

Statement by H.E. Ms. Iruthisham Adam
Permanent Representative of the Republic of Maldives

Thank you Mr. President,

The Maldives would like to comment on the report of the Special Rapporteur on the independence of judges and lawyers, a mandate with which the Maldives has enjoyed close relations over recent years.

The Maldives concurs with the Special Rapporteur's conclusion, in paragraph 97, that judges must be adequately educated and informed on a regular and continuing basis on new developments in international human rights law, principles, standards and case law.

The Maldives also agrees with the conclusion, in paragraph 93, that the separation of powers and the independence of the judiciary are of paramount importance and must be respected in all democratic States.

However, the Maldives would like to ask the mandate-holder how to approach a situation in which these two paragraphs may be in conflict.

For example, in the Maldives, the independent Judicial Services Commission, which is responsible for the hiring and training of judges, but which is also mainly made up of senior judges themselves, recently established the criteria for the qualification of judges. After studying the criteria, the Government has expressed serious concern, noting that they are so low that they prevent a proper screening of applicants, and thus would hinder the proper administration of

justice in a country that faces increasingly complex court cases and legal issues, including in relation to human rights.

This situation must be read against a backdrop whereby many young highly-trained judges cannot secure a place in the courts because positions are already filled.

Thus, the Maldives delegation would like to ask the Special Rapporteur one question:

1. How, in a country that has recently gone through a democratic transition, can a Government give impetus to the emergence of a new generation of highly educated and trained judges and lawyers, while respecting the independence of the judiciary?

The Maldives would also like to request that the Special Rapporteur follow-up on the 2007 mission to the Maldives and work with the Judicial Services Commission, lawyers and judges, the Government and relevant NGOs, in order to understand this complex situation and develop recommendations for the future.

We look forward to hearing from the Special Rapporteur in this regard.

Thank you Mr. President.