

**The Commonwealth Human Rights Initiative's Response to the
Commonwealth Ministerial Action Group's Concluding Statement on the
Maldives
(23 September 2016)**

28 September 2016

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1. The Commonwealth Ministerial Action Group (CMAG) held its 49th meeting in New York on 23 September, 2016.
 2. The Commonwealth Human Rights Initiative (CHRI) acknowledges [CMAG's concluding statement](#) and its continued efforts towards ameliorating political situation in the Maldives. CHRI welcomes the inclusion of Maldives on CMAG's formal agenda spurred by CMAG's recognition of the lack of progress on the [priority areas](#) it had identified in February 2016.
 3. We do, however, state our concern in regard to the the delay in taking this step. Having recognized the serious concerns to democracy, rule of law and human rights in the country in February 2016 and having laid down clear, measurable, priority areas for action which have not been met, we believe the body has failed to show urgency in responding to evidence pointing at persistent violations by granting the Maldives six more months to take action.
 4. We reiterate that during the review period between February and September 2016, standards of democracy and human rights in the Maldives have only worsened, as highlighted in [our submission to CMAG](#) prior to the 49th meeting. This was the time to order the suspension of the Maldives from the Councils of the Commonwealth with a strong message that this would only be lifted upon visible, time-bound, progress in the six areas stipulated by CMAG. We believe this is a missed opportunity for CMAG to take the firm stand needed to reinforce Commonwealth's fundamental principles.
 5. We point out that since the [strengthening of CMAG's role in 2011](#), the Maldives has been put on formal agenda twice – [from 22 February 2012 to 28 September 2012](#) and for a short period in 2013 from [13-17th November](#). We remain concerned at the leeway being allowed to member states for repeated disregard to the Commonwealth Charter. Unless monitoring by CMAG is accompanied with clear consequences for non-compliance, the body's weight in the promotion of democratic values will not strengthen. CHRI urges CMAG to consider convening before March 2017 to review the situation in the Maldives.
 6. CHRI concurs that time-bound political dialogue between the government and opposition political parties is a crucial step to achieve national agreement on institutional reforms in the Maldives. However, CHRI remains deeply concerned by the present circumstances and seriously questions whether a

conducive environment for credible and inclusive presidential elections in 2018 can be achieved without firm international pressure on all political players, particularly the ruling party, to take the steps needed to create political dialogue.

7. Legal developments and orders issued in the last four-month review period alone point to the active obstruction of efforts towards any kind of dialogue, and in fact, indicate a serious repression of any dissent or criticism. The *Defamation Act 2016*, which re-criminalizes defamation, has had a chilling effect on freedom of the press and citizen voices; arbitrary orders from state authorities have severely restricted freedom of peaceful assembly and association; and the amendments to the *Political Parties Act 2013* have curtailed the ability of opposition parties to participate fully and meaningfully in the political life in the Maldives. Majority of individuals charged under the country's anti-terror laws are political prisoners. Many opposition leaders are either imprisoned or in exile for fear of persecution.
8. CHRI urges the government of the Maldives to continue its engagement with the United Nations towards facilitating a political dialogue that is open, earnest and inclusive. For a meaningful political dialogue, we believe there is need for parity between the interlocutors. If the government of the Maldives sincerely wants a political solution, it must consider releasing political prisoners and engage in a pluralistic, democratic, and meaningful dialogue.
9. CHRI remains deeply concerned about the worsening state of impunity. We believe that the situation will not improve unless genuine efforts are made to recognise the extent of curtailed judicial independence and reform initiatives focus on comprehensive institutional review of judicial appointment, transfers and promotion processes. We urge all future Commonwealth technical assistance to the Maldives to incorporate these concerns in their mandate and avoid, inadvertently, focusing only on cosmetic changes.
10. CHRI encourages the Secretary-General to continue to use her Good Offices to support the Maldives in the latter's efforts to repair its human rights and democratic credentials, and in particular, to ensure safety and space of civil society actors to participate in all aspects of governance and advocacy. We urge the government of the Maldives to comply with its international obligations, including the International Convention on Civil and Political Rights (ICCPR).
11. Finally, CHRI urges CMAG to reorient its engagement with the Maldives towards firm resolute action with the recognition that sufficient time and assistance – both diplomatic and technical – has been provided to the government of the Maldives to demonstrate progress since February 2016, and it has failed to do so. We reiterate the urgent need for CMAG to convene before the year's end to take stock of the situation in the Maldives and reassess its response.