



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the thirteenth to fifteenth periodic reports of Maldives*

General information

1. Please provide information on any significant developments of a legislative, institutional or policy nature that have taken place in the State party since the previous review and that have contributed to the promotion and protection of human rights, in particular those rights covered by the Convention.
2. Please provide disaggregated data on the ethnic composition of the State party's population, including on ethnic minorities and on non-citizens such as asylum seekers, refugees, stateless persons and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999), and paragraphs 10 and 12 of its revised reporting guidelines.¹
3. Please provide information on measures taken or planned by the State party to make the optional declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual complaints.
4. Please provide information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Article 2

5. Please provide details on obstacles that have prevented the State party from enacting the anti-discrimination act, which had been planned for 2012, that conforms to provisions of articles 1 and 4 (a) and (b) of the Convention. Please also indicate the timeline set by the State party to enact it. Please further indicate to what extent the State party has made use of the Convention and the Committee's general recommendations when preparing the act.
6. Please provide information on steps taken to modify the discriminatory constitutional provision according to which all nationals of Maldives should be Muslims, which excludes non-Muslims of different national backgrounds from obtaining citizenship or from accessing public positions, and affects people of different national or ethnic origins from enjoying their rights fully.
7. Please provide information on steps taken to ensure that no one is excluded from sitting as a member of the Human Rights Commission of Maldives on the grounds of race, colour, descent, or national or ethnic origin. Please also provide information on measures taken to ensure that the Commission is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris

* Adopted by the Committee at its 103rd session (19–30 April 2021).

¹ CERD/C/2007/1.



Principles). Furthermore, please provide information on steps taken to ensure that the Commission has adequate human and financial resources to fully carry out its mandate.

Article 4

8. Please provide information on steps taken to address the reported spreading of xenophobia, including online hate speech, especially among young people, while ensuring that relevant laws are not used as a means to suppress political opponents and that human security and human rights principles are upheld.

Article 5

9. Please provide information on steps taken to prevent and punish acts of harassment and violence perpetrated by citizens of Maldives against nationals of other States, including migrant workers, and on steps taken to prevent hostility aimed at those groups.

10. Please provide information on:

(a) Measures taken to effectively implement legislation protecting migrants from exploitation, especially relevant provisions of the Employment Act and the revised Employment Agency Regulation;

(b) Examples of any other measures taken to prevent and punish violence against and the mistreatment of non-citizens, in particular of migrant workers by their employers, including through fraudulent recruitment practices, the confiscation of identity or travel documents, non-payment of wages, forced labour and debt bondage;

(c) Measures taken to:

(i) Eliminate discrimination against non-citizens in relation to working conditions and work requirements, including in resorts;

(ii) Ensure that migrant workers have access to justice without discrimination;

(iii) Ensure that mechanisms for handling labour-related complaints are more accessible to migrant workers;

(d) Steps taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

11. Please provide information on measures taken to:

(a) Address the discriminatory conditions in detention centres and prisons in the State party to which migrant workers are reportedly subjected;

(b) Ensure that undocumented migrants awaiting deportation or legalization are not held within the security perimeter of facilities that also house convicts;

(c) Address reports that migrant workers are denied their rights at the time of arrest and that migrant workers who overstay their visas are held in detention for weeks or even years while awaiting the necessary travel documents from their Governments.

12. Please provide information on measures taken to prevent the exploitation of female migrant workers, especially in the domestic service sector, including by raising awareness among female migrant workers of the rights and protection to which they are entitled under Maldivian law, including on:

(a) The criminalization of various forms of violence under the Domestic Violence Prevention Act;

(b) The provisions of the Employment Act, in particular on sexual harassment;

(c) Remedies available to protect their rights.

13. Please provide information on measures taken to improve the living conditions of migrant workers, including with regard to housing, and to prevent and address discrimination against them in that regard. Please also provide information on steps taken to ensure that migrant workers have access to public services, education and recreation, without discrimination.

14. Please provide information on measures taken to:

(a) Promote the integration of migrant workers, including by making Dhivehi classes available to them;

(b) Ensure that all people, including migrants, are able to preserve and develop their culture and to participate in and contribute to the cultural life of the entire society.

15. Please provide information on:

(a) Measures taken, including through legislation, to prevent and combat trafficking in persons, both with regard to forced labour and sexual exploitation, in particular of migrant workers, and to ensure that current efforts aimed at implementing the Anti-Human Trafficking Act ensure access to fair and efficient asylum procedures for victims of trafficking who may be in need of international protection;

(b) The numbers of cases of trafficking in persons that have been addressed by national or local authorities, including investigations, prosecutions, convictions and sentences pronounced against those responsible, and the remedies, support and protection offered to the victims;

(c) Education measures and awareness-raising campaigns, in particular among migrant workers, about the risks and the criminal nature of trafficking in persons;

(d) Measures taken to cooperate with other countries in order to counter trafficking in persons;

(e) Steps taken to systematically collect information on trafficking in persons, including of women and girls, to, from and within the territory of the State party.

16. Please provide information on steps taken to adopt a national refugee protection framework through the development of administrative orders or instructions and asylum adjudication or registration structures so as to allow asylum issues to be dealt with in an immediate, constructive, collaborative and rights-based manner. Please also provide information on measures taken to ensure respect for the right to seek asylum by enabling effective and unhindered access to the State party's territory and full compliance with the principle of non-refoulement.

17. Please provide information on measures taken to draft and adopt national legislation on the prevention and reduction of statelessness and on the protection of stateless persons.

18. Please provide information on measures taken to ensure that all children born in Maldives are registered at birth without discrimination.

19. Please provide information on measures taken to remove the current limitations placed on the right of migrant workers and other foreigners to manifest their religion or belief.

20. While it is understood that challenges and difficulties are posed by the coronavirus disease (COVID-19) pandemic in all countries and populations around the world, please provide, in particular, information on the impact of the pandemic on the various groups and minorities protected under the Convention, and on measures taken by the State party to protect them and facilitate access to health care without discrimination.

Article 6

21. Please provide information on measures taken to ensure that foreign workers are not discriminated against, including due to language barriers, with respect to accessing effective protection and remedies against any acts of racial discrimination that violate their human rights and fundamental freedoms as protected under the Convention, or with respect to

seeking just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

22. Please provide information on the number of complaints received by courts or tribunals for acts of racial discrimination, and on investigations, convictions and penalties imposed for such acts.

Article 7

23. Please provide information on steps taken to develop means for promoting mutual understanding, tolerance and dialogue among different groups or communities living in Maldivian society.

24. Please provide information on measures taken to ensure that educational materials and programmes: (i) reflect a spirit of understanding, peace, tolerance and friendship among all peoples and groups, and (ii) promote the development of respect for human rights for all, without discrimination. Please also provide information on steps taken to review school manuals and curricula to remove elements that appear to be xenophobic.

25. Please provide information on human rights education in the State party, including in relation to the rights contained in the Convention, both as provided in school curricula and as made available to the population in general.
