

ISSUES FOR CONSIDERATION WHEN COMPILING THE LIST OF ISSUES

on the Initial Report of Maldives

under the International Covenant on Civil and Political Rights

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Human Rights Commission of the Maldives

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List of Abbreviations

DGFPS	Department of Gender and Family Protection Services
ESQUID	Education Supervision Quality Improvement Division
HRCM	Human Rights Commission of the Maldives
ICCPR	International Covenant on Civil and Political Rights
ICPRMWF	International Convention on Protection of Rights of All Migrant Workers and Their Families
IGMH	Indhira Gandhi Memorial Hospital
ILO	International Labour Organization
JSC	Judicial Service Commission
LRA	Labour Relations Authority
MHRYS	Ministry of Human Resources, Youth and Sports
MNDF	Maldivian National Defence Force
MDP	Maldivian Democratic Party
MJA	Maldives Journalist Association
MoE	Ministry of Education
MPS	Maldives Police Services
VAW	Violence against Women
TEAM	Tourism Employees Association of the Maldives

Introduction

1. This submission to the Human Rights Committee has been prepared by the Human Rights Commission of the Maldives (HRCM), with regard to the International Covenant on Civil and Political Rights (ICCPR) which the Maldives is party to since its ratification in 2006.
2. The submission is aimed at facilitating the Human Rights Committee to comprehend the major human rights issues, violations and existing challenges in the Maldives as to the rights protected in the ICCPR in preparing its List of Issues to the State report.
3. In compiling these issues, the HRCM has conducted various consultations with stakeholders, including government ministries, judiciary and individuals of relevant associations and private sector.
4. The issues identified in this submission is presented in a way that it first gives a context to the issue, second, it gives an opening to the issue, most of the time followed by an incident or series of incidences which highlights the graveness of the issue. Then it is followed by a paragraph stating most of the problems attached to the issue and a paragraph stating the measures that can be taken to address the issue.

Article 3

Existence of Gender Imparity in running for Public Offices

5. Chapter two on Fundamental Rights and Freedoms of the present Constitution, guarantees equal rights, opportunities and freedoms to all persons in the State. Article 20 of the Constitution further upholds the principles of non-discrimination and equality before and under the law and it also provides equal protection and equal benefit of the law to all persons. Additionally, the Constitution has removed the gender bar in running for Presidency of Maldives. Subsequently, Maldives has withdrawn its reservation made to Article 7(a) of the Convention on the Elimination of Discrimination against Women on 31 March 2010. As part of the initiative taken by the government to mainstream gender equality, a gender mainstreaming policy was formulated and endorsed by the government in 2010. In addition, the government has assigned gender focal points in all the ministries with the task of promoting gender perspective in all the work undertaken by the respective ministries.
6. Despite the Constitutional guarantees, and the government's policy to promote a national women's machinery, the representation of women in the public life are minimal. The comparatively low percentage of women represented in the Parliament and in the formation of Local Government Councils are indications of issues on gender inequality. Some of the obstacles faced by the women in political arena include intimidation from political demonstrations

resulting in violent behaviors, limitations faced in the prospects of understanding democracy, limited experience in the political arena, lack of family support, inadequate access to funding sources and radical advocacy against participation of women in politics, public life and even employment. In addition, so far the State has fallen short to provide adequate measures to change the traditional, historical and cultural attitudes towards realizing the women’s rights in running for public offices including the establishment of the child care centers or child friendly working environments, documenting gender segregated data in all State interventions and implementing affirmative actions accordingly. State has also failed to introduce quotas and programs to ensure equal representation of women to accommodate a comprehensive approach to address the issue of advancement of women’s rights.

7. Thus, to address the issues mentioned above, it is important the State create awareness from all aspect of the society with regard to women’s participation in running for public offices, facilitate or create forums to disseminate knowledge and information to empower those running for the office, and also while in the office, provide funding mechanisms to finance campaigns adequately, and create the institutional support that is required for all working mothers, including those running for public offices.

Prevalence of Violence against Women (VAW)

8. In 2006, the study conducted by the former Ministry of Gender and Family on women health and life experiences recorded that one in three women between the ages of 15 and 49 years reported some form of physical or sexual violence at least once in their lives¹. The study also revealed that one in five women between the ages of 15 and 49 years reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. The same study identifies one in six women in the capital, Male’ and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15 years. Of those women between the ages of 15 and 49 years who had ever been pregnant, 6 percent reported having been physically or sexually abused during pregnancy. The survey further reported that many respondents’ perceived women to be subordinate to men, and that men used Islam to justify restrictions and VAW.
9. The following table by the Maldives Police Service (MPS) summarizes reported cases in number with regard to VAW from 2008 to 2010².

Type of Crime	2008	2009	2010
Sexual assault	455	563	523
Domestic Violence	172	156	135

Source: Statistical Report 2010, Maldives Police Service

10. In addition, the following cases provide insight into the nature of violence experienced by the women victims.
- a) *In April 2011, a 74-year-old woman in Hithadhoo of Addu City was raped. The alleged suspect was a 19 year old man³.*
 - b) *In January 2010, a group of men were alleged to gang raping a woman at the Island of Fuvahmulah, after dragging her to the beach and restraining her husband⁴.*
 - c) *In March 2010, 15 men rape a 20 year old girl in S. Hithadhoo⁵.*
11. Given the above context, it is imperative to draw attention to the fact that there is no legislation that deals exclusively with VAW, including domestic violence, marital rape and workplace harassment. It is to be noted that the current Penal Code does not classify rape as separate or specific offence. Due to this limitation in the Penal Code, other provisions of the law are used to criminalize rape, for instance sexual assault. Moreover, in concurrence to the Penal Code, in the absence of a confession, a man can only be convicted of rape, only if there are two male or four female witnesses to the act. According to Department of Gender and Family Protection Service (DGFPS), in spite of the fact that the number of reported cases are escalating, the numbers of convictions made so far are minimal. DGFPS also acknowledges the fact that the department is working to establish a safe house or temporary shelter for victims of Domestic Violence and VAW since the year 2007. However, till date there is no such facility established, though the DGFPS accommodates some of the victims in one way or another within the existing institutions.
12. The factors contributing to the low conviction rate of offenders of sexual assault or rape include absence of Evidence Act, lack of witness protections provisions (fear of reprisals by abusers), finding witnesses (two male or equivalent women), awareness on the side of the victim regarding the condition that she should be in while reporting, such as the victim should not take shower before consulting the medical personnel, lack of national guideline on medico legal documentation, failures of existing laws and procedures leading to re-victimization of the victim and intimidation of being stigmatized by the community.
13. Taking the above into consideration, it is important the State promptly undertakes all the measures to address the issues of VAW. Thus, it is imperative that the State to take all actions necessary to expedite the endorsement of the bill at the Parliament on Domestic Violence. This bill has been tabled at the Parliament since November 2010. Additionally, it is important government to accelerate the process of establishment of the safe house, in order to fulfill State's obligation to protect victims of violence.

Article 6

Right to Survival

14. Maldives has made substantial progress in achieving many of the Millennium Development Goals, such as improving maternal health, and reducing child mortality. Despite the outstanding developments, a desk review conducted by HRCM in 2009 has made apparent that there are serious challenges and problematic areas in the provision of adequate health care facilities to the people. Amongst these challenges are the issues of lack of basic health care facilities in some outer islands, limited access to specialist health care even in islands where island and regional hospitals are established, regional hospitals not having adequate equipment, lack of systematic development of health personnel across the nation and lack of legislative protections. In addition, the desk review also highlights the inefficiency and ineffectiveness of the current services.
15. Important legislations pertaining to the right to health such as Public Health Act and also an Act on Medical Negligence or Malpractice are yet to be passed. HRCM in its statement issued on the occasion to mark the World Health Day (2011) has also called on the government to formulate new legislations to strengthen and monitor health services delivery in the country⁶.
16. Given the above context, it is imperative to address the current problems in the health services especially giving special emphasis to life threatening illnesses and incidents. Thus, the current system should provide easy access to adequate medical care (in terms of qualified personnel, equipment and services) in all regions of the country, expediting the process of bringing into effect the legislations pertaining to public health including medical negligence and health care providers (both including the relevant personnel and also the institute) needs to be held accountable in cases of medical negligence as well as in instances of failure to provide due care to patients as a result of procedural or failures in the system.

Increasing Violence

17. In the recent times gang violence, burglary, mugging, sexual abuse of children and murders are increasing to levels of alarming concern in the society. Following is the statistics provided by MPS on crime related deaths which including murder, infanticide, murders relating to gang violence.

Year	Crime related Deaths
2007	5
2008	6
2009	8
2010	6

Source: Statistical Report 2010, Maldives Police Service

18. It must be observed that even though the records are low, this number is extremely high when taken as a percentage of the total population of the country. Moreover, some of the murders were committed in public places, in broad day light. Apart from the death related case, the number of cases of loss of limbs or life threatening injuries due to gang violence is also distressing. It is to be noted that most of the people who are involved in cases of extreme violence, and murders are repeat offenders (sometimes juveniles) providing clear evidence into the failure of the criminal justice system in the country.
19. It is observed that the increase in life threatening acts of crime in the country have been aggravated due to a number of direct and indirect factors. Some of the direct problems include, inadequate legislation pertaining the criminal justice system, such as a Penal Code does not reflect the spirit of the present Constitution (where the current Penal Code was enforced in 1981 and its last amendment made in 2009, has many parts which are not relevant to the present context), inadequate legislations pertaining to evidence and witnesses, dismissal of forensic evidence by courts, absence of a witness protection program and inadequate correctional and rehabilitation system for convicted offenders. The lack of a comprehensive integrated crime prevention mechanism remains the greatest weakness in addressing the issue of increase in crime. High numbers of unemployed youth, and the persistent substance abuse and drug addiction among youth in the country are indirect factors catalysing the increase in crime. Following is a recent incident which clearly demonstrates the failure to undertake a holistic approach to the growing criminal activities.

An alleged criminal was detained in August 2010, for his involvement with the murder of a 17 year old, on July 20th, 2010. After six months of imprisonment, the alleged criminal was released on February 17th, 2011 by the Criminal Court, when Police claimed that their request to Ministry of Health and Family (MoH) to facilitate in obtaining the Medico-Legal Report of the defendant from the hospital (IGMH) was not adhered. Hence, the Criminal Court considering six months, a sufficient period to respond to an official request from Police, thus released alleged criminal, claiming that the verdict was also a measure to hold MoH responsible for not providing requested information in due time. Following 28 days from his release, on March 16th, 2011 he was accused of fatally stabbing a 21 year old young man to death.

20. To address the above, the State should revise the existing Penal Code, and bring into force the Criminal Procedure Code, the other legislations pertaining to evidence and witnesses. The State further should establish effective rehabilitation mechanisms for offenders, better prisons and

correctional facilities to house and to rehabilitate criminals and to strengthen effective coordination between drug rehabilitation system and criminal justice system.

Enforcement of Death Penalty

21. Article 10(a) of the present Constitution stipulates that the religion of the Maldives is Islam and Islam shall be the one and only basis of all the laws of the Maldives. Additionally, article 10(b) stipulates that no laws contrary to any tenet of Islam shall be enacted in the Maldives. Thereby, the basis of the Maldivian Penal Code is Shari'ah (Islamic Law). Hence, the current Shari'ah tenets give the courts the power to pronounce capital punishment for the following offences namely, murder, crimes against community (which includes apostasy, adultery, treason, rape and homosexuality).
22. It is important to note that child offenders may be sentenced to death in the Maldives under Islamic Shari'ah. According to article 5(a) of the Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors states that minors at the age of puberty (from the attainment of ten years of age till of completion of fifteen years of age) may be held criminally responsible for committing apostasy, revolution against the state, fornication, falsely accusing a person of fornication, consumption of alcohol, unlawful intentional killing and other offences relating to homicide. Because Maldives uphold Islamic Shari'ah and due to the fact that apostasy, intoxication, fornication and revolution against the state are the offences for which *hadd* is prescribed in Islam, including death penalty, thus minors may be sentenced to death. The Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors further states that minors should receive two thirds of the minimum penalty stated in law and also gives judges the discretion where no minimum penalty is stated (article 17(e)). However, it does not mention explicitly on the prohibition of the death penalty on minors, thus giving room for sentencing of capital punishment for minors.
23. Death penalty was last enforced in 1953 for an allegedly attempting to murder the first President of the country by using black magic. From January 2001 to December 2010, a total of 14 people were sentenced to death by the courts, and none from them were below 18 years⁷.
24. The previous Constitution (the Constitution from 1997 to 2008), places the President as the highest authority of appellate in the judicial process and also gives the power to commute death sentences to life imprisonment if the convicts apply for clemency. So as a practice all sentences for capital punishment have been commuted to life imprisonment. When the new constitution came into effect in August 2008, the Constitution reformed the judiciary establishing a three tier court system where the Supreme Court has the final say on all matters relating to judiciary. However, the Constitution in its article 115 states that President is entrusted pursuant of the

Constitution to carry out the duties to grant pardons or reductions of sentence as provided by law, to persons convicted of a criminal offence who have no further right to appeal.

25. Citing the growing numbers of assaults and murder cases in the recent years and influenced by public sentiments regarding gang violence, in April 2011, Parliament accepted an amendment to section 21 of the Clemency and Pardoning Act, obliging Supreme Court to uphold and execute sentences on death penalty. The amendment was accepted for deliberations in the Parliament with majority voting in favor of the amendment. The proposed revision was submitted to the Social Committee of the Parliament for review. Note to be made that if the amendment is to be passed, the power vested with the President to grant clemency to sentences of capital punishment under article 115(s) of the Constitution will be removed. As recent development to the issue, Member of Parliament, who proposed the amendment to the Clemency and Pardoning Act, has currently withdrawn the amendment, for the purpose of re-submitting the amendment to the Act, once Parliament approves Evidence Law and Justice System Bill.
26. Here, it is crucial to note that Maldives has affirmed the UN Resolution of Moratorium on death penalty on 18th December 2007, which emphasizes all States that still provision capital punishment to “progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed”⁸. This resolution still needs to be passed by the Parliament. In addition, one of the recommendations of the Universal Periodic Review (UPR) that has been acceded by the State is the ratification of the 2nd Optional Protocol of ICCPR.
27. As was mentioned above, article 10 (a) and (b) of the Constitution strictly and clearly stipulates that the religion of the country is Islam and no laws contrary to any tenet of Islam shall be enacted, thus abolition of death penalty may not be possible unless otherwise article 115(s) of the Constitution is amended. It is also to be noted that there are several laws that is pending which is very much related to the enforcement of the death penalty including, the passage of the revised Penal Code, Criminal Procedures Code, Evidence Bill and Witness Act. Furthermore, Maldives is yet to establish an independent forensic institution to provide accurate information to support judiciary to make an impartial decision on matters concerning administration of death penalty.

Article 7 and 10

Prevalence of Torture, Cruel or Inhuman Treatment at Detention Facilities

28. With the ratification of the present Constitution in August 2008, article 54 and 57 clearly prohibits any form of torture, or degrading treatment in any setting and obliges that arrested detainees are treated humanely. Article 48 of the Constitution further protects the rights of the person at the time of arrest.
29. After the establishment of NPM⁹ in 2008, so far it has carried out more than 30 visits to places of detention where people are deprived of their liberty. Apart from prisons, these also include custodial, juvenile detention centres and psychiatric facilities. During these monitoring visits, NPM has identified varying issues that could lead to torture, cruel or inhuman treatment in the detention facilities under their mandate. Following gives a brief overview of these issues with regard to torture identified by the NPM in their monitoring visits which are also shared with the relevant stakeholders at large.
- a) The legal framework that is required to uphold what is stipulated in the Constitution regarding prohibition of torture and other inhuman treatment is currently lacking in the system. This is because until recently there is no presence of anti-torture spirit in the legislature of the Maldives. The bill on anti-torture that was drafted recently is currently at the Parliament for endorsement. Additionally, there is no formal minimum standard of treatment of detainees. Furthermore, there is a strong need for legislative and regulatory safeguards against torture which includes reviewing and adopting interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest. Similarly, the juvenile residential detention centres and particularly the facility for special needs, geriatrics and psychiatric patients, needs to do extensive work to strengthen their procedural guidelines and regulations in order to strengthen the protective measures that safeguard the rights and dignity of individuals residing there
- b) Both the prisons and custodials do not have a categorization system with regard to crimes committed within the detention centers. The penitentiary services have recently attempted to categorize prisoners according to their behaviour, whereby prisoners' progress from high security to low security based on good behaviour. However, still this type of categorization is neither accurately reflective in practice, nor it is in line with what is prescribed in the Standard Minimum Rules for the Treatment of Prisoners. According to authorities, categorisation is not possible due to limited space and overcrowding.

- c) At present, there is no juvenile detention centre. As a result, the minors who are arrested and are between the ages of 16 to 18 are detained in a cell separate cells located within the general police custodial among the cells where adult detainees are kept.
- d) There exist issues pertaining to solitary confinement in detention facilities at large, more so in prisons and police custodials. NPM has also observed prevalence of such practices in the Home for People with Special Needs (HPSN)¹⁰. Citing one example, during NPM's visit to Dhoonidhoo Police Custodial in March 2011, it was noticed that among the six cells for solitary confinement for male detainees, five cells are occupied. NPM found that among these detainees there were detainees who have been held there for several days and for up to four months in some cases, and they have not been let outside for exercise or walks. As to the condition of this facility, NPM team found that lights of some of these cells were broken and this makes the place very dark at night.
- e) There are incidents where detainees held in places are not officially recognized as places of detention.. Apart from the visits, there was also a case involving a high profile politician, Mr. Abdullah Yameen, where he was held under protective police custody for a short period in 2010 in a place outside the formally established places for police custody. A important event that falls within this is the issue of a number of prisoners who were moved from Maafushi jail to a hastily built jail at Addu Atoll, the southernmost atoll in December 2009. NPM's visit to the place found that the setting itself was gravely inhumane, and clearly fall into degradation treatment, nor it does not conform to the minimum standards required for such detention facilities. Another significant recent development that occurred in February 2011 is that the police service has recently established a custodial wing within the Maafushi Prison premises, as a means of addressing the overcrowding issue within the custodials. First of all, the custodial wing was not an officially recognized place. Second, this change further moves away from general principles of clear separation of suspected detainees and convicted prisoners.
- f) The penitentiary system does not have a rehabilitation system at present considering the number of repeat offenders. There were an ad-hoc training initiatives by the prison management that continued till April 2009, which came to a stand still following a fire incident within Maafushi prison. During that period, some level of vocational trainings and academic teaching sessions for lower grades was provided. These came to a standstill following a fire incident in 2009. In order to continue the attempt taken by the prison management with regard to rehabilitation, their proposed budget for the year 2011 did allocate considerable amount of budget for rehabilitation. However, the budget on

rehabilitation was deducted during the budget formalization process at the Parliamentary review stage. As recent developments, HRCM has been informed that efforts are underway to formulate a comprehensive rehabilitation system; however it is not clear when this would be implemented, as formal plans are yet to be developed. Additionally, the Department of Penitentiary and Rehabilitation Services had revealed that there are plans to start secondary educational teaching within the Maafushi Prison, as well as plan to initiate prison industry¹¹. Further, no efforts are in place to rehabilitate the three vulnerable groups residing in HPSN, although there have been temporary project where an occupational therapist was in place for a few months in 2009. Unfortunately, the plan that has been put forward by the therapist is not implemented. Moreover, there is a need for psychologists or a counsellors to offer psychosocial support to the residents. With regards to the juvenile correctional facilities, the Educational Training Centre for Children focuses on children's academic development and providing a nurturing environment. The Correctional Training Centre for Children targets juvenile delinquents and provides supportive training, life skills and guidance in order to minimize risk taking behaviour. Drug rehabilitation service is provided through the rehabilitation centre in K. Hinmafushi Island. The rehabilitative model known as the Therapeutic Community programme is adequately implemented; however, it lacks an effective after-care programme that would complete the therapeutic cycle successfully. Therefore, the drug rehabilitation programme requires a systemic approach, to be delivered through highly trained professionals, and implemented at a wider scope in order to meet the high number of drug users in the country.

- g) It is been noticed that there is an emerging issue relating to prolonged periods of detention pending trial within the police custodial.
- h) Institutional capacity of personnel working at the penitentiary and MPS in managing detention centers needs to be more aligned with human rights best practices. The MPS is currently reviewing their procedural guidelines. Police Integrity Commission is currently working on developing a Standard Minimum Rules for Custodials, and HRCM is a contributing to it.ve partner in. Personnels working with children, persons with disabilities and mental illnesses also lack the professional guidance and capacity to handle these groups of people. NPM visits have found that limited personnel have undergone the basic training required to undertake the job at these places, both at contact level and management level. The last visit to Home for People with Special Needs in April 2011 revealed that, apart from the psychiatrist, there are no other personnel who have undergone comprehensive training in working with these special populations. This is significant as oftentimes torture takes

place because service providers lack the knowledge and skills to manage situations and individuals.

30. NPM visits has also identified that in the detention context, there are incidents which pose threat to respect for the inherent dignity of the human being. Following incidents provides an insight into this.

- a) In 2009, the prisoners at Maafushi and Himmafushi jail were swiftly transferred to a hastily built temporary jail in Addu Atoll. The transfer process was alarming as during the long sea journey of 470KM on a boat, prisoners were handcuffed and restrained, in view of any potential retaliation or possible escape and the transfer was not informed to the prisoners' families. With regard to the prison facility at Addu Atoll, NPM team found that two prisoners were isolated for an indefinite period in small cells, more appropriately described as "cages". Each cell was of five feet by feet, and of height eight feet, and made from steel rigid rods or bars on all five sides. Toilets were not available, and as a result inmates urinated into a bottle. Prisoners also informed that for defecation, they had to call for an officer who escorts them to a nearby toilet.
- b) NPM visits to Maafushi jail (2010), the Immigration detention Centre (2009), and the custodial (2011 – reports currently being developed) reveals a clear pattern with regard to the differential treatment towards migrant workers. NPM team observed these acts of differential treatment such as the overcrowded space they were kept in. This in turn led to various other issues such as access to toilet facilities and spreading of communicable diseases. Further, all though no formal case has been reported, several migrant detainees informed the disrespectful language they were at times addressed in, and the similar manner that they were treated. This was noted in all three visits noted above.
- c) In 2010, NPM visit to K. Maafushi jail, prisoners reported the widespread practice of strip searching, at times in a manner which threatened their dignity. According to the prisoners this often occurs during transferring prisoner from one cell to another. They also note that certain prison officers use disrespectful language.
- d) Such treatments of disrespect were also observed among detainees towards each other. For example, the 2009 visit to Dhoonidhoo, it was found that juvenile detainees disturbed and verbally abused the foreigners in the adjacent cells. Some detainees also report that these minors threw food remains towards the adjacent cells. Even though staffs on duty were aware of this, no action has been taken¹².

e) A highly disturbing observation made in the HPSN visit in April 2011 is that patients were being put in solitary confinement without any clothes, as a means of disciplinary measures, or as a means of controlling them during incidents of misbehavior. During the day of the visit, the team witnessed three patients in this condition, who were isolated since the previous day and night. Due to the risks involved, such as attempted suicide, the management believes that it is in the patient's best interest to remove their clothes. The cells they were kept in did not have any bedding, also for the same reasons. Therefore, the patients were subjected to stay in the cells overnight, and sleep on the floor, without any clothing or bedding. Incidentally, the facility did have a regulation on the process of putting patients in these isolation cells. However, these were not adhered to, and the regulation itself was outdated. It is noteworthy to mention that the facility is working under severe budget and staff constraints, with untrained staff. Consequently, these are the very factors that lead to incidents of torture and inhumane treatment rather than explicit acts of torture. HRCM raises this issue of isolating patients in the above described manner as a serious issue that violates the individual's dignity, and urges the authorities to employ different means to deal with the issue; means that are humane, dignified and respectful.

31. With regard to the various issues pertaining to detention facilities, the State authorities must take all measures required to expediting the process of passing and enacting the bill on Anti-Torture as this will be a bold step against torture. It is equally important that the State to review the current status of the detention facilities and develop infrastructure in accordance with internationally accepted minimum standards for detention facilities, which strictly emphasize on categorization and segregation of various types of offenders, including adults and juveniles. Additionally, the State is required to ensure that all the detention facilities possess relevant procedures and guidelines in managing the daily work of these facilities. As at present there are very few trained staff working in detention facilities, therefore capacity building programs must be undertaken to the staff working in these facilities, especially personnel who are dealing with children, persons with disabilities and mental illnesses in places of detention. Moreover, proper resource allocation is necessary by the State in order to effectively managing the detention facilities.

Prevalence of Corporal Punishment in Schools

32. Article 54 of the present Constitution clearly prohibits any form of torture, or degrading treatment in any setting. Furthermore, article 10 of the Law on Protection of the Rights of the Child (1991) stipulates that punishment in school should be appropriate to the child's age and should not affect them physically or psychologically.

33. Although, there is no explicit prohibition of corporal punishments in schools, Ministry of Education (MoE) urges that corporal punishment should not be used. Nevertheless, there are number of incidents of physical abuse of students by the teacher/supervisors. For instance, the investigation carried out by HRCM on Lale' International School (2010) made apparent that number of students experienced physical and psychological abuse in the school¹³. Some of the findings include abuses such as strangling and whipping children with belts. The findings of HRCM were further validated when the Criminal Court in August 2010 found the former principal of the school, guilty of assaulting children and sentenced him to pay Rf200 (US \$12.97) as fine under article 126 of the Penal Code. In addition, the inspections undertaken by the Education Supervision and Quality Improvement Division (ESQID) of MoE have verified that there are cases pertaining to physical and psychological abuse of children in schools. MoE acknowledges the fact the monitoring and inspection undertaken was insufficient and would be decentralizing the monitoring function of schools to the newly established provincial levels which then would enable frequent monitoring and also attend to matters promptly.
34. Taking the above into consideration, it is to be noted that due to the fact that corporal punishment is existent in the education system, it is important that the MoE come up with a discipline policy where it could provide clear guidelines disciplinary actions/corrective measures in schools. It is equally significant that all staffs, including teachers are sensitized to the rights of the child and other related rights that are relevant while working in the education sector. Additionally, since the Constitution explicitly prohibits any form of torture in any setting, the spirit of the article which prohibits torture should be maintained by all related laws. However, the penalty enforced through this particular case itself shows the extent of adhering to the spirit of intolerance to torture. In fact, harsher sentences need to be enforced to show intolerance to torture. It is also important that State takes all the necessary measures to strengthen the legal framework that is required to guarantee that children are not subjected to corporal punishment as a disciplinary measure. Moreover, State should take measures to promote positive non violent discipline at schools.

Article 8

Existence of Practices leading to Forced Labour

35. Article 25 (a) of the Constitution states that no one shall be held in slavery or servitude, or be subjected to forced labour. Article 3(a) of the Employment Act (2008) categorically states that no person shall be compelled or forced into employment and defines forced employment as any service or labour obtained from a person under the threat of punishment, undue influence or

intimidation, and does not include services or labour performed by any person on his own volition¹⁴. According to article 68 of the Employment Act, the only penalty prescribed for offenses relating to violations of Employment Act is a fine not more than MRf 5000.00 (US\$ 398.10).

36. Among the significant number of migrant workers, Maldives have been considered as a preferred destination for employment¹⁵, especially from countries such as Bangladesh, India, Sri Lanka, Philippines. The total number of migrant workers employed in the country by the year 2010 is 73,840¹⁶. Among these migrant workers, considerable numbers of migrant workers are subjected to fraudulent recruitment practices by their agents and withholding of wages and debt bondage. Migrant workers also face inadequate and often not suitable accommodation for human habitation. The accommodation facilities of migrant workers are often overcrowded, lacking proper ventilations, adequate sanitary facilities and in most cases without fresh water or with limited accessibility fresh water¹⁷. Due to the fact that significant numbers of migrant workers from neighbouring countries pay large sums of money as commissions to get employment in the Maldives, they are not in a position to leave their employment before they are able to earn back at least the amount paid as commissions.
37. Additionally, article 41 of the Constitution provides the freedom to enter, remain in and leave the country and to travel within the country. Government has not imposed any restrictions regarding the travel to other countries and within. However, many migrant workers are faced with number of limitations in their movement, which again force them to slave like practices. For instance, considerable numbers of migrant workers working in the construction industry are often housed within the premises of the worksite, leaving them with no option but to stay there for all purposes. This situation is further aggravated by confiscation of identity documents such as passports of migrant workers, including those working in the professional sector such as teachers. In Maldives, it is a practice to take hold of the passport of the migrant worker by his/her owner for the intention of safe keeping, and this applies to both government and private sector together with the individuals.
38. The Rapid Assessment of Employment Situation in Maldives conducted by HRCM in 2009 further revealed that some domestic workers, especially migrant female domestic workers are at times trapped in situations of forced labour, and is in many cases restricted from leaving the employers' home, through threats and by other means. The report also highlighted that although the situation of migrant workers as labourers is grim and may not technically be defined as bonded labour or forced labour, questions may be asked as to whether such labourers are free to leave their employment at will.

39. In 2009, government anticipated that there are around 30,000 undocumented workers in the country¹⁸. Department of Immigration and Emigration reported that out of 2700 deported migrant workers in the year 2009, 2200 were undocumented migrant workers from Bangladesh. In 2009, a total 34 expatriates were also deported for engaging in prostitution¹⁹. These figures alone speak a lot regarding the issues mentioned in the previous paragraph where migrant workers are vulnerable to conditions of forced labour, and undocumented migrant workers are particularly vulnerable for exploitation by unscrupulous employers, as they would be reluctant to resist it due to their illegal status.
40. The government is undertaking measures to address the issue of illegal migrant worker population. One of the measures taken include the Department of Immigration and Emigration functioning under the Ministry of Home Affairs no longer deport undocumented migrant workers, but they are merely embarked in order to give them the opportunity to regularise their visa status. Additionally, Labour Relations Authority (LRA) functioning under Ministry of Human Resources, Youth and Sports (MHRYS) undertakes supervision on the work sites and addresses all types of issues relating to employment. Even so, LRA asserts that it is a newly established institution, thus it requires time to function effectively. Presently the numbers of inspection visits undertaken by LRA are minimal in number in an annual basis and the areas covered in the inspection are also minimal taking the wide array of problems in the area. In addition, the government is currently working towards drafting a bill on human trafficking, as most of the conditions mentioned above could have initiated from deceit, lead to compulsion by force and then exploited - all of which comes under the definition of human trafficking.
41. Given the severity of the problems of the migrant worker population in the country, and also being ranked in tier 2 watch list of the Trafficking in Persons Report-2010 of the US Department of State, as well as becoming a member of International Labour Organization (ILO), the State is required to undertake swift measures to prevent malpractices in recruitment and managing the migrant worker population in the country. The State needs to find proper solution(s) to the estimated 30,000 or more undocumented migrants, ensuring that such measures taken by the government does not re-victimize those already been victimized. The State also needs to enforce the existing regulation relating work place standards and regularly monitoring of same. In addition, State should develop a mechanism whereby the wages to the workers are duly paid and the travel documents of migrant workers are not held in hands of employers in order to eliminate the undue influence by employers on the migrant workers to work in unfavourable conditions, including forcing them to do labour against their will. Equally important is the speeding up of the bill on Anti-Human Trafficking and Smuggling and the ratification of

International Convention on Protection of Rights of All Migrant Workers and Their Families (ICPRMWF), as these could be an added assistance to the current practices that is prevalent with regard to migrant workers in the Maldives. The Maldives accepted to ratify the ICPRMWF during the UPR process.

Article 9

Existence of Practices that leads to Arbitrary Arrest or Detention

42. Article 45 of the present Constitution states that everyone has the right not to be arbitrary detained, arrested or imprisoned except as provided by law enacted by Parliament which should not be contrary to the Constitution and tenants of Islam. Additionally, article 46 of the Constitution states that everyone has the right not to be arbitrarily detained, or detained for an offence unless the arresting officer observes the offence being committed, or has reasonable and probable grounds or evidence to believe the person has committed an offence or is about to commit an offence, or under the authority of an arrest warrant issued by the court.

43. Despite the aforementioned provisional guarantees on freedom from arbitrary arrest or detention, it is to be noted that there are incidences where such violations occurs. Following is a prominent incident which illustrates the breach of what is enshrined in the Constitution.

An opposition leader Mr. Abdulla Yameen Abdul Qayoom (leader of Peoples Alliance) and a Member of Parliament was arrested and taken to a nearby island at around mid night by the Maldives National Defence Force (MNDF), on July 15th, 2010. The reason of his arrest as stated by the government was for his protection due to unstable environment in the country, and the fact that there was a violent protest in front of his house. It is imperative to note that none of his family members were given any kind of protection from the unstable environment or from the protest in front of their house. The consequence of this arrest led Mr. Yameen's lawyer file a case in the Criminal Court on behalf of him, requesting the court to rule the arrest as unlawful. Criminal Court ordered MNDF to present Mr. Yameen to court on July 15th, 2010, which the government and the military did not abide. Thus, Criminal Court decided to continue the case in the absence of Mr. Yameen. The Prosecutor General and the HRCM stated that the arrest of Mr. Yameen was unlawful²⁰. After restricting his freedom of movement for 9 days, he was released on July 23rd, 2010. There were no charges presented against him regarding this arrest. Civil Court ruled that the arrest of Mr. Yameen was unlawful, stating that MNDF has violated articles 41, 19, 21, 26, 30, 37, 45 and 46 of the Constitution on August 26th, 2010.

44. With the Criminal Court’s verdict on the case, it is important that effective measures be taken to avoid such incidents of arbitrary arrest as this infringes the human rights of the person(s) involved. In addition, in cases of arbitrary arrests the victims needs to be compensated for what they have lost during the period of arrest. In the case of Mr. Yameen, he has not been compensated so far.

Article 12

Hindrance to Free Movement

45. Article 41 of the present Constitution provides freedom to enter, remain in and leave the country, and to travel within the country. Provisions of article 22 (3) of the Disability Act (2010) states that people with disabilities also has the right to use public roads same as rest of the pedestrians. Additionally, article 23 of the same act states that when people with disabilities travel on any public or private transport system, they shall be given special care and assistance. There shall be no additional charges levied for such service enhancements or to uplift the walking equipments of the people with disabilities. It is also to be noted that the Maldives has ratified the Convention on the Rights of the Persons with Disability in January 2010.

46. The Baseline Assessment on Activities Addressing Rights of Persons with Disabilities undertaken by the HRCM in 2010 drew attention to the fact that there is limited access to premises and on to public transports, as one of the major service gaps for people with disabilities. The assessment further states the roads, pavements, road signs and traffic lights are not designed to be friendly for persons with disabilities. The assessment also states that limited access to premises as a probable reason why only a very few people with physical disabilities are able to seek employment. The assessment proposed 25 recommendations, from which 3 recommendations are directly or indirectly aimed at free movement of disabled persons. Thus, it is important that the State implements all these recommendations put forth by HRCM in its assessment, which could assist to overcome challenges that disabled persons are undergoing, especially in mobility, public access and free movement.

Article 14 and 26

Inefficiency in the Judicial Sector

47. The present Constitution guarantees an independent judiciary in the Maldives and is crucial for providing equality before law and legal protection of the law. However, due to shortfalls in the system the judiciary as a whole is often questionable at various grounds. Systems gaps include

important laws, regulations and procedures necessary to establish permanent courts with the means to carry out their functions effectively are not in place; courts are not provided with sufficient and trained judges and adequate resources to handle the prosecutions of the ever-increasing amount of cases submitted to them; some of the judges, prosecutors and lawyers are criticized of being found incompetent in fulfilling the crucial role of providing a fair and just trial. International Commission of Jurists (ICJ), in their report 'Maldives: Securing an Independent Judiciary in a Time of Transition', has made a number of recommendations to build the competency of the judiciary. In addition, there are inconsistencies when deciding matters on which the Constitution is silent or any other law is non-existent on the matter or especially when the judgment is to be based on Islamic Shari'ah. Furthermore, there are no case laws or precedents on which the courts may rely. The judiciary also requires understanding the importance of using scientific evidences to ensure justice to the trials. Moreover, there is a culture in the country for not abiding the decision of the courts, or ridiculing the judiciary by the executive, legislature, political parties, security forces, MPS, and other authorities as well. The following gives a brief summary of the issues mentioned above with regard to the challenges faced by the judiciary and most of these issues were highlighted by ICJ, in their report.

- a) *Important legislations that is crucial for effective judicial and sentencing purposes such as revised Penal Code, Evidence Act, Criminal Procedure Code, Civil Procedure Code, Drug Bill, Right to Information Bill, Bill on Torture etc are still pending in the Parliament.*
- b) *According to the Constitution, Maldives upholds Islamic Shari'ah and because those verdicts from Islamic Shari'ah are not written and documented in a way that could be easily available and used as a guide while making judgements, it is often believed that there are inconsistencies in the judicial decisions of different judges as the verdict is conditioned by idiosyncrasy of the judge. Furthermore, despite the fact that Maldives pursues Islamic Shari'ah there are inconsistencies in applying Shari'ah law as there are incidents that some of the definite rulings given in the Shari'ah are strictly abided by the judiciary while the others are not. For instance, article 5 of the Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (2006) stipulates that Criminal offences committed by children in the age group of 10 -15 years, could only be liable to bear legal consequences, i.e. children from the age of puberty may be held criminally responsible for committing apostasy, revolution against the state, fornication, falsely accusing a person of fornication, consumption of alcohol, unlawful intentional killing and other offences relating to homicide. However, according to Islamic Shari'ah, children from the age of 15 children can be convicted of offence, as age of puberty is generally considered as 15 years.*

- c) *The judicial sector is required to make use of modern scientific advances in all the relevant fields in order to ensure that the verdict that they make is fair and just. In this context, one important area that the judiciary can make use of scientific advances is when affirming paternity. Statistics from the Department of Judicial Administration website revealed that in 2006, out of 184 people sentenced to lashing (a punishment administered in Shari'ah for adultery) 146 were women. A pregnant woman displays obvious evidence of sexual activity, while the father does not, especially in rape cases. In such cases, DNA testing will prevent a child from depriving the right to know who his/her father is – from a child rights perspective. Some major Islamic countries including Morocco²¹, United Arab Emirates²² and Malaysia²³ have interpreted the Shari'ah Law in ways that scientific evidence can be used instead of oral confessions in such cases. Yet, Maldives has not considered application of any modern scientific method on the matter, such as DNA testing to determine the father of the child being born out wedlock. Thus, this can be an area that the judiciary to explore in identifying the opportunities for the victims.*
- d) *Persons involved in the juvenile justice system neither possess professional trainings nor are they given training on relevant international standards. The Juvenile Court of Maldives has only two judges presently and one of them is currently on study leave. The court is not provided with adequate chamber and setting for the prosecution of juveniles. Furthermore, there are no probation officers to ensure that the child is meeting the probation terms, when the court orders the juvenile to be placed on probation. Also there is only one juvenile correction facility which is been run by MPS and has limited capacity. Aforementioned prevailing issues in the juvenile justice system remain as obstacles.*
- e) *Many of the judges do not have a formal legal education and hence lacks the proficiency required to understand legal principles and conducting a fair and impartial trial.*
- f) *Judicial Service Commission (JSC) is constantly being accused and criticized by media and non-governmental organizations as well as persons within the judiciary for failing to work towards the independence of the judiciary, and for its lack of proper procedure and transparency. For instance, in January 2011, a Criminal Court judge Uz. Abdul Bari Yousuf filed a case in Civil Court alleging that the JSC's appointments to High Court bench has procedural and legal issues and to order the Commission to reselect the High Court judges.²⁴*
- g) *There are incidents which clearly demonstrate the Executive overshadowing its power on the Judiciary. One such incident is MPS surrounded the JSC on August 2nd, 2010, blocking any member or its staff from entering the Commission by the request of the President. It was done to prevent the reappointment 160 judges before deadline (August 7th, 2010) when the*

Commission revealed that 160 sitting judges have been made permanent after amending the criteria to accommodate the then existing judges at courts. The Police Integrity Commission (PIC) ultimately concluded that the MPS was negligent in cordoning off the JSC in this fashion²⁵. Another incident is when the President unilaterally declared the Supreme Court bench defunct on August 7th, 2010. By declaring so, he issued a decree appointing a four member temporary appellate bench to oversee administrative aspects of the Supreme Court²⁶. On the same day MNDF confiscated the keys to the Supreme Court, by the order of the President, pending the conclusion of the interim period of the Constitution and took control of the Supreme Court premises²⁷.

- h) There exist incidents where the judgement of the courts are not respected and often refused to obey the court orders by the Executive. One such incident is on July 1st, 2010 an opposition Member of the Parliament Mr. Yameen was detained by the MNDF and placed under 'protective custody', which was later pronounced as unconstitutional by Chief Judge of Civil Court. Lawyers for Mr. Yameen requested and obtained a writ of habeas corpus but the MDNF refused to obey the court issued order²⁸. Another similar incident happened on July 12th, 2010 when the Criminal Court suspended two police lawyers who prosecuted in the cases of two Members of Parliament due to contempt of court and the police publicly criticized certain criminal court judges²⁹.
- i) Security of the personnel engaged in the judicial sector is another important area that requires to be attended immediately in terms of making fair and firm judgements. This is because, on April 23rd, 2011, MPS has to go to four different judges in Laamu Atoll to extend the detention of arrestees following a gang fight, where a 23 year old male's leg was almost severed from above knee. The reason of this difficulty was due to fact that the judges are afraid they will be attacked by the gang members if they tend to know a specific judge extended the duration of detention. A similar incident took place on May 6th, 2011, when MPS could not find a judge from Laamu Atoll and the Criminal Court in Male had to intervene to extend the detention of the arrestees following a gang fight where a 20 year youth's hand was almost severed. On this note, it is to be noted that recently (on January 3rd, 2011) Presidential Member of the Judicial Service Commission (JSC), Ms. Aishath Velezinee, was stabbed four times on her back in the capital city by a group of people who came on motorbikes³⁰. This incident proves that people in the Judiciary need security and physical protection.

j) *The current court complex is not provided with adequate infrastructure and security; hence prisoners' escapes when they are brought to court are a common occurrence. Incidents like this cause delays in prosecution and also enforcing justice.*

48. Expediting the process of bringing in the relevant legislative framework that is currently lacking in the system is essential. It is also imperative that the judiciary focus on appointing qualified judges who can make unbiased, just and transparent judgement. It must be also noted that to enable a free and fair and speedy trial apart from the many problems in the judiciary, an integrated mechanism of the various other state actors is essential. It is also imperative that the judiciary must focus on employing qualified judges who can make unbiased, just and firm decisions that are clear and cogent. It must be also noted that to enable a free and fair and speedy trial apart from the many problems in the judiciary, an integrated mechanism of the various other state actors is essential which then gives way to closing all doors for those who escape from the system without paying the price for the act committed. In its report, ICJ has also expressed similar concerns including that they were troubled to learn about the apparent breaches of the separation of powers between the executive, legislative and judicial branches; shows grave concern about reported threats to the judiciary and the setbacks in the promulgation of statutes, regulations, and procedures necessary to establish permanent courts with the means to carry out their functions effectively; the apparent failure of the Judicial Services Commission (JSC) to fulfil its constitutional mandate of properly vetting and reappointing the judges; and the apparent extra constitutional use of the MNDF, the MPS, at times in defiance of court orders. Furthermore, ICJ also found that decisions of the judiciary have been perceived as politicized.

Article 17

Hindrance to Privacy

49. The present Constitution ensures everyone the right to respect for private and family life, home and private communications (article 24). However, with the freedom of expression guaranteed by the Constitution, it is observed that, this right is been misused to lay personal attacks on various public figures. Likewise, it has become a common occurrence to report unfound allegations in TV channels, radios and in print media. Furthermore, public rallies organized by political parties have also become a common place to infringe people's privacy.

50. Until July 2010, communication between individual are considered private, secure and free from invasion. However in July 2010, with the leakage of private conversations between some Members of Parliament and other politicians, the personal conversations are no longer believed

to be private. The issue became known when three recordings of telephone conversations between members of Parliament appeared on the Internet in July 2010 and the local television stations including national television, broadcasted them. The only authorities that can legally monitor communication between individuals and groups are MPS and MNDF. Often both these authorities are being suspected for the leakage of private conversations between members of Parliament and other politicians as well as other individuals.

51. With the new found freedom of media in the country, incidents of media violating the right to privacy is also becoming more and more common. But violations of privacy by media are creating fear among public about the illegal monitoring of private communications of individuals by the law enforcement authorities. Although MPS had investigated the above mentioned case of the leaked audio clips, their findings are not made public, adding up to the fear and uncertainty among them. The HRCM has expressed concern in its Annual Report 2010 about publishing “personal telephone calls” and “other types of private conversation” between people by the media and also about the MPS not informing the public about their findings into the investigation.
52. With the present Constitution, entry and search of private property and vessels are restricted to a court order and this has been the practice since then. However, the current Bill on Special Measures to Prevent Violent Crimes (Sunset Bill) being discussed in the Parliament in order to give extra powers to the law enforcement authorities and considerably limit some of the rights of individual suspected of certain crimes may open doors for law enforcement authorities to invade people’s private life without any check and balance. Under the Sunset Bill, MPS can search houses without a warrant in certain circumstances, but the bill currently not identifying what these circumstances are. Even though right to privacy is guaranteed by the Constitution and also from ICCPR which the Maldives is party to, the citizens of the Maldives are becoming victims of violation of privacy. It is important that the independent bodies that regulate media must enforce their professional code of conduct when reporting news that might invade people’s privacy. Also it is crucial that the members of Parliament, even though they are granted with some special privileges, use professional conduct and not to discuss people’s personal matters in the chamber, and speeding up of the passage of Parliament Member’s Code of Conduct. In addition, the State must ensure that the private communications are not being monitored illegally and it is not released to the general public by the authorities. Furthermore, it is to be noted that the Sunset Bill which is believed to provide solutions to the ever increasing crimes in the country, at present violates many fundamental human rights and this needs to be amended and aligned with the Constitution and ICCPR.

Article 19

Challenges faced by the Media

53. The present Constitution assures the media of its freedom and clearly guarantees journalists the right to protect sources (article 28). The press in media enjoys environment that is conducive to exercise their constitutional rights improved since the current ruling government came to power. However incidents of the government trying to silent the media and revoke media freedom occur frequently.
54. MPS typically reacts with force against journalists who cover demonstration, especially those of organized by the opposition parties. Citing one incident, on October 25th, 2010, MPS attacked and briefly detained some journalists who were covering an opposition party (Dhivehi Rayyithunge Party) protest rally. According to media sources, MPS used unnecessary force against the journalists covering the protest and some of them were injured as a result³¹. This act was also condemned by HRCM stating that MPS used force in the specific incident in ways which may have caused physical injury to the journalists^{32 33}. Maldives Journalist Association (MJA) constantly condemns the actions of MPS, alleging that the journalists are often beaten with batons, sometimes handcuffing them and detaining. The explanations MPS come up with the strong public criticism for their actions are that some of the journalists covering the demonstration engage MPS in a confrontational spirit and interfere with the maintenance of public order.
55. Politically charged and gang related violence against journalists and media outlets in the country, has become a major issue recently. Media outlets and journalists continue to report allegations of threats and intimidation by gang leaders as well as political figures. Within the past two years, a reporter and a newspaper technician were attacked and injured by unknown assailants, two media channels were vandalized by a group of unidentified persons. Regarding a particular controversial police investigation several journalists summoned to police headquarters for questioning to obtain information on sources. Below are some incidences of violence against journalists and violations of freedom of expression.
- a) *On May 1st, 2011, MPS apprehended two journalists from "Haveeru" daily, one of the leading newspapers in the country, and from the Sun Media who were covering a protest against the rising of commodity prices in the country, and were later released³⁴. MPS reportedly used pepper spray on them, who were wearing their identification tags, before they were apprehended.*
- b) *On March 21st, 2011, a newscaster at the Maldives National Broadcasting Corporation's (MNBC) Channel One was stabbed early in the morning by two unknown persons on a*

motorcycle, while he was heading home after watching a football match. Although it is unclear of the intention of the attackers, there is room for suspicion that it was an attack aimed at media³⁵.

- c) On March 15, 2010, four men forcibly entered DhiTV, a privately run TV station, and attacked five senior officials, shortly after the station aired a report on its 2 o'clock news claiming that a gang leader arrested for gang related crimes has been released to house arrest. Three hours after the alleged gang attack on DhiTV, a Haveeru (a daily newspaper) employee was stabbed in the back.
- d) In March 2011, two journalists and a senior official of "Dhi-fm Visual Radio" were summoned to the General Committee of the Parliament. It was regarding the "morning show" on Dhi-fm visual radio which is said to have defamed the parliament members³⁶.
- e) On January 30th, 2011, Supreme Court obtained affirmation from a journalist "Haveeru" daily not to publicize any issue through media of the hearing, dealing with the name of an election candidate; the Election Commission had put forward the Supreme Court for elimination with reference to the then up-coming local Council Elections³⁷.
- f) On August 30th, 2010, the offices of the privately owned TV broadcaster, VTV, were vandalized by unknown persons. Though those responsible have not been identified; a number of verbal attacks on VTV by elected officials in the Maldives may have contributed to a climate of intolerance against the broadcaster³⁸. Two people reportedly on a motorcycle threw a pavement brick and shattered the glass enclosing the office building. This incident highlights the fact that verbal attacks and threatening to media by political leaders may lead to hate crimes against media outlets and people working in the media.
- g) On August 25th, 2010, the President of the Municipal Administration (newly elected Mayor of Male' city) in the Maldives' capital city of Male has reportedly attacked a DhiTV (a privately owned TV station) cameraman on August 25th, snatching his camera while he was on assignment inside municipal council premises³⁹.
- h) On August 5th, 2010, a female video journalist from VTV was disrupted by a Parliament member cum ruling MDP Parliamentary Group Leader, while she was filming an interview of another member of the Parliament near a Parliament Committee room, repeatedly warning her to leave the area without delay⁴⁰.
- i) On March 8th, 2010, private television station DhiTV was forced to leave a general meeting of the ruling MDP⁴¹.

j) *On January 28th, 2010, MPS ordered DhiFM visual radio to shut down its transmission while it was carrying out the live coverage of the protest held in front of Presidential resident, "Muliage"⁴².*

56. From the above cases alone, it is evident the extent to which the media is been subjected to suppression in the country. Media being one of the strongest mediums of disseminating information to the general public and also being an important tool for true democracy, it is important that the State take appropriate legislative and administrative measures to provide an environment for exercising the constitutionally guaranteed freedom of expression.

Difficulty in Accessing to Public Information

57. Article 29 of the present Constitution guarantees everyone the right to acquire and impart knowledge, information and learning. However, the right to information has been constantly deprived by the people, including government offices, state institutions and also the local and international journalists. There are incidences where government offices had to wait for a long time to obtain information from another government office. This simply talks how much time an individual has to wait to obtain information from relevant authorities.

58. Presently, there is no law on right to information, and this could be one of the greatest hurdles in acquiring and imparting information and knowledge. The pending Right to Information Bill in the Parliament when ratified, may ease to the problem to some extent as the current bill possess loopholes with regard to what is guaranteed in the Constitution. MJA and many other non-governmental organizations (NGOs) who has analyzed the bill has criticized the bill on the ground that the bill does not obligate institutions and organizations other than those under the government to provide information as stipulated in the Constitution. HRCM is currently analyzing the bill and there are important areas of issues in the bill that need to be amended.

59. Due to the fact that the right to information is enshrined in the Constitution, it is important that legislation be in place to facilitate the right guaranteed in the Constitution. And from the above it is known that already there is a bill on the right to information, however there are limitations on the bill. Thus, it is important to take into consideration the depth of the article mentioned in the Constitution and make all provisions necessary to incorporate them into the bill to ensure the right guaranteed in the Constitution is fully justified in the law. Once this is done, it then requires speedy enactment by the Parliament. Since, the country is at its early stages of democracy, it is imperative that all the relevant frameworks are in place, especially those of information sharing as this plays an important role in exercising and empowering with the right to take part in public decision making which lies at the heart of democracy.

Article 21

Hindrances to Peaceful Assembly

60. Article 32 of the present Constitution states the right to peaceful assembly is guaranteed for everyone and without any prior permission. Article 16 of the Constitution, guarantees to all persons, subject on to reasonable limits prescribed by a law enacted by the Parliament should not be contrary to fundamental rights and freedoms in the Constitution and not contrary to any tenets of Islam. Apart from the Constitution, right to assembly is governed by a domestic regulation, namely “Regulation concerning Assembly” which was enforced on April 15th, 2006. Upon ratification of the present Constitution in 2008, the regulation came under the “General Regulations Act”, ratified in 2008.
61. It is to be noted that the “Regulation concerning Assembly” contradicts the article on assembly in the Constitution, as regulation requires three organizers of public assemblies to submit a written form fourteen days prior to every gathering to the MPS, while the Constitution guarantees peaceful assembly without any prior notice. Furthermore, at the fifteenth Human Right Council a Resolution on Right to Freedom of Peaceful Assembly and of Association was adopted which decided to create the first-ever Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. This resolution was introduced jointly by Maldives and other States. It is imperative to highlight that there are no developments in the domestic legislation being made in relation to this development, Maldives being part of the development.
62. HRCM notes that there are inconsistent practices in dismissal of protests by MPS. Following lists some of the recent incidents which demonstrate the unfair dismissal of the assemblies.
- a) *The recent series of protest which was held for 1 week from 30th April 2011 blaming the government for the worsening economic plight, in which the commodity prices gone up almost to double the price before, within a few days, were dispersed by MPS using force and many were reportedly injured and arrested though later released. A total of 8 protests were carried on 7 consecutive days. The first assembly was dismissed after almost 13 hours of protest by riot geared police using tear gas. At this dismissal both public and police personnel were injured⁴³. In this series of assemblies MPS has placed restrictions and used force to dismiss them. Arresting of journalists and has imposed limitations and restricted the media coverage. These protests had appeared in the Washington post on the list of “Biggest protests and crackdowns of the decade”.*
- b) *On December 23rd, 2010, parents from Arabiyya School gathered in front of President’s Office regarding the issues of relocating the construction of new school building. On demanding to meet with the President, Political Advisor of the President met with the representatives of the*

parents. After the meeting also the parents were not willing to leave the area without meeting the President, and the parents referred to previous assembly where President met with the sports personnel who assembled in front of Presidential residence and the assembly was called off peacefully. This assembly was dismissed using force, including pepper spray.⁴⁴

c) On July 14th, 2010, according to Minivan News, some reporters claimed that during the MDP led demonstrations calling for Mr. Yameen's (Member of Parliament) and Mr. Gasim Ibrahim's (Member of Parliament) arrest, the MNDF and MPS beat the gathered protestors with their batons. MPS spokesperson reported that nine police officers and six civilians were injured during the riots.⁴⁵

63. As to the above, it is vital that a new law on assembly be drafted and enacted by the Parliament urgently. In the meantime, the current regulation on assemblies needs to be brought in line with the Constitution. Furthermore, HRCM has repeatedly expressed its concern over undue dispersal of assemblies and in press releases made by the Commission states MPS and other law enforcement authorities need to act in a consistent manner in dismissing assembly as well as allowing or banning of such of assemblies. In addition, the government need to disseminate information more widely on restricted areas for such gatherings and the actions laid down to take against such assemblies and the procedures of operations followed in such incidences.

Article 22

Establishment of Trade Unions and Challenges in exercising the right to Collective Bargaining

64. The present Constitution includes a charter of fundamental rights, which guarantees freedom of expression and freedom of association. On 15th April 2009, Maldives has brought in developments to protect the trade union rights and its compliance with international labour standards, by becoming a member of ILO.

65. While monitoring implementation of the recommendations put forward by HRCM on its Rapid Assessment of the Employment Situation in the Maldives, it was verified that progress is being made to ratify the ILO conventions, and also to enact a law on Industrial Relations Act and Labour Act. While these developments emerge as progressive, it is imperative to highlight, that the government needs to accelerate the process for the establishment of trade unions as the Constitution and the Employment Act does not address fundamental matters related to worker's collective rights, such as collective bargaining or industrial disputes. In the absence of trade unions, presently it is merely workers associations that undertake the roles of the trade unions. These worker's associations are registered under community organizations, thereby, the legal gap in defining functions and the mandate of associations remain as a hindrance, when

associations play a key role in defending employees' rights during the times of negotiation with employers⁴⁶. According to Tourism Employees Association of the Maldives (TEAM), their involvement in strike situations in the tourism sector, has led the workers who lead the strikes to face severe difficulties in terms of being sacked, blacklisted in the sector and ending up unemployed. TEAM also mentioned that even at present there are such victims who are still looking for employment in the tourism industry.

66. Right to strike is another important area of concern with regard to collective bargaining. Article 31 of the Constitution guarantees that every person employed in the country and all other workers have the freedom to stop work and strike in order to protest, while article 32 guarantees freedom of peaceful assembly without prior notice of the State. Article 16 (a) of the Constitution guarantees rights to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within this Chapter, subject only to such reasonable limits prescribed by a law enacted by the Parliament in a manner that is not contrary to this Constitution. Any such law enacted by the Parliament can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society. Conversely, a new "Regulation on Dispute Resolution between Employer and Employee" that was enforced on April 2011 comprises of issues of grave concern, as the regulation infringes workers' right to strike. The limitations of the regulation includes:-

- a) *The regulation is administered according to the Employment Act which remains silent regarding the right to strike.*
- b) *The grievance procedure to be followed prior to conducting a legal strike remains as an impediment.*
- c) *The regulation outlines strike as work stoppage, yet prohibits strikers from interrupting services they should provide.*
- d) *The professions excluded from right to strike include employees working in the field of telecommunication, health, water and electricity and air traffic control.*

67. Low income, lack of transparency in the distribution of service charge and issues relating to overtime work are amongst the major reasons why strike actions were conducted in the tourism industry. Following are some of the prominent incidents of strikes that were conducted recently.

- a) *In March 2011, employees of Conrad Maldives, Rangali Island Resort (Hilton Worldwide) opted to strike at the resort site over matters relating to discrimination of income between local and expatriate (European) employees. Representatives of LRA, Ministry of Tourism, along with the representatives of Crown Company, which owns the resort, was present to discuss the striker's grievances. The strikers were able to find a resolution and return to work*

on the following day. As a result of the strike, the employees were informed that an increment of income would be across the board, and in the future the resort would perform an external auditing of accounts.

- b) *In August 2010, more than 150 Maldivian and expatriate employees working at Kurumba Maldives Resort conducted a strike, protesting of low income (issue of distribution of service charge from guests and no overtime pay), work discriminations (between local and expatriate staff), poor staff facilities and food. The protesting strikers revealed that the situation remained the same for the past 38 years. Initially four employees presented a petition to the management expressing an interest to demonstrate strike actions, which resulted in dismissal of the four staff. The protest was resolved when owner of the resort, Universal Group, withdrew the requirement to take prior-authorization for striking on the privately owned island. A total of 19 employees were taken into State custody. Members of TEAM confirmed that they provided legal assistance in representing these 19 employees in the criminal court and many of them are now blacklisted in the resorts for having affiliations with the association.*
- c) *In April 2010, 157 staff of Shangri-La Villingili went on strike following the dismissal of four staff, when they were playing games on a PlayStation, inside a vacant villa and caught by the security personnel who conducted an investigation on the matter. According to the handbook of the management, such incidents would entail issuing a warning letter only. Initially 64 employees, who protested were also dismissed. On arrival to the site, Maldives Police Services informed the strikers to vacate the island within 10 minutes or they would use force, and suggested to continue the strike in the close by island of Feydhoo. The employees continued the strike throughout the week until Shangri-la management dismissed 14 employees, namely 10 leaders of the strike and 4 villa hosts. Rests of the employees were invited back to work.*
- d) *In February 2010, employees at the Centara Grand Island Resort conducted a strike action claiming that employees did not receive the service charges as agreed to them by the management. The management justified this by claiming that the room revenue was low. Following the visit by the representatives from Ministry of Human Resource, Youth and Sports, the resort increased the service charge allocated to employees. It is important to note that the management of the resort consulted with members of TEAM and permitted them to embark the resort.*

68. The above incidents of strike action proves to some extent that problems exists in the current system of employment, and in many cases it is detrimental to both sides involved, in terms of

employees losing their employment and employers facing issues of work stoppage. In this context, it is important to create grounds for the betterment of the work environment. Thus, the government needs to gear up the process in laying down the mechanism for the establishment of trade unions and also the right of collective bargaining in industrial disputes, which then paves way to consultative approaches (such as tripartite consultants) rather than a one way approach (such as strike).

Article 23

Occurrences of Unregistered Marriages

69. The right to marry and forming family is a constitutional right under the article 34(a) of the Constitution (2008). Article 24 of the Constitution stipulates that everyone's family life has to be respected. It also states that families is the fundamental unit, and are entitled with the special protection by society and the State. Article 19(a) of Family Act states that marriages solemnized in the Maldives, marriages solemnized abroad between Maldivians and marriages solemnized between Maldivian citizens and foreign nationals, shall be registered in accordance with the provisions of this Act. Furthermore, article 22 states that where a Maldivian national contracts a marriage abroad in a country where there is an official representative office of the Maldives, he should within two months from the date of contracting the marriage make an application to that office to register his marriage in accordance with the provisions of this Act and Regulations made under it. Where a marriage was contracted in a country where there is no official representative office of the Maldives, an application to register the marriage in the Maldives in accordance with this section shall be made within 6 months from the date of contracting such marriage. According to article 62, it is an offence to remain without applying to register a marriage in accordance with section 19 and section 22 of this Act. The offender shall be subject to a fine of MRf. 1,000 (US \$ 64.85).
70. It is noteworthy to highlight that due to the religious extremist ideologies that has emerged recently in the Maldives, is leading to practice contradictory viewpoints on registration of marriages. These include instructions on following marriages according to Islam and not to abide the Maldivian Law. As per the aforementioned provisions of the Family Act, such marriages cannot be recognized as a valid marriage according to the Maldivian Law, and to make the matters worse, divorce will not also be legal for such unregistered couples. This even leads the married women in the so called marriage to bear all the punishments entitled in Islamic Shari'ah, including flogging for adultery as the marriage is not legal according to the domestic law. Furthermore, the children born to such families are vulnerable and such children born to

unregistered couples would not have any legal entitlement of father's name. In addition, such children would not have any legal claim, thus depriving them from their rightful inheritance. Family Court is aware that couples do solemnize marriage in other countries, and subsequently opts to register the marriage in the country. However, Family Court has not yet recognized any marriage that was solemnized within the jurisdiction and later applied for registration. Though, such cases has not been acknowledged publicly by any official source, there are hear-say stories which states that such practices exists and currently is at an increasing pace. According to a media article, one of the officials from the Ministry of Islamic Affairs has confirmed that such practices exists and to quote the words *"Didi said the ministry "has not found clues" as to why certain religious scholars are marrying people outside the law..."*⁴⁷. In the same media article it says that the Family Court confirmed that it was dealing with some cases involving private marriages.

71. Thus, it is important that the State to take note of the emerging grave issue of private marriages taking the different paths that it may lead to, including becoming victims of Human Trafficking. Similarly, it is important that the State to undertake all appropriate measures in order to address the issue, especially from the viewpoint on those who are at the most disadvantage (women and children born out of the marriage) because of the unregistered marriages. And most importantly, the State need to acknowledge the fact that such incidents are happening, which in turn would provide grounds to address the issue from all parties involved.

Article 24

Discrimination in the School System

72. Article 35 of the present Constitution states, young people are entitled to special protection and special assistance from the family, the community and State. Furthermore, children and young people should not be harmed, sexually abused or discriminated against any manner. Children born out of wedlock are sometimes denied enrollment into public school. Additionally, children from vulnerable families and those with darker skin tone are sometimes treated differently in schools. HRCM was able to obtain first hand information on the later, during one of the focus group discussions with the students of all the schools in Vaavu Atoll as part of its monitoring visit in 2010. According to the MoE, in an absence of an Education Act, they pursue non-discriminatory approaches in all facets in the education system. However, the Ministry also acknowledged the fact that due to the individual differences of a person involved in the act, it may provide grounds for discrimination and sometimes to the extent of rejecting those children

born out of wedlock to public schools or discriminating students on the basis of socio-economic status or those with darker skin tone.

73. Since, school system plays an important role in the upbringing of children, it is important that the school environment is free from all sorts of bad influences including discrimination. Thus, it is imperative that an Education Act be drafted and endorsed in a way to address the issue of discrimination that is currently prevalent in the system (though intentionally or unintentionally). It is equally important to sensitize the teachers and all officials working in the education sector on the issue of discrimination in order to prevent acts of discrimination in the school system. Presently, ESQUID of MoE undertakes periodic supervision of the schools. The current monitoring system established is resource dependent due to geographical dispersion of the country. Hence, according to MoE, ESQUID is able to undertake an average of ten schools per year, from a total 378 schools in the country.
74. In order to strengthen the supervision and evaluation, MoE with the assistance of UNICEF has launched a new monitoring mechanism, where the lists of the indicators identified at the island level would be verified at the regional level and analyzed at central level. In addition, MoE is in the process of endorsing a supervision policy. It is vital to speed up implementation of this mechanism so that information pertaining child rights violations would be made apparent and addressed accordingly.

Decrease in Net Enrolment of the Girl Child in Schools

75. Article 36 of the present Constitution states that everyone has the right to education without discrimination of any kind. Article 15 of the Law on Protection of the Rights of Child states that parents should, to the best of their ability and within the means available to them, take appropriate measures to ensure the proper upbringing and well being of their children, and to facilitate their education to a reasonable standard and their requisite religious education.
76. In a meeting held with MoE by HRCM, MoE expresses great concern for the significant decrease in the net enrolment rates of girl child in schools. Many considers the fact that the extremist religious ideologies could have made an impact on the decision making process of families, to the extent that they may avert children from getting enrolled in schools.
77. Thus, it is important that the State takes a closer look at the problem and addresses the issue to its fullest. This is because of the graveness of the issue in terms of child being deprived of schooling which in turn accrues to hindrance of her development both economically and socially. In addition, it is important that the State make note of this issue and ensure that the act is punished severely by law.

Challenges faced to the Protection of Child

78. Article 25 of the present Constitution stipulates that children and young people are entitled to special protection and special assistance from the family, the community and the State. The article further states children and young people shall not be harmed, sexually abused, or discriminated against any manner and shall be free from unsuited social and economic exploitation. “Law on Protection of the Rights of the Child (1991) in article 25 elaborates on prohibition of exploitation of children and acts detrimental to the integrity of the child. Parliament also passed an Act on Special Measures for Perpetrators of Child Sexual Abuse in November 2009, to address the ever increasing child abuse cases that was emerging in the Maldives, especially in order to punish those convicts who finds an easy way escape in the then existing legal framework. One of the provision of this act include conviction of offenders for up to twenty five years of imprisonment and also deny the right to remain silent, which otherwise is permitted in the Constitution.
79. The enactment of this act along with the establishment of a Child Help Line increased the number of child abuse cases lodged to the DGFPs. Following are some statistics on the number of child abuse cases lodged to MPS for the year 2010 by their age.

Age Group	Number of Child Abuse Cases Lodged in 2010
Under 2 years	2
2-12 years	70
12 to 15 years	37
15 to 18 years	53

Source: Statistical Report 2010, Maldives Police Service

80. These figures are large in number in proportion to the child population of the country. However, when it comes to the number of cases who has obtained justice to the act that they have gone through, it is simply disheartening as it is small in number. The impediments faced in convicting offenders of child abuse includes withdrawal of cases by the victims or victim’s family, difficulty in obtaining evidence, issues faced in the interpretation of evidence, matters relating to the medico-legal reports, prevailing societal attitudes to treat child abuse matters as a private matter, issue of stigmatization and legal age of consent. Additionally, another area of concern is the release of child offenders into the community of their victims.
81. It is also important that challenges faced by the child offenders to be taken into consideration from a correctional aspect. Some of the existing gaps include limited segregated detention facilities, minimal or no rehabilitation during and after detention and insufficient trained staffs to deal with the child offenders, as well as weak coordination between rehabilitation and

criminal justice system. In addition, societal attitudes towards these juveniles needs to be changed in order to successfully reintegrate them to the society.

82. Taking the above into consideration from the side of the child abuse victims and juvenile offenders, the State needs to take proactive measures from the earliest possible in attending these matters. Thus, such measures needs to be addressed from education system to the employment sector, from parenting to the housing issues faced, from juvenile justice to rehabilitation.

¹ Emma Fulu (2007), The Maldives Study on Women’s Health and Life Experiences, Initial results on prevalence , health outcomes and women’s response to violence[Electronic version],Ministry of Gender and Family

² Statistical Report (2010),[Electronic version], Maldives Police Service

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http://www.haveeru.com.mv/english/details/36050/Maldives_Police_unsure_of_more_suspects_in_Hithadhoo_rape_case

⁴ <http://minivannews.com/society/husband-restrained-while-wife-gang-raped-2693>

⁵ <http://adducommunity.com/2010/03/15-men-rapes-a-20-year-old-girl-in-s-hithadhoo/>

⁶ <http://www.hrcm.org.mv/dhivehi/news/newsarchive/7Apr2011.pdf> (Dhivehi)

⁷ <http://www.criminalcourt.gov.mv/index.php/home/247--10-14-> (Dhivehi)

⁸ <http://www.un.org/News/Press/docs/2007/ga10678.doc.htm>

⁹ NPM is an independent detention monitoring body established under OPCAT- optional protocol for the prevention of torture. The main purpose of NPM is to establish a system of regular visits to places of detention in order to prevent torture and other ill treatment within the facility. In Maldives, NPM was established within the HRCM in December 2007. Apart from prisons, places of detentions visited by the NPM also include custodial, residential rehabilitation facilities, juvenile residential centres and psychiatric facilities. The last steps of the current monitoring approach is to hold constructive dialogues with the relevant state authority and discuss the issues of concern and following recommendations directly in order to obtain a target time lines for action.

¹⁰ Home for People with Special Needs – a state residential facility in the island of K. Guraidhoo for three vulnerable groups: geriatric patients, people with special needs, and psychiatric patients

¹¹ Information obtained through a meeting with the State Minister for Department of Penitentiary and Rehabilitation Services by HRCM on May 2011

¹² Draft Report on the Visit of National Preventive Mechanism to Dhoonidhoo Police Custodial on August 9th, 2009 and to Malé Custodial on August 26th, 2009.

¹³ <http://hrcm.org.mv/publications/otherreports/LaleYouthInternationalSchoolReport6July2010Dhi.pdf> (Dhivehi)

¹⁴ <http://www.hrcm.org.mv/Publications/otherreports/TheEmploymentSituationintheMaldivesEng.pdf>

¹⁵ <http://www.state.gov/documents/organization/143187.pdf>

¹⁶ Statistics of Ministry of Human Resource, Youth and Sports-2010

¹⁷ <http://www.hrcm.org.mv/Publications/otherreports/TheEmploymentSituationintheMaldivesEng.pdf>

¹⁸ <http://www.haveeru.com.mv/english/details/34316>

¹⁹ http://www.haveeru.com.mv/english/details/29098/Over_2,700_expatriates_deported

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http://www.haveeru.com.mv/english/details/31455/Political_unrest_continues_as_armed_forces_refuse_to_take_Yamin_to_court

²¹ <http://www.hrea.org/moudawana.html>

²² <http://www.scribd.com/doc/55422305/38/Paternity-and-adoption>

²³ http://www.straitstimes.com/BreakingNews/SEAsia/Story/STIStory_644042.html

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- ²⁴ <http://minivannews.com/society/jsc-appoints-high-court-judges-including-the-first-woman-to-the-post-15282>
- ²⁵ <http://minivannews.com/politics/jsc-member-calls-for-open-public-inquiry-into-judicial-reappointments-9998>
- ²⁶ <http://www.hindustantimes.com/Maldives-almost-ended-up-without-its-Supreme-Court/Article1-583927.aspx>
- ²⁷ <http://www.haveeru.com.mv/english/details/31670>
- ²⁸ <http://minivannews.com/politics/mndf-refuses-to-present-yameen-on-court-order-9426>
- ²⁹ <http://www.miadhu.com/2010/07/local-news/court-suspends-police-lawyers-in-opposition-mps-cases/>
- ³⁰ http://www.icj.org/default.asp?nodeID=349&sessID=&langage=1&myPage=Legal_Documentation&id=23643
- ³¹ <http://minivannews.com/society/journalists-obstructed-us-duty-during-october-protest-coverage-say-police-15192>
- ³² <http://hrcm.org.mv/news/page.aspx?id=70>
- ³³ <http://www.maldivesjournalistassociation.org/index.php/component/content/article/38-news/148-journalists-attacked-by-riot-police-in-maldives>
- ³⁴ <http://www.maldivesjournalistassociation.org/index.php/news/162-encumbering-journalists-at-the-protest-over-rising-commodity-prices>
- ³⁵ <http://www.maldivesjournalistassociation.org/index.php/news/161-mnbc-journalist-stabbed>
- ³⁶ <http://www.maldivesjournalistassociation.org/index.php/news/159-summoning-of-two-presenters-to-the-parliament>
- ³⁷ <http://www.maldivesjournalistassociation.org/index.php/news/155-supreme-court-obtains-signature-of-journalist>
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- ³⁹ <http://www.maldivesjournalistassociation.org/index.php/news/140-a-government-official-attacks-a-journalist>
- ⁴⁰ <http://www.maldivesjournalistassociation.org/index.php/news/140-a-government-official-attacks-a-journalist>
- ⁴¹ <http://www.maldivesjournalistassociation.org/index.php/news/116-dhitv-was-forced-to-leave-a-general-meeting-of-the-ruling-mdp>
- ⁴² <http://www.maldivesjournalistassociation.org/index.php/news/97-police-ordering-to-shut-down-transmission>
- ⁴³ http://www.msnbc.msn.com/id/42842938/ns/world_news-south_and_central_asia/t/maldives-police-break-anti-govt-protest/
- ⁴⁴ <http://www.haveeru.com.mv/english/details/33976>
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- ⁴⁶ <http://www.hrcm.org.mv/Publications/otherreports/TheEmploymentSituationintheMaldivesEng.pdf>
- ⁴⁷ <http://minivannews.com/society/unregistered-marriages-leave-children-unable-to-inherit-warns-family-court-5744>