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## Situation in the Maldives

### European Parliament resolution of 30 April 2015 on the situation in the Maldives (2015/2662(RSP))

(2016/C 346/10)

*The European Parliament,*

- having regard to its previous resolutions on the Maldives,
  - having regard to the Joint Local European Union Statement on recent developments in the Maldives, including the arrest of a criminal court judge, of 20 January 2012,
  - having regard to the Joint Local European Union Statement on Threats to Civil Society and Human Rights in the Maldives, of 30 September 2014,
  - having regard to the Joint Local European Union Statement on the rule of law in the Maldives, of 24 February 2015,
  - having regards to the statement by the Spokesperson of the Vice-President of the European Commission/High Representative for Foreign Affairs and Security Policy (VP/HR) on the activation of the death penalty in the Maldives, of 30 April 2014,
  - having regards to the statement by the Spokesperson of the Vice-President of the European Commission/High Representative for Foreign Affairs and Security Policy (VP/HR) on the conviction of former President of the Maldives Mohamed Nasheed, of 14 March 2015,
  - having regard to the statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on the trial of former President Mohamed Nasheed, of 18 March 2015,
  - having regard to the statement by the UN Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, entitled 'No democracy is possible without fair and independent justice in the Maldives', of 19 March 2015,
  - having regard to the final report of the EU Election Observation Mission to the Parliamentary Elections in the Republic of Maldives, of 22 March 2014,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a party,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas, on 13 March 2015, Mohamed Nasheed, the former president of the Maldives, was sentenced to 13 years' imprisonment under charges of terrorism for the arrest in January 2012 of the then chief judge of the criminal court, about which the EU expressed its concern;
- B. whereas the controversial trial failed to meet national and international standards of justice, notwithstanding the call from the United Nations and the EU for fairness and transparency in the legal proceedings against former President Nasheed;
- C. whereas Mohamed Nasheed, who has a long personal record of non-violent action for human rights and pluralistic democracy, was incarcerated several times during the 30-year dictatorship of President Maumoon Abdul Gayoon and left power in disputed circumstances four years after becoming the first democratically elected president of the Maldives;
- D. whereas the lack of political independence and training of the Maldivian judiciary undermines the domestic and international credibility of the country's judicial system;

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- E. whereas former Ministers of Defence Tholhath Ibrahim and Mohamed Nazim have recently been sentenced to 10 and 11 years' imprisonment respectively, and former Deputy Speaker of the Majlis Ahmed Nazim has been condemned to 25 years in prison in the Maldives; whereas these trials, too, were reportedly marred with irregularities;
- F. whereas opposition politicians continue to be routinely intimidated and whereas a recent report by the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians identified the Maldives as one of the worst countries in the world for attacks against, and the torture and intimidation of, opposition MPs;
- G. whereas on 30 March 2015 the Maldivian Parliament adopted an amendment to the Maldives Prison and Parole Act disqualifying those serving a prison term from holding membership of a political party, and whereas this will de facto remove Mohamed Nasheed from active politics and bar him from contesting the presidential elections in 2018;
- H. whereas at least 140 peaceful protesters have been arrested since February 2015, and were only released on conditions that severely limited their right to take part in further demonstrations;
- I. whereas civil society organisations and human rights defenders have increasingly faced harassment, threats and attacks, including the Human Rights Commission of the Maldives (HRCM), which was brought before the Supreme Court on charges of high treason and undermining the constitution for submitting a report on the state of human rights in the Maldives to the UN Human Rights Council Universal Periodic Review; whereas NGOs have been threatened with deregistration;
- J. whereas press freedom has been severely inhibited in recent years, three journalists have been arrested while covering political demonstrations calling for the release of Mohamed Nasheed, and Ahmed Rilwan, a journalist critical of the government who disappeared in August 2014, is still missing and feared dead;
- K. whereas the political turmoil comes amid worry about increasing Islamist militancy in the Maldives and about the number of radicalised young men alleged to have joined ISIS;
- L. whereas, on 27 April 2014, the Parliament of the Maldives voted to end the moratorium on the death penalty in place since 1954, thus allowing the sentencing of minors as young as seven, who can be held responsible and executed as soon as they reach 18 and are left to languish in jail until then; whereas this goes against the international human rights obligations of the Maldives as a state party to the Convention on the Rights of the Child;
- M. whereas immigrant workers suffer forced labour, confiscation of identity and travel documents, withholding or non-payment of wages and debt bondage, and were threatened by the Maldivian authorities with expulsion over their protest against discrimination and violence following a series of attacks on immigrant workers;
- N. whereas a small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, former Soviet countries, Bangladesh and the Maldives are subject to sex trafficking in the Maldives and some Maldivian children are reportedly subjected to sexual abuse and may be victims of forced labour;
1. Expresses its grave concern about increasing tendencies towards authoritarian rule in the Maldives, the crackdown on political opponents and intimidation of media and civil society, which could jeopardise the gains which have been made in recent years in establishing human rights, democracy and the rule of law in the country; calls on all parties to refrain from any action that may further aggravate this crisis, and to respect democracy and the rule of law;

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2. Deplores the serious irregularities in the trial of former president Mohamed Nasheed; insists that he should be immediately released and that, should his conviction be appealed, his rights must be fully respected in line with the Maldives' international obligations, its own constitution and all internationally recognised fair trial guarantees; urges the EU delegation to Sri Lanka and the Maldives to insist to be allowed to follow closely the appeal process;
  3. Underlines the fact that respect for the rule of law, the right to a fair trial, due legal process and independence of the judiciary, in accordance with the provisions of the ICCPR, are central elements of the democratic process; emphasises that all Maldivian citizens, including former President Nasheed, are to be treated in accordance with these principles, which are themselves important for a pluralistic society;
  4. Calls for a credible and inclusive political process, with the participation of all democratic forces, with the aim of restoring and preserving stability in the Maldives and putting the country back on the track of transition to democracy; calls for an immediate end to the intimidation of political opponents; calls on the Government of the Maldives to take the necessary steps to restore confidence in its commitment to democracy, judicial independence, and the rule of law, including respect for the freedoms of expression and of assembly and respect for due process;
  5. Calls for an immediate end to political interference in, and for the de-politicisation of, the judicial system in the Maldives; calls for urgent reforms to ensure the independence and the impartiality of the Maldivian judiciary with the aim of restoring domestic and international confidence in its functioning; underlines that these reforms should be approved and implemented without any further delay;
  6. Reminds the Government of the Maldives that the country's constitution guarantees the right to protest and that release conditions preventing people from engaging in peaceful demonstration are unlawful;
  7. Calls for an immediate end to all forms of violence, including violence against peaceful protesters, and reminds the security forces of their duty to protect peaceful demonstrators against violent gangs; calls on the Government of the Maldives to end impunity for vigilantes who have used violence against people promoting religious tolerance, peaceful protesters, critical media and civil society; calls for the perpetrators of such violent attacks to be brought to justice;
  8. Calls on the Government of the Maldives to allow a proper investigation into the disappearance of Ahmed Rilwan;
  9. Condemns the reintroduction of the death penalty in the Maldives and urges the Government and Parliament of the Maldives to re-establish the moratorium on the death penalty;
  10. Encourages all actors in the Maldives to work together constructively in all areas, and especially on the subject of climate change, which has the potential to destabilise the country;
  11. Asks local authorities to fully comply with the minimum standards for the elimination of trafficking; praises the ongoing efforts to tackle the problem and the progress made, but insists that the provisions of the anti-trafficking law should be swiftly put into practice as serious problems remain as regards the enforcement of this law and victim protection;
  12. Calls on the European External Action Service (EEAS) and the Member States to issue warnings about the Maldives' human rights record on their travel advice websites;
  13. Urges the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy and the EEAS to continue to monitor closely the political situation in the Maldives and to play a proactive role in the EU's bilateral relations with the country and in international multilateral fora in order to achieve stability, strengthen democracy and the rule of law, and ensure full respect for human rights and fundamental freedoms in the country;
  14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, and the parliament and government of the Republic of Maldives.
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