



**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 764th meeting (Chamber B)

Held at Headquarters, New York, on Monday, 19 January 2007, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3 p.m.

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

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

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

Articles 10 to 14

2. **Ms. Zou Xiaoqiao**, referring to education, asked what the Government had done since the last report to discourage the early marriage of girls, which resulted in high numbers of school dropouts and low job prospects; to improve the educational standards for girls in rural and island areas; to shift the almost exclusive focus on men in vocational training; to offer more scholarships to women to attend universities; and to steer women into non-traditional fields currently dominated by men, with a concomitant public awareness campaign to overcome stereotypical thinking in society.

3. **Ms. Gumede Shelton** asked the delegation to comment on how the school dropout rate in rural areas was conditioned by the lack of boarding facilities for girls, whether the country's media were playing a role in deconstructing stereotypical thinking, and in which non-traditional fields a gender gap persisted, as against those in which progress had been reported. She wondered if the affirmative action initiative to help women attend universities and receive technical training and career guidance, described at the previous meeting, had actually been started, and if the educational statistics given in the report (CEDAW/C/MDV/2-3, paras. 22 and 24-25) represented the ratio of women to men or rather of some women to the available pool of women.

4. **Ms. Patten** asked, with regard to article 11, whether the new Labour Bill referred to at the previous meeting had already been submitted to the Special Majlis (report, para. 9) and whether it or the Penal Code included provisions on sexual harassment in the workplace and if it regulated working conditions, set up mechanisms to adjudicate wage discrimination claims and provided for regular workplace inspections. Further information was needed on how the

Government was dealing with discrimination in the workplace: if the Ministry of Gender and Family was working with the Ministry of Labour, for instance, to ensure equal pay for equal work, prohibit direct or indirect discrimination on the grounds of sex, marital status or pregnancy, guarantee equal opportunities for training, promotion, occupational health and safety and social security protection, and provide affordable support services for women such as child care. She also wondered if the Government was reformulating the wage structures in female-dominated fields like teaching in order to increase women's earnings, and helping women engaged in low-paying jobs in the lucrative tourism industry to be hired for more profitable hotel jobs.

5. **Ms. Didi** (Maldives) said that there was no gender gap in the primary or secondary schools; indeed, girls had lower dropout rates and higher achievement rates than boys. The Government had worked very hard to provide quality education throughout the country. Compared with the situation in 1982 — when there had been only two private schools in rural areas, no government schools, and some Islamic madrasas that taught some Arabic and Koranic studies up to the third grade — virtually every one of the 90 islands had a good public school up to the seventh grade, with mandatory secondary schools in the case of those with over 100 pupils. The weakness was in the number of secondary schools, but there were 20 nationwide and 1 in almost every atoll.

6. The visible gender gap, of course, was in higher education, but strides had been made in offering scholarships and enrolment and training opportunities to women. The percentage of women in the hotel schools, for instance, was almost on a par with that of men. The real inequality was in employment, after training. Of course, there were currently more women than men teachers, although originally that had not been the case, and teaching jobs were still well paid. There were no girls, however, working in the resorts, which were privately run. The environment in the tourist industry was not favourable to women: resorts were in isolated areas, only male sleeping quarters were provided, and men held all the better-paying jobs, even those that were usually female-dominated. That was definitely a sector that required affirmative action.

7. **Mr. Anil** (Maldives) said that the Labour Bill had indeed been submitted, in February 2006, had been debated in chamber and referred to committee, and it

should be adopted in 2007. It covered most of the areas of discrimination mentioned by members, providing for labour courts staffed by experts and also for the establishment of trade unions, both for the first time in Maldives. The Bill did not include provisions on sexual harassment, which the Government hoped to draft in a separate bill rather than in the Penal Code. Complaints of employment discrimination and poor working conditions could be redressed through the Human Rights Commission, the Public Complaints Bureau or even the court system, but it should be said that not many such complaints had been filed, and the Government had to do more to regulate that area.

8. **Ms. Rafiu** (Maldives) observed that the figures given in paragraph 24 of the report and in the annex referred only to Government-awarded scholarships, but there were many grants for study abroad given by private organizations. University scholarships were always awarded on merit, and since boys performed better in university studies they won more scholarships.

9. **Ms. Tan** asked whether pregnant girls could continue in school. If not, that was a discriminatory situation that denied them educational advancement.

10. **Ms. Begum** said that she wondered whether gender issues and reproductive health were part of the curriculum in higher secondary schools, and why more boys than girls dropped out of primary and secondary schools.

11. **Ms. Patten** asked what the Government was doing to promote a more diversified employment of women in male-dominated sectors other than tourism. It would be interesting to know the likelihood of the early adoption of a separate sexual harassment bill. Also, in the absence of a law on the matter, had any cases alleging discrimination in employment been brought in the courts or to the Human Rights Commission?

12. **The Chairperson**, speaking in her personal capacity, asked what kinds of maternity leave were available and if women on temporary contracts could take maternity leave. She would also like more information on the action being taken to combat educational stereotyping, in textbooks and elsewhere.

13. **Ms. Didi** (Maldives) said that, at the moment, girls who became pregnant could not go back to school, as, under the Law on the Rights of the Child,

once a girl gave birth she became an adult. She did, however, understand that girls sometimes got pregnant as a result of rape or “mishandling”, not by choice. The delegation had noted the comments made and would look into having the law changed in order to allow girls in the former category to go back to school.

14. The figures provided in paragraph 24 of the report referred to the percentage of undergraduate, postgraduate and PhD scholarships that were awarded to girls. Anyone could apply for a scholarship. The scholarship board made no distinction between boys and girls; rather, it awarded scholarships according to merit, since that was the basis on which foreign universities accepted students. The scholarship board had rejected her Ministry’s request for a quota system on the grounds that a female applicant with higher grades than her male counterpart would be awarded the scholarship automatically.

15. The affirmative action and career guidance initiatives mentioned in her opening statement referred to action that the Government planned to take in the future.

16. The dropout rate was higher among boys because, even without a qualification, they could easily get a well-paid job in tourism. That was set to change, however, with the new Labour Bill, which introduced a minimum age of employment (age 18). She hoped that the Labour Bill would result in fewer jobs for 14- to 16-year-olds and, consequently, a lower dropout rate among boys.

17. There had been instances where Government employees working on temporary contracts had not been given maternity leave. Her Ministry had informed the Office of the President that such action was discriminatory. The problem had not existed in the past, as most temporary contracts had been given to men, but as temporary contracts were being given to women as well, every effort would be made to remedy the situation. There were no regulations in place requiring the informal sector to provide the same conditions for their employees as the Government did for its staff. However, the principle of equal pay for equal work was applied in both the formal and informal sectors.

18. **Mr. Anil** (Maldives) said that sexual harassment was prohibited by law and defined as an offence in both the new Penal Code and the proposed Labour Bill. The Labour Bill also provided mechanisms for seeking

redress. However, if all forms of harassment, both direct and indirect, had been included in the Labour Bill, the process would have been delayed considerably. Sexual harassment was a complex issue that needed to be studied in depth in order to be addressed properly.

19. There were already a number of mechanisms for investigating sexual harassment, such as the Public Complaints Bureau, the National Human Rights Commission and internal mechanisms within the Ministry of Employment and Labour and the Ministry of Gender and Family. However, the public faced serious obstacles when trying to tap into those mechanisms and, as far as he knew, only a few cases had been reported. In addition to legislation, more practical and accessible ways of seeking redress for sexual harassment were needed, and he hoped that the new Labour Bill and the new Labour Tribunal would create such an environment.

20. **Ms. Mohamed** (Maldives) said that, under current regulations and pending the adoption of the Labour Bill, women were entitled to 45 days' maternity leave.

21. While more must be done to eradicate stereotypes, an effort had been made to diversify employment opportunities, in particular, the YES Campaign, which reserved 40 per cent of training opportunities for girls, and the Ministry of Youth Development and Sports' annual Youth Challenge, which gave young people an opportunity to find out about jobs in different fields.

22. **Ms. Rafiu** (Maldives) said that the secondary school curriculum did not currently include a reproductive health component. A special after-school programme was, however, provided for specific age groups. In addition, the Ministry of Health and the Ministry of Information and Arts were doing a considerable amount of advocacy work, using the media, in particular, to inform people about specific issues. There would also be a gender review of all school curricula in 2007.

23. **Ms. Didi** (Maldives) said that primary schoolchildren learned about HIV/AIDS under other subjects, but were not taught gender per se. As her colleague had just mentioned, secondary schoolchildren could attend an after-school life skills programme containing gender and reproductive health components. However, the programme was available

only in some parts of the country. The recommendations of the 2007 curriculum review, the first since 1983, would be incorporated into the curriculum.

24. **Ms. Arocha Domínguez** wondered whether the Government also provided decentralized health-care services and qualified health-care professionals in every inhabited island. If so, did such services come under the Ministry of Gender and Family and the Ministry of Atolls Development?

25. According to the State party's responses (para. 25), the Multiple Indicator Cluster Survey 2001 had found that more than 51 per cent of Maldivian women were anaemic, and she asked if any special nutritional programmes had been established since then to improve the nutritional status of women, particularly those of child-bearing age.

26. The responses also stated (para. 17) that prostitution was on the increase, especially with the rising drug addiction problem in Maldives. The State party should explain the extent of that problem, how it was related to prostitution, and whether it was also related to tourism.

27. It was clear from the State party's comments that Maldivian women and girls had limited access to family planning services and sex education. However, as various sources had noted, the lack of proper sex education in Maldives led to serious problems, including rape and sexual abuse. A young girl who became pregnant might have an illegal abortion, commit suicide or kill her baby, in addition to being taken out of school and suffering family rejection and social exclusion. In her opening statement, the head of delegation had stated that the Ministry of Gender and Family had initiated consultations on legalizing abortion for child victims of rape and sexual abuse. However, that would not address the root cause of the problem, namely, the lack of sex education in the first place. She wished to know, therefore, what specific action had been taken as part of the National Reproductive Health Strategy (2005-2007) and what the results of that action had been. The State party's responses (para. 26) described only the goals of the strategy.

28. **Ms. Tan** was curious to know whether the considerable improvement in access to health care benefited rural women too, particularly those living in more remote atolls. She requested further details on the

number of health-care centres and the services such centres provided. It was her understanding that, when fees were charged, those who could not afford the fee could apply for government assistance, and she would be interested to know how many rural women had requested such assistance. The fact that basic obstetric care was provided only at the regional level made it hard for rural women to access such services in a timely manner. What was the Government doing to make such services accessible and affordable for rural women too? Proper access to such services would reduce maternal mortality even further.

29. Proper family planning would result in fewer unwanted pregnancies, fewer illegal abortions and, therefore, fewer maternal deaths, and she would therefore like to know if the Government intended to make family planning services available to all adolescents, both married and unmarried, and particularly those living in rural areas. Furthermore, she had heard that women who became pregnant as a result of rape or sexual abuse were labelled as “women who had voluntarily engaged in sex” and flogged. It seemed surprising that unmarried girls who became pregnant should really suffer such indignity in modern society.

30. **Ms. Didi** (Maldives) said that the health sector had been decentralized in the early 1980s. Every inhabited island had at least a health post, a trained midwife and a nurse. Islands whose population had reached a certain level had a health centre and a doctor. Every region had a hospital.

31. The anaemia rate among women had been addressed by the Government, with United Nations Children’s Fund (UNICEF) support. Following the publication of the Multiple Indicator Cluster Survey 2001, a nutrition strategy had been designed. While she did not have any information about that strategy’s impact, she did know that the Ministry of Health and UNICEF had worked hard to reduce the anaemia rate among women and stunting and wasting among children.

32. Drug addiction was the main social concern in Maldives. It affected every atoll, every island and every family. It was an internal issue unrelated to tourism: the drugs came from other countries in the region. In 2006, the Government had tried to synchronize efforts to address the issue. The President had passed a special decree so that drug addicts could

be taken off the streets and placed in rehabilitation. Efforts were being made to look at drug addiction not as a legal issue, but as a health issue. The Government’s drug rehabilitation programme had recently been reviewed and opened up to international cooperation. Just a week earlier, an American company with many years experience had won the bid. It was hoped that the programme would now be more professional and more successful.

33. Sex education per se was not taught in schools and it would be difficult to change that. However, the Government was planning to conduct a campaign in every school in Male’ to teach young children to say no to sexual harassment and abuse. The campaign — which had been put forward for UNICEF support the following year — had already been successful in Australia, and the Government was hiring Australian consultants to adapt the campaign to the Maldivian context. She felt very strongly that prevention was better than cure. If children themselves could be taught to say no, many problems would cease to exist. If the Committee recommended introducing sex education in schools, the Maldivian Government would of course do its best to implement that recommendation; however, it would not happen overnight.

34. According to her understanding of Islam, there might be an opportunity for legal abortion up until the 90-day or 120-day mark in a pregnancy. Practice varied from one Muslim country to another; some scholars considered it to be permissible, others not. Her Ministry had taken up the matter with the Supreme Council of Islamic Affairs in Maldives, but had not received a positive answer. It was now working with the Attorney General’s Office to see whether abortion could be legalized for child victims of rape and sexual abuse. The possibility of giving the “morning-after pill” to children who had been sexually abused had also been discussed. Technically, that was seen not as abortion, but as prevention of pregnancy. However, some doctors were reluctant to do even that.

35. It would be very difficult to legalize abortion for married women and those over 18. At the moment, abortion was legal in two circumstances only: at any time during the pregnancy, if the mother’s life was in danger; and up to the 120-day mark, if one or both of the parents was a thalassaemia carrier and a doctor confirmed that the foetus was a thalassaemia major. However, there were no facilities in Maldives for

carrying out such a test. The only option was to travel to another country, and that was a costly process.

36. In reply to the question on the Reproductive Health Strategy 2005-2007, she was unable to provide any further details but would be pleased to circulate a copy of the Strategy among the experts.

37. Regarding rural versus urban healthcare, services differed from island to island. Islands with small populations typically had fewer facilities, particularly if the population was below 500. In Male', patients had to pay hospital fees; health-care services on the islands were free. In cases where the life of a pregnant woman was at risk, the atoll chief could request that she be airlifted to a regional hospital, at the expense of the Ministry of Gender, Family Development and Social Security.

38. The provision of equal services was an ongoing problem which the Government had attempted to solve by introducing a voluntary population consolidation programme in 1998. The aim of the programme was to move people from less populated, economically unviable islands to larger islands with better services. The Government had not always been able to implement the programme owing to funding constraints; however, new resources had recently been allocated.

39. With respect to the question on family planning services, the fact that birth control was provided only to married women had been a subject of debate for some 10 years. Although the official policy was that women had to produce a marriage certificate when filling their prescription, pharmacies rarely implemented the rule.

40. **Ms. Mohamed** (Maldives), in reply to the question on flogging, said that both sharia and domestic law imposed flogging as a penalty for engaging in extramarital intercourse, even in respect of children under the age of 18. In practice, however, the sentence was rarely carried out.

41. **Mr. Anil** (Maldives) said that family planning was available only to married couples because sexual contact between unmarried persons was a criminal offence. With regard to penalties, the new draft penal code eliminated both flogging and banishment. It also contained sentencing guidelines that provided for alternative punishments.

42. **Ms. Begum**, referring to article 14, wished to know whether the rural population had access to affordable day care. She also wondered whether any of the atolls had female chiefs and whether advertising for brides was a common practice in rural areas.

43. **Ms. Arocha Domínguez** noted that there had been a marked improvement in child health; however, she wondered whether girls continued to suffer discrimination in access to proper nutrition. Also, since sex education was not offered in schools, she would be interested to know whether the Government had considered any alternative strategies.

44. **Ms. Patten** expressed concern that, according to an NGO report, job advertisements were often gender-biased and women did not receive equal pay for equal work. With regard to the practice of flogging, she wished to know whether such punishment was inflicted on boys as well as girls.

45. **Ms. Zou** Xiaoqiao said that she would appreciate further information regarding the Government's efforts to address maternal mortality caused by unsafe abortions. She also wondered whether contraceptive devices were free.

46. **Ms. Didi** (Maldives) said that day care was not an issue in the Maldives since children of working mothers were usually cared for by other family members. In fact, there were only two day-care centres in the country, both of which were in the capital.

47. **Ms. Mohamed** (Maldives) added that, according to a survey by the Ministry of Gender and Family, the majority of the population did not feel that there was a need for day-care centres. Most parents could not afford day care and were not at ease with the idea of leaving their children with strangers.

48. **Ms. Didi** (Maldives) said that currently there were no female chiefs in the atolls. She could not provide further information on bride advertisements, since it was a relatively new phenomenon, and arranged marriages were not common.

49. Concerning the question of access to food, it was true that, traditionally, girls were not permitted to eat before serving the boys and parents. However, the custom had begun to change with the introduction of schools; since boys and girls went to school together, they usually were fed at the same time.

50. The question of sex education in schools was a delicate one and the Government had not yet made any attempt to find an alternative strategy. However, it would be interested to learn about successful strategies adopted by other Islamic countries or countries where extramarital sex was a criminal offence.

51. Unfortunately, gender-biased job advertisements remained common. Ministry officials monitored the newspapers regularly and did not hesitate to contact company managers personally when such advertisements were placed. However, because there was no official policy regarding the informal sector, the Government could not take legal action.

52. With regard to reproductive health, the majority of contraceptive devices were free. The Government was making a serious attempt to reduce maternal mortality rates by providing equipment, resources and trained personnel. The Ministry of Health allocated resources according to the size of the population but most health centres were now able to provide quality obstetrical care, including Caesarean sections.

53. **Mr. Anil** (Maldives) said that males as well as females were flogged for serious offences, such as extramarital sex. The penalty for lighter offences was banishment. He recalled, however, that the new draft penal code eliminated both practices.

54. **Ms. Mohamed** (Maldives) clarified that women were in fact flogged more often than men simply because it was easier to prove that they had engaged in extramarital sex.

55. Concerning salary discrimination, she was confident that the proposed legislation on equal pay for equal work would be passed by Parliament.

Articles 15 and 16

56. **Ms. Belmihoub-Zerdani** said that she wished to know the exact nature of the State party's reservations to article 16 of the Convention. With respect to the current review of its Family Law, she would be grateful to know whether the minimum marriage age was the same for males and females and whether women required the consent of a guardian to enter into marriage. Such a requirement seriously undermined the provisions of the Convention, which required that there should be no discrimination against women in matters relating to marriage and family relations. Moreover,

the institution of the wali, or guardian of the bride, was not based upon the Koran and should be abolished.

57. She wished to know whether a dowry was payable to the bride, and whether it was possible to draw up a marriage contract, which the bride could use in order to ensure that polygamy was excluded from the marriage. The Committee would also be grateful to know whether, in the event of a divorce, the mother and father were awarded joint custody of the children, and whether the woman could request a divorce if the marriage was polygamous. The Koran did not sanction polygamy, which should be abolished. Lastly, the Ministry of Gender and Family should insist on the introduction of a Family Code modelled on those introduced by Algeria and Tunisia.

58. **Ms. Tan** welcomed the State party's intention to withdraw its reservations to articles 7 (a) and 16 of the Convention, as well as its intention to capture the spirit of article 16 in its amendment of its Family Law and its assurance that more stringent conditions had been put in place to restrict the practice of polygamy. She wished to know the time frame for amending the Family Law, what amendments would be made, whether the process would include consultations with women's groups and other agencies, whether the amendments would be widely disseminated with a view to informing and empowering women, and whether the amended Law would include provisions on domestic violence, which was clearly a major problem in the Maldives. The inclusion of provisions on domestic violence would enable the State party to take a holistic approach to family relationships. The State party should also indicate in which other areas its sociocultural and political context and its interpretation of sharia law would impede the full implementation of article 16.

59. The State party had indicated that 32 cases of marriages involving a man or woman under the minimum marriage age of 18 had been referred by the Family Court for assessment and that the National Council on the Protection of the Rights of the Child had approved 5 of those cases. She wished to know whether the other 27 cases had been dismissed, whether there had been prosecutions in the case of marriages entered into without the prior approval of the Registrar, whether such cases occurred more in rural areas than urban areas, and whether there was a requirement that all marriages should be registered. The State party should indicate whether the increase in

early marriages was due to an increase in religious fundamentalism and, if so, whether the Government was talking with religious leaders in order to discourage that practice. It should also indicate whether the wife received alimony or maintenance in the event of a divorce, whether she received maintenance if she was awarded custody of the children, and whether the Government provided a safety net for the wife if the husband did not pay such maintenance. Lastly, she wished to know whether some form of personal protection was provided for the wife and children in cases of domestic violence.

60. **Ms. Didi** (Maldives) said that the minimum marriage age was 18 for both males and females, but that marriage involving a male or female between 16 and 18 years of age could be allowed in exceptional circumstances. The approval of the wali, or guardian, was required for all marriages. The husband did pay a dowry, but it was a nominal sum. The Family Law did provide for the possibility of entering into a marriage contract, but unfortunately, very few couples did so. The Maldives was aware that the Koran did not sanction polygamy, and measures had been introduced to restrict the practice. The Ministry did intend to consult with NGOs and other agencies as much as possible during the process of amending the Family Law.

61. The Study on Women's Health and Life Experiences had revealed some alarming statistics on domestic violence, and the Ministry would inform the Committee on its plans to tackle the situation in its next periodic report. The Ministry had also considered the possibility of introducing provisions on domestic violence in the new Family Law. Family planning was an area in which full implementation of the Convention might be impeded, especially as sex outside marriage was regarded as a criminal act. Maldives was carefully examining article 16 to see where laws might be harmonized. She had hoped to announce to the Committee that the reservation to the article had been withdrawn, but the process would require more negotiations.

62. **Ms. Jameel** (Maldives) said that 13 cases of early marriage had been rejected by the National Council on the Protection of the Rights of the Child, 7 requests were being assessed and 4 cases had been withdrawn. However, assessment was a lengthy process, as all parties must appear at the Ministry of Gender and Family. The increase in early marriages was perhaps

due mainly to the increase in Islamic extremism and to the fact that marriages in the Maldives were not generally arranged, but were "love" matches, and that parents placed great store by chastity. However, the Ministry should probably do more research in order to ascertain the real reasons for the increase.

63. **Ms. Mohamed** (Maldives) said that another reason for the increase in early marriages was that the current Minister of Justice, unlike his predecessors, did not wish to exercise direct control over whether the courts authorized such marriages. Although the Ministry recognized that the Koran did not sanction polygamy, that was not the understanding of the population in general. The Ministry also recognized that the Family Law was biased, and thus had proposed the amendments. Marriage contracts were possible, and could restrict polygamy, but were very rarely used, perhaps because of a lack of awareness. The dowry, unlike the practice in other countries, was payable to the man, not the woman.

64. Both parents were awarded custody in the event of a divorce, but if the child was under the age of seven, preference was given to the mother. In the case of children over the age of seven, the decision was left to the child, but the courts would also take into consideration the best interests of the child. The woman could request child maintenance and alimony, but as the amounts concerned were very limited and difficult to access, most women did not do so. New administrative measures had been introduced to make them easier to access. Lastly, there had been discussions on outsourcing reconciliation counselling from the courts to professional counselling services and introducing premarital counselling for couples.

65. **The Chairperson** said that the dialogue between the State party and the Committee had occurred at a propitious moment, as the Maldives was currently engaged in amending its Family Law and other laws and reforming its Constitution. It was to be hoped that the dialogue would give the Ministry some fresh ideas on how to harmonize the Convention and the other major international human rights treaties with its domestic laws and implement the Convention more effectively. The revised Penal Law and Family Law should include provisions on domestic violence and the protection of women. It was very important for the Maldives to withdraw its reservations to articles 7 (a) and 16 of the Convention.

66. **Ms. Didi** (Maldives) said that the dialogue with the Committee had been a tremendous learning process and had provided a great deal of food for thought. The Committee had demonstrated that it could be a source of guidance for any Member State. Her country had not communicated very much with the Committee in the past, as it had not been aware that it could interact with the Committee outside of the formal reporting mechanism. However, she wished to know how such communication might be increased in the future, and would be happy to invite a member of the Committee to visit her country. As Minister of Gender and Family, she would do everything in her power to ensure the full implementation of the Committee's recommendations.

The meeting rose at 5.20 p.m.