



ANNUAL REPORT

2008

HUMAN RIGHTS COMMISSION OF THE MALDIVES

ANNUAL REPORT 2008

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1. Introduction

I thank Allah Subhanahu Wa Ta'ala for blessing human beings with the good sense to respect each other and lead sacred lives. And prayers be unto our Prophet Mohamed (Sallalah-Alaihi-Wassalam), Allah's messenger who served as the exemplary figurehead of fairness and justice, for showing us ways of protection of sanctity and respect for the individual. Our prayers also be to the Apostles.

This is the fifth annual report of the Human Rights Commission. This report looks at the existing human rights situation in the Maldives, and summarises the work carried out by the Commission in 2008. It also offers additional details regarding the important activities carried out and meetings held by the Commission. This report also details the seminars, training programmes, workshops, visits and significant investigations carried out by the Commission, as well as any recommendations given to government institutions regarding the above. In addition to this, the report also sheds light on the complaints that were filed at the Commission, complaints that had been processed or are currently being processed, and some notable complaints. This report also contains details of the Commission's expenditure under international assistance as well as the Commission's budget.

The Human Rights Commission is a Commission that works to protect, sustain and promote human rights in the Maldives, based on Islamic Shariah, the Constitution of the republic of Maldives, and international and regional conventions and treaties that the Maldives is party to. In this regard, the Commission this year prioritized the timely deliverance of the rights of the people, by processing complaints filed at the Commission while maintaining social harmony. The Commission is pleased to note that the successful handling of complaints has led to widespread acceptance and recognition of the Commission's abilities.

As an institution working in the field of human rights, the Commission faces a number of successes and challenges. However, in 2008, the Commission has been very successful in dealing with issues, overcoming obstacles and carrying out activities beneficial to individuals and the community as a whole. Even though the government and political parties disagreed with the Commission's decisions and certain parties found it difficult to accept rights-based decisions in 2007, constructive discussion led to the establishment of a more cooperative relationship with the aforementioned bodies in 2008. Thus the Commission was able to effectively deal with their concerns. It is with satisfaction that the Commission notes that measures to create human rights awareness have been accepted widely by the public, and the country has benefitted favourably as a result.

2008 was a year of substantial political change. The important rights-based role played by the Commission, amidst this period of upheaval, in ensuring peace and harmony during the attempts to establish an effective democratic system, as well as during the multi-party elections must be noted. The Commission sincerely thanks all parties who co-operated and worked with the Commission, and call upon them to prolong this co-operation in a sustainable manner.

Human rights plays an important role in the development and of human beings and are essential for the sustenance of a democratic system. A society progresses as a result of an environment where equality and justice are maintained, with established principles, and law abiding citizens. Failure to protect Human rights will harm society. Disrespect for the law, and the loss of equality will lead to conflict and disorder being prevalent in the society. Inequality will develop among the people leading to inconceivable levels of poverty, hunger and criminality. As these are matters that concern the entire society, in their violation of both individual and communal rights, the Commission brings to the attention of the government the concerns and solutions to the findings of our research of the human rights situation in the country. The Commission will always seek to

protect, sustain and promote human rights in the Maldives in accordance with Islamic Shariah, the Maldivian Constitution and international and regional conventions and declarations that the Maldives is party to. The Commission hopes to get the cooperation of all Maldivians in their work.

As the Maldives has long been acclaimed as a harmonious, nation with peace-loving citizens, it is certain that all Maldivians desire extending the good reputation of our country to the international arena by further promotion and protection of human rights under the new democratic system of government. Our obligations must be to treat each other with respect, refrain from personal conflicts, and maintain peace, harmony, happiness and contentment within our nation. This will be made possible by working steadfastly to strengthen both societal relationships and Muslim brotherhood within our small nation. A culture of respecting the law needs to be propagated in this country. I call upon the Maldivian people to roll up our sleeves with strong will, and work hard to take active, implementable steps in order maintain the independence and sovereignty of the country and reduce inequality among us. May Allah grant us success in our endeavours.

Ahmed Saleem
President

2. The Human Rights Situation in the Maldives

Human rights are those essential rights granted for human beings by our creator. It consists of all things necessary for a human being to live a dignified existence. Human rights is a force that helps to bind a society and no society will progress towards development without human rights.

It is only in recent times that human rights has been officially recognized in the Maldives, as it is in other countries. In fact, until the Human Rights Commission of the Maldives was established on 10 December 2003, it was considered criminal to express a human rights related opinion, or carry out such an activity. As a result, until very recently, there were only a few people with a comprehensive understanding of human rights and the knowledge of how to rightfully exercise these rights. Very few people were aware of their responsibilities and obligations to the society they lived in. Attempts to exercise one's rights often meant violating other people's rights. Lack of respect for laws and regulations when exercising one's rights led to violations of other people's rights. This is something all individuals should be aware of.

Four or five years ago, the human rights situation was dire in the Maldives. Few people were aware of human rights. There was no certainty of justice for unlawful harm caused to individuals. One could not speak freely of one's individual rights. Freedom of expression was seen by many as a punishable crime. Such was the situation in the country when the Human Rights Commission of the Maldives was established to protect, promote and maintain human rights in the country under presidential decree. The establishment of the Commission was therefore a substantial and vital step for the human rights protection and promotion in the country.

The past year has been a historic year for the Maldives in terms of human rights, with substantial achievements in the struggle by the government and the people to establish a democratic system of government. One of the most significant of these achievements is the ratification, and the enforcement of the new Maldivian Constitution - one that is based on islamic tenets and drafted within a democratic process.

Human rights has been widely acknowledged in the new Constitution, and brought with it great changes in the governance of the country. The path has been paved for the

establishment of an effective democracy, and providing human rights in the most comprehensive manner.

The new Constitution has many provisions relating to human rights, including guarantee of rights, and those such as rights to equality, non-discrimination, non-slavery, and no forced labour, freedom of speech and media, the right to strike, the right to assembly, the right to protect reputation and name, special protection to children, young, elderly and disadvantaged people, the right to a fair and transparent trial, no unlawful arrest or detention, no degrading treatment or torture, compensation, prohibition of double jeopardy, the right to non-compliance with unlawful orders, the right to work and the right to pensions. However, the people will be provided with these rights only with the implementation of those laws that need to be created pursuant to the Constitution.

While the new Constitution is a rights-based one, its fruition depends on the sincerity of those responsible for interpreting it, and those involved in its implementation, and being conscientious in the interpretation of the law. The public will lose their faith in those chosen by them to implement the Constitution, should they fail to accomplish their stated responsibilities in the period required for them to do so. It will also lead the people to question the possibility of exercising their rights in the Constitution. Thus, while the previous Constitution also afforded many rights, those rights were not provided to the public as those responsible for its implementation lacked respect for human rights, and did not fulfil their obligations with sincerity.

A modern democratic society has been established in the Maldives as a result of valiant efforts of the government and individuals. Under the democratic system, it is the government's responsibility to provide the people with their entitled rights. The government has established Ministries and offices in order to administer these rights to the people. The role of this Commission is to bring to the government's attention their responsibility to provide people with their rights, and hold them accountable . The

Commission will always work, with the existing government, towards ensuring those who have their rights violated are granted these rights.

The rise in crime levels in the society has risen to levels that warrant concern in recent times. Violence in Male' and the atolls, burglary, mugging, and sexual abuse of children, means that human dignity is constantly threatened. The Government and concerned authorities must take all possible measures in order to rid the society of such inhumane activities.

The main reason for the rise in crime levels is the lack of judgment enforcement. These convicts, who then continue to live within the society, have often been tried for repeat offences such as drug abuse and dealing, theft, sexual abuse of children, murder and street crime as well as many other dangerous crimes. Allowing perpetrators of such crimes to live unpunished within the society permits the repetition of criminal activity and this may result in encouragement for otherwise innocent people to commit crimes, and create a culture of criminality in the country. Thus, the government needs to claim responsibility and take immediate steps to ensure that the law is enforced by regulating the deteriorating situation in jails and detention centres. If a detention facility large enough to accommodate all sentenced to imprisonment can not be built, then trying criminals in court and sentencing them becomes a fruitless pursuit.

The government needs to take fast and effective measures on social reintegration of offenders. It also needs to find a prompt solution to the issue of drug addicts, and establish an effective mechanism for treating them. The situation of offenders who are reintegrated into society are often further aggravated because of the lack of categorization of detainees in detention facilities and appropriate rehabilitative measures during their time of detention. Should such situations continue unabated, it is undoubtable that the state of society will deteriorate .

The media should exercise its role responsibly in a true democracy. Its role should be to report unbiased news on the government and political parties in a resolute manner, to impartially investigate news and provide constructive criticism, and attempting to reform matters. If the role of the media is not carried out responsibly, the society would be facing a multitude of major problems.

Mass media must be independent in a democratic society. Government-run radio and television stations belong to the state. All political parties must be offered equal opportunities to present their opinions and ideas through these avenues. They should be resources that focus on impartial provision of news, instead of a mouthpiece to publicise news of just the government, or a particular party.

With unprecedented levels of positive political change taking place in the Maldives, it has become an obligation for all of us to educate ourselves on the definition, and the fundamentals and procedures of democracy. It has become the responsibility of all Maldivians, and especially those involved in the political arena, to create awareness among the locals of these important aspects, and to shape the future of the country according to this new system of governance. While the government carries out the important role of governing the country for the benefit of its people, the country needs a strong opposition party to constructively criticise the government's work and its policies for the benefit of the country and to hold the government accountable for their actions. However, it should be regrettably noted that the opposition often acts irresponsibly, instead of resolutely working for the benefit and advantage of the people.

There has been isolated incidents of opposition parties or people in political office using the media to defame particular persons. Such actions, both from a human rights perspective as well as from a religious perspective in a hundred percent Muslim country like ours, should not be allowed to happen.

Political conflict and factionalism can be solved with discussion. However, disagreement and division relating to religion and belief that causes dissent among the public is extremely dangerous. Signs of such threats and dangers is now apparent in our society, and the damage caused are being experienced. The Commission has previously voiced its concern on this issue previously. The causes of such religious factionalism in our small society need to be identified and necessary steps need to be taken to combat this effectively. While the amount of people who harbour ideas, thoughts and opinions contrary to the holy tenets of islam are increasing, it is important the the concerned authorities effectively provide the people with true information about religion. They must also prevent religious disharmony in the society by taking legal measures against those who attempt to spread ideas contrary to islam in the name of religion, and provide them with true information on religion. The Islamic Ministry's role in such situations has improved notably , and there is a great importance for them to widen their scope in this area.

The Commission requires the assistance and cooperation of government authorities, political parties and civil society organizations working in the field of human rights in its work carried out to protect, sustain and promote human rights in the Maldives. It is the Commission's hope that it continues to receive full cooperation of such bodies during our work in the future as well. The Commission will always work alongside, and cooperate with both national and international parties engaged with the protection of human rights.

The Maldives has always been a place of peace and harmony. That is how our forefathers preserved the environment for us. Therefore, it is our obligation to retain this peacefulness, harmony and happiness for future generations in order to prolong the purity of this beloved nation. This will be achieved by us coming together to work in happiness and honesty. To sacrifice individual needs for those of society, for the

Maldivian nation, for the future of the country, and for the intention of bringing happiness, harmony and sacred Islamic tenets to the future generations.

3. Notable Endeavours Undertaken in 2009

3.1 Efforts to formulate a National Human Rights Action Plan

In 2007, the Commission had consultations with, and gave advice to the government regarding the formulation of a national human rights action plan. Through these discussions, it was decided that the former Ministry of Planning and National Development would take the lead in its formulation, and that other government institutions and other non-governmental organisations would collaborate in the process. The former President, Uz Maumoon Abdul Gayoom highlighted the importance of this action plan, and announced aims to proceed with the plan in his Presidential Statement in 2008. However, the Commission regrettably notes that the formulation of the plan has not been completed to date. As a culture of respect for human rights can be established in the Maldives by all parties working together under such a plan, the Commission calls upon the government to hasten the process of developing the plan.

3.2 Commenting on human rights related bills and regulations

3.2.1 Freedom of Information Bill

In March 2008, the Commission offered its comments to the Government on the Freedom of Information Bill. In this regard, the Commission recommended amendments based on the guidelines for the Right to Information developed by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, such as to interpret the right to information as broadly as possible, and for those requiring information to have access to it easily and in a timely manner.

3.2.2 Bill on Political Parties, and the Bill on the Right to Freedom of Expression, and the Elections Commission Bill

In June 2008, the Commission commented on the Bill on Political Parties, the Bill on the Right to Freedom of Expression and the Elections Commission Bill. In this regard in the comments for the Bill on Political Parties, the Commission recommended that the parties be administered according to democratic practices, and limiting as much as possible persons who are not allowed to join political parties. In the comments for the Bill on the Right to Freedom of Expression, the Commission recommended the interpretation of the right to freedom of expression be as broad as possible, and to state in one bill in clear phrasing the circumstances that allow limitation to this right.

Regarding the Elections Commission Bill, the Commission recommended that members to the Commission be removed with a two-thirds majority vote of the parliament, in order to maintain the independence of members.

3.2.3 General Elections Bill, Presidential Elections Bill, Bill on Freedom of Assembly

In July 2008, the Commission commented on the General Elections Bill, the Presidential Elections Bill and the Bill on Freedom of Assembly. On the Public Elections Bill, the Commission recommended that steps be taken to ensure that detainees and Maldivians living abroad be allowed to vote in order to fulfill the Constitutional right to vote for all Maldivians over 18 years of age for as many people as possible.

The Commission's comments on the Bill on Freedom of Assembly included the recommendation to reduce the amount of places where assembly was disallowed, and

encouraged allowing easy exercise of the right by not needing government permission in order to assemble.

3.2.4 The Employment Act

The Commission recommended the Government amend the Employment Act in order to include protection under the act for resort workers who were previously excluded in the Act.

3.2.5 Prosecutor General's Bill

In July 2008, the Commission commented on the Prosecutor General's Bill.

3.3 Reviewing international conventions and making recommendations to authorities

3.3.1 In September 2008, following review of the Convention on the Rights of Persons with Disabilities, the Commission made recommendations to the government on the measures that it can take, and urged for the quick ratification of the convention.

3.3.2 Following review of the Convention Against Corruption and the United Nations Global Compact, the Commission made recommendations to the Anti Corruption Commission regarding the steps that the Human Rights Commission felt they could take. The Commission also made recommendations to the Maldives National Chamber of Commerce and Industry regarding measures that could be taken by them under the UN Global Compact. This is a convention that encourages the elimination of corruption in society. In addition to this, the convention identifies the link between corruption and other crimes, commercial offenses and money laundering in particular, and paves the way to reduce the

amount of such crimes. The Human Rights Commission acknowledged the work being carried out to implement the convention, and urged for further improvements in a report that was compiled and sent to concerned authorities.

3.4 Amendment of regulations and administrative procedures

3.4.1 Stricter sentencing for sexual offenses

In a press release on 31 January 2008, the Commission called upon the Ministry of Justice to consider amending the existing regulation so that persons convicted of sexual offences were sentenced to imprisonment instead of banishment.

In addition to the press release, measures were also taken by the civil society calling for the introduction of stricter sentences for sexual offenses, and the imprisonment of perpetrators instead of banishment. As a result, on 11 February 2008, the Ministry of Justice changed regulations.

3.4.2 Allocating a time period for the release of the case report

As the time limit to appeal expires a certain period after the judgement is passed, and as appeals can only be made with the original case report by the lower court, the fact that there is no set period for the release of the case report can be seen a violation of the rights of those who require the report in order to appeal to higher courts. Therefore, the Commission held a series of meetings, beginning April 2008, with the Ministry of Justice, the lower courts and the High Court regarding amendment of the existing regulations in order to impose a time limit for issuing the case report from the time of sentence or after judgement has been passed.

However, both the High Court and the lower courts refused to accept the recommendations by the Commission to amend the regulations.

3.4.3 Membership of the International Coordinating Committee (ICC)

The Human Rights Commission of the Maldives became a 'B' category member of the International Coordinating Committee (ICC) of independent national human rights institutions in April 2008. The ICC is an international committee that represents independent NHRIs of sovereign nations which are based on UN Paris Principles. The ICC is divided into four regions, Africa, America, Asia-Pacific and Europe. Each region is represented by representatives of four member countries. The membership of the Maldives is in the region currently represented by Australia, India, New Zealand and the Republic of Korea. Only 'A' category members of the ICC have the right to include items in the agendas or distribute documents during the sessions of the UN Human Rights Council.

The ICC holds its annual meeting every year, in conjunction with the meetings of the UN Human Rights Council. The ICC also coincides meetings with the ICC biennial International Conference. The mandate of the ICC is to organize activities to be undertaken among the NHRIs, liaising with the UN and other international organizations, and assisting countries in the process of establishing NHRIs.

The Commission faces difficulties in fulfilling its responsibilities as a result of not being a full member of the ICC. It also faces similar difficulties in fully participating in ICC and APF activities, as a result of this as well. Thus, becoming a full-fledged member of the ICC would be an important step in enabling it to fulfill its mandate to its highest capacity.

3.5 Establishment of a monitoring mechanism for human rights conventions

In June 2008, the Human Rights Commission established the Progress Monitoring Mechanism of Human Rights Instruments to monitor Maldives' level of compliance with the international conventions that the country is party to. One of the main reasons for establishing this mechanism was to monitor the implementation of activities

undertaken to fulfill the states obligations under these instruments, to form an understanding of the challenges endured by the state in their implementation and to make recommendations to state authorities for ways of overcoming these challenges. Under this mechanism, the human rights instruments would be monitored biannually. Pursuant to this, a form requesting information was sent to all the concerned government Ministries that act as focal points for various conventions. However, the Commission did not receive sufficient support from the Ministries.

3.6 National Preventative Mechanism (NPM)

It is an obligation under Article 17 of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT) signed by the Maldives on 14 September 2005, for each state party to form a National Preventative Mechanism (NPM) to eliminate all forms of torture and other cruel, inhumane or degrading treatment or punishment in all areas that falls under the state. The purpose of the NPM is to establish a mechanism to regularly visit places of detention or incarceration and monitor them for signs of torture or other cruel inhuman or degrading treatment, to verify that detainees are not treated inhumanely, and to ensure that detainees are treated in a humane manner.

In 2007, it was agreed between the government and the Human Rights Commission of the Maldives that the National Preventative Mechanism in the country would be the Commission. The Commission agreed to this on the condition that the state include funds for the NPM in the Commission's budget.

Under this agreement, a budget of MRF 2.8 million was allocated for NPM operations by the government in April 2008. In May 2008, the Commission employed four staff needed for the NPM. An agreement was signed with the Association for the Prevention of Torture (APT) and Team Consultants (TC) in order to obtain the technical assistance required for the initiation of the work of the National Preventative Mechanism.

While MRF 728,392.00 (Seven Hundred and Twenty Eight Thousand Three Hundred and Ninety-Two) is required for the NPM for this year, and although the government has stated that it is unable to allocate a separate budget for the NPM for 2009 and that expenditure for the NPM must be settled within the budget already provided for the Human Rights Commission, it should be noted that there has been no money allocated for the NPM within the budget given to the Commission for 2009 by the state. As a result, the NPM has not been able to carry out its operations for the year.

The NPM will be forced to cease its work if the government, who are obligated to fund for the mechanism under Article 17 of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, do not administer the funds needed for the mechanism to function.

3.7 Reporting on the two optional protocols of the CRC

The Maldivian government submitted reports to the Committee on the Rights of the Child on the 'Optional Protocol to the Convention on the Rights of the Child on The Involvement of Children in Armed Conflict' and 'Optional Protocol to the Convention on the rights of the Child on the Sale of Children, Child Prostitution and Child Pornography'. The Human Rights Commission submitted shadow reports to these protocols on 22 September 2008. The main areas highlighted in the Commission's reports included the Maldivian situation relating to the optional protocols, and major developments regarding the protocols that took place since the government report was submitted. In addition to this, additional observations of the Commission were also highlighted. The report was written by the Commission following consultative meetings with government authorities and civil society organisations in order to ascertain information regarding the work that had been carried out in order to implement the said protocols.

The Vice President of the Commission, Mr Mohamed Zahid participated in the 50th Session of the Committee on the Rights of the Child in Geneva in January 2009, where the reports were reviewed.

3.8 Procurement an office building for the Commission

The first offices of the Human Rights Commission, since its conception in December 2003, were on the fifth floor of H. Beach Tower. This was a space of less than 1500 square feet. As a result of space constraints, the Commission's offices were moved to ADK Tower in 2004, which too, heralded similar constraints relating to space. In November 2006, when the Commission commenced its operations as a statutory body, it faced difficulties in hiring required staff as a result of these constraints.

As the Commission plays a vital role in the democratisation of the country, and needs to work independently in order to achieve the objectives of protecting and promoting human rights as specified in the Human Rights Commission Act, a separate building was deemed necessary for the Commission to function and attempts were initialised to obtain 5000 square feet of land to build offices for the Commission. Thus, on 27 August 2007, the Commission wrote to the President requesting the 5000 sqft of land for the Commission's offices. The Commission received a reply on 31 December 2007, stating that the government will provide a response after consultation with concerned government authorities regarding the provision of the land for the Commission.

After this, discussions were carried out between the Commission and the President at the request of the Commission. At the meeting, the President revealed intentions of building a 12 storey office building at H. Orchid Lodge to serve as offices for the Human Rights Commission and other independent commissions.

Following the meeting with the President, on 4 August 2008, in a letter to the Commission, the President's Office informed the Commission of the government's decision to build an office building on the land where H. Orchid Lodge was located, that this office building was intended to house the Commission as well as certain government offices and authorities, and that the construction of the building had been handed over to the then-Ministry of Construction and Public Infrastructure, and that the

issue of housing the Commission's Offices in the building should be proposed to the Ministry.

The Commission then requested from the Ministry of Construction and Public Infrastructure, via a letter referring the the President's Office letter no 1-CBD(P)/168/2008/7, for a space of no less than 10,000 sqft for the Commission in the intended office building on 11 August 2008.

In a meeting on 13 January 2009, the Commission informed the new Vice President Mr Mohamed Waheed Hassan Maniku, of the previous government's pledge of construct a building to house independent institutions. The Commission was then informed that the current government will be attempting to do so as well.

The Commission hopes for all independent Commissions to work under one roof in order to provide service to the public in the most efficient manner.

3.9 Activities carried out in relation to the Presidential Elections of 2008

During the Presidential elections of 2008, the Commission met and held discussions with Maldivian political parties. The purpose of these meetings were to encourage parties to comply with election rules and regulations, eliminate apprehension that had developed within the society, refrain from personal attacks and comply with democratic procedures when campaigning. In addition to this the Commission also requested all parties do all they can to protect and preserve individual rights to vote while campaigning for their Presidential Candidate.

The Commission also encouraged parties to refrain from actions that may hinder the peace and harmony in the country, regardless of which party won the election. While these meetings were met with wide support from most of the political parties, the Commission notes that one of the largest parties, the Dhivehi Rayyithunge Party (DRP) as well as the People's Alliance did not co-operate with the Commission during these

meetings.

In addition to political parties, the Commission also held meetings with Non Governmental Organisations working for the protection of human rights, in order to obtain information regarding voter-rights awareness activities being carried out by these organisations, and to share information.

3.10 Commemorating the World Day for the Prevention of Child Abuse in the Maldives

The Commission, in collaboration with the Maldives Police Service, the Ministry of Health and Family, Rights for All, Ensure Maldives, Child Abuse Watch, Ministry of Education, CARE Society, and the Society for Health Education conducted programmes spanning a week to commemorate the World Day for the Prevention of Child Abuse. The Commission also registered as a coalition member with the Women's World Summit Foundation (WWSF) in order to carry out activities to commemorate the day.

During the official launching of the Week, the President of the Commission, Ahmed Saleem stated that the purpose of marking the day was for the government and NGO's to work together to protect children from abuse. Saleem also stated that the issue is one that is becoming increasingly prevalent in the Maldives, and around the world and noted that had been 7 million complaints of child abuse lodged worldwide during the year, and 60% of these complaints had not been acted on at all. Saleem also pointed out that child abuse did not consist only of physical or sexual abuse, but that neglect and emotional abuse were also major violations to children's rights.

According to Nazima Abdul Gadhira, representing the Ministry of Health and Family, who spoke on child abuse in the Maldives stated that 316 of such cases had been submitted to the Ministry in the last year. She also stated that the aim of the work carried out against child abuse was not only to reduce the amount of abuse, but to rid the community of it completely. She also explained that parents and guardians needed to

be concerned about the improper use of the internet, which could be a dangerous instrument, and noted that sexual images and videos of children were being made available through the internet, and information harmful to children were being spread over social networking groups.

Mohamed Shihab, speaking on behalf of child-rights NGO Child Abuse Watch Maldives, noted the importance of shaping one's ideas towards preventing harm to children while disciplining them. He also stated that working for the protection of the rights of children was not to be limited for a single day, but that it was the responsibility of all individuals on at all times. The purpose of all activities taking place in order to commemorate this day was to ensure that all children who have been subject to any kind of abuse or injury get the justice they need, and to ensure that all concerned authorities work towards preventing the issue.

Special TV and radio spots, with messages concerning the issue were broadcast during the week. In addition to this, televised panel discussions were carried out in order to create awareness amongst the public on the prevention of child abuse. Leaflets, posters and stickers were distributed to the public, and displayed in an activity spearheaded by Rights for All and Ensure and facilitated by the Human Rights Commission. Billboards displaying slogans related to the issue were also displayed in various areas.

The most noteworthy activity to commemorate the day was the symbolic hand-holding throughout the nation at 4:30 pm. A lot of Maldivian citizens participated in this event. Televised by TV Maldives and broadcast by Radio Maldives, people held hands and chorused the day's slogan 'Prevention of child abuse- My Responsibility' at 4:30 pm. This event, where such a wide participation of Maldivian citizens partook simultaneously for the cause of children's rights, was the first of its kind in the Maldives, and was coordinated by the Maldives Police Service. After the hand-holding, a special public function was also held at the artificial beach where government ministers, representatives from concerned authorities and civil society came together to speak on

the importance of preventing child abuse and pledged to remain committed to the cause and to work together to eliminate child abuse from Maldives. In addition to this, parent and a girl child also expressed their hopes and opinions at the event.

In addition to the President of the Human Rights Commission, Ahmed Saleem, speakers at the event included the Minister of Health and Family Dr Aminath Jameel, Minister of Home Affairs Gasim Ibrahim, Vice President of the Parliament Aneesa Ahmed, Attorney General Uza Fathimath Dhiyana Saeed, Minister of Education Dr. Musthafa Luthfy, Commissioner of Police Ahmed Faseeh, Prosecutor General Uz Ahmed Muizzu, and former Member of the Human Rights Commission Mr Mohamed Waheeduddeen, who also plays an active role in the civil society.

3.11 Commemorating the Human Rights Day

10 December 2008, the International Human Rights Day, the 60th Anniversary of the Universal Declaration of Human Rights, and the fifth anniversary of the Commission was celebrated in Addu Atoll Hithadhoo. President of the Maldives, Mr Mohamed Nasheed was the guest of honour at the special commemorative function held that morning, his very first such appearance since taking office as President. Speaking at the function, the president stated that he would not consider criticism of the government as acts of opposition, but would welcomed such criticisms. The President stated this after The president of HRCM Mr. Ahmed Saleem stated that HRCM will always work with the government but will criticize if and when it feels essential and necessary. Along with Commission members and staff, the Ambassador for Human Rights Mohamed Latheef, State Minister for Home affairs (Southern Region) Mohamed Naseer, and other state dignitaries also attended the function.

A special video presentation outlining the work carried out by the Human Rights Commission during the year was shown during the fuction. In addition to this, the second issue of 'Haqqu', the Commission newsletter was also launched by the Maldives Ambassador for Human Rights, Mr. Mohamed Latheef. At the fuction, President Ahmed

Saleem also announced a special prize for media personnel involved with human rights, to encourage and inspire the promotion of human rights in the Maldives and aimed at those working towards increasing human rights awareness in the Maldives.

In addition to the special function held to celebrate the Human rights day, the Commission also organised a children's festival held in collaboration with the Ministry of Health and Family's Children's Services Centre, Maldives Police Services, and MNDF, Addul Atoll Office and island offices and civil society organisations. A music show by two local bands was also held to celebrate the Human Rights Day aimed at raising awareness on human rights and the UDHR

4. Research Conducted

4.1 Rapid Assessment on the Housing Situation in the Maldives

A study to assess the housing situation in the Maldives in the name 'Rapid Assessment of the Housing Situation in the Maldives', was carried out by the Human Rights Commission and a report based on the survey was published on 20 November 2008. The main purpose of the assessment was to understand the level of housing difficulties encountered by Maldivians, to identify the steps that can be taken to overcome these difficulties, and to issue recommendations to the government regarding these issues. In the function held to launch the report, the President of the Commission Ahmed Saleem stated the importance of every person having adequate housing, as it is one of the most essential rights necessary for a dignified life. He also stated that the assessment was the most important contribution on housing that the Commission has accomplished to date.

Copies of the report were disseminated to government authorities as well as all inhabited islands. The report contained the following 18 recommendations regarding issues that require immediate action by the government, as well as issues that must be dealt with in the near future:

1. Reviewing land allocation policy
2. Expanding social housing schemes in Malé and other urban areas to relieve the pressure on vulnerable families and individuals;
3. Introduce a mechanism to monitor and regulate the rents of social housing schemes
4. Creating an enabling environment for Private Companies to develop social housing scheme
5. Reconsidering Hulhumale development policies
6. Expanding and improving the social safety net
7. Strengthening the implementation of growth poles around Consolidation/Safe Islands to reduce the population density of Male and to create incentives for healthy economic development of other atolls
8. Strengthening the implementation of the general policy of de-centralising official housing competencies
9. Implementing general standards for housing, including housing provided for migrant workers.
10. Exploring possible Government policy options in relation to rental market
11. Take immediate steps to protect and expand sanitation facilities and clean water supplies for everyone, in particular Atoll dwellers;
12. Establish a monitoring mechanism for the right to adequate housing
13. Develop capacity of relevant institutions
14. Improve access to, and availability of housing finance to all citizens despite their geographical location;
15. Incorporate information on the right to adequate housing into human rights awareness programs.
16. Ensure the finalized construction standards and housing codes incorporates the concept of right to adequate housing;

17. Review relevant tenancy legislation, and ensure that a system for receiving complaints and organizing adjudication of conflicts between landlords and tenants is established
18. . Convene a National Housing Rights Dialogue with key stakeholders to provide a forum for a nationwide discussion on housing concerns. Establishing a Committee on the Right to Adequate Housing representing the public and private sector, to formally and comprehensively examine the state of housing rights in the Maldives through the preparation of a White Paper on Progress towards Respecting and Protecting Housing Rights, emphasizing the importance of an Action Plan for the implementation of the National Housing Policy

As the government assured via the media that they would be taking steps to implement the recommendations shortly following its release, it is the Commission's hope that concrete measures be taken as soon as possible.

4.2 Rapid Assessment of the Employment Situation in the Maldives

In November 2008, the Commission began work on conducting a study to assess the employment situation of the country, titled 'Rapid Assessment of the Employment Situation in the Maldives'.

The purpose of this assessment is to make recommendations to the government to ensure that it has better defined employment policies that will help both the public and private sectors to protect employment rights progressively and adjust institutions and policies to allow them to fully accommodate both new legislative and international standards.

The Commission has held meetings with relevant government ministries and numerous additional organisations, travelled to many parts of the country and reviewed relevant documents, and are now in the process of compiling a report with the findings.

The report is intended to be released in early 2009. The Commission will be paying close attention to discussing the recommendations made in the report with concerned authorities, and ensuring that these authorities act these recommendations.

4.3 Survey carried out to assess the causes for increase in incidents of crime in society

The Human Rights Commission conducted a survey in order to understand reasons for the increase in crimes, and identify measures required to strengthen the criminal justice system as a result of receiving a large number complaints regarding the recent increase in criminal activity, causing apprehension within the society and leading to the violation of several human rights. . A series of stakeholder meetings were held with relevant authorities to share information. Authorities that were met with include the Ministry of Home Affairs, The Attorney General's Office, Prosecutor General's Office, The High Court of the Maldives, Maldives Police Service, Criminal Court, Department of Penitentiary and Rehabilitation Services, Drug Rehabilitation Centre and several NGOs.

In addition to these discussion meetings, work was also carried out to understand the public perception on the issue among residents living in Male'. The purpose of this survey was to publish a report to be submitted to relevant government authorities after identifying reasons for the increasing number of inhuman act and crimes that cause societal apprehension. The report included recommendations for the government on necessary measures that the Commission feels must be taken by the government to combat the issue. The survey has now been completed and work is in progress on the compilation of the report.

4.4 Baseline Assessment of Activities Relating to the Rights of Disadvantaged Groups

In January 2009, the Commission began conducting a study on women, children, the elderly and people with special needs, titled 'Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups'. The assessment will be carried out by Dr Simad Saeed of CDE Pvt Ltd under the guidance and advice of the Policy, Planning and Monitoring Department of the Commission. This assessment will ascertain the measures taken, and services provided by the government and stakeholder organisations to implement the rules and regulations concerning such persons, and related conventions that the Maldives is party to; determine the effectiveness of these measures and services, and identify what steps can be taken to further enhance them. Based on the findings of this survey, further programs have been planned for the future to identify measures that can be taken to strengthen these services, to make recommendations to the government and stakeholder organisations regarding these improvements, and to increase awareness regarding these issues. A report is also planned to be published with the findings of the survey.

5. Important meetings held

5.1 Meeting with the representatives of the Tourism Employees Association of Maldives (TEAM)

As employees in tourist resorts are exempt from the essential rights granted to employees as per (a), Section 4 of Article 34 in the Employment Act, a petition raising this complaint was presented to the Commission, signed by a large number of resort workers, on 1 July 2008.

The petition was presented to the Commission at a meeting held at the Human Rights Commission, by 7 representatives who were appointed by resort workers. The meeting was held at the request of these representatives. At the meeting, these representatives informed the Commission of the difficulties faced by resort workers in their work

environment. Several issues such as obstacles to praying and fasting, issues with vacation leave, insufficient wages, issues regarding staying and meals at resorts, difficulties regarding working hours, not receiving service charges regularly, issues of discrimination between foreign and local staff, and lack of job security were pointed out and a complaint was issued to the Commission by the workers.

Regarding the issue the president of the HRCM Mr. Ahmed Saleem said that it was a saddening fact that that Maldivian labour force working in the tourism industry has been excluded from the Constitutional power to attain their basic rights at work given that the tourism industry is a major source the Maldivian economy survives on. He also stated that the rights in the conventions of the International Labour Organisation, that the Maldives intended to join, as well the rights in other international commercial, social and cultural rights joined by the Maldives, are rights applicable to resort workers as they are for all other employees.

Mr Ahmed Saleem stated that while the government submitted to the parliament an Employment Bill which took into consideration all rights granted to employees as per the international human rights conventions that the Maldives is party to, the fact that this Bill was passed by the Majlis, contrary to the government submitsson, exempting tourist resort employees from these rights was a concern for the Commission. In addition to this, Mr Saleem said that the Employment Act must protect the rights of all employees without exceptions, and that the Commission will attempt to hasten the government's issuance of amendments to the Act so that it protects the rights of all resort workers, as soon as possible.

Granting rights to resort workers is the responsibility of the Ministry of Tourism, and the Commission has noted that the Ministry needs to further strengthen their observance of the employee situation, identifying areas for improvement and ensuring these improvements are met. The meeting ended with the Commission assuring the resort

employee representatives that the Commission will do all that it can to ensure that the rights of resort workers are granted to them.

5.2 Commission calls for the establishment of an employment tribunal

Thirteen employees were fired and ordered to leave Reethi Rah Resort while they, along with a considerable number of other local employees, were exercising their right to strike as sanctioned by article 31 of the Constitution. The thirteen refused to comply with the management's order. Hence, on 29 November 2008, at the request of the management, a police unit arrived on the island in the early hours of the day, and the Commission received complaints regarding injuries sustained by some employees during a confrontation that took place between the police and striking resort staff. A team was dispatched by the Commission on 30 November 2009 to investigate these complaints.

During its investigation, the Commission's team met with the lawyer appointed by the resort, the official in charge of the police force at the time, and some of the employees who participated in the strike. The Commission learned that the police had gone into the crowd of peaceful strikers in riot gear, and, in their attempt to remove the thirteen people from the island, had got into a confrontation with the strikers and had used pepper spray and batons on them. The Commission noted that the actions of the police, in their dealing with the peaceful strikers, had exacerbated the situation and had been the main cause for the injuries sustained by many that day.

The Commission was concerned that the management of Reethi Rah resort had opted to dismiss members of their staff while they were exercising their Constitutional right, instead of attempting to resolve the situation peacefully through dialogue. The Commission observed with regret that the Labour Relations Authority, the government agency charged to provide administrative support necessary for the enforcement of the employment act and its subordinate regulations, was not performing adequately.

Further, the Commission noted that the lack of an employment tribunal prevented workers from exercising their rights.

The Commission called on all concerned authorities to find a swift resolution to the employees' strike at Reethi Rah Resort; for if the issue was not addressed promptly and in accordance with the spirit of the Employment Act, there was a chance that it could have an adverse effect on the tourism industry. The Commission also called on the authorities to strengthen and improve the efficacy of the Labour Relations Authority and to establish an employment tribunal as soon as possible.

However, the Commission notes that the employment tribunal has not commenced work to this day.

5.3 Meeting held with the chairperson of the Parliament's Public Affairs Committee.

A meeting was held on 1 December 2008 to discuss issues regarding the Finance Ministry's evaluated budget for the Commission and other concerns that needed to be brought to the attention of Hassan Afeef, the chairperson of the parliament's Public Affairs Committee. The President of the Human Rights Commission, Ahmed Saleem, members, Ahmed Abdul Kareem, and Majida Majdy and director Aqisa Moosa participated in the meeting.

In the meeting, HRCM President Ahmed Saleem informed the chairperson that the Commission should have the authority to spend its budget in accordance with audit regulations. He mentioned this due to the fact that the Human Rights Commission was receiving various notices from the Ministry of finance, similar to other government agencies. The chairperson said there was a 'misunderstanding' on behalf of the finance Ministry as to the legal authority of the human rights Commission. He agreed that the

Commission had complete and legitimate control over the budget assigned to it by the parliament so as to preserve its independence.

Saleem noted the absence of a procedure for providing Commission members with a pension and said that there was no certainty as to what will happen once their tenures were complete and that he was unaware of any decision that had been made regarding the matter. All the participants of the Human Rights Commission highlighted the lack of a Commission member's standing in the hierarchy in the government employee framework. They further noted that the aforementioned item should be included in their salaries and allowances.

Commission members also noted the fact that their reports were not debated in parliament. They informed that the previous speaker of parliament had dismissed the issue stating that 'majlis regulations prevented the Commission's reports from being debated on the floor of the parliament'. They said the reports were submitted with the aim of getting parliament's backing in fulfilling the Commission's mandate and to inform members of the parliament of the Commission's work. In light of those issues, Afeef said he would go through the Commission's reports and find out the procedures for submitting such reports to the floor for debate.

5.4 Meeting with high level authorities to discuss crime prevention and strengthening the rule of law

A meeting was held on 23 December 2008 regarding the public apprehension caused by the increasing levels of crime in the community. It was attended by the Ambassador for human rights, the Commissioner of police, and representatives of the President's Office, Ministry of Home Affairs, Maldives Police Service, Attorney General's Office, Prosecutor General's Office, Department of Penitentiary and Rehabilitation Services, the Criminal Court and the National Narcotics Bureau.

The President of the Human Rights Commission, Ahmed Saleem expressed the Commission's concern over the prevalence of such inhumane acts as stabbing and attacks with sharp objects. He also said that the aim of such discussions was to find the reasons behind such violations of human rights and to prevent them. The discussion revealed that a key factor behind increases in crime was the lack of judgment enforcement. Further, the lack of several legislations that would enable concerned authorities to respond to such offenses was pointed out. These include the penal code, the evidence act, and parole and jail laws. The importance of having a jail that meets international standards was also mentioned. All participants agreed further that disrespect for the law and human rights violations in the community stemmed from drug related issues.

5.5 Meeting held with leader of Sri Lanka's opposition party

The head of the Sri Lankan opposition party, Mr. Ranil Vikramasinghe met with the President of the Human Rights Commission, Ahmed Saleem during a courtesy visit to the Commission on 26 January 2009. Saleem informed Vikramasinghe of the Commission's mandate and stated the Commission was mainly focused on creating an awareness of human rights in the country. Mr. Vikramasinghe noted that the work of the Sri Lankan Human Rights Commission was not proceeding in the most desirable manner. He proposed the creation of a regional body to protect and promote human rights, comprising members of either SAARC or SAARC and ASEAN nations. Saleem mentioned that the previous president of the Maldives, Maumoon Abdul Gayyoom had put forward a similar notion of creating a regional human rights body at the 2004 SAARC summit.

5.6 Meeting held with Vice President of the Maldives, Dr. Mohamed Waheed Hassan Manik

Representatives of the Commission met with the vice president of the Maldives, Dr. Mohamed Waheed Hassan Manik on 13 January 2009. The Commission's delegation comprised of five members and the secretary general. The meeting was arranged at the request of the Commission in order to propose to the government, measures that can be taken to improve detention facilities. It also provided a platform to air the Commission's concerns over the deteriorating conditions of detention facilities and increase in complaints from the jail on Maafushi and the various human rights violations and widespread public anxiety that resulted from the unlawful transfer of numerous detainees to house arrest on the pretext of parole.

Speaking at the meeting, President of the Commission Ahmed Saleem highlighted the difficulties faced by the Commission in carrying out its financial transactions. He also brought Dr. Waheed up to date on the progress on the construction of an office building for all independent Commissions, an endeavour initiated by the Human Rights Commission and given the go-ahead by the previous government.

The Vice President of the Maldives expressed his wish to work with the Commission and assured that the government will do all that was required to implement the recommendations of the Commission. He stated the greatest challenge was overcrowded detention facilities, and that the government was working to alleviate the situation by shifting approximately 200 detainees to a facility in Gaamaadhoo and transferring some detainees to the rehabilitation centre.

Vice President of the Commission Mohamed Zahid pointed out that the Prosecutor General had concerns over relocating detainees to the rehabilitation centre, and requested a meeting be held between concerned authorities to discuss legal issues involved in such an action. He also advised Dr. Waheed to adhere to humanitarian

standards in the implementation of government policies and developmental projects. He further requested that the national human rights action plan be something that is easily enforced.

5.6 Meeting held with the President, Mr Mohamed Nasheed

Representatives of the Commission met with the President of the Republic of Maldives, His Excellency Mohamed Nasheed on 9 February 2009. President of the Commission Ahmed Saleem, Vice President Mohamed Zahid, members Maryam Azra, Majida Majdy, Secretary General Ahmed Naseer and Director Ali Nashaath Hameed participated in the meeting. President Nasheed was accompanied by Vice President Dr. Mohamed Waheed Hassan Manik and Minister of Defense Ameen Faisal, also the acting minister for Home Affairs.

The purpose of the meeting was to discuss the deteriorating conditions of the jail in Maafushi. Commission President Ahmed Saleem informed President Nasheed that several meetings had been held between various authorities regarding the matter. He also informed President Nasheed that the main reasons behind the recent unrest in the jail were the government's pledges to the detainees and discrimination in treatment of detainees. This included, among others, the unlawful transfer of 119 detainees to house arrest on the pretext of parole.

President Nasheed stated that the issue of detention facilities was of great concern to the government as well, and that it would take time to resolve the issue due to the congested nature of those facilities. Despite that, the President said he would do everything possible to finish the construction of the Maafushi jail as swiftly as possible. He said the new facility would alleviate the problem of congestion to an extent and that some detainees were already being transferred to the rehabilitation centre on Feydhoo Finolhu.

Acting minister for Home Affairs, Ameen Faisal stressed the importance of confiscating prohibited items from detainees and said greater responsibility needed to be exercised by the management of the jail.

Vice President of the Commission Mohamed Zahid noted that the management of detention facilities had been disastrous and asserted that the facilities were being visited without authorization by the Ministry of Home Affairs. He said impartial enforcement of prison regulations was needed to resolve the situation.

6. Appeals to relevant authorities highlighting concerns of the Commission

6.1 Commission's Appeal regarding the teachers' strike

The teacher's strike, set to begin 1 July 2008, was a protest against the inadequate salaries of teachers and against the new teachers' framework implemented by the government, which slows revisions of their salaries. On 30 June 2008, the Commission appealed to the teachers to reconsider their decision to go on strike as the government had assured it would take measures to address the situation, and to take into account the welfare of students when pursuing their own rights.

The Commission urged the teachers to give the authorities an adequate period to resolve the issue and to give due consideration to the rights of students. It also urged teachers to resort to striking only when all other options are exhausted and to be examples for others.

Following the decision by the teachers, the Commission also called on the civil service Commission and other concerned authorities to attend to all discrepancies in salary distribution.

6.2 Appeal to all parties to respect rights of one another

The Commission endeavored to provide the right to vote without fear or coercion to all eligible voters in the multi-party presidential election of 2008. The Commission strived to ensure that this right was provided and protected in the laws and regulations governing the election. In this regard the Commission held discussions with concerned administrative authorities, political parties and NGOs.

To ensure a free and fair presidential election, the Commission believed that political parties and NGOs had to take the initiative and monitor the election process. Therefore, the Commission appealed to all authorities and the public to support all parties who were monitoring the election. The Commission also urged those involved in monitoring the elections to adhere to the laws and regulations governing the election.

The Commission appealed the authorities to establish an independent elections Commission as required by the Constitution to hold elections, and to draft all necessary laws and regulations and to carry out all necessary actions required in order to hold the election.

6.3 The Commission's concerns regarding electoral laws

The presidential election of 2008 was the first of its kind to extend voting rights to detainees and Maldivians living abroad. However, the Commission expressed concern over article 5 (a) of the Elections Act, which excludes persons who are serving sentences

provided they have been found guilty of committing a criminal offence and sentenced to imprisonment for more than five years.

Further, the Commission was concerned over the small duration given to register to vote in an island that was not one's native island, and that it might deprive many of the right to vote. The Commission appealed to employers to facilitate voting for persons who were employed on islands other than their native one.

The Commission is pleased to note that all of its concerns over the presidential election were resolved and that all parties complied with its appeals.

6.4 Commission writes to the President regarding the unlawful transfer of 119 detainees to house arrest on the pretext of parole

The Commission wrote a special letter to President Nasheed on 30 December 2008 over the transfer of 119 detainees to house arrest by the Ministry of Home Affairs from 5 December 2008 onwards for them to be interviewed by the parole board.

Below is a translation of the aforementioned letter:

Bismillah.

Human Rights Commission of the Maldives

Male'

Maldives

No. 168-IZ/1/2008/22

President of the Republic of Maldives

The President's Office

Male'

Maldives

Dear Excellency,

Following the transfer of 199 detainees to house arrest for review by the parole board by the Ministry of Home Affairs on the 5 December 2008, the Commission has received complaints of sightings of these persons in Male' and in the atolls. Believing there is a public perception that this could lead to a surge in crime within the community, the Commission has held discussions with the Ministry of Home Affairs, Maldives Police Service, Department of Penitentiary and Rehabilitation Services and members of the Parole Board. In addition to this, representatives of the Commission visited the jail in Maafushi and obtained information regarding the transfer from prison officers and detainees. In consideration of these discussions, the Commission would like to bring the following points to your Excellency's attention:

While 119 inmates were transferred to house arrest from the Maafushi facility:

- Article 115 (s) of the Constitution states that the president may grant pardons or reductions of sentence to persons convicted of a criminal offense *as provided by law*;
- Article 1 of the parole regulation empowers the president to grant parole under a power vested in him by article 40 of the *old* Constitution;
-
- Stating that the prevention of transfer of detainees to house arrest was merely an objective of the prison regulations, while Article 3.4 of the prison regulations (which is empowered by article 27 of the annex of the Act on common regulations (No 6/2008)) prevents all authorities from transferring detainees to house arrest in order to provide them a safe and secure environment for their re-integration with society;

- Regarding the matter the attorney general's office, on 21 December 2008, advised that detainees cannot be transferred to house arrest under the prison regulation and that the parole regulation could only be enforced once it has been amended. Therefore it is the belief of the Commission that the transfer of the 119 detainees by the Ministry of Home Affairs was unlawful.

While the Commission believes in the re-integration of offenders, curbing the rate of crime and fostering a peaceful environment within society, it also believes that detainees can only be given freedoms within the ambit of the law. In this regard, the Commission appeals to your Excellency to isolate from society all detainees who were transferred to house arrest for parole board interviews, under the authority of the Ministry of Home Affairs.

The Commission believes that acting contrary to laws and regulations will violate the rights of individuals. In its investigation the Commission has found that the State Minister for Home Affairs, Ahmed Shafeeq had contravened some prison regulations during his visit to the jail in Maafushi to quell the uprising and the Commission would like to detail the contraventions for your attention:

- Promising to give freedoms to detainees within a few weeks in order to quell the uprising, while detainees can only be given such freedoms as provided by law;
- While article 6.6.2. of chapter 4 (regulation concerning security) of the prison regulation (empowered by article 27 of the annex of the Act on common regulations (No 6/2008)) prohibits devices that are, or can be used for communications are in the area where detainees are serving their sentences, the Minister of State for Home Affairs not only communicated with detainees via mobile phone but also ordered DPRS

personnel who supervised the jail not to confiscate the phones from detainees; and

- Ordering 4 detainees to be transferred to house arrest.

Article 2 (1) of Chapter 4 (Penitentiary Regulation) of the prison regulation states that jails shall be supervised by the Department of Penitentiary and Rehabilitation Service. Article 4.1 of Chapter 4 (Regulation concerning security) states that the DPRS shall be charged to enforce prison regulations. In consideration of the aforementioned articles, committing any act in the jail, without prior consultation with the DPRS officers in charge prevents the prison officers from discharging their duties. Such actions may demean the stature of prison officers in the eyes of the detainees and lead to dangerous situations where prison officers lose authority over detainees. Further, the Commission feels that the situation in the jails may be worsened ultimately, when detainees are told that things will be done for them within a short period, which cannot be done within the ambit of the law.

Therefore the Commission believes it is imperative that detainees are made aware that there are legal requirements to fulfill in order to ease their situation at this point.

Please consider this Commission's views fully in your efforts to find a responsible solution to the Maafushi jail situation, in reducing crime and fostering a peaceful environment and enforcing rule of law.

Yours Faithfully

(Signature)

Ahmed Saleem

President of HRCM

Note: The Commission notes with regret that it has not received a reply from the president's office regarding the above correspondence at the time of publication of this report.

7. Some News Conferences Held by the Commission in 2008

7.1 Commission President states that the newly ratified Constitution is a “rights based Constitution”

The Commission held a news conference on 11 August 2008, in which President of the Commission Ahmed Saleem described the Constitution, ratified on 7 August that year, as being a rights based Constitution. He went on to state that the Constitution provides Maldivians a comprehensive set of rights, in their work to establish a robust democracy. The rights afforded by the Constitution would only be beneficial if they were exercised responsibly, Saleem said. Facilitating the responsible exercise of those rights should be a priority for the Human Rights Commission, concerned authorities and the media, he said.

The press conference highlighted the Commission stating its decision to conduct an awareness program related to the fundamental rights and freedoms chapter of the Constitution, its decision to conduct an awareness campaign on voting, providing information about the Commission's role in ensuring the right to vote for everyone in the Presidential elections of 2008, and informing the media of the various workshops the Commission holds for its staff and other parties. The conference also saw the launch of the first edition of the Commission's newsletter “Haqq” meaning “right” in Arabic.

In the conference, Vice President of the Commission Mohamed Zahid said the Commission had completed an assessment of the housing situation in the Maldives, and said a report would be published within a fortnight.

7.2 Commission President states that it is the new government's responsibility to bring the people together

In the news conference held by the Commission on 2 November 2008, President of the Commission Ahmed Saleem stated that it was the new government's responsibility to bring together the people of the country. Speaking about the presidential election of 2008, Saleem said the Commission was grateful to all individuals and institutions involved in making the election a peaceful event, making special note of the elections Commission, the defense and police forces, NGOs, political parties, their supporters and the Maldivian citizens. He however noted the acrimonious nature of the second round of the campaign, saying that such negative campaigns could spread discord within society. He said it was important to decide and introduce sound campaign ethics for the future.

Vice President of the Commission Mohamed Zahid said that the recent presidential election showed many examples of excellent democratic conduct. He said it was very important to have a strong opposition party to establish a modern democracy in the country.

Some of the points highlighted by the Commission in the conference include its proposal to decide on a Ministry to co-ordinate human rights issues in the country, at a time when the new government was creating ministries. Further, the Commission emphasized the importance of cabinet ministers being respectful of human rights. Commission President Ahmed Saleem spoke on the importance of having a sound mechanism for the transfer of persons in political positions, and in the appointment and

dismissal of persons from their jobs. Noting the shortage of females in the newly constituted independent Commissions and in the cabinet, Saleem said it was essential that there be representatives of women in those institutions in the future.

8. Awareness Programmes

8.1 Workshops

8 workshops were conducted in 2008 to increase awareness on human rights. The workshops were aimed at senior government officials. Participants in these workshops include atoll chiefs, atoll chief's deputies and assistants, island chiefs, heads of women's committees, magistrates, heads of schools and hospitals, heads of police in atolls, and senior officials of the MNDF. The main aims of these workshops are:

- Explaining human rights to the participants
- Explaining how the human rights are provided in the Maldivian Constitution
- Providing information regarding the Human Rights Commission
- Sharing knowledge among participants, of the connection between Islam and human rights
- Informing participants of the universal declaration of human rights and the various conventions that the Maldives is party to
- Identifying things to be done to promote human rights

1. An awareness workshop was held in Haa Alif Dhidhdhoo from 17 to 18 February 2008. 12 participants from the atoll took part in the workshop.

2. A workshop was held in Haa. Dhaal Kulhudhuffushi from 19 to 20 February 2008. 32 persons from the atoll participated in the workshop.

3. An awareness workshop was held in Seenu Atoll Hithadhoo from 23 to 24 March 2008. A total of 28 persons participated in the workshop.
4. An awareness workshop was held in Gnaviyani Fuaahmulah from 25 to 26 March 2008. 29 persons participated in the workshop.
5. A human rights awareness workshop, aimed at the senior atoll officials of Kaafu and Lhaviyani atolls, was held at the Commission from 21 to 22 May 2008. 33 persons participated in the workshop.
6. A human rights awareness workshop was held in Faafu atoll Nilandhoo from 6 to 8 November 2008 to increase human rights awareness. 26 persons participated in the workshop.
7. Seminar on Human Rights was held at Bandos Island Resort and Spa on 1 June 2008. The seminar was aimed at Ministers, deputy ministers and permanent secretaries. Adviser to the Human Rights Commission of the Maldives Peter Hosking and Human Rights Adviser Laurent Meillan and then legal reform Commissioner Mohamed Anil lectured at the seminar. 20 persons participated in this seminar.
8. A workshop was held for prison officers in Maafushi on 13 July 2008. 20 recruits and 25 officers were provided information about human rights and the work of the Human Rights Commission of the Maldives as part of an entry-level program. A similar meeting was held on 7 of January 2009. 43 prison officers participated in the meeting.
9. An awareness session was held for a students' model parliament on 25 November 2008, organized by the administrative division of the Parliament on the occasion of the

Constitution Day. The session's main themes were the work of the Commission and the universal declaration of human rights.

10. A two-day seminar on human rights was held for parties working in the justice sector, organised by the Commission. The seminar was held at the Commission from 21 to 22 January 2009. It was inaugurated by Dr. Hassan Saeed, ex-attorney general and former advisor to the president. Judges, government legal officials and private lawyers participated in the seminar. Dr. Abdul Aziz Bari, Professor of Law at Malaysia's Islamic University lectured at the seminar. The Attorney General's Office, Prosecutor General's office, Law Society of the Maldives, Maldives Police Service and Judicial Service Commission took part in the first day's sessions, which were targeted at lawyers and legal officials. The second day's sessions, aimed at judges, were attended by judges of the Supreme Court, High Court, Civil Court and Family Court. The possible roles of lawyers and judges in promoting human rights was discussed in the seminar. The crucial role of judges and lawyers in interpreting and enforcing the law fairly and impartially, in a manner that provided the benefit of the law to everyone was highlighted. Further, holding a seminar aimed at the justice sector was an important step in promoting and protecting human rights in the society as the justice sector is instrumental in safeguarding human rights. The Commission believes that discussions with the heads of the justice sector will also have a positive effect on the work of the Commission.

In addition to those, various training programs were conducted for the staff of the Commission. They were:

1. "Building an effective media and communications program" workshop, held from 29 June to 3 July 2008, in collaboration with the Asia Pacific Forum (APF) for national human rights institutions - The workshop was conducted by Dr. Judy McGregor, Equal Employment Opportunity Commissioner (E.E.O.) of the Human Rights Commission in New Zealand, and James Eif, Public Affairs Consultant at the

Australian Human Rights Commission. The workshop was attended by 10 members of civil society, 7 media personnel and 18 staff of the human rights Commission of the Maldives.

2. "Right to vote – training on voting observation" Workshop held from 13-16 August 2008 in collaboration with the Commonwealth: The workshop was conducted by Commonwealth consultants Dr. David Ward and Dr. Paikiasothy Saravanamuttu. 16 staff of the Human Rights Commission and 19 representatives of NGOs participated in the workshop
3. A workshop was held on 1 November 2008 on International Human Rights Law and Mechanisms and the Paris Principles. The workshop was conducted by Adviser to the Human Rights Commission Peter Hosking. 17 staff took part in the workshop.
4. A training program was conducted from 11-15 January 2009 on the monitoring and reporting on the United Nations Convention on Torture and other cruel and inhuman treatment or punishment and the optional protocol of the convention. Officials from concerned government authorities, NGOs and staff from the human rights Commission participated in the program. Training sessions were also held for the Commission's National Preventative Mechanism staff in connection to the Commission being assigned as the National Preventative Mechanism by the government. The program was conducted by an international expert Professor Emma Reilly.
5. A workshop was conducted from 23 to 25 January 2009 by the Human Rights Commission in collaboration with the Association for the Prevention of Torture (APT). The participants of this workshop were the National Preventative Mechanism staff and selected staff of the Human Rights Commission. The objective of the workshop was to develop a strategic plan to combat torture in the Maldives, and to provide training for the staff of NPM to help fulfill the obligations of the Optional

Protocol on the Convention Against Torture. Training and information was provided by experts from the APT.

6. A workshop was conducted from 1 to 5 February 2009 by the Human Rights Commission in collaboration with the Raul Wallenberg Institute of Rights And Humanitarian Law (RWI) to increase staff capacity in human rights law and to increase their awareness of human rights issues in the Maldives. The workshop was facilitated by RWI consultant, Professor Chris Sidoti and Mr. Vasu Pillai. The workshop was organized by Mr. Jason Naum and Ms. Amelie Sallfors. Selected staff and Commission members took part in the workshop.

8.2 Public forums

8.2.1 Public forum held by the Commission in collaboration with the Commonwealth Secretariat

A public forum, was held on 15 August 2008 from 1630 to 1730hrs at Ghiyaasuddeen School hall. The forum was held by the Human Rights Commission in collaboration with the Commonwealth Secretariat. The topic of the forum was “Voting observation and voting rights” and the forum was conducted with the objective of informing the public on their right to vote and monitoring the election. Commonwealth experts Dr. David Ward and Dr. Paikiasothy Saravanamuttu informed participants at the forum. All political parties, media and NGOs were invited to this forum. During the question and answer session, the commonwealth experts emphasized the magnitude of the responsibility of civil society and stressed their role in ensuring the independence of the independent Commissions necessary to hold the presidential elections.

Speaking about the role of the human rights Commission in the presidential election, Commission vice president Mohamed Zahid said the Commission should ensure that voting rights are protected in the laws and regulations pertaining to the elections as well

as undertaking work to ensure that arrangements made to hold the elections create an environment that respects voting rights. In this regard, Zahid revealed that the Commission had already begun discussions with concerned authorities.

The forum was open to the general public.

8.2.2. Public forum on Human Rights in the administration of justice

On 19 January 2009, the Commission held a forum on “Human rights in the administration of justice” at the STELCO hall. Dr. Abdul Aziz Bari, professor of Law at Malaysia’s Islamic University lectured at the forum. There was a question and answer session after the lecture.

8.3 Commission’s newsletter

The Commission decided to publish a quarterly newsletter under the name “Haqq” to increase public awareness on human rights issues. The first issue of “Haqq” was published on 11 August 2008, with the aim of increasing public awareness on human rights and to inform the public on the work of the Commission and on upcoming events. The newsletter is distributed freely nationwide. The second issue was made public at a special ceremony held in Hithadhoo, Addu Atoll marking the Commission’s 5th anniversary and the 60th anniversary of the universal declaration of human rights.

8.4 Poster competition

A “Human Rights Art Competition” aimed at students nationwide was held in October 2008. The competition was divided into 3 age groups, under 13, under 16 and under 19. 23 schools submitted 646 artworks to this competition. The theme for the competition was derived from 5 articles of the universal declaration for human rights. The six judges

who adjudicated the competition were eminent artists. Winners of the competition were announced on 20 December 2008, at a ceremony held in Addu Atoll Hithadhoo to mark the human rights day. In addition to displaying the winning artworks, the Commission also publicized its calendar for 2009.

8.5 Meetings and trainings held abroad

1. Vice President of the Commission Mohamed Zahid participated in the first regional consultation and workshop of Asian NGO Network on National Human Rights Institutions (ANNI), held on 23 February 2008 in Bangkok, Thailand.
2. The Commission's Assistant legal officer participated in the 12th South Asian Teaching Session on International Humanitarian Law held from 15 to 23 April in Hyderabad, India.
3. Vice President of the Commission Mohamed Zahid participated in the Course on Monitoring Economic, Social and Cultural Rights held from 5 to 9 May 2008, in Geneva, Switzerland.
4. Commission's monitoring officer Ahmed Anwar participated in a committee on South Asia Regional Consultation on the Implementation of the Concluding Observations of the CEDAW, held from 22 to 25 May 2008 in New Delhi, India.
5. Vice President of the Commission Mohamed Zahid participated in the 29th International Human Rights Training Program (IHRTTP) held from 8 to 29 June 2008 in Montreal, Canada.
6. President of the Commission Ahmed Saleem, Member Maryam Azra Ahmed and Secretary General Ahmed Naseer Yousuf participated in the 13th annual Asia Pacific Forum of National Human Rights Institutions held from 28 to 31 July 2008 in Kuala Lumpur, Malaysia.
7. Commission member Ahmed Abdul Kareem, Coordinator Atoll and Island Network Mohamed Zaheen, Senior Administrative Director, Complaints Ali Nashath Hameed, Director, Education and Media Ahmed Ameen, officer Abdulla Abdul Muhsin and

Monitoring Officer Ahmed Anwar took part in a study visit to Manila, Philippines from 19 to 27 October 2008. The delegation acquired information about the various departments of the Human Rights Commission of the Philippines. They also visited the Marikina Jail and two centres promoting human rights in rural areas.

8. President of the Commission Ahmed Saleem and Director Legal Affairs Mohamed Shafaz Wajeed participated in the 9th International Conference of National Human Rights Institutions and the Administration of Justice held from 21 to 24 October 2008 in Nairobi, Kenya. In his address, Saleem went over the reforms that the Maldives had experienced over the past few years. He further spoke about the work of the Human Rights Commission of the Maldives, the administrative changes made to the country under the new Constitution, and provided information regarding the independent Commissions formed under the new Constitution.
9. Vice President of the Commission Mohamed Zahid participated in the International Conference on the Human Rights of Migrant Workers in a Multi-Cultural Society, held from 10 to 12 November 2008 in Seoul, South Korea.
10. The Commission's research officer Shaufa Ahmed Saeed participated in the 13th South Asia Teaching Session on Humanitarian Law held from 19 to 26 November 2008 in Visakaputnam, India.
11. Commission Member Maryam Azra and Research officer Shaufa Ahmed Saeed participated in South Asia Regional Consultation Meeting of National Human Rights Institutions on Child Rights held from 30 November to 1 December in Katmandu, Nepal.
12. Secretary General of the Commission Ahmed Naseer Yousuf and Planning Officer Moomina Waheed participated in the Regional Training Program in Human Rights for Representatives from National Human Rights Institutions in the Asia Pacific, conducted from 24 November to 3 December 2008 in Bangkok, Thailand.
13. Commission President Ahmed Saleem attended the ceremony commemorating the 60th anniversary of the Universal Declaration of Human Rights on 12 December 2008, in Geneva, Switzerland.

14. Commission's Vice President Mohamed Zahid took part in the 50th session of the Committee on the Rights of the Child held on 26 January 2009, in Geneva, Switzerland.

9. Complaints Filed and Investigated

9.1 Complaints Filed with the Commission

705 cases were filed with the Commission in 2008, of which 421 were investigated and complainants responded to. Currently, 284 complaints that were submitted last year are still under investigation. The types and numbers of complaints filed and concluded are in the table below.

	Nature of Complaint	Total	Ongoing	Concluded
1	Employment issues	167	54	113
2	Others	88	33	55
3	Prison	85	42	43
4	Torture	75	50	25
5	Housing	72	22	50
6	Detention	58	24	34
7	Education	36	18	18
8	Tsunami	30	16	14
9	Fundamental Rights	21	6	15
10	Delays in investigation	18	4	14
11	Medical issues	12	3	9
12	Family issues	11	2	9

13	Child Rights	11	3	8
14	Election related	10	1	9
15	Violence	6	5	1
16	Corruption	3	1	2
17	Rehabilitation	2	0	2
	Total	705	284	421

9.2 Summary of significant cases investigated by the Commission

The cases below are presented in order of the success achieved by investigating them.

01. Case filed by a man claiming his brother had been abused in police custody on 25 May 2008:-

The case was investigated by the Commission after it was filed. Information was obtained from police, the alleged victim of police brutality, and other sources. Medical statements, video and photographic evidence were also utilised. The investigation revealed that the person held in custody had exhibited disorderly conduct and sustained scrapes on parts of his body. The man had also tried to deceive the Commission and blame damage to his teeth on the police. However, the Commission's investigation revealed that the damage to his teeth was caused by his cellmates when they inserted a toothbrush into his mouth while he was having a fit.

02. Case filed regarding unfair dismissal of a peon at an atoll office:-

The case was investigated upon submission to the Commission. Information was obtained from concerned offices and responsible parties. The relevant authorities,

as well as the complainant, agree that the complainant was unfairly dismissed. Information received through communications with government authorities revealed that the affair was not handled properly and the Commission informed the civil service Commission that the dismissal was not in line with regulations. The Commission received full support from the civil service Commission on the matter, resulting in the Ministry of Atolls being told to reinstate the complainant via the civil service Commission.

03. Case filed regarding inadequate medical treatment received from the Department of Penitentiary and Rehabilitation:-

DPRS had collected the medical reports of the complainant. The medical reports reveal that he had to have surgery on his jaw and that his doctor had advised him to have the surgery abroad. He was also advised repeatedly to take light food. The Commission requested the Department of Penitentiary and Rehabilitation to make arrangements to send him abroad for surgery as soon as possible, inconsideration of the complainant's requests and the remarks and recommendations by his doctor.

The Commission received information that DPRS had informed the complainant and his family that he had received permission from the President's Office to go abroad for surgery. As he was to have surgery with private means, arrangements were made for him to go abroad as soon as his family had set a date for departure.

04. Case filed regarding the delay in appointing complainant as island chief, requesting the Commission to hasten the appointment:-

On 15 October 2008, the Commission received a reply to the letter sent to the civil service Commission, upon receiving the complaint. The letter stated that the complainant would be appointed island chief on 16 October 2008. The complainant was duly informed of the development by the Commission. The

Commission notes that despite the civil service Commission's initial indifference towards the matter, the civil service Commission responded swiftly once it had been notified by the human rights Commission.

05. Case filed regarding the dismissal of an elected Island Development Committee member :-

Upon receiving the case, the Commission obtained a copy of the regulations governing island development committees. The committee member had informed the Commission that he had missed a committee meeting because he had to leave the island to treat his child. The Commission noted that the excuse was reasonable. The Commission then requested the Ministry of Atolls to look into the matter and notify the Commission of the measures the Ministry intends to take regarding the incident.

The Ministry had informed the Commission that it had found the dismissal to be unfair and had instructed the committee to reinstate the complainant to the committee.

06. Complaint filed requesting a deferred sentence or similar respite for a complainant serving a sentence of banishment, who was injured while beaching a boat, until such a time that the complainant no longer requires assistance:-

The Commission obtained information regarding the case from the Department of Penitentiary and Rehabilitation of the Ministry of Home Affairs and visited the complainant in hospital following his surgery to observe his condition. This information revealed that the nature of the injury meant that the complainant would find it extremely difficult to live alone on an island and continue to work. Consequentially, the Commission informed the Ministry of Home Affairs that the complainant be given some sort of respite, such as transfer to house arrest, as

available under law. The Ministry has informed the Commission that following examination of the complainant's medical records which revealed that he was under orders to use crutches for a period of one year, he has now been transferred to house arrest for this period and that arrangements will be made to extend this period based on doctor's orders in the future.

07. Complaint filed regarding compensation for damage caused by unlawful detention during an ongoing court case:-

The Commission discovered through information obtained during the investigation of this complaint that the complainant was not presented to court by the Department of Penitentiary and Rehabilitation Services at the request of the Ministry of Justice even though he was in the Department's custody from 16 January 2008 until 22 January 2008. The Commission noted that his detention was a violation of his rights and that he deserved compensation for damage caused during the detention. The Commission had discussion with the Department of Penitentiary and Rehabilitation Services of the Ministry of Home Affairs regarding this complaint. As a result of the work conducted on the case, the Department agreed that the complainant deserved compensation and informed the Commission that the DPRS was working on the payment of damages. The complainant was informed that work was underway to provide him with compensation and that the Commission would be monitor proceedings.

08. Complaint filed regarding the tenure of an employee who underwent compulsory retirement on 1 May 2008 :-

The Commission investigated a complaint filed at the Commission regarding the case of an employee of the Regional Hospital in G.Dh Thinadhoo who had worked at the hospital since 2000 but whose tenure had been considered as lasting only 3 years upon undergoing compulsory retirement on 1 May 2008. Following work

conducted by the Commission with the Civil Service Commission, the Thinadhoo Regional Hospital and the President's Office, the Civil Service Commission decided to include the 5 years of temporary employment served by the employee in the consideration of his tenure.

09. Case regarding the indefinite suspension of a Prison Officer Trainee of the Maafushi Jail:-

The Commission's investigation of a complaint filed at the Commission regarding the indefinite suspension of a Prison Office Trainee of the Maafushi Jail, with no written notice, revealed that the disciplinary action against him was taken for his exercising a right provided for him by regulations and was atypical of such measures usually taken against government employees. Additionally, the complainant remained unaware of the details of the disciplinary action taken against him. Taking into consideration the fact that the action taken by the DPRS was unwarranted, against regulations and had led to difficulties in the trainee officer obtaining income, the Commission decided that the complainant deserved compensation for the action taken against him and ordered DPRS to provide him with such.

10. Case regarding unpaid detention-related compensation and loss of effects for a person detained in Male' for a drug offence:-

The Commission investigated a complaint regarding unpaid detention related compensation for a person arrested by the Maldives Police Service on a drug offence case and detained in and prohibited from leaving Male' from 26 April 2004 until 20 June 2006 and the loss of some of the detainee's documents which were retained by the Service and lost due to their negligence. During communications with the Commission as part of the investigation, the Maldives Police Service revealed that they did not believe the complainant had remained in Male for the

period from 3 May 2004 until 20 June 2006 under their custody, however, if a court of law ruled that this had been the case, the Service would pay the amount required under regulations. Additionally, the Police stated that the regulations for paying such detention related compensation was formulated for cases in which people arrested in the outer islands had to be brought to and detained in Male' and that since the detainee in question had been arrested while he was at the Male International Airport, the Police regarded this as an arrest made in Male' and did not believe compensation had to be paid. Furthermore, the Police stated that since the detainee's passport, Maldivian CDC and CDC issued for him by the Liberian government had been lost due to Police negligence, they would cover the cost required to replace them and provide compensation for their loss.

11. Complaint filed regarding the lack of adequate medical care provided for a detainee serving his sentence at the Maafushi Jail:-

During investigation of the complaint, the Commission found that the DPRS had been negligent in providing adequate medical care for the detainee. However, since the detainee had completed serving his sentence and had been released by the time the Commission had ordered the DPRS to provide him with adequate medical care, the Commission advised the complainant to seek compensation for the problems caused by the lack of medical care while in detention by filing a case in court.

12. Complaint filed requesting assistance in increasing benefits for the blind:-

The Commission held a meeting with the relevant government authority, National Social Protection Agency, on 4 January 2009 with regard to a complaint filed at the Commission requesting assistance in increasing the amount of the monthly benefit paid to the blind since the amount of MRF 500 which was paid was inadequate considering today's living situation in the country. At this meeting, the Commission

asked that government extends benefits for persons with disabilities, such as the benefit for the blind, that the amount paid as such benefits be set in line with current living costs and for this to be implemented as soon as is possible. The Authority stated their agreement with the idea and informed the Commission that a preliminary nationwide survey to increase such benefits was being considered. Within a week of the meeting, the Ministry of Finance and Treasury announced that state benefits for the blind would be increased from MRF 500 to MRF 1500 from January. They stated that this increase was brought about along with the change in employees' salaries as a reaction to rising living costs. The Commission welcomed this increase and called upon relevant government authorities to provide such benefits for additional persons with disabilities as for the blind.

13. Complaint filed at the Commission claiming a detainee was tortured and his shoulder blade broken:-

The Commission investigated a complaint stating that a detainee serving his sentence in Maafushi Jail was removed from his cell by members of the Emergency Support Group (ESG) of the Department of Penitentiary and Rehabilitation Services (DPRS) following a routine check of cells and detainees at night, who claimed he was making noise and attempting to disrupt the peace and was tortured by the members of the ESG who broke his shoulder blade. The evidence uncovered during the investigation revealed that 5 members of the ESG participated in his torture and that the broken shoulder blade and injury to part of the detainee's ear was caused by the negligence of the persons involved in removing him from the cell leading the Commission to decide that the jail management section of the DPRS has to be held responsible for the incident.

9.3 Complaints investigated by the Commission and filed in court

9.3.1 Criminal case filed against Corporal Ahmed Shah

Following the Commission's investigation into the death of Hussain Salah which led the Commission to believe that it was possible to file a case of assault and battery against Corporal Ahmed Shah, the Commission filed the case with the Attorney General's Office in January 2008. The criminal court proceedings of the case are ongoing.

9.3.2 Case filed regarding compensation for the death of Muaviath Anwar

Following the civil court ruling against the Commission in the case filed seeking compensation for the custodial death of Muaviath Anwar which the Commission believed was caused by negligence of the Maldives Police Service, the Commission appealed to the High Court in April 2008. Two hearings were conducted in court; however, before a ruling was issued the Maldivian Constitution was ratified on 7 August 2007. Following its ratification, the case has to be disposed of in the High Court by an uneven number of judges sitting together in session under article 146 (b) and hearings need to be held again. However, the High Court is yet to inform the Commission of a date on which a hearing will be held.

10. Visits to places of deprivation of liberty in 2008

The Commission conducted visits to 8 places of deprivation of liberty. The Commission monitored the human rights situation and conditions in these places, issued reports and presented relevant authorities with the Commission's recommendations for improving these condition. In addition, the Commission worked on monitoring the implementation of these recommendations.

10.1 Drug Rehabilitation Center in Male' Atoll Himmafushi

10.2 Education and Training Centre for Children in Male' Atoll Maafushi

10.3 Male' Prison

10.4 Male' Custodial

10.5 Home for People with Special Needs in Male' Atoll Guraidhoo

10.6 Hathifushi Low Risk Jail in Haa Alifu Atoll

10.7 Maafushi Jail in Male Atoll

10.8 *Kudakudhinge Hiya* (Children's Shelter) in Villingili

10.1 Visit to the Drug Rehabilitation Centre in Male' Atoll Himmafushi

The Commission conducted a monitoring visit to the Drug Rehabilitation Centre in Male' Atoll Himmafushi on Thursday, 6 March 2008 in order to inspect the quality of treatment administered on patients at the center, the nature and type of care given to the patients seeking treatment as well as to examine the physical conditions and cleanliness of the institution. This was the first visit to the Centre conducted by the Commission. Following the visit, the Commission presented its concerns and recommendations on improving the situation.

Recommendations:

01. Increase the range of treatments offered at the centre, following consultation with international experts. Take into consideration that each patient has a separate history and fully examine their degree and period of drug use, their state of mental and physical health and lifestyle when formulating treatment plans.
02. Emphasize the improvement of the patients' psychological and spiritual wellbeing in the range of treatments offered. Subsequently, making good use of cognitive behavioural therapy, existential therapy and gestalt therapy.
03. Place importance on increasing the clients' emphasis on religious matters in all treatments offered. Conducting programs in collaboration with the Supreme

Council of Islamic Affairs with the objective of instilling Islamic conduct within patients.

04. As the centre currently lacks a psychiatrist, employ professional and experienced psychiatrists in order to provide patients with appropriate services.
05. Conduct further professional training for the counselors working at the centre and increasing familiarization with their area of work. Additionally, developing their capacity in relevant fields such as addiction therapy and improving the services provided at the centre.
06. Further improve the standard of basic services provided for clients at the centre.
 - Given that the standard of accommodation and medical facilities, as well as the electrical system of the centre has been noted as inadequate, take appropriate steps to improve these services.
 - Solve the problem of red larvae in the water used for showering and ensuring that the water used is safe. Additionally, considering the high level of salinity in the centre's water, establish a separate water plant for the centre or make arrangements to provide the centre with water from the island's water plant, should there be one.
 - Improve the standard of the pharmacy at the centre and ensure that it is regularly able to supply medicine and other related items that patients require.
 - As patients require daily treatment, station at least 2 doctors at the centre at all times. In this way, one doctor for general healthcare and one specialist in the field needs to be stationed. Additionally, increase the number of beds in the sick room to at least 10 and establish a laboratory capable of performing relevant tests.
07. Maintain the cleanliness of the institution. Develop and implement a programme for the eradication of mosquitoes and take possible immediate steps in this regard (such as cleaning out or removing breeding grounds).

08. Make arrangements for the use of a speedboat in addition to the boat which is currently used to transfer patients to Male' for basic and additional reasons.
09. Provide separate accommodation for patients under the age of 18 as well as separate treatment and services. Conduct age appropriate treatment programs for these individuals.
10. It is essential that the centre has a creditable education programme, considering its treatment programmes are conducted with the objective of reintegrating patients into society. In this regard, review the drafted proposal and enforce it as soon as is possible.
11. Incorporate reading into patients' treatment and increase the number of books currently available in the centre's library.
12. Expand the work of the centre's vocational department and improve the technical capabilities of patients. Ensure that this encourages successful social reintegration of the patients.
13. In light of the fact that the fate of items previously produced by patients for an exhibition is currently unknown, revise arrangements to ensure that this is not repeated in future such activities.
14. Prohibit any smoking within the centre. This is to ensure arrangements that prevent the patients from any opportunity to engage in addictive behavior of any kind.
15. As it is essential that staff working such a centre be subject to a code of ethics, apart from the patients, take immediate steps to formulate and enforce such a code.
16. Decrease the number of staff working at the centre, provide them with an appropriate wage and benefits and acquire technical and capable staff.
17. Establish an arrangement through which staff (counselors in particular) could engage in entertainment and sports activities.
18. Identify a specific treatment for patients who become violent. Accept that the violence displayed by such patients is a result of their disease and provide them

with the required aid and treatment. In this regard, communicating with and advising patients as an alternative to removing them from the centre.

19. Improve the internal administration of the centre, formulate an internal budget to facilitate activity with minimum difficulty and empower whoever is in charge at the centre with the authority to make essential payments as required.
20. Establish a system through which even staff are screened prior to entering the centre.
21. As the centre operates under the auspices of the Ministry of Gender and Family, the Ministry is to undertake regular monitoring of the centre's situation, identify measures for improvement and regularly implement them.
22. Establish a clinic or similar arrangement for psychiatrists to provide service and assistance for patients who have completed treatment at the centre in solving problems related to their life outside the centre. Additionally, establishing an arrangement through which former patients have access to treatments which enable them to share problems and experience and assist each other such as group therapy.
23. Provide the centre with assistance from relevant government authorities in carrying out the reentry programme. Make arrangements to obtain a spacious building to house participants in the programme and facilitate the chance to participate in the programme for female patients.

In the written document sent to the Commission on the subject of the current situation of conditions of concern noted by the Commission in its report following the visit to the Drug Rehabilitation Centre on 8 March 2008, the Commission was informed that the bureau was utilizing the services of an international consultant. However, the Commission has not been provided with any information on the application of measures required to implement the recommendations of the Commission.

10.2 Visit to the Education and Training Centre for Children in Kaafu Atoll Maafushi

The Commission conducted a monitoring visit to Education and Training Centre for Children in Kaafu Atoll Maafushi on Wednesday, 11 June 2008. The objectives of the visit were to examine the general situation of the centre and the current situation of issues raised by the Commission following its previous visit to the centre.

The current situation of issues that were raised by the Commission following its visit to the centre on 1 April 2004:

01. New machinery has been obtained for the workshop.
02. New sewing machines have been obtained.
03. The 11 computers in the computer room are in good condition while 1 has been taken away for repair.
04. A comprehensive programme to prepare children leaving the centre for social reintegration still not being conducted.
05. While the quality of food has improved, nutritious food required for development of the children is still not provided adequately.
06. A system for regular medical and dental checkups has still not been established.
07. Regular counseling is not provided and there currently is no counselor at the centre.

Recommendations:

01. Establish a system for providing the centre with clean water, as the water currently being used is unsafe. The Commission notes that a system can be arranged through which the centre is supplied with water from the water plant in the Maafushi Jail.
02. Review and revise the daily rate set for providing food for the children and staff in light of the fact that it is currently not possible to provide nutritious food

essential for the development of the children at this rate. Additionally, do not set different rates for providing food for the children and the staff.

03. Attach netting, place stoves and gas cylinders in a manner that provides the kitchen staff with enough protection and create ventilation in the kitchen.
04. Provide a space for the children to study, watch television and sit down to spend their free time.
05. Arrange for the certificate given to the children leaving the centre to be accepted by the Maldives Accreditation Board.
06. Identify and station at the centre a qualified staff to provide counseling to the children in light of the fact that the majority of the children at the centre have experienced various problems in the past and consequentially, it is essential that they be provided with counseling.
07. Improve the standard of the workshops which provide vocational training.
08. Decrease the number of staff working at the centre and acquire technical and capable staff.
09. Improve the internal administration of the centre and empower whoever is in charge at the centre with the authority to make essential payments as required.

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement the recommendations of the Commission.

10.3 Visit to Male' Prison

The Commission conducted a monitoring visit to Male' Prison on Tuesday, 08 July 2008. This was the Commission's first visit to the Prison since it began operations.

Male' Prison is an institution operating under the auspices of the Department of Penitentiary and Rehabilitation Services located in South Male' with entry and exit points on Boduthakurufaanu Magu. The Prison was built to hold inmates serving court

sentences and to temporarily hold inmates of Maafushi Jail brought to Male' for medical purposes. Male' Prison began operations on 17 January 2008.

Recommendations:

01. Not hold a greater number of inmates in one cell than the designed maximum number of inmates to be placed in one cell.
02. Increasing the number of Prison Officers in order to adequately maintain security at the prison.
03. Not hold a convict sentenced to banishment at the prison under any circumstances.
04. Categorize inmates based on the nature of their crimes and place them in cells accordingly.
05. Not utilize cell no.1 prior to completing the toilet and water facilities.
06. Develop and establish a better system of up keeping medical facilities and services required for detainees and make arrangements to permanently station a doctor at the prison.
07. Provide detainees with the opportunity to leave their cells and walk about in accordance with the prison regulations.
08. Provide detainees with the opportunity to make phone calls in accordance with prison regulations.
09. Make preparations to ensure that the water which gets into the corridors when it rains does not enter the cells and that cells are adequately sheltered from the rain
10. Build higher walls for the toilets in the cells as soon as is possible to ensure the smell does not waft around the cell, taking into consideration the fact that the low walls currently in place and the subsequent open view of the area are religiously unacceptable and could lead to disciplinary and medical problems.

11. Communicate with responsible agencies and work to ensure that the roads on which the night market is held do not include the roads near to and surrounding the prison in the future.
12. Set up cameras to monitor the roads surrounding the prison, the entry gate for vehicles and the office door of the prison.
13. Ensure that items such as the pillows, pillow cases, mattresses and bed sheets used in the cells are of adequate standard and quality.
14. Not utilize the tin structure constructed in the prison yard in its present condition

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement the recommendations of the Commission.

10.4 Visit to Male' Custodial

The Commission conducted a monitoring visit to Male' Custodial on Thursday, 10 July 2008. Male' Custodial is a facility operating under the auspices of the Maldives Police Service located in South Male' on Boduthakurufaanu Magu. While 6 separate cells have been built at Male' Custodial to hold detainees, the Police revealed that 78 detainees were being held in different cells for different crimes. Additionally, on the day of the Commission's visit 15 more detainees were brought to the custodial.

During the visit, the Commission obtained information by questioning senior staff in charge at the time of visit, other staff and the detainees and inspecting various cells, other locations and facilities at the custodial.

Recommendations:

01. Ensure that the custodial is designed in a manner appropriate to fulfilling its purpose of detaining people and solve the problem of shortage of space in holding people at the facility.

02. To not detain convicts serving their sentences as the facility was built with the purpose of holding only people charged with crimes.
03. Station an authoritative senior staff at the facility at all times.
04. Modify the facility to ensure that people charged with crimes and being are unable to escape.
05. Station officers on surveillance duty to observe CCTV camera footage of cameras set up to internally monitor the facility and take further care in ensuring that 30 days of footage is routinely recorded.
06. Establish a procedure whereby staff and other persons entering the facility are made to use identification cards.
07. As detainees charged with crimes are held at the facility temporarily, provide detainees with adequate sleeping facilities instead of the mats which are currently provided and with adequate drinking cups instead of empty noodles cups which are currently used by many of the detainees.
08. Develop and familiarize staff with a contingency plan for emergency situations.
09. Categorize and assign cells based on detainees' age and the nature of crimes committed and establish a separate space to hold detainees who engage in acts of deliberate self-harm.
10. Establish arrangements which allow detainees to recite the Quran and read books.
11. Improve ventilation and repair the toilet doors of cells in block 6 and supply material required to keep toilets clean.
12. Establish arrangements which allow detainees in cells to engage in prayer.

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement the recommendations of the Commission.

10.5 Visit to the Home for People with Special Needs in Kaafu Guraidhoo

This report is based on a monitoring visit conducted by the Commission to the Home for People with Special Needs in Kaafu Guraidhoo on Thursday, 14 August 2008. The visit was conducted for the purpose of examining the general conditions of the facility, the quality of treatment administered on inmates, the overall cleanliness and quality of drinking water supplied, as well as the nature and type of care given to the inmates. The extent of implementation of the recommendations issued by the Commission following its previous visit to the centre on 28 November 2007 was also monitored during the visit. This report was prepared based on information obtained by the Commission through meetings held with the coordinator in charge of the home, other staff and the inmates separately and evidence gained from inspecting various buildings and other facilities at the home

The Home for People with Special Needs used to operate under the auspices of the former Ministry of Higher Education, Employment and Social Security and is currently operating under the Ministry of Health and Family. The facility was opened with the purpose of housing persons with mental illness and disability and the elderly with no other source of care.

Recommendations:

01. Hire staff to fill in the 10 vacant attendant positions for which the budget has been provided as soon as is possible, in order to solve the staff shortage problem.
02. Increase the number of attendants to a number adequate to take care of inmates, taking into consideration the fact that the majority of the ill inmates are unable to take care of themselves.
03. Arrange for an increase in the amount of money provided for food per head, in order to provide inmates with an adequate standard of food, taking into consideration the changes in food prices.

04. Solve the problem of electricity in ward number four as soon as is possible and repair the building.
05. Renew the fire extinguishers at the home as soon as is possible and provide staff with related training.
06. Arrange for the re-refrigeration of the pantry used for food storage
07. Arrange for the financial shortage to be solved as soon as is possible considering that the inmates cannot be provided with adequate care following the 20% cut in the home's budget as part of the measures taken to decrease government spending.
08. Arrange for a water tank for storing water to be provided to the home as soon as is possible, until it can be provided with a water plant facility.
09. Fix headboards to the beds in the health centre.
10. Install security cameras and establish a system for effective monitoring of the home.
11. Build at least 2 padded rooms to house inmates who engage in acts of deliberate self harm and obtain straitjackets as soon as is possible. Train staff accordingly.

The Commission would like to note that the former Ministry of Higher Education, Employment and Social Security has conducted numerous activities to implement the recommendations issued and provided extensive support for the Commission.

10.6 Visit to Hathifushi Low Risk Jail

The Commission conducted a monitoring visit to Hathifushi Low Risk Jail on Thursday, 21 August 2008. Hathifushi is an island used by the Department of Penitentiary and Rehabilitation Services as a low risk jail. There are 8 detainees as well as 8 prison officers and 8 additional staff stationed on the island which has been used to hold detainees from 30 July 2008.

During the visit, the Commission obtained information through discussions with senior DPRS staff in charge at the jail, other staff and the detainees and inspecting services and

facilities of the jail. Certain members and staff of the Commission participated in the visit.

Recommendations:

01. Develop Hathifushi as a location fit to house detainees and develop the necessary human resources as soon as is possible.
02. Organize the island for the possibility that the detainees may become disorderly and disobedient at any given moment and station staff trained for such an eventuality on the island.
03. Establish an arrangement for providing medical attention to both staff and detainees should an emergency situation or incident occur.
04. Establish an adequate arrangement for providing both staff and detainees with healthcare on Hathifushi.
05. Establish an arrangement for an adequate water supply for both staff and detainees and establish electricity and communication services.
06. Eradicate mosquito breeding grounds in the areas designed to accommodate staff and detainees and work towards solving the mosquito problem.
07. Establish a separate site appropriate to the health and age related requirements of elderly detainees.
08. Repair the old and damaged jetty used to get on and off the island to a safe standard.
09. Develop the island and create an environment to encourage the development of the skills and talents of the detainees.
10. Provide detainees with the opportunity to engage in entertainment and sports activities and dedicate a certain amount of time each day for this.
11. Establish an arrangement for the timely replacement of staff that fulfill their term duty on the island and improving the standard of accommodation provided for staff.

12. To not increase the number of detainees or begin operating the island as a regular jail until the human resources and facilities are developed to an adequate standard.
13. Establish high standard, permanent jails in the north and the south of the country instead of holding detainees in temporary jails anywhere in the country.

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement these recommendations. It would also like to note that the Hathifushi is no longer used to hold detainees.

10.7 Visit to Maafushi Jail

The Commission conducted an inspection visit to Maafushi Jail on Sunday, 9 November 2008. Maafushi Jail is an institution built to hold detainees sentenced to imprisonment and operating under the auspices of the Department of Penitentiary and Rehabilitation Services. Although the facility's capacity is 450 inmates, at the time of the Commission's visit there were 613 men, 42 women and 30 foreigners detained at the facility, adding up to a total of 685 detainees held at the jail. The jail is composed of normal security cells, high security cells and cells used for solitary confinement divided into units. Additionally, a separate unit has been established specifically for female detainees. Around 85% of the detainees are serving sentences for drug related offences.

During the visit, the Commission obtained information through discussions with senior DPRS staff in charge at the jail, other staff and the detainees and inspecting services and facilities of the jail. Certain members and staff of the Commission participated in the visit.

Recommendations:

01. Revise the arrangements for paying wages and benefits for staff.
02. To not utilize the cells of Unit 1 prior to constructing them to an adequate standard.

03. Release all detainees from their cells for a minimum of 1 hour on a daily basis.
04. Establish a system through which prison officers can be easily notified when a detainee requires something and establish a system of regular patrol duty close to the cells.
05. Establish a reliable system through which detainees can be presented to court when required.
06. Increase the number of prison officers at the jail to overcome the problems caused by staff shortage.
07. To not hold a greater number of inmates in one cell than the designed maximum number of inmates to be placed in one cell.
08. Work towards expediting the passage of the Prisons and Parole Bill by Parliament.
09. Provide adequate training for prison officers on overseeing and communicating with detainees.
10. Establish a reliable system to monitor the needs of detainees, given that it is the responsibility of prison officers to provide assistance to detainees.
11. Build cells of an adequate standard to be used for solitary confinement and to not utilize cells currently designed for this purpose without conducting appropriate repair work.
12. Work towards ensuring that the boat *DPS-1*, built to be used for the jail's requirements, is able to operate as soon as is possible.
13. Provide assistance from prison officers to female detainees in entering their cells to fulfill basic needs during the time that they are released from their cells.
14. Facilitate a method for shielding the toilet from view when it is in use in cells in which more than one detainee is held.
15. Resume the halted construction work on the new building in the jail immediately and make arrangements for it to be utilized as soon as is possible.
16. Categorize and divide detainees based on the nature of crime committed.

17. Establish an adequate fire prevention system to save persons from a possible fire incident within the jail.
18. Provide all detainees with a mattress indiscriminately.
19. Facilitate rehabilitation services for detainees based on the nature of crime committed.
20. Make arrangements to provide detainees with information on their rights and discipline required under regulations in written form.
21. Mark the Qibla (direction of Kaaba in Mecca) in all cells and facilitate detainees' engagement in prayer.
22. Develop and work towards implementing an internal inspection system within the jail.

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement these recommendations. It would also like to note that the Hathifushi is no longer used to hold detainees.

10.8 Visit to *Kudakudhinge Hiya* (Children's Home)

The Commission conducted a monitoring visit to *Kudakudhinge Hiya* in Kaafu Villingili on Wednesday, 12 November 2008. The home operates under the auspices of the former Ministry of Gender and Family which is now the Ministry of Health and Family. The facility is operated for the noble purpose of housing infants and children who require state assistance for various reasons.

The visit was conducted with the purpose of monitoring the implementation of the recommendations issued by the Commission in its report following a visit to the home on 1 August 2007.

The visit to the home was conducted in order to examine whether the rights or persons in state custody have been violated and review their welfare in light of the fact that the Commission is required to issue recommendations to the state if it determines whether

the facilities of such an institution require improvement or whether the benefits provided to its inmates required revision. An additional purpose of the visit was to determine whether the purpose of establishing the facility was being met.

Recommendations:

01. Make arrangements to allow the home to house children of neglectful parents over the age of 9 or establish a separate facility to house them.
02. Hire the staff required to improve operation of the home immediately. Hire more child care workers who care for and look after the children and maintenance staff in particular.
03. Hire counselors and social workers as the home's staff instead of the Ministry's staff and make arrangements to provide the children with regular counseling.
04. Provide education and training for the facility's staff, child care workers in particular, in an area related to caring for children (areas such as child psychology and sociology) and increase their familiarization with their area of work.
05. Provide information on and increase familiarization with the Convention on the Rights of the Child among the home's staff, child care workers in particular.
06. Shorten the current duty time of child care workers from 8 hours to a maximum of 6 hours, taking into consideration that they are required to care constantly for the children while on duty. Hire additional staff required to accommodate this change.
07. Develop and enforce a code of ethics for the staff to adhere to.
08. Service and maintain the fire safety system regularly in order to stay prepared for possible emergency situations.
09. Make arrangements to increase the availability of educational and age appropriate books in the library as the home houses developing children.
10. Establish a computer lab at the home and develop a routine to facilitate access to its facilities for all children.

11. Create and maintain a website for the home and create the opportunity for those who wish to provide assistance to the home to provide such assistance through the internet.
12. Provide assistance to the home from NGOs working in the field of protecting child rights and allow the home's children to participate in their activities.
13. Make arrangements to provide food at the home for staff on duty.
14. Identify and consider steps required to expedite the adoption process and relevant government authorities are to take swift action on implementing them.
15. Make further arrangements to provide the child with disability currently residing at the home with the required assistance and care and take preliminary measures to prepare for the possibility that more children with disabilities may need to be housed in the future.
16. Ensure that all staff sign a legal contract undertaking to protect the rights of the children residing at the home, in order to create a protective environment for the home's children.
17. Conduct first aid training for staff and prepare for such an eventuality when it may be required, given that the facility houses a large number of children.
18. Establish such facilities for both boys and girls in various areas of the country in the future and work towards providing children in need all over the country with the opportunity for obtaining assistance.
19. As the home operates under the auspices of the Ministry of Health and Family, the Ministry is to undertake closer monitoring of the situation of the home and develop a system for easier implementation of action required (such as increasing the number of staff positions at the home). In this regard, designate a separate party within the Ministry to oversee the home under their direct authority.

The Commission notes that the Commission has not been provided with any information on the application of measures required to implement these recommendations.

11. Work carried out and facilities procured to enhance the Commission's administrative operations.

11.1 Office building

Due to difficulties in providing the Commission's services to the public caused by the shortage of space in the building in which the Commission operated from 2004 for the past four years, work was continuously carried out to procure an office building for the Commission. Following a period of time in which the Commission was unable to develop the required staff and facilities due to lack of space, the Commission began conducting its operations on the fifth floor of Ma. Uthuruvehi on 1 May 2008. This building is of an adequate size which enables the Commission to provide its services appropriately.

11.2 Hiring staff

Following the change in the office building, staff were hired for the vacant positions in the organizational structure, in order to improve the work conducted by the Commission. Below is a list of newly hired staff and their designations.

1. Director, Policy, Planning and Monitoring Department, Uz. Mizna Ahmed/ H. Seaweed (resigned)
2. Director, Policy, Planning and Monitoring Department, Ms. Mariyam Zahiya/ H. Tharaf
3. Director, Education and Media Department, Mr. Ahmed Ameen/ G. Reethifehi
4. Director, Management and Finance Department. Mr. Aqisa Moosa/ Male Municipality Register 1532
5. Coordinator, Atoll and Island Network, Mr. Mohamed Zaheen/ Janburoalumaage, Ha. Kelaa
6. Legal Officer, Uz. Hussain Amir/ Gulaabeege, Ha. Neykurendhoo
7. Education Officer, Mr. Mohamed Sunad Abdul Latheef/ Ma. Night Rose
8. Education Officer, Ms. Fathimath Mohamed/ M. Rabee'eege

9. Assistant Coordinator, Atoll and Island Network, Ms. Aishath Shibana/ G. Lheyhi
10. Assistant Coordinator, Atoll and Island Network, Mr. Ibrahim Huzam/ Mauna, Hoadhadu, Gn. Fuamulah
11. Assistant Legal Officer, Uz. Zaima Nasheed Abu Bakur/ Nasheedhee Hiya, A.A. Faridhoo
12. Information Technology Officer, Mr. Ahmed Athaau/ Sobaah villa, S. Hulhudhoo
13. Media Officer, Ms. Jeehan Mahmood/ Dheyliyaa-aage, Lh. Hinnavaru
14. Planning Officer, Ms. Moomina Waheed. M. Jeana
15. Research Officer, Ms. Shaufa Ahmed Saeed, H. Meerubahuruge
16. Monitoring Officer, Mr. Ahmed Anwar/ Champamaage, A.A. Ukulhas
17. Project Officer, Ms. Zeenath Mohamed/ H. Dhunburimaageaage
18. Complaints Officer, Mr. Ibrahim Zahid/ Lilimaage, G.Dh. Vaadhoo
19. Complaints Officer, Ms. Aishath Afreen Mohamed/ M. Coral Garden
20. Assistant Inspection Officer, Mr. Musthafa Mohamed Didi/ M. Kathiriya
21. Assistant Inspection Officer, Ms. Aishath Shooza/ Kudhimaa villa , S. Meedhoo
22. Inspection Officer Trainee, Mr. Miraz Ahmed/ Ageedhuge, Lh. Hinnavaru
23. Accounts Officer Trainee, Mr. Ibrahim Ruslan/ G. Vaijeheyge-aage
24. Secretary, Ms. Mariyam Haleem/ M. Ranika
25. Secretary, Ms. Zulaikha Dawood/ Ma. Silverbeam
26. Peon Mr. Abdul Hameed Abdul Rahmaan/ Bilehmaage, Dh. Gemendhoo
27. Office-assistant Ms. Mariyam Majidha/ Lucky Moon, H. Dh. Vaikaradhoo

By December 2008, with the addition of the 27 staff listed above and including the 5 Commission members, there were a total of 44 people working at the Commission. The Commission was unable to obtain staff to fill the position of the Legal Officer and the two Assistant Legal Officer, following multiple vacancy announcements.

11.3 Termination of Employment

Mr. Hassan Nizam's employment as the Director of the Education and Media Department was terminated on 10 April 2008.

Ms. Azza Solih who was employed in the position of Education Officer resigned on 1 May 2008.

Uz. Mizna Ahmed who was employed in the position the Director of the Policy, Planning and Monitoring Department resigned on 9 October 2008.

Ms. Mariyam Hafeeza employment as the office assistant was terminated on 1 July 2008.

12. Funds received and Expenditure of the Commission

International Assistance

In 2008, the Commission received a total of MRF 559, 725.00 (five hundred and fifty nine thousand seven hundred and twenty five rufiyaa) from UN agencies (UNDP, Unicef, UNFPA, WHO) under the "Project on Support to the Human Rights Commission of the Maldives", of which MRF 472,682.49 (four hundred and seventy two thousand six hundred and eighty rufiyaa forty nine laari) was spent. By January 2009, MRF 32.19 remained of the MRF 24,372.39 leftover in 2007 from Canadian International Development Agency (CIDA) project.

Funds received for the 2008 budget

The Commission was initially allocated MRF 8,523,089.00 (eight million five hundred and twenty three thousand eighty nine rufiyaa) from state funds for the 2008. However, following several increases in the budget provided at various points throughout the year, the Commission had received a total budget of MRF 21,184,279.93 (twenty one

million one hundred and eighty four thousand two hundred and seventy nine rufiyaa ninety three laari) by the end of the year. The total amount spent of this budget within the past year is MRF 13,257,673.44 (thirteen million two hundred and fifty seven rufiyaa forty four laari).

Estimated budget for 2009

The Commission submitted its estimated budget for 2009 directly to parliament. The Commission took the decision to follow this course based on the fact the Commission Act states that the budget has to be submitted directly to Parliament as well as statements by certain members of parliament themselves to this effect following the incident in 2008 when the Commission had submitted its estimated budget for 2008 to the Ministry of Finance and Treasury which made extensive cuts prior to submitting it to Parliament. The total estimated budget for the Commission for 2009 was MRF 23,231,342.00 (twenty three million two hundred and thirty one thousand three hundred and forty two rufiyaa). However, when the Parliament approved the budget for 2009, the Commission had been allocated a total of MRF 9,769,511.00 (nine million seven hundred and sixty nine thousand five hundred and eleven rufiyaa) in total.

It has to be noted that even though article 30 (a) of the Commission Act states that the state treasury shall provide the Commission the funds from the annual budget approved by the Parliament, essential to undertake the responsibilities of the Commission, there are difficulties in acquiring the required funds from the state budget.

In 2009, around 9.5 million rufiyaa will be spent on staff salaries alone. Subsequently, the payment of staff salaries will leave a remainder of around two hundred thousand rufiyaa in the budget allocated for the Commission this year. This amount is not sufficient even to cover recurrent costs other than staff salary. The Commission believes

that it will be unable to undertake any action to fulfill the duties and responsibilities of the Commission with such a small budget.

As the Commission is an independent institution created by the State and established under its own Act, in line with the Paris Principles, the Commission Act requires that the Commission be provided with funds essential to undertake its responsibilities from the state treasury on an annual basis. The Commission's independence is linked most directly to the receipt of its funds from the state treasury and the power to freely undertake financial transactions required to fulfill the Commission's objectives. However, the Ministry of Finance and Treasury recently declared that all financial transactions need to be approved by the Ministry and that action will be taken if such transactions are made in its circular number 6/2008 (17 November 2008). The Commission believes that it does not need to comply with general circulars sent to government offices, as the Commission Act requires the state treasury to provide the Commission with required funds, as stated above.

The Commission has had to face great difficulties as a consequence of no longer having the power to freely undertake financial transactions with the enforcement of the Public Finance Act. These include complaints by service providers due to delays in the payment of their bills and their refusal to provide their services to the Commission as a result. The Commission believes that government authorities are obligated to act in a manner which does not impede the Commission from freely undertaking financial transactions required to fulfill its responsibilities as the Commission is thusly empowered under the Commission Act.

11. Acknowledgements

The Commission was able to undertake its activities successfully in 2008. The Commission undertook a number of activities with great interest and enthusiasm including investigating and closing complaints cases of human rights violations, conducting research in order to monitor the level of and improve efforts to respect and

fulfill rights provided under the Maldivian Constitution, conducting human rights awareness programs on a wide scale and marking the Human Rights Day. It should be noted that many activities were conducted in addition to this as well.

The Commission received great support and assistance in executing these activities successfully. The Commission acknowledges the cooperation of Non Governmental Organizations, certain government institutions, courts of law and other independent institutions as well as other significant authorities involved in the field of human rights. NGOs include Rights For All, Take Care, Ensure Maldives, Child Abuse Watch Maldives, Maldives NGO Federation, Maldivian Detainee Network, Society for Health Education, CARE Society, Hama Jamiyya, Transparency Maldives and the Society for Women Against Drugs. The Commission would like to extend its sincere gratitude to all these parties individually.

Numerous meetings regarding various human rights issues were held with different Political Parties in 2008. The Commission would like to take this opportunity to extend its gratitude to these parties as well.

The laudable work carried out by the Commission staff in conducting its activities successfully in a timely manner is worthy of praise. The enthusiastic and hard work of the Commission staff and their attention to fulfilling the Commission's responsibilities is undoubtedly the secret behind the successes of 2008. The Commission would like to note their dedication and extend its gratitude to all Commission staff.

An independent institution such as the Commission undoubtedly requires financial resources along with a dedicated staff in order to successfully conduct its activities and projects. The Commission would like to extend its gratitude for the financial support received by and the close relationship maintained with the UN agencies based in the Maldives (UNDP, Unicef, UNFPA, WHO) and the Canadian International Development Agency throughout last year.

Additionally, the Commission would like note the non-financial assistance provided by, and extend its gratitude to, international and regional agencies including the APF, APT, RWI, Commonwealth Secretariat, Philippines Human Rights Commission and the OHCHR. The Commission would also like to recognize and extend gratitude for the services provided by international and national authorities in conducting research.

In addition, the Commission would like to recognize the support and assistance provided by different sectors of the government and extend its gratitude to the government as a whole. The Commission would also like to note the singular assistance provided in allocating a sufficient budget from the state treasury for the Commission to undertake activities and projects in fulfilling its objectives in 2008.

25 February 2009