



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the sixth periodic report of Maldives\*

1. The Committee considered the sixth periodic report of Maldives (CEDAW/C/MDV/6) at its 1815th and 1817th meetings (CEDAW/C/SR.1815 and CEDAW/C/SR.1817), held on 20 and 21 October 2021. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/MDV/Q/6, and the responses of Maldives are contained in CEDAW/C/MDV/RQ/6.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report and its written replies to the list of issues and questions raised by the pre-sessional working group on the sixth periodic report. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, participating both in Geneva and remotely from Male', which was headed by the Minister of Gender, Family and Social Services, Aishath Mohamed Didi, and included the Attorney General, the Prosecutor General, the Chairperson of the Human Rights and Gender Committee of the People's Majlis, the Minister of State for Health, the Minister of State for Economic Development, the Secretary of Foreign Relations of the President's Office, the Deputy Minister of Gender, Family and Social Services, the Deputy Commissioner of Police, the Deputy Minister of National Planning, Housing and Infrastructure, the Chief Judicial Administrator and the Chief Executive Officer of the Family Protection Authority, as well as representatives of the Attorney General's Office, the Ministry of Foreign Affairs, the Ministry of Gender, Family and Social Services, the Ministry of Education, the Ministry of Higher Education, the Ministry of Economic Development, the Ministry of Environment, Climate Change and Technology, the National Counter Terrorism Centre, the Anti-Trafficking in Persons Office, Maldives Immigration, the Maldives Bureau of Statistics and the Local Government Authority and the Permanent Representative of Maldives to the United Nations Office and other international organizations in Geneva.

\* Adopted by the Committee at its eightieth session (18 October to 12 November 2021).



## **B. Positive aspects**

4. The Committee welcomes the progress achieved since its consideration in 2015 of the State party's combined fourth and fifth periodic reports in undertaking legislative reforms, in particular the adoption of the following:

(a) The amendment to the Anti-Human Trafficking Act through Act No. 2/2020 to bring it into alignment with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2020;

(b) The amendments to the Decentralization Act introducing electoral quotas for women, reserving 33 percent of seats in local councils for women, and legally recognizing Women's Development Committees as main partners in community development, in December 2019;

(c) The adoption of the Child Rights Protection Act (Act No. 19/2019), which recognizes the right of children to be protected from all traditional and cultural practices affecting their well-being and sets the legal minimum age of marriage at 18 years for women and men, in November 2019;

(d) The adoption of the Gender Equality Act (Act No. 18/2016), promoting gender equality and women's rights, in August 2016.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) The adoption of the Coronavirus Disease (COVID-19) National Recovery and Resilience Plan 2020–2022, which incorporates a gender perspective and is aimed at mainstreaming gender in all the sector policies and strategies, in 2020;

(b) The adoption of the National Action Plan on Preventing and Countering Violent Extremism, in July 2020;

(c) The adoption of the Strategic Action Plan 2019–2023, which establishes targets for achieving women's rights and empowerment, in October 2019;

(d) The compilation of disaggregated data on the incidence of female genital mutilation/cutting in the period 2016–2017 under the Maldives Demographic and Health Survey, which was published in December 2018.

6. The Committee welcomes the fact that the State party has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2016. It also welcomes the fact that the State party has accepted the procedures outlined in the following articles:

(a) Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on the individual complaints procedure, in 2019;

(b) Article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2019.

## **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the**

Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

#### **D. Parliament**

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the People's Majlis, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

#### **E. Principal areas of concern and recommendations**

##### **Women's rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts**

9. On 22 April 2020, the Committee issued a guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, in order for the States parties to indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including recovery and resilience plans, addressed gender equality. The Committee welcomes the statement made by the delegation during the dialogue indicating that a preliminary assessment of the impact of the pandemic on livelihoods and businesses had been carried out in 2020 and had shown that women were disproportionately affected. It further welcomes the statement indicating that social media platforms were used during the lockdown period to increase public awareness about gender-based violence against women and to encourage the reporting of such violence.

10. **The Committee recommends that the State party:**

(a) **Implement institutional, legislative and policy measures to redress long-standing inequalities between women and men and to give a new impetus to the achievement of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals;**

(b) **Ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles;**

(c) **Ensure the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes, including for disadvantaged and marginalized groups of women and those living in the outer islands;**

(d) **Ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care work, aimed at mitigating the socioeconomic impact of the pandemic.**

**Reservations**

11. The Committee welcomes the lifting of the State party's reservations to part 1 (b), (e), (g) and (h) and part 2 of article 16 in 2020. However, it notes with concern that the State party maintains its reservations to article 16 (1) (a), (c), (d) and (f).

12. **The Committee reiterates its previous recommendation (CEDAW/C/MDV/CO/4-5, para. 9) and urges the State party to expedite its efforts towards withdrawing its reservations to article 16 (1) (a), (c), (d) and (f) of the Convention, which are incompatible with the object and purpose of the Convention and constitute an obstacle to the implementation of the Convention as a whole, as the Committee stated in its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.**

**Legislative framework and definition of discrimination against women**

13. The Committee welcomes the adoption of the Gender Equality Act (Act No. 18/2016). It notes with concern, however, that the Convention is not directly applicable and that its provisions cannot be directly invoked before the courts. It notes that, while the definition of discrimination in the Gender Equality Act encompasses direct and indirect discrimination and discrimination based on different grounds, it does not cover intersecting forms of discrimination. The Committee further notes with concern the delay in adopting a new act to replace the current legal regime governing family relations.

14. **The Committee calls upon the State party to:**

(a) **Fully incorporate the Convention into the national legal system in order to make its provisions directly applicable and enforceable by the courts;**

(b) **Ensure that the Gender Equality Act includes a definition of discrimination, in conformity with articles 1 and 2 of the Convention, encompassing not only direct and indirect discrimination in the public and private spheres, but also intersecting forms of discrimination;**

(c) **Expedite the reform of its family law, with a view to bringing it into full conformity with the Convention and ensuring that all discriminatory provisions are repealed or amended, ensuring that women are involved in the consultation and review process.**

**Women's access to justice**

15. The Committee notes the adoption of a second amendment to the Act on the Judicial Service Commission (Act No. 10/2008) in September 2019, which introduced investigative procedures to address disciplinary issues concerning judges and stipulated ethics and rules of conduct, and the current formulation of a training programme for judges by the Judicial Academy to include awareness-raising on gender equality. The Committee notes with concern, however, discriminatory provisions regarding the participation of women as witnesses in judicial proceedings and the lack of legal training on women's rights under the Convention, as well as the underrepresentation of women in the judiciary.

16. **Recalling its previous concluding observations (CEDAW/C/MDV/CO/4-5, para. 13), the Committee recommends that the State party:**

(a) **Enhance women's awareness of their rights and disseminate information on the remedies available to claim violations of their rights;**

(b) Strengthen the independence of the judiciary; establish legal remedies, including procedural accommodations, that are expeditious and accessible to women; and ensure through adequate regulations and procedures that women who report violations, especially in cases of gender-based violence, are treated in a gender-sensitive manner at all stages of judicial proceedings;

(c) Take measures to increase the representation of women in the judiciary, in particular as judges and court officials;

(d) Provide systematic training to judges, prosecutors, law enforcement officers, especially the police, and lawyers on women's rights and ensure that the Convention, the Committee's general recommendations and its jurisprudence under the Optional Protocol are sufficiently known and applied by the judiciary and that they are an integral part of all capacity-building programmes;

(e) Expedite the adoption of the pending bills aimed at strengthening the State party's administration of justice, in particular the bills on witness protection, evidence and legal aid and those amending the judicature, remove evidentiary requirements that discriminate against women, and ensure that equal consideration and weight are given to women's testimonies as witnesses.

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

17. The Committee notes the statement made by the delegation during the dialogue indicating that priority is being given to expediting the adoption and implementation of the Gender Equality Action Plan (2021–2025), and that regulations will be enacted before the end of 2021 establishing a reporting mechanism and assigning responsibilities under the Gender Equality Act. It finds regrettable, however, the long delays in establishing this central mechanism.

18. **The Committee urges the State party to:**

(a) Expedite the adoption of the Gender Equality Action Plan and of regulations establishing a reporting mechanism and gender focal points in all ministries and departments;

(b) Ensure that the National Women's Machinery within the Ministry of Gender, Family and Social Services has adequate human and financial resources to carry out its mandate throughout the State party's territory, including the outer islands; effectively coordinate gender mainstreaming at all levels; and enable the National Women's Machinery to provide systematic training to staff and officials of other ministries;

(c) Involve members of the Women's Development Committees and Island Councils in capacity-building on gender and women's empowerment to support the work of the Women's Machinery, especially in the outer atolls;

(d) Establish impact assessment mechanisms for the Gender Equality Action Plan and ensure that it is adequately monitored and evaluated, with a view to informing further policies.

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

19. The Committee welcomes the State party's acknowledgment, in its latest contribution to the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/48/28), that legislative amendments have been adopted reinstating and reinforcing the Maldives Human Rights Commission's authority to operate independently and that, as such, the amendment to the Human Rights Commission Act was adopted on 22 September 2020. It notes with concern, however, that the

Commission lacks the necessary human, technical and financial resources to effectively carry out its mandate, including with regard to visits, and to fulfil its duty to receive and investigate complaints.

**20. The Committee recommends that the State party ensure that the Human Rights Commission has adequate human, technical and financial resources to discharge its mandate to work on women's rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Women human rights defenders**

21. The Committee welcomes the statement of the delegation during the dialogue indicating that the State party is fully committed to preventing and investigating reprisals against civil society organizations and individuals advocating for human rights, including online. It notes with concern, however, reports about threats and intimidation against women human rights defenders and about the shrinking civic space. It also notes with concern that, despite the announced steps to prevent and investigate online abuse, no perpetrators have yet been held accountable. It is further concerned that the bill on associations, submitted to the People's Majlis in 2019, as well as bill no. 9/2014 (the Penal Code) seeking to criminalize hate speech, which was submitted to the People's Majlis in June 2021, have still not been adopted.

**22. The Committee recommends that the State party:**

**(a) Prevent reprisals against women human rights defenders, ensure their protection from violence and intimidation, and investigate, prosecute and adequately punish all threats and harassment against them;**

**(b) Guarantee that women human rights defenders and activists can freely carry out their advocacy for women's human rights and exercise their rights to freedom of expression, peaceful assembly and association, without harassment, surveillance or other undue restrictions;**

**(c) Expedite the adoption of the bill on associations as well as the bill criminalizing hate speech.**

#### **Temporary special measures**

23. The Committee welcomes the reservation of 33 per cent of the seats on local councils for women. However, it notes with concern that the State party has not adopted any temporary special measures to achieve substantive equality for women, including quotas, either in the public or private sector, to overcome inequalities on the basis of gender.

**24. The Committee recommends that the State party adopt temporary special measures, in line with article 4 (1) of the Convention and general recommendation No. 25 (2004) on temporary special measures, including statutory quotas, and establish time-bound targets to accelerate the realization of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.**

#### **Stereotypes and harmful practices**

25. The Committee notes the State party's efforts to raise awareness among media personnel to address negative portrayals of women. It notes that gender stereotypes were addressed during the national curriculum revision process but that challenges remain due to lack of awareness among teachers. It also notes with concern that religious fundamentalism, radicalization and conservative ideologies drive narratives

of discrimination against women, are used to weaken support for gender equality and women's rights, and are invoked to legitimize gender-based violence against women in the State party, such as the practice of "ruqya" or exorcism and "sihr" or black magic.

**26. The Committee recommends that the State party:**

**(a) Strengthen awareness-raising on gender equality and women's rights among journalists and integrate women's rights into the curriculum of professional training for teachers, medical professionals, lawyers, the police, the judiciary and media workers;**

**(b) Address the rising phenomenon of black magic and "ruqya" as key public health concerns as well as a safety and security concern affecting women and girls and prevent and protect women and girls from the risk of sexual violence linked to such practices;**

**(c) Publicly condemn expressions of hostility against, and the perpetuation of harmful gender stereotypes of, women and girls, including by religious figures or when "justified" with reference to religious belief, and instead express active support for gender equality;**

**(d) Combat all forms of violence and coercion perpetrated against women and girls "justified" with reference to religious practice or belief, ensure the personal safety and liberty of women and girls, hold accountable perpetrators of such violence and ensure that victims obtain redress.**

#### **Gender-based violence against women**

27. The Committee welcomes the establishment of five shelters for victims of domestic violence in the State party. It also appreciates information provided by the delegation of the State party on the launch in 2020 of a national campaign to raise awareness about gender-based violence and domestic violence, with a special focus on engaging men. The Committee welcomes the statement made by the delegation during the dialogue indicating that a nationwide survey to analyse the prevalence of domestic violence in the State party is scheduled to commence in 2022. The Committee notes the renewed commitment of the State party to criminalize female genital mutilation. While noting the State party's efforts to combat gender-based violence against women, the Committee notes with great concern that:

(a) The Sexual Offences Act (art. 52) and the Special Provisions Act to Deal with Child Sex Abuse Offenders (art. 47) provide for burdensome evidence requirements to prove acts of sexual violence, which may lead to impunity for perpetrators;

(b) The Sexual Offences Act (art. 53) provides that delays in reporting the incident, past sexual behaviour of the survivor, or her relationship with the alleged perpetrator can constitute grounds for not initiating criminal proceedings, which gives rise to gender stereotyping and secondary victimization of survivors of sexual violence during legal proceedings;

(c) The Maldives Demographic and Health Survey, published in December 2018, indicated that 13 per cent of women aged 15 to 49 had been subjected to female genital mutilation/cutting;

(d) Marital rape is not fully criminalized: the Sexual Offences Act (art. 20) criminalizes marital rape only under certain circumstances, and there is a lack of redress for the victim;

(e) Discriminatory gender stereotypes among police officers, gender-insensitive investigation methods, lack of protection for women who report rape, fear of revictimization and retaliation, women's underrepresentation in frontline policing and in the judiciary, a lack of lawyers (particularly in the smaller islands), and the fact that legal aid is available to victims only in relation to "major criminal offences" constitute barriers to women's access to justice;

(f) Domestic violence is not criminalized in the current legislation.

**28. The Committee urges the State party to:**

(a) **Amend section 52 of the Sexual Offences Act and section 47 of the Special Provisions Act to Deal with Child Sex Abuse Offenders to remove excessive evidence requirements for victims to prove sexual violence;**

(b) **Amend section 53 of the Sexual Offences Act to ensure that discriminatory gender stereotypes relating to delayed reporting, false accusations and women's "dignity and discipline" are removed from the adjudication of sexual violence cases and discontinue practices that contribute to secondary victimization of women, such as examining a victim's prior sexual behaviour;**

(c) **Criminalize female genital mutilation/cutting and provide education and information on the criminal nature and harmful effects of the practice, take proactive measures to protect women and girls from female genital mutilation/cutting, and prosecute clerics promoting the practice;**

(d) **Criminalize marital rape in all circumstances, without exception, and amend the Sexual Offences Act and the Penal Code accordingly;**

(e) **Strengthen referral mechanisms to avoid communication gaps in reporting and ensure that judges, prosecutors and the police are adequately trained in gender-sensitive investigation and interrogation methods, especially in cases of sexual violence;**

(f) **Allocate sufficient funding to shelters, which must be accessible; establish guidelines and mechanisms to monitor them; and provide adequate support services, rehabilitation and remedies to survivors of gender-based violence, as per the Domestic Violence Prevention Act;**

(g) **Initiate, without delay, the nationwide survey on the prevalence of domestic violence in the State party, including gender-based violence, scheduled to commence in 2022, and use it as a basis for policymaking;**

(h) **Extend the National Campaign to raise awareness on gender-based violence and domestic violence; include awareness of online gender-based violence; and collect and publish statistical data on all forms of sexual violence, including marital rape, disaggregating the data by the victims' sex, the victims' age, the relationship between the victims and the perpetrator, and in relation to intersecting forms of discrimination against women and other relevant sociodemographic characteristics, such as disability and nationality;**

(i) **Review its current legislation, including the Penal Code and the law on domestic violence, to ensure that domestic violence is specifically criminalized, can be prosecuted ex officio and is sanctioned with appropriate penalties commensurate with the gravity of the abuse.**

**Trafficking and exploitation of prostitution**

29. The Committee notes the information provided by the delegation during the dialogue concerning the establishment of an Anti-Trafficking in Persons Office and

of a victim shelter, and the measures taken to implement the National Anti-Human Trafficking Action Plan 2020–2022. The Committee is concerned, however, that procedures for early victim identification, case management and victim protection remain weak, notwithstanding the adoption of national guidelines for the identification of, and provision of assistance to, victims.

**30. The Committee recommends that the State party:**

**(a) Strengthen victim identification procedures to facilitate prompt identification of potential victims of human trafficking and exploitation, including capacity-building among law enforcement and border patrol officers;**

**(b) Ensure the investigation of all cases of human trafficking and exploitation, as well as the prosecution and punishment of trafficking offenders;**

**(c) Ensure that victims are provided with medical treatment, psychosocial support, interpretation services and legal assistance;**

**(d) Systematically collect information on trafficking in women and girls to, from and within the State party and strengthen cooperation with other countries in the region to facilitate the exchange of information and the prosecution of traffickers.**

31. The Committee regrets the lack of information and data on women and girls in prostitution, on existing risk factors linked to the growing tourism industry in the State party, and on exit programmes and rehabilitation services for women who wish to leave prostitution, including for migrant women trafficked for purposes of sexual exploitation.

**32. Recalling its previous concluding observations (CEDAW/C/MDV/CO/4-5, para. 27), the Committee recommends that the State party:**

**(a) Collect disaggregated statistical data on the extent of prostitution in the State party and undertake a study to assess the root causes of the phenomenon, giving particular attention to risk factors linked to the tourism sector and migration;**

**(b) Develop measures aimed at preventing the exploitation through prostitution of women and girls, including migrant women, and provide rehabilitation programmes for women and girls in prostitution, including shelters, exit programmes for women who wish to leave prostitution and alternative income-generating opportunities;**

**(c) Address the root causes contributing to the exploitation of girls and young women in prostitution, including domestic violence, lack of access to secondary education and poverty, especially in the outer islands.**

#### **Participation in political and public life**

33. The Committee welcomes the amendment to the Decentralization Act adopted in 2019, which introduced a 33 per cent quota for women in local councils, and which has resulted in the election of 388 women to local councils (with 39.5 per cent of local council seats being held by women). It notes the statement of the delegation during the dialogue that 33 percent of the Cabinet Ministers are women, including with non-stereotypical portfolios such as transport, housing, fisheries, agriculture, environment, climate change, technology, and defence; and that the first women justices to the Supreme Court were appointed in 2019 and the first woman judge to the Criminal Court was appointed in 2020. It notes with concern, however, that women are still underrepresented in leadership positions within political parties, in

the People's Majlis, in the Government, in the judiciary and at the decision-making level in the civil service.

**34. The Committee recommends that the State party:**

**(a) Fulfil the commitment it made at the dialogue to make the necessary legislative amendments to establish quotas for women within political parties' internal elections, to introduce targeted campaign financing and training on leadership skills for women candidates, and to ensure equal access to the media to promote women's equal participation in political life, as reflected in the Gender Equality Action Plan;**

**(b) Amend the Political Parties Act (Act No. 4/2013) to include provisions to improve the internal governance of political parties and ensure equal representation of women in decision-making and leadership positions;**

**(c) Amend the Parliamentary Elections Act (Act No. 2/2009) to introduce statutory quotas for women candidates;**

**(d) Adopt temporary special measures to increase women's representation in political posts and on boards of State-owned companies.**

#### **Nationality**

35. The Committee is concerned that the State party's nationality law establishes different conditions for women and men as regards the transmission of nationality depending, notably, on religion and marital status. The Committee is further concerned about the lack of information on stateless women and girls in the State party and measures to address this issue.

**36. The Committee recommends that the State party revise its nationality law in order to remove discrimination against women with regard to the transmission of nationality, and that it improve mechanisms for the identification and protection of stateless women and girls, including through access to transparent and effective asylum procedures.**

#### **Education**

37. The Committee notes the adoption of the Education Act in 2020 and of the Higher Education Act in 2021. However, it notes with concern that girls have limited access to secondary and higher education as well as to technical and vocational education, as shown by the enrolment of 56 per cent of girls in higher secondary education. It also notes with concern the comparatively low completion rates among women and girls and their underrepresentation in non-traditional fields of study.

**38. The Committee recommends that the State party:**

**(a) Provide financial support to women and girls, especially in rural areas and on remote islands, to increase their access to secondary and higher education as well as technical and vocational training;**

**(b) Intensify efforts to increase enrolment, retention and completion rates for women and girls in higher education and, to this end, ensure the provision of a free education scheme for female degree students, so as to retain them in higher education and achieve gender parity in graduate output;**

**(c) Encourage women and girls to choose non-traditional fields of education and career paths, in particular science, technology, engineering and maths and information and communications technology;**

**(d) Foster the retention and advancement of girls and women from disadvantaged groups in an inclusive education system.**

### **Employment**

39. The Committee welcomes the requirement established by the Gender Equality Act for all public and private sector employers to establish a complaints mechanism for gender-based discrimination, and the establishment of such mechanisms in 43 public sector institutions. The Committee notes, however, that no complaints have been received, and that the mechanisms are limited to discrimination in employment. The Committee welcomes the extension in 2019 of paid maternity leave to six months and paid paternity leave to one month for public sector employees. It notes, however, that paternity leave is limited to 3 days in the private sector, where the Employment Act mandates 60 days paid maternity leave. It notes with concern women's low labour force participation rate (45.6 per cent) in comparison with that of men (77.1 per cent), and that 49 per cent of women outside the labour market indicate that domestic and childcare responsibilities are the main barrier to their labour force participation. The Committee further notes with concern that 44 per cent of employed women work in the informal economy, that 84 per cent of home-based workers are women, and that tourism, the largest sector of employment outside the public sector, accounts for only 3 per cent of women workers.

**40. The Committee recommends that the State party:**

**(a) Amend the Employment Act to apply the public sector policy on maternity and paternity leave to the private sector;**

**(b) Promote the equal sharing of family and domestic responsibilities between women and men, increase the number of affordable childcare facilities across the State party, and introduce flexible working arrangements for both women and men;**

**(c) Introduce specific measures to promote the inclusion of women in private sector tourism employment and in the marine economy;**

**(d) Extend the coverage of labour legislation and social protection, such as minimum wages, paid leave and maternity leave, to women in the informal economy and self-employed women;**

**(e) Strengthen awareness among employers and women employees about the provisions of the Employment Act, in particular on sexual harassment, and the remedies available for women to claim their rights;**

**(f) Introduce positive action measures to promote the inclusion of women from disadvantaged groups in the labour market.**

### **Economic empowerment and social benefits**

41. The Committee notes the high percentage of women who are self-employed or employed in the informal sector, without labour and social protection, and that women have only limited access to loans, other forms of financial credit, land, equipment and machinery related to their businesses. It further notes that 97.2 per cent of the Single Parent Allowances are granted to women.

**42. The Committee recommends that the State party develop and implement policies and programmes for the economic empowerment of women and to this end:**

**(a) Establish the legal and operational framework to increase women's participation in entrepreneurship and assist women in finding a suitable market**

for their products domestically, in protecting their intellectual property and in navigating the export procedure for their products;

(b) Provide adequate support for women's entrepreneurship by facilitating their access to income-generating opportunities and financial credit, including low-interest loans without collateral, land, equipment and machinery;

(c) Ensure the dissemination of information on the available loan schemes and income support, especially on allocated quotas, and proper guidance on and assistance with applying for loans and income support, especially for women in the outer islands;

(d) Ensure access for women who are self-employed or employed in the informal sector to childcare allowances and affordable and quality care services for children and sick and elderly family members, in order to reduce the unpaid care work performed by women and develop social protection schemes for these women, such as a pension.

43. The Committee further notes that the State party instituted sweeping tax reforms inclusive of a goods and services tax following the 2008–2009 financial crisis but is concerned that no gender impact analysis of these reforms has yet been conducted.

44. **The Committee recommends that the State party carry out a gender impact analysis of the tax reforms and develop and implement policies and programmes based on the findings of the study that promote and safeguard the human rights of women and take into account the impact of these tax reforms on women, especially single-women-headed households and women living in poverty.**

### **Health**

45. The Committee notes with concern that, according to the 2016–2017 Maldives Demographic and Health Survey, 72 per cent of women reported having at least one problem in accessing health care, with 52 per cent citing difficulties in getting an appointment and 31 per cent referring to the distance to health-care facilities, and that emergency obstetrics services are only available at secondary hospitals and their limited availability prompts patients to incur costs travelling to the capital city. In particular, the Committee is further concerned about the restricted access, in practice, to sexual and reproductive health services for unmarried women and girls, despite the National Family Planning Guidelines providing for the right to receive services irrespective of marital status, and the absence of information on the prevalence of unsafe and illegal abortions. The Committee is further concerned about the relatively high rate of caesarean births due to limited access to obstetrics services.

46. **The Committee recommends that the State party:**

(a) **Increase women's and girl's access to health-care services, in particular sexual and reproductive health services, including emergency obstetrics services, on all atolls and islands of the State party, in particular for women living on outer islands;**

(b) **Ensure the accountability of health-care personnel for discrimination against women and girls seeking access to sexual and reproductive health services;**

(c) **Ensure age-appropriate education on sexual and reproductive health and rights, including information about available contraceptive methods and family planning;**

(d) **Collect data and conduct research on the prevalence of unsafe and illegal abortions in the State party, disaggregated by age and geographical**

**location, amend legislation in order to decriminalize abortion in all cases, and ensure access to safe abortion services and post-abortion care;**

(e) **Provide effective access for women to obstetrics services, including emergency obstetrics services, thus avoiding the need for women to resort to caesarean births if they so wish;**

(f) **Ensure that women with disabilities have access to health care by ensuring the accessibility of sexual and reproductive health services, including by providing accessible mammography machines and hydraulic gynaecological examination beds.**

#### **Climate change and disaster risk reduction**

47. In the light of the State party's vulnerability to climate change and the challenges that it faces in disaster risk reduction, the Committee notes with concern the limited participation of women in decision-making and policymaking regarding disaster management, post-disaster reconstruction and recovery programmes, as well as insufficient consultation to ensure that the views and concerns of women, in particular rural women, are adequately taken into account. It is concerned that rural women are disproportionately affected by disasters and that the response to the latter focuses entirely on mitigation activities as opposed to prevention.

48. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure that women are represented and participate in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. It also recommends that the State party integrate a gender perspective into such plans and policies and ensure that women, in particular rural women, are consulted as part of their development. It further recommends that the State party take measures to address the impact of climate change specifically on women's access to resources and livelihoods, so as to ensure that they are not disproportionately affected.**

#### **Rural women**

49. The Committee notes as positive developments the increased representation of women in local councils as well as the legal recognition of Women's Development Committees, the definition of their responsibilities and powers and the allocation of a specific budget to them. It welcomes the statement made by the delegation during the dialogue indicating that 5 per cent of each island council's budget will be allocated for the Women's Development Committees, which will take effect from January 2022. It regrets, however, the lack of inclusion of rural women in decision-making at all stages of natural resource management, which reduces their business and employment opportunities and disrupts their livelihoods. It is concerned that rural women are also disproportionately affected by disasters, and that disaster response focuses entirely on mitigation activities as opposed to prevention.

50. **In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Promote the effective participation of rural women in planning and decision-making on natural resource management;**

(b) **Ensure that long-term land lease projects do not undermine the rights of rural women and their livelihoods, and guarantee that such projects are**

permitted only after consultations and decision-making processes involving rural women;

(c) **Establish targeted policies and programmes for rural women, ensure access for rural women to technical support and training in agricultural innovation and new technologies and the “blue economy” development, in addition to small and micro-sized projects, and facilitate access for rural women to financial credit and loans.**

#### **Disadvantaged groups of women**

51. The Committee expresses its concern at the lack of policies in the State Party to combat the discrimination faced by disadvantaged groups of women due to the intersection with other factors leading to social exclusion, such as ethnicity, religion, nationality, disability, migrant status or membership in the lesbian, bisexual, transgender and intersex community.

52. **The Committee recommends that the State Party:**

(a) **Adopt all necessary measures, including temporary special measures, to combat the intersectional discrimination that disadvantaged groups of women encounter, such as migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, and women professing religions other than Islam, in relation to all aspects covered by the Convention;**

(b) **Modify its legislation and policies in order to eliminate the forced sterilization of persons in the State Party and ensure the full and informed consent of all persons to all medical procedures;**

(c) **Decriminalize consensual relations between women.**

#### **Marriage and family relations**

53. The Committee welcomes the launch of the family law reform initiative in 2020. However, it notes with concern that consensual sexual relations outside marriage are still punished with flogging and, in some instances, the death penalty – a situation that disproportionately affects women and girls and deters them from reporting sexual offences. The Committee also regrets the high number of unregistered marriages in rural and remote areas, including child marriages, and their negative impact on the rights of women. Furthermore, the Committee is concerned that polygamy remains permitted for men in certain circumstances under the Family Act (Act No. 4/2000). The Committee notes with concern unequal provisions for divorce in the family law to the effect that a man is not required to provide justification for divorce, while a woman must base her application on the grounds specified in law and must bear the burden of proof to avoid potentially lengthy reconciliation proceedings. While the Committee takes note of the 2016 amendment to article 32 of the Family Act, which provides for the distribution of matrimonial assets in cases where a prenuptial agreement exists, it is concerned that prenuptial agreements are not widely known, practised, or encouraged and that the 2016 amendment is therefore inapplicable to the vast majority of registered marriages.

54. **Recalling its previous concluding observations ([CEDAW/C/MDV/CO/4-5](#), para. 45), the Committee recommends that the State party:**

(a) **As a matter of urgency, decriminalize, and abolish the imposition of flogging or the death penalty for, consensual sexual relations outside marriage;**

(b) **Amend legislation to ensure that survivors of sexual violence are not prosecuted for sexual relations outside marriage if they press charges that later cannot be proved;**

(c) **Develop a centralized civil register and enforce the mandatory registration of all marriages, including through sanctions;**

(d) **Prohibit polygamy and raise awareness about its harmful effects on women, in line with the Committee's general recommendation No. 21 (1994) and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women / joint general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices. Ensure the protection of the economic rights of women in existing polygamous marriages;**

(e) **Adopt legislation to ensure that men and women have equal rights in divorce, including equal grounds and procedures for obtaining a divorce, as well as equal distribution of marital property upon divorce, including land, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.**

#### **Data collection and analysis**

55. The Committee welcomes the statement of the delegation during the dialogue indicating that the National Strategy for the Development of Statistics for the period 2020–2030 has been designed. The Committee is concerned, however, at the lack of sex-disaggregated data in a number of areas covered by the Convention, as such data are necessary for targeted policymaking. It is also concerned about the absence of indicators and clear time frames in the existing plans of action and their lack of monitoring.

56. **The Committee calls upon the State party to give priority to the National Strategy for the Development of Statistics and to the systematic collection of comprehensive sex-disaggregated data and measurable indicators to assess trends in the situation of women and the progress made in achieving substantive equality, and draws the State party's attention to the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women.**

#### **Beijing Declaration and Platform for Action**

57. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.**

#### **Dissemination**

58. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the de facto official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the People's Majlis and the judiciary, to enable their full implementation.**

#### **Technical assistance**

59. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

**Ratification of other treaties**

60. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

**Follow-up to the concluding observations**

61. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 28 (a), (b) and (i) and 54 (e) above.

**Preparation of the next report**

62. The Committee invites the State party to submit its seventh periodic report, which is due in November 2025. The report should be submitted on time and cover the entire period up to the time of its submission.

63. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).