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Summary of Stakeholders' submissions on Maldives*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 14 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. JS5 recommended that Maldives accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance without further delay.⁴

3. JS2 recommended that Maldives ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.⁵

4. The Institute on Statelessness and Inclusion (ISI) recommended that the Maldives accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Stateless and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It also recommended that the Maldives ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.⁶

* The present document was not edited before being sent to United Nations translation services.



5. ISI recommended that the Maldives withdraw its reservations to the International Covenant on Civil and Political Rights (on article 18 – freedom of thought, conscience and religion) and the Convention on the Rights of the Child (on all clauses related to adoption and article 14.1 - freedom of thought, conscience and religion).⁷

6. JS5 recommended that Maldives withdraw the reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.⁸

7. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that the Maldives signs and ratifies the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.⁹

8. JS4 recommended that the Government prioritise official visits by the: Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association.¹⁰

B. National human rights framework¹¹

9. The European Centre for Law and Justice (ECLJ) was concerned that the Maldives viewed Islam as an essential part of its national identity, and all freedoms and protections laid out in its Constitution came with a caveat that they existed only in so far as they did not violate or run contrary to “any tenet of Islam”. As stated in the Constitution, “Maldives is a sovereign, independent, democratic republic based on the principles of Islam”. Moreover, the Constitution the Maldives establishes Islam as “the religion of the State of the Maldives”. Furthermore, it states that “Islam shall be the basis of all the laws of the Maldives. No law contrary to any tenet of Islam shall be enacted in the Maldives”. As a result, members of minority religions are prohibited from publically practicing their faith out of fear that it may be viewed as “harming” the identity of the State.¹²

10. ECLJ recommended that the Maldives revise its Constitution to ensure that people of all faiths are permitted to become lawful and legal citizens. Excluding people from citizenship simply because of their religious affiliations subjects them to societal discrimination, and most importantly removes all rights and protections that should be guaranteed.¹³

11. JS4 recommended that Maldives amend the 2003 Associations Act and the Regulation on Associations 2015/R180 to remove all undue restrictions on the freedom of association, in accordance with article 21 and 22 of the International Covenant on Civil and Political Rights. Consult meaningfully with civil society in any review of these laws and regulations.¹⁴

12. JS4 recommended that Maldives repeal or amend all legalisation and decrees that unwarrantedly restrict and criminalise the legitimate work of human rights defenders, in line with the UN Declaration on Human Rights Defenders.¹⁵

13. JS4 recommended that Maldives repeal all legislation that criminalise blasphemy, in conformity with article 19 of the International Covenant on Civil and Political Rights and review the 1994 Religious Unity Act and ensure amendments to the 2015 Anti-Terrorism Act comply fully with international standards and best practices on the freedom of expression.¹⁶

14. JS4 recommended that the Maldives amend the Freedom of Peaceful Assembly Act 2013 in order to guarantee fully the right to the freedom of peaceful assembly, in conformity with international standards and best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 report.¹⁷

15. JS5 noted that, in the past four years, the Human Rights Commission of the Maldives (HRCM) has not made any progress in strengthening the institution and failed to take significant actions amid a human rights backslide. The HRCM suffers from a significant lack of resources and adequate training, particularly in its investigation department, which limits its ability to address human rights violations. The HRCM has also

neglected the work of human rights defenders in the Maldives and failed to ensure their protection, assistance, and access to the commission's resources.¹⁸

16. JS5 recommended that the Maldives provide the National Human Rights Commission with the necessary human and financial resources to ensure it can establish an *ad hoc* focal point tasked with the protection of human rights defenders. The government should make necessary amendments to the Human Rights Commission of the Maldives Act to ensure the independence and impartiality of the HRCM's members in accordance with the Paris Principles.¹⁹

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

1. Cross-cutting issues

Equality and non-discrimination²⁰

17. JS5 noted that despite the adoption of the Gender Equality Law by the People's Majlis in August 2016, there has been no tangible evidence of its implementation. During its second UPR, the Maldives received and accepted all 21 recommendations that called for the elimination of discrimination against women, including the recommendation that called for the adoption of gender equality legislation and measures aimed at promoting the participation of women in public affairs and decision-making.²¹

18. JS5 also noted with concern that discrimination against women has rapidly increased with the growth of religious fundamentalism in the country. While the Constitution and relevant laws address non-discrimination, the relevant legal provisions are not systematically enforced. For example, following the nomination of two women as Supreme Court justices of the Maldives in August 2019, the Supreme Council of Islamic Affairs published a directive that stated that Islamic [Shari'a] law did not allow for women to hold positions as superior judges. Although the appointments were confirmed by the Parliament, no action was taken to correct the directive from the Supreme Council or to prevent future discriminatory directives.²²

Development, the environment, and business and human rights²³

19. The Human Rights Commission of the Maldives (HRCM) noted that, as a low lying island State, with the predicted global warming of 1.5°C between 2030 and 2050, Maldives was vulnerable to climate change induced hazards if no mitigation measures were taken. The adverse effects of climate change are already visible: mass coral bleaching episodes in 1998 and 2016, decrease in annual rainfall, variations in mean average temperature in the northern and southern parts of the country, and rising trend in sea level. Unsustainable development efforts have further exacerbated the effects of climate change. Climate Change Bill currently underway is administrative rather than fostering climate resilience.²⁴

20. While cases related to environment lodged at HRCM are considerably less, the violations observed in the cases reported are alarming. The current justice system does not adequately address environmental loss and damage. The system lacks capacity to compensate for natural eco-system loss. HRCM recommended that the Maldives include measures towards fostering climate resilience in the Climate Change Bill; allocate sufficient funding and resources for waste management centers to work towards a zero waste model; and raise awareness on environment and climate change in a rights perspective.²⁵

Human rights and counter-terrorism²⁶

21. HRCM noted with concern that youth were susceptible to engagement in extremist rhetoric and authorities have failed to effectively address the spreading of religious extremist ideologies and xenophobia. A number of Maldivians have travelled abroad to join militant groups. As some of them are looking to return back, this poses a human rights dilemma that the country needs to urgently address. Extremist groups are accused of the murder of a lawmaker, a journalist and a blogger. A Maldivian who is

working as an ISIS-K recruiter is included in the US terrorist list. While there is a significant need for counter terrorism and de-radicalization, the existing law is predominantly used as a means to suppress political opponents.²⁷

22. HRCM recommended that the Maldives revise the anti-terrorism law to guarantee human security and uphold human rights principles; ensure that de-radicalization, rehabilitation and reintegration programs are structured and mandatory; ensure that de-radicalization, rehabilitation and reintegration programs are developed and implemented in a way that guarantee human security and uphold human rights principles; and mitigate legal and social issues arising from out of court marriages.²⁸

23. JS4 noted that the previous government used the 2015 Anti-Terrorism Act, with its overly broad and ambiguous provisions, to prosecute government critics. The law includes as acts of terrorism “disrupting public services” for the purpose of “exerting an undesirable influence on the government or the state.” Of the scores of opposition figures and activists detained during the 2018 state of emergency, most were charged with committing “acts of terrorism”.²⁹

24. JS4 stated that amendments to the anti-terrorism law made in September 2019 have raised free speech and due process concerns. Amendments include clauses on the possession of photos and literature deemed supportive of terrorism and giving wider discretion to the police, including powers to arrest suspects and enter a private property without a court warrant.³⁰

2. Civil and political rights

Right to life, liberty and security of person³¹

25. JS2 noted that the Maldives did not support nor implement recommendations received during the last review to abolish, place a ban on, or take measures to prohibit the application of death sentences. It also noted that the Maldives did not support recommendations received to maintain the moratorium on the application of death penalty with a view to abolishing it. But in November 2018, the administration of President Ibrahim Mohamed Solih announced that the Maldives would maintain its moratorium on the death penalty.³²

26. JS2 recommended that the Maldives commute the death sentences to terms of imprisonment for all people on death row who were sentenced to death for crimes committed while under the age of 18 and impose a formal moratorium on the death penalty with a view to its eventual abolition.³³

Administration of justice, including impunity, and the rule of law³⁴

27. JS2 noted that, although the law in the Maldives provided for an independent judiciary, the judiciary was not completely independent or impartial, and was subject to political influence. In addition, there have been numerous allegations of judicial impropriety and abuse of power, including cases in which the Supreme Court has attempted to control the lower courts to further the interests of the government. Many judges are appointed for life terms who hold only a certificate in Sharia law, but not a law degree. Most magistrate judges in the country cannot interpret common law or Sharia law because they lack adequate English or Arabic language skills. An estimated one-quarter of the Maldives’ 183 judges even had criminal records.³⁵

28. JS5 stressed that, as part of the new government’s full legal audit of anti-democratic laws adopted by the previous administration, the People’s Majlis has undertaken a process of amending existing legislation related to the administration of justice, including the Judicature Act and the Judges Act. These two laws contain regressive provisions, such as lowering the criteria to become a judge and granting lifetime tenure for certain judges. The Attorney General has announced work on several legislative projects. However, the content of these proposed laws has not been revealed to civil society or the public.³⁶

29. JS1 stressed that a presidential commission on enforced disappearances and murders, created in 2018, has made significant progress in identifying individuals suspected

of involvement in Rilwan's abduction and killing, as well as government interference in the subsequent investigation. However, this progress must lead to prosecution of all those involved in the attack, including those who may still be working in government or law enforcement. Likewise, the commission must investigate and identify those responsible for the attacks on Hilath, Ali, and Rasheed, and prosecute the perpetrators.³⁷

Fundamental freedoms³⁸

30. ADF International noted with concern that the Maldives had an entity to regulate and manage religious affairs: the Ministry of Islamic Affairs (MIA). Favoritism for one religious group in the Maldives and lack of freedom to worship freely are consequences of a nation who has some of the most restrictive laws and policies towards religious freedom in the world. Citizens are almost guaranteed to be imprisoned, pay hefty fines, or be put to death if they shared about any religious experience or thought contradicting Islam or MIA standards.³⁹

31. ECLJ noted that, in the Maldives, the Ministry of Islam Affairs (MIA) was responsible for controlling and regulating virtually all aspects of religious life within the country. All other religions are prohibited from operating places of worship, distributing religious material, proselytising, or generally promoting a religion other than Sunni Islam. Propagation of any religion other than that of Islam is a criminal offense punishable by house arrest or 2-5 years in prison.⁴⁰

32. ADF International recommended that the government safeguard the right to freedom of religion or belief in the Maldives, both in law and in practice, for adherents of all religions, and root out all cases of religious persecution and exploitation of laws against members of religious minorities. It also recommended that the right to freedom of thought, conscience and religion is duly recognized and respected in accordance with relevant international human rights law, and to decriminalize apostasy and blasphemy.⁴¹

33. JS1 noted with concern that the Maldives saw a spate of religiously-motivated attacks that targeted writers who were popular on social media from the years 2012 to 2017. These included blogger and former editor of Haveeru, Ismail Khilath Rasheed (known as Hilath) who survived an attempt on his life in June 2012; Afrasheem Ali, a former member of parliament, killed in October 2012; Ahmed Rilwan Abdulla, killed in 2014; and Yameen Rasheed, killed in April 2017⁴². ISI recommended that the Government reform Maldivian law to remove all provisions that discriminate on the basis of religion.⁴³

34. JS1 recommended that the Maldives robustly investigate attacks on human rights defenders and bloggers, and prosecute all those involved, including those who may still be working in government or law enforcement and order the presidential commission on enforced disappearances and murders to investigate and identify those responsible for the attacks on Hilath, Ali, and Rasheed, and prosecute the perpetrators.⁴⁴ ADF International recommended to safeguard the rights to freedom of opinion and expression as required under international law.⁴⁵

Prohibition of all forms of slavery⁴⁶

35. ISI stated that the country was more widely known as a popular tourist destination. Despite the introduction of anti-trafficking laws, the Maldives' trafficking profile remains raised, with persons forced into the jurisdiction, and the country is a source of trafficked persons, both with regard to forced labour and sex trafficking. More recently concern has been expressed that the current trafficking laws were not reflective of the Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000 UN TIP Protocol), with those laws failing to implement "standard operating procedures" for victim identification and protection. It recommended that further improvements to local laws appear necessary to address the risk of the Maldives as a location for human trafficking and forced labour, including steps to address potential corruption.⁴⁷

36. Transparency Maldives (TM) noted with concern that the anti-trafficking National Steering Committee (NSC) formed under the Prevention of Human Trafficking Act has not met since 2017, and has not submitted annual reports as obligated under the law. In

addition, the definition of human trafficking in the State's trafficking law does not conform to the 2000 UN TIP Protocol, as it requires movement of the victim.⁴⁸

37. TM recommended that the Maldives improve the implementation of the Prevention of Human Trafficking Act and expedite amendments to bring it in line with international standards.⁴⁹

Right to privacy

38. JS1 noted that, in 2017, the Maldives released a new digital identification card for citizens, which combined health, insurance, banking/payments, and a passport, in addition to a national identification. It is imperative that digital identity systems, particularly those backed by the State's resources and legal powers, are designed around sound principles of governance, data protection, privacy and security. JS1 recommended that the Maldives improve its human rights record and treatment of digital rights in several areas, including privacy and data protection.⁵⁰

3. Economic, social and cultural rights

Right to an adequate standard of living

39. HRCM noted that development efforts have been significantly centralized, resulting in a 38 percent of the total population living in the capital city Male' making it extremely overcrowded. As a result, there is a housing crisis in Male' and people who have internally migrated are forced to depend on expensive private housing: 63 percent of the households in Male' live on rent; 31 percent of monthly household expenditure is spent on rent; 40 percent of the average income per person is spent on rent; and 71 percent of the households in Male' receive an income from rented buildings. Social housing is costly compared to the average income.

40. HRCM recommended that the Government provide affordable social housing; enact the Tenancy Bill and strengthen regulatory framework on rights of tenants; revise and enforce the Building Code and the Construction Act, and ensure regular monitoring and compliance with the Act.⁵¹

Right to health⁵²

41. HRCM recommended that the Maldives establish a national emergency medical service throughout the country for the full utilization of health care delivery system, and strengthen healthcare system across the nation; increase budget allocation for preventive health care; ensure availability of quality mental health care throughout the country; enact the Mental Health Bill, Medical Negligence Bill, Patient Rights Bill, Occupational Health and Safety Bill and relevant Regulations; strengthen policies and platforms to ensure access to sexual reproductive health information and services for youth; mitigate the rising trend in anti-vaccination; and equip health facilities with forensic medical experts.⁵³

42. JS3 highlighted that a disturbing development was the mandatory requirement in the National Standards for Family Planning Services (2017) for spousal written consent for surgical sterilisation, for both women and men in the Maldives. While this may appear gender-equitable or neutral on paper, the prevalence of surgical sterilisation as a family planning method is disproportionately high among women. Considering the socio-cultural patriarchal context of the Maldives, the mandatory requirement for women to obtain spousal consent to access sterilisation as a family planning method can be construed as an indirect barrier to women's bodily autonomy and right to make decisions about her body and her sexual and reproductive health (SRH).⁵⁴

43. JS5 stressed that during its second UPR, the Maldives also accepted one recommendation that called on the authorities to enhance access to reproductive health services, especially for adolescents and youth, and unmarried women. Despite these commitments, adolescents and young unmarried women in the Maldives continue to be excluded from access to essential sexual and reproductive health (SRH) education, information, services, and products. This exclusion has a negative impact on their rights to bodily autonomy and their physical and mental health wellbeing.⁵⁵

44. JS5 recommended that the Maldives develop a plan and allocate budgets to set up SRH clinics in existing health centers and hospitals in every atoll to provide easy access to SRH education, information, and services; strengthen existing healthcare systems to address any discrimination in the provision of sexual and reproductive health services, including family planning services on the basis of marriage and nationality; and remove mandatory spousal consent for long-term methods of family planning from the national standards.⁵⁶

Right to education⁵⁷

45. HRCM noted with concerns that the rights to education was yet to be fully realized within school system for children with severe and multiple disabilities. While institutions outside of Male' are not equipped to identify children with disabilities, schools do not have adequate resources to provide effective specialized education for children with most types of disabilities. While families of children with disabilities are forced to migrate to Male in order to seek educational opportunities, the move is costly and logically challenging. In addition, prevalent social norms also create barriers for children with disabilities, as many parents believe that education is unnecessary for them. It recommended that the Maldives ensure education for all children with disabilities.⁵⁸

4. Rights of specific persons or groups

Women⁵⁹

46. JS3 recommended that the government address the issue of conservative and radical narratives that undermine equality and equity between men and women in Islam; and ensure unity, stability, health and wellbeing of the family unit and society at large by upholding the fundamental rights of all people as enshrined in the Maldives Constitution and international human rights obligations.⁶⁰ HRCM recommended enforcing implementation of Gender Equality Law to ensure gender equity; and establishing legislative quotas as an affirmative action to achieve gender equality.⁶¹

47. JS6 also noted with concern the regressive influences of religious radicalisation on women's fundamental human rights in the Maldives. A *fatwa* endorsing female genital mutilation (FGM) was issued in 2014 by a senior member of the Fiqh Academy, a non-legal body attached to the Ministry of Islamic Affairs which makes religious rulings. The *fatwa* claimed that "FGM is one of the five things that are part of fitrah, or nature." Local civil society organisation Maldivian Democracy Network (MDN) has produced a study documenting religious radicalisation in the Maldives, and has identified detailed developments including the endorsement of FGM and marital rape in these narratives which specifically undermined the human rights of women. The same cleric was reported to have condemned the conditional criminalisation of marital rape in the Sexual Offences Act passed in 2014.⁶²

48. JS5 recommended that the Maldives allocate adequate human and financial resources to realize the full implementation of 2012 Domestic Violence Prevention Act; develop and deliver training for judges to appropriately deal with cases involving gender-based violence victims and survivors; increase the number of female judges to bridge the existing gender gap to improve justice services to gender-based violence survivors; and amend the Criminal Code to remove flogging as a punishment for sexual relations outside marriage.⁶³

49. HRCM recommended that the Maldives review, amend and enforce Domestic Violence Prevention Act; criminalize domestic violence as separate criminal offence; enforce legislative provisions on protection of victims; strengthen existing mechanism for reporting domestic violence cases identified through the health systems; and establish a system for rehabilitation and reintegration of victims and offenders.⁶⁴

50. Hope for women (HFW) conducted the survey on the implementation of Sexual Abuse and Harassment Prevention Act (16/2014) from January - November 2018. Major findings of the survey include: (i) Lack of training provided on the rights of the act or the behaviors listed in the act as harassment for members appointed to the committees created

under the act; (ii) Lack of awareness on the act for employees and for visitors of the institutions; (iii) from 2014 to 2018, all 21 line ministries combined, there was only three cases filed under the act; (iv) Only 38% institutions have policy and procedure on reporting and the committee created under the act registered in tribunal.⁶⁵

51. HFW recommended that members of the committee need to understand the nature of relationships in their work environments and help set clear boundaries at work among coworkers. The Act need to be revised to clearly identify a monitoring body under the act to increase accountability. There is a need to increase awareness on the act for all employees to accept that the act is relevant for all and not just civil servants or private sector and to enforce close monitoring under the act in all areas of employment.⁶⁶

Children⁶⁷

52. HRCM recommended that the Maldives abolish child marriages; enact the evidence bill, child rights bill, education bill and witness protection bill; strengthen coordination and commitment amongst stakeholders dealing with child abuse and treatment and rehabilitation measures of victims; and ensure that those institutions that accommodate children under State care report all cases of torture to HRCM. It also recommended that the Maldives enact the Juvenile Justice Bill; establish effective rehabilitation mechanisms; eliminate administrative detention of children as per article 37(b) of CRC; and ensure that mechanisms are established to protect juveniles from torture, cruel, inhumane, degrading treatment or punishment.⁶⁸

53. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that, in the Maldives, corporal punishment of children was still lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the Human Rights Committee, the Committee Against Torture and the Committee on the Elimination of Discrimination Against Women. It expressed hope that the UPR Working Group will note with concern the legality of corporal punishment of children in the Maldives, and that States will raise the issue during the review in 2020 and make a specific recommendation to enact legislation as a matter of priority to explicitly prohibit all corporal punishment of children in all settings.⁶⁹

54. ISI noted that despite an obligation to immediately register all births, registered births would tend to only include children born of Muslim parents. Consequences of unregistered births are long-term and include denial of education, as the government requires identity documents in order for children to participate in schooling or access to government services. It recommended that all children born in the Maldives are registered at birth without discrimination, including children whose parents are non-Muslim.⁷⁰

Persons with disabilities⁷¹

55. HRCM was concerned that disability rights were not adequately mainstreamed into government policies and action plans and as a result persons with disabilities had limited access to public services, healthcare, education, employment, transport, public spaces and buildings including mosques. Services accessible to persons with disabilities are mostly limited to Male' and the infrastructure, travel expenses and living conditions in Male' make it difficult for people from outside of Male' to seek those services. The monthly financial benefit of \$130 given to people with disabilities is not a sufficient allowance to enhance their standard of living.⁷²

56. HRCM recommended that the Maldives mainstream disability rights into government policies and action plans; ensure that people with disabilities have equal access to education, employment and healthcare without any discrimination; revise the Disability Act and ensure its full implementation; ensure proper functioning of Disability Council; and guarantee that people with disabilities have access to all public places including mosques.⁷³

Minorities

57. ECLJ stated that in its 2019 World Watch List Report on religious freedom issues around the world, Open Doors ranked the Maldives as the 14th worst place to live for

Christians because of Constitutional and legal provisions that serve to create a homogenous society where non-Muslims are prevented from even becoming citizens. Accordingly, these provisions have resulted in extreme prejudice against Christians and other minority religions and clearly prohibit the free exercise of religion for all but practitioners of Sunni Islam.⁷⁴

Migrants⁷⁵

58. Hope for Women (HFW) noted that female migrant workers were one of the most vulnerable groups in the Maldives, due to their large numbers (documented and undocumented), their negative experiences with the Maldives justice system, language barriers, lack of awareness regarding Maldivian laws, and the difficulties faced when seeking legal counsel. Most female migrant workers are not aware of the rights and protection they are entitled to under Maldivian law. This may prevent the victims from coming forward and reporting cases of violence against them.⁷⁶

59. HFW stressed that it is important to conduct mandatory awareness raising sessions, and develop policies to make the governing bodies responsible for ensuring a good quality of life for them. In addition to this, the Maldivian government needs to move forward with the ratification of migrant workers convention, as it is a major step towards promoting equality and protecting the rights of migrant workers.⁷⁷

60. JS5 noted that no progress has been made in the protection of migrant workers from violence. A trend of xenophobia and intolerance towards other nationals, including migrant workers, has been observed among the general public. In the case of migrant workers, instances of intolerance have occurred despite the fact that these persons are of Muslim faith. Despite actions by human rights groups to raise this issue, the government has not addressed the xenophobic attacks on migrant workers, the discrimination in laws and regulations against them, and the general ill-tolerance towards migrant workers by the general public. In May 2019, the Prison Audit Report found that migrant workers were subjected to highly discriminatory conditions in detention centers and prisons.⁷⁸

61. JS5 recommended that the Maldives adopt and implement legislation to ensure the protection of migrant workers from xenophobic and racial discrimination, and the prevention of discrimination against them and take effective measures to prohibit exploitative labor practices against migrant workers and afford them all rights assured in the Employment Act.⁷⁹

62. TM recommended to strengthen mechanisms for handling labour related complaints to make it more accessible to migrant workers.⁸⁰

Stateless persons

63. ISI noted that the legal framework for nationality in the Maldives could be found in the Constitution, which contained a provision that all Maldivians should be Muslims, therefore imposing a citizenship criteria that was discriminatory on the basis of religion and excluding non-Muslims from obtaining citizenship. The retention of such a Constitutional provision undermines the right to a nationality and is contrary to principles of international law, which prohibits discrimination in relation to the right to a nationality.⁸¹ ISI also recommended that the Government reform article 9(d) of the Maldivian Constitution, which bars non-Muslims from being Maldivian citizens.⁸²

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International

Geneva (Switzerland);

ECLJ	The European Centre for Law and Justice, Strasbourg (France);
GIEACPC	Global Initiative to End All Corporal Punishment of Children London (United Kingdom of Great Britain and Northern Ireland);
HFW	Hope for Women, Male (Maldives);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
ISI	Institute on Statelessness and Inclusion, Eindhoven (Netherlands);
TM	Transparency Maldives, Male (Maldives).
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Access Now and the Committee to Protect Journalists, New York (United States of America);
JS2	Joint submission 2 submitted by: The Advocates for Human Rights and the World Coalition Against the Death Penalty, Minneapolis (United States of America);
JS3	Joint submission 3 submitted by: The Society for Health Education (SHE) in collaboration with the International Planned Parenthood Federation (IPPF) and Sexual Rights Initiative (SRI), New York (United States of America);
JS4	Joint submission 4 submitted by: CIVICUS: World Alliance for Citizen Participation, Voice of Women Maldives and the Asian Forum for Human Rights and Development (FORUM-ASIA), Johannesburg (South Africa);
JS5	Joint submission 5 submitted by: International Federation for Human Rights (FIDH), Maldivian Democracy Network (MDN) and Uthema, Paris (France);
JS6	Joint submission 6 submitted by: Society for Health Education (SHE), International Planned Parenthood Federation (IPPF) and Sexual Rights Initiative (SRI), Male (Maldives).

National human rights institution:

HRCM Human Rights Commission of the Maldives, Male, Maldives.

² The following abbreviations are used in UPR documents:

ICCPR	International Covenant on Civil and Political Rights;
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;
CRC	Convention on the Rights of the Child;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
ICPPD	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/30/8, paras. 141.15–19, 141.22, 143.1–25, 143.30–32, 144.1–3, 144.16–21.

⁴ JS5, pp. 8 and 13.

⁵ JS2, para. 31.

⁶ ISI, para. 33.

⁷ Ibid.

⁸ JS5, p. 5.

⁹ ICAN, p. 1.

¹⁰ JS4, para. 6.5.

¹¹ For relevant recommendations see A/HRC/30/8, paras. 141.1–7, 141.99, 143.26–29, 143.57–58, 144.4–5, 144.9, 144.49.

¹² EC L J, para. 6.

- ¹³ Ibid, para. 11.
- ¹⁴ JS4, p. 15.
- ¹⁵ Ibid.
- ¹⁶ Ibid.
- ¹⁷ Ibid.
- ¹⁸ JS5, paras. 2-3.
- ¹⁹ Ibid, p. 2.
- ²⁰ For the relevant recommendations, see A/HRC/30/8, paras. 141.21, 143.76, 144.6-8.
- ²¹ JS5, para 10.
- ²² Ibid, para. 11.
- ²³ For relevant recommendations see A/HRC/30/8, paras. 141.21, 143.76, 144.6-8.
- ²⁴ HRCM, para. 42.
- ²⁵ Ibid, para. 46.
- ²⁶ For relevant recommendations see A/HRC/30/8, paras. 141.126-129, 143.71.
- ²⁷ HRCM, para. 47.
- ²⁸ Ibid, para. 48.
- ²⁹ JS4, para 4.7.
- ³⁰ Ibid
- ³¹ For relevant recommendations see A/HRC/30/8, paras. 143.43-44, 144.12-15, 144.22-39.
- ³² JS2, paras. 4-6.
- ³³ JS2, para. 31.
- ³⁴ For relevant recommendations see A/HRC/30/8, paras. 141.74-78, 143.45-56, 143.73-75, 143.77-78, 144.40-42.
- ³⁵ JS2, paras. 27-29.
- ³⁶ JS5, paras. 31-32.
- ³⁷ JS1, para. 8.
- ³⁸ For relevant recommendations see A/HRC/30/8, paras. 141.20, 141.82-90, 143.41, 143.59-66, 144.43-48.
- ³⁹ ADF International, paras. 6-7.
- ⁴⁰ ECLJ, para. 8.
- ⁴¹ Ibid, para. 17.
- ⁴² JS1, para. 7.
- ⁴³ Ibid, para. 33.
- ⁴⁴ JS1, paras. 16-17.
- ⁴⁵ Ibid, para. 17.
- ⁴⁶ For relevant recommendations see A/HRC/30/8, paras. 141.66-70.
- ⁴⁷ ISI, paras. 30 and 32.
- ⁴⁸ TM, paras. 10-11.
- ⁴⁹ Ibid, para. 18.
- ⁵⁰ JS1, paras. 9-10.
- ⁵¹ HRCM, paras. 40-41.
- ⁵² For relevant recommendations see A/HRC/30/8, paras. 141.103-108, 143.68.
- ⁵³ HRCM, para. 39.
- ⁵⁴ JS3, para. 12.
- ⁵⁵ JS5, para 12.
- ⁵⁶ JS5, p. 6.
- ⁵⁷ For relevant recommendations see A/HRC/30/8, paras. 141.8-14, 141.81, 141.109-116.
- ⁵⁸ Human Rights Commission of the Maldives, paras. 21-22.
- ⁵⁹ For relevant recommendations see A/HRC/30/8, paras. 141.34-65, 141.91-96, 141.131, 143.35-40, 143.42, 143.67, 143.72.
- ⁶⁰ JS3, p. 7.
- ⁶¹ HRCM, para. 32.
- ⁶² JS6, para. 17.
- ⁶³ JS5, p. 7.
- ⁶⁴ HRCM, para. 32.
- ⁶⁵ HFW, p 4.
- ⁶⁶ Ibid, p5.
- ⁶⁷ For relevant recommendations see A/HRC/30/8, paras. 141.23-33, 141.79-80, 141.97, 143.33-34, 144.10-11.
- ⁶⁸ HRCM, paras. 25 and 29.
- ⁶⁹ GIEACPC, p. 1.
- ⁷⁰ ISI, paras. 28 and 33.

⁷¹ For relevant recommendations see A/HRC/30/8, paras. 141.117–121.

⁷² HRCM, para. 17.

⁷³ Ibid, para. 20.

⁷⁴ ECLJ, para. 2.

⁷⁵ For relevant recommendations see A/HRC/30/8, paras. 141.71–72, 141.122–125, 143.69–70.

⁷⁶ HFW, p. 4.

⁷⁷ Ibid.

⁷⁸ JS5, para 25.

⁷⁹ ibid, p. 8.

⁸⁰ Ibid, para. 18.

⁸¹ ISI, paras. 19–21.

⁸² Ibid, para. 33.