



## **International Covenant on Civil and Political Rights**

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### **Human Rights Committee**

**102nd session**

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### **List of issues to be taken up in connection with the consideration of the initial report of Maldives (CCPR/C/MDV/1)**

#### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please state if any of the provisions of the Covenant have ever been invoked before domestic courts. If so, please provide details on all cases in which this was done, and with what results. Please also provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Constitution and the Covenant.
2. Please explain whether any steps have been taken to provide the Human Rights Commission of the Maldives (HRCM) with the necessary human and financial resources as well as guarantees of independence, so that it is in line with the Paris Principles (General Assembly resolution 48/134), and considering that it has also been mandated to act as the National Preventive Mechanism on torture? Furthermore, please state if any steps have been taken to amend the Human Rights Commission Act, which limits membership in the HRCM to individuals of the Islamic faith.

#### **Counter-terrorism measures and respect of Covenant guarantees**

3. Please indicate the legislative measures that have been adopted to combat terrorism, and explain to what extent they may affect the rights guaranteed under the Covenant. What is the status of the new Anti-Terrorism bill of 2008? Please state whether victims of the terrorist attack that happened on 29 September 2007 at Male' Sultan Park have received compensation. If so, please state the nature and, if applicable, the amount of the compensation. Furthermore, please also provide an update on the trial of the two individuals being tried under the Anti-Terrorism Act, which individuals were allegedly involved in a clash between the local community and security forces in October 2007 in North Ari Atoll Himandhoo.

**Non-discrimination, equality between men and women (arts. 2, para. 1, 3 and 26)**

4. Please indicate the legislative and administrative measures taken, if any, since the ratification of the new Constitution in August 2008, relating to prevention and protection against discrimination in the public and private spheres of life, and in all fields, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Please reconcile the prohibition of discrimination on the basis of sexual orientation with the criminalization of homosexuality that attracts a punishment of banishment of up to one year or flogging from 10 to 30 times.

5. Please provide information on the measures taken to improve (a) women's status in the political, economic and social life of the country such as the judiciary, (b) the percentage of positions of responsibility held by women, particularly in traditionally male-denominated fields, (c) hiring practices in order to close the wage gap and occupational segregation between men and women and (d) the differential treatment of women working in public and private sectors as regards maternity leave.

6. Please state the measures taken, if any, to revise the law governing inheritance which grants male heirs twice the share that female heirs receive. Please also state the measures that are being taken, if any, to revise the law which prescribes that the weight of a woman's testimony in matters of adultery, finance and inheritance is equal to half that of a man. Furthermore, according to information before the Committee, family law prohibits Maldivian women from marrying non-Muslim foreigners but it allows Maldivian men to marry non-Muslim foreigners. Does the State party intend to amend the law in order to comply with the Covenant?

**States of emergency (art. 4)**

7. Please explain the lack of reference in article 255 of the Constitution to the rights guaranteed in article 18 of the Covenant. Please state whether the law on states of emergency has ever been invoked by the State party after the entry into force of the Covenant?

**Right to life (art. 6)**

8. Please respond to allegations that the Peoples' Majlis (National Assembly) accepted a bill that would make the enforcement of death sentences upheld by the Supreme Court mandatory. If the bill has been accepted, does the State party intend to revoke it in order to comply with the Covenant? Please provide an update on whether the current unofficial moratorium on capital punishment has been lifted following the introduction of this new bill. Furthermore, please specify all crimes that would incur the mandatory imposition of the death penalty once the new bill is enacted. Please respond to reports that children from the age of 7 can be held liable for *haddu* offences and, therefore, the death penalty could be imposed on them.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)**

9. Please provide information on: (a) the investigations and number of complaints received by the Police Integrity Commission, established in 2006, against law enforcement and detention personnel related to incidences of torture and ill-treatment, including an

update on the 35 cases passed on to it by the defunct Public Complaints Bureau; (b) the type of charges brought against law enforcement officers; (c) the number of cases dismissed, and the reasons for their dismissal; (d) the number of officials disciplined and the sanctions imposed; and (e) concrete measures taken for the rehabilitation and compensation of victims of torture. Please state whether the prison personnel suspected of having beaten to death Evan Naseem in Maafushi prison have been investigated. If so, what was the outcome of the investigation?

10. Please provide information on the extent of the problem of domestic violence and sexual assault in general. Furthermore, according to information before the Committee, in the absence of a confession, a man can only be convicted of rape if there are two male or four female witnesses to the act. How does this comply with the Covenant? Please also provide an update on the status of the Anti-Domestic Violence Bill and the draft bill on Sexual Harassment. What measures have been put in place to ensure that acts of domestic violence and sexual assault generally, are effectively investigated and perpetrators prosecuted and sanctioned? In addition, please provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims and; (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence. Furthermore, please provide information on any other steps taken to combat domestic violence, such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies.

11. According to information before the Committee, corporal punishment is lawful in all settings, namely the home, schools and penal system. In the penal system, any person who has reached puberty can, allegedly, be sentenced to flogging if they commit any *haddu* or other offences under sharia. What measures are being taken to eliminate *de jure* and *de facto* corporal punishment in all settings?

### **Right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 7, 9, 10 and 14)**

12. Please respond to allegations that, notwithstanding the Constitutional provision that no person should be detained for a period exceeding 24 hours, a suspect can be held in detention for seven days by a decision of the police. Please comment on reports that Mr. Abdulla Qayoom, leader of opposition, was detained for nine days without charge. Please indicate efforts that are being made to ensure reliance on other forms of evidence other than confessions for the prosecution of crimes. Please explain the measures being taken to ensure that the detention of suspects after the prescribed 24-hour rule follows due process and is not at the discretion of the Police.

13. Please respond to allegations that police investigations focus on obtaining confessions, and that prosecutorial and judicial processes also centre on confessions. Please state the measures that have been taken to ensure that confessions and any evidence that is forcibly extracted from suspects are effectively excluded during trial.

14. According to information before the Committee, there is no segregation between juveniles and adult prisoners on the one hand, and between accused and convicts on the other hand. Please state the measures that are being taken, if any, to deal with the problem of non-segregation. Furthermore, please provide an update on the State party's undertaking to construct a separate facility for juveniles. 15. According to information before the Committee, most prisons and detention facilities are overcrowded and have poor ventilation and sanitation. Please provide information as to whether the temporary prison facility in Addu Atoll is still in use. Please explain the measures taken to deal with these problems and

ensure that places of incarceration meet internationally established standards. Please state if there are any measures to specifically deal with the problem of overcrowding, which is allegedly compounded by the fact that the period spent during pretrial detention is never subtracted from the final sentence that is handed down by the courts.

16. According to information before the Committee, the State party does not have a legal-aid scheme such that a majority of detainees who cannot afford to hire a private lawyer have virtually no legal assistance. Please state the measures that are being taken, if any, to establish a legal aid scheme that would cater for the needs of indigent litigants.

17. According to information before the Committee, judicial independence is not respected in the State party. Please comment on reports of direct and indirect threats and other acts of intimidation targeting judges and members of their families. Furthermore, there are allegations of bribery by officers of the executive and legislative branches of the Government towards individual judges in return for their political allegiance. Please state the measures taken, if any, to improve judicial independence by reducing external influence in the judicial process.

### **Elimination of slavery and servitude (arts. 2, 8 and 26)**

18. Please state the steps being taken to develop legislation on combating human trafficking. Please explain the measures being taken to deal with the trafficking of individuals from Bangladesh and India, who are mainly trafficked into the State party for labour and commercial sex exploitation. More generally, please provide information on how the rights of migrant workers are respected in the State party. Please provide information on: (a) the prevalence of this phenomenon, expressed in statistical data disaggregated by gender, age and country of origin; (b) the number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking under other existing forms of legislation; (c) any training programmes for professionals involved in implementing the State party's measures against trafficking, including the police, the judiciary, members of the prosecution authorities and social workers; and (d) the rights of victims of trafficking.

### **Non-discrimination, freedom of religion and belief, and participation in public affairs (arts. 18, 25, and 26)**

19. Please state whether the State party intends to withdraw its reservation to article 18 of the Covenant taking into account its incompatibility with the object and purpose of the Covenant.

20. According to information before the Committee, the Constitution and other laws prescribe that holders of most public offices such as the President, ministers, judges, members of the National Assembly (Peoples' Majlis) and those of the Human Rights Commission, have to be Muslims and followers of the Sunni school of Islam. Furthermore, article 9(d) of the Constitution provides that non-Muslims cannot become citizens of the Maldives. Does the State party intend to reform these provisions in order to comply with the Covenant?

21. According to information before the Committee, non-Muslims, mainly migrants working in the State party, are not allowed to practice their religion in public such that there are no places of worship for adherents of other religions. Please explain the measures that are being taken, if any, to guarantee freedom of religion in the State party.

22. According to information before the Committee, the instruction of Islam in schools is mandatory. Please state the measures being taken, if any, to ensure that pupils and students have a choice to opt out of this religious education that could be contrary to their beliefs. What steps are being taken to ensure the respect for belief and religion of children in the school environment?

### **Freedom of opinion and expression (art. 19)**

23. According to information before the Committee, the harassment and intimidation of journalists is widespread in the State party. Please provide an update on the status of the draft media bills identified in the “Roadmap for the Reform Agenda”, namely, the Freedom of Press Bill, Freedom of Information Bill, Maldives Medical Council Bill and the Registration and Publication of Newspapers and Magazines Bill.

24. Please respond to allegations that authorities in the State party block websites of organizations that are considered to be pro-opposition. Please respond specifically to allegations that access to the website of the *Dhivehi Observer* has been blocked by State authorities. What measures have been taken to promote diversity in the media?

### **Dissemination of information relating to the Covenant and the Optional Protocol (art.2)**

25. Please provide information on the steps taken to disseminate information on the Covenant, the submission of the initial report of the State party, and its forthcoming examination by the Committee. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups, if any, civil society, non-governmental organizations, and the national human rights institution in the preparatory process for the report.

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