

Introductory Statement

by

Hon. Ms. Aishath Mohamed Didi

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Honourable Chairperson, distinguished members of the Committee, Assalaam Alaikum.

Let me first of all thank the esteemed Committee for giving me the opportunity to give a brief update of the progress the Government of Maldives has made in its work towards realizing the rights of women as envisaged in the Convention on the Elimination of All forms of Discrimination Against Women. In this respect I would also like to thank the esteemed Committee for their invaluable guidance provided in the Concluding Observations to the Initial Report of the Maldives. It is indeed my pleasure to engage in a constructive discussion with the Committee, as I perceive the Committee as a steadfast source of support and guidance. I would also like to express the fact that I am eager to learn from the comments of the Committee, and utilise the same to further strengthen gender equality in my country.

Similarly I would like to acknowledge the recommendations made by the Maldives NGO Shadow Report on CEDAW, and appreciate the constructive spirit of the report. We view it as a source of motivation to accelerate State obligations under CEDAW.

Madame Chairperson,

Allow me introduce my delegation;

- 1) His Excellency Dr. Mohamed Latheef, Permanent Representative, Permanent Mission of the Republic of Maldives to the United Nations.
- 2) Ms. Maana Rafiu, Director General, Ministry of Gender and Family

- 3) Ms. Mazeena Jameel, Director, Child and Family Protection Authority, Ministry of Gender and Family.
- 4) Mr. Mohamed Anil, Director, Attorney General's Office.
- 5) Ms. Aisha Shujune Muhammad, Deputy Director Legal Affairs, Ministry of Justice.
- 6) Ms. Aminath Shabeena, Third Secretary, Permanent Mission of the Republic of Maldives to the United Nations.

First of all, I would like to proudly note that, the Maldives today is going through a period of major political reform and democratic transition targeted to strengthen democratic governance and human rights protection.

In this regard the President of Maldives launched his Reform Agenda in November 2003, and in March 2006 announced his Roadmap for the Reform Agenda. The Roadmap is aimed at ushering in a modern democracy to the country. This has given a new dimension and a new drive to pursue the advancement of the rights and role of women in the country.

Maldives has made remarkable and speedy progress in achieving gender equality since the submission of the Initial Report. However, it is with much regret that I recognise that the Second Periodic Report had to be combined with the Third Periodic Report for submission. I give my assurance that Maldives is committed to institutionalize the mechanisms needed for continued monitoring of CEDAW, which would also facilitate timely submission of reports.

Pursuant to the Committee's Concluding Observations for the Initial Report, the National Gender Policy has been endorsed by the Cabinet, and has been published. The Maldives has also acceded to the Optional Protocol to CEDAW in March 2006, and a regional meeting on the CEDAW Optional Protocol was held in November 2006 in Male', the capital of Maldives, which also contributed to greater awareness of the Protocol. Further information regarding the Optional Protocol was distributed nation wide through the media.

It is my pleasure to inform you that the Government is considering withdrawing the reservations made to Articles 7 (a) and 16, and formal discussions towards the same are happening as I speak here. Further, as stated in the State Report, the Government has already sent a proposal to remove the constitutional provision that bars women from the highest political office. The President has proposed to the Constitutional Assembly, to remove the gender bar from Article 34 of the Constitution, which has yet to be adopted by the said Assembly.

With regard to the reservation made to Article 16 of CEDAW, I give you assurances that the Government of Maldives is committed to withdrawing the reservation, and that the process to initiate the necessary amendments to the Family Law will commence shortly. While it is our intention to capture the spirit of the Article in amending the law, I must note that in the present socio-cultural and political setting in the Maldives, and the prevailing interpretation of Shariah on matters relating to polygamy may impede efforts in this regard. It should nevertheless be noted that more stringent conditions have been put in place to restrict the practice of polygamy. For example, the court inquires from the spouse on the man's earnings, with regards to his capacity for maintenance and support before approving a subsequent marriage.

Law on the Protection of the Rights of the Child declares the age of majority as 18, and the Family Law stipulates the minimum age of marriage as 18. The Family Law also states that a child over the age of 16 may enter into marriage on exceptional circumstances. This is based on the interpretation of Shariah Law, which allows children to enter into matrimonial contracts upon puberty. To minimize the possibility of exploiting this weakness in the law, new Family Law Regulations limit jurisdiction of courts to solemnize such marriages, and requires the court to seek the advice of the Child and Family Protection Authority of the Ministry of Gender and Family on the matter. The regulation authorises marriages of children between 16 and 18 only if the assessments reveal a compelling situation that can be remedied by the marriage. Therefore, the Child and Family Protection Authority has formulated a stringent procedure which necessitates a rigorous assessment of submissions on a case by case basis. It is understood that the new regulations, subject the parties to numerous difficulties, and has implications on issues of accessibility.

The Child and Family Protection Authority assessment of persons wishing to enter a matrimonial contract before either one or both parties attain the age of 18 attempts to determine the best interest of the child or children in question. The decision of the Authority is subject to approval of the National Council on the Protection of the Rights of the Child, which consist of 17 senior officials of relevant government agencies. Since the enforcement of the regulation in February 2006, 32 cases have been referred by the Family Court for assessment and the Council has approved 5 cases, all of which were of children above 17 years in exceptionally challenging situations. Debates around the concept of “puberty”, “consent of children” and “appropriate age of marriage in Shariah Law” makes the issue hard to fully resolve.

The National Gender Policy has given impetus to government agencies to uphold gender equality. The Policy also facilitates gender mainstreaming, and an increasing number of government departments are incorporating provisions for gender equality into their respective policies. For instance, the National Media Policy and the National Disability Policy specifically include gender sensitive and gender equality provisions.

Madame Chairperson,

Additional measures have been taken in various areas to eliminate discrimination against women. As the current constitution is being amended, a proposal has been sent to the Constitutional Assembly to include a provision on non-discrimination on the basis of sex. As this proposal was unanimously passed by the Constitutional Assembly, it is hoped that the adoption of the new constitution would augment greater gender equality across the society and particularly within the Government.

Particular attention has being given to further democratisation of the nation under the President’s Reform Agenda and it is recognised that democratisation entails full realization of gender equality. The Human Rights Commission Act places particular emphasis on the rights of women and provides mechanisms of seeking redress in the incidences of violations of rights. The legal autonomy of the Human Rights Commission provides more advantages to women who, otherwise, may be subjected to lengthy

bureaucratic procedures, influences or unfavourable practices in a still largely male-dominated law enforcement system.

All the recent legislations submitted to the Parliament, the People's Majlis, provide for non-discrimination on the grounds of sex, and attempts to remove existing legal and social barriers to achieving equality. For example, the Labour Bill and the Civil Service Bill lay down provisions for equal pay for equal work, equal rights and privileges for men and women, paid parental leave, prevention of occupational hazards including the creation of conducive working environments for pregnant women, and the formation of a Labour Tribunal to look into grievances and violations of labour rights. Furthermore, the Police Bill, which was recently debated in the Parliament provides for a specified legal mandate for the police to protect and respect the rights of women, especially during search, arrest and detention. The draft Evidence Bill also strives to take the most liberal stance available in Islamic Shariah, and the Bill expounds on strengthening the admissibility and usage of forensic and scientific evidence. Additionally, the Criminal Justice Action Plan also upholds the non-discrimination principle and encompasses women's rights.

The recent amendments to the Passport Regulation provide that either parent apply and obtain passports for their children. This is in comparison to the earlier situation in which mothers wishing to apply for their children's passports were required to obtain written consent of fathers before application for the same. However, there is a concern that this amendment does not consider which parent holds the custody of the child.

With major legislative reforms taking place, and yet to come, I am hopeful that we are not far from achieving gender equality in these major areas of life. However, constitutional debates reveal that a majority of parliamentarians are gender biased or gender blind, and thus require increased gender sensitisation. There is also an increased need for civic education for the general public, as much of the existing mechanisms are not being utilised by the public and by women in particular.

Madam Chairperson,

The Government of Maldives has made several attempts to further and accelerate the development of women. Some of those attempts have been successful, while others did not yield the expected results. In this regard, a Gender Management System (GMS) was initiated after the last reporting period. And although it has not been as effective as envisaged, the GMS facilitated mainstreaming gender issues to some extent. For instance, the Cabinet the Gender Equality Council (GEC) were sensitised, and gender focal points in each government ministry and in NGOs were identified and mobilised. While these focal points were not able to make a significant impact in their areas of work, they are sensitised individuals who continue to extend their cooperation, and are instrumental in working towards gender quality.

The Gender Equality Council mentioned in the State Report was formed under the GMS initiative, to acquire and demonstrate the level of political commitment. However, the high profile of its members is the main reason behind why it has ceased functioning. I should mention that I am in complete agreement with the opinion expressed in the Shadow NGO Report on the performance of the Gender Equality Council. The Ministry of Gender and Family has hence, proposed to change the Council's composition and mandate for it to function more effectively, as the spirit with which the GEC was formed remains.

A National Plan of Action on Gender was formulated for implementation from the period 2001 to 2006, based on the Concluding Observations of the CEDAW Committee following the Initial Report, and Beijing Platform of Action.. However, institutional weaknesses and lack of an effective monitoring mechanism system, accounted for the slow implementation of the Action Plan. Similarly, the 6th National Development Plan (6th NDP) that was being used during the time was not developed with developmental indicators in the area of advancement of women, so there is no means of measuring progress and achievements. This was highlighted in the 6th NDP review and thus the 7th NDP is being developed based on these recommendations which now have indicators and time bound activities listed. The 7th NDP was formulated with the aim of addressing the constraints that were faced during the implementation of the 6th NDP. The Ministry of Gender and Family will review the Action Plan this year to make it a more effective

tool of monitoring and implementation. Further, I believe that it is worthy to note that the development of the 7th NDP emphasised on human-rights based planning.

Madam Chairperson,

Special measures were attempted in the last five years in particular, to accelerate gender equality. It is with great sadness that I must state that efforts in the form of affirmative action to bring women into Parliament through the constitutional reform process has been rejected on grounds that such actions result in discrimination against men.

However, it is worthwhile to note that the advocacy workshops conducted on the participation of women in politics throughout the country during the period is generally seen as a break-through attempt to increase women's participation in politics. On a more positive note, I would like to mention that more women contested in the last parliamentary elections, perhaps a direct or indirect result of the increased gender sensitisation conducted through out the years.

As we all know, the role and status of women and the position of women in societies are to a large extent created and reinforced by gendered prejudices and stereotypes. A lot of challenges that we face in removing the shackles that confine women to domestic spheres and bringing them into a world of choices results from this. Unfortunately, as we all are aware, behaviour change takes time, and change is thus slow.

As mentioned in the State Report and the Responses to the List of Issues and Questions, sensitisation and advocacy work on gender equality has been carried out to a great extent since 2001. Posters, bulletins, leaflets on educational and vocational trainings opportunities, leadership training for women, television and radio spots, dramas etc. have been utilised to increase awareness. It is true that there is no significant increase in the number of women in fields traditionally considered to be male areas of work. However, the number of females has increased in most areas although it is still minimal. For example, two new women have been appointed into diplomatic missions, number of female lawyers during the last two years has significantly increased and women have been sent to be trained as judges. More females are assuming careers in journalism and to

speed up the advancement of women in media, the media policy has special provisions urging for the inclusion of women in executive positions in media organisations.

One of the ways by which gender stereotypes and prejudices have been proven to change is to demonstrate the abilities of women in non stereotypical fields. One of the ways in which this can be achieved is through affirmative action to provide tertiary education and technical training to women in targeted areas. Career guidance initiatives also need to focus on girls and women to educate them to make informed choices.

Empowerment of women in employment and the provision of employment opportunities and choices are strongly linked to educational opportunities created for women. Nevertheless, women without modern educational qualifications have contributed tremendously in the economic sectors. This is revealed through the “Engendering of Census 2005” initiative to ascertain women’s work and their economic contribution. Under the initiative, advocacy materials regarding income generating activities of women were disseminated before the census, to increase public awareness on the issue and reporting of women’s work.

The Ministry of Higher Education, Employment and Social Security implements an Asian Development Bank funded project which is aimed at increasing national employment rates by providing training opportunities. The project reserves 40% of the training for females. The Ministry of Gender and Family also encourages the Higher Education ministry to allocate the trainings for non-stereotypical areas of work.

While comprehensive mechanisms for redress have been proposed through upcoming legislations, such as the Labour Bill and the Civil Service Bill, equal opportunities are being created through available mechanisms such as the courts, the Human Rights Commission and the Public Complaints Bureau. However, it is recognised that increased efforts should be made to educate and enable women to assert their rights.

To enable women’s equal representation in high levels of governance, a recommendation has been sent to the President regarding keeping a gender balance in presidential appointees to public commissions and public company board of directors. I have

received a positive response that the recommendation is being considered and I am hopeful that the outcome will enable a more equal representation.

Gender stereotyping and prejudices very much influences women's role in political and public life. The strong commitment of the Government to bring women into the political life is evident in its efforts to remove the existing bars to allow women to contest for the highest political office. As mentioned earlier, the President has proposed to the Constitutional Assembly to remove the gender bar from Article 34 of the Constitution, although the matter is yet to be adopted by the Constitutional Assembly. However it is with deep regret that I note that the proposal to secure a quota for women in the legislature failed in the Constitutional Assembly. However, I am not deterred, and my ministry plans to propose for the provision of a specified percentage of seats for women candidates in the Political Party's Bill that is currently being drafted. To facilitate this, the Ministry has planned a seminar for all political parties on women in politics, scheduled for March 2007. The Ministry also plans to increase advocacy programs on political participation of women, targeting political parties, women and the general public in preparation for the next elections.

Strategies proposed in the Roadmap on the Reform Agenda and the 7th National Development Plan aims to achieve the goals of good governance, which include strengthening local governance by decentralising government through establishing local councils and empowering local communities through transfer of responsibilities, capabilities and resources to the atoll and island level. Current traditions and practices present barriers for women wishing to stand as candidates for elections in these councils, especially as women usually have a poor financial standing in relation to men. In order to ensure that women are able to participate meaningfully in local governance and development, it has been proposed in the new local governance model to reserve a number of council seats for women, to allow all stakeholders, including women to share in decision making, and to provide opportunities for women to participate in leadership and managerial training and skills development programs.

I am also proud to state that NGO's who are actively taking up issues relating to women's rights have sprung up during the last two years. For example, the NGO Shadow Report

to this Committee was submitted by one of those NGOs. Their recommendations to the State will be considered seriously and I thank them for their diligence in scrutinizing the State, holding us accountable. I also thank their contribution to raising the conscience of the public, particularly of women.

Madame Chairperson,

The Government acknowledges that concerted efforts have to be made to unravel the extent of exploitation of women and violence against women in the country, and that measures have to be and will be taken accordingly. The rapid assessment survey on drug misuse in the country strongly links drug misuse with prostitution although it also revealed other contributing factors. I, as the minister in charge of the Ministry of Gender and Family have publicly announced my stance on prostitution and the measures I am prepared to take to curb the exploitative and degrading practice. A study on exploitation of women and children into prostitution is planned for 2007 and based on the findings, strategies will be formulated to combat these issues.

The Ministry of Gender and Family conducted the Study on Women's Health and Life Experiences, which was based on the *WHO Multi-Country Study on Women's Health and Domestic Violence Against Women*. The initial findings of the study were released on the occasion of the International Day for the Elimination of Violence Against Women, 25th November, 2006. We also launched a 16- days of activism campaign on 25 November 2006, in which 27,000 hand prints were publicly displayed, symbolising the pledge to help stop violence against women. This also represented the number of women aged 15-49 in the Maldives who have experienced some form of violence in their life time.

Violence against women, especially domestic violence, has been an unspoken and undocumented issue in the Maldives. The campaign and the findings of the nationally representative survey provided a starting point to bring the issue into public discussion. The findings revealed the shocking facts that 1 in 5 women aged 15-49 who have ever been in a relationship, reported some form of physical or sexual violence by an intimate partner, and that 1 in 9 women aged 15-49 experienced severe physical violence by an intimate partner such as being punched, kicked, choked, burnt or having a weapon used

against her. Altogether, 1 in 3 women aged 15-49 years reported having some form of physical or sexual violence at least once during her lifetime. Compared to the other countries that had conducted the same WHO survey, the Maldives has relatively low levels of reported violence against women. However the rate of child sexual abuse in the Maldives is relatively high.

This study has also shown that more emphasis needs to be given to enhance the quality of life of women by increasing the quality of health and social services to women. Even though considerable progress has been made with regard to access to health services, reproductive health services still require more attention. Women still have limited control over choice of family planning methods and spacing of children, thereby predisposing them to unwanted pregnancies. The Ministry of Gender and Family has initiated consultations on legalising abortion for child victims of rape and sexual abuse. However, the ethical and moral issues surrounding the issue have delayed the decision.

The findings of the Study on Women's Health and Life Experiences have forced to change the denial and complacency of an unexpectedly large number of people. Violence against women is not a silent issue any more. The study has undeniably shown that violence against women is indeed a health issue, an educational issue, a legal issue, a social issue and a community issue. Therefore, the Government has formulated an Action Plan to implement the recommendations of the study. Some of the key actions include:

- Publishing the findings of the study,
- Arranging for data set to be located at the Ministry of Planning and National Development so that it can be used in national level statistics and policy development,
- Submitting a Bill on women's rights to the Parliament,
- Review and amend the Law on the Protection of the Rights of the Child to harmonise it with UNCRC,
- Review and amend the Family Law,
- Amend the Evidence Act,
- Developing protocols on reporting and dealing with domestic violence,

- Conducting gender sensitisation trainings for the judiciary and the law enforcement officials,
- Establishment of safe houses for victims of violence,
- Institutionalising family protection services in all hospitals in the country,
- Establishing legal aid and psycho-social support services for victims of domestic violence,
- Strengthening civil society participation in combating violence against women and children, and
- Providing civic education.

Madam Chairperson,

It has been a pleasure to share the situation of women in the Maldives. This Committee makes Governments accountable to the women of their country. I recognise that there is more to do, and I seek the learned opinion of the Committee, and support of every body concerned. While I hope that my remarks have given the Committee more insight, my delegation and I are ready to engage in a constructive discussion with the Committee, and will be glad to take home suggestions and recommendations.

Thank you, Madam Chairperson.

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