ISSUES & RECOMMENDATIONS

1. Freedom of association
During the reporting period, civil society organizations have faced serious threats and intimidation from the government. For example, during the 2013 Presidential elections, the government threatened to dissolve some NGOs for making critical commentary on undue judicial interference during the election. These developments underline the limitations in the existing law governing the operation of civil society organizations and provide the basis for our recommendations.

Recommendations:
- Remove limitations and ambiguity in legislation on minimal requirements to form and sustain political parties to bring it in line with international norms.
- Immediately cease intimidation and harassment of civil society organizations.
- Implement commitments to put in place a regulatory framework that is in-line with international best practices on the freedom of association.
- Expedite the amendment of legislation to decriminalize unregistered and informal associations.

2. Freedom of expression and media freedom
While there have been positive developments during the period, such as the enactment of the Right to Information legislation in 2014, however, the Maldives has slid back on protecting these rights. They include enacting State-backed legislation to curtail freedom of expression and media, the arrest and crack down on journalists, dissenters and human rights defenders during the contentious 2012 power transfer and the election periods in 2013-2014, as well as the failure to investigate death threats and property damage to media outlets and journalists. Furthermore, in 2014, a journalist has been allegedly abducted and there have been allegations of laxity on the part of the State to expedite the investigation into his disappearance.

Recommendations:
- Cease all intimidation, discrimination and harassment of media and demonstrate commitment to guarantee protection of journalists, earnestly investigate threats and bring perpetrators to justice.
- Immediately remove restrictions on media freedom and freedom of expression by repealing problematic provisions and amending the recent publication of literature regulation to conform to the Constitution and international norms.

3. Right to participate in public affairs and in democratic government
We note the established legal framework guiding elections are adequately in line with international standards and the State should be commended for that. While that may be the case, the 2013-2014 Presidential and Parliamentary election periods highlighted widespread efforts to subvert electoral processes. The controversial, unprecedented interference by the judicial branch, political actors and the executive in these processes resulted in an environment that led to human rights abuses.
Recommendations:

- Address and resolve legal discrepancies and inconsistencies between the 16-point guidelines and other related legal framework supporting elections in the Maldives.
- Secure the independence of the Elections Commission from state interference.

4. Migrant worker rights and protections
The State has taken a number of positive actions to address the issue of protecting the rights of migrant workers. Nevertheless, there are some administrative and budgetary hurdles to effectively undertake full implementation of anti-trafficking legislation.

Recommendations:

- Sign, ratify the ICRMW in full and bring domestic law in line with international human rights commitments, including all ILO core conventions.
- Improve the implementation of the Anti-Trafficking Act, expedite amendments to bring it in line with international standards, and strengthen mechanisms for handling labour related complaints to make it more accessible to migrant workers.

5. Access to justice and the rule of law
The problems with the Maldivian justice system are systemic and widely publicized. Following the initial review, a number of recommendations have been made to the Maldives to improve and overhaul the judicial services, including by UN Special Rapporteurs. During the review period, the State has failed to meaningfully implement these recommendations, which has resulted in a climate of rights abuses, lack of integrity in judicial processes, lack of a proper judicial oversight mechanism and dilution of constitutional separation of powers.

Recommendations:

- Fully implement recommendations forwarded by the Special Rapporteur on the Independence of Judges and Lawyers.
- Amend Suo Motu regulation to ensure it does not violate fundamental rights principles.
- Ensure JSC is fully independent, free from judicial interference and resolve SC integrity issues including alleged misconduct of judges.
- Refrain from misconstruing principles of judicial independence and ensure the concept of separation of powers is fully respected.