



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

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### Committee on the Elimination of Discrimination against Women

#### List of issues and questions in relation to the combined fourth and fifth periodic reports of Maldives\*

##### Reservation

1. Please provide information on measures taken to review the reservation to article 16 of the Convention, concerning the equality of women and men in all matters relating to marriage and family relations, with a view to withdrawing it (CEDAW/C/MDV/4-5, paras. 29-30).<sup>1</sup>

##### Constitutional and legislative framework

2. The State party indicates that, although article 17 of the Constitution affirms principles of gender equality and non-discrimination, it does not explicitly define direct and indirect discrimination on the basis of sex in accordance with article 1 of the Convention (para. 31). Please provide information on measures taken to ensure that the definition of discrimination incorporates direct and indirect forms of sex-based discrimination in line with article 1 of the Convention. Please also provide an update on specific steps taken to fulfil the commitment to undertake a gender review of key legislation in order to remove discriminatory elements therefrom (para. 35). Please provide examples of cases, if any, in which the national courts have used the Convention in interpreting the law in the State party. What measures have been taken to provide training to judges and lawyers on gender equality and to disseminate the Convention to the general public?

3. Please provide information on the measures taken to adopt national action plans on the implementation of recently adopted items of legislation such as the Anti-Human Trafficking Act, the Sexual Offences Act, the Sexual Harassment Act and the Domestic Violence Act. What measures have been taken to adopt pending items of legislation such as the bills on gender equality and political parties (paras. 35 and 39)?

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\* Adopted by the pre-sessional working group for the sixtieth session, meeting from 21 to 25 July 2014.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party.



**National machinery for the advancement of women**

4. It is stated that the national machinery for the advancement of women has been shifting in status and continues to be redefined, such that in 2008 it was under the Ministry of Gender and Family, but has since changed at least three times (para. 105). It is also stated that the national machinery faces limited financial and human resources. Please provide information on the body that currently acts as the national machinery, including its status, mandate, activities and budgetary and human resources. Please also state whether new ministerial gender focal points have been appointed and how they coordinate with the national machinery (para. 106).

**Temporary special measures**

5. It is stated that the introduction of temporary special measures in the form of quotas for women in political parties was proposed for local council elections in 2011 but was rejected by the parliament (paras. 38 and 107). It is also indicated that the State party would review and enhance proposals for temporary special measures for political participation and ensure the introduction in the bill on political parties of a requirement to have a percentage of women candidates in national listings (para. 39). Please provide information on the measures taken to introduce temporary special measures with a view to accelerating de facto equality of women and men. Please indicate whether the bill on political parties specifically provides for temporary special measures. Please provide information on temporary special measures introduced in other areas, such as education and employment, and their impact in achieving de facto equality.

**Stereotypes and harmful practices**

6. The Committee, in its previous concluding observations ([CEDAW/C/MDV/CO/3](#), para. 17), expressed concern about the subordinate and subservient roles that women and girls continued to play within the family and the deep-rooted, traditional stereotypical attitudes that persisted in the State party. Please state whether there is any comprehensive strategy or initiative aimed at eliminating prejudices and customary and other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on the stereotyped roles of women and men.

**Violence against women**

7. The Committee, in its previous concluding observations (*ibid.*, para. 19), expressed concern about the prevalence of violence against women, including domestic violence, and the inadequate support services for women who were victims of domestic violence. It is stated that, in 2006, the Ministry of Gender and Family conducted national quantitative research and found, among other things, that violence against women was prevalent and experienced by 1 in 3 women between 15 and 49 years of age and that most of the perpetrators were male intimate partners (para. 45). Please provide information on the specific measures taken to curb violence against women in the light of those findings. Please provide disaggregated data on physical, economic, psychological and sexual violence experienced and reported by women in the State party. Please also provide information on the measures taken to prohibit marital rape. Please explain the impact of the failure to classify rape as a separate offence in the Penal Code on proving the offence in the courts and its relationship with the low conviction rate for rape (para. 213). Please

state the measures being taken to prohibit flogging as a form of punishment in cases in which an unmarried couple is found to be cohabiting, a practice that mainly targets women accused of adultery (para. 208).

8. Please provide information on the successes and challenges encountered in the implementation of the Domestic Violence Act (2012). Specifically, please provide information on the number of prosecutions, convictions, sanctions imposed, shelters available for women who are victims of violence and the nature of their funding, and protection orders issued. Please provide follow-up data on the percentage of protection orders violated, the percentage of protection orders leading to prosecution and the outcomes of the prosecutions. Please also provide information on the measures being taken to implement the Sexual Harassment Act and the Sexual Offences Act, which were recently adopted by the State party. Please provide information on the extent to which the Sexual Harassment Act complies with the Convention and the Committee's general recommendation No. 19 on violence against women. Please provide information on the measures being taken to address the sexual abuse experienced by female migrant domestic workers perpetrated by their host families (para. 114).

#### **Trafficking in women and exploitation of prostitution**

9. It is stated that, given that there has been no official assessment of the situation of trafficking in persons in the State party, the laws and services are lacking in their response to cases of trafficking (para. 51). It is indicated that the State party is primarily a destination country for migrant workers from Bangladesh and India who are trafficked into labour and that women are trafficked for purposes of commercial sexual exploitation (para. 52). Please provide information on the measures taken to address the problem of trafficking in women following the adoption of the Anti-Human Trafficking Act in 2013. Specifically, please provide information on the number of prosecutions, convictions, sanctions imposed and shelters available for women who are victims of trafficking and the nature of their funding, in addition to the assistance provided to foreign women who are victims of trafficking and follow-up mechanisms for trafficked women.

10. Please provide information on the institutional mechanisms in place to coordinate efforts to combat trafficking in persons, in particular women and girls. Please respond to allegations that women who are victims of trafficking are accommodated in the same shelters as women who are victims of violence, including domestic violence. The Committee, in its previous concluding observations ([CEDAW/C/MDV/CO/3](#), para. 21), expressed concern about the possibility that women and girls who had been exploited in prostitution could be revictimized by the authorities owing to the criminalization of extramarital relations. Please provide detailed information on the specific measures taken to address that problem. It is stated that a person who is legally married to a minor under Islamic sharia is absolved from crimes under the Child Sex Abuse Act (2009), including child prostitution (para. 115). Please provide disaggregated data on the number of girls who fall under those circumstances in the State party.

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

11. The data provided indicate that women remain underrepresented in decision-making positions, especially in legislative bodies, the judiciary and at the international level (paras. 59, 61, 120 and 122). Please provide information on the

specific measures being taken to increase the representation of women in all decision-making bodies and legislative bodies, especially in the judiciary and at the senior management level (para. 160; [CEDAW/C/MDV/CO/3](#), paras. 23 and 25).

### **Nationality**

12. It is stated that a non-Muslim may not become a citizen of Maldives and that, when Maldivians marry foreigners, the foreign spouse acquires a dependant's visa and the children born out of that union become citizens (para. 134). Furthermore, it is stated that, while children born out of wedlock to Maldivian mothers will acquire Maldivian nationality, the same is not true for children born out of wedlock to Maldivian fathers (para. 135). Please provide information on the number of non-Muslim (foreign and non-foreign) women living in the State party. To what extent are such women able to enjoy rights equal to those of Muslim women in the State party? Please provide information on measures being taken to ensure that Maldivian citizens married to foreigners can transfer their citizenship to their foreign spouses irrespective of their religious ideologies. Please provide data on the number of children born out of wedlock to Maldivian fathers who are stateless in the State party.

### **Education**

13. It is stated that enrolment in courses tends to follow stereotypical choices, in that nursing and education are taken up mostly by women while men opt for engineering (para. 65). It is also stated that, for technical and vocational training programmes, women mostly take up stereotypical courses (para. 66). Please provide information on specific measures taken to address the concentration of women in traditional subjects owing to stereotypical choices at enrolment and its effect on occupational segregation in employment. Please also provide information on the measures being taken, including temporary special measures, to address the acknowledged problem of limited educational choices in the State party (para. 144).

14. It is stated that the major challenge in the provision of high-quality education is the lack of capacity to train teachers for primary and secondary school, which is at such a level that more than 700 of the 6,800 teachers are untrained (para. 147). It is also indicated that there is a huge disparity in the gender ratio relating to representation in decision-making positions in schools at the levels of principal and deputy principal. Furthermore, it is indicated that the new school curriculum no longer contains topics on sexual and reproductive health and rights and that textbooks continue to have gender biases (para. 149). Please provide information on the measures taken to promote training of teachers and to ensure that women are adequately represented at the decision-making level in the education sector. What measures are being taken to remove gender biases and stereotypes from textbooks and to ensure that age-appropriate education on sexual and reproductive health and rights is integrated into the curriculum and provided in all schools? Please provide data on the impact of early/child marriage on the right of girls to education. What mechanisms are in place to ensure that girls re-enter school when they drop out to marry or for other reasons?

### **Employment**

15. It is indicated that women earn less than men and that they are underrepresented in the tourism industry, which accounts for 30 per cent of the State

party's gross domestic product (paras. 162-163). Please provide information on the full range of measures being taken to close the gender pay gap and to address the occupational segregation between women and men in employment. Please also provide information on any measures being taken to increase the employment of women in all sectors, including tourism. Please respond to reports that female migrant workers are subjected to exploitation ranging from confiscation of identification documents to non-payment of wages. Please provide information on measures taken to address those allegations, including regulating the activities of recruitment agencies and prosecuting unscrupulous recruiters.

16. Please respond to reports that most women are unemployed and, therefore, not economically active because they are preoccupied by household chores. Please provide information on the gender impact of the multi-shift school system that requires parents, mostly mothers, to undertake several visits to schools during the week. Please provide information on the number of childcare facilities available in the State party and the extent to which the State party uses flexible working arrangements to ensure shared parental responsibility between women and men (paras. 70 and 73).

### **Health**

17. According to information before the Committee, unsafe and clandestine abortions are widespread in the State party and stem from the prevalence of teenage pregnancies. Reports also indicate that access to contraceptives on some atolls is limited to married couples. Please provide information on the prevalence of abortion and the legal measures being taken to ensure that it is permissible on certain grounds. Please also provide information on measures being taken to ensure that teenage girls and unmarried women have access to contraceptives.

18. Please provide information on reports of an outbreak of HIV in the State party that has been attributed to the fact that the current health system lacks prevention programmes and specialized care for groups at risk, such as women engaged in prostitution. To this end, please explain the existing programmes and services aimed at preventing HIV transmission among women engaged in prostitution and female intravenous drug users.

### **Rural women**

19. Please provide information on the measures being taken to improve the representation of women in atoll and island governance (paras. 199 and 202). What measures have been put in place to enhance the participation of rural women in developing policies and legislation in areas that affect them, including measures to mitigate and adapt to the adverse impacts of climate change (para. 202)?

### **Marriage and family relations**

20. It is stated that, while Maldivian women are not allowed to marry non-Muslim men, if a Maldivian man intends to marry a non-Muslim woman, that marriage may be solemnized only if that non-Muslim woman is permitted by Islamic sharia to marry a Muslim man (para. 205). Please provide information on whether the law equally provides for exceptions for Maldivian women to marry non-Muslim men. Please state the measures being taken to address the practice that allows husbands to divorce their wives and not vice versa (para. 212). It is indicated that, in cases of

inheritance, male heirs are granted twice the share of female heirs owing to the perception that male heirs bear more financial responsibilities in the family than women. What measures are being taken to ensure equality in the distribution of inheritance between women and men and to repeal the rule that the testimony of women is not equal to that of men in inheritance cases? Please provide disaggregated data on the number of girls under the age of 18 years who are married in the State party and indicate how their rights to education and health are guaranteed. Please provide information on the measures being taken to prohibit polygamy.

**Amendment to article 20 (1) of the Convention**

21. Please indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

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