

APPENDIX 1:

**Statement by H.E. Ms. Dunya Maumoon
Minister of State for Foreign Affairs of the Republic of Maldives
High Level Segment - 19th Regular Session of the Human rights Council
1 March, 2012**

Thank you Madam President,

I am pleased to be here at the Human Rights Council to update members, as well as the wider international community, on recent developments in the Maldives that led to the change of Government on 7th February 2012. I would also like to present the vision of the new Government of H.E. Dr. Mohamed Waheed in the field of human rights.

As distinguished delegates will be aware, in 2004 President Maumoon Abdul Gayoom launched an ambitious Reform Agenda to reform the constitution and to build a democracy in the Maldives. This process brought us a modern constitution that is exemplary in its democratic ideals and human rights safeguards. The 2008 Constitution ushered in a liberal democracy with a full separation of powers, a bill of rights, multiparty elections and a number independent oversight bodies.

The country's first multiparty elections saw the assumption of power of President Mohamed Nasheed in November 2008, after two rounds of tightly fought elections. It is to the credit of the peaceful nature of the Maldives that such rapid and huge changes took place peacefully.

However, despite the high hopes and aspirations of Maldivians, the young democracy which was handed to President Nasheed was not consolidated, nurtured and strengthened. The former President also acted outside the Constitution on a number of occasions, most recently with the arrest, by the army, of a senior judge. These factors caused a slow erosion of confidence in the Government and in the new democracy, and led, ultimately, to his downfall.

I would like to make clear to you today that democracy in the Maldives did not emerge overnight in November 2008. The foundations of our democracy had been built over a number of years prior to 2008, and it has continued to evolve ever since. The new Government is determined to ensure that all the successes and achievements of the Maldives' democratic transition will not be lost. It is our commitment to you today that we are determined to go forward, not backwards. We are determined to strengthen democracy and human rights.

A review of our political and legal system, I believe, would show that crucial work such as strengthening of independent institutions and the completion of the secondary legislative framework to implement the rights and principles foreseen in the new constitution have not been completed. The strengthening of the judiciary has failed to keep pace with the changes taking place across the rest of Maldivian society; that key independent oversight bodies such as the Judicial Services Commission, the Human Rights Commission, the Police Integrity Commission and the Media Council need to be strengthened in order to fulfill their key roles in the system of democratic checks and balances.

The story is even more clear cut with regard to the creation of a new secondary legislative framework foreseen and needed under the new Constitution. It is a disappointing but unavoidable fact that, since the adoption of the new Constitution, only a handful of the dozens of necessary legislative bills needed to strengthen human rights protection and the rule of law have been enacted. While the Disabilities Act and the Judges Act are now on the statute book and while defamation was made a civil rather than criminal offense in late 2009, other pieces of crucial legislation identified or foreseen in the Reform Agenda remain at the drafting and negotiation stage.

Excellencies, ladies and gentlemen,

Shortly after becoming President, Dr. Waheed released a roadmap which he has presented as a blueprint for reenergizing the democratic and human rights reform program.

In the area of human rights, the roadmap sets the new National Unity Government four goals:

First, in order to build back stronger and learn lessons from past mistakes, the Government announced a full inquiry into events which lead to and ensued from the resignation of former President Nasheed. This National Inquiry Commission has already been constituted and has requested UN support in its mission to ascertain the facts and establish legal clarity about the incidents that occurred and culminated in the transfer of power.

Second, the new Government has committed itself to strengthening and modernizing the judicial sector so that it can gain the trust and respect of the whole population. In this regard, the former Government's invitation to the High Commissioner for Human Rights to send a team of Eminent International Jurists to the Maldives to advise on reform, including reform of the Judicial Services Commission, still stands. Using the findings of that UN mission, the Government has announced plans to hold a national roundtable on the future of the judiciary.

Third, we have committed ourselves to significant strengthening of the country's various independent oversight bodies - including the Human Rights Commission, the Police Integrity Commission, and the Elections Commission. Our aim will be to reverse over-politicization so that they can properly assume their crucial role in our young democracy.

And finally, we will attempt to secure an all-party consensus to expedite those legislative bills which have been sidelined since 2008 and which are so desperately needed. This includes the new revised Penal Code, the Criminal Procedure Code, the Evidence Bill, the Legal Aid Bill, the Juvenile Justice Bill and the Judicature Bill - all vital for the proper functioning of the justice system; a Freedom of Information Bill; and a new Prison and Parole Bill. In that regard, the Government is disappointed by today's moves by the MDP to block the official opening of Parliament.

As part of this secondary legislative push, we will focus in particular on protecting the rights of vulnerable population groups, especially women and children. This will include pushing forward a bill on equality and non-discrimination, a bill transposing the Convention on the Elimination of Discrimination against Women into domestic law, a bill on domestic violence, bill on sexual harassment, an amended Children's Rights Act, a bill on mental health and a bill on trafficking in persons.

This is an ambitious agenda, and one that we can only achieve with the support of all parties in the Maldives. Our hope is to work with all domestic and international stakeholders to complete these core unfinished parts of the Maldives' democratic and human rights reform agenda, so as to ensure that whichever government comes to Office after the next elections, will do so with the benefit of a more complete democratic system with robust independent institutions that work in the national interest and for the rights and well-being of all Maldivian citizens.

Madam President,

Finally, I would like to underscore the fact that our commitment to human rights in the Maldives will also be reflected by our continued commitment here as a member of the Human Rights Council. A country's international stance must flow from and reflect its national position, and vice versa. This means that the Maldives will continue to work to promote and protect human rights around the world and will continue to bring its unique perspective as an evolving Muslim democracy to the work of the Council. In this light, at this session, with our friends, we will table two resolutions, one on supporting the participation of Small Island States and Least Developed Countries at the Council, and one establishing an Independent Expert on human rights and the environment.

We hope the Council will support these initiatives, and will continue to support our democratic and human rights agenda.

Thank you.

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