

## **MALDIVES**

The Republic of Maldives is a multiparty constitutional democracy with a population of approximately 395,000. In 2008 parliament ratified a new constitution that provided for the first multiparty presidential elections. In October 2008 Mohamed Nasheed became the country's first directly elected president in relatively free and fair elections. The constitution establishes a bill of rights and mandates a strict separation of powers among all the branches of government. Since the first multiparty parliamentary elections in May 2009, the parties in parliament have had difficulty working together, although the parliament functioned. Security forces reported to civilian authorities.

Human rights problems included allegations of arbitrary arrest, unauthorized recording of telephone conversations, harassment of journalists, restrictions on religious rights, unequal treatment of women, and violations of worker rights.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.        Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On January 27, Mohamed Nooz died while in police custody. There were media reports of an undertaker who said he witnessed injuries and scars on Nooz's body. The Police Integrity Commission (PIC) evaluated the case in which one undertaker claimed a small white mark on Nooz's back was a sign of injury, while two undertakers stated that there were no signs of injury on Nooz's body, and ruled the death was due to a heart attack resulting from drug withdrawal. The PIC did not file a case with the prosecutor general and the case was closed.

In August the PIC found the Maldives Police Service was responsible for the death of Ibrahim Afzal on June 4, while he was in custody, after he self-immolated in the Gahdhoo police station. However, the PIC did not file a case with the prosecutor general for police negligence due to a lack of evidence, and at year's end, the case was closed.

On February 6, the Maldives Democracy Network (MDN) reported that Hassan Ahmed, convicted of drug charges, died in Maafushi Prison. Several inmates alleged that Ahmed complained of chest pain but doctors failed to diagnose him. The Department of Penitentiary and Rehabilitation Services (DPRS) denied the charge. There have been no further developments in this case at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, although there were reports of mistreatment of persons by security forces.

According to the PIC, records show that between July 15 and 20, police forcibly detained 21 juvenile detainees. Some of those detained were as young as 14 years of age. While in detention, police shaved their heads and confiscated their personal items. The Maldives National Defense Force detained the men as part of continued joint operations with Maldives police to curb gang violence, and 10 of the detainees were formally arrested. PIC sent the case to the prosecutor general in November, asking the prosecutor general to press criminal charges against Maldives Police Service (MPS) for causing injuries to detainees. At year's end, the prosecutor general was evaluating the case.

On October 29, police reportedly assaulted a group of journalists reporting on a protest organized by the opposition Dhivehi Rayyithunge Party (DRP) in Male. According to the police, the journalists were "moved away by force" because some journalists refused to stay in the security zone and tried to break through police lines. No journalists were jailed.

The law permits flogging as a form of punishment. During the year there were no public reports of flogging. According to sources, the practice continued and targeted women accused of adultery. In July 2009 local and international media reported authorities sentenced an estimated 180 persons to public flogging for engaging in extramarital affairs. Abdulla Mohamed, head of the country's Criminal Court, told the local media then that flogging was meant as a deterrent and not designed to cause injury, as regulations prohibit those carrying out the sentences from raising their arms above their shoulders.

## Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. Officials did not hold pretrial detainees separately from convicted prisoners. The DPRS oversees the operation of three prison facilities: Maafushi Prison, Asseryi Prison, and Male Prison. Male Prison is located in the capital city, and the other prisons are located on separate islands within a one-hour boat ride from the capital city. DPRS incarcerates only convicted prisoners. Pretrial detainees are held in separate jails under jurisdiction of the MPS. Women are held separately from men in the Maafushi prison. Juveniles awaiting sentencing are held in a juvenile correctional facility on Feydhoofinolhu Island run by police under the Ministry of Home Affairs' jurisdiction. Most juveniles convicted are held under house arrest because there are no juvenile detention centers in the country.

The DRPS prison system has an estimated capacity of 765 prisoners, and the total prison population is 830. Of this population, 790 are men and 40 are women. Drug-related offenses account for 80 percent of the DPRS prisoners, although many of those offenses are simple possession (three grams or less) or drug-use sentences.

In late February, a temporary jail, established in 2009 on Addu atoll Gan following the October 2009 prison riots at Maafushi jail, closed. A report on the temporary jail published by the Human Rights Commission of Maldives (HRCM) reported that prisoners had been locked in metal cages, some of which were not accessible to toilet facilities.

On April 20, a riot occurred at Maafushi prison and 15 inmates were injured, none seriously. In a press release, the HRCM reported that DRPS had lost control of Maafushi Prison, and that the lack of proper prisoner control supplies left prison officials vulnerable.

In July, according to the MDN, 236 inmates at Maafushi Prison sent a petition to President Nasheed complaining that the conditions in the prison had deteriorated. Inmates claimed that while the capacity for each unit was 35 persons, there were 90 to 100 inmates in each unit. Inmates alleged that they were not given opportunities to conduct Islamic prayers or Friday prayers; there was an increase in hygiene-related issues; there was a shortage of doctors working in the prison system to attend to drug users suffering from withdrawal and to examine patients before prescribing medication; pillows, mattresses, and bed-sheets were not provided; and light bulbs, fans, and other electrical equipment were restricted,

leaving inmates in complete darkness at night. The DRPS took steps to correct the situation, and in September a foreign embassy-sponsored humanitarian team conducted an assessment of DPRS and associated prison facilities. The assessment team reported they were granted unlimited access at all of the facilities, and all of their questions were answered in a candid, forthright manner. Prisoners did not hesitate to speak to the assessors in the presence of DPRS staff, even when they criticized various aspects of their incarceration.

The team concluded that facilities were clean, sanitary, and orderly. Prisoners appeared to receive ample food and water, sufficient recreation opportunities, visitation rights, religious observance, phone calls, mail access, and legal representation. Education and vocational training was available. The team noted a lack of bed space capacity and overcrowding, especially at the Male Prison, where there were as many as 10 prisoners in cells designed for four. Many of the prisoners in a cell slept on the floor. The team did not observe signs of systematic prisoner abuse or mistreatment.

The foreign assessment team identified shortcomings as the lack of a formal prisoner classification system; lack of a formal and effective internal affairs process; management challenges due to civil service regulations that did not support the discipline, integrity, and professionalism of the corrections force; and inconsistently applied correctional practices and procedures, such as poor key control. The team reported also that prison officers lacked essential communication equipment, such as radios, which inhibited their ability to respond quickly and effectively to disturbances.

The government generally permitted regular prison visits by the HRCM, the MDN, and the International Committee of the Red Cross (ICRC). In its 2009 annual report, the ICRC stated that it visited detainees regularly and shared its findings and recommendations confidentially with authorities.

The National Preventive Mechanism (NPM) established by the HRCM monitors any death or other allegations related to prisons or prison authorities. The HRCM maintains a Web site in which reports on occasional jail visits, other human rights investigations, and annual reports are available.

During the year the NPM visited five police custodial centers: Maafushi Prison; the temporary jail that was opened in Gan that has now been closed; a drug rehabilitation center in Himmafushi; a drug rehabilitation center in Villingili; and two centers for persons with disabilities.

The HRCM operates a complaints department to address prisoner complaints about conditions, and until this year, they released their findings in an annual report. In addition the NPM makes a visit plan a year ahead, conducts visits throughout the year according to this plan, and publishes an annual report of its findings. However, during the year the NPM decided not to make full detention reports available to the public. It now publishes a short summary of each visit and sends the full detention report to the president, parliament, and other relevant stakeholders, depending on the case. HRCM shared its Prison Visit and Complaints Report 2010 in November with relevant authorities, Ministry of Home Affairs, and the DPRS. The HRCM decided not to publish full detention reports in order to reduce public backlash against the relevant authorities and to facilitate constructive dialogue and good relations with them. According to the HRCM, following this decision, relations have improved between the HRCM and other stakeholders and the HRCM is better able to persuade the relevant authorities to improve detention facilities and practices.

By August the government had partially completed construction of a new jail for 300 persons adjacent to Maafushi prison. The new facility was designed to relieve overcrowding at Maafushi, and prisoners were transferred to the facility in early August. Men and women are held separately and there are currently 40 women at the Pentagon prison. Conditions in the women's area are similar to the men's area, although the women are guarded by female prison officers and there are fewer cellmates per cell.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The constitution also provides compensation for those detained without legal justification.

Amnesty International (AI) reported that police arbitrarily arrested and detained opposition member of parliament (MP) Abdullah Yameen on July 14 without charge. He was released on July 24. According to AI, authorities failed to respect a court order to produce Yameen before a judge or charge him with a recognizable criminal offense. President Nasheed argued that Yameen was in custody to protect him from threats of violence from political mobs. Yameen alleged that the crowd of people who attacked his house July 14 consisted of government activists.

## Role of the Police and Security Apparatus

The MNDF is responsible for external security and also handles disaster relief operations and national emergencies. The director of the MNDF reports to the minister of defense. The president is commander-in-chief of the MNDF and since December holds the portfolio of minister of defense. In 2008 the Majlis enacted a new Armed Forces Act that established legal parameters for the MNDF's role. The MNDF also provides defense force reporting to the president. The MNDF has a program of human rights-type awareness courses for personnel.

The MPS, which is responsible for internal security, public safety, and law and order, was separated from the MNDF in 2004 and is subordinate to the Ministry of Home Affairs. The president appoints the MPS commissioner, who reports to the minister of home affairs. The MPS generally has functioned effectively to fulfill its responsibilities and has established internal organs and mechanisms with a human rights focus. These include: the Professional Standards Directorate, which is mandated to promote police compliance with the highest ethical and human rights standards; and a designated Human Rights Liaison Officer, who is responsible for mainstreaming human rights issues within the service. It is now mandatory for all new police personnel to undergo human rights training.

The prosecutor general referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case confidential until they were confident that the charges were likely to be upheld. Three units under the Special Operations and Security Department of the MPS replaced the Star Force, formerly an elite unit of the MPS. These units are the Special Weapons and Tactic Team, the Industrial and Personal Security Unit, and the Riot Police.

The PIC, established in 2006 to investigate allegations of police corruption and impunity, is the primary mechanism available to investigate security force abuses. During the year the PIC investigated 136 complaints, of which 74 have been concluded; they made recommendations on 12 cases. The PIC is limited to making recommendations. In general the recommendations have been followed.

## Arrest Procedures and Treatment While in Detention

The law of arrest requires that no person be arrested unless the arresting officer observed the offence, had reasonable evidence, or had an arrest warrant issued by a court. The constitution provides for an arrestee to be informed of the reason for

arrest within 24 hours and provides for the right to hire a lawyer. The law also requires that an arrestee be informed of the right to a lawyer at the time of arrest. Prisoners had the right to a ruling on bail within 36 hours; however, reports indicated that bail procedures were not publicized adequately, explained, or implemented consistently. Under the 2008 constitution, a lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. According to the Attorney General (AG), police normally informed the arrestee's family of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Authorities generally permitted detainees to have counsel present during police questioning.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether charges will be made. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention upon receiving an arresting officer's petition, citing factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, and whether the detainee would pose a threat if released.

Sources reported that police held suspects under the investigative detention provision without formal arrest for a few hours to a few days. Such a procedure allegedly has been used to remove groups from the streets and control gang activities. There is no formal record of investigative detentions as there would be with an arrest.

On June 29, two opposition MPs were detained on treason and bribery charges and released to house arrest several days later on Supreme Court orders. A third opposition MP was arrested several days later. Over the next several weeks, a series of conflicting court rulings was made determining the arrests as valid under the constitution and later invalid. The courts ultimately ruled the police did not follow proper procedures, and the arrests were invalid. On July 24, the last detainee was released.

On February 4, President Nasheed announced clemency to Himandhoo prisoners in Maafushi Jail and offered amnesty to help them become productive citizens. There were about 50 individuals arrested in 2007 on charges of resisting police efforts to find suspects responsible for Sultan Park bombings and for inciting violence.

Police imprisoned 16 of those arrested. The Islamic Ministry assumed the responsibility of rehabilitating these prisoners.

The president reduced the sentences for two prisoners involved in the Sultan Park bombing under the Clemency Act, and these prisoners were released in August.

e. Denial of Fair Public Trial

The law and constitution provide for an independent judiciary, and the government generally respected judicial independence in practice.

Prior to 2008, the president was the highest legal authority responsible for settling appeals from lower courts. In 2008 President Gayoom established an interim Supreme Court and appointed five interim judges to serve during the two-year transitional constitution period. In August the transitional period ended, and the government made final appointments to the Supreme Court. The seven-member court is independent from the executive. It hears appeals from the High Court and considers constitutional matters brought directly before it.

In 2008 the Supreme Court reported only 31 percent of cases filed in 2008 were completed that year. The Judicial Services Administration published a 2008 report that identified a backlog of 2,676 cases in lower courts, with 78 percent of cases filed in the lower courts having been completed by year's end. There have not been any updated reports since 2008.

Trial Procedures

The law provides that an accused person is presumed innocent until proven guilty. There were no jury trials. Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. Regulations rather than laws govern trial procedures. The prosecution collects all evidence and presents it to a judge, who has the discretion to choose what evidence he will share with the defense. Judges question the concerned parties and attempt to establish the facts of a case. An accused person has the right to defend himself or herself "in accordance with Sharia." During a trial, the accused may call witnesses and has the right to be represented by a lawyer. Under the constitution, a lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. The judiciary generally enforced these rights.



Both defendants and their attorneys have full access to all evidence relating to their case, they have opportunity to cross examine any witnesses presented by state, and can present their own witnesses and evidence.

Under the constitution, the prosecutor general is a separate and independent body subject only to general policy directives by the AG on the conduct of criminal proceedings. The prosecutor general's mandate includes supervising prosecution of all criminal cases and determining whether charges should be pursued based on evidence presented by investigating authorities.

Civil law was subordinate to Sharia, which was applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally did not allow legal counsel in court because, according to local interpretation of Sharia, all answers and submissions should come directly from the parties involved. The High Court, however, allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted had the right to appeal. The testimony of women is equal to that of men for finance and contract matters. The testimony of women is not equal to that of men for inheritance cases, but in practice witness testimony is seldom required as most of the property of the deceased such as land, estates, boats, vehicles, shares, and bank accounts is registered. Male heirs get twice the share of female heirs, but the most valuable property (that is, land) of the deceased is usually shared equally as most of the land is owned by the state and not privately owned. If the land is privately owned, then Sharia applies. The right to defend is not related to Sharia. The right to defend, as it is in chapter two of the constitution, is in accordance with international human rights instruments.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees. Local nongovernmental organizations (NGOs) confirmed that no one had been arrested solely for his or her political beliefs since the inauguration of the new government. As for previous political prisoners, government observers claimed that they had been released after the charges against them were withdrawn or found to be without merit. AI stated that "it continues to be concerned about the detention of Prisoners of Conscience who have been imprisoned solely for their political beliefs" but did not cite specific cases or provide a number of political detainees.

## Civil Judicial Procedures and Remedies

A civil court addressed noncriminal cases. In February 2009 Mariyam Manike filed a civil suit against the ministry of defense over the killing of her son Evan Naseem in 2003 by eight former security officers at Maafushi prison. The case was closed because Mariyam Manike failed to appear for the hearing.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law." In practice the government generally respected privacy rights. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so by a court during a criminal investigation.

The constitution provides that residential premises and dwellings should be inviolable and can be entered without consent of the resident only under exigent circumstances or under the authorization of a court.

On July 4, three recordings of personal telephone calls were posted on the Internet. The government claimed the recordings provided evidence of a corruption conspiracy and proposed using them as evidence for corruption charges. Due to the absence of an Evidence Act, there is uncertainty as to whether the recording will be accepted as evidence in court. The source of these recordings was not determined. The telecommunications authority claimed that only the police or the MNDF had the capability to make recordings. At year's end, there had been no determination on the legality of the recordings.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press in most cases. However, the law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam" and prohibits inciting citizens against the government.

There are almost 200 independent newspapers and periodicals, and government ministers owned several of the daily publications. The Maldives Media Council Act established the Media Council as an independent, self-regulatory body. In April the government enacted a bill establishing the Maldives Broadcasting Corporation as a 100 percent government-owned company. The government wanted the corporation to be free from political and commercial influence and to televise public service announcements and matters of the state (such as President Nasheed's speeches) at no cost to the government. There have been ongoing unresolved disputes between parliament and the executive over which institution should have jurisdiction over the state broadcasters. In November 2009 the government passed amendments to the penal code making defamation a civil rather than criminal offence.

Criticism of the government and debates on difficult societal issues are commonplace, but there were a few incidents of journalists being threatened or attacked by both government and opposition supporters. In March the Department of Information withdrew five out of 100 points from the broadcast license of the radio station *DhiFM* following its coverage of the protest outside the president's residence on January 28. Every six months the Department of Information grants 100 points to all license holders. If a broadcaster loses more than 50 points during the allocated six month period, license can be revoked from six to 30 days and a fee of Rf 6,000 (\$469) to Rf 30,000 (\$2,344) can be charged depending on the number of points deducted. Also in March a group tried to enter the FM radio station *Dhifm*, threatened and attacked *Dhitv* Television Station's staff, and stabbed a staff member of *Haveeru* daily newspaper. These attacks followed the arrest of Ibrahim Nafiz, known as "Chika," a known figure in the local world of illegal narcotics; according to sources, the instigators were gang members loyal to Chika.

In September the International Federation of Journalists (IFJ) issued a press statement expressing alarm at increasing hostile actions against independent media. The IFJ cited incidents of vandalism by unknown persons against the private broadcaster *VTV*, which coincided with threats against the station made by MP "Reeko" Moosa Manik. In addition IFJ expressed concern that the head of the Male municipality reportedly attacked a cameraman with private broadcaster *DhiTV* and confiscated his camera. The Maldives Journalists' Association (MJA) stated that these actions contributed to "a climate of intolerance" against the broadcaster.

NGO sources also stated that in general the media practiced self-censorship on issues related to Islam due to fears of being labeled "anti-Islamic" and subsequently being harassed.

In June the government held a Commonwealth media development workshop, a four-day event conducted by the Commonwealth in collaboration with the MJA. There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, which was widely available in the capital and increasingly present in outlying atolls.

The Ministry of Islamic Affairs continued to block Web sites considered anti-Islamic or pornographic. In March 2009 the Telecommunications Authority of Maldives announced that it had blocked nine Web sites with anti-Islamic and pornographic content at the request of the Ministry of Islamic Affairs. The Ministry also blocked Web sites with information on Christianity and another Web site containing information on Islam. One of the Web sites posted an audio clip of a Ministry of Islamic Affairs official reportedly threatening an imam. Such blocks continued at year's end.

Statistics from the Internet regulator of Maldives indicated that there were approximately 12,000 broadband Internet subscribers in October.

### Academic Freedom and Cultural Events

The law prohibits public statements contrary to government policy or to the government's interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship. The government censored course content and curriculum. Islam is the only religion taught in the schools.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for "freedom of peaceful assembly without prior permission of the State," and the government generally respected this in practice.

There were allegations by reporters that the MNDF and police at times used force to disperse protestors. According to Minivan News, some reporters claimed that during the Maldives Democratic Party (MDP)-led demonstrations calling for Yameen and Gasim's arrest, the MNDF and police beat the gathered protestors with their batons. Police spokesperson reported that nine police officers and six civilians were injured during the riots.

A journalist from Miadhu, three journalists from DhiTV, two journalists from VillaTV, one from newspaper Miadhu, and a photographer from Haveeru reported they were attacked by police during a DRP-led protest in October.

#### Freedom of Association

The constitution provides for freedom of association; however, the government imposed some limits on this freedom in practice. The government registered clubs and other private associations only if they did not contravene Islamic or civil law.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Employers often housed foreign workers at their worksites.

The law allows for banishment to a remote atoll as a punishment, but the provision was seldom practiced.

There were no known cases of the government discovering converts and rescinding citizenship as a result of conversion.

There are no government restrictions on free movement within the country or for foreign travel.

## Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and the government has not established a system for providing protection to refugees or persons seeking asylum. The government has cooperated in the past with the Office of the UN High Commissioner for Refugees (UNHCR). In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There have been no reports of abuse of refugees or asylum seekers.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

## Elections and Political Participation

In May 2009 the country held its first multiparty parliamentary elections. Although there were sporadic confrontations and reports of electoral irregularities, including allegations of bribery and intimidation, election observer groups, such as Transparency Maldives and the Commonwealth, reported the elections to be generally free and fair. Political parties operated without restriction or outside interference.

On October 9, the island consolidation plan went to referendum. Voters rejected the government's proposal for administrative consolidation and the creation of city councils.

There are five women in the 77-member Maldivian Parliament. There are three women in the 10-person cabinet. These include the Minister of Health and Family, Minister of Education, and Minister of Tourism, Arts, and Culture. Parliament approved a woman as commissioner of the Human Rights Commission, but the female nominee for vice commissioner was not approved by parliament because parliamentarians expressed concern about having two women leading the commission.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials occasionally engaged in corrupt practices with impunity. In 2008 the government established an independent Anti-Corruption Commission (ACC) to investigate corruption charges involving senior government officials.

Approximately 150 cases from the previous board were transferred to the new commission. In May 2009 President Nasheed established a presidential commission to investigate allegations of widespread corruption by high-level officials from the previous government, including former president Gayoom. The government created the commission after the ACC and independent audit reports revealed cronyism and misappropriation of state funds. The commission has authority to summon, interrogate, and take statements that may be used as evidence in court. At year's end, the investigation continued, and no additional information was available.

There are no laws that provide for access to government information.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The HRCM was fully functional, with Ahmed Saleem serving as interim president. On October 4, the government confirmed Mariyam Azra as commissioner of the HRCM.

In 2009 the HRCM established an NGO Network to support and assist human rights NGOs and to secure the cooperation of NGOs. There are currently 48 NGOs in this network. The commission provides technical, financial, and other forms of assistance to NGOs that have joined the Human Rights NGO Network; the commission's objectives are to assist and provide encouragement in their work as human rights defenders and also to seek their assistance in the work of the HRCM.

The Maldives Democracy Network (MDN) is one of the largest human rights NGOs and has established a network of human rights defenders to train a volunteer network of dedicated individuals to advocate for and monitor human rights across the country. This network gives MDN the ability to promote human rights, assess the human rights situation, and monitor specific violations on a nationwide scale.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, gender, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Sharia in matters such as divorce, education, inheritance, and testimony in legal proceedings.

### Women

In 2008 the government changed the Ministry of Gender and Family to the Ministry of Health and Family to pursue a policy of gender mainstreaming to provide for gender equality. The empowerment of women was a key aspect of all government policy initiatives, activities, and planning.

Rape is not classified as a separate offence in the current penal code and cannot be prosecuted under any act. Other provisions of the law are used to criminalize rape. For example, the Prosecutor General's office uses sexual assault or misconduct charges depending on the gravity of the offence. A man can be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In March 2009 Mazeena Jameel, Permanent Secretary of the Ministry of Health and Family, stated that out of 10 rape cases reported, only two led to convictions, partly due to the difficulty of proving rape.

Under the law, spousal rape is not a crime.

The Domestic Violence bill was proposed during the year and is currently in parliament. The bill is the first effort to pass legislation criminalizing domestic violence in the country. There are currently no laws regarding domestic violence against women or workplace sexual harassment, nor were there recent firm data on the extent of violence against women. However, a 2006 Ministry of Gender and Family study on women's health and life experiences noted that one in three women between the ages of 15 and 49 years reported some form of physical or sexual violence at least once in their lives. One in five women between the ages of



15 and 49 years reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. One in six women in Male and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15 years. Of those women between the ages of 15 and 49 years who had ever been pregnant, 6 percent reported having been physically or sexually abused during pregnancy. The survey reported that many respondents perceived women to be subordinate to men, and that men used Islam to justify restrictions and violence against women.

Media reports of violence against women and rape are common. In January a woman in Foah Mulaku was gang raped in front of her husband while he was tied to a tree. Police apprehended suspects and conducted an investigation. Also in January, a woman in G.A. Villingilli reported an attempted rape. In February a group of men in Laamu Atoll allegedly broke into a house, tied electrical wires to the feet of a woman, and gave her electric shocks. In March on S. Hitadhoo, a group of 15 men drugged and raped a 20-year-old girl. There were several other rapes reported over the summer in Male but no follow-up information on arrests or prosecution was published. On July 12, the Prosecutor General submitted the 2009 murder case against the boyfriend of Mariyam Shereen, whose body was found under a pile of sandbags in a construction site. At year's end, the case continued at the Criminal Court.

The Police Annual Report for the year listed 455 cases of sexual assault (under which rape is included) reported in 2008, 563 cases reported in 2009, and 523 cases in during the year. There were 172 cases of domestic violence reported to police in 2008, 156 cases were reported in 2009, and 135 cases during the year. Information on the number of cases sent to the prosecutor general's office and to court for prosecution is not available. However, in March a coalition of NGOs condemned the performance of the judiciary and the government for its treatment of criminal cases, especially those concerning rape, citing a "failure of the state and responsible authorities to convict those responsible for these crimes." The statement noted the number of crimes such as murder, rape, child abuse, assault with sharp weapons, and threats to journalists and others that are reported in the media far outnumber the number of crimes investigated by police, sent to the prosecutor general's office, and tried in the Criminal Court.

In 2008 the Ministry of Gender and Family released data showing an increase in the reported cases of violence against women, although NGOs believed that most cases remained unreported. Several reasons were cited for the silence on the issue, including fear of reprisals from abusers, losing custody of children, lack of

economic independence, insensitivity of police when dealing with victims, absence of regulation in media concerning the privacy of the victim, dealing with the stigma attached to being a victim, and low conviction rates.

In May 2009 an official of the Ministry of Health and Family, formerly the Ministry of Gender and Family, stated to the local media that access to justice was one of the biggest obstacles to eliminating gender-based violence.

The Department of Gender and Family Protection Service (DGFPS), under the Health Ministry, provides a range of services from protection, rehabilitation programs, vocational skills development, and legal services to imparting coping strategies; these are designed to enhance victims' knowledge and skills, to empower themselves and others, and assist them to be reintegrated into the society at large. According to the Health Ministry, at the end of the year, four rape cases were referred to DGFPS requesting assistance, three of which were gang rapes. Support services are also available from the Society for Health Education, an NGO focusing on women and health care issues, which provides professional counseling for abused women. At present there are no safe houses for abused women, although provisions for their creation are included in the Domestic Violence bill that is before parliament.

There are Family and Children's Centers (FCSC) on every atoll in the country. They are intended to help streamline the process of reporting abuse against women and children. The centers had a shortage of trained staff and faced legal challenges, such as collecting evidence about abuse cases.

In May 2009 the government in partnership with the UN launched a two-year program to deal with gender-based violence. The program's objectives include raising awareness of gender-based violence, developing social support and counseling, providing women with legal options, and advising them on economic opportunities that would empower them to leave abusive relationships. The action plan was to involve various stakeholders in government including police, health ministry, religious leaders, and the judiciary to ensure cooperation and accountability. As part of this project, the UN has drafted guidelines on operating a separate women's shelter next to the orphanage on the island of Villingili. This would be a safe house for women who suffer from domestic violence and abuse. The UN held a week-long training session for 25 people on how to analyze gender-based violence cases and held a one-day workshop with the Ministry of Islamic Affairs with the goal of informing key actors in the field how domestic violence is treated in Islam.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children, and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

According to the 2009 Demographic and Health survey conducted by the Ministry of Health and Family, 99 percent of women received prenatal care from a skilled provider (92 percent saw a gynecologist, 7 percent received care from a doctor other than a gynecologist, and less than 1 percent received care from a trained nurse or midwife, a community health worker, or a traditional birth attendant). According to the survey, 95 percent of births in the five years preceding the survey were assisted by a skilled health worker (gynecologist, doctor, nurse, midwife, or community and family health worker). The maternal mortality rate in the country is 37 deaths per 100,000 live births. Only 6 percent of women did not receive any postnatal care. Women who live in Male have the highest rate of care (96 percent) from a gynecologist, doctor, nurse, or midwife versus 90 percent in rural areas.

Although women traditionally played a subordinate role in society, they participated in public life. Women constituted approximately 40 percent of government employees. The literacy rate for women was approximately 98 percent. In 2007 the government appointed the first female judges.

The minimum age of marriage for women was 18 years old, but marriages at an earlier age occurred. Some of these marriages occurred in Pakistan and India, and those that occurred in Maldives were usually not registered in the court. As a result, it was difficult to know how many cases there were during the year. According to the Ministry of Health, if a minor wished to marry, the ministry would undertake an assessment to ensure the physical and mental well-being of the child. These children can then marry with their parent's consent. Most applications were from girls between the ages of 16 and 18, but the ministry did not provide a count of how many applications they considered. In addition the ministry stopped accepting applications to consider underage marriages. Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Sharia also governs estate inheritance, granting male heirs twice the share of female heirs. In practice the country's inheritance laws are complex. According to the prosecutor general's office, unless the men in the family demand a larger share, property is divided equally among siblings.

During the year a Global Gender Gap Report by the World Economic Forum found women who worked for wages received about 65 percent of what men in the same positions received. According to an HRCM report published in August 2009, despite provisions in the constitution and the 2008 Employment Act, there were no policies in place that provided equal opportunities for women's employment. The absence of childcare facilities made it difficult for women to remain employed after they had children; it was socially unacceptable for women to stay on resort islands for extended periods, which discouraged women from working at tourist resorts. The HRCM also received reports that some employers discouraged women from marriage or pregnancy, as it could result in termination or demotion.

In March 2009 the government established an Rf 10 million (\$780,000) Fund for the Economic Development of Women. Provided by the Asian Development Bank as part-loan and part-grant, the project encouraged economic independence by assisting women to establish small- and medium-sized enterprises.

### Children

Citizenship is derived through one's parents. A child born of a citizen father or mother, regardless of the child's place of birth, can derive citizenship.

Education is not compulsory, but there was universal access to free primary education. In many instances, parents curtailed education for girls after the seventh grade by not allowing them to leave their home island to attend secondary school on another island.

Government policy provides for equal access to educational and health programs for both male and female children.

The law sought to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Health and Family has the authority to enforce the law and receives strong popular support. The ministry reported child abuse, including sexual abuse. In November 2009 parliament passed the Child Sex Abuse Act, which codified child sex offenses for the first time and outlined sentences of up to 25 years for those convicted. However, under article 14 of the act, if a person is legally married to a minor under Islamic Sharia, none of the offences specified in the legislation would be considered a crime. There were reports that, although the courts had the power to detain perpetrators, most were released pending sentencing and were allowed to return to the communities of their victims.

In March 2009 the FCSC stated that the biggest challenge it faced in efforts to protect children's rights was the release of pedophiles into the communities of their victims.

According to statistics from the MPS, police received 162 cases of child sexual abuse during the year, and 104 of these were forwarded to the Prosecutor General's Office after investigation. In addition police arrested 117 pedophiles during the year compared to 23 in 2009. Of the 117 arrested, two were females.

In February DGFPS reported the cases of child abuse in 2009 had doubled compared with 2008. The department stated that cases of sexual abuse were increasing, and underage marriage and pregnancy was a major concern. The increase in the cases reported appeared to be due to increased public awareness.

DGFPS reported 1,042 cases of abuse during the year, including 246 cases of child sexual abuse cases, 111 cases of physical abuse, 126 cases of neglect, 175 disciplinary cases, 45 cases of emotional abuse, 131 custody and family issues, and two cases of child prostitution. There are no laws or regulations dealing with cases of neglect.

The former Bangladeshi High Commissioner reported a case of a Bangladeshi girl who was forced into prostitution in Maldives and noted cases of young boys working in guest houses who were physically assaulted. These crimes were not reported due to fears of retaliation, but the Bangladesh High Commission has ceased attesting work permits for Bangladeshi women.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

There were no known Jewish citizens or residents, and there were anti-Jewish protests in response to an Israeli humanitarian mission.

When it was announced a team of Israeli doctors was due to arrive in the country to treat eye patients in December, the Islamic Foundation of the Maldives called on the government to break off all diplomatic ties with Israel. The Islamic Foundation

claimed that it was against Islam to have "relationships with Jews" and called on the president to "shun all medical aid from the Zionist regime." When the medical team arrived, there were protests against the eye doctors and Israeli flags were burned. The protests were fairly small and Minivan News reported that over 200 Maldivians registered for eye care with the Israeli team.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

The constitution provides for the rights and freedom from discrimination of persons with disabilities and a Special Needs Act was put in place in July. The purpose of the act is to protect the rights of persons with disabilities and to provide them with financial assistance. The president created the Council to Protect the Rights of People with Disabilities in August. As mandated in the act, anyone with disabilities is entitled to Rf 2,000 (\$156) every month. The Ministry of Health and Family maintains a list of persons with disabilities. By December 26, the ministry received 3,384 applications. The ministry planned to start disseminating the allowance in January 2011. Government programs provided services for persons with disabilities, including special educational programs for persons with sensory disabilities. Inadequate facilities made it difficult for persons with disabilities to participate in the workforce.

There were multiple NGOs working to improve the rights of persons with disabilities, including Hand in Hand, the Association of Disability and Development, Handicap International, and the Care Society.

In April the HRCM, in conjunction with the United Nations Development Program, released a report on the rights of persons with disabilities. The report found that most schools only took children with very limited to moderate disabilities and not those with more severe disabilities. There virtually was no access to or transition to secondary-level education for children with disabilities. Additionally there was no mental healthcare available in Male; there were only two psychiatrists working in the country who dealt mostly with drug rehabilitation. There also was a lack of quality residential care. There were more than 31 persons with disabilities waiting for a place at the Home for People with Special Needs as of March.

In July 2009 the Maldives Deaf Association received funding from the Ministry of Human Resources, Youth, and Sports to facilitate arts and crafts courses for persons with auditory disabilities between the ages of 18 and 35 years old.

In October 2009 President Nasheed launched the country's first sign-language dictionary. The objective of the book was to serve as a bridge between persons with auditory disabilities and the rest of society. Handicap International funded the project.

The government established disability awareness and empowerment campaigns on some of the more populous islands. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Health and Family's Institute for Needy People, which also assisted elderly persons. When requested the government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent. The government also provided assistive devices, such as wheelchairs, crutches, spectacles, hearing aids, and special seats for children with cerebral palsy.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits homosexual conduct, and it was considered socially unacceptable. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. There were no organizations concerned with lesbian, gay, bisexual, or transgender (LGBT) issues in the country. There have not been any reports of officials complicit in abuses against the LGBT community. Due to societal intolerance of homosexual conduct, there are few openly homosexual individuals acknowledged in the country. Thus there is no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

#### Other Societal Violence or Discrimination

The country had a very low prevalence of HIV (approximately 0.01 percent). Of 14 HIV-infected Maldivians, 12 are male, two are female, 11 have developed AIDS, and 10 have died. Since 2008 no new HIV cases were reported in the country, but during the year 19 foreign workers were reported with HIV. Maldives did not

systematically collect statistics on HIV infection, indicating that these numbers likely underrepresented the actual situation.

According to a 2009 Demographic and Health survey, most women surveyed were willing to care for a relative with AIDS at home (86 percent), buy fresh vegetables from a shopkeeper with AIDS (79 percent), allow a female teacher with AIDS to continue teaching (61 percent), or allow a male teacher with AIDS to continue teaching (59 percent). Three of four women said that they would be open about having an HIV-positive family member. Only 37 percent of women expressed accepting attitudes on all four indicators, indicating some stigma associated with HIV/AIDS.

## Section 7 Worker Rights

### a. The Right of Association

The 2008 constitution recognizes the right to freedom of association and states explicitly that all rights and freedoms in the statute apply to "everyone" in the country, including migrant workers.

The 2008 Employment Act does not address the formation of trade unions, and the law does not specify protection against antiunion discrimination. Some workers' organizations have been established, particularly in the tourism and education sectors, although these function more as associations rather than real unions. Among the most active: Teachers Association of the Maldives, the Tourism Employees Association of the Maldives (TEAM), and a fishermen's association. According to a report by the Human Rights Commission of the Maldives (HCRM), worker associations' ability to defend employee rights was hampered by the uncertainties surrounding their status and mandate and a lack of laws defining their role and the procedures by which they may negotiate with employers. In the absence of real trade unions, the concept of collective bargaining remains unknown.

The constitution states that every person employed in the country has the freedom to stop work and to strike. This right was exercised frequently during the year, particularly in the construction and tourism sectors. TEAM organized work stoppages to protest against unfair working conditions, low wages, and long working hours. Police sometimes employed force to suppress strikes.



The Employment Act does not cover emergency workers, air and sea crews, police, armed forces, and executive staff of any company, and workers who are on call.

In February the parliament passed an Employment Tribunal Regulation, which details procedures for revising and adjudicating employment matters, and other matters to do with the functioning of the Employment Tribunal under the Employment Act. The Employment Tribunal was established in 2009 to examine and adjudicate legal matters arising between employers and employees and other employment issues. In its first four days, the tribunal received over 400 cases. Of the 137 valid claims filed in 2009, the tribunal completed 54 cases and resolved 19; 64 cases continued at the end of the year. During the year the tribunal received 276 cases, of which 110 were completed at year's end. A completed case is one in which the tribunal delivers a verdict and provides recommendations but does not know whether the defendant acted upon the recommendation. Twenty-two cases were resolved, meaning that the complainant and the defendant came to an agreement or the defendant abided by the tribunal's recommendations. Eleven cases were withdrawn, and 21 cases were cancelled due to absence of complainants at hearings or due to lack of necessary information. There were 38 cases during the year that were not resolved by year's end. Most cases dealt with unfair dismissal in the private sector, including tourist resorts, utility companies, and other businesses. The tribunal also received some cases of unfair dismissal in the civil service.

b. The Right to Organize and Bargain Collectively

The constitution and Employment Act do not address workers' rights to collective bargaining. In practice informal collective bargaining involving employee associations, primarily in the tourism sector, began shortly after both laws took effect. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector.

TEAM, a resort workers association, claimed resort workers were systematically denied recognition by employers, employers refused to negotiate collectively, and employers threatened workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor; however, there were reports that forced labor occurred. The HRCM reported that some domestic workers, especially migrant female domestic workers, were in some cases trapped in forced labor situations, in which employers used threats and intimidation to prevent them from leaving.

The expatriate worker population of Maldives is estimated at 80,000, which is an estimated 25 percent of the population. The Maldives Immigration Controller estimates there are a minimum of 30,000 illegal foreign workers; over half of these workers come from Bangladesh with others from India and other south Asian countries. Department of Immigration statistics state 18,000 new foreign workers came to the country between January and October. These workers were predominantly employed in the construction and tourism sectors, where some experienced forced labor and even debt bondage. Most victims of forced labor were reportedly coerced to work through one or more of the following practices: holding of passports by employers, fraudulent offers of employment, not being paid the promised salary, and not being paid at all.

Under the law, foreign workers arriving in the country must have a work permit issued by the Immigration Department. This is obtained through an employer or agent, who must first request a foreign worker quota stating the number of employees needed from the Ministry of Human Resources, Youth, and Sports. These quotas are easy to obtain, and there is little enforcement. In an effort to control the flow of workers into the country, the Bangladeshi High Commission also requires that work permits for their nationals be attested by the local commission before they are considered valid. However, forged documentation is common. In June the Human Resources Ministry and the Maldives Police Service conducted operations to find and deport illegal workers in the atolls. The outcome of these operations had not been reported at year's end.

The Ministry of Human Resources blacklists companies who violated the provisions of the Employment Act, precluding violators from bringing in new workers until violations were rectified. The law allows for a fine of not more than Rf 5,000 (\$397) for forced labor and other violations of the Employment Act. During the year 16 employers were blacklisted.

d. Prohibition of Child Labor and Minimum Age for Employment

The Employment Act sets 16 years of age as the minimum age for employment, with an exception for children who voluntarily participate in family businesses. The Employment Act also prohibits employment of children in "any work that may have a detrimental effect on health, education, safety, or conduct." Child labor, however, was a problem in the fishing sector, small commercial activities, and family enterprises. Adolescent children who were sent from islands with inadequate education facilities to Male or other areas for educational purposes sometimes worked as domestics in exchange for food and lodging. The HRCM reported the domestic work of children living with host families while attending school was sometimes coerced.

DGFPS of the Ministry of Health and Family was responsible for monitoring compliance with the law regarding child labor. Based on the limited information available, the ministry's enforcement appeared to be effective. The Ministry of Health and Family, the Ministry of Human Resources, Youth, and Sports, and the Family and Child Protection Unit of Maldives Police Service received complaints of child labor, conducted inquiries, and initiated legal action. According to the Labor Relations Authority, none of the 477 claim/complaint forms that it received last year related to child labor or employment of minors. Additionally no cases of child labor were found during its regular labor inspections during the year.

e. Acceptable Conditions of Work

The 2008 Employment Act establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for work-place safety. In 2008 the government established a Labor Relations Authority and an Employment Tribunal to implement the Employment Law. The Labor Relations Authority, under the Ministry of Human Resources, Youth, and Sports was not staffed until September, when 15 people were hired. The office conducted investigations and provided dispute resolution mechanisms to address complaints from workers. Since September the authority had completed an estimated 100 inspections.

The act provides a mechanism to establish a minimum wage in the private sector. The minimum wage in the government sector was approximately Rf 3,100 (\$241) per month, which was inadequate for a decent standard of living for a worker and family. Because of the tight labor market, private sector employers generally offered competitive pay and conditions to attract skilled workers.

The Employment Act provides for a 48-hour per week limit on work with a compulsory 24-hour break if employees work six days consecutively. Overtime is possible; for example, employees in tourist resorts may work an additional two hours per day paid at overtime rates. The Employment Act states that employees working overtime shall be paid 125 percent of their hourly working wage and, if working on a Friday or a public holiday, they shall be paid 150 percent of their hourly working wage. The public sector provides a seven-hour workday and a five-day workweek. According to a rapid assessment done by the HRCM on the employment situation in the country during 2009, the enforcement of the Employment Act was poor. Government corporations were working to reconcile their employment agreements according to the act and many private companies had not started to sign employment agreements with their employees. Furthermore, HRCM alleged that many small employers did not show any intention of entering into agreements with their employees. The notable achievements of the act have been the creation of an Employment Tribunal and a Labor Relations Authority.

Migrant workers were particularly vulnerable to exploitation and, upon arrival in the country, often found unacceptable work conditions, but they were forced to accept work at whatever wage was offered for debt repayment to the employment agency. The HRCM found many instances of nonpayment of wages to migrant workers and inadequate housing. Former Bangladeshi High Commissioner Selina Mohsin reported that 110 Bangladeshi migrant workers died in 2009 from construction-related injuries such as falls, heart attacks, extreme tension and stress, and the effects of working in hazardous environments without proper ventilation. There is no indication that conditions have improved during the year. The status of migrant workers employed in the categories of senior management, professionals, and skilled workers was generally better.

Under the Employment Act, workers have the right to refuse work that is dangerous; it was unclear whether workers exercised this right in practice. The Employment Act mandates the implementation of a safe work place; procurement of secure tools and machinery; ensuring the continued safety of the equipment, provision of protective equipment to eliminate health hazards, and training of employees in the use of protective gear; and the provision of appropriate medical care. Currently all employers are obliged to buy a health insurance scheme for foreign workers. Regulatory requirements in certain industries, such as construction and transport, require employers to provide a safe working environment and ensure the observance of safety measures. According to an HRCM report in August 2009, there were no national standards for safety measures and, as a result, such measures were at the discretion of employers. Some

employers that produce for export have adopted health and safety standards. Employers in other sectors, most notably the tourism and construction industries, however, have reportedly not taken similar measures. The Employment Act grants workers the right to compensation if fired without cause. The act specifically bans discrimination based on race or color, but it notes that "any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination."

The 2009 HRCM report stated the highest number of job-related complaints, 139, came from resort workers. Most of these complaints related to employers disregarding workers' rights included in the 2008 Employment Act. The three most common types of cases were nonpayment of wages, unfair and illegal dismissal, and nonpayment of due benefits and allowances.

In 2009 the HRCM heard labor disputes because the Employment Tribunal was not in place, and the courts refused to hear labor cases. Since the Labor Relations Authority (LRA) was staffed in September, the HRCM now refers all labor disputes to the Employment Tribunal. The LRA reported that of the 477 complaints made during the year, 80 percent were from workers in the construction industry, and most complaints were about nonpayment of wages, termination without notice, lack of written contracts, expiration of employment approval, and employers not providing food and accommodation. According to the LRA, 50 percent of the cases reported during the year were resolved and 45 percent of the cases continued, while the remaining 5 percent of the cases were pending due to the absence of the employer or the employee. In cases where the employer or the employee failed to show up for three months, the case was closed.

In May 2009 the government acceded to the International Labor Organization (ILO). The country continued to work with the ILO to implement the ILO Work Plan for 2009-10, which included strengthening labor administration, promoting tripartism and social dialogue, ratifying selected international labor standards, and developing a social security floor to provide vulnerable and socially excluded groups with systematic benefits. At year's end, these efforts were still in process.