

**Comments by Mr Ahmed Saleem,
Member, HRCM, at the 11th Annual Meeting of the APF of NHRIs
31 July – 3 August 2006, Fiji**

1. The Human Rights Commission of the Maldives (HRCM) was established by a Presidential decree on 10 December 2003 following serious acts of human rights violations in a jail in September the same year. For one and half years since its establishment, the Commission endeavored to carry out its responsibilities as effectively as possible. This was difficult in a system unused to official bodies acting independently, but we had some success. Subsequently, the Commission began to realize that without legislation as called for by the Paris Principles, it would be impossible to carry out its responsibilities effectively. This is when the urgent need for such a bill was felt by the people and within the government.

2. The Parliament began debating the newly drafted Bill on the HRCM during the 2004 session but it remained there despite long debates and revisions and the declared intention of the government that it wanted the Bill approved expeditiously. However, when the Bill was approved in July 2005, it was with two major amendments to some of the most fundamental articles in the draft which made it practically impossible for the Commission to carry out its work responsibly.

3. However, in spite of the serious reservations of the Commission, the Bill was ratified by the President and became law. It was re-submitted to the Parliament in 2005 with several amendments that had been proposed by the Commission incorporated but no action was possible in 2005 either. The result is that the Commission has been unable to function as enabling national legislation fell short of expectations of the Commission. Nor did it comply with the Paris Principles and other international standards for establishing national institutions. The Chairperson of the Commission resigned in protest and several of the 9 members left the Commission for various reasons. The Commission is now left with only two members.

4. On the positive side, I am delighted to advise this august body that the revised bill was submitted to the Parliament few days ago on the 25th of July. It is expected to be voted on today in a few hours. I am very hopeful that it would pass comfortably. Once the Bill is approved, the President will have 30 days to ratify it. Soon after, the process of selecting members can begin in earnest. Given the important role human rights must play in the Maldives at a time the country is in transition from authoritarian rule to multi-party democracy, it is indispensable that the Commission be formed soon, so that the new Commission can begin its work in order to fulfil its obligations and responsibilities to the people.

5. The Maldives is a party to most of the international human rights conventions and treaties but two very important documents – the ICCPR and ICESCR – have not been ratified so far. The Commission, which had urged the government to expedite ratifying them, has been given assurances by the government that it will be done soon. The Maldives recently ratified the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”. In addition, the Maldives is also a party to the “International Convention on the Rights of the Child” and the “Convention on the Elimination of all forms of Discrimination against Women”

6. Although the current Constitution provides for some fundamental rights in relation to civil, political and economic rights, these rights have not been provided for by law or in practice. The main reason for this is that the political system that had existed in the Maldives for centuries, had not been based on true democratic principles in spite of the fact that some of the very fundamental principles of human rights - such as the right to work; the freedom to express one’s conscience and thoughts; the freedom to assemble peacefully and to form societies and associations; and the right for every employed to receive a pension - are enshrined in the Maldivian constitution.

7. Notwithstanding the obstacles faced by the Commission in carrying out its duties, one important activity carried out was the ‘Baseline Human Rights Survey’ called “The Rights Side of Life”, with the assistance of the UNDP. This report will provide valuable information on people’s knowledge and attitudes towards human

rights on which the Commission can base its programs and organize its priorities.

8. Difficulties have been faced in carrying out the Commission's work speedily in an appropriate manner. These include the dearth of human rights knowledge and training among members and staff of the Commission and the difficulty in recruiting staff for some key positions. In addition, the Commission has faced difficulties in raising awareness due to the lack of cooperation from state media in the past. Despite these obstacles, the Commission has developed and conducted activities to safeguard and protect human rights in the Maldives and raise people's awareness, which is seen as extremely vital.

9. Finally, this is the 3rd annual meeting of the APF we are participating even though circumstances, mainly the national legislation for the creation of the commission, have prevented us from becoming a full member of the APF thus far. However, once the national legislation is approved, it is our hope that we will soon officially be a part of this important forum and begin participating in its activities more actively than in the past. In this regard, we sincerely hope that we will have the full support of all the distinguished members and the APF Secretariat in carrying out our challenging responsibilities. In conclusion, I would like to express our sincere appreciation to the APF Secretariat for its patience and cooperation with us during the past two years and look forward to a more fruitful relationship in the future.