

ADVANCE QUESTIONS TO MALDIVES

BELGIUM

- Is the Government of Maldives considering accepting the individual complaints procedure under all the human rights conventions to which it is already a State party?
- What steps does the Government of the Maldives plan to undertake to comply with its responsibility to ensure a safe operating space for the Human Rights Commission of Maldives and for civil society actors in the country, so that they are able to cooperate with UN human rights mechanisms without fear of reprisals?
- Is the Government of Maldives considering reviewing the Penal Code of 2014 to ensure that it is brought in line with Maldivian international obligations, specifically with regard to the recourse to corporal punishment?
- The Maldives have ratified both the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political rights (ICCPR) which both hold an absolute ban on the death sentence against persons who were underage at the time of the offence. Will the Maldives review new regulation adopted in April 2014 and provisions in the Penal Code of 2014 that institute the death penalty for a number of offenses for which the age of criminal responsibility is only 7 years old, so as to abide by its international obligations under the CRC and the ICCPR?
- Would the government of the Maldives consider reaffirming its commitment to maintain a moratorium on the death penalty, as it did during its first Universal Periodic Review (UPR) in 2010?

CANADA

- Recent developments, as reflected in statements by the UN High Commissioner for Human Rights and the Special Rapporteur on the Independence of Judges and Lawyers, suggest that there are ongoing shortcomings with respect to the independence of the judiciary in Maldives. What steps or measures has the Government of Maldives taken to ensure the independence of the judiciary and to ensure that the State meets its relevant obligations under the International Covenant on Civil and Political Rights? What steps have been taken to establish an independent bar association, as accepted by Maldives in the 2011 Universal Periodic Review?
- What measures is Maldives taking to ensure that prosecutions, including the prosecution of former President Nasheed and others, are conducted with full respect for due process and in a manner that is consistent with Maldivian law and international obligations?

- We note the recent developments including the continued provision for the death penalty in the new Penal Code and regulations adopted by the Government of Maldives in April 2014 which overturn the 60-year moratorium on the use of capital punishment and allow for children to be sentenced to death and executed once they turn 18 if convicted of intentional murder. Can the Government of Maldives provide an update on its stated commitment to maintaining a moratorium on the death penalty as per the Government of Maldives' response to the Universal Periodic Review 2011 recommendations?

GERMANY

- Germany is concerned about the recent reports of fair trial violations and would like to know about possible long-term solutions the Government of Maldives plans to implement in order to safeguard the judicial independence and the right of fair trial.
- In light of its recommendation in 2011 and the latest attempts at intimidation, Germany wishes to enquire about the steps taken or planned by the Government to secure the work and independence of the Human Rights Commission of the Maldives (HRCM) as guaranteed in the HRCM 2006, in line with the Paris Principles.
- The implementation of the Anti-Human Trafficking Act is hindered by a lack of resources and capacity. Germany would appreciate additional information about the current status of funding of anti-trafficking mechanisms and planned or developed systematic procedures to identify victims and refer them to protective services.

NETHERLANDS

Independence of judges and lawyers

- Which concrete steps will be taken by the government of the Maldives to implement the recommendations of the Special Rapporteur on the Independence of Judges and Lawyers and to ensure that the concept of separation of powers is fully respected?

Freedom of expression and freedom of association

- Which measures will the government of the Maldives take to guarantee freedom of expression and media and to address limitations in the existing law governing the operation of civil society organizations?

Sexual violence and Equal Rights for Women

- Which concrete measures will the government of the Maldives take to eradicate traditional stereotypes of women, especially through educational programmes, and enact legislation on domestic violence and all forms of sexual abuse?

NORWAY

- The conviction of former President Mohamed Nasheed for charges under anti-terrorist legislation raises serious questions about due process of law. Why is the government defending the Court's decision to deny President Nasheed proper legal representation when he was indicted as well as adequate and timely access to court documents after the sentencing?
- What active measures will the government take to ensure a safe and enabling environment for human rights defenders and journalists in the Maldives, given recent reports of a deterioration in their situation?
- Given the Maldives' longstanding moratorium on executions, we are concerned by recent developments that could again allow for use of the death penalty. Will the Maldives instead opt to follow the international trend and take a proactive stance to abolish the death penalty in law, and ratify the Second Optional Protocol to the ICCPR?

SLOVENIA

- In respect of recommendation no. 15 of its first cycle review, the government of the Maldives agreed to remove its reservations from paragraphs 1a, 1b, 1e, 1g, 1h and 2 of article 16 of CEDAW, and to begin consultations regarding the possible removal of the reservation under article 14 of the CRC. What steps have been taken in this regard?
- What is the government doing to prevent and sanction the promotion of gender-based discrimination by senior political figures and religious leaders, to dispel gender stereotypes, and to prevent underage and out-of-court marriages?
- We took good note of the government's stated commitment to maintain the moratorium on the use of the capital punishment, but are concerned that some new regulations foresee the death penalty even for minors, and that the President's power to commute death sentences to life in prison has been removed. In light of this, how will the government ensure that a moratorium on the death penalty is maintained in practice?
- While welcoming the adoption of the Domestic Violence Prevention Act, we would be interested to hear about what is being done to ensure its enforcement amidst reports of a lack of sensitivity towards domestic violence on the side of law enforcement and judiciary.

SWEDEN

- Could the Republic of Maldives elaborate on the measures it is taking to eliminate violence and discrimination against women, specifically what measures it is taking to ensure the full incorporation of the Convention into its legal system?
- Could the Government of the Maldives elaborate on measures it is taking to ensure the full enjoyment of the right to fair trial and due process, as established in the Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights, which the Republic of Maldives has ratified?
- Could the government further elaborate on what measures it is prepared to take to address the recommendations in the 2013 report of the Special Rapporteur on the Independence of Judges and Lawyers?

SWITZERLAND

- Which measures are being taken by the government of the Maldives to put a moratorium on the imposition of flogging sentences for consensual sexual relations outside marriage, as well as to decriminalize consensual sexual relations outside marriage and abolish the imposition of flogging sentences, as recommended by CEDAW in its Concluding Observations? (CEDAW/C/MDV/CO/4-5, para. 45 (a), 6 March 2015) [See also Amnesty International Report in unofficial documents]
- What steps is the government of Maldives taking in order to fully implement the laws criminalizing female genital mutilation and to bring perpetrators to justice ? (cf para.21 (b) CEDAW COBs)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- What measures are being taken to protect the rights and ensure the safety of civil society activists and members of the media, including actions taken against death threats, and how will the situation be monitored?
- What action is being taken to ensure the fair and equal administration of justice in Maldives, including to prevent detention without charge or trial, and to guarantee judicial independence?
- What measures have the government taken to eliminate discrimination against migrant workers, including in their right to follow a religion of their choice?
- What measures are being taken to ensure the equal participation of women in Maldivian society, especially in regards to their participation in government institutions and public office?

- What measures are being taken to protect children from sexual exploitation, drugs and to prevent them from joining gangs?

UNITED STATES OF AMERICA

- What is the Government of Maldives doing to create an environment where civil society and political opposition can operate freely and independently without fear of intimidation, harassment, or arrest? How does Maldives plan to adhere to its obligations as a party to the *International Covenant on Civil and Political Rights* in conducting trials of senior political figures?
- The media environment in Maldives has steadily deteriorated in the past few years and we remain concerned about the operating environment for journalists, particularly those who challenge government policies. What steps is the government taking to ensure that journalist and media outlets are able to report freely without fear of retribution? What measures will the government take to address threats and intimidation against journalists and civil society activists to ensure their safety?
- What reforms are currently being undertaken by the government to address problems in the judiciary? In particular, how is the government responding to UN Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul's recommendations to revise the composition and functioning of the Judicial Service Commission? What steps is the Government of Maldives taking to strengthen the impartiality and independence of the Judicial Services Commission?
- Will the Government of Maldives extend invitations to relevant UN Special Procedures mandate holders, particularly the Special Rapporteurs on the situation of human rights defenders, on the right to freedom of opinion and expression, as well as on the right to freedom of peaceful assembly and of association?
- Does the Government of Maldives guarantee the independence of the Human Rights Commission of Maldives to carry out its work free from political interference or any intimidation by the authorities? What steps is the government taking to ensure that all relevant stakeholders can participate freely in the Universal Periodic Review process?
- What is the government's position on protecting the human rights of lesbian, gay, bisexual and transgender (LGBT) persons? What steps has the government taken to promote further inclusion and address discrimination and violence against LGBT persons?
- During its last Universal Periodic Review, Maldives accepted recommendations from 16 countries regarding the lack of religious freedom. We are concerned that Maldivian law still requires individuals to be Sunni Muslim as a prerequisite for

citizenship. What steps does the government plan to take to allow individuals to exercise freedom of religion or belief?

- Maldives also accepted recommendations from ten countries related to the protection of rights of migrant workers during its 2010 Universal Periodic Review. Though some steps have been taken to prevent and combat human trafficking, there continue to be credible reports of discrimination and harassment of migrant workers, including as a result of their efforts to organize, as well as violent acts and “hate crimes” targeting migrants. What steps has the Government of Maldives taken to ensure that migrant workers have means to seek redress for labor grievances and crimes committed against them?