

Human Rights Commission of the Maldives



Report

14th Annual Meeting of the Asia Pacific Forum

Jordan, 3-6 August 2009

Report

Human Rights Commission of the Maldives



14th Annual Meeting of the Asia Pacific Forum

Jordan, 3 – 6 August 2009

1. Introduction

The Human Rights Commission of the Maldives (HRCM) is the first independent Commission established for the protection and promotion of Human Rights in the Maldives. The HRCM created by a Presidential Decree on 10 December 2003, became an independent and autonomous statutory body under the Human Rights Commission Act No. 6/2006 and began functioning with new Commission Members elected in November 2006. The main function of HRCM is to lead the promotion and protection of Human Rights under the Maldives Constitution, Islamic Shari'ah and Regional and International Human Rights conventions ratified by the Maldives. The five long term goals identified for 2007 - 2009 has been significantly achieved and the Commission is now in the process of developing its strategic plan for the next five years. This report outlines the areas of work and achievements of the year since the last APF annual meeting held in Kuala Lumpur last year.

2. Education on Protection and Promotion of Human Rights

Education and creating awareness by direct involvement with stakeholders is still a major task of the HRCM. The workshops which started in 2008 for senior government officials, atoll and island based councilors, judges, magistrates, senior officials from atoll based education and health officials and police officers are still continuing this year. The HRCM has conducted 11 workshops of this nature aiming to cover all 20 atolls by the end of 2009. In addition, HRCM also conducted trainings for prison officers and police officers.

A Seminar on 'Human Rights in the Administration of Justice' was also conducted for Judges and lawyers which had been instrumental in reinforcing the importance of the rule of law and the role of Judges and Lawyers in ensuring the rights afforded by the constitution and the obligations of the international human rights instruments ratified by Maldives.

Feedback from participants on these activities of the Commission has revealed changing public attitudes towards the Commission and human rights in general. There is a great demand now for HRCM involvement in disseminating knowledge and sharing of experiences. Moreover, now there is wide acknowledgement of the HRCM's work on economic, social and cultural rights in addition to its work on civil and political rights.

In addition to training programs the HRCM has conducted several other activities in creating awareness and in promoting and protecting human rights. In 2008 an Art Competition was held for schools nation wide, which was aimed at educating and raising awareness on the Universal Declaration of Human Rights (UDHR), as a part of the numerous activities conducted to mark the 60th anniversary of UDHR. This year HRCM Poster Competition for school children is aimed to educate and create awareness about ways of preventing child abuse, as the increased number of cases of child abuse in Maldives is one of the most apprehensive tribulations. Other means of awareness raising include preparation and dissemination of posters, leaflets, media reports and the quarterly Newsletter of HRCM.

3. Regional and International Cooperation and recognition

The Commission is an Associate Member of the APF since 2007 and a member of the ICC of National Institutions for the Promotion and Protection of Human Rights. Being afforded the guarantees of these two prestigious memberships and with continuous assistance from the APF, the HRCM has gained a stronger foothold in upholding and advocating for human rights and has enabled to better contribute towards the promotion and protection of human rights in the Maldives. The HRCM has also strong links with the United Nations and their technical and financial assistance is highly appreciated. While the UN support program for the HRCM would come to a close this

year, several activities have been conducted with great achievements in the past years. The HRCM has also strong ties with the Association for the Prevention of Torture (APT), Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) the Commonwealth Secretariat, Commonwealth Human Rights Initiative (CHRI), and many other National Human Rights Institutions in the Asia Pacific region.

Though still very much a young member in the community of NHRIs, the HRCM is proud to have been commended by the international community for its work. In April 2009, the Vice President of the HRCM attended the Regional Workshop on the Establishment of National Human Rights Mechanisms in the Pacific held in Samoa co-organized by the APF, OHCHR and Pacific Islands Forum Secretariat, to share the experiences of the HRCM in promoting and protecting human rights in the Maldives. The Vice President of the HRCM was also part of the Commonwealth team in Malawi to observe the country's general elections in May 2009. In October the President of the Human Rights Commission of the Maldives' Mr. Ahmed Saleem delivered a statement at the 9th International Conference of NHRIs and the Administration of Justice, in Nairobi last year. Mr. Saleem attended the high-level commemorative session in Geneva to mark the 60th anniversary of the Universal Declaration of Human Rights alongside other national human rights institutions, governments, NGOs, and high-level dignitaries including the UN Secretary-General and the UN High Commissioner for Human Rights on 12 December 2008. Also, in April 2009, Mr. Saleem delivered a statement at the Regional Conference of South Asian Countries on 'Human Rights Awareness and Capacity Building of National Human Rights Institutions' organized by the National Human Rights Commission of India .

4. Political Sphere and Law Reform

Maldives now enjoys a multi party democracy with a new executive, with the first multi party presidential elections held in August 2008. The country is in a new phase of significant developments in the political, economic and social spheres. A new constitution containing a comprehensive chapter on human rights and fundamental freedoms is now in force. A new Parliament (People's Majlis) has been elected recently in May 2009 comprising members from all political parties. A number of important new legislation have come into effect and the civil society is

becoming more active and vocal in bringing human rights violations and abuses to the forefront, which sometimes call for immediate action by the government.

The Commission also attaches importance to its work of reviewing legislation for compliance with the constitution and basic human rights standards. The Commission has, during the past year, commented on a number of rights-related laws including the Bills on Prosecutor General, Presidential Elections, Freedom of Assembly and General Elections. The HRCM had also called for the establishments of an Employment Tribunal to which the government had taken action. Furthermore, due to all these changes and the increased activities on human rights education by HRCM and other stakeholders, the public are now more aware of the importance of free and fair trials and the worth of respecting human rights in order to live a life with dignity.

5. Human Rights mainstreaming

In the various processes of democratic change, the political, economic and social situation of the country presents a host of challenges, but also opportunities, for the Human Rights Commission of the Maldives for making more proactive and dynamic contributions in protecting human rights in the Maldives. Thus the HRCM has taken a leading role to discuss about human rights violations by forming specific working committees, by media coverage through panel discussions and human rights media reports.

As a democracy cannot exist without human rights, a culture of human rights is essential for a democratic nation to flourish and therefore, the HRCM gives utmost importance to the vital task of mainstreaming human rights. It is imperative that the government policies be rights based giving emphasis to wide consultation and feasible standards. The primary responsibility of promoting and protecting human rights invariably lies with the government. As such, all ministries and public offices are obligated to streamline their work to protect and promote both individual and community rights. In this regard, the Commission maintains a close relationship with the various sectors of the government.

The Maldives is party to seven of the eight major international human rights instruments, and their optional protocols. The Commission is now in the process of urging the government in signing the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which we are not yet signatory.

6. Prevention of Child Abuse

The past year has brought forth a myriad of cases of child abuse to the forefront. This can be due to many factors like the proactive role played by the HRCM in collaboration with concerned NGOs and the relevant government stakeholders. The HRCM has established a coalition consisting of these actors which meet regularly and has a planned schedule of activities relating to prevention of child abuse. This group works with the media so that all discussions are aired on state TV and all other television networks. In all its human rights protection and promotion work, the HRCM maintains a close relationship with the local media. The HRCM puts specific emphasis to review existing laws, regulation and policies related to child rights from human rights based perspective. HRCM has also expressed concern over the increase in reported cases of child abuse as well as the increasing leniency exercised by the courts in releasing suspected pedophiles without fully considering the subsequent impact of their release on the safety and security of the victims and their families and called upon the courts to fully consider the provision in the constitution which gives authority to exercise judicial power to detain suspected pedophiles in custody during the period of trial. In addition the Commission also called upon the People's Majlis to expedite an Act on pedophiles and child abusers.

7. National Preventive mechanism

The HRCM is the designated National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT) in the Maldives. In order to strengthen the work of NPM consultations are being provided by APT and Team Consult a firm based in Switzerland. Trainings have been conducted to develop a strategic plan to carry out the Commission's mandate for prevention of torture as well as empower the staff of NPM on fulfilling the country's obligations under OPCAT. The second training was conducted in July this year to revise the action plan of NPM which was defined in January 2009 and to strengthen the capacity of NPM/HRCM staff on detention monitoring methodology and reporting. Both trainings involved training visits to police custodial facilities.

It should be noted here that there has been a significant decrease in complaints received on torture this past year. Since July 2008 the Commission has undertaken a number of inspection visits to places of detention, and submitted recommendations based on its findings.

The main prison islands, Maafushi and Dhoonidhoo, in addition to the rehabilitation centre for drug addicts and the Malé Prison have all been inspected during this period. Investigation visits had also been undertaken following allegations made in specific complaints. The Commission found that currently no rehabilitation activities are being conducted in any of the jails. HRCM issued a report after each visit which puts forward suggestions and recommendations to the concerned authorities. Monitoring visits have also been conducted to, the centre for people with special needs and the centre for children under state care.

The monitoring visit conducted on 7 May 2009, to the Low Risk Jail found that the Jail does not comply at all with the prison regulations as well as the UN Standard Minimum Rules for the Treatment of Prisoners and thus the report was sent to the concerned authorities with the recommendation to run the jail only with accordance to the Prison Regulations and that of international best practices. This jail has now been abolished and inmates taken to the main prison and other detention facilities.

8. Right to vote and Voter Education

The HRCM has been actively involved in monitoring the Presidential elections that took place in August 2008 and the Parliamentary elections of May 2009. The Commission undertook an extensive campaign on voter education by taking a leading role involving other interested NGOs. HRCM urged all candidates and their supporters, political parties and all concerned authorities to responsibly work towards making the elections free, fair and peaceful. HRCM also expressed its serious concern over the exercise of undue influence over voters, by influential candidates, political parties and political appointees; exploiting the fundamental right to vote. The Commissions also expressed concern over the issue of unlawful use of children in campaign related activities in the parliamentary elections. Further the Commission called upon all citizens above 18 years to exercise their right to vote. Seven HRCM teams worked in the atolls including that of Male' on Election Day.

HRCM believes that the right to vote is one of the most fundamental rights of an individual in any democracy. HRCM is a member of the National Advisory Committee to the Elections Commission

9. Studies, Assessments and Surveys

Several studies and Surveys are now underway and HRCM has issued reports of a study and survey conducted in 2008. An assessment of the employment situation in the country is now complete and the report would be released soon. A study on the situation of vulnerable groups is also now nearing completion.

Housing situation: Commission conducted an assessment of the housing situation in the Maldives, seeing the right to adequate housing to be a human right of specific concern to the fast-growing population of the country. The report highlighted the distressing condition of the housing situation and has put forward several recommendations to the concerned authority. The report, produced in collaboration with Geneva-based NGO Displacement Solutions, is the first of its kind to provide a detailed analysis of the country's housing problem. The special rapporteur for housing on a recent visit to Maldives had stated that this report 'Rapid Assessment of the Housing situation in the Maldives' is a great evaluation of the situation and she believes that it is a valuable contribution to the concerned authorities that can be used as tool to plan out ways to alleviate the problem on adequate housing in Maldives.

Increase in crime: The HRCM has held several stakeholder meetings with all the concerned government authorities and several NGOs, regarding the issue of escalating crime in the country. A recent media report from the police has revealed that statistics from June 2008 and June 2009 shows an increase of 2000 crime related cases reported. The Commission has highlighted various measures and actions taken by the HRCM, foreseeing the intensification of this very concerning social problem. HRCM called upon these authorities to take immediate and necessary steps to prevent crime in the country and assured the government of its full support in this endeavour.

A report was issued on a survey conducted by the HRCM to assess the causes for increase in incidents of crime in society. The report consists of 53 recommendations made to the concerned state authorities, the judicial bodies and civil society. HRCM notes that the core of this serious social

problem is the fact that laws and regulations required to fully upholding the rule of law is yet to be discussed and approved by the parliament. Because of this shortfall, persons who commit serious and organized crimes continue to repeatedly abuse the law and continue to do so without being penalized thus being also deprived of the opportunity for rehabilitation. Within the last two months, there has been a rapid increase in organized violent crime.

10. Capacity Building

The HRCM always lays full emphasis on the importance of keeping its staff motivated and well informed in human rights principles and standards. HRCM being a very young human rights institution and the only one of its kind in Maldives, and as it has resolved to adopt modern policy and decision making processes that are also very new in the country, it has to continually train staff in their specific roles to ensure that the Commission meets the burden of the considerable expectations that have been placed on it by its stakeholders, to operate effectively and efficiently. In this regard the HRCM notes with appreciation, the technical assistance and expertise rendered to the Commission by several international, regional and local bodies.

Several HRCM staff and Commission Members had the opportunity to attend training programs, meetings, conferences and study visits abroad. HRCM would like to thank all these host organizations for their generosity, hospitality and technical assistance. In this regard we would like to note the assistance rendered by the APF, OHCHR, RWI, APT, TC, ICRC, EQUITAS, Commonwealth Secretariat, CHRI, ANNI, the Philippines Human Rights Commission, the New Zealand Human Rights Commission (NZHRC), the Indian Human Rights Commission, the Nepal Human Rights Commission, South Korea Human Rights Commission, the UNDP and other UN Offices in Maldives.

11. Conclusion

Independence is an important fundamental feature of any national institution. As such, it is vital for national institutions to be financially independent from the government. The HRCM Act largely ensures operational and policy independence for the Commission in addition to Financial independence. HRCM faces the crucial task today of indentifying itself as distinct from the

government and as an independent agency of the state working to promote and protect human rights. As the first independent statutory body created in the Maldives, the HRCM tries to set an example for further such bodies of the state.

HRCM is not yet a full member of the APF and the ICC. For mutual benefit, it is an aspiration of the HRCM to be an active member with all the privileges accorded as a full member of these two prestigious Human Rights Forums in order to carry out the noble task of promotion and protection of human rights. The recent developments in socio-politics necessitate that the Commission itself keep up to speed. HRCM hopes that the future would open up new approaches, policies and concepts of human rights protection, promotion and awareness building. The HRCM believes that this Annual Meeting would open new avenues to strengthen our work and by sharing our experiences we can build a diverse range of views, and identify areas for mutual co-operation and assistance. The need for locally attainable universal human rights has never been greater. The HRCM expresses its deepest gratitude to APF, OHCHR and all NHRIs in Asia Pacific for this valuable opportunity.
