



# A SEVEN-POINT AGENDA FOR THE MALDIVES AHEAD OF PRESIDENTIAL ELECTIONS

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**Cover photo:** A Maldivian voter (R) casts her ballot at a polling station in Male on September 7, 2013.  
Photo by AFP via Getty Images

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# INTRODUCTION

The Republic of the Maldives must do more to meet its international human rights obligations and to continue on the course of improving its domestic human rights record. While progress has been made over the course of the past two decades, human rights gains have been slow and uneven.

Human rights gains include the establishment, in 2005, of the Maldives Independent Human Rights Commission (MHRC) (although concerns remain in relation to its' effectiveness and accountability among other issues)<sup>1</sup>; introduction of new laws such as the Anti Torture Act of 2013<sup>2</sup> amending the laws to on defamation so that it is no longer a criminal offense.<sup>3</sup> Furthermore, the constitution adopted in 2008 contains guarantees relating, for example, to the protection of socio-economic rights and the protection and preservation of the natural environment. Amendments to domestic legislation have led to the decriminalization of defamation and the adoption of laws addressing, amongst other issues, human trafficking, domestic violence, whistle-blower protection, children's rights, and gender equality.<sup>4</sup> The Maldives has also made progress in [meeting five out of eight Millennium Development Goals](#) ahead of target, though it continues to lag behind on gender equality and gender parity.<sup>5</sup>

In addition, in 2010, the Maldives ratified the Convention on the Rights of Persons with Disabilities. In 2016, the country acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In 2019, the Maldives also accepted both the individual complaints procedure under the Convention against Torture and the inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child. Since 2008, Maldives has made progress in improving the legal framework of the country by introducing a Constitution that has a wider recognition of the gamut of its' international human rights obligations. These gains include, Constitutional rights guarantees to the right to equality, freedom of expression, association and peaceful assembly. In addition, the Maldives introduced provisions to protect the environment, making it a fundamental duty of the state to protect and promote the natural environment.<sup>6</sup> The Constitution also provides for the progressive realization of economic, social and cultural rights<sup>7</sup>, privacy<sup>8</sup> and prohibition of slavery and forced labour.<sup>9</sup>

Maldives also has obligations under several international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All forms of Discrimination against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Rights of the Child as well as the several ILO

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<sup>1</sup> Forum Asia. 2019. ANNI Report. <https://forum-asia.org/wp-content/uploads/2019/10/3.0-Online-ANNI-Report-2019.pdf>

<sup>2</sup> Amnesty International. 2018. <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA0486672018ENGLISH.pdf>

<sup>3</sup> Maldives Independent. 2018. <https://maldivesindependent.com/politics/anti-defamation-law-repealed-142649#:~:text=Parliament%20passed%20Wednesday%20a%20bill%20to%20repeal%20the,with%2051%20MPs%20present%20from%20the%2085-member%20house.>

<sup>4</sup> CEDAW committee, 2021, Concluding Observations of the Sixth Periodic Report on the Maldives.

[tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMDV%2FCO%2F6&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FMDV%2FCO%2F6&Lang=en); Committee against Torture. 2018. Concluding observations on the initial report of Maldives.

[tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FMDV%2FCO%2F1&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FMDV%2FCO%2F1&Lang=en); Committee on the Rights of

the Child, 2016. Concluding observations on the combined fourth and fifth periodic reports of Maldives,

[tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMDV%2FCO%2F4-5&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMDV%2FCO%2F4-5&Lang=en); Human Rights

Committee, 2012. Consideration of reports submitted by States parties under article 40 of the Covenant,

<sup>5</sup> UN. 15 March 2017 <https://maldives.un.org/en/101946-maldivian-women%E2%80%99s-rights>

<sup>6</sup> Article 22, Constitution of 2008.

<sup>7</sup> Article 23, Constitution of 2008.

<sup>8</sup> Article 24, Constitution of 2008

<sup>9</sup> Article 25, Constitution of 2008

Conventions that the Maldives among other international instruments that the Maldives is party to.

Despite these positive developments, concerns about the protection of human rights in the Maldives remain. Vague provisions in the Evidence Act and the Associations Act, both enacted in 2022, unduly restrict press freedoms and the freedom of association.<sup>10</sup> Furthermore, while the 2008 constitution contains a bill of rights (including protection for the rights to freedom of expression<sup>11</sup>, association<sup>12</sup> and assembly),<sup>13</sup> the freedoms in the bill of rights are protected only to the extent that their enjoyment is not contrary to any tenet of Islam,<sup>14</sup> and any limitations imposed ‘to protect and maintain the tenets of Islam’ shall not be regarded as contrary to the bill of rights.<sup>15</sup> Such qualifications should be repealed because they undermine the state’s obligation to ensure that rights are enjoyed without discrimination and, moreover, that any restrictions are content neutral<sup>16</sup> and not derived exclusively from a single religious tradition.<sup>17</sup>

The presidential election in the Maldives is due to take place in September 2023. This is an important juncture for the Presidential candidates to emphasize their commitment to human rights. Amnesty International calls on all the presidential candidates in the Maldives to reiterate and commit to a human rights agenda. It is time for the candidates to step forward and to explain how they will respect, protect, fulfil and promote human rights for all in the Maldives. It is also time for the candidates to unambiguously commit to meeting the Maldives’s international human rights obligations.

This seven-point human rights agenda document highlights the current situation based on Amnesty International’s ongoing research, campaign and advocacy engagement in the Maldives.

Amnesty International calls on all presidential candidates to commit firmly to act on the proposed seven-point human rights agenda should they get elected:

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<sup>10</sup> Amnesty International, ‘Maldives: New bill threatens journalistic right to protection of sources’ (September 28, 2021): <https://www.amnesty.org/en/latest/news/2021/09/maldives-new-bill-threatens-journalistic-right-to-protection-of-sources/>. The Associations Act of 2022 also contains a number of provisions that are vague and may be subject to misuse by authorities resulting in restrictions on the protection and promotion of the freedom of association.

<sup>11</sup> Article 27, *Functional Translation of the Constitution of the Republic of Maldives 2008*, D. Hussain

<sup>12</sup> Article 30, *Functional Translation of the Constitution of the Republic of Maldives 2008*, D. Hussain

<sup>13</sup> Article 32, *Functional Translation of the Constitution of the Republic of Maldives 2008*, D. Hussain

<sup>14</sup> Article 16(a), *Functional Translation of the Constitution of the Republic of Maldives 2008*, D. Hussain. Under Article 67(g), it is also the responsibility of every citizen, in the exercise of their rights and freedoms, to preserve and protect the state religion of Islam.

<sup>15</sup> Article 16(b), *Functional Translation of the Constitution of the Republic of Maldives 2008*, D. Hussain.

<sup>16</sup> E.g. General Comment No. 37 (2020) on the right of peaceful assembly, para. 22.

<sup>17</sup> General Comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 8; General Comment No. 37 (2020) on the right of peaceful assembly, para. 46.



# 1. COMMITMENT TO PROTECT PEACEFUL ASSEMBLY

Peaceful assembly is essential for the protection of the right to protest. Civil society has frequently faced draconian and violent responses through both repressive legislation and the mobilization of security services to control and prevent dissent and political opposition. As documented by Amnesty International and others, excessive force was used to disperse peaceful assemblies on a number of occasions between 2012 and 2022.<sup>18</sup>

In addition, the law currently governing freedom of peaceful assembly in the Maldives falls short of international human rights standards. The Freedom of Peaceful Assembly Act (1/2013), as amended in

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 ↑ *Maldivian riot police hold the line amid a cloud of teargas fired onto demonstrators in Male on March 19, 2012. Photo: STRDEL/AFP via Getty Images*

<sup>18</sup> Amnesty International, *The other side of paradise: A human rights crisis in the Maldives*, (Index: ASA 29/005/2012) September 2012, [amnesty.org/en/documents/asa29/005/2012/en/](https://www.amnesty.org/en/documents/asa29/005/2012/en/); Amnesty International, 30 April 2015. <https://www.amnesty.org/en/latest/news/2015/04/maldives-police-must-refrain-from-violence-against-anti-government-may-day-protests/>; Maldives Independent, “Anti-government protest subdued with mass arrests and tear gas”, 17 March 2018, [maldivesindependent.com/politics/anti-government-protest-subdued-with-mass-arrests-and-tear-gas-136550](http://maldivesindependent.com/politics/anti-government-protest-subdued-with-mass-arrests-and-tear-gas-136550); Human Rights Commission of Maldives (HRCM) Investigation Department, *Protest Monitoring Observation, Protest held in Male' on the night of 28 July 2020 by the opposition coalition*, [hrcm.org.mv/dv/publications/feeld-obzarveyshan-thaaree-aadhiaa-2020-julai-28-vana-dhuvahu-maalegai-idhikolhu-koalishanun-kuri-muzaaharaa](http://hrcm.org.mv/dv/publications/feeld-obzarveyshan-thaaree-aadhiaa-2020-julai-28-vana-dhuvahu-maalegai-idhikolhu-koalishanun-kuri-muzaaharaa); A. Nuha, “11 arrested from India Out rally released” [Translated from Dhivehi], 6 January 2022, [thepress.mv/132754](http://thepress.mv/132754); The Diplomat, 11 May 2022. <https://thediplomat.com/2022/05/decreed-banning-india-out-campaign-in-maldives-fuels-protests/>. The Hindu, 21 April 2022. <https://www.thehindu.com/news/international/maldives-president-solih-bans-india-out-campaign/article65341970.ece>

2016, means that gatherings can only be held with written permission of the police, or in locations designated by the Ministry of Home Affairs.<sup>19</sup>

As international human rights standards have established, ‘having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right’<sup>20</sup>. Further, under the 2013 law, an assembly is defined as “more than one person, for the same purpose, intentionally, in a public or private place, temporarily attending or gathering and peacefully expressing their sentiments” (section 7). By over-emphasizing the temporariness of assemblies,<sup>21</sup> the law creates a pretext for a restrictive approach by the authorities. Assemblies must not be subject to unwarranted interference by the authorities, and the definition of assembly should thus be amended by removing the reference to temporariness. Moreover, in affording effective protection to the right, the authorities must interpret their obligation to facilitate peaceful assemblies in ways that seek to give effect to the wishes of assembly organisers and/or participants (not merely “facilitating” an assembly on terms acceptable to the authorities). This means ensuring the maximum possible time for an assembly – including when it disturbs or disrupts others.

We call on all the Presidential candidates in the Maldives to make public their commitment to protect the right to peaceful assembly. Amnesty International has called on the candidates to outline their proposed program of action to:

- Amend the Freedom of Assembly Act to bring it into line with international human rights law and standards.
- Take action to protect and facilitate the right of peaceful assembly and amend provisions of the law that fail to effectively protect the exercise of the right of peaceful assembly.
- Ensure adequate resourcing for the Maldives independent Human Rights Commission.
- Ensure adequate oversight of the Maldives Police Service and the Police Board, and allocate sufficient resources to build the capacity of officers to be sensitive to and to protect, promote and guarantee human rights in the discharge of their duties.
- Adopt and implement rules and regulations applicable to the Maldives police force in the use of force in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Establish functional mechanisms to stop police impunity and abuses against peaceful protesters and hold offending officers to account through proper oversight of professional standards and independent disciplinary processes as well as accountability via judicial processes where necessary without recourse to the death penalty.
- Take urgent steps to ensure that the right to peaceful protest is facilitated by state actors, and excessive use of force by police is documented with a view to preventing and investigating human rights violations, unlawful policing practices and holding offending officers and the institution accountable.

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<sup>19</sup> Human Rights Watch. 2018. [https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives#\\_ftn123](https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives#_ftn123)

<sup>20</sup> See, General Comment 37, para 70.

<sup>21</sup> In contrast to both General Comment 37, paras. 4-6; and the 3<sup>rd</sup> edition of the OSCE-Venice Commission *Guidelines on Peaceful Assembly*, para. 41.



## 2. COMMITMENT TO PROTECT FREEDOM OF EXPRESSION

Freedom of expression and freedom of conscience, two intrinsically linked human rights, remain under-protected in the Maldives. The exercise of the right to freedom of expression has led to targeted attacks, especially against those expressing sentiments perceived to be “against Islam”. In 2012, the CCPR Committee urged the Maldives government to take steps to protect press freedom – specifically, by avoiding unlawful interference in the media, preventing the use of force against journalists, and protecting media and journalists from violence and censorship as well as to investigate attacks and ensure accountability.<sup>22</sup>

The state failed to adequately investigate several cases involving (sometimes fatal) attacks on people who were seen as criticising religion (specifically Islamic concepts) or called for freedom to speak on issues with regards to religion, were not addressed by the state adequately in the past- such as the shortcomings in the investigations in the case alleged by the family of blogger Yameen Rasheed, the case of journalist Ahmed Rilwan, and member of parliament Afrasheem Ali. The Special Rapporteur on Counter Terrorism for

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 ↑ *Maldivians residents living in Sri Lanka take part in a demonstration against the murder of liberal blogger Yameen Rasheed outside the Maldivian High Commission in Colombo on May 8, 2017. Photo: ISHARA S. KODIKARA/AFP via Getty Images*

<sup>22</sup> Concluding observations adopted by the Human Rights Committee - Maldives, CCPR/C/MDV/CO/1, July 2012. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/455/83/PDF/G1245583.pdf?OpenElement>.



example has raised concerns with the government in 2022 with specific reference to the investigations into the attacks on Hilath Rasheed, the enforced disappearance of journalist Ahmed Rilwan, the killing of blogger Yameen Rasheed and member of Parliament, Afrasheem Ali.<sup>23</sup>

Media freedoms have been repeatedly tested over the past decade, with some media outlets being specifically targeted and penalized through draconian laws. The four cases referred to above, demonstrate the extreme, even life-threatening danger and insecurity journalists and dissenters face, while criminal elements have flourished and been emboldened by barriers to justice and ongoing impunity for some human rights violations.<sup>24</sup> Nevertheless, despite enormous challenges to the safety and security of media personnel, journalists remain outspoken against threats to press freedom. They continue to make bold attempts to stand up to oppressive governments to defend the constitutional right to free expression.

Amnesty International calls on all the Presidential candidates in the Maldives to make public their commitments to freedom of expression and to outline their proposed program of action to:-

- Abolish or significantly amend the Evidence Act of 2022
- Support and facilitate media independence to ensure the media’s ability to report freely and without fear of reprisals, consistent with the values envisioned in the Maldives’ Constitution by:-
  - Ensuring media freedom to report on protests and other issues without facing threats, or police violence.
  - Ensuring that victims of terrorism and violent extremism are provided with truth and justice, with specific reference to the emblematic cases of Hilath Rasheed, Ahmed Rilwan, Afrasheem Ali and
  - Ensuring the concerns of the family of Yameen Rasheed into the investigations and prosecutions in that case are fully considered and if necessary, further investigations carried out;
- Uphold international obligations under the ICCPR and take urgent action to address the recommendations of the Human Rights Committee on freedom of expression to “fully guarantee the right to freedom of expression in all its forms” by amending section 16(b) of the Constitution, withdrawing reservations to Article 18 of the ICCPR, and bringing domestic law in line with international human rights obligations.<sup>25</sup>

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<sup>23</sup> Preliminary findings of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on her visit to Maldives from 15-24 May 2022

<sup>24</sup> Delays in investigating and prosecuting in the cases of Yameen Rasheed who was killed in 2017 and Ahmed Rilwan who was disappeared in 2014 are cases in point. In January 2022, two people were convicted for the killing of Yameen Rasheed. The investigation into the case of Rilwan’s disappearance is ongoing.

<sup>25</sup> Human Rights Committee, Concluding Observations: Maldives, July 2012, UN Doc. CCPR/C/MDV/CO/1.



## 3. PROTECTION OF FREEDOM OF ASSOCIATION

Freedom of association remains at grave risk in the Maldives both in law and in practice. The Associations Act of 2022 (while improving in some respects on the Associations Act of 2003) still significantly restricts the full enjoyment of the freedom of association and fails to meet international standards. For example, the permitted grounds for rejecting the name of an association are not set out in the law. As a result, there is ambiguity relating to the discretionary powers of the registrar of associations to refuse registration of an association. The Registrar of Associations is a key appointment under the Act, but the appointments process remains vulnerable to misuse since the registrar is appointed entirely at the discretion of the President of Maldives.<sup>26</sup> The political nature of the appointment is problematic given that the Act also confers on the Registrar a number of powers regarding the registration of associations. In practice, the ability of trade unions and NGOs to operate freely is curtailed by state and non-state actors as seen in the

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 ↑ Supporters of former Maldivian president and presidential candidate Mohamed Nasheed of the Maldivian Democratic Party (MDP) hold flags during a protest in Male on October 19, 2013. Photo: AFP/Getty Images

<sup>26</sup> The Registrar is to be appointed by the President of the Maldives as per section 13 of the Act, and the remuneration and benefits of the Registrar is further determined by the President.

case of the Maldivian Democracy Network.

The Maldivian Democracy Network, which was shut down by authorities in 2019 after a smear campaign led by non-state actors vilified the organisation and key staff members accusing the organisation of “content slandering Islam and the Prophet Mohamed (PBUH)” in a report published in 2015. MDN remains deregistered in the country, with key staff members facing death threats.<sup>27</sup>

The staff of the Maldivian Democracy Network faced specific challenges from groups that sought to justifying the use of violence based on certain interpretations of religious texts. Its’ director, Shahinda Ismail, received death threats, and both Ismail and other staff members received threats on social media.<sup>28</sup> These threats followed, in particular, the 2015 publication of a report by the Network, analyzing textbooks used in primary and secondary education to identify the prevalence of radical narratives in mainstream academic discourse. Despite issuing an apology and taking down the report, the organization was eventually banned in 2019 by the government, bowing to pressure from these groups.<sup>29</sup> Death threats linked to allegations of blasphemy are not new in the Maldives and Ismail faced further threats in 2017 and 2018.<sup>30</sup> Ismail and at least one other staff member have had to leave the Maldives due to these death threats.

Amnesty International calls on all the Presidential candidates in the Maldives to make public their commitment to the right to freedom of association, to make public their commitments to human rights defenders and journalists and to outline their proposed program of action to:-

- Ensure that civil society organizations and human rights defenders are able to operate without undue interference and create a tolerant and enabling environment that facilitates NGOs to continue their work freely and without fear;
- Substantially amend the Associations Act of 2022 to fully guarantee the right to freedom of association, ensuring that any amendments to the law are drafted in effective consultation with human rights defenders and civil society organizations;
  - Amend, in particular, the provisions of the 2022 Act concerning the registration process so that the law is clear and provides a simple, accessible, non-burdensome, non-discriminatory process for associations to register, and operate in the Maldives, in line with international human rights law protections;
- Prevent the persecution of civil society organisations and ensure that no one is criminalized for exercising the right to freedom of association, nor subjected to threats, attacks, harassment, smear campaigns, intimidation or reprisals for their human rights work;
- Pro-actively safeguard the right to freedom of association, in particular by:-
  - Reinstating the NGO Maldivian Democracy Network

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<sup>27</sup> Amnesty International. 2019. <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA2913812019ENGLISH.pdf>

<sup>28</sup> HRW. 2020. <https://www.hrw.org/world-report/2020/country-chapters/maldives#:~:text=The%20Maldivian%20Democracy%20Network%20%28MDN%29%2C%20a%20leading%20human,which%20Islamist%20groups%20claimed%20included%20language%20insulting%20Islam.>

<sup>29</sup> Maldives Independent. 5 October 2019. <https://maldivesindependent.com/society/maldives-ngo-under-investigation-for-mocking-islam-in-radicalisation-report-148375>

<sup>30</sup> Frontline Defenders. 4 January 2018. <https://www.frontlinedefenders.org/en/case/shahindha-ismail-targeted-news-article-death-threats-police-investigation>; OMCT. 5 January 2018. <https://www.omct.org/en/resources/urgent-interventions/death-threats-and-harassment-against-ms-shahindha-ismail>

- Take steps to address the allegations of persecution of its staff by state actors and non-state political associates/affiliates,
- Investigating threats faced by staff of NGOs and civil society activists.
- Ensure that in all enforced disappearances, killings and arbitrary arrests, including those of journalists and bloggers in recent years,
  - the cases are effectively investigated in line with international human rights law;
  - that perpetrators are tried in a civilian court with due regard to the rule of law and due process and without recourse to the death penalty; and
  - that the survivors and families of victims are given access to reparations and other support mechanisms for the loss suffered.
- In consultation with the Maldives Independent Human Rights Commission, civil society organizations, human rights defenders and women human rights defenders, develop a policy to enable conducive protection mechanisms for human rights defenders, activists and journalists;
- Ensure that all allegations of violations committed by government officials against HRDs and WHRDs are fully and impartially investigated, and that the perpetrators and any officials who fail in their duty to prevent abuses are held to account regardless of their rank, position or political affiliation; Strengthen coordination and cooperation between relevant state institutions to provide timely and effective responses to complaints of threats, harassment and humiliation faced by HRDs and WHRDs.
- Significantly improve institutional capacity and responses to support and defend civil society actors and organizations working to defend human rights, as mandated by the Human Rights Commission Act (6/2006). Increase the resources allocated to the Maldives Human Rights Commission.
- Take further steps to secure the independence of the MHRC (in line with the Paris Principles) and thus enhance its ability to carry out its work.



# 4. ENSURE PROTECTION OF THE ENVIRONMENT

Climate change, and particularly sea-level rise, pose specific environmental and existential threats to the Maldives. The Maldives is among the lowest lying small island states in the world, being just a few metres above sea-level.<sup>31</sup> The IPCC also estimated that a rise in global average temperatures of 1.5 degrees Celsius would result in a 70-90 percent decline in coral reefs, which are essential, among many reasons, to protect from coastal erosion.<sup>32</sup> Global warming would also lead to a global average sea-level rise between 0.26 to 1.01 m by 2100, which would be catastrophic for the Maldives.<sup>33</sup>

In this context we remain concerned as to the human rights impact of climate change in the Maldives.<sup>34</sup>

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 [Concrete blocks are placed along the shoreline to try and prevent further coastal erosion, on December 17, 2019 in Mahibadhoo, Maldives. Photo: Getty Images](https://www.gettyimages.com/photos/concrete-blocks)

<sup>31</sup> Earth observatory. 19 February 2020. "Preparing for Rising Seas in the Maldives". <https://earthobservatory.nasa.gov/images/148158/preparing-for-rising-seas-in-the->

<sup>32</sup> IPCC Press Release, 8 October 2018, 2018/24/PR, [https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/pr\\_181008\\_P48\\_spm\\_en.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/pr_181008_P48_spm_en.pdf); The United Nations Intergovernmental Panel on Climate Change (IPCC) reported that in 2018 the Maldives had already suffered from a reduction of 11-36% of its fresh groundwater. [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_FinalDraft\\_Chapter15.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FinalDraft_Chapter15.pdf) page 20

<sup>33</sup> IPCC, Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers, 9 August 2021, para B.5.3, [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_SPM.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf) ; According to the Maldives State of the Environment Report (2016), 98 percent of the country's exports depend on its natural ecosystems and biodiversity. State of the Environment 2016, Ministry of Environment and Energy, Republic of Maldives

<sup>34</sup> Maldives Parliament approves motion to declare Climate Emergency, M Malsa, The Edition, 13 February 2020, <https://edition.mv/news/14977>

Amnesty International notes the important role played by the Maldives at global level to catalyse ambitious climate action and specific funding to address loss and damage. We call on the Presidential candidates to pledge to continue along this path. While we acknowledge that wealthier countries most responsible for the climate crisis have a heightened responsibility to reduce emissions faster, we also call upon the political parties in the Maldives to make clear the legislative and policy measures they will put in place to protect the human rights of people in the Maldives from the climate crisis.

In 2019, the Maldives imported 700,000 metric tons of fuel for energy use in the country, 80 percent of which was diesel.<sup>35</sup> The Maldives has invested in solar Photovoltaic Independent Power Producers (PV IPPs) in the last several years, a process which would need to be accelerated if it is to reach the ambitious target of net zero emissions by 2030.<sup>36</sup> In 2020, the Maldives committed to reach net-zero emissions by 2030, provided that it receives sufficient international assistance.<sup>37</sup>

Amnesty International calls on all the Presidential candidates in the Maldives to make public their commitments and to outline their proposed program of action to protect people from the climate crisis. In particular, we call on them to prepare:-

- A clear roadmap, to be developed with full participation of civil society and representatives of most affected communities and marginalised groups, for Maldives to reach net zero emissions by 2030, including by identifying and promoting ways to access sufficient sources of funding, including through international assistance
- A clear roadmap for phasing out of fossil fuel reliance for energy in the country
- Measures that they would take to improve education and public awareness on climate change and how it impacts fulfilment of human rights
- Policies and measures they would put in place to strengthen climate change adaptation, institutional preparedness, early warning and disaster risk reduction, particularly to reduce the vulnerability to climate impacts of marginalised people
- Policies and measures they would put in place to strengthen access to effective remedies for people affected by climate-induced loss and damage, including through inclusive human rights-consistent loss and damage needs assessments and direct access to funding for frontline communities
- Measures and specific mechanisms they will put in place to take into account the needs and rights of women, children, youth and marginalised groups, particularly people who face intersecting forms of discrimination. Such measures should also facilitate their meaningful participation in all climate decisions
- Measures they plan to take to enhance access to safe drinking water in the Maldives, especially in the light of increasing salination of water and water scarcity in the islands
- Measures to prevent and reduce environmental degradation caused by development activities and infrastructure.

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<sup>35</sup> World Bank. 2019. *Maldives: Towards a Sustainable Net-Zero Future* ([worldbank.org](http://worldbank.org))

<sup>36</sup> World Bank. 2019. *Maldives: Towards a Sustainable Net-Zero Future* ([worldbank.org](http://worldbank.org))

<sup>37</sup> UNFCCC. 2020. Maldives Nationally Determined Contributions. <https://unfccc.int/sites/default/files/NDC/2022-06/Maldives%20Nationally%20Determined%20Contribution%202020.pdf>; Visit Maldives. 20 December 2020. President Solih states that Maldives can reach net-zero emissions by 2030 with international support. <https://visitmaldives.com/en/news/president-solih-states-that-maldives-can-reach-net-zero-emissions-by-2030-with-international-support>



# 5. PROPOSE ACTION TO PROTECT THE RIGHTS OF PRISONERS AND THOSE IN DETENTION CENTRES

Deaths in custody remain a concern in the Maldives.<sup>38</sup> Documented cases of deaths in custody include Evan Naseem (20 September 2003),<sup>39</sup> Mohamed Aslan (13 September 2021),<sup>40</sup> and Abdulla Rasheed (26 October 2022).<sup>41</sup> Reports allege that Abdulla Rasheed, who had been arrested on drug charges, was denied access to medical care despite having requested the same repeatedly at the time of his arrest.

Incidents of torture in custody also remain a concern, noting for example the accounts of Ahmed Ibrahim

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 ↑ Stock image. Credits: menonsstocks

<sup>38</sup> Redress. 2012. <https://redress.org/wp-content/uploads/2018/01/Jun-12-THIS-IS-WHAT-I-WANTED-TO-TELL-YOU.pdf>; Maldives: Wave of arrests and uninvestigated deaths suggest human rights abuse growing | Amnesty International UK

<sup>39</sup> Maldives: Wave of arrests and uninvestigated deaths suggest human rights abuse growing | Amnesty International UK

<sup>40</sup> Maldives: Investigate death of prisoner and allegations of torture in custody - Amnesty International

<sup>41</sup> Man dies in police custody, police apathy at play! - The Maldives Journal

(who sustained burn injuries while being held in Maafushi prison in September 2021) and Ahmed Siraj (who claims to have been tortured to force an admission of guilt following his arrest on suspicion of theft on 6 September 2020).<sup>42</sup> We acknowledge the positive action by the Parliamentary Committee on National Security Services to recommend a criminal investigation into the allegations by Ahmed Siraj but call on the authorities to make public the findings and for the presidential candidates to make clear the actions they would take, once elected, to address these concerns. In 2020, the Maldives Human Rights Commission noted that correctional facilities lacked medical care and reported receiving 28 complaints of torture, 17 accusing the Maldivian police service of torture or other ill-treatment.<sup>43</sup> Although the Immigration Act of 2007 does not expressly permit detention of persons in the context of migration, the Working Group on Arbitrary Detentions in 2021 found that the Controller of Immigration detains persons in the context of migration “potentially indefinitely”, without access to a judge or legal assistance.<sup>44</sup> The facilities are managed by Maldives Correctional Facilities. The immigration regime of the Maldives is not in line with international human rights law standards.

Amnesty International calls on all the Presidential candidates in the Maldives to make public their commitments in relation to the rights of prisoners and to outline their proposed program of action to:-

- Ensure protection of prisoners’ rights in the Maldives in line with the minimum safeguards provided under international law with specific reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- Carry out prompt, independent and effective investigations into cases of custodial deaths and allegations of custodial torture and other ill-treatment in the Maldives, including in the cases of Abudlla Rasheed, Mohamed Aslan, Ahmed Ibrahim and Ahmed Siraj among others;
- Improve the ability of the Maldives Human Rights Commission to oversee the detention conditions of prisoners in the Maldives in all of the detention centres including immigration detention centres;
- Consider abolition of immigration detention in the Maldives.

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<sup>42</sup> [Maldives: Investigate death of prisoner and allegations of torture in custody - Amnesty International](#)

<sup>43</sup> [Maldives - United States Department of State](#)

<sup>44</sup> Working Group on Arbitrary Detention. 2021. <https://www.ohchr.org/en/statements/2022/01/working-group-arbitrary-detention-preliminary-findings-its-visit-maldives-29>





## 6. ABOLISH THE DEATH PENALTY

The Maldives retains the death penalty, although it has practised an unofficial moratorium. In the past, Amnesty International has called on the government of Maldives to abolish the death penalty. The last execution carried out in the Maldives was in 1952, but according to Amnesty International's estimates, one person was sentenced to death in the Maldives in 2022. The total number of persons on death row in the Maldives is estimated at 20 with some who were below the age of 18 on the date their alleged crime was committed, and others with mental and intellectual disabilities included in this number. The Home Affairs Minister of the Maldives confirmed before Parliament in 2022 that the death penalty will not be carried out in the country. The Maldives however voted against UN General Assembly Resolution 77/222 in December 2022 when the UN General Assembly adopted its eighth resolution on a moratorium on the use of the death penalty. The resolution was adopted by an overwhelming majority of UN member states and the Maldives continues to remain among the minority of states that are yet to abolish the death penalty. Only 37 states voted against the resolution, whereas 144 countries in the world are abolitionist in law and in practice.

Amnesty International calls on all the Presidential candidates in the Maldives to make public their commitments in relation to the death penalty and to outline their proposed program of action to:

- Abolish the death penalty;
- Commute to life imprisonment the sentences of those who have been sentenced to death.

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 ↑ *The Maldives Supreme Court building in Male. Photo: AFP via Getty Images*



## 7. ENSURE GENDER EQUALITY AND ADDRESS SEXUAL AND GENDER BASED VIOLENCE

Gender discrimination and inequality, and gender-based violence are a major concern in the Maldives although the country has made progress to guarantee gender equality in law. The Maldives has a domestic law which protects gender equality since 2016 (the Gender Equality Act (Law No. 18/2016)), but it still must be fully implemented. The increase in sexual and gender-based violence in the Maldives has been among the major concerns raised by the Working Group on Discrimination against Women and Girls after their visit to the Maldives in 2022. The Constitution of Maldives protects a plethora of human rights without discrimination on the grounds of sex/gender so long as they are not contrary to the tenets of Islam. Discrimination against women and girls cannot be justified on the basis of religious doctrine culture or tradition, and any failures to protect human rights on that basis would fail Maldives' international human



*A school girls gets shy when she is told to go shake the hand of a presidential candidate who was visiting her neighborhood in Male, the capital of Maldives on September 4, 2013. Photo: AFP via Getty Images*

rights law obligations.<sup>45</sup> The Maldives is a state party to seven major human rights treaties. However, it does have reservations to some key provisions such as on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 16 on the equality in marriage and family on the basis of its lack of compatibility with Shariya Law.<sup>46</sup>

Previously in the Maldives, women were not permitted to present themselves as candidates for the office of President of the Republic. The Maldives has amended its laws to allow women to run for the office of President. It has also passed laws establishing a 33 percent quota for women in local government. However, there are only 4.6 percent women represented in the national parliament. According to the UN Working Group on Discrimination against Women and Girls in 2022, there were only six ministries out of 17 headed by women, and only four out of 87 seats in parliament were held by women.<sup>47</sup> Gender-based violence in the Maldives is of grave concern, with one out of three women estimated to have experienced such violence in their lifetime.<sup>48</sup>

Amnesty International calls on all Presidential candidates in the Maldives to make public their commitments and to outline their proposed program of action to:-

- Remove all reservations related to gender equality in the Constitution based on lack of compatibility with Sharia law.
- Remove reservations to the CEDAW Convention Article 16. Ensure gender mainstreaming across all sectors and enable governmental institutions, private sector as well as non-governmental organizations and independent bodies to implement gender equality in law and in practice;
- Ensure women's political participation on the basis of equality with men in the Maldives by introducing a quota for women representatives in parliament.
- Ensure gender parity and opportunities for women's political participation in national and local government bodies;
- Ensure effective protection and complaints mechanisms for survivors/victims of gender-based violence, while accounting for the specific needs of the different groups of survivors including women, children and LGBTI people.
- Strengthen the implementation of monitoring, evaluation, reporting and information sharing related to the Maldives National Gender Equality Action Plan including the UN Security Council Resolution 1325 implementation.
- Improve women's representation in the Attorney General's Office, the Courts/Judicial System, the Ministry of Women's Affairs, and other relevant bodies, and build their capacity to effectively investigate and prosecute cases of violence against women in accordance with the Law on Elimination of Violence against Women (EVAW).

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<sup>45</sup> UN Working group on Discrimination against Women and Girls. 2022. <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/2022-09-21/EOM-statement-WGDAW-Maldives-22-Sept-2022.pdf>

<sup>46</sup> UN Working group on Discrimination against Women and Girls. 2022. <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/2022-09-21/EOM-statement-WGDAW-Maldives-22-Sept-2022.pdf>

<sup>47</sup> UN Working group on Discrimination against Women and Girls. 2022. <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/2022-09-21/EOM-statement-WGDAW-Maldives-22-Sept-2022.pdf>

<sup>48</sup> UN Working group on Discrimination against Women and Girls. 2022. <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/2022-09-21/EOM-statement-WGDAW-Maldives-22-Sept-2022.pdf>

# A SEVEN-POINT AGENDA FOR THE MALDIVES AHEAD OF PRESIDENTIAL ELECTIONS

In this seven-point human rights agenda addressed to the presidential candidates in the Maldives, Amnesty International calls on the candidates to make clear their commitments to protect human rights if elected. Highlighting the current human rights situation in the Maldives based on Amnesty's ongoing research, campaign and advocacy engagement in the Maldives, the document makes seven thematic recommendations to Presidential candidates. The Republic of the Maldives must do more to meet its international human rights obligations and to continue on the course of improving its domestic human rights record. While progress has been made over the course of the past two decades, human rights gains have been slow and uneven.

The presidential election in the Maldives is due to take place in September 2023. This is an important juncture for the Presidential candidates to emphasize their commitment to human rights. Amnesty International calls on all the presidential candidates in the Maldives to reiterate and commit to a human rights agenda. It is time for the candidates to step forward and to explain how they will respect, protect, fulfil and promote human rights for all in the Maldives. It is also time for the candidates to unambiguously commit to meeting the Maldives's international human rights obligations.