

# ANNUAL REPORT

2009

The Human Rights Commission of the Maldives

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## **1. FORWARD**

Praise and gratitude be to God Almighty Allah, the benevolent the merciful, who honored humanity above all creatures, illuminated them with knowledge and wisdom, and bestowed on them the merits of living in dignity. Peace and blessings be upon Prophet Muhammad (PBUH) the last messenger of God, who demonstrated righteousness to mankind, encouraged dialogue, sat in discourse with people from diverse schools of thoughts and opinions, and exemplified the morals of justice.

This is the Sixth Annual Report of the Human Rights Commission of the Maldives (HRCM). The report is compiled on the activities of HRCM in 2009, outlining the current human rights situation in the Maldives and highlighting on the important studies conducted by the Commission including seminars, training programs, and workshops held during the course of the year, and various activities carried out to mark a number of days relating to human rights. Also included in the report are the visits conducted by HRCM, related findings and the subsequent recommendations put forward to various agencies. In addition, complaints received by the Commission, including resolved cases pending and special cases, have been highlighted. External aid received by HRCM, aid related activities, resource utilization, and all the expenditures of the budget have been accounted for in the report.

The principle objective of the Human Rights Commission of the Maldives is to protect, preserve and promote human rights in the Maldives in accordance with the Islamic Shari'ah, the Constitution of the Maldives and the regional and international human rights treaties and conventions ratified and acceded to by the Maldives.

In this regard, the Commission expeditiously and efficaciously carried out its work in providing and protecting the rights of the people, successfully resolved a number of complaints lodged to the Commission in a manner which always accorded the highest regard for public interest, conducted several studies relating to rights of the people and corresponding to a number of occasions and in its own initiative, successfully carried out various activities in promoting and creating awareness on civil, political, social, economic and cultural rights.

Working in the field of human rights, it is quite normal to face a multitude of challenges every day. At times we have had to encounter many obstacles when the Government and the political parties had opposing views on the decisions and recommendations generated from many of our visits or studies conducted in 2009. We have always tried to resolve the differences and reach a common ground to avoid such differences from having an adverse impact on the public. 2009 proved to be quite a successful year for reconciliations and improving relations. It was also a year during which HRCM was subjected to a host of criticisms from political parties. This

situation clearly had undesirable consequences, yet the Commission in its stride always embraced such criticism as being constructive. While the Commission welcomed criticisms, it should be duly noted that the debate on understanding rights should continue undeterred. Otherwise, people lose their judgment of rights and the prospect of determining rights according to the accepted norms and values of the society would be remote. Therefore, the HRCM would always encourage debate and welcome diverse views and opinions on the perception of rights by the Maldivian people.

Human Rights refer to the basic rights and freedoms to which all humans are entitled in order to live in dignity and morality. A culture of respecting human rights can only be established by believing in one's own self-worth, in giving respect to and recognizing the rights of others, in being more understanding and tolerant in societal life, and in conducting oneself in a manner which would not violate the rights of others causing grief and distress onto them. As individuals, we should remember that our rights are laden with responsibilities. Numerous efforts have been made this year too in creating awareness among people from all walks of life in this respect.

A society which is fair and just, where people adhere to norms and ethics and uphold the rule of law, is a prospective environment for growth and development. Failure to protect human rights in such a society would rouse widespread discontentment, creating conflict within the society. This would also lead to social disparity, which would in turn lead to abject poverty and hunger, subsequently increasing crimes at unbelievable rates. As this would cause the loss of individual as well as communal rights, HRCM conducted a survey into identifying the reasons for the crime rate increase in the society, publicized the report of the survey, and put forward recommendations to the Government highlighting the measures that can be taken by various institutions to reduce crimes, prospective solutions and concerns of the Commission.

The Commission shall press ahead in its efforts to protect and promote Human Rights in the Maldives, in accordance with the Islamic Shari'ah, the Constitution and the Human Rights Commission's Act. The Commission hopes to receive the full support and cooperation of all parties in this endeavor.

We need to make a concerted effort if we are to preserve this legacy of our forefathers, our beloved country the Maldives, as a beautiful and peaceful nation inhabited by compassionate and peace-loving people. It is with renewed optimism that I anticipate the day when human rights in our country would take progressive leaps because of a well established modern democratic system, in which people have paramount respect for one another, and the principles of democracy freedom and human rights are deeply entrenched in our society. Our prime focus should be to renounce hatred and animosities and sustain an environment of peace, harmony and happiness in this country; and to establish equality where no one shall

abstain from upholding the rule of Law. I appeal to all, to be resolute in making a concerted effort to set up barriers against the proliferation of drugs and criminal activities and to eliminate all forms of hatred and corruption in the country. May Allah, give us strength and bless us in this noble endeavor. Ameen!

Ahmed Saleem

President

## **2. THE HUMAN RIGHTS SITUATION IN THE MALDIVES**

From a Human Rights perspective, 2009 was a historical year for the Maldives. Numerous efforts of the Government and the people to establish a modern democratic system in the Maldives reaped results, and the first multi-party parliamentary elections were held in the country. Many reveled in hope that the democratic system which was established in the Maldives would bring happiness and prosperity to the people. Encouraged by the belief that human rights would be provided equally with no discrimination whatsoever even to the most disadvantaged among the people, that it would create a safe and peaceful environment conducive for people to live without fear, where laws would be executed and justice accessible to all.

A modern legitimate democracy has now been established in the Maldives. The Constitution we follow today is a perfect model drawn up on the principles of democracy and the tenets of Islam. A comprehensive chapter on “Fundamental Rights and Freedoms” incorporated in the Constitution enshrines all rights guaranteed to the people.

The Constitution has numerous provisions on rights and fundamental freedoms including: the guarantee of rights, the right to non-discrimination, equality, prohibition on slavery and forced labour, freedom of opinion and expression, freedom of press, right to strike, freedom of assembly, right to protect name and reputation, provision of special protection to vulnerable groups including children, adolescents, elderly and people with special needs, right to fair and transparent trials, protection from unlawful arrest or detention, prohibition of torture and other inhuman or degrading treatment, compensation, prohibition of double jeopardy, non-compliance with unlawful orders, and pension rights etc.

Though rights and freedoms have been widely entrenched in the Constitution, in order to confer these rights to the people, primary legislations have to be made and enacted, interpreters of the Constitution and the implementing agencies need to be sincere in performing their duties, the Government and the people should respect and abide by the laws.

We note that the delay in enacting legislations that are required to provide the constitutional rights of the people continue to obstruct the provision of these rights. Similarly the invariable delay in drafting important laws that are needed to strengthen the Criminal Justice System, implement criminal procedures and provide fair and equitable justice to the people, have deprived many people of their rights. Furthermore, we are losing the law abiding spirit that was once prevalent in our society. The culture of responsibility for law has become so weak that trust amongst people are fast degenerating, and social relations are becoming increasingly fragmented.



A lot of people are being deprived of their rights, families facing impoverishment and many more living in extreme hardships because the right to work and the right to receive equal pay for equal work as enshrined in the Constitution is not fully realized. We especially note the plight of Civil Service members who have been stripped of the benefits of a full salary, who remain uncertain as to when their salaries would be reinstated, some have lost their jobs, while others remain in fear of losing their jobs, many are affected psychologically because they don't have a secure work environment and the suffering being endured by their families.

The Maldives is a hundred percent Muslim country, whose people have harmoniously existed for a long time, along the Islamic principles of, amity and respect for one another. But today we are witnessing a drastic change, an entirely different picture in which some people scorn and ridicule one another, others while their time smearing people's reputation and dignity through defamation, and armed with sharp objects many more operate in gang activities terrorizing people, depriving them of their rights causing damage to lives and property. They commit these acts without guilt or hesitation, assuming such vile acts to be quite normal.

There seem to be no end to the prevailing social affliction of terror which is spreading rampantly every day. Islands, streets and even homes cannot be considered safe anymore. Especially in Male' people are terrified to venture out alone onto the streets even during the day. The main reason for this deteriorating situation can be attributed to the fact that many convicts are roaming free in the society without being penalized under Shariah and Law. These are dangerous criminals who despite receiving jail sentences for having committed crimes against humanity have since then been illegally transferred to house arrest and convicts who somehow managed to escape from prison. They are repeated offenders of dangerous crimes such as drug dealing, drug abuse, thefts, mugging and physical violence. They also include, convicted murderers with life sentences, and child sex offenders. It creates fear amongst people, encourages criminal activities and facilitates recidivism when criminals, who have not served their sentences are allowed to roam free in the society.

When crime rate is increasing everyday in a small society such as ours, it is imperative to arrest criminals, isolate them from the society and penalize them according to Shari'a and Law. Reform programs should also be conducted during incarceration to assimilate delinquents back into the society. The Government as well as the state institutions need to do a lot of work to prevent the spread of such atrocious crimes in the society, so that people may live freely in a safe and secure environment.

Maldivians are experiencing the very infant phase of the democratic life of the country. At this critical juncture, it is possible for people to become disillusioned with the whole concept of democracy if the actions of some government agencies and political parties inadvertently portray a negative image of modern democracy. Of late we have observed certain acts that

blatantly contradict the principles of democracy and undermine the fundamental rights and freedoms enshrined in the Constitution.

Freedom of opinion and expression is a fundamental right guaranteed to every citizen by Shari'a and Law in our efforts to establish democratic values and protect human rights in the country. Such a right though needs to be exercised responsibly, based on respect for others' rights and sensibilities and in a manner which does not harm people's reputation and human dignity. Whilst Freedom of Expression has to be exercised within justified restrictions, the indiscriminate violation of people's rights and disregard for personal responsibility in exercising the right has caused irrevocable damage to the community; inciting hatred, wide spread strife, creating public disorder, and tearing the social fabric of the country. Recognizing that Freedom of Expression is a right which can, when exploited, infringe on the rights of many people, and the future of generations to come, it is a matter which needs to be reflected upon and addressed by all.

Among the fundamental prerequisites of a democracy are the separation of the three powers of state with independent functions, and the creation of constitutionally independent institutions free from the influence of the Government and others. Any attempt by the Government on the contrary, to influence state powers and independent institutions would be an obstruction of the fundamental rights and freedoms of the people and the process of good governance. The current situation has brought to light however, that undue influence and pressure are being exerted on the state powers and independent institutions, which clearly undermine their sovereign functions.

Privileges such as expressing views and opinions, gathering in peaceful assembly, filing complaints on social issues with relevant authorities, working for and protecting human rights, have to be exercised freely and invariably at any juncture in the life of a country. At the same time, all those who are involved in the political arena of a country, should persistently advocate for the rights of the people and make the Government responsible. The establishment of an effective mechanism to independently carry the voice of the people to the Government and other responsible powers of the state, would undoubtedly help everyday in improving the affairs of the country.

Though the Human Rights Commission of the Maldives monitors the human rights situation of the Maldives and works towards promoting and protecting these rights, the Government should take the primary responsibility in asserting and providing the fundamental rights of the people and in improving the human rights situation of the country. In this respect, the ministries and offices of the Government should meet the conditions for protecting the rights of the individual and that of the community. It is the duty of the Government to establish

mechanisms to provide easy access to basic rights such as education, health care, and housing in a fair and equitable manner.

It is also important that the independent institutions of the state, who play a vital role in harvesting the fruits of democracy for the benefit of the people, receive the full support and cooperation of the Government, invariably facilitating them to perform their responsibilities well. That the Government acknowledges and accepts the efforts of independent institutions working for the rights of the people, is demonstrably a true ideal of democracy.

The Human Rights Commission of the Maldives, mandated with the task of providing the fundamental rights and freedoms guaranteed in Chapter 2 of the Constitution to the Maldivian people, needs continued support and cooperation from the Government, in its efforts to promote and create a culture of respect for human rights in the country. Though the Commission receives support from some Government agencies, efforts by some high level officials of the Government, to disrepute the Commission in a manner which would make people lose confidence in the Commission is a matter of grave concern, during this tentative and crucial period in the democratic life of the country. Similarly, we note that certain actions of the Government which threaten to undermine the independent and sovereign existence of the Commission, would in effect weaken the democratic progression of the country.

Government agencies, political parties and the organizations and associations working for the protection of human rights in the country, need to work together and in the same spirit, to protect, preserve and promote human rights in the Maldives. The Commission hopes to receive the support and cooperation of all these parties more extensively in future. The Commission is deeply committed in providing support and cooperation to the Government and other state institutions and shall continue working with local and international human rights organizations to create a conducive environment for freedom and rights, for the benefit of the people of the Maldives.

### **3. INTRODUCING THE COMMISSION**

#### **3.1 Members of the Commission**

The following members were appointed to the Commission by the President in consultation with the People's Majlis (Parliament) for a tenure of 5 years from 26 November 2006, pertaining to Article 4 and Article 5 of the Human Rights Commission's Act.

1. Ahmed Saleem (President of the Commission)
2. Mohamed Zahid (Vice President of the Commission)

3. Mariyam Azra Ahmed (Member)
4. Ahmed Abdul Kareem (Member)
5. Majidha Majdhee (Member)

### **3.2 Departments of the Commission**

By 31 December 2009, in addition to the commission members, the HRCM had 38 staff employed in its secretariat. The HRCM Secretariat has 6 departments functioning under a Secretary General to assist with the Commission's work and to handle the administrative affairs. Following is an introduction of the departments of the Secretariat.

#### **Education and Media Department (E.M.D)**

As stipulated in Article 20/Section 9 of the Human Rights Commission's Act, it is a responsibility of HRCM to create Human Rights awareness among the citizens and foreign nationals in the Maldives, and to inculcate the spirit of respecting and valuing these rights. The Education and Media Department conducts awareness programs to the public, the Government, private parties, and schools through workshops/seminars, media campaigns, leaflets, posters, handbooks, and newsletters. The department is also responsible for updating the media on HRCM's work.

#### **Policy, Planning and Monitoring Department (PPMD)**

The primary work of Policy, Planning and Monitoring Department involve: monitor and identify the areas where the Government shortfalls in providing the fundamental rights and freedoms enshrined in Chapter 2 of the Constitution, put forward recommendations to Government authorities on the realization of these rights, determine whether the policies and frameworks of the Government are in accordance with human rights values, research issues relating to Human Rights, and carry out work under the International Human Rights instruments that the Maldives is a party to. In addition the department formulates the Strategic Plan of HRCM, carries out projects and works in close collaboration with the civil society.

#### **Complaints Department (CD)**

As stipulated in Article 20 of the Human Rights Commission Act (Act No. 6/2006) it is the responsibility of the Complaints Department to inquire into and investigate; when a person or an organization or a representative acting on their behalf files a complaint alleging infringement of human rights or aiding and abetting such an act, when the Commission has reason to believe such an act was committed or is being committed, when a person or an organization or a representative acting on their behalf, files a complaint alleging negligence in taking appropriate

measures as per this Act to check and prevent such an infringement, when the Commission receives complaints alleging infringement of human rights caused by administrative codes observed in the Maldives, and when a government authority or a private organization files a complaint alleging human rights infringement. The Complaints Department also conducts research and studies relating to human rights.

### **Legal Department (LD)**

Responsibilities of the Legal Department include: identify violations of human rights in laws, regulations and administrative codes in the Maldives and propose measures to be taken against such infringements under Section ( c ) and ( g ) of Article 20 of the Human Rights Commission Act ; under Section ( f ) of the same Article, counsel and advice on human rights aspects when formulating new laws and regulations; undertake the responsibility conferred onto HRCM under Section ( h ) of the Article on advising the Government on regional and international human rights treaties and conventions; refer matters to court under Article 24 of the Human Rights Commission Act; undertake other legal proceedings in the name of the Commission; and provide legal counsel to the Commission on cases being investigated by the Commission.

### **National Preventive Mechanism (N. P. M)**

The N.P.M monitors detention centres for incidents of cruel, inhuman and degrading treatment, arrange regular inspection visits to such places to ensure compliance with the required standards and based on the findings of these visits, and other legal and related findings, make recommendations to the Government on measures to be taken to strengthen the protection given to detainees in accordance with the Constitution, laws and regulations and in line with international human rights standards.

In 2009 N.P.M visited 11 detention facilities issued 10 reports and met relevant authorities and agencies to deliberate on the reports. However, we note that except for a few, many of the recommendations put forward in these reports still remain unimplemented.

### **Management and Finance Department (M. F. D)**

Management and Finance Department is the support system for all the other departments of HRCM. In addition to handling the administrative work related to the staff, the Management and Finance Department is responsible for all the work related to human resource including the employment, dismissal and transferring of staff and their leave. The department is also responsible for procurement and maintenance, formulating the HRCM budget, handling the expenditures of the Commission, billing, settling payments, and accounts keeping.

## **4. HIGHLIGHTS OF THE YEAR 2009**

### **4.1 Meeting with the Vice President Dr. Mohamed Waheed Hassan Manik**

On 13 January 2009 Commission held a meeting with the Vice President of the Maldives Dr. Mohamed Waheed Hassan Manik. The meeting was attended by all the 5 members of the Commission and the Secretary General. The purpose of the meeting, held on the request of the Commission, was to raise concerns about the increasing number of complaints being received by the Commission because of the deteriorating situation in Maafushi Prison, infringement on the rights of many people and the pervasive fear within the community, since the transfer of a large number of prisoners serving prison sentences to house arrest in the name of parole. The meeting put forward recommendations to the Government on measures to improve conditions of the prison.

Speaking at the meeting the Commission's President said that the Commission faced difficulties on financial. He also briefed the Vice President on the construction of a building to house all the independent institutions, which was an initiative of HRCM approved by the former government.

Vice President Dr. Mohamed Waheed Hassan Manik expressed his desire to work closely with the Commission and pledged his commitment to work towards implementing the recommendations put forward by the Commission to the Government. He noted the overcrowded conditions of the prisons and the many number of convicts waiting to execute jail sentences. He informed the Commission that the Government was transferring 200 prisoners to Gaamaadhoo island to ease the conditions in Maafushi Prison. He also said that some detainees would be sent for treatment at the Drug Rehabilitation Centre.

Speaking at the meeting the Vice President of the Commission Mohamed Zahid said that the Prosecutor General had some concerns over the transfer of prisoners to the Drug Rehabilitation Centre, and called on all concerned parties to meet and discuss the discrepancies in the laws and regulations. He also made an appeal to uphold human rights standards when implementing Government policies and national development projects and urged the Government to facilitate the implementation of the National Human Rights Action Plan.

### **4.2 Commission's work relating to the planned establishment of prisons in Feydhoofoinolhu of Kaafu Atoll and Madivaru of Lhaviyani Atoll**

On 14 and 15 January, HRCM visited Kaafu. Feydhoofoinolhu and Lhaviyani. Madivaru, the two islands where prison facilities were to be established. The visit to K. Feydhoofoinolhu was made

on 14 January 2009 and the delegation included: Vice President Dr. Mohamed Waheed Hassan Manik, Former Attorney General Fathimath Dhiyaana Saeed, Commission's President Ahmed Saleem, Commission's member Ahmed Abdul Kareem, Complaints Director of the Commission Ali Nashath Hameed, and the Commission's Assistant Inspection Officer Musthafa Mohamed Didi. The delegation to Lh. Madivaru on 15 January 2009 included: Vice President Dr. Mohamed Waheed Hassan Manik, Former Attorney General Fathimath Dhiyaana Saeed, Commission's President Ahmed Saleem, Commission member, Ahmed Abdul Kareem, and the Complaints Director Ali Nashath Hameed.

Following these two visits, HRCM sent a letter to the Ministry of Home Affairs, stating the Commission's requisites for the prison facilities in both the islands.

#### **4.3 Former Prime Minister of Srilanka meets members of the Human Rights Commission**

On 26 January 2009, the former Prime Minister of Srilanka and opposition leader Hon. Ranil Wikramasinghe paid a courtesy call on the Human Rights Commission. The meeting shed light on the importance of the Human Rights Commission of Maldives and that of Srilanka working together in protecting and promoting human rights. The President of the Human Rights Commission thanked Mr. Wikramasinghe and said that it was an honour for the Commission to have met him during his visit to the Maldives.

#### **4.4 Meeting with President Mohamed Nasheed**

The Commission's President Ahmed Saleem, Vice President Mohamed Zahid, Member Fathimath Azra Ahmed, Member Majidha Majdhee, Secretary General Ahmed Naseer Yoosuf, Director Ali Nashath Hameed held a meeting with President Nasheed on 9 February 2009. Vice President Dr. Mohamed Waheed Hassan Manik and Defence Minister Amin Faisal who was temporarily in charge of overseeing the administration of the Ministry of Home Affairs, attended the meeting with the President.

The purpose of the meeting was to discuss the President, the deteriorating conditions of Maafushi Prison. Commission's President told President Nasheed that the Commission has held several meetings with relevant Government authorities to discuss the situation in Maafushi Prison. He said the Commission's findings have led them to believe that the main reasons for the recent prison uprising were the promises the Government had made to prisoners and the preferential treatment given to some of them. He cited the unlawful transfer of 119 prisoners to house arrest in the name of parole, as an example of this.

President Nasheed said the prison issue was a cause of concern for the Government but stated that it could take a while to alleviate the overcrowded conditions of the prisons. However, he pledged to put every effort to expedite the process of building a prison in Maafushi. He said the new prison would considerably ease prison congestions, noting that some prisoners have also been transferred to Feydhoofinolhu.

Speaking in the meeting, Defense Minister Mr. Ameen Faisal who was temporarily assigned the task of running the Ministry of Home Affairs, stressed on the importance of seizing prohibited materials from prisoners. He also said that prison management needs to be strengthened.

Vice President of the Commission Mohamed Zahid said that prison management has become highly inefficient and prison regulations were being disregarded. He also said that some people were making prison visits without informing the Ministry of Home Affairs. He stressed on the need to enforce prison regulations, without fear or favor, equally on all.

#### **4.5 Special Operation by Police in Maafushi Prison**

On request of the Maldives Police Service, HRCM observed the special operation carried out by the police in Maafushi prison on 31 March 2009 after inmates went on a rampage torching and vandalizing the prison. On arrival at the gates of the prison along with the media and accompanied by the police, the HRCM team observed: that some people claiming to be residents of the island were protesting at the main gate with sticks and clubs in hand; that they were trying to prevent the media team and the HRCM team from entering the prison, insisting that the media team should issue a report on the situation of the island before they would be allowed to gain entry into the prison and calling out for HRCM team to immediately leave the island, claiming that the Commission worked solely to protect the rights of convicts. They also threatened to identify and attack members of the HRCM team.

The HRCM observed that the following damages were done to the prison: a huge opening was made near the gate of the outer fence of the prison, the newly constructed office (gatehouse) were torched and its glasses shattered, destroying the place beyond use, waste was deposited in the yard outside the units and set ablaze, the electricity board and cables of pentagon jail were set ablaze and the fire had spread to the roof of the building, the water plant, medical point, pharmacy, guard tower, and the electricity distribution board were all destroyed in the fire. The police also found a stash of metal rods, wrenches, hammers, and metal cutters in the prison premises.



#### **4. 6 Meeting with senior officials of Maafushi Office**

Following the prison disturbances of March 2009, on 1 April 2009, around 12:00 noon, HRCM team met senior officials of Maafushi island in the Island Office, to assess the situation of the people of the island. From the Island Office, Councilor Luthfee, Island Chief Ali Nasheed, Assistant Island Chief Haisham and secretary Shifa participated in the meeting. HRCM briefed the officials on the purpose of the meeting, stating that the commission was not an institution which only protected the rights of criminals, and that the Commission had, in all its reports, called on relevant Government authorities to protect the rights of the people of the island.

The team from the island office noted that such incidents in prison disrupted the lives of the people and created fear amongst them. According to the team, the recent incident, had made 12 children pass out in fear, and some households had to seek temporarily shelter in other homes.

#### **Recommendations of Maafushi Island Office**

Officials from the island office said the existence of the prison in the island had some economic benefits like creating employment opportunities for some people. They said that it was the wish of the people of the island, that such incidents be prevented from occurring or and in the event that such incidents do occur, that people's lives not be affected or disrupted because of that.

Loss and damage caused to the island by prison disturbances include, the damage caused by prisoners to fishing vessels in the harbor, thefts from shops and other incidents of vandalism. It was proposed that urgent action be taken to address the situation including, setting up measures to prevent prisoners from breaking out of the prison, appointing a party to take responsibility for the loss and damage caused by prisoners and compensation payments for the losses. As the prison can be easily viewed from the outside, it created fear amongst the people whenever there was a disturbance in the prison, and hence it was proposed that the surrounding fence of the prison be replaced by a high fortification wall to block the prison from outside view, and to set up adequate lighting in the prison premises.

#### **4.7 The meeting held in Samoa on establishing National Human Rights Mechanisms**

The Deputy President of the Human Rights Commission, Mohamed Zahid, participated in a meeting held from the 27-29 of April in Samoa on the 'Establishment of National Human Rights Mechanisms' in the island nations of the Pacific. The meeting was organized jointly by the

Office of the UN High Commissioner for Human Rights (OHCHR), Asia Pacific Forum of National Human Right Institutions (APF) the Samoan Government and the Pacific Islands Forum (PIF).

The meeting shared the experience of two island nations where human rights institutions have been recently established. Deputy President Mohamed Zahid briefed the participants on the role of the Human Rights Commission of the Maldives, work being carried out in the Maldives to protect and promote human rights, and shared the Maldives' human rights experience. Delegates from 13 countries participated in the workshop. They include; Cook Islands, Micronesia, Kiribati, Palau, Nauru, Papua New Guinea, Marshall Islands, Samoa, Soloman Islands, Tonga, Tuvalu, and Vanuatu.

#### **4.8 HRCM's Role in the Parliamentary Elections**

The HRCM was engaged in a number of activities leading to and during the Parliamentary Elections held on 9 May 2009, which involved a series of voter education programs for the public, meetings with officials involved in various election related activities, and meeting with political parties whose candidates were contesting in the election. In addition, prior to the election, HRCM visited the atolls to monitor the arrangements made for the ballot process and monitored the process of voting in Male' and some atolls on polling day. To ensure that the parliamentary elections were free and fair, HRCM met concerned authorities and parties. In this regard, the Commission held a number of meetings with the Election's Commission, the Maldives Police Service, Anti-Corruption Commission, Ministry of Health and Family, Department of National Registration, political parties, and Transparency Maldives, a civil society association.

In the meetings held with political parties, the Commission gathered information on campaign activities, and urged the parties to conduct their campaign activities in accordance with the election law and regulations. HRCM also requested Transparency Maldives to be fair in conducting their election related activities.

The Maldives Police Service assured the guarantee of the safety and security of voting premises on polling day, when HRCM met them on 30 April 2009 to discuss security issues. They also briefed HRCM on the security arrangements for the days leading to the election and the polling day.

On 14 April 2009, HRCM sent a letter to the Elections Commission, requesting them to make arrangements for eligible voters among the Maldivian population residing abroad, eligible voters among prisoners, and those detained by the police to cast their ballots. HRCM would like to note that the Elections Commission made due arrangements as requested. The Commission

would also like to acknowledge that the Deputy President Mohamed Zahid represented the Commission in the National Advisory Committee an ad-hoc committee appointed to advise the Elections Commission on matters relating to the election.

Several teams of HRCM, travelled to selected atolls from 25-28 April 2009 to monitor the arrangements for the elections and to observe the ballot process. This included visits to Gan of Laamu Atoll, Fonadhoo, Maandhoo, Kulhudhuffushi of Haadhaalu Atoll, Thinadhoo of Gaafu Dhaalu Atoll, Gnaviyani Fuvahmulah, and Seenu Hithadhoo.

During their visits, the teams held discussions with senior officials of the Province Office and the Island Office, the 'Atoll Advisory Committee' on elections, the police and Civil Society Associations. The teams also made inspection visits in the islands and talked to some members of the public to assess the general mood and situation of the island, observed arrangements at polling stations, and campaign activities.

The Commission kept a close watch on the work of election officers, that of the advisory committee stationed in the atolls to monitor the election process, and the Complaints Bureau which was set up to receive complaints related to the elections. The Commission also constantly checked to ensure that arrangements had been made to facilitate every eligible voter to cast their ballot, and monitored the work of election officials, representatives of candidates contesting in the elections, election monitors, observers, and people who came to cast their ballots while following up on the general situation of the island during the election.

### **Activities on Polling Day**

HRCM teams travelled to various parts of the country on 9 May 2009 to observe and monitor the election process. They visited Haa Dhaalu Kulhudhufushi, Vaavu Felidhoo, Thinadhoo, Keyodhoo, Thaa Thimarafushi, Laamu Gan, Fonadhoo, Gaafu Dhaalu Thinadhoo, and Seenu Hithadhoo.

In the atolls HRCM teams monitored the work of election officers stationed in the atolls on election day, and the Complaints Bureau which was set up to receive complaints related to the elections. The Commission also constantly checked to ensure that arrangements had been made to facilitate every eligible voter to vote, and monitored the work of election officials, representatives of candidates contesting in the elections, election monitors, observers, and people who came to cast their ballots while following up on the general situation in these islands on polling day.

## **Voting in Thimarafushi Constituency**

A High Court ruling cancelled two ballot boxes from Kolhumadulu Thimarafushi, in the vote taken on 9 May 2009 to elect members to the People’s Majlis and under ruling no. 01/SH-1-HC/2009 called for fresh elections to be held in Thimarafushi and within 20 days from the date of the ruling (11 June 2009) to create a conducive environment as stipulated in Section (a) of Article 170 of the Constitution with the help of relevant state institutions and ordered the Elections Commission to conduct a fresh round of voting for Thimarafushi under the watch of the Human Rights Commission of the Maldives, and regional and international observers within 10 days from the 20<sup>th</sup> day of the ruling. The Commission travelled to Kolhumadulu Thimarafushi to identify the necessary measures to build a conducive environment for the ballot and to seek people’s support and cooperation for the process. 25 officials from concerned authorities went on the trip including the Deputy President Mohamed Zahid and Legal Officer Hussain Amir.

Based on the information given by the HRCM member who represented the Commission in the National Advisory Committee to the Elections Commission and the officials of the Commission who were in Kolhumadulu Atoll to observe the elections, a letter was submitted to the Elections Commission, drawing attention to some important issues related to the ballot box of Thimarafushi.

The Commission played a significant role in observing the re-vote held in Thaa. Thimarafushi on 11 July 2009, following the High Court ruling.

## **4.9 “Stop Violence Against Children-My Responsibility” Activities carried out under the slogan**

World Day for the Prevention of Child Abuse marked internationally under the auspices of the Women’s World Summit Foundation was marked in the Maldives in 2009 by a coalition group led by the HRCM, relevant Government authorities and civil society associations, under the slogan “Stop Violence Against Children-My Responsibility”. The coalition comprised of the Human Rights Commission of the Maldives, Department of Gender and Family Protection Services, the Maldives Police Service, Family Protection Unit of the Indira Gandhi Memorial Hospital, and civil society associations like Rights for All, Ensure, and Society for Health Education, Care Society and Child Abuse Watch Maldives. In the latter part of 2008, members of the coalition had agreed to carry out more activities under the slogan in 2009. As such, in early 2009 the “Action Plan for the Prevention of Child Abuse 2009” was drawn up, and various activities were carried out under the plan. More parties joined the coalition in 2009 including, UNICEF, NOOR, Silent Voices, Hand in Hand, and a lawyer who joined as a private practitioner.

The coalition held a 4 week media awareness program in June, where experts and service providers focused on a particular topic related to child abuse, every week, and disseminated information via TV and radio on the topic. Topics discussed in the programs included; the legal framework for protecting the child, current situation of child abuse, services established for the protection of children, and caring for children and raising them the right way.

#### **4.10 Efforts to strengthen relations between the People’s Majlis and the Human Rights Commission**

Discussions were held to strengthen HRCM’s relations with the newly elected Parliament (17<sup>th</sup> People’s Majlis). With the aim of holding the discussions in June the Commission had earlier submitted a discussion paper to the Majlis. The paper proposed the establishment of stronger working relations and greater cooperation between the Parliament and HRCM, and the drawing up an MOU to further strengthen these ties. The following points were proposed to be included in the paper which highlighted the underlying features of the MOU governing the key principles of this partnership.

##### **To facilitate the Commission to comment on the bills submitted to the Majlis**

The current procedure involves the Government sending those bills for the Commission to comment on, which the Government considers to have human rights relevance, among the bills drafted by the Government. Consequently, many important bills of human rights significance are being submitted to the Majlis without HRCM’s comments and views, because the Government considers such bills to be of no relevance to Human Rights. A request was made to the Majlis to facilitate HRCM to send in comments on a bill or an issue to the Majlis floor, when such bills are submitted to the Majlis without comments from HRCM.

##### **Committees of the Parliament working closely with HRCM**

Committees of the Parliament and HRCM engage in deliberations even now, however, specifying this in a document like an MOU would further strengthen the relations, and the changes would be embedded in the framework of the two institutions. This would also cultivate a good practice of democracy. Facilitating HRCM’s increased participation and contribution in Parliament’s work, would allow the two institutions to discuss major human rights issues faced by the country and work in close collaboration to resolve such issues.

## **Creating a Parliament Committee on Human Rights**

Constituting a special human rights committee in the Parliament would create the opportunity for HRCM to work closely with the Parliament in protecting and promoting human rights. The jurisdiction of the parliament committee on human rights and that of HRCM should clearly be defined to prevent an overlap of each other losing focus and cohesion on the role of human rights institutions. Countries like the US and the UK have included human rights committees in their parliament.

## **Deliberating on reports submitted to the Parliament by the Human Rights Commission**

The Parliament should deliberate on Human Rights Commission's reports as the institution is entirely accountable to the Parliament. Such a move would facilitate the Parliament to build pressure on the Government to act on HRCM's recommendations fulfilling their duty in making the Government accountable; and debate on the reports published on serious of the society. For example; the Commission's report on housing and shelter, the report on the increasing crime rates in society and other such reports maybe deliberated on. This would also make it easy for the Parliament to make the HRCM more accountable. The Commission had requested thus, in its letter to the Parliament on 14 June 2009. Though the Parliament had expressed interest in signing such an MOU, to date they have not acted on it. HRCM has reminded the Parliament to reply to the letter on 14 June 2009.

### **4.11 Issue submitted by Norway's Forum 18 News Service on the existence of barriers for non Muslim foreigners in Maldives to exercise their religious faith.**

A letter was sent to the Commission on 15 June 2009 by Norway's Forum 18 News Service highlighting the issue of existence of barriers to exercise their religious faith for non Muslim foreign workers and other non Muslim foreigners visiting the Maldives.

The letter requested for the opinion of the Human Rights Commission on certain issues highlighted in the report issued by the United Nations Special Repertoire on Freedom of Religion and Belief, during his visit to the Maldives.

Some of the issues highlighted include, foreign workers being banned from entering mosques in certain islands, ban on construction of places of worship for foreign workers, ban on performing their religious faith outside of their residence, ban on involving Maldivians in their religious functions, difficulty faced by foreign students to pass the year end exam and the unavailability of optional subjects these students could choose instead of Dhivehi and Islam.

A reply to the letter was sent to Forum 18 News Services on 7 October 2009 after seeking the validity of the information on these issues and consulting the Islamic Ministry on their policy on such issues.

In the reply from HRCM it is stated that protecting, sustaining and promoting the Human Rights of the Maldives is the responsibility of the Human Rights Commission and the religious rights of foreigners in Maldives has to be respected and in a manner which does not contravene with Article 10 of the Constitution other religions are respected in the Maldives. Also the state religion of the Maldives is Islam and Islam is the main source of laws in the Maldives as stipulated in the Constitution and in addition the Maldives being a party to the International Covenant on Civil and Political Rights has submitted a reservation to Article 18 of the Covenant which talks about religious freedom, the reservation from the Maldives states that the religious freedom stated in article 18 shall be protected in accordance with the Constitution. Also the letter states that foreigners of the Muslim faith working in the Maldives do not face any problem in entering mosques in the Maldives and it is not compulsory for foreign students studying in the Maldives to study Dhivehi or Islam as a subject.

#### **4.12 Establishing a mechanism to monitor Human Rights related issues**

On 15 June 2009, the Human Rights Commission established a mechanism to monitor the level of Human Rights related issues or a system to assess the level of Human Rights. This mechanism was established by the Human Rights Commission based on the OHCHR Human Rights Training Manual. The mechanism currently focuses on issues highlighted relating to four main categories. The four categories are Abuse and Exploitation, Health Rights, Housing Rights and Employment Rights. This mechanism was carried out as a three month pilot project which was completed on 15 September 2009. Within the three month pilot project 24 cases were recorded out of which 13 were registered in the Abuse and Exploitation category making it the category where majority of cases were registered.

Under this mechanism of recording cases of Human Rights abuse, factors such as how information about the case is acquired, information on the details of the case and verification of this information is carried out, and this information is then recorded and the Commission decides on the action to be taken on the case and it is brought to the attention of the Commission. After the completion of the three month pilot project, the project was reviewed by foreign experts and on 3 to 7 January a training program was conducted for the staff on the workings of this mechanism. Work is currently being carried out on making the monitoring mechanism a permanent one.

#### **4.13 Visit of the Director of the Asia Pacific Forum (APF) Mr. Kieran Fitzpatrick**

In August 2009, the Director of the Asia Pacific Forum (APF) Mr. Kieran Fitzpatrick made a visit to the Maldives. The purpose of the visit was to discuss the amendments to the Human Rights Commission Act with state agencies and the Human Rights Commission prior to the Commission's submission for ACC accreditation in 2010. During this visit Mr. Kieran met with the President of Maldives Mr. Mohamed Nasheed. In addition he met the President of the Parliament Mr. Abdulla Shahid, Attorney General Husnu Suood, Foreign Minister Dr. Ahmed Shaheed and the members of the Human Rights Commission.

During this visit Mr. Kieran held a briefing session for members of the Parliament in collaboration with the Human Rights Commission.

#### **4.14 Letter to the UN High Commissioner of Human Rights on the issue of public flogging**

The month of August saw the case of an 18 year old girl who confessed to the crime of adultery and fell unconscious while she was being flogged. For many Maldivian institutions this case presented the question of reviewing whether the execution of this punishment was carried out in the most appropriate manner. On 7 September 2009 a letter was sent to the Human Rights Commission by the High Commissioner for Human Rights, requesting for the Human Rights Commission to condemn such punishments of torture and pain and change the laws and regulations to put a stop to such punishments.

In the reply to the letter the Human Rights Commission stated that flogging is not an appropriate legal and judicial punishment. Though such acts go against the Convention on violence, carrying out forms of violent, inhuman and degrading punishments and acts, and is against international principles and rules, the Commission believes that protecting Human Rights is its highest priority, but to condemn such a punishment is seen as going against the Constitution and laws of the Maldives and if such a punishment is condemned, the Human Rights Commission would be in breach of its law (06/2006) and also noted that if the Commission condemns such a punishment it would be seen to go against an authentic principle of the Islamic Shariah embraced by the people of the Maldives in 1189.

In a 100percent Muslim country such as Maldives the need to uphold the Islamic Shariah and traditions of Islam is something connected deeply to the sentiments of the people. The Commission stated that it does not have legal authority to condemn a punishment carried out as prescribed by Islamic Shariah and the Laws, even though the Human Rights Commission agrees with the above mentioned Convention and its interpretation by the Human Rights



Committee, it is still mandatory for the Human Rights Commission to respect all the Laws of the country.

#### **4.15 Capacity Assessment of the Commission**

A capacity development assessment of the Commission was carried out from 3 to 17 of October 2009. This assessment was carried out in collaboration with UNDP and the Asia Pacific Forum. The team of foreign experts who travelled to the Maldives to conduct the assessment met with civil society Associations, some Government Ministries and the local media to gather information. Also the team collected information from all the staff at the Commission and the assessment was completed and a report has been submitted to the Commission.

#### **4.16 Democracy Fair 2009**

The Human Rights Commission participated in the Democracy Fair held from 13 to 14 of November to mark the completion of the first year of a democratically elected Government. The fair was organized by the President's Office. For these two days the Commission managed a stall and disseminated information to the public on the work being carried out by the Commission. The annual reports of the Commission, "Haqq" newsletter, studies conducted by the Commission and leaflets of the Commission were made available to the public. Also video spots produced by the Commission on Articles of the Universal Declaration of Human Rights were shown to the public. The greatest response in the fair was generated from the questions posed to the public to gauge their understanding on six different areas of Human Rights.

#### **4.17 Marking the "World Day for Eliminating Violence Against Women"**

On 25<sup>th</sup> November the Commission issued a statement to mark the "World Day for Eliminating Violence Against Women". In the statement the Commission expressed its concern for violence committed against women, and reiterated its commitment to fight violence against women and give its complete commitment to eliminating such violence and continue to work within its legal responsibility to stop such violence. The Commission also noted that the Government has to broaden its assistance to victims of such violence and should prioritize the need to create a protective temporary shelter for women. The statement also highlighted the immediate need for a bill on fair treatment and protection of women from the violence they suffer from family members and partners and expressed the immediate need for such a law. The Commission also

reiterated its commitment to its policy of promoting equality among women and men. This year's slogan for the day was "Say No - Unite to End Violence Against Women".

#### **4.18 Marking the International Day for Persons with Disabilities**

The 3<sup>rd</sup> of December is marked every year internationally as the Day for Persons with Disabilities. In order to mark this day the Human Rights Commission issued a press release. In the press release the Commission highlighted that similar to other human beings, people with disabilities are entitled to their freedom and rights and they should be given special assistance and protection by their family, the community and the state as prescribed in Article 35 (b) of the Constitution. In addition under the Treaties and Conventions on Human Rights that the Maldives has ratified or acceded to, it is mandatory for the state to work towards sustaining and protecting the rights of people with disabilities.

The press release also highlighted the fact that all countries including Maldives still view people with disabilities as people who are dependent on welfare and medical attention, rather than a people with rights. The people with disabilities have become a marginalized people who have been deprived of their basic rights and freedom and they have not been provided adequate love and care from their families and the community.

The press release regrettably highlights the fact that the rights and freedom of people with disabilities are not being catered for and the environment is not conducive for providing equal rights and freedom to people with disabilities when compared with other people in society. The press release calls on the relevant authorities to conduct a comprehensive study to understand the plight of people with disabilities and in accordance with Article 35 (b) of the Constitution, formulate policies, plan and carry out continuous programs to cater for the special protection and care that needs to be provided for people with disabilities. While people with disabilities like the rest of the society can play a significant role in the development of the country; it is the Commission's policy to work towards protecting and sustaining the rights of people with disabilities.

The press release also called on the Government to play a wider role in protecting the rights of people with disabilities.

#### **4.19 Establishing a Network with Civil Society Associations**

The Human Rights Commission Act stipulates that as one of its main objectives the Commission should assist and encourage Civil Society Associations in their efforts to protect and promote

Human Rights. The Commission believes that if the Commission and Civil Society Associations who work to protect, promote and sustain Human Rights collaborate their work it would help both parties to achieve its objectives. For these reasons a network was established with Civil Society Associations working to protect and promote Human Rights. The objective of establishing such a network is also to bring issues of Human Rights abuse to the attention of the Commission from the Atolls, carrying out monitoring activities to protect and promote Human Rights, providing opportunities for the focal points of these associations in the training programs held by the Commission, and in awareness programs carried out in the Atolls by the Commission, especially in activities related to Human Rights, and to provide all possible assistance from the HRCM. Providing financial and technical assistance is also included in this. In order to establish this network the Commission made public announcements on three occasions and a total of 48 associations expressed their interest and submitted completed applications forms. The Associations in this network include:-

- 1- Kanditheem Associations for Youth and Development – Shaviyani Kanditheemu
- 2- Take Care – Seenu Hithadhoo
- 3- Zuvaanunge Jammiyya – Laamu Dhambidhoo
- 4- Keyodhoo Rav'vehi Club – Vaavu Keyodhoo
- 5- Dhangethi Zuvaanunge Club – Alif Dhaalu Dhangethi
- 6- Naifaru Juvenile – Lhaviyani Naifaru
- 7- Kaafu Guraidhoo Zuvaanunge Jammiyya – Kaafu Guraidhoo
- 8- Dhivehi Massaikaitheringe Jammiyya – Haa Dhaalu Kulhudhufushi
- 9- Dhidhoo Sports Club – Haa Alif Dhidhoo
- 10- Fainu Zuvaanunge Jammiyya – Raa Fainu
- 11- Hoarafushi Advance Fund Society – Haa Alif Hoarafushi
- 12- Hoarafushi Zuvaanunge Jammiyya – Haa Alif Hoarafushi
- 13- The Island Community – Seenu Maradhoofeydhoo
- 14- Landhoo Youth Encouraging Society – Noonu Landhoo
- 15- Seed Association – Noonu Lhohi
- 16- Mulaku Ekuveringe Club – Meemu Mulak
- 17- Mulee Ekuveringe Gulhun – Meemu Muli
- 18- Kumundoo Youth Association – Haa Dhaalu Kumundoo
- 19- Dhaandhoo Sports Club – Gaafu Alif Dhaandhoo
- 20- Lhohi Zuvaanunge Club – Noonu Lhohi
- 21- Nellaidhoo Association of Youth – Haa Dhaalu Nellaidhoo
- 22- Jammiyyathul Ithihaad – Raa Kinolhas
- 23- Blue Star Club – Vaavu Fulhidhoo
- 24- Kuda Huvadhoo Zuvaanun – Dhaalu Kuda Huvadhoo
- 25- Associations for Mulhadhoo Youth Development – Haa Alif Molhadhoo

- 26- Society for Health Education – Male’
- 27- Nadella Island Development – Gaafu Dhaalu Nadella
- 28- Club Sounders – Kaafu Thulusdhoo
- 29- Koumas – Kaafu Thulusdhoo
- 30- Hoadehdhoo Association for Development – Gaafu Dhaalu Hoadehdhoo
- 31- Maldives Youth Action Network – Gaafu Dhaalu Hoadehdhoo
- 32- Care Society – Male’
- 33- Jamiyyathul Birri – Lhaviyani Naifaru
- 34- Alifushi Dhirun – Raa Alifushi
- 35- Jammiyyathul Uloom – Alif Alif Rasdhoo
- 36- Huvadhoo Association for National Development – Gaafu Dhaalu Thinadhoo
- 37- Succession for Women’s Sports – Gnaviyani Fuah Mulah
- 38- Associations for Mathiveri Sports and Awareness – Alif Alif Mathiveri
- 39- Naifaru Pioneers Association – Lhaviyani Naifaru
- 40- Zuvaanunge Roohu – Laamu Kulhahandhoo
- 41- Rathafandhoo Anhenunge Jammiyya – Gaafu Dhaalu Rathafandoo
- 42- Ihavnadhoo Masveringe Gulhun – Haa Alif Ihavandhoo
- 43- Faafu Magoodhoo Zuvaanunge Club – Faafu Magoodhoo
- 44- Fanriya Sports Club – Noonu Fohdhoo
- 45- Transparency Maldives – Male’
- 46- Dhoondigum Sports Club – Gnaviyani Fuah Mulah
- 47- Kuri Jammiyya – Thaa Omadhoo
- 48- Fulhidhoo Ekuveringe Gulhun – Faafu Fulhidhoo

The Commission is aware of the importance of holding a meeting to establish the network with the NGO’s and to foster good relations and identify how the collaboration will function, however due to financial constraints the HRCM has not been able to hold the meeting.

#### **4.20 Submission for Review of the Commission’s member status of the International Coordinating Committee of National Human Rights Institutions (ICC)**

In April 2008 the Human Rights Commission of the Maldives attained category B member status of the International Coordinating Committee of National Human Rights Institutions (ICC). The ICC is a committee representing independent institutions from various countries established to carry out Human Rights related work on a national level in accordance with the Paris Principles. The committee which functions under the UN office of the High Commissioner for Human Rights organizes annual meetings with the national level independent Human Rights

institutions, organize various activities between these institutions, work in collaboration with various other International Organizations, and carry out such work as to assist in establishing new institutions in other countries which are similar to the committee members.

In 2008 it was a category B membership which the Commission had received and it currently does not enjoy the special powers and opportunities enjoyed by ICC's category A members. Included in these privileges are the power to list an item in the agenda of the UN Human Rights Councils Conference and the opportunity to present papers. In order to eliminate such restrictions in carrying out the mandate of the Commission to the best possible outcome, the Commission has to secure a A membership of the ICC and hence on November 2009 the Commission has requested the Office of the High Commissioner for Human Rights to review the membership status of the Commission. ICC membership is something which is regularly reviewed and in certain circumstances it is subject to change. In April 2010 individual members' membership status will be reviewed and hence the membership status of the Commission will also be reviewed.

#### **4.21 Universal Periodic Review (UPR)**

Maldives is to be reviewed in 2010 under the Universal Periodic Review (UPR) conducted by the UN's Human Rights Council which conducts these reviews to assess the human rights situation of United Nations member countries. This is also the first time that Maldives would be reviewed. Following this once every 4 years Maldives is to be reviewed under this review. The main objective of the UPR is to publicize the work which has been done and which is being carried out to protect and sustain Human Rights and to work towards improving the Human Rights situation of countries. The Government, Human Rights Commission and Civil Society Associations will submit reports for this review.

The Commission is working with Civil Society Associations to prepare for the UPR. In providing support for the Civil Society Associations the Commission has facilitated a discussion meeting with the Civil Society Associations and provided them with the assistance needed to start the report which has to be submitted to the UPR. The Commission also took part in a workshop held from 11 to 13 August 2009 by the Ministry of Foreign Affairs to familiarize the parties on the Universal Periodic Review. Also the Commission is included in the standing committee selected by the Government for the formulation of the report to be submitted to the UPR. The work of the report to be submitted to the UPR by the Commission is currently underway. Atoll visits and meetings have been conducted with the relevant authorities, the necessary

information has been gathered, and the report has been drafted. The deadline for the Commission and Civil Society Associations to submit their reports to the UPR is 12 April 2010.

#### **4.22 Work of Amending the Counter Terrorism Bill**

The Maldives Police Services has held meetings with the stakeholders in order to amend and draft the Maldives Counter Terrorism Bill. From the Human Rights Commission the Legal Officer Uz. Hussain Amir and Planning Officer Moomina Waheed took part in these meetings. The participants of the meeting were briefed on various aspects and information on counter terrorism. The Commission proposed amendments to the draft Counter Terrorism Act formulated following these meetings. The amendments proposed by the Commission include its view on narrowing basic rights, which should only be done under special circumstances in accordance with Article 16 of the Constitution and as according to the International Covenant on Political and Civil Rights, and also any person convicted of terrorism to not be banished to an inhabited island as this could cause fear among the people and any person convicted of terrorism be given none other than a prison term, and also the Commission advocates to prescribe life sentence instead of capital punishment. The Commission proposed so as it advocates protecting life and in accordance with Article 21 of the Constitution which provides for the right to life.

#### **4.23 Marking the International Human Rights Day**

On 10 December 2009, the Human Rights Commission of the Maldives held a special function to mark the International Human Rights Day and the Commissions 6<sup>th</sup> Anniversary. The Chief Guest of the function was the Kulhudhufushi South Constituency member of the parliament and the chair of the Internal Affairs Committee of the Parliament, Uz. Mohamed Nasheed. The Human Rights Commission and Associations working for Human Rights signed a declaration at this function. This is the first declaration signed in the Maldives to protect and promote Human Rights. The 13 associations who signed this declaration are:-

- 1- Dhangethi Zuvaanunge Club – Alif Dhaal Dhangethi
- 2- Kaafu Guraidhoo Zuvaanunge Jammiyya – Kaafu Guraidhoo
- 3- The Island Community – Seenu Maradhoo
- 4- Koamas Jammiyya - Gaafu Alif Kolamaafushi
- 5- Care Society – Male’
- 6- Naifaru Pioneers Association – Lhaviyani Naifaru
- 7- Rathfandhoo Anhenunge Jammiyya – Gaafu Dhaau Rathafandhoo

- 8- Hoadehdhoo Association for Development – Gaafu Dhaal Hoadehdhoo
- 9- Maldives Youth Action Network – Gaafu Dhaalu Hoadehdhoo
- 10- Muli Ekuveringe Gulhun – Meemu Muli
- 11- Fulidhoo Ekuveringe Ufaa – Faafu Fulidhoo
- 12- Take Care – Seenu Hithadhoo
- 13- Transparency Maldives – Male’

In addition to this the Human Rights Commission also inaugurated its free legal advice service, and awarded prizes to the school students who won the art exhibition held by the Human Rights Commission, also a stamp set was unveiled which was produced by the Maldives Post and a 50 Rufiyaa prepaid card produced by Dhiraagu which were based on the prize winning student drawings from the exhibition, also the new website of the Commission was inaugurated at this function. The Executive Director of Hoadehdhoo Association for Development Mr. Imaad Mohamed spoke on behalf of the Civil Service Associations. Also a supplement was issued which included important information and the commemoration speech by the President of the Human Rights Commission to mark the International Human Rights Day.

## **5. COMMENTS ON THE BILLS SUBMITTED TO PARLIAMENT**

### **5.1 Comments Submitted on the Clemency Bill on 19 April 2009**

#### Clemency after Executing the Sentence

The Commission commented that, in the bill it should be stated clearly what clemency after carrying out the sentence means and if this would mean that the crime record will be deleted and if so it should be stated in clear terms.

#### Crimes where clemency is not applicable or sentence cannot be lessened

The Commission commented that it is of the view that a list of crimes should be compiled where clemency is not applicable and sentence cannot be lessened. People who commit sexual crimes against children are suggested to not be given clemency or their sentences to not be

lessened. Also to amend the bill to clearly state that a person convicted of murder cannot be given clemency.

### Taking Basic Rights and Freedom into Consideration

Article 10 (b) of the bill, lists the actions upon which will be based the boards criteria for meeting the person who has suffered as a consequence of the crime for which an appeal has been lodged. The Commission proposes adding to this list the degree of violation of the fundamental rights and freedom stipulated in Chapter 2 of the Constitution, to be included among the losses incurred because of the crime. Also in order to protect, sustain and defend Human Rights in the Maldives, the Commission suggests that in all incidents where the degree of a crime has to be determined in this bill to always take into consideration the loss of Basic Rights and Freedom as one determining factor.

Accordingly:-

- **Include into the list in Article 20**

The Commission proposes the following inclusion “Loss of the basic rights or freedom of an individual, a group of people or the whole community as a result of an act committed by the criminal.”

- **Include into the lists of 21 and 22**

The Commission proposes the following inclusion “Loss of the basic rights or freedom of an individual, a group of people or the whole community as a result of an act committed by the criminal.”

Also include the basic rights and freedom as suggested by the Commission and include the definition of the phrase “basic rights and freedom” as according to the Constitution and the Human Rights Commission Act (6/2006) to Article 27 of the bill where the definition of phrases are listed.

## **5.2 Comments Submitted to the Bill on Treatment of Child Sexual Offenders on a Separate Criterion**

In addition to child sexual abuse, the Commission propose to include in this bill other forms of major physical and psychological abuse carried out against children and selling of children, and use of children in prostitution and trafficking. The Commission also suggests to change the title



of the Bill and include other forms of abuse against children in the bill, for example if only child sexual abuse is provided as a crime, people who commit other forms of abuse against children cannot be penalized under this bill. The recent case of the 8 month old baby who died of extensive physical abuse is one such case which could have been penalized under this bill.

- Proposed changes for Article 7 of the bill stating the crime of sexual abuse carried out by a child offender to be rephrased as following:
- The sentence for children between the age of 16 to 18 years is to be kept in juvenile detention for a period not exceeding 5 years and
- The sentence for children below 16 years, who have been charged, is for the state to provide them with child protection service for a period not exceeding 5 years.

The Commission is gravely concerned that part 4 of the Bill attempts to restrict the basic rights and freedom provided for in the Constitution. This is in relation to the fact that a person accused and detained for even the most serious crime, cannot be deprived of the rights provided in the Constitution. Basic rights has to be viewed as the lowest level for any person in any situation, and respect should be given to basic rights and freedom in carrying out the investigation, interrogations and also during the trial. Basic Rights and Freedom should never be seen or believed to be an obstacle to carrying out investigations and interrogations. Also if a law is drafted to curb a basic right or freedom with intent and hatred towards one particular type of crime, it could be seen as an obstacle to carry out investigations and maintain law and order as it is a restriction to the basic rights and freedom provided for in the Constitution.

In Article 30 of this bill it is stated that the basic rights and freedom are restricted in accordance with Article 16 (b) of the Constitution, but this Article of the Constitution only provides for the restriction of a basic right or freedom in such cases as where it is required to uphold and protect the basics tenets of Islam. The Commission has also noted that the restriction of basic rights and freedom as prescribed for in the bill does not have any link to upholding and protecting the basics tenets of Islam.

In light of the above issues, the Commission is of the view that instead of restricting basic rights and freedom, strong principles provided for by laws in exercising Article 49 of the Constitution is a better solution to judges exercising their discretion on issuing arrest warrant for persons prior to the trial and sentencing. Hence the Commission advocates that such an Article be included in this bill.

In exercising Article 29 of the Bill the discretion of the judges to issue arrest warrants and detain people prior to the trail as stipulated in Article 49 of the Constitution, it should be kept in

mind that children and adolescents are given special protection by the state as per Article 35 of the Constitution, also the bill should clearly state that judges should take into full consideration the threat a person accused of such an offence pose for society.

In prescribing some of the sentences in the Bill, take into consideration the degree of the crime committed, for example as prescribed in Article 6, the sentence for showing a child a sexual image is 10 years in prison. While Article 22 (a) of the bill states that any person convicted of showing a sexual organ or any part of the body perceived as sexual to a child is to be sentenced to 3 years in prison as prescribed in Article 22 (b). It should be noted that the crime stated in Article 6 of the bill is a lesser crime than the crime stipulated in Article 22 (a) of the bill.

### **5.3 Comments by the Commission to the amendments proposed to the Employment Law by Ibrahim Muthalib the member for Faresmaathoda Constituency of the Parliament**

On 2 November 2009 the Commission commented on the proposed amendments by Ibrahim Muthalib the Faresmaathoda member of the Parliament to the Employment Law (number 2/2008). The amendments proposed on 14 June 2009 included abolishing Article, 60, Article 61, and Article 62. The Commission submitted that it does not agree with the abolishment of these articles for the reasons that, these articles prescribe the determining of minimum wage for certain kinds of work, and displaying of the decided wage rate at the work place for everyone's viewing, prescribes the punishment for parties who do not pay even the minimum wage, determination of the minimum wage is seen as an act which would bring equality among the society and also assist in catering for the necessities of the workforce which is something applauded by the Commission. The determination of the minimum wage by law is something promoted by the International Labour Organization, (ILO) to which Maldives became a party in May 2009. Also Convention number C131 of the Organization strongly promotes the determining of minimum wage.

### **5.4 Comments to the Bill on Sexual Harassment**

Comments to the Bill on Sexual Harassment were submitted by the Commission to the Attorney General's Office on 4 November 2009. Some of the issues highlighted in the comments submitted by the Commission are:-

- Article 7 (b) of the bill states that in a case where an employer does not stop sexual harassment, the compensation for "all" losses incurred should be modified to losses incurred as a result of the irresponsibility as determined by the trial process.

- In areas of the bill which states the work carried out by the employer should be modified as “the employer” meaning to include other people employed and working with the person who is the victim of sexual harassment. The reason for this being that the second characteristic of the employer is a separate legal entity instead of an individual.
- The Commission proposed that in investigating reported complaints about sexual harassment the Committee should be mindful of and protect the persons interest, and especially take into consideration people’s personal secrets, and also protect and safe guard the people who had lodged the complain and others involved in the case.
- Article 36 of the bill prescribes the measures which could be taken, and section (f) of this Article states that “based on the complaint lodged to the Tribunal, it could take any alternate action” the ambiguity of the phrase “alternate action” makes it too broad and the Commission is of the opinion that a detailed explanation of the alternate action regulation should be include in the bill.

## **5.5 Comments to the Criminal Procedure Bill**

The Commission submitted its comments to the Criminal Procedure Bill on 23 November 2009 to the Attorney General’s Office. After studying the bill on Criminal Procedure, the Commission is of the view that the bill has been drafted taking into consideration all necessary Human Rights components currently needed for the Maldives and hence the Commission does not have any amendments to propose for any Article of this bill. This bill also proposes the drafting of a number of supporting regulations, and the commission expressed its view that all these regulations also be formulated with consideration being given to Protecting and sustaining Human Rights and for the Attorney General’s Office to send these regulations to the Commission in due time.

## **5.6 Comments to the Bill on Decentralization of the Maldives into Administrative Divisions**

### Inclusion of Basic Rights and Freedom

The Commission is of the view that protecting and promoting basic rights and freedom be included as one of the main objectives for Decentralization of the Maldives into Administrative Divisions as prescribed in the Constitution and should be stated so in the bill. Article 2 of the Bill... “Paving the way for people to make their own decisions, protecting and sustaining the

basic rights and freedom as prescribed in the Constitution, socially...” The commission has proposed for the bill to be amended as such.

#### An Atoll Council for every Atoll

The Commission is of the view that how the Councils are allocated for decentralized administration in the bill should be changed. In this manner to create an atoll council for every administrative division stated in the Constitution, and to include a Council member from each Island Council to represent that island in the Atoll Council. This island Council member should be appointed by a secret ballot held among the members of that particular Island’s Council.

#### On the Constitution of the Local Government Commission

The Human Rights Commission is of the view that it is not advisable to appoint only political persons to this Commission as prescribed in the bill, which has the power to appoint people temporarily to the Atoll and Island Councils, and also has the power to dissolve these Councils. The Commission has proposed that in addition to political persons, the Local Government Commission should also include persons elected by the people to represent the administrative divisions of the Maldives.

#### Holding Council elections by the dates prescribed in the Constitution

Article 6 of the draft law states 90 days, while Article 298 of the Constitution prescribes that the election of Councils under Decentralization should be completed by 1 July 2009, the Commission is of the view that there should not be any discrepancy between these two dates and this bill should be amended to clarify this in straight forward terms.

#### Guarantee of protection of people’s property

“Acquiring people’s private land and property for public use after giving a fair and just compensation as according to the law.” The Commission suggests amending all places in the bill which has the above phrase to the following.

“In the event that a person’s private property or land has to be acquired for a public purpose, it shall be done after a court of law decides on a fair and just compensation to be given as according to the law.”

#### Attention to protecting the environment

To rephrase all places which states, “Mosquito eradication,” to the following:

“In areas where people reside, work towards controlling mosquitoes and other pest infestation from human habitation.”

#### Changing Article 116 (q) as following

Regulation to clean and wipe graffiti on public walls

#### To Provide in the practice the right to migrate from island to island within the Maldives

In accordance with the current law which does not “exclude”, provide non-discriminately for the acquisition of housing, and prioritize housing for those most in need of this right. It is most advisable to bring the additional criteria listed by a law, and hence this part should be deleted.

#### Training on Decentralized Administration

The Commission suggests that an institute relevant to decentralization should be established to conduct the training needed for decentralized administration of the Maldives.

### **5.7 Comments to the Bill on Protecting children and the innocent from Sexual Harassment.**

Article 6 (f) and (g) of the bill has got inconsistencies. It provides two different sets of punishments for the same crime.

Article 3 (d) of the Bill provides an exception to married people meaning that it does not give protection to the issue of a husband sexually assaulting the wife. However Commission feels the need to fast track the issue of sexual assault on children to provide relief for this issue, and

hence withdraws from getting into a lengthy debate over the specific issue of a married women's right and is of the view that it is better to exclude that part from this bill. However the Commission reiterates the immediate need to bring a law to give protection to violence against women.

### **Comments to the Bill on the protection of the rights of people with disabilities**

The following comments were submitted at the meeting held at the Ministry of Health and Family on 3 August 2009 at 14.00hrs,

Commission is of the view that creating awareness among the community and among people with disabilities should be one of the responsibilities of the Council, also awareness should be created on the rights of the people with disabilities and other areas detailed in this bill. The bill should also provide for studies to be conducted to understand the situation of the disabled and point out the areas which need to be developed and submit these requests to the relevant authorities.

To amend Article 8 (b) of the bill to state that in the event the President wishes to dismiss the Human Rights Commission member appointed to the Council, valid reasons for the dismissal shall be submitted to the Human Rights Commission and the Commission will then replace that member with another member.

Design public buildings and places offering public services with the inclusion of state institutions, for easy access to people with disabilities. Also amend the bill to state that already existing buildings should comply with this and bring the necessary structural changes within a specified period from the day of the ratification of the bill.  
– Article 20 of the Bill – Gather an understanding of what would be the practical problems faced by this issue and understand the difficulties that would be faced in providing the facilities needed for people with disabilities to access these arenas, and delete Article 20 (b) and (d).

Article 13 fails to state the possibility of gaining from a will and this Article shall also clearly state that spending from the finances of a person with disability shall only be carried out by a guardian in such a case as when that person with the disability is one who is in an unfit state to handle his own finances and property and hence this authority could be deprived from such a person.

Acknowledge the work that is being carried out by Civil Society Associations and individuals working for the rights people with disabilities.

Organize the streets as a friendly environment for people with disabilities, for example, provide ramps needed for wheelchairs to be rolled onto the pavements and also near the pedestrian crossing provide traffic lights which have sound signals.

It is with deep regret that the Commission highlights that when the bill was passed by Parliament most of the above amendments proposed by the Human Rights Commission to this bill were not included. Also the Commission noted that this bill when it was passed, lacked some of the rights needed for people with disabilities and the bill has not been formulated to wholly protect the rights of people with disabilities. Also some Civil Society Associations identified problems with this bill and called to stop the ratification of this bill. Due to these reasons on 31 December a meeting was held to discuss the problems in this bill with the Ministry of Health and Family and Civil Society Associations, and a letter was submitted to the President. In the letter it was requested that independent Organizations and Associations and Government authorities as the parties working most closely with the rights of people with disabilities, it would not be right to pass a law on this issue without the inclusion of their views and involvement, and for these reasons it was requested that the President reconsider and the Bill on the Rights and Financial Assistance for People with Disabilities be sent back to Parliament and be formulated again with the views and assistance of the relevant parties.

## **5.8 Comments to the Maldives National Building Act 2009**

### Comments submitted on 27 May 2009

Economic and Social Rights – Article 23 of the Constitution and section (d) of this Article providing the right for a clean and healthy environment to live.

Right to Life – Article 21 of the Constitution

Right to Protect the Environment – Article 22 of the Constitution

Give definition to people with disabilities in this bill as it is prescribed in the Convention on the Rights of the People with Disabilities. Hence it should be written as following:

(Note: HRCM received this bill in English and hence the comments were also submitted in English)

## **A2 Interpretation**

People with disabilities – include those who have long term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Under C.1.3.3 of the bill it should be stated that the arrangements provided for protection from a fire should be an arrangement which could be easily utilized by disabled people. In this sense include the following Article into this part.

Easily accessible and utilized by people with disabilities

Change “personal” to “personnel” under C1.2(b)

Amend limits on application of D1.1(c), D2.1(c), F8.1(c), G1.1(c), G2.1(b), G3.1(c), G5.1(c) and G12.1(c) to buildings “intended for use by the public.”

Amend all limitations on application of disability provisions to include all housing units in case if the building contains more than 10 housing units and if open for public lease. The only exception should be private housing.

## **5.9 Comments to the Draft Bill on Right to Information**

On 22 December 2009, the Commission submitted the following comments to the bill on Right to Information to the Parliament because the Commission is of the view that the draft bill required the following amendments.

### Issues directly related to Human Rights

The report “Civil and Political Rights Including Question of Freedom of Expression” by Mr. Abid Hussein the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression, (UN Doc, E/CN.4/2000/63, 18 January 2000, para.44) states the general rules by the UN on the laws on the Right to Information:

“As much as possible interpret other laws and regulations as per the articles of these laws, state in clear terms exceptions to the Right to Information law, other laws shall not restrict the freedom of Right to Information,” based on this understanding the Commission prescribe the following amendments to the draft bill on the Right to Information.



- a- Article 3 (b) which states that revealing a record from an official authority can only be carried out in accordance to set rules or if any law forbids revealing such a record it will over rule the Right to Information Law,
- b- Article 4 (c) which states that the law on Right to Information shall be over ruled by any other law which puts a limitation to the Right to Information,
- c- Article 17 (c) which states that any error in a record can be rectified only in following a specific law,
- d- Article 22 (a) which states that if any law which prescribes that revealing a specific information is a crime, it is a lawful exception to this law and,
- e- The Commission is of the view that it is absolutely necessary to amend Article 22 (b) which states that this law excludes the divulgence of classified information which when disclosed could bring about a charge on the Government of revealing a secret.

#### Suggestions by the Commission

From a Human Rights perspective, the law on Right to Information should be a comprehensive law encompassing all related aspects of Right to Information. Hence exceptions to this right shall be clearly stated in the law of Right to Information. And no law shall state exceptions to the law on Right to Information and no law or regulation shall impose limitations to the Right to Information with the exception of Constitution. In keeping with this, the Commission proposes to delete all parts of the law which states the above. With this deletion and in accordance with the exceptions provided for in the Right to Information law, the law shall determine on the type of information which would be considered as state secrets, also widening of the passage of Right to Information is not seen as one which would be a deterrent for the protection of state secrets.

If there is any exception to the Right to Information, it shall be stated in the law of Right to Information. Also the Commission is of the view that, if an exception is imperative to the Right to Information it shall not be listed in some other law but shall be an amendment brought to the law on the Right to Information, and this shall be clearly stated in the law.

The Right to Information is executed most effectively when there is a shorter administrative process to provide the information requested by a party, however Article 6 (a) (3) talks of the reason for requesting for the record and (4) requests information on what right is being exercised or protected with the use of this record, the Commission is of the view that such information from the party requesting for the record should not be made mandatory.

The request for information and the rights protected and exercised with the information is the right to Freedom of Expression. Also it could be construed that information is being requested from institutions and the state on work which is carried out from the finances of the public. Hence the request for additional information from parties requesting for information is seen as a barrier to the Freedom of Expression.

### **Miscellaneous issues**

The draft bill states that the Information Commissioner will be appointed by the President – Article 41 (a) – and he shall be relieved of his duties if the President perceives that he is not able to execute the responsibilities of the post. – Amend this statement in Article 41 (c).

**Note:** When the Commission first commented on this Bill it was stated that the Parliament will carry out the appointment and dismissal of the Information Commissioner. It is noted that the present bill does not have this part.

It is believed that Right to Information will consist mostly of the public requesting for information from the Government, if the person in charge of regulating this is appointed and dismissed by the President, there would be a limited chance to make the Government responsible. And it would not be seen as work carried out independent of Government influence. For this reason the Commission proposes that the Information Commissioner be appointed with the approval of the Parliament and also to clearly state what is conceived as Parliament approval.

- Article 50 (a) the Commission proposes to include in this Article that the Information Commissioner has the power to fine any official authority who does not appointed an Information Office.

## **6. STUDIES CONDUCTED**

### **6.1 Study into the reasons for crime rate increase in society**

In 2009, in consultation with representatives of the country's Criminal Justice System, senior officials from relevant authorities and Civil Society Associations, a survey was conducted, to determine public safety following a sharp increase of crime rates in the society and the subsequent loss of human rights, the findings of which were documented in a report. A brief on

HRCM's work to assess the human rights situation in the country, the survey to determine public safety and the recommendations that the Commission put forward to reduce crime rates in society are all covered in the report. The main objective of the report is to identify measures to protect, promote, sustain and revive respect for human rights in the society, and put forward these recommendations to the Government, in compliance with Article 20 of the Human Rights Commission Act.

As the report identified urgent measures to stop the perpetration of inhuman atrocities and restore public safety and security in the society, the report was sent to relevant authorities calling for urgent action.

### **Key recommendations of the report**

The recommendations are based on discussions held with relevant authorities mentioned in the report, information gathered from the survey and the Commission's observations. And these recommendations also included urgent measures that can be taken by the Government and relevant authorities.

### **Measures that can be taken by relevant authorities**

Although crime rate increase in society is an issue which pertains to the Criminal Justice System, many institutions and associations can contribute significantly in implementing crime prevention measures per se. The report set forth the following recommendations.

### **Recommendations to the Maldives Police Service**

1. Establish a system of rapid investigations and to strengthen the process of submitting cases to the Prosecutor General's Office.
2. Acclimatize the police and increase public awareness to the Maldives Police Service Act, and the regulations pertaining to the Act.
3. Practice fair and non-discriminatory policies when investigating cases.
4. Strengthen the Police Code of Conduct. Police personnel who have to confront and deal with the public should be especially mindful of the code of conduct.
5. Facilitate police services in every inhabited island of the Maldives.
6. Promptly respond to judicial summons by presenting those that are required to appear before a court.
7. Establish an effective mechanism to monitor suspects detained for interrogation.
8. Ensure public safety and security.

9. Eliminate confiscated drugs in a manner which is more transparent and acceptable to the people.

#### **Recommendations to the Prosecutor General's Office**

1. To be expeditious in submitting to trial, cases that have been sent to the Prosecutor General's Office. In this respect give priority to lawsuits on serious criminal offences.
2. Refer cases which cannot be submitted for trial process due to inadequate information or incomplete investigation to relevant authorities.
3. To facilitate for hearings of state prosecution to be held in the atolls without delay.

#### **Recommendations to the Attorney General's Office**

1. Consult relevant Government authorities and civil society associations and seek their advice when drafting laws and regulations.
2. Create public awareness on the statutes and regulations introduced under the Criminal Justice System.
3. Draft laws and regulations that are needed to strengthen the Criminal Justice System, and submit them to the Parliament without delay. And urge the Parliament to expedite the process of passing the bills.
4. Provide easier access to assistance from the Attorney General's Office in assigning state attorneys to serious criminal cases.

#### **Recommendations to the Criminal Court**

1. Expedite the trial process of cases submitted to court.
2. Bring about administrative changes to the court if such changes are needed to conduct the trials of criminal cases within a reasonable timeframe.
3. Establish sentencing procedures and align them with human rights best practices.

#### **Recommendations to the Ministry of Home Affairs**

1. Re-enact prison regulations.
2. Establish an effective mechanism where cases of persons detained in the atolls for a suspected crime can be investigated, tried (in cases where trials can be conducted in the atolls) sentenced and sentence executed in the atolls.
3. Establish a bigger prison/prisons which conforms to international prison standards.
4. Establish a reasonably good 'halfway house'.
5. Expedite the process of drafting and formulating prison and parole laws and subordinate regulations.

6. Establish a mechanism for prisoners to appear before court when required.
7. To establish a good environment for prison staff to work in and facilitate them to perform their responsibilities.
8. Segregate prisoners according to the nature and gravity of the crimes they have committed.

#### **Recommendations to the Ministry of Health and Family**

1. Conduct better and more effective rehabilitation programs for drug abusers.
2. Conduct public awareness programs to eliminate illegal drugs from society.
3. Conduct awareness programs for parents to create a crime free and safe environment for children to grow in.
4. Create focus groups and conduct programs for the youth designed to reduce crime rates in the society.
5. Strengthen the services of social workers and provide their services to the society in a more effective manner.

#### **Recommendations to the Ministry of Education**

1. Conduct programs for students and parents encouraging to instill in the students, good social and religious habits.
2. Acclimatize students to the laws and regulations that are being enforced, and encourage them to be law abiding students.
3. Teach them vocational studies.
4. Create awareness amongst parents in recognizing behavioral changes in children and on ways to correct such behavior.
5. Incorporate human rights studies in the national curriculum and establish a human rights loving culture in schools.
6. Create more space in the Education and Vocational Training Centre, identify children who are neglected by parents and enroll these children at the centre.
7. Conduct crime reduction programs designed for students.

#### **Recommendations to the Ministry of Human Resources Youth and Sports**

1. Provide vocational training for school dropouts in order to create employment opportunities and make them productive.
2. Conduct employment guidance sessions to provide better information on employment and job opportunities.
3. Establish more recreational centres where the youth can spend their time engaged in activities that are beneficial for them and deter them from crimes.

### **Recommendations to the Parliament**

1. Expedite the process of passing the laws and regulations needed to strengthen the Criminal Justice System
2. Make the relevant Government authorities more responsible.
3. Facilitate for debate on the Parliament floor on reports compiled by the Commission.

### **Recommendations to the Ministry of Finance and Treasury**

1. Provide financial assistance to various programs conducted by Government institutions to strengthen the Criminal Justice System.

### **Recommendations to the Civil Society Associations**

1. In collaboration with relevant Government institutions, conduct programs to reduce crimes, in a more effective manner.

### **Other recommendations**

1. Prepare the legislative framework needed to enforce criminal procedures and to expedite the process of passing bills submitted to the Parliament. Important laws thus identified include:
  - Witness Law
  - Penal Code
  - Prison Law
  - Parole Law
  - Law on establishing rehabilitation procedures for drug addicts
  - Law on protecting the rights of victims of crimes
  - Witness protection law
2. Appoint a minister soon to the Ministry of Home Affairs, as the ministry has civil responsibilities to look after public safety and security of society.
3. Establish a uniform standard for investigation and trials, prioritize cases for trials and share this information among all those involved in the Criminal Justice System.
4. That the criminal procedures be practiced by all in the Criminal Justice System and to bring relevant amendments to the regulations if it has difficulty in enforcement.

## **6.2 A brief survey to assess the employment situation in the Maldives**

The Commission carried out a survey in 2009 to assess the employment situation of the Maldives. The report of the survey titled “A brief survey to assess the employment situation in the Maldives” was publicized on 18 August 2009. The report which was compiled under consultation of Dr. Mohamed Munawar was part of a series of studies which are being conducted by HRCM to assess the issues and situations of national importance from a human rights perspective. The Commission decided to conduct the survey as most of the complaints received by the Commission in 2008 were issues relating to employment rights.

Important findings and major recommendations of the survey include: a review of the employment law enacted in 2008 and to practice international employment standards.

The main objective of the study was to put forward recommendations to the Government to introduce sound policies on employment and labour in order to streamline this with new laws and international standards in order to protect the rights of public and private employees. Following is a summation of the recommendations.

### **Summary of recommendations**

#### Relating to laws and national standards

- Review and amend the Employment Law enacted in 2008
  - Have wide scale discussions to obtain views on the amendments to be brought to the law
  - Set up different standards for workers engaged in doing different types of work
  - To introduce new concepts like compressed workweeks, staggered working time, annualized working hours, and flexi time.
  - Review the concept of written employment contracts.
  - Review the number of working hours, number of days allocated for rest, and the number of days an employee is allowed to be on leave without a medical certificate.
  - Further strengthen the level of job security.
  - Formulate an employment regulation for fishermen and those who work on sea faring vessels until such a law can come into effect
- Formulate and enact a law on labour and labour unions
  - To create and establish labour unions.
  - To state the rights and responsibilities of employers and that of employees and the dealings between both parties.
  - To have an overall dialogue on employment contracts and to facilitate for collective contracts.
  - To facilitate for tripartite discussions

- To establish an advisory and conciliation service and to provide a system of arbitration in solving issues and disagreements relating to employment
- Enact a law on pension, in order to establish a system in which public and private employees receive their pension benefits
- To state in law, the penalty for forced labour and servitude
- Determine a minimum wage
- Establish national standards and rules on the safety of work environments and health of the employees
- Establish standards for people working on sea faring vessels, fishermen, doctors, nurses, resort staff and restaurant staff, and domestic help
- Establish standards for health and the safety of work environment of those who work in ports and harbours
- Establish standards for staff quarters

## **POLICIES**

- Fulfill the prerequisites to become a member of the International Labour Organization (I.L.O)
- Consider ratification of the treaties and conventions of I.L.O
- Consider ratification of the International Convention on the Protection of the Rights of Expatriates and their Families
- Formulate and publish national policies on employment and labour
- Plan a national agenda on employment
- Formulate policies on technical and vocational training and establish a project to provide technical and vocational training
- Establish programs to provide employment opportunities for those who are new in the job market
- Introduce programs in schools to inculcate work ethics among those who graduate from school
- Conduct programs to introduce people with disabilities to the job market and to acclimatize them in jobs
- Review the established policies on the accommodation facilities for those who work in resorts and industrialized areas, facilitate family accommodation in nearby inhabited islands for those who work in resorts and industrialized areas, and consider incorporating these as part of the national housing policies
- Formulate and publish national policies on expatriates
- Consider a system of registering expatriates who work in any inhabited island except in Male' in the island office



- Review the role of employment agencies in looking for expatriate workers and providing employment for them
- In order to prevent human trafficking, consider establishing a system where it is mandatory for people travelling to Maldives to obtain a visa before leaving their respective countries
- Make mandatory provisions to facilitate physically challenged people to enter and exit their work environment without any difficulty

### **Administrative Issues**

- Provide the Labour Relations Authority with the office space, human resources and capital needed to effectively carry out the duties and responsibilities stipulated in the law
- Establish a Bureau of Labour Statistics under the Labour Relations Authority
- Establish a Labour Inspectorate to monitor and check places registered under the Labour Relations Authority
- Establish an advisory and conciliation service at the Labour Relations Authority, until such a service maybe established under a statute
- Formulate the Article of Association of the Employment Tribunal, and begin the functions of the tribunal
- Facilitate for island courts to look into employment issues
- Start the functions of the Pay Advisory Board
- Introduce arbitration as a means to address and resolve employment issues
- Consider establishing a separate bureau to look into expatriate labourers.
- Establish facilities such as day care centres

### **Implementations**

- Inspect work environments to ensure that people are not being subjected to forced labour or servitude
- Conduct a study to understand the situation of child labour
- Obtain the service of consultants to create and run labour unions
- Consider holding a national level conference to have a broader discourse on human resources, employment and labour
- Consider holding seminars and workshops to have general discussions on employment contracts and collective employment contracts
- Hold job fairs regularly
- Increase technical and vocational training in the Atolls

- Conduct a study into work related accidents and deaths
- Take actions to eliminate discrimination at work place
- Ensure that tourist resorts maintain the ratio of local and foreigners employed in the resorts as agreed

### **6.3 Situation analysis on the rights of the most disadvantaged groups**

In January 2009 the Commission initiated a study on women, children, the elderly and people with disabilities which was entitled “Basic assessment of activities relating to rights of disadvantaged groups”. The study is being conducted by Dr. Simad Saeed of CDE Private Limited, in consultation with the Policy Planning and Monitoring Department. The study will focus on measures that can be taken to improve the services being provided and the work being done by the Government and relevant institutions to implement the laws and regulations of the Maldives and the treaties and conventions that the country has ratified or acceded to. Based on the findings of the study, the Government and relevant authorities will be advised on the progressive course of action and programs will be conducted to build awareness in this aspect. Furthermore, a report based on the findings of the survey will be issued and publicized. At present, work is being done to identify the amendments to be brought to the chapters of the report.

#### **Efforts to confirm the actions being taken in response to the recommendations put forward in various reports issued by the Commission**

1. The Human Rights Commission has conducted a study called “Rapid Assessment of the Housing Situation in the Maldives”, the report of which put forward 18 recommendations to the Government in order to alleviate the problem. Four meetings were held afterwards to monitor the actions being taken by the Government to implement the recommendations. They include meetings with senior officials of the Government on 16 February, 21 April, 14 May and 1 July 2009.
2. The Commission conducted a monitoring visit to the Drug Rehabilitation Centre in Himmafushi of Kaafu Atoll on Thursday, 6 March 2008. The purpose of the visit was to assess the quality of service provided to the people being treated at the centre, the level of care given to them and to check the cleanliness of the place. The visit was the first of its kind to the centre by the Commission. The Commission identified the problems which prevailed at the Centre, and put forward as recommendations, measures that could be taken to address these problems. Twenty three recommendations were put forward in this regard and the Commission held a meeting with the National Narcotics Control Board on 22 February 2009, as a follow up on the implementations of recommendations.

3. The Commission published a report with 7 recommendations on 24 July 2009, following its visit to the Education and Training Centre in Kaafu Maafushi on Wednesday, 11 June 2008. In 2009, two follow-up meetings were held to check on the progress being made on the recommendations. They include meetings with senior officials of the Ministry of Education on 21 April and 3 September 2009.

## **7. IMPORTANT MEETINGS HELD**

### **7.1 Meeting with the National Planning Council**

As the National Planning Council has been mandated to create policies under the Government in power, the Human Rights Commission of the Maldives held a meeting with the Council on 9 June 2009 to understand the underlying principles in making policies, to assess the progress of the Human Rights Action Plan and to discuss the prospects of mainstreaming human rights and on assigning human rights focal points in various government institutions. Speaking at the meeting the President said that, a rights based approach will be taken when formulating projects and plans for national development, that help would be provided in approving the projects which are submitted to the Council by the Commission in order to promote human rights, and that the Gender Focal Points in various Government institutions will be re-appointed as Gender and Human Rights Focal Points. It was also decided that in principle, it was not advisable to probe into past incidents due to the imminent obstacles that the Commission would face in obtaining evidence to a case filed against an incident which occurred before 1 January 2000, as stipulated in the Human Rights Commission's Act, and because an inquiry into the past could result in further complications.

### **7.2 Meeting with the Human Rights Focal Points**

On 17 August 2009, the Government assigned Human Rights Focal Points for all the Government Ministries and the President's Office. As is mandatory for the Government to provide to the people of the Maldives, all the rights and freedoms enshrined in Article 2 of the Constitution and the treaties and conventions ratified by the country, and because the Government ministries were directly involved in delivering these rights and freedom to the people, it is crucial to have Human Rights Focal Points in Government Ministries. On 18 November 2009, the Commission met all the focal points to discuss their role in protecting, promoting and sustaining human rights, and in mainstreaming human rights.

The meeting discussed a paper prepared by the Commission and shared with the focal points on the role that they can play in mainstreaming human rights and the activities that focal points

can carry out in collaboration with the Commission and the anticipated outcome of these activities. Participants of the meeting noted that ideas put on paper were important for human rights mainstreaming and it was important to acclimatize participants to human rights mainstreaming or human rights based approach. Therefore it was decided to conduct training for the participants on human rights mainstreaming and to hold separate discussions with the ministries on ways to carry out the work of human rights mainstreaming.

### **7.3 Meeting with the Employment Tribunal**

The Commission met the Employment Tribunal in 2009, to resolve the employment related complaints received by the Commission. The Commission noted that, to date it had been looking into issues related to employment prior to the establishment of the Employment Tribunal, as the Civil Court refused to receive such complaints and that in the absence of an employment tribunal there was no other institution where anyone could take such grievances to. The Commission further said that it received complaints about the deprivation of rights guaranteed under the Employment Act, and that in particular the Commission keeps receiving numerous complaints about many tourist resorts withholding such rights of the staff.

After extensive discussions it was decided in the meeting by both parties to send employment related complaints being lodged at the Commission, directly to the Tribunal, to inform people who come to the Commission with such complaints that such complaints should be lodged at the tribunal, to allow HRCM to be present in tribunal hearings on issues that are related to the Commission, and for the Commission to direct the people who come to the Commission regarding payment given to the employee as a compensation for any losses incurred.

### **7.4 Meeting with the Judicial Services Commission**

HRCM met the Judicial Services Commission to discuss issues related to the Judiciary, among the complaints received by the Commission. The meeting discussed issues ranging from difficulties faced by the courts due to the backlog of cases pending in courts and incidents of threats and intimidation faced by the judges.

After discussions, both sides agreed that the two Commissions should frequently meet to expeditiously resolve issues relating to both the Commissions. They also agreed to increase the level of cooperation from the courts.

## **7.5 Meeting with the heads of independent institutions**

The Commission held a meeting on 1 November 2009 with the heads of the independent institutions following the President's call for wage and benefit cuts of the staff of independent institutions. In addition to HRCM, the Prosecutor General's Office, Anti-Corruption Commission and the Elections Commission participated in the meeting.

The meeting exchanged information on how the institutions were reacting to the Presidents' directive. It was noted that a wage cut was not provided for by the law. It was also noted that staff who do not agree to a wage reduction maybe dismissed from the job as stated by the President, but it would be an immense loss to the institution if such a person who has been trained by the institution had to be dismissed from the job for this reason. It was also observed that the President's decision seriously questioned the independent nature of the institution, and that it was hard to believe that the situation of the country had deteriorated to the extent that staff salary had to be reduced.

One of the conclusive decisions of the meeting was the decision to meet the Internal Affairs Committee of the Parliament as the issue seriously undermined the independency of these institutions. The decision was communicated to the Judicial Services Commission and the Commission was requested to be present in the meeting.

## **8. APPEALS MADE TO RELEVANT PARTIES OVER CONCERNS RAISED BY THE COMMISSION**

### **8.1 The Commission's call to take measures to protect child rights**

Following the arrest by the Maldives Police Service, of a man suspected of having had homosexual relations with several children, the Commission strongly condemned this inhuman and degrading act. The Commission also urged the suspect to be tried without delay and if convicted to be penalized with the harshest sentence provided by the law.

### **8.2 The Commission's call to pass a substantial law against child molesters**

On 31 May 2009 the Commission made an appeal to the courts to consider keeping in detention suspected child molesters prior to being tried and sentenced in court, pointing that the increasing number of child molestation in the Maldives is of grave concern to the

Commission. The Commission called upon the Parliament to pass a substantive law against child sex offenders.

### **8.3 Commission's appeal on the decision to cut wages of several employees following the economic downturn experienced by the country**

On 17 September, the Commission appealed to the Government and other relevant institutions to consider alternative measures to improve the financial crisis of the country before deciding on the wage and benefit cuts of employees and to have wide-ranging discussions with all relevant parties prior to planning and implementing actions to resolve the financial crisis while acknowledging that counteractive measures were necessary in times of great economic hardships. The Commission said that in such circumstances it would in a responsible manner, support and cooperate with the Government and that it was the duty of the whole community to cooperate with the decisions of the Government, but such measures should be taken responsibly and under broader consultation with concerned parties and in compliance with relevant laws and regulations. If the Government acts contrary to this, society's cooperation and support may waver and the measures would in effect prove to be counter-productive. It also gave rise to the question whether such a wage and benefits cut of employees of the middle class such as the Civil Service would prove to be beneficial to the society especially at a time when the cost of living was becoming incessantly high.

### **8.4 The Commission's appeal to the Government to immediately take all necessary actions following the prison disturbances caused by some inmates of Maafushi Prison**

On 13 October, the Commission expressed concern over the injuries caused to some prison officers, members of the police and many inmates, and the extensive damage caused to the prison cells and property during the prison disturbance of October 2009, and condemned the perpetrators of the violence. The Commission noted that no legal action was taken against those who were responsible for the prison fire in March 2009 which would prove to be an incentive to commit such offences. While such criminal acts of some inmates were endangering the lives of many people, and causing incalculable loss to assets and property of the state, the Commission had repeatedly called on the Government to establish a prison mechanism which would incessantly deter such actions.

The prison disturbance of October 2009 was a criminal act which incontrovertibly violated the human rights of a lot of people. The Commission had appealed to the Government to set up immediate measures to prevent such occurrences.

## 9. AWARENESS PROGRAMS

### 9.1 Workshops to increase human rights awareness among senior officials of the atolls

Many workshops were held to increase awareness on human rights. In 2009, the workshops were targeted for the senior officials of the Government. Atoll Chiefs, Atoll Councilors, Assistant Atoll Chiefs, senior assistants to the Atoll Chiefs, Island Councilors, Island Chiefs, senior officials of Women's Development Committees, Magistrates of the Island Courts, senior officials of schools and hospitals, and senior officials of the Police participated in this workshop. Following are the objectives of the workshops and the islands where the workshops were held.

The main objectives of the workshops were to educate the participants on human rights, to increase their awareness on these rights, to inform them how the rights were presented in the Constitution, to provide them with information on the relation between Islam and human rights, and brief them on the Universal Declaration of Human Rights, and other international human rights instruments that Maldives has ratified, to brief them on the Human Rights Commission, and on ways to promote human rights.

The workshops were conducted in the following atolls.

Duration	Venue	No. of Participants
13-14 April 2009	Dhaalu. Kudahuvadho	22
20-21 May 2009	Baa. Eydhafushi	32
2-3 June 2009	Raa. Ungoofaaru	33
21-22 July 2009	Alifu alifu. Rasdhoo	27
22-23 July 2009	Alifu dhaalu. Mahibadhoo	28
29 September- 1 October 2009	Vaavu. Keyodhoo	42
18-19 October 2009	Gaafu alifu. Villingilli	34
21-22 October 2009	Gaafu dhaalu. Thinadhoo	30

### 9.2 Seminar on Human Rights in Implementing Justice

The Human Rights Commission held a two day seminar to provide information on human rights to members of the Judiciary, which was attended by the judges and magistrates of the courts, and attorneys who work in public institutions and private attorneys. Dr. Abdul Azeez Baaree, Professor of Law at the International Islamic University of Malaysia, was the key lecturer in the seminar.

The Attorney General's Office, Prosecutor General's Office, Law Society of the Maldives, Maldives Police Service, and the Judicial Services Commission attended the first day sessions of the seminar which was intended for lawyers. All the courts of Male' except for the Criminal Court, attended the sessions on the second day, which was primarily for judges. They include judges from the Supreme Court, High Court, Civil Court, and the Family Court. The Commission notes with happiness that many high profile judges and lawyers attended the seminar. The Commission would like to thank them for their participation. The seminar discussed and exchanged views on the role of judges and lawyers in protecting and promoting human rights.

### **9.3 Meeting to disseminate information to members of the Parliament**

The Human Rights Commission of the Maldives, in collaboration with the Asia Pacific Forum of National Human Rights Institutions (APF) and the Parliament held a meeting at the Islamic Centre, on Sunday 16 August to disseminate information on the role of Parliament members in protecting and promoting human rights. The Executive Director of A.P.F Mr. Kieran Fitzpatrick delivered the lecture in this meeting held especially for members of the Parliament.

In his lecture Mr. Fitzpatrick focused on such topics as Human Rights and the Law, Making the Government and Human Rights Institutions Responsible, and Representing People in Parliament. He stressed on the importance of having a special human rights committee in the parliament to make human rights institutions responsible. He also advised on the importance of establishing a system to facilitate debate in the Parliament floor on the reports submitted by HRCM, including the annual report.

### **9.4 Workshop to create awareness on CEDAW and C.R.C**

The Human Rights Commission of the Maldives held a meeting from 8-9 November 2009, to create awareness on the Convention on Elimination of All Forms of Discrimination Against Women, and the UN Convention on the Rights of the Child. Representatives from the schools, Women's Development Committees, Department of Gender and Family Protection Services of the Ministry of Health and Family, the Indira Gandhi Memorial Hospital, Education and Training Centre for Children, the Kudakudhinge Hiya in Villingilli, and the Ward Offices attended the workshop.

Ms. Azima Shakoor, Ms. Aneesa Ahmed, Mr. Mohamed Anil, Mr. Areef Ahmed Naseer, Ms. Fathimath Roona from the Department of Gender and Family Protection Services, Ms. Mariyam



Jabeen and the staff of Human Rights Commission of the Maldives, gave information in the workshop.

#### **9.5 Training Program Held in Eydhafushi to Create a Child Protection Group**

The Human Rights Commission provided information at a training program held in Eydhafushi to create a child protection group organized by the civil society association “Ensure”. Aim of the meetings held from 23 to 25 April 2009, was to give information about Child Rights and children’s issues to the Child Protection Group created in Eydhafushi. In these meetings the Human Rights Commission provided information on the International Convention on the Rights of the Child and the Child Rights Law of Maldives.

#### **9.6 Two day workshop held in Lhaviyani Naifaru by the Civil Society Association, Jammiyyathul Birri**

A two day workshop on creating awareness on Human Rights was held in Lhaviyani Naifaru from 6 to 7 November, in accordance with a request made by a Civil Society Association, Jammiyyathul Birri. During this workshop information was given on the topics of Human Rights, the Human Rights Commission, Constitution of the Maldives, and Relation between Islam and Human Rights. Information was given by Commission staff during this workshop.

#### **9.7 Workshop by the Civil Society Association, Hoadehdhoo Association for Development**

A one day training session on creating awareness on Human Rights was held in Male’ on 1 March 2009, on the request by a Civil Society Association, Hoadehdhoo Association for Development. During this workshop information was given on the topics of the Human Rights Commission, Universal Declaration of Human Rights, relation between Islam and Human Rights, International Conventions on Human Rights, and Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In addition to Commission members, Commission staff also gave information during the sessions.

## **9.8 Discussion meeting to review the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.**

The Human Rights Commission of the Maldives in collaboration with the International Organization for Migration (IOM) reviewed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for prostitution and held a national discussion in the Commission on 13 May 2009 to discuss and understand the issue and status of trafficking in the Maldives.

Aim of this meeting was to prepare a paper suggesting amendments to the Convention based on the information of the current obstacles collected from institutions who work in eliminating trafficking in Maldives, unlawful labour and using woman and children inappropriately. In this meeting information from stakeholders from the Government and Civil Society were gathered, related to issues of this Convention.

The parties who took part in this discussions include, the Human Rights Commission, Ministry of Foreign Affairs, Maldives Police Services, Ministry of Health and Family, Department of Gender and Family protection Services, UNICEF, Department of Immigration and Emigration and Civil Society Organization Child Abuse Watch Maldives. The IOM participants in this meeting were Program Officer, Nishath Chaudhary, Project Assistant, Adnan Siraji and Consultant Aparna Bhatt.

## **9.10 Human Rights Poster Competition 2009**

The Human Rights Commission organizes a number of special activities to spread awareness in society on Human Rights ever year. The art exhibition which was held among school children this year was one such event designed to create awareness on the Universal Declaration of Human Rights and its components. In order to create awareness among the future generation the theme for this year's exhibition was "To stop child abuse is my responsibility". To provide information and awareness among all schools and children who took part in this exhibition, educational material, information posters and others related to the theme were distributed.

This exhibition segmented into 3 categories (11 to 13 years, 14 to 16 years, 17 to 19 years) had 1530 submissions of art work. And the students who won were announced and the prize giving ceremony took place at the special function held to mark the Human Rights Day on 10 December 2009.

### **9.11 Handbook on creating Awareness on Human Rights**

A program has been formulated by the Human Rights Commission, the Supreme Court and the UNDP to work towards familiarizing and, providing information and securing additional training opportunities for the Judges and Magistrates on the area of Human Rights as they are seen as a crucial group who works to protect and sustain Human Rights in the Maldives. Discussion meetings related to this was held in early 2009. In these discussion meetings it was decided to hold workshops and create a handbook on Human Rights to create awareness for the Magistrates. The HRCM compiled a book on Human Rights for the Judges and Magistrates comprising of 7 chapters inclusive of information related to Human Rights which would be most relevant for them. The book was released and sent to the Maldives Supreme Court in December 2009.

### **9.12 Video and Audio spots produced by the Human Rights Commission to create awareness on Human Rights**

The Human Rights Commission of the Maldives produced 11 video and audio spots this year to create awareness on Human Rights. These spots focus on the 11 Articles in the Universal Declaration of Human Rights and creating public awareness on these aspects of Human Rights. These rights include, Right to Freedom and Equality, Right to stand against inhuman acts, Right to be equal before the Law, Right to be in good health etc. These spots were aired on television and radio stations in the Maldives.

### **9.13 Newsletter of the Human Rights Commission, “Haqqu”**

In 2009 four issues of the newsletter published once every 4 months by the Human Rights Commission was published. In addition to the work being carried out by the Commission, the newsletter also contains articles on Human Rights to create public awareness. The newsletter is also published in the Commission website in addition to being printed and distributed.

#### **9.14 Meeting held to disseminate information to the Police in relation to the Parliamentary elections**

The Human Rights Commission gave information on Human Rights in two meetings held by the Maldives Police Services. In a special meeting held in Male' on 27 April 2009, information on Human Rights and focus areas during the election was given to a group of police selected to maintain security during the 9 May 2009 Parliamentary elections. Also the same day an information session on Human Rights was held at the Seenu Hithadhoo Police Training School by the Human Rights Commission. During these sessions information was given by members and staff of the Human Rights Commission.

#### **9.15 Awareness programs held in relation to the 2009 Parliamentary Election (Voter Education)**

The Human Rights Commission worked on creating awareness for the public on voter rights and information on the Parliamentary Elections held on 9 May 2009. Also the Commission worked in collaboration with the parties who worked to create public awareness during the Presidential Elections, these parties are the Elections Commission, Transparency Maldives, the Civil Society Associations who carried out the "Go Vote" campaign, "Think Nation" team and also the Commission met with members of the media on 6 November 2008. This meeting was held to discuss the importance of creating public awareness related to the Parliamentary Elections and discuss the view of the Commission on the importance of all parties working in collaboration under one master plan, with the input from the parties, work was carried out in accordance with a master plan formulated by the Commission.

Leaflets containing information on voter rights were distributed to all parts of the country on various occasions. In the visits to the islands the Commission held public forums to spread awareness on Voter Rights, Human Rights and provided information related to the elections. A collaborated media campaign was also carried out to spread awareness on the Parliamentary Election by the Human Rights Commission, Elections Commission, Anti Corruption Commission and a Civil Society Association "Transparency Maldives." In the media campaigns carried out to spread awareness on the Parliamentary Elections, the Commission took part in a total of 68 hours in these programs. Noted media campaigns on voter education and elections information were aired by Television Maldives, Voice of Maldives, VTV and the private FM radio stations Sun FM and Atoll Radio.

A week prior to the elections the Human Rights Commission in collaboration with Television Maldives and Transparency Maldives carried a daily one hour program titled "Madhanee

Fendaa". The program mainly disseminated information on voter rights and technical information on the election.

## **10. NEWS CONFERENCES HELD BY THE COMMISSION**

### **News Conferences held in 2009**

**25 February 2009:** A news conference was held to release the Commission's annual report 2008. In this conference a question was posed by a reporter on the call for harsher punishment to a convict serving a sentence for the crime of abusing several children. The President of the Commission said that child abuse and the inability to provide protection and security needed by children was a big national issue. Also he expressed concern on the reports from some parts of the country on the issue of young girls being deprived of an education. Also the Commission shared the news of Civil Society Associations and Government authorities collaborating to run a yearlong campaign to stop child abuse starting from November and the Commission expressed concern on the issue of growing religious divisions which could lead the country into a dangerous situation.

**31 March 2009:** In this press conference, the report regarding the study done on "the Increase of Violence in Society" was released, and the criteria for the "2009 Human Rights Award", was announced and releasing of the "Haqqu" newsletter was held. In this press conference the President of the Human Rights Commission said that Government does not act on the recommendations and reports released by Independent Institutions. Also the report highlights immediate actions that need to be taken to stop Human Rights abuse. The Commission also highlighted the need to bring in the Criminal Procedure Bill, expediting the laws which are currently in Parliament and on the issue of increase in Child Abuse cases.

**28 June 2009:** In this news conference, updates on the work being carried out by the Human Rights Commission was shared and the 4<sup>th</sup> edition of the "Haqqu" newsletter was released and a Human Rights poster competition for school children was formally inaugurated. In highlighting the work carried out by the Commission, the President talked on establishing an NGO network, media campaign against child abuse, and two workshops in two months carried out in the Atolls to create awareness on human rights.

The President also noted that it is unlawful to submit complaints against the Commission and the Commission has the power to take legal action against any party who works to tarnish the image of the Commission. Also the president called for acknowledgement and respect from the public for the work that is being carried out by the Commission and noted that respect is not

something which can be achieved by instilling fear. The issue of pending cases in courts which are filed by the Human Rights was also highlighted by Saleem. Other areas highlighted by Commission members in the press conference include the amendments submitted to the bill Against Child Abuse and the issue of convicts being free due to the inability to carry out the sentencing related to the crime.

**18 August 2009:** This press conference was held to release the report on the Employment Status in the Maldives. The President also highlighted that majority of the complaints lodged in 2007 at the Commission was employment related. Also the Commission noted that the Government had not taken any action on the recommendations made by the Commission based on the reports on issue of adequate housing situation in the Maldives, and suggestions from the report of a study that was conducted on the reasons for increase in crimes in the society.

**8 October 2009:** Audio and Video Spots produced by the Commission were launched at this press conference and the 5<sup>th</sup> edition of the “Haqqu” newsletter was also released. The Commission members called for political figures to have a good code of conducts and also revealed that the Commission had information that 85 children had done pregnancy test at the IGM hospital and an investigation will be carried out in into this matter. Also members expressed concern on the increase of religious extremism. Also information on the case of 16 convicts being held in a container in the Male’ prison was shared with the press.

## **11. COMPLAINTS LODGED AND INVESTIGATED BY THE COMMISSION**

### **11.1 Complaints lodged at the Commission**

490 cases were lodged at the Commission in 2009. Out of this 322 cases were investigated, resolved and answers were provided. Also 168 cases lodged last year is being currently investigated. The following table shows the types of complaints lodged, their numbers and the cases which have been resolved.

#	Type of Compliant	Total	Pending	Completed
1	Child rights related complaints	16	9	7
2	Complaints related to family issues	10	2	8

3	Complaints related to violence against women	4	3	1
4	Complaints related to housing	57	26	31
5	Medical related Complaints	6	3	3
6	Education related Complaints	21	1	20
7	Employment related complaints	139	37	102
8	Complaints related to discrimination at work place	6	0	6
9	Complaints related to people disabilities	4	1	3
10	Complaints related to religious issues	2	0	2
11	Complaints of police brutality and inhuman punishment	26	14	12
12	Complaints on other police actions	55	17	38
13	Complaints of torture and inhuman punishment in prison	11	5	6
14	Complaints related to medical treatment in prisons	35	17	18
15	Complaints related to other issues in prison	25	5	20
16	Complaints related to violence	8	0	8
17	Death related complaints	2	2	0
18	Complaints related to expatriate workers	5	3	2
19	Trial related complaints	31	10	21
20	Complaints related to corruption	15	4	11
21	Complaints related to social security and welfare	5	1	4
22	Complaints related to citizenship and naturalization	2	1	1
23	Complaints related to personal life	2	0	2
24	Complaints related to elections and voter rights	17	1	16
25	Complaints related to other basic rights	17	4	13
26	Complaints related to other issues	25	4	21
	<b>Total</b>	<b>546</b>	<b>170</b>	<b>376</b>

- In complaints related to housing, majority are from people who have homes damaged during the tsunami, and also the issue of these people not getting the financial aid they

should, other issues include how the family home is divided, and complaints related to Hulhumale flats.

- In the complaints related to elections and voting rights, majority are related to registration, one issue of not being able to cast the vote, and complaints that various candidates have campaigned against the regulations.
- In complaints related to child rights there are cases of police brutality, detention and also sexual harassment and physical abuse cases.
- In trial related complaints there are the issues of delay and also unhappiness on the verdict.
- In death related complaints there are the cases of deaths which occurred while a person is in state care and also cases of death related to doctor's negligence.
- In employment related complaints there are those related to the due salaries not being paid and also cases of unlawful dismissal from the job and issues related to providing allowances in accordance with the position.
- Complaints related to other police issues include, conducting unlawful search, delayed investigation, and cases of unlawful detention.
- In complaints related to other prison issues, there are the cases of changing prison cells of convicts, and issues related to phone calls, opportunity for private meetings, parole and rehabilitation.
- In family related complaints there are the cases of alimony not being received, and child custody issues.
- Complaints related to other basic rights include the difficulty in getting clean drinking water and electricity.
- Complaints related to other issues include, compensation for civil losses and delay of reply from Government authorities.



## 11.2 Significant cases which have been investigated and resolved by the Commission

Issue of an Atoll Office employ who had not been made permanent and the issue of his salary being cut down during the changes to the salary structure brought by the Civil Service Commission and his current basic salary being lower than his previous basic salary.

When the issue was submitted in writing to Home Ministry, the explanation was that he had been paid a lower salary from 1 April 2008 due to a mistake and the Atoll Office has been informed to pay him the rightful basic salary and the allowances, and the reason for delay of his job permanency was due to the fact that Civil Service Commission had halted processing job related issues but that the case has been submitted to the Civil Service. When this was communicated the Commission made a call to the person and got information that there was a letter from the Ministry stating that the salary had been increased and the person noted that the request made to the Commission had been fulfilled.

The complaint lodged by a staff of the Department of Penitentiary and Rehabilitation who was suspended and a part of his suspension days were counted as days of leave and pay for these days were deducted from the salary.

Documents related to this case was obtained from the Department of Penitentiary and was assessed by the Commission and it was found that indeed some days of the suspension had been counted as days of leave. The Commission requested from DPRS to pay the staff the amount that was deducted from his salary as days of leave. The Department decided to make the payment and the Commission has information that the payment has been made.

The complaint of two staff members who worked at the Addu Atoll Family and Children's Centre, under the Ministry of Health and Family who requested to leave their jobs due to a change in their life and submitted letters on various occasions, 4 months elapsed and there was no reply to the letters, their resignation remained unaccepted. And when the situation in their lives changed again, they requested to remain in their jobs and 3 months elapsed this time, again with no response.

The Commission met with the Ministry of Health and Family regarding this issue and with advice from the Commission the Ministry made the decision to bring the 2 staff back to their jobs. And the Commission has information that these 2 staff members were once again in their jobs.

Issue of a job application at Iskandar School, an interview was conducted and the job application was submitted to the Civil Service Commission for approval. When the Civil Service was contacted over the phone, they assured that the job will be approved in 2 weeks time, but 4 months elapsed and the job application was still not approved.

When the Commission contacted the Civil Service, they assured that the Job application was not approved then because a document related to the application was not submitted by the Education Ministry. But a month later they had approved the job application and had communicated it to the Commission as well.

Issue of a job not being made permanent of a Laboratory Assistant (Trainee) at the Centre for Higher Secondary Education, under the Ministry of Education.

Two months after the Commission had written to the Ministry of Education and the Civil Service Commission regarding the issue, the Civil Service Commission communicated that the person has been given the job.

The issue of non availability of water though living in their own home due to a father keeping the water meter locked and the inability to install another water meter in the house due to the father not granting permission.

The Commission requested for the father of the person who lodged the complaint to be present at the Commission twice and had advised him in trying to find a peaceful solution but to no avail. Hence the Commission exercised its power under Article 21 (f) of the Commission Act and sent a letter requesting for the father to unlock the water meter within 10 days and make water available to the person who lodged the complaint and their children and the Commission stated that it believes paying the water bill for their usage was mandatory for the person who lodged the complaint and the legal guardian of the complaints children, and following this the father had granted permission and a new water meter was installed.

Issue of land allocation in an island and when the island office publicized the list of people allocated land it comprised of a number of affluent parties who had no housing problems while some people who submitted complaints regarding housing were not on the list.

While the Commission checked on this issue, it found that there were areas in the point system of the land allocation plan of the island which had to be reviewed. The Commission informed the island office to review and change the point system accordingly and dismiss the current list and compile another list in a just manner with the new point system, the Atoll office informed that they had cleared the forms which were given out for land plots and cancelled their list and have amended their eligibility criteria for land allocation and the criteria on how points will be given and that they were in the process of formulating the new point system.

#### Rumor of concubines being kept in Male'

In May - June of 2009 the Commission got information of 2 women in full face veil visiting Indira Gandhi Memorial Hospital with two young girls who were unwell, for a doctor's consultation. These 2 women had said that the two girls were their husbands "concubines". The Commission started investigating this issue as a very serious case.

In the investigations by the Commission information was revealed that a woman with a full face veil had taken a girl of between 9 and 15 years to the doctor during the first 2 weeks of July. During the doctor's investigation the question of if the girl could have been sexually molested was asked, and the woman had answered that the girl was her husband's "concubine", and during the days when the wife was menstruating that her husband could have sexually used the girl. When the Commission got information of this case, it inquired whether the case was reported to Indira Gandhi Memorial Hospital's Family Protection Unit and Department of Gender and Family Protection Services, but found out that the case had not been reported to either of the two places.

The Commission got information on 23 July 2009 from unofficial sources of a second case of a concubine being kept. This was the case of a woman in full face veil who had taken a girl of 13 to 14 years to the doctor between 12 and 16 July 2009 saying that the girl had some problem with her appendices. When the doctor inquired as to the relation of the woman and the girl, the woman said that the girl was her husband's concubine.

Since the Commission sees the case of a concubine as very serious, a letter was sent to Indira Gandhi Memorial Hospital to get information regarding the issue. IGMH sent the letter numbered 137-A/168/2009/4 on (23 September 2009) informing that the information requested can be revealed when two Commission members come over to the hospital. Hence two staff members of the Commission went over to IGMH and gathered the information on 29 September 2009.

While gathering information regarding the concubine cases, the Commission also got information of a large number of pregnancy tests done by girls under the age of 18years. In light of this information, the Commission requested information on how many of these cases of pregnancy tests by girls under 18years were reported to the Hospital's Family Protection Unit and if they were not reported to the Unit what were the reasons for not submitting these reports. IGMH refrained from giving out this information and replied that they could only reveal this information after the advice of the Ministry of Family and Health and The Maldives Medical Council.

### Cases of death being Investigated by the Commission

Under Article 21 of the Human Rights Commission Act, the Commission is investigating three cases of death under lawful custody. Included in this is the death of Abdulla Shiham, (M. Sunreef) in Kaafu Maafushi prison while serving sentence and Shahid Mohamed (G. Qasru) who died while being held in the Male' Custodial, accused of a crime. And the death of Mohamed Nooz (Anbaree ge, GD. Thindhoo).

### **11.3 Some notable cases which the Commission has assisted in regards to providing Legal Assistance**

#### Issue of the unlawful sale of a house, the owner who sold the house had done so without providing a place for children under his guardianship who had not attained the age of 18years

The Commission invited the family of the person who had lodged the complaint and also the Commission held separate meetings to discuss this issue to find a peaceful solution. Taking note that this is a case where the human rights of some parties could have been violated, the Commission attended the civil court proceedings related to this case. In the understanding by the Commission it was revealed that this case was one where the Human Rights of a party had been violated and hence in accordance with Article 23 of the Human Rights Commission Act requested permission from the Judge to submit a report to aid in this case from the Commission, such a request was made to the judge but the court did not provided the Commission with this opportunity. However the court sentence was to issue a court warrant to provide a place for the house owner's children to live.

### Case of a death which occurred under the Maldives Police Service custody in 2005

On 29 March 2005 a person who was brought under the care of the Maldives Police Service died due to faults of the Police Service, the Human Rights Commission in its name decided to get the due compensation for the father of the deceased and submitted the case to the Civil Court on 25 September 2007. The case was rejected by the Civil Court under its ruling 126/MC/2008 on 24 January 2008 citing the reason that there was the possibility of the rightful party to make the claim in court directly and before this party exercised their right, the Human Rights Commission does not have the legal authority under Law number 6/2006 (Human Rights Commission Act) to make such a claim. In regards to this,

- (a) Under the Human Rights Commission Act, Human Rights was defined without any discrepancy between personal and other rights, basic rights provided under the Constitution, and rights provided for in the International Conventions and Treaties which Maldives is a party to and which is not in contravention to a tenet of Islam.
- (b) Under the Human Rights Commission Act it has the legal authority to find solutions to any issue related to such a right, be it through a case submitted by another party or by the Human Rights Commission, also the Commission can work towards finding peaceful solutions to such issues, and has the possibility of submitting such cases to courts of law in order to find a solution:

The Commission saw that the ruling of the Civil Court could undermine the legal powers of the Commission and hence on 23 April 2008 appealed to the High Court. On 16 April 2009 the High Court ruling number 2008/HC-A/126 decided that the ruling of the Civil Court was just and legal and upheld that ruling with the unanimous decision of the judges. On 15 July 2009 an appeal was made to the Supreme Court for the same reasons the ruling of the Civil Court was appealed to the High Court. After two hearings of this case, on 27 August 2009, the Chief Justice ruled that the next hearing of this appeal would be to present the verdict of this case.

### A criminal case submitted against a police officer on 2008

In relation to the death of Hussein Solah while in the custody of the Police, an investigation was conducted by the Commission which revealed violence by a police corporal. On January 2008 the Commission had followed the then procedure and requested the Attorney General's Office to file a criminal case. On 15 November 2009, the Criminal Court ruled based on the evidence that the only witnesses to the violence by Corporal Shah were convicts then and hence there was not enough evidence to convict a person of a criminal offence.

## A lawsuit filed to Court in 2009 regarding the job of a Maldives Airports Company Staff

This lawsuit was filed in relation to a person who was deprived of a basic human right provided for in the Constitution and in order to provide him with the right, in accordance with the Human Rights Act (Law number 6/2006) Article 21 (f), a directive was issued by the Human Rights Commission which was ignored by the Maldives Airports Authority, hence in accordance with the law number 6/2006, Article 26 (a) to inform the Maldives Airports Company that it was mandatory to follow the directive issued by the Human Rights Commission.

Under any issue related to Article 21 (f) of the Human Rights Commission Act, the Commission can instruct any Government authority or private party to take action, and to obey these instruction is mandatory for any person or legal entity within the jurisdiction of the Constitution of the Maldives, and under Article 26 of the law number 6/2006, to inform the Maldives Airports Company that it is mandatory to obey these directives and as a last resort under law number 6/2006, Article 21 (b) the Commission has decided to take the matter to court. And to let the Maldives Airports Company know that an additional opportunity was given to peacefully solve the issue to no avail and hence a lawsuit has been filed regarding this case to the civil court on May 2009.

Two hearings were held in regard to this case and on 16 June 2009, the court ruled that this was a case to decide on a person's individual right, and it is the persons rights to file a case or not in regards to cases of individual rights and it is not a legally and judicially correct procedure for the Human Rights Commission to file a case when the individual has not filed any case regarding the loss of their individual right and hence the court ruled that the case filed by the Human Rights Commission cannot be looked into by that court.

## **12. VISITS TO DETENTION FACILITIES**

### **12.1 The visit to the Immigration Detention Centre on 9 February 2009**

The Commission visited the Immigration Detention Facility in accordance with law number 6/2006, Article 21(d) which states that the Commission shall visit any person held under a judicial order or a legal order in a detention facility, and check if the Human Rights of these people have been violated, check and study their issues, and if the facilities in the detention centre is up to standard or if their privileges need to be reviewed, based on these findings the Commission will have to submit its recommendations to the relevant Government Authority

regarding these issues, the purpose of this visit was to understand these issues. The delegation in this visit include a Commission member, and staff of NPM. The report of this visit was released on 8 March 2009. This report highlights issues and makes recommendations based on its findings to improve the facility.

### Recommendations of the Report

- 1- Issue of detention of foreigners by the Department of Immigration and Emigration for longer than 24 hours without a Court Order, this is something which contravenes Article 48 (d) of the Constitution of the Maldives.
- 2- To sign the “International Convention on the Protection of the Rights of all Migrant Workers and their Family”
- 3- Maldives to work towards becoming a member of the International Labour organization (ILO)
- 4- To continuously check and making sure that the parties when they apply for work permits for foreign workers have the capacity to provide them salary, allowances, shelter, sleeping arrangement and food.
- 5- Put in place a mechanism which will check that when a foreigner is being deported from the Maldives, all the rights that the worker should get as per the Employment Act is provided for the person.
- 6- Put in place a mechanism to employ experienced foreign workers who are already in the Maldives and willing to work instead of bringing in new foreign workers.
- 7- Strengthen the medical facilities available in the detention centre where foreign workers are detained and keep staff that has got first aid training.
- 8- Let the Foreign workers who come to Maldives know what their rights are and also work towards providing them these rights.
- 9- Keep a complete written record of the foreign workers who are brought to the Immigration Detention Centre.

- 10- Locate parties who bring foreign workers unlawfully into the Maldives and who does not provide the foreign workers with their rights, and provide the due punishment to such parties as prescribed by the law.
- 11- Establish a mechanism to obtain the criminal record of foreign workers who wish to work in the Maldives and the foreign workers who are deported from the Maldives due to various crimes.
- 12- Provide the protection offered to foreigners by the Laws and Regulations of the Maldives.
- 13- The relevant authorities should work to stop the issue of Human Trafficking as Maldives is gradually immersing as a country where Human Trafficking is being introduced.
- 14- As prescribed in article 8(a) of the Immigration Act the application approval for a foreign worker to enter the Maldives is only completed with the aid of a local sponsor, in cases relating to that foreign worker make the sponsor responsible.
- 15- Review and strengthen the Foreign Workers Regulation of Maldives.
- 16- Keep trained staff for the work of handling detention centres where foreigners who have broken the law or regulation are detained awaiting deportation.

## **12.2 Visit to the Centre for People with Disabilities in Kaafu Guraidhaoo on 2 April 2009**

The purpose of this visit was to understand the general condition of this Centre and also to check what recommendations made by the Commission after its 14 August 2008 visit to the Centre, was implemented. This was the first visit to this Centre after the creation of the NPM, a Commission member and 4 staff members from the NPM joined in this visit. The report of the visit was released on Wednesday, 22 April 2009.

### Current Status of the Recommendations made by the Commission after its 14 August 2008 visit

- Number of staff has not been increased
- The daily meal rate of 35 Rufiyaa has now been changed to 50 Rufiyaa per person.



- Electricity issue in house no 4 has now been resolved.
- Food storage now has got a cooling facility.
- Staff shortage has not been resolved.

### **Recommendation of the Report**

- 1- To expedite the process of transferring the people who have been treated by the Centre and who are ready to be handed back to their families and establish a monitoring mechanism for such people. And for families who would not be responsible, put in place a law through which such families will be made responsible.
- 2- To acquire the required number of staff members as soon as possible and also start using the new building of the Centre.
- 3- Immediately fix the sewage system which has been broken.
- 4- It is neither easy no cost effective to transport mineral water and supply water for the needs of the centre from Male', so to find an alternative solution to this issue.
- 5- Since the Centre is a place which looks after aged people and people with various physical and mental disabilities, provide appropriate training for the Centre staff in these areas, as soon as possible.
- 6- In order to strengthen the security of the Centre set up a security camera system.
- 7- Conduct programs to help the people under the care of the Centre who are the aged and people with various physical and mental disabilities.
- 8- Set up entertainment programs and facilities for increased entertainment at the Centre.
- 9- Establish the mechanism for the diaper incinerating machine to function continuously without interruptions.
- 10- Immediately handover the youth who is in the centre for a drug related incident to his family as he does not have any physical or mental disability as according to the doctor, the centre is not a place for drug rehabilitation, and living in such an environment could have a negative impact on the youth as well as for the other people at the centre.

- 11- Stop facilitating people in the centre who are not beneficial to the centre in the name of training and such other activities.

### **12.3 Visits to Kaafu Maafushi Prison on 28 April 2009**

Two Commission member and 4 staff members of NPM visited the Kaafu Maafushi Prison to assess the conditions of the prison on 28 April 2009. This prison is run under the DPRS. The report based on the finding of this visit was released on 24 May 2009.

### **Recommendations of the Report**

- 1- Government or any other party should not utilize convicts unlawfully to fulfill any of their purposes be it political or otherwise.
- 2- Majority of the problems which arise in the prison currently is due to the prison being over crowded, and hence the inability to look after the prison as it should be done, to address this issue immediately build a bigger prison and modify the current prisons in accordance with international standards.
- 3- For prisoners viewing, put up the code of conduct for convicts in prison and also the procedure of how one can become eligible for payroll.
- 4- Have a mechanism provided for within the framework of a law whereby inmates compensate for the damage they cause to prison property.
- 5- Establish a system to prosecute inmates who commit crimes in prison.
- 6- Upgrade the prison and do all things necessary to rehabilitate the inmates before reintroducing them to society and with the assistance of qualified parties begin rehabilitation programs.
- 7- To begin providing some basic rights of the convicts which were discontinued following a fire in the prison, such as phone calls, meetings with families and private meetings.
- 8- Increase staff members required to run the prison most efficiently.

- 9- Arrange for all Prison Officers to get risk allowance as according to the Civil Service regulation without any discrimination as they are a group who work in an unsafe environment.
- 10- Before imprisoning someone check if the person is physically and mentally fit to be incarcerated.
- 11- Organize and facilitate for the medical needs of the convicts. Organize for medical assistance in the medical facility in prison to the level that inmates need not be brought to Male' unless under very special circumstances.
- 12- As in the prison regulation which is given authority under a law, prescribe the highest authority in-charge of the prison as the Department of Prisons and Rehabilitation Services, hence DPRS should execute this responsibility accordingly and refrain from allowing the prison to be a place of influence by different Government authorities and keep the prison independent of such influence.
- 13- Not to discriminate between female and male inmates and provide both parties with their basic rights equally.
- 14- Immediately provide for a good communications facility for the prisons officers who work on duty basis in the prisons.
- 15- Put up CCTV cameras around the prison and establish a good mechanism to monitor the prisons well.
- 16- Create an environment conducive for the Prison Officers looking after the prisons to efficiently carry out their job by providing them with good standard sleeping arrangement, bathroom facilities and other basic facilities.
- 17- Make the prison environment a place which is conducive for work through which the prison as well as the inmates could earn an income and provide the inmates with information and other opportunities to learn a vocation and create an environment of inventiveness.
- 18- For inmates who work in different areas of the prison, offer a considerable wage in accordance with their jobs and create more job opportunities and organize it so that a larger a number of people could be employed.

- 19- Make the current gatehouse in the prison operational and create a mechanism whereby every person who enters the prison is screened.

#### **12.4 Visit to the Drug Rehabilitation Centre in Kaafu Himmafushi on 29 April 2009**

This was a visit to check on the general plight of the centre and also to check how the Commission's recommendations of its 6 March 2008 visit had been utilized. The 29 April 2009 visit was the Commission's first visit to this Centre since the NPM was established. In this visit 2 Commission members and 4 staff took part. The recommendation report suggesting the areas of improvement was released on 1 June 2009.

#### **Current Status of the Recommendations made by the Human Rights Commission after its 6 March 2008 visit**

- A water plant has been set up to combat the water shortage problem and now the problem is being addressed.
- The people who were getting treatment from the centre were earlier given 50 Rufiyaa for their daily meals and this has now been increased to 85 Rufiyaa daily per person.
- Code of Ethics for the staff members of the Centre has now been formulated, though it has not been formally introduced; the staff are currently following this code.
- Even now there is more staff than needed in the centre.

#### **Recommendations of the Report**

- 1- The issue of drug abuse is currently the biggest social issue faced by the country hence the Government should accord a higher priority to this issue.
- 2- Currently the Drug Rehabilitation Centre functions under a section of the Ministry of Health and Family with no individual status, change this Centre as per Article 11 (a) of the Narcotics Control Act as a place which has an independent status where people with drug problems should be treated as prescribed under the law also

meaning it would be a Centre which would function under the “Narcotics Control Board”.

- 3- To carry out the work of the Drug Rehabilitation Centre most effectively allocate a recurrent budget, and the authority and responsibility of utilizing this budget be given to the heads who work at the Centre.
- 4- In order to integrate the people treated at the centre back in to society most effectively, in addition to “Therapeutic Community” provided by the Centre also provide vocational training programs, educational programs and provide the people who have psychological problems with counselling and study opportunities in the special areas relevant to them.
- 5- In providing certificates related to the training programs and other courses run in the Centre, if it’s a certificate earned while being treated at the Centre, provide certificates which does not reveal that it was received while the person was at the Centre, in this manner the certificates could be something given by the Ministry of Health and Family.
- 6- Establish such a mechanism that all persons being treated at the centre have equal access as according to a schedule to the equipment of the centre acquired for entertainment and as according to schedule and if weather permits provide the opportunity to get fresh air and facilitate for exercise routines and outdoor sports activities.
- 7- Immediately organize for all people being treated at the centre to get adequate medical assistance and make medicine available from the Centre and with the advice from the doctor if consultation with a specialist is suggested, facilitate for such a consultation.
- 8- Since some of the people in the centre have psychological issues, station a psychiatrist at the Centre on a permanent basis and organize a specialized treatment program for people with psychological issues and provide assistance in psychological matters.
- 9- Establish a “Resident Halfway House” for people wishing to be reintroduced to society after treatment from the centre, (people in here will be monitored, their

status will be checked and assistance will be provided for these people who wish to be reintroduced to society.)

- 10- Immediately fix the following problems of cleaning the dirty well water being used by the people in the centre to clean themselves, the water cooler used to drink water is too dirty and unhygienic to be used, the flush tanks of the 6 toilets are old and broken, the 24 shower areas are too old and in a broken state to be used, and the row of taps used for ablution does not have water anymore, and to start using the new water plant which has been established in the centre as soon as possible.
- 11- The 114 men who are being treated at the Centre have to wash their clothes at a certain time of Friday and while the centre has got only one washing machine this pose a big problem, find an immediate solution to this issue and also provide the opportunity for them to iron their clothes.
- 12- It is noted that the number of staff at the Centre is greater in number than the needed number of staff, hence allocate these additional staff to other places which face the problem of staff shortage and strengthen the treatment given in the Centre.
- 13- In all treatments being given by the Centre strengthen the religious element even more than now, and include more information on religion and on model behavior in the treatments being given by the Centre.
- 14- Organize to immediately start using the new big building which has been constructed in the Centre, since the building is standing unused it is falling into dilapidation.

### **12.5 Report of the Visit to the Male' Prison on 03 May 2009**

This visit was conducted to check on the condition of the Male' prison and check on the progress made on the recommendations of the Commission after its 8 July 2008 visit. A Commission member and 4 NPM staff joined in this visit. The report of this visit to the Male' Prison was released on 19 July 2009.

## Recommendations of the Report

- 1- Further strengthen the duties and responsibilities of those institutions established to make the life of the people of the Maldives a peaceful one and carry out additional work to stop the criminal activities that are taking place in society.
- 2- Work towards completing the Imprisonment Procedure and Payroll Bill, Criminal Procedure Bill, and the Penal Code, and bring it as law as soon as possible.
- 3- Work towards improving the conditions at the number of facilities which detain people for various reasons and by the time the inmates complete their sentence, they are rehabilitated enough to join society as people who are socially acceptable.
- 4- In the toilet facilities used by the inmates provide them the possibility of covering their nudity, and provide facilities to control the excessive heat within the cells that it does not pose health problems and provide good enough facility to wash and iron their clothes.
- 5- Be systematic and effective in providing for basic needs.
- 6- Provide the things needed by the Prison Officers to carry out their duties most efficiently such as uniforms and other facilities.
- 7- Not to imprison more people than is allotted to the prison, increase the number of staff to the level where the inmates will be looked after, and work towards running the prison in accordance with international standards and the prison regulations.
- 8- For the inmates viewing, put up the code of conduct for inmates in prison and also the procedure of how one can become eligible for payroll and familiarize them on the regulations.
- 9- Prior to reintroducing inmates to society, organize and run a rehabilitation program in the prison with the assistance of qualified parties, as soon as possible.
- 10- Arrange for risk allowance for Prison Officers eligible for risk allowance as according to the Civil Service regulation.
- 11- Immediately provide for a good communications facility for the Prisons Officers who work on duty basis in the prisons.

- 12- Put up CCTV cameras around the prison and establish a good mechanism to monitor the prisons well.
- 13- Make the prison environment a place which is conducive for work through which the prison as well as the inmates could earn an income and provide the inmates with information and other opportunities to learn a vocation and create an environment of inventiveness.
- 14- Strengthen and enforce the rules for people to enter and conduct themselves in prison other than the staff that look after the prison and build an additional gate in the prison demarcating the area where the inmates are kept.
- 15- To strengthen the administration of the Department of Penitentiary and Rehabilitation Services, DPRS provide training for its staff and carry out the work needed towards running the place in a suitably independent environment as soon as possible.

#### **12.6 Visit to the minimum security jail in Feydhoofinolhu on 7 May 2009**

This visit was organized by the Ministry of Home Affairs and the Commission took part to check on the general condition of the prison and also to check if the recommendations by the Commission on its visit to the prison on 3 December 2008 to structure the prison according to the UN standards on “Standard Minimum Rule for the Treatment of Prisoners” was considered. The President of the Commission and 2 members and 3 staff members of NPM joined in this visit. After checking the jail, the Commission made one recommendation in its report based on its findings which was released on 10 June 2009.

#### **Recommendation of the Commission**

The Commission does not believe that the minimum security jail in Feydhoofinolhu is a jail which complies with Prison Regulations and the UN standard on “Standard Minimum Rule for the Treatment of Prisoners”. The Commission is of the view that since the jail does not comply with the Prison Regulations and International Standards, this jail should not operate as such a facility until it upgrades all its facilities and administration. After this report was released the jail was closed and the inmates moved to another facility.



## **12.8 Monitoring visit to the Dhoonidhoo Police Custodial on 9 August 2009 and the visit to the Male' Police Custodial on 26 August 2009**

The Dhoonidhoo and Male' Custodial are two jails administered by the Maldives Police Services as a detention facility for persons who are under investigation. The purpose of this visit to the two facilities were to check on the general condition and also check whether the recommendations made by the Sub Committee for the Prevention of Torture (SPT) in their visit to these 2 facilities on 2007 were being implemented. Two staff members of the NPM joined in these visits. The two visits closely followed each other and were carried out for the same reasons. Hence the report released on 20 October 2009 were based on these two visits. This is also the first report to have been written in accordance with the accepted NPM visits report writing structure. In this new structure, the recommendations were not listed but the findings were listed and the recommendations followed these. Also the monitoring measures used by the NPM would be described, while the recommendations are strengthened by providing them with the complimenting laws and regulations.

### **Recommendations of the Report**

- 1- Not to keep anyone detained during the investigations stage at the reception area for more than 24 hours.
- 2- Places where prisoners are kept, especially the places where they sleep should be a place which has good ventilation and is a healthy environment with enough natural light and during night should have a good enough light source and should be of considerable space. Renovate the cells so that they are protected from rain and are safe from mosquitoes and other insects. Also not to keep children and adults in one cell. Facilitate to take part in daily exercising or a physical activity for anyone detained for more than 24 hours.
- 3- If a detainee has a medical problem, facilitate to consult a doctor as soon as possible. An inexperienced person should not prescribe any medication without consulting a doctor.
- 4- From the moment a person is detained, that person should be told the reason for their detention and the rights of the person in detention should be provided to them in writing. For foreigners who know English provide a copy in English. And for

- foreigners who do not know either Dhivehi or English, that person should be made to understand what's in the writing in a comprehensible manner.
- 5- Expedite the process of investigation for people who are detained and take the matter to court as soon as possible. Also establish a mechanism to regularly monitor the investigation officers.
  - 6- Not to keep people whose investigations have been completed, under police custody. Establish a system where those who are required to be detained until the end of the trial process are kept in the custody of the DPRS.
  - 7- Suspects should not be kept in detention indefinitely as this is an inhuman act. Also strengthen the investigative and court procedure as detention of suspects could pave the way for inhuman and degrading acts being committed against them.
  - 8- To expedite the process of amending the Criminal Procedure bill and passing the Penal Code.
  - 9- In accordance with the UN standards provide communication facilities to foreigners on an equal basis without any discrimination.
  - 10- Make sure that foreigners and Maldivians are treated equally without any discrimination while being detained. Take immediate action if anyone in detention is being treated inhumanly or degradingly by other detainees or staff members.
  - 11- Acquire enough staff to administer the UN standards and the laws and regulations on detention without any overlap.
  - 12- To not discriminate among staff members and to work accordingly with the Employment Act and secure all due allowances and rights before the staff members carry out their jobs. Also in deciding allowances for those staff who work in places where people are detained and who have to face potentially dangerous situations or communicate during such situations or be active in a certain aspect of the situation have been provided allowances which are not uniform in nature, some Government institutions have been providing allowances for such staff in a continuous manner, while it is encouraged that staff working in such situations be provided with that allowance in a situational manner and to all such staff in similar institutions, Government is advised to carry out this standardization.

## **12.9 Visit to the Educational and Vocational Centre for Children on 21 October 2009**

This is the first visit to this centre since the creation of the NPM. This visit was conducted to check the current condition of the Centre and also to check what recommendations from the Commissions previous visit on 11 June 2008 had been implemented. One member from the Commission, 3 staff members from the NPM and 2 additional Commission staff members took part in this visit. The report related to this visit was released on 21 November 2009.

### **Current status of the recommendations made by the Commission on its 11 June 2008 visit**

- Recommendation to keep the gas cylinders away from the stove was not implemented during this visit, however the Commissions visit a week after that revealed that all gas cylinders have been moved out of the kitchen.
- The hall which was earlier used for teaching and other activities are now being used for watching TV and playing.

### **Recommendations of the Report**

- 1- For Maldives Water and Sewerage Company to expedite the process of installing a water plant in providing clean water for all residents of the island.
- 2- Protect the outer wall of the building from the sea waves, by constructing a seawall or an outer wall around that side of the building and renovate as soon as possible. Since that building is currently used by the children in the centre as the school building, the Commission is of the view that it should remain as the school building.
- 3- In deciding on the food budget for the children in the Centre, take monthly account of the number of children registered in the centre and the kind of food that will be needed for their growth, and then decide on the budget as early as possible.
- 4- In carrying out punishments towards the children it should be done according to the set standards, under a separate mechanism and recorded in a separate book.
- 5- Taking into consideration the age of the children increase their monthly phone call services in a more strengthened manner to possibly a weekly phone call services.

- 6- By fixing the broken computers or otherwise provide the students with this facility.
- 7- Acquire a teacher for the carpentry class and acquire material for the carpentry and welding class and begin to teach students these skills in an effective manner as soon as possible.
- 8- The children in the Centre are there due to various problems so put in place a mechanism whereby these children will be provided with regular and continuous counselling.

### **12.10 Visit to the Temporary Prison in Seenu Gan on 22 November 2009**

The Seenu Gan temporary prison was constructed to temporarily house the inmates from the Kaafu Maafushi prison after the incident of arson and vandalism that took place on 12 October 2009. Inmates were transferred to the temporary prison in Gan from the Kaafu Maafushi prison and the Kaafu Himmafushi Asseyri prison. At the time of the visit to the Seenu Gan prison, there were 40 high security prisoners from the Kaafu Maafushi prison and 77 prisoners from Kaafu Himmafushi Asseyri prison. The NPM's visit was to understand how the prisoners were transferred to this prison and to understand the current condition of the prison. The Secretary General of the Commission and 2 staff members of NPM took part in this visit.

## **13. Seminars, Workshops and Meetings the Commission Attended**

Meetings and Training Programs held abroad

<b>Duration</b>	<b>Island/Country</b>	<b>Program</b>	<b>Participants</b>
2 to 3 March 2009	Bangkok/Thailand	"Regional Consultation on Capacity Development Assessments for National Human Rights Institutions"	Commission member, Mariyam Azra
13 to 15 March 2009	Lucknow/India	"Fact Finding Workshop"	Monitoring Officer, Ahmed Anwar
23 to 27 March 2009	Geneva/Switzerland	"Meeting of the International Coordinating Committee of National Human Rights Institutions (ICC22)"	President of the Commission, Ahmed Saleem
31 March	Geneva/Switzerland	"Expert Meeting on NPM, Self	Vice President,

2009		Assessment Tools”	Mohamed Zahid
31 March to 9 April 2009	Auckland/New Zealand	Study tour to the New Zealand Human Rights Commission	Commission member, Mariyam Azra Ahmed
16 to 18 April 2009	New Delhi/India	“Regional Conference on Building Human Rights Awareness and National Capacity Building”	President of the Commission, Ahmed Saleem, Member Ahmed Abdul Kareem, Senior Complaints Officer Ashiyath Shiuna
22 to 29 April 2009	Hyderabad/India	“14 South Asia Teaching Session on International Humanitarian Law”	Assistant Coordinator Atolls and Islands Network, Ibrahim Huzam
27 to 29 April 2009	Apia/ Samoa	“Establishment of National Human Rights Mechanism for the Pacific Region”	Vice President, Mohamed Zahid
12 to 26 May 2009	Lilongwe/Malawi	Member of the Commonwealth team of observers for the general elections	Vice President, Mohamed Zahid
15 to 19 June 2009	Kathmandu/Nepal	“Sub Regional Training Workshop for South Asia: National Human Rights Institutions and Human Rights Defenders”	Media Officer, Jeehan Mahmood, Complaints Officer, Aishath Afreen Mohamed, Ibrahim Zahid, Assistant Coordinator Atolls and Island Network, Aishath Shibaana, Secretary, Zulaikha Dawood
13 to 20 June 2009	Berlin/Germany	“Police Reform, Internal Security and the Rule of Law: Experience in Germany”	Director Complaints, Ali Nashaath Hameed
3 to 6 August 2009	Amman/Jordan	“Annual Meeting of Asia Pacific Forum of National Human Rights Institutions” 14 <sup>th</sup> Conference	President, Ahmed Saleem, Member, Ahmed Abdul Kareem, Secretary General, Ahmed Naseer Yoosuf
7 to 11 September 2009	Bangkok/Thailand	“Workshop on National Human Rights Institutions, Library and Resource Centre Management”	Information Technology Officer, Ahmed Athaau
7 to 11 September 2009	Dili/Timor Leste	“Human Rights and Migrant Workers Program”	Project Officer, Zeenath Mohamed
29 to 30 September 2009	Lilongwe/Malawi	“Seminar on UPR for all Commonwealth Member States Reporting in 2010”	Vice President Mohamed Zahid
31 October to 01	New Delhi/India	“Police Reforms in South Asia: Role of Civil Society”	Director, Ali Nashaath Hameed

November 2009			
2 to 3 November 2009	Lund/Sweden	“Regional Asia Planning Seminar”	Secretary General Ahmed Naseer Yoosuf
10 to 17 November 2009	Visakapatnam/India	“15 South Asia Teaching Session on International Humanitarian Law”	Inspection Officer (Trainee), Aminath Shifaath Abdul Razzaq
23 to 24 November 2009	Port Au Spain/Trinidad and Tobago	“Meeting of the Commonwealth Forum of National Human Rights Institutions”	Member, Mariyam Azra Ahmed
23 November to December 2009	Bangkok/Thailand	“Regional Training Workshop for National Human Rights Institutions”	Director, Ahmed Ameen, Education Officer, Fathmath Mohamed
27 to 28 January 2010	Dhaka/Bangladesh	“Regional Studies: SAARC Convention on Trafficking in Women and Children for Prostitution – Dissemination Meeting”	Member, Mariyam Azra Ahmed

From the above trips, the members and staff of the Human Rights Commission got the opportunity to get information and experience on International Human Rights and also share the Human Rights status of the Maldives with the international Community.

#### 14. ACTIVITIES CARRIED OUT TO STRENGTHEN THE WORK OF THE COMMISSION

##### 14.1 The New Strategic Plan of the Commission

Most of the targets of the 2007 to 2009 strategic plan of the Human Rights Commission were achieved by the end of 2009 which was the deadline for that strategic plan. With the objectives which weren't achieved and with the economic, political and social changes which are currently taking place in the Maldives, the Commission has to work towards achieving a set of new objectives. In this manner the vision which the Commission hopes to achieve in the 2010 to 2014 strategic plan is **“A culture of respect for Human Rights, and a society which is aware and where equality is established”** And in order to achieve this in the coming 5 years, the plan aims at 10 different targets. And in order to achieve these targets strategies have also been decided.

This plan formulated by a working group is one which includes all departments of the Commission. Also the Commission has already passed its working plan formulated for the year 2010, based on the Strategic Plan.

## **15. REVENUE AND EXPENDITURE OF THE COMMISSION**

### **15.1 Revenue and Expenditure of the Commission**

#### Foreign Aid

Under the Project on “Support to the Human Rights Commission of the Maldives” the United Nation agencies (UNICEF, UNDP, UNFPA, WHO) provided the amount of total 553,801.40/- Rufiyaa to the Commission in 2009. From this revenue, a total of 255,714.21/-Rufiyaa was spent by December 2009. The amount remaining by December 2009 is 298,087.19/-Rufiyaa.

#### Revenue Received by the 2009 Budget

For the year 2009, the state treasury had provided the Commission budget 9,769,511/- Rufiyaa (Nine Million Seven Hundred and Sixty Nine Thousand and Five Hundred and Eleven Rufiyaa) to begin with. However during the course of the year 2009, the budget was provided additional finances on various occasions and the total Budget for the year 2009 stands at 13,891,265/- Rufiyaa (Thirteen Million, Eight Hundred and Ninety One, Two Hundred and Sixty Five Rufiyaa). In addition to this the NPM was provided 778392. Out of this revenue, the total expenditure for the year 2009 stands at 13,879,254.47/-Rufiyaa. Major part of the finances from the 2009 budget was allocated for conducting awareness programs on Human Rights, training staff members, carrying out studies related to Human Rights, expenses of the Commission staff, expenses for other services and for official overseas trips.

#### Estimated Budget for 2010

The estimated budget of the Commission for the year 2010 is 17,592,702/-Rufiyaa (Seventeen Million, Five Hundred and Ninety Two Thousand, Seven Hundred and Two Ruifyaa) However after the budget was passed from the Parliament, the Commission received a total of 15,463,678/- (Fifteen Million Four Hundred and Sixty Three Thousand Six Hundred and Seventy Eight Rufiyaa).

## **16. ACKNOWLEDGEMENT**

In the year 2009 the Human Rights Commission of the Maldives strengthened its work in the area of Human Rights and carried out the responsibilities assigned to the Commission by the Human Rights Commission Act and in accordance with the Constitution and International Conventions on Human Rights which Maldives is a part of. The Commission in carrying out its work, created awareness on Human Rights, and familiarized the state and civil society to the area of Human Rights, Acquired the support of Community to protect and sustain Human Rights in the Maldives and also successfully found solutions to many complaints made to the Commission by parties who had their rights violated. Also considerable amount of work was carried out in 2009 to broaden the scope of Human Rights in the services provided by the State and Government authorities. In 2009 also HRCM participated in International work to promote Human Rights and on work being carried out to improve the Human Rights status in other countries. In this manner the Commission provided its expertise on strengthening Human Rights Institutions in other countries and presented the status of Human Rights in the Maldives in International workshops and Conferences.

The Commission received support and cooperation from many parties in 2009 to carry out its work. The Commission would like to thank all parties who assisted the Commission in its work. Especially in the nationwide Human Rights awareness workshops conducted in all Atolls, the Commission got the support of numerous parties and remain grateful to them. As in previous years, in 2009 the Maldives state treasury had provided the Commission the finances and facilities needed to carry out the programs of the Commission. In addition the support provided by United Nations, Asia Pacific Forum, and other international parties working for Human Rights is highly appreciated.

Also in order to make the work of the Commission a success the Commission remains deeply thankful to its entire hard working team of staff for their valuable work.

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28 February 2010