

CHRI 2014

Easier Said than Done



Pursuing Promises at the United Nations Human Rights Council
MALDIVES



CHRI

Commonwealth Human Rights Initiative

working for the **practical realisation** of *human rights* in the countries of the Commonwealth

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work, and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Commonwealth Charter, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth Member States.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI works with the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's aim is to act as a catalyst for reform.

The nature of CHRI's sponsoring organisations ensure it has a national presence and an international network.* These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups bring local knowledge, can access policymakers, highlight issues and act in concert to promote human rights.

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Easier Said than Done 2013

A Report on the Commitments and Performances of the
Commonwealth Members of the UN Human Rights Council

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I. Introduction



Easier Said than Done



I. Introduction

What is the *Easier Said than Done* series of reports?

The Commonwealth Human Rights Initiative (CHRI) has been monitoring the behaviour of Commonwealth countries at the United Nations Human Rights Council (UN Human Rights Council) since the Council's inception in 2006. CHRI has used the *Easier Said than Done (ESTD)* series to report on the performance of Commonwealth Members of the UN Human Rights Council with their domestic and international human rights obligations.

The focus of the *Easier Said than Done* series are the pre-election pledges made by each country while standing for election to the Council. These pledges frequently include commitments to promote and protect human rights internationally, domestically and, specifically, at the Council. The reports analyse the extent to which Commonwealth Members of the Council comply with these pre-election pledges.

The *ESTD* reports are principally published for an audience comprising diplomats, government officials, civil society organisations and international policymakers. They are designed to be used while formulating policy and advocating for greater respect for human rights, both domestically and through their foreign policy. The *ESTD* reports are also intended to demonstrate the unrealised potential of pre-election pledges as a result of the limited attention they receive during a country's tenure on the UN Human Rights Council.

Why do the *Easier Said than Done* reports focus on Commonwealth countries?

The Commonwealth as a block is an under-assessed component of the Council. During any particular year, about a quarter of the UN Human Rights Council would comprise Commonwealth States. The Commonwealth has a diverse membership which spans the entire globe. All Commonwealth Members have demonstrated a commitment to the fundamental principles of human rights on numerous occasions through a variety of organisational documents and communiqués. Most recently, this commitment was demonstrated in 2013 with the signing of the Commonwealth Charter (Charter). The Charter makes a specific commitment to the protection and promotion of human rights:

We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies. We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively.

We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.

With this background, the Commonwealth should be a force to further the mandate of the UN Human Rights Council. However, taken as a whole, the Commonwealth block cannot be viewed

objectively in this light. The promotion, protection and realisation of human rights still do not regularly factor into the behaviour of Commonwealth countries at the UN Human Rights Council. Failure to comply with such a fundamental organisational commitment jeopardises the integrity of the Commonwealth as an organisation and has the potential to negatively impact the work of the UN Human Rights Council.

How is this report structured?

This report differs from its predecessors in one major way. This *Easier Said than Done* will be a series of reports rather than one large report. Each report in the 2013 series will focus on one Commonwealth Member of the Council during this period. There will be eight reports, covering Botswana, India, Kenya, Malaysia, Maldives, Pakistan, Sierra Leone and Uganda.

Each report in the 2013 series will begin with an examination of the Commonwealth's performance as an intergovernmental body and as a grouping within the Council. This section of the report also includes a series of recommendations directed at Official Commonwealth bodies. The level of cooperation of the Commonwealth Members of the UN Human Rights Council is then presented using a variety of tables in Section III of the reports. The tables focus on four aspects: ratification of the core UN human rights treaties; compliance with treaty reporting obligations; engagement with the UN Human Rights Council's UPR mechanism; and cooperation with the UN Human Rights Council's Special Procedures Mandate Holders. The next chapter will differ between reports. It will assess the performance of the country under review during the reporting period. The first section of each country chapter sets the scene regarding the country situation and Council membership. The second section details the country's performance and voting patterns at all the Council sessions that occurred during the reporting period. The third section summarises the domestic human rights situation in the country during the reporting period and compares the performance of each State with the human rights-related pledges and commitments it made before its election to the Council. The country section concludes with recommendations to that country on how to increase compliance with their pledges going forward. All the reports conclude with a compilation of recommendations made to the official Commonwealth, all Commonwealth Members of the Council and the country under review. The reports will have two Annexes, one of which will list the links to the countries' pledges for reference, while the other is a table that sets out Commonwealth voting patterns during the review period.

What is the reporting period and which countries are under consideration?

This edition of the reports summarises and analyses the human rights performance of the eight Commonwealth countries that were Members of the UN Human Rights Council during 2013. The reporting period includes: the 22nd Session of the Council which was held from 25 February to 22 March; the 23rd Session, from 27 May to 14 June; and the 24th Session, from 9 to 27 September.

The eight countries under consideration during this reporting cycle are Botswana, India, Kenya, Malaysia, Maldives, Pakistan, Sierra Leone and Uganda.

What are the reports' inherent limitations?

As in the earlier editions, two main challenges were faced during the drafting of the 2013 reports. The first was to measure the often vague, generalised and un-quantifiable pledges made by many Commonwealth governments which, in some cases, resulted in equally vague compliance

indicators. In other instances, the report assesses specific pledges in consequently specific terms. This pattern highlights an inherent problem with the current discretionary pledge-making process. It also reveals the continuing lack of efficient standards to measure and govern this process. Though the Office of the High Commissioner for Human Rights (OHCHR) has published guidelines on pledge-making, these are non-binding and most countries do not follow them to the letter.

The second challenge was the inability to obtain human rights information for each country on an equal scale. This led to a variation in the quantity of information used to tally compliance with pledges. The limited availability of reliable, objective and/or quantified information is in itself an indication of the lack of infrastructure to monitor human rights situations in many Commonwealth countries. It highlights the urgent need for increased technical assistance to those countries and a reinforced commitment to human rights from Commonwealth governments. When using the report, it is advisable to take these factors into consideration and to avoid direct comparisons between country situations and/or pledge compliance.

What sources of information were used to compile these reports?

These reports use research based almost exclusively on secondary sources. Care was taken, to the maximum extent possible, to ensure that information on domestic human rights situations came predominantly from local sources. Recognised and reputable international sources (newspapers, governmental and non-governmental organisations) were also included where relevant to specific issues. The section on “Human Rights During the Reporting Period” was reviewed by at least three external individuals chosen on account of their knowledge of the concerned country. The information contained in the sections that deal with State behaviour at the Council was obtained from primary sources: daily press releases on the Council’s proceedings released by the UN; official voting records; and country statements. Full sources and references are included for each of the above. Every care has been taken to ensure the accuracy of the information contained in this report.

II. The Commonwealth and the United Nations Human Rights Council



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II. The Commonwealth and the United Nations Human Rights Council

II.I Q & A on the United Nations Human Rights Council

What is the United Nations Human Rights Council?

The United Nations Human Rights Council (UNHRC or the Council) is an intergovernmental body within the UN system comprising 47 elected Member States. The Council was established in June 2006 to replace the former UN Commission on Human Rights. The Council has the primary responsibility for the promotion and protection of human rights at the UN. The Council holds three regular sessions annually and special sessions as required by pressing human rights situations that require urgent attention. Unlike its predecessor, which was a subsidiary body to the Economic and Social Council, the Human Rights Council is a subsidiary organ of the UN General Assembly. The Council has absorbed mechanisms of the former Commission, such as the Special Procedures and Complaints Procedure, while including new mechanisms: the Universal Periodic Review (UPR) and the Advisory Committee. In another departure from the practices of its predecessor, the Council has a re-formulated regional division of seats that provides for greater representation of Southern States. Its election process is also different; States may release pre-election pledges and then must secure an absolute majority of votes in the General Assembly (held by secret ballot) to be elected.

Why was the Council established?

The Council was established to replace the discontinued and largely discredited United Nations Commission on Human Rights (the Commission) that was established in 1946. Despite several contributions and decades of setting international standards on human rights, the erstwhile Commission was criticised for being an overly political and selective body. Numerous states with poor human rights records were able to sit on the Commission, and, once there, work to block meaningful action on serious human rights abuses. The importance of the Council's pre-election pledges is therefore evident.

How are countries elected to the Council?

The Council's 47 seats are allocated by regional grouping (13 for Asian States, 13 for African States, six for Eastern European States, eight for Latin American and the Caribbean States and seven for Western European and Other States) for three-year terms. Every year new countries vie for seats within each regional grouping – the number is decided by the number of countries from each grouping that depart the Council. Countries may only run for two consecutive three-year terms. A country must obtain an absolute majority of votes from the UN General Assembly to be elected to the Council. If no country within a regional grouping receives an absolute majority of votes, then a second round of voting takes place between high-scoring candidates. Recently, however, there has been a trend of regional groupings running closed slates – with the number of countries running matching the number of open seats – to avoid embarrassing countries that lose out to other countries from the same region.

What is a pledge and what does a pledge usually entail?

A country running for election to the Council can submit pre-election pledges while presenting their candidature. Ideally, the pledge document is intended to be used by voting countries to determine which candidate best fits the criteria for election to the Council, i.e. which country has made the greatest contribution to the promotion and protection of human rights and is willing and capable of playing an effective role at the Council. Pledges usually list a country's past contributions to the promotion and protection of human rights, and future voluntary commitments towards the same. The commitments made in each country's pre-election pledge are also intended to be used as a partial basis for that country's Universal Period Review. For reference, electronic links to these pledges can be found in Annex 1 of this report.

Is the pledge-making process regulated?

The Office of the High Commissioner for Human Rights (OHCHR) has published a document that outlines suggested elements for voluntary pledges and commitments, but the document is not binding; nor is it exhaustive. The suggested elements include national and international human rights contributions, pledges and commitments, and can be found at: <http://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>. Because the pledge-making process is neither regulated nor standardised, there is little consistency between countries, although pledges to support the work of the Council and its subsidiary mechanisms are common, as are pledges to uphold the highest standards of human rights domestically. Unfortunately, pledges also tend to be vague and unquantifiable, making the measurement of achievements and benchmarking especially difficult.

Are countries bound by their pre-elections pledges?

There is currently no accountability mechanism to ensure compliance with pre-election pledges. That being said, the General Assembly does have the ability to suspend Council Members who have seriously and consistently breached their international human rights obligations. In reality, however, there has been little progress in holding governments accountable for their pledges. Libya was suspended from the Council in March 2011 as a result of a violent crackdown on anti-government protestors; however Libya had not made any specific pledges regarding its domestic human rights situation before its election to the Council. There is therefore no example of a State's membership of the Council being affected as a direct result of violating an election pledge.

What is the position of the Commonwealth at the Council?

Since the establishment of the Council in 2006, about one quarter of the body's Members have consistently been Commonwealth countries. However, the Commonwealth has yet to realise its full potential at the Council. The Commonwealth, through its Secretariat, has undertaken several initiatives with respect to technical assistance on the UPR, but is yet to play a major role in promoting and protecting human rights at the Council. The Commonwealth has established a "Small States" office in Geneva in order to provide subsidised office space to its smaller Members who do not have a permanent presence in Geneva, thereby facilitating their participation at the Council.

Is the Council an effective mechanism to promote respect for human rights and to address major abuses?

To date, the Council appears to be battling issues similar to the ones that plagued the Commission. During a speech at the celebrations for the sixtieth anniversary of the Universal Declaration of Human Rights in December 2008, UN Secretary-General Ban Ki Moon urged the Council to “rise above partisan posturing and regional divides” and to “address human rights abuses wherever they occur”. For the most part, this plea has not been borne out. A majority of Member States continue to vote in accordance with block affiliations, on the basis of regional or political groupings. Major human rights abusers still sit on the Council, and several serious human rights abuses have been ignored by the Council for political expedience. Though many Commonwealth countries voluntarily pledged to promote and work positively to support the Council before their election, Commonwealth Members tend to be a part of the negative trends identified above.

Voting on controversial country-specific and thematic resolutions continues to be divided along regional voting lines. Despite the increase in cross-regional initiatives during the sessions – a clearly encouraging factor – the effect and dynamics of block politics continue to dominate the Council’s functioning to date. A number of Commonwealth countries are openly opposed to country-specific scrutiny at the Council, an attitude that is translated into negative voting on such resolutions.

Despite this bleak picture, the Council has achieved numerous successes and can hold itself out as a best practice model for facilitating the engagement of civil society in its processes. The Council has managed to unite its Members around several key concerns and has passed resolutions on various human rights priorities, calling for action or expressing commitment to a range of issues from the protection of human rights defenders to calling on governments to hold people to account for human rights abuses.

II.II The Commonwealth at the Human Rights Council: An Analysis of Trends

The findings of the 2013 reports continue to demonstrate the discouraging picture highlighted by its predecessors regarding the performance of Commonwealth Members as a whole at the Council. The potential for Commonwealth Members to actively contribute to the promotion, protection and realisation of human rights, both at home and at the Council has still not been fulfilled.

These reports demonstrates four important trends by Commonwealth Members at the Council.

1. An alarming lack of adherence to commitments that related to domestic human rights situations

A disconnect between pre-election pledges and domestic human rights situations is clearly demonstrated in this report. Once again, no Commonwealth Member fully complied with its pledges. Instances of torture and police brutality; undue restrictions on freedom of expression, association and peaceful assembly; extrajudicial killings; enforced disappearances; judicial corruption; impunity of supra-constitutional forces; the trafficking and enslavement of women and children; child labour; forced marriages; discrimination against people with HIV/AIDS, persons with disabilities as well as members of the LGBT community; acts of violence against journalists; harassment of human rights defenders; and censorship of digital content are a few examples of practices present in States that had pledged to uphold the highest standards of human rights domestically.

2. Several attempts by certain Commonwealth countries to dilute the functioning of the Human Rights Council

It was also evident that several Commonwealth countries remained reluctant to take positions on individual country situations. This approach significantly impeded the Council from effectively responding to the most egregious human rights violations.

Of particular concern was the position taken by the Commonwealth bloc when the situation of one of its Members came under the scrutiny of the Council. During the vote on Sri Lanka at the first session of 2013, only two Commonwealth countries, India and Sierra Leone, voted in favour of the resolution designed to promote reconciliation and accountability in the country. This position mirrors the organisation's general approach towards Sri Lanka. Despite various egregious breaches of Commonwealth values, including impunity for gross human rights violations, the weakening of the rule of law and undermining the independence of the judiciary, on-going restrictions on civil liberties, intolerance for dissent, intimidation of the media and inaction in the face of extremist attacks against minorities, Sri Lanka has evaded a formal referral on to the agenda of the Commonwealth Ministerial Action Group (CMAG), the enforcement arm of the Commonwealth.

In general, the Commonwealth Members of the Council had a positive effect on the Council's thematic resolutions. However two resolutions were a particular cause for alarm. On the question of the death penalty, every member of the Commonwealth united to either vote against or abstain on the decision to establish a high-level panel to discuss the issue of abolition. There is clearly no consensus within the Commonwealth on the question of the death penalty. The worrying aspect of this vote, however, was that it was in effect a vote to prevent a discussion. Any attempt by a

Member of the Council to stifle debate is extremely worrying. The second worrying position was that five out of the eight Commonwealth Members abstained from voting on a resolution related to protecting human rights defenders who cooperate with the United Nations, its representatives and mechanisms in the field of human rights. This position corresponds with the gradual shrinking space for civil society within a majority of Commonwealth nations and at official Commonwealth fora.

3. A near-complete lack of consensus among Commonwealth countries at the Council

During the 2013 sessions, lack of consensus between the Commonwealth Members was the norm. Where votes related to affirmation of generic principles, there was generally a favourable consensus adopted by Commonwealth voters. However, as soon as a resolution was related to a specific situation or highlighted tangible measures for advancement of a situation, the positive consensus was lost. On such issues, the Commonwealth Members did not vote in accordance with their pledges, or even in accordance with Commonwealth values. Instead, voting was predominately determined in accordance with regional and political alliances.

4. A lack of commitment to promoting Commonwealth values at the Council

Membership of the Commonwealth presupposes the will to act together in order to promote, protect and realise human rights. The new Commonwealth Charter, signed in 2013, sets out the values of the Commonwealth, committing its Members to the ideas of peace, democracy, justice, development, equality, human rights and inclusiveness, especially of the most vulnerable. Deplorably, the perception promoted at the Council during this reporting period did not correspond with these values, in fact an indifference to human rights abuses and a desire to shelter strategic partners was the image portrayed of the Commonwealth.

Every vote or stance by a Commonwealth member at the Council directly affects the Council's ability to protect human rights. Moreover, positions adopted by Commonwealth Members individually, directly affect the Commonwealth's ability to hold itself out as a values-based organisation. Frequently, the voting patterns and public positions adopted by Commonwealth countries at the Council did not correspond with Commonwealth values. The Commonwealth however does not question its Members about the decisions they take at the international level. Without a rigorous collective review mechanism, the Commonwealth's commitment to its core values will remain empty rhetoric.

II.III The Role of the Official Commonwealth at the UN Human Rights Council

II.III.I Engagement

The Commonwealth mandate to engage with the Council was initiated at the 2007 Commonwealth Heads of Government Meeting (CHOGM), when – after some prodding by the Commonwealth Human Rights Forum, a meeting of civil society groups – the Heads of Commonwealth governments decided that the Commonwealth Secretariat could, through the Council, play a facilitating role in strengthening dialogue on, and raising awareness of, human rights in Commonwealth countries.

Since the Human Rights Council began operating in 2006, CHRI has urged the Commonwealth and its Members to actively support the Council in the fulfilment of its mandate. The earlier reports in the *Easier Said Than Done* series have noted that the Council should be considered one of the most important global fora for the Commonwealth, outside its own internal dialogues and to this end identified two important avenues through which the Commonwealth could make a serious impact at the Council:

1. By providing technical assistance to Commonwealth countries who wish to engage with the Council and its mechanisms;
2. By building consensus among like-minded countries during deliberations at the Council.

To date, Commonwealth engagement with the Council has largely focused on the first avenue, with a predominant emphasis on providing technical assistance to Commonwealth countries as they engage with the Universal Periodic Review mechanism. Since early 2008, the Human Rights Unit of the Commonwealth Secretariat has run several UPR capacity-building training sessions across the Commonwealth for governments, parliamentarians, national human rights institutions and civil society. These meetings have primarily been a forum to share best practices and experiences. Best practices taken from a selection of these meetings were compiled into two volumes by the Human Rights Unit: *Universal Periodic Review of Human Rights: Towards Best Practice*, which shared early experiences with the UPR; and *Universal Periodic Review: Lessons, Hopes and Expectations*, which provided an update half-way through the first cycle. Work to further contribute to the UPR has continued during the second cycle of reviews. During 2013, the Commonwealth Secretariat held a Caribbean Regional Seminar for Members of Parliament on “The Role of Parliamentarians in the Promotion and Protection of Human Rights”. Its main outcome was the establishment of The Commonwealth Caribbean Parliamentary Human Rights Group, which went on to make a Statement at the Council in 2013.

Support for the capacity-building work of the Human Rights Unit was reaffirmed by the Heads at the 2009 CHOGM in Trinidad and Tobago. However, at the 2011 CHOGM in Australia, the Heads merely noted that Commonwealth Members should share best practices and lessons learned from the Universal Periodic Review Process, without establishing a way forward for the Commonwealth to give further technical assistance. The trend of diminishing focus in the CHOGM communiqué continued in 2013 where no reference to the Council or the UPR was made. The 2013 communiqué was heavily focused on development. The UN human rights mechanisms only received a sweeping mention wherein Members were encouraged to accelerate efforts towards the ratification of all major international human rights instruments to strengthen the implementation of rights and freedoms as enshrined in the Universal Declaration of Human Rights.

The Commonwealth's presence at the Council itself has traditionally been minimal, except for an annual speech by the Commonwealth Secretary-General. The current Secretary-General, Kamallesh Sharma has spoken during the Council's high-level segment every year since 2010. His speeches differ markedly from those of his predecessor. Whereas former Secretary-General Don McKinnon once noted in an address to the Council that if the Council "shields just one jurisdiction which displays a blatant abuse of human rights, it will discredit itself forever", Secretary-General Sharma's speeches seem to suggest that naming and shaming rights-abusive regimes, one of the Council's most important tools, is not a useful activity, and should be avoided. For example: in 2010, he said that there was "greater value in raising a helping hand, than in raising a wagging finger"; in 2012, he said that the "Commonwealth approach is not to chide or rebuke, but to agree to shared goals"; and most recently in 2013 Mr Sharma noted that "our hallmark... [is] to seek advances in a climate of respect and trust with our member states". These statements directly mirror the approach taken by the Secretariat in responding to human rights violations within their jurisdiction. A leaked memo from the Commonwealth Secretariat revealed that the Secretariat was of the view that it "has no explicitly defined mandate to speak publicly on human rights" and that "such crude megaphone diplomacy would be simply counterproductive – we'd rather proffer a helping hand". Despite such a position regarding country-specific action the Secretary-General has taken up the rights of LGBTI persons in his last three speeches to the Council. Many Commonwealth countries still criminalise homosexuality, making Mr Sharma's comments all the more laudable.

The Secretary-General's annual speeches alone are insufficient engagement between these two important organisations. The Commonwealth considers itself a values-based organisation, citing the principles of democracy, human rights, peace, tolerance and respect for the rule of law as some of those values. If Commonwealth countries do not uphold these values, domestically or during their international engagements, the Commonwealth should be aware of this and take appropriate action. It is therefore essential that the Commonwealth should monitor action at the Council and work towards increasing the positive impact made by Commonwealth States at the Council. Initial moves in that direction were completed in January 2011, when the Commonwealth opened an office in Geneva that offers space and a business centre at subsidised rates for Commonwealth missions and visiting delegations that participate in international deliberations, including at the Council.

Initial indicators are positive that this new presence in Geneva will increase the participation of the Commonwealth at the Council. The Secretary-General confirmed in his 2013 statement that the organisation's strategic plan for the next four years included the objective of deepening the partnership between the Commonwealth and the OHCHR; and to assist Commonwealth States to successfully implement UPR recommendations. In 2013, the Commonwealth took the step of contributing to a specific thematic panel discussion held at the Council on the role of parliamentarians in the work of the Council. During discussions, the Chairperson of the Commonwealth Caribbean Parliamentary Human Rights Group took the floor on behalf of the Commonwealth to share experiences and make recommendations related to requiring States under review to present UPR outcomes and reports to their parliament. Moreover, the staff of the Commonwealth contributed to specific thematic reports prepared by the Office of the High Commissioner for Human Rights (OHCHR). The reports, to which the Commonwealth contributed, included the policing of peaceful protests; strengthening judicial systems and the administration of justice; the right to development; and the protection of journalists.

While these commendable advancements in engagement are to be welcomed, it is interesting to note that Commonwealth engagement continues to be heavily focused on capacity building surrounding the UPR, and where it relates to thematic reports, the staff of the Commonwealth appear to be working independently from their Members. There have been no moves by the Commonwealth, or any of its Members, to work towards building a consensus among Commonwealth countries at the Council on interventions designed to advance human rights objectives or to hold Members to account for their actions and statements in the international arena. For an organisation that constantly seeks to raise its own profile, one would imagine that a Commonwealth-sponsored resolution at the world's most important human rights forum on an issue that Commonwealth countries agree upon would be exactly the kind of publicity that the organisation desires. It would also be proof of the organisation's relevance on the global stage. Moreover, the Commonwealth Secretary-General should be able to call on Commonwealth Members to make statements on behalf of the organisation, as other regional and political groupings frequently do.

The Commonwealth provides an opportunity to all Members, regardless of traditional dominance in international affairs, to sit as equals during discussions and decision-making. Thus the Commonwealth, as a unique grouping of 53 Member States, which together comprise approximately a third of the world's population and usually around a quarter of the membership of the Council, has the potential to achieve innovative positive advancements. The organisation is large enough to have an important influence on international affairs, yet it has not pursued the angle of working together at the Council. Much of the Commonwealth's potential remains underutilised, potentially as a result of internal fractionation regarding the organisation's purpose, enforcement of values and conservative functioning regarding the role of non-state actors. The risk of encouraging such an organisation to work together is clear. Currently, many Commonwealth countries openly violate the values of the organisation, with impunity. Examples of grave violations of human rights law that have not been publicly addressed by the Commonwealth include impunity for credible allegations of war crimes committed by both sides in Sri Lanka's civil war; widespread reports of limitations on fundamental freedoms and the commission of torture by state security officials in Uganda; and the continuing constriction of constitutional guarantees in Swaziland. Till the Commonwealth is able to enforce human rights values amongst its Members, an active grouping of Commonwealth States at the Council is likely to do more harm than good to the advancement of human rights globally. It would be disastrous for the Council if the Commonwealth became another voting bloc attempting to stifle public debate about their own poor human rights situations, or those of their allies.

It is this worrying feature that makes it imperative for the Commonwealth reform process to take serious note of the manner in which Commonwealth States interact with the Council. A clear test of this in the coming year will be the way in which the Commonwealth will respond to its Chair in Office, the President of Sri Lanka, if Sri Lanka decides to continue with a position of non-cooperation with the resolution passed by the Council in 2014 authorising the United Nations High Commissioner for Human Rights to investigate allegations of serious violations of human rights and humanitarian law. The Commonwealth must consider the association's human rights heritage, past leadership in international fora, including at the UN, on issues such as Apartheid and the role desired of the organisation going forward. It is extremely disappointing that the Commonwealth at present is not able to realise its potential to strengthen human rights dialogue at the Council in a positive manner.

II.III.II Recommendations to the Commonwealth Secretariat

In the spirit of working together to ensure the realisation of Commonwealth values, as enshrined in the Commonwealth Charter and to comply with commitments to support the UN as enshrined in the Harare Declaration, the Singapore Declaration, the Nassau Declaration and the Trinidad and Tobago Affirmation of Commonwealth values, CHRI makes the following recommendations:

1. CHRI recommends that before every session of the Council the Secretariat produces a briefing on matters of importance to be considered at the upcoming Council session. The briefing should clearly indicate the minimal response required from all Commonwealth Members to be in compliance with Commonwealth values.
2. CHRI counsels Heads of Government to issue clear policy directions to set up a system of intergovernmental consultations before each Council session to adopt common Commonwealth positions where a consensus that corresponds with Commonwealth commitments and values has been identified.
3. CHRI calls on the Secretariat, following each session of the Council, to review the stances taken by Commonwealth Members and to take action if stances have contravened Commonwealth values and brought the organisation into disrepute.
4. CHRI strongly encourages the Commonwealth to be proactive in securing support for strong country-specific initiatives and Special Procedure mandates which allow the Council to focus on human rights situations that require close and consistent attention from the international community.
5. CHRI calls on the Secretary-General to share information with the United Nations High Commissioner for Human Rights on specific operational activities and outcomes of his Good Offices interventions in order to prevent duplication of work or misunderstandings regarding the level of Commonwealth engagement in a situation relevant to the work of the Council.
6. CHRI urges a close partnership between the Commonwealth Ministerial Action Group, the Commonwealth Secretary General's Good Offices and the Council. In particular, this should be facilitated where a UN expert is in the position to brief CMAG on a Commonwealth country of concern.
7. CHRI urges the Heads of Commonwealth governments to work towards the creation of a referral mechanism to the Human Rights Council. The mechanism would work to officially refer a chronic situation of human rights abuse occurring within the Commonwealth to the Council for consideration.
8. CHRI notes the large volume of discussions, debates and resolutions at the Council that directly relate to Commonwealth values. CHRI urges the Secretariat to work with its Members to build consensus in order to secure a unified, positive Commonwealth position on such matters.
9. To consider the need to appoint an independent expert advisor on human rights, as recommended by the Eminent Persons Group and the Commonwealth Human Rights Initiative in their report to the 2013 CHOGM. Such an expert could work in close collaboration

with relevant UN bodies, support the formulation of positive Commonwealth positions and monitor the performance of Commonwealth Members at the Council.

10. CHRI calls on the Commonwealth Heads of Government to state clearly in the Malta CHOGM communiqué, practical steps to strengthen the Commonwealth's engagement with the Council. This is a vital step to implement Heads of Government's past promises to support the UN and to build positive international consensus on human rights issues.
11. The Human Rights Unit of the Commonwealth Secretariat is expected to provide technical assistance to Commonwealth countries to fulfil their obligations under the UPR process. However, CHRI notes that the Unit's level of resources is quite low and calls on Commonwealth Heads of Government to provide necessary resources, mandates and directions to the Human Rights Unit, so that it can build on its current efforts towards more comprehensive results.
12. CHRI calls on the Commonwealth Heads of Government to unequivocally welcome and support civil society involvement at the Council and in the Special Procedures. This would honour their own commitments made at several Commonwealth Heads of Governments meetings, which privilege the participation of civil society in governance at home and in the international arena.
13. CHRI urges the Commonwealth Secretariat to assist countries in forging effective and transparent civil society friendly national human rights action plans. CHRI further urges the Secretariat to respond to in-country developments that have the potential to negatively impact the operation or safety of civil society and human rights defenders.

III. The Commonwealth Members of the Human Rights Council and the United Nations Human Rights Mechanisms



**Easier Said
than Done**



III. The Commonwealth Members of the Human Rights Council and the United Nations Human Rights Mechanisms

Do Commonwealth Members of the HRC comply with major UN human rights instruments?

The four tables below are designed to illustrate the extent to which the eight Commonwealth Members sitting on the Human Rights Council comply with core UN human rights instruments, mechanisms and processes. The tables focus on the ratification status of international human rights treaties (Table I); compliance with respect to reporting obligations under the UN human rights treaties and the established treaty bodies (Table II); and engagement with the UPR mechanism (Table III). Adherence to such instruments and mechanisms varies, proving that the international legal framework established for the promotion, protection and realisation of human rights is not uniformly implemented across the eight Commonwealth Members of the Human Rights Council.

List of Core UN Human Rights Treaties

The core UN human rights treaties that the tables focus on are:

- ICCPR: International Covenant on Civil and Political Rights (1966)
- ICCPR – OP 1: Optional Protocol to ICCPR (1966)
- ICCPR – OP 2: Second Optional Protocol to ICCPR aiming at the abolition of death penalty (1989)
- ICESCR: International Covenant on Economic, Social and Cultural Rights (1966)
- ICESCR – OP: Optional Protocol to ICESCR (2008)
- CERD: International Convention on the Elimination of All Forms of Racial Discrimination (1966)
- CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- CEDAW – OP: Optional Protocol to CEDAW (1999)
- CAT: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

- CAT – OP 1: Optional Protocol to CAT (2002)
- CRC: Convention on the Rights of the Child (1989)
- CRC – OP AC: Optional Protocol to CRC on the involvement of children in armed conflict (2000)
- CRC – OP SC: Optional Protocol to CRC on the sale of children, child prostitution and child pornography (2000)
- CRC – OP CP: Optional Protocol to CRC on a communications procedure (2011)
- ICMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- CRPD: Convention on the Rights of Persons with Disabilities (2006)
- CRPD – OP: Optional Protocol to CRPD (2006)
- CED: International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Table I: Adherence of Commonwealth Countries to the UN Human Rights Treaties (Ratification Status)

Key: R: Ratification A: Accession S: Signed

UN Human Rights Treaties	Botswana	India	Kenya	Malaysia	Maldives	Pakistan	Sierra Leone	Uganda
ICCPR	R	A	A	Not Signed	A	R	A	A
ICCPR-OP1	Not Signed	Not Signed	Not Signed	Not Signed	A	Not Signed	A	A
ICCPR-OP2	Not Signed	Not Signed						
ICESCR	Not Signed	A	A	Not Signed	A	R	A	A
ICESCR-OP	Not Signed	Not Signed	Not Signed	Not Signed	S	Not Signed	Not Signed	Not Signed
CERD	A	R	A	Not Signed	A	R	R	A
CEDAW	A	R	A	A	A	A	R	R
CEDAW -OP	A	Not Signed	Not Signed	Not Signed	A	Not Signed	S	Not Signed
CAT	R	S	A	Not Signed	A	R	R	A
CAT-OP1	Not Signed	Not Signed	Not Signed	Not Signed	R	Not Signed	S	Not Signed
CRC	A	A	R	A	R	R	R	R
CRC-AC	R	R	R	A	R	S	R	A
CRC-SC	A	R	S	A	R	R	R	A
CRC-CP	Not Signed	Not Signed	Not Signed	Not Signed	S	Not Signed	Not Signed	Not Signed
ICMW	Not Signed	S	A					
CRPD	Not Signed	R	R	R	R	R	R	R
CRPD-OP	Not Signed	S	R					
CED	Not Signed	S	S	Not Signed	S	Not Signed	S	S

Source: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last accessed 2 April 2014)

Table II: The Compliance of Commonwealth Countries with Reporting Obligations Under the UN Human Rights Treaties

**Key: OD: Overdue as of the end of the reporting period
UTD: Up to date with reporting obligations**

UN Human Rights Treaty Bodies (Reporting Status)	CCPR	CESCR	CERD	CEDAW	CAT	CRC	CRC – OP AC	CRC – OP SC	CMW	CRPD	CED
Botswana	OD 2012	N/A	OD 2009	UTD	OD 2001	OD 2007	OD 2006	OD 2005	N/A	N/A	N/A
India	OD 2001	OD 2011	OD 2010	UTD	N/A	UTD	UTD	UTD	N/A	OD 2010	N/A
Kenya	UTD	UTD	UTD	UTD	UTD	UTD	OD 2004	N/A	N/A	UTD	N/A
Malaysia	N/A	N/A	N/A	OD 2008	N/A	OD 2012	UTD	UTD	N/A	OD 2012	N/A
Maldives	UTD	OD 2008	UTD	UTD	OD 2005	UTD	UTD	UTD	N/A	OD 2012	N/A
Pakistan	OD 2011	OD 2010	OD 2012	UTD	OD 2011	OD 2012	N/A	OD 2013	N/A	OD 2013	N/A
Sierra Leone	UTD	OD 1998	OD 2006	UTD	OD 2010	UTD	UTD	UTD	N/A	OD 2012	N/A
Uganda	OD 2008	UTD	OD 2005	UTD	OD 2008	OD 2011	UTD	UTD	OD 2004	UTD	N/A

Sources: <http://www.unhcr.ch/tbs/doc.nsf/RepStatfrset?OpenFrameSetand>; <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAIISPRByCountry?OpenView&Start=1&Count=250&Collapse=23#23>; <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx> (last accessed 3 April 2014)

Table III: Invitations to Special Procedures Mandate Holders

Special Procedures	Botswana	India	Kenya	Malaysia	Maldives	Pakistan	Sierra Leone	Uganda
Standing Invitation	No	Yes	No	No	Yes	No	Yes	No
Visits during the reporting period (2013)	None	Violence against women	None	food	Independence of judiciary	None	Freedom of religion	None
Pending requests	Safe drinking water and sanitation	Torture Racism Enforced disappearances Indigenous people Water and sanitation Independence of judiciary Trafficking	HRDs Independence of judiciary Extreme poverty Minorities Torture Enforced disappearances Promotion of truth and justice IDPs	HRDs Freedom of religion Migrants Counter-terrorism Minorities Racism Independence of judiciary Freedom of assembly	Violence against women HRDs	HRDs Extrajudicial executions Racism Freedom of religion Counter-terrorism Adequate housing Independence of judiciary Freedom of expression IDPs Freedom of assembly	IDPs Arbitrary detention Mercenaries Freedom of expression	Freedom of expression Freedom of assembly

Sources: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>; <http://www.ohchr.org/EN/HRBodies/SP/Pages/Invitations.aspx>; <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx> (last accessed on 6 April 2014)

IV. Maldives at Home and in Geneva



**Easier Said
than Done**



IV. Maldives at Home and in Geneva

IV.I Background

IV.I.I Context

Maldives is an archipelago of over a thousand islands in the Indian Ocean. The territory of Maldives was a British protectorate from 1887 to 1965. Maldives operated as an independent Islamic sultanate till a referendum in 1968 precipitated the formation of a presidential republic. President Maumoon Gayoom came to power in 1978 and went on to serve six consecutive terms as President, with his rule spanning over 30 years. Despite a series of failed coup attempts, the period was marked by relative economic stability. In 2003 and 2004, however, after several anti-government riots, a state of emergency was declared. Ultimately, in August 2008 a new Constitution was ratified, leading to the country's first multiparty, democratic elections in October 2008 after which President Mohamed Nasheed, a former political prisoner, was elected.¹

In February 2012, President Nasheed resigned under controversial circumstances, after weeks of opposition-led protests over the arrest of the country's Chief Justice. President Nasheed alleged that he had not resigned but was ousted in a coup by the Vice President, who subsequently assumed the Presidency.

Presidential elections were held in September 2013. Mr Nasheed was the frontrunner in two separate first-round votes but failed to secure a majority. The Supreme Court annulled these elections citing electoral fraud despite domestic and international praise for what was considered a free and fair vote. In a fresh election on 16 November 2013, Mr Abdullah Yameen won the Presidential election run-off.

IV.I.II Election to the UN Human Rights Council

Maldives was one of four Asian countries that stood for election to the Council in 2010. Maldives' place on the Council was uncontested as only four states stood for the four available seats for the Asian states. Maldives received 185 votes and served on the Council till the conclusion of its term in 2013. On 12 November 2013, Maldives stood for re-election to the Council and secured a second consecutive term, receiving 164 votes in another uncontested election.

Maldives will serve on the Council till 2016.

IV.I.III Pre-Election Pledges

Maldives based their 2010 pre-election pledges on the approach they would take to their work at the Council:

- Maldives pledged to use its membership on the Council to promote and protect the rights of all people in a non-selective, non-politicised and equitable manner.

- Maldives committed to respecting the importance of promoting universal respect for human rights at the national and international levels.
- Maldives stated that it would not impose changes on states but would work in partnership using continued dialogue to encourage a change in approach.
- Maldives assured States that it would support the role of the Human Rights Council in providing hope to vulnerable people but that interventions would be non-condemnatory.
- Maldives pledged to protect and nurture the fundamental rights and freedoms of individual people in Maldives and elsewhere in a fair, balanced and independent manner.

The **pledges** released before the **2013** election were largely unchanged from those released in 2010. Maldives made the same commitments designed to most effectively ensure tangible improvements to human rights situations through their work on the Council:

- Maldives pledged to promote and protect the human rights of all people in a non-selective, non-politicised and equitable manner.
- Maldives committed itself to recognising the importance of human rights at the national and international levels and the importance of the Council as an organisation.
- Maldives noted that efforts to strengthen human rights must originate from national stakeholders. It further noted the importance of a partnership between States and the international community, with both sides being open to engagement and dialogue, acting in good faith, being transparent and objective about challenges and demonstrating a willingness to work together in a cooperative manner.
- Maldives committed itself to speaking out against human rights violations in a timely, unbiased and non-selective manner, but stated that such statements would be based on encouraging and supporting change rather than condemning the violation.
- Maldives pledged itself to be a fair, balanced and independent voice of the people.

IV.II Voting Patterns and Performance at the Council

IV.II.I 22nd Regular Session (25 February – 22 March 2013)

On 26 February 2013, speaking of **the persistent and remaining global human rights challenges**, the Acting Minister for Gender, Family and Human Rights in Maldives stated that the country's approach to human rights issues was progressive, and based on the fundamental principles of human rights and dignity for all. During the statement, specific reference was also made to the need to ensure an environment free from torture and the right of the Palestinian people to self-determination. The Minister went on to announce that the government was in the process of formulating a national strategy to strengthen compliance with international instruments.

On 28 February 2013, in the dialogue on **the annual report of the High Commissioner for Human Rights**, the Maldivian delegation noted that they shared the concerns expressed by the High Commissioner regarding Syria and the Occupied Palestinian Territories, stressing again that the fundamental rights of all people should be protected. The delegation went on to express its appreciation of the UN system, particularly the Office of the High Commissioner for Human Rights, for the expertise provided to the Maldivian Commission of National Enquiry formed to investigate the circumstances surrounding the transfer of presidential power in February 2012.

On 1 March 2013, in the discussion on **human rights mainstreaming**, Maldives stressed the importance of specifying how to action the ideas articulated.

On 6 March 2013, focusing on **employment opportunities for persons with disabilities**, the Maldivian delegation noted the need to challenge negative attitudes, reverse stigma and amend views related to the capabilities of persons with disabilities.

On 6 March 2013, in the discussion on **human rights and the environment**, the Maldivian delegation requested that the Independent Expert consider the adverse effects of climate change and its impact on the right to a healthy environment.

On 11 March 2013, during the general debate on **the promotion and protection of all human rights**, Maldives affirmed that protecting the rights of children had always been a priority and committed itself to reviewing the country's existing mechanisms and legal framework.

On 11 March 2013, in the dialogue with **the Commission of Inquiry on Syria**, the delegation called for urgent action to protect civilians and urged the government to cooperate to restore peace.

On 12 March 2013, the delegation stressed the importance of mutual respect and called on **Iran** to increase its engagement with the Council.

On 13 March 2013, the Maldivian representatives stressed that **corruption**, if left unchecked, halted development, undermined good governance and had a negative impact on human rights.

On two occasions on 18 March 2013, Maldives called on Israel to cease the construction of an illegal wall and illegal settlements in the **Occupied Palestinian Territories** and to dismantle those already constructed. The delegation also took the opportunity to call for the immediate release of Palestinian prisoners held in administrative detention.

On 19 March 2013, Maldives concentrated on the dangers of impunity for the security services. During a discussion on **technical cooperation for strengthening judicial systems**, Maldives advocated for training police officers on human rights and the need for strong accountability mechanisms. While discussing the situation in the **Côte d'Ivoire**, Maldives stressed the urgent need to address the current climate of insecurity and instability, ensure accountability for past violations and prevent instances of impunity. During discussions on **Haiti**, the delegation followed up by expressing concern about the alleged incidents of human rights violations by the Haitian National Police.

On 20 March 2013, with respect to **Libya and the issue of technical assistance**, the delegation considered the technical cooperation extended by the UN High Commissioner for Human Rights and the support of donors as invaluable and called on the international community to continue such technical cooperation. The delegation also took the opportunity to emphasise the important role played by non-state actors in addressing human rights situations around the world.

Maldives **voted in favour** of the following resolutions:

- Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation;
- Resolution on human rights in the Occupied Syrian Golan;
- Resolution on the composition of the Staff of the Office of the High Commissioner for Human Rights;
- Resolution on the situation of human rights in the Islamic Republic of Iran;
- Resolution on the situation of human rights in the Syrian Arab Republic;
- Resolution on the follow up to the report of the United Nations independent international fact-finding mission on the Gaza conflict;
- Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and the Occupied Syrian Golan;
- Resolution on the right of the Palestinian people to self-determination;
- Resolution on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem;
- Resolution on the follow up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem;
- Resolution on the intergovernmental working group on the effective implementation of the Durban Declaration and Programme of Action;

- Resolution on an open-ended intergovernmental working group to consider the possibility of elaborating on an international framework on the regulation, monitoring and oversight of activities of private military and security companies; and
- Resolution on education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance.

Maldives **voted against** the following resolutions:

- Resolution on promoting reconciliation and accountability in Sri Lanka.

The delegation explained that this vote was based on the country's close friendship with Sri Lanka and the knowledge of the reconciliation challenges Sri Lanka faced. The delegation stressed the importance of accountability, but noted the need to support Sri Lanka at this crucial time. The delegation urged the High Commissioner to visit Sri Lanka and welcomed Sri Lanka's constructive engagement with the Council and its mechanisms.

Maldives **abstained** on the following decision:

- Decision on creating a high-level panel to discuss the question of the death penalty.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on the promotion and protection of human rights in the context of peaceful protests;
- Resolution proposing a panel on the human rights of children of parents sentenced to the death penalty or executed;
- Resolution on the situation of human rights in the Democratic People's Republic of Korea;
- Resolution on the situation of human rights in Myanmar;
- Resolution on the contribution of Parliaments to the work of the Human Rights Council and its Universal Periodic Review;
- Resolution on the promotion and protection of human rights in post-disaster and post-conflict situations;
- Resolution on assistance to the Republic of Mali in the field of human rights;
- Resolution on technical assistance to Libya in the field of human rights;
- Resolution on work and employment of persons with disabilities;
- Resolution on the rights of persons belonging to national, ethnic, religious or linguistic minorities;

- Resolution on the question of the realisation in all countries of economic, social and cultural rights;
- Resolution on protection of human rights defenders;
- Resolution on birth registration and the right of every person to recognition everywhere as a person before the law;
- Resolution on the protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on the right to food;
- Resolution on freedom of religion or belief;
- Resolution on torture and other cruel, inhuman or degrading treatment or punishment: rehabilitation of torture victims;
- Resolution on the prevention of genocide;
- Resolution on combating intolerance, negative stereotyping, stigmatisation, discrimination, incitement to violence and violence against persons based on religion or belief;
- Resolution on the rights of the child to the enjoyment of the highest attainable standard of health;
- Decision on the Human Rights Council webcast; and
- Decision on enhancement of international cooperation in the field of human rights.

IV.II.II 23rd Regular Session (27 May – 14 June 2013)

On 27 May 2013, in a general debate following **the High Commissioner's update on its office's activities** Maldives stated that the situation in **Syria** highlighted a clear failure of the international community to protect civilians and deal with gross violations of human rights. Additionally, the delegation expressed concern that the attacks on Rohingya Muslims in **Myanmar** risked reversing the progress made by the country to date.

On 28 May 2013, during the interactive dialogue with **the Special Rapporteurs on trafficking in persons and on extreme poverty and human rights**, the delegation stressed the importance of participation for development, and emphasised the role of the State to ensure that all citizens can voice their opinions. On the trafficking of persons, Maldives stated that a solid legal framework, together with strong intelligence sharing and border control mechanisms, particularly on a regional level, needed to be established.

On 29 May 2013, during the discussion of **the contribution of Parliaments to the work of the Human Rights Council and its Universal Periodic Review (UPR)**, Maldives advocated for enhancing the role of parliamentarians in the UPR.

On 29 May 2013, during the urgent debate on **the deteriorating situation in Syria**, Maldives strongly condemned the gross and systematic violations that had taken place, the disproportionate use of force in residential areas by the Syrian Government and instances of human rights violations by anti-government armed groups, such as torture and extrajudicial killings.

On 29 May 2013, during an interactive dialogue with the Independent Expert on the effects of foreign debt and the **Special Rapporteur on the independence of judges and lawyers**, the delegation welcomed the report of the Special Rapporteur on the independence of judges and lawyers on her visit to the country and fully acknowledged the challenges she identified. The delegation disclosed that the judicial system in Maldives continued to be hampered by structural deficiencies and resource constraints. It requested assistance and technical expertise from the Office of the High Commissioner for Human Rights and the continued engagement of the Special Rapporteur in order to fully implement the recommendations.

On 30 May 2013, during a panel discussion on **the role of the United Nations system in advancing the business and human rights agenda**, Maldives urged the Panel to consider the environmental impact of business on human rights.

On 31 May 2013, in the interactive dialogue with **the Special Rapporteur on the right to freedom of peaceful assembly and of association**, the delegation agreed that funding streams to NGOs should not be threatened by domestic legislation, but highlighted the need for transparency by NGOs. Maldives was of the view that codifying international rules and standards on freedom of assembly would be beneficial.

On 31 May 2013, following the dialogue with **the Special Rapporteur on the right to education**, Maldives welcomed the emphasis on access to quality education and thanked the United Nations for its assistance with this in Maldives.

On 31 May 2013, on **the issue of discrimination against women**, the Maldivian delegation stated that while it recognised that it had one of the highest rates of female-headed households in the world, it had a low rate of women in political and public life. To address this situation, the government implemented a National Gender Equality Policy. However, it felt that a continuing challenge was the lack of quality education in local communities and the hesitancy of families to allow girls to go away to study.

On 3 June 2013, in the discussion with **the Special Rapporteur on freedom of opinion and expression**, Maldives focused on privacy rights as an essential component of freedom of expression and stressed that any intrusion into the private sphere of individuals must be proportionate, and where necessary, accompanied by judicial authorisation.

In another discussion on the same day with **the Special Rapporteur on violence against women**, Maldives pointed out that the standard of due diligence, with regard to a State's responsibility to prevent or respond to acts or omissions of non-state actors, should be employed in a more robust and universal manner, complementing existing normative standards and efforts already underway to realise the obligations of States. Maldives added that eliminating all forms of violence against women was the cornerstone of its human rights policy and its work at the Human Rights Council.

On 4 June 2013, commenting on **the updated report of the Commission of Inquiry on the situation in Syria**, the delegation noted that interventions by regional non-state actors were undermining international efforts to reach a political settlement and threatened the sovereignty of neighbouring countries. Defining the situation as serious, Maldives considered it necessary to refer the situation to the International Criminal Court, as no lasting peace or reconciliation would be possible without “comprehensively addressing the issue of accountability”.

On 5 June 2013, in a full-day discussion on **women’s human rights**, Maldives specified that it had passed a bill on domestic violence in 2012 and that a draft sexual harassment and sexual offences bill and a gender equality bill were being prepared.

On 7 June 2013, following the statement made by the President of the Council on **Israel’s non-cooperation with the UPR**, the delegation praised the UPR and highlighted the importance of universality in the process. It further noted that Israel’s cooperation would be a desirable outcome of the President’s actions. Then in the debate on **the subsidiary bodies of the Human Rights Council**, the delegation asserted that respect for sustainable growth, ensuring the participation of under-represented groups and transparency was critical to protect the most marginalised societies.

On 10 June 2013, during the general debate on **the UPR**, Maldives spoke on the importance of implementing accepted recommendations and reported on its own progress in this regard. The delegation focused on legislative developments and referred to preparations for signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) and draft bills on sexual harassment, gender equality and human trafficking. The delegation then went on, during the dialogue with **the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories (OPTs) and the general debate that followed this discussion**, to condemn the continuing human rights violations in the Palestinian territories, specifically detention practices and impunity and called on Israel to immediately resume cooperation with the Human Rights Council. It also condemned the illegal settlements in the OPTs.

On 11 June 2013, in the debate on **racism**, the delegation acknowledged the need for legislative amendments to fill the gap in equality legislation in Maldives. The delegation then contributed to the panel discussion on common challenges facing states to ensure democracy and the rule of law by affirming that respect for human rights and democracy were interlinked and mutually reinforcing. Maldives emphasised that capacity-building and awareness-raising were effective ways to promote the rule of law.

On 12 June 2013, while acknowledging the benefits it had received as a result of **technical assistance and capacity building**, Maldives discussed the challenges faced by small island nations, particularly in terms of the lack of technical expertise and financial resources, when trying to meet international human rights obligations. The delegation stressed the importance of increasing capacity building and technical cooperation to such nations.

Maldives **voted in favour** of the following resolutions:

- Resolution on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr;

- Resolution on the effects of foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;
- Resolution on human rights and international solidarity;
- Resolution on access to medicines in the context of the right of everyone to the enjoyment to the highest attainable standard of physical and mental health;
- Resolution on the situation of human rights in Belarus;
- Resolution on the promotion of the right to peace; and
- Resolution on the deterioration of the situation of human rights in the Syrian Arab Republic and the need to grant immediate access to the commission of inquiry.

Maldives did not vote **against** or **abstain** from voting on any resolutions during this session.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on technical assistance to Central African Republic in the field of human rights;
- Resolution on national policies and human rights;
- Resolution on the role of freedom of opinion and expression in women's empowerment;
- Resolution on the enhancement of international cooperation in the field of human rights;
- Resolution on the right to education;
- Resolution on trafficking in persons, especially women and children: efforts to combat human trafficking in supply chains of businesses;
- Resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers;
- Resolution on the elimination of discrimination against women;
- Resolution on the mandate of the Special Rapporteur on the human rights of internally displaced persons;
- Resolution on the negative impact of corruption on the enjoyment of human rights;
- Resolution on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;
- Resolution on attacks and discrimination against persons with albinism;
- Resolution on national institutions for the promotion and protection of human rights;

- Resolution on the human rights of migrants;
- Resolution on the situation of human rights in Eritrea;
- Resolution on technical assistance to Côte d'Ivoire in the field of human rights;
- Resolution on strengthening of technical cooperation and consultative services in Guinea;
- Resolution on technical assistance and capacity-building for South Sudan in the field of human rights;
- Resolution on accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence; and
- Decision on assistance to Somalia in the field of human rights.

IV.II.III 24th Regular Session (9 – 27 September 2013)

Following an **update by the High Commissioner for Human Rights on her office's activities**, on 9 September 2013, Maldives stated that the situation in Syria had for far too long eluded a comprehensive response from the international community and condemned the use of chemical weapons by the Syrian authorities. It further stated that the Syrian authorities should be held accountable for these actions. The delegation also expressed concerns regarding the situation in Egypt and called for a national dialogue.

On 10 September 2013, following the presentation of **the report by the Special Representative of the Secretary-General for children and armed conflict**, the delegation said that all governments needed to put in place national legislation and accountability mechanisms to end impunity for violators of children's rights during conflict and to develop holistic reintegration programmes for the affected children.

On 11 September 2013, after the presentation of **the reports by the Special Rapporteurs on hazardous waste and safe drinking water and sanitation**, the delegation emphasised that access to safe drinking water remained an important issue for its population and that disposal of hazardous waste was a priority for the country.

On 12 September 2013, focusing on **the integration of a gender perspective in the work of the Human Rights Council and civil society's contribution to this issue**, Maldives stressed that while discrimination existed in their country, the September elections had benefited from consultation with female civil society actors.

On 13 September 2013, in the dialogue with **the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**, Maldives noted that the strength and effectiveness of truth commissions remained tied to the manner in which they operated and their mandate and composition.

On 16 September 2013, in the discussion with **the Commission of Inquiry on Syria**, Maldives highlighted its concern on an increase in unlawful killings, hostage-taking, enforced disappearances, torture, sexual violence, summary executions and other human rights violations committed by

both sides. The delegation also noted with alarm the deliberate targeting of hospitals and medical personnel by both sides and defined these events as war crimes.

On 18 September 2013, in the dialogue with **the Chairperson of the Human Rights Council Advisory Committee**, Maldives warned the Committee not to duplicate work or go beyond its mandate. It also confirmed that the Advisory Committee was expected to provide action-oriented proposals to the Council. The delegation then went on to make comments with respect to **the Universal Periodic Review outcomes of Turkmenistan, Burkina Faso and Cape Verde**. It focused on the implementation of accepted recommendations highlighting, in the case of Turkmenistan, measures adopted for the protection of women and children and combating trafficking. In the case of Burkina Faso activities to strengthen institutions and harmonise domestic legislation with international obligations were identified. Finally, the delegation advised Cape Verde to seek the assistance of the Office of the High Commissioner to implement accepted recommendations.

On 19 September 2013, Maldives made statements on **the Universal Periodic Review outcomes of Tuvalu, Colombia, Uzbekistan, Germany and Djibouti**. Maldives encouraged Tuvalu to create awareness and advocate for the promotion of human rights, particularly the rights of women. Comments on Colombia focused on the improving security situation and with regards Uzbekistan Maldives recognised the country's commitment to strengthening their institutional framework for human rights promotion and protection. In relation to Germany Maldives commented on the recommendations it had made regarding torture and gender discrimination. Finally, regarding Djibouti, Maldives focused on progress made on access to healthcare, child mortality rates, promotion of education and the elimination of female genital mutilation.

On 20 September 2013, Maldives commented on **the outcomes of the Universal Periodic Reviews of Bangladesh and Cameroon**. For Bangladesh Maldives concentrated on advancements in relation to the core human rights treaties. In the case of Cameroon, the focus was on improvements in protecting the rights of the disabled and women in addition to discussing CAT. Maldives had intended to make a statement during Cuba's outcome but was prevented due to time constraints. The statement the delegation had intended to give focused on the recommendations it had made and the positive engagement by Cuba with the process.

On 23 September 2013, Maldives praised the UPR mechanism during the **general debate**. It added that the non-cooperation by some states was detrimental to the credibility of the mechanism. Moreover, the delegation expressed concern regarding the recent precedent of not including all recommendations in the body of the Working Group's report and what the delegation considered was the regular recurrence of contentious bilateral issues. It further urged the Council to make the UPR Trust Fund more accessible to delegations of small island states and the least developed countries.

On 23 September 2013, during the general debate on **the human rights situation in Palestine and other Occupied Arab Territories**, Maldives condemned the continuing examples of human rights and international law violations and the culture of impunity.

On 24 September 2013, debating **the Vienna Declaration and Programme of Action**, Maldives emphasised that one of the most important provisions of the Vienna Declaration was its call for equal status and human rights of women. The delegation encouraged greater civil society participation in its development and the integration of a gender perspective into their work. The delegation then contributed to the discussions on **assistance to Somalia in the field of**

human rights, by strongly condemning the Al Shabab attacks in Nairobi, and acknowledging the Government of Somalia's efforts to embark on the human rights road map initiative.

On 25 September 2013, after the presentation of **the report by the Independent Expert on the human rights situation in Sudan**, Maldives commended the government for its progress with legislation and institutional development but called on the international community and civil society organisations to continue and enhance efforts in assisting Sudan.

On 26 September 2013, on the issue of **technical assistance and capacity-building**, Maldives referred to the need for assistance to countries undergoing democratic transition and expressed pleasure that the Voluntary Technical Assistance Trust Fund to support the participation of the least developed countries and small island developing states at the Council was now in place.

Maldives voted **in favour** of the following resolutions:

- Resolution on the right to development;
- Resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- Resolution on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

In a general comment, Maldives specified that the 2012 panel on the issue of reprisals provided the delegation with several insights and acknowledged the fundamental importance of the participation of civil society at the Council.

- Resolution on from rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance;
- Resolution on the impact of arms transfers on human rights in armed conflicts;
- Resolution on human rights and unilateral coercive measures; and
- Resolution on the continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic.

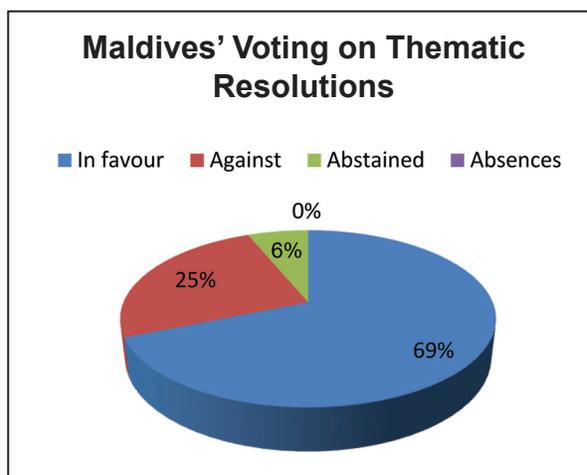
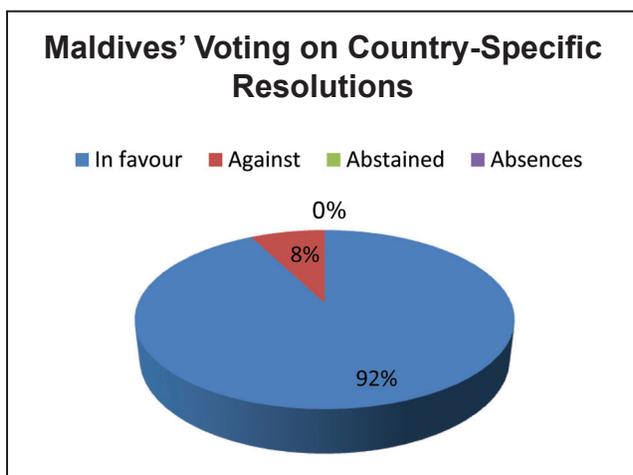
Maldives did not vote **against** or **abstain** from voting on any resolutions at this session.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on promoting human rights through sport and the Olympic ideal;
- Resolution on local government and human rights;
- Resolution on the Special Rapporteur on contemporary forms of slavery, including its causes and consequences;

- Resolution on the rights to freedom of peaceful assembly and of association;
- Resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- Resolution on arbitrary detention;
- Resolution on equal political participation;
- Resolution on human rights and indigenous people: mandate of the Special Rapporteur on the rights of indigenous people;
- Resolution on human rights and indigenous people;
- Resolution on preventable mortality and morbidity of children under five years of age;
- Resolution on human rights in the administration of justice, including juvenile justice;
- Resolution on strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps;
- Resolution on the Social Forum;
- Resolution on technical assistance and capacity building for human rights in the Democratic Republic of Congo;
- Resolution on technical assistance for the Sudan in the field of human rights;
- Resolution on advisory services and technical assistance for Cambodia;
- Resolution on assistance to Somalia in the field of human rights;
- Resolution on the enhancement of technical cooperation and capacity building in the field of human rights;
- Resolution on technical assistance and capacity-building for Yemen in the field of human rights;
- Resolution on technical cooperation for the prevention of attacks against persons with albinism;
- Resolution on technical assistance to the Central African Republic in the field of human rights;
- Resolution on the World Programme for human rights education;
- Resolution on the role of prevention in the promotion and protection of human rights;
- Resolution on conscientious objection to military service;

- Resolution on the human right to safe drinking water and sanitation;
- Resolution on regional arrangements for the promotion and protection of human rights;
- Resolution on the human rights of older persons;
- Resolution on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment;
- Decision on the postponement of the renewal of the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;
- Decision on a panel discussion on the safety of journalists;
- Decision on the establishment of a Special Fund for the participation of civil society in the Social Forum, the Forum on Minority Issues and the Forum on Business and Human Rights; and
- Decision on a high-level panel on the identification of good practices in combating female genital mutilation.



IV.III Core UN Human Rights Treaties

IV.III.I Ratification

Maldives is a party to the International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All forms of Racial Discrimination (ICEARD), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol, the Convention on the Rights of the Child (CRC), its Optional Protocols on the sale of children, child prostitution and child pornography and the involvement of children in armed conflict, and the Convention on the Rights of Persons with Disabilities (CRDP).

Maldives has signed but not ratified the Optional Protocol to ICESCR, the Optional Protocol to CRC on a communications procedure and the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Maldives has not signed the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) and the Optional Protocol to CRDP.

IV.III.II Reporting Obligations

Maldives has fulfilled most of its reporting obligations, having submitted all the required reports under CCPR, CERD, CEDAW, CRC and both Optional Protocols to CRC.

However, Maldives has failed to submit the first round of reporting under CESCR, which is overdue from 2008. The first and second rounds of reports under CAT are overdue from 2005 and 2009 respectively and the first round of reporting under CRPD is overdue as of 2012.

IV.IV Human Rights in Maldives During the Reporting Period

There were positive and negative human rights developments in Maldives during 2013. In a concerning development in January, the Maldives Parliament passed the **Freedom of Peaceful Assembly Act**.² Transparency Maldives and the Maldivian Democracy Network warned that the Act posed “serious challenges to the whole democratic system”³ as a result of the restrictions it imposed. The key features of the Act included outlawing assemblies, defined as a gathering of more than one person protesting against the same issue, outside the private residences of the President and Vice-President, certain government buildings and tourist resorts, ports and airports without the prior permission of the police; and limiting the right of non-government accredited media to report on gatherings.⁴ The provisions in effect enable the ruling party to suppress dissent and control media coverage.

Moreover, a confrontational relationship persisted between law enforcement officials and protesters during the reporting period. Several incidences were reported of the police allegedly using excessive force to control assemblies.⁵ For example in October, protesters calling for fresh elections were arrested and injured during a police operation to disperse the gathering.⁶ Later in November, protestors claimed to have been severely beaten by members of the police during a demonstration against the Supreme Court’s decision to allow the sitting President to remain in power.⁷ Of particular concern however, is the potential for further incidences of aggressive protest management. A fear of future crackdowns emerged in November after it was reported in the British press that a British-owned firm had sold a large shipment of teargas, stun grenades and rubber bullets worth \$100,000 to Maldives.⁸

This situation is particularly alarming given the state of **impunity** that persisted in Maldives during 2013. In February, the Chair of the Police Integrity Commission (PIC) stated that the PIC was investigating 29 police officers accused of using excessive force against Maldivian Democratic Party (MDP) demonstrators following the controversial 2012 presidential change.⁹ However, many investigations were not finalised during the reporting period, and punishment of those found to be responsible for abuses remained a concern. Hope for holding law enforcement officials to account for their actions was diminished when the Maldivian Police Service’s disciplinary board failed to act on the recommendations of the PIC to take action against five officers accused of brutality.¹⁰ Moreover, in many incidents where police brutality was proven, an insufficiency of evidence prevented the identification of the perpetrators.¹¹ In a positive move however, in October, the Prosecutor General’s office announced that a case was filed, and would be investigated, against the police officers accused of disrupting the October elections. Officers were accused of surrounding the Elections Commission hours before elections were due to start.¹²

The United Nations Special Rapporteur on the independence of judges and lawyers raised the issue of the lack of emphasis on police accountability during her visit to the country in February.¹³ The Rapporteur’s strong recommendations on this matter were welcomed in Geneva by the Maldivian delegation which requested technical assistance to implement the recommendations.¹⁴ In November, the OHCHR advertised a vacancy for a human rights advisor based in Maldives.¹⁵ Part of the function of the incumbent would be to assist with strengthening the administration of justice in Maldives. The government’s willingness to accept such assistance is commendable.

However, the trend of curtailing dissent in Maldives extended beyond the state response to assemblies to include attempts to fundamentally reduce the space for **civil society** to operate. In March, the Minister of State for Home Affairs announced that his Ministry intended to close nearly 70 per cent of the country's NGOs due to their failure to adhere to reporting and procedural requirements.¹⁶ Such statements, despite not being carried out, illustrate an agenda to curb dissent by restricting the universally accepted rights to association and expression.¹⁷ Specific examples of intimidation of civil society during the reporting period included reports of intimidation and smear campaigns against organisations involved in monitoring the September presidential elections and in October a threat by the Minister for Home Affairs and the Registrar of NGOs to close Transparency Maldives.¹⁸

Media freedom was also negatively affected in 2013, demonstrated by a drop of 30 places in the Reporters without Borders' **Press Freedom Index**.¹⁹ During 2013, journalists faced arbitrarily arrests, attacks and intimidation while reporting on anti-government protests. For example, in early February, a cameraman with the privately-owned Villa Television was attacked while covering a demonstration organised by the opposition party.²⁰ On 22 February, employees of the Maldives Broadcasting Corporation were attacked with corrosive industrial fluid.²¹ In a separate incident on the same day, the head of news for the Raajje TV Channel, a private pro-opposition channel, was badly beaten with an iron bar by unknown assailants while riding a motorbike in Malé.²² Persecution against Raajje TV continued in early October when the station revealed a plot to destroy their office. By 7 October, this plan came to fruition. Masked men carrying machetes, iron rods and petrol set fire to the TV channel's offices, resulting in the hospitalisation of the security guard and destruction of the building, along with the equipment and information stored there.²³ It was alleged by a staff member that police officers in the vicinity of the incident refused to assist. This allegation was confirmed by the Police Integrity Commission (PIC) in December, which found the police negligent in their duty to protect.²⁴ The station came under attack again in the same month; this time at the behest of the Supreme Court which was angered by a report that allegedly defamed the judiciary of the Apex Court. The report had compared sitting justices to the corrupt judges from the Koranic city of Sodom.²⁵ The Maldives Media Council and the Maldives Broadcasting Commission openly criticised the court ordered investigation that followed the publishing of the report, describing it as an "obstruction of press freedom".²⁶ Nevertheless, in December the matter was referred to the Prosecutor General for prosecution.²⁷

Prison conditions remained poor in Maldives during 2013,²⁸ although by the end of the reporting period there was hope for improvement. In their 2013 report, the Human Rights Commission of Maldives (HRCM) reported a rise in incidences of torture in detention centres.²⁹ In July, the HRCM confirmed that it was investigating three cases of detainees allegedly tortured by officers at the Custodial Reception and Diagnostic Centre (Male).³⁰ By December however, the President had given his assent to two landmark penal Acts: the Anti-Torture Act and the Prisons and Parole Act.³¹ The Anti-Torture Act is based on international standards and guarantees freedom from torture. It declares that any statement obtained through torture will be inadmissible in court and provides for the punishment of state officials committing, ordering, assisting or failing to prevent the commission of torture. It requires monthly reporting on detainees and establishes a victims' compensation and rehabilitation scheme.³² The aim of the Prison and Parole Act is reportedly to strengthen the prison system by increasing protection for inmates by setting out their rights to pray, exercise, do laundry, meet family and receive food, medical services and reading and writing materials. It also provides for the establishment of a prison regulatory body to oversee prison administration, facilitate a complaint mechanism and oversee prison discipline.³³

Corporal punishment continued to be legal during 2013. The potential for flogging individuals, including survivors of sexual abuse, was an issue of concern.³⁴ On 21 August, following considerable public attention, including an Avaaz petition containing over 2 million signatures,³⁵ the High Court overturned a juvenile court decision which had sentenced a 15-year-old girl to 100 lashes for fornication. The girl, who was said to be suffering from post-traumatic stress due to years of sexual abuse at the hands of her stepfather, had confessed to having consensual intercourse with another man during her stepfather's trial. The case appeared to highlight the lack of institutional capacity in Maldives to assist survivors of sexual abuse.³⁶ Repeated statements were made by government members during the reporting period regarding an intention to reform the "flogging" provisions, however, no information on reform steps was made public.³⁷

In a positive move a **Right to Information Act (RTI)** was passed by Parliament on 29 December.³⁸ When in force, the new Act will apply to all state-funded institutions, including the Parliament and the judiciary, compared with the previous RTI Regulations of 2008 which only applied to the Executive. The new Act requires the establishment of an information office in all state institutions, mandates a response to be issued within seven days and information, or justification for a denial of the request, to be provided within thirty days. The Act also provides for the appointment of an independent Information Commissioner to handle the appeals process.³⁹

The wide gap between policy and implementation was a major factor that limited the protection available to **vulnerable groups** during 2013. **Children** continued to suffer from violence, a lack of access to education, prostitution, drugs, gender discrimination and involvement with gangs. During the reporting period, the Juvenile Justice Bill remained pending. The existing juvenile justice system continued to be deficient in providing strategic crime prevention, rehabilitation and restorative justice to child offenders. On many occasions, children were not properly informed of the reason for their detention in correctional centres or the expected duration of their stay.⁴⁰ Moreover, child care workers were frequently excluded from important decisions at these facilities and no organisational body was established to coordinate the various government agencies responsible for child welfare.⁴¹

Women, the **elderly** and the **disabled** were at risk of physical, sexual and mental abuse in 2013 in Maldives.⁴² In January, four men were arrested and charged for drug and sex offences relating to their work at the Centre for People with Mental Disability.⁴³ Moreover, figures released in 2013 estimated that one in three women in Maldives would experience physical or sexual violence at some point during their lifetime.⁴⁴ In a positive move on 30 December, Parliament approved the Sexual Offences Bill. The Act is reported to provide stronger penalties for sexual offences against adults and to introduce the crime of marital rape, albeit under extremely limited circumstances.⁴⁵ However, an Act passed in 2012, which had received a similar welcome proved ineffective during the reporting period. The domestic violence legislation passed in April 2012⁴⁶ established a duty of care towards victims of domestic violence and sought to improve the response and coordination of officials to domestic violence.⁴⁷ However, since the passing of the Act a distinct lack of tangible progress on addressing the issue was identified.⁴⁸ According to figures provided by the Family Court, 19 women and one man had sought protection orders under the new legislation as of June 2013,⁴⁹ but according to police statistics 207 incidents of domestic violence were reported throughout the year, a rise of approximately 15 per cent from 2012.⁵⁰

Same-sex sexual conduct continues to be prohibited in Maldives, by the un-codified Islamic Sharia law. Penalties for same-sex sexual conduct include up to a year of banishment, house arrest or flogging.⁵¹ There were reports of gay men facing arrest⁵² and prosecution on charges

of homosexuality during 2013.⁵³ Although there were no official statistics for abuses against individuals based on their **sexual orientation or gender identity** during the reporting period, the unsatisfactory legal situation is thought to discourage individuals from reporting such incidents.

Regrettably, Maldives continued to be a destination country for human trafficking, including sex trafficking and forced labour, during 2013. Maldives was ranked fourth on the US State Department's Tier 2 Watch List for Human Trafficking for the fourth consecutive year.⁵⁴ There are approximately 150,000 documented and undocumented foreign workers in Maldives, primarily Bangladeshi, Indian, Sri Lankan, Pakistani and Nepali men who serve in the construction and service sectors and face conditions of forced labour, fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages and debt bondage.⁵⁵ In early 2013, the Human Rights Commission of Maldives (HRCM) criticised the government and private sector for failing to effectively tackle human trafficking, stating that the measures of successive governments were reactionary and a lack of consistent effort was the reason for stalled progress.⁵⁶ However, in a positive development, towards the end of the reporting period on 3 December 2013, Parliament passed the Anti-Trafficking Act. It was reported that the Act criminalises human trafficking (the definition of which includes forced labour and fraudulent recruitment) and stipulates penalties for this offence. The Act was ratified by the President on 9 December.⁵⁷

IV.V Compliance

IV.V.I Compliance with Pre-Election Pledges

Maldives performed well at the Council; it was an active speaker, an independent voter and kept abstentions to a bare minimum. Through this approach, Maldives on the whole succeeded in meeting its pre-election pledge to speak out against human rights violations in a timely, unbiased and non-selective manner. There were two notable exceptions to this commendable achievement however: an abstention on the question of the death penalty and a vote against a resolution designed to promote reconciliation in Sri Lanka.

Maldives abstained from voting on only one occasion – on a resolution that proposed the formation of a High-Level Panel to discuss abolition of the death penalty. As a country that retains the death penalty, Maldives' position is somewhat understandable, however the resolution in question merely called for a discussion on the question of abolition, and the sharing of best practice in this regard. Failure to support a move for constructive dialogue after pledging to support engagement as a means to advance human rights and promote gradual change in approach is somewhat disappointing.

During the entire year Maldives only voted against one resolution. That vote, and the explanation that accompanied it, was the only time that the country's voting record starkly contrasted with its pre-election pledges. Maldives voted against the resolution on promoting reconciliation and accountability in Sri Lanka and is reported to have actively lobbied other delegations to do the same. This position appeared to be strongly connected with the close ties between the two countries, which was confirmed in the country's explanation of vote. The Maldivian delegation explained that their friendship with Sri Lanka led to an understanding of the challenges that were faced. However, in that statement the delegation appeared in conflict between allegiance to a friend and a belief in the importance of accountability and the prevention of impunity. During a statement on Syria at the previous Council session, the representative for Maldives said: "There can be no lasting peace and no reconciliation, without comprehensively addressing the issue of accountability."⁵⁸ This position is diametrically opposite to that adopted on Sri Lanka. During the debates of the Council and in the statements of the United Nations High Commissioner for Human Rights, it became clear that nearly five years after the conflict in Sri Lanka assurances by the government to make progress on accountability remained unmet. In its pre-election pledges, Maldives had committed itself to speaking out against human rights violations in a timely, unbiased and non-selective manner and said that it would support the role of the Human Rights Council in providing hope to vulnerable people, albeit through non-condemnatory action. Maldives did not condemn the impunity in Sri Lanka nor did it engage with an alternative approach to provide hope to the victims of Sri Lanka's conflict.

In terms of the workings of the Council, Maldives proved itself ready to champion the Council's processes, encourage improvements and defend the Council against attempts to undermine its effectiveness. Maldives was amongst the delegations advocating for greater engagement in the UPR process, and recommending an enhanced role for Parliamentarians in the process.⁵⁹ It advocated for the expansion of the UPR Trust Fund in order to assist small developing nations to effectively engage with the process⁶⁰ and made constructive comments to countries under review to accept technical assistance to aid the implementation of recommendations.⁶¹ Such statements were in line with the country's commitment to use continued dialogue to encourage change. Moreover, following two landmark UPR events, which had the potential of setting alarming

precedents, Maldives stood strong against Russia and Israel on the issue of interfering with the content of the working group's report and non-cooperation with the mechanism respectively.⁶² However, the delegation's support for the advisory committee seemed less assured with statements focused on restraining the committee by preventing it from overstepping its mandate.⁶³

While Maldives proved itself active in attempts to promote human rights standards internationally, the response to human rights concerns at home received a less positive response, despite the government having pledged to be a voice for the voiceless everywhere. While arguably, Maldives became a voice for the voiceless at the Council, there was a disparity between statements made in Geneva and the actions of officials at home.

During the reporting period, the right to physical integrity was impeded in Maldives as corporal and capital punishment continued to be permissible and the situation of minority groups remained precarious. Moreover, basic civil and political rights such as freedom of expression, opinion, assembly and association came under repeated threat owing to legislative and policy developments by officials.⁶⁴ In a statement released on 30 October 2013, the UN High Commissioner for Human Rights expressed deep concern about "the dangerous drift in the democratic process" in Maldives, stating that "the Supreme Court appears set on undermining other independent institutions, stifling criticism and public debate and depriving litigants of the legal representation of their choice".⁶⁵ Attempts to suppress dissent in Maldives during 2013 included threats to close civil society organisations and measures designed to limit the freedom of the press. Yet in the international arena, Maldives made statements in affirmation of the importance of civil society to address human rights situations⁶⁶ and the necessity of ensuring that all citizens can voice their opinions.⁶⁷

Impunity for gross violations of human rights continued to be an issue of concern in Maldives, particularly in relation to the excessive use of force by the police during assemblies.⁶⁸ This position is in stark contrast to the image portrayed by Maldives internationally. During various debates, the country condemned the excessive use of state force in other jurisdictions and vocalised concerns regarding the dangers of allowing the security services to act with impunity.⁶⁹ Specific examples of such statements include during a discussion on technical cooperation for strengthening judicial systems, advocating for the training of police officers on human rights and the need for strong accountability mechanisms. While discussing the situation in the Côte d'Ivoire, Maldives stressed an urgent need to address the current climate of insecurity and instability, ensure accountability for past violations and prevent instances of impunity. During discussions on Haiti, the delegation noted that alleged instances of violations committed by the Haitian National Police were of concern.⁷⁰

Despite these worrying contradictions, some significant steps were taken and a renewed commitment to advance certain human rights in Maldives during 2013. The country embarked on an encouraging process of law reform which included the adoption of landmark legislation including the Right to Information Act (RTI), the Anti-Torture Act, the Prisons and Parole Act, the Sexual Offences Act and the Anti-Trafficking Act. A further positive sign was an openness to criticism internationally and a constructive approach to feedback from the Special Procedures of the Council. During the presentation of the report by the Special Rapporteur on the independence of judges and lawyers on her visit to Maldives, the delegation fully acknowledged the challenges she identified. It showed a commitment to addressing these issues by requesting assistance and technical expertise from the Office of the High Commissioner for Human Rights and the continued engagement of the Special Rapporteur to help implement those recommendations.⁷¹

IV.V.II Country-Specific Recommendations

The year 2013 was the last year of Maldives' three-year term on the Council. However, the country was successfully re-elected and will thus sit on the Council till the end of 2016. While Maldives' position at the Council was generally positive and in compliance with its pledges, there is scope to increase compliance during the country's second term. To that end, CHRI calls on the Government of Maldives to:

1. Consider all country-specific resolutions on their merits alone.
2. Continue to act to protect the mechanisms of the Council against any action that threatens to undermine their effectiveness.
3. Align its international stance on human rights protection with its in-country approach in order to improve human rights protections for the citizens of Maldives.
4. Halt all attempts to silence dissent in Maldives. The government must refrain from impeding the work of civil society and the media through threats of closure, intimidation and harassment. Reprisals against civil society and the media by state and non-state actors must be prevented, and where appropriate, punished.
5. Review its protection of the right to freedom of assembly by reevaluating its approach to the policing of assemblies and reviewing the Freedom of Peaceful Assembly Act.
6. Prevent a culture of impunity from setting into the country by ensuring that all persons responsible for human rights abuses are held to account for their actions.
7. Comply with their pledge to promote and protect the human rights of all people in a non-selective, non-politicised and equitable manner by decriminalising consensual adult same sex sexual conduct.

V. **Compilation of Recommendations**



**Easier Said
than Done**



V. Compilation of Recommendations

In the spirit of working together to ensure the realisation of Commonwealth values, as enshrined in the Commonwealth Charter and to comply with commitments to support the UN as enshrined in the Harare Declaration, the Singapore Declaration, the Nassau Declaration and the Trinidad and Tobago Affirmation of Commonwealth values, CHRI makes the following recommendations:

1. To the Commonwealth Heads of Government and Secretariat

- 1.1 CHRI recommends that before every session of the Council, the Secretariat produces a briefing on matters of importance to be considered at the upcoming Council session. The briefing should clearly indicate the minimal response required from all Commonwealth Members to be in compliance with Commonwealth values.
- 1.2 CHRI counsels Heads of Government to issue clear policy directions to set up a system of intergovernmental consultations before each Council session to adopt common Commonwealth positions where a consensus that corresponds with Commonwealth commitments and values has been identified.
- 1.3 CHRI calls on the Secretariat to review the stances taken by Commonwealth Members, following each session of the Council and to take action if stances have contravened Commonwealth values and brought the organisation into disrepute.
- 1.4 CHRI strongly encourages the Commonwealth to be proactive in securing support for strong country-specific initiatives and Special Procedure mandates which allow the Council to focus on human rights situations that require close and consistent attention from the international community.
- 1.5 CHRI recommends that the Secretary-General shares information with the United Nations High Commissioner for Human Rights on specific operational activities and outcomes of his Good Offices interventions in order to prevent duplication of work or misunderstandings regarding the level of Commonwealth engagement in a situation relevant to the work of the Council.
- 1.6 CHRI urges a close partnership between the Commonwealth Ministerial Action Group (CMAG), the Commonwealth Secretary General's Good Offices and the Council. In particular, where a UN expert is in a position to brief CMAG on a Commonwealth country of concern, this should be facilitated.
- 1.7 CHRI encourages the Heads of Commonwealth governments to work towards the creation of a referral mechanism to the Human Rights Council. Such a mechanism would enable a chronic situation of human rights abuse occurring within the Commonwealth to be referred to the Council for consideration.

- 1.8 CHRI calls on the Commonwealth Heads of Government to state clearly in the Malta CHOGM communiqué practical steps to strengthen the Commonwealth's engagement with the Council. This is a vital step to implement Heads of Government's past promises to support the UN and to build positive international consensus on human rights issues.
- 1.9 The Human Rights Unit of the Commonwealth Secretariat is expected to provide technical assistance to Commonwealth countries to fulfil their obligations under the UPR process. However, CHRI notes that the Unit's level of resources is quite low and calls on Commonwealth Heads of Government to provide necessary resources, mandates and directions to the Human Rights Unit, so that it can build on its current efforts towards more comprehensive results.
- 1.10 CHRI recommends that the Commonwealth Heads of Government unequivocally welcome and support civil society involvement at the Council and with the official mechanisms of the Commonwealth. This would honour their own commitments made at several Commonwealth Heads of Governments meetings, which privilege the participation of civil society in governance at home and in the international arena.
- 1.11 CHRI urges the Commonwealth Secretariat to assist countries in forging effective and transparent civil society-friendly national human rights action plans. CHRI further urges the Secretariat to respond to in-country developments that have the potential to negatively impact the operation or safety of civil society and human rights defenders.
- 1.12 CHRI reiterates its call to consider the need to appoint an independent Commonwealth expert advisor on human rights, as recommended by the Eminent Persons Group and the Commonwealth Human Rights Initiative in their report to the 2013 CHOGM. Such an expert could work in close collaboration with relevant UN bodies, support the formulation of positive Commonwealth-wide positions and monitor the performance of Commonwealth Members at the Council.
- 1.13 CHRI notes the large volume of discussions, debates and resolutions at the Council that directly relate to Commonwealth values. CHRI urges the Secretariat to work with its Members to build consensus in order to secure a unified, positive Commonwealth position on such matters.

2. To all Commonwealth Council Members

- 2.1 CHRI urges all Commonwealth Member States to base their participation at the Council solely on human rights considerations and to abjure from all other considerations, which have the effect of weakening adherence to human rights and impugning and dishonouring commitments made at Commonwealth fora.

- 2.2 CHRI calls on Commonwealth Council Members to support strong country-specific initiatives and Special Procedure mandates which allow the Council to focus on human rights situations that require close and consistent attention from the international community.
- 2.3 CHRI recommends that Commonwealth Member States desist from any attempt to undermine the work of civil society, both internationally and domestically. All Commonwealth Member States have acknowledged the importance of the work of civil society, as confirmed in the Commonwealth Charter. They are therefore obliged to ensure a safe and conducive working environment for these organisations and support Council initiatives which further these objectives.
- 2.4 CHRI calls on Commonwealth Members to support human rights defenders who engage with the Council and to desist from undertaking any form of reprisal for such engagement.
- 2.5 CHRI urges Commonwealth Council Members to support the Office of the High Commissioner for Human Rights and other affiliated mechanisms, such as the Special Procedures, the Advisory Council, the Complaints Procedure and the Universal Periodic Review.
- 2.6 CHRI recommends that Commonwealth Council Members extend open invitations to the Council's Special Procedures, ratify all core international human rights treaties and submit timely reports to treaty bodies.
- 2.7 CHRI urges Commonwealth Members when standing for election to the Council to issue clear and quantifiable pledges. CHRI further calls on all Commonwealth Members to demonstrate tangible steps taken to comply with these commitments.
- 2.8 CHRI recommends that Commonwealth Council Members put in place credible national monitoring and oversight bodies that report independently on progress towards upholding their pre-election pledges.
- 2.9 CHRI calls on Commonwealth Council Members to adopt, or strengthen and implement legislation that promotes human rights and public participation, in particular, access to information, freedom of speech, expression and association laws that enable citizens to effectively participate in human rights policymaking processes associated with the Council.
- 2.10 Finally, CHRI urges Commonwealth Council Members to participate actively at the Council and minimise absences and silences during sessions.

3. To the Government of Maldives

- 3.1 Consider all country-specific resolutions on their merits alone.
- 3.2 Continue to act to protect the mechanisms of the Council against any action that threatens to undermine their effectiveness.
- 3.3 Align its international stance on human rights protection with its in-country approach in order to improve human rights protections for the citizens of Maldives.
- 3.4 Halt all attempts to silence dissent in Maldives. The government must refrain from impeding the work of civil society and the media through threats of closure, intimidation and harassment. Reprisals against civil society and the media by state and non-state actors must be prevented, and where appropriate, punished.
- 3.5 Review its protection of the right to freedom of assembly by reevaluating its approach to the policing of assemblies and reviewing the Freedom of Peaceful Assembly Act.
- 3.6 Prevent a culture of impunity from setting into the country by ensuring that all persons responsible for human rights abuses are held to account for their actions.
- 3.7 Comply with their pledge to promote and protect the human rights of all people in a non-selective, non-politicised and equitable manner by decriminalising consensual adult same sex sexual conduct.

Annex - I

Links to Country Pledges

Pledges

Botswana:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/732&Lang=E
India:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/758&Lang=E
Kenya:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/546
Malaysia:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/64/765
Maldives:	2010 http://www.un.org/en/ga/search/view_doc.asp?symbol=A/64/657 2013 http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/359
Pakistan:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/486
Sierra Leone:	http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/531
Uganda:	No written pledges are available.

Annex - II

Voting Records of Commonwealth Countries at the UN Human Rights Council in 2013

Key: “YES” = **A vote in favour**
 “NO” = **A vote against**
 “ABST” = **Abstention**
 “-” = **No vote cast**

I. 22nd Regular Session (25 February – 22 March 2013)

Resolution	Asian Group				African Group			
	India	Malaysia	Maldives	Pakistan	Botswana	Kenya	Sierra Leone	Uganda
Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on human rights in the Occupied Syrian Golan	YES	YES	YES	YES	YES	ABST	YES	YES
Resolution on the composition of the staff of the Office of the High Commissioner for Human Rights	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on promoting reconciliation and accountability in Sri Lanka	YES	ABST	NO	NO	ABST	ABST	YES	NO
Resolution on the situation of human rights in the Islamic Republic of Iran	ABST	ABST	YES	NO	YES	ABST	YES	ABST
Resolution on the situation of human rights in the Syrian Arab Republic	ABST	YES	YES	YES	YES	YES	YES	ABST
Resolution on the follow-up of the report of the United Nations independent international fact-finding mission on the Gaza conflict	YES	YES	YES	YES	YES	ABST	YES	YES
Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and in the Occupied Syrian Golan	YES	YES	YES	YES	YES	ABST	YES	YES

Resolution	Asian Group				African Group			
	India	Malaysia	Maldives	Pakistan	Botswana	Kenya	Sierra Leone	Uganda
Resolution on the right of Palestinian people to self-determination	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the intergovernmental working group on the effective implementation of the Durban Declaration and Programme of Action	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on open-ended intergovernmental working group to consider the possibility of elaborating an international framework on the regulation, monitoring and oversight of activities of private military and security companies	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance	YES	YES	YES	YES	YES	YES	YES	YES
Decision on the high-level panel discussion on the question of the death penalty	NO	NO	ABST	ABST	NO	NO	ABST	NO

II. 23rd Regular Session (27 May – 14 June 2013)

Resolution	Asian Group				African Group			
	India	Malaysia	Maldives	Pakistan	Botswana	Kenya	Sierra Leone	Uganda
Resolution on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr	ABST	YES	YES	YES	YES	-	YES	ABST
Resolution on the effects of foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on human rights and international solidarity	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on access to medicines in the context of the right of everyone to the enjoyment to the highest attainable standard of physical and mental health	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the situation of human rights in Belarus	NO	ABST	YES	ABST	YES	ABST	ABST	ABST
Resolution on the promotion of the right to peace	ABST	YES	YES	YES	YES	YES	YES	YES
Resolution on the deterioration of the situation of human rights in the Syrian Arab Republic and the need to grant immediate access to the commission of inquiry	ABST	YES	YES	ABST	YES	YES	YES	ABST

III. 24th Regular Session (9-27 September 2013)

Resolution	Asian Group				African Group			
	India	Malaysia	Maldives	Pakistan	Botswana	Kenya	Sierra Leone	Uganda
Resolution on the right to development	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on cooperation with the United Nations, its representatives and mechanisms in the field of human rights	ABST	ABST	YES	ABST	YES	ABST	YES	ABST
Resolution on from rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the impact of arms transfers on human rights in armed conflicts	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on human rights and unilateral coercive measures	YES	YES	YES	YES	YES	YES	YES	YES
Resolution on the continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	YES	YES	YES	ABST	YES	YES

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CHRI PROGRAMMES

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives there is a need for functional mechanisms of accountability and participation within the Commonwealth and its member countries. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to information and access to justice.

STRATEGIC INITIATIVES PROGRAMME

CHRI monitors Member States' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the United Nations, the African Commission for Human and Peoples' Rights and the Commonwealth. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform process; monitoring the performance of Commonwealth countries at the United Nations Human Rights Council; engaging with the United Nations Universal Periodic Review process; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening. CHRI is also involved in monitoring the work of IBSA – the India, Brazil and South Africa Dialogue Forum – through a human rights lens. CHRI promotes civil society engagement with government on foreign policy issues with the aim of democratising this niche policymaking area.

ACCESS TO INFORMATION

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation and assists partners with implementation of good practice in relation to freedom of information. In relation to freedom of information, CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as advocating with policymakers. CHRI is active in South Asia, most recently advocating for a national law in Maldives and Pakistan; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to encourage interest in access to information legislation.

ACCESS TO JUSTICE

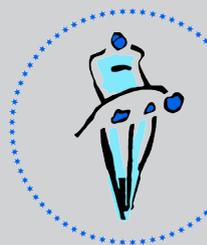
Police Reforms: In too many countries the police are seen as oppressive instruments of State rather than as protectors of the rights of citizens. This attitude is linked to widespread rights violations and the denial of justice. CHRI thus promotes systemic reform so that police act as upholders of the rule of law. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability and political interference with the police.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major focus area is highlighting and intervening in the failures of the legal system that result in systemic overcrowding, intolerably long pretrial detention periods and prison overstay. Another area of concentration is reforming failed prison oversight mechanisms. CHRI aims to improve the administration of prisons and is of the view that this will have a positive effect on the administration of justice overall.

The *Easier Said than Done* series of reports are designed to lift the mask on rhetoric at the United Nations Human Rights Council (the Council). The reports do this by assessing whether countries that are members of the Council are actively working, at home and in Geneva, to protect and promote human rights.

The 2013 edition of *Easier Said than Done* comprises a series of eight reports, each dealing with one Commonwealth Member of the Council: **Botswana, India, Kenya, Maldives, Malaysia, Pakistan, Sierra Leone** and **Uganda**.

Easier Said than Done identifies that human rights practices in a number of Commonwealth countries continued to be a cause for alarm in 2013. Yet the promises made by these States provided hope to the millions of citizens directly affected by the decisions and stances adopted by their leaders. A lack of focus on the implementation of these promises has allowed countries, unobserved by domestic watchdogs, to repeatedly thwart attempts to strengthen human rights protections. It is critical to alert the international community and domestic organisations to this tendency, in order to prevent the Commonwealth, not only from failing to comply with its values, but also from becoming a force for human rights regression on the global stage.



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