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## Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
FPA	Family Protection Authority
GII	Gender Inequality Index
HDR	Human Development Report
HRCM	Human Rights Commission of Maldives
IFJ	International Federation of Journalists
IPPF	International Planned Parenthood Federation
IWDC	Island Women’s Development Committee
MBC	Maldives Broadcasting Commission
MDG	Millennium Development Goals
MDHS	Maldives Demographic and Health Survey
MPS	Maldives Police Service
MMA	Maldives Monetary Authority
MMC	Maldives Media Council
MNDF	Maldives National Defence Force
OHCHR	Office of the High Commissioner for Human Rights

**Key words :**

**women's rights, women's representation in public life, participation, empowerment, media, sexual and reproductive rights, violence against women, unsafe abortion, quotas for women, CEDAW**

## Executive Summary

The 2014 Maldives Human Development Report stated that the country has a Gender Inequality Index of 0.243, further observing that “structural and practical barriers limit the participation of Maldivian women in public life.”<sup>1</sup>

Therefore, to strengthen the legal framework for women's rights, several developments are necessary. These include the removal of the blanket reservation on Article 16 of CEDAW, the effective implementation of the existing Domestic Violence Prevention Act and the ratification of the draft Gender Equality Law.

The situation of women's representation in public office is particularly weak in the Maldives, with 5.8% representation of women in the legislature, 4.8% in the judiciary and 5.4% in local government. The empowerment of IWDCs through the decentralisation process remains unrealised. Women's representation in the civil service is high although not among the senior and higher paid positions. Serious gender disparity exists in the uniformed services with no women in the most senior ranks. Nevertheless, a few examples show the potential for positive outcomes when women are well represented in key leadership positions.

Women's participation in the media is significant although largely absent in leadership positions. Challenges to media freedoms have seen the country fall 51 places in the Press Freedom Index. Media personnel regardless of gender currently operate in an environment marred by fear. The disappearance of a journalist on 8 August 2014 has seen the situation deteriorate to a hitherto unprecedented level. The stereotyping of women in the media is highly problematic, with victim-blaming a worrying trend.

The prevailing situation on access to sexual and reproductive health information, education and services is inadequate for the requirements of a growing youth population leading young women and girls vulnerable to unintended pregnancy in a punitive legislative environment that severely discriminates against women. Socio-cultural factors, religious beliefs, attitudes and practices hinder progress in achieving sexual and reproductive health and rights for women.



### 1 *Legal Framework for Women's Rights*

- a. The Maldives continues to retain a blanket reservation on Article 16 of CEDAW. This is despite having accepted the recommendation to lift the reservation during the first UPR cycle in 2011. The situation remains unchanged to date, with no clear information available on progress.
- b. The ratification of the Domestic Violence Prevention Act in 2012 criminalising domestic violence was a historic development for women's rights.<sup>2</sup> The progress on establishing the implementation mechanism of the law has been slow due to inadequate budgetary and resource allocation. There is a need to clarify the scope of the mechanism in the prevailing context. For instance, between the ratification of the law in 2012 to date, the parent ministry for the legislation has undergone restructuring three times over less than three years. The most recent restructuring occurred in July 2014.<sup>3</sup> While recommendations to expedite the implementation of the domestic violence law were accepted by the State during the previous review, there is no substantial progress.
- c. An important development is the drafting of a Gender Equality Law. The bill seeks to increase compliance of domestic legislation with CEDAW, supporting temporary special measures to increase women's equitable participation in all areas.<sup>4</sup> This is a positive development consistent with the recommendation during the previous review to strengthen legislation to promote gender equality. However, a gender equality policy is yet to be determined. Gender mainstreaming has been a policy strategy in the past, although its current status is unclear.

#### **Recommendations**

1. Remove the blanket reservation on Article 16 of CEDAW.
2. Allocate necessary budget and resources to meaningfully implement the Domestic Violence Prevention Act, to improve the de-facto situation of affected women and families.
3. Expedite the process to pass the Gender Equality Law and establish clear policies on gender equality with a focus on gender mainstreaming.

### 2 *Women's Representation in Public Life*

- a. Despite accepting recommendations to increase women's representation in public life, no significant improvement has occurred since 2010 in terms of women's representation in key public positions. This applies within senior decision-making posts in the Executive, the Legislature and the Judiciary. Currently, there are 2 women in the 17-member Cabinet.<sup>5</sup> Of the 85 members of the People's Majlis, only 5 are women.<sup>6</sup> Among the 185 sitting judges in the country, only 9 are women with no women represented in the 7 member Supreme Court and just one in the 8 member High Court.<sup>7</sup> Therefore, women's representation in the executive branch of government stands at 11.7%, the legislature at 5.8% and the judiciary at 4.8%, highlighting the serious gender gap that exists at this level.
- b. In the local council elections of 2011, a total of 1058 councillors were elected of whom only 58 were women, constituting women's representation at local governance level at 5.4%.<sup>8</sup> In the January 2014 local council elections, a total of 1094 councillors were elected among whom 60 were women, maintaining the status quo at 5.4%.<sup>9</sup> An

observation made in the HRCM rights report suggests that women's support for their right to political participation had risen since 2005, while men's support had dropped from 73% in 2005 to below 58% in 2011. This is a strong influencing factor which explains the above gender disparity.<sup>10</sup>

- c.** The establishment of IWDCs under the Decentralisation Act 2010 remains a difficult process. Although the first IWDC elections took place in November 2012, information from stakeholders suggests that little progress has been made due to administrative flux and lack of budget and resources.<sup>11</sup> In March 2014, the government sought to abolish the IWDCs and replace them with Advisory Committees, although the proposed amendment to the law was later withdrawn.<sup>12</sup> The gridlocked situation of the IWDCs can be construed as indicative of the low political priority given to the empowerment and participation of women in development across island communities. However, the effort by some government institutions to build the capacity of IWDC members is positive. Stakeholders inform that since their election, up to 6 capacity-building activities have been conducted reaching approximately 150 IWDC members.<sup>13</sup>
- d.** Representation of women in the civil service remains high, with a June 2014 figure showing that there are 12% more women than men in the country's civil service.<sup>14</sup> However, according to the Civil Service Commission's own assessment of figures between 2006 and 2011, women are in the minority at senior management level except for among State attorneys.<sup>15</sup>
- e.** The gender imbalance in the uniformed services is particularly evident. According to the MNDF, between 2005 and 2012 the institution recruited 4.2% women and 95.8% men.<sup>16</sup> There are no women represented in the senior-most positions of the MNDF. The highest position currently held by a woman is Captain in the Officer Corps, seven ranks below General. In the MPS, recruitment data from 2005 to 2011 shows that 11% were female officers as opposed to 89% male. The highest ranking female officer at the MPS holds the position of Police Inspector, six ranks below Commissioner of Police.<sup>17</sup>
- f.** To highlight the importance of women's representation in public office in the Maldives, the following positive example is cogent. The legally mandated banking regulator in the country, the MMA, currently has a gender balanced Board of Directors of 6 men and 6 women. Among the 12 Senior Executives of the authority, 8 are women.<sup>18</sup> On 5 August 2014, the MMA brought into force an internal policy directive to increase maternity leave for female employees to 6 months, which is an initiative that has no precedent in the country. Women's NGO Hope for Women welcomed this development calling on other State institutions to follow suit.<sup>19</sup> This example is a perfect indicator that women in senior positions will bring about positive change towards gender equality and women's empowerment in the Maldives.
- g.** An issue of concern is the duration of maternity leave in the Civil Service which is the largest State employer. Under the Civil Service Regulations of 2010, the 60 day maternity leave entitlement provided by the Employment Act 2008 was interpreted to be counted inclusive of weekends, which is the only long leave where this rule was applied.<sup>20</sup> However, in 2013 this rule was amended to be counted exclusive of weekends/holidays, which is an improvement. However, there is still room for improvement in the maternity leave provision in the civil service, consistent with the example of the MMA. It is also notable that currently, the 5 member Civil Service Commission consists of 3 women and 2 men.<sup>21</sup> In relation to paternity leave, the current

provision of 3 days, inclusive of weekends, is completely unacceptable and needs revision. Unpaid long-leave of 1 year is equally available to both men and women.

#### **Recommendations**

1. Amend the Political Parties Act 2013 to provide for temporary special measures of a 30% quota for women among candidates running for election to public office, to the People's Majlis and Local Councils.
2. Amend the Decentralisation Act 2010 to include a quota of 30% for women for local council seats.
3. Amend the Decentralisation Act 2010 to facilitate the allocation of adequate resources to IWDCs and create an enabling environment for IWDCs to function fully and effectively.
4. Adopt and/or amend legislation/regulation to support the equitable recruitment of men and women in the uniformed services, with a minimum requirement to facilitate temporary special measures constituting a 30% quota for women.
5. Amend the Employment Act 2008 to increase maternity leave from 30 days to 6 months, and revise the paternity leave to at least 14 days paid leave.<sup>22</sup>

### **3 Women's Representation and Media Freedom**

- a. While women's representation in print, online and broadcast media is significant, there is a notable lack of women editors and key decision-makers in the media sector. Stakeholders inform that sex-disaggregated data on the profession is currently not available.
- b. There has been a marked setback in the situation of media freedom in the country. The Maldives ranking in the Press Freedom Index fell from 52<sup>nd</sup> in 2010 to 103<sup>rd</sup> in 2013.<sup>23</sup> An alarming recent development is the significant increase of death threats to media personnel including women, with a total of 15 journalists reported to have received such threats.<sup>24,25</sup> The journalist who reported this issue went missing a few days after its publication, feared abducted near his apartment in the early hours of 08 August 2014.<sup>26</sup> This is an unprecedented development in the Maldives and the first time a journalist is feared to have disappeared. The case has received widespread international attention including from the CPJ, IFJ and the OHCHR.<sup>27,28,29</sup>
- c. According to a media threat analysis report produced by the legally mandated Maldives Broadcasting Commission (MBC) in May 2014, the highest threat to media freedom comes from political parties followed by gangs and those holding extreme views and then by the government, in that order.<sup>30</sup> 29% of journalists who participated in the MBC survey reported considering the level of threat faced as endangering their life, while 27% reported feeling reluctant to do their job because of the threats.<sup>31</sup> Therefore, well over half of the respondents felt unsafe to do their work. The 2010 Law Prohibiting Intimidation, use of Dangerous Weapons and Sharp Objects is in force, although no information is available on if the law has been used to protect journalists.

#### **Recommendations**

1. Ensure freedom of the media consistent with Constitutional rights, enshrined in Article 28 (freedom of the media) and Article 27 (freedom of expression) of the Maldivian Constitution 2008.
2. Establish an environment of safety and security for media to operate independently, by strengthening investigations into threats against journalists and implementing existing

laws to create an enabling environment for journalists to conduct their professional work without fear or favour.

3. Invest in professional development opportunities and capacity building for journalists and support the inclusion of women in decision-making positions in the profession.
4. Monitor and assess women's participation in the media by prioritising the collection of sex-disaggregated data when conducting related research.

#### **4 Portrayal of Women in the Media, and need for Gender Sensitisation of the Media**

- a. Consistent with democratic transition and achieving the Constitutional right to freedom of expression in 2008, media was widely used as a means to disseminate religious information. Often, such content perpetuates a stereotypical and rigidly patriarchal gender role for women. Nevertheless, no regulatory framework exists to monitor such content being disseminated. SHE is a provider of free psychosocial support to women experiencing violence. In the Maldives, such violence mostly occurs due to notions of masculinity and deep patriarchal views. Moreover, SHE has observed that these deeply held beliefs have implications on women's psychosocial well-being. The stereotyping of women maintains the perception that women's place is in the home along with unquestioned obedience to the husband. The HRCM's rights report in both 2005 and 2011 gathered responses to the statement "a good wife always obeys her husband even if she disagrees". Among male respondents in the 2005 survey, 35.4% strongly agreed to this statement while in 2011, the figure had increased to 43.9%. Among female respondents to the same question in 2005, 44.8% strongly agreed while in 2011, this figure had risen to 52.4%.<sup>32</sup>
- b. Victim-blaming relating to sexual offences towards women is also prevalent in the media. A recent article in Sun Online newspaper suggested that minor female "prostitutes" victimise men, alleging that the Special Measures for Perpetrators of Child Sexual Abuse Act, 2009 opens the doors for minors to abuse the law by making false accusations against men.<sup>33</sup> The article describes the existence of "extreme cases" of "girls selling their bodies for money", driven by an "addiction" to this behaviour, citing an alleged case of a 17 year old minor. While the article acknowledged that crimes against children must be addressed by the law, it portrayed such girls to be culpable, expressing concern that no action is taken against them which allegedly increases the problem. Moreover, it argued that the law victimised and punished the men involved, destroying the reputation of innocent men and called for the law to be amended. The Sun article sparked outrage from women's NGO, Hope for Women.<sup>34</sup> The MBC has a Guideline on Protecting the Rights of Women in Broadcasting, although this does not address the issue of victim-blaming.<sup>35</sup> The legally mandated MMC has a code of practice setting acceptable reporting standards, along with a specific reporting guideline on children.<sup>36</sup>
- c. According to the MBC, the organisation conducted its first gender sensitisation workshop for media personnel in 2014, with approximately 18 participants.<sup>37</sup> This is a positive development and more knowledge building for media personnel is necessary.

#### **Recommendations**

1. Incorporate gender sensitisation and knowledge building on women's rights and sexual and reproductive rights into professional training courses for media personnel at all levels, from university media study courses to professional development training provided by all State institutions.

2. Provide necessary budgetary resources and significantly empower the MMC and the MBC to exercise their oversight function to address issues, and also to build capacity of media personnel in issue sensitive and ethical journalism to address gender stereotyping and victim-blaming of girls and women.
3. Amend and strengthen the MBCs June 2012 Guideline on Protecting the Rights of Women in Broadcasting, to address the issue of victim-blaming in the media.

## **5 Access to Sexual and Reproductive Health Knowledge and Services**

- a. It is widely claimed that the Maldives is an MDG+ country, and has “fully achieved” MDG5.<sup>38</sup> This is a misleading statement. Although MDG5-A to reduce maternal mortality has been achieved, MDG5-B on universal access to reproductive health is not achieved. Worrying indicators include the unusual finding that in the Maldives, unlike most other countries, contraceptive prevalence is lower among the more educated. The MDHS 2009 preliminary report observed that use of modern methods was 36% among women with no education, and 21% among women with more than secondary education.<sup>39</sup> Related concerns include a dearth of adolescent sexual and reproductive health education in the school curriculum; general reluctance to support and/or adopt adolescent sexual and reproductive health programmes; and a reluctance to acknowledge or address the socially taboo issue of pregnancy outside marriage, which is also illegal.<sup>40,41</sup>
- b. The existing situation on lack of access to sexual and reproductive health information, education and services is a major concern. Maldives has a high youth demographic and envisages the growth of the proportion of the female population aged 15-49 over the next 30 years.<sup>42</sup> Significant improvement is required to increase women’s empowerment and capacity to claim their sexual and reproductive rights. According to the HDR 2014, the reproductive health dimension of the GII showed the most significant disparity between the capital island Male’ and the atolls.<sup>43</sup> This highlights the urgency to provide adequate facilities and access to sexual and reproductive health information, education and services in the greater part of the country, outside Male’. As a limited service provider in Male’, SHE has attended to 1717 telephone queries from January-August 2014, providing confidential family planning counselling remotely. A significant number of these calls are from the atolls, indicating the need for this service.
- c. In the Maldives’ socio-cultural context, there are significant challenges to providing adolescent sexual and reproductive health education to school age children and young adults. Ample evidence exists, including the finding of the Reproductive Health Survey in 2004 that Maldivian youth were generally sexually active prior to marriage.<sup>44</sup> However, the capacity to address such issues is limited. A 2011 UNFPA study on reproductive health knowledge and behaviour among young unmarried women revealed the prevalence of the issue of pregnancy outside marriage and unsafe abortion practices. The issue was also observed in the HRCMs 2012 rights report, which found that nearly “a quarter of women and 15.9% of men knew someone who had had an illegal abortion”.<sup>45</sup> Given the prevailing punitive legal consequences of pregnancy outside marriage in the Maldives, this is hugely problematic.
- d. In the religious context of the Maldives, sex outside marriage is illegal and pregnancy outside marriage is dealt harshly under the law. According to the existing legal framework, sex outside marriage or “zina” or “adultery”, is punishable with public flogging (or *hadd*) and house arrest for one year for women. For men, the punishment involves public flogging and a one year sentence of banishment. In the case of minors



under the age of eighteen who are convicted of “zina”, proven as a result of pregnancy outside marriage or confession, the flogging sentence is deferred until the age of eighteen. In the current legislative environment, the burden of guilt in such cases is placed by default, on the woman who becomes pregnant. Proof of guilt by the man requires either a confession or eye-witness statements by four adult men, and a woman’s witness statement is not permitted. Data from the Criminal Court between 2005 and 2011 on *hadd* punishment for adultery shows that 85% of cases were women and 15% men, which highlights the significant gender disparity.<sup>46</sup> In 2013, the case of a 15 year old rape victim sentenced to flogging by the Juvenile Court attracted international attention, following which the sentence was repealed by the High Court.<sup>47</sup>

- e. Despite the above noted factors, there is reluctance by the authorities to acknowledge these sensitive issues. For instance, the MDHS 2009 found that 95% of women between the ages of 15-19 “are not sexually active”, stating that “pregnancies among teenagers in Maldives are rare”.<sup>48</sup> The findings of UNFPA’s reproductive health knowledge and behaviour study conflicts with these statements, having observed from hospital records over a period of 1 year, 41 suspected and established cases of unintended pregnancy among unmarried girls and young women.<sup>49</sup> The majority of these cases were among women between 18-24 years. The qualitative assessment revealed young women’s experiences of accessing illegal and unsafe abortions both in country and outside due to unintended pregnancy outside marriage. The findings of the study support an earlier report on unsafe abortion practices in the Maldives, conducted by the NGO, IPPF.<sup>50</sup> There is a serious need to assess the prevalence of unsafe abortion practices in the Maldives in order to effectively address this public health issue affecting women and girls.

#### **Recommendations**

1. Establish and strengthen public health facilities to provide community-based, accessible, professional and confidential sexual and reproductive health information, education and services for young people, prioritising communities in the atolls and younger adolescents.
2. Revise the core school curriculum to significantly increase and improve age-appropriate adolescent sexual and reproductive health education to prepare and empower young people to attain good physical and mental health and well-being through adolescence and young adulthood.
3. Develop and disseminate relevant sexual and reproductive health education materials, specifically for adolescent girls and young women.
4. Incorporate sexual and reproductive health awareness as a public health priority within relevant policies, including the Health Master Plan and Youth Health Strategy, specifically targeted to support the adolescent and youth population.
5. Establish a baseline on the prevalence of unsafe abortion practices in the country and formulate relevant public health legislation to address identified issues.

## **6 Situation on Violence Against Women**

- a. The 2007 study entitled Women’s Health and Life Experiences brought to light the serious situation of violence against women in the Maldives, showing that 1 in 3 women experiences physical and/or sexual violence at some point in her life.<sup>51</sup> 1 in 5 women in the same age range experiences physical and/or sexual violence by an intimate partner and 1 in 8 women reported experiencing childhood sexual abuse before the age of 15.<sup>52</sup>



- b.** More recent findings relating to the prevalence among women who consider violence against women justified, is alarming. In the MDHS 2009, respondents were presented with 5 scenarios and asked if any situation justified violence from their husbands. The survey found that 31% of women (of all age-groups) responded that in at least 1 of the suggested scenarios, a husband was justified in beating his wife.<sup>53</sup> It is notable that this figure is over 40% among the 15-19 year cohort.<sup>54</sup>
- c.** In 2005 and 2012 the HRCM produced two baseline surveys on knowledge and perception of human rights in the Maldives, entitled The “Rights” Side of Life. The 2012 report explains that attitudes about violence against women by a spouse had shifted over the years and according to this latest report, “now more women than men consider it inappropriate for men to hit their wives.”<sup>55</sup> According to this report, 61.5% of male respondents in the 2005 survey agreed that they should not hit their wives, but this figure had dropped to 50.3% in the latest survey.<sup>56</sup> This development is cause for concern, and is indicative of the increase of religious conservative views which undermine the status of women. The report also notes that while the majority of respondents’ opinion was that men were not justified in hitting women, if the reason for hitting was due to “going against Islam”, it was justified. In this situation, 67% of women and 54.7% men felt violence was justified against a wife if she is considered to have contravened Islam.<sup>57</sup>
- d.** When the above figures are viewed in light of a more recent women’s survey conducted by UNDP, the situation becomes even more convoluted. The Maldivian Women’s Vision survey consulted women across the country, to assess their concerns and aspirations at the personal, community and national levels. The report looked at the top 10 concerns and aspirations at each level, and found that the *topmost* personal concern for a staggering 75% of respondents was, violence against women.<sup>58</sup> The remaining nine personal concerns of women are worthy of note in order of priority to help complete the spectrum of concerns :
  - not having own space or housing (73%), lack of education opportunities (67%), challenges to accessing justice (55%), few qualified elected representatives (48%), drug users in the family (47%), limited access to quality healthcare (47%), limited support to start a business (42%), limited access to technical training (42%), low family support (42%), inadequate basic services (42%) and lastly, limited recreation facilities (42%).<sup>59</sup>
 When the concerns are juxtaposed with the top 10 personal aspirations, the list is headed by the aspiration for good health. This is followed by self-sufficiency, education, own housing, absence of threat of violence, drugs free family, non-discrimination, family support through life, affordable legal aid, a united community and lastly, access to recreation. When these concerns and aspirations are viewed side by side, it is evident that a host of developmental issues cohere to impact the de-facto situation of Maldivian women, with violence against women being a leading concern that affects their well-being.
- e.** Since the passage of the Domestic Violence Prevention Act in 2012, the process of establishing the enforcement mechanism of the law has been slow. According to the FPA, created as the oversight body to monitor implementation of the legislation, a total of 15 protections orders were issued by the Family Court during 2013 and August 2014. From January 2013 to July 2014, a total of 66 domestic violence cases were reported to the FPA, with a significant rise of cases in 2014. In percentage terms, the perpetrators of domestic violence were 80% male and 20% female.<sup>60</sup>
- f.** The need to establish women’s shelters for victims of violence including domestic violence remains an intermittently raised concern at policy level, but unrealised goal. According to the Maldives Combined 4<sup>th</sup> and 5<sup>th</sup> Periodic Report to the CEDAW Committee in December

2012, “there are no safe houses for abused women” at present, although “[work] is under way to open the safe shelter in Villingili island.<sup>61</sup> Enquiries to obtain an update of the status from stakeholders suggest that the Villingili shelter is not a dedicated service for women and not entirely functional to serve this purpose.

### Recommendations

1. Establish safe, effective and easy reporting protocols for victims of violence to seek assistance, and strengthen the existing reporting mechanism.
2. Conduct gender sensitisation and domestic violence awareness activities to law enforcement officers, judges, members of parliament as well as media personnel to educate and increase awareness of the underlying issues and root causes of gender based violence, including domestic violence.
3. Expedite the work of establishing effective and functional women’s shelters for victims of gender based violence, including domestic violence.
4. Establish an effective legal aid mechanism to support victims of gender based violence, including domestic violence, in need of legal assistance to access judicial redress.
5. Develop, disseminate and utilise communications and educational material which provides explanations that support the equal position of men and women within Islam underpinned by a message of non-violence in the family and toward women.
6. Strengthen the referral system for victims of gender based violence, including domestic violence to access medical services, including sexual and reproductive health services and psychosocial support services.

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<sup>1</sup> Maldives Human Development Report 2014, Ministry of Finance & Treasury/UNDP, pg.29-30

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<sup>4</sup> *Laying the Groundwork for Gender Equality in the Maldives – 2012*, Asian Development Bank, December 2012, <http://www.adb.org/themes/gender/gdcf-case-studies/laying-groundwork-gender-equality-maldives>, [accessed : 05 September 2014]

<sup>5</sup> The Cabinet, Government of Maldives, 2014, <http://www.presidencymaldives.gov.mv/Index.aspx?lid=16> [accessed : 06 September 2014]

<sup>6</sup> Maldives Human Development Report 2014, Ministry of Finance & Treasury/UNDP, pg.30

<sup>7</sup> Judicial Services Commission, List of Judges, Updated 07/08/2014, <http://jsc.gov.mv/jlist/index.html> [accessed : 06 September 2014]

<sup>8</sup> Maldives Human Development Report 2014, Ministry of Finance & Treasury/UNDP, pg.30

<sup>9</sup> Data obtained from the Elections Commission of Maldives, personal communication, 07 September 2014

<sup>10</sup> The “Rights” Side of Life, HRCM / UNDP, 2011, pg.2

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