



**International Human Rights
Instruments**

Distr.: General
21 February 2011

Original: English

**Core document forming part of the reports of
States parties**

Maldives*, **

[16 February 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

** Annexes can be consulted in the files of the Secretariat.

List of abbreviations

AIDS	Acquired Immune Deficiency Syndrome
AOSIS	Alliance of Small Island States
AP	Adhaalath Party
APF	Asia Pacific Forum
APT	Association for the Prevention of Torture
ARI	Acute Respiratory Infections
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCHDC	Centre for Community Health and Disease Control
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFPS	Child and Family Protection Service
CRC	Convention on the Rights of the Child
DDPRS	Department of Drug Prevention and Rehabilitation Services
DGFPS	Department of Gender and Family Protection Services
DPRS	Department of Penitentiary and Rehabilitation Services
DRP	Dhivehi Rayyithunge Party
EPI	Expanded Programme of Immunization
HDFC	Housing Development Finance Cooperation
HIV	Human Immunodeficiency Virus
HRCM	Human Rights Commission of the Maldives
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Islamic Democratic Party
IGMH	Indhira Gandhi Memorial Hospital
IPCC	Intergovernmental Panel on Climate Change
ILO	International Labour Organization
IOM	International Organization for Migration
MDP	Maldivian Democratic Party
MFDA	Maldives Food and Drug Authority
MIGA	Multilateral Investment Guarantee Agency
MIVET	Maldives Institute for Vocational and Technical Education

MPS	Maldives Police Service
MNDF	Maldives National Defence Force
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
NSPA	National Social Protection Agency
OIC	Organization of the Islamic Conference
SAARC	South Asian Association for Regional Cooperation
SIDS	Small Island Developing States
SPT	Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
TVET	Technical and Vocational Education and Training
TRC	Teacher Resource Centre
UNFCCC	United Nations Framework Convention on Climate Change
UNODC	United Nations Office on Drugs and Crime
WTO	World Trade Organization

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I. Introduction

1. The Government of Maldives is pleased to present this Common Core Document, to be read in conjunction with its initial report under the International Covenant on Civil and Political Rights (ICCPR) and forming part of its reports under the Convention on the Elimination of all Forms of Racial Discrimination (CERD) Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

2. In preparing this expanded Core Document, the Government of Maldives has followed the Harmonized Guidelines issued by the Office of the High Commissioner for Human Rights in May 2006 (HRI/MC/2006/3 and Corr.1). This expanded Core Document includes a broad range of information relevant to all the treaty bodies and reduces the amount of duplicated material and the overall length of the reports. This time around, the Government of Maldives is transmitting the Common Core Document along with the treaty specific report under the ICCPR.

3. The reporting period covered in the ICCPR treaty specific report is January 2007 to January 2010 and the information provided is correct as at December 2010. Chapter 3 supplements, and should be read in conjunction with, the Maldives' previous reports under the CRC, CEDAW and CERD. Together, the Common Core Document and the ICCPR treaty specific report outline the legislative, judicial, administrative and other measures in the Maldives, which give effect to the country's human rights obligations.

4. A table is included at the beginning of each section in Chapter 3, setting out the articles from each treaty that are relevant to that section (for cross referencing with the relevant treaty). The Maldives has responded to specific concerns raised by the relevant treaty body with respect to its last reports under the CRC, CEDAW and CERD in the area of this document dealing with the relevant subject matter.

A. Consultation with stakeholders

5. The Government of Maldives consulted widely with relevant stakeholders in preparing the Common Core Document and is grateful to those stakeholders and members of the public who provided input, for their assistance and comments.

6. The Government of Maldives recognises the important role played by non-governmental organisations (NGOs) in promoting and implementing the rights set out in the Covenants and undertook several rounds of consultations with relevant NGOs in the initial drafting stage of this document.

7. A range of issues relevant to the Maldives' obligations under the human rights treaties were raised by NGOs. These comments were taken into consideration in the preparation of the Common Core Document.

B. Collaboration with the United Nations human rights mechanisms

8. Three Treaty Bodies (CERD, CRC and CEDAW) have so far reviewed the Maldives's treaty reports and produced Concluding Observations and Recommendations. The Government submitted its reports under the two Optional Protocols of the CRC in 2007.

9. From 1984 to 1992, the Government of Maldives submitted five reports to the CERD. After an interval from 1992 onwards, the Government of Maldives decided to resume its dialogue with the Committee in 2008.

10. Under the Optional Protocol to the CAT, the Sub-Committee on the Prevention of Torture conducted a mission to the Maldives from 9 to 17 December 2007. The Government received a final copy of the Sub-Committee's Report in 2009 and took the decision to make the report, its findings and recommendations publicly available.

11. On 2 May 2006, the Government extended an open invitation to all Special Procedures. To date, four Special Rapporteurs have visited the Maldives, including the Special Rapporteur on Freedom of Religion or Belief in 2006, the Special Rapporteur on the Independence of Judges and Lawyers in February 2007, the Special Rapporteur on Adequate Housing in February 2009 and the Special Rapporteur on Freedom of Opinion and Expression in March 2009.

12. As a result of the follow-up to the concluding observations of Treaty Bodies and the recommendations of Special Procedures, a number of positive changes have taken place, such as the appointment of female judges, the establishment of a Prosecutor-General's Office, the establishment of a Judicial Services Commission and the removal of the gender bar that had previously prevented women from running for the post of president.

II. General information about the State

A. Demographic, economic, social and cultural characteristics of the State

1. Historical background

13. The Maldives is an island nation consisting of a group of atolls in the Indian Ocean. As far back as 3000 years ago, travellers from around the world, including Europe, Asia and the Americas came and settled in the Maldives. It is said that the earliest settlers in the Maldives were the Dravidian from the shores of Southern India and Sri Lanka. These people existed on different islands and formed tight-knit island communities. Historical remains from 400 BC show strong evidence that Buddhism was widely practiced among these people. Islam was introduced to the Maldives in 1153 AD with the Arabian traveller Abul Barakat Al-Bar Bari.

14. The Maldives was a Sultanate for 800 years [from 1153 to 1953] before it became a Republic for less than a year and returned back to a Sultanate on 21 August 1953. The Maldives was a British protectorate and gained full independence on 26 July 1965. A second Republic was declared on 11 November 1968 and since then the country has remained an independent Republic.

15. The legal system of the Maldives is based on an admixture of Islamic law and English common law, with the latter being more influential in some areas, such as commercial law. With relation to personal status, the basis of the law is Shari'ah, as adapted to the modern Maldivian judicial system. Much of the known legal history of the country is anecdotal and is derived from the works of travellers who visited the islands at different times.

16. One of the most enlightening facts illustrated by the Arabian and Persian sources indicate that women often served as rulers of the Maldives, before its conversion to Islam. The accounts of female rulers date back to the 14th century. Historical records also indicate that the Sultan's role was similar to that of a Constitutional Monarch. The Sultan was aided by a number of Councils, of which he or she was an equal member. There is evidence of

Sultans being deposed for deviating from normal procedures and precedents, against the advice of their counsellors.

17. The first written Constitution of the Maldives was adopted in 1932 and was largely based on customs, conventions and traditional modes of administration. In all available historical literature, it is evident that the Maldives always had the position of a “Fandiyaaru”.¹ These were the administrators of justice and the propagators of Islam. People living in small-knit societies looked to the Fandiyaaru on matters relating to law, order and religious activities. This is evident from the writings of the Frenchman Francois Pyrad [1611], Lieutenant W. Christopher [1834 AD (1249 AH)] and H.C.P. Bell [1921]. The Fandiyaaru had influence in the political and social affairs of the Republic.

18. Despite constitutional texts, English common law has played and still plays an influential role in modelling the thinking and concept of justice and law in the Maldives. A large number of the legal practitioners in the country are common law-trained. The system of administering justice has become more complex due to the conflicting views of the law as understood and promoted by the (previous) 1998 Constitution, English law administrators and enforcers, and by Arabian legal thinkers. For example, most of the Arabian-trained law practitioners do not believe in the concept of “corporate veil” whereas it is a well established principle of common law.

2. Demographic and ethnic characteristics of the country and its population

(a) Geography

19. The Maldives is comprised of approximately 1190 islands extending across the equator in a north-south strip, 860 km long and 120 km wide. The archipelago is located to the south-west of Sri Lanka and is divided into 26 natural atolls. For administrative purposes, the islands have traditionally been grouped into twenty administrative regions. The entire territory covers approximately 859,000 sq km, of which only 300 sq km is comprised of land.

20. The 2006 Census was carried out by the then Ministry of Planning and National Development (Department of National Planning) in all the 20 administrative atolls, 88 resort islands and 34 industrial and other islands throughout the country. The population of the Maldives at the time was 298,968. The country-wide enumeration was carried out on a de facto basis (that is, counting the persons where he/she was present at the time of the enumeration). Maldivians who were temporarily out of the country were also included. Foreigners residing in the country for employment purposes were not included in the census.

21. The total number of migrant or expatriate workers in the Maldives as of October 2009 is 71,480.

(b) Cultural diversity

22. The Maldives enjoys a culturally diverse society. Many migrant workers from India, Sri Lanka and Bangladesh have come to the Maldives, attracted by its higher wages and close proximity to their home countries. These migrants have made a major contribution towards shaping the modern day Maldives. Many of them work in the education, construction and tourism sectors.

¹ Isdhoo Loamaafaanu; historical remains of a writing from the reign of Shri Gandanaadheetha Mahaaradhun, in the year 1194 AD.

23. All Maldivians speak a common language called “Dhivehi” and writes in a local script “Thaana”, which goes from right to left. Dialectic variations in the language can be found in specific regions of the country. English is widely spoken, as the majority of the schools follow the English medium of instruction and a large number of Government official documents are also in English.

24. The Maldives is a nation of small islands with limited cultivable land. Therefore, the traditional food was fairly basic, consisting mainly of fish and coconuts. Over the centuries, exposure to other countries of the region resulted in the introduction of grains, flour and spices, and rice and curries have become a part of the standard Maldivian fare. Today, almost any type of food is available in the capital, Male’ though varieties are less in the atolls.

(c) Environment

25. The Maldives, as a nation of tiny, low-lying islands, is highly vulnerable to environmental change and degradation. This fact was demonstrated with tragic consequences in December 2004 when the Asian Tsunami left many people dead, homeless and without their former livelihoods.

26. In the longer-term, the Maldives is acutely threatened by man-made climate change and associated rises in mean sea-levels. The UN Inter-Governmental Panel on Climate Change (IPCC) estimates sea levels to rise between 18–59 centimetres by 2100. Since 80 percent of the Maldives’ 1,200 islands are about 1 metre above sea level, they could be partly submerged by the end of the century.

27. The Maldives is at the forefront of the global debate on climate change, both through aggressive advocacy within the United Nations Framework Convention on Climate Change’s (UNFCCC) Bali Process, and outside that process. The Maldives has been particularly vocal in calling on all countries, led by the industrialised world and the major emerging economies, to work together to solve global warming by moving towards carbon-neutral societies and the Green Economy. The Maldives has also been at the forefront of efforts to highlight the human rights implications of climate change.

3. Economic, social and cultural characteristics of the State

(a) Economy

28. The small size of the Maldives’ economy, which is largely dependent on tourism and fisheries, makes the Maldives vulnerable to external shocks as witnessed by the economic recession following the tsunami of December 2004. In spite of the relatively low death toll after the tsunami, the country’s economy was badly shaken. Financial damage was estimated at 62% of GDP or \$470 million, aggravated by a non-tsunami budget deficit of approximately \$80 million in 2005 due to a significant fall in revenue from tourism. The country lacks land-based natural and mineral resources; as a result virtually all economic production is highly dependent on imports, creating a heavy dependence on foreign exchange earnings. Intensive agricultural production is limited because of the poor quality of soil (porous, deficient in nitrogen and potassium) and the limited availability of fresh water. All staple foodstuffs, basic necessities and items for the tourism industry are imported.

29. The mainstays of the economy are fisheries and tourism, which account for 5% and 25% of the GDP respectively. Industrial sector development is recognised as vital to meet the growing demands of the economy. Foreign investment is highly encouraged with liberalised regulations to foster increased investment flows. However, the shortage of

skilled labour, limited natural resources and the country's geographical layout, combined with difficulties in transportation present major constraints to industrial development.

(b) Standard of living

30. Since its independence in 1965, the Maldives has achieved considerable economic and social development.

31. The Government makes a significant investment in the education sector, with a focus on improving the quality of education and expanding secondary, post-secondary, vocational and technical education, as well as special needs education.

32. The Constitution of the Maldives accords equality before the law for all. Nonetheless, existing socio-economic conditions, combined with the prevailing traditional and cultural norms and attitudes, still result in instances in which women still remain disadvantaged in terms of health, education and active participation in the development of the nation. Furthermore, differences in gender rights arise in instances of property rights, marriage and divorce, and religious and political leadership.

33. The Maldives ratified the UN Convention on the Rights of the Child in 1991. An urgent need exists for support services for children and families, especially for children who are victims of abuse and neglect. The Government is focused on building institutional capacity for the rehabilitation of children with disabilities and counselling services to the abused.

34. The current Government has unveiled a social protection programme, which consists of providing universal health insurance, subsidies to low income families, pensions and redundancy allowances, and financial assistance for education. The government is also planning to introduce monthly benefits of Rf 2,000 (US\$155) for single mothers, as well as increasing state benefits for the disabled to Rf 1,500 (US\$116) a month. The Government is also planning to establish social safety nets before the end of its five-year term to help combat poverty, which, according to UN statistics, affects 40 per cent of the population.

35. The Maldives has a very open economy due to its high dependence on imports and due to the need to earn foreign exchange from tourism and the export of fish products to finance its imports. The economy is thus vulnerable to such external factors as economic development in EU countries that are the major markets for tourism, the security situation in South Asia and the Middle East, and to international fish prices.

36. The vulnerability is also a result of the narrow economic base and limited natural endowments, land scarcity, and the small population and domestic markets. The country relies virtually on two sectors – tourism and fisheries. Tourism is the leading industry and accounts for one-quarter of the country's GDP. Its importance becomes more significant due to its interconnectivity with other economic sectors. While the contribution of fisheries has been declining over time, it still remains vital to the economy, as it is the main source of food and employment in a number of atolls.

37. The country's revenue is derived from four main sources – import duties, tourism tax, dividends from state-owned enterprises and rent from the leasing of land. These account for three-quarters of the Government revenue. These four major revenue sources are influenced by external factors, particularly the development of tourism.

(c) Education

38. The Government of Maldives has established a national system of public education with a common national curriculum. Although the country lacks an Education Act, the right to education is a constitutional guarantee. By policy, the Government enforces compulsory

primary education and the country is moving towards achieving universal access to secondary education.

39. Primary education in the Maldives starts at the age of 6 when children enrol into a 7-year cycle starting from grade 1 and ending in grade 7. Universal primary education has been achieved with high enrolment rates for boys and girls. Despite the success it has achieved, the challenges of providing quality education in the context of the geographical isolation and remoteness of most inhabited islands of the Maldives still remain. All except five inhabited islands in the Maldives provide education at least up to grade 7. The schools in the said five islands were closed after community consultation in 2008 as there were not enough students in these schools to make the schools viable. The students from these islands are provided with a monthly allowance to attend school in a nearby island.

40. Secondary education in Government schools is also free in the Maldives. The attempt to expand secondary education throughout the country has also significantly materialised in the past few years. The transition rate from primary to secondary has been steadily increasing over the years for both sexes. In 2008, the primary to secondary transition rate for boys have improved from 91 percent in 2007 to 97 percent, while that of girls had fallen to 96 percent after it was recorded at 100 percent in 2007. The target is to provide access to secondary schools to all children by the year 2010.

41. The net enrolment ratio of boys in primary education fell to 97.9 percent in 2007 and 95.2 in 2008 after registering 100 percent in preceding years. Meanwhile, the ratio of girls, after remaining at 100 percent until 2007 fell in 2008 to 96.6 percent. Statistics show the same trend in the ratio of girls enrolled in lower secondary education, which fell to 74.5 percent in 2008 after rising steadily over the decade to reach 77 percent in 2006. Meanwhile, net enrolment ratio of boys in lower secondary remained lower than for females, but has risen over the period to peak at 67.5 percent in 2007 and then fallen slightly to 64.4 percent in 2008.

42. In recognition of the right to education, steps have been taken to provide free education for all children in the Maldives in recent years. This included the provision of free books and stationery and the payment of exam fees in secondary and higher secondary examinations.

43. The major challenge in the provision of quality education arises from the lack of capacity within the Maldives to train teachers for primary and secondary levels. Significant challenges also lie in the provision of education for children with special needs. In the capital Male', there are three primary schools that offer special classes for children with special needs. This includes a class for hearing impaired, visually impaired and one for those who have multiple disabilities including those who are intellectually challenged. To ensure that educational opportunities are provided to all children, special education needs units (SEN Units) are being progressively established in the atoll schools. The target is to establish one such unit in at least one school in each atoll within the next two years.

44. The country's functional literacy rate is today at over 98%. According to data from the 2006 Census, the literacy rate of women in the 15–24 age group is higher than that for men in the same age group. Literacy rate for females in the 15–19 age group was 97.3 percent while for those in the 20–24 age group, this ratio was 96.8 percent. Meanwhile for males, the ratios were 97.0 percent and 95.9 percent for the 15–19 and 20–24 age groups respectively.

45. There are over 6,800 teachers serving in the Maldives of whom three-fifth are Maldivians. The remaining are teachers recruited mainly from neighbouring India and Sri Lanka. There are still more than 700 untrained teachers serving in schools due to a shortage of trained teachers. The current priority of the Government is to train more Maldivian teachers. Teacher Resource Centres (TRC) have recently been established in 20 atolls,

which provides teachers with the opportunity to receive in-service training and refresher courses in modern teaching techniques.

(d) Health

46. The Maldives has made much progress in public health, especially in the reduction of maternal mortality, human resource development and immunization. Health expenditure has increased over the years and has remained at around 10% of the national budget.

47. Health services in the Maldives are organised and delivered through a three-tier health care delivery system consisting of the island, atoll and central level. A network of 6 Health Sections, 26 Health Posts, 140 Health Centres and 19 hospitals within the atolls, along with 2 Government-owned central level hospitals, as well as a private hospital in Male' and several private clinics are involved in providing healthcare in the Maldives. Many of the locals in the islands are referred to the central island for intensive healthcare as well as several specialized health services and many of the locals also travel to neighbouring countries to seek better and prolonged healthcare. In the recent years, the Maldivian healthcare system has moved to a more medical model and hence, there is a need for revitalizing the primary health care approach and investing in public and preventive health. The network of community and family health workers has been vital as grassroots level workers in the islands delivering primary healthcare.

48. The Maldives saw the introduction of modern medicine in the 1960s. Since then service delivery systems have been established for both curative and preventive health and have been continuously upgraded. Maldives has achieved many notable achievements particularly in the control of communicable diseases. A notable success has been the eradication of malaria. The Maldives has been recognised as a malaria-free country since 1984 and no indigenous cases of malaria have been found since then. With the success of the Expanded Programme of Immunization (EPI), vaccine preventable diseases have also been controlled to such an extent that diseases such as polio, neonatal tetanus, whooping cough and diphtheria are on the brink of elimination. Other EPI-targeted diseases such as measles and hepatitis B, which were included relatively late, will take longer to reach the same level of success. Throughout the 1990s, the Maldives has maintained vaccine coverage well above the universal coverage rate.

49. Although, the Maldives has achieved significant success in the control of diseases such as tuberculosis, leprosy and filarial, these diseases continue to persist and pose great challenges, especially considering the large expatriate workforce in the Maldives who come from countries where there is a high prevalence of these diseases. Vector-borne disease such as dengue, chikungunya and scrub typhus have emerged to be more important and challenging, as well as other re-emerging diseases such as leptospirosis, toxoplasmosis and influenza. Though the Maldives has remained a low HIV-prevalent country, it remains extremely vulnerable due to high risk behaviours and a large drug addict population and there is a persisting threat of an impending HIV/AIDS outbreak.

(e) Housing

50. The Maldives, being a nation of very small, geographically dispersed, islands, faces considerable challenges in providing adequate housing for its population. Due to the fragmented nature of the country, with the population distributed over a large number of small islands, the provision of infrastructure to small pockets of population, on an effective and sustainable manner, required new thinking in planning.

51. After the 2004 tsunami, residents in a number of devastated islands were evacuated to alternative islands, where, rather than rebuilding the devastated locations, the

Government, opted to improve the infrastructure and build additional housing in the islands to which they were evacuated.

52. As of November 2006, 10,665 persons were officially registered as displaced, including 1,938 people living in their own properties awaiting repairs. A total of 1,073 people have been able to return to their homes since the tsunami. Over 1,103 houses in 83 islands have been repaired and approximately, 2,507 houses are in the process of being repaired out of an overall number of 5,814.

53. The new Government addresses the need for affordable housing in its Manifesto as one of its five key pledges. It states that due to the lack of an adequate land-use plan and due to the concentration of urban development in the capital Male' and its surrounding areas, providing affordable housing and satisfactory living conditions has become a priority. It aims to facilitate the development of a real estate market, through decentralisation and to find means and mechanisms to provide low-interest loans and building materials for outer atolls and islands. The Government also intends to complete post-tsunami reconstruction efforts and to address the housing needs of persons internally-displaced by the tsunami.

54. The present policy on housing is also coupled with the Government's policy on decentralisation, in identifying large islands with the potential to develop and provide economies of scale, for example in terms of social service provision. As a short-term goal (1–3 years), the Government also outlined the need for an adequate legal framework to encourage investment in real estate. Within 3–5 years, the Government also plans to strengthen planning and building control and to revive the Housing Development Finance Cooperation (HDFC) as an institution with the capacity to issue low-interest loans in a sustainable manner.

B. Constitutional, political and legal structure of the State

1. Constitutional structure

55. The present Constitution came into effect on 7 August 2008.

56. The Constitution of the Maldives establishes the organs of the State and fundamental rights of citizens. The Maldives is a Republic in which the legislative, executive and judicial powers are distributed between the various institutions of the State. The new Parliament under the 2008 Constitution was convened on 28 May 2009 with 77 Representatives; and the Supreme Court sits at the apex of the judicial system.

57. Furthermore, Article 2 of the Constitution identifies the Maldives as a democratic Republic based on the principles of Islam and the full separation of powers. Article 10 states that Islam is the State religion.

58. Creating a mature democratic framework, with a new Constitution that produces new arrangements in the distribution of powers and a vibrant party system that increases political participation, was one of the pillars of the democratic reform movement. In this regard, the first multiparty elections were held in October 2008. The objective is not merely to attain a multiparty electoral democracy, but a genuine liberal democracy, where there is both political pluralism and strong human rights safeguards.

59. Chapter II of the Constitution "guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within it, subject only to such reasonable limits prescribed by a law enacted by the People's Majlis in a manner that

is not contrary to this Constitution. Any such law enacted by the People's Majlis can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society".² The Chapter contains all fundamental rights and liberties guaranteed in a free society, including the right to life, the right to equality, freedom from discrimination, freedom from restraint, economic and social rights, freedom of expression, freedom of association, prohibits slavery, and in a first, it prescribes the State's fundamental duty to protect and preserve the natural environment, biodiversity, resources and beauty of the country.

60. With the enactment of the new Constitution, the Maldives proudly boasts a modern bill of rights and constitutionally guarantees the very fundamental rights and liberties it has ascribed to under its international legal obligations.

61. Some of the other major positive reforms included in the new Constitution are: limiting the number of Presidential terms, removing the gender bar on running for presidency, ensuring an effective separation of powers between the executive, legislature and judiciary, creating a new Supreme Court, and introducing political parties and parliamentary oversight for important public appointments.

2. Political structure

62. The Maldives is a Republic with a President who is both the Head of Government and the Head of State, as well as the Commander in Chief of the Armed Forces. Under the new Constitution, the President is elected directly by the people, in a secret ballot, for a term of five years limited to two terms. The President is assisted by the Cabinet of Ministers appointed by the President and approved by Parliament.

63. 18 August 2007 was a historical day for the Maldives. On that day the public decided, by referendum on the form of Government to be enshrined under the new Constitutional settlement – a Presidential system.

64. The first-ever multi-party presidential elections under the new system of government were held on 8 October 2008, with six candidates contesting, including the then incumbent President, as well as the leader of the main opposition party, Mr. Mohamed Nasheed. With no candidate securing 50% of the ballots cast, a second round of elections was held on 28 October 2008 between the top two contenders: the then President, Mr. Maumoon Abdul Gayoom and leader of the Opposition, with the latter securing 54% of the votes cast. President Nasheed took the oath of office on 11 November 2008.

65. The new Parliament of the Maldives under the 2008 Constitution was convened on 28 May 2009, with 77 elected representatives (including five women). The membership of the Majlis is determined as follows: (a) two members for the first five thousand residents registered for each administrative division or two members for administrative divisions with less than five thousand residents; and (b) where the residents registered to an administrative division exceed five thousand, one additional member for each group of five thousand residents in excess of the first five thousand. Article 86 of the Constitution prescribes twenty five percent as the Majlis's quorum.

66. Judicial power under the new Constitution is vested in the Supreme Court, the High Court and such Trial Courts as are established by law. The Supreme Court is the highest authority for the administration of justice in the Maldives, and the Chief Justice is the highest authority on the Supreme Court. All matters adjudicated before the Supreme Court shall be decided upon by a majority of the judges sitting together in session.

² Article 16 of Chapter II of the Constitution of the Republic of Maldives 2008.

67. The Judges are independent and subject only to the Constitution and the law.³ The Constitution expressly stipulates that when deciding matters on which the Constitution or the law is silent, Judges are required to consider Islamic Shari'ah and in the performance of their judicial functions, Judges must apply the Constitution and the law impartially.

68. With the assumption of Office on 11 November 2008, His Excellency President Mohamed Nasheed has embarked on an ambitious programme to decentralise the governance system of the Maldives, as addressed in the MDP's election Manifesto. The Government envisages the establishment of a three-tier governance structure, with the sector ministries at the national level, Province Offices and Atoll Offices at the regional level and the Island Office at the island level and decentralised functions under elected councils. In this regard, the Government has grouped together every two or more atolls of the 20 existing administrative atolls into seven administrative regions (Provinces) and appointed a State Minister to each Province in order to accelerate the development of local government, empower citizens and promote democracy at the local level.

69. The Government plans to develop one island as an administrative centre and one as an economic centre, from each of the seven Provinces, in addition to the capital island of each Atoll. The aim is to create economic, educational and social opportunities in the Province itself and develop the necessary human resources to create a socially conducive environment that retains the skilled professionals in the Province. The Government also seeks to engage NGOs and civil society groups in the development initiatives planned by the Island and Atoll Councils.

70. Chapter VIII of the new Constitution of the Maldives sets forth the manner in which the administrative divisions of the Maldives shall be administered in a decentralised manner. Article 230(b) of the Constitution prescribes that "In order to provide for decentralised administration, the President has the power, as provided in law, to create constituencies, posts, island councils, atoll councils and city councils".⁴ Article 231 (a) of the Constitution states that "All members of councils created for decentralised administration shall be democratically elected by secret ballot by their respective communities".

71. The Government has taken the initiative to implement the constitutional provisions by submitting a draft bill on "Decentralisation of Administration Units of the Maldives" to the People's Majlis on 10 July 2009. However, the Government withdrew the Bill in late December, over deadlock regarding the creation of Provinces. The Government will re-submit the bill to the People's Majlis for its first session in 2010, after consultation with political parties and other concerned parties.

(a) Political participation

72. As a country that has operated without legally recognised political parties since its independence in 1965, one of the most significant achievements in the democratisation programme has been the introduction of political parties.

73. In 2001, the Parliament, based on the opinion of the then Attorney-General, rejected the establishment of political parties. Then in 2005, the Parliament voted in favour and allowed for the registration of political parties. Accordingly, a provisional regulatory framework was established by Presidential decree, pending legislation by the Parliament, to allow for the registration and functioning of political parties. Regulations formally governing issues related to political parties were adopted in June 2005.

³ Article 142 of the Constitution of the Republic of Maldives 2008.

⁴ Article 230 (b) of the Constitution of the Republic of Maldives 2008.

74. Since then, thirteen political parties have been registered and are in operation today. These are the Maldivian Democratic Party (MDP), Dhivehi Rayyithunge Party (DRP), Adhaalath Party (AP), Islamic Democratic Party (IDP), Maldivian Social Democratic Party (MSDP), Social Liberal Party (SLP), People's Party (PP), Maldivian National Congress (MNC), Jumhooree Party (JP), People's Alliance (PA), Poverty Alleviation Party (PAP), National Alliance (Gaumi Ithihaad), Dhivehi Qaume Party (DQP).

75. Members belonging to MDP, DRP, PA, JP and the DQP hold seats in the Parliament. These and other parties have been able to hold numerous public rallies and have been able to propagate their views freely through all forms of media. Party activities are increasingly covered by State national television and radio stations, as well as private TV and radio and the political process has made significant progress through dialogue and discussion.

3. Elections

76. Elections to the People's Majlis (parliament) have been held at regular intervals since the nation's first Constitution was adopted in 1932. At present, both Presidential and Parliamentary elections are held every five years, though not simultaneously. The Elections Commission is an independent statutory body deriving its authority from the Constitution of 2008. It is comprised of five members who are nominated by the President and approved by the People's Majlis. The Commission is mandated with inter alia: the conduct, management, supervision and facilitation of elections and public referendums; the management and updating of the electoral register; and the demarcation of electoral constituencies. As stipulated by the present election laws, candidates for election to the Majlis must be Muslims, Maldivian citizens and ought to be 18 years of age or older.

77. The 2008 Constitution allows candidates to directly compete for the Presidency. The first multiparty Presidential election in the country took place in October 2008. Six presidential candidates competed in the election and saw a voter turnout of approximately 86%. A run-off was conducted as no candidate was able to secure a 50% majority as required by law. President Mohamed Nasheed emerged as the first democratically elected President of the Maldives on 28 October 2008. Voter turnout in the run-off was declared to be approximately 85%.

78. A major "Go Vote!" campaign was conducted by NGOs and a separate campaign was conducted by the Elections Commission through radio and television to encourage voters.

4. Legal framework

79. The legal system of the Maldives, owing to traditional minimal commercial activity and a low crime rate evolved at a slow pace and remained greatly underdeveloped as compared to its neighbours. Further, unlike its neighbours the country did not receive English law nor a common law culture, although it remained a British Protectorate during the period 1887 to 1965. However, due to the British influence, at present [mostly through higher education], the current legal system of the country is an admixture of English civil law, common law and Islamic law.

80. Rapid economic development, along with social progress, has created enormous pressures on the legal system to develop into a sophisticated framework that is capable of handling complex issues. Efforts have been made to deal with some of the issues, resulting in an ad hoc mixture of Shari'ah and legislation based on common law. The random responses have resulted in an inconsistent system that is often out of touch with the society it serves, leaving much to be done in terms of eliminating the inconsistencies, enacting new

legislation and bringing the system into conformity with international standards and best practices.

81. Nonetheless, with the enactment of the new Constitution of the Maldives in 2008, the domestic legal system has undergone an overhaul towards modernisation and greater democratisation.

82. The Constitution of the Maldives forms the highest legal document of the country. All laws enacted are required to comply with the Constitution. The law-making power is vested in the People's Majlis. The People's Majlis has the authority to pass laws concerning the administration of the courts, the trial and appellate jurisdiction of the courts and trial procedures.⁵ The Supreme Court sits at the apex of the judiciary and the courts have the inherent power to protect and regulate their own processes, in accordance with law and the interests of justice.⁶

83. Regulations derive their authority from laws passed by the People's Majlis pursuant to which they are enacted and are enforceable pursuant to such lawful authority. Any regulations requiring compliance by citizens is required to be enacted pursuant to authority granted by a law enacted by the People's Majlis.⁷

5. Maldives Police Services

84. The Maldives Police Service (MPS) was established on 1 September 2004 as a separate civil organization. Prior to that, policing was under the Ministry of Defence and National Security. MPS is responsible for safeguarding public security and safety; preventing and investigating crime; aiding the general public in natural and man-made disasters; assisting the criminal justice agencies in the execution of their work; and maintaining the internal security of the Maldives. The Police assist citizens to abide by the law, by means of information and sound advice, by the use of the media and in other forms. In their work, the police are responsible towards the general public and the authorities.

85. The work of the police is based on the stipulations of the Constitution, the Police Act (2008) and other rules of law and procedures that apply in the Maldives.

86. The Police Act was passed by the People's Majlis on 5 August 2008 and ratified by the President on 8 August 2008. After ratification, the President also signed a document stating that the Maldives Police Service is instituted as an institution run directly under the Ministry of Home Affairs. The Police Act places the Force under the control of a Commissioner of Police, appointed by the President. The Act stipulates the powers of the police and puts legal limitations in accordance with international norms and best practices. Under the Act, the police are given authority to use weapons, to arrest, and search and seize in accordance with the law. The Act also establishes a Police Integrity Commission, to receive and respond to public complaints, for the first time in the Maldives.

6. Administration of Justice

(a) Maldives Courts system

87. The Supreme Court, as the highest court of the land, has sole and final jurisdiction to determine all disputes concerning the qualification or disqualification, election, status of a presidential candidate or running mate or removal of the President by the People's Majlis.

⁵ Article 155 of the Constitution of the Republic of Maldives 2008.

⁶ Article 156 of the Constitution of the Republic of Maldives 2008.

⁷ Article 271 of the Constitution of the Republic of Maldives 2008.

88. The High Court consists of such number of judges as provided by law and matters in the High Court need to be disposed of by an uneven number of judges sitting together in session. While courts are scattered all around the country, serious cases in the Maldives are referred to the courts in Male'. The Supreme Court and the High Court sit in Male'. There are four lower courts in Male' dealing with civil, criminal, juvenile and family cases. There are no jury trials.

89. Judges to the Supreme Court are nominated by the President and approved by the People's Majlis. The Chief Justice is the highest authority on the Supreme Court. The Chief Justice is appointed by the President in consultation with the Judicial Service Commission and confirmation of the appointee by a majority vote of the People's Majlis.

90. The appointments and removal of all other judges are entrusted to the Judicial Service Commission of the Maldives set up pursuant to Article 157 of the 2008 Constitution. The Judicial Service Commission is an independent and impartial institution performing its duties and responsibilities in accordance with the Constitution and any laws enacted by the People's Majlis. The jurisdiction of the Commission extends to all members of the Judiciary and such other persons as designated by the People's Majlis.

91. Furthermore, the Commission is empowered to investigate complaints about the judiciary and to take disciplinary action against them, including recommendations for dismissal; to make rules regarding schemes for recruitment and procedures for the appointment of judges; to establish ethical standards for judges; to provide for such matters as are necessary or expedient for the exercise, performance and discharge of the duties and responsibilities of the Commission; and to advise the President and the People's Majlis in any matter regarding the administration of the courts.

92. In addition, the administration of the courts is also left to the courts themselves with them having inherent power to protect and regulate their own process, in accordance with the law and the interests of justice.⁸

(b) Parliament

93. Article 70 of the Constitution of the Maldives prescribes that "The legislative authority of the Maldives shall be vested in the People's Majlis".⁹ According to the Constitution, the People's Majlis has the power to amend the Constitution; enact legislation and amend or repeal any laws that may be in contravention to the tenets of Islam; supervise the executive; approve the annual and supplementary budgets; determine matters relating to Independent Commissions and Independent Offices in accordance with law; and hold public referendums on issues of public importance. The People's Majlis is elected for a term of five years.

94. Article 92 of the Constitution prescribes that "A Bill passed by the People's Majlis shall become law when accented to by the President".¹⁰ Article 93 states that "(a) Treaties entered into by the Executive in the name of the State with foreign states and international organizations shall be approved by the People's Majlis, and shall come into force only in accordance with the decision of the People's Majlis. (b) Despite the provisions of article (a), citizens shall only be required to act in compliance with treaties ratified by the State as provided for in a law enacted by the People's Majlis".¹¹

⁸ Article 156 of the Constitution of the Republic of Maldives 2008.

⁹ Article 70 of the Constitution of the Republic of Maldives 2008.

¹⁰ Article 92 of the Constitution of the Republic of Maldives 2008.

¹¹ Article 93 of the Constitution of the Republic of Maldives 2008.

95. By virtue of the authority vested in the People's Majlis under Article 98 of the Constitution, the People's Majlis may call upon and question under oath, any member of the Cabinet or the Government, or request them to produce documents in relation to the due performance of the obligations and responsibilities of such person. In the same manner, the People's Majlis also has the authority to summon any person to appear before it to give evidence under oath or to produce documents.

96. Furthermore, under certain grounds, and thereafter, upon meeting certain conditions as prescribed under Article 100 of the Constitution, the People's Majlis may, by passing a resolution, remove the President or Vice President from office or under Article 101 of the Constitution, take a vote of no confidence in a member of the Cabinet.

7. Non-governmental organizations (NGOs)

97. Just as the absence of political parties has, in the past, been a major shortcoming in the political life of the country, the fact that there were only a few local NGOs working directly in the area of human rights has been a major drawback in the advancement of human rights, especially in terms of shifting the equation in favour of the individual in matters that relate to the State. Until a few years ago, there were only a handful of NGOs operating in the Maldives.

98. However, under a revised regulatory framework and with encouragement by the Government, the number of NGOs that are registered has increased dramatically (total figure now being 1069) and the average time required for their registration is fifteen days.

III. General framework for the protection and promotion of human rights

A. General introduction

99. The Maldives joined the United Nations (UN) in 1965, after independence. Since 1978, the Maldives has followed a policy of international engagement, intensifying links with all nations, international organisations and donor institutions. In 1982 the Maldives joined the Commonwealth. It was also one of the founding members of the South Asian Association for Regional Cooperation (SAARC) and is a member of the World Trade Organisation (WTO) and the Multilateral Investment Guarantee Agency (MIGA). It is also a State Party to the Nuclear Non-Proliferation Treaty, as well as several other conventions on the protection of the environment, the suppression of terrorism and the promotion of human rights.

100. Since 2003, the Maldives has developed dialogue and collaboration with international human rights organisations such as Amnesty International and the International Committee of the Red Cross (ICRC) and acceded to six of the seven core international human rights instruments, including the ICCPR and the ICESCR. During the same period, the Maldives has also intensified links with the Commonwealth Parliamentary Association and joined the Inter-Parliamentary Union.

101. In 2006, the Maldives opened a diplomatic mission in Geneva to facilitate interaction with the Human Rights Council and the Office of the High Commissioner for Human Rights, with a view to better implement its new international human rights commitments and follow-up on the Concluding Observations of Treaty Bodies, as well as to pursue its constructive dialogue with the Special Procedures of the Human Rights Council.

102. The Government of Maldives has also actively encouraged the establishment of a UN human rights presence in the country, an effort which led, in 2007, to the creation of the post of a UN human rights advisor to the Maldives, (within the UN Resident Coordinator's Office). The Human Rights Advisor from the OHCHR was mandated to work with the Government, the National Human Rights Commission and NGOs for a term of one year.

B. Acceptance of international human rights norms

1. Ratification of international human rights instruments

103. The Maldives attaches the utmost importance to its international obligations and is committed to the principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights. Through its respect for international human rights law, the Maldives seeks to consolidate the national human rights framework under its general policy of improving the quality of life for all Maldivians.

104. The Maldives is now party to six of the seven core human rights treaties. While important steps have been taken in implementing the commitments contained therein, considerable steps still remain. Over the past three years, the Government has presented four treaty reports in an effort to bring itself up-to-date with its reporting obligations. This progress was further augmented by the Government's decision in August 2007 to develop a Common Core Document aimed at streamlining treaty reporting. The Maldives was one of the first countries in the world to take this innovative step.

105. Through these international commitments, the Government has undertaken to promote civil and political rights as well as economic, social and cultural rights, and children rights, and eliminate torture and all forms of discrimination.

106. The Maldives, however, is yet to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, although the Government is working towards completing all the national formalities to accede to it. When becoming party to the main international human rights treaties, the Government entered reservations to some provisions under the ICCPR, CRC and CEDAW, related to the freedom of religion, equality of men and women, alternative care and adoption. The Government is currently processing legislation to withdraw the Maldives' reservations pertaining to male-female equality.

107. A full list of the treaties and conventions is provided under Annex II:

- (a) International Convention on the Elimination of All Forms of Racial Discrimination;
- (b) Convention on the Elimination of All Forms of Discrimination against Women;
- (c) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (d) Convention on the Rights of the Child;
- (e) International Covenant on Civil and Political Rights;
- (f) International Covenant on Economic, Social and Cultural Rights.

(a) **Reservations and declarations**

108. The Government of Maldives takes note of the general comment 24 (1994), in which the Human Rights Committee identified the principles of international law that apply to the making of reservations.

109. The Government entered a reservation to article 18 of ICCPR on the freedom of religion and belief, stating that “the application of the principles set out in article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives”. The Government notes that the Special Rapporteur on the Freedom of Religion or Belief noted that “the text of the reservation does not clearly specify whether the reservation is limited to the manifestation aspects of the right, or whether it is also intended to apply to the freedom to have or adopt a religion or belief of one’s choice” and therefore referred to the General Comment No. 22 of the Human Rights Committee, which provides in paragraph 8 that States parties may not reserve the right to deny freedom of thought, conscience and religion or to deny minorities the right to profess their own religion. The Government did not, however, enter reservations to: article 2, which obliges the Government to respect and to ensure the rights recognised in the Covenant to all individuals within its territory and subject to its jurisdiction without distinction on the basis of religion; article 20, which obliges the Government to prohibit by law the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; article 26, which prohibits discrimination on religious grounds and article 27, which provides for the right of members to profess and practice their own religion. The same have been incorporated into the new Constitution.

110. The Government also expressed its reservations to article 7 (a) of CEDAW, to the extent that the provision contained in the said paragraph conflicts with the provision of article 34 of the 1998 Constitution of the Maldives. The Government also reserved “its right to apply article 16 of the CEDAW concerning the equality of men and women in all matters relating to marriage, and family relations without prejudice to the provisions of the Islamic Shari’ah, which govern all marital and family relations of the 100 percent Muslim population of the Maldives”. Much of these concerns have been incorporated into the new Constitution that came into force in 2008 and the reservation to Article 7(a) is no longer necessary as women may now hold the post of President. Hence, the Government is now undergoing its domestic processes to submit to withdraw the said reservation in the near future.

111. The Government expressed its reservation to paragraph 1 of article 14 of the CRC (freedom of thought, conscience and religion) since the “Constitution and the Laws of the Republic of Maldives stipulate that all Maldivians should be Muslims”.

112. The Government has also expressed its reservation to Articles 20 and 21 of the CRC, dealing with alternative care and adoption “since the Islamic Shari’ah is one of the fundamental sources of Maldivian Law and since the Shari’ah does not include the system or adoption among the ways and means for the protection and care of the Children contained in Shari’ah”. However, in practice, a system exists for the protection of vulnerable children. “Islaahiyya” (Education and Training Centre for Children) is a place for young children, where education and work ethics are taught with full funding from the Government. A recent establishment called “Kudakudhinge Hiya” gives power to the state to bring in abandoned children and serves as an institution for children below nine years. The home was established by the then Ministry of Gender and Family with the intention of providing a safe, secure and enabling environment for vulnerable children who have no other means of primary care. This house holds 45 children at present. Most of the children come from families where the parents have been arrested for major crimes or are presently serving jail sentences, have been misplaced or are victims of severe abuse.

113. The present socio-cultural and political setting in the Maldives and the prevailing interpretation of the Shari'ah on matters relating to the reservations made, impede efforts to address the underlying societal reasons for them. One example is that there was considerable resistance after the appointment of female judges in the Maldives, which was made following a recommendation by the Special Rapporteur on the independence of judges and lawyers. Despite heavy criticism from different parts of the society, the Government is committed to uphold the spirit of the conventions to which it is party.

114. The Government is however committed to exploring the removal of the reservations made to the conventions. The ongoing legal reform programme will represent an important milestone in this process. It is anticipated that a number of the reforms will facilitate the removal of the reservations under the CRC and the CEDAW.

2. Ratification of other United Nations human rights and related treaties

115. Maldives has ratified the following other United Nations human rights and related treaties:

(a) International Convention for the Protection of All Persons from Enforced Disappearance – 20 Dec 2006, New York | Signature: 6 Feb 2007;

(b) United Nations Convention on the Rights of Persons with Disabilities – 13 Dec 2006, New York Signature: 02 Oct 2007;

(c) International Convention against Apartheid in Sports – 10 Dec 1985, New York | Signature: 3 Oct 1986;

(d) International Convention on the Suppression and Punishment of the Crime of Apartheid – 30 Nov 1973, New York | Accession: 24 Apr 1984;

(e) Convention on the Prevention and Punishment of the Crime of Genocide – 9 Dec 1948, New York | Accession: 24 Apr 1984.

3. Ratification of other relevant international conventions

116. Maldives has ratified the following other relevant international conventions:

(a) International Convention against Apartheid in Sports – 10 Dec 1985, New York | Signature: 03 Oct 1986;

(b) International Convention on the Suppression and Punishment of the Crime of Apartheid – 30 Nov 1973, New York | Accession: 24 Apr 1984;

(c) Convention on the Prevention and Punishment of the Crime of Genocide – 9 Dec 1948, New York | Accession: 24 Apr 1984.

4. Ratification of regional human rights conventions

117. Maldives has ratified the following regional human rights conventions:

(a) Charter of South Asian Association for Regional Cooperation (SAARC) – 1985 | Ratification: 8 Dec 1985;

(b) SAARC Convention on Narcotic Drugs and Psychotropic Substances – 1990 | Signature: 23-Nov-1990 | Ratification: 14 Feb 1991;

(c) SAARC Regional Convention on Suppression of Terrorism – 1987 | Signature: 23-Nov-1987 | Ratification: 28 Sept 1987;

(d) SAARC Food Security Reserve – 1987 | Signature: 4 Nov 1987;

(e) SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia | Ratification: 28 Dec 2003;

(f) SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution | Ratification: 28 Dec 2003;

(g) Charter of the Organization of the Islamic Conference (OIC) – Feb 1972, Jeddah I Ratification: 1 Aug 1974;

(h) General Agreement for Economic, Technical and Commercial Cooperation among Member States of the Islamic Conference – 2 May 1977, Tripoli, Libya I Signature: 17 Dec 1977.

C. Legal framework at the national level

1. The human rights framework of the Maldives

118. It has only been during the last few years that the Maldives has actively pursued an agenda encompassing the protection and promotion of human rights as per international standards. The 1998 Constitution provided for certain limited constitutional rights and freedoms, while statutory law included human rights protections afforded by the Islamic Shari'ah.

119. Recent progress achieved in the area of human rights include: the establishment of political parties; the setting up of the national Human Rights Commission; the insertion of a chapter on fundamental rights and freedoms on par with the international bill of rights in the new Constitution that was adopted in 2008; and the overhaul of the criminal justice system, including the drafting of a brand new penal code and a criminal procedure bill. Moreover, human rights considerations lay at the centre of other important pieces of new legislation including the Armed Forces Act, the Employment Act and the Police Act. All of these acts are now in force and are the first of their kind in the Maldives. Work has also been ongoing to increase attempts to create space for encouraging the civil society and free media, notably through the media reform bills and improved NGO registration procedures.

2. Existing institutionalised processes to protect human rights

(a) Constitutional guarantees

120. The Constitution of the Maldives (2008) contains a comprehensive Bill of Rights designed to protect the rights and liberties of everyone in the Maldives.

121. The new Constitution (ratified on 7 August 2008) guarantees civil and political rights and fundamental freedoms including, inter alia: the right to life; right to non-discrimination; right to fair and public trials; protection from arbitrary detention; right to bail; freedom from forced confession; right to legal aid; prohibition of torture or degrading treatment; right to appeal; access to compensation for unlawful arrest or detention; right to vote (voting age reduced to 18) and to hold public office; freedom of opinion and expression; right to privacy; right to information; freedom of association; freedom of assembly; freedom of movement; and provision of special protection to vulnerable groups, including children, adolescents, elders, and people with special needs.

122. Economic, social and cultural rights and fundamental freedoms introduced or strengthened under the new Constitution include, inter alia: the right to adequate, nutritious food and clean water; the right to adequate housing; the right to a good standard of health; adequate access to sewerage and electricity; the right to marriage and family; the right to education; the right to work; the right to strike; the right to enjoy a pension; the right to take part in cultural life; and the right to enjoy property.

123. The new Constitution also introduces the right, not yet recognised at the international-level, to live in a safe and ecologically balanced environment. This new right is considered particularly important in the Maldives, a country that is acutely vulnerable to the negative consequences of global climate change and which is also heavily dependent — economically and socially — on its natural environment.

(b) Civil law

124. Previously, the Maldivian legal system was a complex admixture of Islamic law and English Common Law. The new Constitution of the Maldives simplifies and codifies all aspects of the law and stipulates that the Maldives will operate a dual legal system based on Civil Law and Islamic Shari'ah Law.

(c) Islamic law – Shari'ah

125. Islamic Law lays down the rights for man as a human being and as such enshrines human rights principles. In other words, it means that every man, whether he belongs to this country or another, whether he is a believer or non-believer, has some basic human rights simply because he is a human being. This fact should be recognised by every Muslim. Indeed, it is every Muslim's duty to fulfil basic human rights obligations. The most important basic right is the right to live and respect human life. Furthermore, economic, social and political rights are granted in the Islamic Shari'ah.

(d) Courts of law

126. The judiciary plays a very important role in protecting certain recognised rights and freedoms that are regarded as fundamental and by developing rules of statutory construction that reduce the degree of inadvertent legislative encroachment into those rights and freedoms. Convictions can be appealed to the Supreme Court and Judicial Precedent is practiced to some extent.

127. Under Article 39 of the 1998 Constitution, the President was the supreme authority in the administration of justice in the country. However, the new Constitution of the Maldives establishes an independent judiciary.

128. The Maldives recognizes the need, within the legal system, to establish an administrative appeal tribunal to review the decisions of Ministers, authorities and officials under the different Acts. A Public Complaints Bureau was established in 2004, which is mandated with investigating complaints regarding the administrative actions of all Government departments and agencies. The Bureau was abolished in November 2009, following which the Ministry of Home Affairs was designated as the government office to inquire public complaints that do not fall within the mandates of the existing independent institutions.

129. The Freedom of Information Bill envisages the establishment, in law, of the right of members of the public to obtain access to documents and also stipulates a range of obligations and restrictions on Departments and the public for exercising these rights. Pending the passage of the Bill, a Presidential Decree gave effect to a Right to Freedom of Information Regulation. The Decree was announced on the Freedom of Information Day in 2008.

130. Review tribunals, such as an Employment Tribunal, have been established under the Employment Act of the Maldives. The establishment of the Employment Tribunal has also significantly enhanced labour rights in general and is expected to afford better legal protection to migrant workers.

(e) Administrative bodies*(i) Human Rights Commission of the Maldives [HRCM]*

131. The Human Rights Commission of the Maldives (HRCM) was first established on 10 December 2003 by Presidential Decree. On 18 August 2005, the Human Rights Commission Act was ratified, making the HRCM an autonomous statutory body. In August 2006, the Act was amended by a unanimous vote in the Majlis, giving the HRCM new powers and bringing it in line with the Paris Principles.

132. The new Constitution of the Maldives establishes the Commission as an independent constitutional entity. Members to the Commission are nominated by the President and approved by the People's Majlis. The Commission is both empowered to promote human rights and to investigate any complaints of breach of human rights.

133. The principle objectives of the Commission are (a) to protect and promote human rights in the Maldives in accordance with Islamic Shari'ah and the Constitution of the Maldives; (b) to protect, preserve and promote human rights in the Maldives in accordance with international and regional treaties that are binding on Maldives; and (c) to assist and encourage non-government organisations in creating awareness and in promoting human rights. The Commission seeks to achieve these objectives by publishing reports and recommendations,¹² by speaking out on issues of concern, by reviewing legislation being enacted by Parliament, through advocacy and campaigns inside and outside Government,¹³ and by human rights education and training.¹⁴

134. In September 2007, the Human Rights Commission of the Maldives became a member of the Asia Pacific Forum (APF). The Commission was not granted full membership because of the provision in the Human Rights Commission Act which limits membership of the Commission to persons of the Islamic faith. For the same reason, the HRCM was only granted B status accreditation with the International Coordinating Committee of National Human Rights Institutions (ICC) when it joined in 2008. The HRCM recently reapplied for A status at the ICC, arguing that it is far more independent and active than many national human rights commissions which do enjoy A status. The HRCM has also noted that it recently submitted proposed amendments to the Human Rights Commission Act to the Government, and among them was a suggestion to delete any discriminatory clauses in the legislation.

135. In December 2008, the Commission was appointed as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture. In 2009, the NPM undertook thirteen separate visits to places of detention in the country and submitted recommendations.

136. The HRCM continues to face a number of challenges in carrying out its mandate including: tension between certain aspects of Shari'ah law and international human rights

¹² Since 2007, seven major thematic reports and surveys have been published by the HRCM on: "Rights Side of Life: Human Rights Baseline Survey" (February 2006); Investigation into the Death of Hussain Solah (2007); Investigation into the Death of Muaviath Mahmood (2007); Investigation into the Death of Mr. Dhaisan Kumar (2007); Rapid Assessment of the Housing Situation in the Maldives (November 2008); Report on Causes of Increase in Incidences of Crime (March 2009); and Rapid Assessment of the Employment situation in the Maldives (August 2009). There have also been many more reports on the human rights situation in places of detention – see below.

¹³ Such as human rights poster competitions for school children on Human Rights Day.

¹⁴ Since 2007, over 36 human rights workshops and training sessions have been organized for representatives of national and local government, the police, prison officers, teachers, NGOs, judges and lawyers.

law; lack of an established system under which HRCM is automatically consulted on new legislation impacting on human rights; tendency for government departments to ignore the Commission's input and opinions; legal uncertainty as to whether HRCM can appear in court on behalf of victims, or even submit opinions to the courts; and very low take-up of NPM recommendations.

(ii) *Public Complaints Bureau*

137. In November 2009, President Nasheed abolished the Public Complaints Bureau, after the cabinet deliberated on a paper submitted by Ministry of Home Affairs for this purpose. The Bureau was abolished based on the grounds that independent institutions have already been established to inquire and investigate public complaints. Following the abolishment of the Public Complaints Bureau, the Ministry of Home Affairs shall be the government office to inquire public complaints that do not fall within the mandates of the independent institutions.

(iii) *Anti-Corruption Board*

138. This Board which came into existence in 1991, is mandated to receive complaints, look into, investigate and take appropriate actions with regard to cases of fraud, embezzlement, misappropriation of money and/or property by employees of Government ministries, departments and other offices and Government owned, run and/or associated companies. Furthermore, the Board must raise public awareness on corrupt practices and its effects. A number of workshops and other events such as exhibitions have been held, targeted at Government officials and the public in general, to educate on corruption and its effects.

139. The Anti Corruption Board has been transformed into the Anti-Corruption Commission and under the new Constitution, the Anti-Corruption Commission is a Constitutional body empowered to prevent and combat corruption within the State. The Commission can inter alia inquire into and investigate all allegations of corruption; recommend further inquiries and investigations by other investigatory bodies and recommend the prosecution of alleged offences to the Prosecutor General, where warranted; and carry out research on the prevention of corruption.

(iv) *Independent commissions created ad hoc/public inquiries*

140. In May 2009, President Nasheed established a Presidential Commission to investigate the alleged embezzlement of state funds and resources, by virtue of article 115(o) of the 2008 Constitution, which gives the power to the President "to appoint temporary commissions to advise the President on national issues and conduct investigations".¹⁵ The Commission was granted full legal powers to carry out its mandate.

141. Chapter VII of the Constitution lays down the provisions for the establishment of independent commissions. These are: the Judicial Service Commission, the Elections Commission, the Civil Service Commission, the Human Rights Commission, the Anti-Corruption Commission, the Auditor General and the Prosecutor General.

(b) Incorporation of international norms into the Maldivian legal system

142. Under the 2008 Constitution, the Executive shall enter into treaties and agreements. However, treaties that impose obligations on the people are required to be put to the Parliament for approval before ratification. Citizens shall only be required to act in

¹⁵ Article 115 (o) of the Constitution of the Republic of Maldives 2008.

compliance with treaties ratified by the State when the same is provided for in a domestic [incorporating] law.

143. The Government continues to take its international human rights obligations seriously, and many positive changes are taking place. The 7th National Development Plan was formulated using a rights-based approach – for the first time ever in the country. A number of pieces of key legislation have also been drafted based on international human rights standards such as the Electoral Act, Political Parties Act and many of the Bills that have been drafted in the Media Reform Package.

3. Availability of remedies, existence of a system of reparation, compensation and rehabilitation

144. There is a Civil Court that addresses non-criminal cases. There are a limited number of reported cases of individuals seeking redress for human rights violations through the civil courts. For example, one case related to an individual who filed a case of unfair dismissal from the Government, after being dismissed for participating in an anti-Government demonstration. In July 2007, the Court ruled in favour of the complainant and ordered the Government to provide compensation. This has set a precedent. Since then, other cases have been considered by the courts.

4. Existence, mandate and financial resources of human rights institution

145. The Government of Maldives is committed to provide adequate financial resources to the national human rights institutions. Together with many international organisations such as the UN, the Government contributes to the funds and annual budgets of the Human Rights Commission of the Maldives and other national institutions that protect human rights. The Government also provides funding for many human rights NGOs such as the Care Society (for disabled children) and the Home for People with Special Needs established since 1976.

5. Acceptance of international human rights complaints mechanisms

146. The Maldives has accepted the competence of the Treaty Bodies under the ICCPR and the CEDAW to look into individual complaints but no individual complaint has yet been considered. The Government has not accepted the competence of the CAT and the CERD to deal with individual complaints.

D. Framework for the promotion of human rights at the national level

147. A number of attempts are being made at the national level to comply with international human rights standards. The Maldives Government prioritises the following in its attempts to promote human rights at the national level:

- (a) Promoting a strong, free democracy;
- (b) Human rights education and awareness;
- (c) Assisting disadvantaged and vulnerable groups to become more independent;
- (d) Supporting the family.

148. In 2009, human rights focal points were appointed in every Government Ministry to promote a human rights-based approach in disseminating the functions of each Ministry.

1. Human rights education

149. The Maldives believes that education and raising public awareness are the most lasting and effective ways to minimise discrimination and promote tolerance among all members of the community.

150. The Government of Maldives promotes human rights education programmes in Maldivian schools, and has also developed, in consultation with education experts, a range of human rights modules specifically for use at graduate-level. For example: the Faculty of Shari'ah and Law at the Maldives College of Higher Education is developing modules with important human rights components such as Public International Law, Human Rights Law and Feminist Legal Theory. The Faculty has also organised a series of workshops and seminars to increase human rights awareness in the judiciary.

151. Individual Ministries also try to promote human rights within their mandates. For example, in 2005, the Attorney General's Office carried out a "Legal Literacy" campaign for school children above the age of 14. The Ministry of Health and Family has also undertaken a range of public information and education initiatives, especially with respect to women's rights and children's rights. Educational components also form an important part of legislation on combating domestic violence and violence against women.

152. The Human Rights Commission of Maldives is also actively developing strategies for the effective and coordinated delivery of human rights education throughout the Maldivian schooling system; and has already carried out various human rights workshops around the country.

(a) Parliament and assemblies

153. The system of Government in the Maldives enables individuals to bring to notice areas in which human rights and fundamental freedoms are in need of protection or in need of further protection. Under the system of "responsible Government," Ministers are individually and collectively answerable to the Parliament. Ministers must also answer questions in Parliament concerning matters dealt with by their Ministries.

154. Parliamentary Committees also scrutinise proposed legislation and report on various aspects of that legislation. Under the current Constitution, the People's Majlis is also conferred with the authority to amend the Constitution.

(b) National Human Rights Commission

155. The Human Rights Commission of the Maldives aims to bring an end to all forms of human rights abuses in the country and to promote a culture of respect for human rights throughout the Maldives, with the view to creating a society centred on democracy, human rights and the rule of law.

156. The Commission publishes reports and recommendations to government institutions to enhance existing human rights mechanisms. As part of its effort to focus on human rights on all fronts, the Commission has promised to ensure that all legislation to pass through Parliament from now on will be considered from a human rights perspective before becoming law. The HRCM is working in collaboration with many Government Departments and NGOs.

157. From 2007–2009, the HRCM has carried out approximately fifty human rights awareness programmes, ranging from workshops, seminars, poster competitions and the publication of newsletters. The Commission has also undertaken thirteen visits to places of detention, during 2009, including prisons and state-run facilities for the disabled and children. In addition, the Commission has also released 27 reports on its findings following its visits and on various issues of concern.

158. The Human Rights Commission of the Maldives has the following responsibilities:

- (a) Monitor the implementation of human rights obligations of the State party and report annually (at least);
- (b) Report and make recommendations to the Government, either at the Government's request or on its own volition, on human rights matters, including on legislation and administrative provisions, the violation of human rights, the overall human rights situation in the country and the initiatives to improve the human rights situation;
- (c) Promote the harmonisation of national laws and practice with international human rights standards;
- (d) Encourage the ratification of human rights treaties;
- (e) Contribute to the reports that States parties are required to submit to the United Nations treaty bodies on the implementation of human rights treaties;
- (f) Cooperate with regional and UN human rights bodies, as well as with the human rights bodies of other States;
- (g) Assist in the formulation of human rights education programmes; and raise public awareness on human rights and the efforts to combat discrimination.

(c) Dissemination of human rights instruments

159. There is a dire need to strengthen efforts to disseminate human rights instruments in the Maldives. The Government wishes to note that it faces many challenges in the dissemination of human rights instruments, mainly due to the lack of resources. A survey done in 2005 by the Human Rights Commission noted that human rights awareness is quite low in the Maldives. A study of the country's population pyramid reveals the challenges ahead in this regard. According to the survey, over one-third of the population is enrolled in schools and the largest age-group in the population is that between 15 to 24 years. Such a demographic situation requires rapid adjustment, to widen political participation, to empower people and to sustain national progress. The country's geographical situation poses no lesser challenge.

(d) Raising human rights awareness

160. The most important challenge for the HRCM is in creating awareness among the people on human rights issues and thus, enabling them to adopt a proactive approach to the realisation of their rights. In a survey conducted by the HRCM, 27% of the people could identify only three human rights and nearly 42% could not name any. In addition to the general public, specific target groups such as parliamentarians, law enforcement officials and judges are identified as groups that need to be exposed to human rights education. From 2007–2009, the HRCM has carried out approximately fifty human rights awareness programmes, ranging from workshops, seminars, poster competitions and the publication of newsletters.

161. Workshops and seminars, such as the workshop held in the Maldives on Implementing the UN Convention against Torture and its Optional Protocol, jointly funded by the APF, were held to promote the understanding of the scope of such international human rights instruments.

162. Advocacy workshops were conducted on the participation of women in politics throughout the country. This is generally seen as a positive breakthrough in attempts to increase women's participation in politics. More women contested in the last parliamentary elections, which could be a direct or an indirect result of the increased gender sensitisation conducted throughout the years.

163. Throughout Maldivian history, the role and status of women and the position of women in societies has been to a large extent created and reinforced by gender prejudices and stereotypes. Much sensitisation and advocacy work on gender equality has been carried out since 2001. Posters, bulletins, leaflets on educational and vocational training opportunities, leadership training for women, television and radio spots, dramas and other efforts have been utilised to increase awareness.

164. Over recent years the number of females taking up positions across the workforce, including senior-level posts, has increased. For example, two new women have been appointed as heads of diplomatic missions abroad, the number of female lawyers during the last two years has increased significantly and women have been sent abroad to be trained as judges. More females are assuming careers in journalism and to speed up the advancement of women in the media, the media has special provisions urging for the inclusion of women in executive positions in media organisations.

(e) Civil society and the media

165. Building a vibrant and independent civil society is one of the most important challenges for the future of the Maldives. The civil society movement has increased after the 2004 tsunami. NGOs that are operating as lobby groups, are increasingly putting forward submissions to the Government on matters of public concern. Some of these organisations receive funding from the Government, donor agencies and international organisations.

166. Civil society in the Maldives comprises of a limited number of human rights NGOs that have been registered quite recently. A few have been in existence for a while and provide free and immensely helpful assistance to fulfil the needs of the society. These include the Society for Health Education (SHE), CARE Society and FASHAN. Recent additions to the list of human rights NGOs include Hama Jamiyya, the Maldivian Detainee Network, Rights for All, Strength of Society, Journey, Transparency Maldives and the Open Society Association. These NGOs primarily focus their work towards the promotion of civil and political rights.

167. The following Bills were submitted to the Parliament on 19 February 2006 and are in various stages of the legislative process:

- (a) Bill on Freedom of Information;
- (b) Bill on Media Freedom;
- (c) Bill on Registration of Print Media;
- (d) Bill on Broadcasting;
- (e) Bill on Cable TV Services in Maldives.

168. Pending the enactment of the Bills above, the Maldivian media witnessed a vast transformation from the previously tight environment. Instances of such transformation are most visible when media reports calling for the resignation of Government Ministers and issues of public concern are published.

169. In October 2008, the then President ratified the Bill on Maldives Media Council. The Media Council consists of 8 members from the media and 7 members from the general public. Maldives Media Council is an independent, self regulatory body having powers to prosecute on its own behalf, to engage and conduct its own business as well as having powers to make out of court settlements in relation to complaints against media. The objective of the Maldives Media Council is to establish and preserve the freedom of media in the Maldives; to keep under review matters contravening this freedom and taking remedial measures; to build up a code of practice and a code of conduct for the people

working in the media; to ensure people working in the media behave responsibly and ethically; and to conduct inquiries into complaints filed with the Council concerning abuse of rights.

170. In October 2009, the Parliament decriminalised the defamation laws through amendment of the Penal Code abolishing five articles providing for criminal defamation. The Bill was part of the government's wider platform to enhance respect for freedom of expression.

2. Budget allocation and trends

171. Although the Government and civil society organisations receive funds from donors from time-to-time, there is no specific budget allocation for the protection and promotion of human rights per se. Specific government grants include that used for the establishment of a National Human Rights Commission of the Maldives. Moreover, a local human rights consultant and an international consultant were previously hired by the Government to help prepare the National Human Rights Action Plan and to carry out various human rights projects. Other grants in support of human rights by the Government have been listed under "Existence, mandate and financial resources of human rights institution".

3. Factors that affect or impede the implementation of human rights obligations at the national level

172. The lack of qualified persons to conduct awareness and human rights promotion is a major concern for the Government. Efforts are made to bring domestic law in line with the Maldives' international human rights commitments. However, international conventions are not self-executing, and thus delays are experienced in the enactment of corresponding national legislation.

173. In the meantime, human rights training programmes for the police, security and civil services have been organised. Such trainings have so far been conducted in collaboration with the Commonwealth Human Rights Unit.

174. The Government posits that Islam is a champion of human rights. Nonetheless, the Government understands that education at the grassroots-level is necessary to create a better understanding of the international human rights framework and the human rights values prevalent in the Islamic faith.

E. Reporting process at the national level

1. National coordinating structure

175. In order to produce comprehensive reports under the UN human rights instruments, it is necessary to provide information from all departments of the Government and also the private sector. This is a particularly resource-intensive activity at the country-level. Government agencies also consult with NGOs during the drafting and evaluation stages.

176. To facilitate the reporting obligations within the Government structure, an inter-ministerial Committee was established in March 2007 with the Ministry of Foreign Affairs as the Chair. The Committee is mandated with compiling the State Report of the Maldives under the ICCPR and the ICESCR. Therefore, the Ministry of Foreign Affairs engaged a main drafter (national consultant) for the draft compilation process. Subsequently the draft was circulated within a Draft Reviewing Committee with technical support from the OHCHR and the UN Resident Coordinator's Office in the Maldives.

177. The following Government agencies have been assigned as Focal Points with primary responsibility for preparing the reports under the major UN human rights instruments.

<i>Treaty</i>	<i>Responsible agency</i>
International Covenant on Civil and Political Rights (ICCPR)	Ministry of Foreign Affairs
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ministry of Foreign Affairs
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Ministry of Health and Family
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Ministry of Foreign Affairs
Convention on the Rights of the Child (CRC)	Ministry of Health and Family
Convention against Torture (CAT)	Ministry of Home Affairs

178. Following the receipt of Concluding Observations from Treaty Bodies, the Government department responsible for the relevant report publicises the Concluding Observations through NGO channels and Government websites and ensures that all relevant departments of the Maldives receive the recommendations for review.

2. Participation of different departments

179. All reports of the State are made with the cooperation and coordination of the Ministries and the private entities outside of the Government.

180. The combined first and second periodic report since the initial report under the CRC (1996–2006) was prepared under the auspices of the Government of Maldives by the then Ministry of Gender and Family, in cooperation with a high-level, multi-sectoral Steering Committee comprising of relevant line Ministries and Departments, Non-Governmental Organisations and the UNICEF.

181. Similarly, the second and third combined CEDAW report was formulated with the valuable contribution of all line Ministries.

182. For the preparation of this expanded core document, a human rights committee was established in June 2007 led by the Ministry of Foreign Affairs. It comprises representatives from all Ministries and is chaired by the Deputy Minister for Foreign Affairs.

3. Participation of entities outside the governmental structures

183. At the time of the CEDAW report, there were only a few local NGOs in the Maldives that were working directly in the area of women's development. Comments from these NGOs were sought and considered when finalizing the report.

4. Parliamentary debates, Government conferences, workshops, seminars, radio and TV broadcasts and publication of issues explained in the report

184. The initial CEDAW report was published in English language, although the requirement was to publish it in Dhivehi, and widely distributed among the general public and the Government and non-Governmental organizations in 2002. The concluding comments of the CEDAW Committee and the Shadow report were also included in the

published version of this report. A consultation of CEDAW was held in 2002 for members of the Gender Equality Council and for the gender focal points. The combined second and third periodic report was also widely distributed.

5. Measures and procedures adopted to ensure the follow-up and dissemination of concluding observations and recommendations issued by treaty bodies, including parliamentary hearings and media coverage

185. In preparation to draft the second and third combined CEDAW periodic report, the then Ministry of Gender and Family forwarded the concluding comments to all stakeholder Ministries to obtain an update of the current situation. These agencies include the Ministry of Justice, the Attorney General's Office, the Ministry of Health, the Ministry of Education, the former Ministry of Human Resources and the Ministry of Defence and National Security. The draft report was prepared considering the responses the then Ministry of Gender received from each of these line Ministries. Once, the draft report had been prepared, it was once again circulated among all the stakeholders including the UNDP and the UNFPA for comments.

F. Other relevant human rights information

186. Due mainly to a lack of resources, the Maldives often faces tremendous difficulties in fulfilling its reporting obligations to international human rights treaty bodies. Challenges in timely and regular reporting are problems with which the Maldives needs to deal. The Maldives aims to submit more focused reports and keep all documents up to date. The Maldives is also thankful for the human rights treaty bodies themselves who acknowledge this situation and supply technical assistance to help smaller States such as itself, to meet their commitments.

IV. Implementation of substantive human rights provisions

187. The Maldives attaches utmost importance to its international obligations and is committed to the principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights. Through its respect for international human rights law, the Maldives seeks to consolidate the national human rights framework under its general policy of improving the quality of life for all Maldivians.

A. Non-discrimination and equality

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
2, 3, 14				2, 4, 9, 10, 11, 12	1, 2, 3, 4
26, 27	2, 3	12, 13	2, 9, 22, 23, 30	13, 14, 15, 16	5, 6, 7

1. Non-discrimination

188. The Constitution of the Republic of Maldives guarantees to all persons the same rights and freedoms and upholds the principles of equality and non discrimination. Chapter II of the 2008 Constitution states 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".¹⁶ The provision furthermore provides for special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law to not be deemed discrimination.¹⁷ The new Constitution has also removed the gender bar that previously prevented women from contesting for the highest political office.

189. As a patriarchal society that is evolving into a modern democracy, gender equality is strongly encouraged by the Government. Various steps to promote equality, access and the rights of women, including the development of action plans and direction statements to address a range of key concerns for women such as health and well-being, violence and safety, decision-making and leadership, economic security, balancing work, family and lifestyle, are being taken at the national and island-community levels.

190. Discrimination is thus expressly prohibited in the Maldives in a wide range of areas including employment, education, accommodation and the provision of goods and services on the basis of attributes such as gender, industrial activity, infectious diseases, religious belief or activity, breast feeding and sexual orientation. However, there is no anti-discrimination legislation currently in the Maldives.

2. Other societal abuses and discrimination

191. The law prohibits homosexuality and the society in general does not accept homosexuality. The punishment for men includes banishment from nine months to one year or flogging from 10 to 30 times. For women, the punishment is house arrest for nine months to one year. There have been no reports of official or societal discrimination against persons with HIV/AIDS.

3. Equality before the law and equal protection of the law

(a) Expatriate workers and the law

192. According to the official statistics from the Ministry of Human Resources, Youth and Sports¹⁸ in the year 2004 the number of expatriate workers employed in the Maldives were 38,413. However, by 2008, the figure had risen to 80,839. According the statistics the expatriate workers covered a large spectrum of occupations, ranging from those employed in elementary occupations (47% of expatriate workforce) to legislators, senior officials and managers (2% of expatriate workforce).

193. As at October 2009, the Maldives has close to 71,480 expatriate workers all around the country in all sectors of employment. They amount to 1/4 of the population and also almost 1/2 of the labour force of the Maldives.

194. While the presence of the expatriate population had assisted Maldives in its economic progress, their presence has created challenges as well, both for the locals and the expatriates themselves. The most tragic of the predicaments is that the Maldives is increasingly becoming a destination for human trafficking. The Trafficking in Persons Report (2009),¹⁹ issued by the US State Department noted that Maldives is making significant efforts to fully comply with the minimum standards set out against human trafficking.

¹⁶ Article 17 (a) of the Constitution of the Maldives 2008.

¹⁷ Article 17 (b) of the Constitution of the Maldives 2008.

¹⁸ www.employment.gov.mv.

¹⁹ www.state.gov/g/tip/rls/tiprpt/2009/.

195. Maltreatment in various areas with regard to expatriate workers, including in wages, housing and living conditions, is commonplace. Among other things, the Ministry of Human Resources, Youth and Sports is actively working towards addressing inter alia the living conditions of foreign workers and their general condition during their stay in the Maldives.

196. In an attempt to control and address the situation, the Government introduced a moratorium on foreign workers effective between 1 June and 31 July 2009. This was preceded by the Ministry of Human Resources, Youth and Sports in carrying out an expatriate worker registration programme which attracted a large number of unregistered foreign workers to register with the authorities. As a result, 16,672 registered as illegal workers.

197. Furthermore, the Employment Act of the Maldives came into force in October 2008, which lays down new parameters in the protection of workers' rights in the Maldives. The Act determines the fundamental principles relating to employment in the Maldives, details the rights and obligations of employers and employees, establishes a Labour Relations Authority and an Employment Tribunal to protect such rights and makes provision for all other matters related to employment.

198. Chapter 2 of the Act prohibits forced labour and Article 4(a) prohibits discrimination amongst persons carrying out equal work, either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment, or resolution of other employment-related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, and family obligations, and in so far as it does not contravene the provisions herein age or disability. The Act also stipulates 16 years as the minimum age for employment.

199. As mentioned, the Act clearly defines the parameters of the employer-employee relationship by stipulating the signing of an enforceable written employment agreement between the parties. Article 15 also requires employers to provide employees with a written job description. Any complaints arising out of the employment could be lodged with the Labour Relations Authority or the Employment Tribunal.

200. However, several issues still persist in the protection of expatriate workers, arising mainly due to difficulties in monitoring the disbursement of the labour force across the archipelago and the lack of key legislation, such as an Anti-trafficking Act.

(b) Equal rights for men and women

201. The Maldives has begun a programme to mainstream gender equality across all government actions and policies. In this regard, a new gender mainstreaming strategy has been endorsed by the Cabinet and was announced by the President on International Women's Day 2009. Under the strategy, a coordination unit within the President's Office will monitor all governmental activities and liaise with assigned Gender Focal Points (deputy minister-level) in each ministry to ensure that all policies and programmes promote gender equality. All Cabinet Papers presented by Ministers must now include a gender impact perspective.

202. Despite the efforts to prevent discrimination, women continue to face discrimination in various aspects of life. Recently, patterns of discrimination against women and girls have started arising within the family, mainly based on religious beliefs, ranging from removal of girls from schools, preventing women from going out for work and increased pressure on them to wear the veil, in addition to the rise in the incidence of child marriages, mainly cases of parents consenting to the marriage of a girl child before the legal age of eighteen.

203. Societal evidence, demonstrates that women have traditionally been less privileged in terms of receiving education, and consequently, high-level job opportunities, and continue to face grossly disproportionate checks on their ambitions and suffer from unfair and discriminatory treatment both in their public and private life. In part this is because the Government has not yet established a comprehensive system of secondary legislation to implement the rights contained in CEDAW, for example by enacting non-discrimination laws or by mainstreaming gender-equality across all policy areas. But it is also, crucially, because the judiciary has not yet learned to apply the law, in a way that promotes equality and rejects discrimination against women.

204. A very good example of this has been a source of international attention recently – namely the public flogging of women found guilty of extra-marital sex. In theory, the law stipulates that men and women who are found guilty of this offence should face the same punishment. However, in reality, because of the way the law is interpreted and applied, women are several times more likely to suffer from public flogging than men.

205. The Government of Maldives is actively trying to prevent domestic violence and sexual abuse and provide support for victims of such abuse. The Government, in collaboration with international organisations, has funded a number of initiatives aimed at addressing issues affecting women, through training programmes and counselling programmes. The Government is also developing a Domestic Violence Bill in collaboration with NGOs, to recognise and address issues relating to law and justice for women at the national level.

206. Childbearing women are protected by legislation in the Maldives. Every woman who gives birth is entitled to a 60-day leave, with pay. No woman is paid less than a man for any Government or private job. However, due to the social fabric of the Maldivian society and societal pressures, women generally opt for administrative jobs and very few are found in the resort jobs, construction industry and in the fisheries sector.

207. In the year 2007, women constituted approximately 39 percent of Government employees. The literacy rate for women is over 98 percent. The minimum age of marriage for women is 18 years, but marriages at an earlier age with parental consent are allowed.

208. In the year 2006, the then Ministry of Gender and Family conducted a Study on Women's Health and Life Experiences, based on the WHO multi-country study on Women's Health and Domestic Violence against Women. Police officials report that they receive only a few complaints of assault against women, although reporting is on the rise due to greater liberties and awareness. Furthermore:

- (a) Prostitution is illegal but occurs on a small scale;
- (b) There are no laws pertaining to sexual harassment, although a basic draft exists;
- (c) Under Islamic practice and according to national laws, husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce;
- (d) Shari'ah also governs estate inheritance, granting male heirs twice the share of female heirs. To neutralise this issue, the Government divides Government owned property (*Bandaara Goathi*) equally between men and women. The Islamic concept on the division of property is that men bear the responsibility of sustaining a home financially and their counterparts, females, are not required to bear any financial responsibilities even if they do inherit property;
- (e) A woman's testimony is equal to one-half that of a man's in matters involving adultery, finance, and inheritance;

(f) Government policy provides for equal access to educational and health programmes for both male and female children.

4. Political ideologies

209. The HRCM recorded complaints of terminations, demotions and harassment in relation to the introduction of political parties in the Maldives in 2005. In a landmark case in 2007, an individual who participated in a rally and whose contract was terminated by the Government office, was duly compensated by the court for the discriminatory termination.

B. Effective remedies

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
2 (2) and 3	14	39	2	6	

210. The Maldives's main remedies for human rights breaches are described above, under the heading "D. General framework within which human rights are protected at the national level". The Maldives also provides effective remedies required under the human rights treaties in other ways. Specific issues that have received particular attention in recent years are addressed below.

1. Role of the police and security apparatus

211. The Maldives Police Service collects intelligence, makes arrests and enforces judicial orders. Although the Maldives National Defence Force (MNDF) is responsible for external security, it also retains a role in maintaining internal security in situations where their assistance is requested by the Police. The Chief of Defence Force, as the highest ranking military officer, reports to the Minister of Defence.

212. The Police undertake investigations in response to complaints lodged or on suspicion of criminal activity. The police may arrest a person on reasonable grounds that the person has or will commit a crime, hide evidence, flee the country. The suspect must be brought before a court of law within 24 hours of arrest to obtain authorisation to keep a person beyond 24 hours.

2. Arrest and detention

213. An arrestee is informed of the reasons of his/her arrest in writing within an explicit period of twenty four hours. Arrestees have the right to legal counsel, to remain silent and to be brought before a judge within twenty four hours of arrest. The Judge may then order immediate release with or without condition, continued detention or validate the detention. The Constitution provides for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to a lawyer. The accused also have the right to remain silent. By law legal counsel must be provided by the state to those who cannot afford one in cases of major crimes. Under the Constitution, search and seizures can only be carried out under an order of a Court.

214. In addition, under the new Constitution, the rights of the accused include the right to be tried within a reasonable time, the right to an interpreter, the right to have adequate time and facilities to prepare his defence and the right to be presumed innocent until proven guilty. Whilst all have the right to legal counsel, in serious criminal cases, the State has the duty to provide for a lawyer for the accused.

215. Under the bail system introduced in 2005, a prisoner has the right to bail on a ruling within 36 hours. However, there are reports that bail procedures are not publicised adequately, explained, or implemented consistently.

216. The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a judge within 24 hours. The judge can then recommend detention for up to seven fifteen days pending further investigation.

3. Complaints with respect to the conditions of detention centres

217. The Government of Maldives understands the importance of establishing a complaints standard that would allow people in detention facilities to comment or complain without hindrance or fear of reprisal. The Prisons Bills currently in draft stage takes this into consideration. At present, prisoners may send confidential letters to the Home Ministry, if they wish to make a complaint with regard to prison officials or the facilities.

218. The Government signed an access agreement with the ICRC and has collaborated with the Association for the Prevention of Torture (APT) in strengthening the detention facilities. The Maldives was also one of the first countries to be visited by the Subcommittee on the Prevention of Torture (SPT) in December 2004. The Government is undertaking steps to implement the recommendations of the SPT.

219. The Prison Committee of the Parliament (People's Majlis) presented a report in August 2006, which recommended inter alia an improvement of the conditions of detention and a clear separation between investigation authorities and those in charge of detention. The Committee was formed in 2005, charged primarily with investigating the conditions in which detainees are held and the conduct of police interviews within detention facilities.

220. Most recently, the HRCM has played an active role in addressing the complaints received with regard to the detention facilities. As such, in February 2009, the Commission conducted a visit to the Maafushi Prison, which according to the Commission, was conducted following a series of complaints filed at the Commission by the management of the Prison and parents of the detainees, regarding the situation of the Prison and alleged violations of human rights at the facility. Some of the recommendations of the visit were the development of a Prison Act and the streamlining of the Prison Regulation with international best practices for the minimum standards in treating persons in detention facilities.

221. In addition, according to the Ministry of Home Affairs, the Ministry has set up an internal mechanism whereby the Inspector of Correctional Services is mandated with visiting and monitoring all jails and detention centres under the Home Ministry and reporting back to the Minister, as well as advising the Minister on such issues. The Inspector is also mandated with monitoring whether all issues related to detainees are conducted in a manner consistent with Constitution of the Maldives and applicable laws, the international conventions to which the Maldives is a State Party, Government's policies, and according to regulations governing detention, and note areas that require revision, and report back to the Minister, as well as undertake necessary steps to correct issues that require attention.

222. Further, all detention facilities have arrangements in place whereby detainees could submit complaints to the agencies under which the facilities are located as well as to the minister responsible for the agency. For example, a person in Maafushi jail may submit a complaint to the Director General of the Department of Penitentiaries as well as the Minister of Home Affairs.

4. Prison and detention centres in Maldives

223. There are two detention centres or holding cells in the Maldives: one in Male' and one in Dhoonidhoo. These centres are operated by the Maldives Police Service. Four prisons exist in the Maldives; Male' Prison, Maafushi Prison, Asseyri Prison (Minimum Security Prison) and Addu Prison (temporary prison for low security prisoners). These prisons are operated by the Department of Penitentiary and Rehabilitation Services (DPRS).

224. A report on prison conditions, published by the Human Rights Commission of the Maldives in January 2007, noted that conditions in the prisons are generally poor. Facilities such as medication and healthcare were not readily available. More recent reports such as the Report on the Visit to the Minimum Security Prison, Immigration Detention Centre and the Visit to the Maafushi Prison by the Commission, were made public and submitted to the concerned authorities.

225. When compared to January 2007, conditions in Maldivian prisons have generally improved to a more satisfactory level. For instance, to facilitate easy access to medication and healthcare for inmates, a medical centre has been established in Maafushi Prison. In other prisons, daily OPD consultations are conducted through the Indhira Gandhi Memorial Hospital and Island Health Posts. In general, the whole prison environment is being improved under good supervision of prison officers. Between 2006 and 2008 the Department of Penitentiary and Rehabilitation Services has managed to establish a good prison system. However, in March 2009, due to the absence of prison law and action plan to sustain the existing capacity and prison system, the whole system collapsed.

226. Efforts to make prison time more useful are currently being made by the DPRS. According to the DPRS inmates will be able to attain certificates for the University of London GCE O Level Exams while in jail, starting from 2009. The Department also notes that the Government of Maldives provides full funding for all programmes that are tailored for the development of the inmates. The DPRS further recognises its own limitations due to a shortage of human resources, funding and strategic action plans. A draft Prison Rules is currently under development to improve prison conditions.

227. In the year 2009, the HRCM undertook the following visits to detention centres throughout the Maldives: visit to Male' Immigration Detention Centre on 9 February – report released on 8 March; visit to the Home for People with Special Needs on 2 April – report released on 22 April 2009; visit to K. Maafushi Jail on 28 April – report released on 24 May 2009; visit to K. Himmafushi Drug Rehabilitation Centre on 29 April – report released on 1 June 2009; visit to Male' Jail on 3 May 2009 – report released on 9 July 2009; visit to K. Feydhoofinolhu low-risk jail on 7 May – report released on 10 June 2009; visit to K. Himmafushi low-risk jail on 30 July – report not yet released; visit to Dhoonidhoo Police Custodial on 9 August – report released on 20 October 2009; visit to Male' Police Custodial on 26 August – report released on 20 October 2009; visit to Education and Training Centre for Children on 21 October – report released on 10 November 2009; visit to S. Gan Temporary Prison on 22 November – report was released on 4 Jan 2010; visit to K. Himmafushi low-risk jail on 26 December – report not yet released; visit to K. Feydhoofinolhu Correctional Training Centre for Children on 26 December – report not yet released.

5. Rehabilitation of victims of torture, or other cruel, inhuman or degrading treatment or punishment

228. Torture and politically-motivated violence are prohibited under several international legal instruments. These include the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and

the United Nations Convention on the Rights of the Child. Article 54 of the Constitution of Maldives prohibits torture.

229. The Department of Penitentiary and Rehabilitation Services (DPRS) confirms that there is absolutely no torture, or other cruel, inhuman or degrading treatment or punishment practiced in the prisons or detention centres in the Maldives. However, there have been some allegations of torture, or other cruel, inhuman and degrading treatment practices emanating from the prisoners reported by the media. One person found dead in April 2007 after his release from the Male' detention centre was flown to Sri Lanka to undertake an autopsy. The post mortem confirmed the cause of death as due to drowning.

230. The ongoing general rehabilitation programmes that are being carried out in prisons include vocational programmes on gardening, agriculture, handicrafts, tailoring and educational programmes up to Grade 7. Through the National Parole Programme, several classes have been conducted in prisons, such as CBT Sessions and Religious lectures and social awareness programmes. The United Nations Office on Drugs and Crime (UNODC) programme on peer to peer education commenced in 2008.

231. In 2009, more than 75 prisoners were sent to drug rehabilitation centres abroad, with a progress rate of 85% recovering and living normal lives in the community after the completion of their rehabilitation programme abroad. With the collaboration between the DPRS and the Department of Drug Prevention and Rehabilitation Services (DDPRS), more than 45 drug users are receiving treatment in the community service centre and in the local rehabilitation centre.

232. The recently developed women's centres in the Atolls are hoped to serve as shelters for victims of violence. Rehabilitation and counselling services are also available for victims. Although most victims are women, these facilities are open to women, men and children. Local NGOs work in close collaboration with the Government to ensure the safety and health of victims of domestic violence.

6. Procedural guarantees

233. The Constitution prohibits retrospective legislation. Everyone is presumed innocent until proven guilty. The Constitution further entitles all citizens the right of appeal in case of any oppressive treatment.

7. Disappearance

234. Article 51 of the Constitution of Maldives prohibits incommunicado detention. There were no reports of politically motivated disappearances during the period covered in this document. The Maldives signed the Convention on Enforced Disappearances on 6 February 2007.

8. Torture and other cruel, inhuman, or degrading treatment or punishment

235. The Committee against Torture uniformly insists that States enact a separate offence of "torture" under domestic law, including a definition consistent with that contained in Article 1 of CAT. The Committee considers this necessary to fulfil Article 4(1). The Committee does not accept that a general offence of "assault" is sufficient to meet the requirements of Article 4.

236. The Constitution of the Maldives prohibits torture or cruel, inhuman or degrading treatment or punishment. The APT recommendations", which were submitted to the Government after their initial visit to the Maldives in 2007, on the inclusion of "torture" as a separate offence in the new penal code of the Maldives, was communicated to the Joint Committee reviewing the new draft Penal Code.

237. Furthermore, for the first time in the history of the Maldives, policemen were sentenced in January 2008 for one year after being found guilty of beating and torturing a man held in custody two years ago.

9. Fair public trial

238. There are three courts: one for civil matters, one for criminal cases and one for family and juvenile cases. There is a High Court in Male' that handles a wide range of cases, including politically sensitive ones. The Supreme Court sits at the apex of the court system as the last court of appeal.

239. The new Constitution provides for a clear separation of powers, enhanced judicial independence, the establishment of a Supreme Court and the setting up of the Judicial Services Commission as a constitutional independent body.

10. Trial procedures

240. The law provides that an accused person be presumed innocent until proven guilty and that an accused person has the right to defend himself. During trial, the accused may call witnesses and has the right to be represented by a lawyer. Trial procedures are governed by certain regulations and during the reporting period, there were complaints that the lack of uniformity in courts made it difficult for defendants to argue their cases.

241. Trials are public and are conducted by judges and magistrates, some of whom are trained in Islamic, civil or criminal law. There are no jury trials in the Maldives.

242. Mandatory sentencing laws are still in effect in the Maldives. However the provision has little or no effect on the criminal justice system in practice. Courts never rule a death sentence and only in rare situations do they convict a person for life imprisonment.

C. Participation in public life

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
1, 24, 25		12, 23 (1)	7, 8	5 (c)	

243. All Maldivians have the right to participate in public affairs and can do so in many ways. Many religious and national festivals are celebrated openly at the island, community and national levels. The Government of Maldives also takes positive action to facilitate national events (for example the Independence Day and National Day) in different geographical areas, to facilitate and promote full and equal participation.

1. Citizenship

244. The Constitution entitles all Maldivians to a Maldivian passport. Revocation of the same shall only be by law. Grant of Maldivian citizenship to foreigners is governed by the Citizenship Act of 1978, under which, qualifications for a successful application for Maldivian citizenship are quite stringent.

2. Electoral issues

245. Following the ratification of the 2008 Constitution on August 7, the Majlis adopted two pieces of legislation required for the holding of elections. The Presidential Elections Bill and the General Elections Bill were passed by the Majlis and ratified by the President on 16 September 2008. The Presidential Elections Act details the procedures and specifies the time periods required to complete each stage in the lead up to the presidential elections,

while the General Elections Act outlines the rules and regulations of elections to be conducted under the Elections Commission and covers all aspects with regards to voting including the right to vote; voters' registry; announcements of elections; candidates; canvassing for votes; expenses of canvassing; voting; counting of votes; and offences and punishments.

246. The Maldives' electoral system, as noted above, is based on the democratic principles of universal adult suffrage, with Article 26 (a) of the 2008 Constitution giving all Maldivian citizens above the age 18 years the right to vote. The Presidential Elections and the Parliamentary Elections that took place in October 2008 and March 2009 respectively saw the stationing of polling booths across the country and allowed Maldivian citizens living abroad to cast their vote for the first time, in Trivandrum, Kuala Lumpur, Singapore, London and Colombo. Such inclusive practices therefore contributed to the highest electoral participation ever witnessed in Maldivian history, with the presidential elections having a voter turnout of 80% and the parliamentary elections 85%.

247. The presidential and parliamentary elections were overseen by members of the Maldivian civil society, political party representatives, and international observers from the UN (An Expert Assessment Team), the EU and the Commonwealth. The Observers lauded the elections as smooth, free and fair. The consolidation of a liberal democracy will be complete with the local council elections due to take place once the necessary legislation is passed by the Majlis.

3. Women in political and public life

248. In recent times, the Government has increased its activities to maximize the number of women appointed on merit to senior positions of power and decision-making. Working with its international partners and following the recommendations made by the Special Rapporteur on the Independence of Judges and Lawyers, Dr. Leandro Despouy during his visit to the Maldives in February 2007, the Maldives has successfully embarked on a comprehensive programme of gender mainstreaming in all areas of public life.

249. There are now three female judges and one female magistrate appointed since July 2007. Since the commencement of the reform process, the Maldives now has a female member sitting in the Civil Service Commission, while two female members have been appointed to the National Human Rights Commission. During the recent round of the parliamentary elections that took place in March 2009, a number of female candidates contested with five winning seats. Women also participate in domestic politics, with a woman holding the post of Chairperson in one of the major political parties, the MDP. Whilst the participation of women in the Maldivian society is now more visible compared to the past their representation is still comparatively low.

250. Human rights NGOs have recently placed special emphasis on the promotion of women in the Maldives and their participation in political and public life. Increased women's participation in leadership and decision-making positions is a major priority of the Government.

251. In January 2008, the People's Special Majlis (Constituent Assembly) removed the gender bar on running for presidency. The removal was a vital step towards honouring the Maldives's international commitments under UN human rights conventions. The decision to remove the bar came as the Special Majlis debated the presidential chapter of the new Constitution. It represented another positive step in the country's efforts to conform to international human rights standards, including those set out by the ICCPR and the CEDAW. The Government is in the process of removing the Maldives reservation under the CEDAW as the new Constitution prescribes equal rights for men and women to run for the post of president. In the first president elections since the removal of the gender bar, no

female candidates contested for the office of the president, while one woman was named running mate.

252. However, public opinion is still somewhat unfavourable towards women taking up posts at the top level of the executive, legislative and judicial branches of the State.

4. Participation by children and young people in public life

253. The Government has established a national youth roundtable (Youth Forum) to create direct dialogue with young Maldivians to ensure that their views are taken into account in the policy-making process. The roundtable is made up of young people, including mostly students in Male'. Many activities to spread the voice of children nationally are conducted by the broadcasting agencies in the Maldives on focus days such as the World Children's Day.

254. A Maldivian boy aged 15 was also selected as one of eight Climate Ambassadors selected after the Children's Climate Forum to represent youth at the COP15.

5. Participation by the elderly in public life

255. Very few programmes are developed to ensure the participation of the elderly in public life. The reason for this is that, most often it is the elderly who participate in the public life of the country. The Government has recently taken an initiative to recognise the efforts made by the elderly in bringing up children with cultural values such as societal cooperation, respect, good behaviour and love for one's nation. A recent award named "*TVM Laamaseel Maama Kaafa Award*" organised by the then Information Ministry was a first ever in the Maldives, which appreciates the works of our grandfathers and grandmothers at a national level.

256. The Civil Service Act recently established the retirement age in the Maldives at 65 years. Many have since retired. Under the former system, Government employees are entitled to a pension on retirement, which is paid until the death of such a person.

257. The elderly generally live with their family members and thus the need for retirement and aged homes do not seem dire in the Maldives. However, a home for the aged and the disabled has existed in the Maldives since 1976, fully funded by the Government.

258. In May 2009, the Government introduced two new pension plans, namely: a basic old age pension plan that assures a guaranteed income to all Maldivians 65 years and over; and a retirement pension plan for all citizens to contribute to over the course of their working career. Both pensions are being administered by the newly created Maldives Pension Administration Office.

6. Participation by the disabled in public life

259. The Maldives signed the United Nations Convention on the Rights of Persons with Disabilities on 2 October 2007 and is undertaking the domestic procedures to ratify the Convention.

260. In the absence of legislation specifically covering the rights of disabled persons, their rights are protected by general legislation. The judicial mechanism available to protect the rights of persons with disabilities is due process (legal remedy through courts), while non-judicial mechanisms include a Governmental body (administrative). The general legislation applies to all different categories of persons with disabilities with respect to: education, employment, the right to marriage, the right to parenthood/family, political rights, access to court-of-law, right to privacy, property rights. The following benefits are guaranteed by law to persons with disabilities: health and medical care, training, rehabilitation and counselling, financial security, and participation in decisions affecting

them. The Government is currently in the process of identifying persons with disabilities, for the purpose of paying them an allowance. While a Disability Bill was passed by the Majlis on 21 December 2009, President Nasheed decided to resubmit the Bill to the Majlis, without ratifying the Bill as it is, due to calls from several civil society organizations that the Bill does not properly address the special needs of disabled people.

261. The Government of Maldives provided support to the organization of a sensitization campaign led by the Adviser on human rights and disability from the OHCHR. In addition to its national commitments Government also actively supports NGOs that specialise in the field.

D. Right to self-determination

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
1	1				

262. The Government believes that individuals and groups should be consulted on the decisions that are likely to impact on them, including, in particular, by giving them the opportunity to participate in the making of such decisions through the formal and informal process of democratic Government and exercise meaningful control over their affairs. However, the Government does not support an interpretation of self-determination that has the potential to undermine the Maldives's territorial integrity or political sovereignty.

E. Right to life, right to physical and moral integrity, slavery and forced labour and trafficking in persons

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
6, 7, 8		1, 16	6, 11, 19, 32, 33, 34, 35, 36, 37	6	5 (b)

263. The Maldives is committed to ensuring to its people, the right to life and physical and moral integrity, and protection from slavery, forced labour and trafficking in persons. The Government is undertaking steps to enhance the protection of these rights.

1. Criminalization of genocide, war crimes and crimes against humanity

264. The Maldives acceded to the Genocide Convention in 1984. The Government of Maldives is undertaking efforts to incorporate the rights set forth in the Convention into national legislation. Further, the Government is in the process of ratifying the Rome Statute of the International Criminal Court in its effort to comply with international penal law.

2. Institutions and mechanisms to prevent torture

265. In December 2007, the Human Rights Commission of the Maldives was appointed as the National Preventive Mechanism under the OPCAT.

3. Arbitrary arrest or detention

266. Freedom from arbitrary arrest and detention is a Constitutional guarantee in the Maldives.²⁰ This is further substantiated by the Police Act of 2008 which sets out the arrest procedures and complements the rights available to the accused under the Constitution.

267. Any unlawful arrest or detention could be contested in a court of law and submitted to the Human Rights Commission or the Police Integrity Commission.

4. Sexual assault

268. On 11 February 2008, the then Ministry of Justice amended the Maldives' Sentencing Guidelines to introduce harsher sentencing for perpetrators of sexual abuse, including child abuse. Under the amendments, that have immediate effect for new offences, but not for pending cases, sex offenders face jail sentences.

269. On 4 November 2009, a Bill on child sex offenders was passed in Majlis with jail terms for child sex offences ranging from 15–25 years. The Bill defines at least 18 different acts as child sex offences and gives the opportunity for a victim to seek monetary compensation from the offender and calls on the state to provide social security for the victim, in case the child cannot be supported by his or her parents or guardians. The Bill also prohibits the public release of details of victims by the media or any authority having access to such information and makes failure to alert authorities by a person, who knows that a child sex offence is committed or is about to be committed, a punishable offence.

270. There is an urgent need to introduce programmes to reduce the trauma experienced by children and people with a cognitive impairment by making it easier for them to give evidence in the prosecution of sexual offences. The Government needs to further provide significant financial resources to support victims of sexual assault and child witnesses, providing extra prosecution resources, new female forensic nurses and more health and counselling services. The Government has recently initiated a counselling programme in collaboration with a leading NGO for victims of violence and abuse, especially women. The Government remains committed to the enforcement of children's rights and to upholding the United Nations Convention on the Rights of the Child.

5. Forced labour

271. Forced Labour is prohibited under the Constitution of the Maldives 2008.

272. In May 2009, the Maldives became a member of the International Labour Organisation. The Ministry of Human Resources, Youth and Sports is currently working with the ILO to strengthen the employment laws of the country and ILO teams have been visiting the Maldives regularly. The Framework Proposal for ILO assistance to tripartite constituents 2009–2010 was made in July 2009, which focuses on labour legislation, labour administration, training and capacity-building of constituents, labour market information, and the ratification of international labour standards.

6. Prohibition of child labour and minimum age for employment

273. The law bars children less than 16 years of age from paid or hazardous work. Guidelines prohibit Government employment of children under 18 and employment in hazardous jobs such as construction, carpentry, welding and driving.

²⁰ Article 45 of the Constitution of the Maldives.

274. According to a 2003 report by the International Confederation of Free Trade Unions, child labour was a problem in agriculture, fishing, small commercial activities and family enterprises. Working hours for children 14 years or older are not limited specifically by statute.

275. The Child and Family Protection Service (CFPS) in the Department of Gender and Family Protection Services (DGFPS) is responsible for monitoring compliance with the child labour regulations, but is not charged with their enforcement. Child labour issues may also be dealt with by the Labour Relations Authority and the Employment Tribunal.

7. Trafficking of persons

276. Though the Maldives does not have any laws prohibiting trafficking in persons and no official studies or reports have been conducted on the subject, the Constitution prohibits forced labour and slavery. However, lack of legislation is proving to be a major hindrance to tackling suspected cases of trafficking and prosecuting offenders.

277. Nonetheless, in a report published by the HRCM following their visit to the Immigration Detention Centre in March 2009, the Commission recommended the authorities to address the growing issue of trafficking in the country.

278. Subsequently, the United States Government released their Annual Global Report on Trafficking in Persons and determined the Maldives as a Tier 2 country. The report noted that the Maldives was primarily a destination country for migrant workers from Bangladesh and India trafficked into labour and to a lesser extent, a destination country for women trafficked for the purpose of commercial sexual exploitation.

279. Some laws covering sexual offences and child protection can also be used to prosecute sex trafficking and child trafficking offences.

280. The Government, severely constrained due to the lack of resources in the area of prevention in trafficking, in April 2009 become a member of the Bali Process on Combating Human Smuggling and Trafficking in Persons. It is also closely working with the International Organisation for Migration (IOM) in strengthening the existing mechanisms to better investigate trafficking in persons in the country.

F. Right to liberty and security of the person

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
9, 10, 11			37 (b), (c) and (d)	5 (b)	

281. The right to liberty and security of person is guaranteed by the Constitution of the Maldives.

1. Security measures in the Maldives

282. The Maldives has taken many steps to enhance the capacity of its domestic law to respond to the new security environment following the political advancements in the state. Most of these measures are taken under the Police Act of 2008, including the setting up of CCTV cameras to prevent crime on the streets.

2. Counter-radicalization measures

283. It is not only the threat from Islamic radicalization or home-grown terror that is imminent in the Maldives, but also various other threats that have their roots in the terror

situation in the neighbouring region as well as the whole world and also various other concerns that might lead to unrest in the country.

284. The Ministry of Defence and National Security and specifically, the Maldives National Defence Force (MNDF) is mandated to protect and defend the sovereignty of the Maldives. The MNDF conducted a comprehensive threat analysis of the terror situation in the Maldives, and based on that, formulated and proposed a National Counter Terrorism Strategy and National Terrorism Response Plan, to the National Security Council. With the approval of the Chair of the Council, who is also the President of the Maldives, the Integrated Headquarters of MNDF presented the strategy and the Response Plan to all the relevant Government bodies and work is underway to formulate individual Standard Operating Procedures in relation to the tasks and responsibilities that have been assigned in order to make the National Terrorism Response Plan complete.

285. The Strategy is based on a threat analysis, which addresses the global and regional environment, as well as the Maldives' social, economic, political and religious environment. Based on the analysis, possible threats were identified and thus, to negate these, six core principles have been outlined, that highlight the importance of a nation-wide integrated approach required for countering terrorism in the Maldives.

286. With regard to the principles of counter terrorism mentioned above, the national counter terrorism architecture, which comprises the National Terrorism Response Plan, is formulated to facilitate inter-agency cooperation and integration to achieve the national strategic aim. The national counter-terrorism efforts at the strategic, operational and tactical levels would adhere to the above-mentioned principles.

287. The National Terrorism Response Plan is divided into four broad strands: prevention, protection, response, and recovery.

3. Legislative and other developments to combat extremism and terrorism

288. Some administrative measures to combat extremism include the following:

- (a) An administrative decision by the then Justice Ministry that prohibits the full covering of persons when inside the court room;
- (b) Information Ministry's forbidding of the telecasting and encouraging of broadcasts of militants, wars and jihad in general.

4. The Anti-Terrorism Legislation/Act

289. Terrorism legislation has existed in the Maldives since 1990. Under this Act, terrorism has been defined to include: conduct of any activity for a political purpose that result in terror, kidnapping, held hostage or hiding, high-jacking travelling vessels, import of guns, bombs or any such explosive without the prior permission of the Maldives Government, using the same to harm a person's life or their property, arson to damage lives or property, warnings of damaging persons or property verbally or in writing amount to terrorist activities in the Maldives. Several prosecutions have taken place under the Act to date.

290. In 2009, the Maldives Police Service, with the assistance from the UN Office on Drugs and Crime, started drafting the new Anti-Terrorism bill, a more thorough and comprehensive bill that was drafted through a wide consultation process and with input from a wide range of stakeholders. Once the draft is complete, the Bill will be sent to the Attorney General's office and subsequently presented to the Majlis.

291. On 29 September 2007, an improvised explosive device was detonated at Male' Sultan Park, wounding 12 tourists. In December 2007, three persons were sentenced to

fifteen years in prison each, as the first trial relating to the Sultan Park explosion finished. The three men confessed responsibility for the bomb blast, in what was the first religiously-motivated terror attack in the Maldives. The fifteen year sentence is the maximum sentence permissible under the Anti-Terrorism Act where no life has been lost. The trial of two additional persons started in January 2008 under the Anti-terrorism Act in relation to the clash between the local community and security forces in October 2007 in North Ari Atoll Himandhoo. The two defendants pleaded not guilty.

5. Prison and detention centre conditions

292. The Human Rights Commission of the Maldives has conducted many visits to the detention centres throughout the country and regularly submits its recommendations to the authorities. Whilst its findings on the Maafushi Jail and the Minimum Security Prison on Feydhoofoinolhu Island declared the prison situation below standard, their observations regarding the Immigration Detention Centre and the Kudakuhindge Hiyaa (temporary shelter for children, managed by the Ministry of Health and Family) were found to be satisfactory. The Feydhoofoinolhu prison has since been discontinued and is currently operated by the Maldives Police Service under the name “Correctional Training Centre for Children” for at risk young people. They are taught different life skills and given vocational training at the Centre.

293. Pre-trial detainees are held under the power of the Police Service while convicted detainees are held under the powers vested in the Department of Penitentiary and Rehabilitation Service.

294. The Human Rights Commission undertook thirteen visits in 2009, including to prisons, shelters and rehabilitation centres throughout the country visits. The HRCM visited the Drug Rehabilitation Centre in Himmafushi in July 2008 and the Home for People with Special Needs in November 2007. The findings and recommendations of the visits were submitted to the Government authorities.

6. Deprivation of liberty and prison conditions

295. The Government permits prison visits by the Human Rights Commission of the Maldives (HRCM), the Police Integrity Commission and the ICRC under the access agreement signed in 2006. In addition, the Maldives hosted the Subcommittee on the Prevention of Torture under the OPCAT in December 2007. The subsequent report by the SPT, which was published by the Government, noted that most of the detention facilities fell below international standards including several procedural drawbacks.

296. The HRCM is also the designated National Prevention Mechanism of the Maldives under the OPCAT.

7. Deaths in custody

297. In September 2003, the death of Evan Naseem in Maafushi Prison became a lever for the open and political reform activities in the Maldives. He was beaten to death by the security personnel in the prison. The custodial death of Evan Naseem on 19 of September 2003 also sparked riots in the prison the following day. Nineteen inmates were shot by prison guards and protests were taken to the streets of Male’, where official buildings were burnt.

298. In addition, the death of Hussain Solah in April 2007 sparked further doubt amongst the public on the capacities of the police at detention centres of Maldives. Hussain Solah was found dead floating in the Male’ harbour in April 2007, two days after being arrested on drug-related charges in Seenu atoll Hithadhoo. Solah’s family alleged that the police beat their relative to death after the body was found severely bloodstained – but police

claimed that they released him thirty-six hours before he was discovered and denied responsibility. The post mortem conducted in Sri Lanka declared that the victim died from drowning. Police alleged Solah had been suicidal before they released him, but the HRCM report concluded that “there is not enough evidence to say for certain Solah was [ever] released from custody” after a number of inconsistencies were uncovered, including contradictions between senior officers’ accounts of events. In its findings, the HRCM believed that this was a case for criminal charges against the police for torture.

299. The 108-page report by the Commission, which followed a seven-month investigation, found that police persistently flouted their own regulations in Solah’s case. It showed that the suspect was not offered a lawyer upon arrest in Addu and there was no recording of interrogations. The report also called the police “irresponsible” for releasing the suspect — who was suicidal and suffering drug withdrawal — from custody. The alleged releasing officer told the HRCM inquiry he “forgot” to follow police regulations and inform Solah’s next of kin of his release.

300. The subsequent enactment of the Police Act has completed these legal gaps in the current framework. Stringent regulations and codes of conduct and ethics during arrest and detention have further strengthened the professionalism of the Police Service.

8. Young offenders and detention

301. In its report, the SPT heavily criticized the Government for the ineffective detention facilities for juveniles as the Team found that juveniles were held in same cells as adult prisoners. The Government is currently taking steps to hold juveniles in separate detention facilities.

302. Juvenile delinquency is growing at an alarming rate, mainly due to drug abuse and trafficking. The vast majority of current offenders started at the age of 12 to 16 with petty offences, some of them ending up as serious criminals. The current juvenile justice system does not effectively address the problem: it focuses on sanctions such as fines, house arrest, banishment or jail, but does not provide for adequate options and programmes to guide young offenders out of the system, through rehabilitative mechanisms. This results in a system which regenerates criminality instead of diverting young offenders from criminality and offering them rehabilitation and reintegration.

303. The Maldives is working to address this situation. A Juvenile Justice Unit in the Attorney General’s Office is working on new principles and strategies for juvenile justice. The Government is also planning to establish a new detention centre for juveniles. In 2009, and as mentioned a failing prison (Feydhoofoinolu) was closed and reopened as a “Correctional Training Centre for Children” for at-risk young people. The Centre is run by the MPS and offers life skill programmes and vocational training.

G. Right to freedom of movement, right of access to any public place, expulsion and extradition

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
12, 13	and (f)	3	10 (d-ii)	15 (4)	5 (d-i)

1. Freedom of movement within the country, foreign travel, emigration and repatriation

304. The law provides for these rights and the Government generally respected them in practice. Citizens are free to travel at home and abroad, to emigrate and to return. Employers often housed foreign workers at their worksites.

2. Powers to stop, question and search persons

305. The Police Act outlines ways in which the Police can act in the exercise of these powers. The Constitution also provides for the search and seizure of any private property to be conducted under the express authorisation of a court order.

H. Right to privacy, freedom of thought, conscience and religion

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
17, 18		4, 16		5 (d) (vii)	

1. Right to privacy

306. The law prohibits Arbitrary Interference with Privacy, Family, Home, or Correspondence, to ensure all Maldivian persons enjoy right to life. The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, “except as expressly provided by law”. The right to privacy is also a constitutional guarantee in the Maldives.

307. The law provides that residential premises and dwellings should be inviolable and a court must approve the search of private residences.

2. Freedom of thought, religion and conscience

308. The law does not provide for freedom of religion in the Maldives. The Constitution designates Islam as the official state religion and the law prohibits the practice of any religion other than Islam. The legal system is a combination of Shari’ah and civil law. Civil law is subordinate to the Shari’ah, which is applied in situations not covered by civil law as well as in cases such as divorce and adultery. Non-Muslim foreign residents are allowed to practice their religion privately and they are prohibited from carrying out proselytizing.

309. There are no places of worship for adherents of other religions. The import of icons and religious statues is prohibited under the *Contraband Act*, but the import of religious literature, such as Bibles, for personal use is generally permitted. Non-Muslim clergy and missionaries are also prohibited from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of the interpretation of Shari’ah in the Maldives and may result in punishment, including the loss of the convert’s citizenship. However, there were no known cases of loss of citizenship from conversion to a non-Islamic religion. In the past, would-be converts were detained and counselled regarding their conversion from Islam.

310. The instruction of Islam in schools is mandatory. The Ministry of Islamic Affairs certified imams, who were responsible for presenting Friday sermons. Imams may choose their own sermons on a variety of topics and thus, they are effectively legally empowered to write sermons independently.

311. The Government acts against Islamic radicalism, as extremist views are increasingly making the rounds within the small community. A huge demarcation is currently rising between the soft Muslims and those with more radical views.

I. Freedom of opinion and expression

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
19, 20			12, 13	5 (d) (viii)	4 (a), (c)

312. The 2008 Constitution of the Maldives gives effect to all these rights under the conventions. Every citizen is entitled the right to freedom of expression, orally or in writing, or by other means, as long as they are not contradictory to any tenets of Islam. Though the previous administration exercised tight control on publishing and broadcasting, the new administration allows for freedom of opinion and expression. This has however, revealed the importance of responsible journalism in the country.

313. The right to freedom of expression under Article 19(2) of the ICCPR is only subject to the tenets of Islam. Furthermore, the Constitution also provides for the right to impart and acquire knowledge as well as freedom of the media.

314. Under Article 20 of the ICCPR, the Government strongly prohibits advocacy that incites violence, discrimination or hostility.

1. Media

315. Freedom of media is constitutionally guaranteed in the Maldives. According to the “Right to Information” document, right to information can be pursued by any individual who deems it necessary. The right can be pursued by all government institutions and those institutions are obliged to provide the requested information to the requesting individuals, as long as the information is unclassified.

316. Broadcasting and journalism is an area of notable progress. Previously only Television Maldives and Voice of Maldives, public TV and Radio respectively operated in the country. However as a result of the efforts to open-up broadcasting to private parties, 3 television stations and 7 radio stations are in operation today.

317. In addition to the broadcasting, 7 daily newspapers and over 15 registered magazines were released on a range of topics, published either weekly, fortnightly or monthly.

318. There are over 70 other publications registered. Out of this, altogether 25 registered publications are in regular circulation including 7 daily newspapers publishing articles both in Dhivehi and English. It is also noteworthy to mention that the registration process has been redesigned so that newspapers and magazines are now registered on the same day.

319. The Report of the Special Rapporteur on Freedom of Opinion and Expression, Mr Frank La Rue in March 2009 commended the Government for the steps it had taken towards the advancement of media freedom in the country and called on the international community to assist the Maldives in its democratisation process.

320. In the past, the fact that defamation could be prosecuted as a criminal offence had the effect of hindering media freedom. In October 2009, the Majlis decriminalised defamation through the amendment of the Penal Code, abolishing five articles providing for criminal defamation. The Bill was part of the government’s wider platform to enhance respect for freedom of expression.

J. Right to peaceful assembly and association

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
21, 22	8	15	4 (b) 5 (d) (xi)		

321. In accordance with the Maldives's obligations under the above articles, all people in the Maldives have the right to participate in peaceful assembly and association and are free to do so in a variety of ways.

1. Freedom of assembly

322. The right of assembly without prior State permission is guaranteed by the present Constitution.

2. Freedom of association

323. The Constitution provides for freedom to form political parties, associations and societies.

324. This is further reinforced by the figure of 1069 registered societies and associations in a population of 300,000 people. These include all types of friendly, entertainment, environment conscious and human rights associations. Many national, religious and other functions are arranged at island level and the Government has no restrictions on the peaceful assembly of the public.

K. Right to marry and found a family, protection of the family, mother and children

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
23, 24	10	18, 19, 20, 22, 23, 33, 34, 36, 38		4, 5, 11, 12, 13 (a), 16	5 (d) (iv)

325. Article 34 of the Constitution provides for the right to marry and establish a family.

326. The Government supports and respects choices made by Maldivians in defining their own families and provides substantial protection (such as the payment of alimony, strict procedural criteria for divorce proceedings etc.) to families, women and children in accordance with the above articles. The Citizenship Law enables foreigners married to Maldivian nationals to acquire Maldivian citizenship after meeting certain criteria.

327. Unmarried cohabitation is not supported in the Maldives.

1. Developments in family law

328. The Government introduced new divorce regulations to control the high rates of divorce in the country. All persons divorcing their wives outside the court are fined with a monetary value not more than 5000 Maldivian rufiya (US\$450 approximately). Any person wishing to marry more than one person should earn Maldivian rufiyaa 10,000 or more. These conditions have restricted the exercise of polygamy, though it is permissible under the Islamic Law which prevails in the country.

329. The Government is determined to help children to have a meaningful relationship with both parents, reduce the impact of conflict on children and reduce the emotional and financial costs of family separation on families and the community. A number of reforms

have been introduced, such as providing counselling services prior to marriage, testing for Thalesaemia (a major disease in the Maldives) and projects to promote joint parental responsibility. A presumption of joint parental responsibility exists to promote parents consulting together on important parenting decisions, such as where a child goes to school or on major health issues. However the presumption does not exist in cases of family violence and child abuse.

2. Definition of marriage

330. Marriage is defined as the union of a man and a woman, voluntarily, for life. Polygamy is allowed and is practiced to an extent. The prevailing religious and social fabric of the society takes homosexual relationships as a sin.

3. Balancing work and family, parenting, support services

331. Balancing family and work has become an area of increasing policy interest to the Maldives. A range of policy approaches such as the provision of quality child-care, increased family benefits and other support for parents are in dire need to facilitate choice for parents. Where the cost of living is very high and both parents must work for survival, child care has become a vital issue for all Maldivians.

332. The civil employment code allows parental leave, personal/carer's leave and ordinary hours of work. All women giving birth during employment are entitled to 60 days of paid leave on delivery. None of their other leaves or entitlements could be compromised due to the grant of this 60 days paid leave in the annual year.

333. The Government of Maldives provides medical care and support to many thalassaemic children across the country. The Government also provides free testing for thalassaemia prior to marriage, through its established centres. The Government also supports a shelter for abandoned and vulnerable children in the country who have no primary care. Government funding is also provided to local NGOs such as the Care Society, the biggest society for disabled children in the Maldives, which assists children with special needs. Care Society conducts many programmes for disabled children, including assisting in their schooling and extra-curricular activities.

334. Disabled children also go to school together with other children in the Maldives, but they attend a special class with special teachers. The Government is committed to and working on strengthening education for children with special needs.

4. Domestic violence

335. Cases of domestic violence are brought to the attention of the relevant department at a very surface level. This is primarily attributed to the traditional societal restrictions, whereby, affairs of the family are not revealed to the public domain, including the authorities. Reflecting the seriousness with which the Government of Maldives takes domestic violence, the Maldives has launched campaigns to reinforce the message that violence against women is totally unacceptable and this message is being disseminated to the public through the media. The Government is currently in the process of drafting an Anti Domestic Violence Bill for submission to the Parliament.

5. Protection of children and young people

336. The Government is committed to providing a safe environment for children to grow up in and develop their potential. To this end, the Government has established an alternative care facility for the protection of orphans and abandoned children.

337. During 2008, the Child Protection Authority of the Ministry of Health and Family reported several cases of child abuse, including sexual abuse. Penalties for the sexual abuse of children could range from fifteen to twenty five years' imprisonment. The Government is committed to take fast action against these perpetrators and to creating public awareness to take a strong stand against it.

338. A Child Sex Abuse (Special Provisions) Bill was passed in Majlis November 2009, which specifies special provisions to deal with sexual offences committed against children and covers stages of investigation, trial and sentence.

L. Right to work

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
	6, 7		11	5 (e) (i)	

339. The Constitution of the Maldives grants everyone the right to engage in any employment or occupation. The Employment Act grants all the entitlement of just and safe conditions for work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion. It also limits the work hours and entitles all workers to rest and leisure.

1. Reducing unemployment

340. The Maldivian Government's employment policy objective is to see that everyone who wants work has the opportunity to do so. This is demonstrated by the Government's commitment to reducing unemployment by promoting education and access to education through the Maldives College of Higher Education. For this reason, the Government places special emphasis on granting access to different short courses to all persons wishing to enrol. The Maldives College of Higher Education offers a range of accredited graduate and non-graduate education and training programs, through its different faculties.

341. A National Career Guidance Centre has been established in Male' and three other job centres have been established in the Atolls, namely, B. Eydhafushi, Lh. Naifaru and Dh. Kudahuvadho. A fourth job centre is ready to be opened soon in L. Gan. In addition, an online registration system has been for job seekers and employers.

342. Despite the exigencies of labour related issues in the Maldives, no survey has been conducted to provide consistent estimates of labour force status at the national level.

2. Protection of vulnerable workers

343. The Employment Act of 2008 includes provisions for female workers, guaranteeing maternity leave and secures an equal employment relationship to all foreign workers in the country. However, women sometimes face certain restrictions in the work environment, especially in enjoying the various rights prescribed in the relevant legislation. Certain categories of migrant workers, especially those in low paid and unskilled jobs, face difficulties in enjoying their rights and also in addressing their grievances for fear of facing termination. Therefore, while the Employment Act 2008 provides protection to these vulnerable groups, serious concerns still remain in practice.

3. Vocational and technical education for employment

344. The Government of Maldives has consistently focused on providing Technical and Vocational Education and Training (TVET) throughout the Maldives. The Government

provides almost two-thirds of the funding and has all of the regulatory responsibility for the sector. The Government, in its role of leading the national training system, has focused increasingly on promoting national quality, consistency and coherence in the provision of TVET. A key element in this agenda has been the introduction of competency-based Training Packages, and an integrated set of national Australian Qualifications Framework qualifications for a specific industry, industry sector or enterprise. Under the TVET Division within the Ministry of Human Resources, Youth and Sports, a national TVET system has been established and technical and vocational training based on this system is ongoing. The TVET system in the Maldives is demand-driven, accessible, beneficiary-financed and quality-assured, which also meets the needs of the society for stability and economic growth. Training under the TVET system is done in two tracks: Institution-based training and Employer-based training. Though the main objective of TVET is to supply the labour market with skilled workers, in fulfilling this objective, TVET is also alleviating poverty by providing skills for decent jobs and encouraging earning while learning.

345. TVET is contributing to labour force participation rates, both by reducing unemployment, and improving productivity, and correspondingly resulting in higher earnings. TVET facilitates and funds training programs and skills learning through public and private training providers. It also facilitates training delivery in a range of skills through communities since community involvement is the only way these programs can be sustained. NGOs in the community actively participate with TVET in coordinating and delivering skills based training programs which are in high demand within the community or the region, eventually leading to better employment opportunities. This also leads to capacity building within the community and NGOs.

M. Right to just and favourable conditions of work

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
7			11	5 (e) (i)	

346. There is no national minimum wage for the private sector, although the Government established wage floors for Government employment as per the Civil Service regulations. These wage floors aim to provide a decent standard of living for a worker and family. Given the severe shortage of labour, employers offered competitive pay and conditions to attract skilled workers.

347. The Employment Act limits the total work hours to 48 a week. The working hours of the employee are required by law to be stipulated in the job description given to the employee at the time of granting of employment. The Act also provides for six work days within the week for all employers.

348. The Expatriate Employment Regulation that came into force in April 2009 imposes the following duties on the employer: be responsible for the employee during their stay in the Maldives; to pay the salary before the 7th of each month, due for work done during the past month; to provide adequate food and accommodation to the employee for the duration of the employment; to pay all expenses as agreed in the contract; to pay the work permit and all related fees; and to pay for all the costs of repatriating the expatriate employee, in case the Government requests such, prior to the end of the duration of the work permit.

349. The Labour Relations Authority resolves wage and labour disputes, visits work sites and enforces labour regulations. There are no national laws governing health and safety conditions. There are regulatory requirements in certain industries such as construction and transport, that employers provide a safe working environment and ensure the observance of

safety measures. The new Labour Law aims to provide protection for workers from retaliatory dismissal if they attempted to remove themselves from, or eliminate, unsafe working conditions. Further, some protection is also afforded through contract law. The Government has decided to increase all civil employees' wages in 2008. This pay increase applies only to workers covered under the Government sector. The Employment Tribunal oversees all employment related affairs in the Maldives.

350. Many expatriate workers have been reported missing to the authorities and many continue to work illegally. Many are also forced to work at low pay, do not receive a safe and healthy working conditions nor standard rest, leisure and reasonable limitation of working hours.

351. Prisoners can work as gardeners, cleaners, in maintenance and in other areas of work during their time in prison. They are paid within a range of 30–75 per day, depending on the type of work.

N. Trade union rights

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
22	8		11	5 (e) (ii)	

1. The right of association

352. The right to association in the Maldives is currently governed under Article 30 of the 2008 Constitution of the Maldives. Such association could be for the purposes of social, economic, educational and cultural pursuits and it extends to the right to participate or not to participate in trade unions.

2. The right to strike, the right to organise and bargain collectively

353. The right to strike was not provided by the Government previously but became a fundamental right under the country's new Constitution. The 2008 Constitution recognises workers' rights to organise and bargain collectively. Strikes are uncommon in the Maldives, but have seen an increase recently. In June 2009, state attorneys went on a one-day "leave" over pay and security conditions and staff at Diva Island Resort also went on strike.

354. The teacher's strike is the only second major industrial action in Maldivian history, after the strike by taxi drivers in June 2007.

O. Right to social security

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
9		26	11, 12, 13	5 (e) (v–i)	

355. The new Constitution prescribes that "Elderly and disadvantaged persons are entitled to protection and special assistance from the family, the community and the State".²¹ The Constitution also guarantees that people with disabilities are not discriminated against in the provision of fundamental rights and freedoms set forth in the Constitution.²²

²¹ Article 35 (b) of the Constitution of the Republic of Maldives 2008.

²² Article 17 (a) of the Constitution of the Republic of Maldives 2008.

356. The Constitution guarantees that all State employees shall have the right to a pension as provided by law. As such, the Government provides pensions to all Government employees on retirement. All Government employees are also entitled to a service pension after every 20 years in service. However, most people working in the private sector do not get pension benefits upon retirement.

357. Special care is given to pregnant women and women with young children. The State is obliged to ensure that they are provided with adequate food, healthcare and housing, and are protected against adversities.

358. The Government, in medium and long-term socio-economic planning, has taken into account the increasing numbers and proportions of elderly people in the population. A social security system is in place to provide support to elderly people through the grant of pensions after retirement. In January 2009, the Government started providing a monthly allowance of Maldivian rufiyaa 2000 for those eligible and over the age of 65. Needy persons are also entitled to stay at a state funded home, which provides free services.

359. Police and military personnel and their families are entitled to free medical services. While private medical insurance companies exist in the Maldives, only a people have joined medical insurance or any other type of insurance schemes. A state-funded health insurance scheme caters for current and retired members of the civil service and people over the age of 65. Almost all hospitals and several private health care providers, bearing the scheme's "Madhana" or Good Health logo, provides medical care across the country for those who are eligible. In 2009 the "Madhana" and a new "Madhana Plus" insurance programme (that provides for healthcare abroad) was opened for the general public upon registration and payment.

360. Expatriate workers in the Maldives are entitled to medical care and accommodation at the expense of their employers.

P. Right to adequate food, clothing and housing

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
6	11	27	14	5 (e) (iii)	

1. Food and nutrition

361. Adequate nutritious food is a right for all Maldivians. However, data in the first Vulnerability and Poverty Assessment (VPA) in 1998 indicated that the Maldives faced a nutritional situation more acute than many countries in sub-Saharan Africa. The reason lies in the food habits of Maldivians, whose lifestyles entirely circled around seafood.

362. The average diet in many Maldivian households does not include fruits and vegetables, as a result of which the required doses of vitamins and minerals are not available. In addition, increased consumerism, along with the introduction and aggressive advertising of "junk" foods, inadequate access to healthcare and poor infant feeding, have severely compounded the nutritional challenges of the population.

363. This has led to alarmingly high rates of malnutrition, especially among children. Several surveys have demonstrated clearly that child malnutrition is a serious problem in the Maldives. In a 2000 survey, almost 1 in 3 children younger than age 5 were found to be undernourished and 1 in 4 were stunted. The VPA also found that stunted growth was severe in girls.

364. At the same time, a nutritional study in 2000 indicated that more than half of all pregnant Maldivian women and nearly half of non-pregnant women suffered from anaemia, a deficiency that can be caused by the lack of iron-rich foods.

365. Only recently has extensive work been undertaken for the promotion of good nutrition in the Maldives.

366. The National Nutrition Strategic Plan launched in 2007 campaigns to increase awareness on exclusive breastfeeding of infants and increasing the intake of water as practical steps to promote good nutrition for all Maldivians. UNICEF has been committed to increase support to change unhealthy food habits, making nutritious food accessible to the entire population, promoting the use of locally available nutritious foods, providing information on healthy eating habits and advocating for reducing the disparities between girls' and boys' nutritional intake in rural communities.

2. Access to housing

367. It is expected that by 2010 the Maldives will have a population of 319, 738 with an average growth rate of 1.69% (Census, 2006). Recent statistics also reveal that the atolls as a whole are experiencing negative growth rates of 0.06 while the island of Male' is experiencing a positive growth rate of 5.59% (*ibid.*); owing strongly to net out-migration from some islands into the capital. Such patterns of growth, hand in hand with an acute shortage of land in the islands, have significant implications for the housing sector, and the overall development in the Maldives.

368. The Government therefore deems access to adequate housing as a fundamental human right, and an integral component of socio-economic development. As part of its policy, the Government has pledged to provide quality affordable housing to all citizens of the Maldives via a housing scheme. The Government has also pledged to facilitate housing benefits for those unable to pay the cost of housing.

369. Ancillary to this, the Government is pursuing a policy of decentralisation and regionalization as stipulated under Chapter 8 of the 2008 Constitution, wherein which seven regional provinces have already been established to enable a more people-centric and inclusive approach to development. At the same time, a nation-wide transportation network is already in development negating the need for resettlement in other localities but will in tandem facilitate the achievement of population consolidation pursued so far. It is hoped that such a strategy will facilitate voluntary migration, alleviate disparities, reduce barriers in access to the housing market and ensure equitable distribution of wealth, resources and services by means of a rights based approach to foster sustainable regional development.

370. To achieve the objective of adequate housing for all, the Government also invited the UN Special Rapporteur on Adequate Housing, Ms. Raquel Rolnik in February 2009 to undertake an independent assessment of the housing situation in the Maldives. Among the issues addressed during her 8 day visit, the study emphasised the dire implications of climate change and environmental degradation on the housing sector as well as the impact of overcrowding in the Maldives, which have been included in the formulation of the housing development plans.

371. Pursuant to the Government's policy of establishing public private partnerships, a Housing Development Corporation was formed to oversee the successful implementation and delivery of housing in the regions. Underpinning this is the creation of a strong legal framework to attract inward investment and overcome shortages of funding in the housing sector. At the same time, the Government has commenced work on establishing a low interest housing loan scheme carried out through the Housing Development Finance Corporation to provide much needed credit for those unable to enter the real estate market by strengthening of the Housing Development and Financing Corporation.

372. Such policies are aimed towards closing the widening gap between the capital island and the Maldives as a whole, which have so far suffered the impacts of high costs, in terms of access to building materials, construction and delivery costs. It is anticipated that an equitable loan scheme on a needs-basis will provide a credit facility for the most vulnerable population groups and foster regional development, addressing the problem of overcrowding in Male' and deter net out migration into capital city.

Q. Right to enjoy the highest standards of physical and mental health

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
6	12	24, 27, 32, 33, 37	12, 14	5 (e) (iv)	

373. The Government is directly responsible for the delivery and management of health services and for maintaining direct relationships with most healthcare providers, including the regulation of health professionals. Public and psychiatric hospital services and a wide range of community and public health services including health promotion, communicable disease surveillance and control, non communicable disease control, population health and environmental and occupational health are coordinated and delivered by the Government.

1. Improving access to health services

374. Providing affordable and quality healthcare for all Maldivians is one of the key five pledge areas of the present Administration. With the belief that this is a basic right of every Maldivian and an essential component of social and economic development, the Government plans to implement the following policy measures to improve the quality and access to healthcare for all Maldivians:

- (a) Establishing a basic health insurance scheme covering all citizens;
- (b) Improving the quality of services at regional hospitals;
- (c) Providing training opportunities for health professionals to ensure that those in the various regions acquire job opportunities from their respective region;
- (d) Establishing a tribunal to address conflicts and increase accountability in the medical field;
- (e) Facilitate investment in the health sector and creating the conditions attractive for foreign investment.

375. By implementing these policies, the major short term (1–3 year) goals of the Government are as follows:

- (a) The provision of essential medical services and medicine at affordable rates throughout the country;
- (b) Introducing the universal health insurance scheme;
- (c) Establishing the facilities for the immediate transfer of patients from islands to medical centres;
- (d) Conducting training programmes to maintain quality;
- (e) Reducing repetition of Government programmes in the health sector, in order to reduce costs.

376. The major long term (1–5 year) goals are as follows:

- (a) Establishing a water storage system for emergency use;
- (b) Providing employment opportunities for health professionals in their native regions;
- (c) Strengthening and establishing adequate sewerage systems to reduce the risks of epidemic diseases;
- (d) Developing regional hospitals to reduce the need to travel to Male' for treatment;
- (e) Invest in training programmes and ensuring that most personnel in the sector are Maldivians.

2. The health system

377. The health service delivery system comprises the central level (Indhira Gandhi Memorial Hospital – IGMH in the capital, Male'), regional level (regional hospitals), atoll level (atoll hospitals), sub atoll level (atoll health centres) and island level (health posts and family health sections). These five tiers of the health system are structured into a referral system, with the hierarchy ascending from the family health workers at the island level to specialist medical practitioners at IGMH.

378. The Ministry of Health is the apex institution, having the overall responsibility for the delivery of health services in the country. The Ministry of Health formulates the overall health policy and the health development objectives. The central level also encompasses the Centre for Community Health and Disease Control (CCHDC), Department of Gender and Family Protection Services (DGFPS), Department of Drug Prevention and Rehabilitation Services (DDPRS), Maldives Food and Drug Authority (MFDA) and National Social Protection Agency (NSPA).

379. The six regional hospitals are situated at strategic locations, namely *Haa Dhaal Kulhuduffushi*, *Raa Ugoofaaru*, *Meemu Muli*, *Laamu Gan*, *Gaaf Dhaal Thinadhoo* and *Seenu Hithadhoo*. These hospitals provide secondary-level curative services and preventive health services to the atolls that fall under each region. They also have the responsibility to supervise atoll level health service providers, including atoll hospitals.

380. At the atoll level, eight atoll health centres have been upgraded to atoll hospitals. These hospitals are situated in *Shaviyani Funadhoo*, *Noonu Manadhoo*, *Alif Dhaal Mahibadhoo*, *Baa Eydhafushi*, *Lhaviyani Naifaru*, *Dhaal Kudahuvadho*, *Gaaf Alif Villingili* and *Gnaviyani Fua Mulaku*. They provide laboratory and operating facilities, with gynaecological and obstetric services.

381. At the sub-atoll level, both, doctors and community health workers serve their respective communities through the atoll health centres. Each atoll has at least one atoll health centre that provides basic healthcare and improved amenities in maternal health services.

382. Island health posts and family health sections at island offices provide health services at the island level. These facilities are at the bottom of the health service hierarchy. Family health workers and midwives provide healthcare at these outlets.

383. In addition to the above Government healthcare facilities, a significant number of private health care facilities provide services to the general public, especially in Male' and in the developing regions of the country.

384. Private hospitals such as the ADK Hospital provide tertiary level healthcare in Male', while private medical clinics provide outpatient medical care, including minor operations and laboratory facilities in Male' and in some atolls.

3. Women's health

385. A priority focus has been given to improve the health status of women. Providing access to quality maternal health services is seen to result in the improvement of the health status of women and children. Access to maternity care has been increased by the establishment of 13 atoll hospitals and increasing the number of regional hospitals from 5 to 6 during the period 2001 to 2006. Overall, there has been a substantial decline in the maternal mortality rate, however the maternal mortality is observed to fluctuate over the past 5 years. The regional hospitals provide specialty care in gynaecology and obstetrics and paediatric services. All hospitals are also equipped and manned to perform emergency obstetrics and gynaecology services.

386. According to the preliminary results of the 2009 Maldives Demographic Health Survey 99.3% of Maldivian women seek antenatal care from a health professional⁵ during pregnancy. 70.03% of deliveries are conducted by doctors, and 99% of deliveries in the country are institutional deliveries (Vital Registration System, Ministry of Health and Family, 2009). Overall, it was found that 98.25% (VRS 2009) of deliveries were attended by trained personnel (doctors, nurses, health workers and trained birth attendants).

387. Multiple indicator cluster survey conducted in 2001 shows a high prevalence of anaemia among women and especially among pregnant women. The surveys also show that increased efforts at reducing fertility is required to reduce the effect of high fertility rates in the past, that maternal health should receive special attention, the need for social support for the widowed and divorced females is also present.

388. To address these concerns, the national TV and radio broadcast special programmes to create awareness and public discourse on these issues.

4. Public health

389. Centre for Community Health and Disease Control (CCHDC) is responsible for disease surveillance, disease control and prevention of communicable and non communicable diseases, disease vector control, occupational health as well as the overall health promotion and protection in the Maldives.

390. The IGMH provides general and specialty services to the general public and serves as the tertiary referral hospital for the entire country. The NTC provides blood transfusion and diagnostic and treatment facilities for thalassaemic children. The MWSA plans and regulates water and sanitation services throughout the country.

5. Disease trends

391. Remarkable progress has been made in the control of communicable diseases. The Maldives experienced a significant improvement in health conditions, with the decline of MMR and IMR and increased life expectancy. Malaria has been eliminated from the country and other diseases such as leprosy and filarial are now at the stage of zero transmission. Since the early 1990s, tuberculosis prevalence has declined from 1.23 per 1000 population in 1991 to 0.41 in 2008, and the case-fatality rate has been zero since 1996. Furthermore, the high coverage of BCG vaccination has resulted in negligible records of TB incidence among children. Case prevalence in HIV/AIDS has remained low and by the end of November 2009, there have been a total of 14 HIV positive cases recorded in the country, with 4 people living with HIV/AIDS by this date. HIV/AIDS surveillance has improved throughout the country and a high degree of awareness among the local population on the causes and preventive measures of HIV/AIDS have been observed. However, the knowledge-practice gap in the behavioural aspect of HIV/AIDS is of concern. Trends in STDs also indicate a low prevalence except for a slightly higher prevalence of hepatitis B among certain high risk population groups seen in recent surveys. This further

highlight the risk associated with certain high risk behaviours like needle sharing in a possible outbreak of HIV in the country.

392. With achievements in universal immunisation, most childhood infectious diseases have been eradicated. No indigenous cases of polio, diphtheria and whooping cough have been reported since 1978. However, measles continue to prevail in varying degrees. An outbreak of measles was reported in 1995, with 3070 cases and another outbreak with 1393 cases occurred in 2005. Measles notification has been reducing dramatically since 2005 and in 2008, only 2 cases were reported.

393. Although there have been a trend of diarrhoeal diseases declining since 1995, there has been a rise in diarrhoeal disease incidence since 2005 with around 15,000 cases notified annually. The incidence of diarrhoea stood at 52 per 1000 population in 2008 with a total of 15749 reported cases. A case of shigella was seen in one of the islands in Male' atoll where there is a large expatriate workforce as well. Intense epidemiological surveillance was unable to find any additional cases, but this is a clear indication of persisting threat of re-emergence of more serious diarrhoeal disease like shigella and cholera. Surveillance has now been strengthened and diarrhoeal deaths have declined steadily, with case-fatality rates below 1 since 1992. Intestinal parasitic diseases are becoming less common across the Maldives. However, formal studies are needed to find out the exact prevalence.

394. Acute Respiratory Infections (ARI) are one of the most common causes of morbidity. The number of ARI cases reported has increased sharply during the last few years. The number of reported cases increased by 48% during 1996–2000 and there has been further increase in the incidence since then. A total of 97,809 cases were reported throughout the country in 2008 with an incidence rate of 327 per 1000 population. There is also a striking difference in the number of ARI cases reported from Male' as compared to the atolls. This suggests that ARI is associated with congested urban living conditions, as well as with environmental factors, such as pollution from increased construction activity.

395. Although significant achievements have been made in the control of communicable diseases, non-communicable diseases, particularly lifestyle-related diseases, pose a major challenge for the health services. A large percentage of patients admitted to hospitals for non-communicable diseases suffered from ischaemic heart diseases, cerebrovascular diseases and hypertensive diseases. In 2001, 26% of the deaths that occurred in IGMH were from diseases of the circulatory system.

396. Patients seeking medical assistance for cancer have also been increasing significantly. The majority of cancers were found to be cervical and breast cancer in women. Oral cancer is also high. In 2001, 14% of deaths in IGMH resulted from various neoplasms or cancers.

397. In addition, incidences of renal diseases, diabetes, gastro-intestinal diseases and diseases of the nervous system and mental disorders are on the increase, with increasing deaths reported from such diseases.

398. The high prevalence of thalassaemia continues to be a major challenge for the country. Approximately one sixth of the population is affected by the condition, which is one of the highest incidences of the disease in the world. The number of children under treatment has increased from 55 in 1988 to 469 in 2001, with an average of 40 new cases detected every year. Intensive awareness campaigns, rigorous screening and improved treatment have increased the life expectancy of thalassaemics.

6. Persons with disabilities

399. Maldivian citizens with disabilities are among the most marginalised people in society. A study conducted in 2008 found that 25 per cent of children with disabilities in Haa Alifu and Haa Dhaal never left their homes.

400. On 2 October 2008, Maldives became the 117th State to sign the Convention on the Rights of Persons with Disabilities (CRPD). The Maldives is now working to put the basic structures and policies in place to enable ratification.

401. The 2008 Constitution prohibits discrimination based on mental or physical disability and also clarifies that special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance shall not be deemed to be discrimination. This provision provides the constitutional basis for a number of steps being taken to promote and protect the rights of disabled persons. The most important of these steps are the formulation of a comprehensive Disabilities Bill and a more specialised Bill on Mental Health.

402. The Disabilities Bill was developed over a three-year period following consultations with disabled persons throughout the Maldives. The draft policy is heavily based on the CRPD. It foresees that creation of a Council that will be entrusted with compiling a national database on the disabled, protecting their rights, overseeing monitoring centres, formulating guidelines for their operation of such centres, addressing complaints and compiling an annual report. The draft law also: requires the establishment of special education centres for disabled persons; requires State schools to have facilities for the disabled and to ensure that no disabled person is denied an education; requires that disabled persons be afforded special protection in the workplace and to ensure that disabled persons are not discriminated against in the job market; and requires that public spaces such as parks and supermarkets provide access facilities, such as ramps, for disabled persons. Finally, under the Bill, the Government commits to providing financial assistance of a minimum of US\$155 a month to all disabled persons, while persons found guilty of harassing or mocking disabled persons are liable to be fined between US\$389 to US\$778.

403. The Bill was passed by the People's Majlis on 21 December 2009; however it was subsequently criticized by Care Society, Handicap International, the Association for Disabilities and Development, the Maldives Deaf Association and other NGOs supporting the rights of disabled persons, as not being fully consistent with the CRPD. Taking note of these concerns, on 6 January 2010, the President of the Maldives vetoed the Bill and sent it back to the Ministry of Health and Family for revision. The Bill will be re-tabled during 2010.

404. A general policy on disability is in its final draft form. The policy has been developed after consulting with persons with disabilities throughout the country. The policy relies on the Convention on the Rights of Persons with Disabilities as its framework and repeats its general principles, refers to most of the rights in the Convention and includes national monitoring mechanisms in line with the Convention. The policy identifies a national coordination mechanism, as well as the Human Rights Commission as the monitoring body – both elements being in line with the Convention.

405. A second policy on mental health is in the initial draft stage. One of the main positive aspects of the policy is the recognition of the need for “informed consent” for treatments. This is an important step forward, given that many persons with mental disabilities have had treatments forced on them. It also recognises a paradigm shift from institutional care to community-based rehabilitation as an important step towards protecting the rights of people with disabilities. It also outlines an institutional framework that establishes treatment services in the remote areas, thereby increasing accessibility to essential rehabilitative services to those in need.

406. The Care Society, an NGO formed in 1998, actively works to combat discrimination against children with disabilities. The NGO has been sponsored by UNICEF since 2000. Disability awareness is a recent development in the Maldives. Traditionally, children with disabilities are kept within the family and away from the wider community. Social stigma continues to influence the treatment of children with disabilities and similarly it is rare to see a disabled person in any form of employment.

407. Local NGOs claimed in 2005 that there were thousands of persons with disabilities due to high levels of malnutrition during pregnancy. The Government has established programmes and provided services for persons with disabilities, including special educational programmes for persons with hearing and vision disabilities. Persons with disabilities are usually care for by their families, and when family care is unavailable, they are placed in the Home for People with Special Needs, under the Ministry of Health and Family, which also hosts elderly persons. When requested, the Government provided free medication for all persons with mental disabilities in the islands, but follow-up care was infrequent.

408. The Government of Maldives has supported the conduct of a sensitisation campaign on human rights and disability co-organised by Handicap International, the UN Resident Coordinator's Office and the Office of the High Commissioner for Human Rights.

R. The right to education, other cultural rights

<i>ICCPR</i>	<i>ICESCR</i>	<i>CAT</i>	<i>CRC</i>	<i>CEDAW</i>	<i>CERD</i>
		23, 24, 28, 29,			
27	13, 14, 15	30, 31, 32	10, 13, 14	5 (e) (v) (e) (vi)	

409. It is a Constitutional right of all Maldivians to acquire knowledge and impart knowledge.

1. School education in the Maldives

410. The formal schooling system in the Maldives comprises 12 years, which includes 7 years of primary, 3 years of lower secondary and 2 years of higher secondary education. Constitutionally primary and middle school (the final two years of the 7 year primary cycle) is now made compulsory to all Maldivian children. In addition preschool education programs are widely offered for children between the age of 2 and a half years and five year through a non formal setting. The net enrolment rate for pre-primary now stands at more than 74%.

411. Most of the schools in the Maldives are funded and run by the Government. The Maldivian budget contributes approximately 100% of school running costs. Education in all Government primary, secondary schools and higher secondary schools is free. Voluntary contributions are sought in some cases for certain materials, services and facilities.

2. Primary, secondary and tertiary education

412. Primary and secondary education is offered free in the Maldives. In Maldives, primary education comprises classes one through five, enrolling students in the corresponding ages six through ten. Secondary education is divided between classes six through ten, which represent overall secondary education and classes eleven and twelve, which constitute higher secondary education. Primary and secondary schooling is based on the British educational system. Distance educational courses and educational programs on the radio are also provided.

3. Higher education

413. The Government is working towards strengthening access to higher education. Most tertiary educational opportunities are through international scholarship programmes and aid. The Two Government colleges and three private colleges exist in the Maldives currently providing a few graduate programs. TVET programmes have also been established which are concerned with the acquisition of knowledge and skills for the field of work. Recently government has established an institution called the Maldives Institute for Vocational and Technical Education (MIVET) specifically to serve this purpose. Every year there are more than 8,000 students graduating from secondary schools and the places available locally for post secondary or higher education are still very limited. Therefore most in search of higher education opportunities leave to institutions abroad. This leads to unequal access to higher levels of education as only those who can financially afford will be able to obtain higher education. In order to reduce this inequality the Government grants scholarships under different schemes and also a recently established Government loan scheme has opened further opportunities for higher education and development.

4. Cultural rights

414. The Maldives, being a homogenous society, the Government is committed to ensuring that all Maldivians have the opportunity to be active and equal participants in the economic, social and cultural life of the country. Based on universal civic responsibilities, respect for each person and fairness in opportunities for all people and benefits of cultural diversity for all Maldivians.

5. Sports

415. Sports are very encouraged in the Maldives. From schooling years to old age, the Government has emphasised on increasing grassroots participation in sports for all ages to ensure that Maldivians, regardless of culture, gender, capability or age have an opportunity to participate in quality sporting activities.

6. Broadcasting

416. There are seven licensed radio stations throughout the Maldives including one state-owned radio station, one state-owned television service, two privately-owned television stations, as well as several radio stations.

7. Telecommunications

417. The Government recognises the importance of access to telecommunications services for participation in all aspects of contemporary Maldivian life. The telecommunication market comprised of a single company throughout the Maldives history. The recent introduction of a new provider, Wataniya was a key establishment in the improvement of access to quality and lower cost telecommunications to Maldivians.

418. Other measures to safeguard the access to telecommunications include:

(a) Universal service: which provides all people in the Maldives, including the most rural areas, with reasonable access to standard telephone or payphone services on an equitable basis;

(b) Safeguarding of effective access to the internet through internet assistance programs; and

(c) Establishment of a broadband strategy to improve the availability and effective use of broadband services and capture the economic and social benefits of greater broadband connectivity.

8. Intellectual property and moral rights

419. While there does not exist a Copy rights Law, the Government understands the need to balance the rights of copyright owners and creators to receive appropriate rewards for their investment of skill and resources, with the rights of users to access copyright material on reasonable terms.

420. The Government does not interfere with the use of the Internet. The Internet is widely present and used within the capital, but there is limited internet availability in outlying atolls due to infrastructure constraints.

S. Climate change

421. The Maldives has played a leading role in raising awareness about the human dimension of climate change in the international arena, and the security implications of global warming and rising sea levels on small island states.

422. In November 2007, in preparation for the COP 13 Meeting of the UNFCCC held in Bali, the Maldives hosted a conference on the '*Human Dimension of Global Climate Change*' for the Alliance of Small Island States (AOSIS). The States present adopted at the end of the conference, the *Male Declaration on the Human Dimension of Global Climate Change* in order to develop a common negotiating platform for Small Island Developing States (SIDS) in Bali. The declaration expressed concern regarding the implications that climate change has on the enjoyment of human rights. At Bali in 2007, the Maldives presented a declaration on Climate Change adopted by the South Asia Association for Regional Cooperation (SAARC) that also stresses the human impact of climate change.

423. Maintaining this momentum, the Maldives successfully tabled a Resolution in March 2008 at the Human Rights Council in Geneva calling for a study by the Office of the High Commissioner for Human Rights on the possible linkages between climate change and human rights. A number of States submitted their views under the Resolution. A follow-up Resolution was tabled at the March 2009 Session of the Council, calling for a Council panel debate on the topic of climate change and its adverse impacts on the enjoyment of human rights.

424. In March 2009, under the direction of the new Government of Maldives which took office in November 2008, President Mohamed Nasheed declared that the administration's vision was the Maldives to be a carbon-neutral country by 2020. Under this new policy direction, the Maldives would adopt adequate mitigation and adaptation measures, coupled with the utilisation of renewable energy technologies to reduce the country's carbon-foot print and to achieve energy independence. The administration has already tabled plans to review existing methods of construction, transport and commercial practices with the aim of introducing more climate-friendly measures at all levels. It is also looking at finding viable avenues of foreign investment to implement capital-heavy green infrastructure.

425. In the lead up to COP15, the Maldives called for: the Copenhagen agreement to ensure that the most immediate and urgent adaptation needs of vulnerable nations are funded through a mechanism that is adequate, easily accessible and flexible; and the Copenhagen agreement to help reduce concentrations of CO₂ in the atmosphere to no more than 350 parts per million; implying the need for a 40% global greenhouse gas emissions reduction by 2020 from 1990 levels and an 80% emissions reduction by 2050.

426. Following COP15, the Maldives has expressed its support to the “Copenhagen Accords”, though expressing its hopes that the Accords would be a new beginning in the polarized climate change negotiations which would lead to a legally binding agreement with specific emission reduction targets and deadlines in COP 16 to be held in Mexico next December.

List of annexes

Statistical data

Treaties and Conventions the Maldives has acceded to on Human Rights, International Humanitarian Law, International Terrorism and Regional Cooperation
