

VIOLENCE AGAINST WOMEN IN MALDIVES

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I. INTRODUCTION

Violence against women (VAW) is a crime that is prevalent in many countries. It is a highly complex category of crime and may include very severe offences such as murder, rape and sexual assault. But it may also include offences that are seen as less serious but have significant implications to victims and the society. Domestic Violence (DV) is a type of violence that is often interchangeably used with VAW. Unlike VAW, DV is defined by the offence and the relationship between victims and offender.

Maldives has also seen VAW become a national concern that requires immediate attention. Commonly known statistics publicized in the Maldives on VAW suggest that 1 in every 3 women aged 18-59 may have experienced some form of physical or sexual violence. There are, undoubtedly, many reasons for this phenomenon. An important dimension that can shed some insight into this problem is the level of tolerance and intolerance towards women and girls in the Maldivian context. As such, this paper seeks to explore and explain how debates about tolerance and intolerance can be used to understand and explain VAW in the Maldives.

II. VIOLENCE AGAINST WOMEN IN THE MALDIVIAN CONTEXT

In Maldives, the first ever comprehensive study on violence against women carried out in 2007 revealed that 1 in 3 women between ages of 15-49 have experienced some kind of physical or sexual abuse at some point in their lifetimes (Ministry of Gender and Family, 2007). This was the 'shocking' finding from this study. And, like in many other countries, the various forms of violence against women (VAW) that are highly prevalent in Maldives have since been recognized as a national problem. Since then, the phrase 1 in 3 has become a powerful slogan for policy and practice change to improve the status of VAW.

Other findings from MSWHLE include:

- 1 in 5 women aged 15-49 (19.5%), who had ever been in a relationship, reported experiencing physical and/or sexual violence by an intimate partner.
- Approximately 1 in 8 women aged 15-49 (13.2%) reported experiencing physical and/or sexual violence by someone other than an intimate partner, since the age of 15.
- Combining physical and/or sexual violence by partners and non-partners, since the age of 15, we find that more than 1 in 4 women (28.4%) have experienced partner or non-partner violence, or both.
- Approximately 1 in 8 women aged 15-49 (12.2%) reported that they had been sexually abused before the age of 15, that is, that they had experienced childhood sexual abuse.

The study also revealed that among those women who have experienced violence, very few sought help from formal services including the formal justice system. There may be several reasons for this, including barriers in addressing their grievances through the formal justice system. In studies conducted on trust towards key criminal justice system agencies, it has been shown that the public has very low trust and confidence in the justice sector including the police and courts (UNDP, 2016).

III. CONCEPTUALIZATION OF TOLERANCE, INTOLERANCE AND VAW

To begin with, it is useful to understand what tolerance and intolerance mean in such a social context. The relation that is expressed by the words tolerance and intolerance may well be explained by the notion of attitudes and behaviours towards views that are not in line with what one believes. In the gender sphere, therefore, this is related to what people believe the roles and responsibilities of men and women are in the

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society. There are many factors that contribute to these beliefs that include, but are not limited to, religion, culture, upbringing and media. These various factors help build a world view that generates intolerance towards a group of people especially when they do not confirm to your notion of what is acceptable.

Indeed, the concept of equality itself needs to be conceptually redefined and related to how it will improve in a more holistic manner. The United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) explains this when they state the following:

a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. In addition, the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women.

Eliminating gender inequality and discrimination are important for criminal justice, especially for access to justice. As such there are important achievements to be gained from having mechanisms for good governance, independence, impartiality and the credibility of the criminal justice system that can enable these developments.

IV. CURRENT SITUATION

A. Legal

1. Domestic Violence Prevention Act 2012

In 2012 the much-awaited Domestic Violence Prevention Act (DVPA 2012) was passed and enacted, which offered a comprehensive legislative framework to tackle domestic violence. The term domestic violence means different things in different legal jurisdictions. The Domestic Violence Prevention Act (DVPA) 2012 defines "domestic violence" as "acts by a perpetrator where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the victim(s), and provided the victim(s) and perpetrator are in a domestic relationship" (*Domestic Violence Prevention Act, 2012, Article 4(a)*). Domestic relationship is meant to include:

1. Persons who are or were married to each other;
2. Persons who share or have recently shared the same residence;
3. Persons who are the parents of a child or a person who has or had parental responsibility for that child;
4. Persons who are family members related by consanguinity, affinity or marriage;
5. Persons who are domestic child caretakers or domestic workers; or
6. Persons who are in an intimate relationship.

Furthermore, the DVPA (2012) recognizes various acts as domestic violence. They are:

1. Physical abuse;
2. Sexual abuse;
3. Economic and financial abuse;
4. Impregnating the spouse, without concern for her health condition and against any medical advice to refrain from impregnation for a specified period;
5. Deliberately withholding the property of a person;
6. Intimidation;
7. Harassment;
8. Stalking.

This conceptualization of domestic violence in Maldives is very broad and covers offences that are

attributed to the intolerance of women and their rights in the society. This progressive approach to criminalizing domestic violence opens new challenges as the institutions that must be at the forefront of protecting women and assisting them with access to justice are tasked with a broad mandate. The Human Rights Commission of the Maldives (HRCM) stated in a 2005 study “men have become more conservative on these sensitive issues related to women’s rights, or at least less certain, whereas women’s views, for the most part, have altered much less and in some areas have become more strongly supportive of women’s rights” (HRCM, 2013, p. 3). Comparing results from 2005 baseline data, the HRCM reports:

The current survey indicates a significant drop in support for women’s equality. In all seven areas surveyed (inheritance, divorces, work, politics, etc.) fewer respondents than in 2005 considered women should have equal rights with men. Support for women’s right to equality in custody matters, for example, has dropped from over 90% among both rural and urban populations to around 60% (HRCM, 2013, p. 2)

B. Recorded Data

Like many other countries, and to similar proportions as several others, domestic violence is recognized as a significant issue in Maldives. Until recently, it remained strongly hidden, and it is only recently that it has become an issue of public and open debate. Today, domestic violence can be considered a highly focused arena of violence against women (VAW).

Table 1. Reported cases to Family Protection Authority 2013-2016

	2013	2014	2015	2016
Number of cases	19	149	438	642

Table 2. Present statistics based on reported incidents to the police

	2016	2015	2014	2013	2012	2011	2010	2009	2008
Domestic Violence reported cases to the police	304	341	187	207	178	146	84	110	114

As can be seen from the above two tables, the reported incidents to both the FPA and the MPS have been increasing rapidly. In part, this is because of an increased awareness of domestic violence in the community.

As can be seen from the following table, the majority of domestic violence victims in Maldives are women, although the law covers violence against men too.

Table 3. Gender and age of victims of domestic violence

Gender	Age		Total
	Under 18 years	Over 18 years	
Female	125	433	558
Male	87	83	170

Number of domestic violence victims involved in reported cases for 201

C. Some Underlying Problems and Gaps

While the enactment of DVPA (2012) has allowed new avenues to provide support to victims, there are several issues that need further ratification. Some of them include the following:

1. The DVPA is a semi-criminal law in the sense that it only allows punishment if there is a violation of the protection order issued under the law. The law itself does not provide a pathway to hold offenders accountable within the criminal justice system for the offence of domestic violence.
2. While DVPA covers some elements of hate crimes when there is an existing domestic relationship between offender and victim, the fact that there is no framework or law to criminalize hate crimes

make it difficult for the state to prosecute individuals for the underlying issues, which in many cases is intolerance

3. The criminal justice system is yet to formalize emerging good practices such as restorative justice. Domestic Violence offers a venue where restorative justice can be effectively applied, make the offender accountable and empower the victims to move on from the situation. It will further allow rehabilitation and reintegration of offenders into the society.

D. Challenges to the Police and Criminal Justice System

One of the greatest challenges facing the criminal justice system, including the police, is the reluctance of victims to provide support to the investigation. This happens for many reasons but mainly because victims are afraid to leave the violent situation in fear of either retaliation or fear of losing children. The fact that society still sees VAW as a private matter and something that should not be talked about outside of the home makes women, who are most often than not the victims of domestic violence, reluctant to seek help either from the police or relevant other authorities.

Also, it is not uncommon for women to experience a cycle of revictimization within the justice system. Many police officers and staff from criminal justice agencies still do not accept VAW or DV as a true crime; rather they see this as a personal dispute. Because of this, inadvertently or not, victims get revictimized within the system.

There are many emerging forms of VAW and DV that require urgent attention. Cyberbullying and cyberharassment, including sexual harassment and blackmail, are becoming common. The advances in technology place police and other relevant agencies at a disadvantage as they tend to remain far behind the criminals in technological development.

V. CONCLUSIONS AND RECOMMENDATIONS

- 1. Getting more accurate empirical data on prevalence rate:** There is an urgent need for robust primary research relevant to the current state of issues in Maldives. The most commonly referred to research in this area—the Maldives Study on Women's Health and Life Experiences of 2007¹—while useful for some policy and decision-making related to domestic violence in Maldives, it predates the domestic violence legislation and is not based on the legal definition of domestic violence as used in Maldives now. Data needs to be available disaggregated by variables such as gender, age and geography as well as social demographic factors like victim-offender relations, etc.
- 2. Understanding organizational knowledge and attitudes:** Key criminal justice agencies such as the police, courts and correctional system can influence how policy is actually practised. Acknowledging that these agencies may have low trust from the public, it is important to understand how different agencies actually contribute to resolving the abuse or revictimizing the victim. Capacity-building of these key agencies needs to be undertaken to ensure that policy is practised as envisioned in law. Investments in victim support units (VSU), such as that of the Maldives Police Service and Prosecutor General's Officer, are highly important and required. Attention needs to shift from seeing victims as only the person at the receiving end of the violence. Instead, a broader focus on victimization with an acknowledgement of impact and implications to society and community should be given attention. Thus, building resilient communities and community groups, involvement of community such as through restorative justice programmes can have useful impact.
- 3. Improving legislative and regulatory framework review:** The extent to which, and how, the existing legislative and regulatory framework facilitates, obstructs or limits desired results needs to be held more openly, and any revisions or amendments required must be brought as soon as possible. Maldives does not have legal aid assured by legislation, and rehabilitative and reintegrative measures are under-developed. Mechanisms such as restorative justice offer promising solutions but need proper

¹ Emma Fulhu: Maldives Study on Women's Health and Life Experiences (WHLE), Published by the Ministry of Gender and Family - ISBN 99915-95-01-5

legislative and regulatory mechanisms to be implemented.

4. Addressing various types of violence: Physical and sexual violence against women and children are the most common forms of domestic violence, and these are some of the most heinous forms of violence experienced within the context of domestic violence. The current effort on combating violence against these highly vulnerable victims needs to continue. But there are also other emerging crimes and victim categories that have been observed and, hence, the ongoing efforts need to be inclusive. Some of most noticed emerging issues are addressed in the Action Plan and includes:

- Technology facilitated domestic violence: (ab)use of technology in the commission of domestic violence (domestic violence in the digital era: harassing, stalking, blackmailing, threatening)
- Domestic violence against and by those with mental health problems and persons with disabilities
- Elder abuse and domestic violence (from financial crimes to violence)
- Expatriate population and domestic violence: From sexual exploitation to slavery
- Domestic violence against men
- Domestic violence and extremism

References

Attorney General's Office, & UNDP. (2014). *Legal and Justice Sector Baseline Study*. Attorney General's Office and the United Nations Development Programme in the Maldives.

CEDAW Committee. (2015). *General Recommendation No. 33 (Women's Access to Justice)*. CEDAW Committee.

Domestic Violence Prevention Act, Pub. L. No. Number 3/2012 (2012).

Emma Fulhu: Maldives Study on Women's Health and Life Experiences (WHLE), Published by Ministry of Gender and Family - ISBN 99915-95-01-5

Human Rights Commission of Maldives. (2011). *Six Years On - The Rights Side of Life: The second Maldives baseline human rights survey*.

Maldives Police Service. (2016, October 4). Crime Statistics. Retrieved from <https://www.police.gov.mv/#casestat>

Ministry of Gender and Family. (2007). *The Maldives Study on Women's Health and Life Experiences: Initial results on prevalence, health outcomes and women's responses to violence*.