

Annual Report 2010

Human Rights Commission of the Maldives

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1. Foreword

We thank and praise Almighty Allah, the Exalted and the Praiseworthy, who elevated the human being's esteem, bestowed on him the ability to think, so that he may live with dignity and gave him the qualities of kindness and caring. We pray for peace and blessings upon the Holy Prophet Muhammad, the Messenger of Allah, who showed us the example of establishing fairness and justice and the noble principles of consultation, tolerating different viewpoints and upholding human dignity and respect in life. We include his family and companions in this prayer for peace and blessing.

This is a report compiled on the work of the Human Rights Commission of Maldives (HRCM) during the year 2010. This report gives an overview of the status of human rights in the Maldives and the core work done by HRCM during the year 2010. Thus, it sheds light on the important cases submitted to the Commission and some of the issues successfully solved. Light is also shed on seminars, workshops, and training programs conducted by the Commission, as well as on studies done to assess the situations of noted issues of major concern to the Commission, and on activities and meetings held to mark days connected with human rights. The report also looks at the Commission's visits to various institutions to assess the situation of human rights, recommendations forwarded to those institutions in connection with the visits, and work done to monitor the level to which such recommendations are followed. It also looks at the participation of the Commission in regional and international meetings of relevance to human rights and on work done to raise awareness on human rights and to establish a culture of respect for human rights. In addition, the report also includes activities conducted with external assistance, and gives an overview of expenditures born through external assistance and the Commission budget.

The main goal of this Commission is to protect, preserve and promote human rights in the Maldives in accordance with Islamic Sharia, the Constitution of the Republic of Maldives and the regional and international conventions ratified by the Maldives; and to encourage and assist nongovernmental organizations working to promote human rights. To reach this goal, a strategic plan was developed and based on that an annual action plan was developed, and activities were implemented last year to achieve targets in the plan.

Human rights are basic rights that every human being must have in order to live with dignity. While the Constitution of Maldives clearly states the rights and freedoms it guarantees, regional and international human rights conventions and declarations binding on the Maldives also complement the concepts of those rights and freedoms. While all people have thus been given inalienable rights, there are situations in which work is necessary to get a right. Even in these situations it is important to work in accordance with laws and regulations and without curtailing the rights of others. Difficulties will be faced in living and interacting unless people respect each other's rights. A culture of respect for human rights can only

be established by learning to deal with others in the same manner that one would wish others to deal with one, facing the difficulties encountered in life, accepting differences and learning to live together.

While the people of Maldives are proud that the Maldives became a member of the UN Human Rights Council in 2010, it is a step forward to promote human rights in the internal arena as well as an opportunity to resolve to do more work in the Maldives and to implement that work. The Constitution of Maldives includes a chapter on basic rights and freedoms and guarantees them. While it gives freedoms such as those of assembly and expression extensively, the rights of the disabled, women and children are also to be provided due protection and care. There is a need to overcome barriers to the provision of many rights and to work for providing adequately the rights and freedoms enshrined in the Constitution.

Information and education on human rights is important for the provision of human rights. The purpose of human rights education is to make everyone understand that the community as a whole has a responsibility in establishing a culture of human rights and ensure that human rights are cherished and guaranteed in every community. The awareness thus created will lead to an end to human rights violations and disturbances in the community, giving priority to sustainable development in an equitable manner and ensuring everyone's participation and cooperation in running a democratic system.

While it is the desire of every Maldivian citizen that our beloved nation remains safe, pleasant and peaceful, it is important to reflect on whether modern democracy is being established in accordance with its true spirit. It is certain that in an environment based on democratic principles and civilized life, human rights will be respected, paving the way for everyone to enjoy and benefit from a desirable healthy and conducive life. However, if the rights given in the Constitution and other laws are considered as individual rights and used without any responsibility in a manner that is harmful to the society and other individuals, it would be contrary to the original concept of those rights and meaningless, and would cause more harm than good. Consideration must therefore be given to avoid such acts. In a country like the Maldives where there is ample opportunity to provide human rights in accordance with modern democracy, work must be done to ensure that human rights progress further and all those living in the Maldives become responsible brotherly people, who respect each other fully and give priority to peace and stability.

2010 was the year in which the Commission faced its third term. The valuable services of those who served as members of the Commission during the last three years or so and have left the Commission are remembered and sincerely appreciated. Thanks are due in particular to Mr. Ahmed Saleem who served as member of the Commission during the first term and as President of the Commission during the second term, Mr. Mohammed Zahid, who served as Vice President of the Commission during the second term, and Uza. Majida Majdy, who served as member of the Commission during the second term. While the third term of the Commission began in October 2010, a 5-year strategic plan has been developed to carry out the work of the commission in a new spirit. While working according to this plan the Commission urgently needs cooperation and assistance from the government, political parties, civil society organizations and all others in promoting, protecting and maintaining human rights.

WE all need to do a lot of work together to ensure that our society is one where there is a culture of respect for human rights. Equality before the law must be established in respecting laws and regulations and in getting justice without exceptions. Work needs to be done with renewed vigor to ensure that the nation is one where there is respect for each other and each other's rights free of personal prejudices and conflict, peaceful and safe. This is to achieve the satisfaction of living in an Islamic and Maldivian environment, where stability and happiness is sustained and independence and sovereignty is safeguarded and to pass on to the future generations a healthy environment which is developed and modernized and where there is respect for human rights. May Allah bless us in our work together towards this noble goal. Ameen!

President

2. Human Rights Situation of the Maldives

Efforts were made during the ending year to consolidate and strengthen the modern democracy established in the Maldives and to enhance public confidence in it and to protect, promote and sustain human rights. From a human rights perspective, however, several challenges remained unresolved. Among the progress achieved are important laws of relevance to human rights, which were passed by the People's Majlis and have come into force. The completion of important legal work needed to fully provide the right to justice assured in the Constitution and to appoint the Chief Justice and judges to the Supreme Court on 10 August 2010 was an important step taken last year to establish a democratic system of government with separation of the three powers. In particular, the approval of the names of the Chief Justice and judges of the Supreme Court unanimously led to increased public confidence in the judicial system. Confirmation of judges to permanent posts gave hope to some that it would solve the issues faced by the people in getting justice, while others raised questions on the validity of the procedure used in the appointments and their fairness.

It was during last year that the Maldives was selected to the UN Human Rights Council (UNHRC) with wide support and took a seat in the Council. This success was the result of a lot of work done by the government in the field of human rights. It is also a highway that would lead to further success. This is because UN Human Rights Council is the leading body in assessing the status of human rights in the member states and members of the Council must take the initiative in improving the status of human rights and as a member of the Council the Maldives must work harder than before.

At the same time it must be sadly noted that certain acts contravening human rights that should not have occurred in a modern democracy with separation of the three powers also took place during the ending year. Notable such acts include the Government's locking of the Supreme Court and the President appointing temporary judges and arresting political leaders on unproved grounds.

It must be noted that all ministers resigned en masse on 29 June 2010 saying that they were not able to work according to their oath and that they were not getting any cooperation from the People's Majlis. This action disrupted the provision of the rights and freedoms guaranteed by the Constitution and the services that government agencies must provide to the citizens.

Revealing of people's personal communication in the media, using communication tools and other means had created uneasiness among the public. This is something about which Article 24 of the Constitution says that each person's private and personal life, house and home and personal communication with others must be respected. While Article 33 states that all persons have the right to protection of his name and honor, it is noted that telephone calls have been revealed in the media in a defamatory manner. Since the concerned authorities have not investigated these events and revealed the findings, public discomfort over the issue continues.

It is sadly noted that there are barriers to providing citizens the rights guaranteed in the Constitution because of delay in enacting laws required to provide them, including the penal code, law on evidence, law on prisons, law describing the principles of treating drug addicts, law on the principles protecting

victims of crime and their rights, law on stopping domestic violence, law on political parties and the law on the safety and security of witnesses. It is also noted that the spirit of respecting laws and regulations is still not being revived in the Maldivian community. It is also noted that taking legal responsibility is weak and this leads to decreased mutual trust, and hinders the ideal maintenance of social relations.

The rights to employment and receiving adequate wages for work, which are guaranteed by the Constitution, are not being adequately provided and this has led to loss of the rights of several workers, impoverishment of many families and loss of livelihood for many. It is noted that even as the year ends, the full salaries of the civil service and political service employees have not been restored and there is no certainty on when they will be restored. Lack of adequate protection in the work environment has led to psychological pressure for many.

The Maldives is a 100% Muslim country. Maldivians have from time immemorial been living in a spirit of mutual respect and solidarity according to the principles of Islam. However the picture we see today is different: Mocking each other, verbal harassment, diminishing the honor and dignity of others, forming groups and gangs to violate the rights of individuals and to fight with sharp weapons, harming people's lives, property and homes, sexual abuse of children, rape, sexual molestation and other major crimes against human nature. It is sad that such a heinous act as physical violence has been practiced by some senior functionaries of political parties and members of the People's Majlis.

While crime is increasing day by day in the community it is noted that criminals are not being arrested, or isolated from the community to give them their due judicial punishment, and there are no adequate programs in place to rehabilitate those who are isolated. This situation requires the government and all state institutions to do a lot of work to stop inhuman acts in the community and provide citizens with a safe environment in which to live.

The main reason why the community has become a dangerous place is because a large number of criminals live at large without completing their legal and judicial sentences. It is noted that such persons have repeated major crimes such as theft and robbery during last year.

It is sadly noted expatriate workers are increasing being illegally brought into the Maldives and are being compelled to work, with those responsible for them maltreating them and depriving them of their rights. Thus, not paying salaries for long periods, keeping them in insanitary living quarters, threatening and physically harming and other inhuman and degrading acts have been committed against them. It is of serious concern that till now no law has been passed to stop such acts and protect the rights of expatriate workers.

While the media plays an important role in a democracy, freedom of the media is a right guaranteed by the Maldives Constitution and a right that cannot be deprived under any circumstances. Media persons also have a right to freedom and protection. However acts that deprive media persons of the right to protection and freedom such as threats and assault took place during last year. Thus, a crowd had gone to the DhiTV station, threatened its staff and assaulted them while a Haveeru Newspaper staff was assaulted with a knife. Also last year media persons covering a demonstration were obstructed by the police using force that could harm them physically.

Under the network run by the government to provide social protection, economically weak and disabled persons were given the services of Madhana and monetary assistance last year.

Human rights may be protected, maintained and promoted in the Maldives only with the cooperation of State institutions, government agencies, political parties, associations and groups working to protect human rights and the people working together in a unified spirit. The Commission hopes that in the future it will continue to get wider cooperation and assistance from them than even what it is getting now.

3. Introduction to the Commission

Human Rights Commission of the Maldives is a 5-member commission appointed by the President in accordance with Article 190 of the Constitution of the Maldives and article 5 (b) of the Law on Human Rights Commission (Law number 6/2006). The purpose of the Commission is to protect, maintain and promote human rights in the Maldives in accordance with the Constitution of the Maldives, Islamic Sharia and those international and regional conventions and declarations that the Maldives is obliged to follow; and to assist and encourage NGOs working to promote human rights.

At the beginning of 2010, Human Rights Commission had the following members appointed under the Law on Human Rights Commission (Law number 6/2006) on 27 November 2006.

- | | |
|------------------------------|----------------------------------|
| 1. Mr. Ahmed Ahmed Saleem | President of the Commission |
| 2. Mr. Ahmed Zahid | Vice President of the Commission |
| 3. MS. Azra Ahmed | Member |
| 4. Shaikh Ahmed Abdul Kareem | Member |
| 5. Uz. Majida Majdy | Member |

Since Article 297 of the Constitution of Maldives requires that members be appointed to all independent commissions before the end of the transitional phase, members were appointed to the Commission for a new term on 17th August 2010. Out of the names submitted to the 27th Sitting of the 2nd Session of the People's Majlis on 12 August 2010, the names of the following members were passed and the President appointed them to the Commission.

- | | |
|--------------------------|----------------------------|
| 1. Ms. Maryam Azra Ahmed | M. Hukuradhige, Male |
| 2. Mr. Ahmed Total | H. Addooge, Male |
| 3. Ms Jeehan Mahmood | Dheyliyaage, Lh. Hinnavaru |

From among these members the President proposed to the Peoples Majlis the name of Ms. Azra Ahmed as President of the Commission and Ms Jeehan Mahmood as Vice President of the Commission. In the 1st sitting of the 3rd Session of the People's Majlis on 4 October 2010, the Majlis passed the name of Ms Azra Ahmed as President. The name of Ms Jeehan Mahmood was not passed as Vice President. Maryam Azra Ahmed took the oath of office as President of the Commission on 13 October 2010.

From the names proposed by the President to appoint two additional members to the Commission, the 35th Sitting of the 3rd Session of the People's Majlis passed the names of the following who were appointed by the President to the Commission on 13 September 2010.

- | | |
|------------------------------|---|
| 1. Shaikh Ahmed Abdul Kareem | Special Register, Male Municipality, Male |
| 2. Dr. Ali Shameem | H. Marine View, Male |

At the end of 2010, even though 5 members had been appointed to the Commission and a President appointed, a Vice President has not been appointed.

Commission Secretariat

In addition to the Commission Members, the Commission secretariat had 40 staff members working at the end of 31 December 2010. The secretariat is divided into 6 departments working under the Secretary General to fulfill the functions of the Commission and to make administrative arrangements. The departments in the Secretariat are:

Education and Media Department (EMD)

Under clause 20 (c) of the Human Rights Commission Act the Commission is responsible for raising awareness on human rights among Maldivian citizens and others living in the Maldives, and fostering the spirit of respect for those rights. Therefore the work of the Education and Media Department is based on using workshops/seminars, media campaigns, leaflets, posters, handbooks, newsletters and other media to raise awareness on human rights among the public, government agencies, NGOs, schools, and providing information to the media on the work of the Commission.

Policy Planning and Monitoring Department (PPMD)

The main work of the Policy, Planning and Monitoring Department is to assess the level to which the rights and freedoms described in Chapter II of the Constitution are being provided by the government, recommending to the relevant government agencies to provide the rights not being provided, ensuring that policies and other frameworks formulated by the government are in line with human rights, reviewing issues related to human rights, and doing work required under the human rights related conventions in which the Maldives participates. Drafting the strategic plan of the Commission, monitoring projects and working with the NGOs are also included in the core work of the department.

Complaints Department (CD)

Among the provisions of Article 20 of the Human Rights Commission Act, it is the responsibility of the Complaints Department to investigate complaints by aggrieved parties, and complaints submitted on their behalf by persons or organizations, alleging the violation, or aiding or abetting the violation of human rights; instances where the Commission considers that such violation, or aiding or abetting a violation, has taken place, or is taking place; and complaints submitted by aggrieved parties, or on their behalf by persons or organizations, alleging negligence in failing to take action to halt or prevent such violation, or aiding or abetting such violation; and complaints alleging that an administrative procedure in force in the Maldives violates a person's human rights or a complaint from a government or non government agency that a procedure violates human rights. Conducting research on Human Rights is also a responsibility of the Department.

Legal Department (LD)

Among the responsibilities of the Legal Department are to determine, under Article 20 (c) and (g) of the Human Rights Commission Act, whether any administrative procedure, law or regulation in force in the Maldives compromises the human rights of any person and to recommend remedial measures if such is the case; to advise under clause (f) of that article, on human rights issues in newly drafted laws and regulations; to fulfill the obligations of HRCM to advise the government under (h) of this article on human rights related international conventions; to submit cases to the court under Article 24 of the

Commission Act; to do any other legal work in the Commission's name as may be required; and to provide legal assistance and advice in cases being investigated by the Commission.

National Preventive Mechanism (NPM)

The main purpose of the MPM is to establish a regular system of visits to places where persons are detained or held with deprivation of their liberty to ensure that no inhuman or degrading acts occur in those places and to ensure that general condition of the places and their administrative arrangements are adequate. Based on the legal and other findings of these visits, advice and recommendations are submitted to the government on strengthening the protection given to detainees under the Constitution, laws, regulations and international standards. The purpose of the NPM also includes submitting and discussing with the government recommendations based on the findings regarding what is required of the government to stop inhuman and other degrading acts and to work to improve the situation further.

Management and Finance Department (MFD)

Management and Finance Department provides administrative support to all other departments of HRCM. Management and Finance Department also does all work relating to employees, including hiring, firing and transferring, issuing leave, as well as planning and implementing human resource related work. The Department also does all work needed to procure supplies for the functioning of the HRCM Secretariat and maintenance of the Secretariat. Management and Finance Department also prepares the budget needed to run the HRCM, undertakes all financial transactions done by the Commission through the budget, sends bills to appropriate places, makes payments and maintains records of expenditures and balances.

A new administrative framework has been proposed during 2010 to strengthen the work of the Commission. The purpose of the framework includes better fulfillment of the Commission's legal responsibilities, improving the quality of the Commission's services and using the staff and resources of the Commission more appropriately.

Work of the Commission during 2010

Article 192 (a) of the Constitution of the Maldives states the following as the responsibilities of the Human Rights Commission.

1. Work to inculcate respect for human rights among the people;
2. Work to protect and promote human rights and to provide those rights;
3. Assess the level of respect for human rights;

In addition, Article 20 of the Human Rights Act (Law number 6/2006) describes the following as the responsibilities of the Commission:

(a) To investigate and take necessary action under the Law on Human Rights Commission, if an aggrieved person or another person or organization on his/her behalf lodges a complaint that a person or organization has violated or aided and abetted or participated in violating a human right entitled to him/her, or if the Commission believes such an act has occurred or is occurring, or if an aggrieved person or another person or organization on his/her behalf lodges a complaint that there has been a negligence in halting or preventing such an act;

(b) To investigate and take necessary action under the Human Rights Commission Act, against persons or groups, who the Commission believes have violated or aided and abetted or participated in violating a human right; and against persons or authorities, who the Commission believes have been negligent in preventing or stopping such acts;

(c) To inquire and take necessary action under the Human Rights Commission Act if a complaint is lodged that any administrative procedure in force in the Maldives violates a human right entitled to a person;

(d) To investigate allegations against government institutions or private organizations accusing them of human rights violation and advising them of any corrective measures that the Commission may deem fit;

(e) To work to foster the spirit of human rights in the Maldives, and protect, preserve and promote such rights;

(f) To advise the government on fostering the spirit of human rights, protecting human rights and preserving them in framing laws, regulations and administrative procedures;

(g) To draw the attention of the government to any laws, regulations or administrative procedures in force in the Maldives that contain provisions in conflict with human rights;

(h) To counsel and advise the government on signing and ratifying international as well as regional human rights declarations and conventions;

- (i) To participate and provide practical assistance in framing new human rights treaties;
- (j) To raise awareness among Maldivian citizens on human rights and fostering a spirit of respect for human rights;
- (k) To conduct necessary research related to human rights;
- (l) To publicize the Commission's views and suggestions on protecting human rights using different media
- (m) To take any other additional measures to protect human rights.

During 2010 the work of the Commission was aimed at giving priority to the 10 work areas identified in the Strategic Plan of the Human Rights Commission 2010-2014, in order to facilitate adequate fulfillment of the responsibilities and duties stated in the Constitution and the Human Rights Commission Act. The areas thus focused are:

1. Strengthening the legal framework related to human rights;
2. Investigating cases related to human rights;
3. Establishing a culture of respect for human rights;
4. Monitoring and reviewing the progress of human rights related activities;
5. Preventing inhuman and degrading treatment of persons deprived of liberty;
6. Conducting studies on human rights;
7. Strengthening the relationships with state institutions and urging them to take responsibility for human rights related issues;
8. Working with civil society organizations;
9. Establishing and strengthening regional and international relations;
10. Strengthening the administration of the Commission.

4. Strengthening the Legal System Related to Human Rights

During the year 2010, considerable work was done to advise and put forward recommendations to the government on fostering the concept of human rights, protecting them and maintaining them in the laws and regulations framed by the government, which is a responsibility of the HRCM under article 20 (f) of the Human Rights Commission Act. Issues on which advice and recommendations were put forward include:

4.1. Comments given by the Commission on the bill on revealing the property and monetary assets of people in responsible state positions:

- ✓ Because according to Article 11 of the bill, when a submission is made citing grounds to postpone the period of revealing an information, 'if the Auditor General believes that the grounds are valid,' one option to act is (c) of this article which states, 'decide that the grounds are invalid and asking to submit the information within the period stated in this law,' the Commission suggested deleting the words 'and if the Auditor General believes that the grounds are valid,' which is now included in the opening of the article as it contradicts with (c).
- ✓ The words 'where the issue is likely to be valid' in Article 18 appears to be a typographical error, and it is most appropriate to write in the article the words 'where the issue is likely to be invalid.'
- ✓ The Commission believes that it more appropriate to state that before submitting a case to the Prosecutor General under Article 20 (b), the Auditor General must scrutinize the case as in Article 18. And after such scrutiny if the Auditor General is of the opinion that invalid information has been submitted or information has been revealed fraudulently, the case must be submitted to the Prosecutor General for prosecution.

4.2 Comments Submitted by the Commission on the Bill on Juvenile Justice

1. The Commission believes that the definition of the term 'child who committed the crime,' which says it means 'the child accused of the crime,' must be changed. This is because all persons are innocent till proven guilty. And till guilt is proven a child may not be referred to as the child who committed the crime.
2. In Article 7 of the bill (the rights of the child in custody):
 - The words 'steps determined for prevention' must be rephrased to make the meaning clear.
 - The Commission believes that clause (4) must, in addition to stating that if the child refuses to sign the custody record it must be recorded in the custody record, also state that two witnesses must sign the record after noting that the child refused to sign.
3. To change the side heading of article 8 of the bill to reflect the matter stated in the article.
4. Clause (4) of article 8 states that if the police decide to conduct an interview in the absence of a parent or guardian, an appropriate alternative person must be appointed in order to proceed with the interview. The Commission believes that the bill must state that the appropriate

alternative person mentioned here must be a person belonging to an agency established by the government to safeguard the rights of children, other than the police.

5. In addition to stating in article 9 of the bill that when a child asks for a legal opinion from a police officer, if the child is dealt with in a in such a way as to obstruct getting such legal opinion, action must be taken against the responsible person after investigation, the Commission believes that it is important that the bill also state what the action must be.
6. Article 10 (1) of the bill states that before asking any questions in connection with a crime, or if the answers or remaining silent strengthens the suspicion, before asking further questions, the child must be informed what crime had been committed. The Commission believes that instead the article must state that 'the child must be informed the grounds for his/her arrest.' This is because it must not be informed that a crime had been committed until it is proved so.
7. What is stated in Article 10 (2) is not clear. It is noted that while the side heading uses the word 'instructions', sub clauses of the article use the word 'warning.'
8. Article 11 (1) of the bill states that children described in this article must not be interviewed unless the police officer in charge of the child is satisfied that it will not cause 'significant' harm to the child's physical or mentally condition. The Commission believes that the word 'significant' must be deleted from this article. This is to widen the protection available to a child.
9. Article 12 (3) states that an accused child released under bail must cooperate fully with the investigation and inquiry and other things related to the crime of which the child is accused. The Commission however believes that the bill also must state what steps will be taken if cooperation is not given.

Chapter 4 (Police and Judicial Custody)

10. It is noted that the contents of article 13 of the bill cannot be stated in that manner. This is because children must be treated differently from adults. It is also noted that the article states reasons for detention other than those stated in the Constitution for detaining persons accused of crime. According to the Article a person must not be kept in detention before being judicially sentenced except for fear that the person may conceal evidence related to the crime of which the person is accused or influence a witness who is going to give evidence in court, may fail to attend the court, may flee justice, or when it is feared that the person is of risk to the safety of the community if released. The Commission also believes that statement in this article that 24 hours may be calculated for the purpose of this chapter excluding weekends and holidays must be changed. This is because if weekends and national holidays are excluded it would amount to an additional punishment for the accused child in custody. The Commission is also of the opinion that the wording of (2) of this article must be made to conform to that of Article 49 of the Constitution.
11. The last part of Article 14 (1) of the bill states that the child must be enrolled in 'some' program in an institution identified by the government to reform and rehabilitate the child. The Commission believes that instead of this the article must say that child must be enrolled in 'such a' program.

The words in (3) of this article “a child committing a crime for more than 24 hours” is a mistake in drafting. The correct words would be “a child detained on suspicion of a crime for than 24 hours.”

Chapter 5 Juvenile Court

12. The period of 4 months stated in article 19 (4) of the bill is noted to be a very long period for detaining a child. The Commission believes that the period must be shortened.
13. Article 23 of the bill states that if a disease such as those stated or a disease that requires long term treatment is seen in a child, he/she must be sent to an appropriate health care center or a specialist center, for such a period as the court may decide, according to the regulations framed under this law. However, it is noted that the preceding articles of the bill do not state that a report describing a child’s health condition must be prepared when the child is arrested on suspicion of a crime. As such, the Commission believes that an article must be added to make it mandatory to produce a report informing the health condition. Similarly the commission also does think it important to state in this article “in case of a child with a sexually transmitted disease that is being treated on a long term basis or requiring long term treatment” immediately followed by the phrase “if the child is found positive to HIV”, thus specifying a particular disease. This is because this disease is included in the meaning of the first phrase.
14. What is stated in clause (1) of article 27 is also repeated in clause (2) of the same article.
15. Article 29 of the bill is phrased ambiguously. Thus it is difficult to understand the meaning of the article.
16. The meaning of article 36 (a) of the bill is confusing.

It appears that the statement in clause (2) of this article that steps being taken to find an out of court solution may be soon stopped if the child committing the crime responds to the steps, is a typing error. This is because if the child committing the crime responds, there is no need to stop the steps to find a solution. The right words should be if the child committing the crime does not respond.

Chapter 8 (Child offenders under the care of the government)

17. To include an article that children with special needs under the care of the government should receive special protection as per their needs, just as girl children under government care receive special protection under article 47 (4) of the bill.
18. In article 61 an amount of fine must be specified or a framework for fines must be defined. The article as it stands indicates that fining for life (an unspecified amount) may be imposed as a punishment.
19. To specify a specific amount or a framework for fines in article 62 too.

Chapter 9 (Preventing children from committing criminal offenses)

20. The Commission welcomes the statement in article 66 (a) attention will be given to human rights in the education system.
21. Overall, it is noted that the whole bill has a large number of drafting errors. Due to this there are conflicts in the meaning of some articles, and also the meaning of the articles are not clear. The Commission believes the drafting of the whole bill must be reviewed.

4.3 Comments on the Bill to Take Special Steps to Stop Crime

The Commission is highly concerned that the bill proposes to withhold freedoms and rights given by the Constitution, because the rights and freedoms granted by the Constitution must be assured irrespective of the magnitude of the suspected crime for which a person is arrested, because basic rights and freedoms must be considered as the minimum that a human being must have under all circumstances, because there is a need to get used to investigating and prosecuting cases while respecting basic rights and freedoms, which must not be considered or believed to be barriers to investigating cases, because making a law to withhold basic rights and freedoms even in a mood of loathing for a particular crime amounts to considering that the freedoms and rights given in the Constitution obstruct investigation of cases and justice and because efforts must not be made to solve the problem in this spirit. Thus the Commission believes that articles 2, 3 and 6 of the bill must be deleted.

This Commission is compelled to believe that the bill proposes to withhold basic rights and freedoms because it is assumed that it will strengthen the criminal justice system. However, the Commission does not believe that withholding basic rights and freedoms is necessary to strengthen the criminal justice system. The Commission also believes that there are alternative methods to achieve the goal. For example the Commission believes that article 2 (a) of the bill proposes to withhold the right under Article 48 (c) of the Constitution to remain silent except to identify oneself, because it is thought that this would help the investigation. However, under article 8 of the Rules of Criminal Procedure, this is a right now guaranteed to everyone by Maldivian law and regulations. Even though the right to remain silent is a basic human right, in some countries as well as in free democracies described in Article 16 (a) of the Constitution, it is a right as given only to those who are arrested, as in Article 48 (c) of the Constitution. The right to remain silent in such a way as to obstruct investigating and getting evidence is not a right available to all, in contrast to the practice in the Maldives. Extending the scope of application of a right to areas more than it should cover, may in itself be considered a violation of that right. Thus, this Commission suggests that article 8 of the Rules of Criminal Procedure must be brought in alignment with Article 48 of the Constitution as a right available only to those who are arrested or detained. The Commission believes that thought must be given to such steps that do not require narrowing the scope of basic rights and freedoms.

The commission notes that before thinking of withholding a basic right or a freedom it is important to consider whether the objective could be achieved through other means. Thus the provision in article 3 of the bill requiring judges to take decisions in a specific manner so as to compromise their discretion under Article 49 of the Constitution, which already details the circumstances in which a person may be ordered to be kept under judicial custody, is not the best solution in the opinion of the Commission. Rather than passing a law to keep a person under custody before being sentenced it would be more

beneficial to facilitate the implementation of the standards already described in Article 49 of the Constitution. Thus, encouraging the person prosecuting the case in court and the judges in hearing the case to review the circumstances under Article 49 of the Constitution in which a person may be kept in custody before being sentenced will be more beneficial.

The Commission supports the proposal in this bill to give protection to witnesses.

4.4 Comments on the Bill to Stop Acts that Violate Common Social Norms

The Commission believes that, since being out of the house is in itself not a crime, and since it may be necessary to remain out of the house after a particular hour to take part in entertainment and other activities, article 7 of the bill must not be implemented to allow taking action against children without adequate reasons and restricting the opportunities available to them. At the same time, the Commission feels that safeguarding children is important because under Article 35 of the Constitution children have special protection from the family, society and the state. Thus this Commission believes that the bill must state that the 'valid reason' referred to in article 7 must be detailed in a regulation framed under the law and that the detailing must be based on the child's safety, security and benefit as well as the parent's permission.

Since the wall of a house or building facing the road and other structures visible from the road are things that may be designed and decorated according to the wishes of the proprietor, the Commission proposes that article 8 (a) 1 must be revised in the following manner:

“(1) without the permission of the proprietor, on a wall of a house or building facing the road or another structure visible from the road.”

The Commission also proposes that since it is not appropriate to stick or fix a poster without the permission of the proprietor on a wall of a house or building facing the road or on any other structure visible from the road, an article must be included in the bill providing for steps to be taken against persons who commit such acts and that this may be included in article 9 of the bill.

While acts prohibited towards one's neighbors are stated in article 5 of the bill, the provision in article 13 (d) of the bill prohibiting tenants from committing acts that cause fear, discomfort and worry to others who live in the building and the neighbors is a provision applicable only to tenants. Since this discriminates between tenants and those living in their own houses, the Commission proposes that this part of article 13 (d) must be deleted. It is noted that all persons are collectively required under Article 5 to keep their behaviors towards neighbors within certain limits.

It is suggested to revise article 30 as follows:

“...before any agency stated to have the power to request for a social order or a guardianship order makes a request...”

Since it appears that that the words “... under (a) of this article ...”in article 38 is a typographical error, it is suggested to revise that part.

Since it appears that that the words “... described in (f) of this article ...”in article 38 is a typographical error, it is suggested to revise that part.

Since it will help to protect and promote human rights in the Maldives it is suggested to draft the bill to allow a crime to be considered major and given a bigger punishment if the crime is committed against a person described in article 17 of the Constitution as a person who must not be discriminated against on the sole ground that the person has a certain quality, for example being a foreigner, being a woman, or being in need of special assistance, or if the crime is committed against a person who is entitled to special protection under article 35 of the Constitution.

4.5. Comments submitted by the Commission on the Tobacco Control Bill

since Article 23 (d) of the Constitution of Maldives states that it is the right of every citizen to have a healthy and clean environment in which to live, Human Rights Commission welcomes a bill establishing the principles relating to control tobacco consumption in the Maldives, procedures for importing and exporting tobacco products, packaging and labeling of tobacco products, prohibiting advertisement of tobacco, and preventing the diseases caused by tobacco.

The Commission believes that some relaxation must be allowed in determining places where tobacco consumption is prohibited under article 3 of the bill. Thus instead of prohibiting under article 3 (e) tobacco consumption in all tea boutiques, cafes, and restaurants, the Commission proposes that a percentage of the total area of the place may be designated as special areas for tobacco consumption and identified with boards and tobacco consumption may be prohibited in other areas. The Commission also believes that revisions may be made in the bill to allow certain tea boutiques, cafes and restaurants to be designated as smoking places, fix boards indicating this and making them smoking places after charging a licensing or other fee in addition to what is paid by other similar establishments.

4.6 Comments submitted by the Commission on the Bill on Political Parties

Revising article 4 of the bill to give political parties the right to participate in all general elections held in the country, instead of listing general elections individually in (b) of this article.

To include in article 6 (b) that things described in (a) of this article are also prohibited for members of the party.

The Commission proposes that those who cannot be members of political parties must be limited. The Commission believes that since Article 30 of the Constitution gives the right to all citizens to form, manage, and take part in activities of political parties, this right can only be withheld ‘to the extent that such a right is acceptable to be withheld in a democratic society’ as describes in Article 16 of the

Constitution. Thus, while judges, members of independent commissions, people in independent positions, members of armed forces, members of tribunals and foreigners may be considered to be not allowed to become a member of a political party, the Commission believes that it is going beyond the limit to which this right can be withheld in a democratic society if it is withheld to disallow the staff of commissions and independent offices and others determined under this law from becoming members of political parties. Therefore the commission suggests this article be revised to allow all others to participate in political parties except those who cannot become members of parties under the Constitution, judges, members of independent commissions, people in such positions, members of the armed forces, foreigners, legal entities other than persons and children below 18 years of age.

The Commission proposes to abolish article 11 (b) 7 of the bill. Since forming, managing and taking part in the activities of political parties is a right given in clear terms to all citizens under the Constitution, disallowing citizens of Maldives who also hold citizenship of other countries the right to apply to form a political party is a discrimination under Article 17 (a) of the Constitution. This also contravenes the principle described in point 3 above for restricting a right given in the Constitution.

While article 12 (b) of the bill mandates that a person who applies to become a member of a political party must not be a person who has applied to become a member of another party, the Commission proposes to revise the article to make an exception for persons who have applied to become members of a political party which failed to get registered. In other words except for those who have applied to become members of political parties which are working for registration, others must not lose the opportunity to apply for membership of political parties under article 12 (b).

To revise articles 42, 43 and 44 of the bill to say that it will be applicable to all employees of the 'state' instead of the 'government.'

4.7 Comments Proposed by the Commission on the Bill On Assembly

The Commission proposes that the bill may be revised to indicate that under article 2 assembling means gathering on roads, public squares, parks and other similar public places. In addition, considering the provisions of article 22 of the bill, a meeting held by a political party in an indoor hall or inside a building must not be considered as assembling.

The Commission believes that the period of 14 days notice under article 3 is too long. It is recommended to shorten this period to 3 days.

The Commission proposes that an exception to Article 3 must be provided for a party that wishes to assemble in connection with a sudden event connected with the people or an issue connected with the people. It is also proposed that provisions must be made to allow meetings giving exception to the article, subject to conditions that such assembling must be one in connection with an event similar to the above and that it must not obstruct pedestrians and transport. Even in assemblies held in this manner, the relevant persons must take responsibility under article 6 to maintain public order and safety.

It is proposed to abolish article 4 (d). This is because under (c) of this article a person under a judicial or legal detention is prohibited from proposing to become responsible for an assembly, the commission does not feel that a person who commits a crime described in (d) and who has completed the sentence for it should be deprived of a right given by the Constitution.

Under article 6 instead giving the discretion to Maldives Police Service to notify that a meeting must not be held, the Commission believes that the bill must state that such a notification may be issued by a court. Further, the bill must provide that if the Maldives Police Service believes that an order notifying that an assembly cannot be held must apply to the Civil Court for issuing it within 24 hours of receiving a notice of assembly and that the court must decide such a case within 2 days and issue an order. The Commission believes that it is appropriate under article 8 of the bill to give the discretion to Maldives Police Service to ask that an assembly may only be held subject to certain conditions. However the Commission proposes that the period of 7 days under article 8 (c) to describe the conditions and inform that to the party submitting the notice of assembly may be reduced to 2 days.

It is proposed to delete article 6 (c). This is because after giving the prescribed punishment for failing to take the responsibility in an assembly for which that person is responsible, if the person is further deprived of recourse to a basic right for the entire life, it is a punishment that is bigger than the crime.

It is suggested to delete articles 10, 11 and 12 of the bill. Determining places where assembly can and cannot be held under article 10 and 11 is an obstruction of the right to peaceful assembly given by the Constitution. Further, assembling in a place described in article 10, or in a place not determined under article 11 or at a time other than those described in article 12 are in themselves not reasons that compromise national security, public safety, public health, common codes of conduct, or safeguarding the rights and freedoms of others. The above are the conditions under which the right to peaceful assembly may be restricted under article 21 of the International Convention on Civil and Political Rights which has been ratified by the Maldives. Therefore instead of stating that peaceful assemblies can only be held in particular places at particular times, the Commission proposes that the bill may describe the conditions under which a peaceful assembly becomes an unlawful assembly, and state that assemblies held in such a manner will be disbanded. Thus it is proposed that the bill must prohibit under article 13, harming a person's body, life or property, or calling for such an act or if the words and actions of the people in the assembly indicate that they may commit such an act, using writings and photos with indecent language and scenes, or shouting such slogans, or acts that lead to a stoppage of ordinary life, trade and other economic activities, education and health services, freedom to walk and travel, communication, water, electricity and other essential services.

The Commission believes that punishments for offenses described in article 15 of the bill must be specified and that such punishments must be fines.

The Commission proposes that article 15 (c) of the bill be revised. Since controlling an assembly is a legal responsibility of Maldives Police Service in order to maintain public order and safety, this responsibility may not be given to individuals. Instead it is proposed to include in article 15 (c) the

phrase “giving cooperation to Maldives Police Service or any other organization maintaining public order under this law.”

The Commission proposes that arresting and detaining individuals taking the lead in changing a peaceful assembly into an unlawful assembly must be included in the first stage of stopping an assembly. This is because the result of actions of some people or a few individuals to destroy the peace must not be a reason for the loss of the right of assembly of those who participated in the assembly peacefully.

While article 16 of the Constitution states that a basic right or freedom may only be withheld to the extent that it is believed such a right or freedom may be withheld in a democratic society, and while the relevant laws of other countries do not provide for stages for disbanding an unlawful assembly and describe exceptions when those stages are passed, the exceptional circumstances provided for the stages described in article 20 of the bill are questionable. The Commission believes that it is not the best practice to use force to disband an assembly without giving a warning. The Commission therefore proposes that an alternative procedure must be developed through consultation with Maldives Police Service to deal with situations in which an assembly may cause a sudden danger to the community.

The Commission believes that by the time the bill comes into force all relevant regulations must be developed. Thus, the Commission proposes that the bill must state that it will come into force after completion of 6 months from the date it is passed, ratified and gazette and that within 3 months the relevant regulations must be formulated. It is also suggested to formulate a regulation to be used in controlling and disbanding an assembly. Further, it is suggested instead of the word ‘government’ the word ‘state’ be used in article 22 of the bill.

4.8 Comments Proposed by the Commission on the Bill of the Protection of the Rights of People with Special Needs

The Commission proposes that even though article 7 states that the term of membership of the Council formed under article 4 is 5 years, it must be provided that if the status of the person by virtue of which that person is a member changes, then the person will lose membership.

The Commission proposes that the Council must include member from the Civil Service Commission.

It is proposed to state the procedure by which the council described in article 4 takes a decision – whether by simple majority or two thirds majority.

It is proposed that the responsibilities of the Council must include raising awareness on the rights of people with special needs and on the provisions of the bill among people with special needs and among the public. It is also proposed to include assessing the condition of people with special needs, identifying issues that must be improved and proposing them to the relevant authorities.

Article 8 (b) of the bill: it is suggested to provide that if the president decides to dismiss the member of the Human Rights Commission included in the Council, and when the president proposes that to the Human Rights Commission stating reasons, the Commission shall arrange for an alternative member.

To include legal entities other than people in the meaning of the word ‘persons’ in article 15 of the bill and to provide that if a legal entity commits an offence described in this article then the fine imposed shall be higher than that imposed on individuals.

It is proposed that public buildings and service outlets including those belonging to the state must be designed such that they are accessible to people with special needs, and that existing buildings must also be changed this way within some period. –article 20 of the bill –what are the practical problems anticipated in this? And what are the problems expected in designing buildings with access to people with special needs? It is proposed to delete (c) and (d) of article 20.

To include “cultural activities and sports” in article 22 (b).

To provide information on items described in article 25 (c) to people with special needs, their families and those who are responsible for them.

Article 9 (a) states that if a member wishes to resign and informs that to the President in writing, the member shall lose membership. However, as a matter of principle employment ceases when resignation is offered and accepted.

To include in the bill that it is the responsibility of the state institution that provides the service to make arrangements to provide services to people with special needs in a manner equal to that in which others get the services and to ensure that there is no discrimination against them in getting state services and in the manner in which they are dealt with.

Giving recognition to civil society organizations doing significant work on the rights of people with special needs.

To make arrangements on the road to allow people with special needs to be mobile. For example, arrangements to drive a wheel chair from the road to the pavement, to make such arrangements at road crossing points and arranging for traffic lights to make audible signals.

4.9 Comments Proposed by the Commission on the Bill on Prohibiting Sexual Harassment

4th article to be revised to read: “... not available to people who do not obey, or the working environment must not be shaped to allow discrimination against any person in this manner. Further no person shall discriminate or act in this manner.”

5th article to be revised to read: “... may remain, or progress, or any benefit or disadvantage may be given in connection with employment, ... to the sexual harassment from the employer, or the supervisor, or another person who is working as a colleague ...”

In article 6 (b): to remove the words “... to a person who applies for a job...” –to determine in these situations if it may be assumed to any extent, it is more appropriate use the common man’s standard (a reasonableness test) rather than the thoughts of a particular person.

To revise article 7 (c) which states that all compensation must be extracted from the employers who fail to act to stop sexual harassment, and state that in extracting compensation from them the extent to which they shall take responsibility may be decided by the court.

Where the bill describes actions done by the employer, it is important to include in the meaning of 'employer' those persons who work with the victim of sexual harassment. Another meaning of employer is a legal entity which is not a person.

To include in the bill (in article 21) that the complainant's interests must be protected in investigations of sexual harassment, that the personal life of all persons involved in the case must be respected, that special consideration must be given to respect personal secrets and that work must be done under the guidance of the committee in this manner.

To delete article 20 (c) and include a new condition that a professional standard and code of conduct must be developed for the committee members.

To revise article 21 (e) to include the words "if it is proven to the committee."

To revise article 31 (a) of the bill to read "the complainant proposes to the tribunal to stop the investigation saying that the complainant does not wish to proceed with the case."

In article 1 (a) of the bill instead of saying that 'this is ... in workplaces, teaching institutions, hospitals and other places where social services are provided' it is proposed to include the words "other centers" which is defined in article 53.

In article 36 of the bill, in stating possible steps that may be taken, clause (f) reads "... taking a step deemed appropriate by the tribunal based on the complaint." This widens excessively the range of steps that may be taken. As such the Commission recommends that provision must be made in the bill to formulate a regulation clearly describing the steps that may be taken.

4.10 Comments Proposed by the Commission on The Bill on Stopping Domestic Violence

When article 2 (b) of the bill states "giving adequate protection to the victim in case of domestic violence," it is important to provide details of the protection.

To include in article 5 (a) 15 of the bill those who aid and abet the commission of an act referred to in the article.

To specify in article 11 (k) what type of protection will be given to those who report acts of domestic violence.

On article 14 (a) of the bill: in addition to sharing the annual report with the Authority and Family Court, it is also important to share it with institutions like the Human Rights Commission, which investigate cases of domestic violence.

On article 14 (b) 6 of the bill: In addition to including in the report the steps taken by the police to solve the issue, it is also important to include information such as the difficulties faced in the investigation, number of cases submitted to the court and number of cases prosecuted.

In article 17 (c) which says, “considering the age and maturity of the child, the court has the discretion to consider what the child says,” instead of giving the discretion to the court in this manner, it is important to make it mandatory to consider what the child says.

In article 19 instead of saying that if a person with special needs wants a protection order from the court, the appeal must be made by parents or a guardian, the Commission believes that depending on the level of disability, the person with special needs must also be allowed to appeal for a protective court order without the intermediary of a guardian.

Article 47 of the says, “Other than those responsibilities assigned to the court and to the police, for all other things mentioned in this law regarding stopping domestic violence the Minister shall take the main responsibility for implementing them.” It is important to specify which minister here.

4.11 Comments Submitted by the Commission on the Regulation to Protect Religious Solidarity in the Maldives

Article 70 (a) of the Constitution states that the all powers to make laws in the Maldives vest with the People’s Majlis.

Article 94 of the Constitution states that the People’s Majlis has the discretion to delegate power through a law to an individual or an institution to issue orders, make regulations and other legally empowered instructions, for a specific purpose.

Article 271 of the Constitution states that a regulation made under a law passed by the People’s Majlis, has the power of law and shall be implemented with legal power, and that all regulations that citizens must act upon shall be made with empowerment from a law passed by the People’s Majlis.

Article 268 of the Constitution states that each law or a part of law made in violation of the Constitution shall be null and void.

Article 9 (d) of the Constitution states that only a Muslim can become a citizen of the Maldives.

Article 10 (a) of the Constitution states that the religion of the Maldivian state is Islam and that Islam is the main source of Law in the Maldives. Clause (b) of this article says that no law that contravenes a basic principle of Islam can be made in the Maldives.

Article 16 (a) of the Constitution states that the freedoms and rights described in the Constitution are available only in a manner that does not contravene a basic principle of Islam. Further, clause (b) of the article states that a freedom or a right can be withheld to protect and sustain a basic principle of Islam. However, article 6 (c) of the Constitution states that even in withholding a right or freedom for this purpose, it shall be fully reviewed and considered whether withholding that right or freedom is absolutely necessary to protect the basic principles of Islam.

Under article 67 (b) and (f) it is the responsibility of every person to foster friendship and the spirit of respecting each other, maintain the principle of accepting the differences between self and others, and promote democratic principles and processes. At the same time, clause (g) of this article states that protecting and maintaining the religion of Islam is also such a responsibility.

With reference to the above, withholding a basic right or freedom, even under a law or regulation, may only be withheld even under a law or regulation, if it is deemed absolutely necessary to protect a basic principle of Islam.

With reference to the above, it is apparent that the Regulation on Protecting the Religious Unity of the Maldivians needs major revisions at a conceptual level. Thus the following are noted.

1. **Broadening the role of the Maldives Fiqh Academy:** The responsibilities of the Ministry of Islamic Affairs under the Regulation on Protecting the Religious Unity of the Maldivians, which include expressing religious thought in the Maldives, stating the rulings on religious matters, solving differences of opinion among religious scholars, giving religious speeches in the Maldives, giving religious advice, and pronouncing religious rulings may best be done in light of academic research, and as such it is desirable that Fiqh Academy takes over this responsibility instead of a policy implementing agency such as the Ministry of Islamic Affairs. To do this, it is necessary to make the Fiqh academy independent of the Ministry of Islamic Affairs and an institution that is run on merit. Under article 2 (a) the Law on Protecting the Religious Unity of the Maldivian Citizens the President has the discretion to appoint the Fiqh academy in the above manner.
2. **Determining the Principles of Giving Religious Speeches, Religious Advice and Stating Religious Rulings:** It may be stated that the following procedures may be followed and that the procedures shall be implemented by the Fiqh Academy:

Giving false information or confusing information on a basic principle of Islam, violating the basic principles of academic research and reference, creating hatred against a person or group based on differences such as race, nationality, color, gender, age, mental or physical incapacity, holding different political or other opinions, family or island; calling for physical violence, or encouraging such an act; and

Taking an action or saying words that degrade religions other than Islam and religious personalities may be considered as prohibited acts in giving religious speeches, religious advice and statements on religious rulings in the Maldives.

In addition it may be stated in the regulation that based on the magnitude of a violation of the above principles, a permit given to a person for giving religious speeches, religious advice and statements on religious rulings in the Maldives may be canceled or withheld for a period depending on the magnitude of the violation.

4.12 Issues Noted in the Criteria for Allocating Housing Plots in Lhaviyani Naifaru

When the Committee appointed by the Island to plan and implement the allocation of housing plots in Lhaviyani Naifaru, requested the Commission for an opinion on the criteria it had developed, the Commission noted issues that compromise human rights in all the 3 documents submitted by the Committee ('Criteria That Applicants For Housing Plots In Naifaru Must Possess', 'Form For Applicants Of Housing Plots in Naifaru,' and 'Point Allocation Table for Applicants Of Housing Plots in Naifaru') and shared them with the Committee. Based on the 3 documents the Commission suggested a total of 10 revisions.

4.13 Giving the Commission's Opinion on the Regulations on Wearing Uniforms by the Staff of Department of Immigration and Emigration

When Department of Immigration and Emigration revised the rules on its staff wearing uniforms and requested the Commission for its comments, the Commission gave its opinion. The Commission informed the Department of Immigration and Emigration that the revised proposal was generally all right.

4.14 Suggesting Amendments to the Strategy on Maintaining Activeness and Health of the Aged

When the Commission learnt that the Center for Community Health and Disease Control (CCHDC) had developed a strategy on aged people remaining active and healthy in the community (Active and Health Aging) the Commission reviewed it and proposed amendments to it.

This included stressing on the importance of prevention and promoting healthy lifestyles and avoiding unhealthy habits, giving attention to develop a health system capable of addressing the needs of the aged, increasing the proportion of income earning days in the life time and instructing the government to adopt policies to increase the social and economic contribution of the aged by increasing the retirement age.

Among the bills commented upon by the Commission in 2010, the bills passed in the year were the bill on stopping acts that contravene common social norms and the bill on tobacco control. It is noted that none of the amendments put forward by the Commission were incorporated in the bill on stopping acts that contravene common social norms when it was passed. It is noted there is provision in the law on tobacco control to include the revisions suggested by the Commission in the regulations to be made under the law.

5. Investigating Cases Related to Human Rights

The responsibilities assigned to HRCM under article 20 of the Human Rights Commission Act include investigating and finding solutions to complaints submitted to the Commission alleging violation of a person's human rights or participation in the violation of a person's human rights, or assisting in such an act, complaints alleging that an administrative procedure in force in the Maldives compromises a person's human rights, or alleging that a government or a private agency is conducting an activity in violation of human rights.

5.1. Cases Submitted to the Commission

611 complaints alleging 712 deprivations of the rights included in chapter 2 of the Constitution of Maldives (basic rights and freedoms) were submitted to the Commission during 2010. A total of 220 cases were investigated and replies were given to the complainants. These included 119 cases submitted in 2010, 85 cases submitted in 2009, 10 cases submitted in 2008 and 6 cases submitted in 2007.

#		Total	Ongoing	Completed
1	Economic and social rights	80	70	10
2	Right to acquire and own property	5	3	2
3	Right to shelter and clothing	56	49	7
4	Right to quality health services	100	95	5
5	Right to work	134	92	42
6	Rights of women	7	7	0
7	Right to marry and establish a family	22	18	4
8	Rights of children	13	9	4
9	Special protection to children, young children, the aged and people with special needs	13	10	3
10	Right to freedom of expression	1	1	0
11	Right to seeking and receiving information	5	5	0
12	Right to education	26	20	6
13	Dealing respectfully with detainees	32	27	5
14	Investigation and prosecution of cases without delay	6	5	1
15	Rights of arrestees and detainees	33	25	8
16	Not arresting or detaining in violation of law	1	1	0
17	Inhuman punishment	28	26	2
18	Punishing twice for the same crime	2	2	0
19	Right to appeal	23	21	2

20	Conducting trials fairly and justly	26	20	6
21	Compensation	2	1	1
22	Taking administrative steps justly	51	47	4
23	Non discrimination	9	9	0
24	Equality	3	2	1
25	Freedom of assembly	1	1	0
26	Freedom of the press	3	2	1
27	Right to protect name and honor	6	5	1
28	Private life	1	1	0
29	Right to life	9	8	1
30	Right to vote and participate in elections	1	1	0
31	Duties of the state	2	1	1
32	Assuring rights	1	1	0
33	Other rights	10	7	3
	All	712	592	120

- Cases alleging deprivation of economic and social rights include, not getting nutritious food and adequate water, not getting a clean and healthy environment, non availability of a proper sewage disposal system, not getting the opportunity to use communication services in the Maldives equitably, non availability of an adequate electric power system.
- Most cases alleging deprivation of clothing and shelter include those relating to people who have not been provided with permanent shelter after the tsunami. There were also cases relating to division of housing plots and Hulhumale flats.
- Cases involving deprivation of right to adequate health services include mostly complaints from prisoners under sentence alleging they were not getting adequate medical care. Others include cases relating to the low quality of health care centers in the atolls, shortage of doctors and cases relating to the services of National Social Protection Agency.
- Cases alleging deprivation of the right to work include 14 cases submitted by expatriate workers and 18 cases submitted by resort workers. They include complaints of not being paid salary and other allowances, illegal dismissal from employment and delays in making the jobs permanent. Cases submitted by expatriate workers include nonpayment of salaries and illegal withholding of passports.
- It is noted that a large number of cases have been submitted by children, teenagers, the aged and those with special needs alleging deprivation of their right to special protection. Cases involving children include sexual and physical abuse and police violence. Cases submitted by people with special needs alleging deprivation of their right to special protection include complaints of not getting medications conveniently and not receiving their benefits. Cases of

alleged deprivation of the right to marriage and establishing a family mostly include those relating to family break up. They include psychological abuse of children, mother or father not being able to see the children, not getting money for maintenance, and issues of custody. Cases involving the rights of women include not getting the benefits given to single mothers, and physical and psychological abuse from the husband or guardians.

- Cases relating to the right to education include inequality and discrimination among students, dismissal from school without getting justice, lack of adequate quality education in one's island and shortage of seats in the school.
- Cases relating to the right of detainees to be dealt with respect include a large number of cases involving the police and the prisons. Cases relating to the right of not being given inhuman punishments mostly include inhuman punishments allegedly given by the police to people arrested under various circumstances. Cases of inhuman punishment in the prison were also noted.
- Cases alleging deprivation of the right to speedy and fair trial include delays in the trial stage, not being happy with the sentence, appeals for compensation, being punished twice for the same offense and deprivation of the right of appeal.
- Cases relating to the right to fair administrative steps include the administration not dispensing issues justly and fairly and speedily, as well as complaints that administrative steps have compromised human rights.
- Cases alleging violation of the right to non discrimination include discrimination in the workplace, among school students, court judgments, against women and in shelter related issues.
- Cases relating to deaths include deaths in state custody and deaths in health care institutions due to negligence. There were also cases alleging deprivation of the right to life, personal freedom and protection of self.
- Cases relating to other basic rights include deprivation of rights given by the Constitution of Maldives and Islamic Sharia.

5.2. Death Cases under Investigation by the Commission

Under article 21 of the Human Rights Commission Act, the Commission is investigating 3 deaths of persons in detention under a court sentence or a legal order. These include the death of Ali Hassan, Nooraanee, Laamu Gamu, who died while serving a court sentence at Maafushi Jail, Mohammed Nooz, Anbareege, GD Thinadhoo, who died while under detention in Male Custodial on suspicion of a crime, and Ibrahim Afzal of Floomiyaage GD Gaddhoo, while under the custody of GD Gaddhoo police station.

5.3. Cases Submitted to HRCM its Toll Free Number (1424)

A toll free number 1424 was introduced on 29 July 2010 to facilitate citizens to submit cases of deprivation of a human right or the possibility of deprivation. From the July 2010 to the end of December 2010 the toll-free number 1424 received 1326 calls and 181 cases.

Month	# of calls	Cases submitted
July	219	37
August	538	107
September	177	19
October	244	8
November	77	6
December	71	4
Total	1326	181

Out of the cases submitted to the Commission, 592 cases were under investigation at the end of 2010. There are varied reasons why these cases have not progressed at the most desirable speed. Notable causes include, not being able to complete the paperwork required for the investigation because of lack of adequate cooperation in certain circumstances from the relevant authorities and private individuals, difficulties in getting doctors and other experts for some investigations and shortage of human resources in proportion to the work at the Commission. In addition, it must also be noted that because of lack of awareness among the public on human rights, a large number of cases with no relevance to human rights are being submitted. Even when there are more appropriate institutions to investigate certain cases, they are directly being submitted to the Commission without completing that stage.

5.4. Some notable cases investigated by the Commission

- ✓ Investigation report on Lale International School

When it came to the attention of the Commission that some students studying at Lale International School were deprived of the protection entitled to children under Article 35 (a) and that school staff were not getting the rights described in Article 37 of the Constitution and the Law on employment, the Commission investigated the case and issued a report, since such investigations were included in the responsibilities of the Commission described in the Commission Act (Law number 6/2006). A report on the case noting the issues observed and suggested measures to solve them, which included 53 proposals, was submitted to the relevant authorities.

The proposals included urgent investigation of the physical and psychological abuse ongoing in the school by the police, isolation of suspected perpetrators from the students, establishing an investigation mechanism in the Education Ministry for cases of physical and psychological abuse,

revising regulations on registration of teaching institutions to give the power to Education Ministry to isolate people suspected of such acts from the children, amending the “child protection policy” of schools to include steps to remove people unsuitable for working with children and taking immediate actions under the policy.

The commission has done work to ensure that the recommendations are implemented by the government and the school management, including holding meetings with them and monitoring the implementation.

✓ Release of prisoners to house arrest in contravention of law

The Commission noted that prisoners were being released to house arrest in contravention of law and regulation starting from December 2008. The Commission decided to investigate the case and has obtained documents from the relevant authorities and has taken statements from some people. The case is still under investigation.

A large number of issues submitted to the Commission in 2010 have been solved and the lost rights of the complainants restored through the efforts of the Commission following investigation of the reasons for loss of the rights. However, under the policy of withholding personal information of individuals involved in the cases, they are not included in the report.

6. Establishing a Culture of Respect for Human Rights

To fulfill the responsibility given to the Commission by article 20 (j) of the Human Rights Commission Act to raise awareness among Maldivians and people in the Maldives on human rights and to foster a culture of respect for human rights, the Commission held seminars workshops and other programs in accordance with article 21 (h) of the Act during 2010 to raise awareness on human rights. Work done during the year included:

6.1. Workshop Held to Raise Awareness of Human Rights among Teachers

During the year 2010 workshops to raise awareness of human rights were aimed at teachers. Thus 3-day workshops were held in 7 atolls. The purpose of the workshops and the locations where they were held are given below.

Period	Island	Atoll	No. of participants
11-13 May 2010	Funadhoo	Shaviyani	28
15-17 May 2010	Manadhoo	Noonu	25
17-19 July 2010	Fonadhoo	Laamu	25
20-22 July 2010	Thimarafuhi	Thaa	25
7-9 June 2010	Male		14
12-14 October 2010	Hithadhoo	Seenu and Gnaviyani	28

The main aims of the workshops were to inform the participants about human rights and raising their awareness, explaining how human rights are described in the Constitution of Maldives, sharing information on the relationship between human rights and Islam, giving information on Universal Declaration of Human Rights and the international conventions ratified by the Maldives and giving information about Human Rights Commission and identifying what can be done to promote human rights.

6.2. Training of Police Custodial Department Staff

This program was conducted in Male and Dhoonidhoo at the request of Maldives Police Service to orient the staff of the Police Custodial Department towards human rights. The program was conducted in 4 batches, on 22, 24 and 25 February 2010 in Dhoonidhoo and on 27 February in Male Police Headquarters. A total of 200 staff participated in the program. The aims of the program were:

- ✓ Explaining to participants what human rights are and raising their awareness on human rights;
- ✓ Providing information about Human Rights Commission;
- ✓ Sharing information on the relationship between human rights and Islam;
- ✓ Giving information on Universal Declaration of Human Rights and the international conventions ratified by the Maldives;

- ✓ Sharing information on the principles to be followed in using force, international standards and information about the remand center;
- ✓ Orientation on Convention against Torture.

6.3. Third North Camporee

This program was conducted to provide information on human rights to the participants of the Third North Camporee organized by the Maldives Scouts Association at Haa Dhaalu Hanimaadhoo. It was conducted on 21, 22 and 23 March 2010 and a total of 462 scouts participated. The aims of the program were:

- Explaining human rights to the students and raising awareness on their rights and responsibilities;
- Providing information on Human Rights Commission;
- Giving information on Universal Declaration of Human Rights;
- Identifying violations of human rights and assisting people who face such issues.

6.4. Increasing Awareness of Human Rights among Prison Officers

A program was conducted in Maafushi on 25 May 2010 at the request of Dhivehi Prison Service to raise awareness of human rights among prison officers. In this program information was given on what human rights are, the relationship between human rights and Islam and some international human rights conventions ratified by the Maldives.

6.5. Police Regional Commanders Program

A session was held on 25 August 2010 at the request of Maldives Police Service to provide information to police regional commanders. In this program information was given on general knowledge about human rights, international human rights conventions ratified by the Maldives and on the topic "Police in the Field of Human Rights."

6.6. Training of 15 Hearing Impaired Persons as Human Rights Trainers

This training program was conducted by the Human Rights Commission in collaboration with Maldives Deaf Association between 8 July to 6 October 2010. 15 members of the Maldives Deaf Association were trained in the program. This was part of a project implemented by the Maldives Deaf Association with financial assistance from Canadian International Development Agency. The 15 people who were trained in the program will work to raise awareness and orient persons with hearing disabilities towards human rights. Under this program a DVD on human rights will be prepared in the sign language used in the Maldives and training programs will be conducted in Male and in Seenu and Shaviyani atolls. The DVD will include information on what human rights are, acts that violate human rights, how to act if faced with such an issue, and the rights given by the Constitution of Maldives.

6.7. Workshop to Raise Awareness of Human Rights Conducted in Gaafu Dhaalu Nadella

A workshop to raise awareness of human rights aimed at the youth, NGOs, parents of school children, was conducted in Gaafu Dhaalu Nadella, between 22-23 September 2010, at the request of Nadella Island Development Society, an NGO based in the island. In this workshop information was provided on what human rights are, Human Rights Commission, relation between human rights and Islam, human rights in the workplace, Universal Declaration of Human Rights and Convention on the Rights of Women. There were 25 participants in this workshop.

6.8. Orientation Program for Participants of Democracy House’s “Youth Leadership Program”

Human Rights Commission held a workshop in the Youth Leadership Program 2010 initiated and organized by Democracy House. The aim of this workshop held in Bandos Island Resort between November 30 to December 1, was to provide information on human rights and to make the youth aware of human rights.

A total of 36 youth selected from different parts of the Maldives took part in the workshop. During the workshop information was given in the areas of human rights and responsibilities, human rights and Islam, 2nd Chapter of the Constitution, Universal Declaration of Human Rights (UDHR), How human rights came to the Maldives, children and women and human rights, Human Rights Commission of the Maldives and the role of the youth in promoting human rights.

6.9. Efforts to Include Human Rights in the National Curriculum

As one of the important parts of the Commission’s efforts to establish and promote a culture of respect for human rights in the Maldives, the commission worked in 2010 to include human rights components in the national curriculum and to give human rights information to teachers trained in the Maldives. Thus on the days 23-24 March, 24 teacher educators of the Faculty of Education of Maldives College of Higher Education were given training on teaching human rights in the schools. Discussions were held with relevant state institutions on including human rights in the draft national curriculum and comments were sent on the draft curriculum. A public lecture on the relationship between human rights and educational philosophy was given by a consultant Mr. Colby Goodman at the Faculty of Education of the Maldives College of Higher Education.

6.10. Marking special occasions and days

- **Day on Stopping Violence Against Children** (19 November): The main purpose of marking this day (19 November) and the prevention week (till the end of 26 November) was to increase the attention given by government institutions, NGOs and the public to the rights of children, raise awareness on child rights and violence against children, and to work against them. This year’s campaign was targeted at a very common but least noted abuse of children –“Neglecting Children.” Discussions with stakeholders also revealed that this was one area requiring urgent attention. The program included raising awareness on the main theme of “Every Neglect is an Abuse,” and sub themes for different areas.

- **Access to Justice Campaign:** HRCM participated in the ‘Access to Justice’ activity organized by UNDP on November 26, 2010. HRCM kept an information desk and provided information about various aspects of the Commission.
- **International Human Rights Day (10 December):** HRCM colorfully marked International Human Rights Day as well as the 7th Anniversary of the Commission, which falls on the day. A special meeting was held on the night of December 10 at Rannabandeyri Maalam in Dharubaaruge. The Chief Guest of the meeting was former President of HRCM, Mr. Ahmed Saleem. In addition to the chief guest, Mr. Hassan Afeef, Political Advisor to the President and Special Envoy of the President, Mr. Mohammed Waheedu Deen, a former member of the first Human Rights Commission and someone who continues to work relentlessly for human rights, and MS Azra Ahmed, President of the Commission spoke at the meeting. Senior Government officials, some members of People’s Majlis, former members of the Commission, NGO members and students took part in the meeting. “Human Rights Defenders Manual” prepared by Maldives Democracy Network was released during the meeting. The Commission’s President issued a special message over the media and a special news supplement was issued.
- **International Anti-Corruption Day (9 December):** In collaboration with Anti-Corruption Commission a special run was organized with the theme of ‘Eliminate Corruption to Protect Rights’ on Saturday 11 December. After concluding the run at the Artificial Beach, HRCM member Ahmed Tholal, Anti-Corruption Commission President Hassan Lutfee and People’s Majlis member Abdul Azeez Jamal Aboobakur spoke on the occasion. People’s Majlis members who took part in the event signed a declaration to work against corruption.

6.11. Other Work Done to Establish a Culture of Respect for Human Rights

- **Human Rights Poster Campaign 2010:** Human Rights Commission has been conducting special activities each year to raise awareness of the Public on human rights. An art competition was organized for all the schools in the Maldives this year too to raise awareness among students. To mark the 20th anniversary of the UN Convention on the Rights of the Child, this year’s poster competition was focused on the rights of children contained in the Convention. This was to make children aware of their rights. The children’s art competition of 2008 was aimed to raise the children’s awareness of the Universal Declaration of Human Rights and the rights contained in it. The poster competition of 2009 was focused on the topic of “Stopping Child Abuse –Our Responsibility.”

Information posters and education materials on the topic were sent to all schools in the country to raise awareness among the participants of the competition as well as all students studying in the schools. As in previous years, this year’s competition also drew a lot of interest from students. A total of 1201 drawings were submitted to the competition which was divided into 3 age groups. The results were announced and prizes were given to the winners during the special meeting organized to mark the Human Rights Day on 10 December 2010.

- **Human Rights Stamp Set:** A stamp set was jointly launched by Human Rights Commission of the Maldives and Maldives Posts Limited, depicting award winning posters of the 2009 human rights art competition. The stamp set, which was developed to raise awareness of human rights among a large number of people, was released during the special meeting held to mark the Human Rights Day on December 10, 2010. This stamp set is now on sale at post offices in Male and in the islands. It is also planned to sell the stamp set in events organized by the Commission. The proceeds of the sale are planned to be deposited in a fund to be established by the Commission to help victims.

- **Meeting Organized to Release Two Reports on the Review of SAARC Convention on Trafficking:** The status SAARC Convention on Preventing and Combating the Trafficking of Women and Children for Prostitution was reviewed and a meeting was held on 20 April 2010 to release the report. Officials of relevant government institutions and NGOs participated in this meeting organized by the International Organization for Migration (IOM) Department of Immigration and Emigration and the Commission. The purpose of this national level meeting was to share information on the review of “SAARC Convention on Preventing and Combating the Trafficking of Women, and Children for Prostitution.” This review also included proposals developed with the assistance of Asian Development Bank for revising the Convention based on weaknesses in the Convention. It was noted that the scope of the Convention was narrow and that there was no independent body to monitor the Convention. Based on the findings the report also suggested adopting a common approach in interpreting terms related to trafficking and in determining punishments. Commission President Maryam Azra Ahmed is representing the Commission in the national and regional coordination groups formed by IOM.

- The Commission held a series of meetings to discuss the issue of the increasing incidence of sexual crimes such as sexual harassment and rape in the community and to plan steps that may be taken to address the issue. So far meetings have been held with NGOs, the Justice sector, relevant government authorities and the media.

7. Assessing the progress of human rights related matters

Considerable work was done last year to monitor the condition of human rights in the Maldives and the progress on human rights related recommendations made by the Commission to concerned government authorities, as well as to assess the status of human rights in the Maldives and submit reports and shadow reports as required by international human rights conventions. Human rights monitoring activities carried out during the year include the following.

7.1 Universal Periodic Review 2010

As a national human rights institution, the Commission compiled and submitted a report on 14 April 2010 to the Office of the High Commissioner of Human Rights (OHCHR) in Geneva, for the Universal Periodic Review (UPR) being conducted once in four years by the UN Human Rights Council to assess the status of human rights related issues in 192 member countries of the United Nations. Issues of highest concern to the Commission and suggestions to address them were identified in the report. The issues identified in the Commission's report from a human rights perspective and suggested actions to address them were as follows:

- (a) Working relationship between the Commission and relevant authorities
 - Establishing close, supportive and cooperative relations with the People's Majlis, the courts, and government institutions in connection with the Commission's recommendations;
- (b) Maldives Legal Framework
 - Signing international human rights related conventions not signed by the Maldives so far and ratifying conventions that need to be ratified;
 - Passing detailed laws without delay, delineating the rights and freedoms stated in the Constitution and describing the inter-relationships between different rights and freedoms;
 - Passing of a law by the People's Majlis, fully upholding international standards in connection with international conventions so far ratified by the Maldives, and providing guardianship to those conventions.
- (c) Rights of People with Special Needs
 - Giving priority to the needs and participation of people with special needs in planning and implementing policies, plans and other development activities;
 - Passing a law on people with special needs as soon as possible and working to change public perceptions of persons with special needs.
- (d) The Right to Adequate Shelter
 - To set a minimum standard for shelter in the Maldives at an internationally acceptable level;
 - Implementing, as soon as possible, the recommendations put forward in "Rapid Assessment of the Housing Situation in the Maldives" issued by the Commission in November 2008.
- (e) Rights Related to Employment

- Removing as soon as possible the barriers that impede the implementation of laws and regulations that protect the rights related to employment;
 - Implementing as soon as possible the recommendations put forward in “Rapid Assessment of the Employment Situation in the Maldives” issued by the Commission in August 2009.
- (f) Narcotic Drug Abuse
- Establishing better links between drug rehabilitation service providers and the criminal justice system;
 - Developing effective procedures for releasing people from treatment programs and jails, as well as for rehabilitation and after care following release into the community.
 - Establishing residential rehabilitation centers and halfway houses in all parts of the country without delay and to facilitating all victims of the epidemic to use these services.
- (g) Water Scarcity
- Developing long term plans and implementing them to ensure adequate supplies of safe water.
- (h) Child Protection
- Conducting training programs for the staff of childcare institutions, the police, court staff and judges on giving priority to the interests of the child in investigating cases related to children;
 - Conducting child abuse prevention programs regularly and effectively with the participation of all.
- (i) People Detained Under State Custody
- Strengthening the administration of the Department of Penitentiary and Rehabilitation Services (DPRS), enhancing its capacity and increasing its independence in order to strengthen prison administration;
 - Training the staff of detention centers on taking care of the needs of children, the mentally disabled and others who need special assistance.
- (j) The Right to Education
- To review what can be done to increase community participation in school and administration and the possibility of teaching children with special needs in regular schools.
- (k) The rights of expatriate workers
- Continued increase in the number of illegal expatriate workers in the Maldives, lack of an adequate system to bring their issues to the attention of relevant state authorities, and the avenues thus open for repeated violations of their rights.
- (l) Health services
- To make and implement laws on the health sector, including those on standards of health care, access to health care and codes of conduct for health care workers, in order to provide quality health services.
- (m) Gender balance

- Increase awareness among law makers and policy makers on providing legal and administrative protection to women, particularly single mothers, working mothers and women victims of violence.
- (n) Holding extremist religious views
- Conducting awareness programs on the connections between international human rights and Islamic Sharia

In compiling the report concerned authorities were consulted and in addition three atolls were visited to collect information. The atolls visited were Haa Alifu, Haa Dhaalu and Seenu Atoll. The Commission had also scheduled to visit Gnaviyani Atoll. However, when the Commission team visited the Atoll, it was no allowed to land.

In addition to submitting this report to the OHCHR, the President of the Commission took part in the session held in Geneva to discuss the report. After reviewing the reports of the three parties invited to submit reports on the status of the Maldives (State report, National Human Rights Commission Report, NGO report) the working group of the UPR prepared a report with 126 recommendations, which has now been submitted to the State. Those recommendations out of these that the state accepts and those the state rejects are scheduled to be shared with the UPR committee during a session in March 2011.

Since this is the first time that Maldives is participating in the UPR and since this review would be of importance for a human rights perspective, the Commission believes that civil society participation in the review is important. The commission therefore has held information meetings with civil society organizations and has requested them to participate in the review. To facilitate this, the Commission has given them access to the Commission website and meeting hall, at their request. In addition the Commission gave the opportunity to NGOs to participate in the training programs held for Commission staff to introduce them with UPR. Similarly the Commission reviewed the report prepared by the NGOS for the UPR and gave its comments.

The Commission took part in the standing committee convened by the Ministry of Foreign Affairs to prepare the State report for the UPR. The Commission also reviewed the Government report and gave its comments.

7.2 Follow up of the recommendations in the reports of the Commission:

Study Report on the Causes of Increasing Crime in the Society

Work was done in 2010 to monitor the implementation of the recommendations of the ‘Study Report on the Causes of Increasing Crime in the Society’ published by the Commission in March 2009. A meeting was held in this respect with the President’s office on 1 April 2010. In addition meetings were held with 11 institutions among relevant ministries and state agencies during April and May 2010. Those institutions were:

- Maldives Police Service;
- Prosecutor General’s Office;

- Attorney General's Office;
- Criminal Court;
- Ministry of Finance and Treasury;
- Ministry of Health and Family;
- Ministry of Education;
- Ministry of Human resources and Youth;
- Ministry of Home Affairs;

In addition meetings were also held with nongovernmental organizations.

Based on the findings of this follow up of the reports the Commission has decided to conduct a study and prepare a detailed report on the topic during 2011.

7.3 Follow up on the Rapid Assessment of the Housing Situation in the Maldives

A meeting was held with the Deputy to the Minister of Housing and Environment on 18 July 2010 to assess the implementation of the recommendations made in the "Rapid on the Housing Situation in the Maldives" published by the Commission in November 2008. Based on the information obtained in this meeting it was noted that adequate progress has not been made on any of the 18 recommendations included in the report. The Ministry of Housing and Environment informed that the reason for lack of implementation of many recommendations is the amendment that had been brought to the Law on State Finance.

It must be noted here that the amendment to the Law on State Finance was brought and gazette on 13 December 2010, two years after the report was published. It must also be noted that adequate progress has not been made on the recommendations not affected by the amendment to the State Finance Law.

7.4 Follow up on the Rapid Assessment of the Employment Situation in the Maldives

When Ministry of Human Resources Youth and Sports, the relevant ministry, was developing a roadmap to implement the recommendations of the "Rapid Assessment of the Employment Situation in the Maldives," 2 staff members of the Commission participated and assisted the ministry in the process. The road map development was started in 2009. After several meetings were held to develop the road map in practice, the role the Commission played in developing the roadmap was brought to a close on 5 July 2009. After scheduling meetings with the ministry on two occasions for follow up on the report, the follow up could not be done because the ministry officials could not spare the time. The report had been approved by the Ministry of Human Resources Youth and Sports. Further, from the meetings held to develop the roadmap, it was learnt that implementation of most of the recommendations had begun.

7.5 Activities addressing Rights of Persons with Disabilities – A Baseline Assessment Report

A meeting was held with the Department of Gender and Family Protection on 22 July 2010 to assess the implementation of the recommendations of the above report published by the Commission. From the information obtained in the above meeting, it was learnt a large number of activities have been planned

for implementation of the Commission, more activities were being planned and some activities were in the implementation phase.

Among the difficulties faced by the Department of Gender and Family Protection in implementing the recommendations of the Commission was lack of technical staff and staff required to carry out the work relating to people with special needs.

Ministry of Health and Family, Maldives Police Service, Attorney General's Office and Ministry of Islamic Affairs signed a Memorandum of Understanding on 19 November 2009 to complete the regulations they are required to formulate under the 'Law on Following Special Procedures to Deal with People who Abuse Children Sexually,' which was passed by the People's Majlis on 4 November 2009 and ratified by the president on 12 November 2009, and to complete and implement by the end of 2010 the entire framework required to stop sexual abuse of children.

Meetings were held with these agencies in October 2010 to assess the implementation of the provisions of the memorandum. Looking at the implementation of the provisions, it was noted that the memorandum has not been adequately followed.

7.6 First Visit to the Atolls to Assess the Status of Human Rights –Felidhe Atoll

Working towards Protecting, sustaining and promoting human rights in the Maldives in accordance with Islamic sharia, the Constitution of Maldives and the regional and international conventions which the Maldives has ratified is included in the Commission Act. To assess the level to which human rights are provided in the Atolls, a team of 4 employees from the Commission visited the 5 islands in Felidhe Atoll between 19 September 2010 and 30 September 2010 and collected information within the above framework. In collecting the information the team used a questionnaire consisting of 86 questions, held meetings with relevant officials to gather information, held focus group discussions and scrutinized the documents of the relevant agencies. Thus from the 5 islands of Felidhe Atoll a total of 196 questionnaires were filled. Similarly focus groups were held for women, workers, the aged, migrants from other islands, NGOs, teachers and students. In addition house visits were made to people with disabilities to collect their information. Further, a special questionnaire on working conditions were filled by local and expatriate laborers working in offices. This questionnaire was filled by 115 Maldivians, 32 skilled expatriate workers and 28 non-skilled expatriate workers.

This visit looked at the areas of the right to health, right to education, right to employment, right to food, judicial, political and civil rights, the crime situation of the atoll, environment challenges facing the atoll and the administration of the island from a human rights angle. It is planned to submit proposals on these areas.

7.7 Table Depicting the Legal Framework of Human Rights

Work has been started to develop a table depicting the rights given to citizens by the Constitution of Maldives, laws, regulations, government policies, international conventions ratified by the Maldives or other similar frameworks. The purpose of this table is to recognize the rights available to people living in the Maldives from various legal frameworks and to do all necessary work to provide those rights. Further the table will also help to identify additional laws and other requirements to be fulfilled to

provide the rights. So far, the rights given by the Constitution and international conventions ratified by the Maldives have been tabulated, and the part relating to women and children have been completed.

7.8 Commenting on the ANNI report

As a collaborative effort of National Human Rights Institutions (NHRI), Asian NGOs and others working to protect human rights, an Asian NGO Network on National Human Rights Institutions (ANNI) was formed with the aim of holding to account the work of NHRI and to establish and develop the work of their work in a free, effective and transparent manner. Maldives Democracy Network, which is a member of ANNI has developed a report on the work of Human Rights Commission, which is the NHRI in the Maldives, and the steps taken by the Commission on human rights related issues. Maldives Democracy Network has shared this report with the Commission with the request to check the accuracy of the information in it. The Commission has identified what is accurate and what is not in the report and shared it with MDN. Some of the information in the MDN report that needed revision were those on the formation of the Commission, appointing and dismissing members, areas which the members represent, term of office of members, number of administrative staff in the Commission, and some budget related issues. The report had stated that the Commission Act hinders the Commission from investigating certain cases. It was explained to MDN that under article 33 (c) of the Act there was no barrier on the Commission in investigating any case it wished to investigate. It was also explained that the Commission investigated not only cases relating to the prisons, and some of the Commission's activities were listed. Commission's procedures for commenting on bills, steps taken by the Commission on cases ongoing in the courts, relations with others working in the human rights area, and the Commission's work in connection with expatriate workers were explained to the MDN.

When the report was published, the Commission reviewed the purpose of compiling the report, its contents and recommendations and has worked to take the steps it deemed fit regarding the issues contained in the report.

7.9 Filling Questioners Related to Human Rights and Sharing them with International Institutions

A questionnaire developed by APF-UNJPA jointly on the issue of including reproductive health in the work of national human rights institutions was filled and shared with them. This questionnaire primarily focused on reproductive right related issues faced by the Maldives, the segments of the population that faced these issues, whether the Commission has identified any priority areas related to these rights and if so the steps that would be taken, the cases related to reproductive rights submitted to the Commission, the challenges and opportunities for protecting and promoting reproductive rights, NGOs in the Maldives working in this area, and the institutions in the international human rights system with which the Commission has established relations in order to protect and promote reproductive rights. The Commission also participated in a 20 minute telephone interview in connection with the questionnaire.

The Commission completed questionnaire on 'violence against children' developed by the OHCHR and shared it with them. The questionnaire primarily looked at the Commission's powers and responsibilities, Commission's procedures for investigating cases related to children, procedures for follow up of those cases, the challenges faced by the Commission in investigating these cases, the good practices adopted by the Commission in doing various work and what could be improved in the future regarding issues related to children and regarding the work of the Commission in general.

7.10. Commission's Visits to Islands to Assess the Situation following the Tsunami

The Commission conducted visits to some islands during 2010 to assess the situations of people living in temporary shelters following the tsunami of 2004. The islands thus visited were M. Kolhufushi, Th. Madifushi, L. Mundoo, L. Kalhaidhoo, Ga. Villingili, Ga. Maamendhoo, Ga. Nilandhoo, and Ga. Dhaandhoo. In these visits the teams met with displaced persons and discussed their problems, possible solutions to those problems. The teams also assessed the condition of the temporary shelters.

8. Stopping Inhuman and Degrading Acts against Detainees

Under the Optional Protocol on the Prevention of Torture, Maldives has designated Human Rights Commission as the National Preventive Mechanism. Accordingly, the National Prevention Mechanism last year visited the following places where people are held or kept in involuntary detention to monitor whether any cruel, inhuman or degrading acts occur in those places.

8.1. Monitoring Visits Conducted by NPM During the Year

	Place of Visit	Date
1.	S. Hithadhoo Police Station	8 February 2010
2.	S. Gan Police Station	9 February 2010
3.	S. Gan Temporary Jail	9 February 2010
4.	Children's Shelter, Villingili	9 March 2010
5.	Center for people with Special Needs, Kaafu Guraidhoo	30 March 2010
6.	Drug Rehabilitation Center, Kaafu Himmafushi	10 May 2010
7.	Detoxification Center, Villimale	24 May 2010
8.	Kaafu Maafushi Jail	25 July, 2 August 2010
9.	Faafu Nilandhoo Police Station	14 September 2010
10.	Lh. Naifaru Police Station	13 October 2010
11.	Lh. Hinnavaru Police Station	14 October 2010
12.	Center for People with Special Needs, Kaafu Guraidhoo	28 November 2010
13.	Detoxification Center, Villimale (Revisit)	30 December 2010

After each visit a report was prepared based on the findings. From 2010 onwards these reports are not being published in the media but shared with relevant individual institutions and persons. Because of delays in passing some of the reports by the Commission, they have been postponed to 2011. The main purposes of the reports are to:

- See if any cruel, inhuman or degrading acts occur in the places visited;
- Identify factors that could facilitate such acts;
- Work to eliminate such acts;
- Assess the level to which the recommendations included in the report have been implemented, in cases where the Commission has previously visited the place, and to monitor the implementation of the recommendations of the visit of the Subcommittee on Prevention of Torture to the Maldives in 2009.

The reports looked at the treatment of people under detention, especially if any cruel, inhuman or degrading acts are perpetrated on them, whether there was the possibility of such an act, and the general condition of the places. The reports also looked at whether the rights described in the Constitution of Maldives as well as the international and regional conventions ratified by the Maldives were given to the detainees. Thus, the components of the reports were:

- Treatment of detainees;
- Protection and facilities given to detainees;
- Health Conditions;
- Education and training opportunities and extra activities;
- General condition of the place;
- Recommendations for improvement based on the above points.

Looking at the visits conducted by NPM in 2010, it is noted that some changes have occurred in the way detainees are treated and in the general conditions. This included strengthening of the record keeping system in the prisons, children's residences, and police stations. However it is sadly noted that the health conditions of some of the places have deteriorated further. It is also noted that vulnerable groups in the society such as children, women, foreigners and people with special needs were not getting the attention and help they need. The commission also believes that the Government and relevant others must recognize the need for rehabilitation programs and their benefit to the society and give more importance to them. It is also noted that the Commission is getting more cooperation from the relevant organizations for its efforts to stress the implementation of the recommendations of the reports.

8.2. Short Summaries of the Reports of the Monitoring Visits Conducted by NPM during the Year: Report of the Monitoring Visit to S. Hithadhoo Police Station on 8 February 2010 and to S. Gan Police station on 9 February 2010

It was proposed in the report that the Police Professional Standards Command must investigate if any cruel, inhuman or degrading acts were perpetrated on detainees in the two police stations between the time they were arrested till the time they were released. It was also proposed that both the police stations must establish complaint submission systems, which were not in place in both the stations.

In both the police stations copies of the document that persons arrested for investigation are made to sign were not given to them. It was therefore recommended that each person detained in the station must be given a document providing information about the rights they will be given from the time of

arrest, and that foreigners who knew English must be given copies of the document in English and those who knew neither English nor Dhivehi, must be explained the contents of the document in a way they understood. It was also recommended that requests of detainees must be recorded in writing and such records of detainees must be safely kept.

It was also suggested to maintain the medical records of detainees and to keep details of all detainees. When a person is detained for investigation, it was suggested that the person must be examined to see if the person had any injuries and a police employee with health worker training or first-aid training must examine and record the findings in the person's medical file.

The report proposed that regulations must be developed and followed in the investigation stage and to establish procedures for collecting audio and video records of the investigation findings.

The report proposed that detainees must be given the opportunity to make telephone calls under certain rules, to enable them to keep contact with their families and that they must be given opportunity for family meetings without any discrimination. Further, it was proposed to make arrangements to act speedily on requests by detainees to meet lawyers, family and friends and that written records of such requests must be kept.

Action taken on the proposals:

In a meeting held with relevant authorities the Commission was informed that in both the police stations, detainees are being given documents that list their rights beginning from the time of arrest. They are asked to sign the documents and to keep a copy with them. If a foreigner is detained, even if a document is not given in English, they are explained the contents of the Dhivehi document. It was also informed that nowadays detainees were not deliberately physically abused, but they get harmed by their own actions. If anyone makes a complaint that they were physically abused by the police the matter is being investigated. No medical tests are being done at the time of arrest to assess their medical condition. However, the detainees are asked if they suffer from any diseases and external injuries are noted. All detainees are being given the opportunity for telephone calls as per rules, it was informed.

8.3. Visit to S. Gan Temporary Jail on November 2009 and the Follow-Up Visit in February 2010

Among the findings of the visit was the fact the high security cells were about 8 ft by 8 ft in size and constructed of ridged steel bars in the form of cages. It was also noted that 2 detainees were kept for an indefinite period in 2 cells of 5 ft by 5 ft and height 8 ft. There was no toilet near the cells and the detainees had to urinate in bottles. For defecation they were taken to a toilet outside the block. In addition, out of the 5 cells in which 77 low security prisoners from Kaafu Himmafushi Asseyri Jail were kept only 1 cell had an attached toilet. It was therefore suggested that when detention facilities are being planned they must be designed to be hygienic, with natural light and ventilation and adequate space.

It was noted that at the time of the visit there were two very sick detainees and that they were not getting adequate treatment. It was therefore suggested that they be transferred to a jail near Male as soon as possible and arrangements must be made to show them to a doctor as soon as possible; and that detainees who needed specialized care must be given treatment only under the supervision of a specialist.

The report noted that prison rules were not being followed for the prisoners in this jail. Instead 2 sets of rules developed by the Ministry of Defense and National Security were being followed. It was also noted that the prisoners were not aware of their obligations under these regulations. Therefore the report recommended that the prison regulations be given in writing to all prisoners, and further to act upon the regulations.

The Commission also received complaints that prisoners were cut off from their families and that they were deprived of the right to telephone calls and family visits. The report therefore recommended that prisoners be given equal access to telephone calls and to make arrangements for family visits as soon as possible.

How the Recommendations are been Followed

The Commission closely observed on the day of the visit the cruel, inhuman and degrading manner in which the prisoners were kept. It was also noted this has affected the human dignity of the prisoners in the jail. Following sharing of information on the report with government and relevant state institutions, and holding meetings with senior officials of the President's Office, the government appointed Human Rights Ambassador and relevant NGOs, with the purpose of bring such actions to a halt immediately, the jail has been closed in February 2010.

8.4 Summary of the Monitoring Visit to the Children's Shelter on 9 March 2010

This report looks at the way children at the state run children's center in Villimale are treated and the general condition of the center. The recommendations in the report included categorizing children into age groups and making sleeping arrangements accordingly, to speed up the work of brining a doctor or a nurse to the center, providing counseling services to the children, developing a standard for taking disciplinary steps as soon as possible, setting a staff-to-children ratio and employing the required number of staff.

Meetings were held with Villimale School and Department of Gender and Family Protection Services of the Ministry of Health and Family and the report was discussed. NPM notes that during the meetings as well as subsequently Ministry of Health and Family and the Department of Gender and family Protection Services have been acknowledging the recommendations and working to implement them.

Action Taken on the Recommendations

The relevant authority has filled the monitoring schedule, stating implementation dates and detailing changes and shared it with NPM. According to this schedule the children have been divided according to gender and age and are provided separated beds for sleeping. The management also informed that the work of employing a nurse is ongoing and that under an arrangement with a third party, a pediatrician is visiting the center once every week. Adequate counseling was not being given due to

shortage of counselors. The management informed that counseling was being given as and when opportunity is available. Standards for taking disciplinary steps on the children were being developed and the management informed that they will be complete before the end of 2010.

8.5 Summary of the Report on Monitoring Visits to Maafushi Prison on 25 July 2010 and 2 August 2010

HRCM visited Maafushi Prison on 25 July and 2 August 2010 with the purpose of ascertaining the current condition of the prison, monitoring the implementation of the recommendations of the previous visit of the Commission, determining if any inhuman or degrading acts occur in the prison and assessing the level to which the recommendations of the Sub Committee on Prevention of Torture (SPT) to improve Maafushi prison have been implemented.

The report's recommendations include categorizing prisoners based on age, conduct and type of crime; eliminating the discrimination in the prison between Maldivians and expatriates, and improving the unit where foreigners are kept or shifting the prisoners elsewhere. It was further recommended not to use the damaged oxygen concentrator and the sterilizer in the health center without repairing them, to make arrangements to show pregnant prisoners to specialists regularly and to provide them the nutritious food they need, to introduce a better procedure for strip searches and to determine that strip searches may only be made under exceptional circumstances, rather than as a matter of routine. It was also recommended to provide rehabilitation services to all prisoners, to strengthen the procedures for providing telephone calls and family visits to them, provide information on parole to all prisoners and to provide parole opportunity without discrimination to all those who fit the criteria.

Meetings were held with Ministry of Home Affairs and Department of Penitentiary and Rehabilitation Services to discuss the recommendations of the report, the time it would take to implement the recommendations, problems expected in implementation and other matters included in the report.

The Commission is closely monitoring the implementation of all recommendations in the report. A letter was sent along with a copy of the report to the President's Office with a request to urge the relevant agencies to implement the recommendations; a letter was also sent to the People's Majlis with a copy of the report and a request to act on the matter.

Action taken on the report

Following the report, DPRS has informed the Commission that even though it was not possible at present to categorize the prisoners in full compliance with the Commission's recommendations because of shortages of prisoner accommodation units in Maafushi prison, the prisoners have been categorized according to age and conduct, and that further categorization will be done as and when the physical capacity of the prison increases. To solve the issue of lack of privacy in the toilet of the women prisoner's unit, shower curtains will be fixed by the end of the year, it was informed. The Commission also welcomes the information given by DPRS that the CR unit previously used for foreign prisoners has been closed and the prisoners transferred to unit 12. Such welcome changes to the prison system of the Maldives is an outstanding example of the importance and response given by the state, the government

and all relevant agencies to eliminate cruelty and other inhuman and degrading acts and to establish a community protected from such acts.

The Commission was informed that though there was no way to recover prisoner medical records that were burnt in the fire that occurred in Maafushi prison in 2009, records of prisoners who consulted doctors since then could be maintained and preserved in files. DPRS has informed the Commission that all prisoners undergo a medical checkup on arrival in the prison, and that strip searches are being conducted in the manner recommended by the Commission, if any prison staff violates the rights of prisoners or the prison rules and orders, action was being taken against that officer under civil service regulations. The Department also informed that the parole section has been transferred under the DPRS as recommended by the Commission. It was informed that standards will be developed during the year on taking safety measures in emergencies, and that communication sets are being acquired. Prison management software is being developed to improve the documentation system in the prison, as informed by the DPRS.

According to DPRS a manual was being developed to run permanent programs in the prisons, with the assistance of UNDP. DPRS informed that though rehabilitation programs were budgeted for 2011, when the budget was passed sufficient funds were not allocated and hence rehabilitation programs had to be suspended. The commission is highly concerned that the budget for rehabilitation programs was reduced, since the Commission has repeatedly been recommending to conduct rehabilitation programs as a priority.

8.6 Summary of the Report of the Monitoring Visit to Faafu Nilandhoo Police Station on 14 September 2010

The report recommended that information on detainees held in this police station, which is saved on the police internet server, must have all important details filled. Thus in addition to recording information on medical consultations of detainees, their requests for medical consultations and meetings with the family or a lawyer were recommended to be recorded.

The report also suggested to train the staff of the police station on protecting human rights and to provide such training regularly. It was also suggested the station recruit women officers to handle all the work related to women detainees.

8.7 Summary of the Report of the Monitoring Visit to Lh. Naifaru Police Station on 13 October 2010 and to Lh. Hinnavaru Police Station on 14 October 2010

The report proposed that a regulation be developed on taking disciplinary steps against disobedient detainees, to orient the staff to the regulations and to regularly inform detainees regarding the regulations.

The 'personal package' developed by Naifaru Police station on its own initiative is in the opinion of the Commission very useful in providing information to the detainee and to maintain the records relating to the detainees. The report suggested that the information in the package must be more carefully updated on a daily basis. It was also suggested that the 'information sheet on detainees' used in both

the police stations must be regularly and completely filled. The suggestions also included that things requested by detainees must be recorded in writing.

The report suggested that detainees in Naifaru Police station must be allowed to spend 1 hour daily out of their cells, and that records of such opportunities given to detainees must be recorded in writing. It was also suggested that the two police stations employ women officers to look after all aspects of women prisoners, that equipment and facilities needed by the two stations to fulfill their legal responsibility must be provided to them as soon as possible and that the training given to staff of both the stations must include protecting human rights and to provide such trainings regularly.

Action taken on the suggestions:

A consultation meeting was held with Maldives Police Services regarding the two reports. During the meeting the police informed the Commission that they have instructed police officers working in the atolls to record and maintain complete information on detainees, and that the police will stress on recording the details of requests made by detainees.

The Commission was also informed that police training already gave priority the protection of human rights and that future plans included orientation programs for the staff. The Maldives Police Services gave priority to recruiting women police officers, it was informed, though the number of women applicants for police jobs was low and even those who join, leave the services due to pregnancy and other reasons. Thus getting women staff was a difficult issue to solve, it was informed.

8.8 Monitoring the progress of Implementation of the Recommendations of the Subcommittee on the Prevention of Torture

All NPM visit plans include monitoring of progress on the recommendations of the Subcommittee on Prevention of Torture, contained in their report following the SPT visit to places where involuntary detainees are held in the Maldives.

8.9 Baseline Study on Torture, Inhuman and Degrading Acts against Detainees

Work on a baseline study on torture, and inhuman and degrading acts against involuntary detainees has begun using existing reports (reports prepared by NPM as well as others.)

8.10 Meetings with Relevant Government Agencies to Stress upon them to Implement the Recommendations of the Reports

Constructive meetings have been held in a sustained manner with government agencies relevant to the work of NPM to implement the recommendations of the reports of NPM. Thus after sharing each report a meeting was held with the relevant agency to discuss the time frame of implementation of the recommendations. Further meetings are held to monitor the progress of implementation. In addition to these meetings were held with Department of Penitentiary and Rehabilitation Services, Ministry of Home Affairs, Ministry of Health and Family (Gender and Family Protection Unit) and Maldives Police services during 2010. Meetings were also held with the Vice President and with the Human Rights Ambassador to share information about the reports and to enlist their support for implementing the reports.

8.11 Work Done to Strengthen the Work of NPM

Work was done in 2010 to strengthen the work of the NPM Department. This work has been started to display in at single location information on stopping cruel, inhuman and degrading acts against involuntary detainees. This information on detention facilities (number, location, number of detainees, etc) have been gathered and compiled. In collaboration with EMD, mapping has been done using this information. A monitoring package has been developed in 2010 for using during NPM visits.

9. Conducting Research on Human Rights Related Issues

Research on human rights related issues, which is included as part of the responsibilities of the Human Rights Commission in article 20 (k) of the Human Rights Commission Act, was carried out during 2010 too. Issues on which the Commission gave its consultation and advice included the following:

9.1. Activities Addressing the Rights of Persons with Disabilities –A baseline assessment

Under the project entitled ‘Support to Human Rights’ the Commission has been conducting ‘Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups,’ on children, women the aged and people with special needs, beginning 2008. Work under this project continued in 2010 too.

A report based on the part of the research related to persons with disabilities entitled ‘Activities Addressing Rights of Persons with Disabilities –A baseline assessment’ was released on 13 April 2010. The report looked at the legal protection available to persons with disabilities, the manner in which the issue is included in relevant national policies, plans and administrative frameworks; services provided to such persons, role of relevant NGOs and the challenges facing them. There were 29 recommendations in the report. They were as follows:

1. Make a national level implementation plan for the Convention on the Rights of the Disabled and accelerate the implementation of the Convention according to the plan;
2. Develop and conduct an awareness campaign to eliminate negative views on people with disabilities and discrimination in the society and to foster respect for their rights and dignity. Ministry of Arts and Culture to take a lead role in this.
3. Prepare annual plans each year to implement national policies on disability. Ministry of Health and Family to report each year to the Majlis on the progress of implementation of the policies;
4. Develop a national level strategy to reduce factors causing disabilities during gestation and infancy, to take all possible steps to prevent them, including support for ongoing activities such as counseling programs for families, arrangements for confidential testing for diseases such as thalassemia, and counseling to avoid consanguineous marriages.
5. Planning and implementing facilities for early detection of disabilities during gestation and during infancy between the ages of 0 to 3 years and starting to take the necessary steps.
6. Atoll hospitals and health centers to jointly start selected services that may be provided in the early stages through Family and Children’s Service Centers and financed by the government budget. These services would include recognizing such children, refer them to appropriate centers, recognizing and assessing their condition, prepare a plan for each child with disability aimed at the family and developing a multi disciplinary team to help all these.
7. Training the staff of FCSC to provide the service of taking steps in the initial stage.
8. Establishing procedures and standards to provide services in the initial stage. This will include procedures for joining and leaving the services, recognizing the condition of the children and categorizing children with disabilities, children’s personal freedom, complaint addressing system, review system and monitoring and evaluation.

9. To develop a plan to implement the policy of providing special education, keeping children with and without disabilities together, as stated in the policy.
10. To develop a national level psychological team to strengthen services for psychological diseases. To establish a team in each province with a doctor and a nurse in each team. The responsibility of the teams would be to treat psychological diseases and complications of drug addiction occurring among a particular age group out of the population of the province, and to train nurses, community health workers and counselors on psychological diseases.
11. To assess the training needs of the Center for Persons with Special Needs, prepare a training program and train the staff of the Center as a matter of priority.
12. To develop a strategy clearly outlining separately how to help persons with disability who join paid employment and who finish school, and to prepare them for it.
13. To ensure that there is better access to information about the services available to persons with disabilities and that all inhabited islands receive information about financial assistance and gadgets available to them. National Social Protection Agency to provide this information regularly over the radio, TV and newspapers. This information should also be available in Braille, audiocassettes and in large fonts. The text of these must be written in simple language to facilitate easy understanding.
14. To ensure that buildings are constructed such that persons with disabilities may enter and leave with ease and to bring the necessary changes to the building codes to eliminate the difficulties faced by persons with disabilities in the buildings as well as outside.
15. To provide persons with disability easy access to existing buildings as soon as possible.
16. To ensure that newly constructed Family and Child Services Centers exhibit accessibility standards and use appropriate signs used all over the world.
17. To develop a future-proofing strategy to inform technical persons such as designers, planners, architects, engineers and builders that existing buildings need modifications and to think of the needs of the aged and people with disabilities, right from the initiation phase. Even if the changes brought under the future proofing plan are expensive, they may be considered as acceptable given that the buildings would in future be used a large percent of the population.
18. To provide additional training to staff of existing Family and Child Services Centers to raise their awareness of disabilities.
19. To provide training to staff of Ministry of Human Resources Youth and Sports, Ministry of Education, Ministry of Health and Family, to raise their awareness of disabilities.
20. To provide training to staff of Family and Child Services Centers on sign language. It is also useful to organize a series of such trainings as evening classes to parents and the general public. Newly trained people who have hearing disabilities and who live in Male could teach in these courses. These courses may also be extended to the atolls, either using the internet facilities available at the teacher resource centers or through visits of trained persons.
21. To employ a person trained in sign languages both in the Ministry of Health and Family and in the Maldives Police Services.
22. To develop a 'Disability Charter' depicting the actual goals and vision of various sectors and agencies involved in protecting the rights of persons with disabilities.

23. Reviewing the programs now developed on disability to ensure that they give best value for money, standardizing and simplifying the procedures developed for assessment and to develop methods to provide service and information conveniently. The goal of the work must be to provide benefit to persons with disabilities, and to ensure that those who are entitled to the services get them easily.
24. To establish under Ministry of Health and Family an “Office for Disability,” which will be visible and accessible and which will be the only office that persons with disability will have to enter to get all the services and help provided by the government. To ensure that key sectors make long term plans including assistance for disability, that the goals and results are transparent, and to monitor them in order to improve future activities.
25. To organize a ‘Meeting on Disability’ to lobby the support of high officials for solving the problems faced by persons with disabilities in the Maldives. It is suggested that permanent secretaries of relevant sectors be included as participants and that the Vice President of Maldives may be requested to chair the meeting.
26. To establish an official network of volunteers civil society organizations, NGOs and technical persons in order to provide information on disability more efficiently and to provide services more widely using community and non government centers.
27. To conduct a national level study on disability to make available the best quality information on disability in the Maldives.
28. To include in future censuses of Maldives the questions developed by the ‘Washington Group on Disability Statistics.’
29. To designate Department of National Statistics as the central agency for maintaining the statistics on disability and assigning an employee of the department as the focal point on disability statistics in the Maldives.

9.2. “Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups”

- **Section Relating to the Aged:** The Commission has received the second draft of the section on the aged of the study entitled “Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups,” which was started in 2008 under the project ‘Support to Human Rights.’ After reviewing the report the issues identified have been shared with the consultant.
- **Workshop on the rights of Children:** A half day workshop was organized on 6 October 2010 for professional and experts and people working in the sector to identify which of the child rights mandatory upon the state are being provided, which are not been provided, which need improvements in provision, and to identify what steps the government could do to improve provision of these services. The themes brain stormed during the workshop included health and safety, civil rights and freedoms, family environment, sports and recreation, social protection, juvenile justice and child safety.
- A total of 31 participants attended the workshop and shared their expertise. They included senior officials of government ministries, offices and the courts who work/ have worked with children, senior officials of civil society organizations working in the children’s sector, and experts who work or has worked with an interest in the children’s sector. The

information gathered in this workshop will be used in the children's section of the study being conducted by the Commission under the title, "Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups."

- **Workshop on women's rights:** A half day workshop was organized on 7 October 2010 for professional and experts and people working in the sector to identify which of the child rights mandatory upon the state are being provided, which are not been provided, which need improvements in provision, and to identify what steps the government could do to improve provision of these services. The workshop was conducted with the participants divided into groups, each group brainstorming on a particular theme to generate information. The themes discussed were avoiding exploitation, violence against women, political and ordinary life, right to education, right to employment, right to financial credit, right to health, sports, recreation and culture, equality before the law, marriage and family and stereotyping.

A total of 28 participants attended the workshop and shared their expertise. They included senior officials of government ministries, offices and the courts who work/ have worked in the area of women, senior officials of civil society organizations working in the women's area, and experts who work or has worked with an interest in the women's area. The information gathered in this workshop will be used in the women's section of the study being conducted by the Commission under the title, "Baseline Assessment of Activities Relating to Rights of Disadvantaged Groups."

9.3 Rapid Assessment of Situation of Human Trafficking in the Maldives

The Commission launched a study entitled "Rapid assessment of situation of human trafficking in the Maldives," during 2010 with financial assistance from UNIFEM. The purpose of the study was to assess the incidence of human trafficking in the Maldives, identify reasons behind human trafficking, assess the steps taken or planned against human trafficking and the work being done, and determine whether the measures and work are in line with international standards. This study was contracted out to a local consultant. Meetings were held with state institutions and government ministries to gather information for the study. Atolls (Kulhudhuffushi in Haa Dhaalu Atoll, Nilandhoo and Dharanboodhoo in Faafu Atoll, Thinadhoo in Gaafu Dhaalu Atoll, Hithadhoo, Maradhoo, Maradhoo-feydhoo and Feydhoo in Addu Atoll) were visited and information gathered. The report compiled by the consultant based on the information was found not to have achieved the purpose of the study in the view of both the Commission and UNIFEM, which provided financial and technical assistance. Since this study is of importance to the Maldives a decision was taken to repeat the study in 2011. This will be done with UNFEM funds and a consultant from UNIFEM.

9.4 Rapid Assessment of the Situation of Human Rights in the Health Sector

Under the project 'Support to Human Rights' the Commission launched a study in February 2010 entitled "Rapid Assessment of the Status of Human Rights in the Health Sector." The purpose of the study was to assess health services provided to all by the government from a human rights perspective, identify the challenges faced in providing the services, the level to which vulnerable groups in the population have been provided services by the state without discrimination, to assess the level to which

the rights guaranteed by the Constitution and the international conventions ratified by the Maldives have been incorporated in the health system, and to identify steps that may be taken in framing policies so that they comply with Maldivian laws and regulations and international standards and propose a set of recommendations to the government.

This study is being conducted by an international consultant who, for the purpose of gathering information for the study, has met with WHO, Unicef, UNFPA, UNDP, Ministry of Health and Family, Department of Gender and Family Protection Services, National Social Protection Agency, Center for Community Health and Disease Control, Maldives Food and Drug Control Authority, Maldives Board of Health Sciences, National Thalassemia Center, ADK Hospital, Allied Insurance, Faculty of Health Sciences, Indira Gandhi Memorial Hospital, Maldives Red Crescent Society, Society for Health Education, Care Society, Diabetes Society of Maldives, Aged Care Maldives, Thalassemia Association of Maldives, Maldives Deaf Association, Maldives Nursing Council and Maldives Medical Council. In addition the Consultant has visited Haa Alif Atoll, Haa Dhaalu Atoll and Addu Atoll to gather information from the atolls.

When the study report was shared with the Commission for the first time, the Commission noted that it did not achieve the purpose and proposed the report be revised. The Commission also found that the second report submitted by the consultant also did not achieve the purpose and suggested that the report be revised according to the purpose of the study.

10. Strengthening relations with the State Institutions and Urging them to Take Responsibility for Human Rights Related Issues

Since Article 18 of the Constitution of Maldives states that it is the responsibility of the state to protect and promote the rights and freedoms guaranteed by the Constitution, and since the main role in providing human rights is played by institutions established by the state to provide services, the commission made efforts in 2010 to establish strong relationships with them. These efforts include the following:

10.1 Meetings with the Bowers of the State and Political Parties to Protect and Promote Human Rights

Human Rights Commission notes that it is a key responsibility of the government, all state institutions and the citizens to respect, protect and promote human rights in their efforts to make the Maldives a safe, peaceful and prosperous nation where citizens get full respect for their rights under a new democratic governance system, where all freedoms guaranteed by the Constitution are used optimally, and where social and individual needs are protected.

In its Annual Reports, particularly in the 2009 Report, Human Rights Commission has been noting that it is the responsibility of all state institutions as well as individuals to work towards continuous improvement in the status of human rights in the Maldives and to establish an environment where human rights are respected and that they must give more attention to this work. Thus, in February 2010 the Commission noted the importance of consulting widely with the 3 branches of the state and the political parties to assess the status of human rights in the Maldives and identify challenges.

Accordingly, HRCM sent letters on 18 February 2010 to the President of the Maldives, the President of the People's Majlis and the Chief Justice, and leaders of 13 political parties, noting that the volatility of the political and social environment posed several challenges to the protection and promotion of human rights and highlighting 7 areas of particular concern to the Commission. Between 9 March and 6 May 2010, meetings were held with the President of the Maldives, the President of the People's Majlis and the Chief Justice, and leaders of 13 political parties, to discuss the contents of the letter as well as their concerns, and these concerns have been documented. Based on the general observations of the 16 meetings thus held, and the concerns shared by most leaders, the following factors are noted to be directly or indirectly affecting the status of human rights.

- Low accountability of the government and political parties, lack of strong relationships and reduced respect for political rivals;
- Diminishing public trust on state institutions;
- Lack of an environment or culture respect for law;
- Inadequate work to strengthen democracy and to create a supportive environment for democracy;
- Lack of protection of the rights of employees;
- Lack of public trust in the work of the People's Majlis;

- Lack of public trust in the judiciary;
- Inadequate work to enhance the freedom and accountability of the media;
- Delay in making and implementing laws and regulations necessary to provide the rights guaranteed by the Constitution.

The President, President of the people's Majlis, Chief Justice and leaders of 13 political parties were to meet on 17 June 2010, under the initiative of Human Rights Commission, to find a solution to the above issues and to resolve and adopt a Declaration to work together to protect and promote the human rights guaranteed by the constitution. All arrangements were made to hold the meeting at Dharubaaruge. However, when some of those invited for the meeting excused themselves, the Commission decided on 16 June 2010 to postpone the meeting for a later date, since the Commission felt the importance of the participation of all parties. The meeting was re-scheduled for 29 July 2010, however due to lack of response from the relevant persons, the meeting could not be held on that date either.

10.2 Activities Aimed at Human Rights Focal Points in Government Ministries

At the request of the Commission on 17 August 2009 all government ministries have appointed human rights focal points. The purpose of appointing human rights focal points was to have specific persons who will examine and ensure that policies framed and work done by government ministries are in line with human rights. The Commission met with the focal points on 18 November 2009. A paper on the work that human rights focal points can do to mainstream human rights and what the Commission and focal points can do jointly were discussed at the meeting and an agreement was reached.

A seminar was organized for focal points to familiarize them with Human Rights Act and the work of the Human Rights Commission on 10 March 2010, since the Commission believes that that the two can work together only if they are familiar with each other's work. Topics covered in this seminar included an introduction to human rights, rights included in the 2nd chapter of the Constitution, the powers and responsibilities in the Human Rights Commission Act and sharing the commission's current and planned work with the focal points.

In this seminar 9 out of the total 15 focal points participated. In addition to the seminar, another activity targeted at the focal points was "Training program on including the concept of human rights in government work," conducted from 24 to 25 October 2010. The main purpose of the program was to inform participants on using a human rights based approach in order to ensure that policies, laws, plans and strategies framed by the government are consistent with human rights –mainstreaming human rights. Information on the "International Covenant on Economic, Social and Cultural Rights," was also given during the training. Even though the training was targeted at focal points, the Commission felt that in addition it would be helpful to provide this training to a technical person working with the focal point. Thus such technical person were also invited to the training.

Four focal points and 14 technical persons working with the focal points took part in this training. In future the Human Rights Commission intends to hold individual meetings with them to find out the

policies formulated by the ministries and work through the focal points to stress upon the ministries to shape those policies in harmony with human rights.

10.3 Views and Concerns Expressed by the Commission on the Human Rights

Situation of Maldives

The Commission has on various occasions been bringing human rights related issues to the attention of the state institutions, and advocating with them to take necessary steps, in order to hold them accountable regarding human rights that the state must provide and guarantee to the citizens. The human rights issues over which the Commission has thus expressed its concerns and advocated through media statements and press releases during 2010 include the following:

- **1 February 2010:** Human Rights Commission expressed its concerns that the salaries of civil service staff have not been restored to their previous levels from January 2010. In a statement given to TVM, DhiTV and VTV the Commission called on the government to respect the rights of workers and to restore salaries to their previous levels.
- **11 February 2010:** In view of the increasing crime in the community, the Commission expressed its concern and called upon the responsible state institutions to take urgent steps and to provide the citizens without delay a safe environment where they can live freely.
- **16 March 2010:** Since the Commission believes that the main causes of increasing violence in the community are releasing criminals into the society without completing their judicial sentences, disrespect for laws, and not being accustomed to respecting each other's human rights and dignity; and since violating rights and crimes are increasing day by day, the Commission called for legal steps against those who release criminals into the society without completing their sentences and without rehabilitating them. The Commission also condemned in strong terms the violence against media organizations.
- **28 March 2010:** The Commission condemned the disputes, confrontations and violence that occur among people of different thinking and cause physical as well as psychological harm on people during political activities, and called upon all not to hinder police work to control such acts. The Commission also called upon the police to respect the Constitution of the Maldives, laws and regulations without any discrimination in controlling such acts. Since conflicts and violence have also occurred in the People's Majlis disrupting the work of the Majlis, the Commission expressed its concern and called upon the members to make efforts to solve differences of opinion in the Majlis through dialogue, and not to allow such differences to lead to incidents that disrupt the work of the Majlis or bring it to a standstill, and to accelerate the work the Majlis must do protect the interests of the nation and the rights of the people.
- **19 April 2010:** Since prisoners and prison staff have suffered injuries during the conflict that occurred on 17 April 2010 and since DPRS has not been giving adequate attention to improve the prisons, the Commission pointed out the necessity of building a prison, or prisons, of international standard to detain and rehabilitate prisoners, and called upon the Ministry of Home Affairs to strengthen prison administration and to make arrangements so that such incidents do not repeat.

- **20 May 2010:** On the occasion of the election of Maldives to the United Nations Human Rights Council (UNHRC) with wide support, the Commission called upon the government, political parties, civil society organizations and individuals to work harder with renewed vigor to establish a culture of respect for human rights, and a human rights friendly environment in the Maldives and to make it a model nation in promoting human rights.
- **24 May 2010:** The President's announcement of the government's decision to bring two of the prisoners held in the United States Military Jail in Guantanamo Bay to the Maldives, spread over the Maldivian media in different versions, confusing the public over the issue. The commission therefore wrote a letter to the President requesting the government to reveal the information to the public, since it was their right to know the government's plan on the matter, and to explain the legal status of the matter in light of the Constitution, laws of the Maldives and international conventions ratified by the Maldives. In this letter the Commission conveyed to the President that, at a time when differences of thinking have increased in the name of religion and there is a perceived threat of terrorism, the government must explain the truth of the matter in a manner that answered all questions and doubts in the minds of the people, and that such action must be taken in accordance with international standards, democratic principles and human rights standards, and in a responsible and transparent manner.
- **30 June 2010:** When all ministers of the Government resigned together alleging that the ministers of the democratically elected government were unable to carry on their functions according to their oaths because they were not getting any cooperation at all from the democratically elected People's Majlis, and when this resignation hampered the provision of the human rights granted in the constitution and the services that state institutions must give to the people, the Commission expressed its concern over the matter, and called upon the government to take all necessary steps as soon as possible to protect the rights and freedoms given by the Constitution and to provide the services that the people must receive, and to organize arrangements so that government services to the people are not compromised. The Commission also called upon the police and the MNDP not to work except under the bounds of the Constitution of Maldives and the laws in maintaining public order and in arresting political leaders under various suspicions.
- **7 July 2010:** While the Constitution of Maldives in its Article 24 states that a person's family life, his house and home and his communications with others are privileged and that everyone must respected these rights, and while Article 52 of the Constitution states that everyone has the right to protect his name and honor, the recent media revelations of private communications done through various communication methods is a matter of concern to the Commission, and called upon the relevant institutions of the state to assure the rights of the people since protecting rights is a responsibility of the state according to article 18 of the Constitution.
- **2 August 2010:** The commission expressed its concern that killing people using sharp weapons, group fights and other crimes that spread fear among the community have become commonplace, and noted that since people convicted of major crimes such as murder have been released into the community they are repeatedly committing such crimes, and despite that the agencies responsible for implementing the sentences of criminals are not taking any steps

about it. The commission called upon the Department of Penitentiary and Rehabilitation Services to take urgent steps to solve the issue and upon the Ministry of Home Affairs to take their responsibility fully. The Commission also called upon the People's Majlis to complete the work of the bills necessary to provide justice such as the penal code, the criminal procedure bill, evidence bill, parole bill, bill on stopping threats and using sharp weapons.

- **12 August 2010:** The Commission noted that the completion of important work needed to provide the right to justice guaranteed in the Constitution of Maldives, and the completion of work to appoint a Chief Justice and judges of the Supreme Court on 10 August 2010 are an important step towards establishing a democratic governance system where human rights are guaranteed. The Commission also noted that the passing of the names of the Chief Justice and the judges' names unanimously in the Majlis was an event that would enhance the respect for the judicial sector among the public. The Commission remarked that in a difficult political situation like the present it was important for all sides to give priority to national interests.
- **28 September:** The Commission condemned in strong terms the loss of peace in the country, where people have to live in constant fear of deprivation of the right to life. The Commission also condemned the violent killing of an aged person in Haa Alifu Huvarufushi on the night of 27 September 2010.
- **26 October 2010:** The Commission condemned the obstruction of the work of some media persons covering a demonstration on the night of 25 October, using force in a manner that injured them. Noting that the right to assemble was guaranteed in the Constitution only in a peaceful manner that does not restrict the rights of others, the commission called upon those who organize demonstrations to keep this in mind and to keep their actions within the bounds of law and regulations, and called upon the police that even in circumstances where it becomes necessary to disband demonstrations, to act in a manner that caused no harm anyone and does not cause loss and inconvenience to the general public. The commission also stated that it was further investigating the incidents occurring in connection with the demonstration.
- **25 November 2010:** HRCM issued a statement on the occasion of the International Day for the Elimination of Violence against Women. In its message on this 20th Anniversary of the 16-day international campaign, the Commission stated that in addition to informing that violence against women is an act that violated human rights, the day is also celebrated to raise awareness at national, regional and international level and to stress the importance of working together against violence against women. It also stated that one of the reasons why such a day was being marked internationally was that violence against women and girl children was one of the most common violations against human rights and that there was increased discrimination against women in providing their rights. Stating the negative effects of this on women and the community, the statement said that this is not limited to a specific culture, or religion or nation and that it is a major international issue.
- **3 December 2010:** In the statement issued on International Day of Persons with Disabilities, the Commission stated that the purpose of marking such a day included enhancing the priority given to the rights of persons with disabilities from the government, civil society organizations and the whole community, and highlighting the benefits to the whole nation from including persons with

disabilities in the economic, social, cultural and political arenas. Stressing the importance of “Law on Protecting the Rights of Persons with Disabilities and Providing Financial Assistance to Persons with Disabilities,” ratified on 8 July 2010, the statement said that the special benefits, protection and conducive atmosphere guaranteed by this law must be provided as soon as possible in order for persons with disability to take part freely in the community.

- **10 December 2010:** The Commission issued a statement on International Human Rights Day, which also coincided with the 62nd Anniversary of the Universal Declaration of Human Rights, which is considered the human rights standard, as well as the 7th Anniversary of the Human Rights Commission of Maldives. The statement looked at the theme adopted by the United Nations for the International Human Rights Day, which is “Human rights defenders who act to end discrimination.” According to the statement the reasons for celebrating International Human Rights Day with a focus on those who work for the protection of human rights include the fact that they work to protect human rights without being deterred despite facing many dangers, and that they raise their voices to get justice for victims of violations of human rights, work towards it and to save them.
- **27 December 2010:** On the 6th anniversary of the tsunami that occurred on 26th December 2004, the Commission expressed its concern that some people displaced by the disaster still had to live in temporary shelters, stressing that shifting them to permanent shelters as soon as possible was a priority responsibility of the government, and noting the findings of the study to assess the conditions of those living in temporary shelters conducted by the HRCM in 2010, by visiting most islands where people lived in temporary shelters. Recalling that the Commission had discussions with the Disaster Management Center on many occasions to solve the problems of people living in temporary shelters, the Commission noted that such a center must work with legal empowerment and that its work must be explained well to the public. While acknowledging work done by all state institutions to improve the conditions of disaster victims, the Commission called for faster work to find a permanent solution for disaster victims.

11. Working with civil society organizations

The Commission did a lot of work during 2010 to assist and encourage civil society organizations working to protect human rights, which is part of the Commission’s mandate as described in article 2 of the Human Rights Commission Act. Some of the notable works include:

11.1. Providing Financial Assistance to Members of the Commission’s NGO Network

To support members of the NGO network established in July 2009 to assist and encourage NGOs working in different parts of the country and to enlist their support t for the work of the Commission, the Commission developed a “Procedure used by the Commission to support members of the NGO network established by the Commission” and opened the opportunity from 16 August 2010 to 31 August 2010 to submit proposals for assistance to human rights related programs conducted by them. Following this 13 proposals were submitted by 10 NGOs. 3 of the proposals were not evaluated because the Commission assists only programs to be conducted within the year and these 3 programs were planned for 2011. One proposal did not include all the components required by the Commission’s procedure and hence was not evaluated. Thus 9 proposals were evaluated. Out of this, 5 proposals were selected since the budget available to the Commission for assisting NGOs was rf 50,000. The details of these proposals and the quantum of assistance given to them are as follows:

	NGO	Program	Timeframe	Assistance (rf)
1	Take Care	Establishment of an intermediary body for Human Rights Commission of the Maldives –Ending human rights violation through communication	-	19,227.50
2	Social, Economic and Environment Development Association of Maldives	Developing a human rights aware population	1 day	5500.00
3	Success for Women’s Sports Society	Series of Meetings to raise awareness of Women’s and Children’s rights among parents and the youth	1st round 2 days 2 nd round 3 days	9250.00
4	Lhohi Zuvaanunge Club	2010 orientation campaign on the rights entitled to citizens under decentralization and the local council elections	1 month and 5 days	4600.00
5	Association for Mathiveri Sports and Awareness (AMSA)	Workshop on expanding the NGO network and raising awareness on human rights	2 days	16485.00

- In evaluating the proposals, points were given according to the “procedure used by the Commission to support members of the NGO network established by the Commission,” taking into consideration the total marks allocated by the 5 member team appointed by the Commission.
- The Commission plans to open opportunity to members of the NGO network for submitting proposals for financial assistance once every year.

11.2 Participation in the ‘Civil Society Forum’ Organized by Ministry of Home Affairs

Following an invitation to take part and present a paper at the “National Forum” for Civil Society Organizations organized by Ministry of Home Affairs for 2 days (4 August 2010 to 5 August 2010), the Commission accepted the invitation and presented a paper on the relations between Civil Society Organizations and human rights, in the 2 pm - 3.30 pm slot of the afternoon session of 4 August 2010. The Commission also gave answers to the questions raised by forum participants when the floor was opened for questions and answers after the presentation. 16 out of the 47 NGOs participating in the NGO Network established by the Commission took part in this forum.

11.3 Consultation Meeting with the Members of the NGO Network Established by the Commission

A meeting was held under the ‘Support to human rights project’ from 7 August to 8 August 2010 for members of the NGO Network established by the Commission to provide assistance and encouragement for NGOs working for human rights throughout the country. This was the first meeting where the Commission and members of the NGO Network sat together around the same table. 37 out of the 47 members of the network participated in the meeting. The consultative meeting was organized in two parts. The first aimed to raise awareness of human rights among members of the NGO network and to inform them on the importance of the civil society in protecting, sustaining and promoting human rights. The second part aimed at developing a support framework through which the Commission and the NGO network could work together and to agree within this meeting to work under this framework. The first part included topics such as an introduction to human rights, Universal Declaration of Human Rights, human rights in Islam, 2nd Chapter of the Constitution –basic rights and freedoms, main conventions on human rights, and orientation to the Commission. To address the second part a paper was presented, covering how NGO network members can assist the work of the Commission, how the Commission and the NGO Network can work together, and how NGO Network members can work together. The participants agreed on the paper and to work according to it. In addition, the Commission also shared the “Procedure followed by the Commission in providing assistance to members of the NGO Network established by the Commission.” The procedure describes 3 ways in which the Commission will assist NGO Network members –technical, financial and other ways.

HRCM participated and assisted in various activities conducted by members of the NGO Network in different parts of the country during 2010.

12. Establishing and Strengthening International and Regional Relationships

Article 2 (b) of the Human Rights Commission Act mandates upon the Commission to protect, sustain and promote human rights in the Maldives in accordance with the regional and international conventions ratified by the Maldives. Thus working sustainably with international institutions would not only facilitate the Commission's work but also will help to get technical and financial assistance from them in a sustainable manner and facilitate human rights related training and educational opportunities. Thus the Commission worked during 2010 to maintain close relations with institutions of relevance to its work.

12.1 Strengthening Relations with International Organizations

Work done in 2010 to strengthen relations with regional and international organizations working in the human rights area include the following:

- The commission obtained associate membership of Asia Pacific Forum (APF) in 2007 and Category B membership of International Coordination Committee (ICC) in 2008, in order to strengthen relationships with international organizations and to make the Commissions work comply with international standards. In addition, the Commission worked during the year with Office of the High Commissioner on Human Rights (OHCHR), Commonwealth Secretariat, Commonwealth Human Rights Initiative (CHRI), Raul Wallenberg Institute (RWI) and the World Women's Summit Foundation (WWSF).
- Work was done during 2010 to develop an MOU to be signed with Association for Prevention of Torture (APT) to train the staff of National Prevention Mechanism (NPM) and to secure technical assistance for the work of NPM. A concept paper was developed for the purpose, identifying training and information needs and outlining how the two parties will collaborate. The concept paper has been shared with APT.

12.2 Mobilizing Technical and Financial Resources from International Sources

Work done during 2010 to mobilize technical and financial support from international sources for human rights related work and for strengthening the Commission includes the following:

- During 2010 the Commission signed "Human Rights Commission of the Maldives Capacity Development Project" with United Nations Development Program (UNDP) to strengthen the work of the Commission and to bring its work up to international standards. Under this 3-year project (2010 to 2012) work will be done to strengthen the work of the Commission and to orient the staff to human rights related work. It includes training Commission members and staff in human rights, establishing facilities for monitoring human rights, and working with NGOS.
- HRCM received technical and financial assistance in 2010 for various activities from international organizations such as UNICEF, UNFPA, UNIFEM and APF.

12.3 Participating in Human Rights Related International Events

The Commission took part in the following activities in 2010 in order to take an active role in work done by international organizations to advance international human rights standards and to monitor the condition of human rights:

- Commission Member Ms. Maryam Azra Ahmed participated in “Regional Study: SAARC Convention of Trafficking in Women and Children for Prostitution –Dissemination Meeting” held in Dhaka, Bangladesh from 27 to 28 January 2010.
- Commission Vice President Mr. Ahmed Zahid participated in “Commonwealth Mid-Term Review of the Universal Periodic Review of the Human Rights” held in London from 11 to 12 March 2010. The progress of UPR work in Commonwealth countries was discussed. Information of UPR work in the Maldives was shared with the participants.
- Commission President Mr. Ahmed Saleem participated in “Meeting of the International Coordinating Committee of National Institutes for the Promotion and Protection of Human Rights (ICC 23)” from 22 to 25 March 2010 in Geneva Switzerland. The condition of human rights in ICC member countries was discussed in this meeting.
- Commission Secretary General Mr. Ahmed Shahid participated in the “The Hague Global Child Labor Conference” held from 10 to 12 May 2010 in The Hague, Netherlands, to stress upon countries to implement Convention 182 developed by ILO to stop child labor, and in relation with the work of the “Roadmap” developed to stress abolition of child labor from all countries by 2016. More than 450 delegates belonging to institutions working for protecting child rights in 80 countries participated in the conference.
- Commission Secretary General Mr. Ahmed Shahid participated in the 15th anniversary meeting of Asia Pacific Forum. In this meeting held in Bali, Indonesia, from 3 to 5 August, delegates from all the 17 member countries of APF participated. In addition, delegates from Office of the UN High Commissioner on Human Rights, UNDP, regional human rights organizations, as well as observers from 3 national human rights commissions participated. Draft AFP Strategic Plan 2011 to 2015, ICC accreditation, general observations and the status of human rights individual countries were discussed at the meeting.
- Commission Secretary General Mr. Ahmed Shahid participated in the “International Conference of Human Rights and Business” organized jointly by International Coordinating Committee of National Institutions for the Promotion and Protection of human Rights (ICC) and Scottish Human Rights Commission, from 7 to 10 October 2010 at Edinburgh, Scotland. The role of commercial companies and groups in protecting human rights, and “Ruggy Framework” developed by UN Secretary General’s Special Rapporteur on Human Rights and Business Professor John Ruggy, were discussed. The Conference also adopted the “Edinburgh Declaration” calling upon businesses, governments and those working for human rights to stress upon establishing a business environment where human rights are protected.
- Commission Member Ahmed Tholal participated in the “Regional Consultation Meeting on the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution” held in Dhaka, Bangladesh, on 12 October 2010. The main topic discussed in the meeting organized by International Organization for Migration with financial support from Asian

Development Bank (ADB) was human trafficking; particularly the work being done and work that needs to be done by countries of this regional to stop trafficking in women and children for prostitution. Thus, a paper was presented by all countries on the work done by them. The meeting also discussed what can be done at regional level to stop human trafficking. Strengthening the role of SAARC and implementation of international and regional conventions and solving this issue through them was also discussed. A 7-point proposal was developed based on the discussions. This mainly included cooperation among SAARC countries in identifying actions that may be taken at regional level to address this issue and in taking those actions. The HRCM member participated as Co-Chair of the meeting.

- Commission Director Mr. Shammoon Hameed participated in “Regional Consultation on National Human Rights Institutions and Civil society Organizations Engagement with the International Human Rights System: Enhancing the Protection of Human Rights on the Ground in Asia” held in Bangkok, Thailand from 22 to 23 November 2010.
- Commission President Ms .Maryam Azra Ahmed participated in “Review Meeting of Universal Periodic Review” held in Geneva, Switzerland on 3 November 2010. During this meeting members of the UN Human Rights Council discussed the paper presented by the Government on the human rights situation in the Maldives, and the requests of the Maldivian State. Additional information on the human rights situation was shared at the meeting on behalf of the State.
- Commission Member Dr. Ali Shameem participated in “International Conference on Human Rights Education” held in Sidney, Australia, from 6 to 14 November 2010. Information and expertise of human rights researchers and country experiences were shared.

12.4 Commission’s Participation in strengthening the international Human Rights System

Work done by HRCM in 2010 to share its experiences in providing technical assistance to work being done in various countries to strengthen human rights work and developing and establishing human rights administrative systems include:

- Commission Vice President Mr. Ahmed Zahid participated in “Regional Seminar on the Optional Protocol to United nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” held in Dakar, Senegal, from 27 to 28 April 2010. During the Seminar Mr. Zahid shared the experience of Maldives in establishing the National Preventive Mechanism under OPCAT. He made a presentation titled, “The Role of National Human Rights Commission’s NPM in the Maldives”.
- Commission Director Mr. Ahmed Ameen participated in “Capacity Assessment of Jordanian Human Rights Commission” organized in Amman, Jordan, from 1 to 16 October 2010, by APF and UNDP. He shared the experience of Human Rights Commission of Maldives in conducting a capacity assessment in 2009. He also participated in the practical work of conducting the capacity assessment in Jordan.
- Commission Member Ms. Jeehan Mahmood participated in the “Regional Round Table on National Preventive Mechanism under Optional Protocol to the Convention against Torture”

held in Zagreb, Croatia from 20 to 21 October 2010 and shared the experience of the NPM of Maldives.

- Commission President Ms Maryam Azra Ahmed participated in the “Regional Conference on Human Rights in the Asia and Pacific Region” held in Dhaka, Bangladesh, from 14 to 15 November 2010. In this meeting organized by Bangladesh Human Rights Commission with support from UNDP and 4 other organizations, participants discussed the progress of human rights organization in the region and the challenges facing them. Discussions were also held on protection of human rights by governments and others, child rights, rights of expatriate workers, and women’s rights situation in the region.

13. Strengthening the Administration of the Commission

Human Rights Commission being the institution established by the State to protect, sustain and promote human rights in the Maldives, the Commission worked during 2010 also to improve the administration of the Commission, its capacity and the competence of the staff, in order to develop a culture of respect for human rights, and to carry out human rights related work sustainably, and to improve services. Important work done in this respect include:

13.1 HRCM Strategic Plan 2010 - 2014

The second strategic plan of Human Rights Commission of Maldives was adopted in 2010. It was based on the target areas that the Commission will focus on between 2010 and 2014. The Commission's theme for the next 5 years is "To develop a culture of respect for human rights and laws, and to build a community where equality is established." The mission set to achieve this vision is "To protect, sustain and promote the rights of Maldivians and all those living in the Maldives in accordance with Islamic Sharia, the Constitution, and human rights related international and regional conventions."

In order to reach the vision that HRCM wishes to achieve in the next 5 years, the work of the Commission will focus on 10 major areas. These areas were selected based on the responsibilities of the commission laid out in the Commission Act and the areas where emerging human rights issues occur or likely to occur in the country. To share the strategic plan with relevant organizations, a meeting was organized on 4 July 2010 for UN organizations and NGO Network participants. Four agencies participated in the meeting, where opportunity was also given to comment on the plan.

13.2 Improving the Skills and Capacity of Commission staff

Training opportunities were given locally as well as abroad in 2010 to help achieve the goals in the strategic plan of the Commission, to improve the quality of the Commission's service continuously and to orient the staff of the Commission to human rights. This included participation in local trainings organized by the Commission, trainings organized by others in the Maldives, workshops and seminars abroad and online programs. Notable among them were:

- **Training Program on Monitoring Economic, Social and Cultural Rights:** A training program on monitoring economic, social and cultural rights was organized by the Commission from 3 to 7, 2010 for its staff as well as some NGOs. Topics covered in the program included recognizing violations of economic, social and cultural rights guaranteed by the Constitution and UN Conventions, monitoring policies and the work of the UN Special Rapporteurs, Human Rights Council, UPR, Committee on Economic, Social and Cultural Rights. Resource persons for this training held in the Commission were two experts from Geneva Academy of International Humanitarian Law and Human Rights, Ms Claire Mahon and Mr. Christopher Golay. Participants of the training included 14 employees of the Commission and 2 from NGOs.
- **Human Rights Violation Training:** A one-week workshop on investigating human rights related investigations was held in the Commission. The purpose of this training held from 17 to 24 January 2010 was to enhance the skills of commission staff in investigating human rights related issues. Topics covered in this training included investigating specific cases related to human

rights, developing an investigation plan, taking the statements of complainants, visiting the site of the incident, maintaining records related to the case, reviewing available information and evidence, and techniques used in the peaceful resolution of issues. The complaints manual currently in use by the Commission was also reviewed. The resource person for the training was Mr. Chris Sidoti, an expert in the field. 15 employees of the Commission took part in the training.

- **Training Program on Writing TV and Radio Scripts:** A training program on writing radio and TV scripts was held for 15 employees of the Commission. The program was conducted by Mr. Mohammed Waheed (Madulu), an expert on Dhivehi language and literature. The program conducted in the Commission's training room was organized as 15 classes of one and half hours each. The training was completed and certificates were given to participants on 15 April 2010.
- **"Sub Regional Training Workshop on National Human Rights Institutions and the International Human Rights System":** This 5-day workshop was conducted from 30 May to 3 June 2010 in Bandos Island Resort and Spa, with the aim of providing training in the areas of international human rights standards and human rights institutions. This training was jointly organized by the Commission and Asia Pacific Forum (APF). In addition to HRCM staff, those from the Human Rights Commissions of India, Nepal and Sri Lanka were among the 27 participants of the workshop. The resource persons for the workshop were Mr. Chris Sidoti and Ms. Suraina Pasha.
- **Workshop on Police Reform in the Maldives:** In this workshop organized jointly by Commonwealth Human Rights Initiative, Maldivian Democracy Network and HRCM from 13 to 14 July 2010, there were 6 participants from the Commission.
- **"Monitoring Juvenile Detention Facilities" Training:** A training program on 'Monitoring Juvenile Detention Facilities' was held in August 2010 under an earlier agreement with the APT. Staff from all departments of the Commission participated in this 4-day training program. The training achieved the following:
 - Acquiring the skills necessary to visit places where involuntary detainees are held and assess their status;
 - Skills necessary for assessing the conditions of child detention facilities;
 - Methodology for follow up visits to assess progress on recommendations of reports;
 - Preparing reports and presenting recommendations;
 - Discussion on the contents of laws existing in the Maldives to stop cruel and other inhuman acts, and difficulties faced in protecting the rights of detainees because of gaps in the laws.
- **Training Program on Gender Based Violence:** As part of UNFPA's joint work to stop violence against women and children, a 5-day training program, "Investigating, Monitoring and Analyzing Cases of Gender based Violence," was held from 29 November to 5 December 2010, for the staff of the Commission. Though this training program was targeted at Commission staff, 5 persons from Maldives Police Services and 2 persons from Department of Gender and Family Protection took part. The training was conducted by an international consultant Mr. Mirko Fernandez. To design the modules of the program information was obtained through meetings with relevant state institutions, government agencies and NGOs. Based on the training program

the consultant has developed a monitoring strategy for gender based violence along with a manual. In this training program 21 persons from the Commission, 5 from Maldives Police services and 2 from Department of Gender took part.

Training Programs and Workshops Attended Abroad by Commission Staff

	Dates	City/country	program	Participants
1	10 -12 March 2010	Bangkok, Thailand	Regional HIV/AIDS and Human Rights Workshop for Human Rights Institutions	Ms. Zeenath Mohammed, Project Officer
2	21 -28 April 2010	Bangalore, India	16 th South Asia Teaching Session on International Humanitarian Law	Ms. Aishath Afreen Mohammed, Complaints Officer
2	22 -26 September 2010	Lombok, Indonesia	Human Rights and Migrant Workers Program	Ms. Moomina Waheed, Planning Officer
4	24 November to 3 December 2010	Kathmandu, Nepal	17 th South Asia Teaching Session on International Humanitarian Law	Mr. Mohammed Fizny, Assistant Inspection Officer

14. Important Meetings Held

A number of meetings were held in 2010 to share information on the Commission's work and the status of human rights in the country. Notable such meetings include the following:

- **19 January 2010:** Following the establishment of a Professional Standards Command at the Maldives Police Services a meeting was held with the Command to identify work that Human Rights Commission and the Command can do jointly and to develop a coordinating mechanism. The discussions in the meeting included identifying procedures that the commission will follow in dealing with cases involving the police, the principles the Commission will adopt in revealing information to the media regarding cases involving the police and holding discussions with Police Integrity Commission.
- **1 February 2010:** Commission Members met with Maldives Civil Servants Association. The Association informed that civil servants were concerned that the government was refusing to reinstate the salary scales that existed in October 2009 and requested for the Commission's intervention in the matter.
- **3 February 2010:** Commission Members met with Ms Claire Breedlove of the United States Embassy. In this meeting she sought information about the study conducted by the Commission on the employment situation in the Maldives. HRCM informed Ms Breedlove that the study it had planned to conduct on human trafficking was delayed because of lack of funding, and assured her that since funds have now been secured, the study will be conducted soon.
- **9 February 2010:** Mr. Markus Ruck, Senior Social Security Specialist at International Labor Organization (ILO) met and consulted with the Commission. He informed the Commission that he was studying the situation of social security in the Maldives and identifying areas where the government needs assistance to improve the situation. The Commission President noted that there were several areas in which Maldives and ILO could work together, especially the area of strengthening employment and social security. Discussions were also held on the effects of privatizing of some basic services on the welfare of the people, especially the government's social security net. He also noted that the Commission was concerned that the salaries and allowances of civil servants had been reduced and some have lost their jobs. Mr. Hussain Siraj, Maldives Liaison Officer to ILO also participated in the meeting.
- **17 February 2010:** The Commission met with Commissioner of Police Ahmed Faseeh. The Commissioner noted that crime rate has escalated in parts of the country, especially in Male, and that ordinary citizens were living in a condition of fear. Unlike in the past, a large number of innocent citizens were getting injured in gang violence, he noted. He also said that unless gang related crime and violence were not stopped immediately, the peace of Male streets would be totally lost and the security situation would become very bleak. He informed that 27 criminal gangs were operating to various levels and in various ways. Many of these gangs have spread their influence on institutions and agencies of the society at various levels. Noting that criminals were not being rehabilitated adequately, he expressed the need for a good quality prison that can rehabilitate criminals. Discussions were held on orienting the judicial sector towards conviction based on corroborative evidence. The Commissioner assured the Commission that if

a human rights issue was involved in any operation conducted by the police, the Commission will be immediately updated.

- **21 February 2010:** The Commission met with UNDP Resident Representative Mr. Arun Kashyap, and shared with him information on its work to establish a culture of respect for democracy and human rights in the Maldives and its views on the challenges in the political and social arenas. The Commission also informed him that it was planning to conduct an in-depth study on the effects of such challenges on the provision of the rights of the citizens fully. It was discussed whether this study could be covered by any project currently being implemented by the Commission with support from the UN system, or under the capacity development project proposed for 2010. It was agreed to conduct this study as a separate project and to fix a time line.
- **22 February 2010:** The Commission met with President's Political Advisor Mr. Hassan Afeef. The Commission pointed out that citizens were disturbed because of the political and social situation of Maldives, which was posing challenges to the assuring of citizens' rights. The Commission informed him that in its work to establish a culture of respect for democracy and human rights in the Maldives, it was planning to meet with political parties and hold discussions to identify the issues in the political and social arenas, and the obstacles this created to the provision of human rights fully to the citizens. The Political Adviser said he believed this would be an important work towards improving the national situation, and that the government always welcomed discussions with various persons and organizations. He assured that the government will give its support and assistance to the commission in this area.
- **24 February 2010:** The Ambassador of the Islamic Republic of Iran, Mr. Rahimi Gorji and Special Envoy of the Government of Iran met with the Commission. In this meeting the Ambassador and the Special Envoy requested the Commission to find out the conditions of the captains and crew of 2 Iranian fishing vessels held in the Maldives. The Iranian delegation stated that the words of senior government's officials regarding the completion of the trial of the fishermen and their repatriation do not tally and that they were not getting sufficient cooperation from the government. The Commission assured the delegation that it will find out the conditions of the 2 persons held in Male.
- **2 March 2010:** The Commission met with Human Rights Ambassador Mr. Ahmed Latheef. In this meeting the Commission shared information about the stakeholder meetings the Commission planned to hold regarding the challenges to the provision of human rights to the citizens posed by the social and political situation prevailing in the country. The Ambassador noted that this initiative of the Commission was very good and that it would benefit the entire nation, and assured that he will give his cooperation and assistance to ensure that the work is completed successfully. It was noted in the meeting that a lot of work need to be done to enhance participation and ownership by all in this important national task. The importance of identifying common areas of agreement by all and acting quickly on them was noted.
- **1 July 2010:** The Commission met with Mr. Ibrahim Husain Zaki, Special Envoy of the President. Mr. Zaki explained that the purpose of the meeting was to bring to the notice of the Commission the observations of the President's Office on the press statement issued on 31 June 2010 by

Human Rights Commission of Maldives, calling for all to work together to solve the issue of disruption of government services to the public and the provision of rights to the citizens, following the resignation of all ministers of the Cabinet, saying that they were unable to work according to their oath because they were not getting the cooperation of the People's Majlis. Zaki also noted the importance of the Commission's participation without political considerations in the work of finding a solution in such a delicate situation facing the nation. The Commission President noted that the Commission's statement included issues that must be noted by the state in protecting human rights in the current political situation and that it was the responsibility of the Commission to remind all of their responsibilities.

- **22 July 2010:** US Assistant Secretary of State Mr. Robert O. Blake met with the Members of the Commission. Mr Edward Heartney, Chief Economic and Commercial Affairs and Mr. Mathew D. Lowe, Special Assistant to Assistant Secretary of State also participated in the meeting. Mr. Blake explained that he wished to find information on the current political turmoil in the Maldives and the on how human trafficking is carried out in the Maldives. The Commission informed Mr. Blake that it was conducting a study on human trafficking in the Maldives and the study is nearing completion, and that suggestions based on the proposal will be put forward to the government.

The Commission noted that findings of the study so far indicate that there are serious issues of human trafficking in the Maldives. Mr. Blake was briefed on the continued work done by the Commission to reduce the political tension in the country, the considerable work done by the Commission to open a way for dialogue among political groups to solve the issue, and the efforts of the Commission to start a dialogue among the 3 powers of the state within the year. Mr. Blake noted the rising level of fundamentalism in the Maldives and the issues created by holding prisoners from the Himandhoo incident along with other prisoners. The commission briefed Mr. Blake on its efforts to find a solution to the issues between the government and its political rivals, and the reasons for the worsening situation so far. Mr. Blake noted that the confrontation would harm both sides and stressed the importance of finding a quick solution to the issue.

- **17 August 2010:** A meeting was held by outgoing members of the Commission to welcome new members. They wished the new members success in their work. Former President Mr. Ahmed Saleem noted that among the Commissions in the Maldives, HRCM is notable for its heavy workload and high responsibility. Noting that the Commission is an esteemed institution, he called on the new members to give priority to work for maintaining the status and independence of the Commission. He particularly stressed the importance of maintaining good relations with the international community. He noted the importance of making decisions on a sound basis and keeping the best interests of the nation in mind at all times. He offered his availability to assist the Commission at any time of need. Former Vice President Mr. Ahmed Zahid said if the Commission needed any technical assistance he was ready for it. In Mr. Ahmed Abdul Kareem's speech he stressed the importance of maintaining the esteem of the Commission. He also noted the importance of keeping political considerations out of

Commission decisions. In her speech, Ms. Maryam Azra Ahmed thanked the members of outgoing Commission for their work, especially for their invaluable service to establish the Human Rights Commission that exists today. In his speech newly appointed member Mr. Ahmed Tholal assured that he will work to maintain the legacy of the former Commission.

- **15 September 2010:** Former Special Rapporteur on the Independence of Judges and Lawyers, Dr. Leandro Despouy met with the Commission. He obtained information on the work of the Human Rights Commission of Maldives during this meeting. He was briefed on the procedure for appointing members to the Commission and the work related to human rights that the Commission was doing at regional level. Discussions were held on the procedure for appointing judges and their independence. Discussions were also held on the extent to which the Commission was involved in cases under trial in the courts. Dr. Despouy stressed the importance of including a section on the organization of judge's work in the Commission's annual report. During the meeting discussions were also held on the status of women in the Maldives, and their increasing participation in social and political arenas. Discussions were also held on how ICJ and the Commission could work together to strengthen the human rights and justice sectors in the Maldives, and on what could be done to enhance the technical capacity of judges and persons working in the human rights sector.
- **11 October 2010:** Ms Valery Fowler, Deputy Chief of Mission at the US Embassy met with the Commission. Discussions were held on the human trafficking situation in the Maldives. Ms. Fowler requested the Commission to use its influence to pass a bill on human trafficking. Discussions were held on raising awareness on human trafficking before introducing a bill on human trafficking and on organizing easier access to foreigners to submit complaints to the Commission.
- **2 September 2010:** The Commission made a call on Mr. Abdullah Shahid, President of the People's Majlis. The Commission President expressed her concern that the Majlis has gone into recess before the appointment of a President and Vice president of the Commission and that this had hampered the work of the Commission. The Majlis President said that this occurred despite working very hopefully to complete the work before the end of the session and that it happened because of the current political situation and its challenges to the Majlis. He stressed that the Commission must continue discharging its responsibility even while waiting for the appointment of the President and Vice President. The Commission brought to the attention of the Majlis President that in Bill number 20/2010 (Law on Abolishing some Laws and Articles of Some Laws) it was proposed to abolish article 26 (b) of the Commission Act, and that this was the only article of the bill that describes punishments for a person who disobeys an order of the Commission to do or to refrain from doing an action, under the power the Commission gets in connection with discharging a responsibility of the Commission, or a person who commits contempt of the Commission. The Commission noted that if this article was abolished it would narrow the scope of the Commission's power, and that instead of abolishing the article it was more appropriate to revise the article. It was also noted that when such a bill was passed the Commission's views were not sought and that it was important to strengthen the relations between the Commission and the Majlis Committee on independent institutions. The

Commission informed the Majlis President that it would develop a proposal for strengthening the relationship. The Commission also noted that the statements of some Members made in a meeting of the Majlis implying that women are not suitable as President and Vice President of the Commission would have negative consequences and that this might affect people's perception of the persons appointed as President and Vice President of the Commission.

- **26 October 2010:** The Commission met with the Judicial Services Commission to discuss the issue of delays in hearing cases in the courts. Discussion were held on the reasons for delays in conducting cases the level of cooperation the courts received from various sectors and things that could be done to address them.
- **23 December 2010:** The Commission met with the State Minister and Director General of the Disaster Management Center, to brief them on the information given and complaints made by people living in temporary shelters when the Commission visited some of the islands where people were temporarily lodged following the tsunami, to assess their condition. Discussions were held widely on providing permanent shelters to them soon. Topics discussed include the health condition of people living in temporary shelters, social problems arising from a large number of people living together and repair and maintenance of the temporary shelters. Coastal erosion facing some islands was also discussed. NDMC informed that when the National Disaster Management Center Bill drafted to lay down procedures to deal with disaster victims, is passed along with the 11 regulations drafted under it, they will clearly lay out procedures for dealing with any issues faced by people living in temporary shelters and for dealing with other similar potential disasters.
- **26 December 2010:** A meeting was held on the efforts of the Department of Penitentiary and Rehabilitation Services to start a prison industry. Discussions here held on the technical assistance required for such an industry and other ways in which the Commission could cooperate.

15. Financial Statement for the Year 2010

Budget Allocation and Expenditure in 2010

The total budget allocated to the Commission in 2010 was Rf 15,610,605.42 (Fifteen million six hundred ten thousand six hundred five Rufiyaa forty two Laari). Out of this the amount spent up to 31st of December 2010 was Rf 15,505, 058.71 (Fifteen million five hundred five thousand, fifty eight Rufiyaa seventy one Laari). Apart from state budget allocations, the Commission received Rf 13,427.97 (Thirteen thousand, four hundred twenty seven Rufiyaa ninety seven Laari) as income. This was received from the staff as fine for coming late.

From the 2010 budget Rf 10,603,941.47 (Ten million six hundred three thousand nine hundred forty one rufiyaa forty seven Laari) or 68% of the total was spent on staff salaries and benefits. The other major expenditure component was for services needed for office administration, which was Rf 3,393,107.28 (Three million three hundred ninety three thousand one hundred seven Rufiyaa twenty eight Laari) or about 22%. This included Rf 1,440,000.00 (One million four hundred forty thousand rufiyaa) as rent for Commission's office building. Rf 553,408.64 (Five hundred fifty three thousand four hundred eight Rufiyaa sixty four Laari) was spent on travel. This was 4% of the budget. Other details of the budget are given at annex 1.

At the end of 31 December 2010 the Commission had total assets worth Rf 1,901,141.30 (One million nine hundred one thousand one hundred forty one Rufiyaa thirty Laari). This includes furniture and fittings worth Rf 714,799.30 (Seven hundred fourteen thousand seven hundred ninety nine rufiyaa thirty laari) and plants, machinery and equipment worth Rf 1,186,342.00 (One million one hundred eighty six thousand three hundred forty two rufiya).

External Assistance

The Commission received Rf 277,041.75 (Two hundred seventy seven thousand forty one rufiyaa seventy five Laari) as assistance from United Nations Development Fund for Women (UNIFEM). Out of this the amount spent up to the end of 31 December 2010 was Rf 77,067.50 (Seventy seven thousand sixty seven Rufiya fifty Lari) and the unspent balance was Rf 200,334.25 (Two hundred thousand three hundred thirty four rufiyaa twenty five laari).

The Commission received Rf 329,065.00 (Three hundred twenty nine thousand sixty five Rufiyaa) in 2010 under the project 'Support to the Human Rights Commission of the Maldives.' Along with the balance as of 31 December 2009, the total available for 2010 was Rf 627,152.19 (Six hundred twenty seven thousand one hundred fifty two rufiyaa nineteen laari). Out of this, the amount spent up to the end of 31 December 2010 was Rf 369,361.94 (Three hundred sixty nine thousand three hundred sixty one rufiyaa ninety four laari). At the end of 2010 the unspent balance was Rf 257,790.25 (Two hundred fifty seven thousand seven hundred ninety rufiya twenty five laari).

The Commission received Rf 14,400.00 (Fourteen thousand four hundred rufiyaa) from United Nations Population Fund (UNFPA) in 2010 under United Nations Joint Project on Gender Based Violence (UNJP). This amount was spent on orienting Commission staff on gender based violence.

16. Conclusion

2010 was a year in which effective work was done to discharge the responsibilities entrusted to the Commission under the Human Rights Commission Act to deliver to the citizen's the human rights guaranteed by the Constitution of Maldives and international human rights conventions. In addition to increasing awareness on human rights, orienting state and civil society organizations towards the human rights sector, mobilizing the participation of the community in protecting and promoting human rights in the Maldives, a large number of complaints of violation of human rights submitted by various persons were successfully resolved. A lot of work was done during 2010 to widen the opportunity to give more attention to human rights in the services provided by other state institutions. The Commission also participated to a high level in international efforts to promote human rights and in efforts to improve the human rights status of individual countries during the year. This included sharing of the Commission's experience in efforts to strengthen the work of human rights Commissions of various countries as well as sharing Maldives country experiences in international human rights conferences and workshops.

It is noted that as in previous years the Commission received finance and other resources from state funds in 2010. In addition, the Commission also notes the support received from United Nations, Asia Pacific Forum, and other international organizations related to human rights.

With a 5-year Strategic Plan developed to carry out the work of the Commission efficiently, with work planned and organized under an annual work plan based on the Strategic Plan, and with the budget necessary for carrying out the activities in 2011 allocated by the state, it is hoped that the work will progress further in the coming year.

In carrying out the work of the Commission efficiently in 2010, the Commission received the assistance of a large number of individuals and organizations. Thus the Commission notes and appreciates the support of a large number of organizations and individuals for its activities in all areas of the country to protect sustain and promote human rights. The Commission especially thanks its hardworking staff for their invaluable contribution to accomplish its work successfully.

28 February 2011