

**MALDIVES: THE POSITION OF GIRLS &  
YOUNG WOMEN IN SOCIETY: A LOOK  
AT ISSUES OF FEMALE GENITAL  
MUTILATION AND PROSTITUTION OF  
GIRLS**

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State party concerned: [The Maldives](#)

Treaty covered by the report: [Convention on the Rights of the Child](#)

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**Contents**

- 1. PURPOSE OF THE REPORT ..... 1
- 2. INTRODUCTION ..... 1
- 3. DEMOGRAPHICS ..... 2
- 4. LEGAL OBLIGATIONS..... 3
  - a. *National Law*.....3
  - b. *International Law*.....4
- 5. INTERSECTIONS OF ISLAMIC AND INTERNATIONAL LAW ..... 8
- 6. ACCURACY OF STATISTICAL STUDIES..... 9
- 7. FEMALE GENITAL MUTILATION/CIRCUMCISION (FGM/C) IN THE MALDIVES ..... 11
  - 7.1. *Background*..... 11
  - 7.2. *Health Concerns*..... 13
  - 7.3. *History and Religion* ..... 14
  - 7.4. *Genital Mutilation/Cutting and Gender* ..... 15
- 8. CHILD PROSTITUTION..... 16
- 9. IMPACT ON WOMEN’S LIVES TODAY ..... 20
  - 9.1. *Health Indicators*..... 20
- 10. WAYS FORWARD..... 22
  - 10.1. *Statistical Studies*..... 22
  - 10.2. *Women’s Role in Society*..... 23
  - 10.3. *FGM/C in the Maldives*..... 24
  - 10.4. *Child Prostitution* ..... 25
  - 10.5. *Impacts on Women’s Lives Today*..... 26

## ***1. Purpose of the Report***

This report summarizes major issues regarding Female Genital Mutilation/Circumcision (FGM/C) and child prostitution in the Maldives, predominantly related to the health and social inequality aspects of these issues. The aim of this report is to encourage that more scientific, statistical, and sociological research be done on the correlation between these issues and the impacts they have on children, especially girls, as they progress from childhood to adulthood. Encouraging such studies will help the government better leverage their resources in addressing these issues and to help eliminate inequalities in Maldivian society.

The Impact Litigation Project at American University Washington College of Law seeks to promote the rule of law and democracy throughout the world through the international litigation of pivotal cases and the use of international instruments to promote and enhance the development and furtherance of international jurisprudence and standards on human rights.

## ***2. Introduction***

The geography and population distribution of the Maldives intensifies an array of inequities and barriers to development, both economic and human. The nation's development resources, jobs, healthcare, and education, are located mainly on the largest atoll, also the capital, Malé. By virtue of not living on the capital atoll, people face economic and social inequities, which create disparities between the development statistics being recorded for the entire island and the actual status of many Maldivians.<sup>1</sup>

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<sup>1</sup> *Maldives Human Development Report, Bridging The Divide: Addressing Vulnerability, Reducing Inequality*, U.N. Development Programme, at 49 (2014).

In their paper, *Equity, Inequality and Human Development in a Post 2015 Framework for UNDP*, authors Melamed and Samman state, “[h]uman development depends on plural principles such as equality, empowerment and human agency, efficiency, sustainability, and respect for human rights to become relevant to local and national experiences.”<sup>2</sup> By the numbers and the lived experiences of many Maldivians, gender creates some of the biggest gaps between citizens; though this gap is improving, the gender gap in the Maldives remains one of the larger gaps on an international scale.<sup>3</sup> There are multiple reasons why this inequality persists and why the World Bank (WB) has determined that further analysis of gender issues should be conducted in fiscal year (FY) 2015.<sup>4</sup>

This report will focus on FGM/C and child prostitution challenges, primarily faced by girls, and how the Maldivian state can harness existing national and international laws to protect girls from inequities and inhumane treatment. Recommendations to the Committee will look at how the Maldives can address these issues under the Convention on the Rights of the Child (CRC) and through other channels, so the gaps in gender inequities can be closed and human development can move forward.

### ***3. Demographics***

Each atoll has an almost equal number of female to male residents, adding up to 168,084 females to 173,172 males across all atolls.<sup>5</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* (noting, the Maldives ranked 64th out of 148 countries in the 2012 UN Gender Inequality Index, higher than Sri Lanka (75) and Bhutan (92)).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 27 (Table 1, The Maldives Regional and Medium Human Development Perspective, UNDP, 2013).

With regard to health issues, the United States Central Intelligence Agency (CIA) reports 1.6 physicians per 1000 people (2007), 4.3 hospital beds per 1000 people (2009), and that the state spent 8.5% of its GDP on health expenditures.<sup>6</sup>

As the above figures show, disaggregated numbers are not generally available; as a result, there is no demographic information on the distribution of resources that would help paint a clearer picture of potential disparities between atoll populations.

#### ***4. Legal Obligations***

##### **a. National Law**

The government of Maldives has robust provisions in its national constitution that promote respect for and adherence to the obligations imposed by the international treaties to which it is party.

The current constitution speaks to a commitment to use national law to advance tenets of the international treaties ratified by the Maldives Majlis.<sup>7</sup> This legislative body is entrusted with the power to approve “[t]reaties entered into by the Executive in the name of the State with . . . international organizations.”<sup>8</sup> Additionally, the Constitution promotes the role of the judiciary in upholding these obligations, instructing courts and tribunals “[w]hen interpreting and applying the rights and freedoms contained within this chapter [to] consider international treaties to which the Maldives is a party.”<sup>9</sup>

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<sup>6</sup> Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/mv.html>

<sup>7</sup> <http://www.majlis.gov.mv/en/majlis-at-a-glance/>

<sup>8</sup> *Constitution of the Republic of Maldives 2008, Chapter III, Article 93.*

<http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

<sup>9</sup> *Id.* at *Chapter II, Article 68*

The executive branch of government is charged with ensuring that national policies are also designed on the basis of international treaty obligations to promote the “economic and social development of the Maldives.”<sup>10</sup>

The new state Constitution has prompted international organizations to offer technical assistance to the government for the implementation of laws that promote gender parity. For example, the People’s Majlis passed into law the *Domestic Violence Act, Act Number 3/2012* for the prohibition and prevention of domestic violence, including measures to be taken against those committing acts of domestic violence; protecting and supporting victims of domestic violence, and fostering collaboration between State authorities.<sup>11</sup> The law covers children as potential victims, creating a legal framework for protecting children who face incidences of domestic violence.

## **b. International Law**

Although this Committee is focused on children’s rights, there are many international treaties, to which Maldives is a party, that help frame the discussion on why the issue of gender equality speaks to the issue of Maldivian children’s rights being restricted, listed below:

- a. International Covenant on Civil and Political Rights (ICCPR), ratified by the Maldives in 2006<sup>12</sup>

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<sup>10</sup> *Id.* at Chapter V, Article 132(f)

<sup>11</sup> United Nations Population Fund, *Unofficial Translation of the Domestic Violence Act, Act Number 3/2012*.

[http://countryoffice.unfpa.org/filemanager/files/maldives/the\\_domestic\\_violence\\_act\\_2012\\_maldives\\_english\\_translation\\_unofficial.pdf](http://countryoffice.unfpa.org/filemanager/files/maldives/the_domestic_violence_act_2012_maldives_english_translation_unofficial.pdf)

<sup>12</sup> Faculty of Law, University of Geneva, *Rule of Law in Armed Conflicts Project (RULAC), International Treaties adherence – Maldives*. [http://www.geneva-academy.ch/RULAC/international\\_treaties.php?id\\_state=136](http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=136)

- b. Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)<sup>13</sup>
- c. International Covenant on Economic, Social, and Cultural Rights (ICESCR), ratified by the Maldivian state in 2006.<sup>14</sup>
- d. The Convention on the Rights of the Child (CRC)<sup>15</sup>
  - i. Article 3.1 of the Convention mandates that state parties take the best interests of the child as the primary consideration for all actions concerning children, whether undertaken by public or private social welfare institutions or administrative authorities, among others.<sup>16</sup>
  - ii. As explained elsewhere in this report, the above mandate should be used by the Maldivian government to implement protections for Maldivian children faced with unequal treatment claimed as necessary to religious and cultural practices.
  - iii. As will be shown in this report, the rights the Maldivian government is encouraged to promote do not impinge on national security, public order, public health, or moral issues, the only claims under which a state may diminish the rights afforded citizens under this Convention. Instead, action by the Maldivian state to ensure equal and safe treatment of all children will promote these principles and help build a foundation for a stronger state.

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> United Nations, *Convention on the Rights of the Child*, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>16</sup> *Id.* at Article 3.1

- iv. As discussed in detail elsewhere in this report, the Maldivian government should take measures to protect children from all forms of physical and mental violence, injury, abuse, and maltreatment. Article 19 of the Convention highlights this state responsibility, including the need for such measures to include the establishment of social programs as a means of support, prevention, identification, reporting, referral, investigation, and treatment of any instances of maltreatment.<sup>17</sup>
- v. This Committee should encourage the Maldivian state to actively take on this responsibility, working with socio-cultural leaders to ensure that in addition to promoting actions based on the best interest of children, that there is a broad support system in place to ensure the permanency of these changes.

The CRC Committee previously found that the Maldives' Protection of the Rights of Children Act (Act) is not fully compliant with the CRC and its optional protocols (only one of the three has not been ratified).<sup>18</sup>

A representative of the Maldivian delegation gave a statement on the topic of the promotion and protection of the rights of children at a Committee meeting in 2013, noting, the Child Rights, Child Care, and Child Protection Bill was still pending.<sup>19</sup> As of January 2013, the Maldivian

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<sup>17</sup> *Id.* at Article 19

<sup>18</sup> Un Committee on the Rights of the Child, *Consideration of Reports Submitted by the States Parties Under Article 44 of the Convention, Republic of the Maldives*, U.N. Comm. on the Rights of the Child, 4th and 5th periodic reports, at 5, 14 (2012)

<sup>19</sup> *Statement by Ms. Fathimath Liusha, Representative of the Maldives Delegation, On Agenda Item: 65 – Promotion and protection of the rights of children* (2013)  
<https://papersmart.unmeetings.org/media2/702738/statement-by-maldives-item-65.pdf>

government has not yet revised the Act to address the shortcomings pointed to by the CRC Committee.

Among positive steps the Maldivian state has taken toward fulfilling its CRC obligations is the institution of a national Human Rights Commission through the passage of the Human Rights Commission Act.<sup>20</sup>

- a. The Commission is available to take reports on any human rights violations, including complaints by children, and is responsible for investigating abuses both reported and unreported.<sup>21</sup>
- b. The Commission is responsible for advising the Maldivian government on human rights legislation necessary for the protection of human rights and legislation that may violate human rights.<sup>22</sup>

Per the Commission's 2012 *Case Status* report, there have been no FGM/C rights addressed.<sup>23</sup>

The Commission does not currently divulge information on ongoing case topics, so there is no available information on whether any FGM/C cases are presently under investigation.<sup>24</sup>

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<sup>20</sup> *Human Rights Commission Act, 2006, Act No: 6/2006,*

<http://www.hrcm.org.mv/publications/otherdocuments/HRCMAActEnglishTranslation.pdf>

<sup>21</sup> *Id.* at Article 20

<sup>22</sup> Human Rights Commission of the Maldives, *Responsibilities of the Commission,*  
[http://www.hrcm.org.mv/aboutus/Responsibilities\\_.aspx](http://www.hrcm.org.mv/aboutus/Responsibilities_.aspx)

<sup>23</sup> Human Rights Commission of the Maldives, *Case Status from 01st Jan 2012 – 31st Aug 2012,*  
<http://www.hrcm.org.mv/complaint/CaseStats01Jan2012-31Aug2012.pdf>

<sup>24</sup> Human Rights Commission of the Maldives, *Ongoing Cases,*  
[http://www.hrcm.org.mv/complaint/HR\\_Violation.aspx#Statistics&DecisionsMade](http://www.hrcm.org.mv/complaint/HR_Violation.aspx#Statistics&DecisionsMade)

## ***5. Intersections of Islamic and International Law***

Scholarship on the application of international human rights law principles in Islamic states explains that an Islamic state is defined as one where there is either a majority Muslim population, a declaration of Islam as the state religion, or both.<sup>25</sup>

As explicated in the Maldivian Constitution, the official religion of the state is Islam, which is to be one of the bases of all laws of the nation.<sup>26</sup> Constitutional recognition of Islam as a guiding tenet of Maldivian law reflects one of the varying levels by which Islamic states are characterized, based on broad jurisprudential diversity, as well as geographic, ethnic, racial, and philosophical grounds.

Underscoring the importance of Islamic law in the Maldives, the state Constitution makes clear that no law contrary to any tenet of Islam shall be enacted in the country.<sup>27</sup>

As the Maldivian Constitution reflects, this Islamic state is based on a combination of religious tenets and democratic influences, a move described by Islamic state scholars as an attempt to bring the Islamic world into greater congruence with the Western world, both legally and politically.<sup>28</sup>

This melding of religious and broad democratic schools of thought in the creation of the state Constitution shows the commitment the Maldivian state has to ensuring that human rights principles are a part of the legal fabric of the nation. In addition to the religious tenets that form

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<sup>25</sup> Arzt, Donna, E. “The Application of International Human Rights Law in Islamic States,” *Human Rights Quarterly*, Vol. 12, No. 2 (May 1990)

<sup>26</sup> *Constitution of the Republic of Maldives 2008, Chapter I, Article 10(a)*, <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

<sup>27</sup> *Id.* at Article 10(b)

<sup>28</sup> Arzt, Donna, E. “The Application of International Human Rights Law in Islamic States,” *Human Rights Quarterly*, Vol. 12, No. 2 (May 1990)

the basis for rule of law, human rights principles are highlighted as an important aspect of how the nation is to be governed.

Rather than viewing human rights principles as potentially contrary to Islamic tenets as some Islamic states have done, the Maldives should continue to promote the natural integration of human rights principles into Islamic law as a complement to what lies at the heart of the religion.

This committee should impress upon the Maldivian government the ways in which these principles align with and promote Islamic tenets.

## ***6. Accuracy of Statistical Studies***

One obstacle to accurately assessing progress with gender equality in the Maldives rests in the availability and quality of statistical studies. Specifically, the lack of uniformity in the types of testing and data collection methods used, use of tests that create skewed data and conceal existing problems, lack of resources to adequately perform studies due to underfunding, and lack of research in general that focuses on sex-disaggregated studies obscures the true gender equality picture of the nation. Accuracy within studies is essential for Maldivian girls to enjoy full equality, as the results of these studies are pertinent in ensuring important government resources are not being directed to programs not meeting their objectives.

As an example, Human Development Index (HDI) is a measure of basic human development taken by using an average of the achievements within a country, and is currently used in the Maldives. Taking averages has the effect of masking inequality in the distribution of human development at the country level.<sup>29</sup>

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<sup>29</sup> United Nations Development Programme, *Explanatory Note on 2013 HDR Composite Indices, Human Development Report (2013)*, <http://hdr.undp.org/sites/default/files/Country-Profiles/MDV.pdf>

In 2010, efforts were made to unearth the inaccuracies in studies by using an Inequality Adjusted Index HDI (IHDI), which took into account inequality in various dimensions.<sup>30</sup>

Aside from the use of improper or inadequate testing techniques, many important surveys and data seem to be completely lacking. These include sex-disaggregated research, correlations between areas of poverty and inequality, and sufficient collection of reports detailing issues of gender-based violence, or Violence Against Women (VAW) as it more commonly known. A lack of such imperative studies working in conjunction with improper statistical tests have and will continue to result in severely limited understanding of what the true status of girls' progress is in the Maldives.

- a. There is a lack of in uniformity across government agencies when collecting VAW data, with the likely result that there is an underreporting of the number of VAW cases.<sup>31</sup>
- b. In the above-cited report, the CEDAW Committee noted that the collection of sex-disaggregated baselines, sex-disaggregated monitoring of program results, and practice gender analysis continue to be uneven across government agencies in the Maldives.<sup>32</sup>
- c. Disparities in VAW reporting may be partly due to hesitation to report, but are likely also attributable to disparities in collection methods used by government agencies. Whatever the difficulties, the Government must address this issue in

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<sup>30</sup> *Id.*

<sup>31</sup> United Nations, Committee on the Elimination of Discrimination against Women, *CEDAW/C/MDV/4-5, Consideration of reports submitted by States parties under article 18 of the Convention: Combined fourth and fifth periodic reports of States parties due in 2010 – Maldives* (2012), [http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-MDV-4-5\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW-C-MDV-4-5_en.pdf)

<sup>32</sup> *Id.*

order to ensure accurate collection of data so that VAW does not remain under-reported and targeted programs can be implemented.

There is a significant gap in gender equality between the atolls, particularly between human development statistics recorded for Malé versus the nation's remaining atolls.<sup>33</sup>

## **7. Female Genital Mutilation/Circumcision (FGM/C) in the Maldives**

### **7.1. Background**

Nongovernmental organizations in the Maldives have confirmed that FGM/C has been a societal tradition for generations and that there are calls for its resurgence as adherence to religious tenets.<sup>34</sup>

A group of Maldivians support a recently called for resurgence of FGM/C in the Maldives. In 2011, Dr. Iyaz Abdul Latheef, the Vice President of the Fiqh Academy, the primary religious academy in the Maldives, spoke on a live MNBC (the nation's public broadcast television channel) Radio program, encouraging more FGM/C be done on girls.<sup>35</sup>

Religious leaders are highly regarded and looked up to in Islamic societies and have a major impact in their communities. Many Maldivian citizens, women included, believe and abide by the opinions and directions given by these leaders and scholars. As such, customs such as FGM/C have become custom in Maldivian society.

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<sup>33</sup> United Nations Development Programme, *Maldives Human Development Report 2014, Bridging The Divide: Addressing Vulnerability, Reducing Inequality*, 30 (2014), [http://hdr.undp.org/sites/default/files/maldives\\_hdr2014\\_full\\_report\\_0.pdf](http://hdr.undp.org/sites/default/files/maldives_hdr2014_full_report_0.pdf)

<sup>34</sup> Gender Advocacy Working Group, *Press Release: Statement on International Day against Female Genital Mutilation, 06.02.2014* <http://hopeforwomen.org.mv/wp-content/uploads/2013/12/Press-statement-regarding-Female-Genital-Mutilation-English.pdf>

<sup>35</sup> Zaheena Rasheed, *Fiqh Academy VP endorses female genital mutilation*, Minivan News: Independent News for the Maldives, February 6, 2014 <http://minivannews.com/politics/fiqh-academy-vp-endorses-female-genital-mutilation-77037#sthash.Uo0ksLmI.dpbs>

Parents request FGM/C be performed when their daughters are born because they believe the girls will be impure and unwanted by a man if they are not circumcised; in some areas, the practice of FGM/C has become an ingrained custom through the social normalization of particular interpretations of religious texts.

The lack of statistics on the number of FGM/C procedures performed each year is a major hurdle to bringing the prevalence of FGM/C to light in the Maldives.

- a. Based on the dearth of available data on the subject, it would seem that FGM/C procedures are not presently carried out in hospitals, though a report by the Maldives Ministry of Health presents statistics showing that most births occur in hospitals.<sup>36</sup>
- b. This lack of information underscores the need for improved data collection and reporting methods, as it is unlikely that a lack of information on FGM/C procedures being done at hospitals and low reported numbers of home birth does not mean FGM/C procedures are not being carried out.
- c. Rather, the lack of information leads to the conclusion that the training of midwives attending home births must also be examined, if only to ascertain whether health and sanitation considerations are taken into account for FGM/C procedures done at home. This focus will help inform the state about the need for training and/or regulation of midwives to ensure that FGM/C procedures are being carried out in a safe and sterile manner, should the nation's official stance be to allow FGM/C practices.

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<sup>36</sup> Ministry of Health, *The Maldives Health Statistics 2012, Table 5(a), (b)*  
[http://www.health.gov.mv/publications/10\\_1371553027\\_The\\_Maldives\\_Health\\_Statistics\\_2012\\_FINAL\\_May\\_2013\\_To\\_BE\\_PUBLISHED.pdf](http://www.health.gov.mv/publications/10_1371553027_The_Maldives_Health_Statistics_2012_FINAL_May_2013_To_BE_PUBLISHED.pdf)

- d. Assuming the state chooses to sanction FGM/C procedures, there should be oversight so that qualified surgeons perform the procedure in a hospital setting.

The lack of statistical information leads not only to a dearth of information about the extent to which FGM/C is being performed, but also who is requesting or permitting the procedure, if girls experience health issues related to FGM/C, and the type of FGM/C that being performed.<sup>37</sup>

Concerned Islamic nongovernmental organizations have, from a religious and historical perspective, discussed the tradition of FGM/C, and have concluded that FGM/C is not an obligation under Islam.<sup>38</sup>

Undoubtedly, there are people against the practice of FGM/C in the Maldives, but they are not currently speaking out publicly against the practice. The government itself has yet to make a public statement concerning FGM/C, the extent to which it occurs in the Maldives, and/or their opinion as to the religious standing and validity of the practice.

According to one interpretation of Islamic law, people who perform or allow performance of Type III FGM/C procedures, medically referred to as infibulation, are condemned.<sup>39</sup>

## 7.2. Health Concerns

There are multiple purposes cited as to the necessity of FGM/C, most often a correlation to cleanliness in both males and females. According to the World Health Organization, there are no

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<sup>37</sup> For information about FGM/C classification, See World Health Organization, *Sexual and reproductive health: Classification of female genital mutilation*  
<http://www.who.int/reproductivehealth/topics/fgm/overview/en/>

<sup>38</sup> Islamic Cultural Centre, *Female Genital Mutilation: Religious, Cultural and Legal Myths*  
[http://www.iccservices.org.uk/news\\_and\\_events/updates/female\\_genital\\_mutilation.htm](http://www.iccservices.org.uk/news_and_events/updates/female_genital_mutilation.htm)

<sup>39</sup> Muhammad Lutfi al-Sabbagh, Regional Office for the Eastern Mediterranean, World Health Organization, *The Right Path to Health, Health Education Through Religion: Islamic Ruling on Male and Female Circumcision*, 29, <http://applications.emro.who.int/dsaf/dsa54.pdf>

health benefits to the practice of FGM/C, but many harmful effects.<sup>40</sup> Some of the listed harms include “damaging healthy and normal female genital tissue...interfere[ing] with the natural functions of girls’ and women’s bodies,” as well as “severe pain, shock, haemorrhage (bleeding), tetanus or sepsis (bacterial infection), urine retention, open sores in the genital region and injury to nearby genital tissue.”<sup>41</sup>

### **7.3. History and Religion**

The historical context of circumcision (male and female) in the Maldives can be better understood by looking at the religious ideology of the country and its leaders.

Islamic law is found in the Quran. Islam follows the Quran as the supreme law of this earth, above all other legal systems and secular state governments. Prescriptions given to mankind in the Quran are obligatory, in entirety, for all Muslims.

The secondary source, where Muslims look for guidance on duties and conduct, are the Hadiths. The Hadiths are the actions and teachings of Prophet Muhammad (PBUH), which have been observed or received by a credible source, carefully verified, and transcribed and referenced by Muslim scholars.<sup>42</sup> Every Hadith has not received the same level of verification and may not come from a reliable or credible source; therefore, what is written in the Hadiths is not obligatory upon Muslims. The credible and verified Hadiths are often strictly followed and considered to be

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<sup>40</sup> World Health Organization, *Female genital mutilation, Fact Sheet N°241* <http://www.who.int/mediacentre/factsheets/fs241/en/>

<sup>41</sup> *Id.*

<sup>42</sup> Muhammad Lutfi al-Sabbagh, Regional Office for the Eastern Mediterranean, World Health Organization, *The Right Path to Health, Health Education Through Religion: Islamic Ruling on Male and Female Circumcision*, 8, <http://applications.emro.who.int/dsaf/dsa54.pdf>

a *Sunna* – proper conduct performed and prescribed by Prophet Muhammad (PBUH), and therefore established as a legally binding precedent.<sup>43</sup>

FGM/C and male circumcision are not originally Islamic traditions, and were practiced by Arab communities before Islam.<sup>44</sup> Circumcision pre-dates Islam, Christianity, and Judaism. It was a ritual performed by various tribal communities in the Middle East and Africa long before monotheism came to the regions.<sup>45</sup> Male circumcision and FGM/C were a part of the tribal tradition in Arab culture prior to the revelations from God to Prophet Muhammad (PBUH). The tradition and cultural norm was carried over to Islam and has been analyzed as part of the religion for centuries.<sup>46</sup>

Islam was revealed to Prophet Muhammad (PBUH) as the religion of Prophet Ibrahim (AS); “...and we revealed to you (Oh Muhammad) to follow the milat (religion) of Ibrahim.”<sup>47</sup> It is important to note that there are no explicit nor implicit references to circumcision in the Quran.<sup>48</sup>

#### **7.4. Genital Mutilation/Cutting and Gender**

The gender disparity between male circumcision and FGM/C is most easily seen when comparing the time and manner in which each procedure is performed.

- a. As discussed above, with no evidence to the contrary, the deduction is that most FGM/C procedures take place primarily in the home, probably immediately

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 5

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 35

<sup>47</sup> Quran: 16:123

<sup>48</sup> Muhammad Lutfi al-Sabbagh, Regional Office for the Eastern Mediterranean, World Health Organization, *The Right Path to Health, Health Education Through Religion: Islamic Ruling on Male and Female Circumcision*, 35 <http://applications.emro.who.int/dsaf/dsa54.pdf>

following birth. In this context, the only people likely present are the girl, the parents, and the midwife/birth attendant.

- b. Males, on the other hand, are circumcised either at birth or upon reaching puberty.<sup>49</sup>

One of the reported practices of FGM/C is called the “show of blood”. This practice of FGM/C is when, at the request of the parents, the midwife pierces the skin above the clitoris until blood is seen. This is done right after the birth of a female child.

- a. A Hadith has been cited as encouraging that extreme measures not be taken in female circumcision procedures, as it is better for the woman and more liked by her husband.<sup>50</sup>
- b. This Hadith, found to be unverified and unreliable, speaks to the idea of ceasing, or at least being conservative, when performing FGM/C.

## **8. Child Prostitution**

The Gender Ministry has formally stated that the issue of child prostitution in the Maldives has reached “alarming levels.” Azima Shukoor of the Gender Ministry also stated in May 2013 that “[t]he abuse of children is on the rise. Children are being used as sex workers, where the children are sent to places as a means to pleasure people and to gain an income from such a trade. This is being practiced in the Maldives today.”<sup>51</sup>

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<sup>49</sup> *Id.* at 16

<sup>50</sup> *Id.* at 17

<sup>51</sup> Leah Malone, *Maldives facing widespread child prostitution, sexual abuse: clinical psychologist*, Minivan News: Independent News for the Maldives, June 23, 2013 <http://minivannews.com/society/maldives-facing-widespread-child-prostitution-sexual-abuse-clinical-psychologist-59956#sthash.DHaxlSo1.dpbs>

The problem is thought to be widespread and though it has been acknowledged, has yet to be properly addressed by the government. The government has failed to take proper action and has not showed evidence of increased efforts to address problems with human trafficking and as such, they have been placed on the Tier 2 Watchlist<sup>52</sup> of the United States' Department of State's Trafficking in Persons Report for the past four years.<sup>53</sup>

In fact, the report asserted that the only reason the Maldives avoided being put on the Tier 3 Watchlist in 2013 is because they wrote a detailed plan for addressing issues with trafficking that would allow them to meet the minimum standards to show efforts to reduce trafficking.<sup>54</sup>

The 2012 report by the NGO Hope for Women made discouraging statements regarding the Maldives governmental efforts in addressing child sex trafficking, saying “[i]n the currently challenging country context, progress in these areas is likely to be negligible.”<sup>55</sup>

A parent selling the sexual services of their children to provide financial support for the family is not an uncommon practice, and in fact it is thought to be the most common source of the problem.<sup>56</sup>

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<sup>52</sup> Tier 2 is defined as “[c]ountries whose governments do not fully comply with the [Trafficking Victims Protection Act] TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.”

<http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm>

See United States, Department of State, *Tier Placements – Trafficking in Persons Report 2013*

<sup>53</sup> United States, Department of State. *Trafficking in Persons Report 252* (2013)

<http://www.state.gov/documents/organization/210740.pdf>

<sup>54</sup> *Id.*

<sup>55</sup> Hope for Women NGO Maldives, *Maldives NGO Shadow Report to the Committee on the Elimination of Discrimination against Women, 2012* 13,

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HopeForWomen\\_MaldivesForPSWG.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HopeForWomen_MaldivesForPSWG.pdf)

<sup>56</sup> Child Rights International Network, *Maldives: Children’s Rights References in the Universal Periodic Review* <https://www.crin.org/en/library/publications/maldives-childrens-rights-references-universal-periodic-review#aa>

Because there is not an organized trade of child prostitution on most atolls, and instead occurs more frequently within the home setting, it is harder to identify and intervene. This is further made difficult by the fact that it is less likely to be reported when it occurs at home. It is thought that these practices are most common in the poorest communities as a last resort source of income. These problems are especially resorted to in single parent homes. Drug problems in the Maldives further proliferate this trade, as the need for families to make extra money to support an addiction leads to desperate actions. There have been reports of such practices occurring with children as young as 12 years old.<sup>57</sup>

Government officials are not only hesitant to act on the situation, but incidents are poorly publicized and are often depicted as being isolated and infrequent. Moreover, instead of taking action to protect the victims of trafficking and prevent trafficking in the first place, the government instead penalized some of the victims for offenses committed as a direct result of having been trafficked.<sup>58</sup>

- a. A recent example occurred in February of 2013 when a 15-year-old girl in the Maldives was convicted of “fornication” and sentenced to 100 lashes after being sexually abused by her stepfather.<sup>59</sup>
- b. Although this girl’s sentence was eventually annulled, no child should have to go through such a conviction after being the victim of sexual abuse.<sup>60</sup>

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<sup>57</sup> Hope for Women NGO Maldives, *Maldives NGO Shadow Report to the Committee on the Elimination of Discrimination against Women, 2012* 62, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HopeForWomen\\_MaldivesForPSWG.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HopeForWomen_MaldivesForPSWG.pdf)

<sup>58</sup> United States, Department of State. *Trafficking in Persons Report 252* (2013) <http://www.state.gov/documents/organization/210740.pdf>

<sup>59</sup> United States, Department of State, Bureau of Democracy, Human Rights and Labor *Country Reports on Human Rights Practices for 2013, Maldives 2013 Human Rights Report 3* (2013) <http://www.state.gov/documents/organization/220609.pdf>

- c. Such prosecutions not only affect the particular girl subject to punishment, but news coverage of such events sends a negative message to all women in society about how the state views their role in acts committed against them. Such messages will in turn discourage children, and all other victims of sexual abuse and trafficking crimes, from reporting their abuse and seeking help.
- d. The Maldives has not joined the United Nations protocol supplementing the Convention against Transnational Organized Crime, designed to prevent, suppress and punish trafficking of persons, especially women and children.<sup>61</sup> Though the State has ratified the United Nations Convention against Transnational Organized Crime,<sup>62</sup> ratifying this supplemental protocol is critical to ensuring the Maldives can access international assistance to implement programs aimed at curbing child prostitution.

Child prostitution on Malé is considered a more organized trade, and as such, presents the opportunity for individuals and families who move to the capital for more economic opportunities to resort to such practices.

It has been asserted that sex trafficking has multiplied due to overcrowding of homes that happened because of the 2004 tsunami, especially in light of the severe economic loss many families have and continue to face as a result.<sup>63</sup> These theories are well founded as trafficking

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<sup>60</sup> *Id.*

<sup>61</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* 41 [http://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOLS\\_THERE\\_TO.pdf](http://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERE_TO.pdf)

<sup>62</sup> Maldives ratified and acceded to this convention on 4 February, 2013

<sup>63</sup> Emma Fulu, *Responding to the Maldives Tsunami*, 38 *Development and Change* 850 (2007) (stating that many families were forced to live in the same dwelling following the tsunami which

and exploitation of children greatly increased following the tsunami due to increased vulnerabilities resulting from the disaster.<sup>64</sup>

## ***9. Impact on women's lives today***

As discussed throughout this report, a lack of disaggregated data for the Maldives makes difficult attempts to understand how laws, combined with socio-cultural practices impact equality for children. The numbers presented below and throughout this report show the present gaps in equality affecting adult women and men, from which can be extrapolated notions on similar inequalities for girls and boys.

### **9.1. Health Indicators**

According to the World Health Organization (WHO), the Maldivian population is generally on par with world averages regarding life expectancy, listed as 76 years for males and 78 years for females.<sup>65</sup>

As with much of the available research on the Maldives, the information covers a select group of indicators, including the percentage of the population living in urban areas (42); total fertility rate per woman (2.3); under-five mortality rate for both sexes per 1000 live births (11); maternal mortality rate per 100,000 live births (31); prevalence of HIV per 100,000 people (30); and the

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decreased families' privacy and increased incidents of sexual abuse); *see also* Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings*, 142 (stating that following the 2004 tsunami child trafficking increased in many Southeast Asian countries as children and orphans increased their dependency on others).

<sup>64</sup> Pradyumna & S. Shanmugam, eds., *The Indian Ocean Tsunami: The Global Response to a Natural Disaster* 290 (2011).

<sup>65</sup> World Health Organization, *Countries – Maldives, Life expectancy at birth m/f (years, 2012)* <http://www.who.int/countries/mdv/en/>

prevalence of tuberculosis per 100,000 people (65).<sup>66</sup> While these numbers point to significant strides being made by the nation in certain areas, these indicators do not paint a picture of how non-communicable diseases affect the health of the state's population.

Much as the WHO does, the United Nations Millennium Development Goal Indicators (MDGI) primarily focuses on traditional categories for measuring the health of a nation. Unlike the WHO, the United Nation's MDGI reflect a broader look at the health of the nation, so does include some insight into Maldivian life outside strict health parameters.

MDGI data for births attended by skilled health personnel, related to Millennium Development Goal Target 5.A to reduce the maternal mortality ratio, gives a figure of 94.8 percent for 2009.<sup>67</sup>

As related to the practice of FGM/C, this percentage seemingly indicates that as far as the practice remains prevalent, training health personnel to speak with parents about the dangers, bodily and otherwise, to the practice of FGM/C, might prove the best method of combatting the problem.

As well, the high number of births attended by skilled health personnel points to the opportunity for the government to collaborate with training institutions and health services to ensure that their staff are trained to disseminate information about the health aspects of FGM/C practices as a counter to the ingrained socio-cultural belief about the need for the practice.

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<sup>66</sup> World Health Organization, *Maldives; WHO Statistical profile*  
<http://www.who.int/gho/countries/mdv.pdf?ua=1>

<sup>67</sup> United Nations, United Nations Statistical Division, Department of Economic and Social Affairs, *Millennium Development Goals Indicators, The Official United Nations site for the MDG Indicators, Births attended by skilled health personnel, percentage*  
<http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=570&crd=462>

## ***10. Ways Forward***

Although progress towards treatment of girls is steadily being shown in the Maldives, it should not be forgotten that the bulk of this progress has happened very recently. Careful monitoring of progress through surveys and scientific studies is going to be imperative in the coming years. Such studies should be accurately carried out and resources need to be in place to ensure there is uniformity of implemented programs across the atolls as well as uniformity in statistical research regarding the progress of the programs.

### **10.1. Statistical Studies**

The Maldives must have access to informative data and statistics in order to continue to progress as a country. The state has an interest in making necessary changes to enhance statistical studies so that the government can effectively monitor current programs and laws to ensure that resources are not wasted on ineffectual programs and methods.

Though the National Bureau of Statistics is currently responsible for collecting and assessing these statistics, the country's efforts would be strengthened if an exterior organization joined efforts in oversight.

- a. The WHO would be an ideal data collection partner, especially with regard to VAW and health related studies.
- b. Additionally, the state needs to ensure that it is better collaborating with organizations with which it enjoys a working relationship, including the World Bank. While many recommended changes cannot currently be implemented

wholesale, strategic partnerships will go a long way towards achieving first steps in attaining the broader goals.

A uniform plan must be in place for collecting data for studies and there should be training and oversight of the collection of data to ensure uniform collection. This is imperative so this and successive governments have a clear picture of where to delegate resources and where progress has been made concerning the equitable treatment of girls.

The Maldives also needs to ensure they are equally represented in country reports that collect data to compare different countries. This would better allow collaboration and further would help to draw attention to the country for outside resources.

With overlapping areas of interest, this Committee should collaborate with the CEDAW Committee to encourage and support Maldives state actions on these issues.

## **10.2. Women's Role in Society**

By addressing the gaps in development and equality affecting girls, the Committee and the Maldives can tackle the root of the problems identified in this report, namely a cycle of uneducated, unemployed, and un-empowered women, who then marry young, become pregnant, and raise girls who will also lack opportunities for education and employment as they grow up, marry young, and start families.

This cycle can be broken by providing higher education opportunities for girls (and boys) who do not live on the main atoll; most pressing, secondary education needs to be equally accessible to the citizens of all of the Maldivian atolls. If this problem is not addressed, the development gap between the populations of the atolls will get larger.

Along with the need for education, there is a need for job creation programs across the atolls. If girls across all the atolls become more educated but still lack jobs following academic or vocational training, the current problems may persist. As well, girls and their families may be discouraged to pursue female education without the motivator of future job opportunities.

Finally, the issue of childcare needs to be addressed. There is an imbalance in managing home-life responsibilities when the woman is responsible for all household chores and childcare. The recommendation to this Committee is to encourage the Government to tackle this issue, perhaps with the long-term view of creating communal daycare centers.

- a. These centers would provide childcare for those women in need; provide jobs for other mothers who want to work in, or run the centers; and the centers themselves could provide pre-school education for young children and after school programs for older students.
- b. These centers would be based on community specific needs, but would operate as a cooperative effort among community members. Organizing and running the centers could also provide women with a sense of empowerment and help them develop business and public relations skills, all of which create more supportive and encouraging environments for current and future Maldivian female children.

### **10.3. FGM/C in the Maldives**

This Committee should encourage other United Nations' human rights treaty bodies and organizations to get involved and help shed light on FGM/C occurrences in the Maldives, with the ultimate goal of encouraging the government to action on the issue.

Additionally, promoting state partnership with local non-profit organizations concerned about FGM/C, to help in uncovering and addressing the reality of this practice across the atolls.

## 10.4. Child Prostitution

The government needs to take a more active role in preventing child prostitution, and as such, this Committee should encourage the state to undertake more programs to increase awareness and emergency support available on each atoll.

Action on this recommendation should go hand-in-hand with:

- a. a state program to increase support programs for victims of prostitution, and
- b. increased judicial training on victim-responsive approaches to issues of prostitution.

Educational awareness programs need to be implemented on child prostitution prevention strategies. Such programs would show that attention is being paid to the issue and would help to deter people involved in the practice of child prostitution.

In conjunction with the above-mentioned programs, the government must implement rule of law initiatives to prevent and prosecute perpetrators of child prostitution practices.

Although the Maldives recently passed Child Sex Abuse Act that criminalizes the use of children for prostitution and pornography, this act is not sufficiently enforced.<sup>68</sup> As well, there are gaps in the law, including the provision in Article 14 whereby the use of children for prostitution and pornography is not a criminal act if the perpetrator and the victim are married to each other per Islamic law.<sup>69</sup> Such a loophole further serves to proliferate the problem of young marriages

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<sup>68</sup> United States Department of Labor, Bureau of International Labor Affairs, *2013 Findings on the Worst Forms of Child Labor – Required by the Trade and Development Act of 2000* 488 <http://www.dol.gov/ilab/reports/child-labor/findings/2013TDA/2013TDA.pdf>

<sup>69</sup> *Id.*

which young women enter without much choice or voice, both before the marriage occurs and during it.

### **10.5. Impacts on Women's Lives Today**

In concert with the above-mentioned focus on research, this Committee should encourage the Maldivian state to view the promotion of human rights as part of their adherence to Islamic principles, rather than retreating from these responsibilities as incompatible with Islamic faith.

As explained earlier in this report, Islamic faith views human beings as created for community, relationship, and dialogue, all of which are consistent with the promotion of human rights principles contained in this and other Covenants the state as ratified.

Beyond legal obligation, the Maldivian state should be encouraged to view its obligations under the Covenant on the Rights of the Child as necessary to build a stronger state, one living up to the Islamic ideals upon which the state Constitution and all laws flowing therefrom are built.