

MALDIVES 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. In 2008 parliament ratified a constitution that provided for the first multiparty presidential elections. In 2013 Abdulla Yameen Abdul Gayoom won the presidential election. Parliamentary elections held in March 2014 were well administered and transparent, according to the nongovernmental organization (NGO) Transparency Maldives (TM), although there were reports of “vote buying” due to shortcomings in the legal system and lack of enforcement. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems included reports of a politicized and inefficient judiciary; the detention of political prisoners, including via trials with procedural irregularities; and efforts by the courts and police to restrict freedoms of speech and assembly.

Other human rights problems included the use of flogging as a punishment, harassment of journalists, abuse and unequal treatment of women, restrictions on religious freedom, reports of corruption of government officials, employment discrimination on the basis of political opinion, and discrimination against foreign laborers. Migrant laborers experienced labor abuses and were the primary victims of human trafficking.

The government did not take steps to prosecute and punish police and military officers who committed abuses.

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.

b. Disappearance

Unlike in 2014, there were no reports of politically motivated disappearances. There were no developments in the August 2014 disappearance of *Minivan News* (now *Maldives Independent*) journalist and human rights advocate Ahmed Rilwan

Abdulla, and the circumstances of his disappearance remain unclear. In September Rilwan's family asked the then Police Integrity Commission to investigate allegations of police negligence in the handling of the case. The commission agreed to do so, but has since been dissolved and its replacement, the National Integrity Commission (NIC), had not provided any update on its investigations.

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

The constitution prohibits such practices, but the law permits flogging and other forms of corporal punishment, and security officials employed such practices.

According to the Human Rights Commission of Maldives (HRCM) second annual antitorture report, the Maldives Police Service (MPS) was accused in 54 of the 56 cases of torture submitted to them between July 2014 and June. There were 13 cases of physical abuse during arrest, 26 cases of custodial abuse, 15 cases of physical abuse during protests, and one case of physical abuse during transfer to court for a remand hearing. The victims were below the age of 18 in 10 of the cases alleging police torture. The HRCM completed investigations in 37 of the 56 cases and forwarded four cases for prosecution; the Prosecutor General's Office (PGO) confirmed it was prosecuting one case of police brutality received during the year. Local human rights organization Maldivian Democracy Network (MDN) reported several complaints from prisoners who were arrested at opposition rallies and stated police beat them while they were being transported from the rally to the detention center. Others stated they were beaten at police headquarters.

There were several allegations of police brutality from opposition protestors who were among the almost 200 persons arrested on obstruction of police duty and assault charges at a May 1 rally. They stated police beat them after they were handcuffed and on the ground at the protest venue and again while being transported to the detention center in police vehicles. One pregnant woman reported she was denied medical treatment while in detention and, after nine days of bleeding while detained, suffered a miscarriage. The HRCM also investigated allegations of police brutality against opposition protestors during the May 1 rally but had not published its findings by year's end. The PGO stated there was insufficient evidence to pursue cases based on these allegations.

A regulation permits flogging as a form of punishment. According to 2014 statistics from the Department of Judicial Administration, the courts sentenced 46

adults and six minors under age 18 to flogging. The courts also banished 76 persons, although no one was banished for life.

Prison and Detention Center Conditions

Although overcrowded, prisons generally met international standards.

Physical Conditions: According to the Prisons and Parole Act, pretrial detainees should be held separately from convicted prisoners but this was not always followed. The Maldives Correctional Service (MCS) oversaw the operation of three prison facilities: Maafushi Prison, Asseyri Prison, and Male Prison. The MCS also operated Hulhumale Detention Center, while the MPS operated Dhoonidhoo pretrial Detention Center and Male Custodial Center. Detainees reported gross overcrowding and inadequate hygiene and sanitation standards in prisons and pretrial detention facilities, especially after mass arrests at opposition political protests. The MCS prison system, which had an estimated capacity of 885 prisoners and detainees, had a prison population of 1,513 as of August. MDN claimed prisoners lacked access to adequate and timely medical services in Dhoonidhoo Detention Center, especially for arrested opposition protesters. MDN reported prison officials selectively provided medical access to detainees.

Administration: The government generally permitted regular and unannounced prison visits by the HRCM, and they provided recommendations to the government to address deficiencies.

Independent Monitoring: The government generally permitted visits by the International Committee of the Red Cross/Red Crescent and other international assessment teams. The committee conducted visits to prisons and police stations in March.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government failed to enforce the law in cases against members of the political opposition, notably in the continuing detention of former president Mohamed Nasheed.

Role of the Police and Security Apparatus

The MPS, which is responsible for internal security, public safety, and law and order, is subordinate to the Ministry of Home Affairs. The Maldives National

Defense Force (MNDF) is responsible for external security and disaster relief, but the MPS at times requested its assistance in matters of internal security and law and order during some opposition protests, including the October-December investigations of the September 28 explosion aboard President Yameen's speedboat. The chief of the MNDF reports to the Minister of Defense. The president is commander in chief of the MNDF.

Civilian authorities generally maintained control over the MPS and MNDF, and the government had generally effective mechanisms to investigate and punish abuse and corruption. After the September 28 boat explosion the executive branch showed it had some control of both the MPS and MNDF. For example, the government dismissed Police Commissioner Waheed and transferred six MPS department heads after the explosion. This was the penalty for actions that "undermine public confidence," according to a November 2 official statement. The NIC, which was formed in October, replaced the Police Integrity Commission as the primary mechanism to investigate abuses by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to police for further investigation.

There is no independent review mechanism to investigate abuses by military forces. The parliament and judiciary, however, could initiate investigations on an ad hoc basis.

Arrest Procedures and Treatment of Detainees

The law states an arrest may not be made unless the arresting officer observes the offense, has reasonable evidence, or has a court-issued arrest warrant. The constitution provides for an arrestee to be verbally informed immediately of the reason for arrest and to be informed in writing within 24 hours. Prisoners have the right to a ruling on bail within 36 hours, but bail procedures were not implemented consistently. The law also requires an arrestee be informed of the right to a lawyer at the time of arrest. A lawyer may be court appointed in serious criminal cases if the accused cannot afford one. Authorities generally permitted detainees to have counsel present during police questioning. Police normally informed the arrestee's family of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has

the authority to determine whether charges may be filed. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention at 15-day intervals upon receiving an arresting officer's petition, citing factors such as the detainee's previous criminal record, status of the investigation, type of offense in question, and whether the detainee posed a threat if released.

Arbitrary Arrest: The NIC confirmed proper arrest procedures were in place but noted police did not always fully implement them due to lack of adequate training. Sources reported police held suspects under investigative or administrative detention without formal arrest for periods ranging from a few hours to several weeks. Police allegedly used this procedure to remove opposition supporters from the streets and control gang activities. After the May 1 protest, police arrested 193 individuals, many of whom may have been innocent bystanders, TM noted. Some of these investigative detentions resulted in no charges, but 100 protestors were included in the "diversion program," which started in October 2014 for youth and first time offenders. In this program, after a predetermined period of time the PGO dismisses all charges, provided the offender meets all conditions of release, including not committing any subsequent criminal offenses. Observers noted the lack of standard operating procedures left room for corruption and not all cases were forwarded to the PGO.

The United Nations Working Group on Arbitrary Detentions ruled in September that former president Mohamed Nasheed was being arbitrarily detained by the government and noted that the government was unable to prove any legal basis to justify Nasheed's detention or how his crime, abducting Chief Judge Abdullah, constituted terrorism. The working group determined Nasheed's detention was politically motivated and opined there were serious due-process violations that indicated Nasheed had not received a free and fair trial. As examples, the report highlighted an apparent conflict of interest between the prosecutor general and two of the three presiding judges, the defense team's limited access to evidence and other trial documents, the absence of legal representation for Nasheed at key points in the process, and the High Court's refusal to allow Nasheed to call witnesses or present evidence. The government announced its rejection of the working group's findings in a September 30 press release, and Nasheed remained imprisoned at year's end.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary was not completely independent and impartial and was subject to influence. There were numerous allegations of judicial impropriety and abuse of power. Government officials, opposition members, the UN high commissioner for human rights, and members of domestic and international civil society at times accused the judiciary of bias. After her April visit to examine the broader issues related to the criminal case against former president Nasheed, Mona Rishmawi, Chief of the Rule of Law, Equality, and Non-Discrimination Branch at the Office of the High Commissioner for Human Rights stated that the judicial system was perceived as politicized, inadequate, and subject to external influence. In their joint August report, the International Commission of Jurists (ICJ) and South Asians for Human Rights (SAHR) concluded there was a pattern of “politicization of the justice system” and alleged the government, in particular the ruling Progressive Party of Maldives, manipulated the judiciary to “further vested interests.” TM opined the judiciary was being used as a third arm of the State, and an October report found 51 percent of citizens said they had no confidence in the judiciary, compared to 46 percent of those who responded to a similar query in 2013.

The HRCM’s September 2014 Universal Periodic Review (UPR) submission called for legal remedies to harmonize sharia (Islamic law) and common law in accordance with the constitution. The perceived lack of synchronization, according to the HRCM, caused inconsistencies in judicial decision making.

The five-member Supreme Court is constitutionally independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it. In December 2014, three days after the enactment of the First Amendment to the Judicature Act that reduced the number of Supreme Court judges from seven to five, Parliament approved the removal of two Supreme Court judges. The UN Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul said the removal process lacked transparency and due process and was part of a trend that points to the “serious deterioration” of the independence of the judiciary. Many judges, appointed for life, held only a certificate in sharia, not a law degree. Most magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. An estimated quarter of the judges had criminal records. The media, human rights organizations, and NGOs criticized the Judicial Service Commission for appointing unqualified judges. Commenting on her 2013 visit, Knaul stated “the same people who were in place and in charge, conditioned under a system of patronage, remained in their positions,” even after the constitution changed in 2008.

Former defense minister Colonel Mohamed Nazim was arrested in January and convicted in March on charges of importation and possession of illegal weapons (see section 1.d. and 1.e.). During Nazim's trial, the High Court denied Nazim's defense team's request to present rebuttal evidence it claimed would have exonerated Nazim.

Trial Procedures

The law provides that an accused person is presumed innocent until proven guilty. There are no jury trials. Most trials were public and conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. Regulations rather than laws govern trial procedures. Judges question the concerned parties and attempt to establish the facts of a case. Accused persons have the right to defend themselves and during a trial may call witnesses and retain the right to legal representation. Defendants and their attorneys have the right to full access to all evidence relating to their case, may cross-examine any witnesses presented by the state, and may present their own witnesses and evidence. The judiciary generally enforced these rights, with a few notable exceptions.

In the February-March trial of former president Nasheed, the ICJ and SAHR stated the "court repeatedly denied defense cross-examination of prosecution witnesses" and "the defense team was also denied the opportunity to call its own defense witnesses, based on the court's own determination that none of the defense witnesses would negate the prosecution." The High Court also denied Nasheed the opportunity to obtain new counsel after his lawyers recused themselves and instead proceeded with the trial. During his September appeal hearing, Nasheed's lawyers were not given access to the appeal documents and were not given an opportunity to defend Nasheed during the hearing.

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

Political Prisoners and Detainees

The government asserted there were no political prisoners; however, the opposition, international and domestic NGOs, and members of the international community estimated there were at least two political prisoners, and likely many

more. Former president Mohamed Nasheed, who is leader of the opposition Maldivian Democratic Party (MDP) and ran against President Yameen during the 2013 presidential election, was subjected to a rushed trial and many of his due process rights were ignored (see sections 1.d. and 1.e.). Opposition Adhaalath Party leader Sheikh Imran was arrested in May on terrorism charges on the grounds his speech at an opposition rally incited protestors to become violent. Imran appealed his charges and at an October 13 hearing, authorities transferred him to house arrest, where he remained at year's end. There were no additional hearings after October 13.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. A civil court addressed noncriminal cases.

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

The law prohibits security officials from opening or reading radio messages, letters, or telegrams, or monitoring telephone conversations, "except as expressly provided by law." Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation. Nevertheless, there were reports of illegal recording of telephone conversations and monitoring of internet communications, allegedly executed by the MNDF and other government agencies.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, except on religious matters, and the government generally respected these rights.

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

There were several occasions where police sought to limit free speech and expression by arresting and questioning individuals who participated in opposition political protests. According to media sources, civil servants were forbidden from attending political protests, and some employees of public and private institutions were fired for similar reasons. Opposition parties reported difficulty conducting lawful rallies because the ordinances and restrictions related to public gatherings and noise pollution frequently changed ahead of a rally without warning. Opposition rallies were routinely monitored by police and occasionally by members of the military. For example, on September 4, Mahfooz Saeed, a junior lawyer of former president Mohamed Nasheed's legal team, an active member of the opposition MDP, and an outspoken critic of the judiciary, was stabbed in the head by two men in Male. According to members of the MDP and MDN, Saeed was targeted because he criticized the government at an August 27 MDP rally.

Members of civil society and the UN human rights experts called on the Supreme Court to reconsider its verdict against the HRCM, which was pressured not to release statements critical of the government (see section 5).

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

Press and Media Freedoms: Independent media were active and expressed a wide variety of views with little restriction. Criticism of the government and debates on societal problems were commonplace, but the media did not question Islamic values or the government's policies on religion. In April the president ratified the Public Service Media Act and, one week later, dissolved the Maldivian Broadcasting Corporation, which operated the state television and radio stations, and replaced it with a state media company. The International Federation of Journalists stated the law, and the subsequent dissolution, was an attack on press freedom and gave the government unfettered control over media messaging. Local media condemned the appointments of the seven members of the new institution's governing board as allied with the ruling party and accused the government of using the company as a mouthpiece to spread propaganda.

From November 6-9, *Raajje TV* suspended coverage of political affairs because of an "inability to report without fear" after the Maldives Broadcasting Commission, a regulatory body, warned that licenses of all media outlets would be suspended if they aired content that "endangers national security." This occurred during the state of emergency.

On August 26, the High Court unexpectedly overturned a lower court ruling and ordered Mohamed Zahir Hussain, the 32-year old owner of the country's oldest and largest newspaper *Haveeru*, to divide his shares to two other individuals. While the newspaper was decidedly progovernment during former president Gayoom's 30-year rule, *Haveeru* has become increasingly nonpartisan in its coverage and criticisms. As a result its reporters believe this sudden reversal to be politically motivated, as *Haveeru's* relative independence and wide reach was something the government could not directly control.

Violence and Harassment: Journalists were subjected to physical attack, harassment, and intimidation during the year. Several reporters stated authorities routinely threatened and harassed them, but there were no official investigations into these allegations.

On November 5, police raided *Sangu TV* offices and confiscated their media equipment because the media outlet was broadcasting pro-opposition content in the wake of former Vice President Adeeb's arrest. Without this equipment *Sangu TV* was forced to go off air until November 9, when they resumed regular broadcasting using their personal computer equipment. At year's end police reportedly had not returned the confiscated items.

Several journalists reported receiving text messages from an unknown source called "Warning" on September 4 stating "We will kill you all...this is a warning to all reporters." In 2014 reporters received similar threats for reporting on gang violence. Journalists believed they were threatened for criticizing the Anti-Terrorism Bill that was then being debated in parliament because several parliamentarians received similar messages imploring them to support the bill. There was no public evidence that law enforcement officers took any steps to identify the source of these messages.

On March 9, police arrested four members of *Raajje TV* for secretly filming a conversation at a café allegedly showing judicial tampering between the Prosecutor General Muhuthaz Muhusin and Criminal Court Judge Abdjul Baaree involved in former president Nasheed's trial. The arrest charged the reporters with filming without the café owner's permission. *Raajje TV* was subsequently barred from court to witness the trials of Nasheed and former defense minister Nazim under the pretext its journalists operated in a manner compromising the safety of the judges.

On March 25, police arrested two journalists from *Raajje TV* and one journalist from *Channel One* while they covered an opposition protest. Charges included the

obstruction of police duties and the disobedience of police orders. Journalists and other observers present at the protest denied the three individuals were in the way of police and insisted the journalists were arrested to prevent live coverage of the protest. The journalists were released after five days.

Censorship or Content Restrictions: The Parliament Privileges Act allows authorities to force journalists to reveal their sources, but authorities did not routinely take advantage of this provision. Members of civil society and journalists said crackdowns on opposition members led to self-censorship.

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

There were no restrictions on domestic publications, nor were there prohibitions on the import of foreign publications or materials, except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship.

Internet Freedom

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The Communications Authority of Maldives (CAM) is the regulatory body mandated to enforce internet content restrictions on sites hosted within the country and to maintain a blacklist of overseas websites. The CAM reported it had not made full use of its powers as of September because mandatory filtering legislation was not enacted. CAM reported it blocked a few websites that violated domestic laws on anti-Islamism, pornography, child abuse, and other prohibitions. Some other government institutions are mandated to monitor content related to non-Islamic religious discourse, pornography, child abuse, sexual and domestic violence, copyright infringement, and national security and may directly, or through the Court system, instruct CAM to restrict access to specific websites and chatrooms. As of August, CAM reported mobile broadband service covered more than 90 percent of all residential islands, and provided broadband internet access to approximately 98 percent of the population. CAM reported citizens heavily depended on the internet for online banking and for their business transactions.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, but the government did not respect this in all cases.

Freedom of Assembly

The constitution provides for "freedom of peaceful assembly without prior permission of the State," but the government did not always respect this. For example, the November 4-10 state of emergency suspended Constitution articles 31 and 32 that provide for the right to strike and freedom of assembly. In 2013 the president signed a law on peaceful assembly that restricted protests outside designated areas. TM and MDN expressed concern the law impinged on freedom of peaceful assembly. In May police began imposing restrictions on public gatherings, particularly opposition protests. These restrictions included requiring political parties to obtain prior permission to hold a protest; prohibiting the use of four-wheeled vehicles during rallies; and prohibiting the use of loud speakers or megaphones after 11 p.m. Police officers indiscriminately used teargas, pepper spray, batons, and stun guns to break up protests, according to a joint report by South Asians for Human Rights and ICJ.

Freedom of Association

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

In 2012 parliament passed a Political Parties Act, which restricted registration of political parties and eligibility of state funds to those parties with 10,000 or more members. Existing parties with fewer than 10,000 members had three months to acquire enough members. Only three parties met this requirement in time for the 2013 first-round presidential poll. TM and MDN raised concerns the law restricted

the constitutional right to form political parties. The Supreme Court disallowed the law on September 1, too late to affect the 2013 presidential elections, which led then president Waheed to run as an independent.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Exile: The law allows for banishment to a remote island as a punishment. Such sentences were common in the past. The implementation of such punishment was difficult, however, because host communities increasingly refused to accept anyone sentenced for a crime. According to 2014 Department of Judicial Administration statistics, courts sentenced 76 individuals to banishment for periods shorter than life.

Emigration and Repatriation: The Department of Immigration and Emigration (DoIE) reported its Expatriate Monitoring and Repatriation Section had an active voluntary repatriation system and, as of September, 2,322 foreigners, mostly from Bangladesh, repatriated to their home countries. Foreign workers may initiate repatriation proceedings, but the DoIE interviews employers to recover withheld passports, request payment of return airfare for the foreign worker if applicable, and identify whether the foreign worker had abandoned his or her duties without proper notice.

Citizenship: The law requires all citizens to be Sunni Muslims.

Protection of Refugees

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

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that right.

Elections and Political Participation

Recent Elections: The parliamentary elections held in March 2014 were well administered and transparent, according to TM, “but wider issues of money politics threatens to hijack [the] democratic process.” TM revealed that a survey conducted prior to the 2013 presidential election showed 15 percent of respondents were offered “money or other incentives” in exchange for their vote, and TM believed vote buying was even more widespread in parliamentary elections. TM reported vote buying was “rampant” due to gaps in the electoral legal framework, lack of coordination, and a failure to take action by the relevant institutions.

On November 1, the press reported a leaked memo from Assistant Commissioner of Police Ahmed Mohamed warning disciplinary actions against police officers who publish, share, or like political posts on social media. “Our code of ethics, regulation, and the Police Act prohibit police officers from involvement in any form of politics,” added a police spokesperson.

Political Parties and Political Participation: On May 5, President Yameen ratified an amendment to the Prisons and Parole Act prohibiting inmates from holding senior or leadership positions in political parties, effectively stripping former president Nasheed of the MDP presidency. In March 2014 the Supreme Court gave two election commissioners six-month jail sentences, suspended for three years, for “disobeying orders” during the 2013 presidential election and dismissed the chair and vice chair for contempt of court. The Commonwealth Observer Group expressed “deep concern” that these actions took place in the lead-up to parliamentary elections and introduced uncertainty into the electoral process.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: An independent Anti-Corruption Commission (ACC) has responsibility for investigating corruption charges involving senior government officials. According to the commission, a limited definition of corruption in the law and the lack of a provision to investigate and prosecute illicit enrichment limited the commission's work. As of June the ACC received 381 registered cases.

NGOs noted there was an uptick in corruption practices at all levels of society, although there were no official reports of companies belonging to ruling-party members or parliamentarians winning a disproportionate number of bids. Judges were commonly believed to take bribes, although the ACC reported it found no evidence of this. Members of parliament were accused of illicit enrichment. Vote buying in parliament reportedly affected key constitutional amendments and other legislation.

TM reported widespread corruption across the judiciary, legislature, and the executive branches and, in an April 5 statement, called on the executive branch to "refrain from arbitrarily providing any form of gratuities and privileges to State officials."

The ACC conducted an investigation against Police Sub-Inspector Mujthaba Zahir and a handful of other police officers on allegations they forced detainees to work for them and profited from their labor. They reportedly also showed favoritism to some prisoners, including the release of selected prisoners from detention to roam the prison island before police concluded their investigations. The ACC filed cases against the police officers on charges of abuse of authority of depriving the state of monetary resources; the PGO had not taken action by year's end.

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

Public Access to Information: Under the Right to Information Act the public has access to government information. No data were available on the number of requests, if any, made to the Office of the Information Commissioner under this law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, but TM and other NGOs reported an associations regulation passed October 1 threatened this freedom. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above Maldivian Rufiyya (MVR) 25,000 (\$1,667) and for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government, and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant. A regional human rights organization (SAHR) reported the government was unresponsive to its requests for meetings with key government officials.

Government Human Rights Bodies: The HRCM is a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Maldivian Islamic law, and regional and international human rights conventions ratified by the country. In September, SAHR expressed concern that the HRCM had ignored its request for a meeting during a fact-finding mission and that HRCM may no longer be independent.

Since September 2014 when the Supreme Court summoned all members of the HRCM in condemnation of the critical statements they made regarding the Supreme Court in a submission to the UN Human Rights Council (UNHRC) during the country's UPR, the HRCM had been relatively inactive. On June 16, the Supreme Court issued a judgment that the HRCM's submission to the UPR was unlawful, biased, and undermined judicial independence. TM concluded this judgment served to seriously undermine the independence of the HRCM. The government replaced four of the HRCM's five members in August after the commissioners' term limits expired. Local opposition political parties criticized the appointments, alleging the four members were close allies of President Yameen and the ruling Progressive Party of Maldives government. In June the UN Special

Rapporteurs Gabriela Knaul and Michel Forst, stated “The Supreme Court’s decision is purely and simply an act of reprisal against the HRCM for its legitimate cooperation with the UN human rights system and its mechanism.” The special rapporteurs called on the Supreme Court to reconsider its verdict against the HRCM. Also in June the UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein stated, “The Supreme Court judgment is yet another example of the judiciary undermining human rights protection in the Maldives.”

In a September 14 public writ, the Supreme Court ordered the Attorney General’s Office to represent all state offices, including independent institutions, in “proceedings where offices and institutions of the state have submitted a claim, and where charges have been filed against them.” Many NGOs criticized the writ as compromising the independence of the HRCM because it was in contravention with the Human Rights Commission Act, and the Acts of other independent institutions, which state that these commissions are “separate legal entities” with the authority “to sue and suit against and to make undertakings in its own capacity.”

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

The constitution provides for the equality of all citizens, but the law requires citizens to be Sunni Muslims. Women have been historically disadvantaged, particularly in the application of Islamic law in matters such as divorce, education, inheritance, and providing legal testimony, including on rape. In 2012 the administration re-established the Ministry of Gender, Family, and Human Rights, which in November 2014 was renamed the Ministry of Law and Gender. Foreign-born workers face employment discrimination and lack adequate protection under the law.

Women

Rape and Domestic Violence: Laws that came into effect in 2014 regarding sexual harassment and sexual offenses criminalized spousal rape and gender discrimination in workplaces, including in educational institutions and service providers such as hospitals.

In 2014, 86 cases of sexual violence against women and 65 cases of physical violence against women were reported to the Ministry of Law and Gender. From January to September 2015, the MPS received 531 reports of sexual assault and forwarded 230 of these for prosecution. A man may be convicted of rape in the

absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In the case of a child, the burden of proof is lower.

Media reports of violence against women and rape were common. Most rape and abuse cases reported in the media involved minors, and attackers usually knew their victims. NGOs believed most cases remained unreported due to fear of reprisals, losing custody of children, lack of economic independence, insensitivity of police in dealing with victims, absence of regulation in media concerning victims' privacy, the stigma of being a victim, and low conviction rates.

As of September, 161 cases of domestic violence against women were reported to the MPS. The MPS forwarded 17 of these cases to the Prosecutor General's Office for prosecution, two of which led to convictions. A 2012 domestic violence act covering all types of domestic relations prohibits physical, sexual, verbal, psychological, and financial abuse. It also extends protection to wives against being forcibly impregnated by their husbands against medical orders and includes an extensive list of other abuses for which protection is provided. The act allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. Nevertheless, law enforcement officers were reluctant to make arrests in cases of violence against women within the family, reportedly believing such violence was justified.

Female Genital Mutilation/Cutting (FGM/C): There were no data on the frequency of FGM/C, although observers reported the practice was a growing problem.

Other Harmful Traditional Practices: In September the president ratified the third amendment to the Penal Code which stated only Maldivian Islamic law penalties may be imposed for Hadd (robbery, fornication, homosexual acts, alcohol consumption, apostasy) and Qisas offenses (retaliation in kind). Penalties could include hand amputation for theft and stoning to death for adultery. Prior to the amendment, the Penal Code only allowed for the implementation of milder penalties in limited cases, including flogging for fornication and optional flogging for consuming alcohol and pork, not fasting during Ramadan, and for perjury.

In its February submission to the second UPR on the country, Amnesty International called for a moratorium on flogging as a form of punishment. In the government's response to the UPR in May, the Secretary of Legal Affairs defended the practice of flogging, stating that "Maldivians believe that Islamic principles and human rights go hand in hand" and that flogging is a useful crime deterrent.

Sexual Harassment: The law bans sexual harassment in the workplace, but the government did not enforce the law effectively. There were allegations of sexual harassment in government ministries and the private sector. In June authorities dismissed a female employee at the Housing Development Corporation after she filed a complaint against the human resources manager on accusations of sexual harassment. After a formal investigation by a government committee, the manager was found guilty but was not prosecuted and was dismissed with a warning.

The MPS reported nine filed cases of sexual harassment from January to September under the Sexual Harassment Act.

To streamline the process of reporting abuse against women and children, there were family and children's centers on every atoll. According to the HRCM, these centers also provided services for neglected children, support for families unable to take care of their children, and women with mental illness or disabilities. The Ministry of Law and Gender reported the need to establish residential facilities at family and children's centers on every atoll to provide emergency shelter assistance to domestic violence and other victims.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, or violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available.

Discrimination: Discrimination against women remained a problem. Authorities more readily accused women of adultery, in part because visible pregnancies made the allegedly adulterous act more obvious, while men could deny the charges and escape punishment because of the difficulty of proving fornication or adultery under Islamic law.

Under Islamic practice, husbands may divorce their wives more easily than wives may divorce their husbands. Islamic law also governs estate inheritance, which grants male heirs twice the share of female heirs. According to the PGO, property is divided equally among siblings unless the men in the family demand a larger share.

According to a HRCM report published in 2009, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law. The absence of childcare facilities made it difficult for

women to remain employed after they had children, and societal disapproval discouraged women from working at tourist resorts for extended periods. The HRCM also received reports that some employers discouraged women from marriage or pregnancy, since it could result in termination or demotion. The HRCM reported the government fell short of promoting women's equality by failing to establish child-care centers and child-friendly working environments, and failing to implement affirmative action.

Although women historically played a subordinate role in society, they participated in public life. Women accounted for 54 percent of civil service employees, although only 2.16 percent were in the senior and professional service classifications as of July 31.

Children

Birth Registration: Citizenship is derived through one's parents. A child born of a citizen father or mother, regardless of the child's place of birth, may derive citizenship.

Education: Girls' access to secondary education was sometimes limited because of a lack of access to sanitation and separate facilities to study.

Child Abuse: The Ministry of Law and Gender is in charge of following up on reports of child abuse, including cases of sexual abuse. The law stipulates sentences of up to 25 years in prison for those convicted of sexual offenses against children. If a person is legally married to a minor under sharia, however, none of the offenses specified in the legislation is considered crimes. The courts have the power to detain perpetrators, although most were released pending sentencing and allowed to return to the communities of their victims. On November 16, the Ministry of Law and Gender published the online child sex offenders' registry, which listed more than 70 individuals and their photos, full names, identification card numbers, addresses, dates of conviction, dates of imprisonment, dates of scheduled release, and names of detention facilities.

Reports of child abuse are on the rise, according to a February release from the local NGO Advocating the Rights of Children. The organization noted existing cultural norms were creating a high-risk environment for children and called on the government to enact and enforce all the policies under the Child Abuse Prevention Act. In April police uncovered four child abuse rings involving an estimated 33 boys and a homosexual predator. Only one arrest was made in connection to the

case. In May, UNICEF launched an abuse prevention program to increase awareness of child abuse. In support of UNICEF's program, the Ministry of Law and Gender set up a child abuse reporting hotline. The Ministry of Law and Gender reports the hotline received 10 calls per day, on average, and all cases were investigated and reported to police. As of September police received 121 cases of abuse against women and children and 15 cases of abuse against men.

The Ministry of Law and Gender stated reports of sexual abuse were increasing, and underage marriage and pregnancy were major concerns. Three cases of underage pregnancy were reported to the ministry from January through September 2014. The increase in reported cases of sexual abuse appeared to result from increased public awareness, although the ministry noted there was still hesitation to report abuse occurring within the family.

Early and Forced Marriage: The law allows girls and boys under age 18 to marry if they have reached puberty, have parental consent, and the court finds no substantial reason to object to the union. In 2013, 18 underage marriages were registered at the court, of which 16 involved girls and two involved boys, a sharp drop from 2012. According to the NGO Hope for Women, child marriage was often endorsed by Islamic scholars invited to speak at government-organized public events and on television and radio.

Sexual Exploitation of Children: The Child Sexual Abuse (Special Provisions) Act prohibits child prostitution and the use, procurement, or provision of a child (below age 18) for the production of pornography or for pornographic performance. The crime is punishable by imprisonment between 15 and 25 years. The act stipulates that a child between ages 13 and 18 involved in a sexual act is deemed not to have given consent, "unless otherwise proven." The Prevention of Human Trafficking Act also prohibits child trafficking, but for some forms it requires the acts of exploitation be predicated on movement and does not criminalize it in the absence of coercion.

There were several reports of child exploitation and trafficking during the year. In July, two underaged female victims of a child prostitution ring were rescued by police after a group of men reportedly tricked the girls into using drugs and taking pornographic pictures. Also in July police arrested an Indian teacher on charges of child abuse after several high school students stated he abused them. The MPS reported it received two cases of child prostitution between January and September. In September the Ministry of Law and Gender reported 74 sex offenders had been jailed since the passage of the 2009 Child Abuse Act.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

By law citizens may not practice other than Islam; there are no Jewish residents. Unlike in 2014, there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The Disabilities Act provides for the protection of the rights of persons with disabilities and financial assistance. Since the establishment of the National Registry of People with Disabilities in 2011, 6,032 persons had been registered as of July. The Act mandates the state to provide a monthly financial benefit of not less than MVR 2,000 (\$130) to each registered individual.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and logistical challenges related to transporting persons with disabilities between island and atolls made it difficult for persons with disabilities to participate in the workforce or consistently attend school.

Multiple NGOs, including Hand in Hand and the Care Society, worked to increase awareness and improve support for persons with disabilities.

The government integrated students with physical disabilities into mainstream educational programs. Nevertheless, a report in 2010 by the HRCM and the UN Development Program found that most schools accepted only children with very limited to moderate disabilities and not those with more significant disabilities. Children with disabilities had virtually no access or transition to secondary education. One mental health clinic in Male and several private health clinics employ psychiatrists and psychologists. They focused on a broad range of issues

but service availability remained limited. There also was a lack of quality residential care.

Families usually cared for persons with disabilities. When family care was unavailable, individuals with disabilities lived in the Health Ministry's Home for People with Special Needs, which, as of October, housed 36 persons. There were no individuals on the waitlist for a spot at the home. The home accepted elderly persons as well. The government also provided assistance devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

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

The law prohibits same-sex sexual conduct. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. No organizations focused on lesbian, gay, bisexual, transgender, and intersex (LGBTI) problems in the country. There were no reports of officials complicit in abuses against LGBTI persons, although societal stigma likely discouraged individuals from reporting such problems. Due to societal intolerance of same-sex sexual relationships, there were few openly LGBTI individuals in the country and no information available on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care. NGOs reported several members of the LGBTI community sought refuge in Sri Lanka after societal shaming related to their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

While the constitution provides for worker freedom of association, there is no law protecting it, which is required to allow unions to register and operate without interference and discrimination. Worker organizations are treated as civil society organizations without the right to engage in collective bargaining. The police and armed forces do not have the right to form unions. The Freedom of Peaceful Assembly Act effectively prohibits strikes by workers in the resort sector, the country's largest money earner. The employees in the following services are also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, police and the army, prison guards, and

air traffic controllers. The Home Ministry enforces the act by arresting workers who go on strike. The government threatened expulsion of migrant workers who participate in peaceful labor protests.

The government did not always enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. The government moved the Labor Relations Authority (LRA) to the Ministry of Economic Development in 2014. The Employment Tribunal examines and adjudicates legal matters arising between employers and employees and other employment problems. The Employment Tribunal process is cumbersome and complicated. Violators who refused to correct violations or pay fines were referred to the courts, whose decisions often were ignored. The cases are heard in the Dhivehi language, which few foreign workers understand. Foreign workers may not file a case with the tribunal unless they appoint a representative to communicate for them in the local language. As of September 17, 81 of the 119 claims submitted to the Employment Tribunal in 2015 dealt with unfair dismissal. Most of the claims were for layoffs, contractual changes, and drug-related allegations or other criminal offenses.

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

b. Prohibition of Forced or Compulsory Labor

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

Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The DoIE detained undocumented workers at an immigration processing center near Male until deportation or repatriation. There were reports of bureaucratic delays in processing undocumented immigrants and substandard facilities at the immigration processing center. The government

did not screen the workers for victims of trafficking, and there were reports that some of the detained undocumented workers were trafficking victims.

The Prevention of Human Trafficking Act, which prohibits many, but not all, forms of labor trafficking, provides for penalties of up to 10 years' imprisonment; however, authorities did not prosecute any labor recruiters or agencies engaged in fraudulent practices. In April the parliament approved the National Action Plan to Combat Trafficking in Persons for 2015-2019.

The LRA, under the Ministry of Economic Development, blacklisted companies that violated the law, precluding the companies from bringing in new workers until violations were rectified. The DoIE enforced the blacklist, and blacklisted additional companies, although some companies resurfaced under different names. The law allows a fine of not more than MVR 5,000 (\$333) for forced labor and other violations of the Employment Act. The government took steps to improve the conditions of migrant workers by through the periodic distribution of pamphlets that explained their rights and that were translated into languages commonly used by these workers.

The foreign worker population was particularly vulnerable to forced labor. As of September DoIE reported the number of legal foreign workers at 88,347, or 22 percent of the population. DoIE also estimated there were an additional 30,000 undocumented foreign workers in the country, mostly from Bangladesh and other South Asian countries. Some of these undocumented workers were subject to forced labor in the construction and tourism sectors. Most victims of forced labor suffered the following practices: debt bondage, holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. Domestic workers, especially migrant female domestic workers, were sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 years of age, with an exception for children who voluntarily participate in family businesses. The law prohibits employment of children under age 18 in "any work that may have a detrimental effect on health, education, safety, or conduct," but there was no list of

such activities. As of September 18, the Civil Service Commission reported there were eight civil servants between the ages of 16 and 18 working for the government.

The Ministry of Law and Gender; the Ministry of Economic Development; and the Family and Child Protection Unit of the MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA and the Ministry of Law and Gender, none of the complaints received related to child labor or employment of minors. Additionally, the LRA found no cases of child labor during its regular labor inspections during the year, nor were any cases of child labor reported to the ministry. Resources, inspections, and remediation were inadequate, because no additional resources were dedicated specifically to uncover additional child labor cases.

The UNHRC expressed concerns that lack of data on children in the country engaged in the worst forms of child labor could lead to denial of a problem. The UNHRC was particularly concerned about girls found in commercial sexual exploitation and working as domestics in private households.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law and regulations prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, political opinion, religion, national origin or citizenship, social origin, disability, language, age, sexual orientation or gender identity, and HIV positive status or other communicable diseases. The government effectively enforced those laws and regulations, with some exceptions.

According to an HRCM report published in 2009, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law. The absence of childcare facilities made it difficult for women with children to remain employed, and societal disapproval discouraged women from working at tourist resorts for extended periods. The HRCM also received reports that some employers discouraged women from marriage or pregnancy, because it could result in termination or demotion. The HRCM reported the government fell short of promoting women's equality by failing to establish child-care centers and child-friendly working environments, and failing to implement affirmative action.

In September a former employee of the state-owned State Electricity Company won a case filed with the Employment Tribunal because he was fired March 12 after attending an opposition political protest. The Employment Tribunal ordered the company to pay MVR 56,520 (\$3,768) compensation to the employee.

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

e. Acceptable Conditions of Work

The country does not have a policy on minimum wage and setting one would require an amendment to the Employment Act. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector. The salary of the lowest-paid employee in the government sector was MVR 3,100 (\$206) per month. According to the TEAM, the average monthly salary for a worker employed on a tourism resort was MVR 3,835 (\$255). Government statistics estimated the poverty level to be MVR 22 (\$1.47) per day, or MVR 660 (\$44) per month.

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

There were no national standards for safety measures, and as a result such measures were at the discretion of employers. In 2013 parliament approved the country's accession to eight core International Labor Organization conventions, and the Ministry of Human Resources, Employment, and Labor continued drafting the bills required for the conventions to be legislated into domestic law.

The LRA and Employment Tribunal are charged with implementing employment law and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. As of September 20, authorities completed 79 inspections. The most common findings related to

employment contracts and job descriptions, overtime and other pay, and problems related to leave. Although the LRA may issue fines, it preferred to issue notices to employers to correct problems, because cases were deemed closed once fines were paid. The LRA typically gave employers one to three months to correct problems but lacked the resources to monitor compliance systematically. As of September 20, the LRA blacklisted two companies through the DoIE but did not fine any companies for noncompliance.

The LRA reported 67 labor related complaints, 50 of which came from foreign workers. The LRA closed 21 of these complaints.

Migrant workers were particularly vulnerable to exploitation, worked in unacceptable conditions, and were frequently forced to accept low wages to repay their debts with employment agencies. The HRCM found many instances of nonpayment of wages to migrant workers and inadequate housing. Employers often housed foreign workers at their worksites. Some migrant workers were exposed to dangerous working conditions, especially in the construction industry, and worked in hazardous environments without proper ventilation.

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