

MALDIVES 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. Abdulla Yameen Abdul Gayoom won the presidential election in 2013, and most international observers and the local nongovernmental organization (NGO) Transparency Maldives (TM) determined it to be a credible and transparent election. Parliamentary elections held in 2014 were well administered and transparent according to TM, although there were credible reports of vote buying.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included the deterioration of democratic governance, as the executive branch increased its interference in legislative and judicial affairs; a politicized and inefficient judiciary; and political prisoners. The government severely restricted freedom of expression, including freedom of the press, by using an antidefamation law to silence dissenting voices and targeted harassment and arbitrary detention of journalists. The government restricted the freedoms of assembly and association, and freedom of religion. Same-sex sexual conduct is criminalized.

The government did not take steps to prosecute and punish police and military officers who committed abuses, and impunity for such abuses remained prevalent.

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 official reports of disappearances by or on behalf of government authorities. The government was taking steps to investigate disappearances reported in previous years.

In September, more than three years after the disappearance of independent news outlet *Maldives Independent* reporter Ahmed Rilwan, the Prosecutor General's Office charged three suspected gang members under the 1990 antiterrorism act that prohibits abduction. Rilwan's family continued to speak out publicly and blame senior government officials for Rilwan's disappearance and accused police of negligence in handling the case. The National Integrity Commission (NIC) continued to investigate the allegations against police. The UN Working Group on Enforced and Involuntary Disappearance did not publish its findings on the case.

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

The constitution and the Anti-Torture Act prohibit such practices, but the law permits flogging and other forms of corporal punishment, and security officials employed such practices.

According to the Human Rights Commission of Maldives's (HRCM) fourth annual antitorture report released during the year, the Maldives Police Service (MPS) was accused in 17 of the 30 cases of torture submitted to the commission between July 2016 and June 2017. The Maldives Correctional Service (MCS) was accused in 13 cases. In six of the cases alleging police torture, the victims were under the age of 18. The HRCM closed investigations in 29 of the 30 cases and found evidence of torture in one case, which was forwarded to the Prosecutor General's Office and was in trial as of November. There were several allegations of police brutality from journalists and opposition protesters, who were routinely arrested during antigovernment protests. In July independent Raajje TV said one of its reporters arrested while covering an antigovernment rally was kicked by police, following which the International Federation of Journalists in a statement condemned the police for "roughing up" journalists carrying out their professional duty.

Government regulation permits flogging as a form of punishment. The government did not release the statistics on flogging punishments for the year. According to a 2014 Supreme Court guideline, the court must delay the execution of a flogging sentence on minors until they reach the age of 18.

Prison and Detention Center Conditions

Although overcrowded and lacking adequate medical care, prisons generally met most international standards.

Physical Conditions: According to the Prisons and Parole Act, pretrial detainees should be held separately from convicted prisoners, but this was not always followed. The MCS oversaw the operation of three prison facilities: Maafushi Prison, Asseyri Prison, and Male Prison. The MCS also operated Hulhumale Detention Center and the Ahuluveri Marukazu rehabilitation center for inmates scheduled for parole, while the MPS operated Dhoonidhoo pretrial Detention Center and Male Custodial Center. Detainees reported overcrowding and inadequate hygiene and sanitation standards in prisons and pretrial detention facilities. The MCS prison system, with an estimated capacity of 1,450 prisoners and detainees, had a detainee population of 1,852 as of September. Maafushi Prison, which has a capacity of 745, held 1,112 detainees as of September. The MPS detention system, with an estimated capacity of 347 detainees, had a detainee population of 204 as of September. Authorities held undocumented migrant workers awaiting deportation or legalization in a facility that also housed convicts. While the Ministry of Home Affairs published a list of all places of detention in the country, they had not categorized which type of detainees could be held at specific facilities.

In February independent MP Ahmed Mahloof, who was serving an 11-month prison term, expressed concerns about prisoners being denied access to medical care, poor quality of food served to prisoners, and harsh detention conditions. The HRCM reported conditions varied across detention facilities. In most of the facilities overseen by the MCS and MPS, the HRCM reported detainees were not allowed to leave their cells except for visitation. In Male Prison and the maximum security unit of Maafushi Prison, detainees had reportedly not been allowed outside to exercise for more than a year. The HRCM reported poor ventilation and lack of electricity in cells at Dhoonidhoo Custodial Center. Solitary confinement was practiced at Maafushi Prisons in specialized cells without ventilation or electricity. Although inmates were not held in solitary for extended periods of time, they were not provided a mattress or pillow to sleep on.

The MCS received 420 complaints from detainees regarding inadequate access to medical care, as of July. The HRCM received 44 complaints from detainees regarding a lack of access to medical care, with 40 of the detainees in MCS detention facilities, and four in MPS custody. As of October the HRCM closed 17 of the cases, having found adequate medical care had been provided for detainees. The HRCM was continuing to investigate the remaining cases. In their fourth annual antitorture report, the HRCM reported arrangements were not made for specialist doctors to examine some inmates who claimed to have been tortured, as recommended by doctors. The HRCM reported that on average it took four to six

months for an inmate to secure an appointment with specialist doctors. Doctors and nurses were stationed for 24 hours at two of the five detention facilities overseen by the MCS. The MCS reported approximately 35 detainees required doctor consultation on a daily basis. Local hospitals did not set aside quotas for detainees, leading to difficulties in getting appointments for detainees to seek specialist care in a timely manner. Some high-profile convicts reported being denied permission to travel abroad for necessary medical treatment. In June Amnesty International called on the government to grant imprisoned former vice president Ahmed Adeeb's request to travel abroad to undergo cancer screenings and treatment for conditions including internal cysts, kidney stones, and glaucoma. As of November the government continued to deny the requests, stating Adeeb posed a high flight risk. In July, President Yameen said Adeeb would be granted medical leave once he paid back millions he had allegedly embezzled from the state. The government denied similar requests for high-profile prisoners Gasim Ibrahim and Mohamed Nazim.

Some political prisoners in Maafushi Prison faced significantly different conditions from those of the general prison population. According to the MCS, most high-profile prisoners were usually placed in a dedicated unit with larger cells and better ventilation and were also allowed out of their cells during the day.

In contrast to the treatment of other political prisoners, Adhaalath Party leader Sheikh Imran Abdulla was reportedly kept in solitary confinement in a poorly ventilated cell and allowed out only for visitation from May to September. He was transferred back to Maafushi Prison following a transfer to house arrest for the month of Ramadan. According to the Adhaalath Party, Imran's prison privileges were cut after he gave an interview to the press criticizing the government while under house arrest. MCS detention facilities usually suspended privileges such as family and conjugal visits, television privileges, and exercise time for detainees for violating the respective prison's individual "local orders," which were not publicized but posted at respective facilities.

There were seven cases of unexplained deaths in custody from August 2016 to October 2017. The NIC was investigating three of these deaths but had not concluded investigations as of October. The HRCM investigated six of the cases and concluded two of the cases were natural deaths. The HRCM had not concluded investigation in the four remaining cases, as of October. 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, in most cases the body was moved to a second location such as a hospital before the HRCM was able to inspect the bodies.

Administration: A police procedure introduced in 2016 prohibits meetings between detainees and legal counsel on Fridays and public holidays. Former solicitor general Ibrahim Riffath called the new procedure “unconstitutional,” saying only a law passed by parliament could narrow fundamental rights or freedoms.

Independent Monitoring: The government generally permitted regular and unannounced prison visits by the HRCM, which provided recommendations to the government to address deficiencies. As of July the HRCM conducted seven visits to prisons and other government centers. The HRCM reported that although it has the legal mandate to enter detention facilities without prior approval, the MCS and MPS required a letter signed by an HRCM commissioner before they were allowed access. Facilities required a commission member, appointed by the president, to accompany the visits. The NIC has a legal mandate to visit detention facilities as part of investigations in progress, but the commission reported MCS officers’ lack of awareness of the NIC mandate created difficulties. The NIC reported the MCS imposed arbitrary obstructions before investigation staff were allowed inside centers, such as requiring a letter from the commission listing the individuals who intended to participate in the visit and having a commission member present. The government generally permitted visits by the International Committee of the Red Cross (ICRC)/Red Crescent and other international assessment teams with prior approval. The ICRC conducted visits to all detention facilities during the year, but no report on its findings had been released by year’s end.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide the right for any person to challenge the lawfulness of his/her arrest or detention in court; however, the government failed to enforce the law consistently, especially in cases against members of the political opposition.

Former vice president Ahmed Adeeb was serving a 33-year prison sentence on multiple counts of corruption and terrorism, including for an alleged plot to kill the president, and was being kept in solitary confinement. Former prosecutor general Muhtaz Muhsin was serving a 17-year sentence for an alleged coup plot. Adhaalath Party leader Sheikh Imran Abdulla was serving a 12-year sentence for alleged terrorism. Former president Mohamed Nasheed, who was serving a 13-

year sentence for alleged terrorism, was granted refugee status by the United Kingdom while on temporary medical leave in 2016. Parliamentarian Ahmed Mahloof was released in June after serving 11 months for two counts of alleged obstruction of police duty.

Role of the Police and Security Apparatus

The MPS is responsible for internal security, public safety, and law and order, and is subordinate to the Ministry of Home Affairs. The Maldives National Defense Force (MNDF) is responsible for external security and disaster relief, but the MPS at times requested MNDF assistance in matters of internal security and law and order during some political protests. The chief of the MNDF reports to the minister of defense. The president is commander in chief of the MNDF.

Civilian authorities generally maintained control over the MPS and MNDF, and the government has mechanisms to investigate and punish abuse and corruption. The NIC is the primary mechanism to investigate abuses by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to the police for further investigation. The NIC reported a general lack of cooperation from the MPS in providing relevant information in a timely manner that obstructed NIC investigations. In November the NIC president was dismissed from his position after he posted a comment on social media about senior MPS officials obstructing NIC investigations. The MPS also refused to comply with certain NIC investigations on the basis the MPS was investigating the same cases internally. The NIC reported it received 61 complaints of MPS human rights violations as of July 31, but it had completed investigations in only three of the cases. Human rights organizations reported allegations of police brutality were not fairly adjudicated by the courts and, as a result, police enjoyed impunity. In September the Civil Court rejected a suit filed against the MPS by the family of deceased blogger Yameen Rasheed alleging the MPS had been negligent in failing to investigate several death threats against Rasheed since 2010. The Civil Court stated the case should be investigated by the NIC instead. In October the Civil Court used the same argument to dismiss a suit filed against the MPS by independent Raajje TV alleging police negligence in taking action to prevent a 2012 arson attack on their studio. The station reported it had received anonymous warnings of an imminent attack and had requested police protection prior to the attack.

There is no independent review mechanism to investigate abuses by military forces. Parliament and the judiciary, however, could initiate investigations on an

ad hoc basis. There were no reported complaints of human rights abuses by military forces, but in some instances, military forces interfered in civilian political activities. On July 24, military officers blocked MPs' access to parliament, and in July and March, MNDF officers serving as parliamentary security physically removed MPs from the building. Military officers also were stationed inside the parliament chambers during subsequent parliament hearings, although parliament security is usually a police function.

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, which came into force in July, allows police to arrest a person if a police officer has reason to believe that a person has committed, is committing, or is about to commit an offense or may attempt to destroy evidence of a major crime. The act introduced new arrest procedures, with which the MPS generally complied when making arrests. The MPS reported newer officers sometimes did not comply with the arrest procedures, such as timely informing of the reasons for an arrest. The law provides for an arrestee to be verbally informed immediately of the reason for arrest and to be informed in writing within 12 hours. Police did not consistently follow this requirement. Jumhooree Party secretary general Ahmed Sameer, who was arrested on the night of August 16 at an antigovernment protest, reportedly was not informed of the reason for arrest until the next morning.

Prisoners have the right to a ruling on bail within 36 hours, but bail procedures were not implemented consistently, and several lawyers and activists reported that judges were ignorant of bail procedures. 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 under 18 years of age, in which case a parent or guardian must be informed within four hours.

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, citing 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 it being classified a formal arrest. Human rights organizations and defense lawyers reported police routinely abused this provision to detain protesters as an intimidation tactic. As an example, on August 8, two employees and a volunteer working for TM who participated in a protest raising concerns over the police investigation of reporter Ahmed Rilwan's 2014 abduction were detained for four hours without questioning. The NIC confirmed proper arrest procedures were in place but noted police did not always fully implement them due to lack of adequate training. Sources reported police held the suspects under investigative or administrative detention without formal arrest as a way to remove opposition supporters and journalists from the streets.

In April the High Court ruled the April 6 arrest of Gasim Ibrahim was unlawful, since the arrest warrant was not requested by the prosecutor general, as required by law for the arrest of MPs. Gasim was released on April 13 following eight days in detention.

Pretrial Detention: Social media activist Ahmed Ashraf, who was arrested in Sri Lanka and returned to Maldives in 2015, was transferred to house arrest in March. He had been kept at a police custodial center since his 2015 arrest and extradition from Sri Lanka. Although he was first arrested on suspicion of "terrorism," he was charged for a separate offense of "threatening" a ruling party council member. His trial had been stalled without explanation since the last hearing held in March 2016. If convicted, Ashraf faces a maximum sentence of one-year imprisonment.

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 courts routinely delay trials in high-profile cases. As of November the High Court had not issued a ruling in opposition MP Faris Maumoon's appeal of a July 18 arrest warrant and July 19 remand order, despite having concluded appeal hearings in the first week of August. The appeal courts do 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 decision that stated 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 this right was not commonly exercised.

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, opposition members, UN High Commissioner for Human Rights Zeid Ra'ad al-Hussein, and members of domestic and international civil society at times accused the judiciary of bias and accused the executive branch of manipulating judicial outcomes. In his opening statement at the 36th session of the UN Human Rights Council in September, UN High Commissioner for Human Rights Zeid expressed concern over reports of continued violations of the right to a fair trial and allegations of political bias in the judiciary and called on the government to respect the right to an independent and impartial judiciary.

The five-member Supreme Court is constitutionally independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it. Many judges, appointed for life, held only a certificate in sharia, not a law degree. Most magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. An estimated one-quarter of the country's 183 judges had criminal records. Media, human rights organizations, and NGOs criticized the Judicial Service Commission for appointing unqualified judges and, according to a 2016 Commonwealth Human Rights Initiative report, the composition of the commission, tasked with vetting and appointing judges, was flawed, leading to a politicized judiciary. In its report the Commonwealth Human Rights Initiative

accused the Supreme Court of harshly targeting independent institutions and lawyers and failing to guarantee the right to a fair trial. There was no government response.

On September 10, the Supreme Court suspended 54 lawyers who had signed a petition calling for judicial reform and barred them from practicing in local courts, pending an investigation for contempt of court, obstructing and interfering with the independence of judges and the judiciary, and signing an “illegal” document. The 54 lawyers comprised 30 percent of the lawyers registered to practice at the Criminal Court and also included the entire legal teams for prominent opposition politicians. On August 21, the Department of Judicial Administration, which functions under the direct supervision of the Supreme Court, issued a statement warning it would take legal action, including suspension and disbarment of lawyers who criticized or misrepresented judicial rulings in public.

In June 2016 the Supreme Court rejected former minister of defense and national security Mohamed Nazim’s appeal of his 2015 conviction. On June 21, just after Nazim filed the appeal but prior to the Supreme Court ruling, the MPS revealed the investigations into Nazim’s case were incomplete, adding it uncovered new evidence not previously available to the court that may exonerate him. The Supreme Court did not consider this additional evidence when deciding on Nazim’s appeal. During Nazim’s trial the High Court denied the defense team’s request to present rebuttal evidence it claimed would have exonerated Nazim.

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. Some high-profile politicians, including opposition MPs Faris Maumoon and Gasim Ibrahim, reported authorities obstructed regular meetings with lawyers during detention. The constitution states the accused has the right not 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. The judiciary generally enforced these rights.

Islamic law as interpreted by the country is applied in situations not covered by civil law. The law provides for the right to legal counsel, and those convicted have the right to appeal. The testimony of women is equal to that of men in court, except on rape and other issues specifically stipulated by the country's legal code.

Political Prisoners and Detainees

The government asserted there were no political prisoners; however, the opposition, international and domestic NGOs, and members of the international community estimated there were at least four political prisoners and likely many more. The political prisoners identified by these groups were convicted of terrorism, weapons smuggling, or bribery charges. The Office of the High Commissioner for Human Rights and UN officials were allowed access to these prisoners on scheduled visits and upon request.

Former president Mohamed Nasheed, who was leader of the opposition Maldivian Democratic Party and ran against President Yameen during the 2013 presidential election, was subjected to a rushed trial in 2015 on terrorism charges and many of his due process rights were ignored, according to international observers. The UN Working Group on Arbitrary Detentions in September 2015 determined Nasheed's detention was politically motivated and assessed that serious due-process violations indicated Nasheed had not received a free and fair trial. The government announced its rejection of the working group's findings in a September 2015 press release. In January 2016 the government granted approval for Nasheed to travel to London on a medical furlough. He remained in London at year's end and stated he was unable to return due to concerns he would again be arbitrarily detained. In July former vice president Adeen claimed Nasheed's 13-year terrorism sentence was "masterminded under direct government scheming and influence" and offered to testify in the Supreme Court to provide evidence of his claims. The authorities had not responded at year's end.

Opposition Adhaalath Party leader Sheikh Imran Abdulla was sentenced to 11 years' imprisonment in February 2016 on terrorism charges on the grounds his

speech at an opposition rally incited protesters to become violent. Human rights NGO TM, however, asserted “during the speech Sheikh Imran repeatedly denied any intent of violence against the government.”

Opposition Jumhooree Party leader Gasim Ibrahim was sentenced to three years imprisonment in absentia in August on bribery charges. The grounds for his charge was a speech Gasim gave at an opposition rally in which he said opposition parties would grant party tickets for 2019 parliamentary elections to MPs who voted for a no-confidence motion submitted against the Speaker, which the court said amounted to offering a bribe to an elected official. The Criminal Court had initially dismissed the charges on July 11, but the government appealed the dismissal of charges against Gasim on July 12. Two of the judges on the trial bench were transferred to lower courts within hours of the dismissal, and new judge Adam Arif restarted the trial within days of the government’s appeal. Judge Arif held closed hearings in Gasim’s case and sentenced him in absentia in a ruling issued after midnight, while Gasim was hospitalized after collapsing in the courtroom hours earlier. In September the government authorized Gasim to travel to Singapore on a medical furlough. The government identified Gasim as a fugitive of the state when Gasim did not return within the time allotted for medical furlough. Gasim remained in Singapore under medical advisement. In November, Gasim traveled to Germany for further medical treatment, in contravention of a travel ban the government placed on him.

In January the government rejected the opinion of the UN Working Group on Arbitrary Detention that former defense minister Mohamed Nazim’s arrest and detention was arbitrary based on two of the five categories used by the group to establish an opinion. The working group recommended Nazim’s immediate release and that he be accorded an enforceable right to reparations. Nazim remained in detention and reportedly had chronic medical problems that remained unaddressed. In July former vice president Adeb claimed Nazim had been framed and offered to testify in the Supreme Court to provide evidence of his claims. The authorities had not responded to his offer at year’s end.

Civil Judicial Procedures and Remedies

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

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 reports, nevertheless, of illegal recording of telephone conversations and monitoring of text messages allegedly executed by MNDF and other government agencies.

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, but the government imposed legal restrictions on this freedom.

Freedom of Expression: The Anti-Defamation and Freedom of Expression Act enacted in 2016 criminalizes any expression that “contradicts a tenet of Islam, threatens national security, contradicts social norms, or encroaches on another’s rights, reputation, or good name.” The act imposes fines of up to two million Maldivian rufiyaa (MVR) (\$129,700) for violations and jail terms of up to six months for failure to pay fines. A fine can be appealed only after it is paid. According to the law, journalists can also be required to reveal the sources of alleged defamatory statements in direct contravention to Article 28 of the constitution, which states, “No person should be compelled to disclose the source of any information that is espoused, disseminated, or published by that person.” In August 2016 UN Special Rapporteur on Freedom of Expression David Kaye asserted the law limits the right to freedom of expression to such a degree that the right itself is in jeopardy. Political opposition parties and major NGOs condemned the bill as having an adverse effect on fundamental freedoms of expression.

Ministry of Youth 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.”

On several occasions police sought to limit free speech and expression by arresting and questioning individuals who participated in opposition political protests.

Journalists in particular were routinely detained while covering protests and held for several hours before being released without charges. According to media sources, the government directly and indirectly forbade civil servants from attending political protests, and some employees of public and private institutions were fired for similar reasons. Opposition parties reported difficulty conducting lawful rallies because of 2016 amendments to the Freedom of Peaceful Assembly Act that imposed additional restrictions on planning and execution of protests. Police and members of the military routinely monitored opposition rallies. Police reported they had dispersed six major protests and 30 smaller gatherings for violation of the Freedom of Peaceful Assembly Act, as of July 31. During the year police conducted several warrant-based raids on campaign headquarters of Maldives United Opposition coalition partners. Journalists reported police intimidation against protesters and journalists covering the raids and protests, including physical assault, use of pepper spray, and deliberate damage of equipment.

The constitution prohibits utterances contrary to tenets of Islam or the government's religious policies.

In a March 21 statement, Amnesty International called for the immediate release of opposition social media activist Thayyib Shaheem, who was arrested on March 16 on suspicion of spreading false information and "creating panic" through his tweets about a flu outbreak. Amnesty International believed he was detained for his criticism of a proposed large-scale development project and declared him a prisoner of conscience. Thayyib was released on April 17 following a month in Dhoonidhoo custodial center and had not been charged as of October. The Criminal Court had conditioned his release on his stopping criticism of the government on social media and his remaining in the country for 60 days. On March 13, police confiscated the telephone of another prominent social media activist, Shamoona Jaleel, who had also been critical of the proposed development project.

Press and Media Freedom: 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. Under the Anti-Defamation and Freedom of Expression Act, the government can impose heavy fines against media outlets that broadcast criminalized content and can revoke licenses of website and outlets that fail to pay the fines.

Between January and February, three journalists from independent news outlet Raajje TV were convicted and issued fines for obstruction of law enforcement officers after being arrested while covering an opposition protest and a bomb scare in 2015; a fourth reporter from the same outlet was fined MVR 50,000 (\$3,240) in March under the Anti-Defamation Act. The Maldives Broadcasting Commission (MBC) said the reporter had slandered a government official by publishing a rape victim's allegations that the official had covered up her case. The MBC also fined Raajje TV MVR 200,000 (\$13,000) in the same case. Days after Raajje TV paid the fine, the MBC issued another fine of MVR one million (\$64,850) against the outlet for broadcasting an opposition rally deemed defamatory towards the president. Other news outlets that also broadcast the rally were allegedly not fined. In October the MBC issued a fourth fine of MVR 500,000 (\$32,475) against Raajje TV for broadcasting an opposition politician's criticism of President Yameen deemed a threat to national security. Media claimed the charges and fines were part of the government's systematic attempts to silence free speech. They also reported media outlets and journalists could not afford the fines. Raajje TV sought public donations to pay off its fines.

Violence and Harassment: Authorities allegedly attacked, harassed, and intimidated media representatives.

The most significant incident of violence was the killing of Yameen Rasheed, blogger and social media activist, as cited in section 6. Some observers claimed police did not investigate the case thoroughly, nor did they respond to or investigate the multiple death threats Rasheed had previously reported to the police, according to Rasheed's social media accounts and his friends and family. After Rasheed's killing, several journalists and social media activists fled the country and took up self-exile in Sri Lanka and the United Kingdom due to threats of arrest by the government or fear of vigilante justice by religious extremists. Journalists believed the government used the investigations as an intimidation tactic to pressure media into not criticizing the government. During the year the government took statements from 11 journalists from three media stations.

Censorship or Content Restrictions: The Parliament Privileges Act and the Anti-Defamation and Freedom of Expression Act allow 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 political news following the passage of the Anti-Defamation and Freedom of Expression Act. During the year several outlets stopped publishing bylines to protect their journalists from possible punitive actions. Members of civil society organizations

and journalists said crackdowns on political opposition members led them to self-censor.

In August 2016, one day after the ratification of the Anti-Defamation and Freedom of Expression Act, the MBC ordered Medianet, the only private cable television provider in the country, to be more careful about self-censorship to avoid broadcasting “content which breaches social norms.” During the year the commission claimed that it continued to receive complaints of inappropriate content from some viewers. In June the MBC issued a fine of MVR 500,000 (\$32,425) against Medianet for rebroadcasting an al-Jazeera documentary that exposed alleged systemic corruption, abuse of power, and criminal activity by the Yameen administration. The MBC also ordered Medianet to issue a formal apology over broadcasting the content that it said, “threatened national security.” The fine imposed on Medianet was the fourth punitive action taken under the defamation act.

NGO sources stated media practiced self-censorship on matters related to Islam due to fears of harassment from being labeled “anti-Islamic.” Journalists also practiced self-censorship in reporting on problems in the judiciary or criticizing the judiciary.

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 March the MBC warned that it would take action against media outlets allegedly violating the antidefamation law, claiming that outlets spread falsehoods and slander that encouraged terrorism and harmed the nation’s ties with other countries. The Criminal Court also issued a similar threat to take action against reporters who “write reports which threaten peace, sow strife among the public, create misgivings in the hearts of the people towards institutions and heads of the Maldivian state, bring the three branches of the state into disrepute and sow discord among the public, some of which encourage terrorism.” In May the Department of Judicial Administration appealed for media organizations to refrain from “misrepresenting” judicial rulings in their reporting in May. In July the MBC announced media outlets would be penalized for covering any public gatherings that had not received authorization from authorities. In August the MBC again

issued a circular warning it would take action against media outlets allegedly violating the antidefamation law by spreading falsehoods about the government allegedly obstructing medical care to an opposition leader.

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. According to the International Telecommunication Union, 59 percent of the population had reliable access to the internet in 2016.

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. CAM did not proactively monitor internet content; instead, it relied on requests from ministries and other government agencies to block websites that violate domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibitions. The MPS reported it did not investigate any websites for unlawful content related to prohibitions on anti-Islamic rhetoric, pornography, child abuse, sexual and domestic violence, or other violations as of September. In May police issued a statement calling for four liberal bloggers who lived abroad to appear for police questioning on unspecified charges and warned they would be prosecuted if they failed to return to the country within two weeks. The bloggers reportedly feared they were being targeted for promoting secularism in their blogs and did not answer the summons.

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 and law provide for the freedoms of peaceful assembly and association, but the government restricted these freedoms.

Freedom of Peaceful Assembly

The constitution provides for “freedom of peaceful assembly without prior permission of the State,” but the government did not respect this right. In 2013 the president signed a law on peaceful assembly that restricts protests outside designated areas, and in August 2016 the president ratified an amendment to the law further restricting the designated areas for lawful protests. Protesters must obtain prior written permission from the MPS to hold protests in designated areas, which opposition MP Imthiyaz Fahmy condemned as unconstitutional. Opposition political parties expressed concern the amendment effectively banned protests in the city. As of July 31, police reported they had dispersed six major protests and 30 smaller gatherings for violation of the Freedom of Peaceful Assembly Act. Opposition parties also reported the police and Ministry of Housing routinely ignored requests to grant permission to hold protests in designated areas, while allowing and facilitating progovernment gatherings to proceed. In August the MPS shut down a street in Male City to facilitate a progovernment rally but refused to do the same for the opposition one day later.

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.

The Political Parties Act restricts registration of political parties and eligibility of state funds to those parties with 10,000 or more members. Existing parties with fewer than 10,000 members had three months to acquire enough members or they would be ineligible for state funding. In August 2016 the president ratified an amendment to the act requiring 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. TM and Maldives Democracy Network (MDN) 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 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. During the year, however, the government confiscated the passports of several members of the political opposition, restricting their foreign travel.

Exile: The penal code abolishes the use of banishment to a remote island as a punishment. Such sentences were common in the past. The implementation of such punishment was difficult because host communities increasingly refused to accept anyone sentenced for a crime. According to MCS statistics, there were eight individuals serving banishment sentences for periods shorter than life.

Citizenship: The law requires all citizens to be Sunni Muslims.

Protection of Refugees

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.

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: In Local Council elections in May, candidates opposed to the government won a majority of seats. NGOs TM and MDN noted several irregularities in the elections, including a “questionable” last-minute decision by the Elections Commission to extend voting time by two hours, although the law allows extension of predetermined voting hours only if voters are waiting in line when polls close. TM also highlighted several issues with the overall political and electoral environment, which “continue to cast a shadow on the electoral process,” including detention or exile of all opposition leaders, voting being delayed on three occasions, last-minute changes to candidacy requirements, vote buying, misuse of

state resources by the ruling coalition, and unfair restrictions on opposition's campaign activities.

Political Parties and Political Participation: On July 13, a Supreme Court ruling decreed any MP who is expelled from his or her party, or otherwise leaves his or her party, whether to join another party or become an independent, will lose the parliamentary seat. The same applies to any independent MP who joins a political party. The ruling Progressive Party of Maldives (PPM) used the ruling to oust 12 PPM-turned-opposition MPs it claimed were in violation of the Supreme Court ruling. These members argued they had either left or been ejected from the party prior to the ruling and should be allowed to retain their seats.

In March former president Maumoon Abdul Gayoom was ejected from his party, the PPM, by President Yameen loyalists after he signed a joint political declaration with leaders of opposition parties to work towards "restoring democracy." Based on a civil court order on April 1, police removed the PPM flag and signboard from Gayoom's office. Gayoom contested his removal, arguing Yameen's supporters had violated the party's rules in expelling him.

Participation of Women and Minorities: No laws limit participation of women in the political process, and they did participate. TM and the United Nations noted, however, a disproportionately low number of female candidates who contested in the local council elections in May. Thirty-nine women were elected as councilors from a total of 653 seats. There were five women in the 85-member parliament. Although women comprised 56.6 percent of the civil service, they filled only 37.4 percent of the civil service's high-level positions. Women's rights activists highlighted lack of effort to encourage political participation of women by both government and political parties.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: The independent Anti-Corruption Commission (ACC) has responsibility for investigating corruption charges involving senior government officials. According to the commission, 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. The Commonwealth Human Rights Initiative, which conducted a 2015 fact-finding mission, concluded independent institutions like the ACC were unable to fulfil their mandate due to "incessant interference from the judiciary and the government." As of July the ACC received 536 registered cases.

NGOs noted there was an increase in corruption practices at all levels of society and highlighted the case of a company belonging to ruling-party members winning a disproportionate number of government tenders. Judges were commonly believed to take bribes, and the ACC reported it was examining one such case. The president and ruling-party members of parliament were widely accused of illicit enrichment. Vote buying in parliament reportedly affected key legislative amendments.

On July 20, the president established by decree a Commission on State Assets Recovery. The commission was granted a mandate to analyze efforts taken by institutions to recover state assets highlighted by the Auditor General's Office and the ACC as misused or stolen. TM reported widespread corruption across the judiciary, legislature, and the executive branches and, in a July 20 statement, criticized the lack of effective government action to confront the problem. TM called on the government to strengthen independent commissions tasked with the legal mandate to deal with corruption, to establish a mechanism to monitor financing of political parties and campaigns, and to establish an effective mechanism for state officials to disclose financial assets. They also called for the criminalization of illicit enrichment.

Financial Disclosure: The constitution requires MPs 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. It was unclear whether 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 and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials rarely were cooperative and responsive to their views. TM and other NGOs reported an associations regulation passed in 2015 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. The independence of the HRCM was questioned by opposition political parties and NGOs.

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

Women

Rape and Domestic Violence: The law criminalizes spousal rape and gender discrimination in workplaces, including in educational institutions and service providers such as hospitals. 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.

The Ministry of Gender and Family received reports of rape and sexual offenses and conducted social inquiry assessments of cases they submitted to the MPS. The ministry also provides psychological support to victims during MPS investigations. The ministry reported receiving six cases of rape and 18 cases of sexual assault as of July 31.

As of July, 439 cases of domestic violence were reported to the MPS and 252 were reported directly to the Ministry of Gender and Family. The MPS forwarded nine of these cases to the Prosecutor General's Office for prosecution, one of which led to a conviction. The law covering all types of domestic relations prohibits physical, sexual, verbal, psychological, and financial abuse. It 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 act allows courts to issue restraining orders in domestic violence cases and criminalizes any actions against these orders. Officers were nevertheless reluctant to make arrests in cases of violence against women within the family, reportedly believing such violence was justified.

To streamline the process of reporting abuse against women and children, the Ministry of Gender and Family 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, and the ministry reported an insufficient budget to build new shelters on additional atolls. The lack of staff trained on providing effective psychosocial support for victims of domestic violence and child abuse was also noted as a challenge.

Female Genital Mutilation/Cutting (FGM/C): There were no data on the frequency of FGM/C, although religious leaders called for the practice to be revived in 2014. Local NGOs reported the practice persisted, but societal stigma restricted public discussion of the issue.

Other Harmful Traditional Practices: In 2015 the president ratified the third amendment to the penal code, which stated 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. Prior to the amendment, the penal code allowed for the implementation of milder penalties only in limited cases, including flogging for fornication and optional flogging for consuming alcohol and pork, not fasting during Ramadan, and for perjury.

Sexual Harassment: The law bans sexual harassment in the workplace, but the government did not enforce the law.

The MPS reported 12 filed cases of sexual harassment from January to July under the Sexual Harassment Act, none of which was forwarded for prosecution. The Ministry of Gender and Family reported receiving two cases as of July.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Discrimination against women remained a problem. Authorities more readily accused women 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.

In February the Gender Equality Law came into force, and the government was in the process of developing an action plan to implement the law as of September. 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. A child born of a citizen father or mother, regardless of the child's place of birth, may derive citizenship.

Education: Girls' access to secondary education was sometimes limited because of a lack of access to sanitation and separate facilities to study. The Ministry of Gender and Family handled 31 cases of children being deprived of education as of October. The ministry reported religious extremism, poverty, behavioral problems, and parental neglect as reasons that prevented children from going to school. The ministry noted the effect of religious extremism on child rights was an emerging issue, but a lack of a baseline study meant the prevalence of the issue could not be determined.

Child Abuse: The MPS received 483 cases of child abuse, 31 of which were forwarded for prosecution as of July. The Ministry of Gender and Family received 752 cases of child abuse as of July 31. The MPS investigates and the ministry is in charge of following up on reports of child abuse, including cases of sexual abuse. The ministry reported that the lack of effective coordination between authorities who handle child abuse cases remained a problem. 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. In 2015 the Ministry of Gender and Family first published the online child sex offenders' registry that, as of September 5, listed 77 individuals and their photographs, full names, identification card numbers, addresses, dates of conviction, dates of imprisonment, dates of scheduled release, and whereabouts. In September the ministry reported there was no mechanism to update the registry periodically, and it had not been updated since September 2016.

Early and Forced Marriage: The MPS was investigating one report of a child under 18 being married without authorization as of July. According to a September 2016 amendment to the Family Regulation, the Family Court must petition the Supreme Court for approval for girls and boys under age 18 to marry. The Ministry of Gender and Family must also submit an assessment of the proposed marriage to the Supreme Court, and the marriage can proceed only after the Supreme Court grants the Family Court approval for the union.

Sexual Exploitation of Children: The Child Sexual Abuse (Special Provisions) Act prohibits child prostitution and the use, procurement, or provision of a child (below age 18) for the production of pornography or for pornographic performance. The crime is punishable by imprisonment between 15 and 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 with a 15-year maximum sentence. The law generally requires the acts of exploitation be predicated on movement and does not criminalize it in the absence of coercion. 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, for prostitution under the Child Sexual Abuse Act, and aggregate the penalties so perpetrators serve longer sentences for a single offense. As of July the MPS investigated eight cases of child pornography and one case of child prostitution, neither of which was forwarded for prosecution. The Ministry of Gender and Family reported having received six total cases of child prostitution and pornography as of July.

Institutionalized Children: Local NGO Advocating the Rights of Children (ARC) released a report in March 2016 detailing abuses in government-run "safe homes." These facilities were intended to be temporary stopovers for children being taken into state care, but ARC reported children routinely spent many months at these homes. 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.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

By law citizens may not practice any religion other than Sunni Islam; there were no Jewish residents. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law provide for the rights and freedom from discrimination of persons with disabilities. The Disabilities Act provides for the protection of the rights of persons with disabilities as well as financial assistance. Since the establishment of the National Registry of People with Disabilities in 2011, 6,330 persons had been registered as of September. The act mandates the state to provide a monthly financial benefit of not less than MVR 2,000 (\$130) to each registered individual.

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.

Multiple NGOs worked to increase awareness and improve support for persons with disabilities. The Child Advocacy Network of Disability Organizations, established by ARC, launched a website in 2015 containing detailed information on common types of disabilities in Maldives and the services available from government authorities and NGOs.

The government integrated students with physical disabilities into mainstream educational programs. Children with disabilities had virtually no access or transition to secondary education. One mental health clinic in Male and several private health clinics employ psychiatrists and psychologists. They focused on a broad range of issues, but service availability remained limited. There also was a lack of quality residential care.

National/Racial/Ethnic Minorities

As of June Maldives Immigration reported the number of legal foreign workers was approximately 134,000, with an additional estimated 15,000-20,000 undocumented foreign workers in the country, mostly from Bangladesh and other South Asian countries. NGOs reported government agencies implemented policies discriminatory towards expatriate laborers, mostly from Bangladesh and other South Asian countries. On two occasions in July and August, state-owned Maldives Transport and Contracting Company instituted a separate queue for expatriate laborers to access a public ferry system, while western tourists and locals used another queue. NGOs also reported the Ministry of Housing and Infrastructure's decision to charge an entrance fee for expatriates to access a public park opened in August was aimed at barring access for expatriate laborers who frequent public parks on weekends.

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. 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. NGOs reported several members of the LGBTI community sought refuge in Sri Lanka after societal shaming related to their sexual orientation.

Other Societal Violence or Discrimination

Yameen Rasheed, a prominent blogger and social media activist who was often critical of the government, was killed on April 23. Eight men were arrested in connection with Rasheed's death, and the MPS filed charges against seven of the

suspects. In August police stated a group of young men, unaffiliated with any organization, had killed Rasheed because they believed he “mocked” Islam. Police also said that the killing was not politically motivated and that they were investigating unspecified persons of interest who may have encouraged the suspects in committing the crime. Rasheed had previously received multiple death threats, which were reported to police, but according to Rasheed’s social media accounts and his friends and family, police had not responded to or investigated these threats. In a public speech on April 27, President Yameen condemned Rasheed’s actions as “mocking” Islam and said “this is how it happens,” which activists viewed as Yameen’s justifying Rasheed’s killing. Rasheed’s father filed a civil suit against police on the basis of negligence to protect Rasheed prior to his death and failure to investigate the killing sufficiently. In September the Civil Court declared the suit invalid.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

While the constitution provides for workers’ freedom of association, there is no law protecting it, which is required to allow unions to register and operate without interference and discrimination. Worker organizations are treated as civil society organizations 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. There were widespread reports from civil society organizations that civil service employees were also discouraged from going on strikes or participating in political protests. In August the government threatened to terminate four teachers who participated in opposition protests.

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. The Employment Tribunal process is cumbersome and complicated. Violators who refused to correct violations or pay

finances 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. As of July the Employment Tribunal received 98 claims, 56 of which dealt with unfair dismissal.

Some workers' organizations were established under the law 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 and the Tourism Employees Association of the Maldives (TEAM) were among the more active workers' organizations, along with the Maldives Fisherman's Association and Maldivian Ports Workers.

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, and there were reports that forced labor occurred. Nevertheless, the LRA reported that officers were adequately trained to identify cases of forced labor and stated that the Prevention of Human Trafficking Act provided an effective solution.

Resources, inspections, and remediation were generally inadequate, and penalties were not sufficient to deter violations. The foreign worker population was particularly vulnerable to forced labor. Maldives Immigration detained undocumented workers at Hulhumale Detention Center, an immigration processing center near Male, until deportation or repatriation. There were reports of bureaucratic delays in processing 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 that 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 subjected 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. The police confirmed they did not investigate any

labor recruiters or agencies allegedly engaged in fraudulent practices during the year.

The LRA, under the Ministry of Economic Development, recommended blacklisting of companies that violated the law, precluding the companies from bringing in new workers until violations were rectified. Maldives Immigration enforced the measure and blacklisted additional companies, although some companies resurfaced under different names. The law allows a fine of not more than MVR 50,000 (\$3,240) for forced labor and other violations of the Employment Act, but the LRA reported that this amount was not sufficient to deter violations by large companies. The government took steps to improve the conditions of migrant workers through the periodic distribution of pamphlets explaining their rights that were translated into languages commonly used by these workers.

As of August the government's Immigration Office reported the number of legal foreign workers at approximately 134,000. The Immigration Office estimated there were an additional 15,000-20,000 undocumented foreign workers in the country, mostly from Bangladesh and other South Asian countries. Some of these workers were subject to forced labor in the construction and tourism sectors. 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 www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law 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. As of July 31, the Civil Service Commission reported there were 18 civil servants between the ages of 16 and 18 working for the government.

The Ministry of Gender and Family, 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 and the Ministry of Gender and Family, 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. As of July 31, the HRCM was investigating one case of child labor. As of July the MPS had investigated eight cases of child pornography and one case of child prostitution, neither of which was forwarded for prosecution. Resources, inspections, and remediation were inadequate, because no additional resources were dedicated specifically to uncover additional child labor cases.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, political opinion, religion, national origin or citizenship, social origin, disability, language, age, sexual orientation or gender identity, and HIV-positive status or other communicable diseases. The government effectively enforced those laws and regulations, with some exceptions.

According to an HRCM report published in 2009, 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. In 2016 President Yameen overhauled the seven-person tribunal by dismissing its president and vice president and appointed two new members. According to the Employment Act, tribunal members can be removed only in cases of bankruptcy, incapacity, conviction, negligence, or contravening the oath of office. Civil society organizations asserted the former president and vice president did not violate any of these stipulations, and the surprise dismissal of the tribunal members led to allegations of executive branch control over tribunal decisions.

Worker organization TEAM claimed President Yameen was misusing his authority to influence the tribunal's decisions, especially in cases in which persons were fired for exercising their constitutionally guaranteed right to freedom of assembly.

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, and setting one would require an amendment to the Employment Act. 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. The salary of the lowest-paid employee in the government sector was MVR 3,100 (\$202) per month. According to TEAM, the average monthly salary for a worker employed at a tourism resort was MVR 3,835 (\$250). According to 2016 Asian Development Bank statistics, 15 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. 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. 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. All employers are required to provide health insurance for foreign workers.

There were no national standards for safety measures, and as a result such measures were at the discretion of employers. 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.

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. As of July 31, authorities completed 241 inspections. The most common findings related to 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 the resources to monitor compliance systematically. As of July 31, the LRA recommended eight companies for blacklisting through Maldives Immigration but did not fine any companies for noncompliance. According to Maldives Immigration, as of August there were 3,201 companies blacklisted over multiple years.

The LRA reported 214 labor-related complaints, 119 of which came from foreign workers. The majority of the complaints related to nonpayment of salary and benefits and failure to grant annual leave.

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. Employers 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.

The Employment Act protects workers who remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.