

Human Rights

Action Plan

**– Republic of Maldives –
2008**

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Abbreviations

| | |
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| AIDS | Acquired Immune Deficiency Syndrome |
| CAT | Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CERD | Convention on the Elimination of All Forms of Racial Discrimination |
| CRC | Convention on the Rights of the Child |
| HIV | Human Immunodeficiency Virus |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ILO | International Labour Organisation |
| NGO | Non-Governmental Organisation |
| UN | United Nations |

National Human Rights Action Plan
Republic of Maldives

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National Human Rights Action Plan

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- Background
- Current Situation
- Problems

- Objectives of the National Action Plan
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 - Current Situation
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- Background
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 - Problems
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 - Current Situation
 - Problems
 - Objectives of the National Action Plan
 - National Action Plan
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- Background
 - Current Situation
 - Problems
 - Objectives of the National Action Plan
 - National Action Plan
- 9. The right to social security**
- Background
 - Current Situation
 - Problems

- Objectives of the National Action Plan
 - National Action Plan
-
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- Establishment of standing monitoring mechanisms (such as prison inspectors) and commission of inquiry where needed to investigate and formulate recommendations on specific issues;
- Establishment of operational policies for police, judiciary, correctional services etc;
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- Establishment of effective mechanisms to eradicate impunity, including grievance procedures in relation to public administration and effective measures of redress for violations of human rights;
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10. Legal Reform

- Background
- Current Situation
- Problems
- Objectives of the National Action Plan
- National Action Plan

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- Background
- Current Situation
- Problems
- Objectives of the National Action Plan
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- Background
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- Background
- Current Situation
- Problems
- Objectives of the National Action Plan
- National Action Plan

14. The right to freedom of movement, peaceful assembly and association

- Background
- Current Situation
- Problems
- Objectives of the National Action Plan
- National Action Plan

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- Background
- Current Situation
- Problems
- Objectives of the National Action Plan
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Preface

By the Issuing Ministry

PART 1
Chapter 1

Preliminary

1.1.1. Background

The United Nations Convention held on December 10, 1948 identified human rights as fundamental to the achievement of peace and progress. Human beings are born with certain inalienable fundamental rights. Such rights are inseparable to the rights of all human beings. This declaration also inspired the birth of many other international human rights treaties and covenants. Maldives, as a member of the United Nations (UN), and a firm believer of Human Rights, has signed and ratified such international agreements and is working to assimilate them into the mainstream development effort and implement effectively. Maldives is a party to six of the seven core Human Rights Instruments and is in the process of ratifying more such conventions.

In 1993, the UN Human Rights Convention took place in Vienna, Austria. The Convention called on member states to help develop a human rights culture in the world. It asked the national plans that protect and promote human rights be formulated and implemented effectively. A UN workshop on human rights was held in Bangkok in 1999 involving nations in Asia Pacific. The UN members in Asia Pacific agreed to respect, promote, and protect human rights and fulfil their commitments to the UN in a systematic manner. The then Ministry of Planning and National Development proposed to formulate and implement a coordinated National Human Rights Action Plan (NHRAP), inclusive of the Government and civil society. The present NHRAP has been prepared and is being implemented on this basis.

The NHRAP integrates human rights perspectives in the development process and conscious effort has been made to relate it with the Seventh National Development Plan. It has been prepared on the basis of the UDHR and other international agreements related to human rights. It has taken into consideration the problems and the needs of the Maldivian people and it is believed that all sectors of the society will benefit through effective implementation of NHRAP.

The NHRAP has been developed through a process of discussions and consultations with the Human Rights Committee of the Ministry of Foreign Affairs, stakeholder Ministries and NGOs. Government and non-government sectors, human rights institutions, and the civil society made important contributions to this plan. It has been taken on a multi-disciplinary task of protecting and promoting the human rights of the Maldivian people.

The plan has been prepared at the national level, and as such, it incorporates extensive areas related to human rights, and is different from specific programs, projects, and efforts. It can be taken as a guideline while preparing specific action plans for the various themes of human rights.

The action program specified in the NHRAP are responsibilities of not just one agency but of various central and local government bodies, national and international agencies, bilateral and multilateral donors and development partners that work to support the government of Maldives's policies and programs. The national, non-governmental organisations (NGO's), civil society groups, the private sector, and various associations have to be involved in the implementation of this Action Plan. The NHRAP has been presented in the Log Frame Format and does not lay out the necessary technical and financial resources. Various agencies/bodies will have to implement the Action Plan by mobilizing necessary resources and infrastructure as required according to geographical and topical needs.

1.1.2. Goals of the NHRAP

The NHRAP has been prepared with the aim of establishing a culture of human rights in Maldives. The main objective of the plan is to see the implementation of the international commitments of Maldives as a state and facilitate the implementation of state obligations; to protect and promote the inalienable rights of the citizens as established by the Constitution of the Maldives, to guarantee human rights in accordance to international agreements entered into by the nation by undertaking activities, policy formulation, and program implementation.

The NHRAP incorporates civil, cultural, economic, political and social rights in an organised manner and aims to improve all these aspects of human life. Its effective implementation will not only help improve human rights situation but also help the greater goal of eliminating poverty as envisaged by the Seventh National Development Plan. The specific Goals of the NHRAP are as follows;

1. Improve the human rights situation and to spell out the government's commitment to human rights through actions.
2. Create a strategic plan that will facilitate the implementation of state obligations
3. To improve the current status of human rights for all Maldivian people, particularly the poor, marginalised, vulnerable, ethnic communities and those living in the remote regions of the country.
4. To mainstream human rights in the development plans and programs.
5. To foster collective ownership of all sectors related to the NHRAP and increase awareness and understanding.
6. To further mobilize national and international resources in order to protect and promote human rights.

1.1.3. Subjects covered by the NHRAP

Human rights are not limited to a single topic, sector, or body. In general, it cuts across all topics, a variety of sectors and many agencies. Therefore, the NHRAP has identified that protecting and promoting human rights requires the coordination and involvement of fifteen topics outlined below:

1. Education
2. Adequate standard of life; Health & Housing
3. Environment and sustainable development
4. Disabled and senior citizens
5. Women's empowerment, gender equality and equity, and women's rights
6. Child rights and development
7. Right to just and favorable conditions at work
8. The right to social security
9. Protection of vulnerable groups; migrant workers
10. Law Reform
11. The right to equal justice
12. The right to life, liberty and security of persons
13. The right to freedom of opinion and expression
14. The right to freedom of movement, peaceful assembly and association
15. The right to a family life

1.1.4. NHRAP implementation prospects

NHRAP has not been prepared for a specific body, ministry, or sectoral organization and as such, is to be collectively implemented, responsibilities may be shifted or they may not be taken seriously by the concerned agencies. The country's political transition has had a profound effect on the service structures of the country and it would be a major challenge to provide effective social services to people in the short term. There is a need to re-establish or improve essential services in the nation in order to implement the NHRAP effectively.

For the effective implementation of the NHRAP, key changes need to come into existence within the system; political commitment; enhanced human resources; speedy reform and formulation of legal parameters; structural and procedural reform within organizations; ownership; short term approaches, good governance, prioritization in human rights protection and promotion; developed human resources, adequately efficient technical administration and tools in essential service sectors; and availability of adequate fund.

The nation's current economic status may result in the lack of financial resources to implement the efforts recommended by the NHRAP. Thus technical and financial resources might be a hindrance to get the Action Plan implemented.

1.1.5. Review of the NHRAP Plan

Due to the political transition in the country and the change of government, many state level policies have been and are being changed to adhere to a system of democracy and better governance. For these reasons, it is very difficult to make a doable Action Plan at this point. Thus through consultation within the line ministries and stakeholder agencies,

it was decided, that it would be best to review the current HRAP in 2010, together with the Seventh National Development Plan.

1.1.6 The Human Rights Objectives of the Plan

In the past, Maldives had not had a system of inclusion and implementation of human rights related activities in the national development process separately. However, the concept has changed and it is revealed that all related persons and agencies are being positive and motivated to include the subject of human rights in the national development process.

As a start, the Seventh National Development Plan was prepared with a right-based approach. The Seventh National Development Plan has policies and programs related to women, children, the disabled, the senior citizens as well as a separate policy and program on human rights.

According to the Seventh National Development Plan, the inalienable human rights enshrined in the Constitution of the Maldives, and the provisions of human rights outlined by the international agreements to which Maldives is a party will be practically assured. Human rights programs will be integrated with the National Development Program to help protection, promotion and preservation of human rights.

1.1.7. Policies

1. As the country's fiscal budget permits, the human rights program will be integrated with the National Development Program to protect the inalienable rights specified in the Constitution of the Maldives and the provisions of human rights outlined by international agreement it has entered.
2. Basic infrastructure and institutional human resource capacity building will be improved so that present laws and justice administration can be standardized as per international agreements.
3. The physical infrastructure of the country as well as organizational and human resource capacities will be developed.

1.1.8. Human Rights Protection and Promotion Program

2. The human rights protection and promotion program will be implemented through the formulation of the NHRAP.
3. Children, women, ethnic, minority, labour, education and culture, environment and development, health, prison, justice administration, law and legislation, and conflict are related to human rights. These programs will run on available limited resources and will be coordinated with the human rights program .
4. Awareness programs will be run to involve people participation in the implementation of the NHRAP and the human rights program and to achieve the international commitments made by Maldives .
5. The laws of the nation will be reformed to bring them up to contemporary international standards.

6. National Human Rights Commission and other human rights related bodies would be institutionally strengthened.
7. In order to obtain greater respect for human rights and to develop a culture of human rights, educational establishments and government run training programs and skill-oriented strategies well over time include human rights in their syllabus.

Instead of looking at the NHRAP as an isolated entity, it has been prepared so that it is convergent with the National Development Plan.

PART II

Chapter 1

Actions to Ensure, Observe and Protect Human Rights

At independence in 1965, the Maldives joined the United Nations (UN). Since 1978, the Maldives has followed a policy of international engagement, intensifying links with donor institutions and countries, and joined the Commonwealth in 1982. A Founder member of SAARC, the Maldives is also a member of WTO and MIGA. It is also party to the Nuclear Non-Proliferation Treaty as well as numerous conventions on the protection of environment, the suppression of terrorism and on the promotion of human rights.

Under the Agenda for Reform, Democracy and Human Rights, initiated by the government in 2003 to usher in a liberal democracy, the Maldives has developed dialogue and collaboration with the international human rights organizations, such as Amnesty International and ICRC, and acceded to six of the seven human rights instruments providing ICCPR and ICESCR. During the same period, the country has also intensified links with the Commonwealth Parliamentary Association and joined the Inter-Parliamentary Union.

In 2006, Maldives opened a diplomatic mission in Geneva to facilitate interaction with the Human Rights Council and the Office of the High Commissioner for Human Rights with a view to better implement its new international human rights commitments and follow-up on the concluding observations of treaty bodies, as well as to pursue its constructive dialogue with the special procedures of the Human Rights Council.

The Government of Maldives has also actively encouraged the establishment of a post of human rights advisor, in July 2007, within the UN Resident Coordinator Office in Maldives.

2.1.1. Joining of International Human Rights Instruments

Maldives is party to six [6] major international human rights conventions and five [5] protocols dealing with civil and political rights as well as economic, social and cultural rights, torture, non-discrimination, gender discrimination and children rights.

It did not accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. When becoming party to the main international human rights treaties, the government entered reservations to a number of provisions under the ICCPR, CRC and CEDAW related to freedom of religion, equality of men and women, alternative care and adoption. Maldives is most significantly a party to the;

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- International Covenant on Civil and Political Rights;
- Second Optional Protocol of the International Covenant on Civil and Political Rights; and
- International Covenant on Economic, Social and Cultural Rights.

Reservations and Declarations

The government entered a reservation to article 18 of ICCPR on freedom of religion and belief, stating that “the application of the principles set out in article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives”. The Special Rapporteur on Freedom of Religion noted that “the text of the reservation does not clearly specify whether the reservation is limited to the manifestation aspects of the right, or whether it is also intended to apply to the freedom to have or adopt a religion or belief of one’s choice” and therefore referred to the General Comment No 22 of the Human Rights Committee, which provides in paragraph 8 that States parties may not reserve the right to deny freedom of thought, conscience and religion or to deny minorities the right to profess their own religion. The Government did not however enter reservations to: article 2, which obliges Government to respect and to ensure the rights recognized in the Covenant to all individuals within its territory and subject to its jurisdiction without distinction on the basis of religion; article 20, which obliges the Government to prohibit by law the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; article 26, which prohibits discrimination on religious grounds and article 27; which provides for the right of members to profess and practice their own religion. The same have been incorporated in to the reformed Constitution.

The Government of the Republic of Maldives expressed its reservations to article 7 (a) of CEDAW, to the extent that the provision contained in the said paragraph conflicts with the provision of article 34 of the 1998 Maldivian Constitution. The Government reserved “its right to apply article 16 of the CEDAW concerning the equality of men and women in all matters

relating to marriage, and family relations without prejudice to the provisions of the Islamic Shari'ah, which govern all marital and family relations of the 100 percent Muslim population of the Maldives". These concerns have been incorporated into the new constitution, and the reservation will become redundant as soon as the new constitution is ratified by the president.

The Government expressed its reservation to paragraph 1 of article 14 of the CRC (freedom of thought, conscience and religion) since the "Constitution and the Laws of the Republic of Maldives stipulate that all Maldivians should be Muslims."

The Government has also expressed its reservation to articles 20 and 21 of the CRC, dealing with alternative Care and adoption "since the Islamic Shari'ah is one of the fundamental sources of Maldivian Law and since Islamic Shari'ah does not include the system or adoption among the ways and means for the protection and care of the Children contained in Shari'ah". However, in practice a system exists for the protection of vulnerable children. *Islaahiyya* (Education and Training Center for Children) is a place for young children, where education and work ethics are taught with full funding from the government. A recent establishment called '*Kudakudhinge Hiya*', gives power to the state to bring in abandoned children and serves as an institution for children below 9 years in Maldives. The home was established by the Ministry of Gender and Family with the intention of providing a safe, secure and enabling environment for vulnerable children who have no other means of primary care. This house holds a capacity of 45 children at present. Most of these children come from families where the parents have been arrested for major crimes or are presently serving jail sentences, misplaced children and victims of severe abuse.

Present socio-cultural and political setting in the Maldives, and the prevailing interpretation of Shari'ah on matters relating to the reservations made, impede efforts in this regard. Despite heavy criticisms from different parts of the society, the government is committed to uphold the spirit of the conventions to which it is party to. A mark of which is the appointment of female judges to the bench and the removal of the constitutional barrier to females becoming presidents of Maldives.

Maldives's government is committed and keen to work at the removal of the reservations made to the conventions. The on-going constitutional and legal reform will represent an important milestone in this process. It is anticipated that a number of reforms will help to remove the reservations under CRC and CEDAW.

2.1.2. The national framework to ensure, observe and protect human rights

Human Rights is a new phenomenon for the Maldives. In the past, it has practiced acceptance, protection and observance of basic human rights, which is founded on a system of representative government, certain limited constitutional guarantees, and statute law including specialized human rights protections afforded by Islamic Sharia'h.

Progress achieved in this area since the launch of the reform agenda include:- establishment of the Human Rights Commission, introduction of political parties and; the 2008 constitution; the laying of groundwork to facilitate the overhaul of the criminal justice system including the drafting of the penal code, criminal procedure, police bills, prison and parole bill along with the

freedom of association bill, the Armed forces bill along with the new Employment Law, which are the first of its kind in the Maldives; increased attempts to create space for encouraging civil society and free media notably through the Press Freedom Bill and accession to key UN HR convention including the ICCPR and ICESCR.

Institutionalized processes to protect human rights

(a) Constitutional Guarantees

The State has a constitutional duty to guarantee to every individual, in accordance with the progressive principle and without discrimination of any kind, not renounceable, indivisible and interdependent enjoyment and exercise of human rights. Respect for and the guaranteeing of these rights is obligatory for the organs of Public Power, in accordance with the Constitution, the human rights treaties signed and ratified by the Republic.

The government acknowledges that there have been historic deficiencies in the Maldives' implementation of international human rights standards. The government is making extra effort to ensure a sustainable democracy through well-established human rights in the near future. The 2008 Constitution taking stock of these concerns has a fundamental rights section so well codified, it can compete with the best international standards. It includes all civil, political, cultural, economic and social rights created in the ICCPR and the ICESCR. Further, the 2008 Constitution of the Maldives also introduces preservation of the environment for the future as a right for the first time, which puts it a step ahead of the international community.

(b) Civil Law

The legal system of the Maldives is an admixture comprising of Islamic laws, and the English common law, many of these have been codified in the Civil Laws of the country.

(d) Courts of Law

The judiciary plays a very important role in protecting certain recognized rights and freedoms which are regarded as fundamental and by developing rules of statutory construction which reduce the degree of inadvertent legislative encroachment into those rights and freedoms. Convictions can be appealed to the High Court, where a party is dissatisfied with the outcome or sees it as unfair. Judicial Precedent is practiced to some extent, even though it is not customary to challenge and obtain reasons for decisions that are made. The 2008 Constitution provides for an independent judiciary and creates for the first time a supreme court that will have the final say in the administration of justice.

The Courts play a crucial role in the administration of Justice in the society. Apart from laws and regulations, administrative orders issued by the President's office are also enforced in the Maldivian courts.

(e) Independent Commissions and Positions

i. Human Rights Commission of the Maldives (HRCM)

The HRCM, established under the Human Rights Commission's Act (Law no: 6/2006) is an independent legal entity having the capacity to sue and be sued and inter into transactions in its own name. The principle objectives of the Commission are (a) to protect and promote human rights in the Maldives in accordance with Islamic Shari'ah and the Constitution of the Maldives; (b) to protect, preserve and promote human rights in the Maldives in accordance with international and regional treaties that are binding on Maldives; and (c) to assist and encourage non-governmental organizations in creating awareness and in promoting human rights. The Commission has been created in accordance with the requirements of the Paris Principles of 1991, which were subsequently endorsed by the UN Commission on Human Rights and the UN General Assembly (Resolution 48/134 of 20 December 1993). These principles have become the foundation and reference point for the establishment and operation of the national human rights commissions.

September 2008, the Human Rights Commission of Maldives, became an associate member of the Asia Pacific Forum. It has however not been granted full membership as the institution does not fully comply with the Paris Principles (i.e., only Muslims are qualified to be members of the Commission). The Commission is in the process of applying for accreditation with the International Coordinating Committee of National Human Rights Institutions.

In December 2008, the Commission was appointed as the National Preventive Mechanism under the Optional Protocol on the Convention against Torture.

ii. Judicial Services Commission

The 2008 Constitution provides for the establishment of a Judicial Service Commission consisting of the Chief Justice and other Judges of the Supreme Court to be appointed by the President. In terms of the Constitution, the Judicial Services Commission provides guidance to the President on the appointment of judges for the Supreme Court. The Judicial Services Commission is vested with the power to – Transfer Judges of the High Court and the lower courts of Maldives; Appoint, promote, transfer, exercise disciplinary control and dismiss judicial officers and scheduled public officers; Make rules regarding training of Judges of the High Court, the schemes for recruitment and training, appointment, promotion and transfer of judicial officers and scheduled public officers and make provision for such matters as are necessary or expedient for the exercise, performance and discharge of the powers, duties and functions of the Commission.

iii. Anti-Corruption Commission

The Anti-Corruption Commission, created by the 2008 Constitution, is an independent and impartial body whose responsibilities include fight against corruption. The responsibilities of the Commission include among other things investigation of corruption complaints, look into, investigate and take appropriate actions with regard to cases of fraud, embezzlement, misappropriation of money and/or property, etc and recommend for inquiry by other institutions matters that need to be further dealt by the institutions, recommend prosecution of offenses that require prosecution, conduct surveys and recommend measures to prevent corruption, create public awareness on the debilitating effects of corruption, promote honesty and integrity among

public officials and to implement the Prevention and Prohibition of Corruption Act 2/2000 and to formulate and implement the necessary regulations under the Act.

vi. Ad hoc Commissions / Public Inquiries

Maldives government, from time to time establishes public inquiries and independent commissions, including quasi-judicial bodies to inquire into and report on matters of public concern, including human rights issues.

Chapter 2

National Human Rights Action Plan Economic, Social and Cultural Rights

The Maldives has achieved significant progress in the attainment of its Millennium Development Goals. Net primary school enrolment rate rose rapidly from 38% to 92% over the last three decades. The health status of the population improved considerably, with average life expectancy at birth increasing from 50 years in 1970 to 68 years in 2003. However, the UN has warned that the economic recession caused by the slow recovery from the tsunami of 2004 may make it very difficult for the Maldives to meet its Millennium Development Goal targets in the medium term.

Poverty in the Maldives stems primarily from regional disparities in living conditions related to remoteness of the islands and lack of infrastructure and social services in the atolls. The population of the Maldives is relatively young with 44% under 14 years of age. Primary education facilities are adequate but there is a shortage of secondary education facilities, particularly in the more remote atolls. As a result the numbers of unemployed youths are increasing, partly because of their poor education and partly because of the limited job opportunities available.

The economy necessitates high import content, creating a heavy dependence on foreign exchange earnings. The country lacks land-based natural resources and mineral resources. Intensive agricultural production is almost impossible because of the hypercalcic soil. The small size of its economy and the large dependence on tourism and fisheries, make the Maldives vulnerable to external shocks. The country's lack of land-based natural resources and mineral resources necessitates high import content in virtually all economic production, creating a heavy dependence on foreign exchange earnings.

Despite its natural disadvantages, the country has achieved sound growth over the past two decades, mainly through the development of its tourism and fishery industries. Tourism has grown significantly (from 195,000 arrivals in 1990 to 617,000 in 2004) and currently accounts for 33% of GDP, a quarter of total employment and more than 60% of the Maldives' foreign exchange receipts.

Fisheries is the main activity outside of Male and the tourist islands. It employs 19% of the country's labour force but accounts for only 6% of its GDP. Fisheries exports are mostly canned

and fresh tuna, which is the second largest source of foreign exchange for the country. Industry, which consists mainly of garment production, boat building, and handicrafts, accounts for about 15% of GDP.

Economically, the Maldives has been the country worst affected by the tsunami disaster. Its two major industries, tourism and fisheries, were badly hit. Damage and losses have been estimated at \$470m, i.e. the equivalent of 62% of country's GDP. In 2005, the decline in tourism weighed heavily on the economy, which contracted by 4.5 percent. However from 2006, strong recovery in tourism arrivals influenced an impressive growth, and the economy grew by 19 percent in 2006. The country is still facing a financing gap of over \$100 million to meet its recovery needs. Fiscal management is thus becoming difficult, with a budget deficit of 11% in 2005 and 7% in 2006, and the risk of a similarly large deficit in 2007.

Tourism accounts for over 19% of GDP, a fifth of total employment, approximately 30% of tax revenues and 70% of foreign exchange earnings. It is the dominant sector of the country's economy and is susceptible to external factors such as collapse caused by any international terrorist act or European economic crisis.

Fisheries is the second largest sector of the economy and the main activity outside of Malé and the tourist islands. It employs 19% of the country's labour force but accounts for under 10% of GDP. Fisheries exports, amounting to about 71% of the annual tuna catch, are mostly canned and fresh tuna and are the second largest source of foreign exchange for the country.

The Maldives is a member of the WTO since 1995.

The Maldives' main export markets are the United States followed by Thailand, the EU, Sri Lanka and Japan. Its main export products are textiles and fish (fresh and canned). Main suppliers of goods are Singapore, Sri Lanka, the EU and the United Arab Emirates. In 2004 the Maldives had a negative trade balance of €386 million.

In 2000, the UN announced that it would graduate the Maldives from the list of Least Developed Countries (LDC) . With graduation from LDC status, the international economic advantages that have contributed to the Maldives' progress will disappear, i.e. preferential market access, development assistance and concessional finance programmes.

The Maldives was graduated from LDC status by the United Nations in December 2004 to "become" a Developing Nation with a three-year grace period ending in November 2007. Because losses caused by the Tsunami, the United Nations decided on 30th November 2005 to defer until 2008 the start of the 3 year transition period for the graduation. This graduation will pose challenges in the medium term, due to the loss of preferential market access.

Education

Background

Quality education is fundamental to the preparation of reliable, committed, and productive human resource, and thus to a nation's development process. The overall development of a country often depends upon the education policy it adopts. Equal access and opportunity, qualitative improvements, internal and external capacity building, and job-related education contribute to the progress of a nation. Lifestyles, languages, cultures, arts and crafts, and religions also enrich a country. For Maldives, being a signatory to national and international conventions stipulate that education as one of the basic rights of the people, it is very important to improve the overall access and quality of its education system and preserve and promote its historical culture, beliefs, heritage and traditions.

Current Situation

Education has been provided as a fundamental right of every Maldivian citizen under the New Constitution. Education has always been seen as a compulsory component of the State's responsibilities towards its people.

Over the past few years, the Maldives has seen significant gains in education provision. Universal primary education has been achieved with high enrolment rates for boys and girls. A net enrolment ratio of 100 percent has been achieved for both girls and boys¹. Primary education up to grade 7 is available on every inhabited island providing all children with the opportunity for a primary level education. Primary education in the Maldives starts at the age of 6 when children enroll into a 7-year cycle starting grade 1 and ending in Grade 7. With all the success it has achieved, the challenges of providing quality education in the context of the geographical isolation and remoteness of most inhabited islands of the Maldives still remains.

Secondary education in government schools is also free in the Maldives. However, they must pay the examination fees. The attempt to expand secondary education throughout the country has also significantly materialized in the past few years. But where 25 new schools introduced grade 8, 42 islands still do not have secondary school access and total school enrollment is below 100 students. The target is to provide access to secondary schools to all children by the year 2010.

Government aid and support is made available at both Male' and island level, for those who are unable to afford books, uniform, examination fees etc.

The government of Maldives encourages students to seek higher education. Various projects have been started that support students to go abroad for higher education. Paid study leaves are made available to government employees who wish to attain higher levels of study.

The country's functional literacy rate is today at over 98%, which is the highest in South Asia and on par with the best in the world. There are over 5,700 teachers serving in the Maldives, and two-thirds of them are Maldivians. The current priority of the Government

¹ MDG report

is to train more Maldivian teachers. Teacher Resource Centres (TRC), which has been recently established in 20 atolls, would give teachers the opportunity to receive in-service training and refresher courses in modern teaching techniques.

Challenges

Notwithstanding achievements made in the field of education, Maldives has a long way to go. Insufficient resources and lack of effective management of available resources get in the way of providing education for all, especially for the disabled children from rural communities of the country. Public schools have been the major vehicles in the rapid growth of education in the country. Achieving economies of scale in providing education as a human right to the dispersed population is a major challenge. Schools have been built for island populations as little as 2 going to school.

The problems related to education, as identified during the process of formulation of the NHRAP, are presented below.

1. A large number of teachers are required to cater for the widely dispersed population.
2. Limitations with providing incentives to retain good and quality teachers
3. Limited capacity to implement of policies, programs, rules and regulations relating to education
4. Need to formulate education policy that addresses contemporary national needs.
5. Disparities amongst government schools.
6. Inadequate educational opportunities in technical fields.
7. Inadequate physical infrastructure and resources.
8. Inability to make education professional or productivity oriented.
9. Inability to make education sensitive to the needs of the disabled.
10. Gender and other biases in teacher employment process.
11. Emerging issues in relation to strong religious beliefs with respect to girls education
12. Challenges with regard to providing easy access to education at the secondary and tertiary level
13. Inadequate number of trained teachers
14. Inadequate educational programs implementation and monitoring capability and heavy reliance on expatriate teachers who are totally alien to Maldivian life and cultures
15. Lack of authority of local bodies and communities to manage, operate and regulate, and monitor educational institutions.
16. Lack of incentives to provide quality education.
17. Inaccessibility of vocational and skill oriented education.

Objectives of the National Plan

1. To make the necessary implementing legislation to ensure the right to education is enjoyed by all citizens of Maldives at an equal footing; and
2. To make quality education easily accessible to everyone.

National Plan

The following National action plan on education and culture related to human rights shall be implemented to protect and safeguard people's right to education and culture in the country in the coming 3 years.

| | Objectives | Actions | Responsible / Cooperating Agencies | Implementation period | Means of Verification | Risk Factor |
|---|---|--|---|------------------------------|--|--|
| 1 | Amend existing laws and enact new laws in conformity with the international human rights norms and standards | - Conduct Study on existing laws in relation to international norms and standards. - Create the necessary legislation on Education Act under the 2008 Constitution - | Ministry of Education | 2 years | Study Reports Newly formulated and amended laws | Lack of prioritization |
| 2 | Provide free / compulsory primary education to children from families that are socially and economically deprived and living below the poverty line | - Create a quality improvement section within the Ministry - Initiate voucher system or an alternate support mechanism to help poor children to have access to private schools | Ministry of Education | 2 years | | Lack of prioritization Inadequate budget Private school practice of making their own decisions |
| 3 | Strengthen respect for human rights in the education system | - Conduct studies to assess and recommend the present status of human rights contents as primary to higher secondary level - undertake to put in free/primary education as a constitutional right | Ministry of Education | 2 years | | |
| 4 | Minimize and eventually eliminate gender-biased discrimination in education and training | - Intensify incentive and scholarship program - Develop and implement policy for the recruitment of at least one male teacher at the primary and secondary level, in particular at the primary level | Ministry of Education | 2 years | | Prevailing social attitudes and traditions Lack of identification and prioritization of target groups |
| 5 | Formulate and implement policies designed to achieve universal literacy, specially targeted to families living below the poverty line | - Conduct an impact and a need assessment studies - Conduct non-formal education programmes in low literacy districts - Conduct a literacy survey at the National level. | Ministry of Education | 2 years | | Lack of adequate budget |
| 6 | Formulate and implement policies to improve educational attainment of persons living below the poverty line | - Implement inclusive education approach - Make provisions for scholarship / free education targeted groups – non formal education for the adults. | Ministry of Education | 2 years | | |
| 7 | Formulate and implement policies to eliminate discrimination in access to education of people with disabilities | - Initiate scholarship schemes - Activate quota reservation policy for students with special needs in technical education and programmes. | Ministry of Education | 2 years | | Infrastructure and financial constraints |
| 8 | Formulate and implement policies for the elimination of physical abuse, mistreatment and sexual harassment in educational institutions | -Conduct awareness programmes that discourage physical abuse, mistreatment and sexual harassment in educational institutions -Instill psycho-social support facilities to all Atolls of Maldives -Expand 'life skills program' to all Schools -Establish a protocol and reporting system in schools | Ministry of Education | 2 years | | Lack of sufficiently sensitive social attitude toward these abuses |

| | | | | | | |
|----|---|---|-----------------------|---------|--|--|
| | | -Aim for early identification and prevention of abuse and sexual harassment. | | | | |
| 10 | Review and amend laws related to promotion, protection and preservation of all cultures and cultural practices in conformity to international norms and standards | Study on existing laws related to cultural rights – amend and / or make new laws, if necessary for better protection of cultural rights of the people Make policies and implement them to promote, protect and preserve prevailing cultures of Maldives. | Ministry of Education | 2 years | Newly amended laws and enacted laws Reports prepared by agencies concerned with protection and preservation of culture and cultural practices | Lack of financial resources Lack of sufficiently sensitive social attitudes |
| 11 | Provide universal access to basic education by 2010 | <ul style="list-style-type: none"> ➤ Introduce secondary classes in islands with a school going population of over 100 students. ➤ Providing financial aid to students who need to migrate to another island to attend Secondary school ➤ Establishing hostels and other residences for students residing in islands other than their home island for the purpose of secondary education | Ministry of Education | 2 years | | |
| 12 | Increase the proportion of students who achieve minimum entrance requirement to tertiary education annually from 25 to 50 percent (5 A-C at O'Level with Islam and Dhivehi and or 3 A-L with Islam and Dhivehi) by 2010 | <ul style="list-style-type: none"> ➤ Introduce vocational streams for students ➤ Improving quality of teachers at the secondary level ➤ Strengthen basic foundation of education at the primary level ➤ Train untrained teachers at the primary level and provide further training to the trained teachers | Ministry of Education | 2 years | | |
| 13 | Increase the percentage of trained Maldivian teachers from 70 to 80 percent and graduate Maldivian teachers from 3 to 10 percent by 2010. | <ul style="list-style-type: none"> ➤ Increase scholarship opportunities ➤ Reserve seats at the Maldives College of higher Education, Faculty of Education | Ministry of Education | 2 years | | |
| 14 | Increase the pass rate in secondary level English language from 13 to 25 percent. | <ul style="list-style-type: none"> ➤ Provide skills development opportunities to the teachers | Ministry of Education | 2 years | | |
| 15 | Maintain net enrolment in early childhood care and development at over 85 percent. | <ul style="list-style-type: none"> ➤ Provide further support for ECCD ➤ Improve infra-structure ➤ Recruit teachers ➤ Provide curriculum and support | Ministry of Education | 2 years | | |
| 16 | Double the proportion of working age population with higher education qualifications | <ul style="list-style-type: none"> ➤ Provide scholarship opportunities ➤ Open avenues for private higher education opportunities within Maldives | Ministry of Education | 2 years | | |

Background

Based on the commitments made to the international forums, Maldives recognizes the Health services as vital to human life and considers the right to good health as an important part of human rights. Health Care is included as a fundamental right of all Maldivians in the new (2008) Constitution.

The Maldives saw the introduction of modern medicine in the 1960s. Since then service delivery systems have been established for both curative and preventive health and continuously upgraded based on the primary health care concept. As a result the Maldives has achieved many notable achievements particularly in the control of communicable diseases. A notable success has been the eradication of malaria. Vaccine preventable diseases have also been controlled to such an extent that diseases like polio, neonatal tetanus, whooping cough and diphtheria are on the brink of elimination. Although, Maldives has achieved significant success in control of some diseases, new diseases like HIV/AIDS, dengue, influenza and scrub typhus have emerged on the scene. Throughout the 90's, the Maldives has maintained vaccine coverage well above the universal coverage rate.

Current Situation

The Maldivian government plays a leadership role in policy making for the physical and mental health of Maldivians particularly in national issues like public health, research and national information management. The government is directly responsible for the delivery and management of health services and for maintaining direct relationships with most health care providers, including the regulation of health professionals. Public acute and psychiatric hospital services and a wide range of community and public health services including school health, dental health, maternal and child health, and environmental health programs are delivered by the government.

The health service delivery system comprises the central level (Indira Gandhi Memorial Hospital - IGMH), regional level (regional hospitals), atoll level (atoll hospitals), sub atoll level (atoll health centres) and island level (health posts and family health sections).

In addition to the government health care facilities, a significant number of private health care facilities provide services to the general public, especially in Male' and in the developing regions of the country. Private hospitals such as ADK Hospital provide tertiary level health care in Male', while private medical clinics provide outpatient medical care, including minor operations and laboratory facilities in Male' and in some atolls. IGMH provides general and specialty services to the general public, and serves as the only government tertiary referral hospital for the entire country.

There have been improvements in the health sector of the country since it has embraced an organized development strategy. In spite of many of these improvements, Maldives is still far away from making health services rights-oriented and improve the general health of its citizens. Women and the marginalized, especially those living in remote areas of the country still cannot access adequate vital health services.

Food and nutrition

Data in the first Vulnerability and Poverty Assessment (VPA) in 1998 indicated that Maldives faced a nutritional situation more acute than many countries in sub-Saharan Africa. The reason lies in the eating habits of Maldivians whose lifestyles mostly and sometimes entirely circle around seafood.

The average diet in many Maldivian households does not include fruits and vegetables, as a result of which the required doses of vitamins and minerals are not available. In addition, increased consumerism of "junk" foods, inadequate access to health care and poor infant feeding, has severely compounded the nutritional challenges of the population. This has led to alarmingly high rates of malnutrition, especially among children. Several surveys have demonstrated clearly that child malnutrition is a serious problem in Maldives.

On launching the National Nutrition Strategic Plan the former president identified campaigns to increase awareness on exclusive breastfeeding of infants and increasing the intake of water as practical steps to promote good nutrition for all Maldivians. UNICEF has been committed to increase support to change unhealthy food habits, making nutritious food accessible to the entire population, promoting use of locally available nutritious foods, providing information on healthy eating, and advocating for reducing the disparities between girls' and boys' nutritional intake in rural communities.

Problems

Despite improvements, health service in Maldives is still inadequate considering its international commitments. The problems related to health, as identified during the process of formulation of the NHRAP, are presented below.

1. Insufficient number of health workers in the island communities and the difficulty of filling vacant positions.
2. Inability to provide quality health services to all islands due to geographical challenges.
3. Lack of medical equipment in central, district and primary health care centers and health posts.
4. Unavailability of essential drugs in remote areas and inability to make proper use of the available drugs.
5. Inadequate distribution of free medicines by the government of Maldives.
6. Inadequate health services for senior citizens, people with disabilities, and the poor.
7. Common occurrence of malnutrition.
8. Inadequate coordination, supervision and evaluation of health service management and service delivery,
9. Other problems related to the health sector include the inability to improve institutional capacities, financial management, human resource usage, health worker dispersal, and credibility of government health institutions.
10. Combating emerging disease trends, such as HIV, AIDS.

Objectives of the National Action Plan

- To reform existing laws in accordance with the international standards and make the necessary implementing legislation to adhere to the State’s international commitments.
- To ensure the human right to good health.
- To expand essential health facilities at the community level.
- To provide quality health services.
- To reduce health services disparities between the atolls / islands.

National Action Plan

The following national action plan on health related to human rights shall be carried out to protect people’s right to good health in the country in coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|---|----------------------|--------------------------|-----------------------|-------------------|
| 1 | Improve access to health care and wellbeing | <ul style="list-style-type: none"> ➤ Increase the percentage of children consuming vegetables and fruits daily from 30 to 60 percent ➤ Increase the proportion of population of over 18 years with a BMI between 18.5 and 24.9 from 48 percent to 55 percent ➤ Reduce the proportion of adolescent population who consume tobacco from 25 percent to 15 percent. ➤ Provide midwifery trained personnel and basic obstetric care on every inhabited island. ➤ Reduce peri-natal mortality rate from 19 to below 15 per, live births ➤ Make available all essential medicines to 100 percent of the population. | | 02 years | | |
| 2 | Health protection; of vulnerable groups such as women, mothers, disabled, children, elderly, etc. | <ul style="list-style-type: none"> ➤ Create tobacco free spaces. ➤ To amend or update the existing food and drug regulation to reflect current issues. | | 02 years | | Social structures |

The right to an adequate standard of living; housing

Background

Every woman, man, youth and child has the right to a secure place to live, which is fundamental to living in dignity, to physical and mental health, and to overall quality of life. The human right to housing is explicitly set out in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and other widely adhered to international human rights treaties and Declarations. Despite widespread recognition of the human right to adequate housing, the UN Centre for Human Settlements estimates that over 1 billion people worldwide live in inadequate housing and 100 million are homeless.

The human right to adequate housing guarantees all people the right to live in security, peace and dignity. It involves more than the right to access to shelter and includes the following indivisible, interdependent and interrelated human rights: The human right to adequate shelter; The human right to an adequate standard of living; The human right to access to safe drinking water and sanitation; The human right to the highest attainable standard of physical and mental health; The human right to a safe and healthy environment; The human right of the child to an environment appropriate for physical and mental development; The human right to access to resources, including energy for cooking, heating, and lighting; The human right of access to basic services, schools, transportation and employment options; The human right to affordability in housing so that other basic needs are not threatened or compromised; The human right to freedom from discrimination in access to housing and related services based on sex, race, or any other status; The human right to choose one's residence, to determine where and how to live and to freedom of movement; The human right to freedom from arbitrary interference with one's privacy, family or home; The human right to security, including legal security of tenure; The human right to protection from forced evictions and the destruction or demolition of one's home including in situations of military occupation, international and civil armed conflict, establishment and construction of alien settlements, population transfer, and development projects; The human right to equal protection of the law and judicial remedies for the redress of violations of the human right to adequate housing.

Current Situation

Maldives is a very small country in terms of land area. At present important policies related to human settlements in the Maldives is a new approach to regional planning in which effective provision of various social and physical infrastructure services programme on population concentration has been initiated. Islands with very small population are encouraged to move to selected islands with bigger land area and development potential. In the long term there will be less number of inhabited islands, which will have better facilities, and attract economically feasible and sustainable investments in infrastructure. It is believed that this strategy will prove to be one effective way of addressing the problem of adequate housing and other shelter related issues in the Maldives.

Another important planning decision taken by the government is to address the scarcity of land in the capital island Male', the biggest urban center in the country. The shortage of land had resulted in an acute shortage of housing and land needed for other development needs. Many urban development projects near Male' is hoped to provide reclaimed land for developing a new urban center which will address the pressing housing needs of the capital.

Challenges

- Providing housing services to a dispersed population
- Susceptibility of the coral islands to environmental and other climatic challenges

Objectives of the National Action Plan

- Enact the necessary implementing legislation to ensure the right to adequate housing
- To expand housing opportunities and facilities at the community level.

National Action Plan

The following national action plan on the right to adequate standard of life shall be carried out to protect people's right to housing in the country in coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation period | Means of Verification | Risk Factor |
|----|---|---------|----------------------|-----------------------|-----------------------|-------------|
| 1 | Repair and reconstruct all houses affected by the Tsunami by the end of 2008 | | | | | |
| 2 | Enable a supply of 4,500 new and additional housing units | | | | | |
| 3 | Develop and implement a national Housing Policy to improve access to housing finance and affordability | | | | | |
| 4 | Ensure annual budgetary allocations for improvement of housing affordability, especially for the low income | | | | | |
| 5 | Reduce by 10 percent the proportion of arrestees testing positive for illicit drugs, from its current level | | | | | |
| 6 | Maintain zero growth in the current proportion of drug abusers who use the intravenous route | | | | | |
| 7 | Propose revisions to the Land Act (1/2002) to enable sustainable land management | | | | | |
| 8 | Develop and approve Land Use Plans for all inhabited islands | | | | | |
| 9 | Increase access to safe drinking water for 100 percent of the population | | | | | |
| 10 | Ensure all islands with a population over 2000 have | | | | | |

| | | | | | | |
|--|---|--|--|--|--|--|
| | adequate sewerage treatment facilities. | | | | | |
|--|---|--|--|--|--|--|

Environment and Sustainable Development

Background

The many linkages between protection of human rights and protection of the environment have long been recognized. The 1972 United Nations Conference on the Human Environment declared that "man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights--even the right to life itself."

The Nairobi conference in 1985 and the UN Conference on Environment and Development (Rio World Summit), 1992, have declared policies and action plans related to the environment and sustainable and equitable and development and laid ground for an agenda on a common approach to environmental protection. The international conference on population and Development held in Cairo in 1994 stressed the role of women in environment and sustainable development. The Fourth World Conference on Women Development held in Beijing, 1995 also included environment amongst 12 critical issues. The Social Conference held in Copenhagen in 1995, the Millennium Development Goal (MDG), and the Eleventh SAARC summit held in Nepal in 2002 particularly emphasized environmental protection and sustainable development. The World Summit on Sustainable Development held in Johannesburg in 2002 particularly emphasized conservation of natural resources. Environmental preservation and protection and sustainable use of natural resources have been of greater concern to the world, and hence integrating the principles of sustainable development into country policies and programs and reverse the loss of environmental resources by 2015 has been one of the MDGs.

Current Situation

Amidst the grim economic scenario of a typical Small Island Developing State, the Maldives faces a host of environmental problems. The destruction of coral reefs, coastal erosion, hydrological problems of freshwater depletion and saline intrusion into aquifers, and the dangers of marine pollution due to improper methods of sewage and solid waste disposal are some of these issues. Rapid population growth, a characteristic feature in most small island developing countries, complicates the development dilemma further. Additionally, population density, particularly in the capital island has aggravated many socio-economic and environmental problems. Unsupervised population growth therefore, is a serious constraint that hinders sustainable development.

As an archipelago low-lying coral islands, dotted across hundreds of kilometers (miles) of ocean, has for years called upon bigger, more powerful nations for action against global warming; fearing higher sea levels. The UN Intergovernmental Panel on Climate Change estimates sea levels to rise between 18-59 centimeters by 2100. Since 80 percent of the

Maldives' 1,200 islands are about 1 meter above sea level they could be partly submerged by the end of the century.

Challenges

Despite ongoing efforts and a lot of achievements, there is still a need to learn as to how to use natural resources so that people can benefit from the use of natural resources, while at the same time preserving and protecting the environment. It is the right time for recognizing environmental right as forth generation of human rights in Maldives. Notwithstanding the fact that local user groups and NGOs have been quite active mobilizing people at the grassroots, participation of grassroots people is minimal in policy formulation, and programs implementation, monitoring and evaluation. Problems relating to urbanization, particularly solid waste and air and water pollution need to be eliminated. The problems related to environment and sustainable development, as identified during the process of formulation of NHRAP, are presented below.

1. Providing sustainable development / resources to a dispersed population
2. Weak implementation of environment laws and action plans
3. Coastal beach erosion
4. Inadequate identification of safe islands and islanders not informed of possible migration to other islands
5. Coastal Developmental Activities continue without long term developmental studies
6. Inadequate local consultations prior to granting islands for resorts and agricultural purposes
7. No way to get rid of Non-biodegradable products in the atolls
8. Inadequate awareness about the environment and sustainable development
9. Shortage of economic resources for programs relating to the protection and preservation of environment and ineffective use of available resources
10. Formulation of development plans without proper identification of regional problems
11. Unsystematic urbanization and industrialization of the country
12. Inability of government and non-government organizations to reach to remote areas
13. Inadequate commitment of relevant environmental organizations
14. Inadequate awards for environment preservation and of fines and other forms of punishment for its destruction
15. Weak coordination between the monitoring authorities.
16. Managerial problems at the local level
17. Inadequate preservation of natural resources.
18. Inadequate knowledge of appropriate technology and inability to incrementally modernize traditional technology
19. Solid Waste management related problems

Objectives of National Action Plan

- To amend environmental laws to meet contemporary international standards and enact further implementing legislation to adhere to the State’s international human rights commitments;
- To ensure equitable access to the natural resources and make sustainable use of natural resources
- To ensure people’s right to live in healthy environment
- To ensure effective disposal of waste management
- To improve coordination amongst concerned authorities and improve monitoring of environment related issues

National Action Plan

The following national action plan on environment and sustainable development related to human rights shall be carried out to preserve and protect and promote sustainable development in the country in coming three years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|--|--|--|--------------------------|----------------------------|--|
| 1 | Provide coastal protection to all inhabited islands of Maldives | <ul style="list-style-type: none"> ➢ Beach nourishing ➢ Coastal protection and re-vegetating the area ➢ Careful planning of the Environment Protection Zone (EPZ) | Environment Ministry Housing Ministry Construction Ministry Planning Ministry | Target 2020 | Situation analysis reports | Budget implications |
| 2 | Providing clean, affordable and sustainable energy | <ul style="list-style-type: none"> ➢ Building power structures to provide alternate energy sources ➢ System efficiency management awareness ➢ Develop human resources | STELCO Atoll Development Committees (ADC) Island Development Committees (IDC) | Target 2020 | Situation analysis | lack of trained human resources budget implications lack of political will to form cooperatives lack of awareness to move away from a welfare state |
| 3 | Ensure 75 percent of all inhabitants have adequate solid waste management facilities | | | | | |
| 4 | Give protected status to 5 percent of the coral reefs | | | | | |
| 5 | Develop 10 safer islands | | | | | |

Rights of persons with disabilities and senior citizens

Background

Maldives, like many other countries around the world, is a signatory to United Nations Declaration on Human Rights, Covenant on Civil and Political Rights, Covenant on the Elimination of All Forms of Racial Discrimination as well as other international instruments. The government of Maldives is committed to fulfill its commitments towards democracy and human rights and protect the rights of the people.

On October 2nd, Maldives became the 117th State to sign the 2007 Convention on the Rights of Persons with Disabilities (CRDP). A number of positive developments have recently occurred placing the Maldives in a relatively solid position to ratify the Convention.

Persons with Disabilities

UDHR, 1948; UN General Assembly declaration on the Rights on the Rights of Mentally Retarded Persons, 1971; Rights of Disabled Persons, 1975; Asia and Pacific Decade of Disabled Persons, 1993-2002; Salamanka Declaration, 1994; UN Standard Rules on Equalization of Opportunities, 1994; BIWAKO Declaration, 2000, along with other international instruments related to rights and development of people with disabilities have focused their rights to education, training, good health, employment, and other basic services. They stress the need for the state's to take special action, consolidate efforts, and help organizations working with people with disabilities.

Citizens with disabilities have the same rights as the rest of the citizens of the country. It is the responsibility of the government to ensure that these rights are protected through the implementation of constructive policies and programmes, it is also up to the government to ensure that people with disabilities have support structures and opportunities and enjoy their right to live dignified lives.

Senior Citizens

Nations around the world are facing emerging challenges owing to the unprecedented growth in the percentage of an ageing populace. The rights of senior citizens have been the focus of important covenants and declarations. UDHR, 1948; Covenant on Civil and Political Rights, 1966; Vienna Conference on the Senior Citizen, 1982; UN Principles on Senior Citizen, 1992; Macao Conference, 1997; and the Second World Conference on Senior Citizen (Madrid), 2002; among others, have stipulated senior citizens' right to health care, social security and involvement, economic improvement, and dignified life.

The government has expressed its commitment to work towards the achievement of the aims and plans of action outlined by these declarations, covenants and forums. It is the responsibilities of the government to implement programs that protect and promote the rights of senior citizen's and ensure that their human rights are safeguarded. It's responsibilities towards the senior citizen include the preservation of their right to lead a dignified life, the provision of life's necessities such as food and shelter, equal opportunities and equal rights as other citizens of the nation.

Current Situation

The work of the Ministry of Gender and Family in child protection is vital to children with disabilities. The Situation of People with Disabilities in Haa Alifu and Haa Dhaal, CFPA, 2008 survey records 25% of children with disabilities never left their house. This demonstrates how children with disabilities are particularly vulnerable to abuse or neglect and so in need of protection services. Some of the children visited during home visits were also experiencing severe neglect. It is therefore particularly important that the Child and Family Protection Services are catering to the needs of children with disabilities and their families.

The Convention on the Rights of Persons with Disabilities is also very clear that children with disabilities should not be excluded from free or compulsory education. Therefore, children with disabilities who are not attending school must also be seen as experiencing neglect and child and family protection services must seek to address this. The actions below will help to ensure that protection services ensure the protection of children with disabilities.

A few local NGOs work to ensure the rights of persons with disabilities. Work specific to the sightless, mentally challenged, the deaf, and the physically challenged is also ongoing. The CARE Society, an NGO formed in 1998, actively works to combat discrimination against children with disabilities. The NGO was actively sponsored by UNICEF since 2000. Disability awareness is a recent development in the Maldives. Traditionally, children with disabilities are kept within the family and away from the wider community. Social stigma continues to influence the treatment of children with disabilities. And similarly, it would be rare to see a disabled person in any kind of employment.

Local NGOs claimed in 2005 that there were thousands of persons with disabilities due to high levels of malnutrition during pregnancy. The government established programs and provided services for persons with disabilities, including special educational programs for persons with hearing and vision disabilities. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Gender and Family's Institute for Needy People, which also assisted elderly persons. When requested, the government provided free medication for all persons with mental disabilities in the islands, but follow-up care was infrequent.

Section 5 of Law No. 9/91 states that the best efforts possible should be made to facilitate the care and treatment of physically disabled children. The Government of Maldives has recently supported the conduct of a sensitization campaign on human rights and disability co-organized by Handicap International, the UN Resident Coordinator Office and the Office of the High Commissioner for Human Rights.

Challenges

Disability is a cross-cutting issue. Collaboration both within and between different Ministries is essential. There is a need to coordinate policy, implementation, provision of services and monitoring to ensure that children with disabilities receive the attention they

need. At present, small ad-hoc pieces of work on disability are happening in isolated areas and there is considerable reliance on volunteers and charitable activity. It is also a very common problem that those working in disability are unaware of work being done by other agencies. Although cross-ministerial support is needed, no such support currently takes place on a uniform basis.

The problems related to persons with special ability and senior citizens, as identified during the process of formulation of NHRAP, are presented below.

People with disabilities

1. Timely reform of the laws relating to persons with disabilities.
2. Inadequate national commitment.
3. Limited or no means of providing them with access to information such as books, signs, media etc
4. Ambiguity in the identification and definition of people with disabilities.
5. Lack of clear policies and programs relating to people with disabilities.
6. Inadequate protection of the people with disabilities.
7. Discriminatory attitude towards people with disabilities.
8. Weak implementation of policies and programs.
9. Inadequate services and facilities for the disabled.
10. Inadequate awareness regarding disabilities.
11. Prevalence of public places, buildings, and roads those are unfriendly to people with disabilities.
12. Inadequate training and rehabilitation programs.
13. Inadequate action to increase economic and employment opportunities.

Senior Citizens

1. Lack of unambiguous legal provisions relating to the welfare of the senior citizens.
2. Inadequate national commitment.
3. Lack of clear policies and programs relating to senior citizens.
4. Inadequate protection of senior citizens.
5. Inadequate publicity and awareness programs designed to dignify senior citizens.
6. Weak implementation of policies and programs.
7. Lack of adequate programs oriented to rehabilitate senior citizens.
8. Lack of economic empowerment programs oriented towards the senior citizen.
9. Lack of entertainment venues and institutions dedicated to senior citizens.

Objectives of the National Action Plan

- To protect and promote the fundamental freedoms and rights of persons with disabilities and senior citizens.
- To protect and promote the existence, identity, language, script, religion, and culture of the disabled and the senior citizen communities.
- To accord greater access, control, and ownership of natural and economic resources to people with disabilities and senior citizens.

- To protect and promote the rights of persons with disabilities and senior citizens to lead dignified lives.

National Action Plan

In order to ensure the rights of the people with disabilities and senior citizens as per commitments made by the government of Maldives, recommendations were sought during the process of formulation of NHRAP.

The following national action plan on the rights of people with disabilities, and senior citizens shall be carried out to promote and protect rights of the people with disabilities and senior citizens in the country in the coming 2 years.

Persons with Disabilities

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|--|--------------------------|--------------------------|-----------------------|---|
| 1 | Enact and/or reinforce laws to protect and safeguard the human rights of people with disabilities. | <ul style="list-style-type: none"> ➤ Review the existing laws and formulation of new laws related to persons with disabilities and formulate new laws, as necessary to protect their rights as per the nation's international commitments ➤ Study and reviews the discriminatory Act/laws related to Disability ➤ Conduct 3 workshops to make laws more right based | | | Progress reports | |
| 2 | Protect right of people with disabilities to education | <ul style="list-style-type: none"> ➤ Provide special education and training to people with disabilities ➤ Provision of special grant to the DDCs to provide education and training and conduct development programs to the people with disabilities | | | Progress reports | Lack of adequate budget Lack of priority |
| 3 | Protect the human right of people with disabilities to good health | <ul style="list-style-type: none"> ➤ Expand preventive and curative programs that prevent disabilities ➤ Social mobilization | | | Progress reports | Inadequate of financial resources |
| 4 | Increase access of people with disabilities to economic resources; Accessibility of Buildings, Services and Information | <ul style="list-style-type: none"> ➤ Awareness raising programs on the legal provision and the rights of persons with disabilities. ➤ Conduct awareness raising activities and workshops and produce materials and disseminate. ➤ All buildings to have wheelchair access by 2010. ➤ All buildings to be fully accessible by 2013 ➤ 25% of info requests coming from children by 2013. ➤ 5% of yearly helpline enquiries via text once launched ➤ 5% of total info requests coming via email. | Local bodies NGOs | | Progress reports | Inadequate financial resources Lack of priority Lack of sufficiently responsive social attitude |
| 5 | Increase employment and training opportunities to people with disabilities | <ul style="list-style-type: none"> ➤ People with disabilities to be employed by the Ministry of Gender and Family. ➤ Job advertisements to encourage applications from people with | | | Progress reports | Lack of priority lack of budget |

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|---|---------------------------------|--|--|--|------------------|--|
| | | <p>disabilities</p> <ul style="list-style-type: none"> ➤ Disability Project Officer to be employed within the Child and Family Protection Authority. ➤ Vilingilli Children’s Home to employ one part-time male member of staff ➤ Disability awareness and induction training for all new staff * ➤ Disability awareness training for all existing CFPS/FCSC staff * ➤ Basic sign language courses for all CFPS/FCSC staff. ➤ Conduct a feasibility study to explore the introduction of a system of police checks for Ministry of Gender and Family staff. | | | | |
| 6 | Enhance Monitoring and Research | <ul style="list-style-type: none"> ➤ Initial assessment forms for new cases to include more detailed information about disability aspects of casework. ➤ Casework database to be amended to log detailed information about children or families experiencing disability. ➤ All new research projects gather data on whether the participants have a disability using the “Washington short-set questions”* ➤ Focus groups for research projects to include participants with disabilities either with other participants or separately. ➤ The violence against children research to include surveys completed by children with disabilities. ➤ Log the number of requests for information in different formats. ➤ Monitor the number of women with disabilities who are members of women’s development committees and encourage membership. ➤ The child helpline to log calls from children with disabilities. ➤ Monitor and record the amount of the Ministry’s budget spent on projects relating to disability ➤ Monitor and record the percentage of funds spent by NGOs in Maldives on children with | | | Progress reports | <p>Lack of financial resources</p> <p>Lack of priority</p> |

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|---|---|---|--|--|--|--|
| | | <p>disabilities.</p> <ul style="list-style-type: none"> ➤ Family and Child Service Centre staff to work with all agencies to establish accurate information on the disability population in particular islands. * ➤ Conduct a situational analysis of amount of work carried out/emotional impact on families experiencing disability (inc. over 65s with disability) | | | | |
| 7 | Enhance Child and Family Protection Services of the Gender Ministry | <ul style="list-style-type: none"> ➤ Provide disability awareness training for existing CFPS/FCSC staff. * ➤ FCSC and CFPS staff to help identify children with disabilities not in school, in need of equipment or in need of financial/emotional support.* ➤ Social service workers to make home-visits to any new cases of children with disabilities to conduct an initial needs assessment. ➤ Disability issues listed on the initial assessment forms to be followed-up with an individual disability action plan that outlines how the issues will be resolved. ➤ FCSC's and CPFS to provide counselling and support services to families experiencing disability ➤ To facilitate the provision of sign language training to families with children with hearing impairments.* ➤ Family and Child Service Centre staff to facilitate meetings of parents of children with disabilities in all islands in their Atolls.* ➤ FCSC staff to increase awareness amongst parents about the importance of children with disabilities attending school and other issues such as over-protection or violence against children with disabilities.* ➤ Family and Child Service Centre staff to hold workshops on building self confidence, self esteem and other life skills with children and adults with disabilities. * ➤ FCSC staff to distribute information and advice on support available in their Atolls and to attend any disability referral groups in the Atoll. ➤ Child and Family Protection | | | | |

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| | | Services staff in Male' to extend the existing school visits programme about child abuse to cover all SEN units. | | | | |
| 8 | Communication and Awareness Raising | <ul style="list-style-type: none"> ➤ Develop and maintain an image library containing positive images of children with disabilities and their families ➤ MGF posters and publications to contain images of children with disabilities. ➤ Disability handbook for parents and social workers, including 'How to' guides for most common issues.* ➤ Develop a picture communication book for children with intellectual disabilities * ➤ Produce child friendly and easy-to-read version of the national policy on disability. ➤ Produce child friendly and easy-to-read version of the UN Convention on the Rights of Persons with Disabilities ➤ Produce child friendly posters identifying each section covered in the national policy and the UN Convention on the Right of People with Disabilities. ➤ In coordination with MHEESS, mark the International Day of Disability with events for children and parents * ➤ Work with media to encourage subtitles or sign language for programmes for children * ➤ Violence and child abuse campaign material should include information about violence against children with disabilities. | | | | |

SENIOR CITIZENS

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|--|--|----------------------|--------------------------|-----------------------|--|
| 1 | Enact Law to protect and safeguard the human rights of senior citizens | <ul style="list-style-type: none"> ➤ Review the legal provisions, formulate laws and amend existing laws to protect and safeguard the human rights of senior citizens | | | Progress reports | Tendency to exclude legitimate stakeholders during law revision / drafting |
| 2 | Improve the quality of life of senior citizens; Economic support program; Housing program; Health care program | <ul style="list-style-type: none"> ➤ Grant of 2000/- Mrf for all persons above 65 years of age starting January 2009. ➤ Operate residential homes for senior citizens. | | | Progress reports | Lack of financial resources Lack of priority |

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| | Awareness raising program | <ul style="list-style-type: none"> ➤ Provide social security including health care facility to the senior citizens. ➤ Mobilize NGOs and media for raising awareness on the rights of the senior citizens. | | | | |
|--|---------------------------|---|--|--|--|--|

Women’s Empowerment, Gender Equality and Equity, and Women’s Rights

Background

Globalization, development of new technologies, and commitments and actions at the international level for women’s development, and gender equality are some of the major factors contributing to the improvement of the situation of women. However, looking from the human rights perspective, women’s situation could be better. Patriarchal thought processes, male-centered social structures have led to the exploitation, suffering and discrimination of women and has put their security in jeopardy.

Women’s rights, empowerment, and gender equity are cross-cutting topics within ministries. They need sustained attention and inclusion in the development process.

Current Situation

The government is committed to constitutional and legal provisions established by the legislative, as well as the international declarations, covenants and other agreements that it has signed. It is sensitive to women’s rights and gender equality and equity. Some improvements have been made to correct laws that discriminate women from men. The government agencies, non-governmental organizations, civil society, private institutions as well as United Nations and international development organizations are making important contributions to the activities and policies set by previous programs related to gender rights.

There is gender parity in primary education with 100 percent net enrolment of both girls and boys. At lower secondary and higher secondary level of education there is more female enrolment. In tertiary education, a significant gender disparity still exists, but it is encouraging to note that the trend shows disparity has significantly narrowed. There are more men with tertiary education qualifications than women. In 1990 there were 177 males who had degree level qualifications and above compared to 42 females. In 2006 there were 1,498 males holding tertiary qualifications compared to 874 females. The trend is highly encouraging and with the higher net enrolment ratio of girls in secondary education the gender gap in tertiary education is predicted to narrow further.

Although women’s access to paid employment is lower than men’s, the proportion of women in paying jobs is increasing steadily. Between 1990 and 2006 the labour force participation rate of women increased by 30 percentage points. It is encouraging that the percentage increase was highest in the last inter-census period with 18 percentage points.

The present share of women in the labour force is 37 percent compared to 20 percent in 1990.

Women's participation is highest in education, health, manufacturing, and agriculture sectors. In the education sector 7,128 out of the 9,872 labour force are women. In the health sector the share of women is 68 percent. Women's share is 65 percent of the total in the manufacturing sector. Women's share in the agriculture sector is thus 64 percent. The proportion of seats held by women in national seats tripled between 1990 and 2005, from four to 12 percent respectively. The share of women in paying jobs is lowest in the tourism sector.

Non-government and government agencies are working at the national and local level to help attain women's rights, gender equity, greater levels of awareness, and greater economic independence through micro-credit schemes that support income generation activities.

Much effort has been made to increase gender rights related awareness. Women's access to education, health service, political rights, and credits and other economic resources and opportunities are increasing.

Challenges

The problems related to women's empowerment, rights and gender equality and equity as identified during the process of formulation of NHRAP, are presented below.

1. Inability to enact laws that protect the rights granted by the constitution.
2. Inability to reform laws so they live up the nation's international commitments.
3. Lack of programs that support women's empowerment.
4. Ongoing gender discrimination.
5. Widespread domestic and sexual violence and the perception that they are of lower status.
6. Lack of awareness regarding women's rights.
7. Low Levels of women's participation in policy formation and political and governmental processes.
8. Inconvenient childcare and breast-feeding situations in the workplace.
9. Inadequate separate prisons for women and inadequate facilities for pregnant women in prison.
10. Inadequate access to and control over economic resources, disproportionately higher attachment of women to unproductive work and women's inability to enjoy the right to spend their own earnings as they wish.
11. The existence of child marriage, sexual abuse and exploitation.
12. Low participation in social decisions.

Objectives of the National Plan

- To reform existing laws to bring them up to international women's rights standards.
- To empower women and to minimize gender discrimination

- To enact legal provisions that will strongly and adequately protect women's wellbeing and their human and constitutional rights
- To control crime and violence against women by raising awareness at the grassroots level
- To develop institutional framework and partnership to ensure full and unfettered enjoyment by women of their rights

National Action Plan

It is of great importance that women's empowerment and rights and gender equality and equity be attained. The following national action plan on women's empowerment and rights and gender equality and equity shall be carried out to protect and promote rights of women in the country in coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|---|---|-------------------------------------|---|---|
| 1 | Eliminate gender disparity in tertiary education | <ul style="list-style-type: none"> ➤ Advocate for elimination of gender disparity at policy and community levels ➤ Develop policy guidelines for affirmative action ➤ Access to tertiary education in atolls through decentralization or services | MOE as lead agency MOE and MOHF | 2009 & 2010 2010 2010 | Statistics of students attaining tertiary education | |
| 2 | Increase female Labour Force Participation Rate from 52 to 60 percent. | <ul style="list-style-type: none"> ➤ Provision of support facilities (eg: childcare) for working women ➤ Enact laws / regulations for a safe working environment ➤ Creating employment opportunities for women in regional development projects / resorts / etc through affirmative action if necessary | Private sector / employers Parliament Employment Ministry | 2010 2009 & 2010 | | |
| 3 | Reduce Gender based violence through advocacy and sensitization programs | <ul style="list-style-type: none"> ➤ Conduct advocacy and sensitization programs for policy makers, parliamentarians ➤ Conduct sensitization and training programs for service providers (health, law enforcement, judiciary, education, local councils) | MOHF/Dept of Planning MOHF/Dept of Planning | 2009 & 2010 2009 & 2010 | | |
| 4 | Provide access to social protection services for children, women and family | <ul style="list-style-type: none"> ➤ Strengthen the structure of the Family & Children Service Centers (FCSCs) in the atolls ➤ Develop the capacity of existing staff and employ more trained staff to deliver efficient social protection services ➤ Initiate a 24hr emergency helpline services providing social protection services ➤ Provide alternative care for victims of violence unable to remain in their family home. ➤ Providing free legal and counseling service to women suffering from sexual, domestic and social violence and exploitation | | | | Lack of confidence in cost free legal service |
| 5 | Enact and/or reinforce laws, to protect and safeguard equal rights of women in light of | <ul style="list-style-type: none"> ➤ Review and amend laws to bring them up to international norms and standards | | 2009 & 2010 | Amended and newly formulated laws | Tendency to exclude legitimate stakeholders |

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|---|---|---|--|-------------|--|---|
| | state obligations. | | | | Reports of committees for revision | during law revision |
| 6 | Enact and/or reinforce laws, to protect women and girls from all forms of Violence Against Women (VAW). | <ul style="list-style-type: none"> ➤ Enact Laws on domestic violence against women ➤ Enact law on social violence, forced prostitution and flesh trade | | 2009 & 2010 | Amended and newly formulated laws Reports | Tendency to exclude legitimate stakeholders during law revision |
| 7 | Protect women's rights during emergencies | <ul style="list-style-type: none"> ➤ Rehabilitate female victims through NGO participation ➤ National Disaster Act & Plan | | | Progress reports | Inadequate finances and resources |
| 8 | Establish women-friendly public services (i.e. in public service providing institutions) | <ul style="list-style-type: none"> ➤ Sensitization of officials at institutions ➤ Create/set up a conducive environment for marginalized & vulnerable women | | 2009 & 2010 | Policy analysis Progress reports Monitoring evaluation reports | Inadequate budget |

Child Rights and Development

Background

After the end of the First World War, many initiatives have been taken to ensure child welfare, development and rights. In an important move to protect the child, a five-point declaration was signed in 1923. In 1924, the Child Rights Declaration was signed, the UDHR was signed in 1948 and an Optional Protocol was signed in 1959. The UN General Assembly adopted the Convention on the Rights of the Child (CRC) on November 20, 1989 and World Declaration on the Survival, Protection and Development of Children (World Summit for Children) was adopted on September 30, 1990. Most recently, the UN General Assembly Special Session on Children (UNGASS) was held in New York in May 2002. As part of Maldives's involvement in global campaigns for the development and rights of the child, the government ratified CRC that establishes special provision relating to child rights. In addition, Maldives's government has also signed the two Optional Protocols of CRC.

Current Situation

Preserving and protecting child rights requires legal, institutional, and administrative reform. The Maldivian society has always cherished its young people. The ratification of the Convention on the Rights of the Child by the Government was a milestone in the history of child protection in the Maldives. The CRC has brought to our attention issues that need to be systematically addressed if the rights of all children are to be fulfilled. It has provided with a yardstick against which our progress can be measured.

We have made considerable progress in implementing the Convention. The year 1991 was marked as the Year of the Maldivian Child. The same year, a National Plan of Action was drawn up to achieve the goals of the 1990s for children and a law on the protection

of the rights of children was passed. A National Council for the Protection of the Rights of Children was established as an advisory body on identifying and addressing issues detrimental to the survival, protection and development of children. In 1992, a special office, the Unit for the Rights of the Child was created for ensuring child rights. The Convention on the Rights of the Child was translated into Dhivehi, the national language and disseminated throughout the country. Campaigns have been conducted to change attitudes and practices that hamper action towards the promotion and protection of child rights. Furthermore, a national child protection system is in place.

The Government of the Maldives recognizes that children's health, education and welfare are central to the development of the nation. The Government gives special attention to preventive health, particularly to that of children. Diseases such as malaria and polio have been completely eradicated. Infant mortality rate has been reduced 16 per thousand live births now. Child immunization coverage has become universal.

Access to primary education has been universalized. By the year 2020 Maldives aspires to have 10 years of formal schooling as the minimum educational standard for the children of the Maldives. Concerted efforts are being made to promote home and community based early childhood care and development.

Challenges

Some of the major challenges before the country today include the geographical severity, diseconomies of scale due to the scattered nature of the population, strains on the family unit due to the erosion of the traditional culture, the high incidence of divorce and rapid urbanization. Further, the breaking up of families adversely affects the social and psychological development as well as the well being of children.

Thus, in spite of many achievements, there is still a long way to go in order to protect and promote the rights of the children. Social and economic problems constrain Maldives from attaining all the commitments that it has made to the international community and its children. In order to make the child rights related initiatives efforts more effective, legal, policy related, institutional, ownership and executive processes need to be further reformed and improved. The problems hindering progress in the protection and safeguard of child rights, as identified during the process of formulation of NHRAP, are presented below.

1. Inadequate legal frameworks for the implementation of CRC and weak implementation of already existing laws.
2. Inadequate political commitment towards the protection and promotion of child rights.
3. Inadequate awareness as to child rights.
4. Inability of formal and informal textbooks and educational materials to cover of child rights issues.
5. Inadequate health services.
6. High rate of malnutrition.
7. Lack of adequate hospitals for children.

8. Inadequate rehabilitation facilities (shelter, food, counseling, education, and health services) for the helpless, children with disabilities affected by emergency situations.
9. Inappropriate arranged and/or forced marriages.
10. Lack of options forcing imprisoned parents in prison to keep their child with them.
11. Rising levels of child labour and violence.
12. Inadequate child specialists to support juvenile related cases.
13. Existing sexual abuse and exploitation and the lack of a legal infrastructure to combat and discourage such practices.
14. Use of children in drug trafficking.
15. Inadequate counseling for victimized and exploited children.
16. Inadequate involvement of children in planning and implementing child related programs.
17. Inadequate policy related to private sector involvement in protection and safeguard of children's rights.
18. Inadequate monitoring and evaluation of children in alternative care.

Objectives of the National Action Plan

- To reform existing child and human rights related laws to protect and safeguard human rights of children and to bring these laws up to the international standards.
- To ensure the rights of the children as established by the UN Convention on the Rights of the Child.
- To develop institutional framework and partnership to ensure children's right to education, health and sanitation is protected and safeguarded.
- To protect and rehabilitate children with special ability or children facing difficult circumstances.
- To control crime and violence against children and eliminate child abuse.

National Action Plan

The following national action plan on child rights and development shall be carried out to achieve the objectives identified above and to protect and promote the rights of the child in the country in the coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|--|----------------------|--------------------------|--|--|
| 1 | Enact and/or reinforce laws as per international commitments, in order to protect and safeguard the rights of the child | <ul style="list-style-type: none"> ➤ Review and amend laws to bring them up to international norms and standards; ➤ organize consultative workshops to review existing laws to protect the rights of the child | | | Reports Amended and newly formulated laws | |
| 2 | Ensure children's right to education | <ul style="list-style-type: none"> ➤ Reduce school dropout ratios and promote rights of the child ➤ Awareness raising program for parents, teachers, local government officials etc to reduce school | | | | Lack of guardian's awareness Lack of budget |

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|----|---|--|--|-----------|------------------|--|
| | | dropout ratio and rights of the child | | | | Lack of priority |
| 3 | Protection and rehabilitation of displaced, homeless and at risk children | <ul style="list-style-type: none"> ➤ Establish and operate rehabilitation homes ➤ Formation of a network of NGOs for rehabilitation of children in Need; displaced homes | | | Study reports | Inadequate resources |
| 5 | Increase child rights awareness among guardians, local government officials and teachers | <ul style="list-style-type: none"> ➤ Island level awareness generation programs on child rights and implement programs to control child marriage and child labour | | | Progress reports | Lack of financial resources Difficulty in expanding programs to the local level due to social attitudes |
| 6 | Eliminate child abuse, including sexual exploitation, and end trafficking in children | <ul style="list-style-type: none"> ➤ Implement effective programs on awareness generation on child abuse and trafficking in children; ➤ Sensitizing journalists, teachers, students, stakeholders about child abuse and girls trafficking through various activities / workshops ➤ Production and distribution of materials on child abuse and trafficking ➤ Establishment of Documentation and information Centre | | | Progress reports | Lack of financial resources Difficulty in expanding programs to the local level due to social attitudes |
| 7 | Develop a justice system to efficiently and effectively administer justice in cases related to children | <ul style="list-style-type: none"> ➤ Strengthen the juvenile justice system | | Long term | Reports | Lack of budget Lack of priority |
| 9 | Develop policies to control and regularize child labour and eradicate the worst forms of child labour | <ul style="list-style-type: none"> ➤ Implement programs to raise awareness on the need to regularize and ban domestic child labour ➤ Prepare a code of conduct for the domestic child labour for government officials | | Long term | Reports | Ineffective coordination among concerned agencies Lack of budget |
| 10 | Promote private sector participation in the protection and promotion of child rights | <ul style="list-style-type: none"> ➤ Formulate and implement policies to encourage private sector invest in children ➤ Organize consultative workshop / seminars to develop policies to encourage private sector invest in children | | Long term | Reports | Lack of community motivation Lack of priority |

Right to work; just and favorable conditions of work

Background

Maldives has signed many covenants and declarations assuming responsibility for the proper implementation of international labour and employment guidelines and directives in the country. Expansion of income generation and employment opportunities is important to eliminate incidences of poverty in the country. The constitution of the Maldives grants everyone the right to practice any occupation in the Maldives provided that law does not prohibit such occupation. Some extremist views are slowly seeping into societal beliefs, as radical Islam becomes a part of the Maldivian community. According to one of their interpretations; tourism should not be practiced in the Maldives, and many works that come within the job market of tourism, such as the selling of alcohol is contrary to the law of the country.

Current Situation

The Maldivian government's employment policy objective is to see that everyone who wants work has the opportunity to do so. This is demonstrated by the government's commitment to reducing unemployment by promoting education and access to education through the Maldives College of Higher Education. There is a great shortage of skilled labour in the Maldives and a great demand for workers. For this reason government places special emphasis on granting access to different short courses to all persons wishing to enroll. Maldives College of Higher Education offers a range of accredited graduate and non-graduate education and training programs, through its different faculties.

Despite the exigencies of labour related issues in the Maldives, limited surveys have been conducted to provide consistent estimates of labour force status at the national level. However, labour force estimates are estimated by population census.

The Government of Maldives has ratified ILO in December 2008. A new employment law is in place, and in the meantime, many good practices in relation to employment rights are practiced in the Maldives. For instance, the law prohibits forced or compulsory labor, including by children, but there were indirect reports that such practices occurred from time to time. Negligible forced labour reports have been made to the employment ministry, mostly in relation to expatriate workers. Employment is strictly prohibited for all school children below 16 years.

New programs, such as YES-TVET have been launched in the Maldives to ensure that all Maldivians, particularly young people have access to education and quality employment beyond their school lives which assists them to make informed choices about education and training options.

Many expatriate workers are reported missing in the Maldives. Many are also forced to work at low pay, do not receive safe, healthy working conditions nor standard rest, leisure and reasonable limitation of working hours. The new employment law provides legislative machinery for the protection of vulnerable workers in the Maldives.

There is no national minimum wage for the private sector, although the government established wage floors for government employment. These wage floors aim to provide a decent standard of living for a worker and family. There are no statutory provisions for hours of work for the private sector; but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provides a seven-hour day and a five-day workweek. Prisoners also work as gardeners, maintenance, cleaners and in other areas of work during their time in prison. They are paid within a range of Mrf 30-75 per day; depending on the type of work.

The Ministry of Employment and Labor's employment relations and compliance unit resolves wage and labor disputes, visits worksites, and enforces labor regulations. The state regards health and safety as a human right; however the right is not enforced. There are regulatory requirements in certain industries such as construction and transport that

employers provide a safe working environment and ensure the observance of safety measures. The new Labour Law aims to provide protection for workers from retaliatory dismissal if they attempted to remove themselves from, or eliminate, unsafe working conditions. Further, some protection is also granted under contract law.

The establishment of an employment tribunal will oversee into all employment related affairs in the Maldives. The 2008 Constitution provides for the right to strike as a fundamental right. In the absence of a Trade Union Law, it is extremely difficult to administer this right.

Challenges

Maldives has yet to see the full implementation of the new Employment Act 2008. There is a lack of coordination and understanding between the relevant agencies with respect to the rights and responsibilities created under the new Act. There have been many reported instances of labour right abuses. The problems related to labour and employment, as identified during the process of formulation of NHRAP, are presented below.

1. Excessive use of child labour
2. Inadequate skill development, training and technical education
3. Inadequate implementation of labour laws
4. Inadequate or insufficient social security for labourers
5. Lack of a labour database
6. Lack of effectiveness in labour administration
7. Inadequate protection of a labourer's right to good health.
8. Exploitation of expatriate workers.
9. Absence of procedures for supervising migrant & expatriate labourers.

Objectives of National Action Plan

- Institutional Development to facilitate the implementation of the New Labour Rights created under the 2008 Constitution and the Employment Act.
- To ensure the rights of labourers and help labourers achieve and enjoy international labour rights.

National Action Plan

The following national action plan on labour and employment shall be carried out in the country in the coming three years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|--|--|---|--------------------------|--|---------------------------------------|
| 1 | Enact and/or reinforce laws, as per international commitments, in order to protect and safeguard the rights of labourers | <ul style="list-style-type: none"> ➤ Consultation and dialogue with social partners ➤ Join international labour organization (ILO) | Employment Ministry Foreign Ministry | 2 years | Reports Amended and newly formulated laws | Ineffective stakeholder collaboration |

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|---|---|---|--|--|----------------|--|
| 2 | <p>Ensure the rights of labourers to labour employment</p> <p>Promote healthy industrial relationship between labour and management</p> | <ul style="list-style-type: none"> ➤ Raise awareness regarding labour rights ➤ Provide skill oriented training to people living below the poverty line ➤ Establish standards of occupational safety ➤ Apply work permit to regulate foreign labour health ➤ Labour education programs ➤ Strengthening the mechanism for handling labour related complaints ➤ Prepare and implement a National Action Plan on Decent work ➤ Apply safety and health measures for employees ➤ Development and implement social protection and welfare schemes under Welfare fund | <p>Labour Ministry</p> <p>NGOs</p> <p>Labour Organizations</p> <p>Employer Organizations</p> | | <p>Reports</p> | <p>Lack of budget</p> <p>Lack of priority</p> <p>Difficulty in giving continuity to programs</p> |
|---|---|---|--|--|----------------|--|

Chapter 3

National Human Rights Action Plan

i. Civil and Political Rights

In September 2006, the Maldives ratified the accession to the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol to the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), in order to strengthen human rights protection and conform to international standards. A project was signed at the end of 2006 between the government and the UNDP to strengthen the Human Rights Commission of the Maldives.

For years, freedom of the press, religion and expression continued to be limited. Individual freedoms were restricted in areas such as speech and press, freedom of assembly and association, religion, the citizens' ability to change their government etc. Consequently, human Rights abuses continue to be of particular concern. Other problems include arbitrary arrest, incommunicado detention and lack of an independent judiciary. A national Human Rights Commission was created in accordance with the requirements of the UN 'Paris Principles'.

The Government has restricted certain workers' rights and, although it has undertaken a number of programmes addressing women's issues, women face a variety of legal and social disadvantages. The Maldives is member to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which requires States parties to eliminate all forms of discrimination against women that prevent their enjoyment of their full civil, political, economic and cultural rights. The political will to work towards women's human rights as an integral dimension of national development is expressed through the programme "Vision 2020". The government has taken measures to increase the participation of women as atoll chiefs and in island women's committees and atoll development committees. It established in 1998 the Ministry of Women's Affairs and Social Security; the initiative to reconstitute the National Women's Council as a Gender Equality Council chaired by the President. Progress has been achieved and is reflected in a very high adult literacy rate for women, and parity among boys and

girls in primary and secondary education, and improved indicators on life expectancy for women.

The Family Act of July 2001 contains provisions for the strengthening of family relations, for the protection of the rights of women, custody of children, care of elderly parents and to discourage divorce. Further provisions for guaranteeing and strengthening the rights of women are also included in the new Act.

However, concerns remain about a number of factors: women are excluded from the offices of president and vice-president; women's access to higher education, decision-making positions and legislative bodies at the national and local levels needs to be improved; absence of effective laws and law enforcement and a support system for women who are victims of violence; the continuing high levels of maternal mortality and morbidity rates and the mortality rate of girls under the age of 5 years.

Legal Reform

Background

The rule of law is the foundation of a democratic society. It is important that the legal system of a democratic nation is relevant, unambiguous, and contemporary. The citizen's points of view need to be incorporated in the system and laws need to be easily understandable. The rights of the citizen need to be so too. In order to clearly protect citizen's rights, the system of reforming existing laws and enacting new laws as necessary should be institutionalized.

Current situation

The Ministry of Legal Reform, Information and Arts, was formed on 31st October 2007.

The National Law Reform Commission, functioning under the Ministry of Legal Reform, Information and Arts, is mandated to keep the law under review, to undertake examinations and conduct research with a view to reforming the law, and to formulate proposals for law reform. It is responsible to the Government, for the discharge of this mandate. Law Reform as such, includes matters of legal practice or procedure; in relation to the law or a branch of the law, its development, its codification (including in particular its simplification and modernization) and the revision and consolidation laws and regulations.

The Commission aims to keep the law under independent, impartial and expert review and to make consequent recommendations for law reform. The government of Maldives strongly believes that if a community's laws become inadequate for the functions for which they were designed, if they become obsolete, or are too numerous, or over-refined by judicial interpretation, then cases of individual injustices will multiply and society as a whole will suffer. Governments in a dynamic and fast changing world should ensure that the laws are kept under constant review and are regularly and systematically reformed.

Challenges

The problems related to law reform, as identified during the process of formulation of NHRAP, are presented below.

1. Ineffective implementation of existing laws and regulations.
2. Contradictions and ambiguity in the existing laws.
3. Ineffectiveness of law enforcement agencies.
4. Inadequate monitoring and implementation bodies and processes.
5. Inability to administrate law and justice equally and impartially.
6. Inability to include human rights education as part of the national curriculum.
7. Lack of interest in improving the quality of legislation and law reformation processes.
8. Inadequate consultation and involvement of stakeholders in the law formulation process.
9. Inability to protect and promote the rights of women, children and marginalized people and people with disability.
10. Inadequate action against corruption.
11. Inadequate knowledge of rights and responsibilities at the local level
12. Inability of local government to become rights-oriented.

Objectives of the National Action Plan

- To develop a legal system capable of protecting human rights
- To reform existing laws and regulations to bring them up to internationally acceptable standards

National Action Plan

The following national Action Plan on legal reform shall be carried out to improve the legal system for protecting human rights in the country in the coming 3 years

| | Objectives | Actions | Cooperating Agencies | Implementation period | Means of Verification | Risk Factor |
|---|--|--|--|-----------------------|--|---|
| 1 | Sensitize people about human rights guaranteed by the law Raise awareness among agencies and officials responsible for implementation of law (police, lawyers, court officials, judges etc) | <ul style="list-style-type: none"> ➢ Increase awareness of legal rights ➢ Conduct human rights related training and discussion involving the police, lawyers, officials and judges ➢ Preparation of training manuals ➢ Conduct TOTs ➢ Publication of posters, leaflets and so on. | HRCM NGOs Media Legal Reform Agencies of the government | 2 years | Reports | Inertia to change in attitudes |
| 2 | Formulate and reform laws to bring them up to the international agreement standards | <ul style="list-style-type: none"> ➢ Evaluate and reform laws and formulate new laws required ➢ Survey of the existing laws ➢ Organize workshops ➢ Preparation of report ➢ Draft new laws or amendments of relevant laws by the line ministries | Concerned ministries | 2 years | Study on the state of revised, reformed, and newly formulated laws | Tendency to exclude legitimate stakeholders during law revision |
| 3 | Compile and codify similar and related laws to simplify access to justice of women, marginalized and the | <ul style="list-style-type: none"> ➢ Implement law integration and codification programs ➢ Review and assessment of laws ➢ Compilation of related laws | | 2 years | Amended and newly formulated laws | Delay in the integration of laws |

| | | | | | | |
|---|--|--|--|---------|---------|------------------------------------|
| | oppressed people | ➤ Codification, if possible | | | | |
| 5 | Sensitize authorities, including parliamentarians, on the country's international human rights commitments and increase legislative capacities | <ul style="list-style-type: none"> ➤ Programs to enhance legislative and judiciary capacity in law formulation and implementation ➤ Preparation of resource materials and guidelines ➤ Interaction programs and seminars | | 2 years | reports | Lack of budget Lack of priority |
| 6 | Protect and promote human rights | <ul style="list-style-type: none"> ➤ Draft Bills from a human rights perspective ➤ Formulate and implement programs to punish violators of human rights ➤ Formation of a monitoring committee within the legal reform ministry ➤ Establishment of monitoring units in the concerned ministries | | 2 years | reports | Lack of budget Lack of priority |

The right to Justice & Equal Treatment

Background

Formulation of clear and concise laws is not enough to establish a pragmatic implementation system that adequately internalizes the concept of the rule of law. The system of administration of justice is equally important. Recognizing this fact, the Constitution of the Maldives specifies the need for a capable judicial system.

Without reforming the justice administration of the country, it is not possible to truly implement the spirit of the rule of law. Hence, an effective justice system has to take into consideration ongoing changes and improvements. It has to safeguard and implement the Constitution, keep alive the rule of law, ensure the observance of the law by cultivating respect for laws and regulations, and discourage the activities that disturb peace or encourage anti-social activities. In essence, periodic and timely reform of the system of justice is imperative for promoting and protecting human rights.

Current Situation

Fair, quick and accessible justice is a fundamental human right. It is the state's responsibility to ensure its citizens this right through effective administration of the justice system. It is with this faith that the Constitution states the need for a capable and independent justice system. There has not been much support of the United Nations and other donor agencies in reforming the justice system in Maldives. Lack of modern and organized record keeping system and of timely transcribing of judicial decisions have resulted in a situation whereby justice is not truly conferred even after the court case has been decided. There have been hurdles in the administration of justice due to the lack of a system of continuous hearing and inability of judges to timely and periodically update their knowledge base. Judiciary also lacks adequate physical facilities and necessary tools and equipments. Besides, there is also a dearth of human resources that is willing to accept the new value system.

Challenges

The problems related to the administration of the justice system, as identified during the process of formulation of NHRAP, are presented below.

1. Not providing timely justice.
2. Lack of modern and organized record-keeping system in the courts.
3. Inability to document and disseminate the court decisions in timely manner.
4. Dual standards in assigning hearing dates.
5. Lack of judicial police.
6. Lack of adequate provisions to protect the right to information and to privacy.
7. Lack of effective legal support to the poor and the helpless.
8. Lack of effective implementation of laws relating to torture and compensation.
9. Lack of a criminal system of compensation for those hurt by criminal action.
10. Inadequate public familiarity with the criminal investigation and justice system.
11. Less than satisfactory professional seriousness among judges, lawyers and among those responsible for prosecution, including investigation and evaluation.
12. Lack of adequate physical facilities in the courts and the agencies responsible for research and monitoring.
13. Inadequate training on judicial administration
14. Lack of a much needed criminal and civil justice system.
15. Unnecessary court orders and delays resultant of a system that allows much frequent change of judges hearing a particular case.
16. Lack of provision for the reduction of punishment in case of voluntary acceptance of criminal charges leading to the contesting of most court cases.
17. Lack of alternative justice system.
18. Lack of provisions that allows the justice system to keep fingerprints and photographs of hardened criminals.
19. Delay and complication in justice administration
20. Need for the development of scientific processes, better physical facilities and resources.
21. Traditional and unscientific criminal investigation system.
22. Complex and ambiguous administration of justice.
23. Extensive discretionary power to the judges
24. Lack of a system that determines the level of court of first hearing based on the seriousness of the case.

Objectives of the National Plan

- To reform justice administration in order to safeguard human rights.
- To develop a system capable of administering quick and accessible justice.
- To make qualitative improvements in evaluation systems and exercises.
- To create a system that clearly abides by the concept of the rule of law.

National Action Plan

In order to protect human rights through an active justice system that is sensitive and contemporary, it is necessary to put in place an effective justice administration structure. The following national action plan on administration of justice shall be carried out to improve the justice system for protecting human rights in the country.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|--|--|---|--------------------------|---|---|
| 1 | Reform justice administration to protect and promote human rights Provide easy access to justice | <ul style="list-style-type: none"> ➤ Survey of existing laws ➤ Organize workshops ➤ Preparation of report of the outcome of the review and workshops ➤ Drafting new laws and amendments by the concerned line ministries | Supreme Court, HC and lower level courts AGO PGO Department of Justice | | Reports of agencies reviewing the laws Amended and newly formulated laws | Tendency to exclude legitimate stakeholders during the law revision Lack of priority |
| 2 | Increase public confidence in the justice system by removing weaknesses and problems in justice administration | <ul style="list-style-type: none"> ➤ Implement programs to standardize court procedures ➤ Organize seminars and workshops ➤ Amendment of existing laws | Supreme Court, HC, Lower Courts Semi-judicial agencies | | Formulation of committees to compile and implement suggestions of judicial and semi-judicial agencies through formulated committees Monitoring reports | Lack of budget Lack of priority |
| 3 | Provide free professional legal assistance to victims of crime living below the poverty line Provide Legal Aid | <ul style="list-style-type: none"> ➤ Provide free legal assistance to the poor and to the victims of crimes ➤ Provide free legal assistance to persons imprisoned by the state from the very time of imprisonment | Supreme court, HC, Lower Courts NGOs Bar Association Judicial and Semi-Judicial agencies | | Monitoring by the Central legal Aid agencies Evaluation of expanded works by legal assistant programs | Lack of sufficient enthusiasm among skilled lawyers to provide free legal aid Inadequate resources Lack of public awareness |
| 4 | Enhance the capacity of judges, staff, government lawyers, police personnel involved in investigation, semi-justice related officials, and legal professionals | <ul style="list-style-type: none"> ➤ Initiate capacity building training for people involved in the justice system | Judicial Services Commission | | Reports of training programs Number of cases decided by the various courts | Lack of budget Inertia to change |
| 5 | Increase the effectiveness of police units involved in human rights related crimes | <ul style="list-style-type: none"> ➤ Train the police in investigative techniques ➤ Develop investigation manuals incorporating various national and international norms and standards ➤ Orientation and refreshment trainings | Police Services | | Program monitoring Evaluation reports | Lack of priority Inertia to change |
| 6 | Enhance the capability to collect and conserve physical evidence Increase the role of physical evidence in criminal investigation | <ul style="list-style-type: none"> ➤ Institute capacity building programs to improve physical evidence collection techniques ➤ Strengthening forensic lab. Including equipment and library ➤ Orientation and training | Police Services | | Progress reports | Inertia to change and adopt new practices Inadequate resources |
| 7 | Ensure justice to victims of crime | <ul style="list-style-type: none"> ➤ Establish a system of providing a share of seized property or criminals to the victims of crime ➤ Enact new Penal and Criminal | Courts AGO | | Progress reports | Inertia to change |

| | | | | | | |
|---|---|---|--|--|------------------|--|
| | | Procedural Code ➤ Drafting compensation necessary legislations | PGP | | | |
| 8 | Increase the speed with which the court cases are decided | ➤ Explore alternative systems of justice ➤ Review of Arbitration legislation ➤ Formulation of Mediation and Conciliation Laws | Courts Judicial Services Commission | | Progress reports | Lack of budget Lack of priority |

The right to life, liberty and security of persons

Background

Maldives acceded to the Genocide Convention in 1984. These offences have been incorporated into the proposed Criminal Code with reference to torture and inhuman and degrading treatment where relevant. The draft penal code was scheduled to be discussed in the parliamentary floors within the year 2007, but was not. It needs to be re-registered in the Parliament again.

Maldives is committed to ensuring to its people the right to life, liberty and security of persons in accordance with the constitution of the Maldives. Several developments are relevant to these rights, including the new security measures following September 2007 bomb attacks and more generally after the political advancements in the Maldives with the introduction of the reform agenda. The Maldives government has introduced a number of new policies under the reform agenda that would enhance the protection of these rights.

Maldives has taken many steps to enhance the capacity of its domestic law to respond to the new security environment following the political advancements in the state. Most of these measures were taken under presidential powers as the then legislations, 1998 Constitution nor did the police code take stock of these issues.

The government permits prison visits by foreign diplomats, Maldives Human Rights Commission (MHRC), NGOs and other interested parties from time to time to monitor prison conditions and rights of persons in detention and prison.

Allegations of police violence continue to emerge from time to time; not only from the streets, but from custody – with ex-detainees from the detention centers. Procedural irregularities and the incompetence of the police force have become all the more evident through the current day upheaval. HRCM reports that police persistently flouted their own regulations in big criminal cases. Not offering a lawyer upon arrest and the absence of recording of interrogations are two most common flaws.

Current Situation

The law prohibits arbitrary arrests and detention, but it gives the government broad authority to conduct arrests and detain suspects. And by the use of this discretion, the

police continue to arrest persons and keep in detention. Opposition activists in the Maldives are alleged to be frequent targets of arbitrary detention, torture and ill-treatment, and some have had apparently baseless criminal charges filed against them.

On 11th February 2008, the Justice Ministry of the Maldives amended the country's Sentencing Guidelines to introduce tougher sentencing for perpetrators of sexual abuse including child abuse. Under changes to Article 173, the section of the Conduct of Court Proceedings dealing with sexual offences, the sentences now available to judges include imprisonment, in addition to banishment and house arrest.

The new Sentencing Guidelines have also been amended to improve the protection of children from all forms of sexual abuse. The definition of a child, as the victim of a sexual offence, now depends on age – with separate guidelines where the victim is under 16 and for 16 to 18-year-olds. And where sexual abuse of a child used to incur banishment and flogging, it now carries a mandatory jail sentence. Sentences had previously varied according to whether the child-victim had consented, but no longer make that distinction, and the law no longer carries provision for punishing a child who has consented to sex.

The Maldives government has implemented several institutions over recent years to reduce sexual assault in the Maldives in the form of Domestic Violence and Child abuse.

There is a need to introduce programs to reduce the trauma experienced by children and people with a cognitive impairment by making it easier for them to give evidence in the prosecution of sexual offences. Government needs to further provide significant financial resources to support victims of sexual assault and child witnesses, providing extra prosecution resources, new female forensic nurses and more health and counseling services.

The right to privacy has not been regulated in the country. The currently drafted Bills, regulations, codes, do not reflect international standards, the State committed to.

The government has recently initiated a counseling program in collaboration with a leading NGO for victims of violence and abuse, especially women.

Challenges

The problems related to providing the right to life, liberty and security as identified during the process of formulation of NHRAP, are presented below.

1. Lack of a criminal penal Code
2. Lack of Evidence Act
3. Lack of necessary implementing legislation
4. Lack of Health and Safety Act
5. Lack of awareness amongst judges regarding Human Rights obligations
6. Delayed justice

7. Inadequate witness protection
8. Poor coordination between Prosecutor General's Office (PGO), Police and the Courts
9. Lack of Police stations in all the inhabited islands of Maldives

Objectives of the National Plan

- To reform legislations to reflect human rights.
- To develop a system capable of administering quick and accessible justice.

National Action Plan

In order to protect human rights through an active justice system that is sensitive and contemporary, it is necessary to put in place an effective justice administration structure. The following national action plan on administration of justice shall be carried out to improve the justice system for protecting human rights in the country.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|---|----------------------|--------------------------|-----------------------|-------------|
| 1 | Enact the necessary implementing legislations to provide the right to life, liberty and security of all persons | ➤ Comprehensive Criminal Procedure Code | Parliament | | | |
| 2 | Institution Building / Capacity building | | | | | |

Freedom of Opinion and Expression

Background

The 1998 constitution of the Maldives gives effect to all these rights under the conventions. The 2008 Constitution uses the language of the ICCPR and the ICESCR to formulate in total, the fundamental rights section. Every citizen is entitled the right to freedom of expression and orally or in writing or by other means, unless prohibited by law in the interest of protecting the sovereignty of Maldives, of maintaining public order and of protecting the basic tenets of Islam. These rights have faced many restrictions over the past years. Many persons have been detained for publishing factual or non-factual facts about the respective governments or government persons. The reform agenda has brought it many sweeping changes; one of the most remarkable ones being the freedom of opinion and expression. Today, anyone can publish anything in the Maldives. This has further revealed the importance of a responsible journalism in the country.

Current Situation

The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam," and prohibits inciting citizens against the government. The right to

freedom of expression under article 19(2) of the ICCPR is also subject to restrictions provided by law. The Maldives government is satisfied that restrictions on communications imposed by measures outlined above are necessary for the protection of national security and public order. Under article 20 ICCPR, Maldives government strongly prohibits advocacy that incites violence, discrimination or hostility.

The current media environment has seen a considerable change from the past. The cautious hold on the print media of the country one can say has been fully relaxed. As a gesture of the new open-door policy, the Ministry of Information had on 17 July 2006 registered within the same day all pending applications lodged for the registration of newspapers and magazines.

Today there are over 7 daily newspapers, 15 magazines and over 70 other publications registered. Out of this altogether 25 registered publications are in regular circulation including daily newspapers publishing articles both in Dhivehi and English. There are now no pending requests for registration of newspapers or magazines. It is also noteworthy to mention that registration process has been redesigned so that the newspapers and magazines are now registered on the same day.

The Ministry of Information has dissolved the practice of investigation of journalists for writing socially unacceptable articles that may not necessarily contradict any laws of the land. At the same time the Ministry also has dismissed such complaints lodged by the public. The Ministry of Information has ceased the practice of sending such cases of reporters to the police for investigation. Only cases considered highly criminal by the Attorney General may be sent for investigation and prosecution by his office. And no penalty is suffered except through judicial means.

The Ministry is also playing a facilitators role for the newspapers. Whenever there is a complaint that they have faced an obstruction, the Ministry tries to mediate with other departments to rectify the circumstances. Release has been secured for individuals arrested; press have been allowed to move with the police in covering protests and rallies; entry has been facilitated for papers who are not allowed into certain briefings; equal treatment of all papers irrespective of content has been advocated.

While the print media is currently open and free the area of broadcast media has also been moving towards achieving a similar freedom. The Television Maldives and Voice of Maldives used to be the sole operators in this arena providing programs in Dhivehi. Currently, 6 radio stations and 3 TV stations licensed on contractual grounds are in operation in the Maldives and few others are in the pre-opening stage.

Among several other things, the bill on broadcasting (for private broadcasters) which is already in parliament will create a National Broadcasting Corporation that will amalgamate the state media of Television Maldives and the Voice of Maldives, allowing the state media to migrate into a full fledged public service broadcaster enjoying editorial independence, independent management, statutory existence and guaranteed funding.

Challenges

1. Lack of awareness as to the importance of formal training as a requirement to being in the profession of journalism
2. Lack of awareness as to the importance of practicing responsible journalism
3. Lack of knowledge as to the subject of ‘Human Rights’, its substance and the ambit and scope of the right to freedom of expression and opinion.

Objectives of the National Plan

- To enact the necessary implementing legislation to ensure full realization of the right to freedom of expression and opinion
- To create awareness as to the rights of all persons and effectuate responsible journalism

National Action Plan

The following national action plan to ensure the right to freedom of expression and opinion shall be carried out in the country in the coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|--|--|----------------------|--------------------------|-----------------------|---|
| 1 | Enacting the necessary legislation to ensure Press Freedom | ➤ Enacting a Law on the Freedom of Press | | | | Budget |
| 2 | Strengthening the media profession to ensure that media practices responsible journalism | ➤ Introduce formal training to persons involved in media | | | | Budget Lack of awareness as to the importance of formal training as a requirement to being in the profession |

Right to movement, peaceful assembly and association

Background

The right to form groups, to organize and to assemble together with the aim of addressing issues of common concern is a human right. The ability to organize is an important means by which citizens can influence their governments and leaders. The right to freedom of association and assembly is protected in international and regional human rights treaties. These rights are applicable to any issue. Mass protest is a potent symbol of the exercise of this right.

International and regional instruments protect a number of key rights relating to freedom of association and assembly. The right to peaceful assembly upholds the right to peaceful assembly which should not be denied except in situations of national security or public safety. The right to violent assembly is not upheld. However, international standards limit the use of force by authorities in controlling peaceful or non-peaceful assemblies. International standards require that law enforcement officials should use force only as a last resort, in proportion to the threat posed, and in a way to minimize damage or injury.

The right of association covers the right of individuals to ‘associate’ together and establish associations. Some countries have sought to hamper the ability of individuals to form associations by a variety of means: by claiming they do not agree with the political purposes of the associations; by denying legal personality which would be essential for day to day running and for taking on contractual relationships; by imposing cumbersome and partial registration processes; by imposing financial constraints. The right of association not only applies to individuals who wish to form associations but also guarantees associations so formed have rights to operate freely and without interference.

Current Situation

Freedom of Assembly

The right of assembly is guaranteed by the 2008 Constitution. Under the Political Parties Regulation of 2005, parties were granted to right to hold public assemblies indoors without the need to seek permission from relevant authorities but with the need to provide due notice. Over two hundred rallies and meetings have been held by political parties over the past year.

However, the right to protest in the street was not covered by the Political Parties Regulation meaning that there were no statutory guidelines for the Police Service to follow when trying to balance the right to freedom of assembly with the need to maintain general law and order. The balance is particularly difficult in the capital of the Maldives, Male’, where overcrowding, narrow streets and a lack of open spaces mean that even a small protest can bring severe public disruption and traffic congestion.

The 2008 constitution introduces the right to hold peaceful gatherings and demonstrations “without prior permission”.

Freedom of Association

According to the opposition and HRCM records, some MDP members who were civil servants were dismissed for their political affiliations. Government officials responded that the political beliefs of those dismissed created a conflict of interest and made it impossible for them to function. No human rights NGOs existing in the Maldives reports to have been restricted in their works by the Government of Maldives. These include all types of friendly, entertainment, environment and human rights associations. Many national, religious and also wedding functions are arranged at island level, and the government has no restrictions on the peaceful assembly of the public.

However, NGOs and opposition members have raised concerns that the rights of people to peaceful assembly are often compromised through being constantly watched and ‘moved’ by police. They have suggested that these regulations to pertain peace in the community restrict peoples’ opportunity to have a safe and open space to develop their own networks with their peers.

Challenges

The 2008 Constitution of the Republic of Maldives provide for the right to participate in peaceful assembly and association and gives the freedom to practice it in a variety of ways, subject to appropriate limitations recognized by these articles.

Objectives of the National Plan

1. To enact the necessary implementing legislation for the effective implementation of the right to freedom of movement, peaceful assembly and association
2. Capacity building within government institutions to promote and uphold the right to freedom of movement, peaceful assembly and association

National Action Plan

In order to protect the right to freedom of movement, peaceful assembly and association, it is important to create a effective legal, administrative and social structure. The following national action plan on encouraging and reinforcing the rights related to freedom of movement, peaceful assembly and association shall be carried out to improve the local system for protecting human rights in the country within the coming 2 years.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|---------|----------------------|--------------------------|-----------------------|-------------|
| 1 | Enact the necessary implementing legislation to realize and enjoy the right to freedom of movement, peaceful assembly and association | ➤ | | | | |
| 2 | Enhance capacity building within government institutions | ➤ | | | | |

Right to marry and found a family, protection of the family, mother and children

Background

The Maldives government supports and respects choices made by Maldivians in defining their own families, and provides substantial protection to families, women and children in accordance with the above articles. However, it fails to recognize the many ways in which families create and conduct their lives, inclusively honoring differences or race,

ethnicity, culture and religion, and promoting self-sufficiency and social responsibility. Foreigners married to Maldivian nationals are rarely granted citizenship in the Maldives.

Unmarried cohabitation is not supported in the Maldives. However, it does occur insignificantly from time to time. Persons cohabiting are punished under the Islamic laws for the individual and several offences of fornication and adultery.

Current Situation

The Maldives government recently introduced new divorce regulations to control the high rates of divorce in the country. All persons divorcing their wives outside the court are fined with a monetary value not more than 5000 Maldivian rufiyaa (approximately: 450\$). Any person wishing to marry more than one person should be earning a Maldivian rufiyaa 10,000 or more. These conditions have restricted the exercise of polygamy permissible under Islamic Laws which prevails in the country.

The Maldives government is determined to help children to have a meaningful relationship with both parents, reduce the impact of divorce, parental mishaps on children, and reduce the emotional and financial costs of family separation on families and the community. Little reforms have been introduced such as providing counseling services prior to marriage, testing for Thalesaemia (a major disease in the Maldives) and projects to promote joint parental responsibility. A presumption of joint parental responsibility exists to promote parents consulting together on important parenting decisions such as where a child goes to school or major health issues; however the presumption does not exist in cases of family violence and child abuse. For example: Recently a father and mother were both punished under negligence, where a small child died by drowning in a well.

Childcare is an essential element in helping families to balance their work and parenting roles, it is important to provide a stimulating and nurturing environment for children. The Maldivian government has a strong commitment to supporting families with access to quality childcare and assisting families with the cost of that care. The civil employment code allows parental leave, personal/carer's leave and ordinary hours of work. All women giving birth during employment are entitled to a 60 days of paid leave on delivery. None of their other leaves or entitlements can be compromised due to the grant of this 60 days paid leave in the annual year.

The Maldives government supports an Orphanage for all orphaned children in the country. Government funding is also provided to assist children with special needs, through societies such as the Care society, the biggest society for disabled children in the Maldives. The society conducts many programs for disabled children, including their schooling and extra curricular activities. Disabled children also go to school with normal children in the Maldives, but to a special class with special teachers. The government is committed to and working on strengthening education for children with disabilities.

Reflecting the seriousness with which the Maldives government takes domestic violence, Maldives has launched campaigns to reinforce the message that violence against women

is totally unacceptable and is being disseminated to all households through a broad cross section of media. A government funded confidential help-line has also been established with free counseling services through the Gender and family protection ministry.

Challenges

During the year, the then Gender and Child Protection Ministry reported continued child abuse, including sexual abuse. Penalties for the sexual abuse of children range from as much as three years' imprisonment to banishment. There is a lack of commitment at the decision making level to take fast action against these perpetrators and creating awareness amongst the public to take a strong stand against it.

Objectives of the National Action Plan

- To reform National laws to uphold rights related to marriage, family and welfare
- To develop a system capable of administering quick and accessible justice.
- To make qualitative improvements in evaluation systems and exercises.
- To create a system that clearly abides by the concept of human rights.

National Action Plan

In order to protect human rights through an active justice system that is sensitive and contemporary, it is necessary to put in place an effective legal, administrative and social structure. The following national action plan on encouraging and reinforcing the rights related to marriage, family and child welfare shall be carried out to improve the local system for protecting human rights in the country.

| | Objectives | Actions | Cooperating Agencies | Implementation on period | Means of Verification | Risk Factor |
|---|---|---|---|--------------------------|--|-------------|
| 1 | Encourage and reinforce marital, parental and family commitment and stability, especially when children are involved; | <ul style="list-style-type: none"> ➤ Awareness campaign on the role and importance of the family in national development ➤ Promotion activities among the public and the private sectors on importance of family ➤ Incorporate family impact assessment into the mainstream of the country's development programs ➤ Awareness campaign on the importance of equal participation, roles and responsibilities of men and women in family development ➤ Training to provide | Ministry of Gender and Family/ Ministry of Planning Ministry of Education | | Family surveys Curriculum documents Administrative records Impact analysis Training records School records Documents produced National Surveys/ Literacy study | |

| | | | | | | |
|---|---|---|--|--|--|--|
| | | <p>parenting knowledge and skills in family development couples esp. the men</p> <ul style="list-style-type: none"> ➤ Conduct lifelong learning programs. ➤ Incorporate Family Life education into the school curriculum ➤ Establish close working relationship between Ministry of Gender and Family and Curriculum Development division of the Ministry of Education1. ➤ Develop age appropriate family living modules to be introduced to children from a young age ➤ Provide adult education and literacy programs. | | | | |
| 2 | Strengthen and support the role of parents and the community in developing healthy and thriving children and youth; | <ul style="list-style-type: none"> ➤ Increase women’s access to sexual and reproductive health services ➤ Marriage preparation courses (both on Male’ as well as in the atolls) ➤ Parents’ caring skills ➤ Care of children and special educational facilities ➤ Child friendly environment ➤ Strictly enforce of the present family Act on minimum age of marriage (subsection 3b of the act) ➤ Family planning services be made available to them and when pregnant ➤ Health care be made available throughout the country ➤ Provide couples with safe, affordable and effective contraception, ➤ Increase quality of appropriate antenatal services ➤ Provide antenatal testing (Thalasaemia) and abortion for the needy ➤ Provide affordable safe delivery ➤ Conduct programs to create awareness of the danger of teenage pregnancies | <p>Ministry of Gender and Family</p> <p>Ministry of Education</p> <p>Ministry of Youth</p> <p>Ministry of Health</p> <p>Ministry of Atolls</p> | | <ul style="list-style-type: none"> ➤ Annual Reports of the Ministry of Health/Service records ➤ Marriage registration records ➤ Service records ➤ Training records ➤ Written documents ➤ Community records ➤ Registration of carers ➤ Study on quality of early childhood development programs ➤ Registration of qualified teachers ➤ Registration of community based after school care ➤ Inventory of facilities | |

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| | | <ul style="list-style-type: none"> ➤ Conduct marriage preparation course for all couples planning to get married ➤ Review marriage preparation curriculum to ensure the appropriateness and relevance ➤ Provide marriage counseling ➤ Commission NGOs like SHE to conduct marriage preparation courses ➤ Conduct training of trainers to implement the premarital course ➤ Conduct media campaign to stress the important of parenting skills ➤ Establish community or home-based early childhood education centres ➤ Train professional care givers and early childhood educators ➤ Increase accessibility and strengthen early childhood and development programmes; ➤ Increase the number of quality pre-school and schools and implement strategic plan to ensure an adequate supply of local qualified teachers; ➤ Set up community-based after school care for children ➤ Set up safe recreational/playground/ ➤ Activity centres/facilities for children | | | | |
| 3 | <p>Establish mechanisms to enable individuals and their family members to collaborate as partners with programme professionals in the delivery of services to individuals and families;</p> <p>Facilitate integrated service delivery and</p> | <ul style="list-style-type: none"> ➤ Encourage organizations, employers and NGOs to provide parenting skills through various media and at the work place, especially among youth and single parents ➤ Set up “One Stop Centres” (perhaps at the Community Centres). | <p>Ministry of Gender and Family/ Ministry of Planning Ministry of Education</p> | | <p>Training records</p> <p>Budget documents</p> <p>Administrative records</p> <p>Activity records</p> <p>Enrolment records</p> | |

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| | <p>establish preventive measures to reduce family vulnerabilities as well as promote family life, enhance family well-being and empower families.</p> | <ul style="list-style-type: none"> ➤ Establish universal pension ➤ Develop contributory pension program to all employees ➤ Provide trained home care professionals to assist families ➤ Expand the number of educational facilities for children with disabilities ➤ Campaign to increase school attendance of children with disabilities ➤ Encourage the establishment of hostels where students can be housed in order to continue their education ➤ Provide employment related vocational skills for young adults; ➤ Develop alternative approaches of acquiring skills and knowledge for children who have difficulties in formal schooling; ➤ Establish neighborhood watch groups in the community | | | | |
| 4 | <p>Strengthen and support the family and supplement family economic functioning;</p> | <ul style="list-style-type: none"> ➤ Conduct skills training to increase employability of people within the community ➤ Provide incentives to industries to set up operation in the atolls ➤ Provide incentives to employers to have provision of adequate maternity and paternity leave ➤ Encourage employers to establish quality affordable child care services near | <p>Ministry of Gender and Family</p> <p>Ministry of Education</p> <p>Ministry of Youth</p> <p>Ministry of Health</p> <p>Ministry of Atolls</p> | | <p>Social security records</p> <p>Labor force survey</p> <p>Administrative records</p> <p>Survey of service providers</p> <p>Guideline documents</p> <p>Service records</p> <p>Administrative records</p> <p>Training record</p> | |

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| | | <p>work place</p> <ul style="list-style-type: none"> ➤ Provide incentive to employers to adopt flexi hours of work ➤ Provide training for those interested to work from home ➤ Conduct awareness campaigns on the opportunities to work from home ➤ Develop guidelines and regulations to safeguard people working from home ➤ Provide computer subsidy to those who want to work from home ➤ Conduct campaign to remove of both barriers to the employment of people with disabilities and discriminatory attitudes towards people with disabilities must be considered ➤ Provide skills training to people with disability ➤ Provide incentives to Industries for employing people with disabilities. ➤ Provide special allowance to disable persons who are not capable of working ➤ Provide income supplement allowance to families with disable members ➤ Review welfare assistance to account fro the increase in cost of living ➤ Review the administration of welfare program administration to be family friendly | | | | |
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| 5 | Establish legal and procedural coordinating mechanisms across administrative boundaries; | <ul style="list-style-type: none"> ➤ Synchronization of all existing laws and regulations which have direct and indirect impact on families and to revise them, as necessary, to be more family sensitive and friendly ➤ Review the Family Act 4/2000 and Law No. 9/91 (Law on the protection of the rights of children) and if necessary to make them more family sensitive and friendly ➤ Advocate for laws and programmes that cater to the needs of changing families ➤ Advocate and develop specific laws on gender based violence including sensitizing enforcement personnel ➤ Advocate and review laws to protect the rights of children ➤ Advocate and review laws to protect the rights of the disabled ➤ Provide incentives to employers who establish family-friendly work environments ➤ Develop the capacity of professionals and leaders in counseling, monitoring and evaluation family development programs ➤ Set up a National Coordinating Council For Family Development (headed by a high level official) with its secretariat at the Ministry of Gender and Family ➤ Establish a section within the Ministry of Gender and | Ministry of Gender and Family/ Ministry of Planning Ministry of Education AGO | | | |
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| | | <p>Family whose role is to carry out studies (including research), monitor and evaluate related issues.</p> <ul style="list-style-type: none"> ➤ Development of family indicators with stakeholders ➤ Promote research into family development in collaboration with other government agencies, institutions of higher learning, the private sector, as well as with NGOs. <p>Support and encourage the work of NGOs [MANFAA Center on Ageing, Society for Health Education Ministry of Gender and Family (SHE), Journey, CARE Society etc.] working in areas related to the family.</p> | | | | |
| | | ➤ | <p>Ministry of Gender and Family</p> <p>Ministry of Education</p> <p>Ministry of Youth</p> <p>Ministry of Health</p> <p>Ministry of Atolls</p> | | | |

PART III

Chapter 4

Implementation and Monitoring of the International Human Rights Treaties; Actions for improving human rights legislation and human rights protection mechanisms

- Implementation of the International Human Rights Treaties to which a Maldives is a party;
- Monitoring, Review and Evaluation on implementation of Laws and the International Human Rights Treaties;

a. Implementation of the International Human Rights Instruments to which Maldives is a party

All obligations emanating from the international human rights treaties shall be reviewed against domestic legislation, both in force and draft. The government shall examine what actions if any, must be taken to ensure compliance, attributed to Government Ministries, Agencies, and local authorities.

A list of jurisdictions and activities of each government ministries, agencies, and local administrative organizations and authorities in accordance with the obligations of Maldives under the international treaties shall be developed, and the annual report shall be summarized by Ministry of Law, Justice and Parliamentary Affairs and submitted to the Government.

Relevant government ministries and agencies shall be accountable for reviewing and implementation of the international treaties and developing a comment on their implementation.

A procedure to translate into Dhivehi language and publish for public, upon ratification and/or approval of the international human rights convention/treaties shall be introduced, and activities to develop and publish handbooks and interpretation on international human rights treaties through state institutions and NGOs shall be conducted.

The subject of international human rights law shall be included in the professional training curricula for public servants, particularly for the police, military, judicial and other legal enforcement agencies.

The procedures of public institutions, National Human Rights Commission and the Courts whereby individuals and groups may seek to redress for complaints about human rights violations shall be widely publicized and shall include the provisions of the international human rights treaties to which Maldives is a party among the grounds for complaints.

Foreign invested or inter-governmental enterprises, organizations and units shall be bound under the same human rights obligations and mechanisms as national enterprises.

The capacity of the National Human Rights Commission to deal with complaints from individuals about violations of human rights shall be strengthened. The Commission shall be empowered to deal with alleged violations of the international human rights treaties to which Maldives is a party.

b. Monitoring, Review and Evaluation on Implementation of Laws and International Treaties on Human Rights

To implement the obligations assumed by Maldives under the international human rights treaties (eg: covenants, conventions, protocols), the following actions shall be taken.

An inter-ministerial unit shall be established with responsibility for preparing timely reports due under the international treaties under which Maldives has reporting obligations. The unit shall include representatives of all relevant government institutions and shall be advised by non-governmental organizations, the National Human Rights Commission and leading scholars in the field. The Attorney-General's office, Department of Justice, Ministry of Legal Reform and the Ministry of Foreign Affairs shall develop guidelines for this purpose.

National Human Rights Commission shall summarize and review the implementation of all international treaties submitted by the concerned ministries comparing relevant documents, and submit evaluations and results to the government.

The Committee on Foreign Affairs and Human Rights shall, within their respective jurisdictions, review and evaluate the status of protection and promotion of human rights and summarize these reviews and present them to the parliament. A copy of the same shall be forwarded to the government for implementation of the recommendation made by the Committee.

A summary of court practices and legal precedents at all levels shall be compiled on their handling of complaints of violations of human rights as provided in international agreements as well as in domestic laws. A manual shall be developed for judges based on such information.

The relevant ministries shall review draft reports prepared by the inter-ministerial reporting unit, along with information from NGOs and other interested persons, prior to their submission to the UN treaty monitoring bodies.

PART V

Monitoring NHRAP implementation

IMPLEMENTATION, MONITORING AND FINANCING

The government of Maldives shall be entirely responsible for managing and coordinating the implementation of the National Human Rights Action Plan.

The government is determined to implement the NHRAP in conjunction with the Seventh National Development Plan. In order to coordinate and ensure adequate implementation and monitoring of the Action Plan in the various Ministries, departments and other sectors of the Government, the government will strengthen the Law and Human Rights Section of the Foreign Ministry and the Department of National Development and Planning to oversee the daily activities. By strengthening the main coordinating section of within the Foreign Ministry and the Department of National Development and Planning, the aim is to ensure follow-up and necessary action from the various government ministries.

On behalf of the Government, Department of National Development and Planning and the Foreign Ministry shall see its implementation on a daily basis with the involvement of the National Planning Commission, National Human Rights Commission, concerned ministries, agencies, local authorities, and NGOs. It shall closely link its activities with the Seventh National Development Plan and other Human Rights Development programs adopted by the government. The section with collaboration of relevant ministries and institutions shall do monitoring and review.

All concerned ministries, agencies and organizations shall include measure to implement NHRAP in their respective annual work plan, in accordance with the measures reflected in the Seventh National Development plan and government's program of Actions and Economic and Social Development concepts of the Maldives.

Law and Human Rights Section of the Office of the relevant Ministries shall summarize the implementation and result of the NHRAP within the frame of jurisdiction of each ministry of the government of Maldives.

All local authorities shall incorporate the programs for promotion and protection of human rights in their Annual Plan of Action, implement them and submit reports to the government thereon.

Law and Human Rights sections of the relevant ministries shall have a jurisdiction to advise the concerned ministry to reflect and include most important actions for the implementation of the action program to the action program of the government and the national economic and social development concepts of the Maldives, to monitor and review their implementation, and to make proposal to make changes or revise the action program, when required.

The NHRAP has been formulated in accordance with the principles of a rights based approach. A rights-based approach stresses the importance of both process and outcome in development strategies. Accordingly, the design of the NHRAP has been highly participatory and aims at reflecting the concerns of a wide range of partners, including disadvantaged groups. The challenge for the government is not to promote a rights-based approach in the process of implementation. This implies the respect of a number of principles, particularly, participation, equality and non-discrimination, empowerment, transparency and accountability.

Role of National Human Rights Commission

The National Human Rights Commission will play the key role in the independent monitoring of the implementation of the NHRAP. The NHRC is mandated to this role by its enabling Act for the effective enforcement as well as protection and promotion of Human Rights conferred by the Constitution and other prevailing laws. The government will provide the necessary data and information required for the supervision and monitoring to the Commission.

The Commission may carry out inquiries and investigations on the matters of a) violation of human rights and abetment thereof; b) carelessness or negligence in the prevention of violations of human rights by any person, organization or authority concerned. It is also mandated to visit, inspect and observe any authority, jail or any organization under the government and to submit necessary recommendations to the government regarding necessary steps to be taken for the protection of human rights, and to review the provisions on safeguards provided by the Constitution and other prevailing law for the enforcement of human rights and submit necessary and appropriate recommendations to the government for effective implementation of the related provisions, evaluate the existing human rights situation of the country and make necessary recommendations to the government regarding reports to be furnished by Maldives pursuant to the provisions of international treaties on human rights.

The National Human Rights Commission shall have a right to monitor the implementation aspect of NHRAP independently.

Role of the Department of National Development and Planning

Department of National Development and Planning is responsible for the overall development planning and budgetary issues of the NHRAP. The role of the Department is to promote a rights-based approach in future planning and budgeting. Furthermore the Department will evaluate how

various government agencies have performed in implementing the plans and projects, and will evaluate also the implementation of NHRAP. The Department will organize and finalize in consultation with the coordinating committee, all matters related to the review of this document at the end of 2010.

Role of the Finance Ministry

The Ministry of Finance has the leading role in approving national action plans and allocate appropriate budget from national treasury for implementation of such plans through annual budget. In the same way, the Ministry of Finance has a key role in implementing the NHRAP by approving HR Plans proposed by sectoral ministries and allocating appropriate budget to implement the plans. For effective implementation of the NHRAP, the MOF will work in coordination with the Department of National Development and Planning.

NHRAP Implementation and Monitoring Mechanism

In order to ensure participatory, non-discrimination, transparent and accountable mechanisms for the implementation of the NHRAP, a NHRAP implementation and Monitoring Committee will be established under the chairmanship of the Department of National Development and Planning. The responsibilities of the Committee would include providing guidance to the Law and Human Rights Section as well as focal points within the different Ministries working for the implementation, review and approval of the final identification activities to be undertaken and progressive process of implementation of the NHRAP. To ensure transparency, the approved minutes of each session of the Committee should be made publicly available. Members of the Committee will include;

TO BE DECIDED...

Financing for Implementation of NHRAP

The NHRAP shall be financed from the following sources;

1. Funds from the annual national budget; and
2. Financial support from UN and other international organizations and donor countries; and
3. Grants and donations obtained at the initiative of NGOs, business entities and private individuals;