

MALDIVES 2014 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. Abdulla Yameen Abdul Gayoom won the most recent presidential election in November 2013. Parliamentary elections held on March 22 were well administered and transparent, according to the nongovernmental organization (NGO) Transparency Maldives (TM), although there were reports of “vote buying” due to shortcomings in the legal system and lack of enforcement.

The most significant human rights issues included efforts by the courts to restrict free speech, restrictions on religious freedom, and reports of corruption of government officials. 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 experienced 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. Authorities maintained effective control over the security forces.

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

a. Arbitrary or Unlawful Deprivation of Life

The law imposes the death penalty for apostasy. The penal code and a regulation adopted on April 27 also provide for the imposition of the death penalty for crimes committed by a person under the age of 18.

b. Disappearance

There were no reports of politically motivated disappearances. The August 8 disappearance of *Minivan News* journalist and human rights advocate Ahmed Rilwan Abdulla may have been a criminal act rather than politically motivated, as some alleged, but the circumstances of his disappearance remained unclear. Rilwan reportedly received death threats regarding his views on freedom of religion, expression, and advocacy against extremism.

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

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

According to the Human Rights Commission of the Maldives (HRCM) Universal Periodic Review submission, the HRCM logged a total of 304 torture allegations, of which authorities investigated 74 allegations from 2010 to July 2014. No case was sent to prosecution due to lack of sufficient evidence.

The Police Integrity Commission (PIC) identified 27 cases of police brutality, although no case was forwarded to the Prosecutor General's Office for prosecution. The PIC recommended administrative action against all the officers.

The PIC reported one case of alleged sexual harassment of detainees by police in the year. During the search of his cell at Maafushi jail for illicit drugs, police allegedly sexually harassed the complainant while conducting a body search. The case remained under investigation.

In June the Supreme Court upheld a High Court decision to overturn the Police Disciplinary Board's decision to discharge four police officers; the four had allegedly physically and sexually abused a woman in 2010.

A new regulation on the law permits flogging as a form of punishment. According to 2013 statistics from the Department of Judicial Administration, the courts sentenced 97 adults and seven minors under 18 to flogging. Birth out of wedlock was a common reason for flogging sentences, resulting in a disproportionate number of women being flogged.

In December 2013 President Yameen ratified the Anti-Torture Bill, which parliament unanimously passed. The law, which came into effect in February, provides the HRCM with the authority to stop torture and outlines measures to combat torture and other cruel, inhuman, or degrading treatment, including punishment for offenders. Nineteen cases have been filed with the HRCM under the law. Twelve cases were closed due to lack of evidence. One case went for prosecution against the police for torture of a detainee.

Prison and Detention Center Conditions

Although overcrowded, prisons met most international standards. A new Prison and Parole Act passed and implemented in January includes 34 procedures covering inmate well-being, disciplinary procedures, conduct of inspections, removal of lethal weapons from officers, and mandated rehabilitation programs.

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 1,200. There were 51 women in the system, as well as one boy under age 14.

Pretrial detainees were held separately from convicted prisoners. Detention facilities were located in Male Prison.

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, but the HRCM Universal Periodic Review submission charged the institution was "heavily understaffed" and lacked mechanisms and procedures to protect the psychological and physical well-being of children. The report added disciplinary measures against children were inappropriate.

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

The HRCM Universal Periodic Review submission noted the unavailability of rehabilitation and reintegration programs, overcrowding, handcuffing [of prisoners] for indefinite periods, and extended detentions for investigation purposes.

Administration: The DPRS reported 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 opt for a fine, house arrest, banishment to another island, or prison as punishment. If the community to which 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 permits regular prison visits by the HRCM, the International Committee of the Red Cross/Red Crescent, and other international assessment teams. The DPRS reported no international observer visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. There were no known cases of arbitrary arrest or detention during the year.

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.

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 a court-issued arrest warrant. The constitution provides for an arrestee to be verbally informed immediately of the reason for arrest, and to be informed in writing within 24 hours. Prisoners have the right to a ruling on bail within 36 hours, but bail procedures were not implemented consistently. The law also requires an arrestee be informed of the right to a lawyer at the time of arrest. A lawyer may be 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 proper arrest procedures were in place but noted police did not always fully implement them.

Sources reported 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. There were no formal records of investigative detentions. The lack of standard operating procedures leaves room for corruption and not all cases are forwarded to the Prosecutor General (PG).

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, the judiciary was not completely independent and impartial and was subject to influence. There were numerous allegations of bribery and abuse of power within the judiciary. Both government officials and opposition members, at times, accused the judiciary of bias. A number of judges were reported to base their rulings on cash rewards, and there were reports lawyers occasionally built the cost of bribes into their fees. For

example, Judge Aishath Shujoon made a public remark on television about being offered a bribe in a case. According to TM, there were complaints from citizens that the majority of court cases, both criminal and civil, were delayed for more than a year and were prosecuted in Male, the capital, causing hardship for plaintiffs and defendants travelling from distant atolls. TM concluded the delays were not related to bribery but reflected a lack of access to justice.

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

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 NGOs criticized the Judicial Service Commission (JSC) for appointing unqualified judges. Commenting on her February 2013 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 external influence and consequently has been unable to function properly.”

The courts dismissed a number of alleged cases of corruption and wrongdoing. In October the Prosecutor General’s Office withdrew corruption charges against the wife of the minister of Islamic affairs. The Anti-Corruption Commission filed corruption charges against her in August 2013 for violating the Corruption Prevention Act in the formation of a company with a foreigner.

In April the Prosecutor General’s Office filed corruption charges against Supreme Court Judge Ali Hameed over the illegal transfer of credit from his state-funded mobile phone in 2010. The Criminal Court in May claimed case files had been destroyed in a coffee spill.

On May 5, Deputy PG Hussain Shameem resigned, citing judicial overreach into his duties. In his resignation statement, Shameem highlighted the Criminal Court's failure to prosecute foreigners involved in drug trafficking, delays in issuing rulings on drug-related offenses, and "unreasonable obstacles" in filing cases at the court. Shameem's resignation led to uncertainty within the court system, with the government and senior judges trying to reassure the public the system was still operational.

On June 25, the Judicial Services Commission cleared Supreme Court Judge Ali Hameed of misconduct charges, citing lack of evidence to indict him in a court of law for his alleged involvement in three sex tapes. The JSC also cited the police Forensic Service Directorate's failure to confirm the identity of the individual involved in the sex tapes case in its decision to clear Hameed of charges. The MPS formally launched an investigation in July 2013 after video stills of Hameed began to circulate on social media.

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. 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.

Civil Judicial Procedures and Remedies

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

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

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

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

During the year there were several occasions where courts sought to limit free speech by either questioning or initiating prosecutions against individuals who criticized the courts. Members of civil society and independent government commissions said the Supreme Court prosecutions of Elections Commission members and Human Rights Commissions members led to self-censorship.

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 2012 the government passed a law requiring

accreditation for media to cover protests. Local NGOs TM and Maldivian Democracy Network expressed their concern about the law, contending it restricts the freedoms of expression and press. The Parliament Privileges Act passed in November 2013 allows authorities to force journalists to reveal their sources.

Violence and Harassment: In February 2013 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 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 afire. As of November 21, police had arrested seven suspects and appealed for the public’s help in locating an additional suspect. Investigations continued pending additional evidence, according to the Prosecutor General’s Office.

On August 8, *Minivan News* journalist Rilwan disappeared. Rilwan was a human rights advocate and social media activist, and there was wide media speculation he was abducted. According to the HRCM, Rilwan’s disappearance coincided with the receipt of death threats by 15 journalists, all of whom had published articles related to a sudden surge of gang-related violence and crime in Male. Rilwan had covered similar issues in addition to writing stories about death threats against journalists. Rilwan himself had received death threats for his views on freedom of religion, expression, and advocacy against extremism. In September an associate from the Maldivian Democracy Network received threats over the publication of a report on Rilwan’s disappearance on its website.

Censorship or Content Restrictions: NGO sources stated 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 or materials, 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 the government monitored e-mail or internet chat rooms without appropriate legal

authority. Nonetheless, the government strictly monitored non-Islamic religious and securization discourse. In March police initiated investigation of online anti-Islamic social media activity against a Facebook page titled “Dhivehi Atheists/Maldivian Atheists.”

The Ministry of Islamic Affairs continued to block websites considered anti-Islamic or pornographic. As of October 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 discussing the blogger’s sexual orientation.

During the parliamentary election, a Facebook group called Colorless emerged with the aim to bring a “divided nation to a common ground” as a platform to advocate peace, love, and harmonic coexistence. Some religious vigilante groups joined local sports enthusiasts to accuse the group of spreading anti-Islamic messages and “promoting homosexuality.” A group of unidentified men physically confronted the main administrator of the Facebook group on the road and forced him to go to his studio, take down the page, and give them the administrative rights. The Colorless administrator later posted from abroad a note of apology on his Facebook page for these actions.

Academic Freedom and Cultural Events

The law prohibits public statements contrary to the government’s policy on religion or the government’s interpretation of Islam. In response to the law, there were credible reports academics practiced self-censorship. The government censored course content and curricula. Sunni Islam was the only religion taught in 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. In January 2013, however, the president signed a law on peaceful assembly that restricted protests outside designated areas. TM and Maldivian Democracy Network expressed concern 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 allowed clubs and other private associations only to register if they did not contravene Islamic or civil law. In May the government on instruction from the Supreme Court dissolved the Maldives Bar Association unless it changed its name.

In 2012 parliament passed a Political Parties Act, which restricted registration of political parties and eligibility of state funds to those parties with 10,000 or more members. Existing parties with fewer than 10,000 members had three months to acquire new members. Only three parties met this requirement in time for the September 2013 first-round presidential poll. TM and Maldivian Democracy Network raised concerns the law restricted the constitutional right to form political parties. The Supreme Court disallowed the law on September 1, too late to affect the 2013 presidential elections, which led then president Waheed to run as an independent.

c. Freedom of Religion

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

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (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 common in the past. The implementation of such punishment was difficult, however, because host communities increasingly refused to accept anyone sentenced for a crime. According to 2013 Department of Judicial Administration statistics, courts sentenced 168 individuals to banishment for periods shorter than life, and 22 persons over 18 were sentenced to banishment for life (none under 18).

Protection of Refugees

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

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The parliamentary elections held on March 22 were well administered and transparent, according to TM, “but wider issues of money politics threatens to hijack [the] democratic process.” TM revealed that a survey conducted prior to the 2013 presidential election showed 15 percent of respondents had been offered “money or other incentives” in exchange for their vote, and TM believed vote buying was even more widespread in parliamentary elections. TM reported vote buying had become “rampant” due to gaps in the electoral legal framework, lack of coordination, and a failure to take action by the relevant institutions.

Political Parties and Political Participation: In March the Supreme Court gave two election commissioners six-month jail sentences, suspended for three years, for “disobeying orders” during the presidential election in October 2013 and dismissed the chair and vice chair for contempt of court. The Commonwealth Observer Group expressed “deep concern” that these actions took place in the lead-up to parliamentary elections and introduced uncertainty into the electoral process.

Participation of Women and Minorities: At the end of September, there were two women in the 16-person cabinet. Women headed the Human Rights Commission, the Employment Tribunal, and the Capital Market Development Authority. There were five women in the 85-member parliament. In 2014 parliamentary elections, 7.6 percent (23) of the 302 candidates were women.

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 has responsibility for investigating corruption charges involving senior government officials. According to the commission, a limited definition of corruption in the law and the lack of a provision to investigate and prosecute illicit enrichment limited the commission's work.

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.

TM reported corruption across the judiciary, legislature, and the executive branch.

The government cancelled the airport management and development contract of India consortium GMR in 2012 partially over allegations of corruption in awarding the bid. The Anti-Corruption Commission did not find any evidence of corruption in the bid.

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 in December 2013. The bill aims to increase the transparency of state institutions, ensure greater accountability of public officials, and fight corruption. On January 12, President Yameen ratified the bill. Under the act the

Office of the Information Commissioner was formed in June to ensure public access to information.

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 often were cooperative and responsive to their views. The government criticized an investigative report about the disappearance of journalist Ahmed Rilwan Abdulla commissioned to a private investigative firm in the United Kingdom and released by Maldivian Democracy Network in September. The home minister and Police Commissioner Board stated the report on Rilwan's disappearance was politically motivated and had hindered the police investigation.

Government Human Rights Bodies: The HRCM received 331 complaints from January 1 to August 31, and it had an additional 18 cases that were self-initiated. The HRCM investigated and closed 74 of these latter cases.

In September the Supreme Court of the Maldives summoned all members of the HRCM over statements made in a submission to the UN Human Rights Council (UNHRC) during a Maldives' Universal Periodic Review for questioning the actions of the Supreme Court and other aspects of the judicial system. The Supreme Court refused to acknowledge the Commission's claim to legal immunity granted in the Human Rights Commission Act. The case was pending as of the end of November.

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 2012 the administration re-established the Ministry of Gender, Family, and Human Rights, which in November was renamed the Ministry of Law and Gender.

Women

Rape and Domestic Violence: In April parliament passed bills a sexual harassment and sexual offenses, which include spousal rape as a crime. The sexual harassment bill makes gender discrimination illegal at workplaces, educational institutes, and other service providers such as hospitals. The president ratified both bills in May.

As of September, 158 cases of forcible sexual assault had been forwarded for prosecution. 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.

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 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.

From January to May, 194 cases of domestic violence were reported for those under 18 years of age (104 female and 90 male victims). There were 42 cases reported for those over 18 (38 female, four male). As of September there were 19 arrests in cases of domestic violence against women. A 2012 domestic violence act covering all types of domestic relations prohibits physical, sexual, verbal, psychological, and financial abuse. It also extends protection to wives against being forcibly impregnated by their husbands against medical orders and includes an extensive list of other abuses for which protection is given. The act allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. Nevertheless, law enforcement officers reportedly were reluctant to make arrests in cases of violence against women within the family, believing such violence was justified in Islam.

Female Genital Mutilation/Cutting (FGM/C): There was no data on the frequency of female genital mutilation, although it is not part of traditional practice. Nevertheless, on February 6, International Day of Zero Tolerance for Female Genital Mutilation, Mohamed Iyaz Abdul Latheef, vice president of the Figh Academy, which is part of the Ministry of Islamic Affairs, endorsed the condemned practice. He quoted Saudi Arabia's Fatwa Committee that expressed concern that female circumcision was on the decline in Muslim countries: "Circumcision of girls is a religious obligation that is slowly fading from many

Muslim communities. It is an obligation or Sunnah that we must not let go of. It is the symbol that differentiates Muslims from non-Muslims.”

Other Harmful Traditional Practices: In October the Supreme Court enacted new regulations on the enforcement of flogging sentences, specifying conditions and criteria for meting out the sharia punishment. The regulations state the offender must be of sound mind, must not be pregnant, and must not have an illness that could endanger his or her life by receiving flogging. According to a statement by Chief Judge Abdulla Mohamed in September, 37 flogging sentences remained unenforced due to alleged lack of cooperation from the relevant authorities. If the offender is under age when the verdict is delivered, the regulations state that the sentence must be imposed when the offender turns 18 years of age.

Sexual Harassment: The law bans sexual harassment in the workplace, but there were allegations of sexual harassment in government ministries and the private sector.

The Ministry of Law and Gender reported no filed cases of sexual harassment.

To streamline the process of reporting abuse against women and children, there were family and children’s centers on every atoll. According to the HRCM, these centers also provided services for neglected children, support for families unable to take care of their children, and women with mental illness or disabilities. The 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 Prosecutor General's Office, 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. The HRCM reported the government had fallen short of promoting women's equality by failing to establish child-care centers and child-friendly working environments, and failing to implement affirmative action. In a positive step, the HRCM noted that some new child-care centers had started functioning in the first half of the year.

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 service classifications. According to the deputy minister of law and gender, the government released new guidelines in September on how to run day-care centers and stated that taxes were lowered to encourage persons to open centers on the resort islands where women worked.

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 fewer 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. Girls’ access to secondary education was sometimes limited because of a lack of access to sanitation and separate facilities to study.

On September 13, the media reported a teacher was complicit in the bullying of a child in Imaadhuddeen School by not taking necessary action. Police ordered an investigation, and the school suspended the teacher pending the outcome of the investigation.

Child Abuse: The Ministry of Law and Gender reported child abuse, including cases of sexual abuse. The law stipulates sentences of up to 25 years in prison for those convicted of sexual offenses against children. If a person is legally married to a minor under sharia, however, none of the offenses specified in the legislation 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 September police received 276 cases of child abuse, of which 65 percent were sexual abuse cases. Of the total child abuse cases, police sent 36 cases for prosecution, a significant reduction from the 161 cases sent the previous year. 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 ministry stated reports of sexual abuse were increasing, and underage marriage and pregnancy were major concerns. Three cases of underage pregnancy were reported to the ministry. The increase in reported cases of sexual abuse appeared to result from increased public awareness, although the ministry noted there was still hesitation to report abuse occurring within the family.

Early and Forced Marriage: The law allows girls and boys under age 18 to marry if they have reached puberty, have parental consent, and if the court finds no substantial reason to object to the union. In 2013 a total of 18 underage marriages were registered at the court, of which 16 involved girls and two involved boys, a sharp drop from 2012.

Female Genital Mutilation/Cutting (FGM/C): There was no data on the frequency of female genital mutilation, although it is not part of traditional practice.

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 2013 Prevention of Human Trafficking Act also prohibits child trafficking, but for some forms it requires the acts of exploitation be predicated on movement and does not criminalize it in the absence of coercion. The police reported one case of child prostitution as of September.

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; there were no Jewish residents.

On July 28, an Israeli tourist removed an anti-Israel sign placed outside a guesthouse. The sign showed a swastika next to an Israeli flag. There were also posters condemning Israel for the recent offensive on Palestine. Security services evacuated other Israeli tourists from Kaafu Thulusdhoo Island after protesters on the island called for their removal and protesters from other places began converging on the original island. During demonstrations against the Israeli operation in Gaza over the summer, demonstrators often held up signs comparing Israelis to Nazis, and graffiti appeared in the capital of Male likening Israelis to Nazis.

Trafficking in Persons

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

Persons with Disabilities

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The 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, 5,476 people had been registered as of the end of October. 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 Ministry of Law and Gender published regulations in October 2013 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 were given until July to implement the standards, while institutions established after the implementation date must be built to the standards. Most of the institutions had implemented the standards, according to the ministry.

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. In October the Ministry of Law and Gender endorsed the National Disability Policy.

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 worked primarily 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 Ministry of Law and Gender appointed a director from the NGO Care Society as a deputy minister to enhance focus on disability issues. A disability unit was established with mechanisms to train on disability issues, including media, advocacy, and awareness programs.

Families usually cared for persons with disabilities. When family care was unavailable, individuals with disabilities lived in the health ministry's Home for People with Special Needs, which 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. In September a disability awards program recognized contributions of people with disabilities.

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

The law prohibits same-sex sexual conduct. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. No organizations focused on lesbian, gay, bisexual, 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 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. The "Colorless" case cited under internet freedom illustrates discrimination based on sexual orientation.

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 Home Ministry enforces the act by arresting workers who go on strike. Employers have resorted to calling the police instead of requesting help from the Labor Relations Authority (LRA).

The government did not always enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. The government moved the LRA to the Ministry of Economic Development, but it appeared the LRA did not have a budget or an established role within the ministry. 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 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. By the end of October, 99 of the 145 claims dealt with unfair dismissal. Most of the claims were for layoffs, contractual changes, and drug-related allegations or other criminal offenses.

While it is not protected in law, 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 among the more active workers' organizations along with the Labor Union, Pilot's Association, and Fisherman Union. 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 as of the end of October. 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. As a result the government was working on the Industry Relations Act, drafted with the help of the International Labor Organization.

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. Nevertheless, the LRA reported that officers were adequately trained to identify cases of forced labor and stated that the Prevention of Human Trafficking Act signed into law December 2013 provided an effective solution. A routine

inspection identified one case of forced labor, and the worker was sent back to his country of origin.

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 Prevention of Human Trafficking Act, which prohibits many, but not all, forms of labor trafficking, provides for penalties of up to 10 years' imprisonment; however, authorities did not prosecute any labor recruiters or agencies engaged in fraudulent practices. According to the HRCM, the Ministry of Development planned to amend the Employment Agency regulations and closely monitor their activities.

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 that explained their rights and that were translated into languages commonly used by these workers.

The foreign worker population was particularly vulnerable to forced labor. 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 undocumented foreign workers, mostly from Bangladesh and other South Asian countries. Some of these undocumented workers were subject to forced labor in the construction and tourism sectors. Most victims of forced labor suffered the following practices: holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. In December the government passed an antitrafficking law prohibiting employers from withholding employees' passports. However, a new regulation requires foreign workers to have a letter from their employer prior to departure. Domestic workers, especially migrant female domestic workers, were

sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets 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 Minister of Law and Gender; the Ministry of Human Resources, Youth, and Sports; and the Family and Child Protection Unit of the MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA and the Ministry of Law and Gender, none of the complaints 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 ministry. Resources, inspections, and remediation were inadequate, as no additional resources were dedicated specifically to uncovering new child labor cases.

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

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

d. Discrimination with Respect to Employment or Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced those laws and regulations. There was no evidence that discrimination occurred based on the above categories with respect to employment and

occupation. In September-October the air traffic controllers filed a complaint with the LRA and Employment Tribunal on discrimination over salary and promotion structure. They won the case.

e. Acceptable Conditions of Work

The law provides a mechanism to establish a minimum wage in the private sector, but it was not 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. In October 2013 parliament approved the country's accession to eight core International Labor Organization conventions, and the Ministry of Human Resources, Employment, and Labor continued drafting the bills required to bring the conventions into domestic law.

The LRA and Employment Tribunal are charged with implementing employment law and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. As of October authorities had completed 114 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 October the

LRA had blacklisted three companies through the Department of Immigration and Emigration but did not fine any companies the maximum amount allowed under the law for noncompliance. Two of the companies were subsequently removed from the blacklist.

According to the latest available information, in 2013 a total of 168 labor-related complaints were filed with the LRA, and the LRA closed 84 of them. Of these, 82 were from migrant workers, and most dealt with unpaid salary issues.

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

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