



Statement by H.E. Ms. Iruthisham Adam

Permanent Representative of the Republic of Maldives

At Adoption of the Maldives' UPR Report

16 March 2011

Introduction

Thank you Mr. President,

The Maldives delegation is delighted to be here for the adoption of our UPR report.

From the very outset, the Maldives has found the Universal Periodic Review process to be a unique and useful exercise. From preparing our national report in consultation with the national human rights commission and local NGOs, to holding an enlightening and constructive dialogue with UN Member States here in Geneva last November; and from consulting across government to assess the 126 received recommendations, to returning here now to offer our responses and to outline how we intend to go-about implementation; the UPR process has encouraged us to think and act in different ways in the sphere of human rights..

The Maldives' approach to the UPR process has been premised on the same principles with

which we approach all our interactions with the Human Rights Council. In particular, we have tried to be honest, transparent, self-critical, and willing to listen. I believe this approach was evident from our national report and from our interactive dialogue during the UPR working group. I hope it will also be evident today as I provide the Council with the Maldives' responses to all the recommendations we have received.

Mr. President,

My delegation would like to use most of its speaking time this afternoon to give detailed feedback on the 126 recommendations we received from our friends in the international community. At the end of our review last November, we informed the Working Group of our decision to keep all recommendations pending. This decision stemmed from the seriousness with which we approached the UPR process, and our wish to give full and proper consideration to all recommendations.

Since that time, the Maldives' UPR Standing Committee, comprised of government departments, the Human Rights Commission of the Maldives and civil society has met to review the received recommendations. What is more, important and sensitive recommendations have been the subject of a Cabinet Debate. This, I believe, demonstrates the importance that the Government attaches to the UPR process and to the promotion and protection of human rights.

Mr. President,

I am pleased to inform delegates that Maldives has submitted its detailed response to all recommendations to the Secretariat to be annexed to the final outcome report. We have done this in the interests of openness and transparency.

As that document shows, the Maldives has been able to accept, fully or partially, 100 of the 126 recommendations put to us.

These recommendations cover a wide-range of important issues and, when implemented,

will make a significant positive contribution to human rights in the Maldives.

- At the level of our international human rights commitments, the Maldives has accepted to ratify the two remaining conventions to which we are not yet party – namely the Convention on Enforced Disappearances, and the Convention on the Rights of Migrant Workers.
- We have also agreed to look into replacing our reservation to Article 21 of the Convention of the Rights of the Child with an explanatory declaration, and to significantly reduce the scope of our reservation to Article 16 of CEDAW.
- Turning to our human rights infrastructure, the Maldives, as a new democracy, accepts that our nascent institutions need to be strengthened and thus we have accepted all recommendations regarding, for example, enhancing the independence, competence and professionalism of our national human rights commission as well as our judicial sector.
- At a legislative-level, the Maldives has accepted all those recommendations calling on us to draft, table or adopt legislation designed to improve human rights protection in the country. In particular we hereby commit to implement the recommendations calling for the expeditious adoption of the new Penal Code, as well as specific laws dealing with equality and non-discrimination. The Council can rest assured that the Maldives is a strong advocate of equality for all in society, including vulnerable population groups such as women, children and the disabled. Indeed, we have already moved to adopt strong legislation in areas such as domestic violence, and the rights of persons with disabilities.
- Finally, we have also accepted all recommendations aimed at strengthening the enjoyment of economic, social and cultural rights in the Maldives, including in the areas of health, education, employment, trafficking, drug-rehabilitation, and juvenile delinquency.

Mr. President,

The Maldives' favourable response to so many recommendations, including many which required extensive and sometimes difficult consultations in my capital; reflects my countries

deep commitment to human rights and to this Council. It also reflects our acceptance of the truth that no country has a perfect human rights record and that every State has a duty to listen to criticism and advice, and to continually strive to improve.

Mr. President,

I would now like to turn to those recommendations which the Maldives was not able to accept at the present time, although in many cases we do commit to take small steps forward with a view to being able to consider them favorably during future UPR cycles.

I would like to explain the reasoning behind our position on these recommendations.

First, on capital punishment, I would like to remind the Council that there has not been an execution in the Maldives for half a century, and that the Maldives voted in favour of this year's UN General Assembly on moratoriums on the death penalty. However, at the present time, we are not able to accept the recommendation to abolish the death penalty or to ratify the second Optional Protocol to the ICCPR in this regard.

On the issue of corporal punishment, in particular public flogging, the Government sympathizes with the recommendations made on this point. We accept therefore to consult with relevant national and international authorities to assess whether the application of corporal punishment, as currently practiced in the Maldives, is compatible with our international obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (CAT), and also whether the newly-independent judiciary in the country has the capacity, at present, to pass down such punishments in a manner fully consistent with the Maldives Constitution and international human rights law, in particular those provisions dealing with non-discrimination on the basis of gender.

The second category of recommendations which we have not been able to accept, relates to freedom of religion. On this point it is important to note that the Maldives is and always has been since its conversion to Islam, a 100% Muslim country. In the Maldives consciousness, being a Maldivian and being a Muslim cannot be separated, they are rather two sides of the

same coin. This central role of Islam in the Maldives' national identity makes it extremely difficult to introduce principles of freedom of conscience into the country. Notwithstanding this, the Maldives fully understands the importance of tolerance and understanding across all walks of life – including religion. We have therefore decided, as a first step, to accept recommendation 100.91 and to begin domestic awareness-raising and open public debate on religious issues. Moreover, bearing in mind that perceptions of human rights and religion in the Maldives are heavily influenced by relevant international debates and norms, the Maldives has decided to host, in 2012, a major international conference on modern Sharia jurisprudence and human rights. We take this opportunity to request support for this conference from our friends in the international community.

The third major category of recommendations that we are not able to accept involves LGBT rights. Maldives law does not discriminate against people on the basis of their sexual orientation, and in practice LGBTs are able to enjoy the same rights as other members of society. However, at the same time, there are no laws in the Maldives which explicitly promote and protect LGBT rights.

Mr. President,

That concludes my introduction. Thank you.

Concluding Remarks

Thank you Mr. President,

I intend to be very brief in my concluding remarks, limiting myself to giving a sense of the next steps that we foresee in terms of implementing the accepted recommendations and other agreed steps.

Mr. President,

As we explained during the UPR Working Group, the Maldives has established a UPR Standing Committee which includes relevant government departments, local NGOs and the Human Rights Commission of the Maldives. The major innovation of this Standing Committee is that it was constituted to prepare the report, to consider the recommendations AND to have responsibility for implementing those recommendations in-time for our second UPR review in four years time.

With this in mind, I am pleased to inform the Council that the Standing Committee will begin meeting immediately after the conclusion of this session.

I am also pleased to inform the Council that the Maldives will submit a mid-term review of our progress on implementation. We hope that mid-term review will be widely read and posted on the Maldives' UPR page on the OHCHR website.

Mr. President,

With that it only remains for me to thank you and the Human Rights Council, and, especially, all of our colleagues in Maldives from government, civil society and the independent institutions who have contributed to what I believe has been a very useful and successful UPR process.

Thank you.