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Maldives

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	24 April 1984	None	Individual complaints (art. 14): No
ICESCR	19 Sept. 2006	None	–
ICCPR	19 Sept. 2006	Reservation (art. 18)	Inter-State complaints (art. 41): No
ICCPR-OP 1	19 Sept. 2006	None	–
CEDAW	1 July 1993	Reservation (art. 16)	–
OP-CEDAW	13 March 2006	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	20 April 2004	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
OP-CAT	15 Feb. 2006	None	–
CRC	11 Feb. 1991	(arts. 14 and 21)	–
OP-CRC-AC	29 Dec. 2004	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	10 May 2002	None	–
CRPD	5 April 2010	None	–

Core treaties to which Maldives is not a party: OP-ICESCR³, ICCPR-OP 2, ICRMW, CRPD-OP, and CED (signature only, 2007).

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁵	No
Refugees and stateless persons ⁶	No

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes, except Additional Protocol III
ILO fundamental conventions ⁸	No
UNESCO Convention against Discrimination in Education	No

1. The Committee on the Rights of the Child (CRC)⁹ recommended that Maldives consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Rome Statute of the International Criminal Court and accede to the 1951 Refugees Convention and its 1967 Protocol.¹⁰ The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Maldives to consider ratifying ICRMW.¹¹

2. In 2009, CRC reiterated its recommendation that Maldives review its reservation to the Convention with a view to withdrawing or limiting it.¹²

B. Constitutional and legislative framework

3. The Special Rapporteur on the right to freedom of opinion and expression stated that the new Constitution introduced considerable changes to the governance and legal infrastructure; included most of the civil and political rights and freedoms and; explicitly stated that all rights and freedoms apply to “everyone” without any forms of discrimination.¹³ According to the 2007 annual report of the Resident Coordinator, the implementation of the Roadmap for the Reform Agenda, launched in 2006, has been generally slow, however the implementation momentum gathered speed during 2008 to meet most of the stated milestones. The Constitution was ratified on 6 August 2008.¹⁴

4. The Special Rapporteur on freedom of religion or belief encouraged the Special Majlis (Parliament) to include the right to freedom of religion or belief in the Constitution as this right should be extended to all persons in the Maldives.¹⁵ The Special Rapporteur on the right to freedom of opinion and expression noted that the new Constitution grants Maldivian citizenship only to Muslims¹⁶ and the Special Rapporteur on freedom of religion or belief, who sent a communication on this issue to the Maldives on 11 January 2008,¹⁷ was deeply concerned that this could have a significant negative impact on human rights in the country, including for those individuals who have converted from Islam.¹⁸

5. CRC noted the need to amend the Law on the Protection of the Rights of the Child to fully comply with the Convention.¹⁹ It regretted the lack of applicable sanctions and an explicit provision on criminalization of child recruitment into the national armed forces.²⁰

6. CEDAW urged Maldives to include in the Constitution or in a draft legislation, the definition of discrimination against women, encompassing direct and indirect discrimination, and adequate sanctions for acts of discrimination against women and to ensure effective remedies.²¹ CRC recommended incorporation of CEDAW into domestic law.²²

7. The 2008 UN Resident Coordinator Annual Report mentioned that the Employment Bill was passed in July 2008.²³ Maldives had become the 183rd Member State of the ILO on 15 May 2009.²⁴

C. Institutional and human rights infrastructure

8. The Human Rights Commission of the Maldives (HRCM) was accredited with “B” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2008.²⁵ CRC underlined the importance of respecting the independence of the Commission and not interfering regarding budget allocations and appointment of its members.²⁶ The Subcommittee on Prevention of Torture (SPT) inquired about the exact scope of the visiting mandate of the Commission, as National Preventive Mechanism.²⁷

9. The Special Rapporteur on the right to freedom of opinion and expression recommended that the Government establish a permanent mechanism within the administration to ensure that the different sectors of society are consulted about the ongoing reform efforts.²⁸

10. The Special Rapporteur on adequate housing recommended establishing a land and housing policy council, with the participation of community representatives and members of governmental agencies and private sector, to participate in the formulation of land and housing policies and monitor reform implementation.²⁹

D. Policy measures

11. CRC recommended that sufficient human and financial resources are provided for the implementation of the National Plan of Action for the Well-being of the Maldivian Child 2001-2010, with the widest participation of civil society.³⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1989	Aug. 1999	–	Combined fifth to eighth report received January 2010
CESCR	–	–	–	Initial report overdue since 2008
HR Committee	–	–	–	Initial report received on Feb. 2010
CEDAW	2005	Jan. 2007	–	Combined fourth and fifth report due July 2010
CAT	–	–	–	Initial report overdue since 2005
CRC	2006	June 2007	–	Consolidated fourth and fifth report due

<i>Treaty body³¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
				Sept.2011
OP-CRC-AC	2007	Jan. 2009	–	–
OP-CRC-SC	2007	Jan. 2009	–	–
CRPD	–	–	–	Initial report due on 2012

12. In 1999, the Committee on Elimination of Racial Discrimination (CERD) regretted that Maldives had not responded to its invitation to participate in its session and to furnish relevant information.³²

13. SPT visited the Maldives from 10-17 December 2007.³³

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	<p>Special Rapporteur on freedom of religion or belief; (6 to 10 August 2006);³⁴</p> <p>Special Rapporteur on the independence of judges and lawyers; (25 February to 1 March 2007);³⁵</p> <p>Special Rapporteur on the right to freedom of opinion and expression; (1 to 5 March 2009);³⁶</p> <p>Special Rapporteur on adequate housing; (18 to 25 February 2009).</p>
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on violence against women, (Requested in 2008). ³⁷
<i>Facilitation/cooperation during missions</i>	The Mandate holders thanked the Government of the Maldives for the invitation and for the support and cooperation extended to them during and after their Missions.
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 14 communications were sent. The Government replied to one communication.
<i>Responses to questionnaires on thematic issues</i>	Maldives responded to one of the 23 questionnaires sent by special procedures mandate holders. ³⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

14. The Maldives contributed financially to OHCHR in 2008.³⁹

15. The High Commissioner noted that OHCHR field presences have worked in collaboration with States to support implementation of special procedures recommendations in normative and institutional judicial reforms in Maldives.⁴⁰

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. CEDAW expressed concern that temporary special measures were neither provided in the law nor used as a policy to accelerate the achievement of the de facto equality between women and men.⁴¹ It was concerned about the subordinate and subservient role of women and girls in the family and the deep-rooted traditional stereotypical attitudes that persist.⁴² It recommended that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.⁴³

17. CRC was concerned that children born out of wedlock are not entitled to equal rights and face de facto and de jure discrimination.⁴⁴ It recommended improving the system of birth registration. Meanwhile, children whose births have not been registered should be allowed to access basic services.⁴⁵ CRC remained concerned about the de facto discrimination faced by children with disabilities who have limited access to social and health-care services and very few opportunities for inclusive education.⁴⁶ It recommended including disability aspects in all relevant policymaking and national planning.⁴⁷

18. The Special Rapporteur on freedom of religion or belief was concerned by constitutional provisions that restrict eligibility to vote and hold certain public offices to Muslims, which constitute de jure discrimination on religious grounds,⁴⁸ and by legislation that also limits eligibility for certain public posts to Muslims, including the Human Rights Commission Act.⁴⁹

2. Right to life, liberty and security of the person

19. CRC recommended that Maldives abolish the death penalty related to Hudud offences perpetrated by persons under the age of 18 years.⁵⁰

20. The Special Rapporteur on the independence of judges and lawyers noted in 2007 that prolonged pretrial detentions without appropriate judicial review and trials without the accused being represented by a lawyer were commonplace.⁵¹ Police brutality in general, and in particular during demonstrations had been frequently referred to as a systemic and very serious problem.⁵² Testimonies indicated practice of mistreatment and torture during pretrial detention and of convictions based on statements taken under duress.⁵³ SPT recommended that the authorities ensure adequate safeguards to prevent torture and ill-treatment; that all allegations and responsibilities of ill-treatment be fully investigated through competent, independent and impartial authorities⁵⁴; and that Maldives make torture punishable as an offence under its criminal law and provide for appropriate redress for the victims.⁵⁵

21. The Special Rapporteur stated that prison conditions are not appropriate and include poor access to medical facilities, no recreational or learning activities, discriminatory treatment, mistreatment of detainees and the use of drugs.⁵⁶

22. CRC regretted the insufficient measures to address the serious problem of violence against children, child abuse, including sexual abuse, and ill-treatment. It was concerned that the legal framework fails to provide full protection against sexual abuse; that it shifts responsibility on producing evidence to a victim and; that the media sensationalize child

protection issues, making the stigma and shame attached to victims worse.⁵⁷ It was concerned about reports suggesting that the strong social condemnation of pregnancies out of wedlock has led to abortions in unhygienic conditions and to an increasing degree to infanticide.⁵⁸

23. CRC urged Maldives to ensure that persons who committed crimes while under the age of 18 are not subjected to any form of corporal punishment.⁵⁹ SPT recommended the prohibition of all types of corporal punishment.⁶⁰

24. CRC noted with concern the lack of legal framework preventing the use of child labour and protecting children from economic exploitation, in particular from hazardous work.⁶¹ It was seriously concerned about many children who come from the atolls to Malé to search for a job or to work as domestic servants.⁶²

25. CEDAW expressed its deep concern about the prevalence of violence against women and girls, including domestic violence.⁶³ The 2004 Common Country Assessment Report (CCA) indicated that the number of cases of violence against women reported to law enforcement was very low.⁶⁴ CEDAW urged Maldives to give priority attention and adopt comprehensive measures to address all forms of violence against women and girls, and to enact legislation on domestic violence and on all forms of sexual abuse, including sexual harassment.⁶⁵

26. CEDAW was concerned about the lack of attention to the problem of trafficking in women.⁶⁶ CRC was concerned about information regarding links between drug abuse and child prostitution;⁶⁷ about the potential vulnerability of children to sexual exploitation, including child prostitution and child pornography and; about the inadequate legal framework for the prevention and criminalization of sexual exploitation.⁶⁸ CEDAW urged Maldives to: pursue a holistic approach to provide women and girls with educational and economic alternatives to prostitution; provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution; combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation; consider formulating a plan of action with clear goals, to train police officers, to cooperate with other countries in the region and to improve prevention of trafficking through information exchange; prosecute and punish traffickers; and ensure the protection of the human rights of trafficked women and girls.⁶⁹

3. Administration of justice, including impunity and the rule of law

27. On 12 August 2008, the Special Rapporteur on the independence of judges and lawyers mentioned that the new Constitution established separation of powers and recognized the independence of the judiciary; contained provisions for the establishment of a Supreme Court and the post of a Prosecutor General and; provided for the creation of a Judicial Service Commission. He noted that these provisions were in line with his recommendations made after his visit to Maldives.⁷⁰

28. In 2007, the Special Rapporteur noted that criminal investigations are solely in the hands of the police, without any review role by prosecutors or judges, which posed serious problems regarding the respect of human rights during the investigative phase.⁷¹ He referred to the lack of access to the appeal court, leading to a denial of the right to appeal.⁷² SPT recommended that: the initial police custody period be of shortest possible duration⁷³; the right to notify a family member or other relevant person of the deprivation of liberty within 24 hours is effectively implemented⁷⁴ and; all persons deprived of liberty are entitled to benefit from the assistance of a lawyer from the outset of deprivation of liberty.⁷⁵

29. The Special Rapporteur indicated that other shortcomings of the judicial system included: a serious lack of judges and lawyers⁷⁶; far too low salaries of judges; corruption

of judges and; absence of a professional code of conduct or guidance on ethics for judges.⁷⁷ He considered that an independent bar association should be established.⁷⁸

30. According to the 2007 CCA, the criminal justice system absorbs offenders without providing exit points⁷⁹ and the penal system provides for fines, house arrest, banishment, and imprisonment and does not provide for a hierarchy of sentences. This combined with disproportionate sentences prescribed in the Anti-Narcotics Act and a general lack of correlation between criminal culpability and sentencing, are cited as causes of the rapidly growing prison population.⁸⁰ The Special Rapporteur informed that the National Criminal Justice Action Plan suggested putting in place a graded framework to tailor sentences to the offender and the offence, and alternative forms of punishment.⁸¹

31. CRC noted with concern that: the administration of juvenile justice is still based on the principle of punishment and detention rather than on the restorative model. It recommended that Maldives: expedite efforts to draft and enact a Juvenile Justice Act in compliance with the Convention; raise the minimum age of criminal responsibility to at least 12 years; establish specialized juvenile courts; provide children in conflict with the law with access to education and; improve the condition of detention for children.⁸²

32. CRC regretted the lack of incorporation of the offences under OP-CRC-SC into the Penal Code.⁸³ It was concerned that children, who have been victims of offences under the Optional Protocol, may be treated as offenders; that court proceedings and procedures fail to take into account the needs of children who have been victims; that victim compensation is not available and; that reintegration and recovery measures are inadequate.⁸⁴

33. On 13 July 2007, the Special Rapporteur on the independence of judges and lawyers welcomed the first ever appointment of women judges in Maldives.⁸⁵ CEDAW requested that temporary special measures be utilized to substantially improve the position of women in this sector, together with the establishment of timetables and targets for women's equal participation at all levels of the judiciary.⁸⁶

34. CRC was seriously concerned at the rapidly growing drug addiction problem and regretted Maldives's approach to address the problem of child drug addiction by treating children as criminals and not as victims.⁸⁷

4. Right to privacy, marriage and family life

35. CRC was concerned that the number of children in need of alternative care is increasing due, inter alia, to parents and guardians' incapacity of providing financial support, changing family structures caused by divorces, separations and remarriages, abuse and neglect of the child within the family, alcohol and drug abuse; and that Maldives's developing system of alternative care faces multiple challenges in responding to the needs of these children.⁸⁸

36. CEDAW was concerned about the high divorce rates, recent reports of early marriage and the practice of polygamy.⁸⁹ It urged the Government to aim to complete its family law reform within a specific time frame and ensure that spouses have the same rights and responsibilities during marriage and in the event of its dissolution.⁹⁰

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

37. CRC noted that Maldives's Constitution and other legislative provisions are based on religious unity, prohibiting the practice of any religion other than Islam.⁹¹ The Special Rapporteur on freedom of religion or belief noted that apostasy is a criminal offence under applicable, although uncodified sharia law⁹² She was informed that on the rare occurrences in which Maldivians have been suspected of having converted to another religion, they

have been detained and subjected to coercion in order to encourage or force them to reaffirm their faith in Islam.⁹³ She considered that the restrictions provided for in the Law on Religious Unity; Law on Prohibited Items and; Law on Associations may well be disproportionate and go beyond what would be considered legitimate within the framework of international human rights law.⁹⁴

38. According to the Special Rapporteur, a number of limitations undermine the freedom of religion or belief of Muslims, in that they are bound to follow the official interpretation of Islam.⁹⁵ The right to freedom of religion or belief of foreign prisoners was not fully respected.⁹⁶ CRC was concerned that the right of the child to freedom of thought, conscience and religion is not fully respected.⁹⁷

39. The Special Rapporteur on the right to freedom of opinion and expression urged the Government to consider concerns raised about the draft media Bills and ensure that they are revised accordingly to meet international standards.⁹⁸ He recommended that the Parliament accelerate the process of approval of the laws that would establish Broadcasting Corporation and the Telecommunications Authority as fully independent public bodies.⁹⁹

40. The Special Rapporteur encouraged the Government to ensure that cases of defamation be established by law as a civil and not a criminal offence.¹⁰⁰ He welcomed plans to implement legislation in freedom of information and encouraged the establishment of an office within the administration and in each of the provinces responsible for access to information.¹⁰¹

41. The Special Rapporteur commended the Government's decision to develop private media and encouraged it to maintain plurality and diversity to guarantee freedom of expression.¹⁰² He recommended that the legislation on civil service should not limit the right to freedom of expression and political participation of civil servants.¹⁰³

42. The Special Rapporteur noted that article 32 of the revised Constitution guarantees the right to assembly without prior permission of the State.¹⁰⁴ CRC noted that cooperation with non-governmental organizations should be further promoted and reinforced.¹⁰⁵

43. According to the Special Rapporteur, the presidential election in October 2008 for the first time presented the public with a choice of candidates. The election was significant because of the high proportion of new voters as in 2007; the voting age was lowered from 21 to 18 years.¹⁰⁶ He added that prior to the multiparty elections, steps were taken to ensure that the election process conformed to international standards¹⁰⁷ but noted, however, that there was a general lack of media independence and unbalanced news coverage during the elections.¹⁰⁸

44. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the parliament showed no increase from 12 per cent in 2005 until 2009.¹⁰⁹ CEDAW requested undertaking effective measures to progressively increase the number of women in decision-making positions and establish concrete goals and timetables to accelerate women's full and equal participation in public and political life.¹¹⁰

6. Right to work and to just and favourable conditions of work

45. The 2007 CCA highlighted the main challenge for economic development of Maldives as the rising problem of unemployment and underemployment, particularly among the women and youth.¹¹¹ CEDAW expressed concern at the discrimination faced by women in employment and at barriers that women face in entering the tourism and fishing sectors.¹¹² CRC urged Maldives to establish by law, the minimum age for admission to employment.¹¹³

46. The 2007 CCA stated that the country's Constitution and laws do not recognize the right to form or join a union and that there was no national minimum wage, no statutory

provisions for hours of work and no national laws governing health and safety conditions.¹¹⁴ It indicated that workers did not have the right to organize collectively. There was no formal mechanism for resolving disputes between employees and employers.¹¹⁵

47. The 2007 CCA reported on the need for an employment creation strategy designed to stimulate income generation opportunities, promote diversification and to generally promote pro-poor growth that addresses inequality, regional disparities, gender dimensions, age considerations and contributes to reducing poverty.¹¹⁶

7. Right to social security and to an adequate standard of living

48. The 2007 CCA stated that the extreme dispersal of population, combined with slow and inconvenient sea transportation makes the provision of basic infrastructure and delivery of social services very expensive.¹¹⁷ The Special Rapporteur on the right to freedom of opinion and expression welcomed the process of decentralization aiming at bringing State public services to the seven different provinces.¹¹⁸

49. CRC recommended that Maldives continue to allocate resources for effective poverty-reduction measures and strengthen its efforts to address the standard of living among its population living in poverty.¹¹⁹

50. CRC noted with appreciation progress in reducing under-five child mortality and infant mortality. However, it expressed concern about the significant gap between the rate of reduction between Malé and the atolls; the high rates of child malnutrition; the quality and accessibility of maternal health care; the prevalence of traditional medical practices; threats caused by communicable diseases and the unavailability of essential medicines on many of the small islands. Maldives has one of the highest known incidences of Thalassaemia in the world.¹²⁰

51. The 2007 CCA mentioned that access to health services remains a significant challenge.¹²¹ CEDAW urged Maldives to continue improving the quality of health and social services for women and to integrate a gender perspective into all health sector reforms.¹²² CRC recommended providing adolescents with tailored and youth-sensitive health services and counselling and promote adolescent health, including sex and reproductive health education.¹²³

52. The 2007 CCA indicated that, although HIV infection levels were low, the vulnerability to HIV was high.¹²⁴ CRC noted with appreciation that the National Plan of Action towards the Well-being of the Maldivian Child 2001–2010 aims at, among other things, reducing the incidence of HIV/AIDS.¹²⁵

53. According to the Special Rapporteur on adequate housing, the 2004 tsunami gravely affected the economy and some of the social progress that was being made. Most of the new houses provided by international assistance were of good quality and a high standard and that reconstruction projects involving communities themselves had better outcomes. Nevertheless, in some cases, this construction was not in line with the culture or livelihood of the communities.¹²⁶ She recommended that disaster prevention and post-disaster reconstruction processes must be designed within a human rights-based approach¹²⁷ and that resettlement should be carried out after considering other potential alternatives and in full consultation with concerned communities.¹²⁸

54. The Special Rapporteur believed that given land scarcity and the increased population, the traditional allocation of plots was no longer viable;¹²⁹ that a new approach to land distribution and territorial planning was unavoidable;¹³⁰ and that the complete privatization of this sector will be an error and, as a result, will leave many without access to adequate housing.¹³¹ She considered that demographic growth and internal migration unsupported by adequate land and housing policies have led to overcrowding in Male and

on some islands. Social consequences of overcrowding are many, but include health risks, and domestic and sexual violence.¹³²

55. According to the Special Rapporteur, other issues affecting the right to adequate housing include affordability, lack of housing legislations (including on tenancy and a building code) and limited implementation of the existing laws, absence of data on income distribution and a taxation system and, lack of efficient waste management and sewage systems.¹³³

8. Right to education and to participate in the cultural life of the community

56. The 2007 CCA stated that the Maldives has met the 'Education For All' goal and MDG2 of providing universal primary education by the year 2015.¹³⁴ While taking note of Maldives's intention to make primary education compulsory by law, CRC regretted the slow legislative process in this regard. It noted with concern that the cost of school books and school uniforms burdens low-income families and dangers children's equal access to education. It was concerned at the limited availability and still unsatisfactory enrolment rate in secondary education¹³⁵ and that gender biases and stereotypes in textbooks, curricula and school management and the lack of appropriate sanitary facilities impede the full participation of girls in education, particularly in secondary schools.¹³⁶ UNICEF indicated that since opportunities for higher education are available only in urban areas on some islands, continuing education becomes nearly impossible for girls for safety reasons.¹³⁷

57. CRC recommended strengthening efforts to improve the quality of education and include human rights education in the official curriculum at all levels of education.¹³⁸

9. Migrants, refugees and asylum-seekers

58. The Special Rapporteur on freedom of religion or belief was extremely concerned by the limitations placed on the right of migrant workers and other foreigners to manifest their religion or belief¹³⁹ and noted that there was not a single official place of worship for religions other than Islam.¹⁴⁰

59. CRC encouraged Maldives to establish an identification mechanism for asylum-seeking and migrant children who may have been recruited or used in hostilities, and regretted the lack of measures for their physical and psychological recovery and social reintegration.¹⁴¹

60. In 2009, the Special Rapporteur on adequate housing stressed that immediate measures should be taken to improve the housing and living conditions of migrants.¹⁴²

10. Right to development

61. According to the 2008 ESCAP report, poverty in Maldives differs from that in many other developing nations, mainly because a large segment of the population is highly susceptible to external global shocks and has limited ability to effectively manage risk.¹⁴³ Poverty in Maldives is multi dimensional and what is needed is well-prioritized but balanced and comprehensive approach addressing multi challenges of growth and development.¹⁴⁴

11. Human rights and counter-terrorism

62. In a communication dated 26 May 2006, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism was concerned that the definition contained in article 2(g) of the Law on the Prevention of Terrorism was overly broad and vague and that the intent appeared to be absent from this

definition.¹⁴⁵ The Government informed that a new penal code which will redefine the crime of terrorism was being considered.¹⁴⁶

III. Achievements, best practices, challenges and constraints

63. On 3 November 2008, following the run-off in the first multi-party presidential elections in Maldives, the Special Rapporteur on the independence of judges and lawyers welcomed the democratic transition process.¹⁴⁷ The Special Rapporteur on the right to freedom of opinion and expression commended the steps taken by the new Government in implementing a series of reforms with a view to fully assuming human rights considerations on public policies.¹⁴⁸

64. CRC acknowledged that the 2004 Indian Ocean tsunami has largely devastated Maldives's low-lying islands, giving rise to a number of economic and social difficulties and affecting the lives of many children.¹⁴⁹

65. In 2009, the Special Rapporteur on adequate housing commended the constitutional commitment to the right to adequate housing which has to be transcribed into all relevant programmes and policies.¹⁵⁰ She believed that climate change and its consequences impact significantly on the human rights of Maldivians¹⁵¹ and has aggravated and will further amplify some of the problems linked with characteristics of Maldives, including land scarcity and vulnerability of the islands to natural phenomena. This placed a responsibility on the international community to support adaptation strategies in Maldives.¹⁵²

66. In 2008, the Special Rapporteur on the right to freedom of opinion and expression stressed that recent developments and with the appointment of the Government during that period, the media landscape has changed considerably, with opposition supporters expressing themselves freely, and independent newspapers, magazines and websites printing critical and investigative stories.¹⁵³ The climate of fear which forced many journalists to practise self-censorship no longer exists and those working within the media sector feel they work within an environment which will not stifle their freedom to openly criticize the Government.¹⁵⁴

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

67. In a note verbale dated 11 January 2010, addressed to the President of the General Assembly, Maldives presented, in the framework of its candidacy to the membership of the HRC for the term 2010–2013, its human rights vision and human rights commitments and pledges at the national and international levels.¹⁵⁵

B. Specific recommendations for follow-up

68. SPT requested the Maldivian authorities to provide within six months a full written response to its visit report and in particular to the conclusions, recommendations and requests for further information.¹⁵⁶ No response has been received.

V. Capacity-building and technical assistance

69. The UN Maldives supported the national authorities in their international advocacy for climate change adaptation, focusing on the human rights dimension.¹⁵⁷

70. CRC recommended seeking international support for cooperation projects relating to implementation of the provisions of the OP-CRC-SC in particular, in order to provide assistance for victims and training for professionals.¹⁵⁸

71. CRC recommended that Maldives continue to seek advice and assistance from international organizations on the compliance of the HRCM with the Paris Principles.¹⁵⁹ It also made recommendations on children with disabilities¹⁶⁰; violence against children¹⁶¹; economic exploitation of children¹⁶²; drug addiction¹⁶³; the treatment of Thalassaemia,¹⁶⁴ and education issues.¹⁶⁵

72. The Special Rapporteur on the right to freedom of opinion and expression urged the international community to urgently provide the Government with the sustainable assistance that is indispensable for reaching the described goals and allowing the country to succeed in its transition towards democracy.¹⁶⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Information relating to other relevant international human rights instruments, including regional

- instruments, may be found in the pledges and commitments undertaken by Maldives before the Human Rights Council, as contained in the note verbale dated 11 January 2010 sent by the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly, contained in document A/64/657
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/MDV/CO/1), para. 26.
- ¹⁰ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/MDV/CO/1), para. 13; See also concluding observations of the Committee on the Elimination of All Forms of Discriminations against Women (CEDAW/C/MDV/CO/3), para. 22.
- ¹¹ CEDAW/C/MDV/CO/3, para. 41.
- ¹² CRC/C/OPSC/MDV/CO/1, para. 8. See also report of the Special Rapporteur on freedom of religion and belief (A/HRC/4/21/Add.3), para.59.
- ¹³ *Ibid.*, paras. 19–20.
- ¹⁴ UNDG, Resident Coordinator, Annual Report 2007, p.1, available at <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=MDV&P=1095>.
- ¹⁵ A/HRC/4/21/Add.3, para. 60. See also report of the Special Rapporteur on freedom of opinion and expression (A/HRC/11/4/Add.3), para. 69.
- ¹⁶ A/HRC/11/4/Add.3, para. 19.
- ¹⁷ A/HRC/10/8/Add.1, paras. 146–147.
- ¹⁸ *Ibid.*, para. 149.
- ¹⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/MDV/CO/3), para. 11.
- ²⁰ CRC/C/OPAC/MDV/CO/1, para. 10.
- ²¹ CEDAW/C/MDV/CO/3, para. 14.
- ²² CRC/C/MDV/CO/3, para. 12; See also CEDAW/C/MDV/CO/3, para. 14.
- ²³ UNDG, 2008 Resident Coordinator Annual Report Maldives, p. 2, available at http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_MDV_NAR.pdf.
- ²⁴ ILO Press release, Geneva, 29 May 2009, available at http://ilo.org/asia/info/public/pr/lang--en/WCMS_106344/index.htm.
- ²⁵ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

- ²⁶ CRC/C/OPSC/MDV/CO/1, para. 18; See also CRC/C/MDV/CO/3, paras. 18–19.
- ²⁷ Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Maldives (CAT/OP/MDV/1), paras. 272 and 279.
- ²⁸ A/HRC/11/4/Add.3, para.55.
- ²⁹ A/HRC/13/20/Add.3, para. 67.
- ³⁰ CRC/C/MDV/CO/3, para. 15.
- ³¹ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child; |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ³² CAT, *Official Records of the General Assembly, Fifty-fourth session, Supplement No. 18 (A/54/18)*, para. 315.
- ³³ CAT/OP/MDV/1, para. 6.
- ³⁴ A/HRC/4/21/Add.3.
- ³⁵ A/HRC/4/25/Add.2.
- ³⁶ A/HRC/13/20/Add.3.
- ³⁷ A/HRC/11/4/Add.3.
- ³⁸ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para.2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ³⁹ OHCHR 2008 Report on Activities and Results, p. 179.
- ⁴⁰ OHCHR 2009 Report on Activities and Results, p. 29.
- ⁴¹ CEDAW/C/MDV/CO/3, para. 15.
- ⁴² *Ibid.*, para. 17.
- ⁴³ CEDAW/C/MDV/CO/3, para. 18; See also CRC/C/MDV/CO/3, paras. 35–36.
- ⁴⁴ CRC/C/MDV/CO/3, para. 33.
- ⁴⁵ *Ibid.*, para. 47.
- ⁴⁶ *Ibid.*, para. 37.
- ⁴⁷ *Ibid.*, para. 38. See also paragraph 66.
- ⁴⁸ A/HRC/4/21/Add.3, para.66.
- ⁴⁹ *Ibid.*, para.67; See also paragraph.45.
- ⁵⁰ CRC/C/MDV/CO/3, para. 99.
- ⁵¹ A/HRC/4/25/Add.2, p.2. See also paragraph 46.
- ⁵² A/HRC/4/25/Add.2, para. 38. See also /A/HRC/4/33/Add.1, paras. 136-138; A/HRC/4/34/Add.1, paras. 392 to 397; A/HRC/4/37/Add.1, paras. 416–423.
- ⁵³ A/HRC/4/25/Add.2, para.51.
- ⁵⁴ CAT/OP/MDV/1, para. 318.
- ⁵⁵ *Ibid.*, para. 268.
- ⁵⁶ A/HRC/4/25/Add.2, para.60; See also Maldives CCA 2007, Malé, 2006, p. 81, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf>.
- ⁵⁷ CRC/C/MDV/CO/3, para. 62.
- ⁵⁸ *Ibid.*, paras. 42 and 43.
- ⁵⁹ *Ibid.*, paras. 55 and 56.
- ⁶⁰ CAT/OP/MDV/1, para 269.

- 61 CRC/C/MDV/CO/3, para. 85; See also Maldives CCA 2007, Malé, 2006, p. 59, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf>.
- 62 CRC/C/MDV/CO/3, paras. 86–87.
- 63 CEDAW/C/MDV/CO/3, para. 19; See also UNDG, Resident Coordinator, Annual Report 2006, p.2, available at <http://www.undg.org/rcar.cfm?fuseaction=N&ctyIDC=MDV&P=490>.
- 64 Maldives CCA 2004, Malé, 2003, p. 55, available at http://www.unicef.org/maldives/GBV_Report.pdf.
- 65 CEDAW/C/MDV/CO/3, para. 20.
- 66 CEDAW/C/MDV/CO/3, para. 21.
- 67 CRC/C/OPSC/MDV/CO/1, para. 21.
- 68 CRC/C/MDV/CO/3, para. 90.
- 69 CEDAW/C/MDV/CO/3, para. 22. See also CRC/C/MDV/CO/3, paras. 95–96.
- 70 A/HRC/11/41/Add.1, para.190.
- 71 A/HRC/4/25/Add.2, p.2.
- 72 Ibid., para.53.
- 73 CAT/OP/MDV/1, para. 283.
- 74 Ibid., para. 292.
- 75 Ibid., para. 293.
- 76 A/HRC/4/25/Add.2, p.2.
- 77 Ibid., paras. 27–28.
- 78 Ibid., p.2.
- 79 Maldives CCA 2007, Malé, 2006, p. 81, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf>.
- 80 Ibid.
- 81 A/HRC/4/25/Add.2, para.92.
- 82 CRC/C/MDV/CO/3, 13 July 2007, paras. 97 and 99. See also CAT/OP/MDV/1, paragraphs 308; A/HRC/4/25/Add.2, paras. 62, 63, and 64.
- 83 CRC/C/OPSC/MDV/CO/1, para. 27.
- 84 Ibid., para. 29.
- 85 A/HRC/8/4/Add.1, para. 207.
- 86 CEDAW/C/MDV/CO/3, para. 26; See also A/HRC/11/41/Add.1, p. 113.
- 87 CRC/C/MDV/CO/3, para. 88.
- 88 Ibid., para. 59.
- 89 CEDAW/C/MDV/CO/3, para. 35.
- 90 Ibid., para. 36.
- 91 CRC/C/MDV/CO/3, para. 48.
- 92 A/HRC/4/21/Add.3, para. 32.
- 93 Ibid., para. 33.
- 94 Ibid., para. 63.
- 95 Ibid., para. 40.
- 96 Ibid., para. 70.
- 97 CRC/C/MDV/CO/3, para. 48.
- 98 A/HRC/11/4/Add.3, para. 57.
- 99 Ibid., para.58.
- 100 Ibid., para.59.
- 101 Ibid., para.61.
- 102 Ibid., para.62.
- 103 Ibid., para.68.
- 104 Ibid., para.47.
- 105 CRC/C/MDV/CO/3, para. 27.
- 106 A/HRC/11/4/Add.3, para.29.
- 107 Ibid., para.30.
- 108 Ibid., para. 31.
- 109 United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg> .
- 110 CEDAW/C/MDV/CO/3, para. 24.

- 111 Maldives CCA 2007, Malé, 2006, p. 9, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> .
- 112 CEDAW/C/MDV/CO/3, para. 29; See also Maldives CCA 2007, Malé, 2006, p. 69, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf>.
- 113 CRC/C/MDV/CO/3, para. 32.
- 114 Maldives CCA 2007, Malé, 2006, p. 86, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> .
- 115 Ibid., p. 71.
- 116 Ibid., p. 10.
- 117 Maldives CCA 2007, Malé, 2006, p. 28, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> .
- 118 A/HRC/11/4/Add.3, para.56.
- 119 CRC/C/MDV/CO/3, para. 74.
- 120 CRC/C/MDV/CO/3, para. 67; See also Maldives CCA 2007, Malé, 2006, p.9, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> .
- 121 Maldives CCA 2007, Malé, 2006, p. 41, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> .
- 122 CEDAW/C/MDV/CO/3, para. 32.
- 123 CRC/C/MDV/CO/3, para. 70; See also CEDAW/C/MDV/CO/3, para. 34.
- 124 Maldives CCA 2007, Malé, 2006, p. 8, available at <http://www.undg.org/docs/7617/CCA%20FINAL.pdf> ; See also UNDG, Resident Coordinator, Annual Report 2007, p. 3, available at <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=MDV&P=1095>.
- 125 CRC/C/MDV/CO/3, para. 71.
- 126 A/HRC/13/20/Add.3, pp. 1–2.
- 127 Ibid., para. 71.
- 128 Ibid. para. 72.
- 129 Ibid., p. 2.
- 130 Ibid., para. 76.
- 131 Ibid., p.2.
- 132 Ibid.
- 133 Ibid.
- 134 UNICEF, Overcoming Barriers to Girls' Education in South Asia, Deepening the Analysis, Kathmandu, Nepal, 2009, p. xi, available at http://www.ungei.org/resources/files/whole_book_b.pdf .
- 135 CRC/C/MDV/CO/3, para. 76; See also A/54/18, para. 317.
- 136 CRC/C/MDV/CO/3, para. 77.
- 137 UNICEF, Overcoming Barriers to Girls' Education in South Asia, Deepening the Analysis, Kathmandu, Nepal, 2009, p. xi, available at http://www.ungei.org/resources/files/whole_book_b.pdf.
- 138 CRC/C/MDV/CO/3, para. 82.
- 139 A/HRC/4/21/Add.3, para. 68. See also paras. 46 and 69.
- 140 Ibid., para. 47.
- 141 CRC/C/OPAC/MDV/CO/1, para. 13.
- 142 A/HRC/13/20/Add.3, p. 2.
- 143 ESCAP, Statistics of Poverty, Maldives, 2008, pp. 2–3, available at http://www.unsiap.or.jp/participants_work/cos03_homepages/group6/maldives.htm.
- 144 Ibid.
- 145 A/HRC/4/26/Add.1, para. 42.
- 146 Ibid., para. 43
- 147 A/HRC/4/25/Add.2, para. 72; See also UNDG, Resident Coordinator, Annual Report 2007, p.1, available at <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=MDV&P=1095>.
- 148 A/HRC/11/4/Add.3, para.53.
- 149 CRC/C/MDV/CO/3, para. 6.
- 150 A/HRC/13/20/Add.3, para. 78.
- 151 Ibid., para. 14.
- 152 Ibid., para. 68.
- 153 A/HRC/11/4/Add.3, para.28.

- ¹⁵⁴ A/HRC/11/4/Add.3, para. 28; See also A/HRC/4/27/Add.1, para. 356; A/HRC/8/4/Add.1, paras 206, 210; A/HRC/4/34/Add.1, 392-397; A/HRC/4/37/Add.1, paras. 416-423.
- ¹⁵⁵ Pledges and commitments undertaken by Maldives before the Human Rights Council, as contained in the note verbale dated 11 January 2010 sent by the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly, contained in document A/64/657.
- ¹⁵⁶ CAT/OP/MDV/1, para. 360.
- ¹⁵⁷ Resident Coordinator Annual Report 2007, fourteenth paragraph, available at: <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=MDV&P=1095>.
- ¹⁵⁸ CRC/C/OPSC/MDV/CO/1, para. 32.
- ¹⁵⁹ CRC/C/MDV/CO/3, para. 19.
- ¹⁶⁰ *Ibid.*, para. 66.
- ¹⁶¹ *Ibid.*, paras. 63-64.
- ¹⁶² *Ibid.*, para. 87.
- ¹⁶³ *Ibid.*, para. 89.
- ¹⁶⁴ *Ibid.*, para. 68 (e).
- ¹⁶⁵ *Ibid.*, paras. 78, and 84.
- ¹⁶⁶ A/HRC/11/4/Add.3, para. 70.
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