

Human Rights Promotion in Maldives

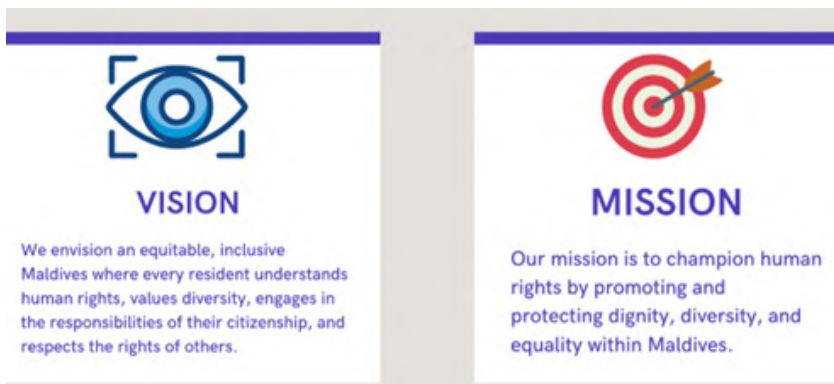
Human Rights Commission of the Maldives

THE HUMAN RIGHTS COMMISSION OF THE MALDIVES (HRCM) is an independent and autonomous statutory institution that came into force on 10th December 2003 by Presidential Decree and re-constituted in 2006 in accordance with the Human Rights Commission Act 6/2006.¹ As per the Human Rights Commission's Act, which determines powers, duties and responsibilities with a broad mandate based on universal human rights standards, it is mandated to continuously work to strive for a culture of respect for human rights in the Maldives. In addition to the enabling legislation, HRCM is also recognized as a constitutionally empowered institution, with Articles 69-72 of the Constitution of the Republic of Maldives (2008) outlining the responsibilities, functions and powers, in addition to specific details on the terms of office of its members.²

HRCM's enabling legislation (6/2006) has been amended twice, in 2014 and 2020, further clarifying the mandate, functions and powers of HRCM, and assuring its independence.³ The latest amendments to the Act in 2020, in particular, provides detailed provisions on the autonomy and independence of the Commission, responsibilities of members, code of conduct, roles, responsibilities and powers of the Commission, international relations, and accountability in relation to dispensing their responsibilities.⁴ The Whistle Blower Protection Act (16/2019) further expands HRCM's mandate to establish a Whistle Blower Protection Unit.

HRCM strives to promote human rights in the Maldives by working with the government in identifying and revising the existing laws and regulations to protect and preserve human rights for everyone residing in the country while creating awareness among citizens on the relevant laws, regulations or administrative rules. This also contributes to HRCM fulfilling its advisory role by providing recommendations as necessary, in relation to the ratification of regional and international human rights instruments. HRCM is also mandated to investigate and take appropriate remedial actions against any violations or neglect of human rights in the country.

The HRCM has the following strategic plan



Vision

We envision an equitable, inclusive Maldives where every resident understands human rights, values diversity, engages in the responsibilities of their citizenship, and respects the rights of others.

Mission

Our mission is to champion human rights by promoting and protecting dignity, diversity and equality within Maldives.

Programs

Monitoring

In order to protect and promote human rights, HRCM carries out human rights monitoring. As such HRCM monitors and documents the realization of the rights guaranteed by the Constitution of the Maldives, legislations, and international conventions that Maldives is a party to.

It also prepares Shadow Reports to United Nations (UN) human rights treaty monitoring bodies. And it follows up and documents the implementation of the recommendations put forward by HRCM and UN human rights treaty monitoring bodies and carries out constructive dialogue to urge the government to fully implement the recommendations.

In 2022, HRCM inaugurated the Maldives Human Rights Portal. This online portal was developed to ensure the establishment of a practical tool to support the present follow-up mechanism to monitor the progress of implementation of Universal Periodic Review (UPR) and treaty body recommen-

dations and National Human Rights Action Plan (NHRAP). The adoption of a unified system within the government agencies would facilitate periodic updates on the progress of the implementation of UPR and treaty body recommendations. Subsequently, it would enable government agencies to work collectively; thereby advancing competencies in compiling updated information. This web portal was developed by HRCM in partnership with the Attorney General's Office and funded by the Denmark Institute of Human Rights (DIHR).

National Preventive Mechanism

Under the Optional Protocol to the Convention against Torture (OPCAT)⁵ ratified by the Maldives on 15 February 2006, each State Party is obliged to establish a National Preventive Mechanism (NPM) to prevent in any territory under its jurisdiction torture and other cruel, inhuman or degrading treatment or punishment. As prescribed under the OPCAT, the government of the Maldives legislatively designated HRCM as the National Preventive Mechanism (NPM) through the Anti-Torture Act (13/2013). HRCM officially launched the work of NPM on 28 April 2008.

The main purpose of the NPM is to establish a system of regular visits “to places of detention in order to analyze treatment, conditions and administration of people that are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence” as stated in OPCAT Article 4. The NPM will make recommendations for further strengthening of the protection given to people under state care in accordance with international standards, based on the information obtained during these preventive visits and its legal and other analyses. These recommendations form the backbone of a continuous constructive dialogue with the government of the Maldives to assist it in fulfilling its legal obligation to prevent any form of ill-treatment or torture.

In relation to women, the NPM has the capacity to identify and address risks faced by women in the criminal justice system including gender-based violence and other forms of discrimination based on gender. The activities include sharing good practices through face-to-face and online trainings, awareness-raising initiatives and constructive dialogues with national authorities and civil society organizations.

The NPM is supported by other departments within the Human Rights Commission, in the following manner:⁶

- Legal Department assists the NPM through comments on national legislation relevant to prevention of torture;
- NPM refers cases and complaints from victims of human rights violations received during their monitoring visits to the Complaints Department; and
- Education and Media Department conducts awareness programs for persons deprived of their liberty, and human rights training for prison officers.

Legal and Policy Review

Among the obligations specified under clause 20 (a) to (g) of Human Rights Commission Act (Act number 6/2006), HRCM is tasked with ensuring that no human rights of Maldivian citizen are hindered due to any act, regulation or policies in force and recommending amendments if any such implications exists, providing assistance and human-rights based recommendations to align the Acts, Regulations and Policies with international human rights standards, as obliged under 20 (f) of the Act, and providing recommendations in ratifying international human rights conventions and treaties as specified in 20 (h) of the Act.

In addition to this, HRCM has legal representation in litigating court cases under clause 24 of the Act, and can provide legal assistance in cases lodged before it, provide legal opinion and discuss issues to uphold human rights standards and prevent acts against human rights, and any other necessary activities.

Research

Under Article 20 of Human Rights Commission Act, one of the responsibilities of HRCM is to carry out research on human rights. Thus, HRCM undertakes various research projects to assess issues and situations of national importance from a human rights perspective each year.

The objective of most research conducted in this regard is to identify challenges for the government and other parties in respecting, protecting and fulfilling human rights in respective sectors or issues and to propose recommendations to relevant authorities on how to mitigate the situation.

Survey on Commission's Work

HRCM in partnership with the United Nations Development Programme (UNDP) has been undertaking surveys since 2005 to determine the extent of awareness among the general public about human rights; their attitudes towards human rights issues; and their awareness of the existence of HRCM, its functions and its effectiveness in performing them.

The project entitled The “Rights” Side of Life’ (RSL) is now on its third survey for 2021. An excerpt of the third survey report entitled *Reflecting 15 years: The “Rights” Side of Life (RSL3)* is available as a separate article in this publication.

Human Rights Promotion

HRCM holds several activities to promote human rights. The activities range from seminars to media programs to school and community activities.

The NPM holds information sessions on NPM, Anti-Torture Act, Convention Against Torture and the Nelson Mandela Rules for members of the police force.



HRCM NPM information session for the staff of R. Ungooaar Police Station held on 25 February 2020.

HRCM, with the support of Indira Gandhi Memorial Hospital (IGMH), conducted training on medico-legal reporting on 29th August 2022. A total of eighty-three participants took part in this training with thirty-three participants joining the training virtually from across the Maldives. Participants

included medical professionals and managerial staff of tertiary hospitals in Male', regional hospitals, Maldives Police Service, Maldives Correctional Service, Ministry of Gender, Family and Social Services, Family Protection Authority, and non-governmental organizations.



HRCM President, Miriam Muna, speaking at the training on medico-legal reporting, 29 August 2022.



The training had the objective of creating awareness of the Anti-Torture Act and the legal responsibilities of the medical professionals; and to raise awareness about gaps in medico-legal reporting. Moreover, raising awareness about the importance of reporting medical aspects of torture allegations and increasing technical knowledge of filling medico-legal form was also one of the objectives of the training.

HRCM facilitated a training of its investigators on “Investigative Skills on Human Rights Criminal Violations” on 28 November 2022. The training sessions were conducted by experts from the United States Department of Justice and United States Federal Bureau of Investigation. The trainings developed the capacity of the investigators on the best practices on human rights investigations including data collation, interviewing and multidimensional triangulation, leading to effective persecution.



This training was part of the ongoing bilateral cooperation between HRCM and the United States Department of Justice, to strengthen its institutional capacity, and facilitate exchange of knowledge and experience in the areas of civil and criminal investigations.

Radio Program

The HRCM has FalaSurukhee radio program that airs on Raajje TV and Dhivehi Channel. The radio program hosts discuss different human rights issues.



Radio program hosts discuss International Day for the Elimination of Violence against Women.



Media Appearance to discuss Human Rights Fair 2022.



Media Appearance to discuss sexual harassment.

School Activities

HRCM has a number of school-based activities in order to promote human rights among the students.

a. Human Rights Club

HRCM supports the establishment of Human Rights Clubs in schools. The first Human Rights Club was inaugurated in 2014.



Different school activities of HRCM.



Human Rights Club (HR Club) in Jamaaluddin School (JS) on 12 May 2014



b. Human Rights Contests

HRCM sponsors human rights contests for students including Inter-School Human Rights Quiz and Art Competition.

HRCM held the first Inter-School Human Rights Quiz Competition in 2015. The final match was played between Imaduddin School and Thaajudheen School. Imaduddin school won the final match.

In 2019, HRCM organized Inter-School Human Rights Quiz Competition in collaboration with PSM. Iskandhar School won the Inter-School Human Rights Quiz Competition.



Inter-School Human Rights Quiz Competition 2015.



Session at the Inter-School Human Rights Quiz Competition 2019, 5 September 2019.

HRCM has been organizing art competitions to promote human rights awareness. The artworks are also exhibited for public viewing.

In 2022, HRCM organized an art competition in collaboration with Transparency Maldives on the occasion of Children's Day. The theme for the competition was "Our Rights, Our Future, Our Demands."



Our Rights, Our Future, Our Demands," art competition, 15-16 May 2022.



An Art Exhibition was held on 15-16 May 2022. This exhibition held in National Art Gallery showcased the artworks from ninety different students across Maldives.

In collaboration with ARC, HRCM organized a video competition for students in 2022 to



Human rights art competition and exhibition: "Our Rights, Our Future, Our Demands," art competition, 15-16 May 2022.



raise awareness on prevention of child abuse.

c. Human Rights Study Camp

HRCM organized study camps for students, Human Rights Study camp, with Transparency Maldives at Th.Madifushi with twenty-five students, and raised the human rights awareness of the students.



(This page and opposite page) Human Rights Study camp at Th.Madifushi.



d. Child Rights Forum

HRCM also holds the Child Rights Forum to discuss issues about children and their rights.



Forum held on 19 November 2019 among school students.

Human Rights Celebrations

HRCM has been organizing celebration of different human rights days including Children's Day, World Press Freedom Day, International Labor Day, World Day for Safety and Health at Work, International Women's Day, Zero Discrimination Day - CERD celebration, Human Rights Day and Migrants Day.

On the occasion of International Women's Day (IWD) 2022, HRCM held a Panel Discussion with participants from different Women Development Committees (WDC) in the Maldives. The discussion focused on the "role of women in paving way for a sustainable future for everyone" with a focus on

the development of the local islands/atolls. This activity was aligned with 2022's theme for the IWD, "gender equality today for a sustainable tomorrow."

During the panel discussion HRCM launched a social media campaign named "Vaane" [We Can]. The campaign was aimed at raising awareness on the role of women in community leadership and politics, generating discussion on these topics and empowering the participation of women in political, social and economic spheres of the Maldives. The focus areas of this campaign included WDC's roles and significance in community leadership, women as leaders and their contribution to politics, raising awareness on concepts of gender equality, equity and quotas and the importance of male allyship for gender equality.

The campaign consisted of animated and interview videos, radio spots and other multimedia content. An interview video featuring women community leaders and an animated video on the role of a WDC were released during the panel discussion. Other materials were shared through the social media campaign in the months that followed.



Zero Discrimination Day celebration, 28 February 2022.

The Human Rights Day celebration, 10 December 2021, coincided with HRCM's 18th year celebration.

An official ceremony was held on 12th December to celebrate the 18th anniversary of HRCM and to mark the International Human Rights Day. His Excellency President Ibrahim Mohamed Solih was the chief guest of the ceremony. Speaking at the ceremony, President Solih assured all Maldivians

that the government would fulfill its responsibilities in realizing and protecting human rights, as hoped for by the country's young generation.

The President of HRCM, Mariyam Muna, and its Secretary General also spoke at the event. In her speech, Ms Muna stated that the HRCM would empower all Maldivians to establish a culture of respect for human rights to uphold human rights in accordance with the Constitution, laws, and international and regional human rights instruments. In this regard, she emphasized the significance of HRCM's efforts over the last year to establish a culture of respect for human rights.

The ceremony also marked the launch of HRCM's new website, and a program for Human Rights Certification of Business to promote the corporate responsibility to respect human rights.

It also awarded certificates of appreciation to parties that contributed and assisted it in 2021.



Human Rights Day celebration, 10 December 2021.

On Migrants Day 2022, HRCM took part in the event with Maldivian Red Crescent at Hulhumalé Ruhgandu to advocate the rights of migrant workers and provide them with information on remedies available for them within the community and government system.



#internationalmigrantsday 2022.

HRCM organized Human Rights Fair on 26 September 2022 at Hulhumale central park. The fair had different activities for children and for adults.



Ministry of Gender,
Family and Social Services



World Health
Organization
Maldives

International Older Person's Day

"The Journey to Age Equality"

“ ރަގަޅު ޖީވާ ފަދަ ޖީވާ ”

Join us at the Family gathering Event on
Saturday, 12th October 2019 at Kudakudhinge Bageecha

From 1600 to 1800 hrs





International Old Persons Day celebration, October 2019.

Challenges to Human Rights Promotion

One of the biggest challenges faced by HRCM in promoting human rights has been the budget shortage for outreach and other activities, specially to islands and atolls outside greater Male' region. This is followed by lack of capacity among civil society to raise awareness and defend human rights. It has also been a challenge for HRCM to promote human rights in Maldives due to the public perceptions and misconceptions around human rights.

Concluding Remarks

Since 2023 is the presidential election year, HRCM will be intensively focusing on voters' education and monitoring throughout the year.

Alongside voter's education, HRCM will also be conducting awareness programs targeting key vulnerable groups about their rights. It will also collaborate with an institution in holding a sporting event for persons with disabilities in 2023.

An intensive one-week activity under the human rights defenders program will also be implemented in 2023 targeting the islands of Laamu atoll to build capacity of human rights defenders, duty-bearers and to increase public awareness on human rights.

HRCM will also be working on improving and strategizing its advocacy and communication as an institution.

Building the capacity of human rights defenders among civil society is one of the main targets that HRCM is working towards in order to promote human rights in different parts of the country.

It will also continue investigations into human rights violations, undertaking human rights-related research, and monitoring human rights-related situations. The National Preventive Mechanism will continue the visits to monitor facilities under state care.

HRCM will also be reviewing legal and policy drafts and provide recommendations to the government.

Endnotes

- 1 Human Rights Commission Act (6/2006) 2006.
- 2 Constitution of the Republic of Maldives 2008.
- 3 Law Amending the Human Rights Commission Act (6/2006) - 2014/3 2014.;
2nd Amendment to the Human Rights Commission Act (6/2006) - 19/2020 2020.

4 2nd Amendment to the Human Rights Commission Act (6/2006) - 19/2020 2020.

5 United Nations, 'Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) - Adopted on 18 December 2002 at the Fifty-Seventh Session of the General Assembly of the United Nations by Resolution A/RES/57/199,' (2002), www.ohchr.org/en/professionalinterest/pages/opcat.aspx.

6 See Maldives - OPCAT Situation, Association for the Prevention of Torture, www.apt.ch/en/knowledge-hub/opcat-database/maldives.