



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 763rd meeting (Chamber B)

Held at Headquarters, New York, on Friday, 19 January 2007, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10 a.m.

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

Combined second and third periodic reports of Maldives (CEDAW/C/MDV/2-3; CEDAW/C/MDV/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Maldives took places at the Committee table.*

2. **Ms. Didi** (Maldives) said that her country was traversing a period of major political reform and transition aimed at strengthening democratic governance and human rights protection. The President had launched his reform agenda in November 2003 and in March 2006 he had announced a road map aimed at ushering in modern democracy, which had given new impetus to efforts to promote the rights and role of women.

3. Since the submission of its initial report, Maldives had made remarkable progress towards achieving gender equality. In line with the Committee's concluding observations on the initial report, a National Policy on Gender Equality had been endorsed by the Cabinet. In March 2006, Maldives had acceded to the Optional Protocol to the Convention, greater awareness of which had been fostered through a regional meeting and the dissemination of information through the media.

4. The Government was considering withdrawing its reservations to articles 7 (a) and 16 of the Convention. It had initiated efforts to remove the constitutional provision barring women from the highest political office. Amendments in the area of family law in line with the spirit of article 16 were being envisaged but might be impeded by the country's sociocultural and political situation and the current interpretation of the sharia on matters relating to polygamy. Nevertheless, more stringent conditions for the practice of polygamy had been instituted: for example, before approving a new marriage, the court asked for information from the spouse about the man's earnings, to verify his capacity for maintenance and support.

5. While the age of majority and minimum age of marriage were set by legislation at 18, family law stipulated that a child over 16 years of age could enter into marriage under exceptional circumstances. To

minimize the danger that that provision might be exploited, new family law regulations authorized marriages of children between 16 and 18 years of age only if assessments revealed a compelling situation that could be remedied by the marriage. Since the adoption of the regulations in February 2006, 32 cases had been referred for assessment and 5 had been approved, all involving children over the age of 17 in exceptionally challenging situations. Debates on the concepts of puberty, consent of children and appropriate age of marriage under the sharia made it difficult to resolve the issue.

6. The National Media Policy and National Disability Policy included provisions on gender equality. The Constitutional Assembly, working to amend the Constitution, had unanimously passed a proposal to include a provision on non-discrimination on the basis of sex. The Human Rights Commission Act placed particular emphasis on the rights of women and provided mechanisms for seeking redress in the event that rights were violated. The Commission's legal autonomy was an advantage for women who might otherwise be subjected to lengthy bureaucratic procedures or unfavourable practices in a law enforcement system that was still largely male-dominated.

7. The latest legislation submitted to Parliament provided for non-discrimination on the basis of sex. Legislation on labour and the civil service mandated equal pay for equal work, equal rights and privileges, paid parental leave and the creation of an appropriate working environment for pregnant women. The police had a legal mandate to protect the rights of women, especially during search, arrest and detention. The most liberal stance possible under the sharia was espoused in legislation on strengthening the admissibility and use of forensic and scientific evidence. The Criminal Justice Action Plan upheld the principle of non-discrimination. Recent amendments to the passport regulations provided that either parent could apply for and obtain passports for children; previously, mothers had had to obtain the written consent of fathers. While all those legislative reforms would promote gender equality, constitutional debates revealed that a majority of parliamentarians needed to be made more gender-sensitive. More civic education was needed by the general public, since existing mechanisms were not being used, particularly by women.

8. After the previous reporting period, a Gender Management System had been introduced. Although it had not been as effective as intended, it had facilitated some mainstreaming of gender issues. The gender focal points mobilized in Government ministries and NGOs had not had a significant impact, the Gender Equality Council had been hampered by the unduly high profile of its members, and implementation of the plan of action on gender inspired by the Committee's concluding comments had been slow owing to institutional weaknesses and the lack of an effective monitoring system.

9. Attempts at affirmative action to bring women into Parliament through the constitutional reform process and to increase the number of women receiving tertiary education scholarships had not been accepted by the authorities and bodies concerned on the ground that they resulted in discrimination against men. On the other hand, more women than in the past had run for office in the most recent parliamentary elections.

10. The role, status and position of women in society were to a large extent created and reinforced by gender prejudices and stereotypes. Overturning those prejudices, which confined women to the domestic sphere, required behavioural change that took time. Since 2001 in Maldives, work had been done to raise awareness of women's issues and promote gender equality through the print and live media. Although the number of women in fields traditionally considered male preserves had not changed significantly, the number of working women overall had increased, although minimally. Two women had been newly appointed to diplomatic missions, the number of female lawyers had greatly increased over the past two years and women were training to become judges. More women were taking up careers in journalism, and media organizations were being encouraged to hire more women.

11. Affirmative action to provide tertiary education and technical training to women could be effective in overcoming gender stereotypes, and career guidance initiatives needed to focus on girls and women. The provision of employment opportunities for women was strongly linked to the creation of educational opportunities for them. Nevertheless, women without educational qualifications had contributed greatly in some economic sectors. A project funded by the Asian Development Bank and aimed at increasing national employment rates through training opportunities

reserved 40 per cent of such training for women. Efforts were being made to emphasize non-stereotypical areas of work.

12. Legislation awaiting adoption incorporated comprehensive mechanisms for redress, and in the meantime equal opportunities were being created through available mechanisms such as the courts, the Human Rights Commission and the Public Complaints Bureau. Nevertheless, increased efforts to educate women and enable them to assert their rights were required. The Ministry of Gender and Family, which she headed, had made a recommendation on keeping a gender balance among presidential appointees to public commissions and boards of directors of public companies that was now being considered by the President. The latter's proposal to remove from article 34 of the Constitution the gender bar to running for the highest political office had not yet been adopted by the Constitutional Assembly. Unfortunately, the Assembly had rejected a proposal to establish a quota for women in the legislature. Undeterred, however, her Ministry would be proposing the inclusion in forthcoming legislation on political parties of a provision allocating a specific percentage of seats for women candidates. To promote that effort, it had scheduled a seminar on women in politics for all political parties in March 2007. It also planned to increase advocacy programmes on the political participation of women.

13. In accordance with the road map and the Seventh National Development Plan, local governance would be strengthened by decentralization through the establishment of local councils and the transfer of responsibilities to local communities. Current traditions and practices posed barriers to women's standing for election to such councils, especially as their financial standing was poor compared to that of men. Accordingly, it had been proposed that a number of council seats should be reserved for women, that all stakeholders, including women, should be allowed to share in decision-making and that opportunities should be provided for women to participate in leadership, managerial training and skills development programmes. Non-governmental organizations (NGOs) that were active on issues involving women's rights had sprung up in the past two years and were responsible for the shadow report submitted to the Committee.

14. The Government acknowledged that concerted efforts must be made to combat exploitation of and violence against women. An assessment survey on drug misuse strongly linked it with prostitution, although it also revealed other contributing factors. As head of the Ministry of Gender and Family, she had publicly announced her stance on prostitution and measures to curb that exploitative and degrading practice. A study would be carried out in 2007 on exploitation of women and prostitution of children, and strategies based on its findings would be formulated.

15. In the context of a WHO study, her Ministry had conducted a survey on women's health and life experiences whose initial findings had been released on 25 November 2006, the International Day for the Elimination of Violence against Women. On the same day, an activism campaign had been launched in which handprints symbolic of the pledge to stop violence against women had been displayed. The number of handprints, 27,000, corresponded to the number of women aged 15 to 49 who had experienced some form of violence during their lifetime.

16. Such violence, especially domestic violence, had been unspoken of and undocumented in Maldives. The activism campaign and the findings of the study provided a starting point for public discussion of the issue. The findings revealed the shocking facts that one out of five women aged 15 to 49 had experienced some form of physical or sexual violence by an intimate partner and that one in nine women in the same age group had suffered severe physical violence, such as being punched, kicked, choked, burned or targeted with a weapon. In all, one of every three women aged 15 to 49 had experienced some form of physical or sexual violence at least once during her lifetime.

17. Maldives had a relatively low level of reported violence against women compared to other countries that had participated in the WHO study, but its rate of child abuse was relatively high. The study had shown the need for more emphasis on enhancing women's quality of life by improving health and social services for them. Even though considerable progress had been made with regard to access to health services, reproductive health services required more attention. Women's control over the choice of family planning methods and child spacing was still limited and predisposed them to unwanted pregnancies. Her Ministry had initiated consultations on legalizing abortion for child victims of rape and sexual abuse, but

the attendant ethical and moral issues had delayed a decision on the matter.

18. The findings of the study on women's health and life experiences had shaken the complacency of an unexpectedly large number of people. Violence against women was shown to be a health issue, an educational issue, a legal issue, a social issue and a community issue. The Government had accordingly formulated an action plan to implement the study's recommendations. Key steps included: dissemination of the study's findings and use of its data for policy development; legislative reviews and initiatives; gender-sensitive training for the judiciary and for law-enforcement officers; establishment of safe houses for victims of domestic violence; creation of family protection services in hospitals; introduction of legal and psychological support services for victims of violence; mobilization of civil society; and civic-education efforts.

19. She recognized that more needed to be done for women in her country and looked forward to hearing the Committee's opinions. She and her delegation were ready to engage in a constructive discussion and to take home suggestions and recommendations.

20. **The Chairperson** thanked the delegation of Maldives for the report, for its responses to questions on the list of issues and for the introductory statement, which provided much new information showing the Government's political will to proceed with full implementation of the Convention. On behalf of all members of the Committee, she congratulated the Government on the ratification of the Optional Protocol.

Articles 1 to 6

21. **Ms. Patten** said that the introductory statement had already allayed many of her concerns. It demonstrated that efforts were increasingly being made to promote gender equality, especially since ratification of the Optional Protocol. Since the Constitution was currently being reviewed with a view to its amendment, she asked whether the incorporation of a provision aimed at making the Convention applicable in the domestic courts was envisaged. Were any other steps being taken to incorporate the Convention in the domestic legal system?

22. Regarding the legal system, which had been called "negligent" in the report, she would like to know

if any training on the Convention and other human rights treaties was being given to judges, and if not, whether such training was being envisaged for the judiciary and the law-enforcement agencies. The total absence of women judges, especially given the number of women in the legal profession, was surprising. She asked how many women were currently being trained to become judges, and whether men, too, were receiving such training.

23. Accession to the Optional Protocol was a major step forward, but the absence of a constitutional provision on sex-based discrimination was a major loophole. It was encouraging that a proposal to include such a provision in the Constitution had been sent to the Constitutional Assembly, and she would like to hear more details: when the proposal had been sent, whether debate on it had actually started and the extent to which the terms of the proposal were in line with the definition of discrimination in article 1 of the Convention. The fact that the Government was considering withdrawing its reservations to articles 7 (a) and 16 of the Convention was also good news. The report mentioned ongoing informal consultations among members of the Gender Equality Council, but she would like details on any formal discussions under way.

24. Under article 2 of the Convention, it was the responsibility of the Government to adopt appropriate legislative measures, including sanctions, to prohibit discrimination. True, draft legislation was currently under preparation, and she asked what was the time frame for the adoption of the new legislation. The lack of anti-discrimination laws in general and, in particular, of laws to combat trafficking and exploitation of women and girls was cause for concern, as was the Constitution's silence on the right to health. She wondered whether the proposal made to change the composition and mandate of the Gender Equality Council had a reasonable chance of being accepted, and, since it had been made quite a while back, when a decision on it was likely to be adopted.

25. She asked for details on the technical, human and financial resources placed at the Ministry's disposal and whether they were considered adequate, particularly for its future work in preparing the national plan of action. Details on budgetary allocations to the Ministry as compared to those for other ministries would also be welcome.

26. **Ms. Begum** said she was pleased to hear that many positive steps had been taken, especially major political reforms and the initiative to remove gender bias from the Constitution. It was to be hoped that, as a result of the review currently being carried out by the Special Majlis, the revised Constitution would include the definition of discrimination as contained in article 1 of the Convention. The Maldivian legal system seemed entirely based on the sharia, and society appeared deeply rooted in a traditional division of labour wherein the men's job was fishing and outdoor work while women were engaged in housework and childcare. She asked whether the revised Constitution would address equality of human rights between men and women so as to ensure women's equal access to public life.

27. The Government had ratified the Convention in 1993; she wondered whether any steps had been taken since to incorporate it into domestic law or to review existing law to identify discrepancies with the Convention. Legislation adopted in line with the Convention had been mentioned, but no details had been provided. The current constitutional review provided a good opportunity for the Government to give the Convention effect in domestic law.

28. **Ms. Arocha** noted that, according to the report, the name of the national mechanism for women's issues had been changed four times since 1996 and asked whether the different names reflected the mandates of successive ministries. Had the recent consolidation in one ministry of work on women's affairs entailed personnel changes or affected human resources allocation? She requested additional information on how gender issues were currently handled within the Ministry and by whom: for example, was there a specific department for those issues and were there staff in the Ministry specialized in assessing the application of the Convention in national plans and programmes? She would like to know how the activities of the Ministry of Gender and Family fitted with those of other ministries, such as those of education, labour and youth and sports, which had related mandates, and what were the Ministry's relative strengths and weaknesses. She enquired as to its relations with the official statistical office. Such information would tell the Committee whether the Ministry had the necessary tools for evaluating implementation of the Convention and of the Beijing Platform for Action, under which a National

Programme of Action had been adopted, although no specific information on its application had been given.

29. **Ms. Chutikul** said that as she understood it, the Ministry of Gender and Family was responsible for coordinating the Convention's implementation but had had little success in getting ministries and other State institutions to participate actively in that endeavour. She asked whether the reason for the lack of success was a paucity of resources.

30. The Gender Equality Council had not functioned very well over the past six years, the reason given being the high rank of its members. Yet the problem in other countries was precisely the low-level composition of such institutions, which necessitated efforts to upgrade them. If the solution in Maldives, as suggested, was to downgrade the Council's composition, reducing it to the status of a technical committee, then it might prove to lack the political influence necessary to effect change. She would welcome the delegation's comments on that subject and on possible alternatives that might be envisaged.

31. She invited information on: the Ministry's relationship with the Human Rights Commission; the Commission's functions in the area of women's rights and whether it could receive complaints about gender discrimination; the importance of the National Policy on Women/Gender Equality recently approved by the Cabinet, and who was responsible for monitoring its implementation. Mention had been made of the plan of action for 2001-2006, which had not worked well. Another national plan of action specifically for women was apparently being contemplated, but women's issues were also to be covered in the Seventh National Development Plan. She asked about the different focuses of the two initiatives, the laudable initiative on the gender issue in the criminal justice system launched by the Attorney General's Office, and the roles of NGOs within the Ministry.

32. **The Chairperson**, speaking as a member of the Committee, asked whether NGOs had been allowed to see the combined second and third periodic reports in draft form. Submission of the report to Parliament was apparently being considered: the Committee generally recommended that countries take that step in order to heighten the visibility of the Convention's implementation.

33. Article 28, paragraph 2, of the Convention and general recommendations 4 and 20 specified that

reservations contrary to the object and purpose of the Convention were not permitted. Exclusion of women from the office of the President and Vice-President was contrary not only to article 7 (a) but also to article 2, which set out the obligation to embody the principle of equality of men and women in the Constitution. That point could be advanced during the Constitutional review process. She hoped that Maldives would soon withdraw its reservations.

34. It had been explained that in the past five years no progress had been made on the elaboration of legislation incorporating temporary special measures but that legislation on elections now being drafted would attempt to do so. According to article 4, paragraph 1, of the Convention and general recommendation 25 of the Committee, measures to accelerate the advancement of women should not be considered discriminatory. The general recommendation provided insight into how to proceed with regard to temporary special measures, including quotas.

35. **Mr. Anil** (Maldives), replying to questions, said that, under the Constitution, legal instruments acceded to by Maldives did not automatically become part of the domestic legislation. The Government had initiated a programme to incorporate a number of human rights treaties into domestic law.

36. **Ms. Didi** (Maldives), replying to questions on the legal system, said that since the appointment in 2005 of a new Minister at the Ministry of Justice, cooperation with that Ministry had improved, especially with regard to the appointment of women judges. The judicial system had long been dominated by males, however, and it was hard to change entrenched attitudes. Initiatives to train women judges had been carried out, and some trainees were already eligible to be judges, yet debate on the issue was continuing. Her Ministry was deeply committed to remedying the lack of women judges, particularly as women were frequently victimized in the legal system. Other Islamic legal systems in which women had been placed as judges were being scrutinized with a view to figuring out why Maldives was unable to make the transition.

37. The President's proposal regarding the right of women to hold the office of President or Vice-President was part of a general proposal concerning constitutional reform. She herself, the Attorney

General and the Minister of Justice had recently formed a small committee for the purpose of closely scrutinizing article 16 of the Convention and seeing how family law aligned with or contradicted it. Legislation submitted to the Majlis was usually taken up at the same session so it was to be hoped that all the legislative measures mentioned would be approved by the end of 2007.

38. Her Ministry had just received the highest budgetary allocation ever, an allocation that was entirely separate from the social security budget and could be devoted exclusively to gender and family issues. In the past, the implementation of programme activities had depended heavily on funds from the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the British Council. The Ministry itself had few technical resources. Over the past few years it had sent staff abroad for training, thereby equipping them with better qualifications for their work on issues of gender and family.

39. The Ministry was currently working with a drafting committee of the Special Majlis to draw up a definition of discrimination. Every effort would be made to ensure that all elements of the definition in article 1 of the Convention were included. Similarly, efforts would be made to ensure that the Constitutional review process resulted in the incorporation of provisions on equality of rights between men and women like those in the Convention.

40. **Mr. Anil** (Maldives) said he wished to reemphasize that the Convention was serving as the model for the drafting of domestic legislation on the rights of women, and the definitions of equality and discrimination would be derived from those in the Convention.

41. **Ms. Muhammad** (Maldives) pointed out that the current Constitution included an equality provision and that the non-discrimination provision debated recently in the Constitutional Assembly had been unanimously approved and was now with the drafting committee. The plan was to incorporate the Convention into domestic legislation, not into the Constitution.

42. **Ms. Didi** (Maldives) said that the various name changes for her Ministry did indeed reflect changes of mandate. The inclusion of the word "gender" had been a means of widening the scope of activities to cover not only women but also men and the family. In the

past, there had been instances when the rights of men had been violated and they had been left without hope of redress. At present, violations of men's rights were reported to the Ministry along with women's rights issues. Responsibility for social security currently lay with the Ministry of Employment and Labour, but, since the Ministry of Gender and Family still provided social services, the institutional separation had initially given rise to difficulties. However, a procedure had been put in place to streamline the provision of benefits to families. The name "Ministry of Gender and Family" had been introduced when she had taken over its portfolio in July 2005. The Ministry's mandate had then been reviewed and its focus changed to implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, together with their Optional Protocols.

43. One of the factors causing the Government to miss the deadlines for its reports to the two treaty bodies under those conventions had been the lack of a mechanism for continuously monitoring their implementation. The Ministry of Gender and Family now had a section with qualified staff well versed in gender and children's issues whose sole responsibility was to monitor implementation of the national plans of action for children and women. The staff members also looked at yearly reports received from various government departments on such questions as immunization rates and educational enrolment in order to have a better picture of the situation of women and children. The creation of that new section was expected to facilitate timely submission of reports to human rights bodies. Research on the impact of the two Conventions had been lacking, and it was hoped that the new section would facilitate such research and the collection of additional data. The research done on violence against women had had a great impact on both the Government and the public. It was hard for people to digest the truth about such violence, because it had been a silent issue for so long. Better monitoring and research would further her country's efforts to implement the two Conventions.

44. Her Ministry worked closely with others through a large number of committees and councils in various fields. A national council for children brought together staff from nearly 20 ministries and made for smoother relations between ministries. The process worked well

in the case of children's issues, but more needed to be done with respect to gender issues.

45. Her Ministry had an excellent relationship with the Ministry of Planning and National Development: indeed, the Seventh National Development Plan, in which gender was a cross-cutting theme across various sectors, reflected her Ministry's involvement in the planning process. For the 2005 census, the Ministry of Gender and Family had stationed trained personnel with the Ministry of Planning and National Development for the entire period in which the census had been carried out. The results would be gender-disaggregated for the first time, giving a better insight into the situation of women in Maldives.

46. One reason why implementation of the Convention across sectors had been impossible was the lack of a policy on women's issues. Now that the Cabinet had approved a gender equality policy, which her Ministry was responsible for implementing, there would be fewer obstacles than in the past. Other ministries were already becoming more responsive to her Ministry's arguments. The media, too, were waking up to the implications of their depictions of women and children, thanks to strong interventions by the Ministry, with UNFPA support.

47. On the Gender Equality Council, which the President chaired, the number of high-ranking people was really very large — about 30 members were ministers or deputy ministers — which made it difficult to ensure a quorum. She had therefore proposed the formation of a fifteen-member committee, to be chaired by the President, with a mandate to serve as a policy-level decision-making body and to give guidance. Gender policy was to be implemented, not by the Gender Equality Council, but by a technical committee whose members represented most of the government agencies and other government-affiliated bodies. Through the technical committee, yet another attempt would be made to put a gender management system in place, in line with a Commonwealth recommendation, and she hoped to be able to inform the Committee in the next periodic report of the result.

48. A new Human Rights Commission had been instituted by a parliamentary Act in late 2006, replacing the former one with which there had been some difficulties. Two meetings with the Human Rights Commissioner had already been held. The Ministry had outlined to him its work in preparation for

its meeting with the Committee and in turn would pass on to him the Committee's recommendations. It had asked for statistics on cases of gender discrimination that had been reported to the Commission, but they had not been made available in time for submission to the Committee at the current session.

49. The national plan of action for gender had had some success. In an item-by-item evaluation, 60 per cent of the plan's contents had been found to have been implemented. The remainder would be carried over into the new action plan to be developed in 2007, on the basis of the Committee's forthcoming recommendations, in consultation with the Ministry's counterparts, NGOs and other institutions of civil society.

50. Much more work needed to be done regarding the role of NGOs. The Government acknowledged that there were very few NGOs working for women's rights, human rights and children's rights. On the other hand, there were 206 island women's development committees that operated like a branch of her Ministry and were used as a tool for fostering discussion of specific issues. The committees, which mobilized over 4,000 women, could be activated on any island at any time, but their composition changed every two years, by popular election. The Ministry planned to review their role to see whether they would function better as independent NGOs. Because there were so few NGOs in Maldives, it had not been possible to consult them to the extent the Ministry would have liked during the preparation of the report.

51. She had noted the Committee's comments about the implementation of article 7 (a) and article 2 and would make every effort to effect improvements in that regard.

52. **Mr. Anil** (Maldives) said that there was ground for confidence that the reservations to article 7 (a) of the Convention could be removed fairly easily, but the Government's commitment to remove the reservations to article 16 would require more work in specific areas. In order to complete the reform of family law, for example, the backing of the Parliament was needed, but most parliamentarians were gender-blind. A review would have to be conducted of specific aspects of family law in relation to Convention obligations, and amendments would have to be submitted to Parliament, before the reservations to article 16 could be removed.

53. **Ms. Patten** asked for further information about the ongoing debate with regard to the appointment of women as judges, including the level at which the debate was taking place, and whether it was the President, the Ministry of Justice or some other institution that appointed the judges.

54. **Ms. Chutikul** asked which institution would monitor the implementation of the Seventh National Development Plan as it related to the projected inclusion of gender issues and whether the statistics mentioned with regard to women's development could be made available to the Committee.

55. **The Chairperson**, speaking as a member of the Committee, asked whether any time frame had been envisaged for the incorporation into domestic legislation of the conventions on discrimination against women and rights of the child. She enquired about the title of the projected law on gender equality and requested more information on its contents.

56. **Ms. Didi** (Maldives) said that the discussion on the appointment of women as judges was taking place at the ministerial level and also within the judiciary. The Seventh National Development Plan would be monitored by the Ministry of Planning and Development. She undertook to provide the indicators requested on women's development issues as soon as the delegation returned to Maldives.

57. **Ms. Muhammad** (Maldives) said that, upon assuming office in July 2005, the Minister of Justice had publicly announced the Government's intention to appoint female judges. Such appointments were currently the mandate of the Judicial Services Commission, formed one year earlier. The issue was being debated not only at the ministerial level but also within the community: public reaction had been strong from the start. Women had already been trained abroad to serve as judges, and additional training opportunities were being opened up for women as well as for men. The issue of female judges had been actively debated already in the media. Sadly, general opinion was not very positive.

58. **Mr. Anil** (Maldives) added that no title had yet been envisaged for the legislation on gender equality. The objective was for it to be submitted to Parliament before its September 2007 session, but lobbying of Parliament members and consultations with NGOs and other relevant sectors would need to be carried out beforehand.

Articles 5 and 6

59. **Ms. Tavares da Silva** said that changing stereotypes regarding the roles of men and women and achieving social change, as mandated by article 5, would be a big challenge in Maldives. Some steps in that direction had been described in the report, for example the study on knowledge, attitudes and behaviour with regard to gender and reproductive health, scheduled to be carried out in 2005. She was interested in the results of the study and whether any actions taken as a follow-up had been successful.

60. The survey on violence against women had exposed a daunting number of cases of violence. According to another survey, strong stereotypes had been revealed. A significant proportion of the population, both men and women, considered that women had a subordinate role vis-à-vis their husbands. A majority had stated that women must obey their husbands even when they disagreed with them. More women than men considered that men were entitled to beat their wives, and strange reasons for doing so were cited: not doing housework to the satisfaction of their husbands, disobeying them or asking whether they had relationships with other women.

61. Throughout the report and the responses to the Committee's list of issues, stereotypes in many areas were reflected, including the notions incorporated in family law and academia, the professional choices made by women, the political situation and the lack of women judges. Regarding divorce proceedings, the report stated that two male or four female witnesses to abuse were allowed to testify in court — which implied that women had half the worth of men.

62. Many basic actions to promote change were accordingly needed. Some consciousness-raising efforts had been carried out; however, if parliamentarians argued that it was discriminatory to take steps to fulfil the democratic requirement of women's participation in politics, then real training was needed rather than simply consciousness-raising. Actions to involve the media in modifying stereotypes should also be carried out. She welcomed the fact that the new media policy covered gender equality and greater participation of women in society, but action through the school system such as revision of teaching materials and of the practices and training of teachers was also needed, and the report gave no indication that such measures were being applied.

63. In her introductory statement, the speaker had said that behavioural change took time and that progress was accordingly slow. That was true, but simply waiting for change to occur was not satisfactory. There was clearly a commitment to effect change in Maldives, but more intensive efforts were very much needed.

64. **Ms. Maiolo** said that the practice of polygamy, which had motivated the Government to enter reservations to article 16, also very clearly violated article 5. It was asserted that the Government could not prohibit the practice, because of the sharia. She endorsed the previous speaker's remarks about testimony on spousal abuse in divorce proceedings: if two men were deemed to be equivalent to four women, something was very seriously wrong.

65. **Ms. Chutikul**, noting that no studies seemed to have been done on trafficking in persons, suggested that action on that problem should be envisaged and that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, should serve as a guide. The definition of trafficking must be very clear and generally agreed upon. The material provided by the delegation focused on trafficking only in the context of prostitution, yet trafficking also included exploitative labour, exploitative marriage conditions and brokerage. Some of the material seemed to indicate that prostitutes were considered guilty by definition, yet they could also be victims. The Government had committed itself to implementing the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which, however, concentrated only on prostitution, not on other forms of exploitation. A paper on human rights and trafficking prepared by the Office of the United Nations High Commissioner for Refugees might be useful reading in that regard.

66. **Ms. Gaspard** said that the delegation's comment about the lack of NGOs in Maldives seemed to be contradicted by the excellent NGO shadow report that had been prepared. She was encouraged by the delegation's commitment to better conditions for women but recalled that a similar commitment had been expressed during the consideration of the initial report, including promises to withdraw reservations and envisage temporary special measures. The draft

legislation on equality was a good development, but, as the delegation had pointed out, Parliament was not very receptive to such measures. Much more dynamic action was accordingly needed on that front.

67. She had been deeply concerned at the report's silence on trafficking and the exploitation of prostitution. The responses to the list of issues stated that no legislation had yet been adopted to combat those practices. Tourist destinations like Maldives were well known for the development of sex tourism. A study had apparently been planned, but she wondered whether any actions were being undertaken in hotels and other places frequented by tourists in order to combat the phenomenon. Was anything being done to warn women, particularly women who were being promised employment if they left the country, about the danger of organized trafficking? Apparently there were no specialized police services for trafficking in women, but was any system in place for aiding victims of prostitution and exploitation who wished to get away from such practices?

68. **Ms. Begum** said that the report had provided a shocking and sad picture of violence against women, which had been called a silent issue. Child sexual abuse in Maldives was also relatively high. The fact that no legal measures were in place to combat such practices was a cause for concern. The number of divorces due to domestic violence was increasing. The statistics all showed that women and children were suffering, yet, puzzlingly, the Government was not moving to institute a domestic law to combat such violence. The silence must be broken.

69. She asked why no legal representation was permitted in divorce proceedings instituted on grounds of violence. The report stated there were plans to address the issue and protect the rights of women and dependent children but gave few details of those plans. The combination of underreporting of violence against women and of an absence of effective laws or support systems for women victims of violence would lead to escalation of that crime and result in grave violations of the Convention and of human rights unless something was done.

70. Maldives had already carried out one media campaign, but another one was urgently needed in order to address stereotypes and change attitudes towards women. Adequate law enforcement legislation

was necessary in order to punish the perpetrators of violence, including those in a woman's household.

71. **Ms. Didi** (Maldives), responding to those questions, said that the survey scheduled for 2005 had not in fact been conducted. She fully agreed that consciousness-raising alone was not enough and that training was needed. Because of the geographical formation of Maldives, the population of 300,000 was scattered among 1,200 islands, and most of the money provided by donors for studies, training or consciousness-raising was spent on transport. It was unfortunate that it was not used entirely to touch people in large numbers, but that was the reality of the situation. She would take the advice offered and do her utmost to ensure that programmes focused not just on consciousness-raising but also on training people locally.

72. She regretted that more information had not been provided on education, but there was actually no gender gap in school enrolment. In primary and secondary school, girls had better results than boys. Nevertheless, boys had more options for scholarships at the secondary- and higher-education levels and continued to go into stereotypical fields of endeavour. Efforts were being made in that area and discussions were being held. On every island, primary schooling was now available up to grade seven, instruction being bilingual in both English and the local language. To give girls secondary education locally, without forcing them to leave their parents, the Government had established a strategy whereby if a school had 100 children enrolled, funding was provided for grades eight to ten. That was quite a challenge, however, and it was costly.

73. One of the reasons why more training activities had not been feasible was the limitation on human resources within the Ministry of Gender and Family. In saying that behaviour change took time, she had not meant to be complacent. Mechanisms for instituting rapid behaviour change existed and must be explored.

74. Maldives admittedly had a long way to go in combating trafficking. Nearly every resident of every island knew what was going on and who was going where. The capital city, measuring 2 square kilometres, was probably the most densely populated piece of land in the world. Over 100,000 individuals — more than one third of the country's population — could be found

there at any given time, many of them involved in the newly thriving export business.

75. In the past, Maldivians had provided the work force in all sectors, but currently, especially in construction, there was a lot of foreign labour, which meant that social issues that had not previously been problematic might become so. She was therefore grateful to the Committee for its guidance on trafficking, a phenomenon in Maldives.

76. Regarding sex tourism, the policy in years past had been to allow individuals to develop uninhabited islands as tourist resorts. Locals had had no access to those islands unless they were employed there, as part of a deliberate effort by the Government to keep tourism and local life separate. But now that tourism was moving into every atoll and populated area of the country, the policy of keeping tourists and nationals apart would no longer be feasible, and the issue of sex tourism would have to be addressed. A meeting with UNICEF representatives to envisage measures to counter sex tourism before it became a serious problem had yielded the idea of a code of ethics that could be signed by tourism operators. Discussions were ongoing with a view to informing tourism operators of the consequences of sex tourism. The most important step of all would be to put in place legislation. In addition, the definitions of sex tourism and trafficking in children were very narrow and efforts must be made to broaden them; she fully agreed with the Committee on that point and undertook to address it.

77. The population of Maldives was 100 per cent Muslim, although interpretations of the sharia differed. When the Government signed conventions, the public was not consulted, and it was then a challenge to implement them. It was especially difficult to apply rights-based thinking, as mandated under article 5 (a), to areas where the fundamental way of living had always been radically different. She gave assurances, however, that the Government was committed to making the Convention a reality, despite the limitations on human resources.

78. Procedures and protocols were being put in place to deal with violence against women and sexual abuse of children. Protection centres for women and children were to be set up by the end of 2007 in eleven atolls, and a total of 20 were to be functioning by the end of 2008. Each would have a multisectoral staff and give shelter to women and children who needed to be

removed from their homes for their own safety. Funding and training had already been provided for that entirely unprecedented measure.

79. **Ms. Jameel** (Maldives) said that the law on protection of the rights of the child had been passed in 1991, but its deficiencies had now become apparent. Accordingly, it was being amended to address emerging new issues and to cover such areas as trafficking and commercial sexual exploitation of children. Procedures and regulations on child protection were being developed through a multidisciplinary approach. Among the problems faced was the absence of similar protocols and procedures in other agencies.

80. **Ms. Begum** asked whether there was a law that specifically addressed domestic violence against women.

81. **The Chairperson**, speaking as a member of the Committee, asked for clarification about the shelters for victims of violence to be established in 2007 and 2008. Were they to be solely for children or for women too? Were there any plans to criminalize marital rape?

82. **Ms. Patten** asked whether there was a provision in the Penal Code to address cases of violence, whether any data on the number of cases reported by women were available, and whether there were any women magistrates.

83. **Ms. Didi** (Maldives) said that the shelters would serve both children and women, who would be separated. The shelters would also provide support to families that were experiencing problems.

84. **Mr. Anil** (Maldives) said that violence against women was an offence under the Penal Code, but there was at present no specific law to address it. Efforts were being made to develop such legislation. A new Penal Code, specifically covering violence against women, had been drafted and submitted to Parliament. The existing Penal Code was outdated: rape, for example, was not designated as an offence and was covered only by reference to sharia principles. Under the new code, marital rape would be an offence.

85. **Ms. Muhammad** (Maldives) said that there were indeed magistrates within the judicial system and one of the courts of first instance had specialized criminal, civil, family and juvenile divisions. Sadly, judges and magistrates were not very gender-sensitive, and the limited capabilities of the Ministry of Gender and

Family and the Ministry of Justice had constrained attempts to change that situation. Because of case overload, it was difficult to mobilize judges and magistrates to participate in programmes conducted by the Ministry of Gender and Family. The Ministry of Justice was planning programmes in which the participation of judges would be compulsory and which could include coverage of violence against women and gender issues. The new training for judges, scheduled to commence in late January 2007, could also have components dealing with discrimination against women, the rights of the child and violence against women and children.

86. **Ms. Gumede Shelton** requested more details on the training of judges, such as the specifics of the programmes planned, which programmes would be compulsory, how long each would last, and whether there would be refresher programmes.

Articles 7 to 9

87. **Ms. Begum**, while welcoming the Government's commitment to withdraw both its reservation to article 7 (a) and the Constitutional provision barring women from the posts of President and Vice-President, said that much more lobbying was needed in those areas. A provision against sexual discrimination should be incorporated in the Constitution as part of the review process. Community acceptance of female judges seemed to be a problem, although it was difficult to understand why, particularly as other Muslim countries had women judges. Women were also discriminated against in training and higher education. The adoption of temporary special measures should be considered in order to alleviate such problems.

88. **Ms. Zou Xiaoqiao** welcomed the political will of the Government to achieve gender equality. The translation of that commitment into action would be an important step forward. She asked what role the Ministry of Gender and Family was playing in the withdrawal of the reservation to article 7 (a) and what was the time frame for such withdrawal. The report and the replies to the list of issues provided little information and no specific figures on women in politics and in diplomatic service, but even the limited information available indicated that women politicians were few in number. She wondered whether the Government would take proactive measures to alter that situation and, in particular, to change the behaviour of gender-blind or insensitive decision

makers so as to create a favourable environment for the involvement of women in politics. The introductory statement had mentioned the parliamentary veto of a proposal on temporary special measures and quotas. She asked what rationale had been advanced for that rejection and what was the next step contemplated.

89. Since only three women had been trained to become judges in five years, she would like to know what the next stage would be: whether the Government would establish quotas for women in politics and the judiciary or would take other measures to get women into higher decision-making positions. The replies to the list of issues said that, although no quotas had been established, measures had been taken to allow more women to become decision makers; she asked what those measures were.

90. **Ms. Belmihoub-Zerdani** noted that the Maldivian delegation comprised five women and two men, a ratio that one would like to find also in the political life and diplomatic representation of the country. Since the Committee's consideration of the initial report, with regard to the application of article 7 of the Convention. The Government asserted that the two reservations it had made in signing the Convention were necessitated by the sharia. However, she defied anybody to cite a verse of the Koran that prohibited women from participating in politics, the diplomatic service, executive positions or the judiciary. The Koran itself said nothing about public and political life, and a distinction had to be drawn between it and the various schools of its interpretation, which did not all take the same standpoint on women.

91. She welcomed the decision adopted by the President to appoint women to the People's Majlis and the Special Majlis and to serve as ministers. Actual figures on women's participation were lacking, however. Many women were active in politics in Asia, and some had even been Head of State, as in Pakistan or Bangladesh, so why not in Maldives? The prohibition on women serving as President or Vice-President was not justified by the sharia. She herself was from a country where Islam was the State religion, yet a woman had been a candidate in the most recent presidential elections. The most energetic possible efforts must be made to ensure that the next report would state that the reservation to article 7 (a) had been withdrawn and that more women ministers and judges had been appointed.

92. **Ms. Gaspard** observed that only two States parties had made a reservation to the Convention on the ground that women were prohibited from serving as President and Vice-President: Maldives and Luxembourg, the latter being a monarchy where the Head of State had no powers. The prohibition was a bizarre anachronism which Maldives should remedy by revising the Constitution. To deny women the right to aspire to the Presidency reinforced stereotypes. Reserving the highest executive office exclusively for men set the tone for according to men unlimited authority in the family. It reinforced a patriarchal system which perpetuated discrimination and whose consequences could be perceived in the very small number of women in the legislature. It also influenced the amount of attention given to the question of gender equality. Nevertheless, the fact that four of the President's eight appointees to the parliament were women was a hopeful sign and meant that parity could be promoted even in the absence of a law mandating it.

93. It was difficult to understand why the Ministry of Justice failed to appoint more women judges and magistrates. The Maldivian delegation had explained that public opinion was not very favourable to women becoming judges, yet that was surely an anachronism. Many women and indeed some men might prefer to have their case heard by a woman, whose way of looking at certain problems, for example domestic violence, might differ from that of a man. The entrance of women into the judiciary would undoubtedly further the interests of justice.

94. **Ms. Gumede Shelton** said that the report did not provide enough information on the number of women in the diplomatic service, the categories and areas they were working in, the number of posts available, the number of women in high positions and the ratio of males to females. The information given in the NGO shadow reports was alarming, not only because so few women were in diplomatic posts but also because there really seemed to be no strategy to ensure that women were appointed to such posts. Did the National Policy on Gender Equality or the Seventh National Development Plan make any reference to that objective and were any targets set for such appointments? She asked whether the recommendation on keeping a gender balance addressed to the President also covered the appointment of women at the international level, what effect that recommendation could be expected to have, and when was it likely to be endorsed or rejected.

95. **Ms. Didi** (Maldives) thanked the Committee for the recommendations made, particularly those on articles 7 (a) and 9. She fully agreed with them and if, as she hoped, they were included in its concluding comments, she believed that they would help to convince the Government to fulfil its obligations.

96. Regarding temporary special measures, she said that it was the President's prerogative to fill eight seats in the People's Majlis and he had always made sure that they were evenly divided between women and men. When the Special Majlis had been set up to revise the Constitution, the President had been allowed to nominate eight more members, and he had again ensured that there were four women and four men. However, the Constitution now being drafted reflected a consensus agreement that Parliament would no longer have presidential appointees. Thus, even the small number of women currently appointed by the President would not necessarily have seats in the new Parliament.

97. The Government had put forward a proposal on quotas for women parliamentarians. She had spoken to women's development committees, NGOs and the ruling political party in order to explain that under the Convention quotas for women were temporary special measures, intended not to last forever but merely to buttress women's ability to overcome barriers against their election. Support for the proposal had cut across party lines, but it had been narrowly defeated. Many reasons had been given for the rejection of quotas one group had insisted that no woman could be a minister, president or member of Parliament, while another had stated that quotas for women discriminated against men. It had been a sad day for the women of her country when the proposal had been rejected. The only alternative at present was to ensure that a quota for women was included in the draft legislation on political parties, but she could not predict whether or not it would go through.

98. The Ministry had to do a great deal more work to raise the awareness of politicians. She had indicated earlier that many parliamentarians were gender-blind, and that fact was eminently apparent in minutes of parliamentary discussions, especially those in the Special Majlis. In 2006, the Ministry of Gender and Family had sent a letter to the Speakers of the Special Majlis and the People's Majlis indicating that it wished to conduct workshops on gender issues, but it had so far received no reply.

99. One temporary special measure applied was the provision requiring the chairperson of each island women's development committee to be a member of that committee. In some of those committees, women played a real role, but in many they had little say in the proceedings. Some of the members were extremely hardworking, but, sadly, the committees were not always effective in advancing the cause of women. That was why she intended to investigate whether the committees could or should become NGOs. The Government was changing its policy on island development committees and had decided to replace them with elected councils; assurances had been given in writing to her Ministry that the policy would include a quota for women.

100. She would provide statistics on appointees at the international level after her return to Maldives, when she would ask the Ministry of Foreign Affairs to explain its strategy on the subject. Until quite recently, Maldives had had very few foreign embassies or councils. Her Ministry's recommendation to the President on keeping a gender balance among presidential appointees to public commissions and boards of directors of public companies could be enlarged to cover appointees to international posts, but, while boards of directors changed every one or two years, vacancies for international posts came up less frequently. She did not know exactly how many women had been trained in preparation for international service and were ready to take up such posts.

101. **Ms. Muhammad** said that judges and magistrates were currently appointed by the Judicial Services Commission, which had begun functioning quite recently. The Office of the Attorney General and the Ministry of Gender and Family were all for increasing the number of women judges. They fully appreciated that women's experience was different from men's and that their recruitment was important for the judiciary.

102. **The Chairperson** assured the delegation of Maldives that the Committee's concluding observations would reflect all the issues discussed, particularly its recommendations on the political participation of women and the importance of withdrawing the reservations to articles 7 (a) and 16.

103. **Ms. Tavares da Silva** said she knew from experience that establishing quotas for women was often perceived as taking discriminatory action against

men. Perhaps reference could be made instead to setting minimum percentages for both sexes. That formulation, which changed nothing in substance, had often proved more palatable.

104. **Ms. Patten** commended the courage, determination and conviction shown in the struggle for the advancement of Maldivian women. Despite the difficult environment, those efforts should be pursued. With respect to the participation of women in political life and decision-making, she urged the delegation to look carefully at the Committee's general recommendation 23.

105. **Ms. Belmihoub-Zerdani** saluted the courage of the Maldivian delegation and its efforts on behalf of women. An important adjunct to those efforts could be found in the temporary special measures covered in article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. No reservations had been made to article 4, paragraph 1, which meant that the Government was obliged to apply it. Her own Government, in its efforts to combat the machismo of men, had found such measures useful.

106. **The Chairperson**, speaking as a member of the Committee, said that the new legislation on women's rights could be drafted so as to include a provision permitting the elaboration of temporary special measures. She encouraged the delegation to pursue the objectives it had mentioned concerning legislation on political parties and elections.

107. **Ms. Begum** asked whether the Government had any strategy for achieving the Beijing target of 30 per cent of decision-making positions filled by women, whether it had taken measures to appoint women to high-level positions and whether women occupied posts in rural areas.

108. **Ms. Didi** (Maldives) said that, because of the signature of international human rights instruments, a general opening up of society and the President's announcement of his reform agenda, there were now opportunities for NGOs to become more active. Whereas in the past her own Ministry had been the sole activist, it was currently hoped that there would soon be more NGO engagement in the cause of human rights.

109. The proportion of women in high-level positions was currently 17 per cent, or slightly more than half the Beijing target. The numbers given in the report had

not changed: only one atoll chief and two or three katibs were women. Leadership training for women was available as an ongoing programme conducted by the Ministry. In discussions with the Government about why more atoll chiefs and katibs had not been appointed, she had been told that women declined to work in rural atolls. Presumably, they were deterred from accepting appointments by the inferior schools and health facilities in rural areas, and they were reluctant to leave their husbands and families behind in Malé, the capital, knowing how difficult it would be to return quickly to them in an emergency. The quotas established for women's participation in island development councils would not be sufficient in themselves: funding was needed to train new council members to be active and effective advocates of women's rights.

110. In conclusion, she thanked the Committee for all its comments and suggestions, particularly on the incorporation of the Convention into domestic law and the adoption of temporary special measures.

The meeting rose at 1 p.m.