

**Joint UPR submission  
Maldives  
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**FIDH (International Federation for Human Rights)**

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The International Federation for Human Rights, known by its French acronym FIDH, is an international human rights NGO representing 184 organizations from 112 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.

**Maldivian Democracy Network (MDN)**

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MDN is a non-profit NGO working for the protection and promotion of human rights in the Maldives since 2004. MDN has a main focus on civil and political rights, democratic governance and peace, and tolerance.

1. The joint FIDH-MDN Universal Periodic Review (UPR) submission focuses on the following human rights issues in the Maldives, since the second UPR cycle, which began in May 2015: the National Human Rights Institution; human rights defenders; freedom of expression; discrimination against women; violence against women; migrant workers; administration of justice; law enforcement; accountability for past crimes; detention conditions; torture and ill-treatment; enforced disappearances; the death penalty; and freedom of religion or belief.

### **National Human Rights Institution remains ineffective**

2. 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. During its second UPR, the Maldives received five recommendations that called for the “strengthening” of the country’s national human rights institution (NHRI) and ensuring its independence and impartiality. The government accepted four of the five recommendations.
3. 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.
4. Since 2015, MDN's annual review of the performance of the HRCM has included a recommendation that the HRCM establish a hotline or a point of access for human rights defenders to assist in their work. Despite the urgent need for such a system, this recommendation has not been incorporated in the HRCM’s Strategic Plan unveiled in June 2016 for the period of 2016-2020. By contrast, the HRCM has advised MDN to use the commission’s existing complaints mechanism in case of threats to human rights defenders.
5. At the time of writing, the HRCM is accredited as a ‘B’ grade NHRI by the Sub-Committee on Accreditation by the Global Alliances of National Human Rights Institution due to a gap in their enabling act to ensure pluralism within the commission.

### **Recommendations:**

- Provide the Human Rights Commission of the Maldives 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.
- 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.’

## **Human rights defenders remain at risk**

6. Human rights defenders and civil society organizations in the Maldives remain at risk and have continued to receive threats from violent extremists. During its second UPR, the Maldives received 10 recommendations regarding protection and the creation of a safe environment for human rights defenders, journalists, and members of civil society. The government accepted all 10 recommendations,
7. Since December 2018, cases of violent threats have been reported to the Maldives Police Service, but no action has been taken against individuals issuing those threats, particularly through social media platforms. MDN is currently unaware of whether these cases have been investigated. This lack of action by the authorities has emboldened individuals to continue to carry out their targeted harassment of human rights defenders.

### Recommendations:

- Ensure a safe and enabling environment in which human rights defenders are effectively protected and can promote human rights without fear of punishment, reprisal or intimidation.
- End impunity for attacks against human rights defenders by conducting prompt, effective, and thorough investigations, bringing the perpetrators to justice, and providing effective remedies and adequate reparation to the victims.
- Establish an effective mechanism to ensure the effective participation by civil society in decision-making processes related to the development of public policies and the adoption of national laws.

## **Freedom of expression: Online hate speech and threats go unchecked**

8. Politicians, journalists, bloggers, and members of civil society and minority groups continue to face threats from groups who have been targeting individuals and organizations for promoting democratic principles. The Maldives Police Service has been slow at responding to hate speech and threats against those exercising their right to freedom of expression, particularly online. During its second UPR, the Maldives received and accepted six recommendations that called for the respect, protection, and promotion of the right to freedom of opinion and expression.
9. In November 2018, defamation was decriminalized through the repeal by the People's Majlis (Parliament) of the Freedom of Expression and Right to Protection from Defamation Act. This was the result of an ambitious and extremely progressive legislative reform agenda promoted by the Maldivian Democratic Party, which won the parliamentary majority in the April 2019 elections.

## Recommendations:

- Thoroughly investigate all cases of threats, intimidation, and harassment against individuals and organizations, particularly through the use of online platforms, and hold those responsible accountable.
- Take effective measures to tackle hate speech and incitement of violence on mainstream media, social media, educational material, religious sermons, religious advice, and in any other form.

## **Discrimination against women still rife**

10. 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.
11. 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 does 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.
12. 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. Informal data available from funeral records indicate worrying trends in infant mortality and stillbirth numbers, which reflect a deterioration in SRH wellbeing of girls and women. According to data available from the Ministry of Gender, Family and Social Services, from January 2017 to August 2019, 95 cases of pregnancy among school-age girls were reported. In cases of pregnancy, girls are subjected to immediate suspension from formal education and transferred to alternative out-of-school and tuition-based *ad hoc* education, isolation, and social stigma. This situation is underpinned by the failure of the education and healthcare systems to prepare and equip adolescents and young people to care for their reproductive health and well-being.

13. An alarming recent development is the requirement in the National Standards for Family Planning Services 2017 for written spousal consent to obtain sterilization as a family planning method. While this requirement is set for both men and women, the discriminatory norms and practices against women embedded within society are reflected in the healthcare sector towards women seeking SRH rights, which makes these gaps in service provision a serious cause for concern. The Maldives Demographic and Health Survey (DHS) 2016-2017 found that surgical sterilization prevalence is 3.3% among women and 0.1% among men. In addition, the mandatory requirement to obtain spousal consent to surgical sterilization indirectly undermines women's bodily autonomy and access to reproductive healthcare.
14. During its second UPR, the Maldives received one recommendation that called for the government to withdraw the reservations made to Article 16 to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The government accepted this recommendation.
15. In March 2016, the Ministry of Foreign Affairs announced that the cabinet members decided to remove reservations to Article 16 number 1, subsection (b), (e),(f) (g), (h) and number 2 of CEDAW. Despite this decision, the government has made no tangible progress on removing the existing blanket reservations to CEDAW.
16. Lastly, efforts to increase equal opportunities for the participation of women in political life, such as the introduction of quotas and affirmative action, have not been made. Only four of the current 87 members of the People's Majlis are women.

#### Recommendations:

- Ensure the allocation of adequate resources for the effective implementation of the Gender Equality Law.
- Develop a plan and allocate budgets to set up sexual and reproductive health (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.
- Remove mandatory spousal consent for long-term methods of family planning from the national standards.
- Withdraw the reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

#### **Violence against women and gender stereotypes remain widespread**

17. Despite the existence of the 2012 Domestic Violence Prevention Act (DVPA), which criminalizes domestic violence in multiple forms, the implementation of the law remains

ineffective and significant barriers to access justice remain for domestic violence survivors. During its second UPR, the Maldives received and accepted all 13 recommendations that called for measures to address violence against women, including domestic violence and female genital mutilation.

18. One in three women between the ages of 15-49 in the Maldives experience some form of violence at some point in their lives while one in five women experience intimate partner violence (IPV). Annual statistics for 2018 from the Family Protection Authority (FPA) shows that among the over 18 age group, 88% of domestic violence survivors are women and 11.5% are men.
19. Discriminatory practices and significant shortcomings in the judicial system contribute to prevent security and redress for victims of gender-based violence (GBV). There is no data available on the numbers of successful prosecutions of those accused of domestic violence and violence against women (VAW). The few cases that reach court relating to violence against women and girls are often reported to favor perpetrators. A critical case in point is that of Ziyadha Naeem, who suffered fatal injuries inflicted by her estranged husband in 2015. In March 2019, the accused was acquitted in a closed-door trial, despite the strength of evidence against him following a post-mortem and criminal investigations. The State Prosecutor appealed the case in April 2019 while the perpetrator remained at large. The occasional news article highlights the ineffectiveness of redress mechanisms in cases of GBV and VAW, as evidenced by a 2016 case where a man was fined 200 Maldivian rufiyaa (USD13) for assaulting his wife in public.
20. With regard to the promotion of harmful gender stereotypes, such practice is facilitated by the prevailing religious rhetoric that centers around patriarchal views on the unequal position of women. The conservative and radical religious views publicly broadcast using radio and television consistently promote norms, attitudes, and social expectations which undermine women's autonomy, selfhood, and freedoms. In December 2016, the President of the Women's Development Committee in Shaviyani Atoll Lhaimagu was subjected to a chemical attack on her face, followed by death threats. While this type of attack is highly unusual in the Maldives, the introduction of this particular type of violence against women raised alarm among civil society advocates. Women's attire is a constant topic of religious commentary with government entities, which make discriminatory regulations to control women's dress code. Religious narratives also inform the practice of gender segregation in the school environment, which further enhance differences based on sex and division among young people. Overall, the prevailing religious rhetoric undermines the message of gender equality in Islam and fails to promote women's human rights.
21. Chilling evidence on the propagation of harsh punishments against women justified by religious rhetoric is notable from two recent and unprecedented court decisions that permitted the stoning to death of two women who had been accused of extramarital sex. There is no known historical record of the practice of [stoning](#) in the Maldivian judicial system, socio-cultural belief systems, or cultural practices. Despite this fact, in October

2015, a woman was sentenced to [death by stoning](#) in Gaaf Alif Gemanafushi Island by the local magistrate's court. In January 2019, the same sentence was handed out to a woman in [Lhaviyani Atoll Naifaru](#), once again by the local magistrate's court. In [both instances](#), the [Supreme Court](#) intervened and quashed the rulings. However, the introduction of this precedent into the Maldivian judicial system is one of the most alarming retrogression of women's human rights the Maldives has experienced within its judicial and social systems.

22. Corporal punishment, specifically the practice of flogging as *hadd* punishment for adultery, primarily and disproportionately affects women. The government has remained unresponsive to the consistent concerns raised and recommendations presented to change the status quo on the practice of flogging by UN treaty bodies, such as the CEDAW Committee, the Committee Against Torture (CAT), and the Human Rights Committee.
23. Training programs for teachers or other university programs do not promote equal rights for women, and fail to address the stereotypical notions that obstruct women from advancing in society.

#### Recommendations:

- Ensure adequate human and financial resources are allocated to realize the full implementation of the 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.
- Amend the Criminal Code to remove flogging as a punishment for sexual relations outside marriage.

#### **Migrant workers: Increasing discrimination and xenophobia**

24. Since the previous UPR, the situation of migrant workers in the Maldives has severely deteriorated. Migrant workers face severe discrimination in the exercise of their rights as well as modern slavery-type conditions in which they are forced to live in the Maldives. During its second UPR, the Maldives received and accepted all six recommendations that called for the protection of the rights of migrant workers, including through measures aimed at ensuring their safety and the prevention of trafficking.
25. 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.

26. The government has also failed to create mechanisms that are tasked with the protection of migrant workers or that allow migrant workers to file complaints about alleged abuses. Deep-rooted corruption among certain government departments has traditionally been a key contributing factor to the poor treatment of migrant workers. Employers and recruitment agencies that traffic migrants are rarely investigated, and undocumented migrants are simply detained or deported. In April 2019, the government took some steps aimed at reducing corruption in the Department of Immigration under the Ministry of Home Affairs, by transferring most of the tasks related to the recruitment and processing of foreign workers to the Ministry of Economic Development.
27. For several days in February 2019, Maldives Immigration conducted an operation to 'clean up' undocumented migrant workers, during which at least 80 undocumented workers were rounded up and detained in order to be deported. Many of the undocumented migrant workers detained in the sweep were victims of forced labor. These migrant workers spent large amounts of money (often loaned) in order to pay employment agencies and be brought to the Maldives under the false pretense of legitimate employment. In August 2019, the Ministry of Economic Development began a project that would allow undocumented migrant workers to become legally registered to avoid being deported.
28. In 2013, the Maldives passed the Anti-Human Trafficking Act, which prohibits the trafficking in persons. However, the country remains on the 'Tier 2' of the US State Department's 2019 Trafficking in Persons report.
29. During its second UPR, the Maldives also received and accepted 12 recommendations that called for the country to become a state party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The government also accepted two recommendations that called on the Maldives to become a state party to the Trafficking in Persons Protocol to the United Nations Convention against Transnational Organized Crime. However, there have not been any discussions in the People's Majlis around the Maldives' accession to either treaty.

#### Recommendations:

- Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families without further delay.
- Adopt and implement legislation to ensure the protection of migrant workers from xenophobic and racial discrimination, and the prevention of discrimination against them.
- Take effective measures to prohibit exploitative labor practices against migrant workers and afford them all rights assured in the Employment Act.

## **Administration of justice: Reforms underway**

30. Under President Ibrahim Mohamed Solih's administration, the use of the judiciary as a tool of political repression has ceased. During its second UPR, the Maldives received and accepted all 17 recommendations concerning the rule of law and the administration of justice, including 16 recommendations that called on the government to ensure the independence of the judiciary.
31. 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 contained regressive provisions, such as lowering the criteria to become a judge and granting lifetime tenure for certain judges.
32. 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.
33. In August 2019, following legislative changes adopted by the People's Majlis, the Department of Judicial Administration (DJA) was moved to fall under the organizational control of the Judicial Service Commission (JSC), the body responsible for providing administrative support to the courts - mainly the Supreme Court. A reform of the JSC has been undertaken through amendments to the JSC Act by the People's Majlis.
34. Over the past year, the JSC has taken some positive actions. In June 2019, the JSC began investigating judges accused of misconduct and judicial corruption. Eight judges have been under investigation by the JSC, including three Supreme Court Justices, one Drug Court judge, and five magistrates. One Supreme Court Justice, accused of subverting the course of justice and corruption, was dismissed in August 2019. In September 2018, despite Islamist pressure, the People's Majlis approved two female Supreme Court Justices for the first time in the country.
35. In July 2019, the President, Vice-President, and Executive Committee Members of the first-ever Bar Council in the Maldives was elected. The government has also indicated that it plans to establish a Public Defenders' Office.

## **Recommendations:**

- Implement recommendations made by the report of the former UN Special Rapporteur on the Independence of Judges and Lawyers in May 2013.
- Propose necessary amendments to the Constitution to reform the composition of the Judicial Service Commission.
- Bring the Department of Judicial Administration under the Judicial Service Commission.

## **Law enforcement: Human rights training not properly implemented**

36. Human rights training is included in the basic training curriculum of the Maldives Police Service. However, it is evident by the conduct of police officers (both men and women) that no meaningful implementation of this curriculum has been conducted. The content of the human rights curriculum used to train other law enforcement agencies is unknown. During its second UPR, the Maldives received and accepted two recommendations that called for the strengthening of human rights training for law enforcement officials.

### Recommendations:

- Provide adequate training for law enforcement officers to identify and properly investigate hate crimes in both offline and online environments.
- Incorporate internationally accepted human rights elements and principles into the training curriculum for the police academy and increase their awareness within the police service.

## **Accountability for past abuses remains elusive**

37. With regard to the issue of accountability for past human rights violations, there is still no mechanism in the Maldives to hold those alleged of carrying out unlawful orders or those who gave unlawful orders to law enforcement officers accountable. In many cases, these individuals remain in their positions of power within the new government.

38. The Supreme Court ruling on 1 February 2018 that ordered the release of nine political prisoners and the re-investigation of allegations made against these persons remains partly unenforced. Despite the release of some of the other political prisoners, re-investigations of allegations have not commenced. In addition, several victims of unfair detentions and trials on politically-motivated charges under the previous administration remained incarcerated for several months after the new government took office in November 2018.

39. The government assured civil society of a Transitional Justice Bill that will address politically-motivated arrests and detentions, and violations of the right to freedom of expression and freedom of peaceful assembly in the recent years. However, the proposed legislation does not address human rights violations committed before 1 January 2012. If adopted in the current form, the proposed bill would result in impunity for abuses perpetrated under previous governments, such as the administration under former President Maumoon Abdul Gayoom from 1978 to 2008. Former president Gayoom is part of the current government coalition, a fact that may pose obstacles to attempts to address human rights violations that occurred during his presidency.

### Recommendations:

- Implement a holistic transitional justice mechanism aimed at addressing serious human rights violations committed by, or with the acquiescence of, state actors prior to 2012.
- Issue a public apology for past serious human rights violations committed by, or with the acquiescence of, state actors.
- Provide adequate reparation to victims and survivors of past serious human rights violations committed by, or with the acquiescence of, state actors.

### **Detention conditions: Slow implementation of domestic body's recommendations**

40. Despite the government's stated commitment to implement all of the recommendations recently made by a domestic body, the timeline set for the implementation of some of the recommendations has already passed and no action has been taken by the authorities.
41. On 18 December 2018, the government appointed a temporary Prisons Audit Commission to conduct a full review of the condition in prisons and police custodial centers and their adherence to the Standard Minimum Rules for the Treatment of Prisoners. A comprehensive audit was conducted and 182 recommendations were made to the government on numerous issues, including: reduction of the prison population; improved access to, and effectiveness of, medical care in places of detentions; accountability of prison officials; and legislative amendments. The report was handed over to the President in April 2019 and was published with some redactions in May 2019.
42. During its second UPR, the Maldives received and accepted one recommendation that called for a review of the treatment of all detainees to ensure that their rights, safety and security are fully respected.

### Recommendations:

- Implement all the recommendations made by the 2019 Prison Audit Report before the next UPR cycle.
- Create a permanent and independent mechanism tasked with the regular monitoring of conditions in prisons and other places of detention.
- Use community service and other non-custodial measures for non-violent offenders with the aim to decrease incarceration rates.

### **Torture and ill-treatment: Investigations buried amid rampant impunity**

43. Since 2015, police brutality and torture in custody have continued with impunity in the Maldives. This trend is primarily the result of impunity and the culture of protecting perpetrators by institutions. During its second UPR, the Maldives received two recommendations concerning torture and ill-treatment. The government accepted the

recommendation that called on the authorities to investigate allegations of torture and ill-treatment in prisons and to bring those responsible to justice. However, it did not accept the recommendation that called for an end to the application of cruel, inhuman or degrading punishments.

44. The HRCM, which is designated as the primary investigator of allegations of torture under the Anti-Torture Act, is not familiar with legislation surrounding criminal investigations, such as the Criminal Procedure Code and the Criminal Code. Statistics found in the annual reports of the HRCM show that a very low number of investigations result in a case being sent to the Prosecutor General's Office for consideration to charge, and out of those sent most are rejected by the Prosecutor General's Office for flaws in the investigation. In the past 10 years, successive HRCMs have often failed to properly investigate allegations of torture against police. MDN has received credible reports that HRCM commissioners have personally assured the police that they assumed police were innocent with regard to allegations of torture and that the HRCM would not initiate proceedings against policemen suspected of committing torture.
45. Several policemen, who were recorded on video beating a group of people in July 2019, were initially suspended from their employment by the Maldives Police Service. However, their suspension was lifted following the decision of their internal Disciplinary Board. In August 2019, the Maldives Police Service stated that a criminal investigation into this case had commenced and that the suspects would no longer be allowed to interact with the public before the investigation concludes.
46. There is no oversight mechanism for the Maldives National Defense Force except for the Parliament's Special Committee on National Security. However, this committee is generally not accessible to the public and does not have published procedures for investigating public complaints.
47. The government said that it would proceed with allowing individuals complaints under Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as pledged during the UN CAT's review of the Maldives in 2018.

#### Recommendations:

- Conduct training on the prevention of torture for prison officials and police personnel assigned to prisons and other places of detention.
- Conduct training for Human Rights Commission of the Maldives' investigators to enable them to adequately investigate torture allegations.
- Create a Medical Examiner's Laboratory to investigate and ascertain the causes of deaths in custody.
- Ensure proper monitoring and supervision of prison officials in the form of CCTV cameras in all prisons and other places of detention.

- Provide the necessary human and financial resources for the Human Rights Commission of the Maldives to conduct regular visits to prisons and other places of detention.
- Allow civil society organizations to make unannounced visits to prisons and other places of detention to interview police, prison officials, and detainees.

### **Enforced disappearances: No breakthrough in investigations**

48. Despite some positive steps taken by the administration of President Solih, there has been no breakthrough in the investigations into cases of enforced disappearances in the Maldives.
49. One of the main pledges of President Solih has been to bring justice to victims of enforced disappearance and politically-motivated and gang-related killings in the Maldives. In November 2018, President Solih appointed a special Commission on Deaths and Disappearances, which is tasked with investigating 27 cases of enforced disappearance and killings that occurred between 1 January 2012 and 17 November 2018. Such cases include the murders of moderate religious scholar and MP Afrasheem Ali and writer Yameen Rasheed (killed in October 2012 and April 2017 respectively), and the disappearance of journalist Ahmed Rilwan (last seen in August 2014). However, as of the end of September 2019, no investigations had been completed and no arrests had been made in connection with the 27 cases that are under the commission's purview.
50. On 1 September 2019, during a press conference to make public the preliminary findings of its investigation into Rilwan's disappearance, the Commission on Deaths and Disappearances revealed that elements within the police and senior government officials had colluded with perpetrators to cover up disappearances and obstruct the investigations.
51. During its second UPR, the Maldives received four recommendations that called for the country to become a state party to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). All four recommendations were accepted. Regrettably, there have been no discussions in the People's Majlis to implement this recommendation.

### **Recommendations:**

- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance without further delay and incorporate its provision in domestic laws.
- Complete all investigations on pending cases of enforced disappearances, identify the perpetrators, and hold them accountable.

## **Death penalty: No progress towards complete abolition**

52. Since 2015, there have been no efforts to move towards the complete abolition of the death penalty in the Maldives. During its second UPR, the Maldives received (and did not accept) 25 recommendations concerning the use of the death penalty. Thirteen recommendations called for the continuation of a moratorium on the use of the death penalty.
53. In November 2018, during the UN CAT's review of the initial report of the Maldives, the government delegation pledged to reinstate the moratorium on the death penalty and commute all death sentences to life imprisonment. Furthermore, the delegation expressed the intention to vote in favor of the UN General Assembly resolution on the moratorium on the use of the death penalty. Despite this pledge, in December 2018, the Maldives voted against the resolution and the government declared that executions will resume after judicial reform.
54. In response to a Right to Information application, in June 2019 the Maldives Correctional Service revealed that as of November 2018 there were 28 prisoners on death row – an increase from the 11 recorded in early 2014. The RTI also mentioned that nine individuals have had their death sentences commuted to life imprisonment since the change of government in late 2018.
55. Four of the recommendations received in 2015 also called for a ban on death sentences against persons who are below the age of 18 at the time of the commission of the alleged offense. The current laws do not allow for a minor to be sentenced to death. However, it allows suspended sentences for persons who are below the age of 18, as a result of which minors are placed under house arrest until they turn 18, when the death sentence then comes into effect.

### Recommendations:

- Immediately reinstate the moratorium on the use of the death penalty and commute all death sentences to life imprisonment.
- Make public all information concerning the use of the death penalty, including detailed statistics on the existing death row population in the Maldives.
- Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **Freedom of religion or belief: Religious extremism on the rise**

56. Since the previous UPR, those who have used social media to convey liberal, progressive, or secular views continue to come under attack by religious extremists. The attacks have not been limited to those who promote views against Islamic law (Shari'a). Religious extremists and licensed clerics have labeled anyone who disagrees with their interpretation of Shari'a or prescriptions of Islam as 'anti-Islamic.' During its second UPR, the Maldives

received (but did not accept) one recommendation that called for the development of “necessary institutional infrastructure to promote mutual understanding, tolerance and [...] to contribute to addressing religious extremism and strengthening cultural diversity.”

57. State authorities continue to control dialogue on religious affairs under the Religious Unity Act. The only section of society allowed to engage in dialogue around religion is the clerics licensed under the Religious Unity Act. Between 2017 and 2019, several individuals have continued to be summoned or arrested and face criminal investigation under the Religious Unity Act for expressing nonviolent views relating to religion.

Recommendations:

- Allow for non-citizens to practice their religion publicly and decriminalize the presence of non-Muslim places of worship in the country.
- Grant legal protection and recognition to individuals belonging to religious and sexual minorities, with the aim to prevent physical attacks and other forms of harassment against them.