

Submission from Human Rights Commission of the Maldives for the combined Fourth and Fifth Periodic Report of the Republic of Maldives to the United Nations Convention on Elimination of All Forms of Discrimination against Women (CEDAW) Committee

January 2015



Human Rights Commission of the Maldives

Acronyms

Capital Market Development Authority **CMDA**

Civil Service Commission **CSC**

Department of Planning **DNP**

Domestic Violence **DV**

Domestic Violence Prevention **DVP**

Family children Service Centre **FCSC**

Family Protection Authority **FPA**

Gender Based Violence **GBV**

Gross Domestic Product **GDP**

Human Rights Commission of the Maldives **HRCM**

International Organization for Migration **IOM**

Maldives National University **MNU**

Millennium Development Goals **MDG**

Ministry of Economic Development **MED**

Ministry of Education **MoE**

Ministry of Law and Gender **MoLG**

National Social Protection Agency **NSPA**

Small and Medium Enterprises **SME**

Special Education Need **SEN**

Violence Against Women **VAW**

Women's Development Committees **WDC**

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Article 1:Non-Discrimination, Article 2 Duty of the state and 3 Equality

Concluding Observation: Dissemination of the 2007 Concluding Observations to all the relevant ministries, the People's Majlis and to atoll and island governing bodies (CO_2007/3, para. 10)

Concluding Observation: Definition of 'discrimination against women' in the new Constitution; sanctions for acts of discrimination against women (CO2007/3, para. 14)

Concluding Observation: Clarifying and strengthening the status of the national gender machinery

1. During this reporting period, there has been change of government three times and each time the National Machinery for Women's rights has been subjected to restructuring.
2. In 2008, Ministry of Gender was downgraded to a department level, by merging with Ministry of Health. In addition to this, the lack of human and financial resource allocations to implement gender interventions/actions and with the downsizing of the civil service brought the work of National Machinery for Women's right to an almost standstill.
3. In the next phase of restructuring in 2012, the inadequately supported Department of Gender and Family was given the status of a Ministry with a separate budget to carry out the mandate of women's rights issues.
4. During the next restructuring in 2013, Ministry of Health and Gender was established by merging Ministry of Gender, Family and Human Rights once again with Ministry of Health. The mandate to protect the vulnerable groups was confined to a separate division under this ministry. The reason given by the President's Office for this action was to enhance the cost effectiveness by reducing the duplication of resources and operational costs.
5. The most recent restructuring saw the establishment of the Ministry of Law and Gender (MoLG) in 2014.¹ This Ministry oversees all government functions related to families, children, women, people with special needs, and human rights. These sectors had previously been under the authority of the Ministry of Health and Gender.
6. It is apparent that the frequent change of governance structure has impacted the realization of women's rights issues as during these phases considerable focus was not given to implement the practice of policies and actions. Furthermore, while the National

Women's Machinery received funding from the UN agencies to carry out women's rights activities, insufficient human resources were observed to be a barrier in carrying out the activities.

7. It is also significant to note that the constant restructurings had tried to positively impact the National Women's Machinery and always saw political manoeuvrings aimed at doing something different.
8. The information on concluding comments of 2007 were not adequately disseminated to the general public. Subsequently, HRCM has observed a low level of awareness among the participants about the definition of discrimination.²

Violence against Women and Children

Concluding Observation: On comprehensive measures to address violence against women (CO2007/3CO, para. 20)

9. The Domestic Violence Prevention Act (DVP Act) ratified in 2012 is an important legal instrument which would protect women against the endemic problem of domestic violence. The main issues faced in protecting victims of domestic violence include absence of requisite procedures, inconsistencies in institutional applications, lack of sensitivity among law enforcement, judiciary, health and social service providers towards DV. It is also important to emphasize the common belief amongst law enforcement and judiciary that DV cases are family matters, which negatively impact victims from getting redress.³
10. DVP Act states that regulations have to be formulated within 12 months of ratification, but most of the regulations, policies and standards under the DVP Act have yet to be formulated. Specifically, National Guideline on health sector response to Gender Based Violence (GBV) victims and other procedural regulations and policies of stakeholders are still conspicuously pending. The police regulation under the DVP Act has been published in the gazette. Family Protection Authority (FPA) has developed and endorsed the 'Maldives National Domestic Violence Prevention Strategy 2014-2016' in accordance with clause 53(a) of the DVP Act. A commentary on the DVP Act has also been developed as a standard guide for the interpretation of the terms, concepts and clauses of the DVP Act, and has been printed and distributed to all police stations, magistrate courts and Family Children Service Centres (FCSC) across the country.

11. There are no strict punishments to perpetrators of DV. However, violation of a protection order under DVP Act is a punishable offense analogous to a Court Order Violation. Also important to highlight is that Article 62 of this Act stipulates failure to undertake any provisions mentioned in this Act is a criminal offence which is charged by a fine of not more than MVR10,000.00 (USD649).
12. FPA which is mandated to combat DV is not provided with necessary financial and human resources.⁴ Despite the ratification of a momentous Act to protect victims of DV, reporting of cases of DV remains proportionally low. A total of 16 cases on VAW were lodged at HRCM from 2008 to 2013. FPA records show an increase from 19 cases in 2013 to 158 cases in 2014, these cases include DV cases directly reported to FPA as well as cases referred to FPA by stakeholders. The lack of confidence in the system, fear of intimidation, inadequate information on protection measures, stigmatization by the community along with lack of opportunities for economic empowerment are some of the factors that hold the victim from reporting to authorities.⁵ There is no proper reintegration mechanism.
13. Obtaining of evidence and protection of witness remains as outstanding key issues, thus the passing of Evidence Bill and Witness Protection Bill need to be expedited.
14. At present Safe Houses are established in 4 Atolls and in Male'. Ministry of Law and Gender is in the process of upgrading the present Family and Children Service Centres in every atoll to Safe Homes. It is important to note that these centres are under resourced. Since there is only one such centre in every atoll and due to geographical dispersion it is a challenge to provide outreach services and attend to cases promptly.
15. It has been 5 years since the ratification of Special Procedures for Perpetrators of Child Sexual Abuse Act (Law 12/2009), and government has fallen short to compile and publish child sexual offenders registry although it is specified under Article 57 of the Act. Although huge numbers of cases are lodged on child abuse, very few gets prosecuted and convicted. Also, the issue of children getting re-victimised and continuously abused needs to be addressed and ensure efficiency of systems established to remove the child from the environment of abuse. The limited capacity of the state to accommodate abused children under state care needs to be resolved urgently.

Recommendations

- **Take measures to implement DVP Act**

- **Allocate sufficient budget to the National Machinery for Women**

Article 4:- Temporary Special Measures

Concluding Observation: -Accelerating de facto equality through the provision of temporary special measures (CO2007/3, para. 14)

16. An important advancement by the State towards gender equality is the ratification of 2008 Constitution that stipulated non-discrimination on the basis of sex and removal of legal barrier that hindered women from running for the highest public office (Presidency) in the country, and sanctioned affirmative action to disadvantaged individuals or groups. Even at present, women remain under-represented at policy and decision making level all branches of government and efforts to secure legislative quotas for women in 2007 for Parliament and in 2010 for local councils remain unsuccessful. An emphasis on temporary special measures was reflected in the National Gender Equality Policy formulated in 2009 but it is evident that there was no substantial progress in its implementation.
17. The current legislative agenda of the government includes a Bill on Gender Equality which requires public bodies, organizations, employers and other persons to take measures to promote gender equality and prohibit gender based discrimination. Women's representations at political posts remain marginal and government has expressed its interest to increase number of women in political posts to 33 percent through a regulation under the government's policy to empower women⁶. Furthermore, Corporate Governance Code of Capital Market Development Authority (CMDA) was amended to include at least 2 women as Board Directors of all listed companies by the end of 2014 and to increase this number to 30 percent by 2016; and presently, an insignificant number of women represent on the Board of Directors of such companies⁷.
18. Domination of men in decision making level can affect budgetary allocations and implementation of gender equality policies. Structural barriers in governance, absence of political will, cultural norms entrenched in the society coupled with growing societal conservative attitudes affect women empowerment in the country. Consequently the implementation of the provisions relating to this article persists to be one of the key areas of concern for the country.
19. The emphasis of both the State and society has always been on de jure equality and little or no consideration has been placed on ensuring de facto equality.

Recommendation

- **Introduce legislative quotas for the empowerment of women**

Article 5: Sex Roles and Stereotyping

Concluding Observation: Eradicating negative stereotypes through the training of parliamentarians and decision makers, disseminating the substance of CEDAW in the education system and media (CO2007/3, para 18)

20. Despite the rights and freedoms stipulated in the Constitution, traditional stereotypical attitudes with regard to the roles of women still exist in the society and are on the increase. This attitude towards women is fuelled by conservative beliefs spread at a concerning level.⁸ HRCM has information from its monitoring visits that many women believe that their roles in the society are to be submissive wives and in raising children.
21. Similarly, HRCM learned from the meetings held with police during atoll monitoring visits that some police officers' initial belief is that the role of a woman is to raise children, take care of her family and be submissive to the husband. Also, they have the notion that violence against women is mostly the result of women not fulfilling their duty as submissive wives. Hence, training on DV Act for all law enforcement officials is crucial for providing protection for women.
22. HRCM observed that an attitude towards women empowerment is showing a negative trend.⁹ Most men and women in the atolls think that women are less intelligent than men by nature, and because of this, women are mostly seen in stereotypical roles such as housewives, small scale farming and sales girls in convenient shops, etc¹⁰.
23. In the civil service, women are mostly represented in areas such as education (72 percent), health (68 percent), manufacturing (65 percent) and agriculture (64 percent)¹¹.
24. While strategies need to be developed to address the issue of stereotypical attitudes towards women based on conservative beliefs and societal norms, it is important to further study and understand the causes and social transformations that have led to these changes in attitude towards women.
25. Ministry of Law and Gender (MoLG) is currently conducting region based trainings and awareness sessions to women on business skills and on the rights guaranteed in the constitution as well as other relevant legislations. However, the ministry observed that

participation rate is low in some atolls due to various social and cultural customs. The current budget allocated to the MoLG is insufficient to conduct such programs in every single atoll of Maldives, according to the Ministry.

Recommendations

- **Educate State and law enforcement officials on the full extent of international human rights obligations of the State Parties to eliminate subjective sex roles and wrongful stereotyping.**
- **Create awareness on the importance of women's participation in decision-making processes in the society.**

Article 6: - Trafficking and Exploitation of Women

Concluding Observation- A holistic approach to trafficking and prostitution of women and girls, including the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons SAARC Convention (CO2007/3, para. 22)

26. State has enforced Anti-Human Trafficking Act in 2013. The legislation includes articles stipulating prevention of human trafficking, prosecution of perpetrators, prescription of harsh punishments as a deterrent, granting protection and assistance, and protection of victims and cooperating with local as well as international NGOs to combat trafficking in persons. The provisions related to human smuggling absent in this legislation is reflected in the current legislative agenda of the government. The government is yet to endorse all the procedures required under Anti-Human Trafficking Act; namely procedure on victim identification, case management of potential victims, identification of areas of protection along with providing protection to potential victims and completion of services to victims. It is significant to note that prompt endorsement of these procedures would facilitate speedy implementation of this Act.
27. With the enactment of the Anti-Human Trafficking Act, a committee to combat human trafficking was established. This Committee is mandated to advise the President, formulate programs at national level, monitor the implementation of policies and programs, provide assistance to NGOs working in this field, coordinate with international agencies to acquire technical assistance and facilitate coordination with all stakeholders to create awareness of this issue. MoLG with the responsibility to provide psychosocial support to the victims of human trafficking is not considered as a stakeholder in this committee. Presently, failure to maintain the quorum of the Committee remains as one the core challenges faced to carry out its mandate.

28. At the time of the ratification of Anti-human Trafficking Act, the Ministry of Youth and Sports (MYS) was mandated to carry out the function of the combating human trafficking issue. However, with the revision of the mandate of MYS in June 2014, by the President's Office (PO), the function of combating human trafficking was transferred to Ministry of Economic Development (MED).¹² Additionally, this change is not yet reflected in the aforementioned committee established to combat human trafficking.
29. The Biological and Behavior Survey on HIV/AIDS-2008 revealed that children as young as 12 years old are involved in commercial sex.¹³ Moreover, country report submitted to the UNAIDS Secretariat in 2012 included information on a Risk Behaviour Mapping conducted in 2010, which estimated 8 percent of female sex workers from the 12 islands were under the age of 18 years.¹⁴ Based on this mapping result it was estimated that there are of 1,139 female sex workers in the country.¹⁵ The use of children and women forced into commercial sex work remain as an area that needs a further study.
30. It is also imperative to highlight that in many cases migrant female domestic workers are restrained from leaving the employers home through threats and other means and are at times trapped in situations of forced labour.¹⁶
31. Although former Ministry of Gender and Family (restructured now to Ministry of Law and Gender) settled to accommodate female victims of human trafficking in the facility designated to shelter victims of domestic violence (Amaan Hiyaa), however, this arrangement is no longer exists. Budgetary constraints and lack of political will, have led to delay in the establishment of a shelter designated for victims of human trafficking.
32. With the support and assistance from International Organization for Migration (IOM) capacity building programs on anti-human trafficking have been conducted to all relevant stakeholders dealing with the issue. However, it is significant to draw attention to the need to conduct such programs regularly to facilitate and expedite structural reforms needed to address the issues arising from human trafficking and to combat human trafficking.
33. Lack of financial and human resources appears to be one of the fundamental challenges faced in the establishment of the required institutional mechanisms needed to combat human trafficking. It has also immobilized the setup of anti-human trafficking unit. Despite the enactment of the Anti-Human Trafficking Act, it is still rather a challenge to obtain information relating to this topic from most of the stakeholders.

Recommendation

- **Take Measures to expedite the implementation of Anti-Human Trafficking Act.**

Article 7: Political and Publiclife

Concluding Observation: Withdrawal of reservations to CEDAW Article 7(a) that bars women from running for the presidency and vice-presidency, and Article 16 on revisions to the law on marriage and family relations (CO_2007/3, para. 12)

Concluding Observation: Undertaking effective measures to increase the number of women in decision-making, political and public life (CO2007/3, para. 24)

34. The reservation on Article 7(a) has been removed with the ratification of the new constitution in 2008.

35. Although there are no direct discriminations by any legislation, women face a lot of social and cultural barriers and stigmatization in running for a public office. The second baseline human rights survey "Six Years On - The Right Side of Life" conducted by HRCM has shown that views of women slightly increased in favour of women participating in political life from 79.0% to 80.5%. However the views of men have significantly dropped from 72.9% to 57.6%, showing the changes of view on the equality of women's participation.¹⁷ The charts below show the participation and representation of women in public life.

Figure 1: Percentage of women’s representation

Government Position	Percentage of women’s representation – total number of representatives
Cabinet	17.65 percent - 3 out of 17 cabinet positions
Deputy and State Ministers	15.3 percent - 10 out of 63 deputy ministers, and 5 out of 35 state ministers
Parliamentarians	5.88 percent - 5 out of 85 seats.
Parliamentary election candidates	7.6 percent - 2014 - 23 out of 302 candidates
Local council	5.46 percent - 61 out of 1118
Local council election candidates	8.06 percent - 222 candidates out of 2754 island, city and atoll councils
City and atoll councils	11.76 percent City Council, and 2.17 percent Atoll Council - 2 out of 17 City Councilors and 3 out of 138 Atoll Councilors
City and atoll election candidates	8 women competed for atoll councils, and 2 for city councils
Judiciary	4.86 percent - 9 of 185 ²¹
Human Rights Commission	40 percent - 2 of 5 commissioners
Anti-Corruption Commission	20 percent - 1 out of 5 commissioners

Source: Ritchie M, & Rogers T A, & Sauer L (2014). *Women’s Empowerment in Political Process in the Maldives*.

International Foundation for Electoral Systems: Washington

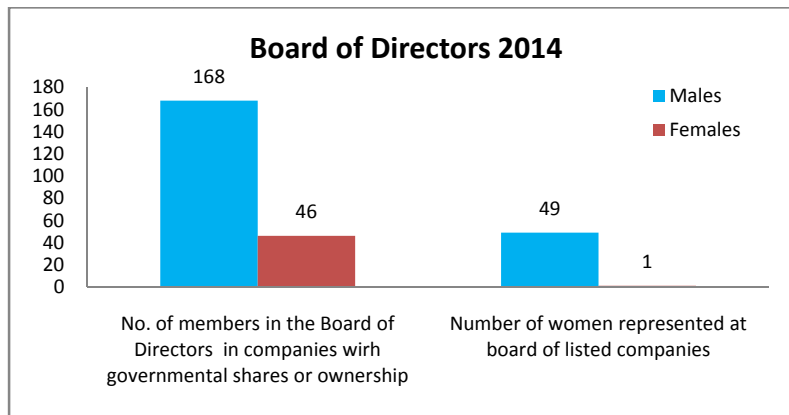
Figure2:Voter turnout

Election	Percentage turnout, women	Percentage turnout, men	Percentage turnout based on population
Parliamentary Election 2009	49.23	50.77	79.22
Local Council Election 2011	49.88	50.12	72.11
Presidential Elections 2013 (Round 1)	49.40	50.60	87.20
Presidential Elections 2013 (Round 2)	49.15	50.85	91.41
Parliamentary Elections 2014	49.5	50.5	78.8

Source: Ritchie M & Rogers T A, & Sauer L (2014) .Women’s Empowerment in Political Process in the Maldives. International Foundation for Electoral Systems: Washington

36. The percentage of women represented in the parliament has decreased, which is now at 5.88 percentages, as there is no change in the number of women in parliament with the increase in total number of parliament members from 77 to 85 in the year 2014. Maldives is currently at 134th rank of world classification on percentage of women in national parliaments, by the Inter-Parliamentary Union.¹⁸

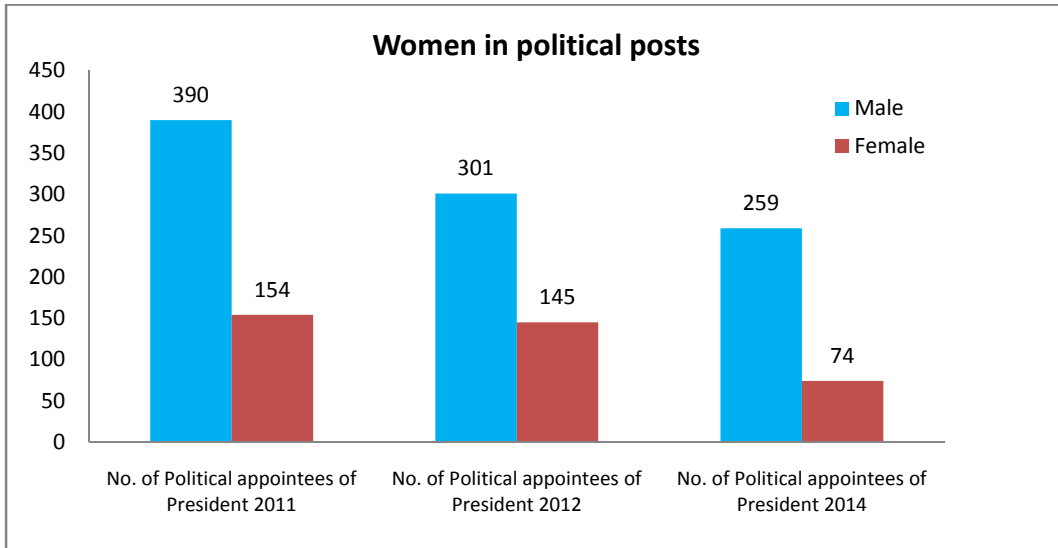
Figure 3: Board of Directors of listed companies



Source: President Office (2014).Information on number of members in the Board of Directors in companies with governmental shares or ownership and information on Number of women represented at board of listed companies from CMDA

37. The recent data shows that only 21% of the directors in companies with governmental shares or ownership are women. And only 2% in listed companies at the Capital Market Development Authority.

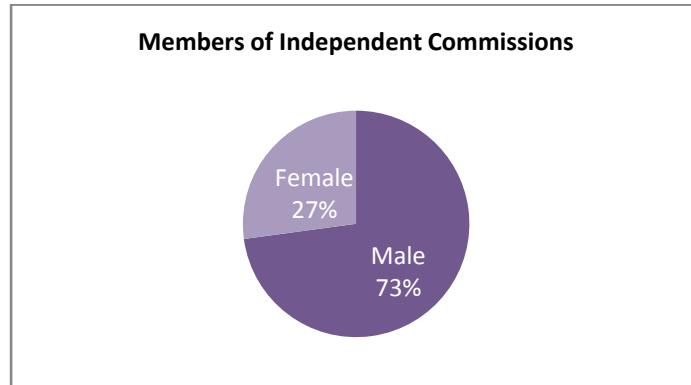
Figure 4: Women representation at political posts



Source: Department of Planning (2013). *Statistical Year Book of Maldives 2013- Employment in Political Post for 2011 and 2012*. Retrieved on December 10th 2014 from <http://planning.gov.mv/yearbook2013/yearbook.html> and information obtained from President’s Office (2014)

38. With the decrease in total number of political appointees the percentage of women represented also has decreased. In 2012 the percentage of women represented as political appointees of president was at 32% and in 2014 only 22% of political appointees of the president are women.

Figure 5: Representation of females in Independent Commissions



Source: Information obtained from President’s Office (2014)

39. The total numbers of members in Independent commissions are 70 out of which 19 are women. Hence 27% are women and 73% are men.

40. It was observed in HRCM’s monitoring visit to atolls in 2012 that adequate importance was not given to the election of Women’s Development Committees (WDC) in the

islands. This election was administered by the Local Government Authority (LGA) and not by the Elections Commission. Both the community and the candidates participated in the election had very limited information about the functions, duties, roles and responsibilities of the WDC, as proper awareness raising programme was not conducted. HRCM was also informed that the coordination and administration of voting was poor including the inadequate knowledge with the voting officials and restrictions in giving the application forms. Although there were very limited numbers of applicants and in some islands there was no election due to insufficient number of candidates a fee of MRF 250 (USD 16) was charged for the application form. Unlike other elections, there were no allowance given to the voting officials and there were no security officials. In addition to these and other issues it is conclusive that the election held was discriminatory towards women, showing the low political will towards women's political empowerment.

41. A report on Women's Empowerment in Political Processes in the Maldives in 2014 by International Foundation for Electoral Systems (IFES), highlighted that, although the percentages of women contesting elected office were extremely low, anecdotal evidence suggests that women have played a major role in political party activities at the grassroots level, organizing and attending campaign rallies and conducting door-to-door outreach in significant numbers. The report noted this did not translate into leadership roles within political parties, even in the women's wings. The report also underlined that the interviewees conducted revealed that participating in campaigns was easier for women, as these activities were at a local level and did not require a full-time commitment. And on the other hand, if women want to assume a leadership role, they would be taken away from household and childcare duties –traditionally viewed as exclusively a woman's role.¹⁹

Recommendation

- **Take measures to increase the number of women at decision making level**

Article 8: International Representation

42. During this reporting period, the government appointed a female as the Permanent Representative of the UN Office at Geneva. A former female Civil Court judge is represented in the Optional Protocol to the Convention against Torture Sub-committee on Prevention of Torture and female Commissioner of HRCM is represented in Board of the Association for the Prevention of Torture.

43. Generally the number of women represented internationally remains low. Presently there is one female High Commissioner among a total of 11 High Commissioners and Ambassadors appointed.²⁰ Furthermore, Ministry of Foreign Affairs has 50 international posts abroad and 12 females are represented in such posts.²¹

Recommendation

- **Increase number of women representation in diplomatic posts.**

Article 10: Education

Concluding comment: -On women's access to tertiary education, especially for rural women, and diversification of educational choices (CO2007/3, par. 28)

44. Constitution guarantees right to education without any discrimination of any kind. While there are policy initiatives and procedures established by Ministry of Education (MoE); the legislative framework on right to education needs to take effect. Consequently, there is no legal position on provisions such as compulsory education age, compulsory basic level of education etc.

45. While the government maintains comprehensive level of statistics on sex disaggregated data relating to education, there is a necessity to further enhance the information on education system by encompassing data related to school dropout rate, school attendance. It is apparent that some children enrolled in primary and secondary schools in the atolls are not attending schools for reasons such as disabilities of a child, health related issues, poverty and at times due to conservative ideologies.²² However data relating to school dropout rate for Male' based schools are not available for rapid analysis. There is also a growing concern that, with increase in religious conservatism practices, home based education is sometimes preferred by parents leading to restricting girls' access to formal education at school..²³

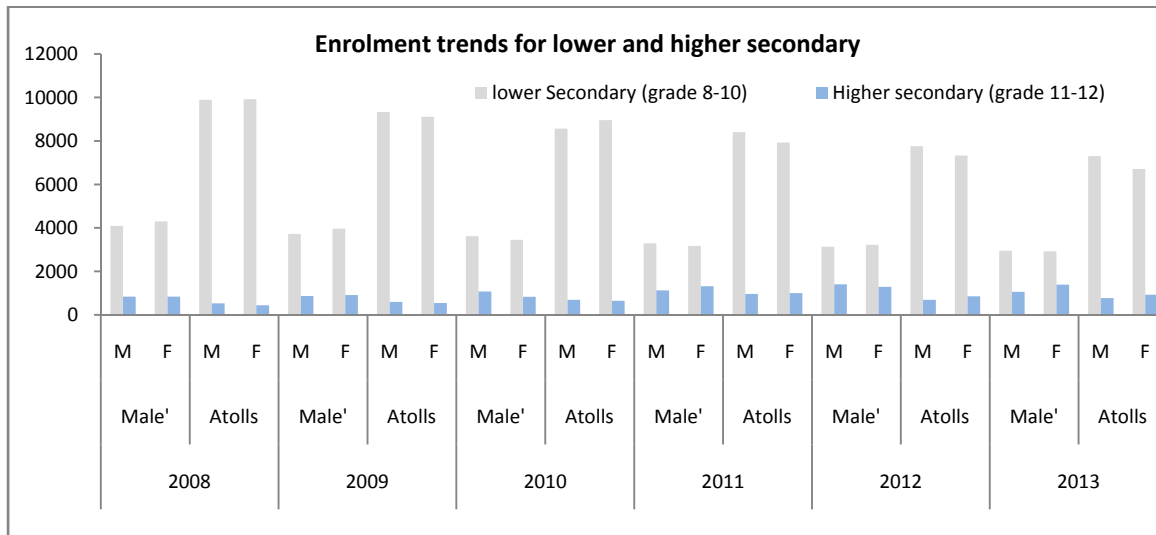
46. It is important to mention that government has formulated a policy on inclusive education. Several children with disabilities remain marginalized in the education system due to lack of qualified teachers, facilities and academic programs supporting them, with inefficient capacity for early detection.²⁴ Inadequate budget to implement educational provisions for children with disabilities along with external components such as limited health services especially specialized services are barriers to guarantee this right. In 2013, 43 percent of children in Special Education Needs (SEN) classes were girls.²⁵ There is a need to advance government's effort to lay down a proper system to

identify and increase accessibility of schools to children with disabilities and build capacity of teachers in the area of special education.

47. Life skill programs are piloted in selected schools across the nation as an extracurricular activity. The revised educational curriculum that is to be implemented from 2015 onwards integrates life skills education that encompasses components on sexual and reproductive health education. Additionally the primary curriculum materials are being reviewed to make it more gender sensitive.²⁶

48. Considerable achievements in education include near universal achievement of primary education and there is no gender difference observed in primary and secondary enrolment rates.²⁷ While the issue of quality education is a concern raised by women at a national level, women from islands migrate to Male' or other islands in search of better educational opportunities.²⁸ Low level of learning outcomes for both primary and secondary, coupled with wide regional disparities indicates serious deficiency in performance of education system.²⁹ During this period the pass percentage of students who sat for Ordinary Level exam improved to some extent although, it still remains low at a national level. Furthermore, facilities for higher secondary education remained limited due to budgetary constraints, thus student enrolment was awarded on merit basis. The weakness in the education sector such as access for girls, and low quality of teaching in secondary schools at the atoll level is a key factor that accounts for skill shortage to continue higher education.³⁰

Figure 6: Enrolment trends for lower and higher secondary



Source: Ministry of Education (2014). *School Statistics 2013*. Retrieved on December 17th, 2014 from http://www.moe.gov.mv/assets/upload/STAT_BOOK_2013.pdf

49. According to anecdotal evidence most families from islands are hesitant to send girls to live away from home for educational purposes (most tertiary facilities are in Male' and at regional level); for the fear of them being subjected to sexual advances and involuntary domestic servitude by host families.³¹ Similarly, at the island level there is an expectation from young men to earn a living and women in general to take a more home based role.³² It is common for females who complete grade 10 at the atoll level to remain inactive or struggle to find employment due to limited employment choices available.³³ Moreover, the increase in religious conservatism also limits women's mobility.

50. School based Technical, Vocational, and Education programs are integrated in the national curriculum framework and a policy guide on conduct of these courses need to take effect. In the year 2013, 301 students obtained vocational certificates from 77 courses conducted in 18 schools (from a total of 325 schools which includes both government and community schools).³⁴ The reasons for such low level of conduct of vocational courses include limitation of resources, capacity and institutional mechanisms to oversee the progress.³⁵ Data from Department of Planning (DNP) and Technical and Vocational Education Authority reveal that enrolment of females in the vocational courses remains significantly low during this period. Limited access to vocational and technical training along with the need to migrate to another island or Male' remains as a barrier for most women.³⁶ Also, the pursuit of vocational training and skills are considered as inferior to pursuing an academic degree since white-collar jobs are considered by general population.³⁷

Figure 7: Student Enrolment in Technical Education

STUDENT ENROLMENT IN TECHNICAL EDUCATION, 2010 - 2012		
YEAR	Male	Female
2010	294	1
2011	783	2
2012	561	0

Source: Department of Planning (2013). *Statistical Year Book of Maldives 2013*. Retrieved on December 10th 2014 from <http://planning.gov.mv/yearbook2013/yearbook.html>

Figure 8: Courses conducted by Technical and Vocational Education Authority

Courses conducted by Technical and Vocational Education Authority : TVET training program statistics (national certificates awarded)2013	level	TOTAL	
		Male	Female
Electrician	3	361	4
IT Technician	2	45	5
Automotive Maintenance	1	46	0

Automotive Maintenance	2	53	1
Food & Beverage Service Personnel	2	72	24
Room Attendant	2	102	4
Marine Mechanic	1	19	0
Marine Mechanic	2	15	0
Refrigeration & Air-Conditioning Mechanic	3	38	0
Retail Service	2	15	6
Front Officer	2	26	36
Food Preparation	2	10	1
Tour Guide	3	16	1
Pastry and Bakery	2	26	7
Carpenter	3	13	0

Source: Information obtained from Technical and Vocational Education and Training Authority (2014) on TVET training program statistics (national certificates awarded) /2014

51. Until recently the higher education options were limited, with most students pursuing higher education abroad, applying for scholarships and subsidized loans from MoE.³⁸ From a total number of 643 scholarships awarded, the number of scholarships awarded to females remains high from the year 2007 to 2013. The Maldives College of Higher Education was the main public higher education institution until February 2011 when it was upgraded into Maldives National University.³⁹ During this period number of private providers of higher education increased.⁴⁰ The tertiary education level programs available in Male' and at regional level are mostly limited to education, health sciences, information technology, engineering, hospitality and tourism, management, law and maritime studies. According to data provided by Department of Higher Education, there are more female students enrolled in local higher education institutes (females 8629 and males 5899) in year 2013. It is important to underline that limited occupational choices, stereotypical gender roles expected by the society influence equitable participation in acquiring skills needed for employment. For instance the data provided by Maldives National University (MNU) also shows that a total number of female students outnumbered the male students from the year 2007 to 2013, however majority of them dominate in programs associated with education, health sciences and management. Restrictions on mobility, limited access to higher educational and training opportunities, limited financial support schemes to study abroad along with family obligations are issues that impact women's tertiary education prospects.⁴¹

Figure 9: Total number of students graduated from Maldives National University from 2007 to 2013

Total number of students graduated from Maldives National University from 2007 to 2013		
Faculty	Female	Male
Graduates from Centre for Open Learning	484	268
Graduates from Centre for Maritime studies	1	38
Graduates from Faculty of Education	1471	411
Graduates from Faculty of Engineering and Technology	16	559
Graduates from Faculty of Health Sciences	1390	207
Graduates from Faculty of Hospitality and Tourism	163	479
Graduates from Faculty of Management and Computing	474	350
Graduates from Faculty of Shari'ah and Law	96	109
Graduates from Faculty of Arts	196	82
Faculty of Islamic Studies	162	60

Source: Information obtained from Maldives National University (2014)

Figure 10: Number of students who received scholarship from 2007 to 2012

STUDENTS WHO RECEIVED SCHOLARSHIPS 2007 - 2012		
	Male	Female
Diploma	2	4
Degree	229	266
Masters	50	84
PhD	3	5
Total	643	

Source: Department of Planning (2013). *Statistical Year Book of Maldives 2013*. Retrieved on December 10th 2014 from <http://planning.gov.mv/yearbook2013/yearbook.html>

Recommendations

- Integrate gender perspective in the teacher training programmes.
- Take measures to increase the enrolment of females in conventionally male dominated fields of study.
- Increase accessibility and availability of technical, vocational and educational programmes for all students especially those enrolled in atoll schools and to facilitate the monitoring of the standard of such programmes.

Article 11 – Employment

Concluding comment:- *Equal opportunities in the labour market, particularly in the tourism and fishing sectors (CO2007/3, para. 30)*

Concluding comment:- *Strengthen proactive measures for tertiary education, especially for rural women, and diversification of educational choices (CO2007/3, par. 28)*

52. Maldives ratified the Employment Act in 2008 and joined International Labour Organization (ILO) in 2009. The country ratified the 8 core conventions in January 2013 and enforced in January 2014.⁴²
53. It appears that women remain far more disadvantaged in the labour market than men.⁴³ Women's labour force participation is lower than men and it has declined between 2006 and 2010 from 42.1 to 38.2 percent.⁴⁴ Women dominate in sectors such as education, health, social work, agriculture and manufacturing.⁴⁵ Mean monthly income of a male was MVR 7036 (\$ 456) whereas a female earned about a third less of what a male earned, which is MVR 4674 (\$ 303) and this ratio is observed across Male' as well as in the atolls.⁴⁶
54. Government is the largest employer employing one in every four workers in the country and share of female employers in government is relatively higher than males and increased during this period.⁴⁷ However, figures compiled by Civil Service Commission (CSC) in March 2014 indicate that a small segment of female workers are represented at professional and senior levels of job classifications. While somewhat equivalent representation is observed at middle management, their representation is considerably high at support officer's level.⁴⁸ A sizable proportion of them work as administrators, teachers and nurses.⁴⁹ According to data obtained by CSC in March 2014 most female workers earn a monthly salary between MVR 5000-9000 (\$324-583).
55. One of the recommendations of the Rapid Assessment of the Employment Situation of the Maldives undertaken by HRCM (2009) included introducing new concepts such as compressed workweeks, staggered working time, annualized working hours and flexi time. However, amendments proposed to employment legislation did not reflect such concepts. Government has not taken into account to incorporate them as amendments to the Employment Act, despite periodic meetings conducted with relevant government stakeholders to continue constructive dialogue and monitor implementation of the recommendations put forward in this report. However, it is important to draw attention to the fact that one of the pledges of the current ruling party's manifesto includes allowing women to work from home. Providentially in 2014, the CSC, amended its regulation to allow flexi hour allowance, and to date only Ministry of Health and Ministry of Finance have standardized a procedure for flexi hour application while seven other ministries are working on drafting the procedure.⁵⁰ It is also noteworthy to mention that this is a positive progress since proportion of female representation remains high in the Ministry of Education and Health.⁵¹ The recent announcement by the Bank of Maldives (national bank) about its plan to introduce flexible working options for

the staff as a part of family friendly human resource policies in order to support working women is also a positive development worth mentioning.⁵²

56. An alarming rise in unemployment was observed in recent times.⁵³ Evidently the proportion of unemployed and discouraged women is higher than men.⁵⁴ Unemployment levels among women are at least a third higher than men and this difference persisted since 2006.⁵⁵ Discouragement appears widespread among women and youth.⁵⁶ The country has been unable to create jobs to accommodate new job seekers especially for young new entrants and females' struggle to find a job.⁵⁷

Figure 11: Unemployment Rate

Unemployment rate	2006	2010
ILO definition —person 15 years and over, and seeking and available for work	5	12
Broad definition —those not looking for work for reasons “unable to find suitable employment” and “lack of employment opportunities”	16	28

Source: Department of National Planning, Statistics Division (2009-2010) .Household Income and Expenditure Survey . Retrieved December 11, 2014, from <http://planning.gov.mv/hies/HIES2012/FINAL%20HIES%20report%20for%20website.pdf>

Figure 12: Unemployment Rate of men and women

Unemployment rate	2006/ Females	2010/ Females	2006/ Males	2010/ Males
ILO definition —person 15 years and over, and seeking and available for work	6	14	4	10
Broad definition —those not looking for work for reasons “unable to find suitable employment” and “lack of employment opportunities”	24	30	24	30

Source: Department of National Planning, Statistics Division (2009-2010) .Household Income and Expenditure Survey. Retrieved December 11,2014, from <http://planning.gov.mv/hies/HIES2012/FINAL%20HIES%20report%20for%20website.pdf>

57. Almost half of the females in the working population were recorded as not economically active (45 percent) when only a fourth of the male working age population fell into this category (24 percent). Moreover, out of the economically inactive population, females accounted for 68 percent.⁵⁸

58. In a general basis the predominant reasons for being unemployed include inability to find a suitable employment and lack of employment opportunities. Nonetheless, being preoccupied by household chores appears to be one of the predominant and distinctive reasons for females to be unemployed.⁵⁹ Many female employees are forced to quit jobs following child birth.⁶⁰ The reasons stated by females for not being economically

active were due to household obligations and having to spend most of their time in looking after their kids and doing household chores.⁶¹

a. Female headed households are high in the country.⁶² Most males reside away from their families, often in resort and other industrial islands where job opportunities are easier to find.⁶³ It is also common practice for mothers to migrate to other islands with their children in search of better educational opportunities keeping away from their spouses.⁶⁴ In addition to this, divorce rate is also an aspect that cannot be ignored, along with multi-shift school system that requires the single parent to make several visits to school (parent take responsibility of taking children to school and back) which in turn interrupts work hours of parents having more impact on single female parents⁶⁵

59. Employment Act (2/2008) guarantees 60 days of maternity leave for females and 3 days of paternity leave is granted to males following birth of a child. During this period maternity leave was the only leave that was inclusive of weekends and public holidays, till CSC amended Civil Service Regulation (2010) to exclude all holidays from maternity leave in May 2013 which was quite a positive step.⁶⁶

60. Hotels and restaurants sector holds highest share in the economy's Gross Domestic Product (GDP), and pay third largest income to its workers in Male'.⁶⁷ Representation of female in the tourism sector is very low despite the existence of employment opportunities in resorts.⁶⁸ Tourist resorts are developed on uninhabited islands and mainly quite far from inhabited islands thus staff finds it difficult to travel daily to resorts from islands. Additionally, it is not socially acceptable for young unmarried women to stay on resort islands for extended periods of time while married women and women with children cannot stay for extended periods on resort islands away from families.⁶⁹ Anecdotal evidence suggest that husbands and parents generally object to sending their wives and daughters to work in resorts as they are under the perception that resorts are not an appropriate environment for women to work, plus spending great deal of time away from family is not the most pleasing setting to build a family. Figure 13 shows some of the relevant recommendations put forward by HRCM after a rapid analysis undertaken on situation of employment in 2009, which was not implemented by the government due to reasons that include budgetary constraints and lack of political will.

Figure 13: two recommendations from Rapid Assessment of the Employment Situation in the Maldives 2009

#	Recommendation from Rapid Assessment of the Employment Situation in the Maldives (2009)
5.1	Review the current policies and arrangements requiring employees of resorts and islands with industrial and agricultural projects to reside on such islands and consider establishing housing facilities in nearby inhabited islands for employees to reside with their families. Providing housing/accommodation for employees of tourist resorts and islands with industrial and agricultural projects in nearby inhabited islands with their families and facilitating commuting between the inhabited island and the island where the person is employed would increase the productivity of the employees and prevent the social and employment problems that result from keeping all the employees confined to the staff quarters at the work site for extended periods of time.
5.2	Consider inclusion in the broader national housing policies, and hence, the national development agenda, the issue of providing housing for employees of resorts and islands with industrial and agricultural projects in nearby inhabited islands so that such employees could relocate their families to such inhabited islands. The objective of such effort would be to facilitate workers to return to their families after work every day so that they could spend their leisure time with their families, which will contribute to the strengthening of families and avoiding the social problems that are associated with children growing up without their fathers at home. It would further encourage females to seek employment at tourist resorts and other such islands.

Source: Human Rights Commission of the Maldives (2009). *Rapid Assessment of the Employment Situation*

61. It was observed that women with children can work only if they have sources of income other than their monthly wages (monthly wages are low in the categories in which most females are employed, such as clerical and secretarial jobs, pre-school and primary school teachers and cleaners) to pay for child care workers at home and hence, many female employees are forced to quit from their jobs with the birth of the first child.⁷⁰ There are no state supported child care facilities in the country; although in recent years a number of private child care facilities were founded. HRCM is aware that State has undertaken some initiatives to facilitate the establishment of such facilities, but regrettably it was not carried out due to various reasons including budgetary constraints. At present, Ministry of Law and Gender is in the process of finalizing a regulation on Day Care Centres.
62. High percentage of females employed in the home based activities in the informal sector has significantly declined from 39 percent in 2006 to 19 percent in 2010.⁷¹
63. The Employment Tribunal was established in 2008 under Employment Act with the objective to examine and adjudicate legal matters arising in the work environment between employer and employee in an expeditious and simple manner. The Employment tribunal has the power to review matters such as unfair dismissal, pay,

work duration, promotion, disciplinary action and leave. From the total number of claims examined from 2009 to 2013 close to one third were lodged by female employees. Moreover, the highest number of claims related to unfair dismissal followed by wage claims. However, documentation of sex disaggregated data relating to the claim types was not available to undertake a rapid analysis.

64. Sexual harassment at workplace is a daunting reality and an accepted norm for most employed women in the country. There is relatively high level of workplace use of sexually suggestive language at work and lower incidence of more intimidating forms of sexual harassment and these tend to happen more to rural women than urban women⁷². Moreover, the reasons why women tend to do nothing about it includes; due to fear of not being believed, fear of stigmatization/ bringing bad name to the family and embarrassment and shame.⁷³
65. The law on 'Sexual Harassment and Molestation Prevention Act' was ratified in May 2014, with the objective of prohibiting gender based discrimination at workplaces, educational institutes and other service providers. The law mandates workforces with more than thirty employees to create a committee with at least one female member to inquire into sexual harassment complaints.
66. HRCM drafted the Sexual Harassment and Molestation Prevention Regulation as mandated under section 37 of this legislation in August 2014 and it was published in the government gazette by the President's Office in October 2014. Between January 2011 and August 2013, a total of 07 cases of sexual harassment were lodged to HRCM. Out of these 7 cases, 3 were closed and 2 victims were guaranteed a safe working environment while lack of sufficient evidence could not prove the other case.

Figure 14: Sexual harassment cases lodged to HRCM

Details of Sexual Harassment Cases lodged to HRCM from 01st January 2011 to 31st August 2013									
Year	Nationality			Average Age of Victims	Gender		Rank		Total no. of Complaints
	Local		Expatriates		Victim	Perpetrator	Victim	Perpetrator	
	Male'	Atolls							
2011	0	1	0	25-30	1 Female	2 Male	Officer	In-charge	1
2012	1	0	1	25-30	2 Females	2 Males	Employee	Owner	2
							Officer	Head of the Organization	
2013	1	0	1	30 -46	2 Females	2 Males	Domestic Servant	Owner (employer)	2
							Worker	Director	
2014	0	1	1	30 -46	1 Female	Male	Teacher	school principal	2
					1 Female	2 Males	Junior Staff	Head of the Organization	
Total									7

Source: Human Rights Commission of the Maldives (2014). *Details of Sexual Harassment Cases lodged at HRCM from 01st January 2011 to 31st August 2013*

67. It is noteworthy to mention that State is committed to eliminate sexual harassment at workplace by strengthening the development of an internal mechanism at an era where woman are reluctant to come forward to report about this dilemma. However coordinated efforts from the State actors have to be strengthened to overcome the long standing cultural and structural barriers i in the society. In addition, it is also central to intensify advocacy initiatives on sexual harassment in workplace in government institutes and to general public.

Recommendations

- **Take Measures to increase the participation of women in decision making level.**
- **Support and ensure measures to facilitate establishment of childcare facilities.**

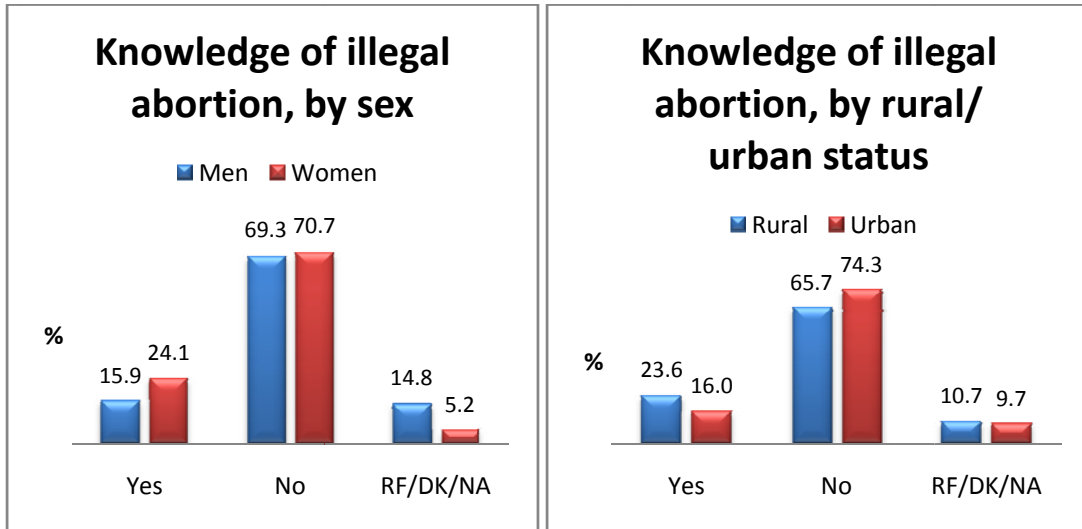
Article 12: Health

68. Maldives has made substantial progress in achieving many of the Millennium Development Goals (MDGs), such as improving maternal health, and reducing child mortality. Despite the outstanding developments, a *Desk Review on Health Sector of Maldives* conducted by HRCM in 2009 has made apparent that there were serious challenges in the provision of adequate health care facilities to the people.⁷⁴ Amongst

these challenges were the issues relating to lack of basic health care facilities in some outer islands), limited access to specialist health care (even in islands where island and regional hospitals are established), regional hospitals not having adequate equipment, lack of systematic development of health personnel across the nation and lack of legislative protections. In addition, the review also highlights the inefficiency and ineffectiveness of health services.⁷⁵

69. Although there are regional hospitals and healthcare centres throughout Maldives, basic health services including sexual and reproductive health services are not fully and easily accessible to people living in the atolls. Hospitals/Health centres in the atolls, lack healthcare equipment and professionals including gynaecologists and gynaecology equipment and devices.⁷⁶
70. Information gathered from HRCM's the atoll monitoring visits revealed that there have been many incidents where sensitive medical information of patients were leaked from the health centre. As a result, many women do not trust health facilities and their service providers, especially in the islands where small communities live.
71. Empirical evidence suggests high numbers of abortions in the Maldives which indicates that sexual relations among teens and unmarried adults are very common.⁷⁷ However, there has been no formal study done in this specific area. The second Maldives baseline human rights survey conducted by HRCM stated that illegal abortion is a publicly known issue. A quarter of women and 15.9% of men who took part in the survey answered in the affirmative to the question about knowledge of illegal abortion – which would appear to indicate a relatively high incidence of abortion in the Maldives.⁷⁸ Cases of abortion, infanticide and abandoned infants have been often reported in local media^{79,80}. However, access to contraceptives is limited to married couples to a certain degree in the atolls although it is necessary to provide contraceptive information and access to the youth population. Furthermore, age appropriate sex education is not provided in schools and parents are not aware of the importance of it and are very much against the idea of providing such education.⁸¹

Figure 15: Knowledge of illegal abortion by sex and Knowledge of illegal abortion by rural and urban areas



Source: SIX YEARS ON – THE RIGHTS SIDE OF LIFE, The second Maldives baseline human rights survey (HRCM)

72. A study on the Socio Cultural Factors and Unsafe Abortions in the Maldives provided qualitative research findings on the prevalence of pregnancy and unsafe abortion among unmarried youth.⁸² According to the study, “abortions were more common among unmarried youths than among married couples”.⁸³ The 2009 Maldives Demographic Health Survey (MDHS) found that from a sample of 1198 youth respondents, 39 percent responded yes when asked if any of their unmarried friends had told them that they had initiated sexual activity.⁸⁴ Furthermore, youth perception also shows that 90 percent agreed to the statement that it is more common now for “couples to initiate sexual intercourse before marriage”.⁸⁵

73. Although female circumcision has long been abolished in Maldives, recent anecdotal reports of female circumcision⁸⁶ suggests that it is an emerging issue for which proactive measures are necessary to be taken by the state. In 2011, then the Vice President of Maldives Dr Mohamed Waheed Hassan expressed concerns about reports of female genital mutilations occurring in Maldives. He further expressed concerns over people justifying the practice on radio and television programs.⁸⁷ Many people including NGOs and news websites advocating for the rights of women raised concerns over religious scholars endorsing this practice as something obligated in Islam.⁸⁸ However, it is not clear whether any work has been done in this area to clearly understand the extent to which this practice is occurring in Maldives. Ministry of Law and Gender has informed HRCM that there is not enough information to suggest this as an emerging issue which needs to be addressed.

74. While some important legislation pertaining to the right to health such as Public Health Act and *Thalassaemia Control Act* were enacted in the parliament, equally important legislation such as Medical Negligence or Malpractice, Medicine Act and Maternal and Child Health Act are yet to be passed by the Parliament. HRCM in its statement issued on the occasion to mark the World Health Day (2011) called upon the government to formulate new legislation to strengthen and monitor health services delivery in the country⁸⁹.

HIV/AIDS

75. Despite the fact that Health Protection Agency (HPA), mandated with HIV/AIDS prevention/control, is constantly monitoring and providing support for the identified HIV patients, the agency is worried that the health system may not be able to respond effectively to a potential HIV outbreak. Although the recent data indicates probability of such an outbreak especially among one of the key population groups, the national program lacks prevention programs and specialized care for population groups at risk. HPA is not adequately funded and needs capacity to lay down such a system. There are no prevention services for high risk groups, increasing the risk of spreading HIV.⁹⁰⁹¹ High risk factors including sharing of needles to inject drugs, high risk sexual behaviour among young key populations of adolescents and youth could contribute to an increased prevalence of HIV/AIDS.⁹² It is alarming that there is no screening system for HIV/AIDS and STI in the prison system; considering some of the people living with HIV (PLHIV) go in and out of prison as repeated offenders.⁹³

Recommendations

- **Facilitate equal access to healthcare for people, especially women, living in rural areas.**
- **Take measures to ensure confidentiality of patients' personal and sensitive information, especially women.**
- **Disseminate information on effective and age appropriate sex education programs designed to decrease unwanted pregnancies and unsafe abortions and to increase use of contraceptives.**

Article 13: Social and Economic Benefits

76. Notable effort was undertaken by the state to strength the legislative framework on social protection, which led to the enforcement of the following legislation.

- Pension Act (2009)
- Law on Protecting the Rights of Disabled Persons and Provisions of Financial Support (2010)

- Law on National Social Health Insurance System (2011)
- Social Protection Act (2014)

77. A number of social protection schemes were introduced during this reporting period. The table below shows the allowances entitled under social protection schemes. The design of these schemes appears to be ad-hoc, and not in an integrated manner⁹⁴. This is partly because of the lack of information on the poor and vulnerable groups⁹⁵.

Figure 16: Some of the Social Protection Schemes

Some of Social Protection Schemes	
Scheme	Monthly allows entitled
Parent taking care of foster child	MRF 500 (\$ 32)
Foster child	MRF 1000 (\$ 64)
A Person With Disability	MRF 2000 (\$ 129)
Single parent	MRF 1000 (\$64) per child and allowance entitled up to 3 children MRF 3000 (\$ 194) only

Source: information shared by NSPA during recommendation follow up meetings held in 2013

78. Atoll/Island council play an administrative role in processing the forms, and anecdotal evidence suggests that many atoll/island councils provide assistance to vulnerable groups to fill up the necessary forms to apply for the social protection schemes. Nonetheless it is important to understand the challenges faced by women in general in accessing such schemes. Meanwhile National Social Protection Agency (NSPA) does not have an estimate of how many persons in the country are eligible for the various social schemes, there are no estimates on how many eligible beneficiaries remain outside the domain of the schemes.⁹⁶ Additionally the data published below is not available in sex disaggregated manner thus it is difficult to provide information on women beneficiaries. The table below shows the number of persons that received benefits under different social protection schemes.

Figure 17: Number of persons covered under different social protection schemes

NUMBER OF PERSONS COVERED UNDER DIFFERENT SOCIAL PROTECTION SCHEMES, 2012							
	HEALTH INSURANCE SCHEMES	SINGLE PARENT ALLOWANCE		FOSTER PARENT ALLOWANCE		EMERGENCY MEDICAL WELFARE	Disability Allowance
	Aasandha	Parent	Children	Parent	Children		
Republic	275,175	3,025	5,520	44	52	831	4,408
Male'	45,101	937	1,606	12	15	200	945
Atolls	230,074	2,088	3,914	32	37	631	3,463

Source: Department of planning (2013).Source: Department of Planning (2013). *Statistical Year Book of Maldives 2013*. Retrieved on December 10th 2014 from <http://planning.gov.mv/yearbook2013/yearbook.html>

79. Some of the challenges by institutions in implementing social protection schemes targeted for vulnerable groups include lack of institutional mechanisms, human resource constraints and multi-sectoral coordination between relevant stakeholders. Moreover institutions are yet to undertake an assessment on the impact such programs had on targeted populations, considering the limited options available for economic empowerment of women.

80. The table below shows information about women’s status as beneficiaries of pension. Bulk of the contributions of pension scheme adds to the basic pension, and almost half of the beneficiaries of basic pension are female. A small fraction of the contributions of pension scheme goes to retirement pension and percentage of females from private sector who contribute to retirement pension scheme remains at a minimal level. Even though home based female workers have the option to participate in the Retirement Pension Scheme as self-employed persons, so far no one is registered as self-employed.

Figure 18: number of beneficiaries by pension scheme

Scheme	percentage share of female beneficiaries			
	2011	2012	2013	2014
Basic Pension	48	48	48.17	48.51
Maldives Retirement Pension Scheme	19	26	14.46	15.13
Other Pension	26	25	27.73	27.86
Senior Citizen Allowance				47.92

Source: Department of planning (2013).Source: Department of Planning (2013). *Statistical Year Book of Maldives 2013*. Retrieved on December 10th 2014 from <http://planning.gov.mv/yearbook2013/yearbook.html> &-information received from Maldives Pension Administration Office (2014 and 2013)

81. An Assessment on Small and Medium Enterprises (SME) Loan Scheme undertaken by Ministry of Economic Development (MoED) in 2013 highlighted that SME loan scheme aimed to facilitate broader SME participation in the economy. This assessment evaluated the 2009-2010 Scheme that totalled a sum of over MVR 18.8 million (USD 1.22 million) provided loans from varying sizes from MVR 50,000 (USD 3,242.54) to 200,000 (USD 12970.17) to 266 beneficiaries plus the 2011- Line of Credit Facility (LCF) Scheme that totalled a sum of MVR 46.3 million provided loans between MVR 100,000 (6,485.08) to MVR 1,000,000 (USD 64850.84) to a total 89 beneficiaries. This assessment highlighted that SME loan schemes had a pre-set target of awarding 40 percent of all loans to women entrepreneurs, however, women were represented as 30 percent loan beneficiaries of schemes while men represented 56 percent and companies represented remaining 6 percent (distinction on companies with women’s ownership was

made).Furthermore, it also drew attention to the fact that there was limited knowledge in finance, management, loan process and terms especially in the island communities.⁹⁷

Recommendations

- **Establish a mechanism to manage and effectively coordinate service provision and information relating to social protection.**

Article 15 & 16: Law, Marriage and Family

Concluding Observation: Law reform in Family Law and comparative jurisprudence on the interpretations of Islamic Law (CO2007/3, para. 36 & 37)

82. All marriages in Maldives need to be registered with the courts and out of court marriages are not legally recognized. However there are reports of unregistered marriages encouraged by some religious scholars claiming that registering marriages with the courts is un-Islamic and unnecessary.^{98,99} HRCM in its monitoring visits also found that there were some marriages that were not registered with the Courts. State institutions acknowledge this information and raised concerns that children born to such marriages could face serious legal issues and difficulties in accessing their fundamental rights and freedoms. Similarly, women in such marriages are bound to face social and legal consequences.¹⁰⁰

83. The committee recommended withdrawing reservations to Article 16 on revisions to the law on marriage and family relations (CO_2007/3, para. 12). Government has agreed to remove the reservation to Article 16. 1(a)(b)(e)(g)(h) and 2 of CEDAW, however, it has not been finalised yet.¹⁰¹ While matters relating to gender equality as applied to family and marriage laws are based on Sharia, MLG informed HRCM that it is exploring possibilities of removing reservation to parts of Article 16 in harmony with Islam and Sharia.

Recommendations

- **Take appropriate measures to deal with extreme ideologies and practices which can lead to cultural and societal problems.**
- **Remove reservation from Article 16**

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