

**Submission by the Asian Forum for Human Rights and Development
(FORUM-ASIA) for the review of the Maldives under the International
Covenant on Civil and Political Rights - 141st session of the Human Rights
Committee**

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Introduction

1. This report is a joint effort by the Asian Forum for Human Rights and Development (FORUM-ASIA) and a Maldivian organisation that remains anonymous due to fear of reprisals considering the sensitivity of issues addressed in the report.
2. FORUM-ASIA is a membership-based regional network of human rights organisations in Asia. FORUM-ASIA's collective strength draws from its extensive network of 85 member organisations across 23 countries, mainly in Asia. The organisation works to promote and protect human rights, civic space and democracy in the region by empowering civil society, human rights defenders and marginalised communities.
3. This report is developed based on primary research by FORUM-ASIA and our partner in this joint effort. The report also relies on secondary sources for further verification of information. This primarily addresses issues related to civic space and discrimination and violence against marginalised groups in the Maldives.

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

4. Since the adoption of the Committee's previous concluding observations, the Maldives has made efforts to address human rights violations through the enactment of the Transitional Justice Act. This Act established the Ombudsperson's Office for Transitional Justice (OTJ) and the Presidential Commission on Deaths and Disappearances (DDCom), aimed at probing unresolved cases of murders and enforced disappearances between January 1, 2012, and November 17, 2018, including the high-profile disappearance of journalist Ahmed Rilwan in 2014 and murder of human rights defender Yamin Rasheed.¹
5. Despite these initiatives, significant challenges persist. Victims and their families have expressed frustration and fear due to the prolonged and incomplete nature of investigations. The DDCom, although striving to build trust, has not been able to assure victims' safety or provide timely justice. An international expert associated with the DDCom highlighted the political sensitivity and tension surrounding these cases, which has discouraged open communication and media engagement.² Moreover, the OTJ faced substantial operational difficulties, including a lack of resources and expertise, and delays exacerbated by the

¹ "Justice in Paradise," JusticeInfo.net, September 8, 2023, <<https://www.justiceinfo.net/en/121325-justice-in-paradise.html>>

² "Justice in Paradise," JusticeInfo.net, September 8, 2023, <<https://www.justiceinfo.net/en/121325-justice-in-paradise.html>>

COVID-19 pandemic. The OTJ's broad mandate, covering systematic violations from January 1, 1953, to November 17, 2018, further complicated its task.³

6. The DDCom's lack of transparency and accountability remains a critical issue. Despite assurances of completing investigations within two years, the DDCom has not delivered justice in any cases over five and a half years, with unclear numbers of investigated cases reported between 24 and 27. Significant negligence was reported in maintaining documentation of submitted cases, impeding the Attorney General's Office from pursuing compensation claims. The mishandling of case documents by the OTJ has been criticized for creating obstacles in accessing vital information needed for legal redress.⁴ The significant expenditure of public resources and international aid, amounting to approximately US\$ 357,000 between 2018 and 2021 alone, has not resulted in successful prosecutions.⁵
7. The DDCom has also been criticized for withholding investigation findings from the families of victims, violating their right to information and obstructing their access to justice. Families and civil society groups have agreed to a redacted report to protect witnesses, yet the DDCom has not disclosed information, impeding families from seeking civil redress.⁶ While the Presidential Commissions Act places no prohibitions on the Commission on disclosing findings, the DDCom must respect the constitutional right to information of the families.⁷

B. Specific information on the implementation of the Covenant

Constitutional and legal framework within which the Covenant is implemented (art. 2)

8. The Maldives' continued reservation to article 18 of the Covenant undermines the full implementation of the Covenant in the country. The Maldives does not appear willing to

³ "Justice in Paradise," JusticeInfo.net, September 8, 2023, <<https://www.justiceinfo.net/en/121325-justice-in-paradise.html>>

⁴ "Negligence in Handling Documents by Ombudsperson's Office: AG," PSM News, March 7, 2024, <<https://psmnews.mv/en/134434>>

⁵ "Joint Press Release on the Maldives: Presidential Commission on Deaths and Disappearances Must Disclose Findings of Investigations to Victims' Families and the Public," Forum Asia, May 14, 2024, <<https://forum-asia.org/ddcom/>>

⁶ "Joint Press Release on the Maldives: Presidential Commission on Deaths and Disappearances Must Disclose Findings of Investigations to Victims' Families and the Public," Forum Asia, May 14, 2024, <<https://forum-asia.org/ddcom/>>

⁷ "Joint Press Release on the Maldives: Presidential Commission on Deaths and Disappearances Must Disclose Findings of Investigations to Victims' Families and the Public," Forum Asia, May 14, 2024, <<https://forum-asia.org/ddcom/>>

consider withdrawal of the reservation to the article 18 as recommended by the Committee in the Concluding Observations of the previous review.⁸

9. The Constitution of the Maldives designates Islam as the State religion and prevents enactment of laws that may be contrary to any tenet of Islam.⁹ As observed by the Committee in its previous review of the Maldives that the article 16(b)¹⁰ of the Constitution that provides for limitations on the exercise of constitutionally guaranteed rights or freedoms “in order to protect or maintain the tenets of Islam” continues to impede the application of the Covenant in the domestic legal order.¹¹
10. As illustrated in the forthcoming sections of this report, these provisions have undermined non-discrimination, in particular, based on sex, sexual orientation, religion, and migration status, as well as the protections of the rights to freedom of expression, freedom of religion or belief, freedom of peaceful assembly and freedom of association, in compliance with the Covenant.
11. These provisions, together with the inadequate State response, have engendered an environment characterised by violence, public persecution and vigilantism, and incitement to hate, violence, hostility and discrimination in the public discourse especially against individuals based on their perceived sexual orientation and gender identity or religion and belief.

Recommendations

12. Withdraw reservation to article 18 of the Covenant.
13. Take all measures to give full and unreserved effect to all provisions of the Covenant in the domestic legal order and ensure that the constitutional provisions that prohibit laws that may contravene tenants of Islam or that allow limitations of rights and freedoms to protect and maintain tenets of Islam are not invoked to impose undue restrictions on rights and freedoms guaranteed under the Covenant or justify the failure to fulfil obligations under the Covenant.
14. Adopt clear and comprehensive legal framework in line with the Covenant and other relevant international law to address violence, discrimination, as well as incitement to hate, violence, and discrimination based on sex, sexual orientation, religion, disability, migration status, and nationality.

⁸ CCPR/C/MDV/CO/1, §5

⁹ The Constitution of the Republic of Maldives 2008 (Constitution, 2008), article 10

¹⁰ Constitution, 2008, article 16(b)

¹¹ CCPR/C/MDV/CO/1, §6

Derogations, counter-terrorism measures and surveillance (arts. 2, 4, 6–7, 9, 14 and 17)

15. The Maldives' counter-terrorism framework, including the Anti-Terrorism Act of 2015, has raised significant concerns regarding its compatibility with international human rights standards.
16. The 2015 Anti-Terrorism Act has been criticized for its vague definitions and broad provisions, which undermine fundamental human rights protected by international law. UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, highlighted several critical issues during her visit to the Maldives in 2022. She noted that the Act's provisions related to terrorism, including those concerning support, encouragement, and speech-related offenses, are not clearly defined. This lack of precision impinges on rights such as freedom of expression and association¹² and is particularly problematic considering the history of using politically motivated charges of terrorism against those who are perceived to be critical of the government including journalists, activists, and political opponents and dissidents.
17. Moreover, as the Special Rapporteur observes, the widespread use of terms "extremism", "religious extremism" and "violent extremism" in legislative, regulatory and policy frameworks for counterterrorism, including the criminal framework, as well as public discourse is problematic as they could be perceived as benchmarks for acceptable or required religious practices is problematic. These terms can lead to arbitrary and informal determinations, resulting in severe consequences, including threats to individuals' lives and safety. The Act also grants excessive powers to the executive and judiciary during investigations and trials, further eroding civil liberties.¹³
18. Impunity for acts of terrorism and violent extremism, including enforced disappearances, remains a profound issue in the Maldives. The Special Rapporteur expressed deep concern over the ongoing harm to the families of the disappeared and those affected by terrorism. She emphasized the need for both legal and societal redress to address these injustices.
19. The current level of impunity not only perpetuates harm but also endangers civil society actors, shrinking civic space and exposing human rights defenders to attacks.¹⁴ The Special Rapporteur's report underscores the lack of protection for civil society actors and the closing down of civic space in the Maldives.¹⁵ The counter-terrorism measures in place, particularly the Anti-Terrorism Act, have significant implications for civil liberties. The

¹² A/HRC/52/39/Add.1, §16.

¹³ A/HRC/52/39/Add.1, §26.

¹⁴ "World Report 2024: Rights Trends in Maldives," Human Rights Watch, December 12, 2023,

<<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

¹⁵ A/HRC/52/39/Add.1, §31.

Act's provisions allow for increased surveillance and control measures, which disproportionately affect civil society and the general populace.

20. The Maldivian government has initiated steps to address the repatriation and reintegration of nationals from conflict zones. While acknowledging these efforts, the Special Rapporteur criticized the highly securitized approach to repatriation and the lack of transparency in the process. There are serious concerns about the legal procedures adopted, including mandatory administrative detention and the application of these measures to children. Particularly where the definitions around extremism are broad, there is reason to be concerned that without more stringent monitoring and regulating of the rehabilitation centers, they could be used as a detention mechanism for political dissidents as well. This approach raises significant human rights issues and calls for a more transparent and rights-respecting framework.¹⁶

Recommendations

21. Review the definition of “terrorism” in the Anti-Terrorism Act to ensure its compliance with the Covenant as well as other relevant international human rights standards and international best practice.
22. Review the Anti-Terrorism Act to narrow the scope of the terrorism-related offences, in particular encouragement, support and speech-based offences, to avoid disproportionate impact on fundamental freedoms guaranteed in the Covenant.
23. Repeal the provisions on “extremism” and “religious extremism” as part of the criminal framework and ensure the absolute right to freedom of religion or belief together with principles of equality and non-discrimination based on religion or belief.
24. Ensure full compliance with the right to fair trial under the Covenant all exceptionalities relating to investigation and prosecution of terrorism and “extremism” offences, in particular those that provide broad powers to the executive including the right to arrest without warrant, special search powers, restrictions on access to lawyers, extended period of review of legality of detention, limited powers to the judge to order release, extended periods of pretrial detention, and absence of bail.
25. End impunity for deaths, killings, disappearances and threats with credible investigations, timely prosecution, fair and open trials, and adoption of measures to ensure non-recurrence.
26. Adopt measures to protect members of civil society and human rights defenders from threats and violence.

¹⁶ A/HRC/52/39/Add.1, §58.

27. Develop clear legal frameworks in line with the Covenant and other relevant international standards to address incitement to hate, violence, discrimination and hostility.

Non-discrimination (arts. 2–3, 14, 20, 23 and 26–27)

Sexual Orientation and Gender Identity

28. The Maldives faces persistent challenges in combating discrimination based on sexual orientation and gender identity. The Maldivian penal code criminalizes consensual same-sex sexual conduct, imposing harsh penalties including prison sentences and lashes.¹⁷ This discriminatory legislation not only violates the rights of LGBTIQ+ individuals but also fosters a culture of fear, persecution and public vigilantism. Individuals perceived to be non-conforming to binary sexual orientations and gender identities have been subjected to physical violence and other forms of harassment and public persecution including doxing often with serious consequences.
29. The state's response to allegations of discrimination and violence based on sexual orientation and gender identity continues to be inadequate. While the government claims to have conducted thorough investigations into cases of harassment and violence, the lack of convictions and accountability underscores systemic failures in addressing discrimination.¹⁸

Migrant Workers

30. The economic development of the Maldives in the last 40 years has largely been dependent on its migrant worker population which has grown exponentially from around 2,400 migrant workers in 1985¹⁹ to over 130,000 today. Nearly all foreigners living in the country are employed migrant workers, and account for 31.6% of the country's labor force.²⁰
31. Despite their significant contributions to the country, migrant workers in the Maldives face serious challenges including lack of legal protection of their fundamental rights and systematic discrimination. Migrant workers did not receive legal protection under the law until the Immigration Act in 2007 and the Employment Act in 2008 were enacted along

¹⁷ “World Report 2024: Rights Trends in Maldives,” Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

¹⁸ CCPR/C/MDV/2, §75.

¹⁹ “Protecting Migrant Workers in Maldives,” International Labour Organization, March 23, 2021, <<https://www.ilo.org/publications/protecting-migrant-workers-maldives>>

²⁰ “Improving Labor Market Dynamics: Understanding Unemployment and Workforce Inactivity: An Analysis from Census 2022”, Maldives Bureau of Statistics, 2022, <https://census.gov.mv/2022/wp-content/uploads/2024/04/UNEMPLOYMENT_Census-2022.pdf>

with the 2008 Constitution., which enshrined the fundamental rights of all people in the Maldives, including migrant workers.

32. This progress, however, has not translated in to tangible improvements in their situation in practice primarily due to crucial gaps in these laws as well as systemic lack of enforcement resulting in widespread discrimination and abuses against migrant workers. They face numerous and intersecting forms of discrimination, including unchecked human trafficking, restrictions on participating in any political activity including for their labour rights, denial of healthcare, mistreatment, and unsuitable living conditions. Additionally, they are at disproportionately high risk of infectious diseases including COVID-19, as well as the economic consequences of the pandemic.²¹
33. The discrimination and incitement against migrant workers are often driven by State rhetoric. In 2020, the state justified the violent suppression and arrest of expatriate workers protesting unpaid wages, inhumane living conditions, and other labour rights violations, using xenophobic and fear-mongering rhetoric. Senior national security officials stated that the workers threatened state sovereignty²², and that the issue of unpaid wages was a pretext to cause unrest²³.
34. Furthermore, migrant workers in the Maldives are denied their right to freedom of religion and belief. Congregating in public for non-Islamic prayer remains illegal for foreign residents, effectively preventing migrant workers from practicing their faith openly.²⁴ This restriction not only infringes on their fundamental human rights but also represents a clear instance of discrimination based on religious beliefs, exacerbating their marginalisation and vulnerability within Maldivian society.

Recommendations

35. Enact a comprehensive anti-discrimination legislation which prohibits discrimination, *inter alia*, based on religion, gender, sex, sexual orientation and gender identity, disability and migration status.

²¹ “Maldives’ Migrants: The Other Side of Paradise: Economic Exploitation, Human Trafficking and Human Rights Abuses”, Fondation Pierre du Bois, March 2021, <<https://www.fondation-pierredubois.ch/wp-content/uploads/2021/03/2021-no3-Bentz.pdf>>

²² “Expats’ Actions Equivalent to Taking over Nation: Chief of Defence,” The Edition, 2024, <<https://edition.mv/news/18043>>

²³ “Maldives: Migrants Arrested for Protesting Abuses,” Human Rights Watch, July 24, 2020, <<https://www.hrw.org/news/2020/07/24/maldives-migrants-arrested-protesting-abuses>>

²⁴ “2022 Report on International Religious Freedom: Maldives” United States Department of State, December 7, 2023, <<https://www.state.gov/reports/2022-report-on-international-religious-freedom/maldives/#:~:text=According%20to%20the%20MIA%2C%20foreign,to%20participate%20in%20such%20activities>>

36. Decriminalise sexual relations between consenting adults of the same sex.
37. Combat stigmatisation and marginalisation on the basis of sexual orientation and gender identity and bring those responding to justice through mechanisms and processes that are in compliance with the Covenant and other relevant international standards for all allegations of violence, discrimination, and incitement to hate and violence against individuals based on their sexual orientation and gender identity.
38. Ratify and enforce the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the International Labour Organisation Conventions C97 and C143.
39. Take urgent measures to review and align the domestic legal framework for the protection of migrant workers with international human rights standards including the Covenant to safeguard their dignity and fundamental rights and freedoms including their right to freedom of peaceful assembly, association and expression, and ensure their full implementation and enforcement.
40. Amend the Employment Act (Law number 15/2022) to ensure that migrant workers receive equal minimum wage, as well equal access to other essential services including health, health insurance and adequate living conditions.
41. Combat and publicly condemn all instances of discrimination and incitement to hate and discrimination including xenophobia targeted at migrant workers and ensure accountability for attacks and violence against migrant workers through mechanisms and processes that are consistent with the Covenant and other international instruments.
42. Revise the existing domestic legal framework in compliance with the Covenant to allow migrant workers who are non-Muslims to practice and manifest their religion, including in places of public worship, and allow all individuals in the Maldives to fully exercise their right to freedom of religion or belief.
43. Take immediate measures to protect, and ensure accountability for threats and violence targeted against, human rights defenders and civil society organisations advocating for recognition and protection of the rights of all individuals including LGBTIQ+ persons as well as other marginalised and vulnerable populations including migrant workers.

Right to a fair trial and the independence of the judiciary (arts. 2, 7, 9–10 and 14)

44. While Maldives has made significant progress in strengthening the judiciary, especially the Supreme Court, longstanding and pervasive concerns related to political interference and corruption, and consequently to independence, impartiality and integrity of the judiciary has continued undermine public confidence in the justice system and its ability to protect

human rights and fundamental freedoms. The report of the official visit of the Special Rapporteur on the independence of judges and lawyers to the Maldives in 2013 highlighted serious gaps in the legal system, misinterpretation of judicial independence and accountability, and issues with the selection and appointment procedures of judges.²⁵

45. Moreover, the Judicial Service Commission (JSC) – the judicial oversight body – has been criticised for its lack of transparency and independence²⁶, in large part, due to its composition which allows political appointments to the Commission. Concerns raised by the Special Rapporteur, even in the years after the country visit, on the selection and appointment of judges, and failure to conduct credible investigations into allegations of misconduct including corruption against judges and magistrates continue to undermine the credibility of the by the JSC. The Commission is broadly perceived to be inadequate and highly politicised.²⁷
46. Additionally, the provision of legal aid and access to justice in the Maldives remain a significant challenge, particularly for marginalised and vulnerable populations. The state's response indicates the intention to introduce a Legal Aid Bill to establish an effective and sustainable national legal aid system.²⁸ The state's response notes that the Constitution requires providing legal counsel for those who cannot afford a lawyer in serious criminal cases. However, practical implementation of this provision remains inconsistent, and many detainees do not benefit from legal assistance.
47. There have been persistent reports of individuals being unable to access legal counsel following their arrest due to inability to afford a lawyer or due to the nature of the case, especially those that involve charges related to undermining religious unity or tenets of Islam. Non-governmental organisations and lawyers providing legal aid for victims of domestic violence or sexual violence and harassment have also reported incidences of threats targeted at lawyers and organisations.^{29 30}

²⁵ A/HRC/23/43/Add.3, §40.

²⁶ “Maldives: UN Rights Expert Dismayed by Failure to Review Convictions of Supreme Court Justices,” OHCHR, 2018, <<https://www.ohchr.org/en/press-releases/2018/06/maldives-un-rights-expert-dismayed-failure-review-convictions-supreme-court>>

²⁷ “Maldives: UN Rights Expert Dismayed by Failure to Review Convictions of Supreme Court Justices,” OHCHR, 2018, <<https://www.ohchr.org/en/press-releases/2018/06/maldives-un-rights-expert-dismayed-failure-review-convictions-supreme-court>>

²⁸ “Access to Justice in Maldives: Striving for Equality and Fairness” Apex Law, 2023, <<https://apexlaw.co/access-to-justice-in-maldives-striving-for-equality-and-fairness/>>

²⁹ “Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists - Civicus Monitor,” Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

³⁰ “World Report 2024: Rights Trends in Maldives,” Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

48. Another major issue affecting the Maldivian justice system is the lack of adequate resources. Heavy caseloads, a shortage of judges, prosecutors, and court personnel contribute to excessive delays in trials, prolonged pretrial detentions, and a mounting backlog of cases.³¹ These delays not only hinder access to justice but also erode public trust in the judicial system.³² Additionally, geographical barriers, high costs of legal representation, and inadequate legal aid services pose formidable obstacles for many individuals seeking justice, perpetuating inequality and contradicting the principle of equal protection under the law.³³

Recommendations

49. Reform the composition and functioning of the Judicial Services Commission including through revisions to relevant provisions of the Constitution as well as the necessary legal framework to guarantee its independence and ensure impartiality and integrity of the judiciary with a view to effectively protect human rights and fundamental freedoms through the judicial process.
50. Conduct proper and credible investigations into all allegations of misconduct in the judiciary, including corruption, under clear and transparent rules with respect for fundamental guarantees of fair trial and due process guarantees.
51. Establish a robust legal aid system in the legal framework to give effect to the Constitutionally guaranteed right to access to legal counsel and assistance, including with a view to ensure free legal assistance in cases where the interest of justice so requires.
52. Ensure adequate financial and human resources of the judiciary, in particular at the level of the magistrates and superior courts, to safeguard the right to fair trial and due process guarantees and avoid excessive delays in trials and prolonged pretrial detentions.
53. Establish robust victim and witness protection mechanisms within the criminal justice context, especially ensuring protection of individuals from vulnerable and marginalised populations.
54. Undertake adequate efforts at training judges, magistrates, prosecutors and lawyers on the provisions of the Covenant and their enforcement within the domestic legal framework.

³¹ “Access to Justice in Maldives: Striving for Equality and Fairness” Apex Law, 2023, <<https://apexlaw.co/access-to-justice-in-maldives-striving-for-equality-and-fairness/>>

³² “New Information Materials Launched to Enhance Support for Victims and Witnesses of Crime,” Maldives, 2021, <<https://maldives.un.org/en/175473-new-information-materials-launched-enhance-support-victims-and-witnesses-crime>>

³³ “Access to Justice in Maldives: Striving for Equality and Fairness” Apex Law, 2023, <<https://apexlaw.co/access-to-justice-in-maldives-striving-for-equality-and-fairness/>>

Freedom of conscience and religious belief (arts. 2, 18 and 26)

55. Religious freedom in the Maldives is subject to stringent restrictions, which severely limit the rights of individuals to practice their faith freely. Islam is enshrined as the state religion, and the constitution permits limitations on rights and freedoms to protect Islam. This leads to the criminalisation of criticism of Islam, and public preaching is strictly regulated, requiring a government license³⁴. Non-Muslim foreigners are only allowed to observe their religions privately, further highlighting the lack of religious freedom.³⁵
56. The Maldivian constitution discriminates against non-Muslims by stipulating that only Muslims can be citizens. This provision effectively excludes non-Muslims from enjoying full citizenship rights and is a direct violation of international human rights standards that prohibit discrimination based on religion.
57. The Maldivian government and its people are mandated to protect religious unity, a concept enshrined in the constitution, which states that no law contrary to any tenet of Islam shall be enacted. Constitutional provisions restricting religious freedoms along with the reservation of article 18 of the Covenant, undermines the full application of the Covenant in the Maldives. The Committee has previously raised concerns that the Maldives' reservation to article 18 is incompatible with the Covenant's objective and purpose, as it applies unrestrictedly to all provisions of article 18, including the non-restrictable right to adopt a religion.
58. Respect or advocacy for the respect and protection of freedom of thought, conscience, and religion in line with the Covenant is often perceived to be contradictory to tenets of Islam. Advocacy for equality between genders, protection of rights of LGBTIQ+ persons, and abolition of the death penalty, or criticism of practices justified in the name of Islam such as child marriage, and female genital mutilation have often been construed to be contradictory to Islam or labelled blasphemous. Consequently, human rights defenders, civil society actors and secularist writers have often become targets of persecution, criminal investigations, death threats or public vigilantism.
59. Prosecution of Mohamed Rusthum Mujuthaba, who was prosecuted for exercising his right to freedom of thought, conscience, and religion, is emblematic of such persecution. Mujuthaba was targeted for his social media posts that allegedly criticised religious practices and discussed various human rights violations committed in the name of religion, including misogyny, restrictions on freedom of speech, homophobia, antisemitism, and genital mutilation. Despite filing a complaint about death threats he received, the police

³⁴ “Maldives: Freedom in the World 2024 Country Report,” Freedom House, 2024, <<https://freedomhouse.org/country/maldives/freedom-world/2024>>

³⁵ “Maldives: Freedom in the World 2024 Country Report,” Freedom House, 2024, <<https://freedomhouse.org/country/maldives/freedom-world/2024>>

did not investigate these threats. Instead, he was arrested and detained for over six months without trial on charges of criticising Islam and attempting to disrupt religious unity.³⁶

60. After his release, Mujuthaba continued to face harassment, including an increasing number of death threats, especially after his court appearance was leaked to the media. This pattern of judicial harassment against Mujuthaba suggests a targeted effort to suppress his legitimate exercise of freedom of thought and expression.³⁷
61. Similarly, arbitrary dissolution and persecution of members of the Maldivian Democracy Network, a local human rights organisation, by the government in response to public campaigns by religious groups for alleged blasphemy in relation to an investigative report into the human rights implications of growing religious radicalism in the country further illustrate the threats to human rights advocates. Since the last review of Maldives by the Committee, the disappearance of journalist Ahmed Rilwan Abdullah in 2014 and the murder of human rights defender and writer Yameen Rasheed in 2017 demonstrate the severity threats of public vigilantism against those who advocate tolerance and human rights as well as consequences of failure of authorities to adequately address such threats.

Recommendations

62. Revise the Constitution to ensure that religion is not a basis for citizenship.
63. Revise legislation to allow non-Muslims to practice and manifest their religion, including in places of public worship.
64. Abolish the crime of apostasy in the legal framework and allow all Maldivians to fully enjoy their right to freedom of religion.
65. Decriminalise blasphemy and revise legal framework including the provisions of the Penal Code that in particular criminalises legitimate exercise of the right to freedom of expression and opinion, freedom of peaceful assembly and of association on the basis of protecting religious unity or tenets of Islam.
66. Investigate and prosecute through credible mechanisms in line with the provisions of the Covenant and other international principles of due process and fair trials, and publicly condemn, all incidences of hate speech, incitement to violence and discrimination based on religious beliefs, as well as threats against human rights defenders, civil society actors, writers, journalists and political actors for alleged offences against Islam.

³⁶ AL MDV 1/2022

³⁷ AL MDV 1/2022

Freedom of expression, right of peaceful assembly and freedom of association (arts. 2, 19 and 21–22)

Freedom of Expression

67. The Constitution of the Maldives guarantees the right to freedom of expression in a manner that is not contrary to a tenet of Islam. This limitation goes beyond the permissible limits on the right to freedom of expression under the Covenant and remains one of main sources of violation and abuse of the right in the Maldives. In addition to arbitrary determination of expression as contrary to tenets of Islam by the State, this has also opens possibilities for informal determination of legitimate expression as contrary to Islam by non-State actors often leading to violence and threats against individuals exercising their right to freedom of expression. In most cases, such violence and threats even those with fatal consequences are perpetrated with impunity.
68. The unresolved cases of the enforced disappearance of investigative journalist Ahmed Rilwan and murder of human rights defender and writer Yameen Rasheed, underscore the threats faced by those exercising their right to freedom of expression.³⁸ Despite government efforts to establish investigative mechanisms, such as the DDCCom, to address such attacks, credible investigations and accountability have remained elusive.³⁹ Notably, the DDCCom has linked attacks on individuals like Yameen Rasheed and Ahmed Rilwan to a broader campaign of intimidation against dissenting voices.⁴⁰ Persistent impunity in these and other similar cases has perpetuated similar attacks and fostered an environment of fear and censorship.
69. A survey conducted by the Maldives Journalists Association found that 37 percent of local journalists reported being threatened by radicalised individuals, underscoring the pervasive atmosphere of fear and intimidation that stifles freedom of expression and religious discourse in the Maldives.⁴¹
70. Furthermore, existence of legislation such as the Evidence Act, which is not only in contravention to article 28 of the Constitution, but also allows courts to compel journalists

³⁸ “Joint Press Release: Stop the Use of Conductive Energy Devices (Tasers) by the Maldives Police Service.,” Democracy Maldives, March 9, 2023, <<https://democracymaldives.org/?p=265>>

³⁹ “Press Release: Yameen Rasheed’s Murder: Family Left Clueless as Presidential Commission Wraps Up,” Democracy Maldives, April 23, 2024, <<https://democracymaldives.org/?p=371>>

⁴⁰ “World Report 2024: Rights Trends in Maldives,” Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

⁴¹ “Maldives: Freedom in the World 2024 Country Report,” Freedom House, 2024, <<https://freedomhouse.org/country/maldives/freedom-world/2024>>

to reveal their sources, further undermining press freedom and contributing to self-censorship.^{42 43 44}

71. The relationship between media and the government is marred by challenges to autonomy and safety of media organisations. State-owned enterprises often sponsor media outlets, indirectly influencing their reporting on sensitive issues such as political corruption or abuse of labour rights, leading to compromised reporting and threats to journalists.⁴⁵ While the Communications Authority of Maldives regularly blocks websites with anti-Islamic content upon request by government ministries and other agencies, the new administration led by President Mohamed Muizzu has also blocked websites publishing content critical of the government.^{46 47}
72. Additionally, the government and politicians exert pressure on journalists, fostering self-censorship and compromising the objectivity of reporting.⁴⁸ The lack of clear guidelines for protest coverage further complicates the role of journalists, as demonstrated by the Right to Assembly Act's unfair stipulations.⁴⁹

Right to Information

73. The Maldives guaranteed the Right to Information (RTI) in the 2008 Constitution and the 2014 Right to Information Act. In the last decade since the enactment of the Act, key provisions in the Act remain unimplemented. Research done by the Association for Democracy in the Maldives (ADM) in 2022 showed that none of the 73 institutions sampled in the survey fully complied with sections of the Act that mandated proactive disclosure of information.⁵⁰ A study conducted the following year also concluded that the

⁴² “Human Rights in Maldives,” Amnesty International, 2023, <<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/maldives/report-maldives/>>

⁴³ “World Report 2024: Rights Trends in Maldives,” Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

⁴⁴ “Maldives: President Ratifies New Evidence Act with Controversial Provision on Revealing Journalist Sources,” The Library of Congress, August 9, 2023, <<https://www.loc.gov/item/global-legal-monitor/2022-08-09/maldives-president-ratifies-new-evidence-act-with-controversial-provision-on-revealing-journalist-sources/>>

⁴⁵ “Media Mirror: Unveiling Public Trust in the Maldivian Media / IFJ,” IFJ, December 19, 2023, <<https://www.ifj.org/media-centre/news/detail/article/media-mirror-unveiling-public-trust-in-the-maldivian-media>>

⁴⁶ “Maldives | SAPFR 2021-22,” IFJ, 2021, <<https://samsn.ifj.org/SAPFR21-22/456-2/>>

⁴⁷ “Maldives: Critical Websites Blocked While Journalists, Civil Society Continue to Face Challenges,” Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-critical-websites-blocked-while-journalists-civil-society-continue-to-face-challenges/> <https://atolltimes.mv/post/news/6977>>

⁴⁸ “Media Mirror: Unveiling Public Trust in the Maldivian Media / IFJ,” IFJ, December 19, 2023, <<https://www.ifj.org/media-centre/news/detail/article/media-mirror-unveiling-public-trust-in-the-maldivian-media>>

⁴⁹ “Media Mirror: Unveiling Public Trust in the Maldivian Media / IFJ,” IFJ, December 19, 2023, <<https://www.ifj.org/media-centre/news/detail/article/media-mirror-unveiling-public-trust-in-the-maldivian-media>>

⁵⁰ “State Compliance to the Mandatory Proactive Disclosure Requirements of the Right to Information Act [Law Number 1/2014] of the Maldives,” Democracy Maldives, November 9, 2022, <<https://democracymaldives.org/?p=248>>

current regime and practices employed in the Maldives do not effectively ensure the right to access to information - especially in a timely manner.⁵¹

74. Issues with the provision of information by the state are further compounded by the fact that state institutions are not required to abide by any standards in setting up their websites, leading to unavailable, outdated, and inaccessible websites. A study conducted by Transparency Maldives and the Information Commissioner's Office in 2023 showed that only 53% of the 935 state institutions monitored had a functional website, and that less than 1% of all monitored institutions proactively disclosed the information mandated by the Act.⁵² Despite the new President assuring the media that filing RTI requests would be unnecessary, the Information Commissioner revealed in April 2024 that almost 90% of cases appealed to the Office of the Information Commissioner during the first quarter of the year involved complaints of government offices "not responding at all to RTI requests." A total of 139 cases in the first three months of 2024 represented a 58% increase from the same period last year.⁵³

Freedom of Peaceful Assembly

75. The Maldives continues to grapple with undue limitations on the right to peaceful assembly, primarily through legislation such as the Freedom of Peaceful Assembly Act 2013. This Act, while ostensibly designed to regulate public gatherings, grants the police extensive discretionary powers and imposes undue restrictions on assembly locations and access for journalists, significantly stifling the right to protest, restricting gatherings in the capital Malé to one small area.⁵⁴ The Maldivian Democratic Party pledged to repeal these restrictions while in opposition, calling them "unconstitutional". Despite calls for reform, proposed amendments to this act were rejected by parliament, exacerbating the repression of dissenting voices.⁵⁵
76. In 2020, following public outcry over excessive force being used to suppress multiple demonstrations, the government defended the restrictions on the right to assembly⁵⁶. These

⁵¹ "Effectiveness of RTI Regimes and Timely Access to Information in the Maldives," Democracy Maldives, March 10, 2023, <<https://democracymaldives.org/?p=269>>

⁵² "Proactive Disclosures by Public Authorities – a Review of Compliance to the Obligations under the Right to Information Act," Transparency Maldives, March 3, 2024, <<https://transparency.mv/publications/proactive-disclosures-by-public-authorities-a-review-of-compliance-to-the-obligations-under-the-right-to-information-act/>>

⁵³ Aheed Rasheed (X), April 8, 2024, <<https://x.com/aahidrasheed/status/1777232221272961444>>

⁵⁴ "Joint Statement on the Maldives: All Candidates and Parties Must Commit to Respecting and Protecting Civic Freedoms," Forum Asia, September 8, 2023, <<https://forum-asia.org/joint-statement-the-maldives-all-candidates-and-parties-must-commit-to-respecting-and-protecting-civic-freedoms/>>

⁵⁵ "Joint Statement on the Maldives: All Candidates and Parties Must Commit to Respecting and Protecting Civic Freedoms," Forum Asia, September 8, 2023, <<https://forum-asia.org/joint-statement-the-maldives-all-candidates-and-parties-must-commit-to-respecting-and-protecting-civic-freedoms/>>

⁵⁶ "Maldives Government Defends Restrictions on Public Gatherings," The Edition, 2024, <https://edition.mv/freedom_of_assembly/17927>

protests included those by exploited expatriate workers, child rights groups, women's rights groups and the opposition coalition. In 2023 President Solih declared a 'zero-tolerance policy towards anti-government protests', enforced through the Maldives Police Service.

77. Instances of police deploying pepper spray and resorting to arbitrary arrests during peaceful demonstrations underscore systemic challenges in protecting fundamental rights.⁵⁷ Journalists covering protests have faced harassment, assault, and arbitrary detention, exemplified by incidents such as where journalists were pepper-sprayed and wrongfully detained by authorities, or local TV stations being threatened with arson.^{58 59 60} In March 2023 journalist Hussain Juman was attacked by the police suffering injuries and damage to his phone.⁶¹ In February 2023 journalists Hassan Shaheed and Ahmed Misbaah were "pressed down, pepper-sprayed and struck by police shields" while reporting on another protest.⁶² Such actions not only violate international human rights standards but also undermine public trust in law enforcement institutions.
78. Moreover, concerns have been raised about the introduction of Conductive Energy Devices (CEDs), particularly the Taser 7, by the Maldives Police Service, despite widespread condemnation and calls for accountability for police misconduct and excessive use of force.^{63 64} These developments highlight the urgent need for reform to protect the right to freedom of expression and peaceful assembly in the Maldives.
79. Peaceful assemblies for worker rights have also been particularly targeted, with migrant workers demanding their basic rights affected disproportionately. In July 2023, 39 Bangladeshi expatriate workers were detained during a protest demanding payment of

⁵⁷ Civicus Monitor, "Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists - Civicus Monitor," Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

⁵⁸ "Human Rights in Maldives," Amnesty International, 2023, <<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/maldives/report-maldives/>>

⁵⁹ "World Report 2024: Rights Trends in Maldives," Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

⁶⁰ "Probe Launched into Threats against RaajjeTV, Channel 13," Raajje, May 1, 2024, <<https://raajje.mv/152753>>

⁶¹ "Maldives: Police Assault and Detain Journalist as Attacks to Press Freedom Rise / IFJ," Ifj.org, March 23, 2023, <<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/maldives-police-assault-and-detain-journalist-as-attacks-to-press-freedom-rise>>

⁶² "Maldives: Two Journalists Assaulted by Police during Protest Coverage / IFJ," Ifj.org, February 13, 2023, <<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/maldives-two-journalists-assaulted-by-police-during-protest-coverage>>

⁶³ "Joint Press Release: Stop the Use of Conductive Energy Devices (Tasers) by the Maldives Police Service.," Democracy Maldives, March 9, 2023, <<https://democracymaldives.org/?p=265>>

⁶⁴ "Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists," Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

unpaid wages.⁶⁵ The protest stemmed from the non-payment of salaries for several months, highlighting the vulnerability of migrant workers to exploitation and the limitations they face in asserting their rights. The disproportionate response from authorities including the police underscores the challenges in protecting workers' rights and facilitating peaceful assembly.⁶⁶ Similarly, in December 2022, a group of migrant workers protested against their employer for unpaid salaries and poor working conditions.⁶⁷ Despite legitimate grievances, the workers faced police intervention, reflecting a broader pattern of suppressing dissent and limiting the exercise of the right to association in the context of labour rights.

Freedom of Association

80. The arbitrary dissolution of civil society organizations, such as the Maldivian Democracy Network (MDN), raises concerns about the government's commitment to upholding the right to freedom of association in line with its obligations under the Covenant as well as the Constitution. While the government has stated that the MDN's dissolution was an isolated incident, it is imperative to ensure that civil society organizations can operate freely without arbitrary restrictions.⁶⁸ In 2019 a targeted smear campaign with accusations of being 'anti-Islamic' and 'irreligious' culminated in the arbitrary dissolution of the MDN, the oldest human rights NGO in the country, and the forced exile of human rights defenders working with the NGO. The campaign first began with the doxing and threatening of staff and demands to ban the organisation. The online campaign spread offline with protests calling to kill, burn, behead and rape the authors of a report on violent extremism in the Maldives. One out of hundreds of death threats against the MDN staff was investigated by the police, while all four authors of the report were issued summonses for criminal investigations. The Solih government gave in to the demands of religious extremists and went even further by seizing the organisation's donor funds.
81. Following this campaign, the same tactic was used against a women's rights organisation, Uthema, in 2020 with complaints lodged with the police against the organisation following a shadow report for the review of Maldives by the Committee on the Elimination of Discrimination against Women. This method of targeting and accusations of anti-Islamic

⁶⁵ "Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists," Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>/

⁶⁶ "Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists," Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

⁶⁷ "Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists," Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

⁶⁸ "World Report 2024: Rights Trends in Maldives," Human Rights Watch, December 12, 2023, <<https://www.hrw.org/world-report/2024/country-chapters/maldives>>

conduct against human rights defenders and civil society organisations has become commonplace.

82. Reports of restrictions on the right to association in the context of labour disputes, as well as the detention and deportation of migrant workers participating in protests and collective bargaining, highlight systemic challenges in protecting workers' rights.⁶⁹
83. The application of the law on association is selective, and particularly targets civil society advocating for human rights protections, going so far as to arbitrarily deregister organisations without due process. The Registrar of Associations with the mandate and power to register or deregister civil society organisations remains a politically appointed position despite concerns raised by civil society and other actors.
84. These examples illustrate systemic barriers to the effective exercise of the right to association in the Maldives, particularly for civil society organizations and marginalized groups such as migrant workers.

Recommendations

85. Review and amend in line with the Covenant and other relevant international standards all legislation, including the Freedom of Peaceful Assembly Act, Evidence Act, and provisions of the Penal Code, that impose unlawful restrictions on the rights to freedom of expression and opinion, freedom of peaceful assembly and freedom of association.
86. Conduct transparent, impartial and credible investigations into all forms of attacks and harassment against journalists, human rights defenders, and civil society organisations and ensure accountability.
87. Refrain from any kind of illegal interference in the functioning of media and the work of journalists as well as use of excessive force against journalists reporting on protests, including by reviewing and amending existing legal framework to prevent such interference by law enforcement authorities and other individuals in positions of power.
88. Adopt procedures and regulations in compliance with the Covenant and other relevant international human rights standards as well as guidelines of the Committee in particular its general comment No. 37 (2020) for the police and law enforcement authorities in managing protests and demonstrations.

⁶⁹ “Maldives: Ahead of the Presidential Elections, Journalists Face Harassment While Crackdown on Protests Persists,” Civicus Monitor, 2023, <<https://monitor.civicus.org/explore/maldives-ahead-of-the-presidential-elections-journalists-face-harassment-while-crackdown-on-protests-persists/>>

89. Investigate all allegations of excessive use of force, violence and other misconduct in the management of protests and demonstrations and bring police and security officers and other officials responsible to justice.
 90. Take measures to foster a safe and enabling environment for civil society, journalists and human rights defenders to carry out their work without fear of reprisals, attacks, harassment and intimidation.
 91. Ensure civil society organisations and human rights defenders are able to contribute to and cooperate with United Nations human rights mechanisms including this Committee freely and without fear of reprisals.
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