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Maldives

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The Republic of Maldives has a parliamentary style of government with a strong executive and, according to current estimates, a population of approximately 360,000. The president appoints the cabinet and eight members of the 50-member parliament. The president derives additional influence from his constitutional role as the "supreme authority to propagate the tenets of Islam." The unicameral legislature, the People's Majlis, chooses a single presidential nominee who is selected or rejected in a national referendum. Voters approved President Maumoon Abdul Gayoom for a sixth five-year term in 2003. In May 2004 voters elected the members of the Special Majlis, a body convoked by the president specifically to address constitutional reforms. In January 2005 the government held general parliamentary elections. A Commonwealth Expert Team commended the broad participation of voters and the peaceful nature of the elections, but made a number of recommendations to reduce the "democratic deficit" in Maldives. In June 2005 the government legally recognized political parties for the first time, and President Gayoom formed the Dhivehi Rayyethunge Party (DRP), which he leads. The DRP is considered the governing party, although the current government came to power before the party system was implemented. The civilian authorities generally maintained effective control of the security forces.

Although the government's human rights record improved somewhat during the year, serious problems remained. In March the government published a "Roadmap for the Reform Agenda" and subsequently introduced several bills in parliament to address significant structural difficulties. Although the proposed legislation was the subject of intense national debate, none of the bills had passed by the end of the year. Citizens faced restrictions on their ability to change their government; some security forces occasionally abused detainees; and the government limited freedom of the press, freedom of assembly and association, and freedom of religion. Unequal treatment of women existed, as did restrictions on workers' rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

On December 27, the High Court overturned the conviction of former National Security Services captain Adam Mohamed on charges related to three custodial shooting deaths at Maafushi prison in 2003. Mohamed had served 20 months of his sentence before the High Court heard his appeal and overturned the Criminal Court's conviction. An independent news web site reported that the attorney general (AG) will refer the case to the President's Judicial Committee in order to uphold the initial conviction.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, although there were credible reports of occasional mistreatment of persons by some security forces. On January 5, police went to one of the islands of Fares-Maathodaa to take two persons into police custody; the two were part of a group that had refused to let a survey team leave the island until the government provided a written guarantee that a promised construction project would be carried out. The government provided the guarantee and the survey team left. However, when security forces later tried to arrest these individuals, a group tried to block police entry to the island. According to opposition press reports police responded with force, injuring several bystanders by striking out with batons and using pepper spray for crowd control. The government claimed that security forces' actions were a proportional response to the crowd blocking the security forces' passage.

On January 19, the opposition Maldivian Democratic Party (MDP) reported that police entered a regional party office and hit Mohamed Ibrahim Didi, an MDP member of parliament present in the office, in the stomach.

On June 22, the opposition press reported that prisoner Mohamed Shameen, being held in Malé's penitentiary block 373, was hospitalized after having been beaten in custody; there was no report of an official follow-up investigation.

On August 28, following a violent antigovernment demonstration in Malé, MDP official Aishath Aniya, accompanied by two other activists and pro-opposition radio news reporter Fathimath Shaheeda, went to a police station to elicit information about the arrest of MDP members. Aniya reported that a policeman punched her in the face, dragged her and Shaheeda to a police van, drove them some distance away, and shoved them out of the parked vehicle.

In general, punishments were limited to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll (see section 2.d.). The government generally permitted those who were banished to receive visits by family members.

Prison and Detention Center Conditions

According to those who conducted visits, prison conditions generally met international standards, although pretrial detainees were not held separately from convicted prisoners.

Some pro-opposition prisoners who were released during the year reported being kept in cramped quarters or in solitary confinement during detention. Early in the year the government invited a consultant from the Western Australian Police to evaluate prisons and make recommendations. The consultant remained for 10 months, but his report was not made public.

The government permitted prison visits by foreign diplomats and the Maldives Human Rights Commission (MHRC). There were no ICRC visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrests and detention, but it gives the government broad authority to conduct arrests and detain suspects; in practice, there were reports that police arrested and held persons arbitrarily.

On May 15, following the publication of a presidential decree regulating freedom of assembly, the MDP staged a series of demonstrations in which over 120 protesters were arrested. Within 24 hours, authorities released without charge the majority of those detained. However, on May 29, a court sentenced four detainees from the May 15-21 protests to six-month jail terms without permitting them access to lawyers. The court reportedly denied one of these four, Mariyam Rahma, the opportunity to speak in her own defense.

The opposition reported that from October 30 to November 10 when an opposition rally was planned, the government arrested 108 persons, 34 of whom were released by November 22. The opposition posited that the planned demonstration would be peaceful and was intended for party members to urge parliamentarians to speed up the process of constitutional reform. The government reported receiving intelligence that the demonstration would turn violent and accused some members of the opposition of inciting revolution. However, according to Amnesty International (AI), the government failed to provide substantive evidence to support allegations that any of the detainees used, planned, or advocated violence. AI also reported that some security forces hit or otherwise ill-treated arrestees in the lead-up to November 10, and the government severely restricted some detainees' access to lawyers and medical treatment. In a press release the government countered that the AI report failed to recognize the planned demonstration was illegal and accused the organization of making judgments based on "hearsay" from "militants." The opposition reported that as of November 22, 66 persons were in detention and six under house arrest under charges related to the planned November 10 protest. Almost all were released by December 31, but according to opposition reports, at year's end, authorities were investigating 76 persons in relation to the planned November 10 protest.

Role of the Police and Security Apparatus

The 287-officer Maldives Police Service collects intelligence, makes arrests, and enforces house arrest. Although the Maldives National Defense Force (MNDF) is responsible for external security, it also retains a role in internal security. The director of the MNDF reports to the minister of defense.

Police initiated investigations in response to written complaints from citizens, police officers, government officials, or on suspicion of criminal activity. They are not legally required to obtain arrest warrants or inform an arrested person of his rights, but government officials stated that in practice they urged law enforcement officials to inform arrested persons of their rights. The AG referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

Neither police corruption nor impunity was a significant problem.

In September, per an agreement reached with the opposition during British-mediated talks in Colombo, the government established a Police Integrity Commission. The opposition complained that the government's appointees did not include genuinely independent commissioners with legal or police expertise. The commission had not begun substantive deliberations by the end of the reporting period.

Arrest and Detention

The constitution provides for an arrestee to be informed of the reason for arrest within 24 hours, and provides for the right to hire a lawyer. In addition, regulation requires that a detainee should be informed of the right to a lawyer at the time of arrest. The court does not appoint legal counsel, and there is no legal requirement for search or arrest warrants. According to the AG's office, an arrestee's family is normally informed of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Detainees are generally permitted to have counsel present during police questioning. Under a bail system introduced in 2005, a prisoner has the right to

a ruling on bail within 36 hours; however, there were reports that bail procedures were not publicized adequately, explained, or implemented consistently.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a legal committee within 24 hours. The committee can then recommend detention for up to seven days pending further investigation. After the seven days expire, the officer can petition a second committee, which can then recommend detention for a maximum additional 15 days. If the authorities are unable to present sufficient evidence after the 22 days provided, the prisoner is eligible for release, although judges have the authority to extend detention past 22 days upon receiving a petition from the arresting officer, on the basis of factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, or whether the detainee might pose a threat if released.

e. Denial of Fair Public Trial

The law does not provide for an independent judiciary, and the judiciary is subject to executive influence. Until November 2005, in addition to his authority to review high court decisions, the president influenced the judiciary through his power to appoint and dismiss judges. In November 2005 the government announced the creation of a 10-member judicial services commission (JSC) led by the chief justice, himself a presidential appointee. In total, seven of the 10 JSC members are government officials appointed by the president and serving on the JSC by virtue of their role, such as Justice Minister or Attorney General. The JSC is supposed to appoint, dismiss, and examine the conduct of all judges, and recommend candidates for judgeships to the president; the legislation setting up the commission permits the body to accept or veto presidential appointments to judgeships. The JSC did not establish its rules of procedure until July, eight months after it was formed; it is unclear whether the JSC discussed substantive matters in the course of the reporting period. Since its founding, the JSC has not publicized deliberations or made public recommendations on the hiring, dismissal, or discipline of any judges.

There are three courts: One for civil matters, one for criminal cases, and one for family and juvenile cases. There is also a high court in Malé that handles a wide range of cases, including politically sensitive ones. The president's judicial advisory council, led by the chief justice, is empowered to review all court rulings as the final arbiter of appeals.

Trial Procedures

The law provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a (Islamic law)." The judiciary generally enforced these rights. During a trial, the accused may call witnesses and has the right to be represented by a lawyer, although one is not appointed at public expense (see section 1.d.). Regulations rather than laws govern trial procedures, and during the reporting period there were complaints that the lack of uniformity in courts made it difficult for defendants to argue their cases. By tradition the prosecution collects all evidence and presents it to a judge, who has the discretion to choose what evidence he will share with the defense. Judges question the concerned parties and attempt to establish the facts of a case.

Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. There were no jury trials.

Opposition activist Ahmed Abbas was tried in absentia on November 1 for comments he made to a newspaper in August 2005 saying that police should be made to feel that physical abuse is painful. Abbas reported that he first learned of the case against him when he read about his sentencing on a pro-government web site on November 2. For clarification, he contacted a relative working in the Ministry of Justice, who confirmed that the court had sentenced him. Abbas then unsuccessfully sought asylum at both the Indian High Commission and the UN. The UN turned Abbas over to the authorities on November 3 after receiving government assurances that Abbas would not be harmed and would have access to legal representation. Authorities said Abbas's trial in absentia followed legal requirements, which permit a trial in absentia if the accused does not appear in court despite several attempts to inform him/her of the court date. Abbas was taken to Dhoonidoo detention center and transferred to Maafushi Jail to begin serving his sentence on November 5.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law, as well as in family law matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the high court allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted have the right to appeal. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equivalent (see section 5).

Political Prisoners and Detainees

The government maintained that there were no political prisoners; however, the MDP, international NGOs, and some foreign governments asserted that some persons were held for political reasons.

On February 22, the government released two AI Prisoners of Conscience, Naushad Waheed and Ahmed Didi. In 2001 Waheed had been arrested and charged for crimes against the state for publicizing accusations of abuses in prisons, while Didi had been arrested in 2002 for his involvement with an antigovernment news magazine. Both served over three years in prison until being released with a presidential pardon.

During the week of July 23 the government released a number of pro-opposition detainees being held on unlawful assembly charges, but according to the MDP, as of August 1, 81 opposition activists remained in jail on politically motivated charges. After a series of discussions between the opposition and the government with British facilitation in Colombo between July and August, the opposition committed to limit protests and minimize antigovernment rhetoric. In exchange, the government released all but six detained opposition members.

On August 16, the government released Jennifer Latheef, the daughter of an MDP founding member and herself a human rights activist who was under house arrest serving a sentence on a terrorism conviction. In October 2005 the criminal court sentenced Latheef to 10 years of imprisonment for her participation in a violent demonstration in Malé in 2003. She served three months of her sentence at Maafushi Prison before being transferred to house arrest on December 21. Four others were charged with Latheef and received the same sentence; although Latheef was freed with a pardon, the other four remain in Maafushi jail. Latheef maintained her innocence and sought a full exoneration through a judicial appeal to overturn her conviction. The government did not accept her petition for an appeal hearing, citing the presidential pardon that granted her release as adequate redress.

On September 21, the government released Mohamed Nasheed, the chairman of the MDP. The government announced in a public statement that the charges against Nasheed would be dropped if he adopted "a more conciliatory approach" to the government. Human rights groups, the MHRC, and the MDP stated that the August 2005 arrest and subsequent prosecution of Nasheed on charges of terrorism and crimes against the state were politically motivated. Police initially informed Nasheed that he was being taken into protective custody. Later, police charged him with one count of terrorism and one count of committing a crime against the state--tantamount to sedition.

Before his release in September, Nasheed did not receive a long-term trial schedule, making the term of his pretrial detention under house arrest indefinite. In addition, his hearing dates changed several times without adequate notice, creating obstacles for his defense team and for an international trial observer. The broad charges against Nasheed fell under antiterrorism legislation, but the specific charges against him changed at various points during his trial. At his initial hearing, Nasheed was told he was being tried for his participation in an August 2005 demonstration that turned violent following his arrest; he was later informed that the charges against him spanned events over the last 17 years. One such accusation was "instilling fear in the people's hearts."

Between October 30 and November 10, police arrested and detained 108 activists in the lead-up to a planned demonstration November 10.

On November 14, the government charged MDP acting president Ibrahim Hussein Zaki with "inciting enmity against the lawful government" for an October 13 speech in which he commended an act of civil disobedience and discussed revolution. The government posited that Zaki's speech was inciting a violent overthrow, while Zaki said he did not advocate violence and was exercising appropriate freedom of political expression. The opposition called the charges against Zaki politically motivated.

As of December 31, according to opposition reports, of the 108 activists arrested prior to the November 10 demonstration, two persons were convicted and serving jail sentences, one person was under investigative detention, 76 persons were released from detention but told investigations and charges were pending, and 26 persons were released without charge. The opposition called the detentions and subsequent charges politically motivated, while the government responded that all detainees had violated local laws.

Civil Judicial Procedures and Remedies

There is a Civil Court that addresses non-criminal cases. However, as with the criminal courts, the judiciary is subject to executive influence. There were no reported cases of individuals seeking redress for human rights violations through civil courts, although an individual filed an unfair dismissal case after being fired for participating in an antigovernment demonstration (see section 2.b.). No administrative remedies were available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law;" and the government generally respected privacy rights in practice. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so in the course of a criminal investigation. In 2005 opposition sympathizers reported that security services intercepted some of their SMS messages. Also in 2005, hackers broke into pro-opposition activists' e-mail accounts and published doctored e-mails on pro-government web sites.

Although the law provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The AG or a commanding officer of the police must approve the search of private residences.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for limited freedom of speech and of the press; however, the government generally did not respect these rights in practice. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam," and prohibits inciting citizens against the government.

In 2005 the government registered almost 200 independent newspapers and periodicals, but either a current or former government minister owned three, Aafathis, Haveeru, and Miadhu, of the four publications put out on a daily basis throughout the year.

The government or its sympathizers owned and operated the only television and radio stations. The government did not interfere with the sale of satellite receivers. The government radio and television stations aired reports drawn from other foreign newscasts. Although the government implicitly committed to permitting the functioning of independent radio stations in the "Media" section of its March Reform Roadmap, by the end of the year the legislature had not passed the necessary bill to recognize independent radio stations.

Journalists, primarily pro-opposition reporters, stated that they faced harassment throughout the course of the year. On April 20, a court sentenced Minivan journalist Fahala Saeed to life in prison on drug charges. Saeed had been called to the police station with advance notice, was searched once, declared free of contraband, then separated from his attorney, strip searched, and told that drugs had been found in his pockets. At Saeed's trial, a witness testified that 1.1 grams of heroin had been discovered in his trousers; possession of over one gram of drugs is considered prima facie intent to sell. Saeed was denied the right to present two defense witnesses and to attest that he was not carrying drugs, although he maintained his innocence. On July 30, authorities allowed Saeed to leave prison and visit his home for three days. He was also permitted to remain in Malé to have access to medical care for injuries unrelated to his incarceration. In late December authorities returned Saeed to Maafushi prison.

On May 6, authorities arrested Minivan's sub-editor, Nazim Sattar, on undisclosed charges when he accompanied a visiting international press freedom delegation to a rally for World Press Freedom Day. Also on May 6, an independent news web site reported that Ahmed Moosa, the UK-based editor of Dhivehi Observer, a banned antigovernment web site, was denied a renewal of his passport.

On May 14, police in Malé arrested Minivan radio host, Fathimath Shaheeda, on unlawful assembly charges for participating in a pro-opposition rally. Shaheeda also reported being ill-treated by police when she accompanied an MDP official to the Malé police station to elicit information about the arrest of activists on August 28 (see section 1.c.).

On May 15, Minivan's sub-editor Sattar also faced a hearing on a disobedience to order charge. The charge stemmed from Minivan's August 2005 publication of an article quoting activist Ahmed Abbas saying police should be made to feel that physical abuse was painful; the article allegedly incited violence and antipathy toward police (see section 1.e). The case was adjourned without being resolved.

On May 27, police used pepper spray against a BBC journalist covering the trial of MDP chairperson Mohamed Nasheed.

On November 4, police brought a foreign national accredited to Minivan news and a free-lance British journalist affiliated with The Observer to a police station for questioning and requested they delete audio files and photos. The two refused and were released without charge after four hours. Subsequently, the two were asked to leave the country; they were held at the airport over night before being permitted to board flights the following morning.

The government issued a press release claiming they were not genuine journalists accredited to "reputable news organizations," and accusing them of attempting to destabilize society. Both reporters denied those charges. One had a valid work permit issued by the government and Minivan News, his employing organization in the country. Minivan was the only pro-opposition daily newspaper, had an independent news web site, and transmitted a radio program confined only to the Internet because the government had not registered the radio station for on-air broadcast. However, the government tolerated the lone radio reporter's news gathering.

On November 20, a journalist from Minivan Daily reported that police were investigating two Minivan staff for publishing an article quoting a foreign analyst who criticized the president. There was no further information at year's end.

In April 2005 the government blacklisted three British nationals, including one who edited and wrote for the independent Minivan News web site, a lawyer then consulting for the opposition, and another individual running a pro-democracy NGO, alleging the three had ties to Islamic terrorism. Pro-government web sites have accused the lawyer and the NGO activist of conducting Christian missionary work in addition to supporting Islamic fundamentalism/terrorism. All three British nationals remained blacklisted.

In December 2005 authorities initiated an investigation of Minivan's Colombo offices on charges that two Minivan employees were conducting seditious activity and arms trafficking. Sri Lankan police served a search warrant and examined Minivan premises in Colombo but found no evidence of criminal activity. Minivan stopped broadcasting radio news programs, and the web site's writers left Sri Lanka to work from the United Kingdom. The radio program resumed broadcasting via the Internet from Europe in February. Because the government did not register the radio station, the radio show's editor, based in Malé, audio recorded the program and e-mailed the sound files abroad, from where they were re-broadcasted online.

Although an amendment to the law decriminalizes "true account(s)" of government actions by journalists, both journalists and publishers practiced self-censorship (see section 2.d.).

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

Internet Freedom

The government generally did not interfere with the use of the Internet; however, it blocked the pro-opposition Dhivehi Observer news web site and sites deemed pornographic. The Internet was widely present and used within the capital, but there was limited Internet availability in outlying atolls due to infrastructure constraints.

The blocked Dhivehi Observer, which many citizens reportedly viewed via mirror sites, featured personal photos, cartoons, and commentary about government sympathizers. Several progovernment web sites, none of which was blocked, featured sexual allegations and personal photos (some doctored) of perceived pro-opposition women. Some of these web sites included the women's mobile phone numbers and e-mail addresses along with their photos, and the women reported receiving numerous harassing communications as a result.

Academic Freedom and Cultural Events

The law prohibits public statements contrary to government policy or to the government's interpretation of Islam. Therefore, although there were no reported cases of transgressions of these laws in the academic arena, the laws constrain academic freedom to the extent that academics practiced self-censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government imposed limits on this right in practice.

The government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior notification to the government. Unlike previous years, some rallies and demonstrations passed without incident and with minimal arrests. However, several rallies led to police arresting and detaining demonstrators on unlawful assembly charges. Members of the opposition stated that their right to peaceful protest was restricted, while government officials countered that demonstrators gathered late at night and violated reasonable time, place, and manner restrictions on assembly. Most demonstrators arrested were later released without formal charges.

The opposition stated that protests on January 13 and 18, April 15, May 15-19, and June 15 resulted in forceful police responses, with several demonstrators and by-standers reportedly injured by police on each occasion. There were reports that some police wielded batons indiscriminately and hit or kicked demonstrators. Government officials responded that security force conduct was a proportionate response to protestors throwing stones or physically assaulting others. On November 10, the MDP cancelled a rally because of a prior government crackdown that led to the arrest of over 100 MDP activists. The government claimed that the activists were planning to incite violence; the MDP denied these charges (see section 1.d.).

Freedom of Association

The law provides for freedom of association; however, the government imposed some limits on freedom of association in practice. The government only registered clubs and other private associations if they did not contravene Islamic or civil law.

In June 2005 parliament unanimously voted to allow political parties to register and function for the first time. This followed a May 2005 legal opinion from the AG, who interpreted the constitution as permitting political parties.

According to the opposition, some MDP members who were civil servants were dismissed for their political affiliations. Government officials responded that the political beliefs of those dismissed created a conflict of interest and made it impossible for them to function. On December 11, Zaheena Rasheed attended the first hearing of an unfair dismissal case she initiated against the Ministry of Atolls Development. Rasheed, who had served as a Planning and Monitoring Officer, reportedly received two job dismissal notices, the latter citing her for holding a banner at a demonstration calling for the president to resign. She said her action at that time was legal, and at year's end she had petitioned the civil court for financial compensation and a reinstatement of her position.

Few NGOs existed in the country. Many NGOs focused on tsunami relief and not on human rights. Those NGOs reported that they exercised self-censorship (see section 4).

c. Freedom of Religion

The law does not provide for freedom of religion, and it was significantly restricted. The constitution designates Sunni Islam as the official state religion, and the government interpreted this provision as imposing a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam. The government observes a combination of Shari'a and civil law. Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in cases such as divorce and adultery. Non-Muslim foreign residents were allowed to practice their religion only if they did so privately and did not encourage citizens to participate. President Gayoom repeatedly stated that no other religion should be allowed in the country, and the home affairs ministry announced special programs to safeguard and strengthen religious unity. The president, the members of the People's Majlis, and cabinet members must be Muslim.

There were no places of worship for adherents of other religions. The government prohibited the import of icons and religious statues, but it generally permitted the import of religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of the government's interpretation of Shari'a and may result in punishment, including the loss of the convert's citizenship; however, there were no known cases of loss of citizenship from conversion to a non-Islamic religion. In the past, would-be converts were detained and counseled regarding their conversion from Islam.

Islamic instruction in school is mandatory, and the government funded the salaries of religious instructors. The government established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The council certified imams, who were responsible for presenting Friday sermons. Imams may choose to use a set of government-approved sermons on a variety of topics, but they are not legally empowered to write sermons independently. No one, not even an imam, may publicly discuss Islam unless invited to do so by the government.

Societal Abuses and Discrimination

Under the country's Islamic practice, certain legal provisions discriminate against women (see sections 1.e., 3, and 5). There were no known Jewish citizens, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International [Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice. Citizens are free to travel at home and abroad, to emigrate, and to return. Employers often housed foreign workers at their worksites.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol (see section 5), and the government has not established a system for providing protection to refugees or asylees. The government has cooperated in the past with the Office of the UN High Commissioner for Refugees; however, asylum issues did not arise during the year. The government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not routinely grant refugee status or asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law limits citizens' ability to change their government, and the strong executive exerted significant influence over both the legislature and the judiciary. Under the constitution the People's Majlis, or legislature, chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president are not permitted to campaign for the nomination. The final nominee is confirmed or rejected by secret ballot in a nationwide referendum. From a field of four initial candidates in 2003, the legislature nominated and confirmed President Gayoom by referendum for a sixth five-year term. Observers from the South Asian Association for Regional Cooperation stated that the referendum was conducted in a free and fair manner. All citizens over 21 years of age may vote.

By both law and custom, the Office of the President is the most powerful political institution in the country, and the law designates the president as the "supreme authority to propagate the tenets" of Islam.

The president's mandate to appoint eight of the 50 members of the legislature provides him strong political leverage. The elected members of the legislature, who must be Muslims, serve five-year terms. Individuals or groups are free to approach members of the legislature with grievances or opinions on proposed legislation, and any member of the legislature may introduce legislation.

In 2004 the president assembled a Special Majlis, or special legislature, to discuss constitutional reform. Of the 113 people who serve on the special legislature, the president directly appoints 29. The special legislature consists of all 50 members of the normal legislature, including the eight appointees and 42 elected members; eight additional presidential appointments directly to the special legislature and another 42 members elected by the public; and 13 members of the president's cabinet.

Elections and Political Participation

In January 2005 legislative elections, citizens elected several candidates sympathetic to the opposition. Critics of the government claimed that some candidates who remained under house arrest were unable to file applications to contest the elections by the November 2004 deadline; nevertheless, at least one candidate who was in detention at the filing deadline was able to file an application, conduct a campaign, and get elected.

In 2004 citizens elected 42 members of the People's Special Majlis, the body convened by the president to address constitutional reforms. The special legislature met several times during the year, and unlike in past years, debated some substantive issues. Nevertheless, by the end of the year, the special legislature had not taken concrete steps toward constitutional reform.

In June 2005 the government allowed the establishment of political parties (see section 2.b.). There were two elected women and four female presidential appointments in the 50-member legislature. Of the 113-seat special legislature, 13 women served, including the six women from the normal legislature, two female cabinet members, and one elected woman and four women appointed directly to the special legislature. There were two women in the cabinet. Women are not eligible to become president but may hold other government posts.

In November 2005 a by-election was held to fill three seats in the legislature. While candidates were not permitted to campaign on party tickets, parties were permitted to endorse candidates.

Government Corruption and Transparency

There were anecdotal reports that the power of the president and his family directed many decisions, including economic activities and political reform. An anticorruption board investigated allegations of corruption in the government. The board met regularly and referred cases, usually concerning monetary fraud, to the AG's office.

There are no laws that provide for access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were a few independent local human rights groups, including one called Hama Jamiyya. During the year, the Foreign Minister and AG established an NGO called the Open Society Association; authorities officially registered an NGO called the Maldivian Detainee Network, although previously it faced a number of bureaucratic obstacles.

NGOs reported that they exercised self-censorship.

The ICRC conducted prison visits in April and August 2005, and the International Committee of Jurists sent an observer to some of opposition leader Mohamed Nasheed's hearings.

On August 8, parliament passed legislation making the Maldives Human Rights Commission (MHRC) compliant with UN guidelines, and the president ratified the bill August 17. On September 9, the president submitted five nominees to serve on the MHRC, and in November the authorities officially reconstituted the MHRC, but it was not yet fully operational by the end of the year. It had remained nonfunctioning following the 2005 resignation of the previous MHRC Chairman Ahmed Mujthaba and two other members.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women

There were no laws regarding domestic violence against women. There were no firm data on the extent of violence against women, although a 2005 MRHC baseline attitude survey indicated that many citizens believed men should be permitted to hit their wives under some circumstances. A November NGO report concerning the UN Convention on the Elimination of Discrimination Against Women said that many women reported encountering sexual harassment in public places and at their places of employment. There were no specific laws dealing with spousal rape. Police officials reported that they received few complaints of assaults against women.

Prostitution is illegal but occurred on a small scale.

There are no laws pertaining to sexual harassment. Although women traditionally played a subordinate role in society, they participated in public life in growing numbers. Women constituted approximately 39 percent of government employees. The literacy rate for women was approximately 98 percent. A Gender Equality Council advised the government on policies to help strengthen the role of women. The minimum age of marriage for women is 18 years, but marriages at an earlier age were common.

Under Islamic practice, husbands may divorce their wives more easily than vice versa absent mutual agreement to divorce. Shari'a also governed in estate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to one-half that of a man in matters involving adultery, finance, and inheritance (see section 1.e.). Women who worked for wages received pay equal to that of men in the same positions.

Children

Education is not compulsory, but there is universal access to free primary education. In 2004 the percentage of school-age children in school grades one to seven was 79 percent; in grades eight to 10 it was 62 percent; and in grades 11-12 it was 16 percent. Of the students enrolled, 49 percent were female and 51 percent male. In many instances, parents curtailed education for girls after the seventh grade by not allowing them to leave their home island for another island with a secondary school.

Children's rights are incorporated into law, which specifically seeks to protect them from both physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender and Family Development has the authority to enforce this law and received strong popular support for its efforts. During the year, the ministry reported continued child abuse, including sexual abuse. Penalties for the sexual abuse of children range from as much as three years' imprisonment to banishment.

Government policy provides for equal access to educational and health programs for both male and female children.

Child labor remained a problem, primarily in agriculture, fishing, and in small commercial activities, including in family enterprises. There were no reports of children being employed in the industrial sector (see section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

No law specifically addresses the rights of persons with physical or mental disabilities. Local NGOs claimed in 2005 that there were thousands of persons with disabilities due to high levels of malnutrition during pregnancy. The government established programs and provided services for persons with disabilities, including special educational programs for persons with hearing and vision disabilities. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Gender and Family's Institute for Needy People, which also assisted elderly persons. When requested, the government provided free medication for all persons with mental disabilities in the islands, but follow-up care was infrequent.

Other Societal Abuses and Discrimination

The law prohibits homosexuality, and citizens did not generally accept homosexuality. The punishment for men includes banishment from nine months to one year or whipping from 10 to 30 times. For women, the punishment is house arrest for nine months to one year.

There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

While the law does not prohibit unions, it recognizes neither a worker's right to form or join a union nor the right to strike. Small groups of similarly employed workers with mutual interests have formed associations, some of which include employers as well as employees. These associations have not acted as trade unions.

b. The Right to Organize and Bargain Collectively

The law does not recognize workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on rates for similar work in the public sector.

There were no reports of efforts to form unions or of strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor, including by children, but there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law bars children less than 14 years of age from paid or hazardous work. Guidelines prohibit government employment of children under 18 and employment in hazardous jobs such as construction, carpentry, welding, and driving.

According to a 2003 report by the International Confederation of Free Trade Unions, child labor was a problem in agriculture, fishing, small commercial activities, and family enterprises. Working hours for children 14 years or older are not limited specifically by statute. A unit for children's rights in the Ministry of Gender, Family Development and Social Security is responsible for monitoring compliance with the child labor regulations, but it was not charged with their enforcement. The Ministry of Employment and Labor has an employment relations and compliance unit that deals with child labor problems.

e. Acceptable Conditions of Work

There was no national minimum wage for the private sector, although the government established wage floors for government employment. These wage floors provided a decent standard of living for a worker and family. Given the severe shortage of labor, employers offered competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provides a seven-hour day and a five-day workweek.

The Ministry of Employment and Labor's employment relations and compliance unit resolves wage and labor disputes, visits worksites, and enforces labor regulations. There are no national laws governing health and safety conditions. There are regulatory requirements in certain industries such as construction and transport that employers provide a safe working environment and ensure the observance of safety measures. In the absence of a labor law, it was unclear whether workers would be protected from retaliatory dismissal if they attempted to remove themselves from, or eliminate, unsafe working conditions.