

## Universal Periodic Review

(22<sup>nd</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

#### Maldives

#### I. BACKGROUND AND FRAMEWORK

##### **A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not the state party to this convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not the state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	22/05/1986, Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not the state party to this convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not the state party to this convention			Right to take part in cultural life

## II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

### Right to education

#### Constitutional Framework:

2. The Constitution of the Republic of Maldives of 2008<sup>1</sup> enshrines the right to free education in **Article 36**: "(a) Everyone has the right to education without discrimination of any kind. (b) Primary and secondary education shall be freely provided by the State. It is imperative on parents and the State to provide children with primary and secondary education. Opportunity for higher education shall be generally accessible to all citizens. (c) Education shall strive to inculcate obedience to Islam, instil love for Islam, foster respect for human rights, and promote understanding, tolerance and friendship among all people." **Article 39 (b)** adds that "The State shall promote education, culture, literature and the arts, within the limits of its resources." **Article 17** enshrines the principle of non-discrimination and provides that "(a) 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. (b) 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)." With regard to religion, **Article 10** states that "(a) The religion of the State of the Maldives is Islam. Islam shall be the one of the basis of all the laws of the Maldives. [...]" With regard to language, **Article 11** specifies that "The national language of the Maldives is Dhivehi."

#### Legislative Framework:

3. "In February 2011 the Maldives College of Higher Education was integrated into the new Maldives National University, established under the **National University Bill Act law** ratified by the President on December 2010."<sup>2</sup> (*For more information on policies and circulars, see also: <http://www.moe.gov.mv/v3/moe/en/?p=list&c=3>; in Dhivehi only*)

#### Institutional Framework:

4. "The **National Institute of Education of Maldives** was established on 12th December 2012. [Its] mandate: organize and conduct research projects and studies, [...] develop, continuously revise, improve, and implement a pre-school, primary, secondary, and higher secondary national curriculum [...] develop and implement an assessment plan [...], build capacity within schools that facilitate the holistic development of children [...], increase public awareness [...], establish a sustainable model, framework, and system for teacher

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/8e698935e6f4fb5590eea8484750e4ea1cb5a64a.pdf>  
<http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

<sup>2</sup> World Data on Education, 7<sup>th</sup> Edition, 2010/11, pp. 2-3, accessible at:

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Maldives.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Maldives.pdf)

(Accessed on 6 March 2014)

recruitment, training, professional development, and retention, design, create, and implement a sustainable instructional technology [...] and [...] inclusive education training programmes [...] establish an alternative and vocational education programmes that provides "semi-academic" and "skilled professions" pathways for under-qualified students. Establish and implement community and continuing education [...] and establish a national training and education programmes that sustains indigenous arts, crafts, and cultural heritage [...] and [...] adult education programmes [...].”<sup>3</sup>

5. “Maldives Qualification Authority was first established as Maldives Accreditation Board (MAB) by a presidential Decree in August 2000. On 17th May 2010, it was renamed as **Maldives Qualifications Authority (MQA)**. MQA's mandate is to assure the quality of post-secondary qualifications awarded in testimony of educational attainments. Thus a framework was developed in 2001. It is called Maldives National Qualifications Framework (MNQF).”<sup>4</sup>

### **Policy Framework:**

#### **i) Quality education**

6. In 2011, the 2009 **Maldives National Qualification Framework was revised**. “The main objectives of the strengthened MNQF are to bring all recognised qualifications into a single unified structure with systems to support: a. National competency standards setting. b. Quality assurance of teaching, assessment and certification. c. Student and learner support and reporting.”<sup>5</sup>

#### **ii) Curriculum**

7. “The **National Curriculum** [of April 2014] places the student at the heart of the teaching and learning process. It asserts that all students must experience a curriculum that challenges, engages and inspires; a curriculum that is relevant to their needs as individuals and as members of the Maldivian society. The eight principles [...]: Principle 1: The National Curriculum is underpinned by Islamic values, principles and practices. [...] Principle 2: [...] It promotes the development of a strong national identity and an in-depth understanding of our nation: its history, its present and its future. Principle 3: The National Curriculum upholds human rights, democracy and justice. [...] Principle 4: The National Curriculum promotes the holistic development of the child. [...] Principle 5: The National Curriculum empowers all students to reach their maximum potential and attain personal excellence. [...] Principle 6: The National Curriculum is non-discriminatory and ensures that all students can learn and achieve. [...] Principle 7: The National Curriculum fosters the development of skills in preparation for life. [...] Principle 8: [...] It ensures that learning is relevant to their present

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<sup>3</sup> NIEM, <http://www.nie.edu.mv/about-us>

<sup>4</sup> MQA, <http://www.mqa.gov.mv/index.php>

<sup>5</sup> MNQF,

<http://www.unesco.org/education/edurights/media/docs/77ebe07a514d825ef07a643d7857ecc947600bbe.pdf>

and future lives, by exploring significant contemporary and emerging issues such as technology, sustainability, enterprise and citizenship.”<sup>6</sup>

### iii) Private education

8. In 2009 the Maldives launched a **Policy on public private partnerships in education**. According to its Policy Statement, “The Ministry of Education is committed to Public Private Partnerships in Education because it recognizes that it no longer needs to be in control of the means by which education is delivered. It also believes that education would be delivered more efficiently, effectively and at a lower cost through such partnerships”<sup>7</sup>. “[...] The Ministry of Education will enter into Public Private Partnerships with appropriately qualified private providers for: (a) the design, development and management of new schools and higher education facilities; (b) the management of existing government schools and higher education facilities; (c) the provision of ancillary services.”<sup>8</sup> The main objectives of such a policy are:

- “[...] To introduce school choice for parents;
- To infuse school management best practices into our school system;
- To raise the educational achievement of children;
- To improve efficiency in resource allocation and utilization in the school system.”<sup>9</sup>

### Cooperation:

9. Maldives is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

10. Maldives did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

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<sup>6</sup> National Curriculum,

<http://www.unesco.org/education/edurights/media/docs/2cda5a0a236191e565a7e98f824f23c08b5dad32.pdf>

<sup>7</sup> Policy on public private partnerships in education, 2009, p. 1, accessible at:

[http://planipolis.iiep.unesco.org/upload/Maldives/Maldives\\_PPP\\_education\\_policy\\_2009.pdf](http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PPP_education_policy_2009.pdf)  
(Accessed on 7 March 2014)

<sup>8</sup> Policy on public private partnerships in education, 2009, p. 2, accessible at:

[http://planipolis.iiep.unesco.org/upload/Maldives/Maldives\\_PPP\\_education\\_policy\\_2009.pdf](http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PPP_education_policy_2009.pdf)  
(Accessed on 7 March 2014)

<sup>9</sup> Policy on public private partnerships in education, 2009, p. 2, accessible at:

[http://planipolis.iiep.unesco.org/upload/Maldives/Maldives\\_PPP\\_education\\_policy\\_2009.pdf](http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PPP_education_policy_2009.pdf)  
(Accessed on 7 March 2014)

11. Maldives did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

12. Maldives did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011)

13. Maldives is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

(input from CI)

#### Constitutional and Legislative Framework:

14. Freedoms of thought and the freedom to communicate opinions and expression are protected under Chapter II Article 27 of the Maldives Constitution (2008) with limitations “in a manner that is not contrary to any tenet of Islam”.<sup>10</sup>

15. In 2009, the parliament of the Republic of Maldives decriminalized the defamation laws through amendment of the Penal Code abolishing five articles providing for criminal defamation<sup>11</sup>.

16. The Right to Information Act was ratified by the President on 12 January 2014.

#### Media Self-Regulation:

17. Media self-regulatory mechanisms exist in the Maldives through the Maldives Media Council (MMC) established in 2008. Additionally, there is professional organization such as the Maldives Journalists Association formed in 2009.

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<sup>10</sup> <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

<sup>11</sup> <http://portal.unesco.org/ci/en/ev.php->

URL\_ID=29318&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html

## Safety of Journalists:

18. UNESCO recorded no killing of journalists in Maldives between 2008 and 2013. However, UNESCO notes the sporadic report of journalists being intimidated and harassed while carrying out their professional work.<sup>12</sup>

### **III. RECOMMENDATIONS**

#### **Right to Education**

19. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site:**

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

20. *In the Report of the Working Group on the Universal Periodic review of 3 November 2010, the following recommendations were made to Maldives:*

- i) A - 100.33. *Strengthen the independence of the Human Rights Commission of Maldives and work with it to **improve the human rights education** of the judiciary and the public (New Zealand);*
- ii) A - 100.65. ***Intensify awareness-raising and educational campaigns to combat violence against women**, and adopt measures to improve women's participation in the decision-making process (Algeria);*
- iii) A - 100.68. *Take measures to **eradicate traditional stereotypes of women, especially through educational programs**, and enact legislation on domestic violence and all forms of sexual abuse (Netherlands);*
- iv) A - 100.84. *Continue efforts aimed at **improving access to continuing education and training in the area of human rights** for judicial and legal officers, including through bilateral and other engagement with partners, in the light of the expressed need for greater capacity-building and technical assistance in key areas of governance (Malaysia);*

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<sup>12</sup> According to the following news sources: Minivan News (dated [2 July 2012](#) and [9 July 2012](#)), Haveeru (dated [7 August 2012](#)), Maldives Journalists Association (dated [23 February 2013](#) and [27 March 2013](#)), BBC (dated [7 October 2013](#)), and GlobalPost (dated [7 October 2013](#)).

- v) A - 100.86. *Ensure that children in conflict with the law have access to education (Ghana);*
- vi) A - 100.110. *Further develop and enhance education (Saudi Arabia);*
- vii) A - 100.111. *Continue the policy of free education for all children, through cooperation and assistance from the international community (Bhutan);*
- viii) A - 100.112. *Continue to apply programmes and measures to guarantee the enjoyment of the right to education (...)* (Cuba);
- ix) A - 100.113. *Intensify efforts in improving access to education for students from low-income families (Slovakia);*

## **21. Analysis:**

The right to education is guaranteed by the Constitution. However, if policies cover human rights, accessible and continuing education, there is no specific measure for disadvantaged children.

## **22. Specific Recommendations:**

- 22.1. Maldives is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.**
- 22.2. Maldives is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**
- 22.3. Maldives could be encouraged to adopt specific measure to further promote inclusive education.**

### **Freedom of opinion and expression**

23. Maldives must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards<sup>13</sup>. It must investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

### **Cultural rights**

24. The Republic of Maldives is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, are

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<sup>13</sup> See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12

conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Maldives are encouraged to facilitate the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

25. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Republic of Maldives is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Maldives are encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and  
the right to benefit from scientific progress and its applications**

26. With regard to contribution of science and technology to development, the Republic of Maldives is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.