

**STATEMENT BY THE PRESIDENT OF HUMAN RIGHTS COMMISSION MR.
AHMED SALEEM AT THE 14th ANNUAL MEETING OF THE ASIA PACIFIC
FORUM IN JORDAN, 3 – 6 AUGUST 2009**

Human rights have made great advances in the Maldives since the last APF meeting in Kuala Lumpur in July 2008. During that time, a new Constitution, with an exhaustive chapter on human rights, has been ratified; a more representative Majlis has been elected; a host of independent state commissions have been instituted; and an independent judiciary has been established for the first time in the history of the Maldives. Of course, the creation of legal and institutional frameworks necessary for democratic governance is merely the first step in what will be a long and arduous journey towards the entrenchment of democracy and the realisation of human rights, fully and equally, by everyone. It is for this reason that every care must be taken, at this delicate and early stage in the democratic life of the Maldives, to ensure that a culture of respect for human rights takes root in the hearts and minds of everyone in the country.

Having established the institutional mechanisms necessary for democracy and human rights, we now need to develop them as part of our everyday lives in the Maldives. We need to make human rights accessible to everyone, and engender them in our society as the basic standard for social interaction. To be sure, our lived experiences must inform our understanding of human rights principles, which, to be appreciated and respected, must be seen as ideals formed from within, rather than something that is imported wholesale. The Maldives being a fully Muslim country, the idea that human rights is incompatible with Islam is a myth the HRCM is determined to prove as such. We see to it that this issue is specifically addressed in the human rights awareness workshops we conduct.

Human rights awareness workshops targeted for senior officials at the atoll-level, and focused groups such as police officers and teachers continues as a significant part of the work done by the HRCM. The HRCM continues to emphasise through its work the rule of law, respect for difference and unity in matters of national importance. In this time of political upheaval in the country, it is fundamental that the ideals of democracy and human

rights transcend partisan interests and party politics. As much as the HRCM works to preserve and protect individual rights, upholding rights related to the general welfare, safety and health of the community is seen to be the most effective way of ensuring that rights are preserved and protected in a sustainable manner.

As democracy in the Maldives is still very much in its infancy, it is important for the political parties, as well as individual party members and the general public, to work together to create an environment conducive to democracy. All too often do we see differences of opinion translate in to personal animosity. We must realise that democracy cannot be brought in overnight in a country that has never known it before. A concerted effort must be made by the major political parties in the country to sustain what has been achieved during the past few years. As such, the Maldivian Democratic Party, now in power and the main opposition, the Dhivehi Rayyithungé Party, have a huge responsibility to work together and call for unity during the delicate days ahead. Short-term political battles must now take a backseat in the interests of promoting the long-term term stability of the newly-established constitutional state.

The recently elected Majlis has a lot on its agenda, including the passing of a number of important legislations. This includes establishing a sound legal framework for the catalogue of rights provided in the Constitution. Similarly, the new Government faces the daunting task of mainstreaming human rights in policy formulation and delivering on their manifesto while working within the confines of a modest national budget. Maldivians today can ill afford to waste time in political squabbles. Procedural justice must be ensured, no matter how inconvenient or how much political sacrifice is required.

Strengthening the judiciary is vital for the promotion and protection of human rights. As the President had been the highest court of appeal in the country under the previous Constitution, an independent judiciary is somewhat of a novel concept in the Maldives. In addition to functioning independently, in line with the principles of justice, the judicial sector in the Maldives is in urgent need of sensitization to human rights standards and norms. The

HRCM will look to place special emphasis on strengthening the administration of justice in the coming years.

The HRCM intends to use human rights as a uniting force to cut across all differences, and to promote a shared vision of a future where human rights are better protected and preserved. As such, the HRCM played significant supporting roles to the Elections Commission in both the presidential elections of October 2008 and the subsequent parliamentary elections of May 2009. The HRCM worked to ensure that the right to vote was freely exercised, and to assess the institutions and mechanisms established to handle election-related complaints. The work done by the HRCM in this regard has gone a long way in building public confidence in the powers of the state.

Though still very much a young member in the community of NHRIs, the HRCM is pleased and proud that its work is appreciated by the international community. In April 2009, the Vice President of the HRCM was invited to attend the Regional Workshop on the Establishment of National Human Rights Mechanisms in the Pacific held in Samoa to share the experiences of the HRCM in promoting and protecting human rights in the Maldives. The Vice President of the HRCM was also part of the Commonwealth team in Malawi to observe the country's general elections in May 2009.

In December 2007, the HRCM was designated the National Preventive Mechanism under Article 17 of the OPCAT, becoming the first such body in Asia. In fact, even in the Asia-Pacific region, only New Zealand and the Maldives have managed to establish the NPM. These experiences have greatly benefited the HRCM, not only confirming its good reputation in the international community of NHRIs, but raising its profile within the country as well. It is fundamental to the work of the HRCM for the people to see it as an independent and effective body for the promotion and protection of human rights.

The HRCM is indeed grateful for the support and co-operation it has received from bodies such as the APF, the ICC, the OHCHR and UN system as a whole, and also from the international community of NHRIs. I'm happy to note that much has been achieved through

our collective efforts. Much more, however, needs to be done. HRCM is presently not a full member of either the APF or the ICC. The issue in question is a delicate one. It is held that the provision in the HRCM Act requiring all members to be Muslim is contrary to the principle of plurality in the Paris Principles. Work is already in progress to amend the HRCM legislation to ensure compliance, but even in the meantime, the idea that plurality in an all-Muslim country is compromised by a provision to the effect that all members must be Muslim is, I think, one that ought to be reconsidered. The HRCM is of the opinion that a provision for all members to be Muslim does not go against the true sense of plurality in an all-Muslim country.

It is of the utmost importance that both the international community and the HRCM speak the same language of human rights for the concept to take root in the Maldives. This concept must be based on respect for the culture and beliefs of Maldivian society, as well as international human rights norms. The idea that there is somehow a contradiction between the principles of Islam and human rights is one that must be dispelled. Human rights must be seen to cut across all boundaries, and we must all work together to instill them within ourselves and our respective societies.

Distinguished delegates, I thank you for your time.
