

'Living in Dignity'

Development through Basic Rights and Democracy

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Introduction

The Government deems the consolidation of the young democratic fabric of the Republic as an urgent, yet long-term goal. Consolidation will necessitate constant effort and vigilance in order to strengthen the separation of powers and the rule of law and justice; foster greater public participation; and devolve power to the people.

For human development to be sustainable and equitable, it must necessarily be underpinned by a strong human rights and governance framework that both protects fundamental freedoms as well as allows citizens to participate fully in the economic, social and political life of the country. The Government was elected on a promise to fully respect the inviolability of human rights and to consolidate democratic governance. The Government's drive to promote further socio-economic development will be founded in the principle that, irrespective of origin, gender or social status, all people are born free and equal and must be allowed to live in dignity.

This paper outlines the Government's commitment to creating conditions where fundamental social, economic and political rights in the country are realised and under which every Maldivian can develop a sense of worth and security.

Government's Good Governance Policy

The Government's good governance policy is derived from the Maldivian Democratic Party (MDP) Manifesto. Thus, the key policy priorities are:

- a. Guarantee freedom of expression and information in order to encourage scrutiny on matters of national interest.
- b. Encourage public debate on affairs of national interest and encourage constructive criticism of Government policy and initiatives
- c. Protect all human rights outlined in the Constitution, the United Nations Charter and international conventions; and expand the role of civil society and the general public to uphold these rights
- d. Facilitate the separation of powers between the Executive, Legislature and Judiciary and the media and allow them to operate as independent institutions ensuring the growth of a system of checks and balances
- e. Defamation charges will not be filed by the Government against any individual or groups and thus, protecting the individual's and groups' integrity and dignity.
- f. Construct a rights-based legislature and judiciary
- g. Instil and promote a culture of independent institutions, regulations and principles designed to benefit the public
- h. Encourage community participation in the development process of the country.

Further to this, the Government has identified four other areas in which it envisages promoting good governance, namely: rule of law, justice, eliminating corruption and decentralisation.

Fundamental Rights Enshrined in the Constitution

On 7 August 2008, the Maldives welcomed a new Constitution (herein referred to as the 'Constitution') that creates the legal framework and necessary mechanisms for enabling the promotion, protection and consolidation of democracy. The Constitution establishes a separation of powers and a bill of rights that is derived

from the Maldives' international legal obligations. Thus, the fundamental freedoms and liberties espoused for under international law are enshrined in the Constitution. In his inaugural speech on 11 November 2008, His Excellency President Mohamed Nasheed avowed to consolidate and nurture the young democratic fabric of the country during his term of office, highlighting that effective governance, protecting individual freedoms and allowing for the smooth functioning of the country is essential to the future well-being and prosperity of all Maldivians.

The norms reflected in numerous human rights conventions of which the Maldives is a signatory are now espoused in the Constitution, which is premised on the need to protect and promote the rights of all and to encourage equity, free will and the rule of law.

Chapter II of the Constitution - the 'Fundamental Rights chapter' - enshrines and incorporates all rights as guaranteed to the people. Rights and fundamental freedoms introduced or strengthened under the Constitution include, *inter alia*: the right to life; right to non-discrimination; right to fair and public trials; protection from arbitrary detention; freedom from forced confession; right to legal aid; prohibition of torture and other inhuman or degrading treatment; right to appeal; access to compensation for unlawful arrest or detention; right to vote and to hold public office; freedom of opinion and expression; right to privacy; right to information; freedom of association; freedom of assembly; and provision of special protection to vulnerable groups including children, adolescents, elders, and people with special needs.

Economic, social and cultural rights introduced or strengthened under the Constitution include, *inter alia*: the right to adequate, nutritious food and clean water; right to adequate housing; the right to a good standard of health; adequate access to sanitation and electricity; right to marriage and family; the right to education; right to work; right to strike; right to enjoy a pension; the right to take part in cultural life; the right to a healthy and safe environment; and the right to enjoy property.

The Constitution, for the first time, introduces a system of local governance in the country and outlines the process of decentralisation.

The Rule of Law and Justice

The Government is committed to nurture and strengthen the rule of law and justice in the Maldives.

The legal system of the Maldives has witnessed important changes in recent years designed to ensure an independent judiciary through, the establishment of a Supreme Court and an independent Judicial Services Commission to appoint and dismiss judges; and the creation of the post of Prosecutor-General. The Supreme Court established under the Constitution is now the highest arbitrator and last Court of appeal in the Maldives. To ensure greater judicial independence and integrity, judges appointed to the bench have to be approved by Parliament and the independent Judicial Services Commission administers this system.

An independent Prosecutor-General's office now functions to oversee all criminal investigations and prosecutions.

The Government is focused on establishing restorative and rehabilitative justice. It aims to introduce vocational training programmes for those serving prison sentences. It is also the aim of the Government to establish a comprehensive parole system and rehabilitate those in detention, in order to allow them to become responsible members of the community. An independent National Parole Board was established on 28 November 2008 and on 24 February 2009 the Parole Regulation was amended to incorporate the rights provided under the new Constitution. All matters relating to the parole system could be appealed to the Parole Committee, which is comprised of: a judge of the Supreme Court, a judge of the High Court, a judge of the Criminal Court, the Prosecutor-General (or his/her representative) and the Attorney-General. In the future, presidential pardons will also be delivered in a fair, transparent and consultative manner.

Independent oversight institutions also have a vital role to play in promoting good governance. It is therefore important for these institutions to be maintained and strengthened in order to provide a complete check and balance system. Furthermore, it is the aim of the Government to establish a mechanism through which the public can file complaints against the Government in situations where they have been deprived of their rights and offer compensation for negligence on the part of the Government, in order to protect and promote democracy.

An Anti Corruption Commission acts as an independent body under the Constitution and derives specific statutory powers from the Anti Corruption Act 2008 to ensure that the country is free from bribery, treachery and similar corrupt practices. According to the Anti Corruption Commission, it is currently investigating three cases.

The Human Rights Commission works to fulfil its mandate as an independent human rights watchdog and works closely with a range of bodies including the United Nations Office of the High Commissioner on Human Rights (OHCHR), United Nations Development Programme (UNDP), other resident UN Agencies and the Association for the Prevention of Torture.

Public Participation and Power to the People

The right to participate in the democratic life of the State, both through voting and through standing in elections, is crucial to the promotion of human development, in that it represents the epitome of enforceable accountability. “People power” is at the very heart of the current administration’s policy agenda.

For the first time in the history of the Maldives, free and fair multi-party presidential elections were held in October 2008. These elections led to the formation of the current Maldivian Democratic Party-led governing coalition. There are now twelve fully functioning political parties and pluralism is at last taking root in the Republic. The country is now preparing for parliamentary elections to be held in May 2009.

Building on, and reinforcing the right to elect one's own government by the people and for the people, the Maldives now also enjoys unprecedented freedom in areas such as the freedom of association; freedom of information; freedom of speech, opinion and expression; and public participation. These freedoms are guaranteed by the Constitution and subsequently strengthened by frameworks such as the Freedom of Information regulation. Debating issues with friends and neighbours, writing in newspapers about the rights and wrongs of Government policies, becoming members of political parties and in some cases, the creation of unions, are now commonplace in the Maldives.

An independent Elections Commission as mandated under the Constitution, together with supporting legislation, now operates to facilitate the provision of an electoral system that proves for the free and fair expression of the people's will through genuine and periodic elections.

Beyond periodic expressions of their will through elections, the Government is also determined to bring the everyday running of the Maldives down to a level closer to the people. This commitment underlies that the Government's focus on decentralisation is designed to allow individual people to participate in the rules and institutions that shape their island community. The Government believes that this participation is a basic human right and a key part of human development.

A vibrant civil society now plays a major role in the Maldives in providing social services and also plays a watchdog role on the Government. Interest groups also provide alternative forms of public participation.

Delivery of democratic promises

The Government has identified five key pledges that will improve the quality of life for all Maldivians. The pledges are based on the urgent needs of the country and are focused on the realisation of the fundamental rights and liberties enshrined in the Constitution. The delivery of these pledges is being implemented in-tandem with the

process of decentralisation and through public-private partnership in economic matters.

The five pledges of the Government are:

Establish a nationwide marine transport network

Being geographically dispersed, the population of the Maldives is made up of small communities spread throughout the natural atolls of the country. Providing a modern and affordable marine transport network would be a milestone in economic and infrastructure development, as it would promote freedom of movement for remote populations, help communities pursue economic activities and trade, and provide a feasible alternative to the expensive and controversial policy of relocation.

Providing affordable living costs

Living costs in the Maldives has risen exponentially in the last few years due to indirect public taxation in the form of import duty on goods, the sudden rise of construction costs and the increase in rent for commercial and residential buildings, along with excessive Government expenditure, that has lead to inflation and a high public debt. The Government aims to plan economic development to stabilise the price of goods and services to ensure optimum cash flow for economic progression. It aims to provide financial assistance to the construction industry to guarantee affordable rates of rent and property prices, as well as a process of abolition of import tax on all food products and maintain prices of all stable food products at affordable rates. Furthermore, the Government aims to open avenues to secure financial loans through banks and open financial markets for the development of small and medium enterprises.

Providing affordable housing

The social and economic costs of congestion and pollution are clearly evident in the streets of Male'. As a matter of utmost urgency, the new Administration is pursuing a policy of providing adequate housing to all families. Coupled with decentralization, the Government hopes that the concentration of economic opportunities in Male' would spread out into other regions with sizable populations.

As a third of the population is concentrated in Male', the rise of other provincial urban centres would be the bedrock of providing reasonable and affordable housing to all Maldivians.

Providing quality healthcare

The Government is committing to the progressive realisation of everyone's right to health, including through affordable healthcare. As a developing country with a geographically dispersed population, adequate healthcare has not always been available to everyone, especially given the lack of a universal health insurance plan. The Government believes that as a developing country, quality healthcare at affordable prices is a necessary and integral part of socio-economic growth. As such, the Government plans to introduce a basic health-insurance scheme which is accessible to all.

Prevention of narcotics abuse and trafficking

Over the past decade, the Maldives has experienced a significant increase in the number of substance abuse cases involving youths. During its election campaign, the Government advocated a different approach to dealing with the narcotics problem in the country, by prioritizing rehabilitation and the monitoring of all international points of entry into the country. The Government also, for the first time, started addressing the social aspects of substance abuse, which include the living conditions of youths in the Maldives, the lack of economic opportunities and the lack of educational prospects. The Government is seeking foreign assistance to implement domestic preventive and restrictive measures to address the drug problem. The Government is also seeking help for the establishment of a fair and just legal process that criminalizes distribution and enforces sentences.

These above pledges can only be fully achieved with the support of the international community.

Conclusion

Fulfilling the promise of democratic governance for the Maldives remains an enormous task, in light of the Government's objectives in the priority areas it has thus far identified and the progress on the implementation of necessary policies and the mobilisation of financial resources.

Despite the challenges faced due to the economic situation of the country, as well as maintaining the high hopes of the people, from which the Government was elected, the delivery of democratic promises remains the focus.

The Government has outlined a clear departure from past practices and standards, in that, greater transparency, openness and accountability are being actively promoted as valued norms of the society. This, in return, would create awareness and greater understanding in society, through this era of change and democratic evolution.

It is without a doubt, that under the Constitution, the effective functioning and credibility of independent institutions would contribute to the perception and importance attached to good governance by the Government, and also to the sustainability of good practices in these institutions. They form the bedrock of a vital public service, independent of undue influences in order to uphold the public trust.

The Government policies towards decentralisation and public private partnerships, under the context of local governance, through a consultative and open process, will also be fundamental in the continuous exertion of a more participatory role by the local communities in their respective provinces.

Such are the values that must be shared and strengthened, in moving towards a modern Maldivian society living in dignity.