



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

MALDIVES

GA75/CM6-2/23

[Check Against Delivery]

Statement by

Hassan Hussain Shihab,

Counsellor,

Permanent Mission of Maldives to the United Nations

At the Sixth Committee

**On Agenda Item 86: The Rule of Law at the National and
International Levels**

22 October 2020, New York



-2-

Thank you, Mr. Chairman.

I would like to begin by thanking the Secretary General for his report on strengthening and coordinating the rule of law activities of the United Nations.

Mr. Chairman,

The serious challenges to the rule of law in the Maldives that preceded the assumption of office by President Ibrahim Mohamed Solih in November 2018 remain fresh in our minds. In addition, the Covid-19 pandemic persists as a global reminder of the critical importance of trustworthy and accountable institutions in times of crises and uncertainty. These struggles, past and present, continue to motivate our Government to strengthen our independent institutions, reform our judiciary, eliminate corruption and promote transitional justice.



-3-

Mr. Chairman,

The Government of Maldives continues to investigate and seek redress for human rights abuses, murders and enforced disappearances to address systemic corruption at all levels of Government.

Good governance depends not only on securing redress for such crimes, but on preventing them from ever occurring. To that end, President Solih has ratified legislation providing guidelines for the ethics and independence of members of independent institutions such as the Anti-Corruption Commission and requiring them to disclose their assets.

Mr. Chairman,

The Maldives is making every effort to ensure that judicial independence is upheld. With the amendments made to the Judicial Service Commission's Act in 2019, the first ever Judges Appeal Chamber was established - mandated with hearing appeals of decisions taken by



-4-

-

the Judicial Service Commission (JSC) against members of the Judiciary. JSC has been pursuing their mandate vigorously, by attending to complaints and taking appropriate actions. The improvement in public confidence towards the functions of the JSC is evident by the fact that 114 complaints were submitted to the JSC in 2019, compared to only 9 in 2018. The JSC has also initiated the process of conducting a complete appraisal of all judges in the Maldives, which will commence this year. While this was mandated under the Judges Act of 2010, it has not been carried out until today.

The Legal Professions Act which was passed in 2019 established the first ever Bar Council of Maldives, enabling self-regulation and standardization of the profession. Another development relates to the transparency of legal proceedings. The Supreme Court also conducts live broadcasting of virtual hearings online. In order to ensure the efficiency of court cases, audio/video conferencing is now available in all courts in the capital Male', as well as in a number of Magistrate



-5-

Courts in the atolls. Further, with an amendment brought to the Criminal Procedure Act this July, court hearings via video conferences under special circumstances for specific types of cases have been authorized. The Government plans to include the use of video conferencing methods in the Civil Procedure Bill as well.

Steps have also been taken to further improve the accountability and functioning of the judiciary and legal system. We continue to enact and amend legislation to strengthen our legal institutions and to impose higher standards of ethics, independence and quality on our judges, prosecutors and other legal professionals.

Mr. Chairman,

The Maldives knows that elections alone are not sufficient to ensure a truly democratic society. A meaningful democracy requires active participation by the citizenry and civil society, the elimination of



-6-

corruption and a guarantee of fundamental rights and freedoms for all. Our Strategic Action Plan 2019–2023 adopts these priorities and in September, the Cabinet discussed how best to revise its priorities and schedule to ensure that the Government can deliver on its key promises to our citizens, while accounting for delays caused by the pandemic. Recent legislation has increased the independence and responsibility of our Elections Commission and provided further guidelines for the decentralization of our Government. In this regard, the judicial committee of the Parliament is currently reviewing a bill on the criminalisation of unexplained wealth.

Mr. Chairman,

The rule of law only truly exists if it can be relied upon by all citizens without exception. The Maldives therefore continues to promote gender equality, while eliminating gender-based violence and discrimination. The Decentralisation Act requires that women hold at least one third of all local council seats. We have also achieved gender parity among the



-7-

H

Heads of Missions of the Maldives Foreign Service and we are also working to increase the role of women in our police forces. The first female Justices to the Supreme Court of Maldives were appointed in September 2019, while the first female Judge to the Criminal Court was appointed in September 2020. This means that for the first time in Maldives, currently there are women judges presiding over cases at all tiers of the court system - from the Magistrate Courts to the apex Court, demonstrating the judiciary's commitment to achieving gender parity. If we are to fully recommit to the rule of law, the role of women must continue to expand.

Mr. Chairman,

States of emergency are fertile ground for abuses of power, and the Maldives is grateful for the support of the UN in ensuring that the increase in policing activities necessitated by the pandemic did not result in a decline of human rights norms and standards.



-8-

The Maldives strives to promote the rule of law not only within its borders, but in the international community as well, and we remain fully committed to fulfilling our international obligations. To that end, the Child Rights Protection Act and the Juvenile Justice Act were recently enacted to further align our domestic law with our international human rights obligations.

By ratifying provisions for the individual communication procedures under the Convention on the Rights of the Child and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Maldives has improved access to justice for its citizens and committed to being held accountable by the international community for any future violations. The Government has also received approval from the Parliament and is in the process of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.



-9-

-

Mr. Chairman,

While much progress has been made, much work remains to be done as well. Covid-19 will continue to test our institutions and the disastrous effects of climate change will strain our systems of governance long after the pandemic has ended. In times of crisis, our citizens need and deserve a Government that they can trust to guarantee their fundamental rights to justice, peace and security. The Maldives will continue to work to provide for its people, a Government free of rampant corruption and human rights abuses, a Government that starts with local communities and prizes gender equality, and a resilient Government that will secure and promote the rule of law both nationally and internationally.

In this great effort, the Maldives looks forward to collaborating with our international partners and friends, as it has never been more important that we reaffirm our commitment to multilateralism in advancing the rule of law for all.



-10-

I thank you.
