

**Submission from Human Rights Commission of the Maldives
on Issues of Concern for the combined fourth and fifth
periodic report of the Republic of Maldives
under the United Nations Convention on Elimination of All
Forms of Discrimination against Women (CEDAW) Committee
pre-sessional working group meeting**

June 2014



Human Rights Commission of the Maldives

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Introduction

1. The Human Rights Commission of the Maldives (HRCM) was first established under Presidential Decree on December 10, 2003. On August 18, 2005, the Human Rights Commission Act was ratified, thereby making the HRCM the first independent and autonomous statutory body in the Maldives. The amendments brought to the Human Rights Commission Act in August 2006 broadened the mandate and powers of the HRCM, making it compliant with the Paris Principles. With the ratification of the Constitution in August 2008, the HRCM was made an independent and autonomous constitutional body.
2. The HRCM currently holds 'B' status accreditation with the International Co-ordination Committee of National Human Rights Institutions (ICC) and is an Associate Member of the Asia-Pacific Forum of National Human Rights Institutions (APF).
3. In December 2007, the HRCM was designated by a Presidential Decree as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (OPCAT). As prescribed under the OPCAT, the HRCM was designated as the NPM in legislation with the ratification of the Anti-torture Act in December 2013.
4. This report is compiled to underline the issues of concern to CEDAW Committee on the periodic state report submitted by the Maldivian Government in December 2012. This report was compiled based on the information received from the relevant stakeholders including government authorities, institutions in addition to in-house monitoring data. The HRCM is currently working to compile the shadow report under this convention.

Article 2: Obligation to Eliminate Discrimination

Violence against Women and Children

5. The main issues faced in protecting victims of domestic violence include inadequate implementation of momentous piece of legislation on Domestic Violence and lack of coordination between the stakeholders. All the required regulations, policies and standards under the Domestic Violence Act have not been formulated yet; this Act states that regulations have to be formulated within 12 months of ratification (date of ratification – April 23, 2012). Specifically National Guideline on health sector response to gender based violence (GBV) victims and other procedural regulations and policies, obtaining of evidence and protection of witness remain as a key issue, as the legislations on evidence and witness protection bill need to be enacted.

6. Despite the ratification of the Domestic Violence Act to protect victims of Domestic Violence, reporting of cases of DV remains low¹. The lack of confidence in the system, fear of intimidation, stigmatization by the community, lack of awareness on the and the protections afforded by Domestic Violence Act along with opportunities for economic empowerment are some of the factors that hinders victims from reporting to authorities.
7. Safe houses were established in 4 Atolls and in Male' this year. Ministry of Health and Gender is in the process of upgrading the present Family and Children Service Centre (FCSC) established in 2007 in every atoll to safe homes. There is only one such centre in every atoll and due to geographical dispersion it is a challenge to provide timely outreach services and promptly attend to cases when these centers are severely under resourced.
8. It has been 4 years since the ratification of the legislation on *Special Measures against Perpetrators of Child Sexual Abuse in Maldives*, and government has fallen short to compile and publish child sexual offender's registry. Despite the large proportion of cases lodged on child abuse, very few get prosecuted and convicted².
9. Also it is very significant to note that the issue of children getting repeatedly abused due to revictimization and the lack of state capacity to afford protective accommodations these children. .

The Committee may wish to ask the government

- **The status of the implementation of the Domestic Violence Act.**
- **The measures taken or mechanisms in place to improve the coordination and sensitization among the stakeholders.**
- **The timeline for the enactment of legislations on evidence and witness protection bills.**
- **Measures taken to ensure cases are reported and**
- **The reasons for the low rate of prosecutions and convictions in cases related to DV. ..**
- **Resources allocated to the Family and Children Service Centres.**
- **The progressive actions taken and the plan of action to increase the capacity of state child care facilities.**
- **Status of compiling and publicizing of child sexual offender's registry.**

Article 3: Development and Advancement of Women

10. During this reporting period the government has changed three times and each time national machinery for women's rights issues have been subjected to restructuring.
11. During the first restructuring in 2008, Ministry of Gender was downgraded to department level, by merging with Ministry of Health. The lack of human and financial resource allocation to implement gender interventions/actions along with the downsizing of the civil service brought the work of national machinery for women's right to a standstill.

12. In the second restructuring in 2012 the insufficiently 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.
13. With the new administration of 2013 the Ministry of Gender, Family and Human Rights was dissolved and the Ministry of Health and Gender was established under which the mandate to protect the vulnerable groups. was confined to separate divisions under this ministry. The reason given by the President's Office for this move was to enhance the cost effectiveness by reducing the duplication of resources and operational costs.
14. It is apparent that the frequent restructuring and merging of health and gender functions have adversely impacted on the realization of women's rights as inadequate focus was given to implementation of policies and actions. Furthermore, while the national women's machinery received funding from UN agencies to manage developmental activities, lack of human resources were observed to be a barrier to carry out activities.

The Committee may wish to ask the government:

- **What proportion of state budget is allocated to the protection of women's rights and their empowerment**
- **Measures taken to implement the Beijing Platform for Actions**

Article 4: Temporary special measures

15. Regrettably, women remain under-represented in all sectors of the State and efforts to secure legislative quotas for greater representation of women have been unsuccessful. While, an emphasis on temporary special measures were reflected in the Draft National Gender Equality Policy formulated in 2009, there was no substantial progress in its adoption. Structural barriers in administration, absence of political will, cultural norms entrenched in the society coupled with growing religious conservatism appear to be basis for the existing status quo of women in the country.

The Committee may wish to ask the government:

- **Its plan of action to introduce legislative quotas for a specific sector under the gender equality bill in order to eliminate stereotypical attitudes embedded in the society towards women and to provide detailed information on plans to introduce temporary special measures**
- **Produce any advocacy efforts undertaken to promote temporary special measures to accelerate the improvement of the de facto position of women considering the fact that two previous proposals to include legislative quota for women in Constitutional Assembly and locals councils were rejected by the Parliament.**

Article 5: Sex Roles and Stereotyping

16. Stereotypical attitudes with regard to the roles of women are on the increase. Conservative beliefs that promote women as inferior to men are being spread at an alarming level. HRCM has learned from its monitoring visits that many women believe that their only role in the society are to be submissive wives and raising children..

17. Similarly, HRCM learned that some law enforcement officials believe that the role of a woman is to take care of her family by being submissive to the husband and raising their children. Also, they have the notion that violence against women is mostly the result of women not fulfilling their duty as submissive wives.
18. HRCM also learned that 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, etc.
19. In the Civil Service, women are mostly represented in roles such as education (72 percent), health (68 percent), manufacturing (65 percent) and agriculture (64 percent)³.

The Committee may wish to ask the government

- **Provide information on strategies laid down to:**
 - **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 roles in the society.**
 - **Address and overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society.**
 - **Increase women's representation in the male-dominated fields by introducing temporary special measures, including quotas in parliament and political parties, judiciary, law enforcement agencies, executive and the corporate sector.**

Article 6: Trafficking of women

20. State has enforced the Anti-Human Trafficking Act in 2013. However, provisions related to human smuggling were not included in this legislation. Moreover, the government is yet to enforce all requisite procedures under this Act.
21. With the enactment of the Anti-Human Trafficking Act, a committee was established to combat human trafficking with representation from all State actors. Presently, failure to maintain the quorum of the Committee remains as one of the core challenges faced to carry out its mandate.
22. Lack of resources and technical capacity appears to be one of the fundamental challenges faced in the establishment of institutional mechanisms needed to combat human trafficking. Consequently, this has immobilized the setup of the Anti-Human Trafficking Unit in Ministry of Youth and Sports (MYS).
23. Children as young as 12 years old are involved in commercial sex work⁴, and this is further substantiated from the Risk Behavior Mapping conducted in 2010, which found 8 percent of female sex workers from 12 different islands to be children under the age of 18 years⁵. Based on this mapping result, it was estimated that there are 1,139 female sex workers in the country⁶. Hence, females forced into commercial sex work, is an area that needs further study.

24. It is also crucial to highlight that in several 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 labour⁷.
25. Instead of establishing a separate shelter for victims of human trafficking, the Ministry of Health and Gender (MoHG) has settled to accommodate female victims of human trafficking in the facility designated to shelter victims of domestic violence, due to budgetary limitations. So far even this shelter is yet to be fully operational.
26. It is significant to draw attention to the need to conduct capacity building programs in a recurrent manner to facilitate the speedy execution of structural reforms needed to address the issue of human trafficking in the country.
27. Since the ratification of the Anti-Human trafficking Act in December 2013, there is limited number of cases sent for prosecution by the Police. Presently, all the cases with the Prosecutor General's Office are pending as the Parliament has not appointed a Prosecutor General (PG) following the resignation of the former PG in November 2013.
28. Despite the measures taken to combat human trafficking, it is still a challenge to obtain information relating to this topic from most of the stakeholders.

The Committee may wish to ask the government

- **Provide the following data on the number of female victims of exploitation, while highlighting figures of female migrant workers.**
 - **Number of victims in forced prostitution, forced labour, servitude**
 - **Number of cases investigated**
 - **Number of cases prosecuted**
 - **Number of cases convicted**
 - **Nature of assistance provided to victims**
 - **Number of victims provided accommodation in shelter**
- **Measures taken or mechanisms in place to provide victims and especially the migrant workers in the country the protection and support services they need.**
- **Its efforts to increase awareness on the recently enacted anti human trafficking act.**
- **Measures taken to expedite the implementation of anti-human trafficking act.**
- **Reason for not incorporating people smuggling in the Anti Human Trafficking Act**
- **Its plan to undertake a rapid study to understand the reasons why women especially girls get involved in prostitution.**
- **Its plan to prevent child prostitution, create awareness while discouraging demand for it and provide financially viable options to those involved in prostitution and establishment of the reintegration programs.**
- **Assistance provided to transit passengers who were identified as victims of trafficking and those at the risk of exploitation if returned to country of origin.**

Article 7: Political and Public Life

29. 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. Following are statistics pertaining to representation of women in decision making roles.
1. The percentage of women in Parliament during this reporting period declined from 6 percent in 2009 to 5 percent in 2014.
 2. 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 Authority⁸.
 3. 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 was at 32% and in 2014 only 7% of political appointees are women⁹.
 4. The total number of members in independent commissions is 70 out of which 19 are women. Hence 27% is women and 73% is men¹⁰.
30. It was observed in HRCM's monitoring visit to atolls in 2012 that adequate focus was not given to the election of Women's Development Committees (WDCs) in the islands. Both the community and the candidates participated in the election had a very limited information on the functions, duties, roles and responsibilities of the WDC. HRCM was also informed that the coordination and administration of voting was poor. In some islands there were no election held due to insufficient number of applicants. Thus, it is conclusive to state that this election was discriminatory towards women, showing the low political will towards women's empowerment.

The Committee may wish to ask the government

- **What are the measures taken by the government to increase the number of women at decision making level?**
- **Why was the Women's Development Committee elections conducted in such a discriminatory manner?**

Article 10: Education

The legislative framework on right to education needs to take effect. And there is no legal position on provisions, such as compulsory education age..Due to the lack of resources and programmes, majority of children with disabilities do not have access to education. There are no early detection and supporting mechanisms in the education system.

31. While the government maintains comprehensive level of statistics on sex disaggregated data relating to education, there is a necessity to further enhance the information about education system by encompassing data related to school attendance, dropout rates, and children with different types of disabilities etc.
32. Primary curriculum materials are being reviewed to make it gender sensitive¹¹. The revised educational curriculum that is to be implemented from 2015 onwards, integrates life skills education that covers components of sexual and reproductive health. During this reporting period, life skill programs are piloted in selected schools across the nation as an extracurricular activity.
33. School based technical, vocational, and education programs are integrated in the national curriculum framework, however a policy guide on conducting these courses need to take effect.

By the end of 2013 only one fifth of the schools were able to conduct vocational courses to a very small proportion of student population and limited resources, capacity and institutional mechanisms to oversee the progress, appear to be a barrier.

34. Weakness in the education sector, such as access for girls, and low quality of teaching in secondary schools, especially at atoll level, is a key factor that accounts for skill shortage to continue higher education¹². Although facilities are in Male' and at regional level, most families living in islands, are hesitant to send their girls to live away from home for educational purposes; for fear of them being subjected to sexual advances and involuntary domestic servitude by host families¹³.
35. The programmes available at tertiary education levels are mostly limited to education, health sciences, engineering, hospitality and tourism, management, law, maritime and engineering. Female candidates dominate in programmes associated with education, health sciences and management¹⁴.
36. There is a growing concern that, with the increase in religious conservatism, practices of home-based religious education restricting girls' access to schools is on the rise¹⁵. Cultural norms and stereotypical roles expected by the society have an impact on girls' equitable participation in acquiring skills needed for employment and limit their mobility.

The committee may wish to ask the government

- **Measures taken to ensure those living in islands have equal access to higher education facilities.**
- **Work done to integrate gender perspective in the teacher training programmes.**
- **Efforts taken to address conventional attitudes on the role of women and girls in the curriculum and efforts already made to incorporate gender equality in syllabuses, text books, and other student resources.**
- **Measures taken or activities planned to increase the enrolment of females in conventionally male dominated field of study.**
- **Actions taken to 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

37. There is an alarming rise in unemployment in the country during this reporting period; and an increase in discouraged youth and women are observed¹⁶. Despondently, an increase in labour force participation has not been met with an increase in job creation¹⁷. Also it is important to highlight that female earnings are about a third less than that of male earnings¹⁸.
38. Government is the largest employer in the country; numbers of female workers are considerably high at support level, besides sizable proportion of them works as administrators, teachers and nurses¹⁹.

39. Representation of women in tourism sector is extremely low. Staff employed in resorts find it difficult to travel back to their islands on a daily basis and it is not socially acceptable for women to stay on resorts away from families for extended periods²⁰.
40. Half of the females in the working group population were not economically active and household errands appear to be the predominant reason for females to be unemployed²¹. Another reason contributing to unemployment status includes multi-shift school system that requires parents to make several visits to school during weekdays²². Many female employees are forced to quit jobs following child birth²³. Even though there are limited number of private day care centres in the capital city, government's initiatives to facilitate establishment of child care centres, remain unsuccessful.
41. Even though self-employed women are proportionally still higher than men²⁴; there appears to be a high decline in the percentage of women in home-based activities²⁵. So far no one is registered as self-employed in the Retirement Pension Scheme, although home based female workers have that option available²⁶.
42. Small and Medium Enterprises (SME) loan schemes initiated by the government in 2009 had a preset target to award 40 percent of all loans to women enterprises; nonetheless women were represented as 30 percent loan beneficiaries of the scheme²⁷. It appears that there is limited knowledge in finance, management, loan process and terms, especially in the island communities²⁸.
43. Sexual harassment at workplace is a daunting reality and an accepted norm for most employed women in the country and women are reluctant to come forward report such issues. An Act on Sexual Harassment was ratified in 2014.
44. The number of migrant workers in the country nearly tripled in past years²⁹ and 8 percent of them are females³⁰. Also important to highlight that migrant workers are subjected to exploitation, varying from confiscation of identification documents to non-payment of wages to inhumane treatment³¹. Most migrants would not know the procedural information to lodge a complaint, and even if they are aware, most would be hesitant to disclose their undocumented status due to fear of deportation and heavy debt they had incurred for choosing to migrate in the hope of finding a better future³².
45. To set a minimum wage in the country is one of the recommendations put forward in the employment study undertaken by HRCM in 2009 and to date government has not taken any concrete measures to implement this.

The committee may wish to ask the government about:-

- **Measures taken by the government to increase the participation of women in labour force.**
- **Efforts undertaken to increase the capacity of inspectorates and monitoring of places of employment giving special consideration to women in private sector.**
- **Measures taken to increase women's representation in decision making level both in public and private sector.**
- **Work done to establish childcare facilities.**

- **Measures taken by the government to promote equal sharing of family responsibility so that women who choose to work cannot be denied the opportunity.**
- **Implementation status of the recent introduction of flexi-time to Civil Service Commission Act.**
- **Measures taken to increase economic participation of women and increase the number of loans granted to women to facilitate their participation in business ventures while increasing the awareness about such projects.**
- **Efforts undertaken to strengthen the institutional mechanisms and increase awareness on the rights of female domestic workers.**
- **Advocacy activities conducted to eliminate sexual harassment at the workplace.**
- **Measures undertaken to set minimum wage in the country.**

Article 12: Health

46. Sexual and reproductive health services are not fully and easily accessible to women living in the atolls. Hospitals/Health centers in the atolls lack healthcare professionals and equipment including gynecologists and gynecology equipment and devices³³.
47. Information gathered from various focus group discussions held during the atoll monitoring visits revealed that there have been many incidents where sensitive medical information of patients leak 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.
48. Empirical evidence suggests high numbers of abortions in the Maldives indicates that sexual relations among teenage children and unmarried adults are very common³⁴. 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.³⁵
49. Unsafe and self induced abortions are widespread among both married and unmarried population in Maldives, according to anecdotal information³⁶. But there have been no formal study in this area. Law in Maldives prohibits abortion, mostly due to religious reservations. Cases of abortion, infanticide and abandoned infants have been often reported in local media³⁷³⁸.
50. Although female circumcision has long been abolished in Maldives, recent anecdotal reports of female circumcision³⁹ suggests that it is an emerging issue for which proactive measures are necessary to be taken by the state.
51. There have been reports of a potential HIV outbreak in the Maldives as the current health system lack prevention programs and specialized care for population groups at risk. The Maldives does not offer prevention services for sex workers, which increases the possible risk of spreading HIV⁴⁰. High risk factors including sharing of needles to inject drugs, high sexual activity among adolescents and youth could contribute to an increased prevalence of HIV/AIDS.

The Committee may wish to ask the government about

- **Plans to provide equal access to healthcare for people, especially women, living in rural areas (atolls) to those living in the developed areas.**

- Steps taken to ensure confidentiality of patients personal and sensitive information..
- Information on effective and age appropriate sex education programs designed to decrease unwanted pregnancies and unsafe abortions and to increase contraceptive use among sexually active youth.
- Proactive measures taken to deal with the issue of inhumane practices, including female genital mutilations, which are unhealthy and causes physical and psychological damages.
- Details of actions taken to promote and protect HIV/AIDS related human rights, including prevention services for all high risk groups.

Article 15 & 16: Law, Marriage and Family

52. Out of court marriages are not recognized under the law and such marriages need to be registered with the Courts. HRCM in its monitoring visits found that there are some marriages that are not registered with the Courts encouraged by some religious scholars issuing Fatwas claiming that registering marriages with the Courts are un-Islamic and unnecessary⁴¹. Children born to such marriages could face serious challenges and difficulties in access to education, health care, inheritance rights and other legal issues. Similarly women in such marriages are bound to face social and legal consequences.

The Committee may wish to ask the government about

- Appropriate measures taken to deal with extremist ideologies and practices which can lead to cultural and societal problems.

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