



Plenary sitting

B8-1409/2015

15.12.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Situation in the Maldives
(2015/3017(RSP))

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on behalf of the EFDD Group

B8-1409/2015

**European Parliament resolution on Situation in the Maldives
(2015/3017(RSP))**

The European Parliament,

- having regard to its previous resolution of 30 April 2015,
- having regard to the statement by EU Local Delegation on Threats to Civil Society and Human Rights in the Maldives of 30 September 2014,
- having regard to the Statements by the EEAS Spokesperson of 14 March and 5 November 2015,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012,
- having regard to the Statement by UN High Commissioner for the Human Rights of 5 November 2015,
- having regard to the decision of the UN Working Group on Arbitrary Detention (UNWGAD) of 05 October 2015,
- 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 Committee on the Elimination of Discrimination against Women Concluding observations of 11 March 2015
- 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 Universal Declaration of Human Rights of 1948,
- having regard to Rule 135 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 the 4th of November the president Abdulla Yameen's declaration of a 30 day state of emergency in the Maldives ahead of planned anti-government protests raises the prospect of further attacks on dissent and human rights in the country,
- C. Whereas the government, through its co-opted majority in parliament, had steamrolled legislation reneging democratic rights and severely restricting human rights, such as the right to peaceful assembly, the right to remain silent, the right to expression and free speech; whereas signs of increasing religious intolerance are contributing to a climate of growing fear in the Maldives and reducing the space for public discussion,
- D. Whereas the independence of many institutions of the State, of a Constitutional relevance, or empowered by the constitution with relevant tasks has been subject to unlawful pressure by the executive and judicial power,
- E. Whereas this year in June vigilante groups known as "pro-government youth" abducted, harassed and released a number of Maldivians including journalists who were well-known for promoting secularism on social media,
- F. Whereas on 27 April 2014 the Maldives reintroduced death penalty; whereas the regime in power is intent on executing the death penalty within weeks, for the first time after the latter execution, that took place in 1953; whereas Home Minister Umar Naseer is continuing to reiterate recent statements that the Correctional Service was ready to implement the death penalty immediately after a death sentence is upheld by the Supreme Court; whereas there are 10 people sentenced to death at present, but none of whom has had access to the recently limited appeal process; whereas children as young as seven can be sentenced, and then executed as soon as they turn 18 if they commit Hadd offenses,
- G. Whereas almost all opposition leaders have been imprisoned while some are in self-imposed exile, including former President and Opposition Leader Mohamed Nasheed, the leader of the Ahaalath Party Sheikh Imran Abdullah, two former Defense ministers and two former Vice Presidents of President Yaameen Abdul Gayoom,
- H. 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,

- I. Whereas over 1700 people are currently facing prosecution with some under incarceration on political motivated charges; whereas their offence has being participation in peaceful anti-government protests,
- J. Whereas in a decision published on 05 October 2015 the UN Working Group on Arbitrary Detention (UNWGAD) had called for the release of former President and Opposition Leader Mohamed Nasheed, stating that he is being held in prison in violation of international as well as local legal principles; whereas the government responded saying that the decision by the UNWGAD was flawed and added that it will not be made to act on the basis of what Foreign Minister Dunya Maumoon Abdul Gayoom called “a non-binding opinion”,
- K. Whereas despite being signatory to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on Civil and Political Rights (ICCPR), the government continues to violate its international obligations under these conventions and are instead promoting mistrust against friendly nations and international institutions,
- L. Whereas in 2014 a new Auditor General had been submitted thus bringing to a premature termination the appointment of the serving Auditor General who still had 2 years left of his term of office; whereas this sudden removal is closely related to the report that the Auditor General had prepared and was on the verge of releasing to the public, which implicated the embezzlement of State funds to MVR 77 million for private gain by the then Tourism Minister, the current Vice President,
- M. Whereas parliamentary practices in recent times clearly reveal that the government has been using its absolute majority in parliament to propose new legislation as well as amend the existing one in order to curtail constitutional guarantees and international accepted civil and political rights,
- N. Whereas an unknown number of approximately 20 0000 documented and undocumented foreign workers in the Maldives, primarily Bangladeshi and Indian men and women 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,
- O. Whereas the Committee on the Elimination of Discrimination against Women of UN expresses concern about the family law provisions that continue to indirectly discriminate against women; whereas it remains a deep concern about persistent barriers faced by women in gaining access to justice, which deter them from resorting to legal remedies and foster their lack of confidence in the judiciary,
- P. 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; ask for the establishment of a genuine dialogue with all political parties on the future of the country;
2. Urges the retrial of former President Mohamed Nasheed, Sheikh Imran Abdullah 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. 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;
5. 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;
6. Calls upon the State party to ensure that the Human Rights Commission is able to discharge, with full independence and without any reprisals, its broad human rights mandate as sanctioned by the Constitution;
7. 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;
8. 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;
9. 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; deplors that the authorities did not criminally prosecuted any labour recruitment agents for fraudulent practice or for withholding the passports of

foreign employees and that thousands of migrants were expelled without investigating if they were subject to forced labour practices;

10. Similarly, asks the Government to take any appropriate judicial measure against the firms, enterprises or companies directly or indirectly involved in the same practices;
11. 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; invites the 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; asks for the improvement of inter-ministerial coordination on human trafficking issues and for acceding 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;
12. Stresses the crucial role of the legislative power in ensuring the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women; ask for the establishment of an impact assessment mechanisms for the gender equality policy to ensure that it is adequately monitored and evaluated; recommends that the government strengthen its efforts to combat discriminatory stereotypes and promote the value of substantive equality of women and men in society; ask for the adoption of the regulations necessary for the full implementation of the Domestic Violence Prevention Act and the Prevention of Human Trafficking Act;
13. 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;
14. 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.