



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

Distr.: General  
18 November 2019

Original: English  
English, French and Spanish only

## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the sixth periodic report of Maldives\*

#### Reservations

1. In the light of the State party's report on follow-up to the concluding observations ([CEDAW/C/MDV/CO/4-5/Add.1](#)) and the letter dated 13 April 2018 from the Rapporteur on follow-up to concluding observations, it is observed that, notwithstanding the State party's efforts to review the reservations made to article 16 of the Convention, including the establishment of a commission and its recommendations on the lifting of the reservation, the reservation still stands. Please provide updated information on specific steps to effectively lift the reservation and a clear timeline in which to do so, as well as on measures to harmonize the State party's interpretation of sharia law with the Convention.

#### Legislation and definition of discrimination

2. Further to the adoption of the Gender Equality Act (No. 18/2016), please provide additional information on measures taken to ensure the direct applicability of the Convention, stating whether the provisions can be directly invoked before the courts. Please also explain whether the definition of discrimination encompasses direct, indirect, multiple and intersecting forms of discrimination, in line with article 1 of the Convention. In the light of article 10 (b) of the Constitution, prohibiting the enactment of legislation contrary to any tenet of Islam, and article 16 (a), providing for the protection of rights and freedoms in a manner not contrary to any tenet of Islam ([CEDAW/C/MDV/6](#), paras. 19 and 24),<sup>1</sup> please provide information about the outcome of the legal audit of all laws and regulatory frameworks conducted by the Office of the Attorney General in relation to the Family Act (No. 4/2000) and the progress in harmonizing its provisions and customary practices with the principle of equality and non-discrimination.

#### Access to justice

3. Please provide additional details about the specific judicial or non-judicial remedies and forms of redress available to women in cases of gender-based discrimination and for the overall protection of their rights under the Convention.

\* Adopted by the pre-sessional working group for the seventy-sixth session (11–15 November 2019).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.



Please provide additional information about the enforcement of the minimum standards established by the Government concerning complaint mechanisms in cases of gender-based discrimination and data on complaints received in the past five years, disaggregated by age, sex, geographical location and disability. Please explain measures taken to ensure the independence of the judiciary and build its capacity in adjudicating cases of gender-based discrimination brought by women.

4. Please indicate the number of investigations and prosecutions carried out in the past five years in cases of gender-based violence against women and provide information on the reparations, rehabilitation and compensation provided. Please explain how the Evidence Act adopted in 2017 ensures the equal treatment of women and men concerning evidence and provide information about its implementation in practice, in particular the equal consideration and weight of testimonies by women and men, as recommended in the Committee's previous concluding observations (CEDAW/C/MDV/CO/4-5, para. 13). Please explain the measures taken to shift the burden of proof in civil and administrative procedures. Please provide information on measures taken to address the barriers that prevent women from reporting cases of gender-based violence against them, including sexual violence, to ensure gender-sensitive procedures for the lodging of complaints by women and to support women throughout criminal court proceedings. Please report on measures to provide free legal aid to women, in particular on small islands, to prevent judges from encouraging friendly settlements or conciliation in cases of gender-based violence against women and to ensure that such cases are adjudicated in legal settings. Please provide information about measures to raise awareness and build the capacity of parliamentarians, government officials and the judiciary regarding the principle of gender equality and ways to promote it in line with international human rights law.

#### **National machinery for the advancement of women**

5. Please indicate the human resources and budget allocated to the Ministry of Gender, Family and Social Services, the departments responsible for family and children's service centres, the interministerial gender focal points' network and the women's development centres on all inhabited islands. Please indicate the mechanisms put in place to ensure gender-sensitive budgets across all sectors and levels of government. Please provide updated information on the progress achieved in adopting a national gender equality action plan to implement the Gender Equality Act (para. 21). Please indicate how existing policies address the situation of girls, women with disabilities, migrant, asylum-seeking and refugee women, older women and lesbian, bisexual and transgender women.

#### **National human rights institution**

6. Please provide information about the status and resources allocated to the Human Rights Commission of Maldives, indicating whether it has the competence to receive complaints in cases of gender-based discrimination, and about mechanisms to promote and protect the rights of women under the Convention.

#### **Temporary special measures**

7. Please provide information on the progress achieved with regard to the temporary special measures taken in the area of the economic empowerment of women under the responsibility of the Ministry of Economic Development (paras. 30-31). Please provide further information on such measures envisaged to accelerate the achievement of substantive equality between women, including women living on small islands and women with disabilities, and men in all areas covered by the Convention, in particular in political and public life, education, health and employment.

**Stereotypes and harmful practices**

8. Please provide information about measures to address the conservative interpretations of Maldivian culture and Islamic principles, which have had a negative impact on women's rights and non-discrimination (para. 17). Please provide information on measures taken by the State party to abolish female genital mutilation, polygamy and penalties of flogging applied to women in cases of fornication or adultery. Please also provide information about measures taken to address and prevent the situation of girls dropping out of school in connection with negative gender stereotypes underpinned by religious dictums and the negative portrayal of women in the media. Please provide information about the measures to address the issue of the dress code strictly assigned to women and girls and assess its impact on them. Please also provide information on measures taken to combat and eliminate gender stereotypes and harmful practices, such as raising awareness about gender equality in schools, in the media, in communities and in society.

**Gender-based violence against women**

9. Please provide information about strategies at the capital and local levels, including on small islands, to prevent all forms of violence against women, including domestic violence and violence through the Internet and social media, in schools and in society in general. With reference to the Domestic Violence Prevention Act, please provide information about measures taken to encourage reporting of cases of gender-based violence against women, the implementation of protection orders, the number and location of shelters for women who are victims of gender-based violence across the country, in particular in rural areas and on small islands, and redress and rehabilitation services for women victims. Please also provide statistical data on gender-based violence against women in the past five years, disaggregated by age, relationship between the perpetrator and the victim, type of sentence imposed on the perpetrator and other relevant characteristics. Please indicate whether marital rape is recognized as a criminal offence, elaborate on whether the definition of rape is based on the lack of consent and indicate the penalties imposed on perpetrators.

**Trafficking and exploitation of prostitution**

10. Please provide information about the human, financial and technical resources for the implementation of the national action plan against trafficking in persons and the progress achieved in its implementation. Please provide information about measures taken to strengthen the capacity of the Office of the Prosecutor General and the police to identify and prosecute cases of trafficking in women and girls. Please also indicate whether there are shelters for women who are victims of trafficking, as well as health, psychosocial, legal and interpretation services for them. Please provide data, disaggregated by sex, age, nationality and geographical area, on the number of victims and survivors of trafficking in the past five years and on the extent and forms of exploitation of women in prostitution. Please provide information on the strategies taken to prevent exploitation of prostitution in "health spas" (para. 58) and the sexual exploitation of children in the context of the tourism industry, as well as any efforts to amend section 14 of the Child Sex Abuse Offenders Act (No. 12/2009), under which the perpetrators of sexual offences against children are exonerated when they marry the victim, and information about social services and exit programmes available to women who wish to leave prostitution. Please provide details of multilateral or bilateral agreements and of cooperation in combating trafficking in women and girls, including the identification of victims and the prosecution and conviction of perpetrators.

**Participation in political and public life**

11. Please describe measures taken to improve the representation of women in political and public life, including to promote women candidates at the local and national levels, to provide them with training to build their constituencies, to facilitate their fundraising for campaigns and to empower them in leadership positions within political parties and their communities. Please also provide information about temporary special measures to ensure the equal representation of women and men in decision-making positions, including as atoll chiefs in the civil service, the foreign service and the judiciary. Please also explain the measures taken to ensure the equal participation of women and men in managerial positions within public and private companies, including in the tourism industry. Please also provide additional disaggregated statistical data on the current participation of women in all branches of government, atoll administrations, elected bodies and the judiciary.

**Women human rights defenders**

12. Please provide information about the legal framework that protects women human rights defenders and their organizations, including women advocating their sexual and reproductive health. Please provide information on measures taken to protect freedom of association and expression for women and to make resources available to women's civil society organizations so that they can conduct their activities to advance gender equality and women's human rights. Please also describe measures to protect such organizations against harassment or reprisals.

**Nationality**

13. Please provide specific information on measures taken to ensure the registration of children born out of wedlock and on the implementation of the Committee's previous recommendations (CEDAW/C/MDV/CO/4-5, para. 31). Please also provide information about measures taken to ensure access to Maldivian nationality for children born to Maldivian citizens overseas, the situation of stateless women and girls in the State party and measures to address this issue.

**Education**

14. Please provide additional information about the enrolment in primary, secondary and tertiary education of women and girls in rural areas and on small islands, the availability of schools on such islands and the available, affordable, accessible and safe transportation systems for girls living on small islands to receive education elsewhere. Please provide information on measures, including temporary special measures, taken to address the concentration of women in traditional female subjects of education and to encourage women to study science, technology, engineering and mathematics, fisheries and marine sciences and climate change. Following the review of the curriculum (para. 67), please indicate any further measures that the State party may take to address the issue of gender stereotypes in curricula and textbooks. Please provide information about continuing education, the percentage of women therein and scholarships available to them. Please provide information on measures to ensure education on school premises for pregnant adolescent girls and their reintegration into school after delivery. Please provide information on education on sexual and reproductive rights in all parts of the State party, including access to modern contraceptive methods, in particular on small islands.

**Employment**

15. Please provide additional information on measures taken to ensure equal access for women and men to formal employment across all sectors of the economy, including

industry and tourism, and provide figures on the progress achieved in addressing horizontal and vertical segregation in employment and the potential loss of jobs in the fisheries and agricultural sectors owing to the impacts of climate change. Please update the Committee on advances in establishing a minimum wage by the National Pay Commission (para. 80) and provide information on measures taken to ensure respect for the principle of equal pay for work of equal value, as recognized in the Employment Act (No. 2/2008). Please provide information about measures taken to promote the reconciliation of family and work responsibilities for women and men, including affordable childcare facilities and allowances for workers who are heads of household. Please also indicate the impact of inspections of the labour conditions of women in the domestic sector and redress provided, as well as the number of cases adjudicated by the Employment Tribunal in the past five years in relation to sexual harassment against women in the workplace. Please provide information about measures to prevent the abuse and labour exploitation of women migrant workers. Please inform the Committee about the steps taken to ratify the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.

### **Health**

16. Please provide information about measures adopted to develop adequate sexual and reproductive health-care services and facilities in rural areas and on small islands (para. 90) and elaborate on the measures to provide emergency obstetric care services at the island level. Please indicate the current status of the new strategy on reproductive health (para. 92), describing the extent to which it encompasses the sexual health of women and adolescent girls, including the right to sexual health information, the prevention of sexually transmitted infections, education and services, in line with the Convention. Please also describe measures taken to prevent early pregnancies, expand the coverage and availability of family planning services for women and adolescent girls, including information about sexual and reproductive health, and prevent the stigmatization of women and girls by health-care personnel, including in cases of sexual violence. Please also indicate whether the free and informed consent of women is required or verified with regard to sterilization. According to the State party, therapeutic abortion is permitted in cases of pregnancy resulting from the rape of a child who is physically and mentally unfit to become pregnant and deliver (para. 101). Please indicate practical steps to facilitate access to abortion services, whether abortion is available in all clinics throughout the country, in particular on small islands, and measures taken to legalize abortion in all cases of rape, incest and when the life and/or health of the pregnant woman or girl is at risk, as well as in cases of severe fetal impairment, and to decriminalize it in all other cases.

### **Economic empowerment of women and social benefits**

17. Please provide information about measures taken to integrate a gender perspective into public policies to eradicate poverty, such as the island development plan. Given the low number of women with access to financial services, including as bank account holders or loan recipients (para. 105), please describe measures adopted to increase their access to financial services and loans in Male and on all islands. Please provide specific information on how the strategy to promote small and medium-sized enterprises has included women in rural areas and on small islands in order to promote women entrepreneurs. Please provide information about programmes supporting the economic empowerment of women who are heads of household and access for women to social protection schemes, including cash transfers, foster parent allowances, food subsidies and disability allowances.

**Rural women**

18. Please provide information about measures adopted to increase land ownership by rural women and their livelihoods and to prevent their forced eviction in connection with large-scale projects, including road infrastructure and the development of tourist resorts and facilities. Please provide information about measures to promote respect for gender equality by foreign companies in the territory of the State party and describe legislation and policies to address the negative effects on women's rights in relation to deforestation and changes in land ownership owing to privatization policies. Please provide further details about measures to integrate a gender perspective into policies and the management of water supply and sewerage services on administrative atolls and on small islands and resort islands.

**Women with disabilities**

19. Please provide information on legislation and public policies that promote the inclusion of women and girls with disabilities. Please inform the Committee of the situation of women with disabilities and older women who are currently living in care centres or institutions in Male and on administrative atolls and ensure that they are included in their communities and have access to all the services that they require.

**Migrant, refugee and asylum-seeking women**

20. Please provide information on steps taken to sign and ratify relevant international human rights frameworks, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Please provide information about any steps to establish a refugee protection regime and undertake refugee status determination, as well as measures for the protection of migrant and asylum-seeking women. Please also explain whether the State party seeks international cooperation from international or regional agencies aimed at addressing the vulnerability of migrant and asylum-seeking women and ensuring the safety of women who have been returned from third countries. Please provide specific information about the current situation of Maldivian women in camps for internally displaced persons or refugees in the Syrian Arab Republic.

**Climate change**

21. In line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and targets 13.3 and 13.B of the Sustainable Development Goals, please provide information on mechanisms of consultation and the participation of women in all decision-making processes regarding climate change, in addition to their participation in community emergency responses teams (para. 120). Please describe how gender equality is mainstreamed into the country's framework for climate change, adaptation and disaster risk reduction, including in the climate change policy framework of 2015.

**Marriage and family relations**

22. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide information about the number of marriage applications by minors and the number of such applications granted since 2016 (para. 146), the measures taken to eliminate the harmful practice of child and/or forced marriages and the type of redress that has been provided to girls who have entered into such marriages, including religious marriages under sharia law. Please also provide information on measures taken and timelines to

prohibit polygamy, given its discriminatory nature and effects on women, and the redress provided to women affected by it, as well as legislative and other measures taken to decriminalize de facto unions and protect the rights of women upon the dissolution of marriage, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

**Sustainable Development Goals**

23. Please provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals.

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