



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Maldives

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Rights of the Child recommended that Maldives ratify the core human rights instruments to which it is not yet a party, namely, 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 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.³

3. The Committee on the Elimination of Discrimination against Women recommended that Maldives consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.⁴

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Maldives was not a party to: the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness.⁵

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Maldives ratify the Convention against Discrimination in Education and encouraged it to ratify the Convention for the Safeguarding of the Intangible Cultural



Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.⁶

6. The Committee on the Elimination of Discrimination against Women recommended that Maldives honour its commitment to withdraw its reservation to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women within a clear time frame and to review its reservation to article 16 (1), with a view to fully withdrawing it.⁷

7. The Committee on the Rights of the Child encouraged Maldives to consider withdrawing its reservations to articles 14 (1) and 21 of the Convention on the Rights of the Child.⁸

III. National human rights framework⁹

8. The Committee on the Elimination of Discrimination against Women called upon Maldives to incorporate the Convention into the national legal system in order to make its provisions directly applicable and enforceable by the courts.¹⁰

9. The same Committee recommended that Maldives conduct a systematic gender review of its legislation as part of the ongoing legal reform with a view to bringing it into full compliance with the Convention and ensuring that all discriminatory provisions, including family and criminal law provisions, were repealed or amended. It also recommended that Maldives enact the regulations required for the full implementation of the Domestic Violence Prevention Act and the Prevention of Human Trafficking Act.¹¹

10. The Committee against Torture recommended that Maldives revise the Anti-Torture Act to ensure that it provided for punishment commensurate with the gravity of the offence of torture and did not condition punishment on the duration of the victim's hospitalization, noting that some forms of torture might not inflict physical suffering at all.¹²

11. The Committee against Torture was concerned that the Human Rights Commission of Maldives had not obtained A status accreditation from the Global Alliance of National Human Rights Institutions on several grounds, including concern that it might be interpreting its mandate in a manner inconsistent with international human rights law, particularly with regard to recognized protection against all forms of cruel, inhuman or degrading treatment or punishment and with regard to the founding legislation that provided that all members of the Commission must be Muslim.¹³

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁴

12. The Committee on the Rights of the Child was concerned about the discrepancy between article 20 of the Constitution, on the equality of all citizens, and article 9 (b) thereof, which required citizens to be Muslims and provided that non-Muslims were excluded from obtaining citizenship.¹⁵

13. To fight against discrimination and develop a more inclusive society, the Special Rapporteur in the field of cultural rights recommended that the Government modify discriminatory constitutional provisions to bring them into line with its international human rights treaty obligations, take measures to ensure that religion and culture were not used to justify violations of internationally recognized human rights, including the human rights of women, in any law or statement by the Government, or to excuse the failure of Maldives to fulfil its obligations under international law to eliminate discrimination.¹⁶

14. The Special Rapporteur in the field of cultural rights also recommended that Maldives establish a helpline and counselling services for victims of discrimination, fully implement the Gender Equality Act and guarantee equality between men and women in matters relating to family law, in particular by ensuring, de jure and de facto, the right of women to inherit property on an equal basis with men. She further recommended that the Government conduct a gender impact analysis of existing laws, strengthen efforts to combat discriminatory stereotypes and promote the values of the substantive equality of women and men in society as a whole, including through general and targeted awareness-raising campaigns.¹⁷

15. The Committee on the Rights of the Child urged Maldives to ensure that all children within its jurisdiction enjoyed all the rights enshrined in the Convention without discrimination. The Committee also urged Maldives to amend its legislation in order to eliminate any discrimination against girls, children born out of wedlock or following out-of-court marriages and lesbian, gay, bisexual, transgender or intersex children. The Committee encouraged Maldives to use legislative, policy and educational measures, including sensitization and awareness-raising, to end the stigmatization of girls, children born out of wedlock or following out-of-court marriages and lesbian, gay, bisexual, transgender or intersex children.¹⁸

2. Development, the environment, and business and human rights¹⁹

16. The Committee on the Elimination of Discrimination against Women called upon Maldives to ensure that women were represented and participated in decision-making and policymaking regarding plans and policies aimed at disaster management and in response to the impact of climate change. It recommended promoting gender equality as an explicit component of such plans and policies and ensuring that women, in particular rural women, were consulted in their development.²⁰

17. The Committee on the Rights of the Child was concerned that, while tourism constituted the main pillar of the country's economy, and child prostitution was reported to take place in the tourist environments of beaches, safari boats and guesthouses, Maldives had not yet adopted measures to protect children from violations of their rights that might arise from tourism activities, especially child sex tourism.²¹

18. The same Committee recommended that Maldives adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from its territory, undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism and widely disseminate the charter of honour for tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and other members of the tourism industry.²²

B. Civil and political rights

1. Right to life, liberty and security of person²³

19. The Committee against Torture welcomed the information from Maldives that it intended to uphold the 65-year moratorium on the death penalty. While noting that, since the inauguration of the new President, the sentences of 15 of the 18 persons who had been sentenced to death in the country had been commuted to life imprisonment, the Committee expressed its continued concern that some of the individuals on death row had alleged that they had been convicted on the basis of confessions that had been obtained through torture and that some had been convicted for crimes allegedly committed when they were juveniles.²⁴

20. The same Committee recommended that Maldives continue to uphold its moratorium on executions, consider commuting all remaining death sentences and consider amending its laws in order to abolish the death penalty for all crimes.²⁵

21. The Committee on the Rights of the Child was gravely concerned that the Juvenile Court had sentenced five children to death in three separate cases (one in 2013 and two in 2015). It urged Maldives to, with the utmost priority, ensure that the death penalty was not carried out on persons under 18 years of age or on persons who were under 18 at the time of

the commission of the crime, including for *hadood* offences and *qisas* cases, replace any such death sentences with an appropriate alternative sanction and work with families of murder victims to encourage pardons for *qisas* cases.²⁶

22. The Committee against Torture was concerned that the 23 deaths in custody investigated by the Human Rights Commission of Maldives, all of which were alleged to have resulted from natural causes, did not reflect the total number of actual deaths in custody that had occurred during the relevant time period. Additionally, the Committee was seriously concerned about the seven cases of unexplained deaths in custody that were reported to the Commission between August 2016 and October 2017 and about reports of deaths in custody owing to lack of medical care and medicines. The Committee recommended that Maldives investigate promptly, thoroughly and impartially all deaths in custody and ensure that perpetrators were punished appropriately and that the families of the deceased received compensation.²⁷

23. The same Committee was seriously concerned that many allegations of torture had been reported in connection with actions taken by the Maldives Police Service and the Maldives National Defence Force during the state of emergency introduced by the previous Government on 5 February 2018, despite the fact that article 255 (b) (12) of the Constitution stipulated that measures adopted during a state of emergency could not restrict article 54 of the Constitution, which prohibited torture, and that section 16 of the Anti-Torture Act stipulated that a state of war, political unrest, increased rate of crime or state of emergency could not excuse or justify acts of torture, cruel, inhuman or degrading treatment or punishment.²⁸

24. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the absolute and non-derogable character of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment, urged the Government of Maldives to: (a) remove from its legislation any potential legal justification for torture or other cruel, inhuman or degrading treatment or punishment; (b) remove from its legislation any statute of limitation for such acts; (c) to reverse the amendments made to the Prisons and Parole Act which further limited the rights of a person deprived of their liberty, in contravention of international law; (d) completely abolish all forms of corporal punishment and the death penalty; and (e) permanently remove or repurpose any facilities constructed with a view to carrying out the death penalty.²⁹

25. The Committee against Torture was concerned about reports of the widespread practice of torture and ill-treatment of persons deprived of their liberty with a view to extracting confessions. It was also concerned that confessions allegedly resulting from the torture of suspects had been accepted as evidence in judicial proceedings. It recommended that Maldives ensure, in law and in practice, that any statement resulting from torture or cruel, inhuman or degrading treatment was not invoked as evidence in court, except against the persons who had carried out those acts and ensure that courts dismissed in practice all cases in which evidence had been obtained as a result of coerced confessions, investigate and prosecute all such allegations of torture and ill-treatment and provide redress to victims.³⁰

2. Administration of justice, including impunity, and the rule of law³¹

26. The Committee against Torture recommended that Maldives promptly, impartially and effectively investigate all complaints of torture and ill-treatment, including to ensure effective cooperation between police investigators and bodies charged with receiving complaints of torture, particularly the Human Rights Commission of Maldives and the National Integrity Commission, for example by establishing an independent mechanism to assist in the investigation of allegations of torture and ill-treatment so that there was no hierarchical connection between the investigators and the alleged perpetrators, and to ensure that all persons under investigation for having committed acts of torture or ill-treatment were immediately suspended from their duties and remained so throughout the investigation, while ensuring that the principle of presumption of innocence was observed.³²

27. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment strongly urged Maldives: (a) to publicly and unequivocally reaffirm a zero-tolerance policy for torture or ill-treatment; (b) to clearly communicate that policy throughout

the services of all branches of Government; (c) to announce severe disciplinary sanctions for violations, including any participation, complicity or complacency for torture or ill-treatment; (d) to instruct and train all officials of the military, police, correctional and similar services to ensure that they performed their duties in line with international human rights standards; and (e) to undertake prompt and impartial investigations wherever there were reasonable grounds to believe that an act of torture or ill-treatment had been committed and to prosecute and punish the perpetrators.³³

28. The Committee on the Elimination of Discrimination against Women urged Maldives to expedite the adoption of bills pending before the parliament aimed at strengthening the country's administration of justice, in particular the bills on legal aid, evidence, witness protection, juvenile justice and the judiciary, remove evidentiary requirements that were discriminatory against women and ensure the equal consideration and weight of women's testimonies as witnesses.³⁴

29. The same Committee recommended that Maldives strengthen the independence of the judiciary, establish legal remedies that were expeditious and accessible to women and ensure, 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. It also recommended that Maldives increase the representation of women in the judiciary, in particular among judges and court officials.³⁵

30. The Committee against Torture recommended that Maldives promptly create an impartial and effective transitional justice mechanism mandated to investigate allegations of torture and cruel, inhuman and degrading treatment or punishment committed in the past, including prior to 2012.³⁶

31. The same Committee also recommended that the new Commission on Murders and Disappearances be provided with adequate personnel and technical support to effectively investigate cases reported to it and that information be regularly published on its progress. The Committee encouraged the Commission to ensure the accountability of the perpetrators, including with regard to the disappearance in 2014 of journalist Ahmed Rilwa, and recommended that Maldives make public the reports of previous inquiries concerning acts amounting to violations of the Convention, including the full report of the commission established to investigate the mistreatment and killing of prisoners in Maafushi jail on 20 September 2003.³⁷

3. Fundamental freedoms and the right to participate in public and political life³⁸

32. The Committee on the Rights of the Child was seriously concerned about reports of religious intolerance towards non-Muslims and non-believers and the general impunity enjoyed by those who committed violence against adults and children promoting religious tolerance. The Committee was also concerned about reports that religious extremism was on the rise in the country and that it had a severe impact on the rights of children to freedom of thought, conscience and religion.³⁹

33. The same Committee reiterated its previous recommendation that Maldives respect the right of the child to freedom of thought, conscience and religion, by 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 by promoting religious tolerance and dialogue in society, including through facilitating an open public debate on religious issues. Maldives should ensure that those committing violence in the name of religion were held accountable.⁴⁰

34. To combat the rise of fundamentalism, the Special Rapporteur in the field of cultural rights recommended that the authorities should: (a) urgently and effectively combat fundamentalist ideology in accordance with international standards, including in the sphere of education and through the promotion of culture and arts; (b) promote the universality of human rights and the separation of religion and the State as essential means of guaranteeing cultural rights and freedom of religion or belief for all, including by clarifying that such concepts were entirely compatible with respect for religion, in accordance with international standards; (c) prosecute members of fundamentalist groups that were inciting violence,

including online; and (d) take measures to effectively address the growing problem of online hate speech.⁴¹

35. The Special Rapporteur also recommended that Maldives stop pressuring civil society organizations to censor themselves, lift without delay the suspension on the Maldivian Democracy Network and demonstrate commitment to freedom of expression. She further recommended that it ensure that human rights defenders and experts working to counter fundamentalism were able to do their work without facing restrictions, threats or coercion.⁴²

36. The Committee on the Elimination of Discrimination against Women recommended that Maldives conduct awareness-raising activities for politicians and community leaders, in particular men, as well as the general public, on the importance of the full and equal participation of women in leadership and decision-making roles with a view to eliminating social and patriarchal attitudes. It also recommended that Maldives increase the role and visibility of women in politics with a view to translating their engagement into leadership roles, targeting in particular current and potential women candidates, and provide incentives for political parties to nominate equal numbers of women and men as candidates.⁴³

4. Prohibition of all forms of slavery⁴⁴

37. UNHCR indicated that Maldives was known to be a destination country for human trafficking, including sex trafficking and especially forced labour. The trafficking of Maldivian children within the country was also an issue. Maldives maintained efforts to address the problems related to trafficking in persons by setting up a hotline for trafficking victims to report cases, a case management system and a predeparture screening system for Bangladeshi migrant workers. The Government had also established a working-level anti-trafficking unit within the Ministry of Economic Development. Maldives had also taken part in the consultative process for the Global Compact for Safe, Orderly and Regular Migration.⁴⁵

38. Despite progress achieved by the Government in addressing trafficking in persons, a number of shortcomings had undermined the protection of victims of trafficking and other persons. Reportedly, domestic and foreign victims in Maldives were exploited for forced labour and sex trafficking.⁴⁶

39. UNHCR noted that national instruments, including the Prevention of Human Trafficking Act, contained no protection mechanisms for victims of trafficking who might have international protection needs or who feared persecution or other serious harm upon return to their country of origin. There were no safeguards in place to ensure that those victims had access to fair and efficient asylum procedures to determine their claims and identify an appropriate durable solution.⁴⁷

40. UNHCR recommended that Maldives ensure 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.⁴⁸

41. The Committee on the Elimination of Discrimination against Women recommended that Maldives strengthen the implementation of the Prevention of Human Trafficking Act, including by enhancing capacity-building efforts for law enforcement and border patrol officers in order to identify potential victims of trafficking and allocate adequate resources to the Government Oversight Committee, as well as for the implementation of the national action plan against human trafficking. It also recommended that Maldives establish 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 develop mechanisms for the investigation, prosecution and punishment of trafficking offenders.⁴⁹

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁰

42. The Committee on the Elimination of Discrimination against Women recommended that Maldives enhance awareness among women employees, including migrant women,

about the Employment Act, in particular on sexual harassment, and about remedies available to protect their rights. It also recommended that Maldives provide sex-disaggregated data on the position of women in the labour market and reduce the gender pay gap, including by addressing occupational sex segregation and enforcing the principle of equal pay for work of equal value.⁵¹

43. The same Committee recommended that Maldives address obstacles preventing women from entering the labour market by promoting the reconciliation of the family and work responsibilities of women and men. It also recommended that Maldives regulate and monitor 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, and promote opportunities for women to seek employment in the tourism sector.⁵²

2. Right to social security

44. The Committee on the Elimination of Discrimination against Women remained concerned about the limited access for women to established social schemes, as reflected by the gender disparity in pension subscriptions and housing schemes. It invited Maldives to ensure that women benefited from all social schemes in place, on an equal basis with men, and, in particular, to increase the participation of women, including self-employed women, in the retirement pension scheme.⁵³

45. The same Committee also recommended that Maldives design and implement public policies to extend social protection coverage to women in the informal economy and self-employed women.⁵⁴

3. Right to health⁵⁵

46. The Committee on the Elimination of Discrimination against Women recommended that Maldives expedite the adoption of the maternal and child health bill, increase access to obstetric health services, including prenatal and postnatal services, for women on all atolls and islands of Maldives, in particular for rural women, by ensuring effective access to universal health insurance and increasing the number of skilled health-care personnel, ensure age-appropriate education on sexual and reproductive health and rights, including information about available contraceptive methods and family planning, in order to reduce unwanted pregnancies and early pregnancies, remove restrictions applied in practice by health-care personnel to unmarried girls and collect data, disaggregated by age and geographical location, and conduct research on unsafe and illegal abortions.⁵⁶

4. Right to education⁵⁷

47. UNESCO noted the large increase in school enrolment rates in Maldives, with a gross enrolment ratio of 91 per cent at the pre-primary level and the achievement of almost universal participation at the primary, secondary and lower-secondary levels. Only 45 per cent of children transitioned from the lower-secondary level to the higher-secondary level, owing to lack of access. Higher-secondary courses only existed in 59 of 212 schools in Maldives, so children must therefore migrate to another area in order to continue their studies. The country's geography also made it difficult to implement and monitor the national school curricula, and certain atolls performed at a lower level than others, illustrating a geographical divide in school performance and the quality of education.⁵⁸

48. There was gender parity in education at the pre-primary and primary levels, but at the tertiary level, enrolment rates were much lower among women. Maldives had made efforts to improve the provision of education for children with disabilities across the country. In 2017, there were 52 specialized units and 178 schools with teachers trained in catering to children with disabilities, reaching over 1,172 students. Given that, in 2017, the primary school attendance rate was 85 per cent among students with disabilities and 94 per cent among non-disabled students, a certain level of disparity continued to exist.⁵⁹

49. UNESCO recommended that Maldives enact the education bill to ensure a stronger protection of the right to education and ensure that access to higher-secondary level education was available across the atolls and that the quality and standard of curricula was assured

without geographical disparities. It also recommended that Maldives promote gender equality and tackle negative stereotypes, through the curricula and the wider education system, and continue to improve the inclusivity of the education system for children with disabilities.⁶⁰ The Committee on the Rights of the Child recommended that Maldives implement the inclusive education policy and ensure that inclusive education was given priority over the placement of children in specialized institutions and classes.⁶¹

D. Rights of specific persons or groups

1. Women⁶²

50. The Committee on the Elimination of Discrimination against Women urged Maldives to adopt specific legislation, within a clear time frame, to criminalize marital rape without any exemptions and to ensure the effective implementation of the Domestic Violence Prevention Act, including by allocating adequate financial resources for the implementation of the national strategy for the prevention of domestic violence and establishing mechanisms to ensure that law enforcement officers responded to and investigated complaints regarding violence against women and that perpetrators were prosecuted and punished.⁶³

51. The same Committee recommended that Maldives put into place an effective system to monitor and evaluate the implementation, effectiveness and impact of the new legislative framework and collect data on the number of prosecutions and convictions of perpetrators, disaggregated by relevant factors, and strengthen 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 and, to that end, increase the effectiveness of the family and protection services centres and safe houses by providing adequate funding and trained personnel.⁶⁴

52. The same Committee also reiterated its recommendation that Maldives decriminalize and abolish the imposition of flogging as a sentence for consensual sexual relations outside marriage.⁶⁵

2. Children⁶⁶

53. The Committee on the Rights of the Child urged Maldives to put an end to harmful practices against children, in particular to ensure that the minimum age of marriage set at 18 in article 4 (a) of the Family Act was upheld, enact 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, and strengthen 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.⁶⁷

54. The same Committee also urged Maldives to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, it urged Maldives: (a) not to apply penalties for *hadood* offences to children under the age of 18; (b) to raise the age of criminal responsibility to an internationally acceptable standard; (c) to adopt without further delay the bill on juvenile justice, ensuring that its provisions fully complied with the provisions and principles of the Convention, as well as other international standards on the administration of juvenile justice, including the hearing of the child during criminal proceedings; and (d) to abolish flogging as a sentence for crimes.⁶⁸

55. The Committee on the Elimination of Discrimination against Women recommended that, in exceptional cases of the marriage of persons under 18 years of age, the age limit be set at 16 years and that court authorization be required in all such cases.⁶⁹

56. The Committee on the Rights of the Child was concerned that article 28 of the Law on the Protection of the Rights of the Child provided for three cases in which a child was not entitled to any rights provided by that Law: a child who entered into a contract of marriage; a child who became a parent; and a child who was employed.⁷⁰

57. The same Committee recommended that Maldives adopt legislative safeguards for the protection of children working in family businesses and a comprehensive list of exploitative and hazardous work prohibited for children, provide labour inspectors with mandatory training on recognizing and addressing child labour and strengthen its labour inspections. The Committee also recommended that Maldives seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in that regard.⁷¹

3. Persons with disabilities⁷²

58. The Committee on the Rights of the Child was concerned about the lack of full implementation of the Protection and Financial Assistance to Persons with Disabilities Act. It remained concerned about the stigmatization of children with disabilities, the absence of data, disaggregated by relevant factors, on children with disabilities and their lack of access to health services.⁷³

59. The same Committee urged Maldives to adopt a human rights-based approach to disability, set up a comprehensive strategy based on statistical data, disaggregated by relevant factors, for the inclusion of children with disabilities, allocate sufficient resources for the full implementation of the Protection and Financial Assistance to Persons with Disabilities Act, ensure that all children with disabilities were included in the disability registry, remove any existing financial or other obstacles to such registration, strengthen its efforts to ensure that children with disabilities had access to health care, including early detection and intervention programmes and undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.⁷⁴

4. Migrants, refugees and asylum seekers⁷⁵

60. UNHCR noted that, in January 2019, Maldives had reported that 144,607 migrants were on a work visa, while more than 63,000 were estimated to be living as irregular migrant workers. They were mainly migrants entering the construction and service sectors who, whether documented or undocumented, had been left vulnerable to fraudulent recruitment, the confiscation of identity and travel documents, non-payment of wages and debt bondage.⁷⁶

61. UNHCR also noted that there was neither an asylum adjudication system in the country nor a national refugee protection mechanism in place. The accession to the Convention relating to the Status of Refugees and the establishment of a national legal framework on asylum would enable the Government to adequately protect asylum seekers and refugees, in line with its international obligations. UNHCR stood ready to work closely with the Government and the Human Rights Commission to meet the existing and potential challenges of displacement, as well as on the management of individual asylum claims, including on immediate capacity enhancement.⁷⁷

62. UNHCR recommended that Maldives articulate 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.⁷⁸

63. UNHCR recommended that Maldives respect the right to seek asylum by enabling effective and unhindered access to its territory and full compliance with the principle of non-refoulement. It also recommended that Maldives establish procedures to identify and support asylum seekers among the broader categories of migrants who might otherwise be at risk of persecution if deported.⁷⁹

64. UNHCR recommended that Maldives ensure that the detention of persons in need of international protection was only used as a measure of last resort and, where necessary, for as short a period as possible, and apply alternatives to detention. It also recommended that Maldives establish a regular information-sharing platform with UNHCR to enable the early identification of asylum seekers and the establishment of appropriate response mechanisms.⁸⁰

65. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stressed that the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment also applied to the working and living

conditions of migrant workers and members of their families. In that regard, he strongly recommended that the authorities: (a) ensure effective regulation and oversight of private recruitment agencies; (b) establish and enforce adequate working and accommodation standards; and (c) systematically impose penal, civil, labour and administrative sanctions for violations, exploitation and abuse on the part of involved employers, recruiters, officials and any other accomplices.⁸¹

5. Stateless persons⁸²

66. UNHCR noted that accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness would establish a framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.⁸³

67. UNHCR recommended that Maldives draft and adopt national legislation for guiding the prevention and reduction of statelessness and the protection of stateless persons and continue its legislative, institutional and socioeconomic reforms to provide an effective framework to address gender mainstreaming, violence against women, religious intolerance and the risk of the creation of statelessness, particularly with regard to citizenship.⁸⁴

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Maldives will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/MVIndex.aspx.
- ² For relevant recommendations, see A/HRC/30/8, paras. 141.15–141.19, 141.22, 143.1–143.25, 143.30–143.32, 144.1–144.3 and 144.16–144.21.
- ³ CRC/C/MDV/CO/4-5, paras. 74–75.
- ⁴ CEDAW/C/MDV/CO/4-5, para. 25.
- ⁵ UNHCR submission for the universal periodic review of Maldives, p. 1.
- ⁶ UNESCO submission for the universal periodic review of Maldives, para. 9.
- ⁷ CEDAW/C/MDV/CO/4-5, para. 9.
- ⁸ CRC/C/MDV/CO/4-5, para. 7.
- ⁹ For relevant recommendations, see A/HRC/30/8, paras. 141.1–141.7, 141.99, 143.26–143.29, 143.57–143.58, 144.4–144.5, 144.9 and 144.49.
- ¹⁰ CEDAW/C/MDV/CO/4-5, para. 11.
- ¹¹ *Ibid.*
- ¹² CAT/C/MDV/CO/1, para. 20.
- ¹³ *Ibid.*, para. 15.
- ¹⁴ For relevant recommendations, see A/HRC/30/8, paras. 141.21, 143.76 and 144.6–144.8.
- ¹⁵ CRC/C/MDV/CO/4-5, para. 26.
- ¹⁶ A/HRC/43/50/Add.2, para. 94.
- ¹⁷ *Ibid.*
- ¹⁸ CRC/C/MDV/CO/4-5, para. 27.
- ¹⁹ For relevant recommendations, see A/HRC/30/8, paras. 141.126–141.129 and 143.71.
- ²⁰ CEDAW/C/MDV/CO/4-5, para. 43.
- ²¹ CRC/C/MDV/CO/4-5, para. 20.
- ²² *Ibid.*, para. 21.
- ²³ For relevant recommendations, see A/HRC/30/8, paras. 143.43–143.44, 144.12–144.15 and 144.22–144.39.
- ²⁴ CAT/C/MDV/CO/1, para. 33.
- ²⁵ *Ibid.*, para. 34.
- ²⁶ CRC/C/MDV/CO/4-5, paras. 30–31.
- ²⁷ CAT/C/MDV/CO/1, paras. 23–24.
- ²⁸ *Ibid.*, para. 17.
- ²⁹ Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his official visit to Maldives, 17–24 November 2019.
- ³⁰ CAT/C/MDV/CO/1, paras. 39–40.
- ³¹ For relevant recommendations, see A/HRC/30/8, paras. 141.74–141.78, 143.45–143.56, 143.73–143.75, 143.77–143.78 and 144.40–42.
- ³² CAT/C/MDV/CO/1, para. 10.
- ³³ Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his official visit to Maldives.
- ³⁴ CEDAW/C/MDV/CO/4-5, para. 13.
- ³⁵ *Ibid.*
- ³⁶ CAT/C/MDV/CO/1, para. 8.
- ³⁷ *Ibid.*
- ³⁸ For relevant recommendations, see A/HRC/30/8, paras. 141.20, 141.82–141.90, 143.41, 143.59–143.66 and 144.43–48.
- ³⁹ CRC/C/MDV/CO/4-5, para. 34.
- ⁴⁰ *Ibid.*, para. 35.
- ⁴¹ A/HRC/43/50/Add.2, para. 98.
- ⁴² *Ibid.*
- ⁴³ CEDAW/C/MDV/CO/4-5, para. 29.
- ⁴⁴ For relevant recommendations, see A/HRC/30/8, paras. 141.66–141.70.
- ⁴⁵ UNHCR submission, pp. 1–2.
- ⁴⁶ *Ibid.*, p. 4.
- ⁴⁷ *Ibid.*
- ⁴⁸ *Ibid.*
- ⁴⁹ CEDAW/C/MDV/CO/4-5, para. 25.
- ⁵⁰ For the relevant recommendation, see A/HRC/30/8, para. 141.98.
- ⁵¹ CEDAW/C/MDV/CO/4-5, para. 35.

- ⁵² Ibid.
- ⁵³ Ibid., paras. 38–39.
- ⁵⁴ Ibid., para. 35.
- ⁵⁵ For relevant recommendations, see A/HRC/30/8, paras. 141.103–141.108 and 143.68.
- ⁵⁶ CEDAW/C/MDV/CO/4-5, para. 37.
- ⁵⁷ For relevant recommendations, see A/HRC/30/8, paras. 141.8–141.14, 141.81 and 141.109–141.116.
- ⁵⁸ UNESCO submission, pp. 4–5.
- ⁵⁹ Ibid., p. 5.
- ⁶⁰ Ibid., p. 6.
- ⁶¹ CRC/C/MDV/CO/4-5, para. 55.
- ⁶² For relevant recommendations, see A/HRC/30/8, paras. 141.34–141.65, 141.91–141.96, 141.131, 143.35–143.40, 143.42, 143.67 and 143.72.
- ⁶³ CEDAW/C/MDV/CO/4-5, para. 23.
- ⁶⁴ Ibid.
- ⁶⁵ Ibid., para. 45.
- ⁶⁶ For relevant recommendations, see A/HRC/30/8, paras. 141.23–141.33, 141.79–141.80, 141.97, 143.33–143.34 and 144.10–144.11.
- ⁶⁷ CRC/C/MDV/CO/4-5, para. 47.
- ⁶⁸ Ibid., para 69.
- ⁶⁹ CEDAW/C/MDV/CO/4-5, para. 45.
- ⁷⁰ CRC/C/MDV/CO/4-5, para. 24.
- ⁷¹ Ibid., para. 67.
- ⁷² For relevant recommendations, see A/HRC/30/8, paras. 141.117–141.121.
- ⁷³ CRC/C/MDV/CO/4-5, para. 54.
- ⁷⁴ Ibid, para. 55.
- ⁷⁵ For relevant recommendations, see A/HRC/30/8, paras. 141.71–141.72, 141.122–141.125 and 143.69–143.70.
- ⁷⁶ UNHCR submission, p. 1.
- ⁷⁷ Ibid., pp. 1–2.
- ⁷⁸ Ibid., p. 2.
- ⁷⁹ Ibid., p. 4.
- ⁸⁰ Ibid., p. 5.
- ⁸¹ Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his official visit to Maldives.
- ⁸² For the relevant recommendation, see A/HRC/30/8, para. 143.17.
- ⁸³ UNHCR submission, p. 3.
- ⁸⁴ Ibid.
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