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Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo

Visita a Maldivas

Informe de la Relatora Especial sobre los derechos culturales* **

Resumen

La Secretaría tiene el honor de transmitir al Consejo de Derechos Humanos el informe de la Relatora Especial sobre los derechos culturales acerca de la misión a Maldivas que realizó del 9 al 18 de junio de 2019.

El propósito de la visita era comprender, con ánimo de cooperación y diálogo constructivo, la forma en que el Gobierno se esfuerza por hacer efectivos los derechos culturales y definir buenas prácticas en la promoción y protección de los derechos culturales en Maldivas, así como los posibles obstáculos a esa labor. En particular, la Relatora Especial trata cuestiones relacionadas con el derecho a participar en la vida cultural sin discriminación, el impacto del fundamentalismo en el ejercicio de los derechos culturales y las repercusiones del cambio climático en esos derechos. Asimismo, formula varias recomendaciones destinadas a ayudar al país a hacer efectivos los derechos culturales para todos.

* Este informe se presenta con retraso para poder incluir en él la información más reciente.

** El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó.



Annex

Report of the Special Rapporteur in the field of cultural rights on her mission to Maldives

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I. Introduction

1. The Special Rapporteur in the field of cultural rights visited Maldives from 9 to 18 June 2019. She thanks the Government of Maldives for the invitation to visit the country and for its cooperation, which allowed her to hold rich discussions on various aspects of her mandate.
2. During her visit, the Special Rapporteur met with six cabinet ministers from the following ministries: Arts, Culture and Heritage; Education; Environment; Foreign Affairs; Tourism; and Youth, Sports and Community Empowerment. She also met with the deputy ministers from the ministries of Gender, Family and Social Services; Communication, Science and Technology; and Islamic Affairs. In addition, she met with the Ambassador-at-Large of the Ministry of Foreign Affairs; the Attorney General; the Speaker and Deputy Speaker of the People's Majlis (parliament); the National Disaster Management Authority; the Human Rights Commission of Maldives; and a member of the Commission on Investigation of Murders and Enforced Disappearances. She also met with a mayor, city councillors, members of a Women's Development Committee and former government officials. She regrets that she was unable to see officials from the National Counter Terrorism Centre or the Ministry of Home Affairs.
3. Her meetings with civil society experts and individuals were likewise very rich. She met with persons working in the areas of the arts, children's rights, culture, cultural heritage, the environment, farming, fishing, fundamentalism and extremism, handicrafts, history, the print and online media, the rights of persons with disabilities, sports and recreation and women's human rights. In addition, she met with academics, artists and cultural practitioners, journalists, young people, elderly persons, persons with disabilities, migrant workers, religious leaders and scholars.
4. The Special Rapporteur visited Addu City, Hithadhoo, Meedhoo, Male' and Villimale'. She visited the National Museum; the Dhivehi Language Academy; a resort in the North Male' atoll; the Old Friday Mosque; a civil society-run library; a cemetery that is reportedly one of the oldest in Maldives; the protected Eydhigali Kilhi and Koatthey Area Addu Nature Park; a beachfront threatened by erosion; public spaces maintained by the authorities and by civil society; and other cultural and historical sites. She extends her thanks to the United Nations Resident Coordinator Office for its assistance.
5. Her mission was the first by a Special Rapporteur since 2013. She commends the Government's re-engagement with the United Nations human rights system and, in particular, with special procedures mandate holders. In the fourth quarter of 2019, a country visit was also conducted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on freedom of expression will visit in March 2020. She hopes further visits will be confirmed in 2020.

II. General context and framework

6. The territory of Maldives is made up of a chain of 1,192 coral islands, most of which lie only about 2 metres above sea level. As a result, the country is acutely vulnerable to sea level rise due to global climate change, which may potentially pose existential threats. One third of the country's population lives on the capital island of Male', where most of the cultural and educational infrastructure and services are concentrated. The remaining inhabitants are spread out on about 187 other islands, 67 per cent of which have less than 1,000 inhabitants, according to government statistics. A total of 44 inhabited islands and many uninhabited islands are dedicated to tourism, the country's main industry.
7. Since the 1970s rapid development has led to numerous changes in ways of life. The economy and modes of transportation have shifted, and activities such as fishing and subsistence farming have changed dramatically, affecting livelihoods and increasing dependence on public services and international trade.

8. The mission of the Special Rapporteur was conducted during a time of important reform and restructuring of institutions, following the election of the new Government in November 2018. The reforms significantly affected various areas relevant to human rights, including legislation, decentralization and impunity. In her end-of-mission statement, the Special Rapporteur deemed the reform process an important moment of opportunity and expressed hope that all human rights – civil, cultural, economic, political and social – would be given full consideration, that participation and consultation would be enhanced and that perceived disparities in resources between different regions and atolls would be addressed.

A. National human rights framework

9. Maldives is a party to many human rights instruments through which it has undertaken to respect, protect and fulfil cultural rights. These obligations include those outlined in article 15 of the International Covenant on Economic, Social and Cultural Rights, which guarantees the right of everyone to take part in cultural life without discrimination, to access and enjoy cultural heritage and to enjoy the freedom indispensable for scientific research and creative activity. Maldives also ratified the International Covenant on Civil and Political Rights, which protects rights bearing an important cultural dimension, in particular the right to freedom of thought, conscience and religion (art. 18); the right to freedom of opinion and expression (art. 19); and the rights of persons belonging to ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language (art. 27). Other relevant provisions protecting cultural rights are found in the obligations undertaken by the Government of Maldives in ratifying the Convention on the Rights of Persons with Disabilities (art. 30); the Convention on the Rights of the Child (arts. 29, 30 and 31); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e)); and the Convention on the Elimination of All Forms of Discrimination against Women (art. 13).

10. The Special Rapporteur notes that the international legal obligations undertaken by the Government of Maldives are directly applicable in domestic courts and was pleased to learn about the legal audit ongoing during her mission, in which 170 national laws were to be reviewed to ensure their compatibility with international human rights standards. The Special Rapporteur strongly encourages the Government to consider, without delay, withdrawing the remaining reservations to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which undermine their object and purpose. These reservations seem to have been based on cultural relativist arguments, incompatible with international human rights laws and standards. The Special Rapporteur warmly welcomes the news that the Government will withdraw some of its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and hopes the Secretary-General will rapidly be notified to this effect.

11. She notes that a review of past reports of United Nations human rights treaty-monitoring bodies and special procedures indicates that the implementation of important recommendations remains outstanding. She encourages the authorities to seize the current opportunity to institutionalize the process for implementing and following up on all recommendations and reports, including hers.

12. Various instruments of the United Nations Educational, Scientific and Cultural Organization (UNESCO) are also relevant for the full implementation of cultural rights. Maldives is a party to the Convention for the Protection of the World Cultural and Natural Heritage, but has not yet become a party to other important instruments protecting cultural heritage, such as the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection of the Underwater Cultural Heritage. The Special Rapporteur strongly encourages ratification of these and other instruments protecting the expression of cultural diversity, such as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Ratifying these instruments would not only strengthen the mission and international standing of the newly created Ministry of Arts, Culture and Heritage but would also allow the country to benefit further from UNESCO

support and expertise in these fields and in the achievements of the related Sustainable Development Goals.

13. The Human Rights Commission of Maldives was established in December 2003 as an autonomous statutory body with the mandate to investigate complaints alleging human rights violations, report on the observance of human rights, develop a culture of human rights and advise the Government on laws and regulations. The independence of the Commission in fulfilling its mandate is protected by article 189 of the Constitution. However, in 2014 five members of the Commission faced *suo motu* proceedings by the Supreme Court, charged with treason for their submission to the universal periodic review of the Human Rights Council, which the Court considered unlawful. Since then, the independence of the Commission has been limited by the set of guidelines the Supreme Court expects it to abide by in carrying out its activities. These include using government channels when communicating with international bodies and refraining from causing damage to the country's reputation. The August 2019 draft bill proposing amendments to Act No. 6/2006 (Human Rights Commission Act), which would recognize the Commission's powers to communicate with international bodies, is a positive step. It should be passed swiftly and interpreted broadly.

14. Cultural rights are part of the framework of universal human rights. They must be understood in the light of the interdependence and indivisibility of all human rights and do not justify discrimination, violence or violations of other internationally guaranteed human rights. Cultural rights are important in and of themselves. They are also essential for securing other human rights – including the rights to education, freedom of expression and development – and for achieving the Sustainable Development Goals. The Special Rapporteur would encourage Maldives to develop awareness-raising and capacity-building related to cultural rights, incorporating these core principles.

15. The presentation of this report to the Human Rights Council coincides with the country's preparation for the third cycle of the universal periodic review. The Special Rapporteur hopes her report can stimulate greater consideration of cultural rights in that review.

B. Constitutional and legislative framework

16. Article 68 of the 2008 Constitution of Maldives requires courts and tribunals, when interpreting the fundamental rights and freedoms guaranteed by part 2 of the Constitution, to consider the country's international human rights obligations. In some court cases, these standards have been directly referenced. The Special Rapporteur hopes this process will continue and accelerate.

17. Article 20 of the Constitution affirms the equality of all citizens. The Special Rapporteur is concerned, however, about the discrepancy between this principle and article 9 (d) of the Constitution, which provides that non-Muslims are excluded from obtaining citizenship. This clearly precludes them from taking part in cultural life, as well as social and political life, in full equality and without discrimination.

18. Article 39 of the Constitution explicitly guarantees some aspects of cultural rights, stating that everyone has the right to participate in the cultural life of the nation and to benefit from literary and artistic endeavours. That article also stipulates that the State is to promote education, culture, literature and the arts, within the limits of its resources. Implementation of these rights, in accordance with international standards, remains outstanding and is essential, as is the full implementation of all of the constitutional guarantees of human rights.

19. The Special Rapporteur echoes concerns raised by numerous human rights mechanisms about the absence in the Constitution of freedom of religion or belief and the right to adopt the religion or belief of one's choice. This hinders anyone who is not Muslim from openly practising their religion and having recognized places of worship. She refers

the Government to the specific recommendations on this issue.¹ The Special Rapporteur is also concerned that there are many instances in which the Constitution refers to Islam as representing a limitation on the exercise of human rights, without specifying how Islam will be interpreted. This creates an environment in which the ability to enjoy the specificities and diversities of Maldivian Muslim culture and cultural heritage, as well as freedom of religion or belief and the cultural rights of all, may be undermined.

20. The availability of corporal punishment that violates international law (so-called “judicial flogging”) as a penal sanction – and one that is reportedly often applied in gender discriminatory ways and against victims of sexual violence – also remains a grave concern.

21. Freedom of opinion and freedom of expression have been limited by successive past Governments, either through the Law on the Protection of Religious Unity (which criminalizes any action or form of expression intended to disrupt, jeopardize or disunite social and religious order and harmony); the Defamation Act (which was repealed in November 2018); or other legislative provisions. As a result, many people, ranging from ordinary citizens to journalists and parliamentarians, exercise self-censorship on issues of religion or belief.

22. Article 30 of the Constitution of Maldives guarantees the right of everyone to freedom of association for economic, social, educational or cultural purposes. However, concerns have been raised about the restrictive legal framework regulating civil society organizations, including through Act No. 1/2003 (the Associations Act). In its 2015 universal periodic review, the Government accepted recommendations to address limitations in the existing law governing the operation of civil society organizations and to develop and implement specific laws, policies and mechanisms that recognized and protected the work of civil society. In March 2019, the new Government proposed a bill in parliament to amend the Associations Act, but parliamentary elections, held in April 2019, interrupted the process. The Special Rapporteur understands that, since her visit, a new bill has been submitted to the President’s office and she hopes it will soon bring national legislation into line with international human rights standards.

C. System of cultural governance

23. The Special Rapporteur warmly welcomes the creation of the new Ministry of Arts, Culture and Heritage, and appreciates the dedication of its Minister and small number of staff. This development provides a unique opportunity to rethink the place of culture as a cross-cutting priority in the country’s governance and in its policies for achieving sustainable development.

24. The Special Rapporteur commends the September 2019 adoption of the Heritage Act, which will provide a stronger legal framework for action in the field. In this context, the Special Rapporteur encourages the Government to engage in capacity-building with and for relevant actors across the culture sector, including civil society actors and academics, on a cultural rights approach to heritage protection. Full implementation of the Act should be a priority.

25. The Special Rapporteur recommends that the Ministry consider developing a cultural policy incorporating the cultural rights guarantees contained in Maldivian law and international standards; amplifying a participatory and consultative approach to policymaking; and establishing strong, institutionalized cooperation schemes with other relevant national and local authorities, including in the areas of education, environment and tourism.

26. The Special Rapporteur stresses the need for the Ministry to be fully resourced, afforded capacity-building opportunities and adequate expert staff, and provided with support by relevant international bodies, such as UNESCO. She also encourages the Ministry to involve a wide range of local people in the development of cultural policies and services. The idea of having a cultural officer in every local council, tasked with caring for

¹ A/HRC/4/21/Add.3, para. 69; A/HRC/11/4/Add.3, para. 46; and A/HRC/WG.6/22/MDV/3, para. 20.

local cultural assets and fostering cultural and artistic creativity should be given further consideration.

27. Everywhere she went, the Special Rapporteur found that Maldivians were eager to participate in building and protecting a vibrant cultural life to enhance social cohesion, address boredom and afford opportunities for self-expression, especially among young people. Many people expressed the wish to see more local cultural centres, recreational and cultural facilities and public spaces for enjoying cultural life across the country, and to receive support to develop and protect those that exist.

III. Realizing cultural rights in Maldives: specific issues

A. Awareness of and access to cultural resources

1. Cultural diversity and identity

28. Maldivians and the Government of Maldives must critically assess the negative consequences of official narratives that frame Maldivian identity as homogeneous, neglecting the country's cross-cultural history and the cultural practices that make up the richness of Maldivian island cultures. Alternatives to the narrow interpretation of identity often presented in official discourse need to be strengthened.

29. Discussions held by the Special Rapporteur throughout her visit indicate that there are multiple diversities between the atolls, including in the way people speak Dhivehi, the ways in which they celebrate important events and in how they have developed songs, dances and crafts. Failing to recognize this diversity in the official discourse led, on the one hand, to insufficient public measures and mechanisms for its protection and promotion and, on the other hand, to limitations in the development of the conditions necessary for an inclusive society.

30. It is important that Maldivians and the Government of Maldives recognize the reality of cultural diversity in contemporary society and in the country's history. Past failures to adequately teach, preserve and share knowledge about the arts, culture and history of the country; the limited display of Maldivian creativity in the media, museums and the tourist industry; and insufficient support for artistic education and performances in schools, theatres and galleries have all contributed to the rapid disappearance of significant practices in many places in the country and the related loss of important elements of Maldivian cultural identity. From a cultural rights perspective, historical narratives are an important part of cultural heritage and are crucial elements shaping individual and collective identities (A/68/296). Knowing about one's culture and history is also an important tool for building resilience in the face of globalization, rapid development and threats associated with climate change.

31. The Government must ensure the right of everyone to take part in cultural life and to have access to public spaces. This includes women, persons with disabilities, young people and migrants, who all need to have dedicated spaces and opportunities to pursue cultural activities and practices with others, and the possibility of contributing to the cultural life of the entire society.

2. Importance of the Dhivehi language

32. Dhivehi and all its dialects are a precious and vital cultural resource for Maldives. The Special Rapporteur was delighted to visit the Dhivehi Language Academy and its library and to learn about its efforts to promote the language, poetry and historical knowledge, through creative means such as history quiz competitions.

33. She was, however, concerned about the insufficient number of Dhivehi teachers throughout the country, and the fact that, even in preschools, teaching in Dhivehi could not be mainstreamed. She hopes the Dhivehi Language Academy will be provided with further resources to continue and expand its work. Full consideration must be given to the

preservation of Dhivehi and its important regional dialects in relevant educational and other policies.

3. Right to access and enjoy cultural heritage

34. Cultural heritage is a human rights issue to which a human rights approach is necessary (A/HRC/17/38 and A/71/317). While the Special Rapporteur was impressed by the rich cultural heritage resources she was able to visit, such as the Coral Stone Mosques,² she also shares the concerns expressed to her by numerous Maldivians about the scarcity of heritage sites, objects and artefacts that have been identified, protected and inventoried to testify to the millennia of continued human presence in the islands, and about the lack of general awareness about the importance of safeguarding those resources.

35. According to experts she met, approximately 80 per cent of Maldivian historical and archaeological sites, including sites relating to the Buddhist, Hindu and Sufi past, have already been destroyed for the construction of resorts and development projects. Such losses should be documented.

36. The Special Rapporteur was concerned to hear about the targeted destruction of symbols and monuments by fundamentalists who believed the statues represented idols prohibited in their interpretation of Islam. These incidents occurred during the South Asian Association for Regional Cooperation Summit in November 2011 and at the National Museum in February 2012. She had the opportunity to see the National Museum's pre-Islamic collection, which contained many pieces that had been smashed and in some cases damaged beyond repair.³ While the Special Rapporteur appreciates the commitment of the Ministry of Arts, Culture and Heritage officials to ensure the preservation of this collection, the fact that the few surviving artefacts from that period are now locked away from visitors for their protection raises important concerns for the right to access and enjoy cultural heritage, and for history teaching and understanding of cultural diversity. The Government must create conditions in which it will be safe for the public to interact with these aspects of heritage, including through education and awareness-raising. The Special Rapporteur deplores the fact that the perpetrators of the 2011 and 2012 attacks on Maldivian cultural heritage have still not been successfully brought to justice despite some ongoing attempts to do so with regard to the events at the National Museum. Such impunity downplays the gravity of these acts and makes their recurrence more likely.

37. On the other hand, the Special Rapporteur commends the intervention of the Government to stop the construction of a resort in the Raa atoll, after experts from the Ministry of Arts, Culture and Heritage identified a historical site that needed protection. It would be important to learn from this case and take measures to systematically conduct cultural impact assessments and a survey of heritage resources in the preliminary planning stages of all tourism-related and infrastructure development.

38. During the visit of the Special Rapporteur, the development of a heritage survey to identify and document endangered heritage was being discussed. She encourages this initiative and would welcome participatory processes, through which each island and atoll would have the opportunity to restore the memory of significant local events and persons, such as the development of memorials in public spaces as well as local collections and museums. The aim should be to make historical information more accessible and integrated into discussions about the present and the future, and to bring to light the rich heritage of the country.

39. In addition to the scarcity of historical artefacts, experts regretted the absence of research, publications and funding in relevant disciplines. The country does not have any professional training available in the fields of heritage conservation or preservation. Those currently involved in the preservation of the Coral Stone Mosques, the only site proposed for the World Heritage tentative list, are self-taught. With no trained professional historians

² See Yahaya Ahmad and Mauroof Mohamed Jameel, *Coral Stone Mosques of Maldives: Vanishing Indian Ocean Legacy* (Los Angeles, California, Gulf Pacific Press, 2015).

³ See Vikas Bajaj, "Vandalism at Maldives museum stirs fears of extremism", *New York Times*, 13 February 2012.

in the country, knowledge about past practices – such as matriarchy, succession laws and traditional celebrations – and awareness of their diversity across different islands, are being lost.

40. The Special Rapporteur was glad to learn that a social media group dedicated to documenting historical and cultural sites was witnessing increased interest, including from young people. However, she was concerned to hear that some of those involved in this work had been threatened online and were considered by some to be challenging the predominance of Islam in the country when they addressed evidence of the past presence of Buddhism or other religions. These perceptions have to be officially challenged in order to normalize discussion about the past and foster improved understanding of the various elements of Maldivian identity and history.

41. Whereas such civil society efforts are necessary and promising, they will not be sufficient in and of themselves to compensate for past failures and enhance public awareness about the history of Maldives. Official awareness-raising campaigns, a nationwide survey of heritage resources, involving local inhabitants, artistic and history curricula in schools, specialized training activities in history, archaeology and conservation, and public policy development in the fields of history and heritage are all necessary. To fulfil these tasks, the Department of Heritage will have to be provided with the necessary budget.

4. Cultural rights perspective on education

42. Education is closely related to the enjoyment of cultural rights by all without discrimination. The Special Rapporteur appreciates the enormous responsibility borne by the Ministry of Education, and the efforts of the Ministry in undertaking the necessary reforms. The Special Rapporteur hopes the Minister will receive full support to achieve her difficult mission.

43. According to a variety of stakeholders encountered by the Special Rapporteur, urgent action must be taken: to reinstate teaching of culture, art, music and history in the mandatory school curriculum; to clearly respond to reported rejection of such teaching in practice in numerous schools by some teachers and parents; and to allow for the development of interest and skills in these important fields. There is also a need to develop adequate higher education programmes and professional training activities to foster and support the talents of Maldivians. The entire educational system should approach this priority in a holistic manner, in order to ensure continuity between teaching in these fields, study and research opportunities, and related career development. Books about arts, culture and history by genuine experts need to be made more widely accessible in libraries across the country.

44. At the primary and secondary levels, teachers have to be more extensively trained during their university studies to thoroughly address cultural and historical subjects with children, and they should have access to adequate manuals and books related to arts, culture and history. For history teaching, an option would be to integrate field trips for students, to visit places where important events occurred or to see and learn to appreciate cultural heritage and sites.

45. For cultural and artistic education, having specialized teachers, with more extensive knowledge and experience in the field, could have a beneficial impact, not only on the quality of knowledge and know-how being transmitted, but also on the interest and creativity of children. Teacher training is essential. Artist residency programmes or collaboration between local artists and schools for specific projects should be considered. This would benefit both children and artists.

46. The education system is a key sphere in which to promote tolerance and human rights. The national curriculum and teachers should be vetted to ensure that fundamentalist content is not being taught in schools.⁴

⁴ See recommendations in UNESCO, *Preventing Violent Extremism Through Education: A Guide For Policy-makers* (Paris, 2017).

5. Access to a diversity of works and the space for artistic expression

47. Opportunities for artists and traditional crafts producers to display and sell their works and perform are limited, affecting both the right of artists to meet their public and the right of all to have access to the creativity of artists and craftspeople. The Government needs to take a clear position in favour of freedom of artistic expression and the importance of performing arts.

48. The country has only one public gallery, the National Art Gallery, situated in the capital. Artists are particularly concerned about the lack of a permanent collection, the fact that this space is used for multiple purposes and rented for private functions and about the inadequate lighting and climate conditions for artistic displays. The Special Rapporteur commends the efforts of the Ministry of Arts, Culture and Heritage to consult those working in the arts in Maldives concerning: the development of a permanent national arts exhibition at the National Art Gallery; the improvement of the conditions in which art may be displayed; and about better use of this space to celebrate and give visibility to artistic creativity. She hopes that this process will continue and will yield timely results.

49. To compensate for the absence of dedicated public spaces, some artists find exhibition venues in private businesses, such as cafés, restaurants and tourist resorts. This should be encouraged so as to increase opportunities for artistic expression and interaction with the arts. However, it is not a substitute for the necessary existence of adequate public spaces for such displays and can lead to limits on artistic expression due to control by private actors of the art that can be displayed.⁵

50. The Government must do more to respect, protect and realize the right of all to artistic expression and to access and enjoy the creativity of others by investing in the entire ecosystem of artistic expression. These efforts could include: fostering arts education and opportunities for artists to develop their creativity and interact with audiences, guaranteeing access by all sectors of the population to a diversity of expressions, such as dance, theatre and music, and by developing and maintaining public spaces.

B. Fundamentalism as a threat to cultural rights

51. The Special Rapporteur has documented the harmful impact of diverse forms of fundamentalism and extremism on the enjoyment of cultural rights in many regions, and the grave consequences they have for human rights and cultural life (A/HRC/34/56). Drawing from leading experts, she defines fundamentalisms as political movements of the extreme right which, in a context of globalization, manipulate religion to achieve political aims, and she has emphasized their related aims to impose one restrictive version of religion on others as a matter of law or public policy so as to consolidate power in a hegemonic or coercive manner.⁶ This is entirely distinct from piety or ordinary religious observance, which are a part of enjoying cultural life.

52. Fundamentalism is one of the greatest threats to the rich culture of Maldives, including Maldivian practices of Islam. Many people rejected the imposition of a version of Islam that they saw as having been imported from other countries, such as Pakistan or Saudi Arabia, which was reportedly accelerated by the Internet, by streams of foreign funding and by Maldivians studying in madrasas in these countries and returning home.

53. The Special Rapporteur was greatly concerned by the extent of the reports of the rise of fundamentalism, which is reportedly leading to the discarding of Maldivian cultural and religious practices, including particular local Eid celebrations; the discouraging of the arts, and especially performing arts, in public spaces; the eradication of arts and music education in many schools; and the erosion of the rich cultural heritage of Maldives, including both Islamic and pre-Islamic heritage, which are parts of its complex, layered history. The rise of fundamentalism has also led to attacks on people and culture, including acts of vandalism in one of the country's oldest and historically significant cemeteries on Meedhoo in the

⁵ A/74/255, para. 63; and A/HRC/23/34, paras. 68, 76–78 and 89 (g).

⁶ A/HRC/34/56, para. 4; A/72/155, para. 12.

Addu atoll, which the Special Rapporteur visited. It has also led to increasing limitations on women's cultural choices regarding dress, while promoting and imposing new forms of dress not reflective of Maldivian tradition or the specificities of climate.

54. The Special Rapporteur was alarmed by the number of those she met, including officials, artists, civil society and experts, who had reported experiencing threats, which seemed to be the product of fundamentalist ideology. While one report suggests that the insecurity experienced by such persons had decreased somewhat since the recent change in Government at the time of her visit, this remains an entirely unacceptable state of affairs, leading to self-censorship and sharply circumscribing cultural life. According to information received since the end of her visit, harassment and threats by extremist groups were still ongoing, and the lack of effective action by law enforcement agencies was a serious concern. The Special Rapporteur hopes that threats made to persons on social media will be carefully addressed, in accordance with international standards, in the new social media law that is to be drafted, and that those who threaten others will be brought to justice.

55. The Government must speak out clearly, unequivocally and regularly against fundamentalist ideology at the highest levels and across the board, and affirm the importance of heritage, culture, arts and music, and internationally guaranteed human rights, notwithstanding fundamentalist claims against them. The need for a loud and clear counter-narrative to the fundamentalist narrative is stark and must be carried by many voices, including from all levels of government, civil society, individuals, experts and religious leaders. While admittedly important short-term political concerns may be allowed to outweigh taking such a stance, a failure to do so may condemn important aspects of the rich culture of Maldives to the dustbin of history and will put cultural rights, and many other human rights, gravely at risk in the medium- and long-term.

56. The Special Rapporteur was concerned to be told by the Deputy Minister of Islamic Affairs that no Maldivians wish to see the religious practices of those who are not Muslim. If this is the case, human rights education emphasizing the diversity of cultural expressions and the values of tolerance and mutual understanding is urgently needed. She was disturbed to learn that a religious leader who had spoken out against extremism and for tolerance in his sermons, and who had received threats for doing so, was reportedly told by local officials to discontinue his work. Recently, the Government also dissolved the Maldivian Democratic Network, an important human rights organization, giving in to the pressure of those who did not accept its report on the rise of fundamentalism in Maldives.⁷ Such voices are essential, and those who work against fundamentalism and extremism must have full support, expressed loudly from all sectors of society, and must be adequately protected. Increased dialogue between religious scholars and other people about religion is also important, as is the provision of further education and information about religion that is in keeping with human rights.

57. Encouraging cultural rights and cultural diversity, recognizing the syncretic nature of religious and cultural practice, using culture to combat boredom and afford space, exploration and expression, especially for young people, and teaching the complexity of Maldivian history, as well as arts and culture, are essential for combating fundamentalism. It is also important to combat fundamentalist ideology through education and to find mechanisms that respect human rights for doing so on the Internet and on social media. Moreover, it is necessary to recognize and address the causes of the rise of fundamentalism, including support or acquiescence by current and former government officials, and economic and social challenges. Vulnerable spheres, such as prisons, gangs and the Internet, need particular attention, as do young people.

58. Fundamentalist ideology has resulted in violence, including the disappearance and reported murder of journalist and poet Ahmed Rilwan; the killing of blogger and satirist Yameen Rasheed, who campaigned to find Mr. Rilwan; and the killing of politician and religious scholar Afrasheem Ali, who had reportedly expressed liberal views about

⁷ See communication MDV 1/2019, 7 November 2019, available at spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24923, and Government response 2020/OHCHR/03, 15 January 2020, available at spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35112.

women's attire, music and apostasy. The first two were secularists. All were determined to have been killed by a local affiliate of Al-Qaida. Those killings had a harmful impact on the cultural expression of others, and many expressed fear about their recurrence, despite recent political changes. It is just such fear and silence that the perpetrators probably hoped to cause. The Special Rapporteur is dismayed to learn of reports that some witnesses have been intimidated. The Special Rapporteur salutes the work of the Commission on Investigation of Murders and Enforced Disappearances and hopes that its recommendations will be fully implemented without delay, in accordance with international standards, and that all alleged perpetrators will be brought to justice.

59. In addition to truth, justice and accountability, which are essential, it is also important to memorialize the victims of fundamentalist violence so as to counter the vilification campaigns against them, which in some cases took place before and after their murders.

C. The right of all to take part in cultural life, without discrimination

1. The cultural rights of women

60. Women play active roles in Maldivian society and cultural life. The Special Rapporteur was pleased to meet many women working in the fields of arts and culture, in Government and in civil society, including at a high level. However, she was sorry to learn that there were only four women in the current parliament, and that women were insufficiently represented in top positions in the civil service. Much needs to be done by all political parties and sectors of Government to address the unacceptably low rate of representation of women.

61. Women reported facing particular scrutiny and pressure on social media, and there are said to be growing views in some parts of society against women and girls performing in public. While great progress has been made in enacting legislation mandating women's rights, cultural attitudes viewing women primarily as wives and mothers persist and must be challenged in keeping with the Convention on the Elimination of All Forms of Discrimination against Women. Changing negative attitudes towards women needs to be a priority across the board for the Government. One particular area where the official message should be reviewed is in school manuals and on Government websites, which reportedly still contain sexist and misogynistic views and discourses that must be challenged and changed.

62. Furthermore, the Special Rapporteur is concerned about the reportedly increasing patterns of violence against women, including female genital mutilation. Women and girls should be legally protected against all forms of violence and the perpetrators should be prosecuted. Relevant existing laws must be implemented and remaining gaps in law eliminated, in keeping with the Government's stated positive commitment. Effective measures also need to be taken to address the absence of safe houses and protective measures for victims of such violence.

63. The Ministry of Gender, Family and Social Services needs greater resources, and women's human rights need to be mainstreamed across all ministries, including the Ministry of Arts, Culture and Heritage. The Special Rapporteur encourages the Government to reconsider the potential incompatibility of article 3 (a) with article 3 (b) of the Gender Equality Act and clarify that the principles of international human rights law stated in the latter must prevail in the interpretation of the Act.

2. The cultural rights of persons with disabilities

64. The Special Rapporteur was glad to learn of the decrease in stigma with regard to certain disabilities. This important development should be consolidated to increase inclusiveness in society and remove remaining obstacles. She hopes further ideas, such as the possibility of a drumming group for persons with disabilities, will be implemented.

65. One area that could benefit from inclusivity assessments is public spaces. To a large extent, these are not easily accessible to persons with disabilities, which has a negative

impact on their right to participate in cultural and leisure activities and gatherings. Making public spaces more accessible – for example, through the use of universal design – would also improve access by other persons, such as parents with strollers and older persons.

66. Remaining obstacles reported include the challenge of access to education, the lack of understanding of the range of disabilities beyond physical impairment and the reported lack of specially designed programmes for persons with disabilities to exercise their cultural rights. Regular consultations between the relevant ministries, persons with disabilities and those working to defend their rights are necessary, in order to better frame the issues, ascertain their needs and aspirations and develop the most adequate solutions. Funds should also be made available without delay for installing Dhivehi in Non-Visual Desktop Access and other screen reader software.

3. The situation of migrant workers

67. Non-nationals make up about a quarter of the country's population. They are mainly from Bangladesh and India, and work to a large extent in the construction, care and tourism sectors. According to various sources, over 50,000 of all non-nationals are undocumented migrant workers, an issue a special government task force will aim to address.

68. Reports raised concerns about the insufficient safeguards to ensure the protection of migrant workers, especially unskilled labourers. Many do not know their rights and do not speak Dhivehi. They cannot access public services, participate in cultural life, education or recreation, and they may face discrimination in some social interactions and in accessing certain public places, such as some parks. Due to isolation from their families, language and culture, some also face mental health issues.

69. One step that would have a significant positive impact for the integration of expatriates would be to make Dhivehi language classes available to them. Another would be the creation of cultural centres for their use and the sponsoring of cultural programming inclusive of them.

4. The situation of young people

70. The Special Rapporteur received reports about the frustrations of young people, including about the concern that cultural spaces are restricted for them. Drugs and gangs have become a significant problem.⁸ The absence of a strong sense of identity and exclusion of young people from aspects of cultural, economic and social life further increases their vulnerability to extremist and fundamentalist narratives.

71. The Ministry of Youth, Sports and Community Empowerment confirmed the absence of specific cultural programming for young people, but this Ministry does offer an important array of activities in the fields of sports. In addition, the Ministry supports the Youth Council and coordinates the network of youth and community centres across the country. More consideration should be given to the positive role cultural activities can play in countering boredom and giving young people a sense of belonging and of meaning.

D. Tourism

72. Tourism is a vital part of the Maldivian economy, and it brings people from around the world to the country every year. It should afford advantages to all Maldivians and be a window to display their culture and identities to the world. The Special Rapporteur noted, however, that parts of the tourism industry seem to be operating in a somewhat separate, parallel universe, in which: workers' human rights are reportedly undermined and unions forbidden, notwithstanding constitutional guarantees; and tourists are not given adequate opportunities to see or hear Maldivian performing arts and culture, share Maldivian cuisine or learn about Maldivian ways of life and crafts.

⁸ See United Nations Development Programme, *Youth Vulnerability in the Maldives*, February 2019. Available at undp.org.

73. While conscious that cultural practices and crafts should maintain their meaning for Maldivians and not simply be commercialized for tourist purposes, cultural knowledge and practices can also be revived and professionalized or can find new forms in the interaction with visitors.

74. Maldivian artists are eager to perform and display their work in resorts. However, the September 2018 destruction of the artwork Coralarium at the Fairmont Sirru Fen Fushi Hotel in the Shaviyani atoll by the outgoing Government on the eve of elections has made it more difficult for artists to find platforms in resorts to do so and had a chilling effect for artistic expression. This incident must be fully investigated in the light of the right to freedom of artistic expression and creativity.⁹

75. The Government should consider adhering to the new Framework Convention on Tourism Ethics¹⁰ and explore avenues for supporting the presence of Maldivian arts and crafts in the tourist industry – for example, by developing an authenticity trademark for crafts made in Maldives or by sponsoring a Maldivian shop at airports where artists and craftspeople from all regions of the country could sell their work under the principles of fair trade.

76. The Special Rapporteur encourages travel agencies and tourists visiting Maldives to support ethical tourism by opting to take part in activities that are in accordance with the protection of the environment and human rights, and by requesting food, souvenirs and products that are local and sustainably made.

E. Climate change, environment and cultural rights

77. Climate change is one of the most serious challenges humanity has ever faced.¹¹ All relevant actors at the international and national levels must act with determination to respond to this threat. No country can do so effectively by itself. The Special Rapporteur supports the call of the former Special Rapporteur on human rights and the environment for international recognition of the human right to a healthy environment, on the premise that the universality of human rights, including cultural rights, has no meaning today without a liveable environment in which they can be enjoyed (A/73/277, para. 38).

78. In addition to its other damaging effects, the impact of climate change on cultural rights and cultural heritage, both tangible and intangible, is an urgent human rights question (A/HRC/37/59, paras. 11–16), and must be understood and responded to as such.¹² This is nowhere more evident than in low-lying island nations, such as Maldives, which face the possibility of catastrophic effects.

79. During her mission, the Special Rapporteur visited a centuries-old cemetery reportedly containing the graves of those involved in bringing Islam to Maldives. That cemetery is perhaps less than 100 metres from the ocean. Locals feared the site would be gone in 10 years, owing to sea-level rise and erosion. A 15-year-old Maldivian environmental and cultural heritage activist said to the Special Rapporteur: “I fear for the survival of my country.” No young person should have to face such fears.

80. As stressed by the Minister of Environment, a temperature rise of 2 degrees or more will result in 60 to 90 per cent of the coral reefs being destroyed, leaving the islands exposed to being washed away by the ocean. He further underscored that the culture and language of Maldives are also specifically threatened by the possibility of “environmental catastrophe”.

⁹ See A/HRC/23/34 and A/HRC/28/57.

¹⁰ World Tourism Organization, resolution 707(XXII).

¹¹ “OHCHR analytical study on climate change and human rights is now available”, March 2009. Available at ohchr.org.

¹² Karima Bennouna, Special Rapporteur in the field of cultural rights, “A human rights approach to the intersection of climate change and cultural heritage”, keynote address given at the Climate Heritage Mobilization at the Global Climate Action Summit 2018, San Francisco, United States, 12 September 2018. Available at ohchr.org.

81. At the national level, the Special Rapporteur hopes that the laudable human rights-based approach to climate change in Maldives will be further entrenched and implemented. In doing so, cultural rights and the negative impact on culture must be given even greater consideration, including with regard to all aspects of related internal migration, which is expected to result in more than half of the population moving to the capital in the next 25 years. A human rights approach to preventing and responding to the effects of climate change should empower individuals and groups as active agents of change and not as passive victims (A/HRC/10/61, para. 94).

82. Numerous experts and affected persons stressed the need to take an ecosystem-wide approach, because mitigation in one place without concern for the impact elsewhere could produce negative effects. Some development projects approved in the recent past without adequate disaster mitigation plans had resulted in increased flooding; loss of natural protection, such as mangroves; and increased sedimentation, which contributes to coral bleaching and the resultant loss of livelihoods, including by women. Concerns were expressed about recent regulations from the Ministry of Environment that failed to protect trees or regulate activities of private developers in the tourism industry. Information received also suggests that, even though there is awareness of the critical role of mangroves and wetlands as wind breakers and in blocking erosion, only about 5 per cent of them were protected. Much more needs to be done to protect these ecosystems and integrate them in adaptation plans. Moreover, they represent natural heritage which should also be recognized in policymaking.

83. Similarly, more importance should be given to sustainable, local and organic farming, fishing and coastal development, and more support, including financial support, should be devoted to the transmission of knowledge and skills in these areas. Some expressed regret that the country's development priorities since the 1970s had led to Maldivians gradually losing ways of life that had allowed them to live in harmony with nature. Efficient responses to environmental threats must tap into and combine both traditional and new knowledge. The Special Rapporteur was glad to hear of some civil society initiatives – for example, students developing a coral garden to breed fish bait and community coastal clean-up actions. Such activities should be magnified and publicized.

84. Some independent voices called for greater transparency in decision-making processes and the spending of international funding related to climate change. Information received seems to indicate potential conflicts of interest in decision-making with regard to the environment, development projects and tourism, which should be closely looked into in order to avoid harmful effects and the perception of what one advocate characterized as “land grab, sea grab, tree grab”. Further research in these areas should be conducted and promoted.

85. The Special Rapporteur welcomes the increase in the number of protected natural sites and the fact that recent disaster risk assessments have focused on building local resilience and included cultural components and consultations with the Department of Heritage. Contacts and coordination between policymakers in the fields of culture and the environment need to be institutionalized and further enhanced in coordination with the Ministry of Arts, Culture and Heritage. There is also a need to increase technical staffing at the National Disaster Management Authority so as to broaden its national reach, ability to respond and relevant expertise on culture. The Special Rapporteur sincerely appreciated the discussion she had about the consultative and participatory approach this body was trying to take with regard to disaster preparedness, including with women and young people.

86. Culture, traditional knowledge – such as about the movement of sand and fishing practices – and cultural heritage in all its forms represent powerful resources for addressing the challenges caused by climate change in a manner that respects human rights and building resilience, and they need to be further incorporated in adaptation and mitigation efforts. They are also important in helping define the type of development Maldivians want and what they wish to transmit to the next generation.

87. The Special Rapporteur commends the country for its international leadership on climate change and is determined to support the most-affected countries at the international level and echo their voices by demanding the international community urgently help meet

the threat to their survival, including cultural survival. In 2020, the Special Rapporteur intends to prepare a thematic report on climate change and culture around the world. She is grateful for the expert input received during her mission, which will assist in this work. Moreover, she invites experts and advocates in Maldives to share further information with her.

IV. Conclusions and recommendations

A. Conclusions

88. Many previous Governments in Maldives have created a political environment in which popular participation, freedom of opinion and expression, freedom of association and the free manifestation of cultural expressions, artistic performances and diversity were not welcome. Moreover, cultural rights were not a priority. Traces of this can still be seen in official narratives around homogeneous identity and in the accounts the Special Rapporteur received of authorities' ongoing difficulties in organizing and integrating timely and meaningful consultation, which is required in any democratic society. It will take time to change the habits of both decision makers and citizens and to build the necessary trust for a society with greater respect for human rights. However, the ongoing legal, judicial and structural reforms and the renewed commitment of the Government to international human rights mechanisms are steps in the right direction. The promise of these reforms must be realized with urgency and with a clear commitment to the full realization of all universal human rights, including cultural rights.

89. The recent creation of the Ministry of Arts, Culture and Heritage affords new opportunities for undertaking much-needed legal and policy work in the field of culture. The Ministry must receive all the resources needed to achieve the full implementation of cultural rights for all Maldivians, and should benefit from international cooperation.

90. While it is critical in the current international and regional environment to combat terrorism in accordance with international standards, this alone is not enough. Maldives must also urgently and effectively tackle fundamentalist ideology at a high level, across relevant ministries, using a human rights approach and in accordance with human rights standards. Failure to do so will make it impossible to realize human rights, including cultural rights, and will lead to further harmful effects on Maldivian culture. Education must be recognized as a particularly vital sector.

91. The people of Maldives are on the frontlines of the worldwide climate emergency. This environmental crisis cannot be solved through the action of single States alone. Maldives and other low-lying island States require urgent, concerted and effective international action to respond to the existential threats they face from climate change, including threats to their cultural survival. However, at the national level, Maldives could lead the way by fully implementing its human rights approach to climate change across all relevant policies and sectors, and by ensuring that consideration of the impact of climate change on culture and cultural rights, and the use of culture as a tool to build resilience and strengthen response, are at the heart of this approach.

92. The Special Rapporteur admires the vibrancy and engagement of Maldivian civil society and encourages greater consultation with it in the formulation and implementation of policy and, in particular, the further promotion of the leadership of young people.

B. Recommendations

93. In order to strengthen the legal framework for implementing human rights, the Government should:

- (a) **Withdraw its remaining reservations to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which undermine their object and purpose;**
- (b) **Ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;**
- (c) **Become a party to and implement the Convention for the Safeguarding of the Intangible Cultural Heritage, the Convention on the Protection of the Underwater Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions;**
- (d) **Respect the independence of the Human Rights Commission of Maldives and strengthen its work in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including by considering the withdrawal of the Supreme Court guidelines on its work, and remove the legal restriction that prevents non-Muslims from being appointed as commissioners;**
- (e) **Ensure that a particular religious belief is not a requirement for citizenship or naturalization;**
- (f) **Recognize freedom of religion or belief in the Constitution and abolish the crime of apostasy, allow everyone in Maldives to fully enjoy their freedom of religion or belief and promote awareness of the importance of this right in accordance with international standards;**
- (g) **Improve conditions for the exercise of freedom of opinion and expression, including expression related to religion or belief, in accordance with article 19 of the International Covenant on Civil and Political Rights;**
- (h) **Fully implement the recommendations of the Committee against Torture calling for abrogation of laws allowing use of “judicial flogging” as a criminal punishment, and in the interim, subject such provisions to an immediate moratorium;¹³**
- (i) **Institutionalize the process for following up on recommendations of United Nations experts and mechanisms and fully implement these recommendations;**
- (j) **Take measures to ensure that employees of resorts fully enjoy their human rights, including their right to form unions and to participate in cultural life, and regularly monitor resort compliance with international human rights standards;**
- (k) **Conduct and encourage further research related to corruption and conflict of interest in decisions regarding tourism and the protection of the environment, as well as the impacts of those decisions on culture and cultural heritage, and make recommendations to improve the practices of these sectors;**
- (l) **Consider inviting the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Working Group on business and human rights for official visits;**
- (m) **Ensure that the conclusions of the two transitional justice commissions, on murders and disappearances and on corruption, are fully implemented.**

94. In order to fight against discrimination and develop a more inclusive society, the Government should:

¹³ The Special Rapporteur notes the reply of the Government to the Committee against Torture indicating that any such reform: requires domestic legislation or wider public consultation; must be constitutional; and must reflect the wishes of the Maldivian people (CAT/C/MDV/CO/1/Add.1, para. 127). She hopes these requirements will be met without delay, and that, in any such consultation process, the Government will ensure that the negative impacts of flogging on human rights and its discriminatory impacts on women are widely publicized.

(a) **Modify discriminatory constitutional provisions to bring them into line with its international human rights treaty obligations;**

(b) **Take measures to ensure that religion and culture are not used to justify violations of internationally recognized human rights, including the human rights of women, in any law or statement by the Government, or to excuse the failure of Maldives to fulfil its international law obligations to eliminate discrimination;**

(c) **Establish a helpline and counselling services for victims of discrimination;**

(d) **Fully implement the Gender Equality Act, and guarantee equality between men and women in matters relating to family law, in particular by ensuring, de jure and de facto, the right of women to inherit property on an equal basis with men;**

(e) **Conduct a gender impact analysis of existing laws, including family laws, that lead to discrimination against women, strengthen efforts to combat discriminatory stereotypes and promote the values of substantive equality of women and men in society as a whole, including through general and targeted awareness-raising campaigns;**

(f) **Take effective legal and policy measures to protect women and girls against all forms of violence, including female genital mutilation;**

(g) **Revise legislation to allow non-Muslims to publicly practise and manifest their religion, including in places of worship, as a legitimate exercise of their human rights, including the right to take part freely in cultural life;**

(h) **Take measures, including legislative measures, to prevent and eliminate discrimination on the grounds of religion or belief, and promote religious tolerance, mutual understanding and dialogue in Maldivian society, including through facilitating open public debate on religious issues;**

(i) **Recognize and defend the diversities of Maldivian Muslim cultural practices, including women's dress, and that of religious minorities;**

(j) **Support the Ministry of Education in efforts to ensure that pluralism and human rights constitute important parts of the curriculum and review school manuals and curricula to remove elements that do not promote understanding and tolerance, and ensure that all aspects of education reflect the human rights obligations of Maldives.**

95. **In order to improve knowledge of history and to ensure the right to access and enjoy cultural heritage, the Government should:**

(a) **Conduct a thorough investigation of the 2012 attacks on the National Museum and other reported attacks on cultural heritage, bring to justice the alleged perpetrators, clearly condemn such attacks and affirm the importance of all cultural heritage in Maldives;**

(b) **Take measures to recognize and protect cultural heritage, including pre-Islamic and Islamic heritage, and ensure that there are serious consequences for any acts of intentional destruction of such heritage, including investigations and prosecutions of alleged perpetrators in accordance with international standards;**

(c) **Develop capacity-building in the field of heritage for relevant Government agencies and institutions, including on legal and human rights standards, to ensure implementation of the newly adopted Heritage Act;**

(d) **Take steps to conduct a participatory national inventory of Maldivian cultural heritage;**

(e) **Systematically conduct heritage surveys and impact assessments prior to all public works and approvals of real estate projects, and ensure that their results are publicly accessible and adequately taken into consideration in decision-making processes;**

(f) Integrate history as a mandatory discipline in primary and secondary schools, and ensure that the curriculum covers the entire history of Maldives, including both pre-Islamic and Islamic history, and includes a diversity of people, religions and cultural influences;

(g) Encourage and support research and training in disciplines related to history and culture, including in archaeology and conservation sciences;

(h) Support civil society initiatives fostering interest and involvement in the protection and preservation of heritage in all its diversities.

96. In order to increase the realization of artistic freedom and the right to access and enjoy the arts and the creativity of others, the Government should:

(a) Publicly affirm the value of culture, music, performing arts and arts education, and adopt effective measures to support activities in these fields;

(b) Develop and maintain public spaces and opportunities for a diversity of cultural and artistic expressions;

(c) Foster opportunities for Maldivian artists to interact with various audiences, including children and young people;

(d) Integrate Maldivian arts and crafts, performing arts and cultural productions in the tourist industry in a way that increases intercultural dialogue and contributes to a holistic approach to the conservation of sites and ways of life.

97. In order to increase human rights mainstreaming into planning for and responding to environmental threats and climate change, the Government should:

(a) Ensure that all government actions and policy decisions that have an impact on the environment are taken with a holistic and ecosystem-wide approach;

(b) Develop further awareness-raising campaigns about climate change, and the problem of climate denial, and include information about the effects of environmental threats and climate change on culture, cultural heritage, food security and livelihoods;

(c) Provide support for initiatives that are aimed at promoting and developing sustainable interactions with natural resources, including knowledge and skills related to the ocean, responsible fishing, organic farming, coastal protection and wetlands;

(d) Add consideration of the issues of cultural landscapes and heritage to environmental impact assessments conducted in cases of tourism-related and other development projects.

98. In order to combat the rise of fundamentalism, the authorities should:

(a) Fully implement the recommendations of the Commission on Investigation of Murders and Enforced Disappearances, bring to justice all alleged perpetrators and ensure that all witnesses are protected;

(b) Consider ways to memorialize the victims of fundamentalist violence so as to counter the vilification campaigns against them and send a clear message in favour of human rights, and support civil society organizations in such efforts;

(c) Urgently and effectively combat fundamentalist ideology in accordance with international standards, including in the sphere of education and through the promotion of culture and arts;

(d) Promote the universality of human rights and the separation of religion and State as essential means of guaranteeing cultural rights and freedom of religion or belief for all, and clarify that such concepts are entirely compatible with respect for religion, in accordance with international standards;

(e) Prosecute members of fundamentalist groups that are inciting violence, including online, and take measures to effectively address the growing problem of online hate speech;

(f) Stop pressuring civil society organizations to censor themselves, lift without delay the suspension on the Maldivian Democracy Network and demonstrate commitment to freedom of expression;

(g) Ensure that human rights defenders and experts working to counter fundamentalism are able to do their work without facing restrictions, threats or coercion.

99. The Human Rights Commission of Maldives should:

(a) Advance positive narratives and raise awareness about the importance of human rights, including cultural rights;

(b) Work to enhance the protection of the human rights of religious minorities and migrants;

(c) Establish a national protection system for human rights defenders, as defined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), including women human rights defenders and cultural rights defenders;

(d) Systematically monitor the progress made by the Government in following up on and implementing the recommendations of United Nations human rights mechanisms, and report on this progress both nationally and internationally.

100. The international community should:

(a) Take urgent and effective measures to respond to the climate emergency, recognizing the human right to a healthy environment, and take necessary climate action to support low-lying island nations in their struggle for survival, including cultural survival;

(b) Ensure that the voices of the culture and cultural heritage sectors in such nations are represented in all climate policy discussions.
