

Maldives 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the Maldives in the past year.

Significant human rights issues included credible reports of: harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media, including intimidation of journalists and online commentators; substantial interference with the freedom of peaceful assembly and freedom of association; extensive gender-based violence; laws criminalizing consensual same-sex sexual conduct between adults that were enforced; and significant restrictions on workers' freedom of association.

The government took steps to investigate officials who committed human rights abuses but was slow to investigate, prosecute, and punish cases of torture.

Section 1. Respect for the Integrity of the Person

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, including extrajudicial killings, during the year.

b. Disappearance

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

In October and November, the Criminal Court, citing lack of evidence, dismissed terrorism charges against three individuals arrested and charged in 2022 for involvement in the 2014 disappearance of reporter Ahmed Rilwan. Local and international nongovernmental organizations (NGOs) expressed concern that the dismissal demonstrated impunity for violence against journalists and noted in previous court proceedings for other charges raised in this case, the court cited negligence in the investigation.

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

The constitution and law prohibited such practices, but there were complaints of torture and cruel, inhuman, or degrading treatment or punishment. The law permitted flogging and other forms of corporal

punishment. According to a Supreme Court guideline, the court had to delay the execution of a flogging sentence of individuals until they reached age 18.

As of October, the Human Rights Commission of Maldives (HRCM) reported receiving 119 complaints of torture, an increase over the number of cases reported over the same period during the two previous years. Also as of October, HRCM continued investigating 46 cases, closed 61 due to lack of evidence and did not register 12 of the complaints as official cases for investigation. Of the eight cases HRCM forwarded for prosecution in 2022, the Prosecutor General's Office declined to press charges in two cases and had yet to decide on whether to raise charges in the six remaining cases as of October. The Maldives Police Service (MPS) Professional Standards Command reported continuing investigations into three complaints of at least three police officers subjecting three individuals to torture, as of August.

In 2022 the Supreme Court upheld a High Court decision dismissing charges of assault and destruction of property raised against eight police officers accused of beating a Bangladeshi suspect in 2019 during a police raid. The courts ruled in favor of a pretrial motion submitted by the defense, arguing the MPS investigation of the case against the eight police officers contravened section 76 of the Criminal Procedure Act.

By law only Islamic law penalties could be imposed for conviction of *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, but these were not imposed during the year. Between January and August, courts sentenced two women to flogging for fornication but did not enforce the sentences.

Prison and Detention Center Conditions

Conditions in most prisons were harsh and life threatening due to gross overcrowding, inadequate sanitary conditions, and medical care, but they generally met other international standards.

Abusive Physical Conditions: The HRCM and defense lawyers continued to report gross overcrowding, poor ventilation, and inadequate hygiene and sanitation standards in prisons and pretrial detention facilities.

As of September, the MPS continued to provide bottled water to detainees in Dhoonidhoo Custodial Center and had not found a permanent solution to reports from HRCM in 2021 that drinking water at the facility was unfit for human consumption.

Authorities and the HRCM reported prisoners could not access timely medical care at MPS- and Maldives Correctional Service (MCS)-supervised facilities. Most complaints received by MCS and HRCM from inmates related to extended delays in access to specialist physicians. Local hospitals did not schedule appointments for detainees seeking medical attention, leading to

difficulties in obtaining timely specialist appointments for detainees.

The HRCM reported in some units in Maafushi Prison, detainees were not allowed to leave their cells even for an hour a day, as required by law, citing a lack of staff and security issues.

Administration: Authorities conducted investigations into credible allegations of mistreatment, but NGOs continued to report such investigations were lengthy and often did not result in successful convictions or punitive action against responsible officers.

Independent Monitoring: The government generally permitted regular prison visits by the HRCM and the National Integrity Commission (NIC) but required a letter detailing the names of visiting HRCM and NIC representatives before allowing them access to prisoners. The government generally permitted visits by the International Committee of the Red Cross, the Red Crescent, and other international assessment teams.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution stated an arrest could not be made unless the arresting officer observed the offense, had reasonable evidence, or had a court-issued arrest warrant. The MPS generally complied with arrest procedures. The law authorized police to arrest terrorism suspects without an arrest warrant when there were probable and reasonable grounds to believe a terrorism offense was imminent unless immediate action was taken. In these cases, suspects had to be presented before a judge within 48 hours of arrest to determine the legality of the detention.

Prisoners had the right to a ruling on bail within 36 hours, but lawyers reported the courts rarely considered bail.

The law provided for investigative detention. A person detained for investigation was allowed one telephone call prior to police questioning. Once a person was detained, the arresting officer had to present evidence to a court within 24 hours to justify continued detention.

Pretrial Detention: The MCS reported holding 279 pretrial or remand detainees in its facilities as of October, 28 fewer than in August 2022. Of these, 152 were in remand for more than a year, some for several years, without a conviction. Authorities reported it was likely that in some cases the length of pretrial detention was equal to or exceeded the maximum sentence allowed for the alleged crime.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, and the government generally respected judicial independence; however, it was subject to outside influence. Lawyers reported allegations of judicial impropriety and abuse of power among judicial officials, prosecutors, and attorneys who were reportedly intimidated or bribed. Government officials, members of parliament, and representatives of domestic and international civil society organizations accused the judiciary of bias.

NGOs and defense lawyers reported the Judicial Service Commission investigated allegations of judicial misconduct but noted investigations against some judges were lengthy. Some of these judges were allowed to remain on the bench and hear cases while under investigation, raising concerns they could be intimidated to issue certain rulings to avoid punitive action by the commission.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, but the judiciary did not always enforce this right. Lawyers reported in some cases that defendants who did not fully understand the language of the court were not provided free interpretation.

The testimony of women was generally equal to that of men in court, but

some laws allowed for differences in cases of rape (where the testimony of two male witnesses or four female witnesses was required). Sharia, as interpreted by the government, was applied in situations not covered by civil law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the

Press and Other Media

The constitution provided for freedom of expression, including for the press and other media, except on religious matters, and the government generally respected this right. Civil society sources reported, however, that the government failed to act against online death threats and attacks against those perceived to be critical of Islam, leading journalists and NGOs to practice self-censorship on matters related to Islam.

Freedom of Expression: The constitution prohibited utterances contrary to tenets of Islam or the government's religious policies. The law criminalized the offence of "criticizing Islam" including use of a communications device to criticize Islam, the Quran, the Prophet Muhammed, or the *Sunnah* (traditions and practices of Muhammed).

Ministry of Youth, Sports, and Community Empowerment regulations prohibited publishing literary material without authorization from the National Bureau of Classification. The regulations defined 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."

Violence and Harassment: Journalists reported as concerns impunity and lack of arrests or action in cases of violence and harassment of media personnel reported to authorities in past years. Throughout the year

international and domestic NGOs repeatedly condemned actions of police officers who assaulted or arrested journalists while they covered opposition protests. In a January statement, Amnesty International, Human Rights Watch, the Association for Democracy in the Maldives, and Transparency Maldives condemned the unjustified arrests of media personnel covering opposition protests. In February, March, and July, the Maldives Journalist Association and the International Federation of Journalists condemned police officers for obstructing, assaulting, and arresting reporters covering opposition protests in Malé.

Independent media were nonetheless 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. Civil society and journalist sources stated media practiced self-censorship on matters related to Islam due to fears of harassment or being labeled "anti-Islamic."

In March chief editor of the online news outlet *Adhadhu*, Hussain Fiyaz Moosa, received anonymous death threats hours after his paper published an article on gangs and religious extremism. In April, Dhauru Ahmed Zahir, the senior editor of a news outlet, and a reporter from the same outlet, Ahmed Naif, received anonymous death threats days after the paper covered a long running arbitration dispute involving a private company owned by a parliamentarian. As of October, authorities continued to

investigate the cases but had not identified perpetrators.

Censorship or Content Restrictions for Members of the Press and Other

Media, including Online Media: The law allowed authorities to force journalists to reveal their sources, but authorities did not routinely utilize this provision. In May 2022, a group of journalists from multiple media outlets submitted a petition to the President's Office calling for the government to revoke or amend a provision in the newly passed Evidence Act that could compel journalists to reveal their sources when the information presented by the journalist related to acts of terrorism or when the information related to national security offenses. The provision applied when the court determined that factors described in it were more likely than not to have happened, a civil standard of proof.

The law sanctioned anyone who violated an order to disclose a source with imprisonment of up to three months, a fine, or both. There were prohibitions on the import of foreign publications or materials applied to pornography or material otherwise deemed objectionable to Islamic values, including Bibles and idols for worship intended for public distribution. Tourists destined for resort islands were not prohibited from carrying Bibles and other religious items for their personal use.

Internet Freedom

The government generally did not restrict or disrupt access to the internet

or censor online content. A 2021 Criminal Court order for all local internet service providers to block access to websites, social media pages, YouTube channels, and online applications that targeted citizens of the country “with the intention of spreading religions other than Islam” remained in force. Authorities reported no new investigations into online content between January and August.

The Communications Authority of Maldives was the regulatory body mandated to enforce internet content restrictions on sites hosted within the country and to block domestic access to any websites. The authority maintained an unpublished blacklist of offending websites. It did not proactively monitor internet content, but it accepted requests from ministries and other government agencies to block websites that allegedly violated domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibited matters or material.

NGOs reported the government’s failure to act against online death threats and attacks against those perceived to be critical of Islam continued. Freedom House reported local human rights groups had to relocate social media users who received death threats for exercising their freedom of expression.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and

association; however, the government limited these rights.

Freedom of Peaceful Assembly

The constitution provided for “freedom of peaceful assembly without prior permission of the State.” The law on peaceful assembly restricted protests outside designated areas in the capital city. Protesters had to obtain prior written permission from the MPS and from the Ministry of Home Affairs to hold protests. Local civil society organizations condemned the restrictions as unconstitutional. MPS reported a total of 32 gatherings were dispersed from January until September for violation of the above provisions. NGOs reported that during some protest dispersals, MPS used pepper spray, verbal harassment, and undue force against protesters.

Freedom of Association

The constitution provided 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 law allowed foreign associations to register and operate in the country but required them to submit documentation not required from domestic associations prior to registration, including submission of a resolution by the members of the association to register the association and copies of its constitutional documents.

The act required all associations to disclose information related to any assistance received exceeding 500,000 rufiyaa (\$32,400) with the Registrar of Associations prior to commencement of any activity using such assistance. The association was required to disclose the source, the amount obtained, and the purpose for which the assistance was obtained, and to record this information in an annual report submitted to the registrar.

The government restricted the registration of political parties; see section 3.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. NGOs continued to report concerns regarding a 2020 High Court ruling that prohibited arrested migrant workers from release on bail unless a local national was willing to take responsibility for monitoring them until the conclusion of their cases.

e. Protection of Refugees

The Office of the UN High Commissioner for Refugees and other humanitarian organizations reported difficulty working with the government in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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

Section 3. Freedom to Participate in the Political Process

The constitution provided 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

Abuses or Irregularities in Recent Elections: Presidential elections held in September were peaceful, free, and well administered, according to Transparency Maldives and international election observers.

Political Parties and Political Participation: Despite their assessment that the overall election was well administered, Transparency Maldives and

international observers reported concerns in the pre-election environment including frequent allegations of vote buying, instrumentalization and abuse of state resources, particularly through state-owned enterprises, and a lack of transparency in campaign financing.

In 2019 former president Abdulla Yameen was convicted on bribery and money laundering charges and sentenced to five years in prison; however, he was acquitted in 2021. In 2022 in a second case he was convicted, also of bribery and money laundering, and sentenced to 11 years' imprisonment. The political opposition alleged the conviction was politically motivated, although civil society and international observers viewed the convictions as credible and appropriate. Under the constitution, individuals convicted of a criminal offense and sentenced to a term of more than 12 months were ineligible to run for presidential office. Yameen's supporters objected to his ineligibility to run, not based on his innocence, but because they believed it limited the political representation of citizens.

The Political Parties Act restricted registration of political parties and eligibility for state funds to parties with 10,000 or more members. The act required all political parties to submit fingerprints with each membership application. Civil society organizations continued to express concerns that the law and subsequent amendments restricted the constitutional right to form and participate in political parties.

Participation of Women and Members of Marginalized or Vulnerable

Groups: No law limited participation of women or members of minority groups in the political process, and they did participate. Women's rights activists and women politicians continued to highlight a lack of government and political party effort to encourage political participation of women. In their final report based on their 2022 visit to the country, the UN Working Group on Discrimination Against Women and Girls reported discriminatory social and cultural norms significantly undermined women's political participation and made them targets of gender-based verbal abuse, harassment, hate speech, political intimidation, and disinformation campaigns both online and offline.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption filed with the Anti-Corruption Commission. According to NGOs, officials often engaged in corrupt practices with impunity because the government was slow to investigate, prosecute, and punish cases of corruption.

Corruption: As of August, the Anti-Corruption Commission reported initiating 41 corruption investigations, less than half the number initiated over the same period of 2022. Most cases involved officials of state-owned enterprises; the majority of cases involved abuse of an official function for

undue advantage or benefit. Civil society representatives reported concern over lack of political will to tackle corruption or implement anti-corruption laws resulting in increasing lack of accountability of public officials. They reported while a Whistleblower Protection Act was passed in 2019 and a whistleblower protection unit was established in the HRCM in 2020, the unit remained dysfunctional due to lack of budget support from the government.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

In March the Civil Court ruled in favor of the government's 2019 decision to deregister the Maldivian Democracy Network following publication by the NGO in 2015 of their *Preliminary Report on Radicalization in the Maldives*

that used language the Ministry of Islamic Affairs argued criticized Islam. Civil society organizations reported concern that the court decision legitimized the deregistration which intimidated many organizations.

Retribution against Human Rights Defenders: In their final report based on their 2022 visit to the country, the UN Working Group on Discrimination Against Women and Girls reported women human rights defenders were subjected to online and offline harassment and attacks that often went unreported due a general environment of impunity and reprisals. In their final report based on their 2022 visit to the country, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism expressed concern that legitimate actions of human rights defenders were “limited by various pieces of legislation regulating freedom of expression, religion, association, and ‘extremism’” and noted particular challenges faced by women human rights defenders and their vulnerability to online harassment, including threats of violence.

Government Human Rights Bodies: The HRCM was a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Islamic law, and regional and international human rights conventions ratified by the country. The NIC was a statutorily recognized independent institution with a mandate to investigate allegations of human rights abuses by law enforcement agencies

and employees, and it had the authority to forward cases with criminal elements to police for further investigation.

Human rights activists reported the HRCM and NIC appeared to be working more independently since 2021. The HRCM reported government authorities were generally cooperative in investigations but were reluctant or slow to act on their recommendations. The NIC itself reported a lack of public awareness of its mandate, budgetary constraints, and a lack of trained technical staff.

The Child Rights Ombudsman was tasked with monitoring implementation of the Child Rights Protection Act.

The Office of Transitional Justice (OTJ) had a three-year mandate to investigate human rights violations by the state between 1953 and 2018. Civil society observers expressed concern that the office lacked adequate expertise to investigate cases covering a time span of 60 years. They also noted the three-year mandate was insufficient to adequately investigate the number of expected complaints. In November 2022, President Solih extended the term of the office until 17 November 2023. The office held a handful of closed-door hearings. Civil society observers noted while the hearings provided a forum for victims of past human rights violations to be heard, the office had not taken remedial action or provided compensation or closure to any victims. On November 17, the OTJ announced it had handed over all documents and assets to the government before the office

was dissolved.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women and men including spousal rape. The law also criminalized domestic violence, including physical, sexual, verbal, psychological, and financial abuse. The law also extended protection to wives against being forcibly impregnated by their husbands and included an extensive list of other abuses for which protection was provided. The law allowed courts to issue restraining orders in domestic violence cases and criminalized any actions violating these orders. A man, however, could be convicted of rape in the absence of a confession only if there were two male witnesses or four female witnesses willing to testify. In the case of the statutory rape of a child, the burden of proof was lower. Penalties if convicted ranged from four months' to 10 years' imprisonment, depending on factors such as the age of the survivor.

The government did not enforce the law effectively. NGOs and other authorities reported MPS officers were reluctant to make arrests in cases of domestic violence against women. Reportedly, this made survivors reluctant to file criminal cases against abusers.

The Ministry of Gender, Family, and Social Services received reports of rape,

sexual offenses, and domestic violence, and conducted social inquiry assessments of cases it submitted to the MPS. It also provided psychological support to survivors during MPS investigations. To streamline the process of reporting abuses against women and children, the ministry operated family and children's service centers on every atoll. Authorities and NGOs reported the service centers were short staffed and under-resourced. Staff employed at the centers lacked technical skills. Between January and October, the ministry carried out a national campaign to combat domestic violence under which the ministry trained facilitators across 17 atolls to conduct awareness raising on domestic violence and placed public billboards with awareness raising messages. The ministry also conducted sensitization programs to familiarize 35 staff from island magistrate courts on the Domestic Violence Act and the Sexual Offences Act.

Female Genital Mutilation/Cutting (FGM/C): The law did not prohibit FGM/C. No cases of FGM/C were reported to government authorities during the year. Since 2014 some religious leaders intermittently sought to revive the practice.

Other Forms of Gender-based Violence or Harassment: Civil society organizations reported sexual harassment was prevalent but underreported.

Discrimination: The law provided the same legal status and rights for women and men in religious, personal status and nationality laws, and laws related to labor, property, access to credit, and owning or managing

business and property. The law prohibited gender discrimination including in workplaces, educational institutions, and service providers such as hospitals. Discrimination against women remained a problem. Sharia governed inheritance of private property that gave male heirs twice the share of female heirs. Women's rights activists reported that women who initiated divorce proceedings faced undue delays in court compared with cases brought by men who initiated divorce proceedings. According to women's rights activists, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Extramarital sex was criminalized and childbirth out of wedlock was stigmatized.

Limited public information on reproductive health services was available for unmarried individuals. NGOs and activists expressed concern that adolescents' access to information on reproductive health rights and services remained extremely limited. They also noted that in smaller island communities, contraceptives were only available at a single health center or pharmacy on each island, leaving unmarried couples reluctant to access them due to social stigma.

Health-care facilities generally provided reproductive health services only to married couples. A centralized system of health-care provision remained a significant barrier to access for health-care services on islands outside the capital region. NGOs who provided sexual and reproductive health services reported the high cost of travel to islands outside the capital region posed a challenge to providing services on outer islands. Reportedly, men often influenced or controlled the reproductive health decisions of women including use of contraceptives. In their final report based on their 2022 visit to the country, the UN Working Group on Discrimination Against Women and Girls reported family planning and contraceptives were offered to women with spousal consent. Youth access to reproductive health information and services was especially limited, and cultural attitudes prevented youths from accessing what limited services were available from health facilities or NGOs.

NGOs reported that the government and some NGOs provided access to emergency contraceptives for sexual violence survivors. Postexposure prophylaxis was provided by the government through public hospitals and health centers. NGOs reported public health services provided psychosocial support and medical attention for a limited period immediately following instances of sexual violence. Access to these services through private health-care providers was costly or unavailable, especially outside Malé.

In their final report based on their 2022 visit to the country, the UN Working

Group on Discrimination Against Women and Girls reported women and girls from outer islands reported lacking access to feminine hygiene products.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited discrimination based on race or national origin. No law specifically protected members of racial, ethnic, or national minorities or groups from violence and discrimination. The law and regulations prohibited discrimination in employment and occupation based on race, color, religion, and social origin, but not on national origin or ethnicity. The government generally enforced those laws and regulations, with some exceptions that included discrimination in working and living conditions of foreign migrant workers, especially from Bangladesh. The Minimum Wage Order, which came into force in 2022, exempted foreign migrant workers for the first two years of enforcement. NGOs reported some societal discrimination against members of racial, ethnic, or national minorities. There were no government programs to mitigate societal, racial, or ethnic biases.

Children

Child Abuse: The law prohibited sexual and physical abuse of children, child neglect, and exploitation of children. The courts had the power to detain convicted perpetrators, but many were released pending sentencing and

allowed to return to the communities of their victims. The Ministry of Gender, Family, and Social Services which oversaw providing care and support to victims of child abuse, including sexual abuse, reported a lack of individuals trained in case work, psychosocial support, and other technical skills. More than 70 percent of the total cases received by the ministry as of August were cases of child abuse, the majority involving sexual abuse of girls. The MPS forwarded less than 2 percent of all received cases for prosecution as of July. Human rights activists conducted social media campaigns throughout the year to express concern regarding inadequate investigation of rape and child sexual abuse cases and impunity of offenders. Human rights activists reported the continuing lack of effective coordination among authorities handling child abuse cases, delays in attending to reports of abuse, and a lack of standard operating procedures to handle child abuse cases remained a problem.

Child, Early, and Forced Marriage: The law prohibited any marriage of a person younger than age 18. NGOs reported anecdotal evidence of some child marriages conducted outside of the legal system.

Sexual Exploitation of Children: The law prohibited commercial sexual exploitation and the sale, grooming, or use of children for commercial exploitation, including sex trafficking and practices related to child pornography. The law prohibited using, procuring, and offering children for pornographic performances; it was punishable by five to 25 years’

imprisonment. The law stipulated that a child between ages 13 and 18 involved in a sexual act was deemed not to have given consent “unless otherwise proven.” The law also treated the sexual exploitation of children by a third party as a form of human trafficking with exploitation, with a 15-year maximum sentence if convicted. The penal code allowed the Prosecutor General’s Office to file multiple charges against a perpetrator for a single offense. Regarding sex trafficking, for example, the office could file charges for human trafficking under the Prevention of Human Trafficking Act and for prostitution under the Child Rights Protection Act and aggregate the penalties so convicted perpetrators served longer sentences for a single offense. As of August, the MPS investigated one case of child pornography but had not forwarded the case for prosecution. NGOs reported that there were no confirmed reports of child sex tourism, but government authorities lacked the capacity to monitor the guesthouse-tourism sector in remote islands.

Antisemitism

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

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law prohibited same-sex sexual conduct. Under the penal code, the punishment for conviction included up to eight years' imprisonment or, under Islamic law, 100 lashes. As of August, the MPS investigated six cases of individuals engaging in same-sex relations but charges were not brought in any of these cases, while the Criminal Court continued hearings in six trials initiated in previous years under the charge of engaging in same-sex relations.

Violence and Harassment: There were no official reports that police or other government agents incited or perpetrated violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals or those reporting such abuse. There were no reports of officials complicit in abuses against LGBTQI+ persons, but societal stigma likely discouraged individuals from reporting such problems. In August multiple individuals posted numerous threatening messages against an employee at a beauty salon for appearing to be transgender, after one of the employee's clients posted on social media alleging the employee was transgender. Multiple individuals on social media continued to post threatening messages calling for violence

against individuals seen in videos leaked during the previous year showing a Bangladeshi man, M.D. Alamgiri, engaging in same-sex relations with multiple Maldivian men. As of September, authorities reported no action taken against those posting threatening messages in either case.

Discrimination: No legal provision prohibiting discrimination covered discrimination based on sexual orientation, gender identity or expression, or sex characteristics, and the law did not recognize LGBTQI+ individuals, couples, or their families. LGBTQI+ individuals largely remained hidden and did not come out due to social stigma. There were reports that schoolteachers were stricter when dealing with children perceived to be LGBTQI+.

Availability of Legal Gender Recognition: The government did not allow individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices: LGBTQI+ individuals and therapists reported several instances where parents forced LGBTQI+ children to begin talk therapy or seek treatment from “religious healers” in order to change their sexual orientation and gender identity.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: No organizations focused on LGBTQI+ advocacy existed in the country. Local citizens who expressed support for LGBTQI+ rights on social media

continued to report they were targeted for online harassment as “apostates” or irreligious.

Persons with Disabilities

The constitution and law provided rights and freedom from most types of discrimination for persons with disabilities; however, persons with disabilities did not have access to education, health services, public buildings, or transportation on an equal basis with others. The constitution provided for freedom from discrimination in access to employment for persons with disabilities, but the law did not do so. The law provided for some protection of the rights of persons with disabilities as well as monthly financial assistance to each registered individual. NGOs reported, however, that the National Social Protection Agency’s registration process had strict conditions, a cumbersome screening process, and an assessment requirement from a medical center in Malé City, that prevented most persons with disabilities from registering. Government information on disability concerns were not provided in accessible formats.

NGOs that operated throughout the country estimated that up to 10 percent of the total population of persons with disabilities had been subjected to various forms of abuse. NGOs also estimated that 40 to 60 percent of the total number of girls or women with disabilities who were subjected to various forms of abuse, were subjected to sexual abuse. The

families of victims often did not report cases to authorities because the police investigation and judicial process was inaccessible to persons with disabilities.

Students with physical disabilities were integrated into mainstream educational programs at primary and secondary level. Most large government schools also had special units catering to persons with disabilities who were not accommodated in the mainstream classes. Nonetheless, children with disabilities had virtually no access to support for transition to higher secondary education. Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and transportation for persons with disabilities on smaller islands and atolls made it difficult for them to attend school or work. Most public streets and buildings were not accessible for wheelchair users.

For the first time in the country, blind and visually impaired voters were provided special accommodation and were able to vote without assistance during the September presidential elections.

Institutionalized Children: During the year the Ministry of Gender, Family, and Social Services operated 14 facilities which housed children taken into state care, some of which housed children with disabilities. HRCM, NGOs and staff at some of these facilities reported a lack of basic infrastructure, material resources, such as books, clothing, recreational spaces, digital

devices and connectivity, and an inadequate number of staff, trained or otherwise, at these facilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provided for workers' freedom of association, although there was no specific law protecting the right to unionize. Organizations that wished to act as unions registered under the Associations Act. The act did not provide for independent unions, collective bargaining, or the conduct of strikes. As a result, the court system refused to officially recognize trade unions. Worker organizations were usually treated as civil society organizations or associations without the right to engage in collective bargaining. Police and armed forces did not have the right to form unions. Given the formal absence of unions, there were no reports of government enforcement of laws respecting their establishment or operation.

Under the law, some workers' organizations were established as civil society organizations, including in the tourism, fisheries, education, health, and shipping (seafarers') sectors, but these functioned more as cooperative associations and had very limited roles in labor advocacy. The Teachers

Association of the Maldives, the Tourism Employees Association of Maldives and the Maldives Trade Union Congress, an umbrella organization formed by the tourism employees' association, the Maldivian Ports Workers, and the Maldives Health Professionals Union, were among the more active workers' organizations.

The Freedom of Peaceful Assembly Act effectively prohibited strikes by workers in the resort sector, the country's largest money earner, and the tourism employees' association reported their representatives were often denied access to resorts when seeking to engage with members. Employees in the following services were also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, prison guards, and air traffic controllers. The Home Ministry enforced the act by arresting workers who go on strike, but there were no such arrests during the year.

Teachers were not prohibited by law from striking, but the teachers' association in previous years reported that the Ministry of Education prohibited teachers' strikes, citing potential damage to the profession, and stating that individuals' reputations had to be maintained because teaching was a public trust profession.

The government did not always enforce applicable laws. Resources, inspections, and remediation remained inadequate, and penalties were not commensurate with other laws involving the denial of civil rights and were

sometimes applied against violators.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided a minimum wage in most sectors, and it was more than the official estimate for the poverty income level.

Foreign workers were excluded from the Minimum Wage Order which outlined the scope and amount of the minimum wage. Minimum wage price floors were different for the public sector and for small, medium, and large businesses in the private sector. 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 law established maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. Civil servants were allowed six months of maternity leave and one month's paternity leave. The law provided for a 48-hour per week limit on work with a compulsory 24-hour break if employees worked six days consecutively. Certain provisions in the law, such as overtime and public holiday pay, did not apply to emergency workers, air and sea crews, executive staff of any company, and workers who were on call. Employee associations reported some government schools and hospitals continued to place a cap on overtime pay.

Occupational Safety and Health: The country did not have a general occupational safety and health (OSH) law, but certain industries, including construction, health, aviation, and tourism, had compiled their own standards and regulations, which they enforced themselves. There were no reports the government took any action under health and safety regulations, but civil society reported a lack of adequate safety measures and that workers were often not provided safety equipment in the construction sector. The law mandated implementation of a safe workplace, procurement of secure tools and machinery, verification of equipment safety, use of protective equipment to mitigate health hazards, employee training in the use of protective gear, and appropriate medical care, but there were no national standards for safety measures, and as a result such measures were at the discretion of employers.

The law protected workers who removed themselves from situations that endangered health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage or OSH-related laws; it effectively enforced overtime laws. Penalties for violations were not commensurate with laws for similar crimes and were rarely applied against violators. Penalties for overtime violations were commensurate with those for similar crimes, such as fraud.

The Labor Relations Authority (LRA) and Employment Tribunal were charged with implementing employment law, and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. The most common findings related to missing or problematic provisions included in employment contracts and job descriptions, overtime and other pay, and problems related to leave. Inspectors had the authority to make unannounced inspections and initiate sanctions. The LRA typically gave employers one to three months to correct problems but lacked sufficient labor inspectors and travel funding to enforce compliance.

The LRA reported difficulties in assessing safety standards during inspections due to the lack of national standards. Safety regulations for the construction industry required employers to provide employees with safety equipment such as helmets, belts, and masks, but NGOs reported the

government failed to monitor implementation of these standards. All employers were required to provide health insurance for foreign workers.

According to the government, 19 percent of the total working population was engaged in informal employment, with 62 percent of those self-employed and not covered by wage, hour, or OSH inspections. The LRA was authorized to inspect any workspace with employees but reported it did not routinely inspect workspaces of domestic workers. It did investigate complaints filed by domestic workers.