



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Fifth to twelfth periodic reports of States parties due in 1993

Maldives * ** ***

[25 May 2010]

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- * In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.
 - ** This document was submitted along with the core document and should be read with HRI/CORE/MDV/2010.
 - *** This document contains the fifth to twelfth periodic reports of Maldives. No report had been submitted to the Committee since 1992. For the third and fourth periodic report and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/230/Add.1 and CERD/C/SR.994 and 950.

1. Maldives acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 24 April 1984. The Convention came into force on 24 May 1984. The Government of Maldives did not accept the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints under article 14 of the Convention.
2. From 1985 to 1992, the Government of Maldives submitted four reports. Since 1992, no report has been submitted. The Government took note of the suggestion made by the Committee in its latest report in 1999, inviting the Maldives to benefit from the technical assistance offered by OHCHR in order to draw up and submit a report without any delay.
3. In 2006, the Maldives acceded to both International Covenants. Close collaboration has been initiated with the OHCHR through the Treaty and Committee Branch and a United Nations human rights adviser who started his activities at the end of July 2007. As a result of this cooperation, the Government of Maldives prepared a common core document that provides a comprehensive review of the implementation of its international human rights obligations, including those under the Convention.
4. The Government is therefore pleased to resume its dialogue with the Committee in order to comply with its reporting obligations and to provide it with an update on the situation in the Maldives.
5. The Maldives's core document establishes the Constitutional and legal framework for the implementation of the Convention provisions and includes topics which are congruent to provisions in Part I of the Convention. It also follows-up on the concluding observations issued by the Committee.
6. Through its constructive dialogue with the Committee, the position of the Government had been to deny the existence of racial discrimination in the country as Maldives "has a small homogenous population [...] and the people are of the same origin, pursue the same religion (Islam) and speak the same language (Dhivehi). [...]" (CERD/C/203/Add.1). The Government is, however, of the opinion that the significant increase in the number of migrant workers in recent years requires legislative attention (see section H of the core document). It is in this regard that the Government became a member of the International Labour Organization in May 2009 and is working with the ILO in completing the current legislative gaps. In the meantime, the Constitution of the Maldives provides for non-discrimination and equality of all within its jurisdiction and the Employment Act of 2008 acknowledges the migrant worker population as a vulnerable group. The Act further provides a balanced employment relationship with a written agreement as a prerequisite to employment.
7. Table 1 below outlines where the Convention provisions (1 to 7) are addressed in the core document. It also includes specific comments under the seven articles.
8. Table 2 sets out the issues raised by the Committee in its 1999 concluding observations on Maldives' implementation of the Convention and where these are addressed in the core document.
9. The relevant sections of the core document have been prepared in accordance with the harmonized guidelines for an expanded core document issued by the Office of the High Commissioner for Human Rights in May 2006 (HRI/MC/2006/3 and Corr.1) and guidelines for the Convention-specific document to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/2007/1).
10. The Government of Maldives will further seek guidance from the Committee to improve the quality of its reporting under the Convention as part of the common core document.

Table 1: Articles of the Convention addressed in the common core document

| Articles | Core document reference | Comments |
|----------|---|---|
| Art. 1 | H-Non-discrimination and equality | <p>The domestic law of Maldives does not define racial discrimination. Nonetheless, the 2008 Constitution of the Republic Maldives provides that everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island. The stipulation goes on to elaborate that special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law shall not be deemed to be discrimination, as provided for in article (a).</p> <p>Subsequent provisions impose an express duty on the State to follow the provisions of [the] Constitution, and to protect and promote the rights and freedoms provided in [the] Chapter.</p> <p>This is further substantiated by article 4 of the Employment Act that guarantees equal pay for equal work.</p> |
| Art. 2 | Chapter 2 H-Non-discrimination and equality | <p>A brief description of the legal framework and general policies to eliminate racial discrimination and to give effect to the provisions of article 2, paragraphs 1 and 2, of the Convention is provided in the common core document.</p> |
| Art. 3 | H-Non-discrimination and equality | <p>There is no racial segregation in the Maldives. Therefore, no specific measures to prevent, prohibit and eradicate all practices of racial segregation in territories under the jurisdiction of the Maldives have been taken.</p> |
| Art. 4 | H-Non-discrimination and equality | <p>The Government of Maldives is pleased to note the absence of incitement to, or acts of, racial discrimination in the Maldives, with due regard to the principles embodied in the Universal Declaration. Racial motives are not considered an aggravating circumstance under domestic penal legislation.</p> |
| Art. 5 | H-Non-discrimination and equality | <p>The equal enjoyment of rights and freedoms, as referred to in article 5 is protected by the law of Maldives. Every human being under the jurisdiction of the State benefits from the equal protection of the Maldivian law. As such, the Government has recently acceded to the ILO in view of modernizing the legal framework in relation to migrant workers. An ILO expert team visited the Maldives in July 2009, with the objective of identifying the legislative gaps.</p> |
| Art. 6 | H-Non-discrimination and equality | <p>There are no cases of racial discrimination, as defined under article 1 of the Convention, in the practice and decisions of courts or other judicial and administrative organs.</p> |
| Art. 7 | H-Non-discrimination and equality | <p>In the absence of prejudices leading to racial discrimination in the Maldives, the Government did not take specific steps in terms of education and teaching, and culture and information, to address racial discrimination. However, in Maldives, the teaching of Islam promotes understanding, tolerance and friendship among nations and all groups.</p> |

Table 2: 1999 concluding observations

| Concluding observations | Core document reference |
|---|---|
| Respect to any guarantees of equality and protection against racial discrimination in the 1998 Constitution | H-Non-discrimination and equality |
| Further information on the statements to be found in paragraph 1 of the fourth periodic report (CERD/C/203/Add.1) to the affect that “no form of racial discrimination exists in the Maldives based on race or any other differences among the population”, and that “therefore, no specific legislation is required to implement the provisions of the Convention” | H-Non-discrimination and equality |
| Further information on the situation of migrant workers and foreigners and, in particular whether they enjoy the protection of the Convention | H-Non-discrimination and equality, A2, C1, D2, L7, S2 |