



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination
Seventy-ninth session

Summary record of the first part (public)* of the 2097th meeting

Held at the Palais Wilson, Geneva, on Friday, 12 August 2011, at 10 a.m.

Chairperson: Mr. Kemal

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.2097/Add.1.

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Fifth to twelfth periodic reports of Maldives (continued) CERD/C/MDV/5-12; CERD/C/MDV/Q/5-12; HRI/CORE/MDV/2010

1. *At the invitation of the Chairperson, the delegation of Maldives took places at the Committee table.*
2. **Mr. Muiz** (Maldives), replying to questions raised by the members of the Committee at the previous meeting, noted the significant progress his country had made since its recent transition to democracy. Maldives had begun to take a proactive approach to promoting and defending human rights, and was now party to the majority of international human rights instruments. It had enacted a new Constitution which had human rights protection at its core, and numerous other legislative instruments had been introduced or were under consideration before Parliament.
3. The periodic report had been prepared in conjunction with the common core document with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR). While the periodic report admittedly had shortcomings, the Government's scant human resources prevented it from dedicating more time to the preparation of reports to United Nations treaty bodies. Maldives would welcome a list of issues prior to reporting in readiness for the next periodic report, which would enable it to provide the specific information the Committee required.
4. The Government's maintenance of its reservation to article 18 of the Convention reflected Maldivian society's deep belief that the country was, and wished to remain, a totally Muslim nation. However, the Constitution did not provide for existing citizens to be arbitrarily deprived of their nationality should they stop being Muslim; the Muslim-only clause in the article on citizenship applied only to foreign citizens who wished to acquire Maldivian citizenship. People were free to practise other faiths provided they did so in private and did not proselytize. Many Maldivian citizens were married to foreigners of other religions. His country welcomed tourists of all nationalities and faiths, and they were free to visit all the islands. The Government was aware of its important role in promoting freedom of religion and inter-religious dialogue. Recognizing that many of the human rights challenges the country faced in relation to religion stemmed from particular interpretations of sharia law that contradicted international human rights law, the Government was organizing a conference on modern sharia jurisprudence in 2012. It would seek advice from scholars, academics and experts in like-minded countries in order to promote tolerance both nationally and internationally.
5. While Maldives was currently unable to accept refugees, it planned to become a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, as recommended by the 2011 Universal Periodic Review exercise.
6. **Mr. Latheef** (Maldives), also replying to questions raised by the members of the Committee at the previous meeting, said that the Constitution guaranteed non-discrimination and equality for all on Maldivian territory. It also provided for special assistance or protection to disadvantaged individuals or groups in order to ensure they did not suffer discrimination. The Government planned to draft comprehensive anti-discrimination legislation to give full effect to that constitutional provision in 2012; his delegation welcomed the views of the Committee in that regard. The bill would be based on international instruments, including the Convention and the Committee's opinions. The constitutional provisions and domestic legislation prohibiting non-Muslims from holding public posts reflected the degree to which religion and society were linked in his country

and were not intended to discriminate against or harm anyone. Until there was a shift in public opinion, it would be difficult to amend those provisions.

7. In the previous two years, there had been an increase in the number of reports of ill-treatment of migrant workers by employers. The current Government had begun tackling the issue in 2010 and had registered thousands of undocumented workers. The relevant systems were currently in the process of modernization. The fight against human trafficking had begun with police raids on several companies, and the Government was cooperating with the United Nations Office on Drugs and Crime to set up the necessary systems within the police force. The labour sector had been significantly reformed with assistance from the International Labour Organization (ILO), which his country had joined in 2009. The Government planned to accede to that organization's eight core conventions as soon as possible. It had also been in discussions with the International Organization for Migration on setting up anti-trafficking safeguards, such as centres in countries of origin to provide prospective migrant workers with prior information on their rights and freedoms and cultural aspects of Maldives. That should help control the flow of migrant labour and give the Government an opportunity to collect the data that were currently lacking in that field. A national database was currently being set up, and would include statistics on migrants. It would be administered by the National Centre for Information Technology and shared by the Department of Immigration and Emigration, the police, the Ministry of Human Resources, Youth and Sports and other relevant authorities. The Maldivian anti-trafficking legislation would be finalized in 2011; the Government welcomed the drafting assistance being provided by Australia. Aware of the gender dimension of exploitation of victims of trafficking, the Government had opened a shelter for female victims of trafficking in 2010.

8. **Mr. Muiz** (Maldives) said that the Maldivian legal system had developed slowly to its current state from a mixture of English civil law, common law and sharia law. English law dominated in areas such as trade law, whereas sharia had more influence in family law. The legal system remained underdeveloped; much remained to be done to eliminate inconsistencies that had resulted from ad hoc application of sharia and common law-based legislation in the past. The Constitution provided a sound basis for bringing Maldivian law into line with international human rights law. Over the previous two years, the focus had been on economic reform, owing to the pressure of the global financial and economic crisis.

9. **Ms. Adam** (Maldives) said that the national literacy rate currently stood at 98 per cent. According to the 2006 census, the rate for females aged 15 to 19 years was 97.3 per cent and for those aged 20 to 24, 96.8 per cent. For their male counterparts, the rates were 97 per cent and 95.9 per cent respectively. Most schools in Maldives were owned and funded by the State and there was universal free access to primary and secondary education. In 2004, some 79 per cent of children had attended primary school, 62 per cent had attended grades 8 to 10 of secondary school and only 16 per cent had attended grades 11 to 12. At that time, 49 per cent of the students enrolled had been girls and 51 per cent boys. Many parents did not allow their daughters to continue their schooling beyond primary level because it would entail them travelling to another island. While students were given a grant to attend secondary schools elsewhere if their home island did not have one, the lack of proper accommodation deterred many parents. In addition, radical and extremist views were beginning to take hold in some areas of society, with some parents believing that girls should not be educated beyond primary level. The Government was working with NGOs to run awareness-raising campaigns to combat such beliefs. In order to guarantee access to education, free school books and stationery were available and examination fees were paid in secondary and higher education.

10. The Human Rights Commission of Maldives was a statutory body with its own mandate. Its members were proposed to Parliament by the President. Parliament then scrutinized and interviewed the candidates before voting on each nomination. Once they

were approved by a majority of Parliament, the President formally appointed the members. Individual complaints could be brought before the Commission, which was effective in monitoring human rights violations. It enjoyed a good working relationship with the Executive. It had been granted B status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights because it was required to appoint Muslims only.

11. Combating the negative effects of climate change had been a priority for her country since 2008. The Government now took part in international negotiations and played a leading role in advocacy, particularly as Maldives, as a small island State, was extremely vulnerable to the effects of climate change. The Government had taken part in corporate agreements and practical projects on climate adaptation and mitigation. In March 2009, the President had announced that the country would be carbon neutral by 2020. To that end, it had undertaken renewable energy projects and a carbon audit. Several projects had been conducted to raise awareness among the islanders.

12. **Mr. Avtonomov** said that the Committee was aware of the difficulties faced by small island States and welcomed the opportunity to hold a dialogue with the delegation of Maldives. He drew attention to the technical assistance available to States parties from OHCHR in preparing periodic reports. He wished to know which school of sharia law was predominant in the State party.

13. **The Chairperson** noted that, although Maldives' legal system was largely based on the Anglo-Saxon model, it also drew on sharia. He asked whether penalties prescribed by Maldivian law for certain offences, including penalties for murder, could be replaced by less harsh penalties that were prescribed for the same offences under sharia.

14. **Mr. Muiz** (Maldives) said that the Shafi'i school was the dominant school of Islamic law in his country. Maldives was working to integrate sharia concepts into its legal system, while also ensuring that its legislation was in line with its obligations under international law. Sharia was applied only in a few legal fields, such as family and inheritance matters. All other laws were codified and based on Western models.

15. **The Chairperson**, noting that the delegation had submitted a very short report that had not addressed all relevant issues, suggested that Maldives' next report should focus on the issues raised in the Committee's concluding observations and should follow its guidelines more closely.

16. **Mr. Muiz** (Maldives) assured the Committee that his country would, in future, adhere more closely to its guidelines on the submission of reports.

17. **Mr. Diaconu** said it was clear that Maldives had achieved much progress over the past two years. However, since Maldivians were, perhaps, conservative in outlook and resistant to change, work needed to be done to prepare public opinion to accept more modern legislation. In particular, new legislation was now required to counter discrimination and human trafficking.

18. He commended the Government on taking steps to ratify the Convention relating to the Status of Refugees.

19. **Mr. Saidou** said he was aware of the difficulties in changing Maldives legislation stipulating that certain posts could be occupied only by Sunni Muslims. However, sharia called for equality between all Muslims. The Government needed to foster tolerance throughout the country in order to confront the emergence of extremist forms of Islam and promote cohesion among the Maldivian people. He enquired about Maldives' views concerning the State of Israel and the Palestinian question.

20. **Ms. Adam** (Maldives) said that human rights were central to the values that Maldives was endeavouring to strengthen. Maldives enjoyed good relations with both Israel and the Palestinian people and the Maldivian Foreign Minister had recently visited both Israel and the Occupied Palestinian Territory.

21. **Mr. de Gouttes** said the Committee acknowledged the steps that had been taken by the Maldivian Government to fully implement international human rights conventions, and commended Mr. Saidou's call for tolerance.

22. Noting that the Maldivian legal system was a unique combination of common and civil law, of British inspiration, and sharia, he asked which of the three elements was dominant, particularly in the field of criminal law. He asked whether penalties set forth under sharia were also stipulated in the Criminal Code and whether they could be imposed on foreigners who were not Muslims.

23. He also asked whether there was an overlap between Islamic extremism and terrorism and if there had been any attacks on non-Muslim foreigners.

24. He noted that the delegation had stated that Maldives was stepping up efforts to eliminate discrimination against non-nationals who were non-Muslims, especially with regard to access to public services and the legal system and applications for citizenship, and asked for further information in that regard.

25. **Mr. Muiz** (Maldives) said that Maldives' economy relied heavily on its tourism industry; tolerance of foreigners and those who practised other faiths was therefore essential for the country's prosperity.

26. Penalties stipulated by sharia were not applicable to non-nationals who were non-Muslims. Those persons were judged under another legal regime.

27. The Maldives Constitution stipulated that Maldivian laws must not contradict the principles of Islam and judges must, therefore, be Muslims. However, judges could also be of foreign origin. Amending the Constitution to allow non-Muslims to be judges would be a difficult task.

28. **Mr. Murillo Martínez** asked whether local and foreign workers were treated equally, particularly in the light of the large amounts of foreign capital that were invested in Maldives.

29. **Mr. Latheef** (Maldives) said that the population of Maldives was 300,000 and that there were almost 100,000 expatriates working in the country. Foreign workers were not discriminated against in any way and enjoyed almost all the rights enshrined in the Constitution. They also enjoyed benefits that were not available to Maldivian nationals. For example, all employers were required to provide food and accommodation to their foreign employees.

30. Maldives had joined the ILO in 2009 and was in the process of ratifying its core conventions. Minimum standards for workers' accommodation would soon be adopted in line with ILO standards.

31. **Mr. Murillo Martínez** said that he had wanted to know whether there was discrimination against local workers, as opposed to foreign nationals. He mentioned a job advertisement in which a company had stated that only blond persons should apply, and asked if that did not constitute discrimination against the local population.

32. **Mr. Latheef** (Maldives) said he was not aware of such an advertisement. He had been informed that, as part of their uniform, persons working for a certain company had been asked to wear blond wigs. However, that did not constitute a form of discrimination. Moreover, the Constitution prohibited discrimination based on a worker's island of origin.

33. **The Chairperson** asked whether Islamic extremists had attempted to put pressure on the county's tourism industry, as had occurred in other States.

34. **Mr. Latheef** (Maldives) said that some Maldivians had returned from studying in the Middle East with more conservative views. The Government did not intend to heed those views, nor the calls of extremists for the sale of alcohol to be prohibited.

35. **Mr. Huang** (Country Rapporteur) noted that international legal assistance was beneficial to States parties, but the protection and enhancement of human rights in the territory under their jurisdiction depended mainly on their domestic legislation. The Committee's relationship with States parties was not one of confrontation but of cooperation; it was not the Committee's task to act as a human rights judge or policeman but to review States' implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, to identify problems and to make suggestions.

36. The Committee had raised many questions about human rights in Maldives, enjoying frank and constructive dialogue with the delegation and recognizing the progress made in recent years. The Committee would discuss its concluding observations and recommendations, which would be communicated to the Maldivian authorities. He hoped they would be accepted and used as a basis for the country's next periodic report.

37. **The Chairperson** remarked that Maldives was a tolerant country which had made good progress in combating racial discrimination in many fields.

38. **Mr. Muiz** (Maldives) said that Maldives attached great importance to the treaty body system and to its obligations under international conventions. He looked forward to receiving the Committee's concluding observations, which would be presented to the Government for consideration and implementation.

The public part of the meeting rose at 11.35 a.m.