

# MALDIVES 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. In September 2018 voters elected Ibrahim Mohamed Solih president. Observers considered the election mostly free and fair despite a flawed pre-election process, which was overseen by the former administration. Parliamentary elections held on April 6 were well administered and transparent according to local and international observers.

Maldives Police Service (MPS) is responsible for internal security and reports to the Ministry of Home Affairs. Maldives National Defence Force (MNDF) is responsible for external security and disaster relief and reports to the Ministry of Defence. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: allegations of torture by government authorities; significant problems with the independence of the judiciary; trafficking in persons; criminalization of same-sex sexual conduct; and the lack of a legal framework recognizing independent trade unions.

The government took some steps to investigate officials who committed human rights abuses, including enforced disappearances, and established investigative commissions.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. The government took steps to investigate disappearances reported in previous years.

On September 1, the Presidential Commission on Deaths and Disappearances shared preliminary results from its investigation into the 2014 disappearance of reporter Ahmed Rilwan, noting that evidence indicated Rilwan was killed on a vessel at sea following his abduction. The commission shared the preliminary determination that Rilwan's death was premeditated and conducted by or on behalf of individuals linked to al Qaeda. Subsequently, the MPS suspended two police intelligence officers, who according to a public summary of the commission's draft report, conducted surveillance of Rilwan in the weeks before his abduction, and after his abduction approached the former immigration controller with a plan to use a falsified copy of Rilwan's passport to create a news story that Rilwan had left the country. The commission's draft report also alleged that former vice president Ahmed Adeeb intervened with then Criminal Court Judge Abdulla Didi to free individuals who assisted and carried out Rilwan's abduction. The draft report indicated the team investigating Rilwan's abduction in 2014 was negligent in their investigation and that senior officials of the MPS intelligence unit should be held responsible for failing to act on threat information received weeks before Rilwan's disappearance. Media reported the commission had concluded its investigation as of December 5, but was waiting on a forensic analysis report before publicizing its findings. In December the commission asked the Prosecutor General's Office (PGO) to charge two individuals Mohamed Mazeed and Samith Mohamed for orchestrating Rilwan's abduction.

On July 7, the Human Rights Commission of Maldives (HRCM) submitted to parliament a report on the HRCM's actions taken in relation to Rilwan's disappearance, following which the parliament's Security Services Oversight Committee began reviewing whether the MPS was negligent in their investigation into the case. The National Integrity Commission (NIC) reported concluding their investigation into a 2014 complaint filed by Rilwan's family claiming police negligence in September. NIC had not published its report at year's end but told media their investigation had found no evidence of police negligence.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and the Anti-Torture Act prohibit such practices, but there were reports of torture and cruel, inhuman, or degrading treatment or punishment. The law permits flogging and other forms of corporal punishment, and security officials employed such practices. According to a 2014 Supreme Court guideline, the court must delay the execution of a flogging sentence of minors until they reach the age

of 18. Since January, five individuals were sentenced to flogging, including two boys younger than age 18.

According to the HRCM's sixth annual antitorture report, released in June, the MPS was accused in 23 of the 43 cases of torture submitted to the commission between July 2018 and June 2019. The Maldives Correctional Service (MCS) was accused in 17 cases, 16 of which took place at Maafushi Prison. The HRCM closed investigations in 26 of the cases, finding no evidence of torture. One alleged case of torture the HRCM submitted for prosecution in 2016 remained on trial as of December.

In July the MPS suspended and initiated criminal investigations against seven police officers after video was posted online of the officers beating a Bangladeshi suspect during a police raid on July 4. In September the MPS began consultations with the PGO potentially to file criminal charges against the officers but no formal charges were raised at year's end. The HRCM and NIC also launched their own investigations into the two incidents, both of which were still pending as of December.

On June 22, Home Affairs Minister Imran Abdullah acknowledged to local media that "excessive force [had been] used by prison guards" during a June confrontation between MCS officers and inmates in Maafushi Prison. Media and civil society sources reported at least one inmate was beaten, pepper sprayed while handcuffed, and had his head forcibly shaved. In July the MCS announced it had taken undisclosed action against an unspecified number of officers involved in the incident. The HRCM and NIC also launched their own investigations into the two incidents, both of which were pending as of December.

### **Prison and Detention Center Conditions**

Prisons were overcrowded in some cases and lacked adequate sanitary conditions and medical care, but they generally met most international standards.

Physical Conditions: According to the Prisons and Parole Act, pretrial and remand detainees should be held separately from convicted prisoners, but this was not always done. According to the April 15 report of the Presidential Prison Audit Commission, which reviewed the conditions of 11 prisons and detention facilities between December 2018 and March pretrial and remand prisoners were held in the same cells as convicts in Male Prison. The commission also found in an MPS-operated Male Custodial Center and a Dhoonidhoo pretrial Detention Center,

juveniles were held in separate cells but in proximity and view of cells that held adult suspects. The MCS oversaw the operation of four prison facilities: Asseyri Prison, Hulhumale Detention Center, Maafushi Prison, and Male Prison. The MCS also operated the MCS Ahuluveri Marukazu and the Male Ahuluveri Marukazu rehabilitation centers for inmates scheduled for parole, while the MPS operated Dhoonidhoo pretrial Detention Center and Male Custodial Center. The Presidential Prison Audit Commission reported overcrowding, poor ventilation, and inadequate hygiene and sanitation standards in prisons and pretrial detention facilities, except for Asseyri Prison. Authorities held undocumented migrant workers awaiting deportation or legalization within the security perimeter of a facility that also housed convicts. Although the law requires the Ministry of Home Affairs to designate a separate facility to hold remanded detainees on trial, the MCS continued to hold them in Maafushi Prison, Asseyri Prison, and Male Prison, which also hold convicted prisoners.

There were approximately 17 cases of unexplained deaths in custody from August 2016 to September. NIC was investigating six of these deaths but had not concluded investigations as of December. In August the PGO declined the HRCM's request to file charges against MCS officers found to have been negligent in providing medical care for Maafushi Prison inmate Abdulla Rasheed, who died in custody in 2017. The PGO stated the HRCM investigation lacked enough evidence to prove criminal intent. The law requires the HRCM be informed immediately in the case of any deaths in state custody and be allowed to inspect the body prior to burial. Authorities implemented this provision; however, they often moved the body to a second location, such as a hospital, before the HRCM was able to inspect the bodies.

The Presidential Prison Audit Commission reported conditions varied across detention facilities. In most of the facilities overseen by the MCS and MPS, detainees were not allowed to leave their cells except for visitation. In Male Prison and some of the maximum-security units of Maafushi Prison, detainees had reportedly not been allowed outside to exercise for more than two years. Authorities held some prisoners at Maafushi Prison in solitary confinement in specialized cells without ventilation or electricity. Although inmates were generally not held in solitary for extended periods of time, prisoners regardless of length of time in solitary were not provided mattresses, pillows, or mosquito repellent. Most prisoners were held in cells open to the elements on the sides, allowing mosquitoes to enter their cells.

In its sixth annual antitorture report, the HRCM reiterated reports from previous years that specialist doctors were not permitted to examine some inmates who claimed to have been tortured. According to the Presidential Prison Audit Commission's report, doctors were stationed at two of the five detention facilities overseen by the MCS, and nurses were stationed at three. Inmates referred to specialist doctors sometimes spent six to seven months awaiting confirmation of doctor appointments. Local hospitals did not set aside quotas for detainees seeking medical attention, leading to difficulties in getting appointments for detainees to seek specialist care in a timely manner.

Administration: According to the HRCM's sixth antitorture report and the Presidential Prison Audit Commission report, detention facilities overseen by the MCS and the MPS did not have enough CCTV cameras or maintain CCTV coverage for an adequate length of time, posing challenges in the investigation of allegations of mistreatment or torture. Both reports also noted the MPS did not maintain records of detainees they held for less than 24 hours, leading to difficulties in verifying torture complaints or the identities of responsible police officers.

Independent Monitoring: The government generally permitted regular and unannounced prison visits by the HRCM, so long as a presidentially appointed commissioner was present during the visit. The HRCM provided recommendations to the government addressing deficiencies. The HRCM and NIC reported that, although they have the legal mandate to enter detention facilities without prior approval, the MCS and the MPS required a letter signed by an HRCM or NIC commissioner before allowing access. Facilities required a commission member, appointed by the president, to accompany the visits. The government generally permitted visits by the International Committee of the Red Cross/Red Crescent (ICRC) and other international assessment teams with prior approval. The ICRC reportedly conducted visits to all detention facilities overseen by the MCS during the year but had not produced any report on its findings as of September. UN Special Rapporteur on Torture Nils Melzer visited Maldives in November; the UN noted a comprehensive report on his visit would be presented to the UN Human Rights Council in March 2021.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

The constitution states an arrest may not be made unless the arresting officer observes the offense, has reasonable evidence, or has a court-issued arrest warrant. The Criminal Procedure Act allows police to arrest a person if a police officer has reason to believe a person has committed, is committing, or is about to commit an offense or may attempt to destroy evidence of a major crime. The MPS generally complied with arrest procedures when making arrests. Amendments to the Anti-Terrorism Act (ATA) ratified in October allow police to arrest terrorism suspects without an arrest warrant where there is probable and reasonable grounds to believe that a terrorism offense is imminent unless immediate action is taken. Civil society sources reported the need to define properly “probable and reasonable grounds” within the law to avoid misuse of this provision. The law provides for an arrestee to be verbally informed immediately of the reason for arrest and to have the reason confirmed in writing within 12 hours of arrest.

Prisoners have the right to a ruling on bail within 36 hours. The law also requires an arrestee be informed of the right to remain silent and that what the arrestee says may be used in a court of law. The law further provides that arrestees are to have access to a lawyer at the time of arrest. A lawyer may be court appointed in serious criminal cases if the accused cannot afford one. The law allows police to question a detainee in the absence of counsel if the detainee’s lawyer does not appear within 12 hours without adequate reasons for the delay. Police normally informed the arrestee’s family of the arrest within 24 hours. The law does not require that police inform the family of the grounds for the arrest unless the arrestee is younger than 18 years of age, in which case a parent or guardian must be informed within four hours. ATA amendments allow police to restrict private meetings with lawyers for suspects of terrorism offenses for a period of seven days from the time of arrest in situations where there is reasonable ground to believe private meetings may result in evidence tampering, committing a terrorist offense, physical harm to another or hinder the recovery of property obtained by committing a terrorism offense.

The law provides for investigative detention. A person detained for investigation is allowed one telephone call prior to police questioning. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges may be filed. If law enforcement authorities are unable to present sufficient evidence within 24 hours,

the prisoner is eligible for release. Judges have the authority to extend detention upon receiving an arresting officer's petition but must cite factors such as the detainee's previous criminal record, status of the investigation, type of offense in question, and whether the detainee poses a threat if released.

Arbitrary Arrest: The Criminal Procedure Act allows police to detain individuals for questioning for four hours, without the detention being classified as a formal arrest. There were few reports authorities misused this provision during the year.

Pretrial Detention: The MCS reported almost 400 pretrial or remand detainees were held in their facilities as of September, with some held for as many as seven years without a conviction. The MCS reported that, as of September, 70 percent of these detainees had not had a court hearing for seven months. In October, Attorney General Ibrahim Riffath introduced a new criminal procedure policy to address the large percentage of detainees requiring the prosecutor general to review pretrial detention decisions by judges every 30 days. This policy requested the court dismiss pretrial detention orders if the prosecutor general finds an insufficient need for detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and the Criminal Procedure Act stipulate conditions under which a person can be arrested or detained and provides everyone the right to appeal and the right to compensation for unlawful arrest or detention. The High Court routinely hears appeals of arrest warrants or pretrial detention orders, but defense lawyers claimed High Court judges tended to seek justification for upholding such orders rather than questioning the grounds and merits of detention and delayed verdicts until the authorized pretrial detention orders expire. The appeal courts did not accept appeals of detentions authorized for the duration of a trial already in progress, based on a 2012 High Court decision that ruled trial judges have discretionary authority to authorize detention of suspects for the duration of pending trials as well as on a 2009 Supreme Court ruling that decisions made by judges using discretionary authority cannot be appealed.

Victims of unlawful or arbitrary arrest or detention can submit cases to the Civil Court to seek compensation, but they did not commonly exercise this right.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary was not completely independent or impartial, and was subject to influence. There were

numerous allegations of judicial impropriety and abuse of power, with large numbers of judicial officials, prosecutors, and attorneys reportedly intimidated or bribed. Government officials, members of parliament, and representatives of domestic and international civil society organizations accused the judiciary of bias.

According to nongovernmental organizations (NGOs), some magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. Many judges in all courts, appointed for life, held only a certificate in sharia, not a law degree. An estimated one-quarter of the country's judges had criminal records.

On August 28, parliament removed former Supreme Court judge Abdulla Didi over eight ethics standards violations, including alleged abuse of authority and receipt of bribes and in November and December removed former chief justice Ahmed Abdulla Didi and Supreme Court justices Adam Mohamed Abdulla and Abdul Ghanee Yoosuf over ethics standards violations including 17 instances in which the Supreme Court violated the constitution or usurped the powers of parliament and other state institutions. The government watchdog Judicial Service Commission (JSC) had not completed investigations into ethics standards complaints against several judges from the High Court, Criminal Court, Civil Court, Family Court and several island magistrate courts as of December.

In August parliament amended the JSC Act to return control of the Department of Judicial Administration (DJA), which is responsible for the management of courts, to the judicial watchdog JSC. NGOs noted that, prior to the vote, the Supreme Court used its direct supervision of the DJA to punish judges exhibiting judicial independence by transferring them to a lower court or another island as retribution. Until the June passage of the Legal Professions Act, which establishes a bar association to self-regulate lawyers, lawyers and civil society organizations accused the Supreme Court of using its authority to license and regulate lawyers as a means to arbitrarily suspend or retaliate against lawyers who criticized the highest court.

## **Trial Procedures**

The constitution and the Criminal Procedure Act provide for the right to a fair and public trial, although the judiciary did not always enforce this right. The law provides that an accused person is presumed innocent until proven guilty. Most trials were public and conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. The constitution states defendants have a



right to be informed of the charge without delay in a language understood by the defendant. The law states a defendant must be provided with a copy of the case documents within five days of charges being submitted to court. The law provides that an accused person has a right to be tried in person and have adequate time and facilities to prepare a defense. The constitution states the accused has the right not to be compelled to testify. The law provides the right to free assistance of an interpreter and governs trial procedures. Judges question the concerned parties and attempt to establish the facts of a case. Accused persons have the right to defend themselves and during a trial may call witnesses and retain the right to legal representation. Defendants and their attorneys have the right to full access to all evidence relating to their case, may cross-examine any witnesses presented by the state, and may present their own witnesses and evidence.

Islamic law, as interpreted by the government, is applied in situations not covered by civil law. The law provides for the right to legal counsel; those convicted have the right to appeal. The testimony of women is equal to that of men in court, except on rape (where the testimony of two male, or four female witnesses is required) and other issues specifically stipulated by the country's legal code.

### **Political Prisoners and Detainees**

There were no reports of political prisoners. The Presidential Committee on Releasing Prisoners had not published any findings or ordered the release of any additional prisoners as of December.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations through domestic courts. The Civil Court addressed noncriminal cases.

### **Property Restitution**

In August the H.Dh. Kulhudhuffushi magistrate court revised an August 2018 decision to dismiss a case filed by two of the 18 households on the island who were ordered by the Ministry of Tourism to vacate their residences in 2018 without adequate compensation to make way for the construction of an airport. The magistrate court reviewed the case based on an October 2018 High Court order and ordered the state to pay compensation, which it did in September.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits security officials from opening or reading radio messages, letters, or telegrams, or monitoring telephone conversations, except as expressly provided by law. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation. There were no reports that the government failed to respect these prohibitions during the year.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, except on religious matters, and the government generally respected this right.

Freedom of Expression: Ministry of Youth, Sports, and Community Empowerment regulations prohibit publishing literary material without first seeking authorization from the National Bureau of Classification. The regulations define publication of literary material as “any writing, photograph, or drawing that has been made publicly accessible electronically or by way of printing, including publicizing or circulating on the internet.”

The constitution prohibits utterances contrary to tenets of Islam or the government’s religious policies. In September the MPS arrested a local citizen for “criticizing Islam” on his twitter profile, days after he reported receiving death threats online after he claimed he was an atheist and would encourage prosecutorial activities on his island. As of September the MPS was also investigating the death threats made against him.

On October 10, the Ministry of Youth, Sports and Community Empowerment ordered the human rights-focused NGO Maldivian Democracy Network (MDN) to “suspend all activities” for the duration of an MPS investigation into “anti-Islamic” rhetoric used in the MDC’s 2015 “Preliminary Report on Radicalization in Maldives,” which explored institutional practices such as teaching of Islam, enforcement of laws, public awareness and education, social media and the work of religious organizations. The ministry cited Article 39 of the Associations Regulation in their suspension decision, which authorizes the Registrar of Associations to suspend associations for no more than a year in cases in which they

“engage in any activity that under the laws and regulations of the Maldives is specified as an act that undermines national security or societal harmony.” In a press statement defending the suspension, the government argued the International Covenant on Civil and Political Rights noted freedom of speech and expression could not be exercised “maliciously, in the form of hate-speech, or in a manner that contributes to public discord and enmity.” The investigation was initiated at the request of the Ministry of Islamic Affairs following an online campaign calling for the government to ban the MDC. Local media reported the MPS issued summons to the report authors and MDN Executive Director Shahindha Ismail to submit to police questioning. After the MPS found that the report mocked Islam, the government removed the MDC from the registry of associations on November 5, formally banning their activities.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Criticism of the government and debates on societal problems were commonplace, but media did not question Islamic values or the government’s policies on religion.

Censorship or Content Restrictions: The Parliament Privileges Act allows authorities to force journalists to reveal their sources, but authorities did not routinely take advantage of this provision. Media reported higher levels of self-censorship in reporting on religion due to concerns about harassment and threats. Several outlets continued to avoid publishing bylines to protect their journalists from possible punitive actions or harassment. NGO and journalist sources stated media practiced self-censorship on matters related to Islam due to fears of harassment from being labeled “anti-Islamic.”

There were no known restrictions on domestic publications, nor were there prohibitions on the import of foreign publications or materials, except for those containing pornography or material otherwise deemed objectionable to Islamic values, such as Bibles and idols for worship. The restriction applies only to items for public distribution; tourists destined for resort islands were not prohibited from carrying Bibles and other religious paraphernalia for their personal use. In August, the Maldives Customs service confiscated 109 books from a public book fair in Male organized by a private bookshop for content that “violated the principles of Islam,” but no charges were pressed.

## **Internet Freedom**

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

The Communications Authority of Maldives (CAM) is the regulatory body mandated to enforce internet content restrictions on sites hosted within the country and to block domestic access to any websites. CAM maintained an unpublished blacklist of all offending websites. Although CAM did not proactively monitor internet content, it accepted requests from ministries and other government agencies to block websites that allegedly violated domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibitions. The MPS reported it was investigating one website for unlawful content as of September. The MPS also reported receiving 15 complaints over online content posted on social media and closing seven of these cases due to lack of evidence while the remaining eight cases were still under investigation as of September.

In a January press statement, the MPS announced it was “meeting with” individuals posting online content that “disrupts public unity and peace” and those responding to such content “with verbal attacks that encourage violence and hatred.” The MPS went on to question former member of parliament Ibrahim Ismail to “clarify information” after he received online death threats following a report from an online news website claiming one of his tweets “insulted Prophet Muhammed”; independent reporter Aishath Aniya, who received death threats online for criticizing the design of a new mosque in Male City; Mohamed Siruhan, who allegedly operates a Facebook page that profiles citizens who the page claims are apostates; and religious scholar Sheikh Ali Zaid. The latter two had criticized Rasheed and Aniya over posts they believed “insulted Islam.” As of December, the MPS did not report any updates to this activity. Also in January, President Solih formed a ministerial committee to “find solutions to the issue of increasing criticism of Islam and related incidents,” but the committee had not revealed details of their activities as of December. NGOs reported an increase in online death threats and attacks against those perceived to be critical of Islam since January with little action from authorities.

### **Academic Freedom and Cultural Events**

The law prohibits public statements contrary to the government’s policy on religion or the government’s interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship. The government

censored course content and curricula. Sunni Islam was the only religion taught in schools.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **Freedom of Peaceful Assembly**

The constitution provides for “freedom of peaceful assembly without prior permission of the State.” A 2013 law on peaceful assembly restricts protests outside designated areas, and a 2016 amendment to the law further restricts the designated areas for lawful protests in the capital city. Protesters must obtain prior written permission from the MPS to hold protests outside designated areas and from the Ministry of Home Affairs to hold protests within the designated area. Local civil society organizations continued to condemn the restrictions as unconstitutional, but noted permits were regularly issued and not used to stifle opposition viewpoints. In March the MPS dispersed a small gathering at the Artificial Beach in Male City after the Male City Council revoked their permission to use the area. The city council noted it had granted authority for opposition People’s National Congress (PNC) to use the area but argued there was no PNC presence at the gathering. Since November the MPS took action to disperse nonpreauthorized nightly protests in Male organized by the opposition in support of former president Abdulla Yameen.

In February the MPS deployed pepper spray to disperse opposition protestors gathered in a corridor near the cardiology center inside Indhira Gandhi Memorial Hospital in Male in support of former president Abdulla Yameen. The MPS’ “Use of Force Review” committee announced they were investigating the incident but had not shared a final report as of December.

### **Freedom of Association**

The constitution provides for freedom of association, but the government imposed some limits on this freedom. The government allowed only clubs and other private associations that did not contravene Islamic or civil law to register.

NGOs reported that although sporadically enforced, a 2015 associations regulation threatened their freedom of operation. The regulation requires human rights and

other NGOs to seek government approval before applying for domestic assistance above MVR 25,000 (\$1,630) or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant.

The Political Parties Act restricts registration of political parties and eligibility of state funds to those parties with 10,000 or more members. A 2016 amendment to the act requires all political parties to submit fingerprints with each membership application, legalizing a 2011 Elections Commission requirement. Forms without fingerprints would be considered invalid, and those persons would not be counted as members of a political party. Transparency Maldives (TM) and the MDC raised concerns the law and subsequent amendments restricted the constitutional right to form and participate in political parties.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Authorities reported, however, that migrant workers who overstayed their visas were held in the Hulhumale Detention Center for weeks or sometimes even years while awaiting the necessary travel documents from their respective governments prior to deportation. NGOs also reported concerns with a September High Court ruling declaring migrant workers who are arrested cannot be released until they identify a local national who will take responsibility for monitoring them until the conclusion of a possible trial.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Refoulement: The law obligates the state not to expel, return, or extradite a person where there is substantial evidence to believe the person would be in danger of

being subjected to torture. The HRCM's sixth annual antitorture report investigating one case involving the government violating the principle of nonrefoulement in the case of one foreign detainee. HRCM reported the case remains under investigation and the foreigner remained in the country as of September.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

### **g. Stateless Persons**

Not applicable.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: The parliamentary elections held in April were well administered and transparent according to the TM and international election observers. Despite an assessment the overall election was well administered, the TM highlighted issues of concern including unverified reports of vote buying, lack of transparency in political financing, abuse of state resources and barriers for women's equal participation in the electoral process.

The presidential elections held in September 2018 were generally free and fair, despite a flawed pre-election process which was overseen by the previous administration, according to local and international observers. The international community and local observers identified several issues of concern during the pre-election phase, including the disqualification of opposition candidates, restrictions on monitoring and candidacy, widespread disenfranchisement of voters, appointment of loyalists in key positions at the Election Commission (EC), and misuse of government resources for former president Yameen's campaign. Immediately after the election, local observers reported minor administrative issues on voting day, but no issues that could have affected the results of the election as announced by the EC. On October 10, 2018, Yameen formally contested the

presidential election results on the grounds of fraud and vote rigging. On October 21, 2018, the Supreme Court ruled there was no constitutional basis to question the legality or results of the election, citing a lack of evidence in Yameen's petition.

Political Parties and Political Participation: Former president Abdulla Yameen was sentenced in November to five years' imprisonment for money laundering. The opposition alleges Yameen's arrest in February, his detention until March, and a court order to freeze his bank accounts were intended to obstruct opposition campaigning for the parliamentary elections that took place in April.

Participation of Women and Minorities: No laws limit participation of women in the political process, and they did participate. The TM noted, however, a disproportionately low number of female candidates to contest the parliamentary elections in April. Of the total 350 parliamentary candidates, 35 were women, and only four women were elected to the 87-member parliament. Women's rights activists highlighted lack of government and political party effort to encourage political participation of women. Legislation passed in December set aside 33 percent of local council seats in April 2020 elections for female candidates.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Nonetheless, officials sometimes engaged in corrupt practices with impunity and the government and judicial system have been slow to investigate and prosecute cases of corruption. Suspected cases of corruption in the judicial system also stymied the ability to provide additional oversight. There were isolated reports of government corruption during the year.

Corruption: The independent Anti-Corruption Commission has responsibility for investigating corruption charges involving senior government officials. According to NGOs, executive interference, a narrow definition of corruption in the law, and the lack of a provision to investigate and prosecute illicit enrichment limited the commission's work.

In December 2018 President Solih established a Presidential Commission on Corruption and Asset Recovery to investigate corruption cases originating between February 2012 and November 2018. As of December the commission had not issued a report of its findings.



In August parliament removed former Supreme Court judge Abdulla Didi over eight ethics standards violations, including alleged abuse of authority and receipt of a one million dollar bribe to sentence former president Mohamed Nasheed to jail under terrorism charges. Ghaniya Abdul Gahoor, Didi's spouse and former deputy ambassador to Malaysia, was also removed from her position during the investigation.

Financial Disclosure: The constitution requires parliamentarians to submit annually to the secretary general of parliament a statement of all property owned, monetary assets, business interests, and liabilities. The constitution also requires the president and each cabinet minister to submit a similar statement to the auditor general and for each judge to submit a similar statement to the Judicial Service Commission (JSC). It was unclear whether all officials submitted these statements, which do not require public disclosure. The law does not stipulate criminal or administrative sanctions for noncompliance and does not require the vice president to disclose income and assets.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The government deregistered and formally banned human-rights focused NGO MDN in November for using language the Ministry of Islamic Affairs argued criticized Islam in the MDC's 2015 "Preliminary Report on Radicalization in Maldives."

NGOs reported that although sporadically enforced, a 2015 associations regulation threatened their freedom of operation. The regulation requires human rights and other NGOs to seek government approval before applying for domestic assistance above MVR 25,000 (\$1,630) or for any foreign assistance. The regulation also requires organizations to submit a membership registry to the government and grants the registrar of associations sweeping powers to dissolve organizations and enter organizations to obtain documents without a search warrant.

Government Human Rights Bodies: The HRCM is a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Maldivian Islamic law, and regional and international human rights conventions ratified by the country. NIC is a constitutionally recognized

independent institution with a mandate to investigate allegations of human rights violations by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to police for further investigation. Both the ruling coalition and NGOs questioned the independence of the HRCM, which they reported was biased towards the former government.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape against both men and women, as well as spousal rape and domestic violence including physical, sexual, verbal, psychological, and financial abuse. The law also extends protection to wives against being forcibly impregnated by their husbands against medical orders and includes an extensive list of other abuses for which protection is provided. The law allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. A man may be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In the case of a child, the burden of proof is lower. Penalties range from four-months' to 10-years' imprisonment, depending on factors such as the age of the victim.

NGOs and other authorities reported MPS officers were reluctant to make arrests in cases of violence against women within the family, believing such violence was justified. Reportedly, this made victims reluctant to file criminal cases against abusers. While the MPS received 387 cases of domestic violence as of September, only seven had been forwarded to prosecutors.

The Ministry of Gender, Family, and Social Services received reports of rape, sexual offenses, and domestic violence and conducted social inquiry assessments of cases they submitted to the MPS. They also provided psychological support to victims during MPS investigations.

To streamline the process of reporting abuses against women and children, the Ministry of Gender, Family, and Social Services established family and children's service centers on every atoll in 2016. Residential facilities were established in only four of the centers to provide emergency shelter assistance to domestic violence and other victims. Authorities and NGOs both reported the service centers remained understaffed and underresourced, especially lacking budgets to travel to attend cases in islands. Staff employed at the centers lacked technical

capacity and were forced to divide their time between administrative duties and casework. During the year the ministry began providing technical casework training to all social workers working in the centers, and reported having trained 99 percent of the staff as of September.

Female Genital Mutilation/Cutting (FGM/C): There were no data on the frequency of FGM/C, although certain religious leaders have intermittently called for the practice to be revived since 2014. Authorities reported no recorded cases but local NGOs believed the practice persisted and societal stigma restricted public discussion of the issue.

Other Harmful Traditional Practices: A 2015 amendment to the penal code states only Maldivian Islamic law penalties may be imposed for *hadd* (robbery, fornication, homosexual acts, alcohol consumption, apostasy) and *qisas* (retaliation in kind) offenses. Penalties could include hand amputation for theft and stoning to death for adultery. A woman was sentenced to death by stoning for extramarital sex in January, but the Supreme Court overturned the sentence. No *hadd* penalties were enforced during the year.

Sexual Harassment: The law bans sexual harassment in the workplace, detention facilities, and any centers that provide public services. NGOs reported that while the law requires all government offices to set up sexual harassment review committees, a significant number of government offices had failed to establish these committees or in cases where the committees had been set up, employees were unaware of their existence.

In contrast to previous years where no criminal charges were filed for cases of sexual harassment, the MPS reported forwarding two out of a total 45 received cases for prosecution. In July charges were filed for the first time against a local citizen accused of sexually harassing a woman on the street.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law prohibits gender discrimination including in workplaces, educational institutions, and service providers, such as hospitals, but discrimination against women remained a problem. NGOs reported authorities more readily accused women than men of adultery, in part because visible pregnancies made the allegedly adulterous act more obvious, while men could deny the charges and escape punishment because of the difficulty of proving fornication or adultery.

under Islamic law. Women's rights activists reported that women who initiated divorce proceedings faced undue delays in court as compared to men who initiated divorce proceedings. According to women's rights activists, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law.

## **Children**

Birth Registration: Citizenship is derived through one's parents. Under the law a child born of a citizen father or mother, regardless of the child's place of birth, may derive citizenship. The Ministry of Gender, Family, and Social Services reported receiving cases where parents had either neglected to register their children or the Family Court had refused to register the marriages where the marriage ceremony was held outside of the country. In those instances, the Family Court subsequently refused to register any children born out of these marriages. The ministry received seven cases of denial of birth registration as of October.

Education: Education is free, compulsory, and universal through secondary school. The Ministry of Gender, Family, and Social Services handled 36 cases of children being deprived of education as of October. The ministry said this included schools' refusal to enroll children due to missing identification documents or parental refusal to send children to school, in some cases based on religious reasons. Parents had either neglected to register their children in order to obtain necessary identification documents or the Family Court had refused to register the marriages of the parents in cases where the marriage ceremony was held outside of the country and subsequently refused to register any children born out of these marriages. The ministry reported in such cases the ministry was able to intervene to convince individual schools to enroll these children following consultation with the Ministry of Education. NGOs and activists noted the effect of religious extremism on child rights was an emerging issue but lacked a baseline study determining its prevalence.

Child Abuse: The law stipulates sentences of up to 25 years in prison for those convicted of sexual offenses against children. If a person is legally married to a minor under Islamic law, however, none of the offenses specified in the legislation is considered criminal. The courts have the power to detain perpetrators, although most were released pending sentencing and allowed to return to the communities of their victims. The MPS investigates and the Ministry of Gender, Family, and Social Services is in charge of following up on reports of child abuse, including cases of sexual abuse. Half of the total cases received by the Ministry of Gender,

Family, and Social Services as of July were cases of child abuse, the majority involving sexual abuse. Of the child abuse cases received by the MPS, 43 percent were also sexual abuse cases, with the MPS forwarding only 16 percent of these cases for prosecution as of September. Human rights activists reported the lack of effective coordination between authorities handling child abuse cases remained a problem.

Early and Forced Marriage: A new Child Rights Protection Act, ratified in November, prohibits any marriage of a child under 18 years of age, replacing a 2016 amendment to the Family Regulation under which the Family Court was required to petition the Supreme Court for approval for girls and boys under age 18 to marry. The Ministry of Gender, Family, and Social Services was also to submit an assessment of the proposed marriage to the Supreme Court. Such a marriage could have proceeded only after the Supreme Court granted the Family Court approval for the union. The Ministry of Gender, Family, and Social Services reported receiving five requests for assessments to carry out child marriages of 16 and 17 year olds but the ministry had yet to conduct any assessments as of the change in law. The Supreme Court reported there were no child marriages during the year, but NGOs reported anecdotal evidence that some child marriages were conducted outside of the legal system. In November local media reported a group of religious fundamentalists from Raa Maduvvari island had entered into unregistered, unlawful marriages with girls, some as young as nine years old. In two separate operations in December, the MPS arrested the parents of one minor girl and four males involved with the fundamentalist group. On December 19, the Ministry of Foreign Affairs issued an Information Brief on the ongoing operations on the island, stating they were part of the government's broader strategy in stopping and preventing the spread of violent extremist ideology in the country.

Sexual Exploitation of Children: The Child Rights Protection Act ratified in November prohibits using, procuring, and offering children for pornographic performances. The crime is punishable by imprisonment of five to 25 years. The act stipulates that a child between ages 13 and 18 involved in a sexual act is deemed not to have given consent, "unless otherwise proven." The law also treats the prostitution of children by a third party as a form of human trafficking with exploitation under the Prevention of Human Trafficking Act, subject to a 15-year maximum sentence. The penal code allows the Prosecutor General's Office to lodge multiple charges against a perpetrator for a single offense. For sex trafficking, this means the office can file charges for human trafficking under the Prevention of Human Trafficking Act and for prostitution under the Child Rights Protection Act and aggregate the penalties so perpetrators serve longer sentences

for a single offense. During the year the MPS investigated six cases of child pornography, and forwarded two for prosecution as of July. It also investigated two reports of child prostitution, but closed both after finding no evidence of any prostitution. The Ministry of Gender, Family, and Social Services received two reports of commercial sexual exploitation of children as of July. The Ministry and NGOs reported that, although there have been no confirmed reports of child sex tourism, government authorities lack the capacity to monitor the guesthouse tourism sector in remote islands.

Institutionalized Children: Local NGO Advocating the Rights of Children (ARC) released a report in 2016 detailing abuses in government-run “safe homes.” ARC reported children routinely spent many months at these homes, although they were intended to be temporary stopovers for children being taken into state care. According to ARC, the safe homes were inadequately furnished and equipped, lacked basic essentials, and were often understaffed, resulting in inadequate care, protection, and education for institutionalized children. The Ministry of Gender, Family, and Social Services reported a ratio of two to three care workers per every 10 to 12 children housed in one of the two government children’s homes, while the other employed three care workers per every 20 children. The ministry also reported both homes housed more children than their capacity allowed. NGOs reported staff were untrained to care for several children with autism housed in these facilities. The country lacked a juvenile detention center, so youth offenders were cohoused with juvenile victims of abuse. During the year there were several reports of children in the two government children’s homes running away from the institutions. NGOs noted the incidents reflected the inadequate supervision of the children by overstretched workers. The HRCM also reported investigating one case of 10 employees of Kudakudhinge Hiya children’s home mistreating 22 children living in the home, as of December.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The public practice of religion other than Islam is prohibited by law, and the government did not provide estimates on the number of Jewish residents in the country. There were no reports of anti-Semitic acts.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Persons with Disabilities

The constitution and law provide for the rights and freedom from most types of discrimination for persons with disabilities. Although the constitution provides for freedom from discrimination in access to employment for persons with disabilities, the Disabilities Act does not do so. The Disabilities Act provides for the protection of the rights of persons with disabilities as well as financial assistance. The act mandates the state to provide a monthly financial benefit of not less than MVR 2,000 (\$130) to each registered individual. NGOs reported the National Social Protection Agency (NSPA), which handles the National Registry, has strict conditions and a cumbersome screening process that prevent the majority of persons with disabilities from being registered. The NSPA requires an assessment from a medical center in Male City, which can cost up to MVR 40,000 (\$2,600) for some families living in the islands who have to travel and stay in Male City for lengthy periods while the assessment is completed. The NSPA has also published the requirements for inclusion in the National Registry and has rejected several applications. NGOs noted inclusion on the registry is a precondition to access several other benefits provided for persons with disabilities, including priority in accessing social housing schemes and special accommodations during voting.

Although no official studies have been concluded, NGOs which operate throughout the country estimated as much as 10 percent of the total population of persons with disabilities had been subjected to various forms of abuse and 40 to 60 percent of girls or women with disabilities, especially those who are visually impaired, were subject to sexual abuse. The families of these victims often do not report these cases to authorities, because the police investigation and judicial process is inaccessible to persons with disabilities.

Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and logistical challenges related to transporting persons with disabilities between islands and atolls made it difficult for persons with disabilities to participate in the workforce or consistently attend school. The vast majority of public streets and buildings were not accessible for wheelchair users.

The government integrated students with disabilities into mainstream educational programs at primary and secondary level. Most large government schools also held special units catering to persons with disabilities who cannot be accommodated in the mainstream classes. Each school also has a disability ambassador, and all teachers receive special training. Nonetheless, children with disabilities had virtually no access to transition support to higher secondary education.

### **National/Racial/Ethnic Minorities**

Maldives Immigration reported approximately 200,000 legal foreign workers as of September, with an additional estimated 63,000 undocumented foreign workers, mostly from Bangladesh and other South Asian countries. NGOs reported government agencies implemented discriminatory policies towards expatriate laborers while Bangladeshi workers faced harassment and violence by local citizens. In an August statement, state-owned Waste Management Corporation announced many of their employees who are Bangladeshi were often subjected to physical violence and verbal attacks while on the job.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits same-sex sexual conduct. Under the penal code, the punishment includes imprisonment of up to eight years, as well as a provision for a supplementary punishment of 100 lashes imposed under Maldives Islamic law. None of the legal provisions prohibiting discrimination covers discrimination based on sexual orientation or gender identity. No organizations focused on lesbian, gay, bisexual, transgender, and intersex (LGBTI) problems in the country. There were no reports of officials complicit in abuses against LGBTI persons, although societal stigma likely discouraged individuals from reporting such problems. Local citizens who expressed support for LGBTI rights on social media reportedly were targeted for online harassment as “apostates” or irreligious. In July authorities filed murder charges against three male Bangladeshi migrant workers over the death of their colleague, a Bangladeshi man named Luthufaru, in May. The MPS reported the suspects had confessed to killing Luthufaru for unwanted advances and forced attempts to have sex. In November the MPS arrested two men for vandalizing a local coffee shop, allegedly due to the shop’s employment of an individual whose attire did not conform to gender stereotypes.



## **Other Societal Violence or Discrimination**

The trial of six men arrested in 2017 and charged in connection with the murder of Yameen Rasheed, a prominent blogger and social media activist who disappeared in 2017, continued during the year. Police initially stated a group of young men, unaffiliated with any organization, had killed Rasheed because they believed he mocked Islam and that they were investigating unspecified persons of interest who may have encouraged the suspects in committing the crime. Rasheed had received multiple death threats before his disappearance, which were reported to police, but according to Rasheed's social media accounts, his friends, and family, police had not responded or investigated. NGOs reported an increase in online death threats and attacks against citizens perceived to be critical of Islam. While the government announced intentions to look into the matter (see section 2.a.) in January, NGOs reported the government failed to take action in these cases.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for workers' freedom of association; however, there is no specific law protecting the right to freedom of association, which is required to allow unions to register and operate without interference and discrimination. As a result, the court system refused to recognize trade unions officially. Worker organizations are usually treated as civil society organizations or associations without the right to engage in collective bargaining. Police and armed forces do not have the right to form unions. The Freedom of Peaceful Assembly Act effectively prohibits strikes by workers in the resort sector, the country's largest money earner. Employees in the following services are also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, prison guards, and air traffic controllers. The Home Ministry enforces the act by arresting workers who go on strike, but there were no such arrests during the year. In June resort workers from JA Manafaru went on a hunger strike to protest the resort management's decision to dismiss several employees. The conflict was resolved, without any dismissals, after Tourism Minister Ali Waheed went to the resort and held discussions with the management and representatives of the resort workers' association, Tourism Employees Association of the Maldives (TEAM). TEAM noted this incident indicated the government is capable and willing to hold tripartite discussions even if it is not mandated under current domestic legislation.

The government did not always enforce applicable laws. Resources, inspections, and remediation were inadequate, and penalties were not sufficient to deter violations. The Labor Relations Authority (LRA) is mandated to oversee compliance of the Employment Act and its related regulations. The Employment Tribunal examines and adjudicates legal matters arising between employers and employees and other employment problems, but its processes are cumbersome and complicated. In addition, because the LRA does not regularly screen labor violations such as nonpayment of wages for elements of trafficking, the Employment Tribunal adjudicates some potential trafficking cases. Violators who refused to correct violations or pay fines were referred to the courts, whose decisions often were ignored. The cases are heard in the Dhivehi language, which few foreign workers understood. Foreign workers may not file a case with the tribunal unless they appoint a representative to communicate for them in the local language. If an employer fails to comply with a decision of the tribunal, the case must be submitted to the Civil Court, which often delays decisions. TEAM reported the judicial system continued to delay final decisions on numerous such cases, some older than six years of age. The Employment Tribunal only hears cases submitted within three months for cases involving unfair dismissals and within six months of the alleged offense for all other violations of the Employment Act. A September 2018 amendment to the Employment Tribunal regulation that states dismissed or withdrawn appeals can only be resubmitted once, after paying a MVR 500 (\$32) fine, was still in place. Previously, there was no restriction on the number of times such cases could be resubmitted.

Under the law, some workers' organizations were established as civil society organizations, specifically in the tourism, education, health, and shipping (seafarers') sectors, although these functioned more as cooperative associations and had very limited roles in labor advocacy. The Teachers Association of the Maldives (TAM) and TEAM were among the more active workers' organizations, along with the Maldivian Ports Workers. In September the workers' associations, including TEAM, TAM, Maldivian Ports Worker, and newly established Maldives Health Professionals Unions jointly registered an umbrella organization called the Maldives Trade Union Congress, which aims to work in solidarity for the rights of workers in all major industries.

## **b. Prohibition of Forced or Compulsory Labor**

All forms of forced or compulsory labor are prohibited, but the government did not effectively enforce applicable laws.

Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The foreign worker population, especially migrant workers from Bangladesh, were particularly vulnerable to forced labor in the construction industry, as were Sri Lankan and Indian women engaged in domestic work. Maldives Immigration detained undocumented workers at Hulhumale Detention Center, an immigration-processing center near Male, until deportation or repatriation. There were continued reports of bureaucratic delays in receiving passports from foreign missions for undocumented immigrants and substandard facilities at the immigration-processing center. Maldives Immigration reported it screened the workers for victims of trafficking, but there were reports some of the detained and deported undocumented workers should have been identified as trafficking victims.

Under the penal code, forced labor carries a penalty of up to eight-years' imprisonment. Under section 29 of the Maldives Prevention of Human Trafficking Act, confiscation, alteration, or withholding of identity and travel documents is a crime, and perpetrators are subject to up to five-years' imprisonment. In 2015 parliament approved the National Action Plan to Combat Trafficking in Persons for 2015-19. The penalty for human trafficking is a maximum sentence of 10 years. As of December the MPS and Maldives Immigration reported they were investigating more than 35 labor recruiters or agencies allegedly engaged in fraudulent practices. In September, Maldives Immigration denied entry to two Bangladeshi nationals reportedly engaged in trafficking Bangladeshi migrant workers to the country. Employee associations reported concerns the alleged traffickers were deported with no further action or attempts to identify local traffickers who worked with them to traffic victims.

The LRA, under the Ministry of Economic Development, recommended to the ministry and Maldives Immigration the blacklisting of companies that violated the law, precluding the companies from bringing in new workers until violations were rectified the LRA reported, however, that the Ministry of Economic Development and Maldives Immigration did not always take their recommendations to blacklist and allowed companies to continue operations. In addition to blacklisting, the law allows a fine of not more than MVR 50,000 (\$3,250) for forced labor and other violations of the Employment Act, but the LRA reported this amount was not sufficient to deter violations by large companies.

As of September, Maldives Immigration reported the number of documented foreign workers at approximately 200,000. They estimated there were an additional 63,000 undocumented foreign workers in the country, predominantly

men from Bangladesh and other South Asian countries. Some of the foreign workers in the country were subject to forced labor in the construction and tourism sectors. Both the LRA and TEAM noted an increasing trend of resorts hiring third party subcontractors to work in departments such as maintenance, landscaping, and laundry services. These subcontractors reportedly hired undocumented migrant workers who received a lower salary, work longer hours, and often experience delays in payment of salaries and work without a legal employment contract. Most victims of forced labor suffered the following practices: debt bondage, holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. Domestic workers, especially migrant female domestic workers, were sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor and sets the minimum age for employment at 16, with an exception for children who voluntarily participate in family businesses. The law prohibits employment of children under age 18 in “any work that may have a detrimental effect on health, education, safety, or conduct,” but there was no list of such activities. The law prescribes a fine of no less than MVR 1,000 (\$65) and no more than MVR 5,000 (\$325) for infractions.

The Ministry of Gender, Family, and Social Services, the Ministry of Economic Development, and the Family and Child Protection Unit of the MPS are tasked with receiving, investigating, and taking action on complaints of child labor. According to the LRA, the MPS and the Ministry of Gender, Family, and Social Services none of the complaints received related to child labor or employment of minors. Additionally, the LRA found no cases of child labor during its regular labor inspections during the year. Resources, inspections, and remediation were inadequate, because no additional resources were dedicated specifically to uncover additional child labor cases.

Government officials and civil society groups reported concerns that some Bangladesh migrant workers in the construction and service sectors were under 18, but possessed passports stating they were older. Civil society groups also reported that minors were used in the transport of drugs for criminal gangs.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination with respect to employment and occupation based on race, color, sex, political opinion, religion, social origin, marital status, or family obligations. The government generally enforced those laws and regulations, with some exceptions that included unequal pay for women and discrimination in working and living conditions of foreign migrant workers, especially from Bangladesh.

According to NGOs, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law. The law and constitution prohibit discrimination against women for employment or for equal pay or equal income, but women tended to earn less than men for the same work and also because they tended to work in lower-paying industries. The absence of child-care facilities made it difficult for women with children to remain employed after they had children.

The Employment Act establishes an Employment Tribunal to examine and protect the rights of employers and employees in legal matters and other employment problems.

Discrimination against migrant workers was pervasive (see section 7.b.).

#### **e. Acceptable Conditions of Work**

The country does not have a national policy on minimum wage. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector. According to 2016 Asian Development Bank statistics, 8.2 percent of citizens lived below the poverty level of MVR 29 (\$1.90) per day.

The law establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. In March, President Solih announced civil servants would be allowed six months of maternity leave, instead of the previously allocated three months, and one month's paternity leave instead of the previously allocated three days. The law provides for a 48-hour per week

limit on work with a compulsory 24-hour break if employees work six days consecutively. Certain provisions in the law, such as overtime and public-holiday pay, do not apply to emergency workers, air and sea crews, executive staff of any company, or workers who are on call. Employee associations reported some government schools and hospitals placed a cap on overtime pay. The law mandates implementation of a safe workplace, procurement of secure tools and machinery, verification of equipment safety, use of protective equipment to mitigate health hazards, employee training in the use of protective gear, and appropriate medical care, but there were no national standards for safety measures, and as a result such measures were at the discretion of employers. The LRA also reported difficulties in assessing safety standards during inspections due to the lack of national standards. In January the government published safety regulations for the construction industry which requires employers to provide employees with safety equipment such as helmets, belts, and masks, but NGOs reported the government failed to monitor implementation of these standards. All employers are required to provide health insurance for foreign workers.

In 2013 parliament approved the country's accession to eight core International Labor Organization conventions, but the government had not finalized the bills required for the conventions to be legislated into domestic law as of December.

The LRA and Employment Tribunal are charged with implementing employment law, and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. The most common findings related to lack of or problematic provisions included in employment contracts and job descriptions, overtime and other pay, and problems related to leave. The LRA preferred to issue notices to employers to correct problems, because cases were deemed closed once fines were paid. The LRA typically gave employers one to three months to correct problems but lacked sufficient labor inspectors and travel funding to enforce compliance.

Migrant workers were particularly vulnerable to exploitation, worked in unacceptable conditions, and were frequently forced to accept low wages to repay their debts with employment agencies, especially within the construction sector. Female migrant workers, especially in the domestic service sector were especially vulnerable to exploitation. Employers in the construction and tourism industry often housed foreign workers at their worksites. Some migrant workers were exposed to dangerous working conditions, especially in the construction industry, and worked in hazardous environments without proper ventilation. During the year there were multiple accidents at construction sites in Male, including the death

of a migrant worker struck by a falling rock at a construction site in Hulhumale in February.

The Employment Act protects workers who remove themselves from situations that endanger health or safety without jeopardy to their employment.