

# MALDIVES 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. On September 23, voters elected Ibrahim Mohamed Solih president. Observers considered the election itself as mostly free and fair despite a flawed pre-election process. Parliamentary elections held in 2014 were well administered and transparent according to local nongovernmental organization (NGO) Transparency Maldives (TM), although there were credible reports of vote buying.

Civilian authorities maintained effective control over the security forces.

On February 1, the Supreme Court ordered the release of and new trials for former president Mohamed Nasheed and eight other political prisoners who had been arrested under a variety of terrorism- and corruption-related charges and ordered the reinstatement to parliament of 12 opposition MPs. The ruling effectively gave the opposition the majority in parliament. In response, Maldives Parliament Speaker Abdulla Maseeh Mohamed (Maseeh) postponed the opening of parliament, the government arrested Supreme Court Chief Justice Abdulla Saeed and Supreme Court Justice Ali Hameed, and President Abdulla Yameen declared a state of emergency (SoE). On February 6, the remaining three Supreme Court justices rescinded part of the order to release the political prisoners and in April rescinded the reinstatement of the 12 MPs. Following the 45-day SoE, the government continued to jail opposition leaders and supporters, consolidated its power in the Supreme Court and Elections Commission (EC), and disqualified opposition candidates in the lead-up to the September elections. Despite what the TM described as systematic rigging during the pre-election phase, voting on September 23 was generally free and fair, and resulted in the election of opposition candidate Ibrahim Mohamed Solih. Following the elections, the Criminal Court and High Court freed most jailed opposition leaders, and reinstated the 12 previously removed opposition MPs. In October, President Yameen formally contested the presidential election results on the grounds of fraud and vote rigging, but the Supreme Court ruled there was no constitutional basis to question the legality or results of the election. On November 17, President Solih was sworn in. On November 26, the Supreme Court annulled former president Nasheed's conviction under terrorism charges.

Human rights issues included arbitrary detention by government authorities; unexplained deaths in prison; political prisoners; arbitrary and unlawful

interference with privacy; the repeal of the antidefamation law; undue restrictions on free expression and the press; substantial interference with the right of peaceful assembly and freedom of association; severe restrictions on political participation; corruption; trafficking in persons; criminalization of same-sex sexual conduct; the lack of a legal framework recognizing independent trade unions; and child labor.

The government did not take steps to prosecute and punish police and military officers who committed abuses, and impunity for such abuses remained prevalent.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no official reports that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. The government took steps to investigate disappearances reported in previous years.

On November 17, President Solih created a Commission on Investigation of Murders and Enforced Disappearances to investigate cases such as the 2014 disappearance of independent news outlet Maldives Independent reporter Ahmed Rilwan. In August the Criminal Court acquitted two of three suspects charged under the 1990 antiterrorism act that prohibits abduction, citing lack of evidence. The court argued Maldives Police Service (MPS) had failed to conduct an adequate investigation and the Prosecutor General's Office (PG) had submitted inadequate evidence. Rilwan's family announced its intent to sue the MPS and the PG for negligence, alleging the court's decision proved "at a minimum state complicity and, at worst, active involvement." The third suspect to be charged was not tried after his family informed the court he had died abroad. Media reported he had travelled to Syria to join militant groups involved in the civil war. The National Integrity Commission (NIC) continued to investigate a 2016 complaint filed by Rilwan's family claiming police negligence. In a public speech in August, President Yameen announced Rilwan was dead, but the former president later retracted the statement.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and the Anti-Torture Act prohibit such practices, but there were reports of torture and cruel, inhuman, or degrading treatment or punishment. The law permits flogging and other forms of corporal punishment, and security officials employed such practices.

According to the Human Rights Commission of Maldives's (HRCM) fifth annual antitorture report, released during the year, the MPS was accused in 37 of the 54 cases of torture submitted to the commission between July 2017 and June. The Maldives Correctional Service (MCS) was accused in 13 cases. The HRCM closed investigations in 50 of the cases, finding no evidence of torture. One alleged case of torture the HRCM submitted for prosecution in November 2016 remained on trial as of September. NIC reported investigating another case in which police officers had pepper sprayed two detainees in the groin. There were also several allegations of police brutality from journalists and opposition protesters arrested during antigovernment protests. In February independent media outlet Raajje TV said police arrested and kicked one of its reporters unconscious while he was covering an antigovernment rally.

Government regulation permits flogging as a form of punishment. The Department of Judicial Administration reported flogging nine men and six women as of June, with two flogged for consuming alcohol. According to a 2014 Supreme Court guideline, the court must delay the execution of a flogging sentence of minors until they reach the age of 18.

### **Prison and Detention Center Conditions**

Prisons were overcrowded in some cases and lacking adequate sanitary conditions and medical care, but they generally met most international standards.

Physical Conditions: According to the Prisons and Parole Act, pretrial detainees should be held separately from convicted prisoners, but this was not always done. MCS oversaw the operation of four prison facilities: Asseyri Prison, Hulhumale Prison, Maafushi Prison, and Male Prison. The MCS also operated the MCS Ahuluveri Marukazu and the Male Ahuluveri Marukazu rehabilitation centers for inmates scheduled for parole, while the MPS operated Dhoonidhoo pretrial Detention Center and Male Custodial Center. Detainees reported overcrowding and inadequate hygiene and sanitation standards in prisons and pretrial detention

facilities. Authorities held undocumented migrant workers awaiting deportation or legalization in a facility that also housed convicts. Although the law requires the Ministry of Home Affairs to designate a separate facility to hold remanded detainees on trial, the MCS continued to hold them in Maafushi Prison, which also holds convicted prisoners.

There were 13 cases of unexplained deaths in custody from August 2016 to August 2018. NIC was investigating six of these deaths but had not concluded investigations as of September. The HRCM independently investigated 11 cases of custodial deaths and concluded four of the cases were natural deaths. The HRCM had not concluded investigations in the seven remaining cases as of August. Civil society sources reported that although the MCS had declared a number of the deaths resulted from heart attack or stroke, most of the detainees did not have a history of heart disease, and the MCS failed to determine the cause of the strokes. All of the inmates who died in custody had reportedly requested medical attention in the days or weeks leading up to their deaths. The law requires the HRCM be informed immediately in the case of any deaths in state custody and be allowed to inspect the body prior to burial. Authorities implemented this provision; however, in most cases they moved the body to a second location, such as a hospital, before the HRCM was able to inspect the bodies.

The HRCM reported conditions varied across detention facilities. In most of the facilities overseen by the MCS and MPS, detainees were not allowed to leave their cells except for visitation. In Male Prison and the maximum-security unit of Maafushi Prison, detainees had reportedly not been allowed outside to exercise for more than a year. The HRCM reported poor ventilation and lack of electricity in cells at Dhoonidhoo Custodial Center. Local NGO Maldives Democracy Network (MDN) reported authorities denied detainees held in Dhoonidhoo access to medical care and potable drinking water, especially those arrested during the SoE imposed in February. Authorities held some prisoners in solitary confinement at Maafushi Prison in specialized cells without ventilation or electricity. Although inmates were generally not held in solitary for extended periods of time, prisoners regardless of length of time in solitary were not provided mattresses, pillows, or mosquito repellent. Most prisoners were held in cells open to the elements, allowing mosquitoes to enter their cells. Sources reported Hussain Humam Ahmed, a 24-year-old man convicted in the 2012 murder of a parliamentarian, has been in solitary confinement since 2012.

As of July the MCS received 299 complaints from detainees regarding inadequate access to medical care. In its fifth annual antitorture report, the HRCM reiterated

reports from previous years that specialist doctors were not permitted to examine some inmates who claimed to have been tortured. Nurses were stationed for 24 hours at two of the five detention facilities overseen by the MCS, while no facilities had a doctor on call 24 hours a day. Local hospitals did not set aside quotas for detainees seeking medical attention, leading to difficulties in getting appointments for detainees to seek specialist care in a timely manner. Some high-profile convicts reported being denied permission to travel abroad for necessary medical treatment. The government denied former vice president Ahmed Adeen's request to travel abroad to undergo cancer screenings and treatment for conditions that included internal cysts, kidney stones, and glaucoma, deciding instead to treat his conditions locally and releasing him to house arrest. During the year President Yameen repeatedly said Adeen would be granted medical leave once he repaid money he allegedly embezzled from the state.

Some political prisoners in Maafushi Prison faced significantly different conditions from those of the general prison population. High-profile prisoners were usually placed in a dedicated unit with larger cells and better ventilation, and some were also allowed out of their cells during the day. Reportedly at the request of the Home Ministry, some political prisoners were held in the same unit with the same poor conditions as the maximum-security prisoners.

Administration: According to the HRCM's fifth antitorture report, detention facilities overseen by the MCS and MPS did not have enough CCTV cameras or maintain CCTV coverage for an adequate length of time, posing challenges in the investigation of allegations of mistreatment or torture. The HRCM also noted the MPS did not maintain records of detainees they held for less than 24 hours, leading to difficulties in verifying torture complaints or the identities of responsible police officers. During the February SoE, authorities denied detainees regular access to lawyers or family members. A police procedure introduced in 2016 prohibiting meetings between detainees and legal counsel on Fridays and Saturdays remained in place.

Independent Monitoring: The government generally permitted regular and unannounced prison visits by the HRCM, so long as a presidentially appointed commissioner was present during the visit. The HRCM provided recommendations to the government addressing deficiencies. The HRCM conducted only three visits (to two police stations and one prison) as of July. The HRCM reported that, although it has the legal mandate to enter detention facilities without prior approval, the MCS and MPS required a letter signed by an HRCM commissioner before allowing access. Facilities required a commission member,

appointed by the president, to accompany the visits. NIC had a legal mandate to visit detention facilities as part of investigations in progress, and it reported the MCS and MPS did not impose the same conditions on NIC investigative officers. The government generally permitted visits by the International Committee of the Red Cross/Red Crescent (ICRC) and other international assessment teams with prior approval. The ICRC reportedly conducted visits to all detention facilities overseen by the MCS during the year but had not produced any report on its findings as of September.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide the right of any person to challenge the lawfulness of his or her arrest or detention in court; however, the government failed to enforce the law consistently, especially in cases against members of the political opposition and those who were arrested during the SoE.

#### **Role of the Police and Security Apparatus**

The MPS is responsible for internal security, public safety, and law and order, and reports to the Ministry of Home Affairs. The Maldives National Defense Force (MNDF) is responsible for external security and disaster relief, but the MPS at times requested MNDF assistance in matters of internal security and law and order. The chief of the MNDF reports to the minister of defense and national security. The president is commander in chief of the MNDF.

Civilian authorities generally maintained control over the MPS and MNDF, and the government has mechanisms to investigate and punish abuse and corruption. NIC is the primary mechanism to investigate abuses by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to the police for further investigation. Evidence indicated these authorities did not function independently. NIC reported it received 134 complaints of MPS human rights violations as of July 31, but it had completed investigations in only two of the cases. As of August, NIC had also only completed nine out of 61 complaints of MPS human rights violations received in 2017.

Human rights organizations reported the courts did not fairly adjudicate allegations of police brutality and, as a result, police enjoyed impunity.

There is no independent review mechanism to investigate abuses by military forces. Parliament and the judiciary, however, are able to initiate investigations on an ad hoc basis. The HRCM reported investigating two complaints of torture by military officers during the year. In some instances military forces interfered in civilian political activities. On several occasions in February, military officers repeatedly blocked parliamentarians' access to parliament and physically removed them from the building.

### **Arrest Procedures and Treatment of Detainees**

The constitution states an arrest may not be made unless the arresting officer observes the offense, has reasonable evidence, or has a court-issued arrest warrant. The Criminal Procedure Act allows police to arrest a person if a police officer has reason to believe a person has committed, is committing, or is about to commit an offense or may attempt to destroy evidence of a major crime. The MPS generally complied with arrest procedures when making arrests. Authorities reported newer officers sometimes did not comply with arrest procedures, such as timely informing of the reasons for an arrest. The law provides for an arrestee to be verbally informed immediately of the reason for arrest and to have the reason confirmed in writing within 12 hours of arrest.

Prisoners have the right to a ruling on bail within 36 hours, but the courts did not implement bail procedures consistently, and several lawyers and activists reported judges were ignorant of bail procedures. The law also requires an arrestee be informed of the right to remain silent and that what the arrestee says may be used in a court of law. The law further provides that arrestees are to have access to a lawyer at the time of arrest. A lawyer may be court appointed in serious criminal cases if the accused cannot afford one. The law allows police to question a detainee in the absence of counsel if the detainee's lawyer does not appear within 12 hours without adequate reasons for the delay. Police normally informed the arrestee's family of the arrest within 24 hours. The law does not require that police inform the family of the grounds for the arrest unless the arrestee is younger than 18 years of age, in which case a parent or guardian must be informed within four hours.

The law provides for investigative detention. A person detained for investigation is allowed one telephone call prior to police questioning. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges may be filed. If law

enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. During the February SoE, the government suspended the Criminal Procedure Act, and police failed to present dozens of arrested opposition activists before a judge within 24 hours to justify continued detention. They were held in detention for days or weeks before being released and many had not been charged as of September. Judges have the authority to extend detention upon receiving an arresting officer's petition but must cite factors such as the detainee's previous criminal record, status of the investigation, type of offense in question, and whether the detainee poses a threat if released.

Arbitrary Arrest: The Criminal Procedure Act allows police to detain individuals for questioning for four hours, without the detention being classified as a formal arrest. Human rights organizations and defense lawyers reported police routinely abused this provision to detain protesters as an intimidation tactic. Dozens of opposition activists were arrested during the February SoE and held for four hours without questioning. Police reportedly held the suspects under investigative or administrative detention without formal arrest as a way to remove opposition supporters and journalists from the streets.

Pretrial Detention: Authorities held dozens of opposition activists arrested during the February SoE for weeks before releasing them without charges. Ibrahim Siyad Gasim, the son of Jumhooree Party leader Gasim Ibrahim, was arrested on suspicion of bribery in February and held in custody until July. The Criminal Court nullified the case against him on November 5, stating the prosecution had not submitted evidence proving Gasim paid bribes during preliminary hearings. The trial for opposition MP Faris Maumoon, who was arrested on suspicion of bribery in July 2017, began in January. Social media activist Ahmed Ashraf, who was arrested in Sri Lanka and returned to Maldives in 2015, has remained under house arrest since March 2017. He had been kept in a police custodial center from November 2015 until March 2017. Although Ashraf was first arrested on suspicion of "terrorism," the police charged him for a separate offense of "threatening" a ruling party council member. His trial has been stalled without explanation since the last hearing held in March 2016. If convicted, Ashraf faces a maximum sentence of one-year's imprisonment.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and the Criminal Procedure Act stipulate conditions under which a person can be arrested or detained and provides everyone the right to appeal and the right to compensation for unlawful arrest or detention. The High Court routinely hears appeals of arrest warrants or pretrial detention orders, but defense



lawyers claimed High Court judges tended to seek justification for upholding such orders rather than questioning the grounds and merits of detention and delayed verdicts until the authorized pretrial detention orders expire. The appeal courts did not accept appeals of detentions authorized for the duration of a trial already in progress, based on a 2012 High Court decision that ruled trial judges have discretionary authority to authorize detention of suspects for the duration of pending trials as well as on a 2009 Supreme Court ruling that decisions made by judges using discretionary authority cannot be appealed.

Victims of unlawful or arbitrary arrest or detention can submit cases to the Civil Court to seek compensation, but they did not commonly exercise this right.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary was not completely independent or impartial, and was subject to influence. There were numerous allegations of judicial impropriety and abuse of power, with large numbers of judicial officials, prosecutors, and attorneys reportedly intimidated or bribed. Government officials, opposition members, and members of domestic and international civil society accused the judiciary of bias and accused the executive branch of manipulating judicial outcomes.

The five-member Supreme Court is supposed to be constitutionally independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it. Many judges, appointed for life, held only a certificate in sharia, not a law degree. Most magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. An estimated one-quarter of the country's judges had criminal records. Media, human rights organizations, and NGOs criticized the Judicial Service Commission for appointing unqualified judges. According to a 2016 Commonwealth Human Rights Initiative report, the composition of the commission, tasked with vetting and appointing judges, was flawed, leading to a politicized judiciary. Judges exhibiting judicial independence were often transferred to a lower court or another island as retribution.

After the Supreme Court overturned the convictions of nine political prisoners on February 1 and ordered their release pending retrials, President Yameen declared a SoE and the MPS arrested then chief justice Abdulla Saeed and Supreme Court justice Ali Hameed, and charged them with terrorism, bribery, influencing official conduct, and obstruction of justice. The remaining three Supreme Court justices

subsequently overturned sections of the February 1 order “in light of concerns raised by the President.” The SoE was lifted after 45 days. In March the ruling coalition in parliament passed an amendment to the Judges’ Act to state any judge convicted of a criminal offense would be immediately removed from office if the Supreme Court upholds the conviction, with parliamentarians specifically stating the amendment was intended to disbar Saeed and Hameed. In June the Supreme Court upheld the convictions of Saeed and Hameed on charges of influencing official conduct, following which they were removed from the bench. On December 5, the High Court overturned Hameed’s conviction.

### **Trial Procedures**

The constitution and the Criminal Procedure Act provide for the right to a fair and public trial, although the judiciary did not always enforce this right. The law provides that an accused person is presumed innocent until proven guilty. Most trials were public and conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. The courts, however, have increasingly been arbitrarily closed to the public. The constitution states defendants have a right to be informed of the charge without delay in a language understood by the defendant. The law states a defendant must be provided with a copy of the case documents within five days of charges being submitted to court. The law provides that an accused person has a right to be tried in person and have adequate time and facilities to prepare a defense. Some high-profile politicians, including opposition MPs Faris Maumoon and former president Maumoon Abdul Gayoom, reported authorities obstructed regular meetings with lawyers during detention, and lawyers discovered their meetings were being recorded or monitored. The constitution states the accused has the right not to be compelled to testify. The law provides the right to free assistance of an interpreter and governs trial procedures. Judges question the concerned parties and attempt to establish the facts of a case. Accused persons have the right to defend themselves and during a trial may call witnesses and retain the right to legal representation. Defendants and their attorneys have the right to full access to all evidence relating to their case, may cross-examine any witnesses presented by the state, and may present their own witnesses and evidence. The judiciary failed to enforce these rights in cases of high-profile politicians. In June former president Maumoon Abdul Gayoom was sentenced to four-months’ imprisonment on charges of obstructing justice following a trial where the judge refused to admit defense witnesses and hearings were held without legal representation after Gayoom’s lawyers recused themselves, citing procedural irregularities.

Islamic law as interpreted by the country is applied in situations not covered by civil law. The law provides for the right to legal counsel, and those convicted have the right to appeal. The testimony of women is equal to that of men in court, except on rape and other issues specifically stipulated by the country's legal code.

### **Political Prisoners and Detainees**

The Yameen government asserted there were no political prisoners; however, the opposition, international and domestic NGOs, and members of the international community estimated that at one time there were at least six to nine political prisoners and likely many more. The political prisoners identified by these groups were convicted of terrorism, weapons smuggling, obstructing justice, or bribery charges. Support staff of these political prisoners were also arrested on charges of terrorism and bribery. The Office of the High Commissioner for Human Rights and UN officials were allowed access to these prisoners on scheduled visits and upon request. Several high-profile prisoners have been released since President Solih's election, and on November 17, President Solih created a Presidential Committee on Releasing Prisoners.

Former president Mohamed Nasheed, who was leader of the opposition Maldivian Democratic Party and ran against President Yameen during the 2013 presidential election, was subjected to a rushed trial in 2015 on terrorism charges and many of his due process rights were ignored, according to international observers. The UN Working Group on Arbitrary Detention in 2015 determined Nasheed's detention was politically motivated and assessed that serious due-process violations indicated Nasheed had not received a free and fair trial. The government announced its rejection of the working group's findings in a 2015 press release. In January 2016 the government granted approval for Nasheed to travel to London on a medical furlough. He stated he was unable to return due to concerns he would again be arbitrarily detained. In July 2016 former vice president Adeen claimed Nasheed's 13-year terrorism sentence was masterminded under direct government scheming and influence and offered to testify in the Supreme Court to provide evidence of his claims. The Supreme Court ordered a stay on Nasheed's conviction October 30, opening the way for his return to the country, and cleared his conviction November 26, ruling that Nasheed was wrongfully charged.

The courts sentenced opposition Adhaalath Party leader Sheikh Imran Abdulla to 11-years' imprisonment in 2016 on terrorism charges on the grounds his speech at an opposition rally incited protesters to become violent. The human rights NGO TM, however, asserted during the speech Sheikh Imran repeatedly denied any

intent of violence against the government. In February the UN Working Group on Arbitrary Detention determined Imran's detention was politically motivated and assessed that serious due-process violations indicated Imran had not received a free and fair trial. The Supreme Court overturned Imran's sentence on November 22, ruling the lower courts failed to review properly the evidence against him.

The courts also sentenced opposition Jumhooree Party leader Gasim Ibrahim to three-years' imprisonment in absentia in August 2017 on bribery charges. The grounds for his charge was a speech Gasim gave at an opposition rally in which he said opposition parties would grant party tickets for 2019 parliamentary elections to MPs who voted for a no-confidence motion submitted against Speaker Maseeh, which the court said amounted to offering a bribe to an elected official. The Criminal Court initially dismissed the charges, but the government appealed. Two of the judges on the trial bench were transferred to lower courts within hours of the dismissal, and new judge Adam Arif restarted the trial within days of the government's appeal. Judge Arif held closed hearings in Gasim's case and sentenced him in absentia in a ruling issued after midnight, while Gasim was hospitalized after collapsing in the courtroom hours earlier. In September 2017 the government authorized Gasim to travel to Singapore on a medical furlough. The government identified Gasim as a fugitive of the state when Gasim did not return within the time allotted for medical furlough. Gasim remained in Singapore under medical advisement until November 2017 when he traveled to Germany for further medical treatment, in contravention of a travel ban the government placed on him. On October 4, Gasim returned to the country after the High Court ordered his release on bail, and on October 22, the High Court acquitted Gasim, citing procedural irregularities during his criminal court hearings.

In 2016 the government rejected the opinion of the UN Working Group on Arbitrary Detention that former defense minister Mohamed Nazim's arrest and detention was arbitrary based on two of the five categories used by the group to establish an opinion. The working group recommended Nazim's immediate release and that he be accorded an enforceable right to reparations. Nazim remained in detention and reportedly had chronic medical problems that remained unaddressed. In 2016 former vice president Adeeb claimed Nazim had been framed and offered to testify in the Supreme Court to provide evidence of his claims. The Supreme Court suspended Nazim's sentence on November 4.

In June former president Maumoon Abdul Gayoom was sentenced to one-year-and-seven-months' imprisonment on charges of obstructing justice. The state argued he had refused to hand over his mobile phone to police following his arrest

in February. The Criminal Court had refused to admit defense witnesses and several hearings were held without affording Gayoom legal representation after his lawyers recused themselves citing “grave procedural defects.” In September, Gayoom was released on appeal to the High Court. In October the High Court acquitted Gayoom, citing procedural irregularities during his criminal court hearings. As of October 23, Gayoom remained on trial on separate charges of terrorism.

In June opposition MP Faris Maumoon was sentenced to four-months’ imprisonment on charges of identity fraud. The state argued he had used the ruling Progressive Party of Maldives (PPM)’s flag and logo after he had been expelled from the party. In July, Amnesty International declared Faris Maumoon a prisoner of conscience who was convicted on fabricated charges. He was released on bail in September, and on October 25, the High Court overturned his identify fraud sentence; however, he remained on trial on separate charges of bribery and terrorism on allegations he attempted to bribe parliamentarians to overthrow the government and faced 17-20-years’ imprisonment.

Former vice president Ahmed Adeeb was serving a 33-year prison sentence on multiple counts of corruption and terrorism, including for an alleged plot to kill the president, and was kept in solitary confinement until his November 27 transfer to house release. Former prosecutor general Muhthaz Muhsin served two years of a 17-year sentence for an alleged coup plot before the High Court overturned his sentence November 22.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations through domestic courts. The Civil Court addressed noncriminal cases.

### **Property Restitution**

In September the Ministry of Tourism ordered approximately 80 individuals living in 18 houses on H. Dh. Kulhudhuffushi to vacate their residences within five days to make way for the construction of an airport. In August the island’s magistrate court had dismissed cases filed by two of the households alleging the government had not provided the amount of compensation it promised when ordering the households to move in 2017. In October the High Court overturned the magistrate court’s rulings, citing lack of due process and ordered the magistrate court to review the decisions.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits security officials from opening or reading radio messages, letters, or telegrams, or monitoring telephone conversations, except as expressly provided by law. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation.

On several occasions, the MPS entered private homes without search warrants, to obstruct opposition political activity. In February, after failing to locate MP Ilham Ahmed for arrest under a warrant, the MPS took his wife, Aminath Maasha, into custody on two separate occasions and only released her after Ahmed turned himself in to police.

In February the MPS issued new rules specifying detainees must speak in either Dhivehi or English with their lawyers after former president Gayoom engaged in private consultations with his lawyer in Arabic.

In March, days after Amnesty International prisoner of conscience Thayyib Shaheem claimed his mobile phone number was disconnected and reassigned to a third party who had changed the passwords to his social media accounts using the number, telecommunications company Dhiraagu confirmed it had allowed the MPS to access Shaheem's mobile phone SIM card based on a criminal court order.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, except on religious matters, but the government imposed legal restrictions on this freedom and regularly obstructed this right.

Freedom of Expression: The Anti-Defamation and Freedom of Expression Act, enacted in 2016 and repealed November 14, criminalized any expression that “contradicts a tenet of Islam, threatens national security, contradicts social norms, or encroaches on another’s rights, reputation, or good name.” The act imposed fines of up to two million Maldivian rufiyaa (MVR) (\$129,800) for violations and jail terms of up to six months for failure to pay fines. According to the law,

journalists could also be required to reveal the sources of alleged defamatory statements in direct contravention to Article 28 of the constitution, which states, “No person should be compelled to disclose the source of any information that is espoused, disseminated, or published by that person.”

Ministry of Youth regulations prohibit publishing literary material without first seeking authorization from the National Bureau of Classification. The regulations define publication of literary material as “any writing, photograph, or drawing that has been made publicly accessible electronically or by way of printing, including publicizing or circulating on the internet.”

On several occasions during the year police sought to limit free speech and expression by arresting and questioning individuals who participated in opposition political activities, while taking no action against those inciting violence against opposition leaders. According to media sources, the government directly and indirectly forbade civil servants from attending opposition political events, firing or transferring those who did so. Opposition parties reported difficulty conducting lawful rallies because of 2016 amendments to the Freedom of Peaceful Assembly Act that imposed additional restrictions on planning and execution of protests. Police and members of the military routinely monitored opposition rallies. Police reported they had dispersed 72 protests for violation of the Freedom of Peaceful Assembly Act as of July 31. Journalists reported police intimidation against protesters and journalists covering the raids and protests, including physical assault, use of pepper spray, and deliberate damage of equipment.

The constitution prohibits utterances contrary to tenets of Islam or the government’s religious policies.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Criticism of the government and debates on societal problems were commonplace, but media did not question Islamic values or the government’s policies on religion. Until repealed November 14, under the Anti-Defamation and Freedom of Expression Act, the government could impose heavy fines against media outlets that broadcasted criminalized content and could revoke licenses of websites and outlets that failed to pay the fines.

Police routinely detained journalists covering protests and held them for several hours before releasing them without charges. During the February SoE, the MPS obstructed journalists from approaching or covering opposition protests, sometimes confiscating their equipment.

In August the Maldives Broadcasting Commission (MBC) issued two fines totaling MVR two million (\$129,800) against independent news outlet Raajje TV for broadcasting an opposition parliamentarian's speech at a rally the MBC claimed threatened national security and defamed President Yameen. Raajje TV alleged the fines were "a calculated and well coordinated attack to obstruct its efforts to make President Yameen's government accountable ahead of presidential elections." In March the MBC fined independent news outlets VTV and sister outlet VFM MVR 400,000 (\$26,000) and Sangu TV MVR 100,000 (\$6,500) for broadcasting a speech by an opposition parliamentarian deemed defamatory towards President Yameen. Independent and pro-opposition media claimed the charges and fines were part of the government's systematic attempts to silence free speech.

Violence and Harassment: Authorities attacked, harassed, and intimidated media representatives. Approximately 20 journalists from various outlets that covered a February 16 opposition protest sought medical treatment due to manhandling and close-range pepper spraying by MPS officers. Hassan Hussain, a reporter from Raajje TV, lost consciousness due to police brutality and remained hospitalized for weeks. A statement from the PPM accused reporters of organizing the protest that preceded the crackdown on the media. The next day the MPS accused the reporters of spreading false information and "behaving like protesters."

On February 8, Raajje TV preemptively shut down its operations for 56 hours following threats from both state and nonstate actors and in expectation of an imminent government order to close. Days before, PPM deputy leader Abdulla Abdul Raheem had repeatedly called on authorities to shut down the station, and on February 3, a small group of government supporters led by PPM MP Abdulla Yameen gathered near the Raajje TV office and led a chant calling to burn it down. Progovernment social media outlets continued to call for Raajje TV to be shut down in the first week of February. In April, Raajje TV said they had credible information that PPM officials paid a criminal gang to assault their chief operating officer Hussain Fiyaz Moosa.

Censorship or Content Restrictions: The Parliament Privileges Act and the Anti-Defamation and Freedom of Expression Act allow authorities to force journalists to reveal their sources, but authorities did not routinely take advantage of this provision. Media reported higher levels of self-censorship in reporting political news following the passage of the Anti-Defamation and Freedom of Expression Act. Several outlets continued to avoid publishing bylines to protect their



journalists from possible punitive actions. Members of civil society organizations and journalists said crackdowns on political opposition members led them to self-censor.

In January after all local mainstream media outlets covered a statement released by convicted former vice president Adeen, the MCS issued a statement threatening to take action against any outlets that “promote” convicts by broadcasting their interviews or statements. In May as convicted opposition leader Nasheed campaigned in the Maldives Democratic Party (MDP) presidential primary, the MBC and the Ministry of Home Affairs issued statements with the same warning. In August, after the joint opposition began putting up presidential campaign posters with photos of convicted opposition leaders, the MPS released a statement threatening action against political parties and media outlets who “promote” convicts. Media outlets noted no legislation that prohibits the coverage of statements by convicts, but all outlets refrained from broadcasting statements, interviews, or campaign rally speeches by convicted opposition leaders following the warning in May.

NGO sources stated media practiced self-censorship on matters related to Islam due to fears of harassment from being labeled “anti-Islamic.” Journalists also practiced self-censorship in reporting on problems in the judiciary or criticizing the judiciary.

There were no known restrictions on domestic publications, nor were there prohibitions on the import of foreign publications or materials, except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship. The restriction applies only to items for public distribution; tourists destined for resort islands were not prohibited from carrying Bibles and other religious paraphernalia for their personal use.

### **Internet Freedom**

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 63 percent of the population used the internet in 2017.

The Communications Authority of Maldives (CAM) is the regulatory body mandated to enforce internet content restrictions on sites hosted within the country

and to block domestic access to any websites. CAM maintained an unpublished blacklist of all offending websites. Although CAM did not proactively monitor internet content, it accepted requests from ministries and other government agencies to block websites that allegedly violated domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibitions. The MPS reported it investigated two cases for unlawful content and one case related to anti-Islamic rhetoric as of August.

During the year the MPS charged opposition MP Ahmed Mahloof with two counts of reporting false information to law enforcement related to a December 2017 tweet criticizing lack of medical care provided to detainees and a January tweet claiming a senior police officer was demoted for attempting to leak information on an alleged plot to assassinate the former vice president. The government argued the fact that Mahloof tagged the MPS twitter account in both tweets amounted to reporting of the information. In September the Criminal Court dismissed the charges related to the January tweet. As of October 23, Mahloof remained on trial for the December tweet.

In April the MPS questioned local NGO Maldivian Democracy Network (MDN) executive director Shahindha Ismail on allegations of attempting to disrupt religious unity and create religious discord with a December 2017 tweet. Ismail had responded to a statement by President Yameen that he would not allow any religion other than Islam in the country by tweeting that other religions exist because God allows it. The MPS launched its investigation after a progovernment news website posted a series of articles December 28, 2017, about her tweet, accusing her of blasphemy for “indirectly calling to allow other religions in the Maldives” and branding her an apostate, and the Ministry of Islamic Affairs published a statement condemning anti-Islamic speech. Ismail received death threats online after the Ministry of Islamic Affairs’ statement. Although questioned three times since December 2017, Ismail remained uncharged as of October 23.

### **Academic Freedom and Cultural Events**

The law prohibits public statements contrary to the government’s policy on religion or the government’s interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship. The government censored course content and curricula. Sunni Islam was the only religion taught in schools. In August the government ordered the removal of statues presented in a

private resort's new underwater gallery, alleging they promoted idol worship contrary to Islam.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for “freedom of peaceful assembly without prior permission of the State,” but the government did not respect this right. A 2013 law on peaceful assembly restricts protests outside designated areas, and a 2016 amendment to the law further restricts the designated areas for lawful protests in the capital city. Protesters must obtain prior written permission from the MPS to hold protests outside of designated areas and from the Ministry of Home Affairs to hold protests within the designated area, which local civil society organizations condemned as unconstitutional. Opposition political parties expressed concern the amendment effectively banned protests in the city. Police reported they had dispersed 72 gatherings for violation of the Freedom of Peaceful Assembly Act as of July 31. In a March 12 statement, the HRCM said MPS had used disproportionate force in dispersing multiple opposition protests since February 1, causing injuries to protesters and journalists, and violating regulations on use of less-than-lethal weapons in their use of pepper spray. Opposition parties also reported that the police and Ministry of Housing routinely ignored requests to grant permission to hold opposition protests, while allowing and facilitating progovernment gatherings to proceed.

### **Freedom of Association**

The constitution provides for freedom of association, but the government imposed limits on this freedom. The government allowed only clubs and other private associations that did not contravene Islamic or civil law to register.

NGOs reported that a 2015 associations regulation threatened their freedom of operation. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above MVR 25,000 (\$1,630) or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant. The registrar dissolved the Maldives

NGO Federation, a registered network of 62 NGOs, after it released a statement calling for the enforcement of the February 1 Supreme Court order to release nine detained opposition figures.

The Political Parties Act restricts registration of political parties and eligibility of state funds to those parties with 10,000 or more members. A 2016 amendment to the act requires all political parties to submit fingerprints with each membership application, legalizing a 2011 Elections Commission requirement. Forms without fingerprints would be considered invalid, and those persons would not be counted as members of a political party. The TM and the MDN raised concerns the law and subsequent amendments restricted the constitutional right to form and participate in political parties.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. During the year, however, the government confiscated the passports of several members of the political opposition, restricting their foreign travel.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: The presidential elections held in September were generally free and fair, despite a flawed pre-election process, according to the TM. The international community and the TM identified several issues of concern during the pre-election phase, including the disqualification of opposition candidates, restrictions on monitoring and candidacy, widespread disenfranchisement of voters, appointment of loyalists in key positions at the EC, and misuse of government resources for Yameen's campaign. Immediately after the election, the TM reported minor administrative issues on voting day, but no issues that could have affected the results of the election as announced by the EC. On October 10, President Yameen formally contested the presidential election results on the grounds of fraud and vote rigging. On October 21, the Supreme Court ruled there was no constitutional basis to question the legality or results of the election, citing a lack of evidence in Yameen's petition.

The parliamentary elections held in March 2014 were well administered and transparent, according to the TM, "but wider issues of money politics threaten[ed] to hijack [the] democratic process." The TM reported vote buying was widespread due to gaps in the electoral legal framework, lack of coordination, and a failure to take action by the relevant institutions.

Political Parties and Political Participation: In July 2017 the PPM used a 2017 Supreme Court ruling on floor crossing to oust 12 PPM-turned-opposition parliamentarians from their seats. These members argued they had either left or been ejected from the party prior to the ruling and should be allowed to retain their seats. In a July ruling, the Supreme Court acknowledged all 12 had appealed their dismissals at the Supreme Court and declared the Supreme Court needed to issue separate rulings in these cases to reach a final decision on their standing. As of October 30, the Supreme Court had issued rulings on all 12 of the MPs, reinstating them to parliament.

In May the MPS attempted to stop opposition MDP's presidential primary based on a civil court order initiated by the attorney general. The MDP proceeded with voting despite MPS confiscation of ballot boxes and brief shut down of several voting stations. Although former president Mohamed Nasheed won the MDP primary, he gave up the ticket after the EC informed the party it would not allow Nasheed to contest in presidential elections, given his past terrorism conviction that disqualified him as a candidate.

Several NGOs expressed concerns prior to the September 23 presidential election regarding President Yameen's misuse of state resources for his campaign, police

action to remove the opposition's campaign posters and banners, and the shutdown of opposition campaign halls ahead of President Yameen's visits to islands. NGOs also raised questions about the voter reregistration process leading to concerns of voter disenfranchisement, and the EC's decision not to include the TM in the National Election Advisory Board as practiced in all previous elections.

Participation of Women and Minorities: No laws limit participation of women in the political process, and they did participate. The TM and the United Nations noted, however, a disproportionately low number of female candidates who contested in the local council elections in 2017. Thirty-nine women were elected as councilors for a total of 653 seats, and five women were elected to the 85-member parliament. Women's rights activists highlighted lack of government and political party effort to encourage political participation of women.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: The independent Anti-Corruption Commission (ACC) has responsibility for investigating corruption charges involving senior government officials. According to NGOs, executive interference, a narrow definition of corruption in the law, and the lack of a provision to investigate and prosecute illicit enrichment limited the commission's work.

NGOs noted an increase in corruption throughout society during the year. Per media and NGO reporting, judges regularly took bribes, and the president and ruling-party members of parliament illicitly enriched themselves with public money. In February the ACC began investigating the purchase of two luxury apartments worth approximately \$586,600 by PPM MP Abdulla Abdul Raheem; the investigation was ongoing as of September.

In March the Ministry of Islamic Affairs confirmed media reports it had failed to hand over to the Bangladesh Red Crescent \$1.1 million raised in 2017 to support Rohingya Muslim refugees. After two weeks of public outrage, the ministry announced the handover had been completed. NGOs reported the government did not disclose information related to major development projects or leasing of islands for tourism activity. NGOs and journalists also reported government authorities

did not comply with right-to-information (RTI) requests. One NGO reported some authorities began requiring a copy of the national identity card and fingerprints of individuals submitting RTI requests.

Financial Disclosure: The constitution requires parliamentarians to submit annually to the secretary general of parliament a statement of all property owned, monetary assets, business interests, and liabilities. The constitution also requires the president and each cabinet minister to submit a similar statement to the auditor general and for each judge to submit a similar statement to the Judicial Service Commission (JSC). It was unclear whether officials submitted these statements, which do not require public disclosure. The law does not stipulate criminal or administrative sanctions for noncompliance and does not require the vice president to disclose income and assets.

In July then opposition MP Ahmed Mahloof accused President Yameen of failing to submit his financial statements to the auditor general since 2014. Yameen's spokesperson denied the allegations but refused to comment on when the statement was last submitted. The TM reported the auditor general, the parliament, and JSC had not complied since 2015 with RTI requests submitted seeking details of financial statements.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials, however, were rarely cooperative and responsive to their views. Some domestic NGOs reported central government authorities instructed project partners in local islands not to engage with them on projects related to the promotion of democracy and human rights. Some project participants asked not to be shown in social media coverage of NGO activities for fear of reprisals from government employers.

Domestic NGOs reported authorities sometimes delayed or imposed strict requirements in issuing visas for foreign experts and consultants intending to travel to the country to collaborate with domestic NGOs. During the February SoE, immigration authorities refused entry to a four-member delegation from LAWASIA, a regional association of judges, lawyers, jurists and legal organizations intending to assess judicial independence, administration of law, rule of law and rights-related issues, and the independence of the legal profession. In a

statement, LAWASIA said the delegation was held in a closed detention facility under guard and surveillance before they were deported. LAWASIA had informed several authorities of their visit including HRCM, members of the judiciary and government representatives including the attorney general and had reportedly confirmed meetings with some of them prior to their arrival.

In May, a day after the TM released a pre-election assessment reporting public concerns over challenges posed to the conduct of free and fair presidential elections, the EC informed the TM of its decision not to include the TM on the National Election advisory Committee. The TM had sat on this committee for all elections since 2008.

NGOs reported a 2015 associations regulation threatened their freedom of operation. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above \$1,630 or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant. The registrar dissolved the Maldives NGO Federation, a registered network of 62 NGOs, after they released a statement calling for the enforcement of the February 1 Supreme Court order to release nine detained opposition figures.

Government Human Rights Bodies: The HRCM is a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Maldivian Islamic law, and regional and international human rights conventions ratified by the country. NIC is a constitutionally recognized independent institution with a mandate to investigate allegations of human rights violations by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to the police for further investigation. Both opposition political parties and NGOs questioned the independence of the HRCM and NIC. In September, five NGOs expressed disbelief over a September 1 HRCM statement declaring an environment conducive to free and fair elections was in place. The NGOs noted the HRCM had not consulted any NGOs involved in election monitoring before reaching this conclusion and raised 15 points that show a “significant inconsistency between HRCM’s findings and the openly and publicly available information and evidence to the contrary.”

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**



## Women

Rape and Domestic Violence: The law criminalizes rape against both men and women, as well as spousal rape and domestic violence including physical, sexual, verbal, psychological, and financial abuse. The law also extends protection to wives against being forcibly impregnated by their husbands against medical orders and includes an extensive list of other abuses for which protection is provided. The law allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. A man may be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In the case of a child, the burden of proof is lower. Penalties range from four-months' to 10-years' imprisonment, depending on factors such as the age of the victim.

NGOs reported MPS officers were reluctant to make arrests in cases of violence against women within the family, believing such violence was justified. Reportedly, this made victims reluctant to file criminal cases against abusers. While the MPS received 71 cases of domestic violence as of July, the Ministry of Gender, Family, and Social Services, which provides psychosocial support for victims of domestic violence, received 204 cases during the same period.

The Ministry of Gender, Family, and Social Services received reports of rape, sexual offenses, and domestic violence and conducted social inquiry assessments of cases they submitted to the MPS. They also provided psychological support to victims during MPS investigations.

To streamline the process of reporting abuses against women and children, the Ministry of Gender, Family, and Social Services established family and children's service centers on every atoll in 2016. Residential facilities were established in only four of the centers to provide emergency shelter assistance to domestic violence and other victims.

Female Genital Mutilation/Cutting (FGM/C): There were no data on the frequency of FGM/C, although religious leaders in 2014 called for the practice to be revived. Local NGOs reported the practice persisted, but societal stigma restricted public discussion of the issue.

Other Harmful Traditional Practices: A 2015 amendment to the penal code states only Maldivian Islamic law penalties may be imposed for *hadd* (robbery, fornication, homosexual acts, alcohol consumption, apostasy) and *qisas* (retaliation

in kind) offenses. Penalties could include hand amputation for theft and stoning to death for adultery. No *hadd* penalties were enforced. Prior to the amendment, the penal code allowed for the implementation of milder penalties only in limited cases, including flogging for fornication and optional flogging for consuming alcohol and pork, not fasting during Ramadan, and for perjury.

Sexual Harassment: The law bans sexual harassment in the workplace, detention facilities, and any centers that provide public services, but the government did not enforce the law.

The MPS reported 16 cases of sexual harassment filed from January to July under the Sexual Harassment Act, none of which was forwarded for prosecution.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law prohibits gender discrimination including in workplaces, educational institutions, and service providers, such as hospitals, but discrimination against women remained a problem. NGOs reported authorities more readily accused women than men of adultery, in part because visible pregnancies made the allegedly adulterous act more obvious, while men could deny the charges and escape punishment because of the difficulty of proving fornication or adultery under Islamic law. Women's rights activists reported that women who initiated divorce proceedings faced undue delays in court as compared to men who initiated divorce proceedings. According to women's rights activists, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law.

During the year the Ministry of Gender, Family, and Social Services finalized a Gender Equality Action Plan covering five main areas: leadership and governance, economic development, institutional gender mainstreaming, gender-based violence, and access to justice. The ministry also set up a national steering committee to oversee implementation and provided orientation training for committee members in August.

## **Children**

Birth Registration: Citizenship is derived through one's parents. Under the law a child born of a citizen father or mother, regardless of the child's place of birth, may derive citizenship. Lawyers reported several cases during the year in which the

Family Court refused to register children in instances where one of the parents was a foreigner.

Education: Education is free, compulsory, and universal through secondary school. The Ministry of Gender, Family, and Social Services handled 49 cases of children being deprived of education as of August. The ministry said this included indefinite suspensions of students, schools' refusal to enroll children, and parental refusal to send the children to school. NGOs and activists noted the effect of religious extremism on child rights was an emerging issue but lacked a baseline study determining its prevalence.

Child Abuse: The law stipulates sentences of up to 25 years in prison for those convicted of sexual offenses against children. If a person is legally married to a minor under Islamic law, however, none of the offenses specified in the legislation is considered criminal. The courts have the power to detain perpetrators, although most were released pending sentencing and allowed to return to the communities of their victims. The MPS investigates and the Ministry of Gender, Family, and Social Services is in charge of following up on reports of child abuse, including cases of sexual abuse. Half of the total cases received by the Ministry of Gender and Family as of July were cases of child abuse, the majority of them involving sexual abuse. Of the child abuse cases received by the MPS, 45 percent were also sexual abuse cases, with the MPS forwarding only 16 of these cases for prosecution as of July. Human rights activists reported the lack of effective coordination between authorities handling child abuse cases remained a problem. In 2015 the Ministry of Gender and Family first published the online child sex offenders' registry that, as of September, listed 74 individuals and their photographs, full names, identification card numbers, addresses, dates of conviction, dates of imprisonment, dates of scheduled release, and whereabouts.

Early and Forced Marriage: According to a September 2016 amendment to the Family Regulation, the Family Court must petition the Supreme Court for approval for girls and boys under age 18 to marry. The Ministry of Gender and Family must also submit an assessment of the proposed marriage to the Supreme Court, and the marriage can proceed only after the Supreme Court grants the Family Court approval for the union. The Ministry of Gender had received requests to assess three proposals for 16-year-olds and three proposals for 17-year-olds to get married as of August. The ministry had not concluded their assessments as of September.

Sexual Exploitation of Children: The Child Sexual Abuse (Special Provisions) Act prohibits child prostitution and the use, procurement, or provision of a child (below

age 18) for the production of pornography or for pornographic performance. The crime is punishable by imprisonment between 15 and 25 years. The act stipulates that a child between ages 13 and 18 involved in a sexual act is deemed not to have given consent, “unless otherwise proven.” The law also treats the prostitution of children by a third party as a form of human trafficking with exploitation under the Prevention of Human Trafficking Act with a 15-year maximum sentence. The law generally requires the acts of exploitation be predicated on movement and does not criminalize it in the absence of coercion. The penal code allows the Prosecutor General’s Office to lodge multiple charges against a perpetrator for a single offense. For sex trafficking, this means the office can file charges for human trafficking under the Prevention of Human Trafficking Act and for prostitution under the Child Sexual Abuse Act and aggregate the penalties so perpetrators serve longer sentences for a single offense. The MPS investigated five cases of child pornography, none of which was forwarded for prosecution as of July. The Ministry of Gender, Family, and Social Services reported one case of child prostitution as of August.

Institutionalized Children: Local NGO Advocating the Rights of Children (ARC) released a report in 2016 detailing abuses in government-run “safe homes.” ARC reported children routinely spent many months at these homes, although they were intended to be temporary stopovers for children being taken into state care. According to ARC, the safe homes were inadequately furnished and equipped, lacked basic essentials, and were often understaffed, resulting in inadequate care, protection, and education for institutionalized children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

There were no Jewish residents in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

The constitution and law provide for the rights and freedom from most types of discrimination for persons with disabilities. Although the constitution provides for freedom from discrimination in access to employment for persons with disabilities, the Disabilities Act does not do so. The Disabilities Act provides for the protection of the rights of persons with disabilities as well as financial assistance. Since the establishment of the National Registry of People with Disabilities in 2011, 6,330 persons had been registered, as of September. The act mandates the state to provide a monthly financial benefit of not less than MVR 2,000 (\$130) to each registered individual. NGOs reported the National Social Protection Agency (NSPA), which handles the National Registry, has strict conditions and a cumbersome screening process that prevent the majority of persons with disabilities from being registered. The NSPA requires an assessment from a medical center in Male City, which can cost up to \$2,600 for some families living in the islands who have to travel and stay in Male City for lengthy periods while the assessment is completed. The NSPA has also published the requirements for inclusion in the National Registry and has rejected several applications. NGOs noted inclusion on the registry is a precondition to access several other benefits provided for persons with disabilities, including priority in accessing social housing schemes and special accommodations during voting.

Although no official studies have been concluded, NGOs which operate throughout the country estimated as much as 10 percent of the total population of persons with disabilities have been subjected to various forms of abuse and 40 to 60 percent of girls or women with disabilities, especially those who are visually impaired, are subject to sexual abuse. The families of these victims often do not report these cases to authorities, because the police investigation and judicial process is inaccessible to persons with disabilities.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and logistical challenges related to transporting persons with disabilities between islands and atolls made it difficult for persons with disabilities to participate in the workforce or consistently attend school. In 2017 a special, one-time government initiative provided jobs for 200 persons with disabilities. NGOs reported most of these employees had since been dismissed due to the offices being unable to provide for their special needs. They also reported two cases in which such employees were

subject to sexual abuse from their superiors. The vast majority of public streets and buildings are not accessible for wheelchair users.

The government integrated students with disabilities into mainstream educational programs at primary and secondary level. Most large government schools also held special units catering to persons with disabilities who cannot be accommodated in the mainstream classes. Each school also has a disability ambassador, and all teachers receive special training. Nonetheless, children with disabilities had virtually no access to transition support to higher secondary education.

In July the EC announced the chief electoral official at voting stations would have to approve any individuals entering the voting booth for the purposes of assisting persons with disabilities who require assistance to vote in presidential elections.

### **National/Racial/Ethnic Minorities**

Maldives Immigration reported 145,000 legal foreign workers as of August, with an additional estimated 15,000-20,000 undocumented foreign workers, mostly from Bangladesh and other South Asian countries. NGOs reported government agencies implemented discriminatory policies towards expatriate laborers. One island council reportedly restricted foreign migrant workers from accessing certain neighborhoods on the island at night. In June former minister of home affairs Umar Naseer, who had considered contesting in the September presidential elections, pledged to deport all undocumented migrant workers, labelling them threats to national security and to those citizens seeking employment. Human rights activists said Naseer's statements reflected the views of a large number of citizens and alleged some local citizens had prevented migrant workers from attending mosque during Ramadan.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits same-sex sexual conduct. Under the penal code, the punishment includes imprisonment of up to eight years, as well as a provision for a supplementary punishment of 100 lashes imposed under Maldives Islamic law. None of the legal provisions prohibiting discrimination covers discrimination based on sexual orientation. No organizations focused on lesbian, gay, bisexual, transgender, and intersex (LGBTI) problems in the country. There were no reports of officials complicit in abuses against LGBTI persons, although societal stigma

likely discouraged individuals from reporting such problems. Local citizens who expressed support for LGBTI rights on social media reportedly were targeted for online harassment as “apostates” or irreligious. NGOs reported several members of the LGBTI community sought refuge in Sri Lanka after societal shaming related to their sexual orientation.

### **Other Societal Violence or Discrimination**

The trial of six men arrested in 2017 and charged in connection with the murder of Yameen Rasheed, a prominent blogger and social media activist who disappeared in April 2017, continued during the year. Police initially stated a group of young men, unaffiliated with any organization, had killed Rasheed because they believed he mocked Islam and that they were investigating unspecified persons of interest who may have encouraged the suspects in committing the crime. Rasheed had received multiple death threats before his disappearance, which were reported to police, but according to Rasheed’s social media accounts, his friends, and family, police had not responded or investigated. In a public speech on April 2017, President Yameen condemned Rasheed’s actions as “mocking” Islam, which activists viewed as Yameen’s justifying Rasheed’s killing. Police had not arrested additional suspects as of October 23.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for workers’ freedom of association; however, there is no law protecting the right to freedom of association, which is required to allow unions to register and operate without interference and discrimination. Worker organizations are treated as civil society organizations without the right to engage in collective bargaining. Police and armed forces do not have the right to form unions. The Freedom of Peaceful Assembly Act effectively prohibits strikes by workers in the resort sector, the country’s largest money earner. Employees in the following services are also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, prison guards, and air traffic controllers. The Home Ministry enforces the act by arresting workers who go on strike. There were widespread reports from civil society organizations that civil service employees were also discouraged from going on strikes or participating in political protests. In August and September, there were reports that the government terminated or transferred several government workers

to other islands for participating in the opposition's presidential campaign activities.

The government did not always enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. The Labor Relations Authority (LRA) is mandated to oversee compliance of the Employment Act and its related regulations. The Employment Tribunal examines and adjudicates legal matters arising between employers and employees and other employment problems, but its processes are cumbersome and complicated. Violators who refused to correct violations or pay fines were referred to the courts, whose decisions often were ignored. The cases are heard in the Dhivehi language, which few foreign workers understood. Foreign workers may not file a case with the tribunal unless they appoint a representative to communicate for them in the local language. If an employer fails to comply with a decision of the tribunal, the case must be submitted to the Civil Court, which often delays decisions. The Tourism Employees Association of the Maldives (TEAM) reported the judicial system had delayed final decisions on numerous such cases, some older than five years of age. The Employment Tribunal only hears cases submitted within six months of the alleged offense. In September the Employment Tribunal amended its regulations so that dismissed or withdrawn appeals can only be resubmitted once. Previously, there was no restriction on the number of times such cases could be resubmitted. The Employment Tribunal received 148 claims as of July, 97 of which dealt with unfair dismissal.

Under the law, some workers' organizations were established as civil society organizations, specifically in the tourism, education, health, and shipping (seafarers') sectors, although these functioned more as cooperative associations and had very limited roles in labor advocacy. The Teachers Association of the Maldives and TEAM were among the more active workers' organizations, along with the Maldives Fisherman's Association and Maldivian Ports Workers.

### **b. Prohibition of Forced or Compulsory Labor**

All forms of forced or compulsory labor are prohibited, but the government did not effectively enforce applicable laws, and there were reports forced labor occurred. Nevertheless, the LRA reported officers were adequately trained to identify cases of forced labor and stated that the Prevention of Human Trafficking Act provided an effective solution.



Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The foreign worker population was particularly vulnerable to forced labor. Maldives Immigration detained undocumented workers at Hulhumale Detention Center, an immigration-processing center near Male, until deportation or repatriation. There were reports of bureaucratic delays in processing undocumented immigrants and substandard facilities at the immigration processing center. Maldives Immigration reported it screened the workers for victims of trafficking, but there were reports some of the detained and deported undocumented workers should have been identified as trafficking victims.

Under the penal code, forced labor carries a penalty of up to eight-years' imprisonment. Under section 29 of the Maldives Prevention of Human Trafficking Act, confiscation, alteration, or withholding of identity and travel documents is a crime, and perpetrators are subject to up to five-years' imprisonment. In 2015 parliament approved the National Action Plan to Combat Trafficking in Persons for 2015-19. The penalty for human trafficking is a maximum sentence of 10 years. The police confirmed they did not investigate any labor recruiters or agencies allegedly engaged in fraudulent practices during the year.

The LRA, under the Ministry of Economic Development, recommended blacklisting of companies that violated the law, precluding the companies from bringing in new workers until violations were rectified. Maldives Immigration enforced the measure and blacklisted additional companies, although some companies resurfaced under different names. The law allows a fine of not more than MVR 50,000 (\$3,250) for forced labor and other violations of the Employment Act, but the LRA reported this amount was not sufficient to deter violations by large companies. The government took steps to improve the conditions of migrant workers through the periodic distribution of pamphlets explaining their rights that were translated into languages commonly used by these workers.

As of August, Maldives Immigration reported the number of documented foreign workers at approximately 145,000. They estimated there were an additional 15,000-20,000 undocumented foreign workers in the country, mostly from Bangladesh and other South Asian countries. Some of the 160,000-165,000 foreign workers in the country were subject to forced labor in the construction and tourism sectors. Most victims of forced labor suffered the following practices: debt bondage, holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. Domestic workers,

especially migrant female domestic workers, were sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 16, with an exception for children who voluntarily participate in family businesses. The law prohibits employment of children under age 18 in “any work that may have a detrimental effect on health, education, safety, or conduct,” but there was no list of such activities. The law prescribes a fine of no less than MVR 1,000 (\$65) and no more than MVR 5,000 (\$325) for infractions. The Civil Service Commission reported there were 18 civil servants between the ages of 16 and 18 working for the government as of July 31.

The Ministry of Gender and Family, the Ministry of Economic Development, and the Family and Child Protection Unit of the MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA, MPS and the Ministry of Gender and Family, none of the complaints received related to child labor or employment of minors. Additionally, the LRA found no cases of child labor during its regular labor inspections during the year. The MPS had investigated five cases of child pornography none of which was forwarded for prosecution as of July. Resources, inspections, and remediation were inadequate, because no additional resources were dedicated specifically to uncover additional child labor cases.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [dol.gov/ilab/reports/child-labor/findings/](http://dol.gov/ilab/reports/child-labor/findings/).

### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination with respect to employment and occupation based on race, color, sex, political opinion, religion, social origin, marital status, or family obligations. The government generally enforced those laws and regulations, with some exceptions that included unequal pay for women and retribution for political association.

According to NGOs, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law. The law and constitution prohibit discrimination against women for employment or for equal pay or equal income, but women tended to earn less than men for the same work and also because they tended to work in lower-paying industries. The absence of child-care facilities made it difficult for women with children to remain employed after they had children.

In March the Education Ministry dismissed a schoolteacher for participating in a political opposition protest. Parents of students at the school complained and noted other teachers who participated in political rallies in support of the government had not been dismissed. The teacher was not reinstated as of October.

The Employment Act establishes an Employment Tribunal to examine and protect the rights of employers and employees in legal matters and other employment problems. In 2016 President Yameen overhauled the seven-person tribunal by dismissing its president and vice president and appointing two new members. According to the Employment Act, tribunal members can be removed only in cases of bankruptcy, incapacity, conviction, negligence, or contravening the oath of office. Civil society organizations asserted the former president and vice president did not violate any of these stipulations, and the surprise dismissal of the tribunal members led to allegations of executive branch control over tribunal decisions. TEAM claimed President Yameen misused his authority to influence the tribunal's decisions, especially in cases in which persons were fired for exercising their constitutionally guaranteed right to freedom of assembly.

Discrimination against migrant workers was pervasive (see section 7.b.).

#### **e. Acceptable Conditions of Work**

The country does not have a national policy on minimum wage. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector. The salary of the lowest-paid employee in the government sector was MVR 3,100 (\$202) per month. According to TEAM, the average monthly salary for a worker employed at a tourism resort was MVR 3,835 (\$250). According to 2016 Asian Development Bank statistics, 15 percent of citizens lived below the poverty level of MVR 29 (\$1.90) per day.

The law establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. The law provides for a 48-hour per week limit on work with a compulsory 24-hour break if employees work six days consecutively. Certain provisions in the law, such as overtime and public-holiday pay, do not apply to emergency workers, air and sea crews, executive staff of any company, or workers who are on call. The law mandates implementation of a safe workplace, procurement of secure tools and machinery, verification of equipment safety, use of protective equipment to mitigate health hazards, employee training in the use of protective gear, and appropriate medical care. All employers are required to provide health insurance for foreign workers.

There were no national standards for safety measures, and as a result such measures were at the discretion of employers. The LRA also reported difficulties in assessing safety standards during inspections due to the lack of national standards. In 2013 parliament approved the country's accession to eight core International Labor Organization conventions, but the government had not finalized the bills required for the conventions to be legislated into domestic law as of September 18.

The LRA and Employment Tribunal are charged with implementing employment law, and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. Authorities completed 241 inspections as of July 31. The most common findings related to employment contracts and job descriptions, overtime and other pay, and problems related to leave. The LRA preferred to issue notices to employers to correct problems, because cases were deemed closed once fines were paid. The LRA typically gave employers one to three months to correct problems but lacked the resources to monitor compliance systematically. The LRA recommended five companies for blacklisting through Maldives Immigration but did not fine any companies for noncompliance as of July 31. According to Maldives Immigration, there were 2,275 companies blacklisted over multiple years as of August.

The LRA reported 175 labor-related complaints as of September 18, 74 of which came from foreign workers. The majority of the complaints related to nonpayment of salary and benefits and failure to grant annual leave.

Migrant workers were particularly vulnerable to exploitation, worked in unacceptable conditions, and were frequently forced to accept low wages to repay their debts with employment agencies, especially within the construction sector. Employers often housed foreign workers at their worksites. Some migrant workers

were exposed to dangerous working conditions, especially in the construction industry, and worked in hazardous environments without proper ventilation.

The Employment Act protects workers who remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.