



## International Covenant on Civil and Political Rights

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### Human Rights Committee 105th session

#### Summary record of the 2901st meeting

Held at the Palais Wilson, Geneva, on Friday, 13 July 2012, at 10 a.m.

*Chairperson:* Ms. Majodina

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*The meeting was called to order at 10.15 a.m.*

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

*Initial report of Maldives (continued) (CCPR/C/MDV/1; CCPR/C/MDV/Q/1 and Add.1; HRI/CORE/MDV/2010)*

1. *At the invitation of the Chairperson, the delegation of Maldives took places at the Committee table.*
2. **The Chairperson** invited the delegation to reply to questions raised by Committee members at the previous meeting.
3. **Mr. Jameel Ahmed** (Maldives) said that there was no contradiction between the rights and freedoms contained in the 2008 Constitution, and universally recognized human rights. The question of whether the tenets of Islam were compatible with the universal concept of human rights was an old debate, but Muslim scholars and jurists generally agreed that the aspects and characteristics of what was currently defined as universal human rights were present in the tenets of Islam. The Maldivian Constitution's bill of rights had been drafted with the assistance of Muslim and non-Muslim experts from several countries. It was broad in scope and guaranteed, inter alia, freedom of assembly, opinion and expression; the right not to be subjected to torture or cruel treatment; the right not to be arbitrarily arrested or detained; and the right to a prompt trial. Additionally, article 16 of the Constitution, which provided that the rights established therein should be interpreted so as not to conflict with the tenets of Muslim law, also required that the interpretation of those rights should be broad and should aim to achieve the characteristics of a modern, democratic society. The Constitutional requirement that an individual had to be Muslim to be a Maldivian citizen reflected the reality of Maldivian society, a homogeneous society in which all Maldivians spoke the same language, were of the same race and practised the same religion. It was therefore not seen as an impediment to the realization of human rights and did not generate any debate for its repeal.
4. The reason why the Maldivian Human Rights Commission could not be accredited as a national human rights institution in accordance with the Paris Principles was that the Commission's Act provided that only individuals of the Islamic faith could be members. Repealing that Act would not remove the barrier to accreditation since the Constitution, which was the supreme law, required all Maldivian citizens to be Muslim.
5. That requirement did not apply in civil and criminal matters, which meant that any victim of a violation, or persons entitled to act on a victim's behalf, could claim reparation through the courts at any time, no matter when the acts had been committed. The absence of a deadline within which reparation could be sought was very important given the numerous incidences of violence the country had experienced in the past, the repercussions of which were still being felt today. Reparation claims for acts committed 30 or even 50 years before had been filed in the civil and criminal courts. If the State were required as a matter of course to grant compensation to victims of events from a specific period, other victims not entitled to benefit from that compensation would be put at a disadvantage. A further obstacle to feasibility of such a measure was the State's precarious financial situation, which might be seriously compromised by mass compensation payouts, to the detriment of the society as a whole. Nor should it be forgotten that, for reparations to be granted, the existence of damage must first be ascertained on the basis of evidence rather than mere allegations. The Government therefore considered that the only appropriate channel for reparation was legal proceedings.
6. The moratorium on capital punishment was still in effect. However, owing to a significant rise in crime in the country, and the serious concerns it raised, the issue of the

death penalty had recently re-entered public debate. While it was not the subject of formal discussion in the Government, politicians, judges and other sectors of society were looking into ways of controlling the crime rate in the country. A new draft Penal Code, prepared in collaboration with Paul H. Robinson, a law professor at the University of Pennsylvania Law School, was currently under consideration. The draft was based on the categories of offence established in modern Islamic criminal law as well as other legislation and jurisprudence of the country, and was to be submitted to parliament for adoption in the next few months.

7. Progress had been made on gender equality in inheritance. The law on land ownership expressly prohibited any discrimination between men and women when it came to distribution of land among heirs. In practice, cases of discrimination were very rare and land was generally distributed equally among men and women.

8. **Ms. Maumoon** (Maldives) said that, admittedly, much remained to be done towards real gender equality, but progress had nonetheless been made. Three women held government positions and, despite the paucity of female parliamentarians, at just under 5 per cent of deputies in 2008, women had gained ground in local elections, and political parties were working on promoting their participation in political life. The Ministry of Gender, which had been abolished under President Nasheed, had been restored. Awareness-raising campaigns were carried out in the media and in schools to reverse the cultural stereotypes that hampered equality. Several laws enacted in recent years, including the Civil Service Act, the Employment Act and the Pension Act, contained provisions specifically designed to combat all forms of discrimination, including discrimination against women. To encourage women's participation in economic activity, the Government had adopted temporary special measures whereby 40 per cent of State loans to small and medium-sized enterprises were granted to women wishing to set up their own businesses. Four groups of women had thus received funding to start a business.

9. The Domestic Violence Act contained a comprehensive strategy emphasizing prevention, the role of the police and the courts, victim assistance, sentencing of offenders and support for their rehabilitation. Awareness-raising training and the construction of safe houses for women victims of violence were also planned.

10. The Children Rights Act expressly prohibited corporal punishment of children under 18. Although the practice was not widespread in Maldives, the Government was nevertheless determined to eradicate it and was following with interest the Maldivian Human Rights Commission's investigations in that area.

11. **Mr. Jameel Ahmed** (Maldives) said that an investigation was currently being conducted by an independent commission to determine whether offences had been committed during the transfer of power in February 2012. In cases of established violations, the Commission would inform the Prosecutor General's Office, which could order the opening of a criminal investigation if he considered such action justified by the evidence submitted. The Human Rights Commission was vested with investigative powers, including to hear witnesses and to be heard in judicial proceedings. The Prosecutor General's Office had recently instructed the Commission to open an investigation into the abduction of the Chief Criminal Court Judge, in which former President Nasheed had been involved, considering that the impartiality of the investigation was likely to be compromised if left to the police. The Police Integrity Commission was authorized to investigate crimes committed by law enforcement officials in the discharge of their functions. Having been established by law, it was totally independent of the Executive, and the appointment, removal and discipline of its members was the exclusive preserve of parliament, the Ministry of the Interior having no role in its mode of operation. However, the Commission was required to present its findings and recommendations to the Ministry to enable the latter to decide on the necessary corrective measures. When the Commission concluded that crimes justifying the opening of criminal proceedings had been committed it could inform

the Prosecutor General's Office directly without prior authorization of the Ministry of the Interior (which it had in fact done in a case relating to the events of February 2012). The reason for the relatively few complaints submitted to the Commission and leading to criminal proceedings was that in most cases the offences brought to the Commission's attention called for administrative penalties rather than criminal proceedings.

12. Corporal punishment was prohibited not only by the Children's Rights Act, but also by a legally binding regulation of the Ministry of the Interior. Corporal punishment was rare in the Maldives, one of the few countries that had taken early measures to prohibit it in schools.

13. **Ms. Maumoon** (Maldives) said that being a Maldivian and being a Muslim were inseparable and that the reservation to article 18 of the Covenant reflected the profound conviction of the people that Maldives had always been and must remain a 100 per cent Muslim country. The Government therefore had no plans to withdraw the reservation. It nevertheless ensured that the concern to preserve the country's social and religious unity did not infringe the rights of persons of other religions, including foreign workers in the country, who were free to practise their religion in private and to bring religious material and texts into the country for their personal use. Article 9 (d) of the Constitution, which stipulated that non-Muslims could not obtain Maldivian nationality, meant that non-Muslim foreigners who wished to acquire Maldivian nationality must convert to Islam, not that Maldivians who did not adhere to Islam could be stripped of their Maldivian nationality. That interpretation would conflict with article 9 (b) of the Constitution, which provided that no Maldivian citizen could be stripped of his or her nationality. The issue had never arisen but, in such an event, it would be for the Supreme Court to rule on the matter.

14. **Mr. Jameel Ahmed** (Maldives) said that amputation and stoning, provided for by sharia law, had never been used in the recent history of Maldives. The only sharia punishment in current use was flogging. Replying to a question from Sir Nigel Rodley, he confirmed that during the 2008 elections, the name of Mr. Waheed, as prospective Vice-President, had appeared on the ballot paper next to that of Mr. Nasheed, the presidential candidate, in line with the current regulations. The new Government had never planned to hold an early election. It had merely stated that it would accept the findings of the independent commission responsible for investigating the circumstances of the transfer of power and that if the commission recommended that an early election should be held, it would abide by its recommendation.

15. **Ms. Adam** (Maldives) explained how difficult it was for a small island State such as Maldives to fulfil its reporting obligations. At the request of the Government, the common core document (HRI/CORE/MDV/2010) had been drafted with the assistance of a human rights expert assigned by the Office of the High Commissioner for Human Rights (OHCHR). Until the State had the resources to prepare a report for each treaty body, it would continue to draft common core documents, as did other States. Within the Ministry of Foreign Affairs, there was currently only one expert responsible for human rights matters and the drafting of reports. In a bid to fulfil its obligations, the Government had asked OHCHR to provide it with an additional adviser to help prepare its forthcoming reports. The delegation appreciated Committee members' comments and recommendations.

16. **Ms. Maumoon** (Maldives) said that the country's President had set up an independent commission to examine issues relating to the transfer of power. It would be pointless to discuss the date of the elections until the commission had issued its conclusions. According to the Constitution, the next elections were due in 2013. In order for the date to be changed, the Constitution would have to be amended, which required a two-thirds majority in parliament.

17. **Mr. Jameel Ahmed** (Maldives) said that a motive had yet to be established for the attack to which Mr. Rasheed had allegedly been subjected for expressing his opinions. It could not therefore be claimed that it was a violation of freedom of religion or expression. The outbreak of violence was affecting Maldivian society as a whole, without distinction of religion, age, sex or social status. It was not for the Government to establish the motive of particular attacks.

18. With regard to torture, the Government was determined not to repeat the mistakes of the past. To that end, it had adopted a very progressive Constitution and various pieces of legislation, and spared no effort to implement the international instruments. The desire to create a harmonious, modern, Islamic, democratic society was reflected in various articles of the Constitution, in particular articles 16 (modernization and enforcement of sharia law), 48 (rights on arrest or detention) and 69 (openness). In order to avoid the errors of the past, the Government had again set out in detail in the Constitution (art. 49) the grounds for arrest rather than in a code of criminal procedure.

19. Maldives had an independent judiciary, a national Human Rights Commission, and mechanisms such as the Police Integrity Commission. For a small State that had not inherited a legal system from its former colonial masters, Maldives was on the right track. The new legislative framework was a major step forward, and parliament was doing its utmost to meet the expectations of society.

20. **Ms. Maumoon** (Maldives) said that it was unfair to accuse Maldives of systematic practice of torture, and she condemned the question's political overtones. In its commitment to combating torture, the Government had enacted a new Constitution and established independent bodies to protect the rights of all persons, including prisoners.

21. **Mr. Jameel Ahmed** (Maldives) said the Constitution provided that all international instruments had to be approved by parliament before being incorporated into domestic law, the principle being that, before obligations were imposed on the people, their democratically elected representatives needed to have a say in the matter.

22. **Mr. O'Flaherty** asked how, in a dualist legal system, the State party gave effect in domestic law to international instruments to which Maldives was a party. He called on the Government to promote awareness of the provisions of the Covenant among the judiciary.

23. With regard to freedom of religion, a number of constitutional provisions, in particular the provision that non-Muslims could not acquire Maldivian nationality, were incompatible with the Covenant, and created inequalities in terms of protection. He was dismayed that members of the Human Rights Commission had to be Sunni Muslims, particularly as many non-Muslims lived in Maldives.

24. **Mr. Thelin** said that, given that the provisions of the Covenant and other international instruments were not directly applicable, the primacy of Islamic principles and law, and the weak judicial system, victims of violations of Covenant rights on the ground of the primacy of religious law had little hope. The independence of the judiciary was to be welcomed, but there was a clear disparity between the number of torture cases reported and the number of proceedings actually initiated, especially in cases that had arisen between 1978 and 2008. The State party should set up a commission to investigate those cases and should ensure that the perpetrators were brought to justice and that the victims received reparations, thus avoiding any politicization of those issues. Who in the Ministry of Home Affairs or parliament determined the budget of the Police Integrity Commission? The number of complaints the Commission had received and referred to the courts in its four years of existence remained too low. The Government should ensure that the Commission was fully aware of the scope of its mandate. He would like to know which of the two bodies assumed responsibility during joint operations by the defence force and the police. He expressed concern that, in cases of ill-treatment in detention facilities other than those

under police supervision, solidarity among officers might hamper a full investigation; the State party should therefore set up an independent body. He asked whether the antiterrorism bill was stalled because of lack of support in parliament or because of political rivalries. He also wished to know the severity of the sentences in cases of domestic violence, and whether the new directives called for more imprisonments. The sanctions imposed should be sufficiently severe to serve as a deterrent.

25. On the subject of corporal punishment at school, the information provided by the High Commissioner contradicted the delegation's assertion that it was prohibited under the Education Act. The delegation might therefore specify the date on which the Act had been enacted and indicate which provisions prohibited corporal punishment. In conclusion, he asked if the State party planned to prohibit flogging, which, as the delegation had admitted, was inflicted mainly on women. He also wished to know whether flogging was imposed by sharia courts or ordinary courts.

26. **Ms. Waterval** stressed that the death penalty was not a deterrent to crime, and urged the State party to abolish it.

27. **Sir Nigel Rodley** asked again what measures had been taken to prepare society for the conclusions of the Commission of National Inquiry tasked with shedding light on the events that had triggered the regime change.

28. Supporting Ms. Waterval's views on the death penalty, he sought clarification of the application of the moratorium. He wished to know whether death sentences were still imposed and, if so, whether those sentences were commuted. What would happen if the moratorium was lifted?

29. **Mr. Sarsembayev**, concerned at Maldives' continued reservation to article 18 of the Covenant, asked whether it was because Maldivian society was grounded in the principles of Islam that the authorities did not feel the need for a debate on other religions and whether that position was based on fear of potential cohabitation problems in the event of a massive influx of foreigners of different religions, to say nothing of the small size of the territory. He asked whether a significant increase in the number of immigrants might not introduce new ideas to Maldives and dramatically reshape the political landscape.

30. The Constitution of Maldives established Islam as the religion of the State. In some Muslim countries, there was separation of religion and the State, allowing them to respect their international obligations; Maldives could follow their example. Supporting Ms. Waterval's and Sir Nigel Rodley's views on the death penalty, he advised Maldives to address the economic, social, political and organizational causes of the recent crime wave, rather than stepping up repression through the courts.

31. The head of delegation had said that there was no deadline for submission of complaints. Did the same apply to applications for compensation? According to information in the Committee's possession, the processing of such applications could take years; everything should therefore be done to ensure prompt payment of compensation. If officials responsible for processing compensation applications did not discharge their duties within the prescribed deadline they should be punished.

32. **Mr. Ben Achour**, noting that in all of its statements the delegation had referred to Sunnism, asked for details on the position of other movements, such as Shiism, in relation to Sunnism in Maldives.

33. **Mr. Salvioli** said that the delegation had only partially replied to some of his questions. He welcomed the fact that the State party had taken a series of measures aimed at promoting gender equality, and would like to have in writing before the end of the dialogue some specific examples of the results of the awareness-raising campaign to eradicate gender discrimination and combat violence against women.

34. He wondered about the compatibility with the Covenant of legislation such as the law providing that in certain cases a woman's testimony carried half the weight of a man's, and the law criminalizing homosexuality. The delegation had invoked constitutional provisions to justify the enforcement of sharia law, but the Committee was not bound by national constitutions, its mission being to monitor implementation of the international treaty under which it had been established. A State party could not invoke its domestic law to justify its failure to implement a rule of international law. The delegation had mentioned that the Inheritance Act, which granted a man double the share of a woman's inheritance, was no longer applied in practice; if that was the case, the law should be abolished so that such discrimination was no longer reflected in the legislation.

35. **Mr. Rivas Posada** asked whether Maldivian citizens who converted to a religion other than Islam were penalized, for instance stripped of their nationality and whether there was any case law involving penalties imposed in relation to citizenship rights. In any event, the provisions in question infringed freedom of religion and were incompatible with the object and purpose of the Covenant.

36. **The Chairperson** invited the delegation to reply to members' additional questions.

37. **Mr. Jameel Ahmed** (Maldives) said that he would forward to the Government the Committee's recommendations concerning the establishment of a body to investigate allegations of torture, preferably on a permanent basis. Many hate crimes had been committed, especially in 1997, in the southern most atolls, and in 1998 during a Tamil Tiger mercenary attack supported by groups in those atolls.

38. The budget of the Police Integrity Commission had been submitted to parliament for approval at the same time as those of the Ministry of Home Affairs and the police. He would enquire why the Police Integrity Commission rarely recommended the initiation of proceedings against the subjects of the complaints it received. The Commission's mandate authorized it to examine complaints of alleged ill-treatment by law enforcement officials, but not to deal with complaints involving the defence forces. The drafting of the Antiterrorism Bill and the draft Penal Code had taken many years because Maldives had not received the technical assistance it needed.

39. Under Maldivian judicial and legal system, there was no separation among the various courts. Civil cases and those tried under sharia law were heard by the same courts. Family cases, however, were tried by separate courts.

40. **Ms. Maumoon** (Maldives) confirmed that, under Maldivian law, only Muslims could become members of the national Human Rights Commission. However, an amendment to that provision was not ruled out. The Constitution provided that Islam, specifically Sunni Islam, was the State religion, which did not pose a problem, since Maldivian citizens formed a homogeneous society. Migrant workers of other faiths were not interested in integrating into Maldivian society as they were in the country only on a temporary basis. Nor did tourists involve themselves in Maldivian society, as they only holidayed on specific islands. Nonetheless, at some point, Maldives would have to reflect its demographic evolution in its legislation.

41. While she welcomed the idea of creating an independent commission to investigate cases of torture, it would be difficult in the current political climate. The Government was determined to move forward, but its legislative power was limited by the fact that it was a coalition government. Parliament's consideration of the torture and antiterrorism bills and the draft Penal Code had taken many years because, after assuming power in 2008, President Nasheed had unfortunately not shown the political will needed to accelerate the process nor taken the measures required to strengthen democracy. The delegation would transmit to the Government the Committee's comments on the need to secure adoption of those laws as soon as possible.

42. She had herself participated in the drafting of the Domestic Violence Act, which had involved consultation with many stakeholders and had determined that domestic violence was a criminal offence that could lead to imprisonment. The delegation would request additional information on the Act and campaigns to combat violence against women. Under article 10 of the 1991 law on the rights of children, children could not be subject to a punishment that was unsuited to their age and could result in physical or psychological damage, a somewhat vague concept indeed. The Government would look into ways of strengthening corporal punishment legislation.

43. Capital punishment remained in force in Maldives, although an unofficial moratorium on executions was currently in force. The delegation was aware that the upsurge of crime was closely linked to increased drug addiction among young people and that priority should therefore be assigned to resolving that problem. It was, however, for the national authorities to decide on the death penalty.

44. The reservations to article 18 of the Covenant reflected the Maldivian people's choice to link Maldivian citizenship to the Muslim faith. The 2008 Constitution had in fact been drafted by a special People's Majlis (parliament). Although Islam was one of the pillars of the country's identity, there were no checks on whether people were actually practising Muslims, so that the inhabitants of Maldives enjoyed the right to freedom of religion. No Maldivian had ever had to give up Maldivian citizenship because he or she wished to renounce Islam. However, it was true that non-Muslims could not acquire Maldivian citizenship, which created problems with regard to marriage, for instance. Homosexuality was prohibited by law because it was proscribed by sharia law.

45. **Mr. Jameel Ahmed** (Maldives) said that the Supreme Court had invoked the provisions of the Covenant in 2010 and 2011, following President Nasheed's arrest of politicians and deputies. Sharia law was applied in Maldives, but the provisions of international instruments could also be invoked before the courts to defend citizens' rights. Under article 68 of the Constitution, the national courts had a duty to promote the values that underpinned a democratic society, based on human dignity and freedom, and to abide by the international instruments to which Maldives was a party. While certain articles of the Constitution made all laws subordinate to sharia, there were many ways of invoking international human rights instruments. Maldives was considering ways of bringing Islamic law into line with the values of modern democracy while preserving the main features of Islamic law, Islam being the cornerstone of all laws. Homosexuality was a crime under Islamic law. The punishments, including flogging, were imposed on men and women alike. The delegation would enquire about the allegations that women were more likely to be flogged than men. The religion of the State was Shafii Sunnism, and article 72 of the Constitution stipulated that members of parliament must be Sunni.

46. With regard to the consideration of women's evidence in court proceedings, the authorities were working on strengthening the judicial system and creating a more democratic society, in accordance with the 2008 Constitution, but it regrettably did not yet have either a real code of criminal procedure or code of civil procedure. In that context, the rules of evidence were simply a one-page document stipulating that Islamic law was applicable in that area and that indirect evidence was admissible in some cases. The future Evidence Act would no doubt provide answers to Committee members' questions. However, it should be stressed that it was currently rare for women's evidence to carry less weight than men's particularly in cases of adultery and fornication, while their testimony prevailed, for example in cases affecting children's well-being.

47. Maldives intended to respect its international obligations while preserving the distinctive characteristics of its Constitution. Most of the Committee's questions were quite legitimate, but Maldives was a small country that had been undergoing radical change in

recent years, and its human resources, infrastructure and legislation still needed to be strengthened.

48. **The Chairperson** thanked the delegation for its responses and invited Committee members to put additional questions relating to the second half of the list of questions (12 to 25).

49. **Ms. Waterval** asked what measures the Government had taken to ensure that the constitutional provision establishing the 24-hour maximum duration of police custody was always respected. She welcomed the drafting of a bill on the taking of evidence as well as the progress achieved in that area pending its adoption, and would be interested to hear examples of cases in which evidence other than confessions had been examined. She would like to learn more about the new minors' detention centre, and whether boys and girls were separated. With regard to religious discrimination, how did the State party intend to reconcile its reservation to article 18 with its respect for other articles of the Covenant, such as articles 2 and 27, and could students be exempted from compulsory classes on Islam in schools if they so wished?

50. **Mr. O'Flaherty** noting the delegation's position on the reservation to article 18 of the Covenant, expressed the Committee's serious concern in that regard. The reservation did not meet the validity criteria for reservations set forth in the Committee's general comment No. 22 concerning the right to freedom of thought, conscience and religion. As currently drafted, the reservation seemed to refer not only to paragraph 3, but also paragraph 1, of article 18, which defined one of the rights to which there could be no derogation under article 4: the right to freedom of thought, conscience and religion. If that was not the Government's intention, it should at least consider making a declaration explaining to the other States parties to the Covenant that it did not intend to use the reservation to restrict the intangible right enshrined in article 18, paragraph 1. That said, the reservation should be withdrawn, for the mere assertion that "[t]he application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives" did not adequately guarantee respect for the rule whereby reservations must be specific and transparent and must give rights holders a clear indication of the impact they could have on their daily lives.

51. With regard to paragraph 15 of the list of issues, he requested specific additional information on measures to improve detention conditions in the country. In particular, he invited the delegation to comment on allegations that the management of the prison population was detrimental to the rights of prisoners and that solitary confinement was used excessively. He would also welcome more information on the content of the bill on prisons and conditional release, and when it was to be adopted. He also requested more detailed information on the content of the legal aid bill, the impact it would have on compliance with article 14 of the Covenant, and when it would be adopted.

52. While thanking the delegation for its frank replies concerning the Maldivian judicial system, he wondered whether there was a contradiction between the statement in paragraph 103 of the written replies to the effect the Government would support the Strategic Plan formulated by the Judicial Service Commission and the criticism of that very institution in paragraphs 102 and 104. He wished to know which concrete measures were planned to reform the Commission. He would also be interested to hear more about the interaction between the Judicial Service Commission and Judge Abdulla Mohamed. In particular, he asked if it was true that the judge had been convicted of malfeasance and that the Commission had refused to penalize him.

53. He invited the delegation to comment on reports that the only qualification of six of the seven judges of the Supreme Court was that they were specialists in sharia law. If that was so what measures were planned to ensure that Supreme Court judges had broader areas

of expertise? One of the solutions to the shortage of qualified candidates might be to call on foreign judges, as other countries in similar situations did. He also wondered about the absence of women in the higher courts and asked what measures were planned to remedy the situation. Noting that the International Commission of Jurists had published a very interesting report on the state of the judicial system in Maldives, he asked whether the Government planned to use it as a source of inspiration.

54. With regard to paragraph 20 of the list of issues, the absolutely essential issue of religious freedom had already been addressed from several viewpoints during the debate, but any additional information would be welcome. In conclusion, noting that recent incidents of incitement to religious hatred had gone unpunished, he urged the State party to reaffirm its commitment to apply article 20 of the Covenant.

55. **Mr. Thelin** thanked the delegation for its constructive replies to paragraph 18, but noted that the parallel report of the Maldivian Human Rights Commission painted a much more negative picture of the situation with regard to trafficking in persons, and forced labour. The presence of 100,000 undocumented migrants in Maldivian territory clearly posed a major problem. Expressing surprise that the Government had drawn up an action plan even though it claimed that it had no reference data, and that the data was contained in the Commission's report, he wished to know when the bill prohibiting all forms of trafficking in persons would be adopted. He would also welcome clarification on the reception conditions for victims of trafficking placed in detention for their own protection. Welcoming Maldives' intention to ratify the Palermo Protocol and noting that the parliament had been due to give its approval before mid-2012, he asked for a status update.

56. Turning to paragraph 25 of the list of issues, he expressed the hope that civil society would participate in the drafting of the State party's next periodic report in order to avoid disparities between the information provided by the Government and by NGOs. The delegation might comment on the measures the State party intended to take to disseminate information on the presentation of the initial report of the State party and the Committee's concluding observations. In that connection, he suggested targeting members of the judiciary and civil society leaders in particular.

57. **Mr. Salvioli** pointed out that, according to the report of the Human Rights Commission of Maldives, there had been 15 cases of serious violations of freedom of the press in the previous two years; he would like to know whether they had led to investigations, prosecutions and convictions, particularly cases in which the suspected perpetrators were law enforcement officials. In that regard, he drew the delegation's attention to general comment No. 34 on freedom of opinion and freedom of expression.

58. **Mr. Ben Achour** said that the right to freedom of religion enshrined in the Covenant went beyond freedom of worship, which was generally respected under Islamic law. As was specified in paragraphs 2 and 5 of the Committee's general comment No. 22, article 18 of the Covenant protected theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief; the freedom to have or to adopt a religion or belief necessarily entailed the freedom to change religion or belief. Freedom of religion did not therefore imply only recognizing the right of others to practise their religion, but also the right of those practising their own religion to change it. He wondered how that interpretation of the Covenant could be reconciled with the Constitution of the Republic of Maldives, whereby all Maldivian citizens belong to the Muslim faith.

59. **Mr. Sarsembayev**, noting that article 32 of the Constitution granted the right to freedom of peaceful assembly without the prior permission of the State, asked if that right applied to demonstrations and marches, and, if so, why some demonstrations had been dispersed and certain people prevented from participating. Noting that, under article 27 of the Constitution, freedom of expression was subject to compliance with the tenets of Islam,

he requested clarification on that matter. He also requested details of the number of political parties active in the country and the criteria for founding a party.

60. **Mr. Fathalla**, noting that under article 9, paragraph (d), of the Constitution, non-Muslims could not become citizens of Maldives, asked how that provision would be applied in the case of a family made up of a Maldivian citizen, a non-Muslim foreign spouse, and their children. In his view, that provision was contrary to the Covenant and did not respect the central role that family played in the Muslim faith.

61. **Mr. Bouzid** said that, according to some reports, judgements against members of the executive, and legislative branches were not always enforced. If that was indeed the case, the delegation might wish to comment on any measures the Government planned to take to ensure that the law was applied to all and sundry without discrimination.

62. **Sir Nigel Rodley** requested details on the importance of the role of Islam in Maldivian legislation. According to article 10 (a) of the English translation of the Constitution available to him, Islam was one of the foundations of all Maldivian laws, but not the sole keystone. He would welcome clarification in that regard.

63. **The Chairperson** thanked the members of the Committee for their questions and said that the delegation would reply to them at the next meeting.

*The meeting rose at 1 p.m.*