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Plenary sitting

27.4.2015

B8-0401/2015

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in the Maldives
(2015/2662(RSP))

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on behalf of the EFDD Group

B8-0401/2015

**European Parliament resolution on the situation in the Maldives
(2015/2662(RSP))**

The European Parliament,

- having regard to the EEAS Statement by the spokesperson on the conviction of former President of the Maldives Mohamed Nasheed of 14 March 2015,
 - having regard to the EU Joint Local Statement on Threats to Civil Society and Human Rights in the Maldives of 30 September 2014,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which the Maldives is a state party,
 - having regard to the Equal Remuneration Convention of 1951 and to the Discrimination (Employment and Occupation) Convention of 1958,
 - having regard to the Freedom of Association and Protection of the Right to Organise Convention of 1948 and to the Right to Organise and Collective Bargaining Convention of 1949,
 - having regard to the Forced Labour Convention of 1930,
 - having regard to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime of 15 November 2000,
 - having regard to the Amnesty International report on the Maldives: assault on civil and political rights,
 - having regard to the European Union Election Observation Mission final report on the Maldives of 2014,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas there are alarming reports of human rights rapidly deteriorating in the Maldives and a recently released report by Amnesty International accused the Maldivian authorities of muzzling peaceful protesters, silencing critical media and civil society, while at the same time abusing the judicial system to imprison opposition politicians;
- B. whereas criminal charges have been recently filed against key opposition figures including former defence minister Mohamed Nazim, MP Ahmen Nazim and the former President Mohamed Nasheed, who was sentenced in March to 13 years in prison on charges of inciting terrorism while he was president;

- C. whereas Mr. Nasheed was originally cleared of the charges but a few days later the prosecutor general had him re-charged and arrested under tough anti-terror laws; where Nasheed was forcibly dragged into court and his requests to speak to journalists and to be allowed to walk himself were denied;
- D. whereas President Nasheed's trial presented several irregularities at all stages as he was repeatedly denied legal representation, he was denied the right to appeal, the rights of defence to call and examine witnesses was either denied or severely limited, two presiding judges of the case served as prosecution's witnesses, the hearing was not public and the appeal process was hampered by the courts not providing necessary documentation in time; whereas similar things happened in the other cases, highlighting a severe lack of independence and impartiality in the judicial system;
- E. whereas Amnesty International has called the trial 'deeply flawed, politically motivated and a travesty of justice'; whereas three journalists attempting to investigate Nasheed's arrest and trial have themselves been arrested, without warrants;
- F. whereas in February around 10 000 people staged protests in favour of democracy and asking the release of the former president but these have been met with a harsh response by the authorities and whereas, according to the rights group, at least 140 peaceful protesters have been arrested since February, some of them were taken to the Criminal Court and they were released only under the unlawful condition of not participating to further demonstrations; whereas Maldivian authorities have failed to guarantee protesters the freedom to express their views peacefully by banning certain times and places for the protests;
- G. whereas civil society organisations and human rights defenders have increasingly faced harassment, threats and attacks; whereas the Human Rights Commission of the Maldives (HRCM), whose constitutional independence should be guarded by all other state institutions, has been repeatedly harassed and charged with high treason and undermining the constitution following the submission on the state of human rights in the Maldives to the UN universal periodic review; whereas NGO have been threatened to be deregistered;
- H. whereas there has been an escalation of threats and attacks against independent media and journalists covering the demonstrations are at risk of attacks; whereas a recent poll commissioned by the Maldives Broadcasting Commission found that 84% of journalists had received threats; whereas attacks on freedom of expression have taken a new form with vigilante religious groups or criminal gangs attacking political gatherings or social events; whereas no one has been brought to justice for this attacks and threats;
- I. whereas an unknown number of approximately 20 0000 documented and undocumented foreign workers in the Maldives, primarily Bangladeshi and Indian men and including thousands employed by luxury resorts, experience forced labour, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages and debt bondage;
- J. whereas thousands of immigrant workers employed by luxury resorts have been told they will be ordered to leave the island if they will protest against discrimination and

violence and whereas the Maldives Government controller of immigration and emigrations said any protest by migrant workers would breach the terms of their work permits and their visas would be cancelled without further warning;

- K. whereas a small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, former Soviet countries, Bangladesh and Maldives are subject to sex trafficking in Maldives and some Maldivian children are reportedly subjected to sexual abuse and may be victims of forced labour;
- L. whereas the EU deployed an Electoral Observation Mission to observe Parliamentary Elections in 2014; whereas despite some deficiencies elections were considered broadly in line with regional and international standards;
- M. whereas on 27 April 2014 the Maldives reintroduced death penalty; whereas children as young as seven can be sentenced to be executed upon their turning 18 if they commit Hadd offenses;
- N. whereas numerous reports project that the Maldives could disappear by 2100 because of climate change as nearly 80% of the islands are below one meter above sea level; whereas climate change also creates issues of freshwater contamination and declining fishing yields;
1. Is deeply worried by the constant erosion that human rights are suffering in the Maldives and by the risk of further deterioration if no actions are taken;
 2. Urges the retrial of former President Mohamed Nasheed, Mohamed Nazim and Ahmed Nazim and all those who didn't have a fair and free trial and, in the case all violations of their rights are not addressed, believes that they should be immediately released; asks that all internationally recognised fair trial guarantees are consistently respected both in law and practice, including guaranteeing that the right to appeal can be exercised in practice by granting reasonable time to appeal and ensuring prompt access to documents;
 3. Asks the government to strengthen the independence and impartiality of the judicial system; urges the authorities to investigate violations of due process and fair trials through an independent and impartial process and to hold accountable all those responsible for such violations;
 4. Reminds the government of the Maldives that the country's constitution guarantees anyone on Maldivian soil the right to protest, that release conditions preventing people from engaging in peaceful demonstration are unlawful and that a clause in a contract cannot override the constitution;
 5. Asks the authorities to fully investigate all allegations of threats and violence carried out by police official and by any other during public assemblies and ensure those responsible are brought to justice in fair trials;
 6. Reminds that media freedom is the cornerstone of a functioning democracy; calls on the Maldivian Government and authorities to ensure adequate protection of journalists and

human rights defenders facing threats and attacks due to their legitimate work and investigate such threats and attacks; asks the Maldivian government to publicly condemn the attacks and to explicitly and publicly defend the legitimacy of the work of media and civil society organisations;

7. Urges Maldivian authorities to desist from threatening any reprisal against human right organisation for their work and ensure that those who have been attacked receive adequate protection; asks that the Human Rights Commission of the Maldives is able to carry out its mandate without any form of intimidation;
8. Asks local authorities to fully comply with the minimum standards for the elimination of trafficking; praises the on-going efforts to tackle the problem and the progresses made but insist that the provisions of the anti-trafficking law should be swiftly put into practice as serious problems in the law enforcement and victim protection remain;
9. Asks the government to strengthen the implementation of the Prevention of Human Trafficking Act, including by enhancing capacity-building efforts for law enforcement and border patrol officers in order to increase their ability to identify potential victims of trafficking;
10. Asks the government to develop guidelines for public officials to proactively identify victims among vulnerable groups, such as undocumented migrants and women in prostitution, and train officials on their use and to develop systematic procedures for the referral of victims to care providers and to train officials on their use;
11. Reminds that the Maldives ratified all eight International Labour Organization (ILO) fundamental conventions; asks the government to put in place screening methods to identify forced labour; deplores that the authorities did not criminally prosecuted any labour recruitment agents or firms for fraudulent practice or for withholding the passports of foreign employees and that thousands of migrants were deported without investigating if they were subject to forced labour practices;
12. Asks the government to ensure that victims are not penalised for acts committed as a result of being trafficked; asks the authorities to increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and to increase efforts to monitor and punish labour recruitment agents and firms engaging in fraudulent practices;
13. Asks the government to amend the Prevention of Human Trafficking Act to ensure victims who enter the Maldives illegally are offered rehabilitative services if they prefer to remain in the country and to enforce prohibitions against passport retention by employers and government agencies;
14. Believes that fighting human trafficking requires a transnational approach as it is often linked to transnational organised crime; asks the Maldivian authorities to collaborate with their foreign counterparts and neighbours on transnational investigations with the aim to dismantle the criminal organisations;
15. Notes that the Government of the Maldives did not report any investigations,

prosecutions or convictions of government employees complicit in human trafficking, despite reports that some government official may have been involved; asks the government to launch a thorough investigation on this allegations and to held responsible whoever may be implicated in such activities;

16. Welcomes the anti-trafficking awareness campaign put in place by the Ministry of Foreign Affairs and the opening of a state-run shelter for female victims of trafficking; asks the government to re-open a hotline for migrants and to publish a report assessing its anti-trafficking efforts;
17. Asks the government to improve inter-ministerial coordination on human trafficking issues and to accede to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000 and to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990;
18. Is deeply concerned by the reintroduction of death penalty in Maldives, breaking a de facto moratorium in place since 1953; reminds EU strong and principled position against the death penalty and that its abolition is one of the key objectives of the EU's action worldwide; urges the government of the Maldives to reconsider and to work towards abolishing the practice altogether;
19. Reminds that the Maldives were at the forefront in the fight against climate changes; is worried that the latest developments are not only seriously threatening the respect of human rights and of democracy but are also hampering the ability of the country to be a credible leader in the definition of a global strategy against climate change that is necessary for its own survival;
20. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and to the government and parliament of the Maldives.