

Maldives | Freedom House

POLITICAL RIGHTS: 14 / 40

A. ELECTORAL PROCESS: 5 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is directly elected for up to two five-year terms. The run-up to the September 2018 election was marred by the misuse of state resources on behalf of incumbent president Yameen, police interference with opposition campaign efforts, and various forms of manipulation by electoral officials. The Maldivian Democratic Party (MDP) and other opposition groups endorsed Solih, an MDP lawmaker, after former president Mohamed Nasheed was disqualified over a dubious 2015 terrorism conviction. Despite the impediments to his campaign, Solih won the election with over 58 percent of the vote amid high turnout, leaving Yameen with less than 42 percent.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The unicameral People's Majlis is composed of 85 seats, with members elected from individual districts to serve five-year terms. Elections held in 2014 were largely transparent and competitive, though they also featured some Supreme Court interference, vote buying, and other problems. The PPM won 33 seats, while the MDP captured 26. The Jumhooree Party won 15 seats, the Maldives Development Alliance won 5, and independents took an additional 5. The Adhaalath Party won the remaining seat. Subsequent party-switching gave the PPM a majority.

In July 2017, after a number of defections from the PPM threatened its control over the legislature, the Supreme Court ruled that members of parliament who switch or are expelled from their parties should lose their seats; the constitution contained no such provision. The decision did not apply retroactively, but the PPM and the Elections Commission argued that 12 members who defected to the opposition earlier in the year had not been officially removed from the party registry until after the ruling, and their seats were formally vacated as court challenges continued.

The 12 lawmakers were reinstated under a Supreme Court ruling on February 1, 2018, but following the arrest of the chief justice and an associate justice under a state of emergency, the rump court reversed its ruling on February 18, suspending the members in question. They were finally reinstated again through a series of court rulings that followed the September presidential election.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

The independence of the Elections Commission, whose members are appointed by the president with approval from the parliament, has been seriously compromised in recent years, with key decisions favoring the PPM. The commission played an important role in the removal of opposition lawmakers under then president Yameen. In the run-up to the 2018 presidential election, its officials were accused of tampering with the voter reregistration process and arbitrarily changing vote-counting procedures, among other controversial actions. In July, two months before the election, the parliament passed amendments to electoral laws that increased the monetary deposits presidential candidates had to submit to the Elections Commission. After the commission ultimately declared Solih the winner, four of its five members fled the country, citing intimidation by Yameen supporters.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political pluralism and participation deteriorated during Yameen's presidency as the authorities subjected opposition leaders and their supporters to judicial harassment. Restrictions on and dispersals of political rallies, raids on opposition offices, and arbitrary detentions and convictions of opposition politicians were common for most of 2018.

In July, former president Gayoom's breakaway faction of the PPM organized as the Maumoon Reform Movement, though it had yet to register as a separate political party at year's end. A week after the September presidential election, Gayoom and his son, lawmaker Faris Maumoon, were released on bail, having been arrested in February 2018 and July 2017, respectively, and charged with a variety of politically fraught offenses. Both men had convictions on some charges overturned in October, but others were still pending at year's end.

Former president Nasheed, the MDP leader who had been sentenced to 13 years' imprisonment on dubious terrorism charges in 2015 and had been living in exile since securing medical leave in 2016, returned home in November 2018. Later in the month, the Supreme Court canceled his 2015 conviction, ruling that he had been wrongfully charged. Among other such releases and reversed convictions for political figures in late 2018, the courts overturned a 2016 terrorism verdict against Adhaalath Party leader Sheikh Imran Abdulla and a 2017 bribery conviction against Jumhooree Party leader Gasim Ibrahim.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4 (+1)

Under Yameen, the government and the PPM used the politicized justice system and the security forces to cripple the opposition and maintain control of the legislature. Although Yameen and his allies attempted to subvert the 2018 presidential election, the opposition secured victory thanks to deep public dissatisfaction with his rule and a reported turnout of nearly 90 percent. Yameen initially conceded, then sought to

have the election annulled due to alleged fraud and vote rigging, but the Supreme Court rejected his request in October. Solih duly took office in November. Also that month, Gasim Ibrahim was elected as the new speaker of parliament following the reinstatement of ousted members and the resignation of the incumbent PPM speaker.

Score Change: The score improved from 1 to 2 due to the incumbent president's defeat by an opposition candidate in the September election.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

The Yameen government exerted improper influence over a number of state institutions to restrict the political choices of voters and politicians. In addition to using security forces, the Elections Commission, and the justice system to suppress dissent, Yameen's allies reportedly threatened public and private-sector employees with dismissal for participating in opposition protests or other political activities. Such workers were also forced to attend progovernment events. Vote buying remains a problem during elections, and allegations of bribery and corruption have surrounded instances of party switching in recent years.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The Maldivian constitution and legal framework require all citizens to be Muslims and all candidates for elected office to be followers of Sunni Islam, explicitly excluding religious minorities. Societal discrimination against women has limited their political participation; five women won seats in the parliament in 2014. LGBT (lesbian, gay, bisexual, and transgender) people are unable to openly take part in political affairs given the criminalization of same-sex sexual activity and the prevalence of societal bias. Foreign workers, who make up between a quarter and a third of the population, have no political rights.

C. FUNCTIONING OF GOVERNMENT: 3 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (-1)

Elected officials generally determine and implement government policies, but the functioning of the parliament was seriously impaired from mid-2017 to late 2018 by then president Yameen's heavy-handed attempts to retain control in the face of defections to the opposition. In February 2018, acting under the state of emergency declared by Yameen, security forces shut down the parliament building and prevented a number of lawmakers from entering. With some opposition members in detention and many others boycotting parliamentary sessions, the legislature lacked the quorum required by the constitution for much of the year, but it nevertheless continued to adopt laws. The Supreme Court, without its two members who were arrested in February, ruled in April that the parliament could act without a quorum. The parliament began to return to more normal operations after the change in

government, the reinstatement of ousted opposition members, and the election of a new speaker late in the year.

Score Change: The score declined from 2 to 1 because the legislature was effectively unable to function for most of the year amid a state of emergency, interference from security forces, arrests of and boycotts by parliament members, and prolonged legal uncertainty as to the status of 12 opposition members' seats.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains endemic at all levels of government. The Anti-Corruption Commission is only moderately effective, often launching investigations and taking other actions in response to public complaints, but rarely holding powerful figures to account for abuses. Since 2016, whistle-blowers and journalists reporting on corruption have been either jailed or forced into exile in the face of political persecution.

C3. Does the government operate with openness and transparency? 1 / 4

Large state contracts for infrastructure and other projects are regularly awarded through opaque processes, in which bribery and kickbacks are widely believed to play a role. The president, cabinet ministers, and members of parliament are required by the constitution to submit annual asset declarations, but these are not made public, and the relevant agencies have even resisted disclosing how many officials comply with the rule.

In September 2018, the Organized Crime and Corruption Reporting Project (OCCRP) released an investigative report that provided further evidence implicating Yameen and others in a corrupt 2014–15 scheme to lease Maldivian islands and lagoons to developers without the required public tenders. A 2016 legal amendment allowed such leases without public tenders.

CIVIL LIBERTIES: 21 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 1 / 4

The constitution guarantees freedom of expression so long as it is exercised in a manner that is “not contrary to any tenet of Islam,” a vague condition that encourages self-censorship in the media. Regulatory bodies, especially the Maldives Broadcasting Commission (MBC), have displayed bias in favor of the government and restricted coverage of the opposition. A 2016 law imposed criminal penalties for defamation or any other expression that “threatens national security” or “contradicts social norms,” and it was used to intimidate journalists and media outlets. The parliament repealed that law in November 2018.

During the 2018 presidential election period, state-run media outlets devoted most of

their airtime to positive coverage of the ruling PPM. The authorities threatened media outlets that carried news on jailed opposition figures and fined those whose content criticized Yameen. Foreign journalists had difficulty securing visas in time for the election due to bureaucratic obstacles.

In August, a criminal court acquitted two men charged with the forced disappearance in 2014 of journalist Ahmed Rilwan, stating that the police and prosecution had conducted an incomplete investigation. The trial of alleged religious extremists charged with the 2017 murder of liberal blogger Yameen Rasheed remained at preliminary stages. In November, President Solih set up a commission to examine the Rilwan and Rasheed cases.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Freedom of religion is severely restricted. Islam is the state religion, and all citizens are required to be Muslims. Imams must use government-approved sermons. Non-Muslim foreigners are allowed to observe their religions only in private. In recent years, growing religious extremism, stoked in part by the Yameen administration, has led to an increase in threatening rhetoric and physical attacks against those perceived to be insulting or rejecting Islam. Secularist writers and defenders of freedom of conscience have faced pressure from the authorities as well as death threats.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom has narrowed in recent years as the government stepped up monitoring and punishments for academics and teachers who espouse opposition political views or participate in protests. Islam is a compulsory subject in schools and is incorporated into all other subject areas. School and university curriculums have come under increased influence from hard-line religious leaders, resulting in some content that denigrates democracy and promotes jihadist narratives.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

It has become increasingly dangerous for individuals to express political and religious opinions freely, as demonstrated by the murder of Yameen Rasheed and police harassment of other social media activists. Although the new government that took power in November 2018 was expected to be more open to democracy and human rights, individuals who speak out on behalf of minority groups or basic freedoms are still at risk of attack from violent nonstate actors.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12 (+1)

E1. Is there freedom of assembly? 2 / 4 (+1)

Freedom of assembly has been subject to severe constraints in recent years. A 2016 law requires protest organizers to obtain police permission for their events and restricts demonstrations to certain designated areas. Assemblies were banned during

the 2018 state of emergency. However, in the run-up to the September election, conditions improved due in part to the looming threat of targeted sanctions by the European Union, which adopted a framework for such penalties in July. The authorities granted the opposition somewhat greater leeway to campaign and hold rallies after consistently refusing permits in the past. In early September, the MDP was able to hold its first rally in the capital's central carnival area in three years. Separately, in August, an annual rally organized by the family of forcibly disappeared journalist Ahmed Rilwan was allowed to proceed uninterrupted for the first time since 2014.

Score Change: The score improved from 1 to 2 because authorities allowed the opposition to hold some campaign events and assemblies during the election period, and an annual demonstration on behalf of a forcibly disappeared journalist went forward without incident for the first time in four years.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) continue to operate in a restrictive environment. They are required to obtain government approval before seeking domestic or foreign funding, and regulators have broad discretion to investigate and dissolve NGOs. The Human Rights Commission of Maldives is not independent in practice. In recent years, Maldivian human rights groups have increasingly become targets of surveillance, harassment, and threats of violence, including from extremist nonstate actors. A prominent human rights defender, Shahindha Ismail of the Maldivian Democracy Network, was questioned by the police and investigated for alleged blasphemy in April 2018.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution and labor laws allow workers to form trade unions, and a number of unions are active. However, collective bargaining is not protected, and strikes are prohibited in many sectors, including the crucial tourism industry.

F. RULE OF LAW: 5 / 16 (–1)

F1. Is there an independent judiciary? 0 / 4 (–1)

Judicial independence is seriously compromised. Many judges are unqualified, and the courts are widely considered vulnerable to corruption or political influence. The Supreme Court has repeatedly intervened in political affairs and apparently exceeded its constitutional authority, typically acting according to political interests.

In February 2018, acting under Yameen's state of emergency, the military raided the Supreme Court and arrested two of its justices, including the chief justice. This came days after the court unexpectedly ordered the release and retrial of nine opposition leaders who had been jailed on various charges, as well as the reinstatement of the 12 lawmakers who had abandoned the governing majority. The three justices remaining on the Supreme Court after the raid subsequently reversed those decisions.

In March, the parliament passed legislation—without a quorum—that allowed judges to be removed once their conviction is upheld by the Supreme Court, despite the constitution’s requirement that judges be removed through a two-thirds vote in the parliament after a finding of gross misconduct or incompetence. In May and June, both of the detained Supreme Court justices received prison terms for “obstruction of justice” and other offenses, and their appeals were denied, leading to their formal removal. Yameen appointed replacements in June.

In November, after the change in government, the jailed former justices were released to house arrest, as were a former prosecutor general and a magistrate who had been arrested in 2016. Some of the former justices’ charges or convictions were dismissed or overturned by year’s end, but others appeared to remain pending.

Score Change: The score declined from 1 to 0 due to the outgoing government’s intense pressure on the Supreme Court during the year, including a raid on the court and the arrest and conviction of the chief justice and an associate justice following their order to release jailed government opponents.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police have regularly engaged in arbitrary arrests in recent years, often to disrupt opposition activities, protests, or the work of journalists. Due process rights are not well enforced in practice, and under Yameen, opposition figures were subjected to deeply flawed trials on politically motivated charges, according to human rights groups and international monitors.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

The constitution and the Anti-Torture Act ban torture, but police brutality and the abuse of detainees and prison inmates remain problems. Flogging and other forms of corporal punishment are authorized for some crimes, and flogging sentences are issued in practice for offenses such as extramarital sex. Prisons are overcrowded, inmates reportedly lack proper access to medical care, and human rights groups have reported an increase in deaths in custody.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Gender-based discrimination in employment is prohibited by law, but women continue to face discrimination in practice. Girls and women from underprivileged backgrounds are disproportionately affected by Sharia (Islamic law) penalties for crimes like fornication and adultery.

Migrant workers in the country encounter disparate treatment by state authorities and have difficulty accessing justice.

Same-sex sexual acts are prohibited by law and can draw prison sentences and corporal punishment. As a result, LGBT people rarely report societal discrimination or abuse.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Freedom of movement is provided for by law, but there are some restrictions in practice. Authorities have imposed travel bans on members of opposition parties and other perceived government opponents. Migrant workers are also subject to constraints on their movement, including through retention of their passports by employers.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Property rights are limited, with most land owned by the government and leased to private entities or commercial developers through what is often an opaque process. A number of islanders faced relocation for an airport development project during 2018.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Personal social freedoms are restricted by Sharia-based laws and growing religious extremism in society. Among other rules on marriage and divorce, citizen women are barred from marrying non-Muslim foreigners, while citizen men can marry non-Muslim foreigners only if they are Christian or Jewish. Extramarital sex is criminalized, and there is a high legal threshold to prove rape allegations. Women face increasing pressure to dress more conservatively, in keeping with hard-line interpretations of Islam.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The legal framework provides some protections against worker exploitation, including rules on working hours and bans on forced labor. However, migrant workers are especially vulnerable to abuses such as debt bondage and withholding of wages. Women and children working in domestic service may also be subject to exploitative conditions.