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Committee on the Elimination of Racial Discrimination**Seventy-ninth session**

8 August – 2 September 2011

**Consideration of reports submitted by States parties under
article 9 of the convention****Concluding observations of the Committee on the Elimination of Racial
Discrimination****Maldives**

1. The Committee considered the 5th to 12th periodic report of the Maldives (CERD/C/MDV/5-12), submitted in one document, at its 2096th and 2097th meetings (CERD/C/SR.2096 and CERD/C/SR.2097), held on 11 and 12 August 2011. At its 2117th meeting (CERD/C/SR.2117), held on 26 August 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the periodic report and the resumption of dialogue with the Maldives after a lapse of almost twenty years. It expresses its appreciation for the frank and constructive dialogue held with the high-level delegation of the State party headed by the Hon. Attorney General.

3. While the Committee notes with satisfaction that the Maldives has followed its previous recommendation and received technical assistance from the Office of the High Commissioner for Human Rights in finalizing its common core document, the Committee regrets that the periodic report was not prepared in conformity with the revised reporting guidelines (CERD/C/2007/1) and contains insufficient information on the implementation of the Convention. The Committee invites the State party to submit on time its next periodic reports in line with the Committee's revised reporting guidelines and recommendations.

B. Positive aspects

4. The Committee welcomes positive developments which have taken place in the Maldives, including:

(a) The 2008 Constitution explicitly prohibiting racial discrimination in its article 17 (a);

(b) The 2008 Employment Act prohibiting discrimination amongst persons carrying out equal work;

(c) The 2009 Expatriate Employment Regulation protecting the rights of migrant workers;

(d) The collaboration with five special procedures mandate-holders who visited the country between 2006 and 2011.

5. The Committee also welcomes the ratification of a number of international human rights instruments since 1999, including:

(a) The International Covenant on Economic, Social and Cultural Rights of 1966 in 2006;

(b) The International Covenant on Civil and Political Rights of 1966 in 2006;

(c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 in 2004;

(d) The Convention on the Rights of Persons with Disabilities of 2006 in 2010 and

(e) The International Convention for the Protection of All Persons from Enforced Disappearance of 2006 in 2007.

6. The Committee notes the intention of the State party to withdraw reservations to the international treaties in the field of human rights and encourages it to do so in accordance with international standards of protection of human rights and fundamental freedoms.

C. Concerns and recommendations

7. The Committee regrets that the State party has not provided disaggregated data on the composition of the population to assess progress made in eliminating all forms of racial discrimination.

In light of its general recommendation No. 4 (1973) on the demographic composition of the population and paragraphs 10 and 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party include disaggregated demographic data on the ethnic composition of the population in its next periodic report.

8. While welcoming the information provided by the State party that an Anti-Discrimination Act is earmarked for 2012, the Committee is concerned about the absence of comprehensive legislation to prevent and prohibit racial discrimination (art. 1 and 4).

The Committee recommends that the State party enact the planned Anti-Discrimination Act as soon as possible in accordance with articles 1 and 4 of the Convention. In view of general recommendation No. 1 (1972) on States parties' obligations, States parties are invited to consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 1 and article 4 (a) and (b) of the Convention. The Committee invites the State party to make full use of the Convention and the Committee's other general recommendations when preparing this law.

9. The Committee notes with concern the provision of the Human Rights Commission Act that only Muslims can be members of the Human Rights Commission of Maldives (art. 2, 4 and 5).

The Committee recommends that the State party take steps to ensure that the Human Rights Commission represents all groups of the country and becomes fully

compliant with the Paris Principles (General Assembly resolution 48/134). The Committee also encourages the State party to provide the Commission with adequate human and financial resources in order to fully carry out its mandate.

10. The Committee is particularly concerned about discriminatory provisions in the Constitution that all Maldivians should be Muslims, thus excluding non-Muslims from obtaining citizenship or from accessing public positions, and mainly affecting people of a different national or ethnic origin (art. 2, 4 and 5).

The Committee draws the attention of the State party to general recommendation No. 30 (2005) on discrimination against non-citizens which requests State parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization. Also, according to article 5 (d) (vii) of the Convention, the State party has the obligation to ensure that all persons enjoy their right to freedom of religion without any discrimination on racial or ethnic grounds. The Committee requests the State party to consider the possibility of modifying the discriminatory constitutional provisions in line with the Convention.

11. While welcoming the State party's membership of ILO in 2009, the Committee expresses concern about reports of hostility against non-citizens and mistreatment of migrant workers by their employers. It also notes with regret the lack of information on refugees and asylum-seekers in the report of the State party (art. 2, 5 and 6).

The Committee requests the State party to provide in the next periodic report information on measures taken to prevent and redress cases of hostility and mistreatment against migrant workers as well as on the situation of refugees and asylum-seekers. In view of its general recommendation No. 30 (2005) on discrimination against non-citizens, the State party should continue to take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory effects.

The Committee recommends that the State party consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

12. The Committee notes with concern that the Maldives is a possible destination country for migrant workers trafficked into labour market and for women trafficked for the purpose of commercial sexual exploitation (art. 2, 5 and 6).

The Committee recommends that the State party strengthen its ongoing efforts to prevent and combat human trafficking, encourages it to enact as soon as possible the Anti-Trafficking Bill under preparation and include information on any progress made in this area in the next periodic report.

The Committee also recommends that the State party consider ratifying the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crimes.

13. The Committee is concerned by current limitations placed on the right of migrant workers and other foreigners to manifest their religion or belief only in private (art. 2, 5 and 7).

The Committee recommends that the State party develop means for promoting mutual understanding, tolerance, and inter-religious dialogue in the Maldivian society which will help to confront religious extremism and enhance cultural diversity.

14. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination.

15. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

16. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly at its sixty-fourth session (A/Res/64/169 of 18 December 2009).

17. The Committee recommends that the State party continue its dialogue with its Human Rights Commission and engage with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

18. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148, 63/243 and 65/200, in which the Assembly General strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

20. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

21. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 8 and 12 above.

22. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 7, 10, 11 and 13 and request the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

23. The Committee recommends that the State party submit its 13th to 15th periodic reports in a single document, due on 24 May 2015, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).
