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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Maldives**

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## List of abbreviations

<b>AGO</b>	Attorney General's Office
<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRPA</b>	Child Rights Protection Act
<b>CSO</b>	Civil Society Organization
<b>DHS</b>	Demographic Health Survey
<b>DJA</b>	Department of Judicial Administration
<b>DV</b>	Domestic Violence
<b>EPA</b>	Environmental Protection Agency
<b>FCSC</b>	Family and Children Service Centre
<b>FPA</b>	Family Protection Authority
<b>GBV</b>	Gender Based Violence
<b>GCF</b>	Green Climate Fund
<b>HRCM</b>	Human Rights Commission of the Maldives
<b>JSC</b>	Judicial Service Commission
<b>LRA</b>	Labour Relations Authority
<b>MED</b>	Ministry of Economic Development
<b>MHA</b>	Ministry of Home Affairs
<b>MOE</b>	Ministry of Education
<b>MOHE</b>	Ministry of Higher Education
<b>MOGFSS</b>	Ministry of Gender, Family and Social Services
<b>MPS</b>	Maldives Police Service
<b>MVR</b>	Maldivian Rufiyaa
<b>NCD</b>	Non-communicable Diseases
<b>NDA</b>	National Drug Agency
<b>NDMA</b>	National Disaster Management Authority
<b>NDMC</b>	National Disaster Management Centre
<b>NDP</b>	National Development Plan
<b>NHRAP</b>	National Human Rights Action Plan
<b>NPM</b>	National Preventive Mechanism
<b>NSPA</b>	National Social Protection Agency
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>PGO</b>	Prosecutor General's Office
<b>PWD</b>	Person with Disabilities

<b>SAP</b>	Strategic Action Plan
<b>SEN</b>	Special Educational Needs
<b>SIDS</b>	Small Island Developing States
<b>SOE</b>	State Owned Enterprise
<b>SOP</b>	Standard Operating Procedure
<b>SRH</b>	Sexual Reproductive Health
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>UNICEF</b>	United Nations Children's Fund
<b>UPR</b>	Universal Periodic Review
<b>WDC</b>	Women's Development Committee

## I. Introduction

1. This Report is submitted in accordance with UN Human Rights Council Resolution 16/21. The Report provides an account of the implementation of 198 accepted recommendations, noted recommendations 143.13, 144.11, 144.14, 144.40, 144.41, 144.42 and partial implementation of noted recommendations 143.25, 143.27, 143.28 and 144.12 following Maldives' second cycle of UPR.
2. This Report highlights progress achieved by Maldives over the last four years, in primary sectors of development and protecting human rights. Despite noteworthy achievements, Maldives still faces barriers to development due to limited resources, constraints in technical capacity, and deficiencies within the governance framework.
3. Maldives' preparations for the third cycle of the UPR were launched in early 2019. A Workshop was conducted in collaboration with OHCHR, to familiarize Government and Non-Governmental stakeholders to the reporting mechanism. On 19 December 2019, President Ibrahim Mohamed Solih convened the National Standing Committee<sup>1</sup> to spearhead all works relating to the formulation of the Report. Consultations were conducted with HRCM and CSOs, in January 2020.

## II. Developments since the previous review

### A. Political landscape

**Recommendation: 141.77, 143.43, 143.56, 143.57, 144.40, 144.41, 144.42**

4. Maldives adopted a multi-party system of governance with the adoption of a new Constitution in 2008, which introduced a plethora of fundamental rights, separation of powers, and established oversight institutions to ensure effective checks and balances.
5. Today, Maldives is still working to bring the changes envisaged in the new Constitution within the existing and long-entrenched structural and normative constraints.
6. During this reporting period, Maldives faced heavy scrutiny for the undemocratic acts of the last administration. Rampant corruption, paralyzed judicial institutions, and State encroachment on fundamental rights were the norm.
7. The previous administration utilized its parliamentary majority to pass legislation such as the Protection of Reputation and Freedom of Expression Act (Defamation Act) and the Anti-Defection Act, which curtailed the rights of political opponents and the press. Prevention of Terrorism Act and other legislation were widely misused to suppress opposition and all major political leaders were sentenced to imprisonment.
8. The then Government declared a State of Emergency in 2018, detained two Supreme Court justices including the Chief Justice, suspended Constitutional protections on arrest and detention, banned public assemblies, granted sweeping powers to security forces which were used to arbitrarily detain dissidents, and threatened media stations with closure.
9. The ruling coalition paralyzed the Parliament and halted its effective functioning with the use of security forces. Parliamentary sessions were forced into an indefinite suspension.
10. Following the 2018 Presidential Elections, all politically motivated convictions were appealed and consequently quashed by the courts, and the Anti-Defection Act was repealed.
11. In November 2018, President Solih took the Oath of Office with the promise of restoring rule of law and democratic values, promoting and protecting human rights, and strengthening the governance system in the country.
12. Following a peaceful transition of power, the ruling coalition secured a supermajority in the Parliamentary Elections conducted in April 2019.

13. These political gains presented the new administration with a unique opportunity to remedy the institutional, legislative and structural deficiencies within the State, and consolidate democratic values and norms.

14. Presidential Commissions were established to conduct transparent and impartial investigations into deaths and enforced disappearances<sup>2</sup>, and misuse of Government funds by the previous administration<sup>3</sup>. Presidential Committees were established to review cases of unlawful termination of employment<sup>4</sup> and investigate unjust and corrupt practices in awarding social housing.<sup>5</sup>

15. A Transitional Justice Bill was submitted to Parliament in October 2019, to fulfill the Government's pledge to investigate violations of human rights and fundamental freedoms, including acts of torture, and ensure accountability.

16. The Government launched a Zero-Tolerance to Corruption policy, unveiled an online portal to facilitate anonymous reporting of corruption and in a first for Maldives, the President and his Cabinet declared their assets to the public.

## **B. National human rights mechanism and legislative framework**

**Recommendation: 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.7, 141.20, 141.100, 141.101, 143.23, 143.26, 143.27, 143.28, 143.29, 143.57, 144.40**

17. Over the past four years, HRCM has undertaken considerable work in its capacity as the NPM to prevent torture in detention facilities. It has also collaborated with relevant State institutions, to review draft legislations pertaining to fundamental rights, conducted Human Rights Clinics since 2012 to instill respect for and create awareness on human rights within island communities, and engaged constructively with international mechanisms to reflect the human rights situation of the country.

18. The result of suo motu proceedings initiated by the Supreme Court against HRCM in 2014 restricted their ability to engage with international mechanisms. The effects of this decision will be negated by the amendments submitted by the Government to the Human Rights Commission's Act. These amendments include provisions enabling HRCM to communicate with and submit reports to international organizations and all UN organs without restriction.

19. The Government will continue to fully cooperate and support the HRCM, in the independent and proper execution of its functions. The Government acknowledges the concerns regarding budgetary constraints faced by HRCM, and is prepared to discuss measures to increase the resources of the institution, following an independent capacity audit and needs assessment.

20. The National Human Rights Framework launched in 2016,<sup>6</sup> identifies fourteen outcome areas for the promotion, protection and fulfilment of fundamental rights, which constitutes a significant effort to instill a culture of human rights within State institutions.

21. This Framework will be supplemented by the NHRAP, which is in the final stages of formulation. The Plan will identify targets, activities and timelines for institutions to implement measures in the realization of fundamental rights.

22. The Government recognizes the need to strengthen the legislative framework of Maldives to ensure the protection of fundamental rights.

23. To this end, the present administration conducted a legislative review within its first 100 days, and legislation enacted to target or disadvantage a particular group of people were amended.

24. In addition, legislative amendments needed to strengthen the autonomous functioning of the HRCM, Elections Commission, Anti-Corruption Commission, JSC, Civil Service Commission, Auditor General and the Prosecutor General, containing provisions to ensure that the members of these institutions act independently and uphold strict ethics and standards, have been submitted to Parliament. The Bills further insert provisions on declaration of assets and strengthen accountability to Parliament.

25. The Legislative Agenda 2019-2023, identifies more than 200 laws that need to be enacted or amended. Key pieces of legislation enacted in 2019 include the Act on Presidential Commissions, Legal Professions Act, Heritage Act, Whistle Blower Protection Act, Juvenile Justice Act, CRPA and Second Amendment to the Prevention of Terrorism Act.

26. Additionally, Gender Equality Act, Criminal Procedure Act, National Wage Policy Act and the Act repealing the Defamation Act are significant laws adopted during this reporting period.

### C. National planning and the road ahead

27. The lack of planning and prioritization exhibited by past national development efforts have resulted in unsustainable development and poor resource allocation. National planning was resumed after 7 years, which enabled greater coordination and organization of development efforts, maximized results-based budgeting and addressed areas in urgent need for reform.

28. The current Government achieved 83% of its 100-Day Action Plan<sup>7</sup> and continues to fulfill its pledges under the plan. Subsequently, a comprehensive SAP 2019-2023<sup>8</sup>, was devised in consultation with all stakeholders including CSOs. The SAP, which is aligned with the 2030 Agenda for Sustainable Development, identifies developmental targets under five main sectors; Blue Economy, Caring State, Dignified Families, Jazeera Dhiriulhun (Island way of Life) and Good Governance. It addresses underlying themes including climate resilience and sustainability, gender equality and establishes institutional arrangements, to prevent fragmented implementation of policies.

29. The SAP will be complemented by the proposed NDP and National Spatial Plan which aims to achieve sustainable and decentralized development.

### D. Cooperation with international human rights mechanisms

**Recommendation: 141.16, 141.17, 141.18, 141.19, 143.10, 143.11, 143.14, 143.15, 143.18, 143.20, 143.21, 143.24, 143.25, 143.30, 143.31**

30. The continued violations of human rights, suppression of freedom and the State of Emergency declared by the previous Government received wide international condemnation leading to international isolation.

31. In September 2016, Maldives was placed on the Commonwealth Ministerial Action Group agenda due to the deteriorating human rights situation and rule of law, and was warned of possible suspension. Consequently, Maldives exited the Commonwealth on 13 October 2016.

32. In 2017, the European Union adopted a legal framework for sanctions, including travel bans and asset freezes, against parties responsible for undermining rule of law, violating human rights and obstructing an inclusive political solution.

33. The current Government adopted a progressive foreign policy with the aim to re-engage with the international community. On 1 February 2020, Maldives re-joined the Commonwealth.

34. Maldives extended a standing invitation to all thematic special procedures in 2006. However, during this reporting period, the previous administration denied requests by special procedures mandate holders to visit Maldives. On 1 February 2019, Maldives reaffirmed its standing invitation.

35. The UN Special Rapporteur in the field of cultural rights, Ms. Karima Bennouna, visited Maldives in June 2019, marking the first visit from a special procedures mandate holder in six years. In November 2019, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Nils Melzer, conducted his assessment. In March 2020, UN Special Rapporteur on the Promotion and Protection of the

Right to Freedom of Opinion and Expression, Mr. David Kaye is confirmed to visit Maldives.

36. During May and December 2016, February 2018, March 2019 and January 2020, visits were conducted by OHCHR's Chief of Rule of Law, Equality and Non-Discrimination Branch, Ms. Mona Rishmawi.

37. Maldives actively participates in annual Human Rights Council Sessions, and UPR Working Group Sessions to give constructive recommendations to States under review. Maldives continues to engage with the UN Working Groups and UN Human Rights Committee on individual communications transmitted to the Government.

38. As such, within the 100-day pledges of the Government, updates were provided to the UN Working Group on Arbitrary Detention on all communications transmitted to Maldives, and the Government continues to engage with the UN Working Group on Enforced and Involuntary Disappearances concerning the case of Mr. Ahmed Rilwan.

39. Maldives is party to seven core international human rights conventions, and has been a signatory to CAT since 2004. On 6 February 2017, the National CAT and OPCAT Committee was convened to implement international obligations under CAT and OPCAT, including submitting the initial report.

40. On 17 October 2017, Maldives' initial report under CAT was submitted, and the review session was held from 27-28 November 2018. As promised during the review, on 25 October 2019, the Government submitted a follow-up report.

41. On 17 December 2019, the President signed the declaration in relation to Article 22 of CAT, recognizing the competence of the Committee against Torture to receive and consider individual communications.

42. Work is underway to submit International Convention for the Protection of All Persons from Enforced Disappearance for ratification to the Parliament, a convention which Maldives has been signatory to since 6 February 2007.

43. On 24 December 2019, the Cabinet decided to lift the reservations to paragraph 1 subsections (b), (e), (g) and (h), and paragraph 2 of Article 16 of CEDAW. On 2 February 2020, the decision was forwarded to the Parliament for endorsement.

44. Additionally, during this reporting period, Maldives submitted its sixth Periodic Report under CEDAW and its initial report under Convention on the Rights of Persons with Disabilities.

45. The absence of proper information retention mechanisms within institutions remains a hurdle for Maldives in fulfilling its treaty reporting obligations. To remedy this, on 10 December 2019, AGO and HRCM launched the Maldives Human Rights Portal, which serves as a one-stop destination to follow up on the status of implementation of Maldives' international obligations. Efforts are underway to establish a National Mechanism for Reporting and Follow-up.

46. The Government is considering its position on recommendations 143.14, 143.15 and 143.18.

### **III. Follow up to the second cycle of review**

#### **A. Education**

**Recommendation: 141.80, 141.98, 141.109, 141.110, 141.111, 141.112, 141.113, 141.114, 141.115, 141.116**

47. Maldives, having achieved near-universal literacy rate, prioritizes provision of quality education without any discrimination. Despite geographical challenges, Maldives has ensured access to education across the country. By end of 2018, 88211 students were enrolled in educational institutions across the nation.<sup>9</sup>



48. The Constitution ensures the right to education without discrimination of any kind. The Pre-School Act obliges the Government to ensure pre-school education for all children of pre-school age. The Constitution and the newly ratified CRPA obliges the State to provide free primary and secondary education and stipulates that both the parents and the State must provide primary and secondary education to every child.

49. Accordingly, free textbooks and stationery vouchers are provided. MOE allocates a special allowance per head to the schools enrolling children with special needs, and additional support is provided to children with other vulnerabilities.

50. The Constitution obligates the State to ensure general availability of higher education opportunities for citizens. The Government has introduced a Free First Degree Project, where 3087 individuals were afforded the opportunity to enroll in first degree programs from all areas of study, across all colleges and universities in Maldives. The Government allocated more than MVR 30 Million (USD 194,553) to this project. Further, in 2019, the Government reduced the interest rate on higher education and training loan schemes to 3% and allowed longer repayment periods.

51. The Education Bill, and Higher Education Bill were formulated and submitted to the Parliament on 6 December 2019 with the aim of strengthening the legal framework governing education in Maldives.

52. With the view to enhancing quality of education providers, in 2016, the Government required teachers to obtain at least diploma level training in teaching. Under a special arrangement with Maldives National University, a project was conducted in 2017, to train 3000 teachers up to the first degree level. During this period, MOE collaborated with the World Bank to undertake the Enhancing Education Development Project. MOE continues to receive assistance from different UN organs, and in 2019, Maldives became a beneficiary of the Global Partnership for Education.

53. Since the implementation of a new curriculum in 2015, human rights education has been incorporated into the syllabus and continues to be taught on a key-stage basis. Further, the new curriculum utilizes 21st century learning and seeks to instill key competencies needed for the globalized world.

54. MOHE was established under the current administration, with the mandate to oversee and enhance the provision of higher education in Maldives. An institutional audit of higher education facilities was conducted, to assess and monitor quality of services. Maldives National Qualification Framework is currently under review.

55. Children in conflict with the law who are deprived of education are assessed individually to determine their educational needs and develop a corresponding educational plan. Efforts are underway to seek technical assistance to develop alternative pathways that can accommodate dropouts and children in conflict with the law.

56. The Inclusive Education policy allows children with SEN to be enrolled in mainstream schools and the assessment policy for the new curriculum allows for educational adaptations to be made for children. Arrangements are made to ensure PWDs' access to their respective classes, however, ensuring their access to entire school buildings remains a challenge. In 2019, a new school was opened in the capital region, with ramps that allow PWDs to access the whole school premises. The Government recognizes the critical need across the country for trained teachers who specialize in SEN, hence an assessment was conducted within the Government's 100 day pledges to determine resources required to strengthen special needs education in schools.

57. In 2016, B-Tech stream was introduced to all schools in Maldives to provide vocational training and technical education, and Technical and Vocational Education and Training Authority and Maldives Polytechnic continues to offer vocational trainings across different sectors. Since 2016, with the assistance of Global Partnership for Education and the World Bank, efforts are underway to design a comprehensive mechanism of alternative pathways for students wishing to acquire alternative skills and training.

## B. Provision of adequate housing

### Recommendation: 141.102

58. The Government's social housing policies to counter the acute shortage of housing, lack of supply, limited financing and deficiencies in the corresponding legal framework are addressed in SAP. As a long-term solution, the Government has conducted a housing needs assessment which focuses on regional development in allocation of housing projects.

59. From 2016-2018, a total of 1096 housing units were built in the atolls, and 704 housing units were built in the capital region.

60. The Presidential Committee to Investigate Government Housing Schemes Issues is reviewing the lists of beneficiaries to ensure that all applicants were scored fairly, and identify parties responsible for misconduct in allocating flats under the social housing schemes conducted in the capital region, by the previous administration.

61. In 2019, the Government initiated a large-scale social housing project across the country with 20000 social housing units allocated to atolls and an additional 6000 housing units allocated to the capital region. While efforts are underway to establish affordable housing finance schemes with low-interest loans for home construction, work is in progress to enact legislation to govern fair and transparent provision of social housing.

## C. Health

### Recommendation: 141.103, 141.104, 141.105, 141.106, 141.107, 141.108, 143.68

62. Life expectancy at birth in Maldives has increased from 70 to 73 years for men, and from 70.1 to 74.7 years for women during the period 2000-2016. The Infant Mortality Rate fell from 17 per 1000 live births in 2001 to 6.8 per 1000 live births in 2017. The Maternal Mortality Ratio has decreased from 143 per 100000 births in 2001 to 44 per 100000 births in 2016, owing to better Emergency Obstetric Care at atoll level and antenatal care at the island level.

63. Maldives has been polio-free since 1981 with no indigenous cases detected since then.<sup>10</sup> In 2015, Maldives introduced the injectable Inactivated Polio Vaccine into its routine immunization schedule. Acute flaccid paralysis surveillance continues, according to World Health Organization guidelines.

64. Most Communicable Diseases have been controlled and some eliminated. However, there is an increased potential public health threat due to high-risk behaviors. Diseases including dengue fever, seasonal influenza and chikungunya remain major causes of morbidity among the population.

65. Due to urbanization, sedentary lifestyle, unsafe food products and environmental changes, NCDs are the main cause of morbidity and mortality in the country, and account for approximately 83% of deaths in Maldives. Nutrition continues to be a major concern across different population groups including child malnutrition and obesity. Other challenges include the prevalence of thalassemia, mental health burden, cancer, and disabilities including developmental disorders.

66. Maldives has developed and implemented Multi-sectoral NCD Action Plan, which is aligned with the Global Action Plan, and is being revised to align it with the UN High Level NCD Declaration and SAP.

67. SAP has identified strategies and interventions for promoting healthy lifestyles, covering administrative, legislative and policy measures. Maldives imposed a heavy tax on soft drinks, energy drinks and tobacco products (25% for cigarettes, 200% for other tobacco products) above regional and global averages, and recently introduced graphic health warnings on tobacco products and banned the sale of single cigarettes.

68. Essential health services have been established in all inhabited islands with transport mechanism for emergency referrals. The universal health insurance scheme "Aasandha", fully funded by the Government, ensures financial security and better access to healthcare.

However, the geographically dispersed nature of the population, unreliable transport network, reliance on imported medicines and medical supplies, and human resource shortages impedes access and availability of quality healthcare services.

69. There has been a shift towards facility-based curative care rather than community based primary healthcare. Work is underway to establish National Emergency Medical Services with a call center to coordinate health emergencies in the country.

70. Health expenditure is high in Maldives compared to other countries in similar developmental situations, with the Total Health Expenditure in 2017 being 9% of Gross Domestic Product. With the introduction of health insurance scheme and other improvements in the provision of public healthcare services, Out-Of-Pocket expenditure for Maldivian households have decreased from 30% in 2014 to 21% in 2017 of Total Health Expenditure.

71. The Government recognizes the lack of infrastructural facilities in the health sector. Three tertiary health care facilities have been established at the capital region and work is underway to develop tertiary hospitals in five selected regions. Chemotherapy services are available in the capital region. Hospital services have been upgraded and expanded, with laboratory services in 97 islands, dialysis centers in 13 islands, dental, physiotherapy maternal and child health specialist services in all atolls. Hours of service in island health facilities have been extended. All atoll hospitals are equipped to provide care for special groups including Thalassemia patients.

72. Improving mental health facilities across Maldives is afforded a high priority. Maldives National Centre for Mental Health was established in 2019, and State's health insurance coverage has been expanded to include treatment and medicine for mental health patients, in both public and private facilities. Efforts are underway to expand mental health services to five regions across the country, and to establish mental health focal points and counsellor services at island level.

73. A renewed Health Master Plan (2016–2025) was finalized in 2017, which emphasizes improving knowledge and access to SRH services. The National Family Planning Guideline is non-discriminatory, and facilitates easy access to services. SRH programs are devised to ensure that services are accessible to all individuals. A gap analysis<sup>11</sup> was undertaken to identify the themes that are currently sidelined from mainstream SRH discussions.

## D. Environmental issues

### **Recommendation: 141.126, 141.127, 141.128, 141.129, 143.71**

74. Disaster Management Act was enacted on 6 September 2015 and until the NDMA envisaged in the Act was established on 31 December 2018, its role was executed by NDMC under the auspices of Ministry of Defence.

75. By 2017, NDMC engaged with island communities to prepare island specific disaster management plans for approximately 27% of inhabited islands. NDMC also conducted Community Disaster Risk Management Programs in islands, and initiated a Resort Resilience Program aimed at enhancing capacity at resorts to counter disasters.

76. Formulation of the National Disaster Management Plan commenced in December 2016. Under the current Government's plan to ensure disaster preparedness and enhance institutional collaboration, the National Emergency Operational Plan is being reviewed.

77. Provision of clean drinking water is a continuing challenge. As such, a Bill on Water and Sewerage was submitted to the Parliament in November 2019. Disaster Management Act upholds the right to clean water during disasters and provides that Government institution mandated to oversee water security shall ensure provision of clean and safe drinking water during disasters.<sup>12</sup>

78. As a SIDS, Maldives is vulnerable to the adverse effects of climate change.

79. Although, Maldives advocates for environmental protection internationally, during the past administration, environmental interests were predominated by large developmental projects. EPA was deprived of its powers to assess environmental impacts prior to authorizing tourism sector projects on 27 April 2015.

80. The Government is now committed to boost its efforts to enhance climate resilience, and implement multi-sectoral and sustainable solutions to mitigate damage to Maldivian ecosystems.

81. In 2019, a Bill on Climate Change was introduced to Parliament which seeks to establish a Climate Change Council to scrutinize developmental projects for its impact on the environment, and a Climate Change Fund to enhance the implementation measures of adaption and mitigation which also envisages to enhance the public-private partnership. Further, the enactment of the Amendment to Tourism Act on 20 December 2018, restored EPA's authority to assess Environmental Impact Assessment reports in tourism sector developments.

82. Maldives Green Fund was established, to enhance transparency and accountability in allocation of funds to further environmental protection. From 1 January 2019, the Green Tax paid by tourists has been earmarked to the Maldives Green Fund to exclusively fund environmental initiatives. A baseline study was conducted in 4 atolls which identified 11 eco-rich islands requiring conservation and 2 atolls have been nominated to be endorsed as UN Educational Scientific and Cultural Organization biosphere reserves to ensure preservation and sustainable economic activity within the areas. Within the 100 days of the Government, programs were conducted for Cabinet Ministers, Members of Parliament and councilors to improve awareness on environmental issues.

83. Maldives recently initiated the 'Climate Smart Resilient Islands Initiative' as a solution for SIDS, entailing pragmatic and holistic measures to enhance climate resilience, establish inter-island connectivity, improve food and water security, promote green tourism, build climate-resilient infrastructure, and transition to renewable energy sources.

84. Maldives was among the first countries to access the GCF, and a key project to introduce climate-resilient and cost-effective water supply was launched in 2017. Under the project, an integrated water management system was introduced with desalination water production facilities and rainwater harvesting infrastructure was built to ensure unhindered access to clean water in 29 islands, covering about one-fourth of the population. To further enhance Maldives accessibility to GCF initiatives, under the GCF Country programing, a five-year national strategic framework to mobilize international climate finance to address climate change in Maldives for 2020- 2024 has been developed with multi-sectoral input and work is currently underway to formally adopt it.

85. As per the Montreal Protocol, Hydro chlorofluorocarbon will be successfully phased-out by 2020 and currently more than 90% of the targets have been achieved. Maldives has ratified the Kigali Amendment which will phase down Hydro fluorocarbons. Maldives has also pledged to phase out single-use plastics by 2023. Efforts are underway to formulate a national implementation plan to realize the full potential of Maldives' Nationally Determined Contributions under the Paris Agreement.

86. Issues relating to waste management continue to have a direct impact on human health, marine life and ecosystems. The Government is committed to implement decentralized, region-specific waste disposal mechanisms to instill sustainable waste management practices. As such, the first Regional Waste Management Strategy and Action Plan was launched in 2019.

87. Maldives has undertaken numerous efforts to reduce dependency on fossil fuels. In that regard, Maldives undertook two large scale initiatives, Accelerating Sustainable Private Investments in Renewable Energy and continues to undertake Preparing Outer Islands for Sustainable Energy Development in partnership with multilateral development banks. The latter is the largest intervention in the energy sector that will integrate renewable energy hybrid systems into power systems across 160 islands.

## E. Criminal justice system

### **Recommendation: 141.74, 141.76, 143.44**

88. The adoption of the Criminal Procedure Act on 2 May 2016 marks a significant achievement for the criminal justice system. The Act brought to an end, the ambiguity surrounding procession of criminal cases, and clarified the law pertaining to investigation, remand, trials and enforcement of sentences. The Act stipulates strict timelines for completion of investigations and prosecutions.

89. The Act stipulates specific safeguards afforded to minors and PWDs, introduces bail procedures and specifies the ambit of powers afforded to law enforcement authorities in carrying out arrests, search and seizures.

90. Trainings on Criminal Procedure Act were conducted in two phases during 2017.<sup>13</sup> 48 officials were trained in the General Trainings, and 144 in Specialized Trainings. A public outreach program was initiated in 2018 to inform the general public on the application and the rights afforded under the Act.

91. Prosecution Directives were revised by the Attorney General for the first time on 31 December 2018, after its initial determination almost a decade ago. First amendment to the revised Prosecution Directives was issued on 20 October 2019.

92. Prominent aspects of the renewed directive include, prioritizing rehabilitation and reintegration in cases concerning children in conflict with the law, restriction of undisclosed testimonies to cases of homicide, gang violence and terrorism offences, and the Prosecutor General's obligation to ensure timely review of remand periods. On 11 December 2019, the Prosecutor General commenced an extensive review of delayed trials and prolonged remand periods.

93. Work is underway to submit a new Evidence Bill and a Witness Protection Bill to Parliament in 2020, which will develop and strengthen the regime of evidence and testimonials in criminal justice. Amendments to the Police Act will be introduced in 2020, to bring about reforms to the execution of functions by MPS.

94. AGO and PGO are collaborating with relevant stakeholders, to develop mechanisms of non-custodial measures and restorative justice, and to incorporate all penal laws to the Penal Code.

95. Prison reform being a key pledge, the Ministry of Home Affairs convened a commission to undertake a comprehensive audit of all the prisons in Maldives. The findings of the audit published on 28 May 2019, indicated several areas within enforcement agencies that need urgent remedial action. As such, a Prison Reform Monitoring Committee was established, to oversee the implementation of the recommendations proposed in the audit. Maldives Correctional Service is currently in the process of finalizing the Regulation on Standard Minimum Rules for Treatment of Prisoners, which is being drafted in line with the Mandela Rules.

## F. Judicial and justice sector reform

### **Recommendation: 141.75, 141.78, 141.81, 143.32, 143.45, 143.46, 143.47, 143.48, 143.49, 143.50, 143.51, 143.52, 143.53, 143.54, 143.55, 143.57, 143.73, 143.74, 143.75, 143.77, 143.78**

96. The judiciary has been tainted with long-standing allegations of corruption, political influence and inefficiency. The Government's vision is to establish an independent judiciary that is accountable, accessible to the public, upholds fundamental freedoms and serves justice in a timely manner.

97. In order to achieve the aforementioned vision, it is important to reform procedures on appraisal and competency of judges, reform court structures, redefine Supreme Court's authority to inhibit judicial overreach, improve internal court administration, strengthen JSC, and establish institutions that will contribute to the development of the justice sector.

98. The first step of implementing judicial reforms constituted an assessment<sup>14</sup> on the deficiencies of the judiciary and the feasibility of implementing Government's justice sector reform proposals. This assessment conducted in May 2019, revealed the urgent need to restore DJA's autonomy, establish an efficient case management system, ensure effective implementation of rules of conduct for judges and highlighted the need for gender parity within the judiciary.

99. All courts except the Supreme Court have been connected through a common network. 85% of courts have implemented a new case management system. Through the newly introduced court cluster system, 71 new Chief Administrators have been appointed to all central magistrate courts in the cluster system.

100. On 3 September 2019, Second Amendment to the Judicial Service Commission Act was enacted to enhance court administration and functioning of JSC. The amendment re-establishes DJA as a separate institution managed by a Chief Judicial Administrator appointed by JSC, with the mandate to formulate internal court structures, manage all administrative affairs within the judiciary, appoint and remove registrars, and conduct trainings for judicial personnel.

101. Further, the amendment stipulates clear procedures to submit complaints and conduct disciplinary proceedings against judges, emphasizes due process requirements and transparency in enforcing disciplinary measures and establishes an appeal process.

102. While JSC is mandated to ensure accountability of judges since its formation in 2008, for various reasons, this function has not been effectively executed in the past. The current JSC, however, is vigorously pursuing its mandate.

103. In 2019, five former Supreme Court justices were investigated for abuse of power and breach of professional conduct. Upon recommendation from JSC and findings of the Judiciary Committee of Parliament, four of the said justices were impeached by the Parliament in 2019. An amendment was also brought to the Judicature Act<sup>15</sup>, which increased the number of Supreme Court justices from five to seven.

104. Work is underway to conduct a full appraisal of all judges. JSC has initiated formulation of a Judicial Competency and Performance Appraisal Policy and Procedure<sup>16</sup>, which will constitute the guiding document to enforce judges' appraisals. JSC is actively tracking the status of cases and performance of judges to eliminate undue delay in the judiciary, and pursuing regional collaborations to enhance judicial sector trainings.

105. The Government intends to introduce legislative amendments to restructure the courts system and introduce the concept of district courts and circuit courts. Development of a court complex will commence in 2020.

106. The Government has undertaken numerous efforts to establish justice sector institutions to remedy deficiencies in access to justice. Legal Professions Act<sup>17</sup> established an independent Bar Council, which ceased the judiciary's control over the legal profession, and has enabled self-governance and independence of lawyers.

107. In order to ensure effective provision of legal aid by the State, a Legal Aid Bill<sup>18</sup> was formulated in consultation with all stakeholders, and has been included in the Legislative Agenda. The proposed mechanism will extend legal representation to victims of domestic violence and human trafficking.

108. A seminar was conducted on the Penal Code for the Magistrates in 2016. In 2017, Judicial Symposium on Child Rights and Juvenile Justice was conducted, followed by a Training of Trainers Seminar on the Criminal Procedure Act.

109. During 2019, Judicial Academy conducted 12 workshops across Maldives on juvenile justice, Criminal Procedure Act, Penal Code, and family justice. Over 464 justices, judges, magistrates, legal and court officers benefited from these trainings.

110. The absence of a continuing legal education regime continues to affect the competency of judges and quality of justice. The Government has been actively engaging with international partners to facilitate training opportunities for the judiciary.

111. Amendments have been proposed to the Criminal Procedure Act and for the first time, a comprehensive and consolidated Civil Procedure Code<sup>19</sup> was formulated and submitted to the Parliament on 6 December 2019.

112. The Government is working towards introducing alternative dispute resolution mechanisms. Operationalizing and strengthening Maldives International Arbitration Centre<sup>20</sup> is a priority for the Government. As such, its board has been reconstituted in 2019. Maldives also signed the UN Convention on International Settlement Agreements Resulting from Mediation on 7 August 2019 and acceded to the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards on 18 September 2019.

## **G. Freedom of expression and protection of human rights defenders and journalists**

**Recommendation: 141.82, 141.83, 141.84, 141.85, 141.86, 141.87, 141.88, 141.89, 141.90, 143.57, 143.58, 143.60, 143.61, 143.62, 143.63, 143.64, 143.65, 143.66**

113. Freedom of expression was threatened with the enactment of the Defamation Act, which imposed severe fines against journalists and media on the basis of anti-defamation. The Defamation Act was repealed on 22 November 2018.

114. In 2019, a parliamentary inquiry was conducted into the performance of Maldives Broadcasting Commission and new members were appointed. A committee has been established within Maldives Media Council, to investigate acts committed against journalists.

115. Insufficient efforts to investigate the journalist Mr. Ahmed Rilwan's disappearance in 2014 demonstrated the previous Government's lack of political will to ensure justice. The Presidential Commission on Investigation of Murders and Enforced Disappearances investigated the matter and issued its Preliminary Findings in September 2019.

116. The MPS continues to actively engage in countering threats and harassment against individuals both on online platforms and in person to ensure the protection of journalists and human rights defenders.

117. Government recognizes the key role played by CSOs, journalists and human rights defenders. Their involvement was sought in the development of major policies including key legislation, SAP, NDP and NHRAP.

118. The Whistle Blower Protection Act<sup>21</sup> envisages to protect journalists and individuals who expose corruption within the State. New Bills on freedom of expression and freedom of press are being formulated and policies in these areas are included in SAP.

119. Further, a new Associations Bill was submitted to the Parliament on 28 October 2019 with the aim of enhancing the legal framework pertaining to CSOs.

## **H. Women**

**Recommendation: 141.34, 141.35, 141.36, 141.37, 141.38, 141.39, 141.40, 141.41, 141.42, 141.43, 141.44, 141.45, 141.46, 141.47, 141.48, 141.49, 141.50, 141.51, 141.52, 141.53, 141.54, 141.55, 141.56, 141.57, 141.58, 141.59, 141.60, 141.61, 141.62, 141.63, 141.64, 141.65, 141.91, 141.92, 141.93, 141.94, 141.95, 141.96, 141.130, 141.131, 143.25, 143.37, 143.38, 143.39, 143.40, 143.42, 143.67, 143.72, 143.75, 143.76**

120. The Government prioritizes empowerment of women at all levels of the State, and recognizes that significant efforts are needed to ensure gender equality and effective protection of women.

121. Resource deficiency and budgetary constraints are constant impediments to effective implementation of social sector policies. Lower priority afforded to social sector services in the past has resulted in inequitable resource allocation and a major deficit in trained human capital within the sector.

122. Despite the challenges, in 2016, FPA developed a guideline to facilitate financial aid in the provision of psychosocial support services to victims of sexual violence, and published the Regulation for collaborative framework amongst key service providers responding to domestic violence in 2018. The Regulation established a victim support standard, highlights institutional arrangement and responsibilities in combatting DV, and stipulates minimum requirements to be observed in shelter homes. Further, specific SOPs and guidelines for shelter homes were adopted during this period. These guidelines, however, had minimum impact and the shelter homes still lack operational capacity. The Government is committed to allocate sufficient resources to the shelter homes.

123. In 2016, MOGFSS, commenced work on establishing multi-sectoral Community Social Groups<sup>22</sup> across the country to play a crucial role in identifying vulnerable persons and families, and addressing societal issues at island level. Efforts are underway to further strengthen their role within the island community.

124. Maldives Domestic Violence Prevention Strategic Plan 2017-2021<sup>23</sup> provides a strategic guideline and identifies national priorities for the effective implementation of the Prevention of Domestic Violence Act. The Strategic Plan was further condensed into stakeholder specific goals through the Maldives Domestic Violence Prevention National Action Plan 2018 – 2021, which is currently in implementation.

125. Absence of baseline and sex disaggregated data on the prevalence of DV, shortage of trained social workers and healthcare professionals and the low retention rate of trained staff continue to impede successful implementation of the Act. The Government utilizes its partnership with CSOs to provide counselling and legal services to victims of DV.

126. Concerning access to legal remedies against DV, statistics indicate that a total of 81 protection and emergency orders were issued nation-wide over the entire reporting period. Stakeholders observed a general reluctance of victims to seek, and hesitation by judges in issuing, such orders.

127. The Government is committed to enhance human resources and sensitize the judiciary on issues relating to DV. Efforts are also underway to setup a DV helpline.

128. Awareness efforts on DV have been conducted in every inhabited island in Maldives. Information sessions on Risk Assessment, Safety Planning and Protection Orders, and capacity building programs were conducted for stakeholders and law enforcement officers. Although there are gaps to be addressed in terms of its continuity, stakeholder agencies continue to utilize media platforms to disseminate information on DV and available legal remedies.

129. To ensure timely recording of statistics, discussions were held with stakeholder institutions to strengthen the referral mechanisms of DV cases, and reporting and collection of statistics. In 2019, a DV database was established within FPA, and a coding guideline was devised to harmonize the procedures followed by all referral bodies in addressing cases of GBV and DV. DV module was also included in the DHS 2016/17<sup>24</sup> and in 2019 the first national baseline research on DV was initiated by FPA.

130. The National Conference on Research in Domestic Violence convened in 2018, and the public forum with Islamic Scholars conducted in 2017 provided a platform for religious scholars to actively advocate and engage in the prevention of DV.

131. Enactment of the Gender Equality Act on 23 August 2016 marks a significant achievement in this area. The Act provides a holistic legal framework to identify gender-based discrimination across all sectors of the State, allows judicial and institutional remedies, and obliges stakeholders to actively promote engagement of women at all levels in society.

132. This is the first legislation in Maldives that enables implementation of measures against all ideas and practices that promote gender discrimination. The Act explicitly prohibits all direct and indirect acts of discrimination, defines gender-based discrimination and demarcates that any act of violence against women, will constitute GBV.

133. As per the Act, all public and private sector institutions are required to establish complaints mechanisms, the decisions of which may be referred to the Employment



Tribunal, where complainants may seek monetary compensation or a review of the alleged discriminatory action. In 2017, MOGFSS published the guideline on the minimum requirements of the aforementioned complaints mechanism, and reviewed the number of institutions with the mechanism in place.

134. Effective implementation of measures to ensure gender equality within the society and especially at the decision-making levels of the State, is reflected in SAP. Gender Equality Policy was endorsed by the President's Office in September 2019 and formulation of a Gender Equality Action Plan is underway.

135. In September 2019, for the first time ever, two female justices were appointed to the Supreme Court of Maldives. This momentous decision by the President and the Parliament constituted a remarkable step by the Government to ensure gender parity within the Maldivian judiciary. 35% of Cabinet Ministers, 43% of Ambassadors, and 23.5% of State Ministers in the current Government are all women. While women representation in the current Parliament is only 4.7%, the Government is committed to establish quotas for women within political parties' internal elections.

136. In 2018, the Government introduced a scheme of low interest loans to help young people overcome challenges and succeed in establishing new Micro, Small and Medium Enterprises. SME Development Finance Corporation was established in 2019, to encourage participation of women in the sector. The Government notes that 34% of the loan recipients in 2019 comprised of women and youth. Work is underway to develop more loan schemes and non-banking financial mechanisms to assist female entrepreneurs.

137. A significant measure to ensure equal participation of women in the political arena will be implemented through the amendment brought to the Decentralization Act, which seeks to allocate 33% of all local council's seats exclusively for women councilors. This measure will incentivize women to contest for elected office, and allow a platform for women to emerge as leaders. Consequently, at least 384 women will be elected to local councils nationwide in 2020.

138. The Amendment clearly defines roles and responsibilities of WDCs, mandates the councils to allocate at least 5% of the grant budget to WDCs, and obligates the Ministry of Finance to provide a suitable allowance for its members. As a result, WDCs will once again be revived as an active party in development.

139. The Second Amendment to the Family Act enables judicial recognition of prenuptial agreements facilitating equitable distribution of property acquired in a marriage.

140. In 2016, MOGFSS initiated a "Girls Lead" Program where girls were attached and worked with female professionals in leadership positions in Government, private sector and civil society. In 2018, this initiative was expanded to a 6-day Leadership Program to promote the rights of the girl child and raise awareness on challenges faced by girls in communities.

141. DHS 2016/17 indicates the prevalence of female genital mutilation in Maldives. The Government, therefore, acknowledges the need to address this issue.

## I. Children

**Recommendation: 141.21, 141.22, 141.23, 141.24, 141.25, 141.26, 141.27, 141.28, 141.29, 141.30, 141.31, 141.32, 141.33, 141.73, 141.79, 143.13, 143.35, 144.11, 144.12, 144.14**

142. On 27 September 2019, Maldives acceded to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

143. During this reporting period, the Government has implemented significant steps to strengthen the legal framework pertaining to the protection of children.

144. In that regard, a reconstituted CRPA enacted on 20 November 2019<sup>25</sup> clarifies the rights of the child, responsibilities of parents in ensuring the protection and wellbeing of the

child, and establishes State apparatus with the duty to ensure the protection and unhindered provisions of the rights stipulated in the Act.

145. This new Act specifically states that children are entitled to be protected from any sort of discrimination, shall be afforded the right to live, and that children should be protected from all physical and mental harm, exploitation and all the other factors which may affect the wellbeing of the child.

146. The Act prohibits any traditional or cultural act that may endanger the wellbeing and dignity of the child, and affords special protection to children with special needs and introduces a provision which sets the legal age of marriage as 18 years, prohibiting underage marriages. The Act also prohibits the imposition of death penalty against minors and raises the age of criminal responsibility to 15 years. The Act further prohibits subjecting a child to any form of torture and/or inhumane punishment or cruelty.

147. The overhauled Act places a positive obligation over the parents to prioritize the interests of the child at all times, to fulfill all the registration requirements upon birth of the child, provide healthcare, vaccines, and other treatment necessary for the mental and physical wellbeing of the child.

148. The CRPA provides for the establishment of a Child Rights Protection Council, and the Child and Family Protection Services. It further institutes a Children's Ombudsperson to oversee the implementation of the Act.

149. In order to ensure special protection for children in conflict with the law within the criminal justice system, the Juvenile Justice Act was enacted on 20 November 2019. The Act prioritizes rehabilitation and introduces diversion mechanisms, and all minors currently in detention will be redirected into diversion mechanisms.

150. The Act mandates establishment of specific departments within MPS and PGO, with trained staff. Furthermore, criminal cases involving minors shall only be heard at Juvenile Courts by specially trained judges, and the Department of Juvenile Justice will be mandated with implementing the Act.

151. Despite these reforms, the Government acknowledges numerous deficits in the system which compromises the safety of children. In 2019, 1241 cases of violence against children, including sexual abuse of children were reported and attended to by MOGFSS. Although Government's efforts are hindered by the lack of mobile resources and technical staff, extensive efforts are undertaken through the FCSCs in 19 atolls to provide protection to children. Operationalizing State care shelters is a Government priority.

152. To improve the standards in State care shelters, Minimum Standards for State Care Shelters for Children and a SOP for children's home 'Kudakudhinge Hiya' was adopted. Existing staff have been sensitized on these standards.

153. "Ahan", a nation-wide awareness campaign conducted in 2015, aimed to empower children against abuse, raise awareness, encourage reporting and provide support to victims. Through the campaign, MOGFSS reached out to over 4300 children across 8 atolls from 2016–2018.

154. MOGFSS launched a call center for the toll-free child helpline service, and an "Ahan" mobile application<sup>26</sup> in 2017, to facilitate reporting of violence against children.

155. To protect and preserve family unity, the Government introduced six months maternity leave and one month paternity leave for new parents, implemented in all Government agencies and 77.4% of all SOEs. Work is underway to establish a day-care center to minimize the challenges for working mothers.

156. Government allocated housing units under "Hiyaa" social housing scheme for single parents and parents of children with special needs and the Single Parent Allowance offered through the social protection scheme was revised in 2019 to increase its limit from MVR 3000 (USD 195) to MVR 10,000 (USD 649).

## J. Persons with disabilities

### **Recommendation: 141.117, 141.118, 141.119, 141.120, 141.121**

157. Under the SAP, numerous policies have been identified to increase the employability of and physical accessibility for PWDs, enhance their accessibility to medical treatments, and strengthen the social protection programs.

158. The Constitution ensures special assistance to elderly and disadvantaged people from the family, community and State, and emphasizes the principle of non-discrimination based on mental or physical disability.

159. The Disability Act<sup>27</sup> established a Disability Council, which is mandated to oversee the implementation of its provisions. Currently, efforts are underway to strengthen enforcement of the Act and review the structure of the Council.

160. In the absence of primary data indicating the types and geographical distribution of PWDs in Maldives, stakeholder institutions are unable to effectively devise and conduct skills and other development programs in a timely manner. The current register of PWDs maintained by NSPA is incomplete and burdensome, as it places the onus on PWDs to get registered through voluntary initiation. SAP includes the development of a National Registry of PWDs by 2023. MOGFSS is also formulating a classification guideline in relation to PWDs. Upon completion of these instruments, stakeholders would be able to better attend to the needs of PWDs country wide.

161. Physical access to buildings and centralized healthcare continue to be a challenge for PWDs. The Building Code adopted in 2019 mandates all public service buildings to designate access routes for PWDs requiring wheelchair access.

162. Currently, a monthly allowance of MVR 2000 (USD 130) is given to all PWDs registered with NSPA. By 2018, 7771 PWDs were registered to receive the allowance across Maldives. To ensure consistency in determining eligibility for the stated allowance, NSPA is in the process of finalizing the Guideline on Disability Identification and Certification. NSPA also launched a new social protection program to expand the insurance to cover therapeutic services obtained by PWDs.

163. In 2017, Government launched “Equal Opportunity to Everyone Policy” declaring 157 job opportunities for PWDs. 260 PWDs were afforded employment from SOEs in 2018. Till date, 273 PWDs are still employed and two are in paid internships facilitated by MOGFSS. MOGFSS continues to facilitate PWDs in seeking job opportunities.

164. “Redhan Exhibition” and “Riveli Exhibition” were conducted by MOGFSS in 2016 and 2019 respectively, to afford a platform exclusive for PWDs to showcase their talent. The exhibitions were declared a success with more than 60 PWDs participating in the exhibition in 2019. Further, Maldives Polytechnic also pioneered vocational training programs for individuals with hearing impairment in 2019.

## K. Migrants

### **Recommendation: 141.71, 141.122, 141.123, 141.124, 141.125, 143.1, 143.2, 143.3, 143.4, 143.5, 143.6, 143.7, 143.8, 143.9, 143.21, 143.22, 143.23, 143.70, 143.69**

165. Regulating the migrant labor population remains a major challenge. A skills mismatch in the labor market has amplified the need for migrant workers. Population projections predict a rise in the number of foreign resident population to approximately 32% by 2020.<sup>28</sup>

166. Maldives has been party to all eight fundamental conventions of International Labor Organization since January 2013, and the Employment Act<sup>29</sup> continues to govern all facets relating to employment. All workers within the Maldivian jurisdiction may seek legal redress relating to employment disputes through LRA and the Employment Tribunal.

167. Fifth Amendment to the Employment Act<sup>30</sup> entails specific provisions empowering MED to impose administrative measures against employers violating requirements to pay

salaries, allowances and other emoluments to migrant workers. With the enactment of the Income Tax Act in 2019, remittance tax requirement has now been repealed.

168. A revised Employment Agency Regulation was enacted in July 2019. It mandates employment agencies to establish service outlets accessible to the public, obligates recruitment of migrant workers through registered and regulated employment agencies in source countries, and affords authority to MED to blacklist agencies in contravention of the Employment Act and anti-human trafficking laws.

169. Efforts are underway to review the Employment Act, Foreign Employment Regulation, Employment Approval Policy and corresponding procedures to streamline the rights and responsibilities relating to migrant workers. Further, work is underway to develop a Standard for migrant workers' accommodation. In mid-2019, LRA established an online portal to facilitate local councils in maintaining a registry of expatriates.

170. In previous years, stakeholder agencies failed to identify the underlying issues in this sector and strengthening the policies relating to migrant worker population in Maldives lacked prioritization at a national level. Lack of institutional coordination and coherent effort by Government agencies in the past, has exacerbated the situation.

171. However, the current Government is committed to identifying the root causes and implementing consolidated efforts to address this issue.

172. In that regard, a National Task Force on Issues Related to Migrant Workers was established on 17 September 2019, to formulate policy on all issues relating to migrant workers. A Regularization Program was initiated in September 2019 for a period of one year. The Program entails legalizing undocumented workers, ensuring their access to services, reintegration with new employers and, contrary to the Voluntary Repatriation Program that was in place previously, allows their free repatriation to respective countries without penalization. By December 2019, 14056 migrant workers had requested for registration through the program. Registration cards are being issued through this program prior to completion of the verification process, to facilitate access to services, such as healthcare. This mechanism remedies a fundamental flaw in the system that prevents undocumented workers from receiving healthcare services.

173. The Government is considering its position on recommendations 143.1, 143.2, 143.3, 143.4, 143.5, 143.6, 143.7, 143.8, 143.9, 143.21, 143.22, 143.23 and 143.70.

## **L. Human trafficking**

### **Recommendation: 141.66, 141.67, 141.68, 141.69, 141.70, 141.72, 143.19, 143.22**

174. Maldives acceded to the Trafficking in Persons Protocol to the UN Convention against Transnational Organized Crime on 14 September 2016. Following the enactment of the Anti-Human Trafficking Act, the National Steering Committee on Human Trafficking was established in 2016. The Committee held regular meetings until 2017, when lack of commitment, staff shortages and issues of the composition resulted in a lapse in the workings of the Committee. As a result, the Committee was defunct until it was reconstituted and reconvened in 2019.

175. The Committee formulated a National Anti-Human Trafficking Action Plan, and to monitor its implementation, a multi-sectoral technical level committee was convened early in 2016. The Committee adopted and published the Victim Identification Guidelines in February 2016 and initiated a number of awareness programs during this period. A National Victim Support Hotline was established and promotional activities were conducted to facilitate reporting victims of trafficking and child labor.

176. In order to enhance monitoring and data collection, MPS developed a case management system in 2017 and integrated it into the MPS information system in 2018. Maldives Immigration continues to implement a mandatory training on anti-human trafficking module for all new recruits.

177. Charges were raised for the first time under the Anti-Human Trafficking Act against 3 individuals in 2016 which resulted in a conviction of sex trafficking. In 2019, Maldives Immigration forwarded 27 cases of suspected fraudulent recruitment and human trafficking to MPS for further investigation and charges were raised against 4 individuals, with their trials ongoing. On 19 February 2019, 24 recruitment companies were blacklisted on the Expat Online System. MED has since ceased provision of all administrative services to these companies.

178. Lack of technical expertise in investigation, prosecution and within the judiciary continue to impede successful prosecutions. Limited availability of translators, lack of legal representation in courts and delay in prosecution, results in infringement of victims' rights. Budgetary constraints, the absence of a permanent shelter and victim support also pose obstacles to effective combatting of human trafficking.

179. Efforts are underway to enact necessary legislative amendments to align the definition of human trafficking with the UN Trafficking in Persons Protocol, and revise the composition of the National Steering Committee on Human Trafficking. The Regularization Program initiated for migrant workers in September 2019 allows the Government to identify and attend to victims of human trafficking. As such, 2 victims who were housed in a temporary shelter have now been allocated to new employers and reintegrated into the society.

## IV. Challenges to development

### A. Drugs and drug related crimes

#### **Recommendation: 141.99**

180. From 2016–2018, 6643 cases of drug related crimes<sup>31</sup> were lodged at law enforcement authorities, and in 2018, 1043 people were detained for drug related crimes.<sup>32</sup> 15% of cases reported to MPS during this period relates specifically to drugs, excluding the crimes committed under its influence. Prevalence of substance abuse within the community is an obstacle to the Maldivian youth and labor force.

181. Overarching objectives of the Government in tackling the issue of drugs and violence hinges on holistic and effective rehabilitation, and reintegration of affected individuals. In that regard, NDA provides detoxification programs, residential and semi-residential treatment programs, Methadone Maintenance treatment, and community treatment programs. From 2016-2019, 1574 individuals successfully completed the treatment programs, and 2602 individuals received drug education, awareness and information on drug treatment services through targeted intervention programs. The successful completions, however, reflect a small proportion of those who are affected.

182. Rehabilitation programs for drug users are conducted in prisons to extend psychological support, instill life skills and prevent repeated offending. Since 2018, NDA has conducted special programs in collaboration with Juvenile Justice Unit, to address minors who are victims of drug abuse. By 2019, NDA extended its services to 14 minors.

183. Effective provision of rehabilitative services at NDA and within prisons, are hindered by severe deficiency in infrastructural resources, shortage of trained technical staff and lack of monitoring mechanisms within the system.

184. To remedy infrastructural limitations, three Drug Detoxification and Community Treatment Centers were established in different regions of Maldives during 2019, and finances have now been allocated to build a rehabilitation facility exclusively for women. Efforts are also underway to develop customized drug treatment programs to cater for juvenile drug users, and facilitate arrangements to seek rehabilitation services from overseas centers. SAP aims to conduct a comprehensive gap analysis of the preventive mechanisms in place, and introduce all-encompassing preventive programs throughout Maldives.

## B. Capacity constraints

### **Recommendation: 141.8, 141.9, 141.10, 141.11, 141.12, 141.13, 141.14, 141.15, 141.97**

185. Deficiency in trained human resources constitutes a primary concern across all sectors in Maldives. For instance, lack of trained local doctors compels the Maldivian health sector to depend on foreign professionals. A high turnover especially within the healthcare system often compromises the quality of service and hinder continuity in service provision. Similarly, there is a dire need for qualified social protection workers throughout the country. Education sector also indicates the demand for trained academics and professionals, specifically to cater the needs of children with special needs. Likewise, law enforcement agencies and the judiciary require trainings and sensitization to issues relating to human rights and emerging dialogues in the field. There is an urgent need to devise a human development plan to enhance human resource capacity in Maldives.

186. MOHE has recently conducted a Training Needs Analysis across Maldives, and a Skill Development Unit has been established within MED. Efforts are also underway to provide training opportunities for social workers, with a special focus on understaffed FCSCs based in the islands.

187. Strategic Action Plan 2019-2024 of MPS<sup>33</sup> purports to re-establish the institution through rights-based policing, and has prioritized the provision of training on ethics and human rights to all officers across the institution. HRCM has worked with curriculum developers to strengthen human rights education in schools, conducts awareness activities through Human Rights Clubs and in its capacity as the NPM, conducted 3 sessions in 2019, where 85 prison officers were sensitized on CAT requirements and the Mandela Rules.

188. SAP recognizes human resource development as a key policy across all sectors, implementation of which will ensure long-term solutions in sourcing human resources.

## C. Emerging issues

189. Maldives' heavy reliance on tourism and densely populated capital region with centrally based critical infrastructure requires the country to be vigilant on potential acts of terrorism. The past administrations, having constantly denied the presence of violent extremism had indirectly contributed to its further manifestation. In contrast, the current Government is the first to publicly acknowledge the presence of violent extremism, and disclosed the full extent of its manifestation.

190. The Government is committed to combatting violent extremism and radicalization. The Government's primary aim, is to foster a national dialogue on this issue and most importantly, protect the rights of the vulnerable groups in danger due to extremist practices. A subcommittee of the National Security Council was convened by President Solih, to identify and implement timely measures to this effect.

191. The significant amendment to the Prevention of Terrorism Act on 10 October 2019 implements recommendations in UN Security Council Resolutions and demarcates institutional roles in combatting terrorism. Pursuant to the Act, the President's Office has also published the list of organizations which are designated as terrorist groups on 19 September 2019.

192. The National Counter Terrorism Centre is working on adopting a multi-sectoral National Action Plan on Prevention and Countering Violent Extremism. SOPs have also been developed to raise awareness on these issues at island level.

## V. Conclusion

193. When Maldives was reviewed under the second cycle of UPR in 2015, it committed to a number of positive actions, a good percentage of which has been achieved in the past year.

194. However, Maldives faces considerable challenges in restoring institutional integrity, solidifying democratic rule, and more significantly, in promoting and protecting human rights.

195. Maldives assures its partners of the nation's renewed commitment, to uphold democratic values in our effort to spearhead new aspects of development. Maldives remains committed to UPR and to that end, will be submitting a UPR Mid-Term Report.

### Notes

- <sup>1</sup> Annex 1.
- <sup>2</sup> Presidential Commission on Investigation of Murders and Enforced Disappearances- Established via a Presidential Decree on 17 November 2018.
- <sup>3</sup> Presidential Commission on Corruption and Asset Recovery- Established via a Presidential Decree on 17 November 2018.
- <sup>4</sup> Presidential Action Committee established on 24 January 2019.
- <sup>5</sup> Presidential Committee to Investigate Government Housing Schemes Issues established on 31 December 2018.
- <sup>6</sup> [http://agoffice.gov.mv/v4/wp-content/uploads/2016/12/NHRAP\\_EN.pdf](http://agoffice.gov.mv/v4/wp-content/uploads/2016/12/NHRAP_EN.pdf)
- <sup>7</sup> <https://presidency.gov.mv/HundredDays/Index/>
- <sup>8</sup> <https://presidency.gov.mv/SAP/>
- <sup>9</sup> <http://statisticsmaldives.gov.mv/yearbook/2019/-> Table 7.1
- <sup>10</sup> (though there was a single imported case reported in 1994).
- <sup>11</sup> Undertaken in partnership with the UN Population Fund.
- <sup>12</sup> Section 34 of the Disaster Management Act.
- <sup>13</sup> Undertaken in collaboration with UNDP.
- <sup>14</sup> <http://agoffice.gov.mv/v4/wp-content/uploads/2019/10/ASSESSMENT-OF-THE-JUSTICE-SECTOR-REFORM-PROPOSALS.pdf> – conducted in partnership with UNDP.
- <sup>15</sup> Enacted on 23 July 2019.
- <sup>16</sup> Formulated in partnership with the American Bar Association.
- <sup>17</sup> Enacted on 27 June 2019.
- <sup>18</sup> Formulated in collaboration with UNDP.
- <sup>19</sup> Formulated in collaboration with UNDP.
- <sup>20</sup> Established through the Arbitration Act of 2013.
- <sup>21</sup> Enacted on 17 November 2019.
- <sup>22</sup> Undertaken in collaboration with UNICEF.
- <sup>23</sup> [http://fpa.gov.mv/uploads/publications/guidelines/Maldives\\_Domestic\\_Violence\\_Prevention\\_Strategic\\_Plan\\_2017-2021\\_FINAL\\_23\\_4\\_17.pdf](http://fpa.gov.mv/uploads/publications/guidelines/Maldives_Domestic_Violence_Prevention_Strategic_Plan_2017-2021_FINAL_23_4_17.pdf)
- <sup>24</sup> Published in December 2018.
- <sup>25</sup> This Act will come into force on 20 February 2020.
- <sup>26</sup> Developed in collaboration with UNICEF and MPS.
- <sup>27</sup> Enacted on 8 July 2010.
- <sup>28</sup> Maldives Population Projections 2014-2054.
- <sup>29</sup> Enacted in 2008.
- <sup>30</sup> Enacted on 25 August 2016.
- <sup>31</sup> <http://statisticsmaldives.gov.mv/yearbook/2019/> – Table 8.8.
- <sup>32</sup> <http://statisticsmaldives.gov.mv/yearbook/2019/> – Table 8.13.
- <sup>33</sup> [https://www.police.gov.mv/strategic\\_plan/STRATEGIC\\_PLAN\\_ONLINE.pdf](https://www.police.gov.mv/strategic_plan/STRATEGIC_PLAN_ONLINE.pdf)