

Maldives

Mid-term

Implementation

Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 23 May 2013

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/maldives>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

5 stakeholders' reports were submitted for the UPR. 11 NGOs were contacted. None UN agency was contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted.

4 NGOs responded to our enquiry. While the State under Review committed to provide a mid-term report¹, it did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **NGOs:** (1) Earthjustice & Human Rights Advocates (EJ+HRA) (2) Friends of Maldives (FOM) (3) Global Initiative to End All Corporal Punishment of Children (GIEACPC)

IRI: 33 recommendations are not implemented, 12 recommendations are partially implemented, and 3 recommendations are fully implemented. No answer was received for 96 out of 145 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

¹ <http://s.upr-info.org/89statescommitment>



2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
2	International instruments,Women's rights	page 10	not impl.
3	International instruments,Migrants,Rights of the Child,Trafficking,Women's rights	page 10	not impl.
8	International instruments,Migrants	page 10	not impl.
9	International instruments,Migrants	page 10	not impl.
10	International instruments,Migrants	page 10	not impl.
14	International instruments,Justice	page 10	fully impl.
16	International instruments,Justice	page 11	partially impl.
17	International instruments,Justice	page 10	fully impl.
19	International instruments,Women's rights	page 11	partially impl.
23	International instruments,Women's rights	page 11	fully impl.
27	International instruments,Women's rights	page 11	not impl.
28	International instruments,Women's rights	page 11	partially impl.
31	International instruments,Rights of the Child,Women's rights	page 14	not impl.
34	Justice	page 12	partially impl.
35	International instruments,Women's rights	page 14	not impl.
36	Women's rights	page 15	not impl.
37	Justice	page 12	partially impl.
38	Disabilities,Human rights education and training	page 9	not impl.
39	NHRI	page 16	not impl.
41	Human rights education and training,NHRI	page 6	not impl.
42	Other	page 16	not impl.
43	General	page 17	not impl.
46	Other	page 17	not impl.
48	Rights of the Child,Women's rights	page 15	not impl.
54	Women's rights	page 15	-
56	Rights of the Child	page 15	not impl.
57	Disabilities	page 9	not impl.
63	Death penalty,Torture and other CID treatment	page 12	not impl.
69	Torture and other CID treatment	page 12	not impl.
70	Torture and other CID treatment	page 12	not impl.
71	Torture and other CID treatment	page 12	not impl.
72	Torture and other CID treatment	page 13	not impl.
74	International instruments,Rights of the Child,Women's rights	page 11	not impl.
78	Women's rights	page 16	not impl.
91	Trafficking	page 13	partially impl.



rec. n°	Issue	page	IRI
92	Trafficking	page 13	partially impl.
93	Justice	page 13	not impl.
94	Justice	page 14	not impl.
95	Justice	page 14	not impl.
96	Justice	page 14	partially impl.
97	Human rights education and training	page 7	partially impl.
98	Human rights education and training	page 7	partially impl.
99	International instruments,Justice,Rights of the Child	page 16	not impl.
100	Right to education,Rights of the Child	page 16	not impl.
105	Freedom of religion and belief	page 6	not impl.
107	Freedom of opinion and expression,Freedom of the press	page 6	not impl.
117	Freedom of the press,Women's rights	page 6	partially impl.
128	Migrants	page 9	not impl.
138	Disabilities,Environment,Rights of the Child,Women's rights	page 7	partially impl.



3. Feedbacks on recommendations

CP Rights

Recommendation n°105: *Take concrete steps to encourage and facilitate open and public debate on religious issues* (Recommended by Norway)

IRI: *not implemented*

Friends of Maldives (FOM) response:

A regulation has been passed on public debate on Islam. Debate or discussion on other religious matters are prohibited.

Recommendation n°107: *Take all measures necessary to ensure full respect for freedom of expression and to guarantee that journalists can practice their profession freely* (Recommended by France)

IRI: *not implemented*

FOM response:

Although articles 26 and 27 of the Constitution grants full rights of freedom of expression and rights of the journalist, no measures have been taken to ensure these rights are delivered. Several protesters were arrested and detained in the months after the ousting of President Nasheed in February 2012 for calling out the word "Baaghee" (translated 'traitor') at law enforcement personnel. Furthermore the Civil Court presently has an ongoing case against President Nasheed on the same issue. The situation of the journalists are such that they are targeted and harassed for what they report on. Some received physical threats and it is believed that politically motivated attacks on journalists have left them fighting for their lives.

Recommendation n°117: *Create an environment of freedom of the media, and encourage media to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres* (Recommended by Slovenia)

IRI: *partially implemented*

FOM response:

The media is not free. It is as polarised as the general public. However the media do project positive images of women.

ESC Rights

Recommendation n°41: *Strengthen the independence of the Human Rights Commission of Maldives and work with it to improve the human rights education of the judiciary and the public* (Recommended by New Zealand)

IRI: *not implemented*



FOM response:

The Executive controls finances to all independent institutions, including the Human Rights Commission. Every individual expenditure needs permission from the Finance Ministry and all activities and expenditure plans need to be pre-approved by the Finance Ministry. It can also be said that the judiciary also has a considerable force of power over these institutions, especially with the trend of the Supreme Court passing rulings on law or regulations and amendments despite there being no case lodged against the specific law or section of the law.

Recommendation n°97: *Allocate additional resources to provide human rights training for judges in order to enhance their current knowledge of human rights principles* (Recommended by Netherlands)

IRI: *partially implemented*

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Recommendation n°98: *Continue efforts aimed at improving access to continuing education and training in the area of human rights for judicial and legal officers, including through bilateral and other engagement with partners, in the light of the expressed need for greater capacity-building and technical assistance in key areas of governance* (Recommended by Malaysia)

IRI: *partially implemented*

FOM response:

FOM is aware that several international organisations as well as some local NGOs offered funds and programs in order to enhance the knowledge of human rights for judges, and that such funds exist presently, namely with the UNDP. However the judiciary have on several occasions ignored or avoided such offers for enhancement of knowledge. In some instances where judges or courts have allowed it, such trainings have taken place and may be presently so.

Recommendation n°138: *Take all measures for the purpose of post-disaster reconstruction and adaptation to climate change, with a human-rights-based approach, and carry out consultations with the concerned local communities, giving special attention to women, children and persons with disabilities in this process* (Recommended by Finland)

IRI: *partially implemented*

Earthjustice & Human Rights Advocates (EJ+HRA) response:

Despite its limited capacity to minimize the effects of climate change on its citizens, the Republic of the Maldives (Maldives) has taken steps to contribute to the protection of human rights from climate threats. Examples include:

- The Government of the Maldives' program "Enhance Climate Resiliency and Water Security in the Maldives" includes several studies finalized in 2012, including Climate Vulnerability Assessment, Financial Analysis of Water and Sewer Infrastructure Alternatives, and Utility Service Delivery and Institutional Capacity Assessment.
- The 2013 Workplan of the Ministry of Environment and Energy is publicly available and provides details of relevant government activities, including local



risk assessment, adaptation planning, and international climate mitigation advocacy. The Strategic Plan of Action (2009-2013) provides a policy foundation for climate change adaptation.

- In its 2009 National Capacity Self Assessment Report and Action Plan for Global Climate Change, Biodiversity and Land Degradation Conventions, the Maldives included several opportunities for the participation of the public and of stakeholders in the decision making process.
- The multi-donor Maldives Climate Change Trust Fund (CCTF), with funding from the European Union and Australia, is implementing pilot projects to build climate resilience including coastal protection, biodiversity conservation, water security and solid waste management.
- The Maldives has continued its climate advocacy in international fora, including the Human Rights Council of the United Nations. In March 2013, H.E. Dr. Mariyam Shakeela, Minister of Environment and Energy and Acting Minister of Gender, Human Rights and Family Life of the Maldives advocated for additional attention on the connection between climate change and human rights by a Special Procedure of the UN Human Rights Council.

In further steps to implement the recommendation, the Maldives should pursue its efforts involving concerned and affected communities by formulating an explicitly human rights-based approach for all of its mitigation, adaptation and disaster reconstruction strategies.

Nevertheless, no amount of effort on the part of the Government of the Maldives will fully protect the human rights of the people of the Maldives, as long as climate change continues to:

- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of the Maldives rely for food.

In light of these harms, it is impossible for a nation like the Maldives, with limited resources and minimal contribution to climate change, to guarantee full protection of the human rights of its people. The primary responsibility for the harms to the human rights of the people of the Maldives caused by climate change falls not on the national authorities of the Maldives, but on the States most responsible for past and



current emissions of climate pollutants. These polluting States must take responsibility for their share of the impacts of climate change on the enjoyment of the human rights of the people of the Maldives, implement effective measures to substantially reduce their emissions, and provide financial, technical and other support for measures to minimize the effects of climate change on the human rights of the people of the Maldives.

In sum, climate change poses serious threats to the enjoyment of human rights in the Maldives. Under international law, the primary obligation to prevent and minimize those threats lies with the nations that are responsible for the majority of historical and current emissions of global warming pollution. We encourage the Human Rights Council to recognize this obligation in the context of the Universal Periodic Review of the Maldives.

Minorities

Recommendation n°38: *Adopt and implement draft laws regarding persons with disabilities and concerning mental health, as referred to in the national report, with a view to providing a normative framework to strengthen awareness-raising campaigns on human rights and disability* (Recommended by Mexico)

IRI: *not implemented*

FOM response:

Legislation protecting persons with physical and mental disabilities seem to be of little or no interest within law makers. There is very little awareness on the importance of this matter. There is no consideration to this issue in development projects such as infrastructure or road building or even healthcare. This is particularly concerning in the areas of law enforcement. For example there are no protocols within the police service when dealing with persons with physical or mental disabilities.

Recommendation n°57: *Make further efforts and take the legislative and administrative measures necessary to eliminate discrimination against persons with disabilities on the ground* (Recommended by Qatar)

IRI: *not implemented*

FOM response:

The general infrastructure of the Maldives ignores persons with disabilities. There is no means of literacy, transport or even access to basic services in the country for these people. FOM has not seen any development in legislation that address this weakness in the systems.

Recommendation n°128: *Elaborate a strategy for creating more openness and tolerance in the general public for migrants and their rights* (Recommended by Norway)

IRI: *not implemented*

FOM response:

Although the issue is often raised, FOM is not aware of any efforts to stop the stigmatisation of foreign workers in Maldivian society. The stigmatisation has risen to concerning levels, especially towards Bangladeshi, Indian and Srilankan labourers.

International Instruments

Recommendation n°2: *Accelerate the process of the ratification of ICRMW (Recommended by Algeria)*

IRI: *not implemented*

FOM response:

So far there have been no proposals in the parliament on this matter.

Recommendation n°3: *Consider the ratification of ICRMW and the Protocol to prevent, suppress and punish trafficking in persons, especially women and children (Recommended by Philippines)*

IRI: *not implemented*

Recommendation n°9: *Ratify ICRMW in order to enhance the full enjoyment of human rights (Recommended by Palestine)*

IRI: *not implemented*

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Recommendation n°10: *Ratify ICRMW (Recommended by Ecuador)*

IRI: *not implemented*

FOM response:

So far there have been no proposals in the parliament on this matter.

Recommendation n°8: *Ratify ICRMW, taking into account national consultations held in this connection (Recommended by Mexico)*

IRI: *not implemented*

FOM response:

There have been no national consultations on this matter.

Recommendation n°14: *Accede to the Rome Statute of the International Criminal Court (Recommended by Ecuador)*

IRI: *fully implemented*

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Recommendation n°17: *Ratify the Rome Statute of the International Criminal Court (Recommended by Austria)*

IRI: *fully implemented*

FOM response:

This recommendation has been implemented. In order for effective implementation of the statute and to be able to reach the objectives of this, Maldives need to develop and enact regulations and systems relevant to it. This may have a further role of the Parliament in addition to the government of Maldives.



Recommendation n°16: *Ratify outstanding core international human rights instruments, and accede to the Rome Statute of the International Criminal Court* (Recommended by *Slovenia*)

IRI: *partially implemented*

FOM response:

Maldives has acceded to the Rome Statute of the ICC. However several core human rights instruments are pending ratification. Although a bill on torture prevention was submitted to the Parliament in March 2010, there has been no dialogue over the bill. There seem to be too much of political clash within the parliament for it to be able to address human rights issues in goodwill.

Recommendation n°19: *Review reservations to CEDAW* (Recommended by *Slovenia*)

IRI: *partially implemented*

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Recommendation n°23: *Make further efforts with a view to withdrawing reservations to CEDAW* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°28: *Withdraw reservations to CEDAW* (Recommended by *Spain*)

IRI: *partially implemented*

FOM response:

FOM is concerned that despite ratification of CEDAW and of the withdrawal of reservations of certain clauses, women in the Maldives still face corporal punishment, notably with the recent case of a 15 year-old girl condemned to flogging despite being the victim of sexual abuse. There is clear rejection by the judiciary to reform, and this has been a major challenge that the Parliament, Executive as well as the civil society have been facing for the past years.

Recommendation n°27: *Remove its reservation to article 16 of CEDAW concerning the equality of men and women in all matters relating to marriage and family relations, and adjust its domestic framework accordingly* (Recommended by *Canada*)

IRI: *not implemented*

FOM response:

FOM is not aware of any amendments to the domestic framework on marriage and family relations, especially those concerning equality of men and women. Although the government of Maldives has accepted this recommendation, the system of Islamic Shari'ah in the country may impose challenges to implementing this recommendation.

Recommendation n°74: *Take further steps to address issues of violence against women, including to finalize the Women's Right Bill, the Domestic Violence Bill and the Children's Act, as early as possible, and consider withdrawing its reservation to article 16 of CEDAW* (Recommended by *Timor-Leste*)

IRI: *partially implemented*

FOM response:

The Prevention of Domestic Violence Act has come into force in the past year. However FOM is not aware of legislation on the Children's Act or a Women's Right Bill.

Justice

Recommendation n°34: *Enact the new draft Penal Code pending before Parliament* (Recommended by *Austria*)

IRI: *partially implemented*

FOM response:

There have been progress on the Penal Code. However the enactment is pending to date. It is also imperative that the Criminal Procedure Code also be implemented with the new Penal Code, in order for the Criminal Justice System to begin working properly.

Recommendation n°37: *Amend existing legislation so that evidentiary requirements are made less strict and do not fall disproportionately on the victim, and so that the sentencing of sexual abusers is brought into line with the gravity of the crime committed* (Recommended by *Netherlands*)

IRI: *partially implemented*

FOM response:

A Sexual Offense Bill is in the pipeline. It does address these issues. The bill seem to be a direct translation of the British Sexual Offense Act of 2003, and needs serious amendment. FOM is concerned that none of these legislations are developed with proper public consultation.

Recommendation n°63: *Ensure that its new Penal Code is fully consistent with international human rights standards and that it abolishes corporal punishment and the death penalty* (Recommended by *United Kingdom*)

IRI: *not implemented*

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Recommendation n°69: *Take all measures to end the application of cruel, inhuman or degrading penalties such as flogging* (Recommended by *France*)

IRI: *not implemented*

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Recommendation n°70: *Abolish criminal penalties that infringe on the physical integrity of convicts, for example, flogging* (Recommended by *Austria*)

IRI: *not implemented*

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Recommendation n°71: *Abolish corporal punishment, in particular public flogging* (Recommended by *Brazil*)

IRI: *not implemented*

FOM response:

FOM is concerned that despite ratification of CEDAW and of the withdrawal of reservations of certain clauses, women in the Maldives still face corporal punishment,



notably with the recent case of a 15 year-old girl condemned to flogging despite being the victim of sexual abuse. There is clear rejection by the judiciary to reform, and this has been a major challenge that the Parliament, Executive as well as the civil society have been facing for the past years.

GIEACPC response:

As at April 2013, the draft Penal Code is still under discussion. The draft would introduce a legal defence for the use of corporal punishment in the home and other settings under the concept of "justifiable force" on a child for the "prevention or punishment of his misconduct", providing this does not result in "death, serious bodily injury, extreme or unnecessary pain or distress": this leaves scope for the legal infliction of a degree of violent punishment of children. The draft was recently amended to provide for Shari'a punishments, including amputation, though it is unclear as yet if this would be imposed on child offenders. On 28 February 2013, the Government issued a media statement after a 15 year old girl was sentenced by the Juvenile Court to be flogged: the statement noted the failure to enact a number of bills relevant to child protection and called for a review of existing child protection mechanisms, but did not condemn all corporal punishment of children.

Recommendation n°72: *Prohibit the use of public flogging* (Recommended by New Zealand)

IRI: *not implemented*

FOM response:

FOM is concerned that despite ratification of CEDAW and of the withdrawal of reservations of certain clauses, women in the Maldives still face corporal punishment, notably with the recent case of a 15 year-old girl condemned to flogging despite being the victim of sexual abuse. There is clear rejection by the judiciary to reform, and this has been a major challenge that the Parliament, Executive as well as the civil society have been facing for the past years.

Recommendation n°91: *Enact legislation to criminalize trafficking of persons, and put in place procedures to deal with those people vulnerable to exploitation and trafficking* (Recommended by Indonesia)

IRI: *partially implemented*

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Recommendation n°92: *Take effective measures to combat human trafficking, including the adoption of relevant laws* (Recommended by Azerbaijan)

IRI: *partially implemented*

FOM response:

A bill on Prohibition of Human Trafficking and People Smuggling has been submitted to the parliament in December 2012. The bill has not yet been tabled for discussion. There was no public consultation on this bill before being submitted to the parliament, and none of the civil society organisations were consulted on this bill.

Recommendation n°93: *Implement the United Nations Basic Principles on the Independence of the Judiciary and the Role of Lawyers* (Recommended by New Zealand)

IRI: *not implemented*



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Recommendation n°94: *Continue its efforts to further strengthen the judiciary* (Recommended by Azerbaijan)

IRI: *not implemented*

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Recommendation n°95: *Take concerted steps to build a strong and independent judiciary* (Recommended by United Kingdom)

IRI: *not implemented*

FOM response:

This area remains untouched. There has been elevated public discontent with the situation of the judiciary, including the present political crisis in the country which arose with a clash between the government and the judiciary. There has been no dialogue on the matter.

Recommendation n°96: *Develop a professional code of conduct for judges, and actively support the establishment of an independent bar association* (Recommended by Netherlands)

IRI: *partially implemented*

FOM response:

A voluntary code of conduct for judges has been developed by the Judicial Service Commission. However the implementation of this code is not monitored. In addition the general public view is that the code needs several amendments. A recent visit to the Maldives by the Special Rapporteur for the Independence of Judges Lawyers ended with several recommendations. These recommendations were publicly dismissed by several members of the Parliament in their debates. However an official response to the recommendations by the government has not been made public so far.

Women & Children

Recommendation n°31: *Make additional efforts to ensure that domestic law is brought into line with the provisions of CEDAW, particularly concerning marriage, divorce, inheritance, ensuring equality of rights for both spouses and the adoption of comprehensive measures to combat all forms of violence against women and girls, and the adoption of laws on domestic violence and all forms of sexual abuse* (Recommended by Spain)

IRI: *not implemented*

FOM response:

No amendments have been brought to any laws relating to the said issues. It is also particularly difficult to make these changes due to the strict application of Islamic Shari'a, and also due to the extremely narrow interpretation of Shari'a in the Maldives.

Recommendation n°35: *Enact legislation related to CEDAW, as no corresponding domestic law has so far been enacted* (Recommended by Hungary)

IRI: *not implemented*

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Recommendation n°36: *Strengthen the legal framework for women's rights and its implementation* (Recommended by Norway)

IRI: *not implemented*

FOM response:

There have been no legislation drafted in relation to CEDAW. Issues relating to the rights of women are still highly controversial between the government and NGOs. This may be due to the coalition within the government with the Adalat Party, a political movement that is seen to have more fundamental views and narrow interpretations of the Islamic Shari'ah, which has negative effects in terms of rights of women and girls.

Recommendation n°48: *Take effective measures to overcome deep-rooted stereotypes on the role of women and girls* (Recommended by Austria)

IRI: *not implemented*

FOM response:

FOM is concerned in the trends that the Maldives has taken over the past few years towards the education of girls. More and more families have been withdrawing girls from schools in the name of religion. These girls are then coerced into marriage in ages as early as nine to twelve years. There have been no visible efforts to control this or protect the right to education of these children. Although regulations prescribe that the age for marriage is eighteen, religious fundamentalists take refuge in Islamic Shari'ah over these matters and withhold that the consent of these girls are in the hands of their fathers or guardians. No efforts to prevent or react to these incidents have been seen in the Maldives.

Recommendation n°54: *Take concrete steps to increase the representation of women in decision-making bodies* (Recommended by Norway)

IRI: -

FOM response:

Women have equal opportunity running for elected positions such as the Parliament, Councils, party positions and other internal bodies within the state and the government. The inability of more women who succeed in these areas may be connected to more fundamental rights such as education and the allowance of these people in the social arena prior to opportunities that have now been opened to women, which are essential to the responsibilities of the positions they face.

Recommendation n°56: *Establish equal rights for all children, regardless of the marriage status of their parents* (Recommended by Bosnia & Herzegovina)

IRI: *not implemented*

FOM response:

Family law in the Maldives do not protect the rights of children from broken families. For example, in the natural case of a mother gaining custody of the child, the father of the child is not bound to provide more than the equivalent of US\$ 129 in alimony. This amount was set in a recent amendment to the regulation by the Parliament. Until the amendment the amount was an equivalent to US\$ 29. As such, the result of the inability of the mother of the child to earn an income that would provide for the



housing, food, clothing and education of the child would be a child devoid of these rights.

Recommendation n^o78: *Ensure that its draft Domestic Violence Bill addresses the investigation, prosecution and punishment of perpetrators of violence against women, and that it is implemented as a priority* (Recommended by New Zealand)

IRI: *not implemented*

FOM response:

The Prevention of Domestic Violence Act does address the investigation, prosecution and punishment of perpetrators of violence against women.

Recommendation n^o99: *Expedite efforts to enact a Juvenile Justice Act in compliance with the Convention on the Rights of the Child* (Recommended by Ghana)

IRI: *not implemented*

FOM response:

No efforts have been made so far to implement this recommendation.

Recommendation n^o100: *Ensure that children in conflict with the law have access to education* (Recommended by Ghana)

IRI: *partially implemented*

FOM response:

Provisions are made for children in house arrest to be able to attend school under supervision. However children in imprisonment and police custody do not have access to education. Some efforts were made to provide vocational training for children held in police custody for delinquency but it has not been institutionalised or regulated.

Other

Recommendation n^o39: *Ensure that the Human Rights Commission is made fully compliant with the Paris Principles* (Recommended by India)

IRI: *not implemented*

FOM response:

No changes have been brought to the Human Rights Commission Act. No amendments have been proposed to the Act either. The HRCM Act says that every member of the Commission must be a Maldivian citizen. It adds in a different clause that every member must be a Muslim. Given the fact the according to the Constitution of the Maldives; every Maldivian citizen must be a Muslim, FOM cannot see a need for a specific clause instructing members to be a Muslim. The HRCM has faced much difficulties with the international community including the APF.

Recommendation n^o42: *Continue its efforts to guarantee human rights and freedoms as enshrined in the Constitution* (Recommended by Bhutan)

IRI: *not implemented*

FOM response:

The latest development in legislation relating to fundamental rights shows a serious decline in efforts to guarantee these rights. The article 32 provides for freedom of assembly. However the regulation on assembly was recently amended, controlling right to assembly to the extent of obstructing it.

Recommendation n°43: *Continue its efforts to further accelerate its ongoing process to promote and protect human rights and freedoms* (Recommended by *Sri Lanka*)

IRI: *not implemented*

FOM response:

FOM is concerned that over the past year Maldives has seen a serious deterioration in its process of promoting and protection of human rights. Continued confrontations between the law enforcement and protesters calling for fundamental rights and freedoms have resulted in excessive police brutality, obstruction of the right to assembly through the amendment of the existing Regulations on Assembly, several physical attacks and threats on journalists and many more such incidents which have been ignored by the relevant authorities. Members of the police force who are seen on video clips to have brutalised protesters have since been given promotions. A single case of police brutality that the Police Integrity Commission investigated and which the Prosecutor General charged for, have been rejected by the Criminal Court.

Recommendation n°46: *Introduce into the life of the people of Maldives only that which is in keeping with their traditions and customs and their public morals* (Recommended by *Chad*)

IRI: *not implemented*

FOM response:

A number of traditions, customs and the way of life of Maldivians have been taken away over the past years. Some of these controls have been brought in the name of religion. Once again it becomes an impossibility to challenge religious issues in the Maldives as there are harsh consequences for those who speak against the so-called religious scholars who spread fundamental views and fear amongst the public. There have been no efforts made to restore cultural rights of the Maldivians.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
1	Consider acceding to ICRMW	Bosnia & Herzegovina	Accepted	3	International instruments, Migrants
4	Ratify promptly the Optional Protocol to ICESCR and the Optional Protocol to CRPD	Spain	Accepted	5	Disabilities, ESC rights - general, International instruments
5	Sign and-or ratify the Second Optional Protocol to ICCPR	Argentina	Rejected	5	CP rights - general, International instruments
6	Sign and-or ratify the Optional Protocol to ICESCR, ICRMW, the Optional Protocol to CRPD, and the International Convention for the Protection of All Persons from Enforced Disappearance	Argentina	Accepted	5	Disabilities, Enforced disappearances, ESC rights - general, International instruments, Migrants
7	Accede to the Second Optional Protocol to ICCPR, prohibiting the death penalty in all circumstances	France	Rejected	5	Death penalty, International instruments
11	Ensuring that the rights to freedom of religion or belief of all migrant workers and members of their families are respected, inter alia	Ecuador	Rejected	4	Freedom of religion and belief, Migrants
12	Consider ratifying ILO core conventions	Brazil	Accepted	3	International instruments, Labour
13	Consider ratifying the 1951 Refugee Convention and the 1967 Protocol thereto, and the Protocol to prevent, suppress and punish trafficking in persons, especially women and children	Brazil	Rejected	4	Asylum-seekers - refugees, International instruments, Rights of the Child, Trafficking, Women's rights
15	Accede to the 1951 Refugee Convention and the 1967 Protocol thereto	Ecuador	Rejected	3	Asylum-seekers - refugees, International instruments



18	Consider reviewing and withdrawing reservations to ICCPR and other core human rights instruments, particularly where such reservations work to undermine the commitment to non-discrimination included in these treaties	Hungary	Rejected	3	CP rights - general, International instruments
20	Review reservations to ICCPR and CRC with a view to withdrawing or limiting them	Slovenia	Rejected	5	CP rights - general, International instruments, Rights of the Child
21	Continue to cooperate with human rights mechanisms and to reconsider their reservations to CEDAW	Palestine	Accepted	2	International instruments, Women's rights
22	Reconsider their reservations to ICCPR and CRC	Palestine	Rejected	3	CP rights - general, International instruments, Rights of the Child
24	Make further efforts with a view to withdrawing reservations to ICCPR and CRC	Brazil	Rejected	4	CP rights - general, International instruments, Rights of the Child
25	Withdraw reservations in respect of article 18 of ICCPR	Austria	Rejected	5	Freedom of religion and belief, International instruments
26	Withdraw reservations to articles 14 and 21 of CRC as well as to article 18 of ICCPR	Slovakia	Rejected	5	Freedom of religion and belief, International instruments, Rights of the Child
29	Withdraw reservations to ICCPR and CRC	Spain	Rejected	5	CP rights - general, International instruments, Rights of the Child
30	Continue legislative reforms aimed at guaranteeing the effective implementation of the rights and obligations contained in international instruments, such as CEDAW, CRC and CAT	Brazil	Accepted	2	International instruments, Rights of the Child, Torture and other CID treatment, Women's rights
32	Step up the efforts to adopt the remaining 120 bills that have been identified by the Government as requiring enactment during its term of office in order to implement the changes provided for in the 2008 Constitution	Algeria	Accepted	4	Justice



33	Complete the legislative framework through the enactment of laws provided for in Constitution to strengthen the legal protection of fundamental rights and freedoms	Qatar	Accepted	5	Other
40	Upgrade the status of the Human Rights Commission of Maldives to - A - status according to the Paris Principles by fully ensuring its independence, including with regard to budgetary allocations	Germany	Accepted	5	NHRI
44	Continue its efforts aimed at promoting and protecting all human rights	Palestine	Accepted	2	General
45	Continue its efforts aimed at strengthening and protecting human rights	Saudi Arabia	Accepted	2	General
47	Adopt and implement an effective legal framework and undertake appropriate public awareness campaigns to eliminate discrimination against women	Slovakia	Accepted	5	Human rights education and training, Women's rights
49	Adopt a more systematic approach to building public awareness about gender equality and the potential contributions that women can make to social and economic development, which would help break down existing barriers faced by women in employment and education, while at the same time ameliorating the incidence of sexual exploitation and violence suffered by women	Trinidad & Tobago	Accepted	4	Women's rights
50	Continue to implement a national gender equality policy by strengthening legislation for protection and non-discrimination, as well as equality	Chile	Accepted	4	Women's rights
51	Step up efforts to implement the 2009 Gender Mainstreaming Policy with a view to combating the de facto discrimination faced by Maldivians and to explore the possibility of adopting additional measures to combat violence against women in the country	Malaysia	Accepted	4	Women's rights
52	Adopt measures to curb discrimination against women and violence against children	Bangladesh	Accepted	4	Rights of the Child, Women's rights
53	Take measures to strengthen women's rights, in particular to encourage greater representation of women in public life and combat sexual and domestic violence	United Kingdom	Accepted	4	Women's rights
55	Speed up the implementation of laws enacted regarding the Convention on the Elimination of All Forms of Discrimination against Women, and enact adequate legislation that can put an end to the violence to which they are subjected	Libya	Accepted	4	International instruments, Women's rights



58	Reconsider the legal status of lesbian, gay, bisexual and transgender people, and consider taking concrete steps to protect them from violence and discrimination	Norway	Rejected	3	Sexual Orientation and Gender Identity
59	Introduce policies aimed at ending discrimination against individuals on the basis of their gender identity or sexual orientation, and repeal legislation criminalizing homosexuality	Australia	Rejected	4	Sexual Orientation and Gender Identity
60	Repeal legal provisions which criminalize sexual activity between consenting adults of the same sex	Canada	Rejected	5	Sexual Orientation and Gender Identity
61	Decriminalize homosexuality and, as a first step, declare a moratorium on the application of penalties	France	Rejected	5	Sexual Orientation and Gender Identity
62	Take measures to prevent human rights violations based on sexual orientation and gender identity	France	Rejected	4	Sexual Orientation and Gender Identity
64	Establish a moratorium on State executions with a view to formally abolishing the death penalty, in addition to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights	Canada	No Response	5	Death penalty, International instruments
65	Establish a moratorium on executions with a view to abolishing the death penalty	Slovenia	No Response	5	Death penalty
66	Abolish definitively the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights	Spain	No Response	5	Death penalty, International instruments
67	Abolish the death penalty	Austria	No Response	5	Death penalty
68	Consider abolishing the death penalty in the context of the moratorium	Chile	No Response	3	Death penalty
73	Work towards eliminating all forms of violence against women	Bhutan	Accepted	4	Women's rights
75	Take all measures necessary to ensure the elimination of violence and discrimination against women, and review its reservation to the Convention on the Elimination of All Forms of Discrimination against Women with a view to withdrawing it	Sweden	Accepted	4	International instruments, Women's rights
76	Give priority to addressing all forms of violence against women and girls, inter alia, by providing redress and protection services to victims of such crimes	Norway	Accepted	4	Rights of the Child, Women's rights



77	Establish additional mechanisms for protecting citizens against domestic violence, and adopt the provisions that would ensure legal redress for gender-based violence. Important steps in this regard include the expeditious passage of legislation to promote women's rights, prohibit sexual harassment and criminalize domestic violence	United States	Accepted	5	Rights of the Child, Women's rights
79	Intensify awareness-raising and educational campaigns to combat violence against women, and adopt measures to improve women's participation in the decision-making process	Algeria	Accepted	4	Human rights education and training, Women's rights
80	Continue the commendable public campaigns against violence against women and children, and ensure the swift adoption and implementation of the new Bill on Domestic Violence	Austria	Accepted	2	Human rights education and training, Rights of the Child, Women's rights
81	Continue to improve efforts to combat gender-based violence, and establish a mechanism for protecting abused women	Indonesia	Accepted	2	Women's rights
82	Take measures to eradicate traditional stereotypes of women, especially through educational programmes, and enact legislation on domestic violence and all forms of sexual abuse	Netherlands	Accepted	4	Human rights education and training, Women's rights
83	Continue its measures to tackle the problem of violence against women, including domestic violence	Azerbaijan	Accepted	2	Women's rights
84	Prioritize legislation on women's rights, sexual harassment, domestic violence and the protection of children against abuse	Australia	Accepted	4	Rights of the Child, Women's rights
85	Consolidate the achievements made, particularly through gender mainstreaming in all fields, grant autonomy to women, and face challenges arising in this regard, particularly the fight against violence against women	Morocco	Accepted	4	Women's rights
86	Adopt and implement the draft law on domestic violence referred to in the national report, taking into account the recommendation of the Committee on the Rights of the Child concerning the incorporation of the Convention on the Elimination of All Forms of Discrimination against Women into domestic law	Mexico	Accepted	5	International instruments, Rights of the Child, Treaty bodies, Women's rights
87	Increase efforts to address the serious problem of violence against children, including by ensuring full legal protection against the sexual abuse of children	Norway	Accepted	4	Rights of the Child
88	Continue efforts to prevent violence and sexual abuse against boys and girls, and increase its efforts to bring to justice those responsible	Argentina	Accepted	2	Rights of the Child



89	Continue ensuring the promotion and protection of the human rights of children in the country, including through the establishment of appropriate programmes and measures aimed at combating the spread of a culture of violence among Maldivian youth and children	Malaysia	Accepted	5	Rights of the Child
90	Take further measures to strengthen child rights and the child protection system, in particular to prevent sexual and physical abuse, to tackle underage marriage-concubinage and to ensure that children under 18 years are not punished as adults in the judicial system	United Kingdom	Accepted	4	Justice, Rights of the Child
101	Strengthen the role of the family in order to protect children from drugs and sexual exploitation, and reduce juvenile delinquency	Qatar	Accepted	4	Rights of the Child
102	Ensure the right to freedom of religion or belief	Brazil	Rejected	4	Freedom of religion and belief
103	Include constitutional measures to provide for freedom of religion or belief to all persons residing in the country	United States	Rejected	5	Freedom of religion and belief
104	Amend its legislation to enable the enjoyment and practice of freedom of religion or belief for both citizens and foreigners living in the country	Ghana	Rejected	5	Freedom of religion and belief
106	Take all measures necessary to ensure full respect for freedom of religion or belief and freedom from discrimination on the basis of religion, including by way of allowing non-Muslims to become citizens and withdrawing its reservation to article 18 of ICCPR	Sweden	Rejected	5	Freedom of religion and belief, International instruments
108	Ensure that all people, including migrants, are allowed to practice their religion or belief freely, including by enacting legislation that explicitly protects the right to freedom of religion or belief	Norway	Rejected	5	Freedom of religion and belief, Migrants
109	Remove legislation which discriminates against individuals on the basis of their religion or belief	Australia	Rejected	5	Freedom of religion and belief
110	Consider appropriate measures to eliminate discrimination against religious minorities in accordance with international standards	Slovakia	Rejected	3	Freedom of religion and belief, Minorities
111	Take legislative and practical measures with a view to the realization of the right to freedom of religion and belief	Austria	Rejected	4	Freedom of religion and belief
112	Enact legislation that also allows non-Muslims to acquire Maldivian citizenship	Austria	Rejected	5	Freedom of religion and belief
113	Enact legislation to ensure that all persons may freely exercise their religion in public and build places of worship	Austria	Rejected	5	Freedom of religion and belief



114	Examine the possibility of decriminalizing apostasy and blasphemy	Argentina	No Response	3	Freedom of religion and belief
115	Make the necessary amendments to legislation in order to ensure that communities of all faiths and religions have an equal place in a democratic society	Indonesia	Rejected	4	Freedom of religion and belief
116	Decriminalize apostasy	Austria	No Response	5	Freedom of religion and belief
118	Implement legislation, as required under the Convention on the Elimination of All Forms of Discrimination against Women, to end discrimination against women and harassment in the workplace	New Zealand	Accepted	5	International instruments, Women's rights
119	Continue to effectively implement pro-poor growth and employment creation strategies	Indonesia	Accepted	2	Development, Poverty
120	Increase steps to improve the participation of women in the labour market and in leadership and governance positions in the public and private sectors	Philippines	Accepted	4	Women's rights
121	Draft and enact legislation prohibiting and punishing all forms of trafficking in persons, including the forced labour of migrants. Promulgate laws imposing stricter punishments for violations, and hold employers who violate laws accountable and establish a national minimum wage	United States	Accepted	5	Labour, Migrants, Trafficking
122	Put in place specific programmes to improve the employment situation, in particular for young people	Algeria	Accepted	4	Development
123	Take swift and efficient action to mitigate the adverse effects of the rising cost of housing in Male through various measures, such as social benefits or microfinance schemes, in order to enhance the enjoyment of the right to adequate housing	Finland	Accepted	4	Right to housing
124	Further develop and enhance education	Saudi Arabia	Accepted	4	Right to education
125	Continue the policy of free education for all children, through cooperation and assistance from the international community	Bhutan	Accepted	2	Right to education, Rights of the Child, Technical assistance
126	Continue to apply programmes and measures to guarantee the enjoyment of the right to education and the right to health	Cuba	Accepted	2	Right to education, Right to health
127	Intensify efforts in improving access to education for students from - low-income families	Slovakia	Accepted	4	Right to education



129	Cooperate with other countries that have large communities of migrant workers to find a solution in accordance with international human rights standards	Hungary	Accepted	4	International instruments, Migrants
130	Continue its efforts to implement its development programmes	Bangladesh	Accepted	2	Development
131	Continue to allocate resources for effective poverty reduction measures	Ghana	Accepted	2	Poverty
132	Continue to apply strategies and development plans at the socioeconomic level throughout the country	Cuba	Accepted	2	Development
133	Continue its legislative, institutional and socio-economic reforms to provide an effective framework to address gender mainstreaming, violence against women, religious intolerance, particularly with regard to citizenship, freedom of speech, and human trafficking, and focus on the very key question of achieving the targets of the Millennium Development Goals, which will comprehensively address the key question of human rights	Nigeria	Accepted	2	Development, Freedom of religion and belief, Trafficking, Women's rights
134	Give further consideration to enacting legislation and formulating national action plans with concrete goals: to prevent the economic exploitation of and hazardous work by children, and to combat drug abuse, human trafficking and the sexual exploitation of women and children	Japan	Accepted	3	National plan of action, Rights of the Child, Trafficking, Women's rights
135	Seek the support of the Office of the United Nations High Commissioner for Human Rights and the international community in the key areas listed in the report for which capacity-building is required	Jamaica	Accepted	1	Technical assistance
136	Seek the assistance and necessary expertise of United Nations specialized agencies in building and strengthening institutions to rehabilitate those engaged in drug-related crimes	Qatar	Accepted	1	Public security, Technical assistance
137	Continue to develop and implement its adaptation strategies with assistance from the international community	Bangladesh	Accepted	2	Technical assistance
139	Continue consultations with civil society in the follow-up to the review	Austria	Accepted	2	Civil society, UPR process
140	Give a yearly briefing to the Human Rights Council on the follow-up to the recommendations of this universal periodic review session as a voluntary measure	Hungary	Accepted	5	UPR process
141	Maldives will submit a mid-term review on the progress made on the implementation.	Maldives	Voluntary Pledge	5	UPR process



142	The Maldives accepts this [100.91] recommendation. The Maldives commits to begin domestic awareness-raising and an open public debate on religious issues. Moreover, bearing in mind that perceptions of human rights and religion in the Maldives are heavily influenced by relevant international debates and norms, the Maldives requests international support to host, in 2012, a major international conference on modern Sharia jurisprudence and human rights.	Maldives	Voluntary Pledge	5	Human rights education and training
143	The Maldives partially accepts this [100.60] recommendation. The Maldives is committed to taking a wide-range of actions to eliminate violence against women.	Maldives	Voluntary Pledge	4	Freedom of religion and belief, Women's rights
144	The Maldives rejects this [100.6] recommendation. Notwithstanding, the Maldives is committed to maintaining a moratorium on the death penalty as its recent vote at the UN General Assembly demonstrates.	Maldives	Voluntary Pledge	2	Death penalty
145	The Maldives takes note of this [100.56] recommendation. The Maldives is committed to maintaining a moratorium on the death penalty as its recent vote at the UN General Assembly demonstrates.	Maldives	Voluntary Pledge	2	Death penalty

A= Action Category (see on [our website](#))

SMR = State making recommendation

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