



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

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**Committee on the Elimination of Discrimination  
against Women**

**Twenty-fourth session**

**Summary record of the 498th meeting**

Held at Headquarters, New York, on Wednesday, 24 January 2001, at 10.30 a.m.

*Chairperson:* Ms. Regazzoli (Vice-Chairperson)

*later:* Ms. Abaka (Chairperson)

*later:* Ms. Regazzoli (Vice-Chairperson)

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*In the absence of Ms. Abaka, Ms. Regazolli, Vice-Chairperson, took the Chair.*

*The meeting was called to order at 10.45 a.m.*

**Consideration of reports submitted by States Parties under article 18 of the Convention (continued)**

*Initial report of Maldives (CEDAW/C/MDV/I)*

1. *At the invitation of the Chairperson, Mr. Shihab and Ms. Ahmed (Maldives) took places at the Committee table.*

2. **Ms. Ahmed** (Maldives), introducing the initial report of Maldives, said that she wished to highlight some of the positive developments since the drafting of the report in 1998. Maldivian legislation was based on the Islamic Sharia. Personal status matters were governed exclusively by Sharia law, whereas criminal law, the law on contracts and company law were enacted by Parliament on the basis of Sharia law. A committee charged with reviewing Maldivian legislation for gender bias had concluded that the constitutional provisions on nationality and the constitutional stipulation that the Head of State must be a male were discriminatory. Following the revision of the Constitution in 1998, the discriminatory provisions on nationality were revoked.

3. Special machinery had been set up to promote and protect the rights of women. In addition, the Sixth National Development Plan would contain a separate section on gender as a cross-cutting policy issue with a view to ensuring that gender concerns were taken into account in all development planning. Gender-disaggregated data collection, however, was not a national norm, and there were no temporary special measures to benefit women.

4. Traditional cultural values had led to stereotyped roles for men and women, which were further reinforced by images in books and the media. Her Government was attempting to address the problem through family life education and by encouraging a more equitable distribution of childcare and domestic responsibilities. Incidents of domestic violence were dealt with by the authorities under the laws on assault and battery. Domestic violence continued to be seen however as a private matter. Moreover, women were reluctant to report assaults for fear of being revictimized and cases were difficult to prove. Her

Government had launched a number of programmes to raise awareness of the issue.

5. While the phenomenon of trafficking in women was unknown in Maldives, her Government recognized that, in the light of the island's growing expatriate population, there was a need to strengthen measures to prevent trafficking and related crimes. Prostitution was illegal, but its existence could not be ruled out in a society experiencing the pressures of modernization.

6. Women had the right, on equal terms with men, to vote in elections and to stand for election to publicly elected bodies. They could not, however, be candidates for the offices of president and vice-president. The right to suffrage was not conditional on any property or literacy requirement. Two of the Parliament or Majlis's 42 elected members and three of its eight appointed members were women. Various programmes were currently being implemented to increase women's political participation. Women had the same rights as men to represent the Maldivian Government at the international level and to participate in the work of international organizations. A number of Maldivian women had been members of delegations to international conferences.

7. Women had equal rights with men to acquire, change or retain their nationality. Marriage to an alien did not change a woman's nationality. The new Constitution provided that Maldivian citizenship would automatically be conferred on children born to Maldivian mothers and foreign fathers. Women could apply for a passport without obtaining permission from their husbands or male guardians and could travel unaccompanied.

8. There were no disparities between the enrolment rates for girls and boys in primary and secondary schools. Fewer young women continued to the tertiary level, however, perhaps because of their lack of mobility compared with young men; there was no university in the Maldives. Scholarships were awarded on the basis of merit. Among women who attended university, few graduated with degrees in such remunerative fields as law and engineering. At the primary and secondary level, the curriculum in single-sex and co-educational schools was identical, as was the quality of teaching and the equipment, and textbooks were being revised in order to remove material that promoted stereotypes; there were a number of educational programmes and training

courses for girls and boys who dropped out of school. Drop-out rates, however, were difficult to verify because of insufficient data. The functional literacy rate in Maldives was currently 98.9 per cent among persons aged 15 to 45.

9. Gender stereotypes effectively limited women's choice of profession and employment. Currently, women's participation in the labour force was very low because of their lack of mobility and the impact of modernization and structural adjustment programmes on such sectors as fish processing and handicrafts, in which they had traditionally been employed. Also, few women worked in the growth sector of tourism. There were no childcare facilities because, in the past, Maldivians had tended to live in extended family units. Maternity leave had recently been extended from 45 to 60 days, and women were also entitled to take up to one year's unpaid leave to care for a small child. Nursing mothers had the right to work flexible hours in order to accommodate breastfeeding.

10. Increased access to health-care services over the past two decades had led to vast improvements in the overall health of Maldivians, although women's access was somewhat restricted because of their domestic and childcare responsibilities, and there were disparities between the health and nutrition status of men and women during the reproductive years. In 1999, life expectancy at birth had been 72 years for men and 73.2 years for women. Increased awareness among women with regard to reproductive health had greatly reduced infant and maternal mortality rates, which in 1999 had stood at 20 per 1,000 and 172 per 100,000, respectively. Women received free medical care and vitamin supplements during pregnancy and the post-natal period. There was at least one trained birth attendant on every island, and most islands had safe delivery rooms. Contraceptives were provided free of charge to married couples. Many men, however, remained reluctant to take responsibility for their use. The Department of Public Health was currently conducting workshops and information sessions on family planning, and radio and television programmes were broadcast to raise awareness of the issue. While 65 per cent of health sector workers were women, they tended to be concentrated in lower paying posts.

11. There was no discrimination against women in the provision of State assistance; applications were considered individually on the basis of need. Women's

participation in economic life, however, was restricted by traditional patriarchal attitudes and values.

12. Approximately 27 per cent of the population lived on the capital island, Malé. The remainder of the population was sparsely distributed among 199 other islands, which were grouped into 20 administrative units or atolls. Outside the capital island, the traditional division of labour persisted. Most men were employed away from home, either on Malé or on one of the tourist islands, while women were expected to take responsibility for home-based tasks, such as domestic work and childcare. Island women also performed most agricultural work. They faced great difficulties in marketing their produce, and Government assistance in that area was not adequate. Island women's committees played an important role in the development of islands. In addition, although one third of atoll development committee members were women, women were still under-represented in island development committees and in leadership positions at both the island and atoll levels.

13. There were no higher secondary schools on the islands and girls' access to education after grade 10 was therefore severely limited since they were unable, in most cases, to travel to the capital island to complete their secondary studies. Island women also had less access to health-care services than their urban counterparts.

14. Women and men were equal before the law. In accordance with the Islamic Sharia, however, in certain cases, women's testimony was accorded less weight than men's. Women had the same rights as men in civil matters, except under inheritance law. They could conclude contracts and administer property, even after marriage, and marriage did not limit their freedom to choose their residence.

15. The new family law, which would come into effect in July 2001, provided for the conclusion of prenuptial agreements, thus giving women the possibility of restricting their husbands' right to end the marriage or to enter into a polygamous union. Polygamy was permitted under Sharia law and was practised by men in Maldives, although it was not common. Sharia law required women to obtain the consent of a male guardian in order for their marriage contracts to be valid. In practice, however, women were able freely to choose a husband, and forcing a person to enter into marriage was an offence. Under the

new family law, the minimum legal age for marriage was 18 years, for both men and women, except under special circumstances. It was her Government's policy to discourage early marriage. During marriage, men tended to control the family finances, but that situation was changing with women's increasingly higher level of education.

16. The 59 per cent divorce rate in Maldives was one of the highest in the world. When the new family law came into effect, men would have to file for divorce, whereas at present they had the right to unilateral divorce based on a verbal formula. Women could also apply to the courts for a divorce on grounds of assault and battery and for other valid reasons, including prolonged absence of the husband. In the event of a divorce, any property registered as joint property was divided equally. The husband was legally obliged to pay the wife maintenance during the *idda* waiting period, which corresponded to three menstrual cycles for women who were not pregnant or the remainder of the pregnancy for expectant mothers. Custody of young children was generally awarded to the mother. Children over 7 years had the right to choose the parent they wished to live with. Fathers were obliged by law to pay child support. Clearly enforcement of all those provisions had to be strengthened.

17. While Maldives had made progress in implementing the Convention, more needed to be done. Her Government was committed to achieving gender equality and women's empowerment, since, as the President of Maldives had stated at the Millennium Summit, humanity would not achieve its goals of progress and prosperity until a more equal world was created, in which all people could realize their full potential. The countries of South Asia excluded women from decision-making, employment, education, dignity and self-respect at their cost. There was thus a pressing need to redouble efforts towards the early implementation of effective strategies for the attainment of gender equality.

18. **Ms. Gonzalez** said that the Maldivian Government was to be commended for the timely submission of the initial report of Maldives and for its commitment to the implementation of the Convention and the enhancement of the status of women in Maldives. She recalled that, upon the accession of Maldives to the Convention, the Government had made reservations to article 7, paragraph (a), and article 16, citing a conflict between their provisions on public and

family life and the Maldivian Constitution and Sharia law, respectively. Subsequently, it had amended its reservations, undertaking to comply with the provisions of the Convention, except those which it might consider contradictory to the principles of the Islamic Sharia. The reservation stated further that Maldives did not consider itself bound by any provisions of the Convention which obliged it to change its Constitution and laws in any manner. That wording went much further than that of the previous reservations, and, in her view, should not be regarded as an amendment but rather as a new reservation, which was not in conformity with the law of treaties. It was to be hoped that the Government would consider withdrawing the reservation.

19. **Ms. Kwaku**, endorsing the previous speaker's comments, said she appreciated the Maldives' difficulties in reconciling some of the provisions of the Convention with its own Sharia-based laws. She requested detailed written information on the National Policy on Women, the National Plan of Action for the implementation of the Beijing Platform for Action and the new Family Law Bill.

20. **Mr. Melander** also expressed the hope that the Maldives' reservation to the Convention would be withdrawn and asked whether the Convention had been translated into the local language.

21. **Ms. Gaspard** pointed out that the constitutional stipulation that the positions of Head of State and Vice-President were reserved for men was a matter of custom rather than Islamic law. It had been recognized as a departure from the principle of equality before the law, and she wondered whether the statement that all laws had been appraised for gender bias could be taken to mean that the Government was considering an amendment to the Constitution to ensure full equality.

22. **Ms. Tavares da Silva**, endorsing other members' concerns about the Maldives' reservation, commended the steady evolution of national institutional machinery for the advancement of women. Subject to a more thorough perusal of the Maldives' updated report which had been distributed at the meeting, more details were needed about the National Women's Council (NWC), specifically how it interacted with the Ministry of Women's Affairs and Social Welfare (MWASW), who headed it, who its members were, who appointed them and whether they included non-governmental organizations (NGOs). It would also be interesting to

know more about the functioning and membership of the Island Women Committees (IWCs) and their relationship with NWC. The new Gender Equality Council referred to orally appeared to have considerable authority, but more information about that body would be welcome.

23. The National Policy on Women and the National Development Plan demonstrated the Government's political will to mainstream the gender perspective. She inquired about the status and nature of that Policy and how it related to the National Programme of Action to implement the Beijing Platform for Action. Generally speaking, the report needed to be more specific about the actual measures taken, rather than merely stating that laws had been reviewed and efforts made to improve them. Furthermore, where references were made to restrictions to full equality, notably on the grounds of Sharia law, such restrictions should be spelled out.

24. **Ms. Gabr** commended Maldives' clear commitment to the Convention and to its reporting obligations and especially its enlightened, practical approach to the implementation of Sharia law as it related to women's rights, as could be seen in provisions concerning family law and the attitude to marriage, divorce, polygamy and such issues as women's freedom to travel and property rights. She hoped that Maldives might reconsider its reservations to those provisions of the Convention which were not consistent with the Islamic Sharia. She looked forward to seeing more emphasis in future on the problems of women in the labour force and on the machinery needed to bring women's issues to the fore so as to ensure full equality, and to hearing more about future plans for enhancing women's status, especially in education and employment.

25. *Ms. Abaka took the Chair.*

26. **Ms. Achmad** said that the national institutional machinery set up to monitor women's rights, including the Island Women's Committees at the local level, was impressive. Her particular concern was with the participation of women in development, not just in the development process, but in decision-making structures. More data would therefore be needed on the status, membership, resources and mandate of the national institutional machinery.

27. **Ms. Livingstone Raday** subscribed to previous speakers' comments about Maldives' reservations to

the Convention and their request that it reconsider article 34 (c) of the Constitution concerning the Head of State. She sought clarification of the restrictions to the principle of equality that were based on Sharia law.

28. **Ms. Goonesekere** commended Maldives' significant achievements in education and health and the evidence of strong political will for gender equity at the highest levels. She also appreciated the legislative reforms, for example concerning nationality. Noting the significant steps taken to guarantee civil and political rights, freedom of conscience and the media, she wondered whether any initiative was under way to reform the constitutional provisions on fundamental rights that would reflect a more holistic approach. She, too, would welcome more information on national plans of action, and would like to know more about the higher courts, which were important in enforcing human rights, including women's rights. Was the Government considering the establishment of an office of Ombudsman and was it planning to sign the Optional Protocol to the Convention?

29. **Ms. Kwaku** requested further information on the machinery referred to in paragraphs 59 and 64 of the periodic report.

30. **Ms. Myakayaka-Manzini** commended the progress made in implementing the Convention and the dynamic interpretation of Sharia law, although much remained to be done. Data was needed on the Ministry's budget and the allocation of funds to its programmes and projects, the specific programmes encompassed in the Fifth National Development Plan and the membership of the various agencies. What relationship did NGOs have with the Ministry, to what extent did they participate in its work and were they involved in drafting the report to the Committee?

31. *Ms. Regazzoli took the Chair.*

32. **Ms. Hazelle** endorsed previous speakers' request for specific information about budgets, programmes and policies and the participation of NGOs. With reference to paragraph 44 of the report, she would like to know more about the staffing of MWASW, the programmes it had implemented and the impact, if any, the structural changes had had on women in Maldives. She asked which were the "key ministries" referred to in paragraph 45 and what positions Council members held in those ministries.

33. Had the National Policy on Women now been finalized and had it been brought to the knowledge of Ministries and other government departments and NGOs? With reference to paragraph 48, she asked which critical areas in the Commonwealth Plan of Action on Gender and Development were the focus of the Government's action. She wanted to know the status of the National Plan of Action to implement the Beijing Platform for Action and the areas being given priority. Poverty, violence, health, education and gender mainstreaming were critical areas common to the Commonwealth Plan of Action and the Beijing Platform for Action and she wondered whether the two instruments were being considered together so as to optimize the use of available resources in planning. Observing that the Gender Management System in the Commonwealth Secretariat had been very successful in advancing the gender perspective in governments' programmes, she wondered whether the Government of Maldives had considered requesting assistance from that source.

34. **Ms. Shin** said that there were many contradictions in the report. The country had a great potential for improvement, especially because of the high literacy rate, including literacy among women, and the Government's strong political will to eliminate discrimination against women. Those two factors would help to achieve greater gender equality. However, since the deep-rooted patriarchal system and gender stereotyping affected women's participation in the social and political life of the country, it was time for the Government to consider taking temporary special measures towards the achievement of gender equality. In that regard, a quota system could be adopted to appoint women to the Cabinet, the Parliament and to leadership positions in the islands. Such a policy, in addition to education, would help to bring about a faster change in traditional attitudes towards gender roles in society.

35. **Ms. Schöpp-Schilling**, endorsed the concerns expressed by previous speakers. Noting that discrimination could be unintentional and that there might be cases where gender-neutral provisions turned out to have discriminatory effects on women, she enquired whether the National Machinery for the Advancement of Women had launched a dialogue on that issue, and whether the legal profession would be involved in that dialogue. It would also be interesting to know whether any human rights education was

planned for political representatives, especially the Island Women's Committees. She suggested that, in its revision of school textbooks to address the issue of sexual stereotypes, the Government should include information on human rights education based on both the Convention and the International Convention on the Rights of the Child.

36. She wondered why the Government had not yet taken temporary special measures to accelerate the achievement of de facto equality. Temporary special measures were not just about quotas. They could include programmes for women in a disadvantaged position, preferential treatment in hiring and other affirmative steps. However, quotas should not negate substantive measures to increase women's qualifications. For example, the limited access of young girls to secondary and tertiary education amounted to de facto discrimination and quotas could constitute an effective means of encouraging young girls to go into non-traditional fields of study. The Government should come up with innovative ideas in that regard.

37. **Ms. Ferrer Gómez** expressed concern at the prevalence of sex roles and stereotyping in Maldivian society and wondered whether the Government had any plans to change those customs and prejudices that kept women in an inferior status. Indeed, the traditional image of women in the media and in school textbooks was very negative and impeded the implementation of the Convention. The emphasis on the role of women as mothers and wives was most certainly the reason for the high drop-out rate among girls after the lower secondary school level, with very few of them applying for scholarships to continue their university education abroad. There was a serious need to educate families with respect to that issue. Similarly, separate schools for girls and boys probably reinforced differences rather than stressing equality.

38. She was also concerned about the incidence of serious secondary malnutrition and anaemia among women, which could be attributable to the fact that in lean times, priority was given to feeding men and boys. Women also had less access to hospitals and quality medical care. Referring to paragraph 105 of the report, she noted that despite the modernization of many areas of production, women were virtually excluded from the economic process. She would appreciate more information on the programmes to heighten the awareness of the population to the issue of violence

against women. In that regard, she wanted to know how widespread it was and whether any type of assistance was provided to victims. It was vital for the Government to intensify the public debate concerning all matters relating to discrimination against women, the role of women in society and their human rights. Professionals, such as teachers, journalists, lawyers and doctors could play a very influential role in that respect. Moreover, the Government should undertake a wide dissemination of the contents of the Convention and the priorities set by the Beijing Conference throughout the country.

39. **Ms. Achmad** drew attention to paragraph 70 of the report and said that it was very important to eliminate stereotypes in textbooks and the media, given the critical role that they played in forming public opinion. In that regard, she wished to know the outcome of the Government's efforts to address the issue. Turning to paragraph 71, she sought information on the structure and functioning of the National Security Service. Since it was often extremely difficult for women to come forward and report instances of domestic violence, she wondered whether the Government had established any programme to facilitate that task.

40. **Ms. Tavares da Silva** said that article 5 was extremely important because it dealt with social and cultural change. On the other hand, she noted that it was easier to change laws than to change mentalities. It was particularly important to provide gender-sensitive training to teachers, since they were the ones who could convince boys and girls to make choices according to their aspirations and abilities. Turning to paragraph 71 of the report, she asked how many cases of domestic violence had actually been reported and what steps the Government envisaged to reduce the incidence.

41. **Ms. Kwaku** sought information on the religious and social sanctions against prostitution, noting that, in some cases, sanctions could prove to be more discriminatory than the offences they were supposed to combat. She noted further that Maldivian women seemed to be very reluctant to occupy political or elective positions. She even knew of an instance where a woman had declined a political position she had been offered. She wanted to know what action was being taken by the Government to encourage women to participate in political life.

42. **Ms. Achmad** expressed concern about policy and decision-making positions and suggested that the time was ripe to implement special temporary measures, including quotas. However, such quotas should be based on professional qualifications.

43. **Ms. Goonesekere** inquired whether women were permitted to include the names of their children on their passports.

44. **Ms. Achmad** said that since Maldivian girls had limited access to higher education, it would be useful to know whether the national plan of action and the national gender policy envisaged taking affirmative action on behalf of women in the area of education.

45. **Ms. Shin** inquired whether the Government intended to adopt a quota system for the awarding of fellowships and scholarships with a view to redressing the disparity between male and female students at the tertiary educational level. It would be especially fruitful to award scholarships to girls entering non-traditional fields, such as engineering. Since the report contained no information concerning the training and preparation of women teachers, she wondered whether she was right in assuming that there were more female than male teachers in fields traditionally occupied by women. It would also be helpful to know whether women were school principals and department heads. The disparity between male and female students at the tertiary level was apparently attributable to limitations on the mobility of girls. It would be useful to know whether the Government had considered offering training in gender sensitivity to teachers in an effort to encourage girls to pursue non-traditional careers. Finally, she would like to know whether child-care facilities were provided for the children of teachers.

46. **Ms. Gaspard**, noting that the Maldivian literacy rate was exceptionally high and showed no disparity between girls and boys, said she would like further information on the cultural pressures discouraging girls from leaving their families in order to enrol in tertiary studies. In addition, she would like to know how the school system, which comprised both single sex and co-educational schools, functioned, and in what circumstances girls were sent to single sex schools.

47. **Ms. Kwaku** said that the sharp drop in school enrolment of girls between the secondary and tertiary levels was alarming. She wondered whether that phenomenon was related to the fact that girls were allowed to marry at puberty, and that their average

marriage age was between 15 and 16. The Government should consider, as a temporary special measure, prohibiting girls to marry until the age of 18 or even 21, so as to encourage them to pursue studies.

48. **Ms. Achmad** said that as a temporary special measure the Government should strongly consider establishing a quota system, in particular for the awarding of fellowships.

49. **Ms. Schöpp-Schilling** said that, according to the report, the number of women formally employed in the fishing industry had declined as a result of modernization and that no related studies had been conducted. She would like to know how those women earned a living, how that change affected their lives, both at home and elsewhere, and whether the extended family had made up for the loss in income. Furthermore, she wondered whether the Government had considered training younger women to participate in the growing tourist industry.

50. Although it was clear that men traditionally worked in the fishing industry and women in handicrafts, the report did not provide sufficient information to enable the Committee to understand the changing Maldivian labour market and the conditions of employment for women and men. She urged the Government to conduct studies, and to provide further information.

51. **Ms. Tavares da Silva** said that although paragraph 104 asserted that there was no discrimination in access to the labour market, it also stated that some professions were considered more suitable to one sex or the other. In effect, social and cultural constraints resulted in unequal access to the labour market; although theoretically the rights of men and women were the same, opportunities obviously were not, resulting in indirect discrimination. The Government should consider ways and means of guaranteeing equal rights to opportunity for employment and of overcoming cultural constraints affecting women.

52. **Ms. Abaka** inquired what measures were being taken to redress the wide disparities between men and women of reproductive age in the areas of nutrition and health. It would be interesting to know, in that regard, whether there were traditional nutritional taboos for girls during the reproductive years.

53. Family planning should not be exclusively the concern of women; both sexes should be involved in the process. Sterilization was mentioned, but again, only with reference to women. It would be useful to know what kind of contraceptives were available. Furthermore, she would be interested to know the major causes of maternal mortality and morbidity. Since maternal mortality had declined, it would be useful to know what programmes had led to that achievement. Not enough information was provided on the mental health of women, particularly in view of the high divorce rate, a strange phenomenon in a Muslim country which should be explained. Finally, almost no information had been provided on HIV/AIDS or on drug and substance abuse.

54. **Ms. Taya** said that the report did not provide sufficient information on factors affecting mortality, morbidity and fertility rates or Government measures to tackle those problems. The population explosion was a major problem, given the destructive effect of overpopulation on the environment, an important feature of the tourist industry. Although the report cited the success of publicity about health, few men used contraceptives, and the health care sector was staffed mostly by women. It would be useful to know to what extent men were involved in the family planning process, and whether the Government envisaged any health policies targeted to fathers. She would also like to know why men were reluctant to use contraceptives, and why prescriptions were required to obtain them. Finally, she wondered whether a strategy had been developed to discourage early marriage with a view to lowering the birth rate.

55. **Ms. Tavares da Silva** said that the Maldives had made progress in the area of health, in particular with respect to life expectancy, which was now higher for women than for men, reversing the previous pattern. Did the statement contained in the report that free contraceptives were available to married couples, mean that a wife could not obtain contraceptives without the approval of her husband?

56. **Ms. Gonzalez** said that the report stated that family relations and marriage were governed by the Islamic Sharia. The Government should consider whether its laws were truly in accordance with Sharia law since, it was her understanding that the Sharia provided equality for women. The report also indicated that 59 per cent of Maldivian marriages ended in divorce, but that remarriage was frequent. It would be



useful to know the causes of the high divorce rate, especially since the Government professed to place high priority on the stability of the family. It should also be specified whether most women sued for divorce on grounds of maltreatment or of failure of spouses to provide maintenance.

*The meeting rose at 1 p.m.*