

## Joint Press Statement

### Human Rights Violations and State Impunity in the Maldives

10 December 2024

As we mark 76 years of the Universal Declaration of Human Rights, we, the undersigned organisations from the Maldives, stand in solidarity with rights defenders around the world, risking and often losing their lives in the pursuit of protecting human rights for all people. As human rights regress across the globe, we note with concern the deterioration of the human rights situation in the Maldives. Not only are we witnessing some state institutions engaging in these violations of human rights, it is also worrying to see further regression of accountability of perpetrators.

Based on some of the recent human rights violations requiring immediate attention, detailed out in the briefing paper annexed to this statement, we jointly make the following calls to the state;

- Firstly, we call on the **People's Majlis** as the primary guardian of our constitution, to refrain from derailing the rule of law.
- We call upon **the Executive, especially the President** to remain within the ambit of the law, and to ensure accountability of his cabinet and government authorities which, through both commission and omission, violate the fundamental rights of the people in the Maldives.
- We call on **the judiciary** to recognise national and international human rights law and ensure their fair and just implementation in national courts without fear or favour.
- Furthermore, we call on **State oversight bodies and independent institutions**, particularly the **Human Rights Commission of the Maldives**, to proactively and effectively take up their mandate in the face of swift derogation of the rights of the people and carry out duties entrusted to them by law.
- We strongly encourage institutions to conduct inclusive public consultation when addressing issues that have an impact on fundamental rights of the people.

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Association for Democracy in the Maldives

Maldives Journalists Association

Mental Health Support Group

Save Maldives

Transparency Maldives

Zero Waste Maldives

## **Joint briefing paper on serious human rights violations in the Maldives**

**10 December 2024**

On 20th November 2024 the People's Majlis acted with complete disregard for democratic principles and the rule of law when they brought in the Sixth Amendment to the constitution. The amendments to Articles 3, 73, 115, 251 and 262 were brought with no debate or explanation, completely excluding citizens from the process and in violation of the Article 4 of the Constitution. Amendments were proposed and passed by two thirds of the parliament, and ratified by President Muizzu in less than 24 hours. This conduct of the parliament forces the public to question whether a super-majority of the ruling party is politically healthy for the nation or is being used in the best interest of the public.

In July 2024 the Minister for Homeland Security and Technology, Ali Ihsan publicly threatened Bangladeshi migrant workers in the south who organised a demonstration in solidarity with student protesters in Dhaka at the time. In violation of Article 32 of the constitution, the minister stated to the media that the demonstrators would be deported as a result. Migrant workers in the Maldives are forced into forms of modern slavery such as unpaid wages, forcefully withheld personal documents and inhumane working and living conditions. They are routinely subject to police brutality, arbitrary detention and forced deportation. According to the Maldives Immigration, as of November 2024, over 5000 migrant workers have been deported on the basis of several accounts. These approaches currently used to address the challenges faced due to the increased number of undocumented migrants in the Maldives, raises significant concerns regarding the protection of their human rights and dignity. It risks overlooking critical issues such as human trafficking and the widespread rights abuses experienced by migrant workers. More accountability and transparency in the process is essential to ensure their rights. Employers who perpetrate modern slavery and state institutions that inflict unlawful action on migrant workers in contravention to the Article 25 of the constitution continue to enjoy full impunity within consecutive administrations.

We are particularly concerned by the project, "Hope Island" announced by the minister in early 2023, stating the government's policy on rehabilitating children in conflict with the law. According to the minister "children living in criminal environments" will be rehabilitated through special programs, including those conducted by law enforcement agencies, while held in isolation<sup>1</sup>. According to disclosed plans by the government, children in the program who reach the age of 18 will automatically be enrolled in law enforcement. A related statement by the minister in May 2024 alluded to conscription of young people who score lower academic results in the GCSE Ordinary Levels, or unable to find higher education or employment opportunities. We do not believe that these policies that prevent children from accessing public education and which replace improving the education system with conscription will deter juvenile delinquency or youth crimes. In 2006, the United Nations highlighted the high risk of violence faced by children in the justice system, especially in detention. Children exposed to violence,

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<sup>1</sup> <https://adhadhu.com/article/53607>

both in private and public, risk impaired development and greater involvement in crime<sup>2</sup>. Lowering the age of criminal responsibility would further expose children to systemic violence, normalizing risky behaviour and worsening societal outcomes. Instead, efforts should focus on prevention and protection, reducing long-term costs for families and communities.

Human rights defenders (HRDs) including journalists in the Maldives continue to work in confined spaces due to threats of violence, persecution and attacks on their credibility which is rampant in the political discourse<sup>3</sup>. Multiple incidents of physical violence against HRDs and journalists remain unresolved, including near-fatal attacks on 'Asward' Waheed in 2013, forceful disappearance of Ahmed Rilwan in 2014, the murder of blogger Yameen Rasheed in 2017. Dozens of HRDs and journalists have faced police brutality, arbitrary arrest and have been framed under anti-terrorism laws. Media outlets and human rights organisations have been forcefully shut down and their archives removed while other organisations have faced arson attacks, harassment and threats of closure. Perpetrators of these crimes remain free from accountability and continue to evade justice.

Destructive projects causing irreparable ecological harm with cascading impacts on biodiversity and ecosystems continue unabated, resulting in socioeconomic insecurity and loss of livelihoods of communities. State actors engage in these activities while simultaneously advocating about the country's climate vulnerability, most recently exemplified by the Maldives' statement at the International Court of Justice<sup>4</sup>. The High Court decision, in early 2024 granting the emergency interim injunction to temporarily suspend the second phase of the K. Gulhifalhu reclamation project was struck down by the Supreme Court<sup>5</sup>.

The proposed mental health bill is extremely worrying as instead of protecting the rights of mental health service seekers and persons with psychosocial disabilities, it allows facilitation of violations. The bill is severely defective, and proposes provisions which infringe on basic rights, including coercive practices like involuntary hospitalisation and medication, and irreversible practices such as electroshock and psychosurgery. The proposed legislation contradicts with best practices and recommendations by the World Health Organisation and the Convention on the Rights of Persons with Disabilities, which call to adopt a rights-based approach that promotes deinstitutionalisation and access to quality, person-centred community based mental health services. It is further recommended that mental health related legislation be integrated into other legislation, as separate mental health legislation leads to rights violations. In addition to being a biomedical and institutionalising model, the bill does not include appropriate safeguards or accountability. In an environment of impunity where allegations of gross misconduct against mental health practitioners and health care centres surface frequently, the absence

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<sup>2</sup> United Nations General Assembly, Report of the Independent Expert for the United Nations Study on Violence Against Children, 29 August 2006, (A/61/299), paras 53-63)

<sup>3</sup> <https://monitor.civicus.org/explore/maldives-un-body-raises-concerns-about-restrictions-and-attacks-on-civic-freedoms-while-protesters-face-reprisals/>

<sup>4</sup> <https://mihaaru.com/news/140598>

<sup>5</sup> <https://www.hrw.org/news/2024/02/29/suing-maldives-enforce-its-environmental-laws>

of accountability mechanisms exacerbates these problems<sup>6</sup>. Corrupt government relations with some practitioners have resulted in total impunity of problematic service providers. Similarly, women and other marginalised groups continue to live within perpetual discriminatory practices where violence against these groups and violation of their rights are not prevented or perpetrators brought to justice. Sexual assault on women have gone without prosecution<sup>7</sup>. Harassment and vigilante action on individuals based on their appearance or freedom of expression enjoy impunity.

Despite having the primary mandate to promote and protect human rights in the Maldives, the voice and actions of the Human Rights Commission of the Maldives (HRCM) has been disappointing. It has been slow to respond and sometimes failed to respond to requests for urgent intervention and reports of violations communicated to them by civil society. Article 20 of the Human Rights Commission Act (No.6/2006) authorises the HRCM to proactively conduct inquiries and investigations into violations of human rights in the Maldives, including identifying violations of human rights in laws, regulations, and administrative codes in the Maldives. By remaining silent on these gross human rights violations, and failure to proactively take a stand on these issues, puts into questions HRCM's ability to comply with the Paris Principles, which outline the minimum standards that National Human Rights Institutions must meet in order to be considered credible.

These issues have a direct impact on the fundamental rights and the lives of people in the Maldives. We recommend that the parliament, executive, judiciary and relevant specific State institutions conduct meaningful public consultation to find adequate solutions to them. As civil society, we remain committed to supporting such consultation and sincere efforts to nation building.

ASSOCIATION FOR  
DEMOCRACY  
IN THE MALDIVES

 Maldives  
Journalists  
Association

 MENTAL HEALTH  
SUPPORT GROUP



 TRANSPARENCY  
MALDIVES  
A Coalition for Integrity

 ZERO  
WASTE  
MALDIVES

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<sup>6</sup> <https://en.sun.mv/78613>

<sup>7</sup> <https://dhen.mv/90038>