



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

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**Committee on the Elimination of Discrimination
against Women**

**Information received from Maldives on follow-up to the
concluding observations on its sixth periodic report***

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* The present document is being issued without formal editing.



A. Interim replies to the recommendations contained in paragraph 28 (a) of the concluding observations (CEDAW/C/MDV/CO/6)

1. With regard to the evidentiary requirements under Section 52(a) of Act No: 17/2014 (Sexual Offences Act) and Section 47 of Act No: 12/2009 (Special Provisions Act to Deal with Child Sex Abuse Offenders Act), Maldives notes that the law recognises at least 5 (five) types of evidence stipulated in the respective sections as sufficient to establish definitive culpability for offences mentioned in the Acts. In other words, it is not mandatory for the prosecution to admit all the different types of evidence stated in the law in order to establish guilt.

2. The evidentiary burden stated in Section 47 of the Special Provisions Act to Deal with Child Sex Abuse Offenders Act was the subject of discussion at recent cases at the Supreme Court of the Maldives. In the first case decided in 2020,¹ the Supreme Court had decided that Section 47 of the Act, in providing a range of admissible evidence, purports to offer flexibility in overcoming the threshold to establish culpability. As such, the Court was of the opinion that the evidence requirements stated in subsections (f), (g) and (l) are intended as avenues for the judge to corroborate the statement of the victim. This was further elaborated by the Supreme Court in a more recent case decided in 2021.² The Court reiterated that the statement of the victim is the primary evidence in such cases and that admitting evidence corroborating such a statement is sufficient to satisfy the burden of proof for conviction. Further, in the same case, Supreme Court also decided that the mere absence of five types of evidence would not hinder a conviction under Article 51(h) of the Constitution, provided there is substantial supporting evidence.³

3. These two provisions in the Sexual Offences Act and the Special Provisions Act to Deal with Child Sex Abuse Offenders are misinterpreted sometimes while considering the evidentiary requirements for cases of sexual violence, as some of the judges are unfamiliar that a conviction can be still achieved based on supported evidence even when five types of evidence are not available.

4. Thus, the Government is fully committed to conducting training sessions for the judges in order to avoid the misinterpretation of these provisions.

B. Interim replies to the recommendations contained in paragraph 28 (b) of the concluding observations

5. The Government wishes to inform the Committee that the section in question has been amended through Act No: 25/21 (First Amendment to Act No: 17/2014 Sexual Offences Act) enacted on 6 December 2021. The amendment effectively repeals subsections (a), (b), (c), (d) and (e) of Section 53 which covered certain circumstances that can be invoked against the victim to negate the accusations of sexual violence.

6. As a result of the aforementioned amendment, in order to negate guilt, the defendant will now be required to prove that either the facts stated in the victim's statement are inconsistent in itself or that the facts are unsupported in witness accounts.

¹ State v. Ali Shah 2017/SC-A/16, paras 14–15.

² Mohamed Muneer v Prosecutor General's Office [2021] SC 02, paras 15–16.

³ Mohamed Muneer v Prosecutor General's Office [2021] SC 02, para 56.

C. Interim replies to the recommendations contained in paragraph 28 (i) of the concluding observations

7. Act No: 3/2012 (Domestic Violence Prevention Act) is the legislative framework that prescribes measures for relief and protection of individuals from acts of violence occurring within a domestic setting, including physical, emotional, psychological, or economic abuse.

8. Section 6 of the Act adequately addresses the nature of the offence of domestic violence in relation to both civil and criminal liability. In that regard, Section 6 states that any act prescribed as an act of domestic violence under the Act shall carry both civil liability and be a criminal offence liable for criminal prosecution. Further, Section 7 of the Act reinforces this dual culpability by stating that criminal liability and conviction under another Act for acts of domestic violence under the Act shall not bar implementation of other (civil) measures prescribed in the Act. Section 7 subsection (b) also emphasises that the provisions of the Act shall apply regardless of the perpetrator being subjected to criminal conviction under a different legislation, as long as the victim and the perpetrator are bound by a domestic relationship as stipulated in the Act. In other words, the relief orders for protection and civil liability of the perpetrator stipulated in the Act can be sought even though criminal charges have been raised under other laws.

9. With respect to criminal convictions, all forms of violence and intimidation remain punishable under legislation such as Act No: 9/2014 (Penal Code of the Maldives), the Sexual Offences Act and Act No: 17/2010 (Act on Prohibition of Threats and Use of Dangerous Weapons).

10. As such, Government of Maldives is of the view that offences with criminal liability pertaining to acts of domestic violence are adequately covered in legislation prescribing criminal offences in the Maldives.

D. Interim replies to the recommendations contained in paragraph 54 (e) of the concluding observations

11. The Government of Maldives is committed to removing the barriers faced by women in matters of family law. In that regard, the Attorney General's Office in 2020, launched the Family Law reform initiative to identify and remedy the gaps in the legislative framework pertaining to family relations and related issues in Maldives.

12. The initiative composes of reviewing the Act No: 4/2000 (Family Act), Act No: 20/2019 (Child Rights Protection Act), the aforementioned Domestic Violence Prevention Act, and respective regulations, to identify discrepancies, workability and its adherence to Maldives' obligations under international law.

13. As such, the reform initiative is expected to result in better safeguards for women and children, modernise and simplify court proceedings, and introduce modern dispute settlement mechanisms.

14. The Government of Maldives assures the Committee that every effort is being made to ensure that the law reform initiative reaches fruition in a timely manner. Once the review has been completed, the Government will be in a better position to provide the Committee with specific updates on the review and subsequent legislative changes.