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*Plenary sitting*

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**B8-0174/2018**

13.3.2018

## **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 the situation in the Maldives  
(2018/2630(RSP))

**Miguel Urbán Crespo, Merja Kyllönen, Helmut Scholz, Sabine Lösing, Dimitrios Papadimoulis, Kostadinka Kuneva, Stelios Kouloglou, Patrick Le Hyaric, Malin Björk, Marie-Christine Vergiat, Takis Hadjigeorgiou, Tania González Peñas, Xabier Benito Ziluaga, Lola Sánchez Caldentey, Estefanía Torres Martínez, Younous Omarjee, Barbara Spinelli**  
on behalf of the GUE/NGL Group

**B8-0174/2018**

**European Parliament resolution on the situation in the Maldives  
(2018/2630(RSP))**

*The European Parliament,*

- having regard to its previous reports and resolutions on the Maldives, in particular its resolution of 5 October 2017 on the situation in the Maldives.
- having regard to the Universal Declaration of Human Rights of 1948, in particular Articles 2, 7 and 19 thereof,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), in particular Article 18, to which the Maldives is a party, and its Second Optional Protocol aiming at the abolition of the death penalty,
- having regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which the Maldives is also a party,
- having regard to the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
- having regard to the EU Guidelines on the Death Penalty,
- having regard to the UN Convention on the Rights of the Child of 1989,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to the statement of UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, of 7 February 2018,
- having regard to the recommendations of the Universal Periodic Review Second cycle of the Maldives of May 2015, of which the government accepted 198 and rejected 60,
- having regard to the next Universal Periodic Review in 2020,
- having regard to core ILO conventions, notably its publication of 31 August 2016 to promote decent work among all workers,
- having regard to Council conclusions on the Maldives of 26 February 2018,
- having regard to the Statements by the Spokesperson of 5 and 6 February 2018
- having regard to Rule 135(5) and Rule 123(4) of its Rules of Procedure,

A. Whereas in the run-up to the upcoming elections, arrests, intimidation and repression are increasing against the political opposition, lawyers, media and human rights activists in the Maldives;

B. Whereas the first democratic elections in 2008 and the adoption of a new constitution had raised high hopes that the country would overcome decades of authoritarian rule towards a democratic system but since Mohamed Nasheed, its first democratically elected president, was ousted in 2012 the country has been mired in political unrest; whereas he was convicted of terrorism under trumped-charges and remains in exile;

C. Whereas under current President Abdulla Yameen legislature, undermined rule of law, lack of independence of the judiciary and the arbitrary detention of political opponents have increased ;

D. whereas respect for the rights of the opposition is a vital component of democracy ; whereas the military has repeatedly blocked the Parliament in order to prevent the members of voting; with most opposition leaders are either in exile, in jail or destituted ; whereas elections are due to happen in September; whereas the chairman and Secretary General of the Elections Commission resigned in January; whereas the President invited the international community to observe the electoral process;

E. whereas the state of emergency was declared on the 5th of February ; whereas the resulting suspension of constitutional guarantees and the entire Criminal Procedure Code have swept away the checks and balances and separation of powers necessary in any functioning democracy, potentially leading to a greater number of violations of the rights of people in the Maldives, as stated by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein ;

F. Whereas the state of emergency officially aims those alleged to have carried out illegal activities ; whereas in practice, it has already been used to conduct further arbitrary detentions and arrests, particularly against politicians; whereas the state of emergency suspends fundamental protections against arbitrary detention ;

G. whereas this measure was put in place following the decision by the Supreme Court to order the release and retrial of nine political leaders, and to reinstate 12 suspended opposition Members of Parliament ; whereas government retains a majority in parliament as long as long as the 12 MPs remain stripped of their seats; whereas on 11 September 2017, Maldives authorities suspended 56 lawyers - a third of the country's practicing lawyers - for signing and trying to submit a petition to the Supreme Court calling to uphold the rule of law; whereas the petition cited court violations primarily in cases against opposition politicians;

H. Whereas following the arrest of two Supreme Court judges, the remaining three judges, responding to concerns communicated by the President, on 6 February revised the Court's ruling, and overturned its previous unanimous ruling ordering the release and retrial of the nine political leaders, including former President Mohamed Nasheed ; whereas Colonel Nazim, a former Defence Minister who was under house arrest, has now been moved back to jail by the Maldivian correctional services, in defiance of a 1 February 2018 Supreme Court order for his release ; whereas a number of other leading figures in the Maldives have been detained over the past few weeks ; whereas none of the detainees have been brought before a court ;

I. whereas the state of emergency was extended on 20 February for a further 30 days, a move that was deemed unconstitutional by the Maldives Prosecutor-General; whereas the vote to extend the state of emergency was forced through parliament in the absence of a quorum ;

J. whereas the police has made use of unnecessary and excessive force against journalists and peaceful protestors gathering on the streets of Malé, calling for the release of people arbitrarily detained and for the lifting of the state of emergency;

K. Whereas freedom of expression, assembly and association has increasingly come under pressure, especially through the 2006 “Protection of Reputation and Good Name and Freedom of Expression Bill”; whereas since then the formerly active and independent media scene in the Maldives has evaporated, shut down of newspapers, intimidation and arrests of media workers and self-censorship are common occurrence ; whereas the murderer of prominent blogger Yameen Rashid remains unknown as no solid investigations were conducted;

L. whereas civil society activists and human rights defenders in the Maldives continue to face threats and intimidation from extremists and judicial harassment by the authorities, as in the case of Shahindha Ismail, Executive Director of the Maldivian Democracy Network;

M. Whereas over the last years, the Maldives have shifted towards a more hardline version of Islam and a strict enforcement of Sharia law in the country; whereas public floggings against women and girls are still practiced;

N. Whereas in April 2016 the government ended the 60-year moratorium on capital punishment; whereas in in the Asia-Pacific region, 20 countries have abolished the death penalty for all crimes and a further seven are abolitionist in practice ; whereas of the 20 prisoners on death row in the Maldives at least five are juvenile offenders; whereas the International Convention on the Rights of the Child has been signed and ratified by the Maldives and explicitly prohibits the use of the death penalty for minors under 18 years of age;

O. Whereas tourism is the largest industry in the Maldives, accounting for 28% of GDP ; whereas tourism and fishery economic sectors are important source of migrant labour from Bangladesh, India and Sri Lanka ; whereas 67 ILO conventions are yet to be ratified, such as the Labour Inspection Convention ; the Migration for Employment Convention and the Working Conditions in Hotels and Restaurants Convention ;

P. whereas some 80% of Maldives' land mass lies a meter or less above sea-level; whereas tourism is highly dependent on the ability of the country to enhance conservation of the eco-system,

Q. Whereas the country faces a dire lack of investment and development of public infrastructures; whereas the privatization of several state-owned enterprises, particularly in the telecommunications, electricity and water sectors, conditions of the IMF for its loans, will further exacerbate inequalities in the country;

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1. Expresses its grave concern about the dramatic deterioration of democracy, rule of law and respect for human rights in the Maldives ;
2. Calls on the Maldivian Government to release all political prisoners as well as the two Supreme judges and drop politically motivated charges against them ; further calls for the immediate release of all citizens who have been arbitrarily detained under the state of emergency and recommends immediate, independent, impartial and effective investigation into the use of unnecessary or excessive force, with a view to holding the perpetrators accountable;
3. Is dismayed about the persistent politisation of the judiciary ; deeply regrets the revision of the Court’s ruling regarding the different political leaders, including former President Mohamed Nasheed;
4. Reminds the Maldivian authorities that the state of emergency cannot in any way evade respect for human rights and international law and that all measures must be strictly limited and justified, inter alia, by the principles of necessity and proportionality;
5. Hopes the Government will ensure that no measures taken under the state of emergency breach the Maldives’ non-derogable obligations under international human rights law, including the absolute prohibitions on torture, arbitrary detention and unfair trials ;
6. Commends the call of the EU Council pledging for the Government of the Maldives to engage with the leaders of the opposition in a genuine dialogue that paves the way for credible, transparent and inclusive Presidential elections ; recommends Member States to support UN facilitation of such a dialogue ;
7. Calls on the Maldivian Government to profoundly reform the judicial corps, to establish the impartiality of the Judicial Service Commission, to re-establish the independence of the Prosecutor General, and to respect due process of law and the right to a fair, impartial and independent trial;
8. Expresses concern that the Religious Unity Act is being used to limit freedom of expression in the Maldives;
9. Calls on Maldivian authorities to cease criminalising human rights defenders and civil society activists, and end all judicial harassment against them;
10. Regrets that neither the Anti-Corruption Commission nor the Human Rights Commission of the Maldives can do their work efficiently, and appeals to the government to stop political interference and establish adequate legislation and resources for the two bodies to do the work efficiently;
11. Calls on the Government of the Maldives to respect and guarantee the right to protest, the right to freedom of expression, and the right to assembly, notably to revise the “Protection of Reputation and Good Name and Freedom of Expression Bill”, the “Political Parties’ Act” and the “Prisons and Parole Act”;

12. Urgently calls for the re-establishment of the moratorium on the death penalty as a step towards total abolition, a prohibition of the execution of juvenile offenders and a revision of the penal code in order to stop the use of corporal punishment such as flogging ; recalls the observations of the United Nations Committee on the Elimination of Discrimination against Women, which recommends drawing on the experience of countries with similar religious traditions and legal systems that have succeeded in harmonizing their national legislation with international obligations ;
13. Supports measures to promote girls' enrolment, including free school transport and financial support for girls living in rural and remote areas and islands in order to encourage their access to higher levels of education and reduce the dropout rate due, inter alia, to domestic chores, early marriage and pregnancy;
14. Urges to publish travel information, warning European citizens about the great discrepancy in the Maldives between the liberal treatment reserved to foreign tourists in complete segregation from the Maldivian population and the increasingly repressive rules applying to its citizens;
15. Underlines that if the government does not make decisive moves to re-establish the rule of law in the country, the authoritarian development of the Maldives will on the long run impact negatively on the tourist industry; further calls for the diversification of the Maldives economy ; recalls in that view the commitments of the Maldives to implement all 17 goals of the 2030 Agenda for Sustainable Development ;
16. Calls in particular for the Maldives to set up an independent inquiry into compliance with the social and environmental standards of European businesses, particularly in the services and tourism sectors;
17. Notes that the government has prioritised fast growth investments over public policies to render the country more resilient to climate change and ensure a fair society ; requests guarantees that EU support from the Climate Change Fund for the Maldives can deliver effective policies under current conditions ;
18. Emphasizes the inalienable right of peoples to have access to their natural resources; stresses in particular that water is a common good of Mankind and that its management must therefore be the responsibility of the public service in order to guarantee the right to sanitation and access to drinking water, in line with ICESCR to which the Maldives is a party ;
19. Instructs its President to forward this resolution to the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary General, the UN Human Rights Council and the Government and Parliament of the Maldives.