

Maldives: The rights side of life

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AHMED SALEEM has had a distinguished career in public service. He joined the Foreign Service in 1968 and served for over 25 years as a high-level diplomat, including tenures at the High Commission of the Maldives in Sri Lanka, the Maldives Permanent Mission at the UN, and the SAARC Secretariat in Kathmandu. He has been a regular columnist for several leading papers in the Maldives, writing mainly on international relations and human rights issues. A Member of the Human Rights Commission since its inception, Mr Saleem was appointed President of the Commission in November 2006.

The Maldives right now is a living and breathing example of democracy in transition. All that one may have read in theory on democratic transition – and, in fact, more – is being played out in this country that is experiencing a list of firsts that essentially reads as a checklist of democratic governance. An independent judiciary, a legislature representative solely of the people, and independent state commissions are all firsts in the 800-year history of the Maldives.

The Human Rights Commission of the Maldives (HRCM) was first created under Presidential Decree on 10th December 2003. With the passing of the Human Rights Commission Act in November 2006, the HRCM was instituted in accordance with the Paris Principles, adopted in December 1993, which sets the international standard for the establishment and functioning of national institutions for the promotion and protection of human rights.

The Human Rights Commission Act ensures the independence of the HRCM from the government of the day, thus making it a body purely accountable to parliament. The Act contains a number of provisions entrenching the functional autonomy of the HRCM, including comprehensive powers of investigation and reporting, and those requiring specific performance from public and private bodies, and individuals. The adoption of a new Constitution in August 2008 reinforced the authority of the HRCM as a constitutionally-recognised independent state institution.

Perhaps more importantly, the Constitution now details a comprehensive catalogue of civil and political rights. Chapter II on the Fundamental Rights and Freedoms contains 54 Articles in all, and sets out the range of internationally-recognised human rights, and in addition, a right to protection of the environment, particularly significant to the Maldives, being a country treading a delicate balance between human progress and its fragile natural surroundings. I see it as an important step forward for human rights in the Maldives that the government managed to table and have adopted by the UN Human Rights Council in March 2008, a Resolution on Human Rights and Climate Change, calling upon the Office of the UN High Commissioner for Human Rights to explore the relationship between climate change and fundamental human rights.

However, in the same way that adoption of such a

Resolution is merely symbolic unless concrete steps are taken to follow-up on the ideas therein inscribed, the rights and freedoms contained in the Constitution too will need to be made accessible to the people. Despite impressive constitutional provisions, and the Maldives having ratified six of the nine core international human rights instruments, the task of creating a culture of human rights in the country remains an enormous one. Work is underway for the Maldives to soon sign up to the remaining core human rights instruments. Ratifying a convention is merely the first step on a long road. Legal entitlements mean very little if they are not translated into everyday life. As human rights are engendered from within, and never imported from without, the unenviable responsibility of ensuring that human rights take root in society rests on the shoulders of all Maldivians today.

The future for human rights in the Maldives rests largely on how well we can conceptualise it as a local and at the same time universal norms. At this time of fractious party politics, it is crucial for human rights to serve as a unifying force and basis for mutual co-operation. Political leaders, religious scholars, judges and society at large must recognise the existence and importance of shared aspirations and equal prerogatives, rather than focus on partisan gains.

Dialogue between free and equal persons must be enabled and promoted. Dialogue without boundaries and fear is fundamental to democracy as it is to human rights. A lack of such communication more often than not results in misconception. A case in point is the perceived conflict between Islam and human rights. As the Maldives has been a country of Muslims for close to a millennium, Islam is very much interwoven in the traditions and customs of the people. By and large, violence and bigotry have never been part of Islam in the Maldives, instead, the focus throughout the years has been on the aspects of moderation, peace and social development in Islam. It is thus heartening to see certain Islamic scholars draw out modern human rights concepts from within Islam. Unfortunately, such voices are very much in a minority, and are often subdued against the more vociferous clichés of incompatibility, in the Maldives and the world over. I believe free and equal communication is key to overcoming this ostensibly impossible conundrum, and underscores the indispensable role of human rights in building stable democracies and attaining sustainable development. ■