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Maldives

Country Reports on Human Rights Practices - [2005](#)

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The Republic of Maldives has a parliamentary style of government with a strong executive, and according to 2004 estimates, a population of approximately 285 thousand. The president appoints the cabinet and 8 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 elections were held to choose the members of the Special Majlis, a body convoked by the president specifically to address constitutional reforms. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record improved during the year, but serious problems remained. The following human rights problems were reported:

- restrictions on citizens' ability to change government
- abuses by security forces
- limited freedom of the press
- limited freedom of assembly and association
- restricted freedom of religion
- inequality of women
- restrictions on worker rights

The government made significant strides forward with respect to human rights during the year. On June 2, the parliament unanimously agreed to recognize political parties, allowing party leaders to hold public meetings. Prison conditions improved and most detainees' families were informed of arrests, a marked improvement over previous years. The government allowed the International Committee of the Red Cross (ICRC) access to prisons in April and August.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were no reports that the government or its agents committed arbitrary or unlawful killings. On September 1, the courts found five former National Security Service (NSS) officials guilty of manslaughter and sentenced them to life in prison for their role in the killing of a prisoner during the 2003 Maafushi prison riots.

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 mistreatment of persons during the course of arrest and transport to detention facilities. On August 12, following the arrest of opposition leader Mohamed Nasheed and three others staging a sit-down protest in Malé, demonstrations, some of which turned violent, broke out in the capital and continued for two nights. The government imposed a curfew the nights of August 12-14, and security forces detained 158 persons in connection with the demonstrations. By year's end all persons taken into custody were released, although Mohamed Nasheed remained under house arrest. According to eyewitness accounts, some members of the NSS used excessive force in breaking up crowds, employing tear gas and rubber bullets, swinging their batons indiscriminately at bystanders, and occasionally beating persons in their path. The government claimed that security forces' actions were proportional to rioters' violence.

In general, punishments were limited to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll (see section 1.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. Unlike in previous years, there were no reports that prisoners were kept in cramped conditions in solitary confinement. Continuing improvements in prison conditions that began in 2004, most prisoners were granted access to legal counsel.

There were one prison and two detention centers in the country.

The government permitted prison visits by foreign diplomats, the ICRC, and the Maldives Human Rights Commission (MHRC). The ICRC conducted prison visits in April and in late August and was granted access to all facilities and detainees it requested. The MHRC also visited detainees following the August 12-14 unrest.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, persons were held arbitrarily by the government. According to the attorney general (AG), following the August 12-14 unrest in Malé, 158 persons were held in investigative detention. The AG added that those without previous police records were immediately released. Of those initially detained, (see section 2.b.), 76 persons were detained for 2 weeks without charge. However, unlike in previous years, most of the accused were permitted access to counsel and family members.

On June 2, the day parliament was to determine whether to recognize political parties, the government arrested six members of the opposition Maldivian Democratic Party (MDP), including MDP chairman Mohamed Nasheed. Government sources told the media that the arrests were a pre-emptive measure, designed to ensure parliament could deliberate peacefully without members of the opposition engineering public disturbances. The MDP denied that they had planned to interrupt or obstruct the parliamentary meeting. The government released the six MDP members on June 3.

Role of the Police and Security Apparatus

The 287-officer Maldives Police Service, which until September 2004 functioned as a subset of the NSS, investigate crimes, collect intelligence, make arrests, and enforce house arrest. Although the NSS was responsible for external security, it also retains a role in internal security. The director of the NSS reports to the minister of defense.

Police initiated investigations in response to written complaints from citizens, police officers, or 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 said that in practice, law enforcement officials were urged 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 posed problems during the year. Government inquiries into the 2003 Maafushi Prison uprising concluded that improved supervision of prison operations and increased rehabilitation opportunities for inmates were necessary, and these reforms were implemented.

Arrest and Detention

The law provides for an arrestee to be informed of the reason for arrest within 24 hours. Based on improvements to the legal system during the year, a detainee must be informed of the right to counsel at the time of arrest. Detainees are permitted to hire a lawyer; however, the court does not appoint one. An arrestee's family must be informed of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Unlike in previous years, detainees are permitted to have counsel present during police questioning. Under a bail system introduced during the year a prisoner has the right to a ruling on bail within 36 hours; however, there were reports that bail procedures were not adequately publicized, explained, or consistently implemented.

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 7 days have expired, 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, or 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 to himself or others if released.

In February 2004 the government arrested approximately eight persons associated with the MDP, a then-unregistered political party, for planning a demonstration. The reason for the arrests was not clear; however, Amnesty International asserted that the men were arrested because the government suspected they were planning a demonstration against the government, while the international media reported the cause of arrest as traffic and burglary offenses. According to the AG, the government dropped all charges against the eight.

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, in addition to his authority to review high court decisions, the president influenced the judiciary through his power to appoint and dismiss judges. On November 12, the government announced the creation of a 10-member judicial services commission, led by the chief justice, responsible for appointing, dismissing, and examining the conduct of all judges. The commission recommends candidates for judgeships to the president; after the president approves a candidate, the commission maintains the right to accept his choice or veto it.

There are three courts: one for civil matters; one for criminal cases; and one for family and juvenile cases. There is also an independent high court in Malé which 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 also has the right to be represented by a lawyer and may call witnesses (see section 1.d.). 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 trained in Islamic, civil, and criminal law. There were no jury trials.

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 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

There were no confirmed reports of political prisoners; however, the MDP and the MHRC asserted that some persons were held for political reasons. Human rights groups, the MHRC, and the MDP stated that the August 12 arrest and subsequent prosecution of MDP Chairman Mohamed 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.

The government maintained that Nasheed fomented violence leading up to the August 12-14 demonstrations and that his trial was not politically based. By year's end authorities released all detainees arrested after those demonstrations, other than Nasheed. Nasheed's trial, which opened on October 27, remained in temporary adjournment at year's end, and Nasheed was remanded to house arrest. On October 18, the criminal court sentenced Jennifer Latheef, human rights activist and daughter of MDP spokesman Mohamed Latheef, to 10 years' imprisonment for her participation in a violent demonstration in Malé in 2003. In October authorities also sentenced 3 others to 10 years' imprisonment for their involvement in the 2003 demonstration.

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 unlike in previous years the government generally respected privacy rights in practice. However, a progovernment Web site intercepted, altered, and published e-mails written by Mohamed Nasheed, pro-opposition British citizens based in Sri Lanka and the United Kingdom, and one pro-opposition news reporter. The NSS may open the mail of private citizens and monitor telephone conversations if authorized to do so in the course of a criminal investigation.

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 does not provide for freedom of speech or of the press, and 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.

Unlike in previous years, the government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior government approval. The government approved a number of public meetings held by the MDP.

The government registered almost 200 independent newspapers and periodicals, but either a current or former government minister owned 3 of the 4 dailies published on a regular basis, *Aafathis*, *Haveeru* and *Miadhu*.

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. However, a pro-opposition Colombo-based radio station reported that its broadcasts were blocked in Malé. The government radio and television stations aired reports drawn from other foreign newscasts.

After an easing of restrictions in the late 1990s, the government generally took a more stringent attitude toward freedom of the media. The country's press laws permit criminal rather than civil prosecution of writers or editors accused of irresponsible journalism. In September police investigated journalists affiliated with *Minivan News*, an independent pro-opposition news organization formerly affiliated with the MDP, because of *Minivan's* August 2 publication of an article quoting an MDP member who said those in the police force who use torture must be made to understand what pain they inflict. Government officials said that the article incited violence, and its author and editors should be subject to prosecution. At year's end the police investigation remained open (see section 1.e.).

On September 4, police arrested a *Minivan News* reporter taking photographs at an MDP rally. The reporter claimed he was kicked and beaten on the way to the police station, where he was placed in detention until September 25. He was then transferred to house arrest for an additional 20 days, after which he was released.

In October police detained editor Aminath Najeeb and reporter Abdulla Saeed for incitement during the August 12-14 unrest, and possible drug possession. Government officials claimed that these charges were apolitical and unrelated to Nasheed and Saeed's work as journalists. At year's end Nasheed was under house arrest and Saeed was still in detention. In all, police had investigated 7 out of 15 *Minivan News* staff since the paper registered in July.

On December 28, authorities initiated an investigation into *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 website's writers left Sri Lanka to work from the United Kingdom.

Although an amendment to the law decriminalizes "true account(s)" of government actions by journalists, both journalists and publishers practiced self-censorship. On April 28, authorities barred a foreign reporter for *Minivan News* from entering the country, for his alleged ties to Islamic terrorism (see section 2.d.).

Regulations that make publications responsible for the content of the material they publish remain in effect, but the government took no legal actions against publications initiated during the year.

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

The government generally did not interfere with the use of the Internet; however, it blocked the pro-opposition *Dhivehi Observer* news website and other sites deemed pornographic.

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

In 2004 the government relaxed informal restrictions on public assembly; however, demonstrations were only permissible with advance permission. During the year organized groups were required to seek government permission before meeting, but many meetings, including those held by the opposition, were officially sanctioned. After political parties were legally recognized on June 2, various groups held meetings to attract signatories to fill out party registration petitions.

During the August 12-14 protests in Malé, there were complaints of surveillance during which NSS officials photographed and videotaped those present. The government claimed that the photographers were documenting events to prevent allegations of police brutality; opposition groups said that the government limited their freedom of assembly and speech through intimidation and arbitrary arrests.

On September 6, the government repealed its one-day moratorium on political party rallies after the representatives of political parties assured the elections commissioner their leaders would not incite violence. The ban had been instituted to stem possible violence after a proposed MDP rally.

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.

Unlike in previous years, the government allowed political parties to register and function. On May 21, after the AG issued a legal opinion

stating that parties were permissible within the framework of the law, the president asked the People's Majlis to address the registration of political parties. On June 2, it agreed unanimously to permit political parties to register citizens as members.

There was one independent local human rights group, Hama; a few other nongovernmental organizations (NGOs) focusing on tsunami relief existed in the country as well (see section 4). In 2003 the president formed, by decree, the MHRC, which met frequently until August. Commission members are appointed by the president. On July 21, the parliament approved a bill codifying the MHRC, and on August 18, the president signed the bill into law. The same day, MHRC Chairman Ahmed Mujthaba resigned, protesting that the MHRC bill did not make the organization fully compliant with UN guidelines. Two other commissioners followed suit in September, leaving the MHRC without a quorum and therefore unable to function at year's end.

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. 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 certifies imams, who are responsible only 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 [2005 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.

The law allows for forced exile, and the government used forced exile in practice. In June 2004 the criminal court sentenced Mohamed Aswan, second in command of the Maafushi Prison security unit, to six months' banishment to a remote island for disobeying government orders during the 2003 confrontation at the prison (see section 1.d.). Presidential pardons permitted the more than 600 persons temporarily banished to other islands to return to their homes.

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 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 People's Majlis nominated and confirmed President Gayoom by referendum for a sixth five-year term. Observers from the South Asian Association for Regional Cooperation said 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 8 of the 50 members of the People's Majlis provides him strong political leverage. The elected members of the People's Majlis, who must be Muslims, serve five-year terms. Individuals or groups are free to approach members of the People's Majlis with grievances or opinions on proposed legislation, and any member of the People's Majlis may introduce legislation.

Elections and Political Participation

In the January 22 People's Majlis elections, citizens elected several candidates allegedly 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; however, 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 May 2004 citizens elected members of the People's Special Majlis, a body convened by the president to address constitutional reforms. The Special Majlis had 50 members of the regular People's Majlis and 50 members elected or appointed specifically for this reform process. The Special Majlis met several times during the year but made no progress toward constitutional reform. After the August 12-14 demonstrations in Malé, the government suspended the People's Majlis and Special Majlis for several days.

In June the government allowed the establishment of political parties (see section 2.b.). There were 2 elected women and 4 presidentially appointed women in the 50-member People's Majlis, and there was 1 elected woman and 4 presidentially appointed women in the 50-member Special Majlis. There were two women in the cabinet. Women are not eligible to become president but may hold other government posts.

In November a by-election was held to fill three seats in the People's Majlis. 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. There was an anticorruption board that investigates allegations of corruption in the government. The board meets regularly and refers 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

Few local NGOs existed in the country. Most NGOs focused on tsunami relief and not on human rights. These NGOs reported that they exercised self-censorship.

The ICRC conducted prison visits in April and August, and the International Committee of Jurists sent an observer to opposition leader Mohamed Nasheed's pretrial hearing. In 2003 the president created the MHRC (see sections 2.d and 3). In July the People's Majlis passed legislation defining the commission's mandate, and on August 18, the president signed the bill into law. The MHRC remains authorized to investigate allegations of human rights abuses. After the August 12-14 demonstrations, the commissioners conducted prison visits. However, due to the resignation of three commissioners, including the chairperson, the MHRC was not functioning at year's end.

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. Both non-governmental and government sources agreed that domestic violence and other forms of violence against women were not widespread; however, there were no firm data on the extent of violence against women. There were no specific laws dealing with spousal rape. Police officials reported that they received few complaints of assaults against women. Rape and other violent crimes against women were rare.

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 39 percent of government employees. The literacy rate for women was 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; (grades eight to 10) 62 percent; and (grades 11-12) 16 percent. Of the students enrolled, 49 percent were female and 51 percent male. In many instances, parents generally curtailed education for girls after the seventh grade, not allowing girls 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. The ministry reported continued child abuse during the year, 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 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. A 2003 government census cited 4,728 persons with disabilities; however, local NGOs claimed that there were thousands more with disabilities due to high levels of malnutrition during pregnancy. The government has established programs and provided services for persons with disabilities, including special educational programs for hearing and visually disabled persons. 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 9 months to 1 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. In 2003 the government enacted a new law to strengthen the legal regime governing voluntary, not-for-profit associations. 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 the International Confederation of Free Trade Unions, child labor remained a problem in agriculture, fishing, and small commercial activities, including in 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 has 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. It was unclear whether workers could remove themselves from unsafe working conditions without risking the loss of their jobs.

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