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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Maldives

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. The Maldives is committed to the Universal Periodic Review (UPR), and welcomes the recommendations from Member States during the Maldives review at the third cycle of UPR held in Geneva on 4 November 2020.

2. After careful consideration, the Government of Maldives is pleased to provide the responses to all the 259 recommendations that were put forth by Member States at the Maldives review session. In this cycle, Maldives accepts 187 recommendations, notes 67 recommendations and partially accepts 5 recommendations.¹

133.1 **Noted.**

Maldives notes the recommendations made by Member States urging the abolishment of death penalty. Death penalty cannot be abolished without preceding domestic legislation and wider public consultation on the issue.

Maldives reiterates the commitment to uphold the informal moratorium on the application of death penalty. Currently, effecting judicial reform, and implementing measures to enhance the underlying legal framework of the criminal justice system takes precedence over resuming executions.

133.2 **Accepted.**

133.3 **Noted.** (See 133.1)

133.4 **Noted.**

Currently, Government is conducting an expensive nationwide regularization programme to provide a pathway for undocumented workers to return to their country as part of the Government's effort to extend adequate protection to migrant workers. This issue itself presents a huge challenge to the Government. Therefore, Maldives is currently not in a position to undertake obligations relating to stateless persons, refugees and asylum seekers due to resource implications and legal limitations.

133.5 **Accepted.**

133.6 **Noted.**

Maldives is currently not in a position to undertake obligations under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). However, Maldivian legal framework affords adequate protection to migrant workers and Maldives is committed to the provision of fundamental rights and basic necessities to all migrant workers within the jurisdiction.

133.7 **Partially accepted.**

Maldives is in the final stages of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED). With this ratification, Maldives will be party to 8 out of the 9 core human rights treaties. The restrictions in our resource envelope presents challenges to the Maldives in implementing the conventions that we are not party to yet and requires additional consideration.

133.8 **Accepted.**

133.9 **Accepted.**

133.10 **Accepted** and considers it already implemented.

Maldives acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children on 14 September 2016.

133.11 **Accepted.**

¹ The paragraph numbers in this Addendum corresponds to the paragraph numbers in the Draft report of the Working Group on the Universal Periodic Review - Maldives (Unedited Version) (A/HRC/WG.6/36/L.6).

Maldives is in the final stages of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. (See also 133.7)

133.12 **Partially accepted.**

Maldives is unable to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP2), since it relates to abolishing the death penalty. (See 133.1). Work is currently underway to ratify the CED, hence Maldives accepts this part of the recommendation.

133.13 **Noted.** (See 133.6)

133.14 **Noted.** (See 133.1)

133.15 **Accepted.**

133.16 **Noted.** (See 133.6)

133.17 **Noted.** (See 133.12)

133.18 **Accepted** and considers it already implemented.

Maldives ratified the Convention on the Rights of Persons with Disabilities on 5 April 2010.

133.19 **Noted.** (See 133.7)

133.20 **Partially accepted.**

Maldives is in the final stages of ratifying the CED, and therefore accepts this part of the recommendation. However, due to resource limitations, Maldives is not able ratify the CMW (See 133.6)

133.21 **Noted.** (See 133.12)

133.22 **Accepted.** (See 133.7)

133.23 **Noted.** (See 133.6)

133.24 **Partially accepted.**

Work is currently underway to ratify the CED, hence Maldives accepts this part of the recommendation. Maldives is unable to ratify the CCPR-OP2, since it relates to abolishing the death penalty. (See 133.1)

133.25 **Noted.** (See 133.6)

133.26 **Noted.**

The restrictions in our resource envelope presents challenges to the Maldives in ratifying the ILO Domestic Workers Convention (No.189) and requires further consideration.

133.27 **Noted.** (See 133.26)

133.28 **Noted.** (See 133.6)

133.29 **Noted.** (See 133.4)

133.30 **Noted.**

Islam is the religion of Maldives and Islamic principles are fundamental to the Maldivian identity, forming the basis of the Constitution of the Republic of Maldives and all our laws.

133.31 **Noted.** (See 133.30)

133.32 **Noted.**

In February 2020, Maldives withdrew its reservations to sections (b), (e), (g), and (h) of paragraph 1 and paragraph 2 of Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women. Principles of the Islamic Shariah govern marital matters in the Maldives. Articles of the Convention therefore, will be applied accordingly.

133.33 **Noted.** (See 133.30)

133.34 **Noted.** (See 133.32)

133.35 **Noted.** (See 133.32)

133.36 **Noted.**

Government of Maldives has a robust open and merit-based process when selecting national candidates for UN treaty body elections.

133.37 **Accepted.**

133.38 **Noted.**

Government of Maldives is committed to strengthening the functions and autonomy of the Human Rights Commission of the Maldives. However, the Constitution is based on Islamic Shariah and therefore, a non-Muslim cannot become a member of the Commission.

133.39 **Accepted.**

Due to the COVID-19 pandemic, Government has reprioritized the existing Strategic Action Plan (SAP) and have formulated a National Resilience and Recovery Plan 2020-2022 (NRR). However, the key policy priorities of economic, social and governance sectors in the SAP will be reflected in the NRR.

133.40 **Accepted.**

133.41 **Accepted.**

133.42 **Accepted.** (See 133.38)

133.43 **Accepted** and considers it already implemented.

On 5 November 2020, President Ibrahim Mohamed Solih endorsed the establishment of the National Mechanism for Reporting and Follow-up.

133.44 **Accepted.**

133.45 **Accepted.**

133.46 **Accepted.**

133.47 **Accepted.**

133.48 **Accepted** and considers it already implemented.

Anti-Human Trafficking Act was enacted on 8 December 2013.

133.49 **Accepted.**

133.50 **Accepted.**

133.51 **Accepted.**

133.52 **Accepted.**

133.53 **Accepted.**

133.54 **Accepted.**

133.55 **Noted.** (See 133.30)

133.56 **Accepted.**

133.57 **Noted.**

While Maldives cannot accept recommendations relating to freedom of religion (See 133.30), Maldives is committed to effectively addressing hate speech on the internet.

133.58 **Noted.** (See 133.30)

133.59 **Accepted.**

133.60 **Accepted** and considers it already implemented. (See 133.43)

133.61 **Accepted** and considers it already implemented.

The National Counter Terrorism Centre formulated the National Action Plan on Preventing and Countering Violent Extremism, which has been approved by the President and the Cabinet on 7 July 2020. Currently, efforts are underway to ensure effective implementation of the plan.

133.62 **Accepted.** (See 133.38)

133.63 **Accepted.**

133.64 **Accepted.**

133.65 **Accepted.**

133.66 **Noted.** (See 133.30)

133.67 **Noted.** (See 133.30)

133.68 **Accepted.**

133.69 **Noted.** (See 133.30)

133.70 **Noted.** (See 133.30)

133.71 **Accepted.**

133.72 **Accepted.**

133.73 **Noted.** (See 133.30)

133.74 **Noted.** (See 133.30)

133.75 **Noted.** (See 133.30 and 133.4)

133.76 **Noted.** (See 133.30)

133.77 **Accepted.**

133.78 **Accepted.**

133.79 **Accepted.**

133.80 **Accepted.**

133.81 **Accepted.**

133.82 **Accepted.**

133.83 **Accepted.**

133.84 **Accepted.**

133.85 **Accepted.**

133.86 **Accepted.**

133.87 **Accepted.**

133.88 **Accepted.**

133.89 **Accepted.**

133.90 **Accepted.**

133.91 **Accepted.**

133.92 **Noted.** (See 133.1)

133.93 **Accepted.**

133.94 **Noted.** (See 133.1)

133.95 **Noted.** (See 133.1)

133.96 **Noted.** (See 133.1)

133.97 **Noted.** (See 133.1)

- 133.98 **Accepted.**
- 133.99 **Accepted.**
- 133.100 **Accepted.**
- 133.101 **Noted.** (See 133.1)
- 133.102 **Noted.** (See 133.1)
- 133.103 **Noted.** (See 133.1)
- 133.104 **Accepted.**
- 133.105 **Noted.** (See 133.1)
- 133.106 **Noted.** (See 133.1)
- 133.107 **Noted.** (See 133.1)
- 133.108 **Noted.** (See 133.1)
- 133.109 **Noted.** (See 133.1)
- 133.110 **Accepted.**
- 133.111 **Noted.** (See 133.1)
- 133.112 **Noted.** (See 133.1)
- 133.113 **Accepted.**
- 133.114 **Noted.** (See 133.1)
- 133.115 **Noted.**

Maldives is committed to upholding the informal moratorium on the application of death penalty (See 133.1).

Concerning use of death penalty on minors, sections 29 (d) and (e) of the newly enacted Child Rights Protection Act explicitly prohibits the implementation of death penalty against a minor below 18 years of age, and therefore Maldives considers this part of the recommendation as implemented.

- 133.116 **Noted.** (See 133.1)
- 133.117 **Accepted.**
- 133.118 **Noted.** (See 133.1)
- 133.119 **Accepted.**
- 133.120 **Accepted.**
- 133.121 **Accepted.**
- 133.122 **Accepted.**
- 133.123 **Accepted.**
- 133.124 **Accepted.**
- 133.125 **Accepted.**
- 133.126 **Accepted.**
- 133.127 **Accepted.**
- 133.128 **Accepted.**
- 133.129 **Accepted.**
- 133.130 **Accepted.**
- 133.131 **Accepted.**
- 133.132 **Accepted.**

- 133.133 **Accepted.**
 133.134 **Accepted.**
 133.135 **Accepted.**
 133.136 **Accepted.**
 133.137 **Accepted.**
 133.138 **Accepted.**
 133.139 **Accepted.**
 133.140 **Accepted.**
 133.141 **Accepted.**
 133.142 **Accepted.**
 133.143 **Accepted.**
 133.144 **Accepted.**
 133.145 **Noted.** (See 133.30)
 133.146 **Accepted.**
 133.147 **Accepted.**
 133.148 **Accepted.**
 133.149 **Accepted.**
 133.150 **Accepted.**

Maldives is committed to providing the rights of freedom of expression and freedom of opinion, in line with the Constitution and relevant laws.

- 133.151 **Accepted.**
 133.152 **Noted.** (See 133.30)
 133.153 **Accepted.**
 133.154 **Partially accepted.**

Maldives is committed to ensuring a safe environment for human rights activists, journalists, media and associations to operate freely in accordance with our laws.

With regard to Maldives Democracy Network (MDN), the recourse available to challenge administrative decisions in the Maldives, is the process of judicial review. As such MDN has now commenced judicial proceedings against the State.

- 133.155 **Accepted.**
 133.156 **Accepted.**
 133.157 **Noted.** (See 133.30)

Maldives is committed to taking all measures to combat violent extremism and extremist ideologies.

- 133.158 **Accepted.**
 133.159 **Noted.** (See 133.30)
 133.160 **Accepted.**
 133.161 **Accepted.**
 133.162 **Accepted.**
 133.163 **Accepted.**
 133.164 **Noted.** (See 133.30)

- 133.165 **Accepted.**
- 133.166 **Accepted.**
- 133.167 **Noted.** (See 133.30 and 133.157)
- 133.168 **Noted.** (See 133.30)
- 133.169 **Noted.**

Maldivian laws do not allow for faiths other than Islam to be practiced in the Maldives, thereby limiting interfaith dialogue. However, Maldives will take measures to combat religious extremism and xenophobia, especially among youth.

- 133.170 **Accepted.**
- 133.171 **Accepted.**
- 133.172 **Noted.** (See 133.30)
- 133.173 **Accepted.**
- 133.174 **Accepted.**
- 133.175 **Accepted.**
- 133.176 **Accepted.**
- 133.177 **Accepted.**
- 133.178 **Accepted.**
- 133.179 **Accepted** and considers it already implemented.

The Health Master Plan (HMP) (2016-2025) is presently in place, which reflects the consolidated health policies of the Government.

- 133.180 **Accepted** and considers it already implemented.

The newly enacted Child Rights Protection Act covers aspects of maternal and child health. Section 19 (b) of the Act, mandates the State to provide adequate healthcare to children, which includes maternal healthcare services and any other healthcare services essential for the child and the mother of the child, from the time of conception.

- 133.181 **Accepted.**
- 133.182 **Accepted.**
- 133.183 **Accepted.**
- 133.184 **Accepted.**
- 133.185 **Accepted.**
- 133.186 **Accepted.**
- 133.187 **Accepted.**
- 133.188 **Accepted.**
- 133.189 **Accepted.**
- 133.190 **Accepted** and considers it already implemented. (See 133.180)
- 133.191 **Accepted.**
- 133.192 **Accepted.**
- 133.193 **Accepted.**
- 133.194 **Accepted.**
- 133.195 **Accepted.**
- 133.196 **Accepted.**
- 133.197 **Accepted.**

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- 133.198 **Accepted.**
- 133.199 **Accepted.**
- 133.200 **Accepted.**
- 133.201 **Accepted.**
- 133.202 **Accepted.**
- 133.203 **Accepted.**
- 133.204 **Accepted.**
- 133.205 **Accepted.**
- 133.206 **Accepted.**
- 133.207 **Accepted.**
- 133.208 **Accepted.**
- 133.209 **Accepted.**
- 133.210 **Accepted.**
- 133.211 **Accepted.**
- 133.212 **Accepted.**
- 133.213 **Accepted.**
- 133.214 **Accepted.**
- 133.215 **Accepted.**
- 133.216 **Accepted.**
- 133.217 **Accepted** and considers it already implemented.

Sexual Offences Act criminalises marital rape. During this year, for the first time a marital rape conviction was delivered by the High Court of the Maldives establishing judicial recognition of the provision.

- 133.218 **Accepted.**
- 133.219 **Accepted.**
- 133.220 **Accepted.**
- 133.221 **Accepted.**
- 133.222 **Accepted.**
- 133.223 **Accepted.**
- 133.224 **Accepted.**
- 133.225 **Accepted.**
- 133.226 **Accepted.**
- 133.227 **Accepted.**
- 133.228 **Accepted.**
- 133.229 **Accepted.**
- 133.230 **Accepted.**
- 133.231 **Accepted.**
- 133.232 **Accepted.**
- 133.233 **Accepted.**
- 133.234 **Accepted.**

- 133.235 **Accepted.**
- 133.236 **Noted.**
- 133.237 **Accepted.**
- 133.238 **Accepted.**
- 133.239 **Accepted.**
- 133.240 **Accepted.**
- 133.241 **Accepted.**
- 133.242 **Accepted.**
- 133.243 **Accepted** and considers it already implemented.

The Child Rights Protection Act enacted in November 2019, sets the legal age of marriage at 18 years.

- 133.244 **Accepted.**
- 133.245 **Accepted.**
- 133.246 **Accepted.**
- 133.247 **Accepted.**
- 133.248 **Accepted.**
- 133.249 **Accepted.**
- 133.250 **Accepted.**
- 133.251 **Accepted.**
- 133.252 **Accepted.**
- 133.253 **Accepted.**
- 133.254 **Accepted.**
- 133.255 **Noted.** (See 133.4)
- 133.256 **Noted.**

While Maldives is unable to commit to implementing steps for the protection of asylum seekers and refugees (See 133.4), Maldives will and continue to undertake measures to ensure the protection of rights of migrant workers within our jurisdiction.

- 133.257 **Noted.** (See 133.4)
 - 133.258 **Accepted.**
 - 133.259 **Accepted.**
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