

MALDIVES

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Joint submission by:

International Federation for Human Rights (FIDH)

Maldivian Democracy Network (MDN)

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Introduction

1. This submission for the fourth Universal Periodic Review (UPR) of the Maldives, jointly produced by the International Federation for Human Rights (FIDH) and the Maldivian Democracy Network (MDN), focuses on the following developments since the Maldives' third UPR in November 2020: threats and harassment against human rights defenders and civil society organizations; restrictions on freedom of expression; impunity for deaths and disappearances; inadequate consultation over controversial constitutional amendments; attacks on the independence of the judiciary; the death penalty; discrimination and harassment against LGBTIQ individuals; limited right of women to participate in public affairs; and religious discrimination.

Human rights defenders under attack

2. Human rights defenders and civil society organizations have been the target of sustained hate speech campaigns that involved religious extremists amid complete acquiescence by the authorities.
3. Threats against human rights defenders became critically dangerous in late 2019, when religious extremist groups began targeting individuals and organizations on social media, labeling them as "agents of the west" working to dismantle the Islamic community. Online threats quickly spread to the physical space, where protests in various places in the Maldives called for the killing of human rights defenders associated with MDN and the closure of MDN. The threats were further exacerbated by the announcements from then-Commissioner of Police Mohamed Hameed and then-President Ibrahim Solih of investigations against human rights defenders and organizations, implying public support for the groups targeting defenders. These actions were followed by online death threats to individual defenders and various organizations.
4. The vast majority of reported incidents of violent threats against human rights defenders have not been investigated by the authorities, including the police and the Human Rights Commission of the Maldives. This inaction by the authorities has resulted in a chilling effect on the work of

human rights defenders, who have been forced into silence on matters that may be disagreeable to religious extremist groups. Such matters have extended beyond religious issues, as conservative politicians became actively involved in attacks against human rights defenders for their advocacy regarding corruption, domestic abuse, and gender-based violence.

5. While reports of threats against human rights defenders have decreased since 2024, the authorities' failure to investigate previous threats or acknowledge the need for the protection of human rights defenders demonstrate a lack of political will to create an enabling environment for their work.
6. The Maldivian authorities have also failed to heed international calls for the reinstatement of MDN's registration, which was arbitrarily deregistered by the Registrar of Associations under the Ministry of Youth, Sports and Community Empowerment in November 2019, after MDN's publication of a report on radicalization in the country in 2016. During the Maldives' third UPR, the government refused to accept a recommendation to conduct a "transparent and public investigation into the ban" of MDN. The government justified its refusal by saying that MDN was entitled to challenge the deregistration through a "process of judicial review."¹
7. Regrettably, judicial proceedings initiated by MDN before the Civil Court in September 2020 to challenge the lack of due process in the deregistration of MDN have been slow, deeply flawed, and have failed to address MDN's grievances. The Civil Court invited the plaintiff and the Maldivian government to reconcile the matter without a trial. When MDN expressed its willingness to engage in such a dialogue with the Attorney General's Office, the Attorney General's Office declined the invitation and insisted on moving forward with the trial in December 2020. During the trial, the Civil Court rejected MDN's request to examine as witnesses the Chief Superintendent of Police who led the investigation against MDN, which triggered its eventual dissolution, and the Registrar of Associations. On 28 March 2023, the court ruled against MDN, stating that MDN should be deregistered as the report published by MDN was blasphemous. The court did not address MDN's claim of violation of due process in the deregistration process. Moreover, investigations against MDN on blasphemy charges remain open, a fact that contradicts the court's reasoning that MDN's report contained blasphemous content. In August 2023, MDN appealed the Civil Court's ruling to the High Court. While no appeal hearing has been scheduled, an application for a third party intervention into the case filed in March 2024, by local human rights NGO Association for Democracy in the Maldives (ADM) in an effort to ensure the right to freedom of association in the Maldives, was rejected by the High Court in October 2024. The subsequent appeal against the High Court's ruling was rejected by the Supreme Court in February 2025.
8. Recommendations
 - Ensure that human rights defenders, activists, and civil society organizations are protected and able to operate freely and without fear of reprisals.
 - Conduct thorough, impartial, and effective investigations into online and offline attacks against human rights defenders, activists, and civil society organizations and ensure perpetrators are held accountable.

- Reinstatement of the registration of the Maldivian Democracy Network (MDN) and ensure its funds are released and returned to MDN representatives without undue delay.

Freedom of expression restricted, threatened

9. Key provisions of the Religious Unity Act (Law number 6/94) have severely limited freedom of expression of civil society organizations, media, and individuals. They have also placed these groups and individuals at risk of legal action or violence instigated by non-state actors, including radical religious groups.
10. The Religious Unity Act was passed in 1994, 14 years prior to the ratification of the Maldivian Constitution. This law created the Supreme Council of Islamic Affairs which, in addition to having the authority of issuing *fatwas*, has the mandate to certify and authorize those who may speak on topics related to Islam, as well as the content of all written and spoken material relating to Islam. This creates a situation where Islamic scholars and academics can be penalized under the Religious Unity Act for expressing certain religious views, such as moderate views that do not align with the fundamentalist Salafist ideology promoted by the Council. Section 35 of the Religious Unity Act contains vague and overly broad provisions to define prohibited acts, which include “trying to disrupt the religious harmony of the people, and speaking about topics or behaving in ways that will create religious discord, or trying to do any of these things.” Such acts are considered criminal offenses and Section 37 of the law prescribes penalties of imprisonment or house arrest for between two and five years (with an additional year for every repeat offense under the law), or a fine between Maldivian Rufiyaa 5,000 and 20,000 (approximately US\$324 and US\$1,297). Moreover, the Religious Unity Act does not prescribe a statute of limitations.
11. Islamic clerics, licensed by the Ministry of Islamic Affairs, have incited violence against individuals exercising their right to freedom of expression. After issuing interpretations of religious positions expressed by individuals, clerics have often labeled individuals as people advocating against religion. Such pronouncements have escalated to situations of violence and threats. In 2020 and 2021, two individuals were forced to seek asylum abroad due to such interpretation of their opinions as “anti-Islamic” by notorious clerics, followed by violent threats from anonymous online accounts.
12. Recommendations
 - Guarantee the exercise of the right to freedom of opinion and expression in accordance with the Maldives’ obligations under international human rights law.
 - Amend the Religious Unity Act to ensure its provisions are consistent with Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR).

Entrenched impunity for serious crimes

13. Impunity for cases of murders and disappearances continues to prevail, as *ad hoc* mechanisms have failed to deliver justice to the victims and their families.

14. The murders of member of Parliament (MP) Dr. Afrasheem Ali and blogger Yameen Rasheed in 2012 and 2017, respectively, and the enforced disappearance of journalist Ahmed Rilwan Abdullah in 2014 remain unsolved. These three cases were among the 27 cases assigned for investigation to the Deaths and Disappearances Commission (DDCom), formed under presidential decree by then-President Solih in November 2018. The DDCom did not forward any of the 27 cases to court by the end of President Solih's term in November 2023. In May 2024, President Mohamed Muizzu dissolved the DDCom, citing incompetence. The DDCom rejected requests from families of the victims as well as civil society organizations to disclose findings of their investigations before the commission was scheduled to be dissolved.² The President's Office later informed media that the government would release the DDCom report, without providing a timeframe/deadline.³ To date, no report has been published.
15. Recommendations
 - Disclose the findings of the investigations into all cases of murder and enforced disappearance to relevant families.
 - Conduct and publish a full audit of the Deaths and Disappearances Commission, including the cases assigned, information about completion of investigations, and decisions of the commission.

Inadequate consultation over controversial constitutional amendments

16. In recent years, concerns emerged over the lack of an adequate public consultation process regarding key constitutional amendments, which is even more alarming in light of the ruling Peoples' National Congress (PNC) party's current 83% parliamentary majority. An amendment to the Constitution requires a two-third parliamentary majority.
17. Between 2015 and 2025, a total of six amendments have been made to the 2008 Constitution of the Maldives, including two during the 2020-2025 period. None of these amendments were made through adequate public consultation or parliamentary debate.⁴
18. The sixth, and latest, constitutional amendment enacted in November 2024, states MPs who change political affiliation must be removed from office. The amendment was proposed and passed by Parliament and signed by the President in under 36 hours.⁵ Within days, the amendment was challenged at the Supreme Court by MP Ali Hussain, who petitioned the court to rule that the amendment was unconstitutional.⁶
19. After the Supreme Court held preliminary hearings on 17 February 2025 and decided it had jurisdiction to hear the case, on 25 February the PNC proposed amendments to the Judicature Act (Law number 22/2010) to reduce the Supreme Court bench from seven to five. The amendment bill was passed in less than 24 hours without debate and sent to the President for ratification. The PNC's actions were widely perceived as a politically motivated attempt to undermine the independence of the judiciary and were met with widespread calls on President Muizzu not to ratify the law.⁷ President Muizzu eventually rejected the amendment two days before the end of the 15-day period for ratification.

20. Recommendation

- Enact and enforce legislation that prescribes adequate public consultation as part of the process of consideration of legislative and constitutional amendments.

Attack on the independence of the judiciary

21. The constitutional challenge to the sixth amendment to the Constitution [See above, *Inadequate consultation over controversial constitutional amendments*] was heard by the full bench of the Supreme Court. On 26 February, three Supreme Court justices (Justice Azmiralda Zahir, Justice Husnu' al Suood, and Justice Mahaz Ali) were suspended by the Judicial Service Commission (JSC), the constitutionally mandated body overseeing the judiciary, following an extraordinary meeting of the commission, which did not include any members of the commission representing the judiciary. The JSC stated that the decision was made under Section 25(p) of the Judicial Service Commission Act in relation to information shared by the Anti-Corruption Commission that they had begun an investigation into the three justices.⁸ Section 25(p) is inconsistent with the principle of due process because it triggers penalties without providing the defendant with the right of reply, based solely on information that another institution has commenced an investigation, and without examining the merits of the allegations brought forward. Moreover, Section 25(p) encroaches upon the independence of the JSC by creating a dependency of the JSC on an external authority.

22. Recommendations

- Ensure the judiciary is able to operate without undue interference from the Judicial Service Commission.
- Amend Section 25(p) of the Judicial Service Commission Act to ensure the right to due process and the right to the presumption of innocence in investigations involving members of the judiciary.

Government threatens to carry out executions

23. There has been no progress towards the abolition of the death penalty in the Maldives, and the government threatened to resume executions after more than 70 years.
24. In December 2024, the Maldives voted against the UN General Assembly's biennial resolution to establish a moratorium on the use of the death penalty. In addition, during the country's third UPR in November 2020, the government did not accept recommendations from various UN member states to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.
25. There are currently three prisoners on death row in the Maldives – all of them male. Their death sentences were upheld by the Supreme Court in 2016. Several other individuals are facing trials that could potentially result in a death sentence or have been sentenced to death by a court of first instance and have ongoing appeals at the High Court. In December 2023, Minister for Homeland Security and Technology Ali Ihusan announced plans to resume executions, stating

that the ministry was working on the necessary legal provisions to carry out executions in accordance with the law.⁹ In October 2024, Mr. Ihusan announced that preparations of the death chamber and training of personnel were underway, and that the executions would begin as soon as the training was completed.¹⁰ The last execution was carried out in 1952.

26. In August 2024, Ali Ihusan announced that proposed amendments to the Drug Act would include the death penalty for drug trafficking offenses.¹¹ However, proposed amendments currently under consideration by Parliament do not prescribe the death penalty.

27. Recommendations

- Declare an official moratorium on executions and commute all death sentences.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.
- Abolish the death penalty for all crimes.

LGBTIQ individuals discriminated against, harassed

28. LGBTIQ individuals have continued to lack legal protection and have been the target of online harassment and, in some cases, criminal investigations, prosecutions, and prison sentences.

29. Same-sex relations, as well as pre-marital and extra-marital sexual acts, are criminalized in the Maldives, in accordance with Islamic Sharia law. As the Maldives practices a mixed system of Sharia and common law, judges have the discretion to apply *hudud* punishments.¹² Same-sex relations are criminalized under the Penal Code and the Sexual Offenses Act. Punishments for same-sex relations range from one month and six days to one year in prison and flogging under the Penal Code and from house arrest to seven years in prison under the Sexual Offenses Act. Although the Prosecutor General's Office has set a precedent of using the provisions of the Penal Code for cases of homosexual relations, the sections of the Sexual Offenses Act that impose harsher sentencing continue to be enforced.

30. In 2022, the Maldivian police announced the criminal investigation of around 45 men who were alleged to have engaged in same-sex relations. The police identified the men from video clips, some of which were publicly leaked. Around 20 gay men were doxxed online and on mainstream media, leading to a witch-hunt by the police. Some of the individuals had reported to the police that they had been blackmailed over the content of the clips before these were leaked. Eleven men were subsequently charged for same-sex conduct under the Penal Code and others are facing ongoing investigations against them. Three have been sentenced and eight others are on trial. Nazim Sattar, a lawyer by profession and the younger brother of then-Speaker of Parliament Mohamed Nasheed, was sentenced to two months and 12 days in prison, which was later commuted to three months and 26 days under house arrest and an order to make a public apology. A second individual, a policeman, received a sentence of one year, two months, and 12 days in prison, which was later commuted to one year, one month, and 28 days on appeal. The Prosecutor General initially appealed the house arrest sentence of Nazim Sattar, arguing that the sentence was "too light." The appeal was later withdrawn. In September 2022, the individual who produced the video recordings was sentenced to two years and nine months in prison for same-

sex conduct and 40 counts of pornography production.¹³ No one has been charged for blackmailing the individuals with the video recordings.

31. Targeting of LGBTIQ individuals on social media because of their sexual orientation, gender identity, or simply because of their appearance, has impacted the security of the LGBTIQ community. For example, in May 2024 two women journalists shared the TikTok posts of two young men on X, accusing them of being homosexual and promoting nudity. The social media posts of the journalists quickly became the subject of mainstream media reporting, leading to a backlash against the two, one of whom also shared on TikTok testimonies of harassment and threats he had received.
32. Both locals and foreign nationals have been facing harassment and threats on the streets in the capital region based on their appearance or what they wear. In 2024, a video clip showing a foreign national visiting for business being harassed on the streets of Malé for allegedly being a transgender woman was shared widely on social media. Video clips, photos and identity of individuals supposedly being gay, lesbian, or transgender are often posted on social media and there have been no investigations or measures to prevent such harassment.¹⁴ These incidents force individuals associated with the LGBTIQ community to withdraw from public spaces and refrain from expressing their views on societal matters or those that directly affect their lives.
33. Recommendations
 - Repeal legislation that discriminates on the basis of sexual orientation, including provisions of the Sexual Offences Act that are inconsistent with the Maldives' obligations under international human rights law.
 - Adopt effective measures to protect individuals from acts of harassment and intimidation for their sexual orientation and gender identity, conduct thorough investigations into such acts, and hold the perpetrators accountable.
 - Take adequate measures against hate speech and harassment against individuals and groups.

Women's right to participate in public affairs undermined

34. Women's right to participate in public affairs has been undermined by inconsistent affirmative action laws and policies and the unchecked spread of misogynistic and discriminatory information against women.
35. Maldives scored 132 out of 146 countries in the 2024 Global Gender Gap Index, dropping eight places from 2023.¹⁵ In 2019, some affirmative action measures aimed at greater gender balance in political participation were introduced for the first time through the Decentralization Act, which stipulated a 33% quota for female candidates in local elections, leading to an all-time high of 389 elected women out of the total 981 (39.7%). The highest percentage of women councilors elected prior to the application of the quota was 6.1% in 2017.¹⁶ Similar progress has not been made in other areas of public office. For example, only 42 women out of 368 (11%) candidates contested the 2023 parliamentary elections. Three out of 93 elected members of Parliament and two out of 22 cabinet members are women.

36. Most candidates contesting in various elections either compete in party primaries or are selected by the party leadership. None of the political parties have a publicly available policy of affirmative action. While some parties have published internal election regulations, the criteria for candidacy are not transparent. In the absence of affirmative action for women within political parties, the existing patriarchal culture prevails and results in women facing multiple obstacles at the most basic level of public participation.
37. The abuse of Islam for coercion of women into disengaging from public life and personal choices has been a longstanding form of discrimination against women in the Maldives. Religious education led by local clerics licensed by the Ministry of Islamic Affairs and groups registered as civil society organizations confine the role of women solely to their private sphere and advise women not to apply for leadership positions. Renewed calls for barring women from the judiciary have surfaced in social media, and have mostly been led by local clerics. There is no indication of preventive measures by the government or the Human Rights Commission of the Maldives against the spread of such misogynistic messages.
38. Recommendations
 - Strengthen affirmative action for women through the adoption of legislation that mandates political parties to enforce a predetermined quota for female candidates.
 - Take measures to prevent, stop, and counter the spread of misogynistic and discriminatory information against women.

Religious discrimination institutionalized

39. Key provisions of the Maldivian Constitution continue to institutionalize discrimination based on religion.
40. According to Article 9(d) of the Constitution, the right of citizenship in the Maldives continues to be dependent on the person being a Muslim. However, no legislation clarifies the process of revoking citizenship.
41. Additionally, under Article 10 of the Constitution, all laws of the Maldives must comply with the tenets of Islam. Article 17, which protects the right of non-discrimination, omits religion as a prohibited basis for discrimination, excluding thousands of immigrants of various faiths who reside in the Maldives. More than 30% of the 411,219 working-age population in the Maldives¹⁷ are migrant workers who are not allowed to openly practice their religion if it is not Islam.
42. Individuals who publicly renounce the faith are arrested, detained, and “advised” to revert and make a public apology or face prosecution. Apostasy falls under crimes of “Hadd” or serious crimes under Islamic Sharia, and under the mixed Sharia and common law system in the Maldives, presiding judges are given discretion over the punishment in Hadd crimes. Apostasy carries the death penalty in Islamic Sharia and the Ministry of Islamic Affairs has previously made recommendations to apply the death penalty to individuals who have been accused of blasphemy and apostasy.¹⁸

43. Recommendations

- Ensure that citizenship rights are not contingent on religious criteria.
- Decriminalize the exercise of the right to freedom of religion or belief.
- Introduce and adopt legislative amendments that protect the right of foreign migrant workers to openly practice their faith.

¹ Human Rights Council, 46th session, *Report of the Working Group on the Universal Periodic Review – Maldives – Addendum*, 22 December 2020, UN Doc. A/HRC/46/10/Add.1

² Joint statement, *Maldives: Presidential Commission on Deaths and Disappearances must disclose findings of investigations to victims' families and the public*, 14 May 2024, <https://democracymaldives.org/?p=381>

³ Edition, *DDCOM findings will be disclosed once they are received: government*, 22 May 2024, <https://edition.mv/rugya/33573>

⁴ Association for Democracy in the Maldives, *The constitution has been amended six times and major changes have been made to it*, January 2025, <https://democracymaldives.org/?p=458>

⁵ Joint press statement, *Joint press release: Concerns over amendments to the constitution*, 20 November 2024, <https://democracymaldives.org/?p=416>

⁶ Diplomat, *Maldives opposition cries foul as Muizzu government amends constitution to deter defections*, 27 November 2024, <https://thediplomat.com/2024/11/maldives-opposition-cries-foul-as-muizzu-government-amends-constitution-to-deter-defections/>

⁷ Joint press statement, *Joint statement calling on President Mohamed Muizzu not to ratify the amendments to the Judicature Act of the Maldives*, 4 March 2025, <https://democracymaldives.org/?p=455>

⁸ Section 25(p) of the Judicial Service Commission Act states that "if a judge is arrested on a criminal allegation, or detained, or if an investigating authority informs the JSC of the commencement of an investigation (of a judge), or if such a case is referred to the courts, or if such an accusation is proven in a court, a decision on the actions to be taken regarding a temporary suspension of the judge must be made by the commission within 48 hours. Obtaining a reply from the judge under this section is not mandatory upon the commission."

⁹ Human Rights Watch, *Maldives: Reverse plans to reinstate death penalty*, 21 December 2023, [https://www.hrw.org/news/2023/12/21/maldives-reverse-plans-reinstate-death-penalty#:~:text=\(Bangkok\)%20%E2%80%93%20The%20Maldives%20government,dates%20back%20to%20the%201950s.](https://www.hrw.org/news/2023/12/21/maldives-reverse-plans-reinstate-death-penalty#:~:text=(Bangkok)%20%E2%80%93%20The%20Maldives%20government,dates%20back%20to%20the%201950s.)

¹⁰ Press, 22 October 2024 [in Dhivehi], <https://thepress.mv/157192>

¹¹ PSM News, *Proposed law amendment to impose death penalty for drug smugglers*, 15 August 2024, <https://www.psmnews.mv/en/142188>

¹² *Hudud* crimes are those that are punishable by a pre-established or mandatory punishment that has been prescribed in the Sharia for a specific act. The *hudud* for homosexuality is the same as adultery - the death penalty.

¹³ Sun Online, *Alamgir gets two years and nine months in prison for pornography production*, 30 September 2022, <https://en.sun.mv/77947>

¹⁴ Social media posts sharing a video clip of the victim and calling to punish her can be viewed through the following links: https://x.com/haifa_aishath/status/1856757062656725461?s=46&t=CP465qYe0IbkWHfORX04dw; https://x.com/haifa_aishath/status/1857293023404802111?s=46&t=CP465qYe0IbkWHfORX04dw

¹⁵ World Economic Forum, *Global Gender Gap Report 2024*, <https://www.weforum.org/publications/global-gender-gap-report-2024/>

¹⁶ UNDP, LGA and MILG. 2024, *Assessment on Gender Dynamics in Local Governance: Insights from Female Council Members*, https://www.undp.org/sites/g/files/zskgke326/files/2024-10/eng_gender_dynamics_report.pdf

¹⁷ Maldives Bureau of Statistics, *International Labour Day 2024*, <https://statisticsmaldives.gov.mv/mbs/wp-content/uploads/2024/05/ILD-2024.pdf>

¹⁸ In a report in 2019, the Ministry of Islamic Affairs stated that the authors of the MDN report *Preliminary Assessment of Radicalisation in the Maldives* had committed apostasy and that the death penalty should be applied to all four authors.