

MALDIVES 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Maldives is a multi-party constitutional democracy. In 2008 Parliament ratified a new constitution that provided for the first multi-party presidential elections. Following events in early 2012 that included violent protests and charges of presidential abuse of power, President Mohamed Nasheed stepped down in February, and Vice President Mohamed Waheed became head of state. A Commission of National Inquiry concluded that no coup had occurred but cited credible cases of police misconduct and called for strengthening democratic institutions. On September 7, the country held presidential elections, which international monitors characterized as transparent, fair, and credible. Nevertheless, the Supreme Court annulled the elections, citing voting irregularities. After new elections on November 9 and a run-off on November 16, Abdulla Yameen Abdul Gayoom was declared the new president. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems included charges of Supreme Court interference to subvert the presidential elections process, restrictions on religious freedom, and corruption of officials in all branches of government.

Other human rights problems included the use of flogging as a punishment, arbitrary arrests, harassment of journalists, abuse and unequal treatment of women, and discrimination against foreign laborers. Migrant laborers were subjected to labor abuses and were the primary victims of human trafficking.

The government took steps to prosecute and punish some police and military officials who committed abuses, but several judges allegedly committed illegal acts with impunity.

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

There were no reports of politically motivated disappearances.

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.

The Police Integrity Commission (PIC) identified eight cases of police brutality and sent six to the Prosecutor General's Office (PGO) for prosecution. The PIC recommended administrative action against all the officers. Authorities dismissed one officer, while five others remained with the police, including one who was promoted. At year's end two of the six cases submitted to the PGO had been dismissed for lack of evidence, three cases had been filed at the courts for prosecution, and one had yet to be decided.

The PIC reported three cases of alleged sexual harassment of detainees by police in 2012. One case was under investigation. The other two cases, one involving four female detainees and the other involving a male detainee, were dropped for lack of evidence and the refusal of victims to cooperate with the investigation.

The prosecutor general had yet to make a decision at year's end on whether to appeal the High Court decision to overturn the Police Disciplinary Board's decision to discharge four police officers: Chief Inspector Risheef Thoha, Constable Husham Hameed, Corporal Mohamed Fayaz, and Lance Corporal Ali Nasheed. The four were discharged on allegations they physically and sexually abused a woman in 2010.

The law permits flogging as a form of punishment. According to 2012 statistics from the Department of Judicial Administration, the courts sentenced 71 adults to flogging, 63 percent of whom were women. The Juvenile Court issued 12 flogging sentences, with six females and six males sentenced during the year. Birth out of wedlock and fornication were common reasons for flogging sentences, resulting in a disproportionate number of women being flogged.

On February 25, the Juvenile Court sentenced a 15-year-old victim of sexual abuse to 100 lashes and eight months' house arrest after she confessed to having sex outside marriage. The man with whom the girl said she had sexual relations denied the charges and received no sentence. The girl's confession to extramarital sex

occurred during an investigation into reports her stepfather had repeatedly abused her sexually and had fathered the child whose dead body was found in the outside toilet of their home. Authorities charged the stepfather with sexual abuse and murder and the girl's mother with concealing a crime. On August 21, after an appeal from the government following domestic and international pressure, the High Court annulled the sentence against the girl.

On December 23, President Yameen ratified the Anti-Torture Bill, which Parliament unanimously passed. The law, which comes into effect in February 2014, provides the Human Rights Commission of Maldives (HRCM) with the authority to stop torture and outlines measures to combat torture and other cruel, inhumane, or degrading treatment, including punishment for offenders.

Prison and Detention Center Conditions

Although overcrowded, prisons met most international standards.

Physical Conditions: The Department of Penitentiary and Rehabilitation Services (DPRS) oversaw the operation of three prison facilities: Maafushi Prison, Asseryi Prison, and Male Prison. The DPRS prison system, which had an estimated capacity of 885 prisoners and detainees, had a prison population of 1,050. There were 34 women in the system, as well as 14 boys under age 18. Drug offenders accounted for 47 percent of the prison population.

Pretrial detainees were held separately from convicted prisoners. Detention facilities were located in Male Prison. The capacity of the Male Prison's remand center was reportedly 70 persons, and at year's end there were 63 remand prisoners there.

Authorities held women separately from men in Maafushi Prison and guarded them with female prison officers. Conditions in the women's area of the prison were similar to those in the men's area, although there were fewer female inmates per cell. Authorities held juvenile prisoners separately in Asseryi Prison.

Prisoners had access to fresh water for drinking and cleaning, and cells had toilet facilities and water. Prisoners had access to computer and religious classes. The DPRS also ran a brick-making operation, which provided employment for some inmates.

Administration: The DPRS reported that it had a database, recordkeeping system, and adequate communication between the prisons and headquarters, and between the DPRS and Maldives Police Service (MPS).

The law allows judges the discretion to use a fine, house arrest, banishment to another island, or prison as punishment. If the community where an offender is to be sent for banishment objects, the DPRS often uses house arrest as an alternative. Community service is not used as an alternative sentence. The law allows for delayed sentencing while the accused undergo treatment for drug abuse. Prison authorities provided inmates with the materials needed to lodge complaints. According to the DPRS, a committee discussed all complaints and provided responses to each prisoner. Authorities allowed prisoners visits by their families and attorneys, as well as talks with family members twice a month by telephone.

Independent Monitoring: The government generally permitted regular prison visits by the HRCM, the International Committee of the Red Cross/Red Crescent, and other international assessment teams. The HRCM reported that no international observer visits occurred during the year. The National Preventive Mechanism under the HRCM conducted three visits to prisons as of the end July: to Male Prison on March 19 and 25 and to Maafushi Prison on April 4.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Nevertheless, police arbitrarily arrested demonstrators in the wake of the Supreme Court decision to annul the September 7 presidential elections.

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. The chief of the MNDF reports to the minister of defense. The president is commander in chief of the MNDF.

Civilian authorities maintained effective control over the MPS and MNDF, and the government had generally effective mechanisms to investigate and punish abuse and corruption. The PIC is the primary mechanism available to investigate abuses

by security forces, and it has the authority to submit any cases with criminal elements to the Attorney General's Office.

On September 9, the PIC ruled that then police commissioner Abdulla Riyaz contravened the Police Act in using social media to call for police officers to vote against Maldivian Democratic Party (MDP) presidential candidate Mohamed Nasheed. The PIC recommended to the minister of home affairs that administrative action be taken against Riyaz, but no action was taken.

On October 19, police intervened during preparations for the reholding of presidential elections and refused to provide logistical and security support for the Elections Commission. Police abdication of their responsibility prevented the elections from occurring.

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 cannot be made unless the arresting officer observes the offense, has reasonable evidence, or has an arrest warrant issued by a court. 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 that an arrestee be informed of the right to a lawyer at the time of arrest. A lawyer may be appointed by the court 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 will be made. 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 PIC confirmed that proper arrest procedures were in place but that police did not fully implement them.

Arrest procedures were not fully followed in dealing with protests in the wake of the Supreme Court decision to annul the presidential elections on September 7. There were reports that police arrested protesters and held them for less than 24 hours as a means of deterring their participation in the protests. The courts in some instances released detainees on the condition that they not participate in protests or political gatherings for a specified number of days.

Sources reported that police held suspects under investigative detention without formal arrest for periods ranging from a few hours to a few days. Police allegedly used such a procedure to remove groups from the streets and control gang activities. Unlike arrests, there were no formal records of investigative detentions.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the judiciary was not independent and impartial and was subject to influence and corruption. There were instances in which the outcome of cases appeared predetermined, such as the repeated intervention by the Supreme Court in the presidential elections. This included the Supreme Court's direct acceptance of cases about the elections without allowing lower courts to hear them first. There were numerous allegations of bribery and abuse of power within the judiciary. Both government loyalists and opposition members accused the judiciary of being biased and having its own political agenda. A number of judges were known to base their rulings on cash rewards, and there were reports that lawyers occasionally built the cost of bribes into their fees. The public generally distrusted the judiciary.

The seven-member Supreme Court is constitutionally independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it. 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, and two of the judges had been convicted of sexual assault. The media and nongovernmental organizations (NGOs) criticized the Judicial Service Commission (JSC) for

appointing unqualified judges. Commenting on her February 17-24 visit, UN Special Rapporteur on the Independence of Judges and Lawyers Gabriela Knaul stated she “heard from numerous sources that the current composition of the Judicial Services Commission, the body in charge of the appointment, transfer, and removal of judges, is inadequate and politicized. Because of this politicization the Commission has been subjected to all sorts of external influence and consequently has been unable to function properly.”

The Supreme Court exerted undue influence in the presidential election. On September 27, the Supreme Court annulled the September 7 election, citing a secret report that claimed 5,623 ineligible voters had participated, despite conclusions by the Elections Commission and international and domestic observers that the poll was free and fair. On September 19, the NGO Transparency Maldives stated that it did not find any evidence to support allegations of systematic election fraud. The court also dictated a 16-point directive to the Elections Commission on the conduct of future elections, which was described as “onerous” and “difficult to satisfy” in an October 30 statement by UN High Commissioner for Human Rights Navi Pillay. One of the guidelines was that all candidates must approve the voter registries. The Supreme Court refused to amend the 16-point decree in response to a petition by the Elections Commission.

Elections Commissioner Fuwad Thowfeeque labeled the Supreme Court’s guidelines “restrictions” and expressed concern that they effectively allowed political parties to stop elections from happening. International observers, including the Commonwealth of Nations and the United Nations, expressed similar concerns. Both the Progressive Party of Maldives (PPM) and the Jumhooree Party (JP), which came in second and third, respectively, in the annulled September 7 elections, refused to approve the voter registry for the reholding of those elections scheduled for October 19. Their refusal to sign the voter registry prompted the police to withdraw their support of the elections, and the polls were canceled as a result.

A new first round finally took place on November 9. The run-off scheduled for the following day was postponed due to the Supreme Court’s guideline requiring all parties to sign off on voter lists. The PPM and JP cited concerns with the lists and the capacity of the Elections Commission, and requested time to review the lists thoroughly before signing. The runoff elections finally took place on November 16, and PPM candidate Abdulla Yameen Abdul Gayoom won by a narrow margin.

In June authorities arrested an official of the Waheed administration on allegations of using a sex tape to blackmail a Supreme Court Judge. Leaked footage of the video on social media purportedly showed the judge committing adultery. On June 26, police arrested the blackmailing official, who was later released on house arrest. The JSC ruled there was insufficient evidence to suspend the judge despite six leaked tapes, and he remained on the bench at year's end while an investigation continued.

The courts dismissed a number of alleged cases of corruption and wrongdoing brought by the Nasheed administration after President Waheed took office in February 2012. Most notable was a case of corruption filed against Abdulla Algeen, brother of current President Abdulla Yameen and half brother of former president Gayoom, who had allegedly transferred funds meant for the Department of Meteorology into his personal bank account. The courts dismissed the case in August 2012, ruling there was no evidence that the funds were earmarked for the government. The PGO appealed the decision at the High Court in December 2012, but no hearing had been scheduled by year's end.

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. The judiciary generally enforced these rights. Both defendants and their attorneys have 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.

Islamic law 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 except on issues specifically stipulated by Islam.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. Local NGOs confirmed no one had been arrested solely for his or her political beliefs.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. A civil court addressed non-criminal 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,” but the government monitored communications. 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. The standard for acquiring the right to tap civilian telephone lines was very low, and there were reports of illegal recording of telephone conversations, allegedly executed by the MNDF.

The constitution provides that residential premises and dwellings are inviolable and can be entered without consent of the resident only under exigent circumstances or under the authorization of a court.

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: The constitution prohibits utterances contrary to tenets of Islam or the government’s religious policies. The law limits a citizen’s right to freedom of expression in order to protect the “basic tenets of Islam” and prohibits criticism of the government’s policies on religion.

Press Freedoms: 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 December 2012 the government passed a law requiring accreditation for media to cover protests. Local NGOs Transparency Maldives and Maldivian Democracy Network expressed their concern about the law, contending that it restricts the freedoms of expression and press.

In July and August 2012, the MPS and the president's office announced they would not cooperate with local news channel Raajje TV, which they claimed spread false information about police. As a result, Raajje TV was excluded from police press briefings, and its reporters were not allowed inside police barricades to cover events. Other media faced no such restrictions. The Civil Court ruled in February and April that the action taken by the MPS and the president's office was unconstitutional.

Violence and Harassment: On February 22, Raajje TV reporter Ibrahim "Asward" Waheed was attacked with an iron rod while riding a motorcycle in Male. He was transferred to Sri Lanka for treatment following the attack and underwent major surgery to correct a broken jawbone. The prosecutor general charged two individuals, Ahmed Vishan and Hassan Raihan, with assault. On October 7, masked men stabbed a security guard at the Raajje TV station and set it on fire. As of November 21, police had arrested seven suspects and appealed for the public's help in locating an additional suspect. Investigations continued at year's end.

At year's end no arrests had been made in the case of local reporter and journalist Ismail Hilath Rasheed, who was violently attacked in 2011 and again in 2012 before fleeing the country.

Censorship or Content Restrictions: NGO sources stated that the media practiced self-censorship on issues 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, except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the internet, including by e-mail.

The Ministry of Islamic Affairs continued to block websites considered anti-Islamic or pornographic. At year's end, a 2011 Telecommunications Authority ban on a local blog, Hilath.com, continued. The original ban came at the request of the Islamic Ministry because of the blog's alleged anti-Islamic content. The blog was known for promoting religious tolerance, as well as for discussing the blogger's homosexuality.

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 that academics practiced self-censorship. The government censored course content and curricula. Sunni Islam was the only religion taught in the schools.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for "freedom of peaceful assembly without prior permission of the State," and the government generally respected this. On January 1, however, the president signed a new law on peaceful assembly that restricted protests outside designated areas. Local NGOs Transparency Maldives and Maldivian Democracy Network expressed their concern that the law impinged on freedom of peaceful assembly.

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 to register if they did not contravene Islamic or civil law.

In December 2012 parliament passed a Political Parties Act, which restricted registration of political parties and eligibility of state funds to only those parties with 10,000 or more members. Existing parties with fewer than 10,000 members had three months to acquire new members. Only three parties met this requirement in time for the September 7 first-round presidential poll. Local NGOs Transparency Maldives and Maldivian Democracy Network raised concerns that the law restricts 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 forced 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/j/drl/irf/rpt/.

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 (UNHCR) 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 very common. The implementation of such punishment was difficult, however, because host communities increasingly refused to accept anyone sentenced to a crime. According to 2012 Department of Judicial Administration statistics, 125 individuals were sentenced to banishment for periods shorter than life, and one person was sentenced to banishment for life.

Internally Displaced Persons (IDPs)

According to statistics available from the National Disaster Management Center (NDMC), the government entity tasked with coordinating IDP issues, 727 IDPs from the 2004 tsunami disaster lived in temporary shelters. The NDMC reported that during the year 873 IDPs were housed by relatives and through other means, as government assistance projects were delayed. The prolonged delay in permanently housing these IDPs was reportedly due to problems with a building contractor and because the IDPs did not agree with the locale for relocation. Approximately 67 percent of IDPs came from the island of Kolhufushi in Meemu Atoll, where the 2004 tsunami destroyed all housing.

Protection of Refugees

Access to Asylum: The country is not a signatory of the 1951 Refugee Convention or its 1967 Protocol. 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. A family of four Palestinian refugees arrived in the country via Syria on July 9. At the request of UNHCR, the four were not refouled, but housed on Hulhule Island. Sweden ultimately granted asylum to the family, which departed Maldives on August 22.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Presidential elections took place on September 7. Four candidates contested the elections: former president Mohamed Nasheed for the MDP, former president Maumoon Abdul Gayoom's brother Abdulla Yameen for the PPM, businessman Qasim Ibrahim for the JP, and incumbent President Mohamed Waheed Hassan Manik as an independent candidate. Since no candidate obtained over 50 percent of votes, a runoff was scheduled for September 28 between Nasheed and Yameen, who garnered the most votes. While local and international observers noted neither credible reports of malfeasance nor incidents that would have had a material impact on the results, JP candidate Ibrahim filed suit to have the results annulled, citing irregularities in the voter registry. On October 7, the Supreme Court agreed with Ibrahim's contention and ordered a rerun of elections to be held before October 20. On October 19, the police refused to provide logistical support to the Elections Commission, which effectively canceled the elections. Successful first-round elections subsequently took place November 9. PPM candidate Yameen won the November 16 runoff against Mohamed Nasheed with 51.3 percent of the vote, and he assumed office on November 17.

Political Parties: On October 20, Elections Commission President Fuwad Thaufeeq criticized the Supreme Court's decision to annul the September 7 first-round presidential elections based on the JP complaint. The decision was based on allegedly secret evidence provided by the police and was never revealed to the Elections Commission or other parties. According to multiple observers and

NGOs, including technical experts, the Supreme Court's ruling and subsequent implementation of a new 16-point guide to conducting elections effectively gave the Supreme Court and political parties veto power over certain actions of the Elections Commission, curbing its independence and its ability to execute its mandate.

Participation of Women and Minorities: At the end of September, there were three women in the 17-person cabinet. Women headed the Human Rights Commission, the Employment Tribunal, and the Capital Market Development Authority. There were five women in the 77-member parliament. While 213 women competed in the February 2012 local council elections, only 53 of the 1,098 elected councilors were women, with one serving as a council president and five as council vice presidents. Although women accounted for approximately 52 percent of civil service employees, few held high-level positions within the service.

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 often engaged in corrupt practices with impunity.

Corruption: An independent Anti-Corruption Commission (ACC) had responsibility for investigating corruption charges involving senior government officials. According to the ACC, 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.

NGOs noted there were no reports of companies belonging to ruling-party members or parliamentarians winning a disproportionate number of bids, although this may have been due to the absence of large infrastructure projects. Judges were commonly believed to take bribes. Members of parliament were accused of illicit enrichment, with opposition members changing parties and subsequently acquiring lucrative business contracts, new cars, and houses. Vote buying in parliament reportedly affected key legal and public welfare legislation.

Transparency Maldives reported corruption across the judiciary, legislature, and the executive branch.

Reports released by the auditor general at the end of July on the SAARC Summit held in Maldives in 2011 noted expenditures in excess of the amount budgeted, as

well as possible malfeasance. At year's end the ACC continued investigating the allegations.

The ACC ruled in June no corruption was involved in the Indian GMR consortium's bid to develop and operate the country's international airport.

Whistleblower Protection: By law anyone who reveals the identity of a whistleblower may be imprisoned, banished, or put under house arrest for one year. It was unclear whether the law was implemented effectively because it had not been invoked in any major case.

Financial Disclosure: The constitution requires members of parliament to submit annually to the secretary general of parliament a statement of all property and money owned, 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 JSC. 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: Parliament unanimously voted to pass the Right to Information Act on December 29. The bill aims to increase the transparency of state institutions, ensure greater accountability of public officials, and fight corruption. At year's end the bill was with President Yameen for approval.

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. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The HRCM, headed by Mariyam Azra, was fully functional and reported was no government interference in its work. It received 476 complaints from January 1 to August 4, and it had an additional 21 cases that were self-initiated. The HRCM investigated and closed 54 of these cases.

The Commission of National Inquiry was established by presidential decree to conduct an independent and impartial investigation into the events that transpired in the country in January and February 2012, seeking to determine whether the resignation of former president Nasheed was illegal and coerced and whether the subsequent change in government on February 7 had occurred legally. In its findings released in August 2012, the commission stated there was no coup, called for strengthening democratic institutions to prevent similar crises in the future, and noted that credible cases of police misconduct were present and should be investigated.

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 testimony in legal proceedings. In May 2012 the administration re-established the Ministry of Gender, Family, and Human Rights, which in November was renamed the Ministry of Health and Gender (MHG).

Women

Rape and Domestic Violence: The penal code does not classify rape as a separate offense. Other provisions of the law are used to criminalize rape. The PGO uses charges of forced sexual assault or sexual abuse of a minor to prosecute offenses that could amount to rape. Sixty-one cases of forcible sexual assault were forwarded for prosecution from January to July, and charges in 21 of those cases had been filed by year's end. A man can 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. The PGO reported it lost almost all cases of forced sexual assault because insufficient weight was given to the testimony of the victim.

Media reports of violence against women and rape were common. Most rape and abuse cases reported in the media during the year involved minors, and attackers usually knew their victims. NGOs believed that 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 victim's privacy, the stigma of being a victim, and low conviction rates.

Spousal rape is not considered a crime under the law.

A domestic violence act covering all types of domestic relations, enacted in April 2012, 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 given. The act allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. Nevertheless, law enforcement officers were reportedly reluctant to make arrests in cases of violence against women within the family, believing such violence was justified in Islam.

Sexual Harassment: The law bans sexual harassment in the workplace, but there were allegations of sexual harassment in government ministries. Various forms of harassment, especially verbal abuse, were accepted as the norm in government offices. Fearing reprisals such as loss of employment, women did not normally make official complaints. In 2012 a staff member of the Civil Service Commission (CSC) made the first such complaint against the commission's president, Mohamed Fahumy Hassan. In November 2012 parliament voted to remove Hassan from his post as president and as a member of the CSC based on the gravity of the allegations. Hassan subsequently asked the Supreme Court to overturn his removal, as the allegations were not proved in court. The court in turn ordered parliament to delay selection of a replacement, pending the court's decision on the case. Although parliament appointed Hassan's replacement on August 13, the Supreme Court, at Hassan's request, issued an injunction against any appointments to replace him. On August 20, parliament nevertheless appointed a new president of the CSC, who assumed the role.

The MHG reported five cases of sexual harassment filed.

Family and children's centers were located on every atoll and intended to streamline the process of reporting abuse against women and children. The centers had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children, and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. According to the 2009 demographic and health survey conducted by the Ministry of Health and Family, 99 percent of

women received prenatal care from a skilled provider. According to the survey, a skilled health worker assisted 95 percent of births in the five preceding years. Only 6 percent of women did not receive any postnatal care. Women who lived in Male had the highest rate of care (96 percent) from a gynecologist, doctor, nurse, or midwife, compared with 90 percent in outlying areas.

Discrimination: Discrimination against women was 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 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 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, as it could result in termination or demotion. A 2011 HRCM report noted that the government had fallen short of promoting women's equality by failing to establish childcare 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 constituted approximately 40 percent of public-sector employees. They accounted for approximately 52 percent of civil service employees in the executive branch as of the end of August, although only 1.3 percent were in the senior and professional classifications within the service.

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, can derive citizenship.

Education: Education is not compulsory, but there was universal access to free primary education. Apart from five islands that had less than 70 students, all inhabited islands had a secondary school. For students on the five islands, there was a daily ferry service to a secondary school and a “schooling away from home” allowance for those in need.

Child Abuse: The MHG reported child abuse, including cases of sexual abuse. The law stipulates sentences of up to 25 years in prison for those convicted sexual offenses against children. If a person is legally married to a minor under sharia, however, none of the offenses specified in the legislation are considered crimes. The courts have the power to detain perpetrators, although most were reportedly released pending sentencing and allowed to return to the communities of their victims.

As of August police received 291 cases of child abuse, of which 38 percent were sexual abuse cases. Of the total child abuse cases, 161 were sent for prosecution. There are no laws or regulations dealing with cases of neglect.

In a 2006 Ministry of Gender and Family study on women’s health and life experiences, one in six women in Male and one in eight countrywide reported being sexually abused when they were under age 15.

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

Forced and Early Marriage: The law allows girls and boys under age 18 to marry if they have reached puberty, have parental consent, and if the court finds no substantial reason to object to the union. In 2012 a total of 47 underage marriages were registered at the court, of which 35 involved girls and 12 involved boys.

Sexual Exploitation of Children: The Child 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 police reported three cases of child

prostitution during the year, and the PGO filed charges in two cases of forced child prostitution, one of which was reported in 2011.

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 Maldivians may not practice other faiths and must be Sunni Muslims to be citizens, and there were no Jewish residents. In 2011 the Ministry of Islamic Affairs requested that parliament endorse a resolution forbidding the government to allow the Israeli flag carrier El Al to begin operations to the country, citing concerns the flights posed a threat to national security and noting that fostering relations with Jews was discouraged in Islam. In April 2012 parliament passed a resolution banning El Al from operating scheduled flights to the country until the parliamentary National Security Committee completed a further investigation. At year's end the investigation continued.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The purpose of the 2010 Disabilities Act is to protect the rights of persons with disabilities and to provide financial assistance. A National Registry of People with Disabilities was established in 2011. Since its establishment, 4,541 people have been registered, with 4,498 active members as of the end of July. The act mandates the state to provide a monthly financial benefit of not less than Maldivian Rufiyaa (MVR) 2,300 (\$150) to each registered individual.

The MHG published regulations on October 30 detailing the standards to be maintained at facilities serving persons with disabilities. The regulations cover health service providers (hospitals, health centers, health posts, public and private clinics and pharmacies); public and private institutions providing education, training, and therapy for persons with disabilities; institutions for children; and other care facilities. These institutions have been given until July 2014 to

implement the standards, while institutions established after the implementation date must be built to the standards.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

Multiple NGOs, including Hand in Hand, Handicap International, 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 serious disabilities. Children with disabilities had virtually no access or transition to secondary-level education. Only three psychiatrists, two of them foreign, worked in the country, and they primarily worked on drug rehabilitation. No mental health care was available in Male. There also was a lack of quality residential care. At year's end four persons with disabilities waited for a place at the Home for People with Special Needs.

The government did not fund any awareness and empowerment programs, although the MHG appointed a director from the NGO Care Society as a deputy minister to enhance focus on disability issues. A disability unit was planned for the ministry, but due to funding constraints it had not been established by year's end.

Families usually cared for persons with disabilities. When family care was unavailable, individuals with disabilities lived in the MHG's Home for People with Special Needs, which during the year housed 160. 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.

Societal Abuses, Discrimination, and Acts of Violence 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, or transgender (LGBT) issues in the country. There were no reports of officials complicit in abuses against LGBT persons, although societal stigma likely discouraged individuals from reporting any such problems. Due to societal intolerance of same-sex sexual relationships, there were few openly LGBT individuals in the country and no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

Other Societal Violence or Discrimination

There were no known cases of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, but it does not protect against antiunion discrimination or prevent dismissal for union activity. The law also does not protect 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 government did not enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. 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 were often ignored. The cases are heard in the local Dhivehi language, which few foreign workers understand. Foreign workers cannot file a case with the tribunal unless they appoint a representative who can communicate in the local language. Eighty-nine of the 131 claims filed by the end of July dealt with unfair dismissal.

Freedom of association was generally respected, although not consistently. Some workers' organizations were established under the law, 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) are the lead workers' organizations. TEAM reported that employee leaders were often terminated under false pretenses before collective bargaining began.

TEAM helped a number of workers file claims in the Employment Tribunal. Some cases were adjudicated in favor of the workers, although the decisions had not been enforced by year's end. TEAM's involvement in strikes in the tourism sector resulted in workers being fired and blacklisted, making it difficult to obtain employment in the tourism industry.

TEAM and Transparency Maldives received reports that some resort owners told employees whom they suspected of supporting the MDP presidential candidate not to vote, and some may have been fired because of that support.

According to the Labor Relations Authority (LRA), there were four strikes. In two cases the employer refused to work with the LRA as mediator and strike participants were fired. In two others, the LRA participated by phone but strike leaders and others who persisted with the strike were terminated.

Following the political events in February, Maldives Ports Limited (MPL)--the government-owned company managing the country's ports--fired, suspended, or reassigned more than 50 employees who had taken part in protests. The Maldives Port Workers Union raised the actions with the International Transport Workers' Federation for redress. The MPL denied accusations of rights abuse, claiming that the staff members were disciplined for disobedience and not being punctual. The case was with the High Court on appeal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce applicable laws, and there were reports that forced labor occurred.

Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The Department of Immigration and

Emigration 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 Ministry of Human Resources blacklisted companies that violated the law, precluding the companies from bringing in new workers until violations were rectified. The Department of Immigration and Emigration enforced the blacklist, although some companies resurfaced under new names. The law allows a fine of not more than MVR 5,000 (\$330) for forced labor and other violations of the Employment Act. The government took steps to improve the conditions of migrant workers by distributing pamphlets translated into languages commonly used by these workers that explained their rights.

The foreign worker population was particularly vulnerable to forced labor. Observers estimated the number of legal foreign workers at more than 100,000, or 31 percent of the population. The Maldives Immigration Controller estimated there were an additional 40,000 to 50,000 illegal foreign workers, mostly from Bangladesh and other South Asian countries. Some of these illegal workers were subject to forced labor in the construction and tourism sectors. Most victims of forced labor suffered the following practices: holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. In December a new law was passed prohibiting employers from holding employees' passports. 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/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

The MHG, the Ministry of Human Resources, Youth, and Sports, and the Family and Child Protection Unit of MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA and the MHG, none of the complaints they received during the year 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 MHG. Resources, inspections, and remediation were inadequate, as no additional resources were dedicated specifically to uncovering new child labor cases.

The UN Human Rights Commission (UNHRC) expressed concerns that lack of data on children in Maldives 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 www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The law provides a mechanism to establish a minimum wage in the private sector, but it was not yet set during the year. 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 approximately MVR 3,100 (\$200) per month. The poverty level was estimated to be MVR 22 (\$1.40) per day, or approximately MVR 660 (\$43) 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. On October 8, parliament approved the country's accession to eight core International Labor Organization conventions, and the Ministry of Human Resources, Employment, and Labour continued drafting the bills required to bring the conventions into domestic law.

The LRA and Employment Tribunal are charged with implementing employment law. The LRA had 15 inspectors and investigators as of the end of July. It conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. As of July authorities had completed 101 inspections. The most common findings related to employment contracts and job descriptions, overtime and other pay, and issues related to leave. Although the LRA can issue fines, it preferred to issue notices to employers to correct problems, as 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 July the LRA had blacklisted nine companies through the Department of Immigration and Emigration and fined two companies the maximum amount allowed under the law for noncompliance with LRA requests.

As of the end of July, 109 labor-related complaints had been filed with the LRA, and they had investigated 34. Of these, 55 were from migrant workers, and most dealt with salary issues. During the year, 13 of these cases were fully addressed.

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.