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Summary record of the 4126th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 9 July 2024, at 3 p.m.

Chair: Ms. Abdo Rocholl

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* No summary records were issued for the 4122nd to 4125th meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Second periodic report of Maldives (CCPR/C/MDV/2; CCPR/C/MDV/QPR/2)

1. *At the invitation of the Chair, the delegation of Maldives joined the meeting.*
2. **A representative of Maldives** said that, in the 10-year period covered by the report, political instability in the country had led to numerous changes in the governance system, legislative framework and policies. Although efforts to consolidate democracy had been hindered by the instability, the successful conclusion of presidential elections in 2023 and parliamentary elections in 2024 demonstrated the country's resolute commitment to establishing a full-fledged democratic system.
3. The vision of President Muizzu's Administration, which focused on instilling moral and religious values in young people and helping them to build their skills, was expected to foster greater respect for human rights in the country, and the Administration's determination to uphold the rule of law and supremacy of the Constitution by ensuring zero interference in the judiciary would help solidify a system of checks and balances. Since the President had assumed office, the Government had successfully completed over 95 per cent of the actions outlined in the 14-Week Road Map, and his manifesto was being transposed into the Government's strategic action plan for the next five years. In addition, the Government was working on a 20-year national development plan for transforming Maldives into a progressive, inclusive and just society.
4. Maldives had faced a number of challenges during the period under review. The impact of the global coronavirus disease (COVID-19) pandemic had been compounded by the fiscal adversity inherited from the previous regime, which was severely hampering the Government's efforts to effect meaningful change and compelling it to implement strict structural reforms. It followed that the situation might slow the implementation of any recommendations made by the Committee. Nevertheless, the Administration would welcome the Committee's help in formulating inclusive, rights-oriented policies.
5. During the period under review, Maldives had successfully competed for high positions in the international arena, including in the United Nations General Assembly, the International Monetary Fund, the World Bank, the Human Rights Council and the Subcommittee on Prevention of Torture, and it had rejoined the Commonwealth. It had also acceded to the first Optional Protocol to the Covenant and had ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Furthermore, it had withdrawn its reservations to article 16 (1) (b), (e), (g) and (h) and (2) of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Immediately after taking office, the President had established the Office for Civil Rights, with a mandate to address complaints from individuals regarding discrimination and violations of civil and political rights and to engage with civil society organizations in promoting those rights. It had resolved 18 of the 51 complaints received thus far.
7. Since the submission of its report, Maldives had taken many legislative measures to enhance the protection of civil and political rights, including the adoption of the Associations Act, the Industrial Relations Act and the Occupational Safety and Health Act and the amendment of electoral laws to ensure impartiality and enable visually impaired voters to vote independently. Over 210 bills had been placed on the legislative agenda for the coming five years.
8. Adequate housing and improved access to health were key pledges of the Government, which intended to introduce a bill on mental health and establish a mental health hospital. The allowance for persons with disabilities had been increased by 250 per cent, and there were plans to recruit community-based therapists and build a state-of-the-art disability centre. Special social centres for older persons were also being established.

9. Gender equality remained a crucial national development priority and had been solidified through the adoption of the Gender Equality Action Plan. Temporary special measures introduced by the Government included a 33 per cent quota for women on local councils and the empowerment of women's development committees. The Government had introduced a women's start-up loan scheme funded with 100 million rufiyaa, 25 per cent of which had been set aside for women with disabilities. Good results had been achieved in increasing the number of women judges, but additional efforts were needed to boost the representation of women in the Cabinet and the parliament. A major reform was under way to remove the barriers women faced in the legal system, especially in matters of family law. Significant progress had been made in tackling gender-based and domestic violence, and policies had been implemented to improve victims' access to mental health and legal aid services.

10. The child protection system had been overhauled through the adoption of the Child Rights Protection Act and the Juvenile Justice Act. For example, the death penalty had been abolished for minors, the sentences of all minors previously sentenced to death had been commuted, and children under the age of 15 years could no longer be imprisoned. A programme had been rolled out with the aim of providing a family environment for all children in State care.

11. The Government would continue the regularization programme initiated in early 2019 to provide a pathway for undocumented workers to register in the system and transition to a legal migration status that afforded them the right to work. Furthermore, it had fortified its efforts to prevent human trafficking by aligning the Anti-Human Trafficking Act with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and setting up a dedicated office to carry out prevention and protection activities in that domain and to pursue the prosecution of trafficking cases.

12. The Maldives Police Service Act had been adopted in 2020, ushering in several much-needed reforms to police governance, with a focus on policing centred on a human rights approach. A bill on legal aid would be submitted to the parliament within a year. Despite budgetary restrictions and practical challenges, efforts were being made to reduce overcrowding in prisons, including through rehabilitation, the prevention of recidivism and the application of non-custodial measures, along with an upcoming overhaul of the bail system. Measures were also being taken to address the use of pretrial detention and to improve the material conditions in prisons. A number of additional units had been built, with more under construction, and there were plans to build a prison complex to further improve the situation.

13. Judicial reform, including changes to the composition of the Judicial Service Commission, had been prioritized, with measures taken to inhibit judicial overreach and enhance accountability, empower the Department of Judicial Administration to improve the management of the courts, enhance access to justice in the atolls and establish a small claims court.

14. The Government had recently formulated the National Terrorism Response Plan and the National Action Plan on Preventing and Countering Violent Extremism, had established the National Reintegration Centre and was committed to repatriating, rehabilitating and reintegrating Maldivian nationals from conflict zones.

15. Hate speech had been criminalized under the Penal Code, and any reports of threats or harassment would be thoroughly investigated by law enforcement. The Government had plans to enact laws on freedom of the press and freedom of expression that would be formulated on the basis of a consultative process.

16. Lastly, Islam was an uncompromisable tenet of Maldivian society. The Government was fully committed to meeting its obligations under all international human rights instruments to which it was a party in a manner that did not contradict the Constitution.

17. **Mr. Santos Pais**, noting that many improvements had been made since 2012, notably on the institutional and legislative fronts, said that there had nonetheless been little change with regard to some of the concerns that the Committee had raised in response to the State party's initial report. He would therefore welcome information on the status of the bills

referred to in paragraphs 18 and 19 of the report on issues such as personal data protection, freedom of expression, mental health and torture.

18. He would also welcome information on the operational status of the National Mechanism for Reporting and Follow-up and its participation in the preparation of reports to treaty bodies and on the entity responsible for coordinating the implementation of the Committee's Views on individual communications. Concerning the case of *Khaleel v. Maldives* (CCPR/C/123/D/2785/2016), he wished to know whether the victim's conviction had been quashed, whether he had been released and retried and what the findings of the Presidential Commission on Investigation of Murders and Enforced Disappearances had been concerning the case that had led to the victim's conviction. In the case of *A.K. v. Maldives* (CCPR/C/140/D/3011/2017), information on the complainant's sentence and retrial, any compensation and any steps to ensure non-repetition of the violations that had occurred in that case would be helpful.

19. It would be interesting to hear about the Government's plans to incorporate the Covenant into the domestic legal order and to raise awareness of it among government entities, legal professionals and the public and about examples where the courts had set aside provisions of national law that conflicted with the Covenant. The delegation was invited to confirm whether, in the event of a conflict between the two, sharia law would prevail over the Covenant. In the light of the State party's continued reservation to article 18 of the Covenant, he wished to understand how it ensured that the provisions of the Constitution that prohibited laws contravening tenets of Islam or that allowed limitations on rights and freedoms to protect tenets of Islam were not invoked to impose undue restrictions on rights and freedoms under the Covenant. Might the State party consider reviewing its position on that reservation?

20. **Ms. Kran** said that she wished to know what steps the State party was taking to ensure the independence of the appointment process for members of the Human Rights Commission of the Maldives, to build public trust in the institution and to protect the identity of people who cooperated with the Commission. She would also be interested in hearing about the steps taken to establish an independent body to conduct unbiased and credible forensic investigations and collect the necessary data so that the Commission could fulfil its anti-discrimination mandate, to allocate sufficient resources for the Commission's effective operation throughout the country and to ensure diversity among the membership, especially given the requirement that members must be Muslim.

21. Turning to the issue of corruption, it would be useful to hear more about the arrangements in place to ensure that political appointees, judges and board members of State-owned enterprises submitted transparent, publicly available declarations of their assets and income and to learn what body was responsible for monitoring such declarations. Furthermore, the State party was invited to explain why so few cases had been referred to the Anti-Corruption Commission and what their outcome had been and what efforts were being made to remove individuals charged with corruption from high-ranking positions and to hold public officials accused of corruption accountable. What procedures were in place to ensure the integrity of political appointees?

22. She would welcome detailed information on the efforts made by the State party to prevent corruption, especially in the tourism industry. In view of the corruption charges brought against the State-owned Maldives Marketing and Public Relations Corporation, she would be interested in finding out more about the systemic weaknesses brought to light in the course of the investigations that had opened the way for corruption. It would be useful to know what had been done to address those weaknesses, ensure effective investigations into corruption-related offences and punish the perpetrators.

23. The Committee was deeply troubled by the prevalence of unsafe abortions in the State party and the stigma surrounding reproductive care that led many unmarried women to resort to dangerous procedures to terminate their pregnancies. She wished to know what measures had been taken to revert the situation, whether the State party was collecting data on illegal abortions and how awareness around access to abortion under certain circumstances was raised across the country. It was disconcerting that medical practitioners sometimes reportedly refused to perform abortions even in cases where they were legally permitted. She

wondered what had been done to ensure that the procedural and legal requirements for accessing abortions in cases of sexual abuse and incest did not create barriers for victims and to ensure that spousal consent was not required in order for victims of marital rape to obtain abortions. It would be interesting to find out whether there were any plans to amend the Criminal Code to legalize abortion at the woman's request in non-life-threatening circumstances, including those related to mental health considerations. She also wished to learn about any steps taken to improve access to safe and legal abortion for vulnerable persons and to ensure the availability and accessibility of post-abortion care services, especially for victims of gender-based violence.

24. **Mr. Ndiaye** asked whether the Public Health Emergency Act adopted during the COVID-19 pandemic in 2020 provided for exceptional measures resulting in derogation from any of the rights protected by the Covenant. If so, the State party might kindly explain how it had made sure that such measures were necessary and proportional and did not needlessly restrict the freedoms of movement, assembly and expression, especially among vulnerable groups such as migrants. He wondered what steps the State party had taken to prevent any limitation on non-derogable rights protected under the Covenant, whether compensation had been provided for any loss of income and whether all residents had had equal access to vaccination without discrimination. He wondered whether the Public Health Emergency Act had been abrogated when the World Health Organization had announced the end of the pandemic or, if not, why it had been retained.

25. While the Government had described the new definition of terrorism set out in the amended Prevention of Terrorism Act of 2019 as being more in line with United Nations Security Council resolutions, he was concerned that the current definition was overly broad and open to misinterpretation. He wondered whether there had been any administrative decisions or rulings clarifying the content of the new Act and, if so, whether the delegation could provide information on them. He also wished to know how many persons had been arrested under the 2019 law, how many had been tried and what element of the definition had been invoked in the charges laid against them. Would the State party consider engaging with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism or other experts to review the Act to ensure its provisions would not be misused?

26. **Ms. Kpatcha Tchamdja** said that she would be grateful for information about legislative or regulatory measures taken over the previous five years to combat discrimination on the basis of race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or island of origin and to learn about the impact of those measures on the ground. She wondered whether the fact that non-Muslims were denied citizenship in the State party might give rise to situations of statelessness and related problems.

27. She was curious to learn more about steps taken or envisaged to address the root causes of sex- and gender-based discrimination, in addition to those already mentioned by the State party. Given the reported prevalence of discrimination, stigmatization and marginalization of lesbian, gay, bisexual, transgender and intersex persons in the State party, the delegation might kindly inform the Committee what measures had been taken to decriminalize same-sex relations between consenting adults and to combat the stigmatization and marginalization of such persons.

28. She wondered what safeguards were in place to ensure that the application of the death penalty was consistent with the Covenant. It would be useful to know for which specific offences the death penalty could be imposed. The delegation's explanation of how such sentences were compatible with the Covenant would be appreciated. She was also curious to find out whether the structures for executions by hanging that had reportedly been built recently in Maafushi prison would be dismantled or perhaps used for purposes other than execution. It was unclear whether the President had the power to issue a pardon or commute the sentence of a person convicted of murder or a person sentenced to death. She wondered whether the State party might envisage ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

29. The Committee would be grateful if the delegation could comment on allegations that persons with mental or intellectual disabilities could be sentenced to death because there was no requirement that an independent psychological examination should be conducted of anyone facing the death penalty; that women had been given a death sentence for murder in some cases even when they were not necessarily guilty of intentional homicide; and that women were sentenced to death for adultery even though the Criminal Code did not expressly call for that type of punishment in such cases. It would also be helpful to find out how many men and women were currently awaiting execution, how long they had been waiting and the nature of the crimes of which they had been convicted. She wondered whether the death penalty had been imposed on pregnant women and, if so, under what circumstances.

30. Despite the stated commitment to respect the informal moratorium on the use of the death penalty, information before the Committee suggested that the State party had recently announced its intention to resume the application of the death penalty and that it was to be carried out by lethal injection or hanging. Could the delegation kindly comment on those reports and indicate whether any steps had been taken to restrict the application of capital punishment to the most serious crimes and to hold public consultations on its abolition?

31. **Mr. Quezada Cabrera** said that he wished to obtain detailed information on the content of the Gender Equality Policy adopted in September 2019, the achievements made under the Gender Equality Action Plan 2022–2026 to date and the current proportion of women holding posts in government ministries, parliament, the judiciary and other State institutions. He was curious to know whether it was true that there had been a sharp drop in the representation of women in parliament and government ministries in recent years. He wondered how the notion whereby women were guaranteed equal rights so long as that did not contravene the sharia was compatible with the Covenant. He would be grateful to receive information about measures taken to address the double discrimination to which women with disabilities were subject in terms of their access to health care, education, employment and protection from abuse. The delegation might also indicate whether any progress had been made in the establishment of a formal mechanism to receive complaints of domestic violence and whether there were any plans to criminalize domestic violence under the Domestic Violence Prevention Act.

32. It would be useful to know whether there were any plans to decriminalize adultery and extramarital affairs and to prohibit the practice of female genital mutilation. He also wished to gain clarity on the measures taken to combat violence against women and children committed in the context of the practice of *ruqya* and to end impunity for the perpetrators. He wondered whether the acts of sexual violence committed by a *ruqya* practitioner that had been revealed by the media in June 2020 had been investigated and, if so, what the outcome had been. He would be grateful to know whether there were any plans to amend the Sexual Offences Act in order to reduce the excessive burden of proof for crimes of sexual violence against women.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

33. **A representative of Maldives** said that the Evidence Act, the Associations Act and the National Registration Act had been promulgated, while the bills on personal data protection, freedom of expression and freedom of the press, mental health and legal aid and the bills amending the Disabilities Act and the Social Protection Act remained on the legislative agenda. The right to strike was covered by the Industrial Relations Act of January 2024.

34. The National Mechanism for Reporting and Follow-up established in 2020 had been restructured to include the implementation of recommendations. The Mechanism was tasked with coordinating the preparation of reports to treaty bodies, the Human Rights Council, United Nations special procedures and regional bodies and with following up on treaty bodies' concluding observations. It comprised a high-level steering committee, a committee in charge of coordinating the preparation of the universal periodic report and overseeing data management, and subcommittees responsible for preparing the reports for the various treaty bodies. The Mechanism was quite new, and the work involved in increasing its resources, streamlining coordination and improving its monitoring and follow-up functions was therefore ongoing.

35. Court action was required to give effect to the Committee's Views on communication No. 2785/2016 (CCPR/C/123/D/2785/2016). The executive believed in the separation of powers and would not interfere with the functions of the judiciary. The author of the communication had applied to the Supreme Court for a review of the case in 2023, but that request had not been granted for administrative reasons. Still, the author was free to reapply for a review in accordance with the procedure stipulated by the Supreme Court. The Government had also taken note of the Committee's findings with regard to communication No. 3011/2017. In that case as well, court action was required to give effect to the Views, and a retrial could only be ordered by the Supreme Court. The official response to the Committee's Views would be submitted within the set deadline.

36. As detailed in the periodic report (CCPR/C/MDV/2), the rights protected by the Covenant were covered by different pieces of domestic legislation. Hence, there was no need to enact specific legislation to incorporate the Covenant into the domestic legal order.

37. In order to raise awareness of Covenant rights, the Office for Civil Rights, which had been established by the President on his first day in office, was tasked with engaging with civil society organizations to promote awareness of those rights. During the reporting period, different government institutions and the judiciary had carried out awareness-raising activities pertaining to the rights relevant to their respective mandates. Activities of that nature conducted by the Human Rights Commission of the Maldives were detailed in the Commission's supplementary report to the Committee. The Office for Civil Rights would devise a plan for regular training and awareness activities concerning the provisions of the Covenant.

38. The national courts accepted the Covenant as a basis for legal arguments, and the Supreme Court had referred to it in rulings. No provision of domestic law had been struck down because it was incompatible with the Covenant. According to article 10 of the Constitution, no law could be enacted that contravened the tenets of Islam. Therefore, in the event of conflict with the Covenant, sharia law prevailed, which, in any case, had largely been codified into domestic law. The Government had not changed its position on its reservation to article 18 of the Covenant.

39. **A representative of Maldives** said that, over the preceding five years, 144 comprehensive training programmes for judges and other judicial officials had been attended by more than 2,700 individuals. The courses had covered such topics as judicial independence, fair trial mechanisms, judicial ethics, the rule of law, juvenile justice, family law, international and domestic legal protections for child rights, gender-based and domestic violence, terrorism, access to justice for persons with disabilities, migrant workers' rights and women's rights.

40. **A representative of Maldives** said that the Government was committed to increasing the autonomy and independence of the Human Rights Commission in line with the Paris Principles. Members of the Commission were appointed by means of a transparent process involving a public announcement and thorough vetting by parliament. The Government was planning to undertake a consultative process with a view to amending the Human Rights Commission Act, but it was not planning to remove the requirement that all members of the Commission should be Muslim.

41. In accordance with the law, the budget of the Commission was proposed by the Government and approved by parliament following consultation with all relevant agencies. Changes could subsequently be made only by the Ministry of Finance based on the availability of funds. While the budget of the Commission had been increased in 2021, the Government recognized that it remained inadequate, and the ongoing impact of the COVID-19 pandemic meant that additional funding was currently not available. The Government would consider providing additional funding for facilities such as forensic laboratories once the fiscal situation had improved.

42. **A representative of Maldives** said that the Office for Civil Rights was responsible for coordinating government policy on civil and political rights, monitoring State services, reviewing the Government's work for the protection of people's rights, providing assistance to civil society organizations and raising awareness of civil and political rights. While it did

have the power to review complaints of discrimination and violations of civil and political rights, it did not conduct investigations in the same manner as the Human Rights Commission; rather, it sought solutions by proposing reforms to existing systems.

43. **A representative of Maldives** said that increasing transparency and accountability was a priority of the Government. A web portal had been launched that allowed members of the public to report concerns, and the population's concerns were communicated directly to the President. The President had further pledged to hold townhalls that both he and members of his Cabinet would attend in order to provide an opportunity for members of the public to pose questions to them directly. In December 2023, the Maldives National Anti-Corruption Academy had been established to conduct awareness-raising sessions and campaigns both for the public and for government officials on a range of issues, including public procurement. Thus far, two sessions had been conducted for political appointees and seven sessions on corporate integrity had been conducted for the personnel of State-owned enterprises. A trust fund had also been created to support the Academy. The Anti-Corruption Committee had developed a self-assessment toolkit to help identify and combat corruption risks that was currently being rolled out to various government ministries.

44. Cabinet ministers were required to submit an annual declaration of assets, which was reviewed by the Auditor General. All other political appointees were encouraged to do likewise, even if they were not legally required to do so. The Government was currently examining a bill designed to harmonize the asset declaration mechanisms provided for in various laws and to clarify who was required to declare their assets.

45. **A representative of Maldives** said that the Judicial Service Commission had a mandate to investigate judicial misconduct. A comprehensive complaints and investigation mechanism had been established under the Judicial Service Commission Act. All cases of alleged corruption were forwarded to the Anti-Corruption Commission for investigation. Since the submission of the State party's report, an additional case had been referred to the Commission. Motions had been filed before parliament for the removal of the judges concerned, but they had resigned before the motions could be acted upon.

46. **A representative of Maldives** said that, during the COVID-19 pandemic, all control measures had been decided by the Director General of Public Health in line with the legal framework provided by the 2012 Public Health Protection Act. Those measures had been published and announced at daily briefings. A public health emergency had been declared in March 2020 and lifted in March 2022, and a dedicated website had been created to provide daily updates. Restrictions on freedom of movement had been decided on the basis of the spread of the disease and the advice of the World Health Organization and had been lifted following careful assessment by public health professionals. In February 2021, the vaccine had been made available for free for all persons, including non-nationals. In addition, economic relief programmes had been introduced, including loans and grants, debt repayment moratoriums and discounts on utility bills.

47. **A representative of Maldives** said that the Prevention of Terrorism Act that was currently in force had been amended to bring the definition of terrorism into line with international law. A standing invitation had been issued to all thematic special procedures mandate holders. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism had visited Maldives in May 2022, and the Prevention of Terrorism Act would be further amended in the light of her observations.

48. **A representative of Maldives** said that domestic laws, including the Civil Procedure Act and the Residential Tenancy Act, contained provisions for combating discrimination. While the process for gaining Maldivian citizenship had been simplified, the requirements had not been changed; non-Muslims were not permitted to become citizens, as Islam was central to Maldivian identity. With regard to lesbian, gay, bisexual and transgender persons, the Constitution stipulated that no domestic law could contradict the tenets of Islam. Nonetheless, domestic law did not discriminate regarding the exercise of human rights or access to services.

49. **A representative of Maldives** said that the Family Protection Authority advised all victims of domestic violence to contact the police. Separate hotlines were available for

reporting cases involving adults and children. As part of its family law reform initiative, the Government had established a national centre for combating gender-based violence and providing timely support to survivors. Under the initiative, the Family Protection Authority would track cases of domestic violence, and the Ministry of Social and Family Development would become a full-range service provider for survivors. Cases of domestic violence would therefore be filed directly with the Ministry.

50. Various achievements had been made under the Gender Equality Action Plan 2022–2026. Local government assessments of gender dynamics had been conducted in collaboration with the United Nations Development Programme, and consultations had been held on how to translate the policy goals into actionable interventions by government ministries. Training had been provided to help women enter the workforce, and the Ministry of Tourism had launched an initiative to increase women’s representation in the tourism industry. The country’s gender-inclusive initiative had been strengthened, and gender-responsive budgeting had been piloted in select ministries. Gender equality advocates had been appointed for all ministries and certain State institutions. The Partnership in Statistics for Development in the 21st Century had conducted a country study on gender considerations in policymaking, and the findings of that study would be incorporated into the national gender statistics strategy, which was under development. Revised guidelines on the health sector’s response to gender-based violence had been developed, a nationwide campaign to prevent domestic violence had been conducted and a third national domestic violence prevention strategy had been adopted for the period 2023–2027, together with an action plan for its implementation. In addition, judges had received training on domestic violence prevention and gender sensitization.

51. The number of women in parliament remained low, at 3.2 per cent. Discussions were under way to develop a strategic action plan to increase women’s participation in decision-making, including through a leadership programme for women.

52. The Government was focusing on the prevention of discrimination against persons with disabilities. Various initiatives had been launched to help identify vulnerable persons and connect them to social service providers. The Ministry of Social and Family Development had also launched a programme to foster public communication with the Government in order to help address concerns and increase well-being. The Government was further continuing its national campaign to promote non-violent family relations and gender equality values.

53. **A representative of Maldives** said that the Government was committed to reforming the family law system in order to provide better protection for women’s and children’s rights, modernize and simplify court procedures and introduce modern dispute resolution mechanisms.

54. **A representative of Maldives** said that the judiciary had already surpassed its target for 2026 under the Gender Equality Action Plan, with women now accounting for 16 per cent of the country’s judges. Conferences for women judges had been held in 2023 and 2024 to provide them with opportunities to build support networks, facilitate knowledge-sharing, voice concerns and examine substantive issues such as women’s access to justice and child rights. To combat discrimination in recruitment, hiring practices for judges had been updated; recruitment panels were required to have a gender balance and to show sensitivity to gender considerations.

55. **A representative of Maldives** said that, with regard to the decriminalization of same-sex relations, her Government wished to draw the Committee’s attention to article 10 of the Constitution, pursuant to which Islam was the basis of all laws in Maldives and no law contrary to any tenet of Islam could be enacted.

56. There were plans to amend the Domestic Violence Prevention Act, in particular to make domestic violence a specific criminal offence and address issues pertaining to the implementation of the Act. The Government was also taking steps to criminalize female genital mutilation.

57. She wished to clarify that, under article 52 of the Sexual Offences Act, at least five types of evidence were recognized as being sufficient to establish definitive culpability for

the offences described in the Act. In other words, it was not mandatory for all of the various types of evidence to be submitted by the prosecution in order to establish the alleged perpetrator's guilt in sexual offence cases; in the event that five or more types were submitted, however, the courts had no alternative but to convict the perpetrator. The Supreme Court of Maldives had provided an explanation of the evidentiary burden in several cases; more information on those cases could be found in the follow-up report to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDV/FCO/6, paras. 1–4). It was true that the provision had sometimes been misinterpreted by judges unfamiliar with the fact that a conviction could be achieved even when only one type of evidence was available. To address that knowledge gap, the Government was committed to providing judges with the relevant training.

58. **A representative of Maldives** said that, in an effort to ensure consistency in judicial decision-making, over the past five years the Judicial Academy had provided some 800 judges and other staff with comprehensive training on issues related to violence against women, in particular on the application of relevant laws, such as the Domestic Violence Prevention Act and the Sexual Offences Act, and regulations pertaining to the Sexual Offences Act, which provided for remedies, including compensation, for victims of such offences.

59. **A representative of Maldives**, summarizing the information contained in paragraphs 114 and 115 of her country's report, said that abortion was legal in Maldives in cases of rape, incest or risk to the life of the pregnant woman, regardless of how advanced the pregnancy was. The Government acknowledged the prevalence of unsafe abortions and had taken steps to detect their occurrence and to provide safe abortion services at health facilities, where needed. Preventive approaches were also used, such as awareness-raising and the dissemination of information on available health services. Comprehensive sexual and reproductive health education was provided in schools, and health-care providers received capacity-building support with regard to safe abortion procedures, post-abortion care and the provision of essential medicines.

60. **A representative of Maldives** said that, in accordance with section 1205 of the Penal Code and article 140 (a) of the Evidence Act, for offences punishable with the death penalty, guilt had to be proven beyond all doubt before that penalty could be imposed. Pursuant to article 53 (b) of the Constitution, and as outlined in paragraphs 198 to 201 of his country's report, legal aid was provided by the Attorney General's Office to persons accused of serious criminal offences who were unable to afford a lawyer. Upon arrest, accused persons were duly informed of their rights and had the opportunity to telephone a friend, relative or lawyer to notify them of their whereabouts and the situation. All persons taken into police custody were given a question-based medical examination and could request an examination by a medical doctor.

61. The execution of a death sentence could be carried out only pursuant to a final judgment rendered by the Supreme Court. Offences that were punishable with the death penalty were outlined in section 1205 of the Penal Code and in the Act on Prohibition of Threats and Use of Dangerous Weapons. Since the legal framework provided for the imposition in limited circumstances of the death penalty, the facility at the Maafushi prison existed to enable death sentences to be carried out, although it had yet to be used, since a de facto moratorium had been in place since 1954. At the current time, there were 16 individuals facing death sentences, 4 of whom were currently on death row. All of them were men who had been found guilty of murder and whose convictions had been confirmed by the Supreme Court. The death penalty could not be carried out if the convicted person was a pregnant woman or the person's mental fitness was in question, with the latter having been established prior to trial and again prior to execution of sentence. Pursuant to the Child Rights Protection Act and the Juvenile Justice Act of 2019, the death penalty could not be applied to minors. As a result, four death sentences that had been imposed on minors had been commuted.

62. In the light of article 10 of the Constitution, which required Islam to be the basis of all laws in Maldives and reflected the will of the people of Maldives, abolishing the death penalty would risk undermining the Constitution. Maldives was unable to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, for the same

reasons. The Government was committed to ensuring that all fair trial rights and processes were followed, in accordance with the Covenant.

63. **Mr. Santos Pais** said that, while the Committee was interested to hear about upcoming initiatives, it would also be helpful to have an account of the State party's actual implementation of current legislation, policies and strategies. He appreciated the delegation's frank responses but found it regrettable that little seemed to have changed since the Committee's consideration of the State party's initial report (CCPR/C/MDV/1).

64. The judiciary's responsibility for reviewing court decisions did not diminish the State party's obligations in that area. The introduction of avenues for extraordinary appeal, for example, might be considered to enable the judiciary to review court decisions on the basis of the jurisprudence of international bodies, which would include the Views of the Committee. While the State party's position was understood, it seemed no closer to resolving certain incompatibilities between sharia law and the provisions of the Covenant. Since many of the Covenant's provisions had been incorporated into national law, he wondered whether the State party might give consideration to incorporating the Covenant fully into the legal order, thereby allowing all of its rights to be invoked in the national courts.

65. **Mr. Quezada Cabrera** said that he would appreciate responses to several questions that had not yet been answered, such as those concerning what measures had been taken to facilitate access by women with disabilities to health and to justice, in particular in view of their vulnerability to domestic violence and sexual violence. Information would also be welcome on the reforms that were under way to address women's lack of access to justice, which the head of delegation, in his opening statement, had identified as a major obstacle to women's development.

66. He wished to know whether mechanisms for receiving complaints of discrimination based on gender had been established under the Gender Equality Act and, if so, to what extent they were functioning. He would also like to know whether more information could be provided on the State party's revision of the Domestic Violence Prevention Act, including the extent to which civil society was involved. Lastly, given that article 52 of the Sexual Offences Act had been misinterpreted so often by the courts, he wondered whether the State party might give consideration to its amendment.

67. **Ms. Kpatcha Tchamdja** said that, if she had understood correctly, medical examinations of accused persons were carried out on the basis of a questionnaire while a full medical and psychological examination was performed only if requested. She wondered whether it might be more appropriate for full medical examinations to be performed systematically prior to the imposition of a death sentence.

68. **Ms. Kran** said that she would be grateful for responses to several questions that had yet to be answered, such as those referring to what efforts the State party had made to remove individuals implicated in corruption from high-ranking positions and whether any of the systemic weaknesses identified in the corruption case involving the Maldives Marketing and Public Relations Corporation were being addressed. In a similar vein, she wished to know what steps had been taken to investigate corruption in cases of human trafficking and labour exploitation, in particular for the purpose of holding to account any public officials, such as inspectors, judges and law enforcement officials, implicated in those offences. Examples of specific cases in that regard would be helpful. Lastly, according to reports, between 2012 and 2021, the Anti-Corruption Commission had investigated over 8,000 cases of corruption, of which fewer than 240 – or less than 3 per cent – had been referred for prosecution. How many of those prosecutions had led to convictions and why had so many cases been dismissed?

69. **Ms. Tigroudja** said that, with reference to the Committee's Views in *A.K. v. Maldives* (CCPR/C/140/D/3011/2017), she wished to know whether it was still the case that, in commutation of death sentence procedures, the victim's family still played a preponderant role in determining whether the death sentence should be carried out, which the Committee considered to be a violation of article 6 (4) of the Covenant.

70. **Mr. Helfer**, referring to the Committee's general comment No. 36 (2018), on the right to life, said that he wished to know whether a legal procedure was in place whereby individuals who had been sentenced to death could seek a review of their conviction and

sentence on the basis of newly discovered evidence. If so, he wondered what remedies were available for persons found to have been wrongly convicted and whether compensation was provided in such cases, in accordance with paragraph 14 (6) of the Covenant.

71. **A representative of Maldives** said that, regarding the Committee's Views, she wished to clarify that, while the executive branch could not interfere in cases that had been tried by the courts, the regulations of the Supreme Court of Maldives set out the criteria and established the necessary mechanism for cases to be reviewed. Those criteria included instances in which new evidence had emerged or gross injustice was evident.

72. Maldives was a dualist State, meaning that treaties did not automatically have the status of law in the Maldivian legal system. Pursuant to article 93 of the Constitution, treaties to which Maldives was a party had to be incorporated into national law in order for their provisions to be binding. While the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been codified in the Anti-Torture Act, the rights enshrined in the Covenant were provided for in various pieces of legislation.

73. **A representative of Maldives** said that question-based medical examinations were carried out as soon as an individual was taken into police custody. A thorough medical examination was carried out by a medical doctor to determine whether an individual was fit to stand trial, and a similar examination was also performed prior to execution of sentence.

74. **A representative of Maldives** said that the Gender Equality Act mandated State institutions to establish committees to receive and review complaints of discrimination based on gender. The Government intended to carry out a review of the Act and take steps to address any gaps in its implementation.

The meeting rose at 6 p.m.