



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Maldives and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Maldives has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Maldives – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 95 delegations and the presentation made and responses provided by the delegation of Maldives. I have also considered the actions taken by the Government of Maldives to implement the 198 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome progress achieved in the past two years in the area of human rights, including the establishment of the Presidential Commission on Investigation of Murders and Enforced Disappearances, the commitment to upholding the informal moratorium on the death penalty and to eliminating violent extremism through law enforcement and awareness raising. I also welcome measures taken to reform the judicial system, including changes in the court structure, enhancing the accountability and integrity of judges and achieving gender parity in the judiciary.

I commend the unprecedented steps taken by the government to minimize the adverse impact of the COVID-19 pandemic on human rights, including the recently passed Public Health Emergency Act mandated the Government to provide food, shelter and income support for vulnerable groups during a pandemic. I have also noted that the President has endorsed the establishment of a national mechanism for reporting and follow-up, with a view to ensuring coherence in the engagement of Maldives with international human rights mechanisms.

In relation to the recommendations of the UPR, I would draw the attention of the government to actions it might take to address concerns about religious intolerance towards non-Muslims and non-believers and of violence against adults and children promoting religious tolerance. I would also draw the government's attention to reports that religious extremism is on the rise in the country and its negative impact on the rights of women, children and human rights defenders, and I would encourage the Government to consider policies or actions it might undertake to address these concerns. I am concerned at the shrinking civic space, growing attacks on civil society organizations and increasing self-censorship that endanger the many human rights gains made under your Government.

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H. E. Mr. Abdulla SHAHID
Minister for Foreign Affairs
Republic of Maldives



I encourage Maldives to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Maldives to continue its efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Maldives of submitting a mid-term report and encourage the Government to continue with this practice on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Maldives in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H. E. Mr. Ibrahim RIFFATH
Attorney General
Republic of Maldives

Ms. Catherine HASWELL
United Nations Resident Coordinator
Republic of Maldives

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education.
- Withdrawing its reservation to article 18 of the International Covenant on Civil and Political Rights and to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women within a clear time frame and reviewing its reservation to article 16 (1), with a view to fully withdrawing it.

National human rights framework

- Adopting legislation to criminalize marital rape without any exemptions and undertaking legislative reforms to prevent domestic violence against women.
- Pursuing efforts to adopt a national plan to prevent and combat violent extremism.
- Strengthening the independence, accountability and functioning of the Human Rights Commission of Maldives, including with adequate funding and staffing, in line with the Paris Principles.
- Accelerating efforts towards the effective functioning of a national mechanism for implementation, reporting and follow-up.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Repealing all the provisions that discriminate and stigmatise persons on the basis of their gender identity or sexual orientation.
- Removing from Maldivian law all provisions that discriminate on the basis of religion, namely those regarding citizenship.
- Taking measures to ensure that religion and culture were not used to justify violations of internationally recognized human rights, including the rights of women, in any law or statement by the Government.

Development, the environment, and business and human rights

- Promoting economic, social and sustainable development to improve people's living standards and providing a solid foundation for the enjoyment of all human rights.

- Ensuring that women, especially rural women, children, persons with disabilities and indigenous and local communities are meaningfully represented in decision-making and policy-making regarding plans and policies aimed at disaster management and in response to the impact of climate change.
- Adapting its legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from its territory, and undertaking awareness-raising campaigns with the tourism industry on the prevention of child sex tourism, including among travel agents and other members of the tourism industry.

Human rights and counter-terrorism

- Revising the anti-terrorism law to guarantee human security and uphold human rights principles.
- Ensuring that de-radicalization, rehabilitation and reintegration programs are developed and implemented in a way that guarantee human security and uphold human rights principles.
- Strengthening the international and regional cooperation in combating terrorism while respecting human rights.

B. Civil and political rights

Right to life, liberty and security of person

- Continuing to uphold its moratorium on executions, considering commuting all remaining death sentences and considering amending its laws in order to abolish the death penalty for all crimes.
- Removing from its legislation any potential legal justification for torture or other cruel, inhuman or degrading treatment or punishment.
- Investigating promptly, thoroughly and impartially all deaths in custody and ensuring that perpetrators were punished appropriately and that the families of the deceased received compensation.

Administration of justice, including impunity, and the rule of law

- Investigating impartially and effectively all complaints of torture and ill-treatment, including to ensure effective cooperation between police investigators and the national Human Rights Commission charged with receiving complaints of torture.
- Strengthening access to justice for victims of gender-based violence, investigating all allegations of sexual violence in a timely manner and bringing perpetrators to justice.
- Strengthening the independence of the judiciary; establishing legal remedies that were expeditious and accessible to women; and ensuring, through adequate regulations and procedures, that women who reported violations, especially in cases of violence, were treated in a gender-sensitive manner at all stages of judicial proceedings.

Fundamental freedoms

- Taking effective measures, including legislative measures, to prevent and eliminate all forms of religious intolerance and of discrimination on the grounds of religion or belief, and promoting religious tolerance and dialogue in society, including through facilitating an open public debate on religious issues.
- Prosecuting members of fundamentalist groups that were inciting violence, including online, and taking measures to effectively address the growing problem of online hate speech.
- Ensuring human rights defenders and non-governmental organizations are able to operate without undue interference and fear of reprisals.

Prohibition of all forms of slavery

- Ensuring that current efforts towards implementing the Prevention of Human Trafficking Act included procedures for access to fair and efficient asylum procedures for victims of trafficking who might be in need of international protection.
- Establishing appropriate protocols aimed at the early identification and referral of, and assistance to and support for victims of trafficking, especially migrant and rural women, and developing mechanisms for the investigation, prosecution and punishment of trafficking offenders.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Enhancing awareness among women employees, including migrant women, about the Employment Act, in particular on sexual harassment and about remedies available to protect their rights.
- Providing sex-disaggregated data on the position of women in the labour market and reducing the gender pay gap, including by addressing occupational sex segregation and enforcing the principle of equal pay for work of equal value.
- Regulating and monitoring the working conditions of migrant women employed as domestic workers to protect them from exploitative labour, through increased inspections and the imposition of fines on abusive employers.

Right to social security

- Ensuring that women benefit from all social schemes in place on an equal basis with men and, in particular, increasing the participation of women, including self-employed women, in the retirement pension scheme.
- Designing and implementing public policies to extend social protection coverage to women in the informal economy and self-employed women.

Right to an adequate standard of living

- Providing affordable social housing, enacting the Tenancy Bill and strengthening the regulatory framework on rights of tenants.

Right to health

- Incorporating the response to the global and local effects of the COVID-19 pandemic in the implementation of the 2019-2023 Strategic Action Plan, in particular to minimize its impact on families.
- Increasing access to obstetric health services, including prenatal and postnatal services, for women, in particular for rural women, by ensuring effective access to universal health insurance and increasing the number of skilled health-care personnel.
- Providing adequate funding for sexual and reproductive health services for all, including for vulnerable groups through the new reproductive, maternal, new-born, child and adolescent health strategy.

Right to education

- Continuing its efforts to guarantee the right to a free and compulsory education for all and across the country.
- Promoting gender equality and tackling negative stereotypes, through the curricula and the wider education system, and continuing to improve the inclusivity of the education system for children with disabilities.
- Implementing the inclusive education policy and ensuring that inclusive education was given priority over the placement of children in specialized institutions and classes.

D. Rights of specific persons or groups

Women

- Adopting a national action plan for the elimination of gender-based violence, domestic violence and sexual harassment, in consultation with the health, police, justice and social sectors and with civil society.
- Decriminalizing and abolishing the imposition of flogging as a sentence for consensual sexual relations outside marriage.
- Enacting legislation explicitly prohibiting female genital mutilation as a harmful practice, combat that practice, including through raising awareness of its harmful effects, and holding religious leaders who promoted it accountable.
- Strengthening victim assistance and rehabilitation, by establishing a comprehensive care system for women who were victims of violence, including medical and psychological support, counselling and rehabilitation services, throughout its territory.

Children

- Strengthening awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, judges and prosecutors.



- Continuing efforts to ensure children's access to education, including all children with disabilities.

Persons with disabilities

- Adopting a human rights-based approach to disability; setting up a comprehensive strategy based on statistical data, disaggregated by relevant factors, for the inclusion of children with disabilities; and allocating sufficient resources for the full implementation of the Protection and Financial Assistance to Persons with Disabilities Act.
- Strengthening efforts to ensure that children with disabilities had access to health care, including early detection and intervention programmes, and undertaking awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

Migrants, refugees and asylum seekers

- Articulating a national refugee protection framework through the development of administrative orders and instructions and asylum adjudication or registration structures so as to allow asylum issues to be handled in an immediate, constructive, collaborative and rights-based manner.
- Establishing procedures to identify and support asylum seekers among the broader categories of migrants who might otherwise be at risk of persecution if deported.

Stateless persons

- Adopting national legislation for guiding the prevention and reduction of statelessness and the protection of stateless persons.