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Human Rights Committee**Concluding observations on the second periodic report of Maldives***

1. The Committee considered the second periodic report of Maldives¹ at its 4126th and 4127th meetings,² held on 9 and 10 July 2024. At its 4141st meeting, held on 19 July 2024, it adopted the present concluding observation.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative, policy and institutional measures:

- (a) The Freedom of Peaceful Assembly Act, in January 2013;
- (b) The Political Parties' Act, in March 2013;
- (c) The Anti-Human Trafficking Act, in December 2013;
- (d) The Anti-Torture Act, in December 2013;
- (e) The Prisons and Parole Act, in December 2013;
- (f) The Criminal Procedure Act, in May 2016
- (g) The Gender Equality Act, in August 2016;
- (h) The Act repealing the Protection of Reputation and Freedom of Expression Act, in November 2018;
- (i) The Legal Professions Act, in June 2019;
- (j) The Whistle-blower Protection Act, in October 2019;
- (k) The Juvenile Justice Act, in November 2019;

* Adopted by the Committee at its 141st session (1-23 July 2024).

¹ [CCPR/C/MDV/2](#).

² See [CCPR/C/SR.4126](#) and [CCPR/C/SR.4127](#).

³ [CCPR/C/MDV/QPR/2](#).

- (l) The Children Rights Protection Act, in November 2019;
 - (m) The amendment to the Human Rights Commission Act, in September 2020;
 - (n) The Transitional Justice Act, in December 2020;
 - (o) The Maldives Police Service Act, in December 2020;
 - (p) The Associations Act, in May 2022;
 - (q) The Evidence Act, in July 2022;
 - (r) The Industrial Relations Act, in January 2024.
4. The Committee also welcomes the ratification by the State party of:
- (a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in September 2019;
 - (b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in December 2020;
 - (c) The International Convention for the Protection of All Persons from Enforced Disappearance, in July 2023.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee is concerned that, in conformity with article 10 and 16 of the Constitution, the rights and freedoms enshrined in the Covenant will be guaranteed in a manner that is not contrary to Sharia law, as the Sharia Law prevails over the Covenant. The Committee is also concerned that the Covenant cannot be applied by domestic courts as it has not been incorporated in the domestic legal order (art. 2).

6. Bearing in mind the Committee's previous recommendations,⁴ the State party should take effective measures to ensure that the provisions of the Constitution are not invoked to justify the failure by the State party to fulfil its obligations under the Covenant. The State party should also incorporate the provisions of the Covenant in its domestic legal order and ensure training of its judges, magistrates, prosecutors, law enforcement officials, public officials and lawyers to ensure that the provisions of the Covenant are invoked before the national courts and taken into account in their decisions, and conduct awareness-raising campaigns for the general public on the rights protected by the Covenant.

Views under the Optional Protocol

7. While noting the restructuration of the National Mechanism for Reporting and Follow-up established in 2020, the Committee is concerned by the lack of implementation of its Views on communications No. 2785/2016 and No. 3011/2017. The Committee recalls that the State party cannot invoke the judiciary's responsibility for reviewing court decisions to diminish its obligations to follow-up on Views (art. 2).

8. The State party should ensure the implementation of the Views adopted by the Committee, including through domestic courts, so as to guarantee the right of victims to an effective remedy. It should consider adopting legislation to enable authors of communications to whom the Committee has granted reparations to seek implementation of such measures before the domestic courts. It should also consider establishing a national mechanism to monitor the implementation of the Committee's Views.

⁴ CCPR/C/MDV/CO/1, para. 6.

Reservations

9. The Committee is concerned that the State party does not intend to review its position regarding its reservation to article 18 of the Covenant. The Committee considers this reservation to be incompatible with the object and purpose of the Covenant as per General Comments No. 22 (1993) on the right to freedom of thought, conscience and religion, and No. 24 (1994) on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant. The State party's reservation is not specific and applies without limitations to all the provisions of article 18 of the Covenant, including the right to have or adopt a religion, which may not be subject to restriction as per General Comment No. 24 (1994), para. 19 (art. 2).

10. Bearing in mind the Committee's previous recommendation,⁵ the State party should withdraw its reservation to article 18 of the Covenant.

National human rights institution

11. The Committee notes that the State party plans to amend the Human Rights Commission Act but remains concerned that the requirement that all members of the Human Rights Commission of the Maldives (HRCM) be Muslim will not be removed. The Committee is also concerned about the challenges faced by the HRCM in fulfilling its mandate due to the concerns on the Commission's independence stemming from the President's Office shortlisting Commissioner candidates before their appointment by the Parliament, the reports of reprisals against individuals providing evidence to the Commission, and the lack of adequate funding (art. 2).

12. Bearing in mind the Committee's previous recommendations,⁶ the State party should remove the legal requirement which prevents non-Muslims from being appointed as members of the HRCM. The State party should also take all necessary measures to ensure:

(a) An independent process for the appointment of the Commissioners in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(b) The allocation of adequate and regular human and financial resources to the HRCM to fulfil its mandate, including so it can operate effectively in the unique island and atoll geography of the Maldives;

(c) The protection of the identities of individuals providing evidence to the Commission, and the prompt investigation of reprisal against them, ensure that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate to the seriousness of the offence.

Anti-corruption measures

13. The Committee is concerned by reports that indicate that widespread corruption persists in the State party including in the tourism industry. The Committee is further concerned by the high level of impunity for acts of corruption, including due to the very low number of prosecutions. The Committee notes that, between 2012 and 2021, only 2.8% of the cases investigated by the Anti-corruption Commission were sent to the Prosecutor General's Office for prosecution and that, between 2019 and 2022, the Judicial Service Commission referred only six cases concerning judges to the Anti-corruption Commission (arts. 2 and 25).

14. The State party should increase its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all measures necessary to:

(a) Promptly, independently and impartially investigate, prosecute and subject to trial all cases of corruption, including those related to public procurement

⁵ Ibid., para. 5.

⁶ Ibid., para. 7.

and those involving high-level public officials, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence, and that victims receive full reparation and ensuring access to public information;

(b) Remove individuals charged with corruption from leadership positions and refrain from appointing them to high-level positions in government and state-owned corporations;

(c) Promote good governance, transparency and accountability in public procurement, including by extending the existing declaration of assets and income of Cabinet members to all political appointees, judges, prosecutors and board members of state-owned enterprises, and make it publicly accessible;

(d) Carry out effective training and awareness-raising campaigns to instruct public officials, prosecutors, judges politicians, the business community and the general public on detecting, investigating and prosecuting corruption and the economic and social costs of corruption.

Non-discrimination

15. While discrimination is prohibited under article 17 of the Constitution, the Committee is concerned about the lack of comprehensive anti-discrimination legislation prohibiting all grounds of discrimination, including on the basis of religion, gender identity, sexual orientation and national origin. The Committee is also concerned by article 9 (d) of the Constitution according to which a non-Muslim may not become a citizen of the Maldives (arts. 2, 19, 20 and 26).

16. Bearing in mind the Committee's previous recommendation,⁷ the State party should adopt comprehensive anti-discrimination legislation prohibiting all grounds of discrimination, including discrimination on the basis of religion, gender identity, sexual orientation and national origin, and revise its Constitution to ensure that religion is not a requirement for citizenship.

17. The Committee is concerned about the high levels of violence, discrimination and stigmatisation faced by people on the basis of their sexual orientation, and particularly by: the criminalisation of sexual relations between consenting adults of the same sex; the lack of prohibition on incitement to violence, hatred or discrimination based on sexual orientation and gender identity; the practice of exposing a person's private information online, targeting people on the basis of their sexual orientation; the low level of investigation and prosecution of crimes targeting people on the basis of their sexual orientation while the victims of those crimes are investigated and charged with sexual offenses (arts. 2, 19, 20 and 26).

18. Bearing in mind the Committee's previous recommendations,⁸ the State party should decriminalize sexual relations between consenting adults of the same sex and take all necessary measures to combat violence, discrimination and stigmatisation faced by people on the basis of their sexual orientation, including by:

(a) Criminalising violence perpetrated on the basis of the victim's sexual orientation or gender identity in the Hate Crime Bill;

(b) Investigating and prosecuting all crimes committed against people on the basis of their sexual orientation or gender identity, including exposing a person's private information online, and, if a person is convicted of these crimes, apply penalties commensurate with the seriousness of the offence, and ensure that victims receive full reparation;

(c) Taking appropriate measures to combat discrimination and harassment against the lesbian, gay, bisexual, transgender and intersex community, including through awareness raising campaigns for the public at large.

⁷ Ibid., para. 8 and 9.

⁸ Ibid., para. 8.

Gender equality

19. The Committee welcomes the adoption of the Gender Equality Act in 2016 and the efforts made by the State party to reach parity. It remains however concerned about the underrepresentation of women in public and political affairs, including in the Government, the Parliament and the Judiciary. The Committee is also concerned that under the new administration, female Cabinet Ministers are assigned portfolios in stereotypical sectors (arts. 3 and 26).

20. Bearing in mind the Committee's previous recommendation,⁹ the State party should strengthen its efforts to ensure the participation of women in political and public affairs, including by taking temporary special measures in the Government, the Parliament and the Judiciary, and conducting awareness-campaigns to further increase the participation of women in public and political affairs and to promote the principle of equality between women and men and the need to eliminate gender stereotypes, and ensuring that media outlets promote positive images of women as active participants in public and political life.

Violence against women, including domestic violence

21. The Committee is concerned at the persistence of violence against women, in particular domestic violence and sexual violence, as well as the harmful practice of female genital mutilation. The Committee is also concerned by: the lack of a specific criminal offense for domestic violence and the lack of criminalisation of female genital mutilation; the low rate of complaints as well as the low rates of investigation, prosecution and trials for offenses related to violence against women, including for acts committed under the practice of ruqya; the lack of effective mechanisms for the protection and rehabilitation of victims; the insufficient training of judges, prosecutors, lawyers and law enforcement officers on violence against women and on the evidentiary requirements mentioned under article 52 of the Sexual Offences Act (arts. 2, 3, 6, 7 and 26).

22. Bearing in mind the Committee's previous recommendations,¹⁰ the State party should:

(a) Amend the Domestic Violence Act and/or the Penal Code to make domestic violence a specific criminal offense and to criminalise female genital mutilation;

(b) Facilitate complaints from victims without fear of reprisals, intimidation or exclusion by the community; investigate, prosecute and if they are convicted, punish those responsible with appropriate penalties; and provide compensation to victims, including for acts committed under the practice of ruqya;

(c) Establish effective protection for victims, including by setting up shelters and providing psychological support, and conduct awareness-raising campaigns on the negative impact of domestic violence, sexual violence and female genital mutilation;

(d) Provide training on violence against women, including on the evidentiary requirement under article 52 of the Sexual Offences Act, to judges, prosecutors, lawyers and law enforcement officers;

(e) Conduct public awareness campaigns for both men and women to change societal attitudes and eliminate patriarchal stereotypes that normalize violence against women.

Termination of pregnancy, maternal mortality and reproductive rights

23. The Committee is concerned by the prevalence of unsafe abortions and the stigma surrounding reproductive care, leading youth and unmarried women to resort to dangerous health- and life-threatening procedures. The Committee is also concerned about reports of difficulties to access safe abortion due to medical practitioners refusing to perform abortions

⁹ Ibid., para. 10.

¹⁰ Ibid., para. 11.

as a result of conscientious objection even under the circumstances permitted determined by law, but also since abortion is not provided for in health facilities across the whole country (arts. 6, 7 and 8).

24. In the light of the Committee's general comment No. 36 (2018) on the right to life, the State party should take all necessary measures to ensure that abortion is not regulated in a manner that runs contrary to its duty to ensure that women and girls do not have to undertake unsafe abortions. The State party in particular should:

(a) Take appropriate measures to counter stigmatisation of women seeking abortion-related information and services, including by systematically providing training on sexual and reproductive health rights for medical professionals and implementing education and sexual awareness programmes on the importance of using contraceptives and on sexual and reproductive health rights, addressed to women, men and adolescents;

(b) Provide legal, effective, safe, unimpeded and confidential access to abortion for women and girls throughout its territory, including prenatal and post abortion health care, without discrimination and free from violence and coercion, and refrain from introducing new barriers to sexual and reproductive health services.

(c) Ensure that alleged violations of women's rights in reproductive health-care settings are promptly and effectively investigated, that perpetrators are prosecuted, and if found guilty, sanctioned commensurate with the seriousness of the offence;

(d) Take all necessary measures to ensure that the exercise of conscientious objection does not impede women and girls' effective and equal access to confidential, legal and safe abortion services and post-abortion care, including by collecting data on and monitoring denials of access to abortion and abortion-related services.

Counter-terrorism measures

25. The Committee is concerned that the definition of terrorism in the Prevention of Terrorism Act is overbroad and could be used to target civil society organisations and political opposition, as mentioned by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in a country visit report of 2023. The Committee is further concerned by allegations of misuse of the Prevention of Terrorism Act to silence civil society organisations and political opposition (arts. 2, 4, 7, 9 and 14).

26. The State party should amend the Prevention of Terrorism Act in line with the recommendations made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to ensure its compatibility with the Covenant. The State party should also guarantee the protection of complainants against reprisals and conduct prompt, thorough, effective, and impartial investigations into all allegations of torture, ill-treatment and reprisals, ensuring that perpetrators are prosecuted and, if convicted, punished with commensurate sanctions, and that victims are provided with effective remedies.

Death penalty

27. The Committee is gravely concerned about the recent announcement of the State party's intention to lift the moratorium on death penalty. While noting that the death sentences of children were commuted, the Committee is concerned that, despite the fact that individuals facing death penalty undergo evaluation to determine whether they are mentally fit or not, there are reported cases of imposition of the death penalty against persons with psycho-social disabilities; that the death penalty is imposed not only for the most serious crimes involving intentional killing but also in other circumstances, for instance to women due to their sexual conduct, such as adultery or sexual relations outside marriage; and that the decision to commute a death sentence lays with the heirs of the victim in cases of intentional murder. The Committee is concerned about the lack of information on the existence of a procedure enabling individuals sentenced to death to seek a review of their convictions and sentences based on newly discovered evidence of their innocence, including

new DNA evidence, and, if wrongfully convicted, to provide them with compensation (art. 6).

28. **Bearing in mind the Committee's previous recommendations,¹¹ the State party should refrain from lifting the moratorium on death penalty and consider abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights. The State party should also take all necessary measures to ensure that:**

(a) All individuals facing a death sentence undergo a thorough and independent psychological evaluation both before the trial and the execution of the sentence;

(b) The death penalty is imposed only for the most serious crimes involving intentional killing and is never imposed in violation of the Covenant, and adopt further measures to effectively ensure that the death penalty is not imposed as a result of gender bias;

(c) The commutation of a death sentence does not depend on the decision of the victim's heirs;

(d) Awareness-raising measures are implemented to increase public support for the abolition of the death penalty;

(e) A death sentence can be reviewed based on newly discovered evidence of their innocence, including new DNA evidence, adequate legal and financial assistance is provided to enable this review and, if wrongfully convicted, individuals have access to effective remedies, including compensation.

Right to life

29. The Committee notes the adoption of the Climate Emergency Act, the Maldives Energy Act and the Waste Management Act, but is concerned about the negative impact of the tourism industry on climate change, including through the failure to regulate activities of private developers. The Committee is also concerned about the disproportionate impact of climate change on disadvantaged groups, including migrant workers (art. 6).

30. **The State party should take all necessary measures to regulate the tourism industry in order to combat climate change, prioritising the use of renewable energies and protecting the ecosystem. The State party should also address the risks of overfishing by foreign industrials. The State party should conduct consultations with relevant stakeholders, in order to seek the free, prior and informed consent of affected populations, and ensure that the rights of disadvantaged groups are protected through an approach based on participation, accountability, empowerment, and non-discrimination.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

31. The Committee notes the adoption of the Anti-Torture Act and the pledge of the State party to abolish the statute of limitations for torture. It remains however concerned about the prevalence of torture as well as the low rate of prosecutions and sanctions imposed on perpetrators. The Committee is further concerned about the lack of effectiveness of the Ombudsperson's Office for Transitional Justice in investigating allegations of torture that took place in the State party prior to 2008 and all allegations of torture that took place during the demonstrations of 8 February 2012, in Malé and Addu (art. 7).

32. **Bearing in mind the Committee's previous recommendation,¹² the State party should:**

(a) Amend its Penal Code and the Anti-Torture Act to abolish the statute of limitations for torture related offenses;

¹¹ Ibid., para. 13.

¹² Ibid., para. 14 and 15.

(b) Take all necessary measure to investigate all human rights violations, including allegations of torture that took place in the State party prior to 2008 and during the demonstrations of 8 February 2012, in Malé and Addu, prosecute those responsible, and if they are convicted, punish those responsible with appropriate penalties, and provide compensation and rehabilitation services to the victims.

Treatment of persons deprived of their liberty

33. While noting the adoption of the Prisons and Parole Act, the Committee is concerned by the prevalence of poor conditions of detention, including overcrowding, lack of access to basic necessities, lack of time spent outdoors and lack of access to specialised medical care. The Committee is further concerned by the difficulties encountered by the HRCM to comply with its mandate as National Prevention Mechanism (NPM) due to its broad mandate encompassing the ability to conduct criminal investigations, and by the delays faced by the HRCM in accessing places of deprivation of liberty (art. 10).

34. Bearing in mind the Committee's previous recommendations,¹³ the State party should:

(a) Allocate sufficient resources to the NPM and take all the necessary measures to ensure that it can access and conduct regular, unannounced visits without facing any constraints to all places of deprivation of liberty and any other places where persons are not permitted to leave at their own will;

(b) Consider amending the mandate of the NPM in order to allow it to effectively fulfil its core mandate by removing its ability to conduct criminal investigations;

(b) Ensure that the conditions of detention are in compliance with relevant international human rights standards, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(c) Step up measures to reduce overcrowding in prisons, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(d) Intensify its efforts to improve conditions of detention and ensure adequate access to health care for persons held in all places of deprivation of liberty.

Forced labour and trafficking in persons

35. The Committee welcomes the reinstatement of the Maldives' National Steering Committee on Human Trafficking in June 2024 and the adoption of the Anti-Human Trafficking Act. It remains however concerned about the prevalence of human trafficking, the difficulties faced in identifying the victims and the low rates of investigations, prosecutions and trials. The Committee is also concerned that victims of sexual trafficking are themselves investigated for sexual related offenses. The Committee is further concerned by the working conditions of migrant workers, including their exclusion from the minimum wage scheme, the practice of "quota trading", whereby migrant workers were hired outside legal channels to bypass quota restrictions on their employment, and the lack of effective remedies for violations of migrant workers' rights (arts. 2, 7, 8 and 26).

36. Bearing in mind the Committee's previous recommendations,¹⁴ the State party should further strengthen its efforts to prevent and combat trafficking in persons and forced labour and protect victims of trafficking. In particular, it should:

(a) Improve its data collection system in cases of trafficking and forced labour in order to evaluate the scope of the phenomena and assess the effectiveness of the

¹³ Ibid., para. 18 and 19.

¹⁴ Ibid., para. 17.

measures adopted to combat them with a view to reforming the system to be fit for purpose;

(b) Ensure that all cases of trafficking in persons and forced labour are thoroughly investigated, that perpetrators are brought to justice and, if they are convicted, punished with appropriate penalties, and that victims receive full reparation and means of protection, including access to shelters and to legal, medical and psychological services, and ensure that they will not be prosecuted;

(c) Provide training to judges, prosecutors, law enforcement officials and border police including on standards and procedures for the identification and referral of victims of trafficking and forced labour;

(d) Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) Amend the legislation to include migrant workers in the minimum wage scheme.

Rights of refugees and asylum seekers

37. The Committee is concerned about the absence of an asylum system as well as the lack of protection mechanisms for refugees. The Committee is also concerned about the lack of an effective procedure to ensure the respect of the principle of non-refoulement (art. 7, 9, 12, 13 and 24).

38. Bearing in mind the Committee's previous recommendations,¹⁵ the State party should:

(a) Adopt a national refugee protection framework through the development of administrative orders/instructions and domestic asylum adjudication or registration structures so as to allow asylum issues to be dealt with in line with international human rights and refugee law;

(b) Ensure respect for the right to seek asylum by enabling effective access to its territory and full compliance with the principle of non-refoulement which is also guaranteed by Section 42 of the Anti-Torture Act;

(c) Consider acceding to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;

(d) Ensure that all migrants, asylum seekers and unaccompanied minors have access to free legal aid and adequate interpretation services from the outset of proceedings.

Right to a fair trial and the independence of the judiciary

39. The Committee is concerned that forensic investigations and data collection, especially in relation to alleged abuses committed by law enforcement officers, are conducted by a forensic institution which is under the law enforcement agency, which could raise doubts about the impartiality and credibility of the investigations. The Committee is further concerned that legal aid is provided only for criminal matters and for the most serious crimes, and that free legal aid is not provided for victims of sexual assault and harassment (arts. 2 and 14).

40. The State party should take all necessary measures to:

(a) Ensure that forensic investigations and data collection, especially in relation to alleged abuses committed by law enforcement officers, are conducted by a forensic institution which does not remain under the law enforcement agency, to ensure the impartiality and credibility of the investigations, and allocate the necessary resources to fulfil its mandate;

¹⁵ Ibid., para. 21.

(b) Improve access to justice through the provision of adequate free legal aid to all persons without sufficient means and provide sustainable financing for organisations providing free legal aid service, especially in cases where the interests of justice so require, in accordance with article 14 (3) (d) of the Covenant, and including for victims of sexual aggression and harassment.

41. While the Committee notes that the Judicial Service Commission (JSC) has established a competency-based criteria for the appointment of judges, it remains concerned about the lack of public trust in the judiciary as well as the allegations of corruption, partiality and political influence. The Committee is also concerned at the fact that the composition and the functioning of the JSC seriously compromise the realization of measures to ensure the independence of the judiciary as well as its impartiality and integrity. The Committee is further concerned by reports of lawyers being assimilated to their clients' charges and particularly targeted when defending clients charged with undermining religious unity or tenets of Islam or domestic violence, sexual violence and harassment (arts. 2 and 14).

42. **Bearing in mind the Committee's previous recommendations,¹⁶ the State party should take effective measures to:**

(a) Guarantee its independence and facilitate the impartiality and integrity of the judiciary, so as to effectively protect human rights through the judicial process, including by reforming the recruitment, promotion and removal processes for judges in adherence with the United Nations Basic Principles on the Independence of the Judiciary, implementing continuous capacity building programmes for judges, magistrates and prosecutors, and adopting measures to prevent undue influence in the judicial process such as through a publicly accessible register of asset declarations for judges, magistrates and prosecutors;

(b) Reform the composition and the functioning of the JSC, including by ensuring a majority of judges amongst its members;

(c) Combat the targeting of lawyers particularly those defending clients charged with undermining religious unity or tenets of Islam, or domestic violence, sexual violence and harassment.

Freedom of conscience and religion

43. The Committee is concerned that, under the Religious Unity Act, building places of worship of religions other than Islam is prohibited in Maldives, as is selling, possessing or advertising material that promotes religions other than Islam. The Committee notes that these restrictions also have a significant impact on the enjoyment of rights by migrant workers in the State party. The Committee is further concerned by the use of the Religious Unity Act to target human rights defenders for their promotion of the right to freedom of religion (arts. 2, 18 and 26).

44. **Bearing in mind the Committee's previous recommendations,¹⁷ the State party should ensure respect for the right to freedom of religion or belief, including ensuring that legislation and practices conform to article 18 of the Covenant, taking into account General Comment No. 22 (1993) on the right to freedom of thought, conscience and religion and General Comment No. 34 (2011) on freedoms of opinion and expression. The State party should:**

(a) Guarantee the right of everyone to have or to adopt a religion or belief of their choice and to change their religion;

(b) Amend its legislation to ensure the right of non-Muslims, whether Maldivian citizens or foreigners, to practice and manifest their religion, including in places of public worship;

(c) Amend the Religions Unity Act to allow people in Maldives to fully enjoy their freedom of religion, and to abolish the crime of apostasy.

¹⁶ Ibid., para. 20.

¹⁷ Ibid., para. 24.

Freedom of expression

45. The Committee is concerned at interference and obstruction of the media in the State party, which is facilitated by State-owned enterprises funding the media. The Committee is also concerned by the intimidation, harassment and violence against journalists and human rights defenders, as well as by the impunity for such attacks. The Committee appreciates that the Presidential Commission on Investigation of Murders and Enforced Disappearances submitted its findings to the Government but is concerned by the lack of publicity of those findings. The Committee is further concerned by the provisions of the Evidence Act which allows for compelling journalists to disclose a source of confidential information in cases where the information concerns a suspected terrorism offense or a threat to national security (arts. 19 and 20).

46. **Bearing in mind the Committee's previous recommendations¹⁸ and in light of its general comment No. 34 (2011), the State party should fully guarantee the right to freedom of expression in all its forms. Accordingly, the State party should:**

(a) Provide and allow for funding of media in a manner that does not undermine their independence;

(b) Protect journalists and human rights defenders against any form of violence and censorship, investigate incidents of attacks on journalists and human rights defenders, and bring those responsible to justice, and if they are convicted, punish those responsible with appropriate penalties, and provide compensation to victims;

(c) Ensure that the findings of the Presidential Commission on Investigation of Murders and Enforced Disappearances are shared with the families of the victims and made public;

(d) Amend the Evidence Act to recognise journalistic privilege not to disclose a source and to ensure that any restriction to that privilege is compatible with article 19 paragraph 3 of the Covenant.

Right of peaceful assembly

47. The Committee is concerned by reported restrictions on protests, arbitrary arrests of demonstrators and excessive use of force by police, including during anti-corruption assemblies in December 2022 and March 2023, the zero-tolerance approach to anti-government protests, and by the restrictions to public assemblies in Malé to one designated area since 2016 under the Freedom of Peaceful Assembly Act (No. 1/2013) (art. 21).

48. **Bearing in mind the Committee's previous recommendations,¹⁹ the State party should fully guarantee the right of peaceful assembly in compliance with the Covenant and General Comment no. 37 and revise its legislation accordingly, including consulting with relevant stakeholders including civil society organisations and human rights experts, in order to ensure that any restrictions of the right and any use of force strictly complies with the principles of necessity and proportionality. In particular, the State party should take all necessary measures to:**

(a) Ensure a prompt, thorough and impartial investigation of all complaints of excessive use of force by law enforcement, and hold perpetrators accountable and if they are convicted, punish those responsible with appropriate penalties, and provide compensation to victims;

(b) Adopt procedures and regulations in compliance with human rights standards for the police in controlling large crowds of protestors to ensure a safe and enabling environment to exercise the right to peaceful assembly;

¹⁸ Ibid., para. 22.

¹⁹ Ibid., para. 23.

(c) Amend the Freedom of Peaceful Assembly Act to ensure that any restrictions to the right to peaceful assembly is compatible with article 21 of the Covenant and General Comments no. 37.

Freedom of association

49. The Committee is concerned by reports of threats, intimidation and reprisals against civil society organizations, including the de-registration without due process of the Maldivian Democracy Network (MDN), and attacks and threats of blasphemy against three other civil society organizations. While noting the regulatory role given to the Registrar of Associations by the Associations Act, the Committee is concerned by the lack of independence of the Registrar of Association who is being appointed by the President (art. 22).

50. Bearing in mind the Committee's previous recommendations,²⁰ the State party should fully guarantee the freedom of association in compliance with the Covenant and revise its legislation accordingly. In particular, the State party should take all necessary measures to:

(a) Ensure the reinstatement of MDN with due process, and return its seized funds;

(b) Ensure a prompt, thorough and impartial investigation of all complaints against human rights defenders and organisations, hold perpetrators accountable, and if convicted, punish those responsible with appropriate penalties; and provide compensation to victims;

(c) Amend the Associations Act to ensure an independent appointment process for the Registrar, as well as judicial review of the decisions adopted by the Registrar.

Juvenile justice

51. The Committee, while welcoming the adoption of the Juvenile Justice Act and the Child Rights Protection Act, is extremely concerned by the announcement of the State party's intention to lower the age of criminal responsibility to 12 years. The Committee is further concerned by the rehabilitation approach adopted by the State party with the creation of the long-term residential care facilities for juvenile offenders on the "Hope Island" as it will remove juvenile offenders from society and place them under the supervision of law enforcement officers (arts. 23, 24 and 26). Moreover, the State party's focus should be on fighting gangs and other criminal elements in society who exploit children in their criminal activities, instead of focusing on children in conflict with the law.

52. The State party should take effective measures to:

(a) Refrain from lowering the age of criminal responsibility to under 15 years;

(b) Review the "Hope Island" programmes to ensure its compatibility with the Covenant as well as with the Convention on the Rights of the Child, at the same time intensifying its efforts to fight gangs and other criminal elements in society who exploit children in their criminal activities, investigate, prosecute and if they are convicted, punish those responsible with appropriate penalties; and provide compensation to victims;

(c) Provide training for judges, prosecutors, lawyers, law enforcement officials and social workers involved in the juvenile justice system to ensure that pretrial detention of minors is strictly used in exceptional cases and only as a last resort;

(d) Ensure rehabilitation and reintegration services for children in conflict with the law, including for crimes relating to the use of drugs, and to ensure that that children in conflict with the law are treated in a manner appropriate to their age.

Corporal punishment

²⁰ Ibid., para. 23.

53. The Committee welcomes the prohibition by the Child Rights Protection Act of corporal punishment in all institutional settings. However, the Committee is concerned that persons, including children, can still be subjected to corporal punishment, including flogging, the actual imposition of which is at the discretion of the judges (arts. 23, 24 and 26).

54. **Bearing in mind the Committee's previous recommendations,²¹ the State party should effectively abolish corporal punishment, including flogging, in all settings.**

Participation in public affairs

55. The Committee is concerned by reports of unequal broadcasting opportunities in media for all candidates to the presidential elections of 2023 and the parliamentary elections of April 2024. The Committee is also concerned by reports of threats and physical assaults against candidates, as well as by allegations of misuse of state resources during electoral period and creation of new jobs using public funds to garner support for certain candidates (arts. 25 and 26).

56. **Bearing in mind the Committee's previous recommendations,²² the State party should ensure that the rights contained in article 25 of the Covenant, in light of general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service, are fully protected including by conducting thorough investigations of the allegations of unequal opportunities in broadcast media, threats and physical assaults against candidates to elections, misuse of state resources during the electoral period, and the creation of new jobs using public funds to garner political support.**

D. Dissemination and follow-up

57. **The State party should widely disseminate the Covenant and the First Optional Protocol, its second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

58. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 23 July 2027, information on the implementation of the recommendations made by the Committee in paragraphs 14 (anti-corruption measures), 22 (gender-based violence) and 42 (independence of the judiciary) above.**

59. **In line with the Committee's predictable review cycle, the State party will receive in 2030, the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.**

²¹ Ibid., para. 16.

²² Ibid., para. 25.