

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report –**

**Universal Periodic Review:**

**REPUBLIC OF MALDIVES**

**I. BACKGROUND INFORMATION**

A small country of almost 2000 islands spread across the Indian Ocean, the Maldives has been undergoing democratic transition only since 2008. It has faced challenges in consolidating democratic institutions and culture, including the respective roles of the judiciary, executive, parliament, independent institutions and civil society.

The Maldives remains prone to human rights impact from climate change and natural disasters. Over the years, it has engaged positively with the international human rights system with a number of treaties ratified and a standing invitation to Special Procedures. In recent years, Maldives acceded to several key international human rights instruments.

The Government of Maldives estimates suggest nearly a third of the Maldives' populations of 300,000 are migrant workers, of which up to 50,000 have irregular status. These are mainly migrants from Bangladesh and India entering the construction and service sectors who, whether documented or undocumented, are left vulnerable to fraudulent recruitment, confiscation of identity and travel documents, non-payment of wages and debt bondage. The Maldives is known to be a destination country for human trafficking, including sex trafficking and especially forced labour. The trafficking of Maldivian children within the country is also an issue.

Over the past year, the Maldives has received a handful of persons who have expressed their intention to claim asylum after being detained by the immigration authorities for irregular entry or departure. There is no asylum adjudication system in the country as the Maldives is not signatory to the *1951 Convention relating to the Status of Refugees* and its 1967 Protocol, neither are there any national refugee protection mechanisms in place.

UNHCR is not physically present in the Maldives and operates remotely from New Delhi. In the recent past, UNHCR New Delhi was contacted at two occasions by family members of asylum-seekers detained in the Maldives for illegal entry / exit, and UNHCR had to approach the government requesting for access to conduct refugee status determination. The government of Maldives continues to be reluctant to allow asylum-seekers and refugees to remain in the Maldives in the absence of a refugee protection regime and asylum-seekers are detained in immigration detention centers until a durable solution is found by UNHCR.

Additionally, UNHCR is not aware of the exact number of asylum-seekers in the Maldives and whether they have been deported or travelled on to other countries, as there is yet to be established a regular information sharing platform between UNHCR and the Government of Maldives, so that a comprehensive and nationally owned response mechanism can be built.

In order to develop conducive asylum systems in the Maldives which allows for collaborative and comprehensive response including capacity development, UNHCR has initiated preliminary dialogue with the Maldivian authorities. However, the outcome is difficult to predict at this juncture as the concept of a national refugee protection framework is nascent to the Maldivian authorities.

In terms of Statelessness, Maldives is not party to the *1954 Convention relating to the Status of Stateless Persons* nor to the *1961 Convention on the Reduction of Statelessness* and there is no national legislation guiding prevention and reduction of statelessness or the protection of stateless persons.

## **II. ACHIEVEMENTS AND BEST PRACTICES**

Maldives is one of the 50 Bali Process countries and has in late 2013, passed a bill on anti-human trafficking, which makes trafficking in persons a criminal offence with perpetrators liable to 10 to 15 years imprisonment. The bill, which entered the Maldivian parliament – the People’s Majlis – in April 2013, also criminalizes offenses such as forced labour and fraudulent recruitment as acts of human trafficking. The first piece of legislation that criminalizes human trafficking is a huge stepping stone to addressing numerous migration challenges in the Maldives.

Maldives has in recent years made significant efforts to highlight at the international level the potential risks of climate change, especially to low lying islands such as theirs. They have also made important efforts at the domestic level to provide assistance and facilitate durable solutions for the estimated 12,000 persons internally displaced as a result of the 2004 tsunami, and have put in place national development, disaster risk reduction plans, and climate change adaptation strategies which address the socio-economic dimensions of these issues as well as the need for physical protection.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Issue 1: Creation of a refugee protection framework**

The establishment of a national legal framework and subsequent accession to the 1951 Refugee Convention would provide enable the Government of Maldives to adequately protect asylum-seekers and refugees, in line with its international obligations. UNHCR stands ready to work closely with the government and the National Human Rights Commission to meet existing and potential challenges of displacement as well as the management of individual asylum claims including on immediate capacity enhancement

### **Recommendation**

UNHCR recommends that Maldives:

- *Articulates a national refugee protection framework through the development of administrative orders / instructions and asylum adjudication or registration structures so as to allow asylum issues to be dealt with in an immediate, constructive, collaborative and rights based manner.*

## **Issue 2: Upholding the principle of non-refoulement**

In the absence of any national asylum systems or corresponding adjudication structures in the Maldives, it is likely that some asylum-seekers may have been turned away upon arrival, without having the opportunity to present a claim for protection.

### **Recommendations**

UNHCR recommends that Maldives:

- *Ensure unhindered access of persons in need of international protection to its territory and fully comply with the principle of non-refoulement.*

## **Issue 3: Detention of asylum-seekers**

Persons who lodge asylum claims in the Maldives are mostly in detention centres and contact UNHCR through their relatives abroad. There is no established system between the Maldives and UNHCR New Delhi to regularly share information on asylum-seekers in detention or amongst the migrant population who may be in need of international protection if returned. There is also no mechanism to regularly share updates with UNHCR on migration trends whether on asylum-seekers in detention, migrants in detention so that effective response mechanisms can be established.

### **Recommendations**

UNHCR recommends that Maldives:

- *Ensure detention of persons in need of international protection is only used as a measure of last resort and, where necessary, for as short a period as possible and apply alternatives to detention; and*
- *Establish a regular information sharing platform with UNHCR to enable early identification of asylum-seekers and establishment of appropriate response mechanisms.*

## **Issue 4: Prevention of statelessness and protection of stateless persons**

Maldives is not a State party to either the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Accession to the Statelessness Conventions would establish a framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons. The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the *1954 Convention* also guarantees stateless persons a right to identity and travel documents and to administrative assistance. Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the

number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

Of particular concern are the discriminatory provisions in the Constitution that all Maldivians should be Muslims, thus excluding non-Muslims from obtaining citizenship or from accessing public positions, and mainly affecting people of a different ethnic origin. Furthermore, the Laws governing marriage and citizenship do not confer equitable rights to women. By law a Maldivian woman cannot marry a non-Muslim foreigner unless he converts to Islam first. A Maldivian man, however, can marry a non-Muslim foreigner if the foreigner is Christian or Jewish. A Maldivian man cannot marry a non-Muslim foreigner who is not Christian or Jewish unless the woman converts to Islam prior to marriage. The Government interprets the conversion by a Muslim to another religion as a violation of Islamic law, which could result in punishment, including loss of the convert's citizenship.

### **Recommendations**

UNHCR recommends that Maldives:

- *Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;*
- *Take steps to draft and adopt national legislation guiding prevention and reduction of statelessness or the protection of stateless persons; and*
- *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.*

### **Issue 5: Creation of a national framework on the protection and assistance of internally displaced persons (IDPs)**

The Maldives has in recent years made significant efforts to highlight at the international level the potential risks of climate change, especially to low lying islands such as theirs. They have also made important efforts at the domestic level to provide assistance and facilitate durable solutions for the estimated 12,000 persons internally displaced as a result of the 2004 tsunami, and have put in place national development, disaster risk reduction plans, and climate change adaptation strategies which address the socio-economic dimensions of these issues as well as the need for physical protection. However, the search for sustainable solutions for some IDPs still displaced as a result of the 2004 tsunami needs to be intensified.

In the context of the various challenges faced by the Maldives, disaster risk reduction and adaptation strategies, although essential, will not be sufficient to prevent internal displacement altogether. UNHCR and the international community stand ready to support the government to set in place a national policy and legislative framework on internal displacement, in line with international human rights and the Guiding Principles on Internal Displacement, and to strengthen the capacity of institutional support structures addressing the issue such as the National Disaster Management Centre, and relevant local authorities. The Special Rapporteur on the Human Rights of IDPs has recommended, among others, that Maldives “*Develop, in consultation with key stakeholders, policies, implementing legislation, guidance documents and other frameworks,*

*to ensure a comprehensive national response to all stages of internal displacement due to sudden and slow-onset natural disasters, including climate change-induced displacement.”<sup>1</sup>*

## **Recommendations**

UNHCR recommends that Maldives:

- *Develop a national framework on the rights, responsibilities and standards relevant to persons affected by internal displacement, in line with international human rights standards and the Guiding Principles on Internal Displacement; and*
- *Review the situation of those currently still displaced and living in temporary shelters in order to address their dire living conditions and assists them in finding sustainable durable solutions.*

## **Issue 6: Migration and trafficking**

There remain reports of exploitation of migrant workers through fraudulent recruitment practices by their agents, withholding of wages and confiscation of passports. Shelters to accommodate trafficking victims and support services are not operational. While welcoming the State party’s membership of International Labour Organisation (ILO) in 2009, there are reports of hostility against non-citizens and mistreatment of migrant workers by their employers.

Lack of resources and capacity appear to be a challenge faced by authorities in establishment of institutional mechanisms and to implement the Anti-Human Trafficking Act.

Often migrants, victims of trafficking and asylum-seekers are at risk of being clubbed together in State response as there are no systems in place to identify different categories of persons in a mixed migration context.

Additionally, the Law is silent on protection mechanisms for individuals who have been trafficked, or who fear being trafficked, and who fear persecution or other serious harm upon return to their country of origin, to ensure that they have access to fair and efficient asylum procedures, to determine their claims and identify an appropriate durable solution. Another gap in the Law is the absence of a mechanism to ensure that victims of trafficking who are with no identity documents are able to establish their identity and nationality in order to prevent statelessness.

## **Recommendations**

UNHCR recommends that Maldives:

- *Ensure current efforts towards implementing the Anti-Human Trafficking law be inclusive of access to fair and efficient asylum procedures for victims of trafficking who may be in need of international protection; and ;*
- *Establish procedures to identify and support asylum-seekers amongst the broader categories of migrants who may otherwise be at risk of persecution if deported.*

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<sup>1</sup>Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, Addendum, Mission to Maldives, A/HRC/19/54/Add. 1 , 30 January 2012, para. 71.b, available at: [http://www.ohchr.org/Documents/Issues/IDPersons/A.HRC.19.54.Add.1\\_en.pdf](http://www.ohchr.org/Documents/Issues/IDPersons/A.HRC.19.54.Add.1_en.pdf)

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**October 2014**

## **Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports**

### **- Universal Periodic Review:**

#### **MALDIVES**

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Maldives.

#### **I. Treaty Bodies**

##### **Human Rights Committee**

[Concluding observations \(2012\) CCPR/C/MDV/CO/1, 105<sup>th</sup> Session](#)

30 August 2012

The Concluding Observations of the Human Rights Committee contain the following paragraphs with observations and recommendations of particular interest to UNHCR and our persons of concern:

#### **C. Principal matters of concern and recommendations**

5. The Committee considers the State party's reservation to article 18 of the Covenant to be incompatible with the object and purpose of the Covenant (General Comments No. 22 and No. 24) because: a) it applies unrestrictedly to all the provisions of article 18 of the Covenant, including the right to have or adopt a religion, which right may not be subject to restriction; b) moreover, the reservation is not specific, and does not make clear what obligations of human rights compliance the State party has or has not undertaken (General Comment No. 24, para. 19).

**The State party should withdraw its reservation to article 18 of the Covenant.**

6. While noting that the State party, in 2008, adopted a Constitution which includes a Human Rights Chapter, the Committee is concerned that the provisions of article 16 (b) of the Constitution provides that "the limitation of a right or a freedom specified in this Chapter by a law enacted by the People's Majlis as provided in the Constitution, and in order to protect and maintain the tenets of Islam, shall not be contrary to article (a)" impedes the application of the Covenant in the domestic legal order of the State party. It is also concerned that very few cases are known where the provisions of the Covenant have been directly invoked before the courts (art. 2).

**The State party should take all measures to give full and unimpeded effect to the provisions of the Covenant in its domestic legal order and ensure that the provisions of article 16 (b) of the Constitution are not invoked to justify the failure by the State party to fulfil its obligations under the Covenant. . The State party should also undertake efforts aimed at, inter alia, training its judges, magistrates, prosecutors and lawyers on the provisions of the Covenant and by conducting awareness-raising campaigns for the population on the rights protected by the Covenant.**

9. The Committee is concerned at article 9 (d) of the Constitution according to which a non-Muslim may not become a citizen of the Maldives (art. 2, 18, 26).

**The State party should revise its Constitution to ensure that religion is not a basis for citizenship.**

11. The Committee, while noting the adoption of the Domestic Violence Act in April 2012, is concerned at the persistence of domestic violence, in particular violence against women and girls, in the State party. The Committee is also concerned at the low rate of complaints lodged for domestic violence, and at the lack of effective mechanisms of protection and rehabilitation for victims (art. 2, 3, 7,).

**The State party should take the necessary measures to implement fully the Domestic Violence Act. It should facilitate complaints from victims without fear of reprisals, intimidation or exclusion by the community; investigate, prosecute and punish those responsible with appropriate penalties; and provide compensation to victims. The State party should further establish a proper mechanism of protection, including by setting up shelters and by providing psychological rehabilitation and conduct awareness-raising campaigns on the negative impacts of domestic violence.**

17. The Committee is concerned at reports relating to trafficking in migrants from neighbouring countries for labour and sexual exploitation purposes. While noting that trafficking is prohibited by article 25 (a) of the Constitution, the Committee is concerned that no legislation has yet been enacted by the State party to prevent and protect against trafficking in persons. The Committee is further concerned at the lack of statistical data on the number of trafficked persons, the investigations conducted, the number of prosecutions and convictions, and the protective measures put in place, as well as the absence of a strategy to combat trafficking (art.8).

**The State party should:**

**(a) Conduct a study on the root causes of trafficking and provide statistical data on those trafficked;**

**(b) Speed up the adoption of the Bill prohibiting and punishing all forms of trafficking in persons and implement it;**

- (c) Investigate incidences of trafficking and prosecute those responsible;
- (d) Provide protective measures, in particular shelters, as well as rehabilitation and compensation to victims;
- (e) Adopt a National Plan of Action on Trafficking in persons.

21. The Committee is concerned at the lack of effective protection against *non-refoulement* (art. 7, 13).

**The State party should adopt legislation to ensure respect for the principle of *non-refoulement* especially when persons risk being subjected to torture or other cruel, inhuman and degrading treatment or punishment or other serious human rights violations in their country of return.**

24. The Committee is concerned at the fact that non-Muslims can only practice their religion in private and do not have public places of worship. It is also concerned that it is prohibited for Maldivian citizens to adopt a religion other than Islam (art. 2, 18).

The State party should revise its legislation to authorize non-Muslims to practice and manifest their religion, including in places of public worship. The State party should abolish the crime of apostasy in its legislation and allow Maldivians to fully enjoy their freedom of religion.

### **Committee on the Elimination of Racial Discrimination**

[Concluding observations \(2011\) CERD/C/MDV/CO/5-12, 79<sup>th</sup> Session](#)

14 September 2011

The Concluding Observations contain the following paragraphs with the observations and recommendations of particular interest to UNHCR and our persons of concern.

#### **B. Positive aspects**

4. The Committee welcomes positive developments which have taken place in the Maldives, including:

- (c) The 2009 Expatriate Employment Regulation protecting the rights of migrant workers;

5. The Committee also welcomes the ratification of a number of international human rights instruments since 1999, including:

- (a) The International Covenant on Economic, Social and Cultural Rights of 1966 in 2006;

- (b) The International Covenant on Civil and Political Rights of 1966 in 2006;

- (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 in 2004;

#### **C. Concerns and recommendations**

7. The Committee regrets that the State party has not provided disaggregated data on the composition of the population to assess progress made in eliminating all forms of racial discrimination.

**In light of its general recommendation No. 4 (1973) on the demographic composition of the population and paragraphs 10 and 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party include disaggregated demographic data on the ethnic composition of the population in its next periodic report.**

8. While welcoming the information provided by the State party that an Anti-Discrimination Act is earmarked for 2012, the Committee is concerned about the absence of comprehensive legislation to prevent and prohibit racial discrimination (art. 1 and 4).

**The Committee recommends that the State party enact the planned Anti-Discrimination Act as soon as possible in accordance with articles 1 and 4 of the Convention. In view of general recommendation No. 1 (1972) on States parties' obligations, States parties are invited to consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 1 and article 4 (a) and (b) of the Convention. The Committee invites the State party to make full use of the Convention and the Committee's other general recommendations when preparing this law.**

10. The Committee is particularly concerned about discriminatory provisions in the Constitution that all Maldivians should be Muslims, thus excluding non-Muslims from obtaining citizenship or from accessing public positions, and mainly affecting people of a different national or ethnic origin (art. 2, 4 and 5).

**The Committee draws the attention of the State party to general recommendation No. 30 (2005) on discrimination against non-citizens which requests State parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization. Also, according to article 5 (d) (vii) of the Convention, the State party has the obligation to ensure that all persons enjoy their right to freedom of religion without any discrimination on racial or ethnic grounds. The Committee requests the State party to consider the possibility of modifying the discriminatory constitutional provisions in line with the Convention.**

11. While welcoming the State party's membership of ILO in 2009, the Committee expresses concern about reports of hostility against non-citizens and mistreatment of migrant workers by their employers. It also notes with regret the lack of information on refugees and asylum-seekers in the report of the State party (art. 2, 5 and 6).

**The Committee requests the State party to provide in the next periodic report information on measures taken to prevent and redress cases of hostility and**

mistreatment against migrant workers as well as on the situation of refugees and asylum-seekers. In view of its general recommendation No. 30 (2005) on discrimination against non-citizens, the State party should continue to take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory effects.

The Committee recommends that the State party consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

12. The Committee notes with concern that the Maldives is a possible destination country for migrant workers trafficked into labour market and for women trafficked for the purpose of commercial sexual exploitation (art. 2, 5 and 6).

The Committee recommends that the State party strengthen its ongoing efforts to prevent and combat human trafficking, encourages it to enact as soon as possible the Anti-Trafficking Bill under preparation and include information on any progress made in this area in the next periodic report.

The Committee also recommends that the State party consider ratifying the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crimes.

## **II. Special Procedures**

### **Report of the SR on the human rights of internally displaced persons**

Mission to the Maldives

[A/HRC/19/54/Add.1](#)

### **C. Context of internal displacement in Maldives**

#### **1. Potential internal displacement in the future**

12. As a small island nation, Maldives has a long history of resilience in the face of its delicate geographic and environmental profile. However, pressures in the form of climate change factors now increase the threat of rising sea levels and sea temperatures, as well as more frequent and severe weather events. A total of 90 inhabited islands have been flooded at least once in the course of the last six years, and 37 islands have been flooded regularly, at least once a year.<sup>12</sup> Given that over 40 per cent of the population and housing structures in Maldives are within 100 metres of the coastline,<sup>13</sup> flooding and other natural disaster risks threaten to damage infrastructures and the provision of essential services potentially affecting

food security, livelihoods, health and the overall well-being of vulnerable groups<sup>14</sup> such as children, the elderly and the poor, in particular.

13. Population density, salination, and coastal erosion compound the social and economic vulnerabilities of the Maldives population—which is already affected by the scarce existence of natural resources, including land, and the lack of freshwater sources—rendering eventual internal displacement inevitable for the inhabitants of many small islands. This threat of internal displacement in Maldives is in the context of other key concerns, which include the vast geographic expanse over which the small islands are located, the difficulties in reaching and servicing these, the lack of sufficient land, and the overcrowding in many of the more urbanized or well-serviced islands, which precludes most IDPs from resettling there.

14. Given the specific environmental and physical characteristics of Maldives, the country is considered vulnerable to multiple natural disaster risks, both sudden and slow-onset, which threaten the infrastructure, biodiversity and environmental sustainability of many islands, to the extent of potentially rendering them unfit for human habitation, or requiring significant measures to rehabilitate or decongest them in the future. Moreover, projections of a rise in sea levels of 88 cm between 1990 and 2100, according to the worst-case scenario, would imply that many islands of Maldives could be either submerged or uninhabitable,<sup>15</sup> but also that many islands are likely to face a severe risk of inundation much before that, as the sea rises. Some experts believe that disaster risk reduction can perhaps delay this prospect by decades.<sup>16</sup> However, all of the above factors point to a situation in which potentially important levels of internal displacement can be anticipated, as well as a possible need in the future to find alternatives outside the physical territory of Maldives.

#### **A. Protection through prevention, preparedness and mitigation**

33. The particular context of Maldives is one which will require ongoing prevention, mitigation and preparedness measures, as the delicate island environments, already under pressure due to a variety of factors, are further challenged by the effects of climate change, including in the form of more frequent and severe weather events and a rise in sea levels.

#### **C. Durable solutions**

57. The implementation of durable solutions following the 2004 tsunami, including local integration and resettlement/relocation programmes, also presented a number of other issues, and appeared to be especially affected by the lack of a community-based approach that took into consideration the needs of the host community. In certain cases where IDPs were relocated to inhabited islands, the provision of high-quality new housing for them created tensions with local inhabitants who did not receive similar benefits, sometimes resulting in delays in construction projects, and longer term problems affecting social harmony on the islands.

58. Furthermore, some relocations of tsunami-affected IDPs that appeared to have been implemented in order to push forward the population consolidation policy (which existed before the tsunami) and the —safer islandll programme created controversy. There were complaints that IDPs did not receive full information before engaging in the relocation process, and disagreements within the Government at the time on whether tsunami recovery programmes should be mixed with long-term development goals.<sup>43</sup> This raised concerns that some relocations may not have been entirely necessary, and that the tsunami was used as an opportunity to undertake relocations either in the framework of the consolidation policy or for other reasons. The case of Kandhulhudhoo, an island impacted by the tsunami but considered recoverable by some (many of its main structures appeared to remain intact), and whose inhabitants were relocated to the island of Dhuvaafaru, is often cited as one such example.

59. In the context of Maldives, the issue of durable solutions is particularly complex. In addition to the need to address durable solutions in situations of displacement triggered by sudden-onset disasters, which may or may not permit the return of island residents, the country must also envisage the development of durable solutions to internal displacement that is planned. Many durable solutions are likely to be closely linked to: adaptation strategies to the effects of climate change; the search for solutions permitting both sustainable development and the welfare and servicing of the population; the need to address overcrowding and coastal erosion on some islands; and the continued physical existence of the territory of the country. The Special Rapporteur believes that strategies and measures that are based on informed and voluntary decisions, well planned in advance, and that can preempt the grave deterioration of living conditions affecting the human rights of island populations or mass spontaneous internal displacement, would not only minimize the adverse effects of displacement but also improve the chances of successful durable solutions in situations where internal displacement is inevitable.

## **V. Conclusions and recommendations**

**69. The Special Rapporteur believes that in the context of the various challenges faced by Maldives, disaster risk reduction and adaptation strategies, while essential, will not be sufficient to prevent internal displacement altogether, and that increased national attention, dialogue and commitment to address issues related to internal displacement should now be a priority for the country.**

**70. In view of the above, the Special Rapporteur would like to make the following recommendations.**

**71. To the Government of Maldives:**

**(a) Finalize and adopt the Bill on Disaster Management at the earliest opportunity. In the context of this Bill, and in consultation with key stakeholders, including civil society, IDP communities and United Nation agencies, integrate within this Bill a framework on**

the rights, responsibilities and standards relevant to persons affected by internal displacement, in line with international human rights standards and the Guiding Principles on Internal Displacement;

(b) Develop, in consultation with key stakeholders, policies, implementing legislation, guidance documents and other frameworks, to ensure a comprehensive national response to all stages of internal displacement due to sudden and slow-onset natural disasters, including climate change-induced displacement;

(c) Ensure that national disaster management systems, laws and policies, as well as national development plans, climate change-adaptation strategies and internal-displacement frameworks incorporate a human rights-based approach at all stages;

(d) Review the current legal standing and resources of the existing National Disaster Management Centre, with a view to strengthening the capacity, mandate and effectiveness of the Centre, including in the context of the Government decentralization policy. In particular, the expertise of the Centre should be harnessed towards the development of a national IDP framework, integrating best practices and lessons learned from the 2004 tsunami in future programmes, strategies and capacity-building, and strengthening multi-stakeholder dialogue on internal displacement and related issues;

(e) Specifically include internal displacement issues, including displacements outside of emergency contexts (in response to slow-onset natural disasters), into all relevant development plans and programmes, in line with a human rights-based approach and the Guiding Principles on Internal Displacement;

(f) Promote awareness-raising, dialogue and consultations on disaster risk reduction strategies, sustainable national development, environmental protection, internal displacement and durable solutions at all levels, and in particular at the island and atoll levels. In relation to these, develop networks and strengthen understanding and engagement of civil society organizations, and the Human Rights Commission, on the human rights dimensions of these issues;

(g) Develop mechanisms to facilitate and promote meaningful participation of displacement-affected communities, or communities at risk of internal displacement, in decisions, programmes and other measures that have an impact on them, including at the humanitarian assistance, early recovery and development stages. Ensure that women, youth, vulnerable groups and receiving or host communities are fully informed, consulted and engaged at all stages of the process;

(h) Develop particular guidance and specific standards, in line with international human rights and the Guiding Principles on Internal Displacement, with regard to situations where the relocation of populations is deemed necessary due to the effects of climate change or other factors. In particular, issues of compensation, property rights, procedural rights, community and cultural identity, livelihoods and support to receiving communities should be addressed;

(i) Develop an action plan, including a transitional plan, towards the full implementation of the Government decentralization policy in relation to the disaster risk reduction, local development, environmental protection and other related

**responsibilities of atoll and island councils. Such a plan should include issues related to internal displacement, and provide for capacity-building, sufficient financial resources, clear communication and accountability channels, and coordination structures;**

**(j) Urgently review the situation of those currently still displaced and living in temporary shelters in order to address their dire living conditions and assist them in rebuilding their lives.**