see CERD/C/SR.1343), the Committee reviewed the implementation of the Convention by Maldives on the basis of its previous report (CERD/C/203/Add.1) and its consideration by the Committee (see CERD/C/SR.944 and 950). The Committee noted with regret that no report had been submitted to the Committee since 1992.

315. The Committee also regretted that Maldives had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Maldives setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

316. The Committee is aware that a new Constitution came into effect on 1 January 1998, containing provisions for the protection of certain civil and political as well as economic, social and cultural rights. The Committee is interested in receiving the relevant information from the State party, particularly with respect to any guarantees of equality and protection against racial discrimination.

317. The Committee appreciates the efforts of the State party in the field of education, with a literacy level accounting for 93.2 per cent, making the Maldives one of the leading countries in Asia in this respect.

318. The Committee requests further information in connection with the statements to be found in paragraph 1 of the fourth periodic report (CERD/C/203/Add.1) to the effect that "no form of racial discrimination exists in the Maldives based on race or any other differences among the population", and that "therefore, no specific legislation is required to implement the provisions of the Convention".

319. The Committee also requests further information from the State party on the situation of the migrant workers and foreigners and, in particular, whether they enjoy the protection of the Convention.

320. The Committee suggests that the Government of Maldives avail itself of the technical assistance offered by the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting a report without any delay, drafted in accordance with the reporting guidelines.