



# THROUGH THE REFORMS OF

The 6<sup>th</sup> Presidential Term of

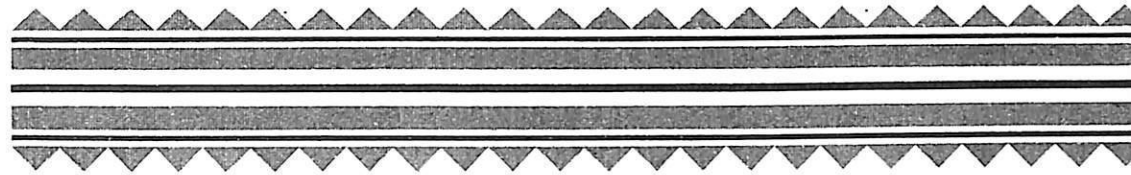
President Maumoon Abdul Gayoom

Second Edition

March 2006

Attorney General's Office

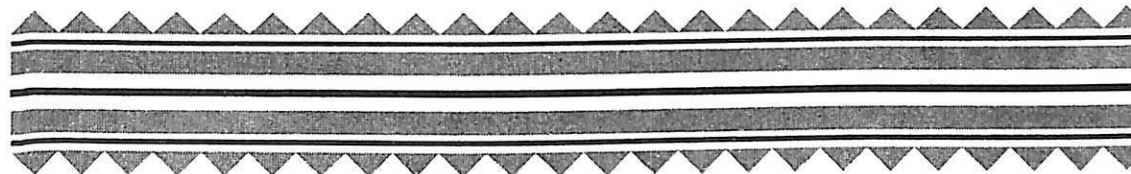
Male', Republic of Maldives



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## An International Expert's Observation on the Reform Agenda of Maldives



"The Maldivian government is to be greatly commended for introducing not just a reform program, but a very comprehensive program, much of which is already under way. **Matter of fact, there has been more reform in the legal system of the Maldives in the last few years than probably in any other country in the world. ...**

... And the Maldives has introduced a very comprehensive and just system over investigating crime such that, I have seen this myself, such as that the confession or statement by accused persons are now video taped and the person is allowed to have a lawyer present, and a whole range of the other safe guards which did not exist before and do exist now. That is a very welcoming change. **And in some aspects, the Maldives is leading the world in this area. ...**

There are number of things that do need to change. But one of the things that I have met here is the almost passion in the government ministries, presumably handed down from the President to the cabinet, to reform. ..."

*Justice Marcus Einfeld*

*(Justice of Supreme Court of Australia)*

*Commonwealth Consultant advising on the reform of the Judiciary of Maldives*

*From an interview given to the Television Maldives on 25<sup>th</sup> October 2005*

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## What is the Reform Agenda?

- On 11<sup>th</sup> November 2003, President Maumoon Abdul Gayoom, upon assuming office for a 6<sup>th</sup> term as the President of Maldives, identified five main areas that would constitute his highest priorities during the following five years. Strengthening the democratic governance of the country was given pride of place, and measures to implement this ideal became the platform for the reform agenda of President Gayoom.
- Pursuant to this initiative, the Government wholeheartedly undertook major steps to implement this reform agenda. Changes were immediately seen in several areas of the governance of the nation, heralded by the creation of crucial new institutions such as the Human Rights Commission and the Public Complaints Bureau, and the introduction of important regulations such as the Arrestable and Non-Arrestable Offences Regulations.
- After the initial changes and reforms were put in place, the Government continued its reforms in a more organised manner, commissioning expert studies such as that of the National Democratic Institute's report on the "Assessment of the Opportunities and the Challenges to the Development of Political Parties in the Maldives", Professor Paul Robinson's "Report on the Criminal Justice System of Maldives", Mr. John Turner's report on electoral reform, Professor Kenneth Polk and Professor Christine Alder's respective reports on the Juvenile Justice System and the Gender issue of the Criminal Justice System, and Justice Marcus Einfeld's report on judicial reform, to facilitate the reform process.

- Based on the recommendations of these studies and reports, the Government formulated Action Plans, introduced direct legislation, created many institutions and took various other steps to speed up and implement the reforms.
- In this manner, a four-year National Criminal Justice Action Plan, aimed at overhauling the entire criminal justice system of the country has been formulated and its implementation is going on very rapidly. Implementation of the reforms on the Civil Service, the Electoral System, Judicial and Legal System, the Civil Justice System, and the Media are also progressing apace.
- Parallel to these changes and reforms, on 27 February 2004 during the Presidential Address at the State Opening of Parliament, President Maumoon Abdul Gayoom announced historic plans to make sweeping changes to the Constitution to usher in a 21<sup>st</sup> century democracy in the Maldives, invoking powers granted to him under the Constitution to convene the People's Special Majlis (the Constitutional Assembly), the only body empowered to amend the Constitution.
- On 9<sup>th</sup> June 2004, President Gayoom unveiled his proposals to amend the Constitution. No less than thirty-one in number, these far-reaching proposals included radical changes to the Constitution such as limiting the number of presidential terms, creation of the office of Prime Minister, separation of the Head of State from the Head of Government, clear separation of powers between the executive, legislative and judiciary, introduction of political parties, and parliamentary oversight of crucial public appointments.

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- The Peoples Special Majlis was convened in July 2004. On 14<sup>th</sup> February 2005 President Gayoom formally presented his 31-point Proposals for Amendment of the Constitution to the People's Special Majlis.
  
  - At present, the overall reform agenda is now being implemented on three levels.
    - The People's Special Majlis is carrying out its work of amending the Constitution.
  
    - The People's Majlis (the parliament) is carrying forward the reforms by enactment of reform-focused legislation.
  
    - The Government, in addition to implementing the reforms stipulated in the legislation passed by Parliament, is accelerating the reform process through Presidential Decrees and regulations.
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## Overview of the Presidential Address 2006

With regard to the on going reforms initiated by the Government, the President highlighted the following points in his Presidential Address given during the opening ceremony of the Parliament for the year 2006.

- A number of important reforms have already been implemented, as part of the President's reform agenda, including the introduction of political parties, the establishment of a Judicial Services Commission, enhancing the freedom of press, and strengthening human rights protection in the Maldives.
  
  - Most of the bills that the Government hopes to table before the Parliament during the first session of 2006 will put in place crucial democratic reforms. These bills include *inter-alia* Political Parties Bill, the National Security Service Bill, the Police Bill and a new Penal Code.
  
  - During 2006 the Government will table before the Parliament, important legislations on social and economic development, and at the same time the Government is also working on drafting a number of other key reform bills, which will also be tabled before the Parliament during 2006.
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- Since the ongoing work to revise the Constitution is an important part of the sweeping democratic reform agenda that the President initiated in 2003, he called the Members of the Special Majlis (the Constitutional Assembly) to work in the spirit of cooperation and to successfully conclude their work as soon as possible.
  - Key judicial reforms proposed for this year include the establishment of a system of arbitration in the Maldives.
  - Groundwork is being laid to establish a Civil Service Commission in the Maldives.
  - The Government will carry out a study to identify areas with potential for foreign investment. In this regard work on formulating the legislative framework for creating a business and investor-friendly environment in the Maldives will continue throughout this year.
  - The Government has tabled four important Bills on the freedom of the media and information, as part of the reforms to strengthen press freedom in the Maldives. Further, a Broadcasting Bill and a Cable Television Bill are presently in the drafting stage.
  - The President noted that at this time of tremendous political transformation, our top priority must be to sustain peace and harmony in the country, and that it is a national duty of each and every Maldivian to respect individual rights, uphold law and order and promote high behavioural standards in the society.

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- The President also noted that he firmly believed that all the political parties operating in the Maldives should work for the benefit and welfare of the people, and for the further development of the Maldives.
  - The President announced that, since the Government did not receive a favourable response to his invitation to all the political parties to hold joint discussions on formulating a roadmap for the implementation of the democratic reform programme and as reforms cannot be delayed, he has decided to go ahead with the work on formulating a roadmap on the key reforms to be implemented in the time ahead.
  - The roadmap will be released before the end of March 2006, and will include timeframes for each important aspect of the democratic reform programme.
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# CONTENTS

## CHAPTER 1

### Measures taken to strengthen the Legal and Judicial System

1. Launching of National Criminal Justice Action Plan 1
2. Separation of judiciary from Executive 2
3. Presidential Advisory Council on Judicial Matters 3
4. Establishment of a Judicial Services Commission 4
5. Court standards to be raised through overseas training of Judges 5
6. Steps taken to strengthen the independence of Judges 6
7. The Government can now be sued in Courts in the same way as any other individual 7
8. Arrestable and non-arrestable offences are now specified 8
9. Amendment to the regulation on access to legal advice 10
10. Recording of interviews were introduced to further strengthen the integrity of the investigative process 11
11. Drafting of the Regulation on the use of batons 12
12. Drafting of the regulation on physical restraint and use of handcuffs in order to protect people from physical harm during arrests 13
13. Detention period to be extended only after presenting the person before a Judge 14

14. Introduction of a Bail system	15
15. Parole Scheme	17
16. Legal Awareness Programme for Secondary Schools	18
17. Introduction of family conferencing	19
18. The establishment of a Jail Oversight Committee	20
19. Drafting of a prison and parole bill	21
20. An international consultant assisting to reform Maafushi Jail	23
21. Establishing of a family protection unit	25

## CHAPTER 2

### Measures taken to strengthen accountability and good governance

1. Allowing the formation of political parties in order to strengthen the country's democratic system	27
2. Establishment of a Public Complaints Bureau	29
3. Freedom of Information	30
4. Major steps taken by the Government to ensure the operation of free media	31
5. Strengthening the monetary policies of the State	34
6. Audit Bill guarantees the independence of the Auditor General	36
7. Increase and improve the scope of services offered by the Drug Rehabilitation Centre in order to further strengthen the rehabilitation process of drug abusers	39
8. Regulation on the rehabilitation and treatment for drug offenders	41

9. Change in the action taken against people who embezzle from the Government	43
10. Inauguration of the National Law Library and availing its service to the public	44
11. Strengthening and increasing the speed of the work of the Law Commission of Maldives	46
12. Special allowances given to State Attorneys	47
13. All government lawyers to become part of Attorney General's Office in order to further strengthen the work of the Attorney General's Office	48
14. The Attorney General's Office's website <a href="http://www.agoffice.gov.mv">www.agoffice.gov.mv</a>	50
15. The Bill on Employment: safeguard the rights of the employers and the employees	52
16. Strengthening of the electoral system, including the revision of the Law on the Parliamentary Elections	54
17. Separation of the police from the armed forces, and establish the police as a civilian authority	55
18. Enhancing the accountability of the police	56
19. Establishment of a Financial Intelligence Unit	58
20. Establishment of an Economic Advisory Council	59
21. Establishment of a Community Organisations Development Council	60
22. Formulation of a work plan for the local administrative and governance reforms	61
23. The Right to Assemble Peaceably	62



---

---

## CHAPTER 3

### Steps taken to strengthen the role of Parliament

1. Strengthening the role of Parliament 63

## CHAPTER 4

### Important steps taken to strengthen human rights

1. Establishment of a Human Rights Commission 65
2. Adoption of the "Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" 67
3. Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment 68
4. Agreement signed with the International Committee of the Red Cross to protect and strengthen the rights of persons detained in Maldivian jails 69

## CHAPTER 5

### Some of the reforms

1. Judicial Sector Reforms
  - 1.01 Establishment of Judgment Enforcement Agency 70
  - 1.02 Civil Procedure Code 70
  - 1.03 Establishment of a Supreme Court 70
  - 1.04 Bill on immunities and privileges of judges 71
  - 1.05 Introducing a compensation mechanism 71
  - 1.06 Establishment of a Labour Tribunal 71
  - 1.07 Establishing an arbitration and mediation centre 71
  - 1.08 Admitting video evidence 71


- 1.09 Obtaining assistance of a lawyer (legal aid) 72
- 1.10 Strengthening role of lawyers 72
- 1.11 Strengthening Custodial Services 72
2. Civil Justice Action Plan 73
3. Activities planned to strengthen the electoral system 74
4. Strengthening political party system 75
5. Gender Equality 76
6. Strengthening the role of the Police 76
7. Freedom to obtain, receive and disseminate information 77
8. Public Complaints Bureau to be made independent 77
9. Expanding the role of the Parliament 78



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**CHAPTER 1**  
**Measures taken to strengthen  
the Legal and Judicial System**



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# 1

## **Launching of National Criminal Justice Action Plan**

- ☞ Launched in December 2004, the National Criminal Justice Action Plan aims to reform, and further strengthen the criminal justice system of the country.
  
- ☞ The major provisions of the Action Plan include:
  1. Drafting of the Maldivian Penal Code.
  2. Drafting of Sentencing Guidelines.
  3. Drafting of the Criminal Procedures Code.
  4. Drafting of the Police Act.
  5. Drafting of the Armed Forces Act.
  6. Drafting of the Evidence Act.
  7. Drafting of the Prisons and Parole Act.
  8. Strengthening the jail system.
  9. Implementation of a Juvenile Justice System in concordance with the International Convention on Rights of Child.
  10. Strengthening the Court system.

***National Criminal Justice Action Plan  
was launched in December 2004.  
It is available on Attorney General's Office website:  
[www.agoffice.gov.mv](http://www.agoffice.gov.mv)***

## 2

### Separation of the Judiciary from the Executive

- ☞ On 11<sup>th</sup> November 2005, the government announced separation of the judiciary from the executive.
- ☞ Thereby, all judicial powers are now exclusively vested in the hands of the Chief Justice.
- ☞ All courts and judges will, on judicial matters, be answerable to the Chief Justice only.
- ☞ The Ministry of Justice will provide only administrative support needed for the courts.

*The judiciary was separated  
from the executive on 11<sup>th</sup> November 2005.*

## 3

### Presidential Advisory Council on Judicial Matters

- ☞ In order to achieve separation of powers between the executive and the judiciary, the Presidential Advisory Council on Judicial Matters that had been functioning inside the President's Office since 1994, was moved outside the President's Office. Amendments to the Regulation of the Presidential Advisory Council were brought to reflect the following changes.
  1. Chief Justice to head the council.
  2. The President to appoint members to the Council on the advice of the Judicial Services Commission.
  3. The Council to hear cases in open court.
  4. To decide matters presented to the Council as per the majority.
  5. Decisions of the Council are to be made available to the public.
  6. Publicise rules, regulations and procedures of the Council.

*This change was introduced on 11<sup>th</sup> November 2005.*

## 4

### **Establishment of a Judicial Service Commission**

- ☞ A Judicial Service Commission was established on 11<sup>th</sup> November 2005 to strengthen the judicial system, increase independence and fairness.
- ☞ The responsibilities of the Commission are to:-
  1. Advise the President on the appointment and dismissal of judges of the lower courts, justices of the High Court and members of the Presidential Advisory Council on Judicial Matters.
  2. To advise the appropriate authority on setting the behavioural standards of judges.
  3. To recommend to appropriate authority on measures to be taken upon investigation of issues regarding judges.
- ☞ The composition of the Commission was established as follows:-
  1. 4 members from the judiciary appointed by the Chief Justice.
  2. 2 members from the executive.
  3. 2 members from the legal profession appointed based on their education and experience.
  4. 2 members from the general public, who are not working in the government.

## 5

### **Court Standards to be Raised through Overseas Training of Judges**

- ☞ A total of 18 individuals were sent to the International Islamic University of Malaysia to study law and to undergo specialised judicial training.
- ☞ In order to uphold gender equality, half of the participants were women.

***The 18 individuals to be trained as judges  
were sent to Malaysia for higher education  
on 2<sup>nd</sup> May 2005.***

## 6

### Steps Taken to Strengthen the Independence of Judges

- ☞ The housing allowance for Judges was increased from Rf 1500/- per month in March 2004 to Rf 7000/- in June 2005.
- ☞ The magistrates working in the atolls are also given an allowance since 1<sup>st</sup> March 2004.
- ☞ Since 1<sup>st</sup> June 2005, the housing allowance given to High Court Judges was increased from Rf 1000/- to Rf 8000/-.

## 7

### The Government Can Now be Sued in Courts in the Same Way as Any Other Individual

- ☞ Commencing from 1<sup>st</sup> March 2004, civil complaints lodged against the Government will follow the same procedure in court as other civil cases. With the introduction of this procedure, the section 192(6) of the Regulation on Trial Procedure was repealed.
- ☞ Prior to this change if a court case was filed against the Government:-
  - The Ministry of Justice would collect all the relevant information from the necessary court and write to the Attorney General's Office.
  - The Attorney General's Office would in turn do further investigations and if deemed necessary, write to the President's Office.
  - The court would only proceed with the case upon authorisation from the Attorney General's Office.

***This change was introduced on 1<sup>st</sup> March 2004.***

## 8

### Arrestable and Non-Arrestable Offences are Now Specified

- ☞ A regulation defining arrestable and non-arrestable offences was introduced for the first time.
- ☞ Some of the arrestable offences include:
  1. Offences against the State.
  2. Actions that affect the general peace and harmony.
  3. Offences dealing with coins and notes.
  4. Offences dealing with stamp or the government's seal.
  5. Assault and homicide offences.
  6. Offences dealing with theft, embezzlement, fraud, robbery and burglary.
- ☞ Some of the arrestable situations include:
  1. Where a person refuses to state his/her name and address, or states a false name or address.
  2. Failure to appear for investigation without any justifiable reason.
  3. A person whose presence is necessary for an investigation purposely departs in order to avoid an investigation.
  4. Reasonable belief that a person is in possession or has under his control, stolen goods or a dangerous weapon that could be used for the purpose of stealing, or destroying or damaging property or goods.
  5. Escape from serving a sentence.

6. Arresting of an offender pursuant to an international treaty or an agreement.
  7. Intention to harm one's self, or another person, or unlawfully damaging a property
  8. Where a foreigner contravenes the regulation on immigration.
  9. Where arrests were ordered by the Courts, or if a person disobeyed a Court Order.
  10. Where a person is found in a state of intoxication.
  11. Where an arrestable circumstance is sanctioned by another regulation or a rule.
  12. Where a person willfully alters, destroys, or conceals any evidence.
- ☞ Offences not stated as an arrestable offence in the regulation must be investigated without arresting the person.

**Regulation specifying arrestable and non-arrestable**

offences was implemented on 1<sup>st</sup> March 2004.

**The Regulation is available on the  
Attorney General's Office Website:**

[www.agoffice.gov.mv](http://www.agoffice.gov.mv)

## 9

### **Amendment to the Regulation on Access to Legal Advice**

- ☞ Under the amendment a person shall be notified of his/her right to a lawyer upon his/her arrest.
- ☞ The suspect has the right to have his lawyer present during questioning.
- ☞ The suspect has the right to consult his lawyer in private at any stage, and also prior to signing any statement.
- ☞ Statistical evidence show that reliance on confession statements was reduced from 97% in 2003 to 64% in 2004.

***Regulation on access to legal aid was amended on***

***1<sup>st</sup> April 2004.***

***This Regulation is available on  
the Attorney General's Office website:***

***www.agoffice.gov.mv***

## 10

### **Recording of Interviews was Introduced to Further Strengthen the Integrity of the Investigative Process**

- ☞ From 1<sup>st</sup> April 2004 all interviews/interrogations have to be recorded.
- ☞ Audio and video recording facilities have now been set up in the investigation rooms established in the islands of Kaafu Dhoonidhoo and Kaafu Maafushi.
- ☞ The investigation rooms established in Dhoonidhoo and Maafushi conform to international standards, and is operational with modern equipment.
- ☞ A copy of the recording is given to the detainee and the court, if so requested.

***Recording of interviews started on***

***1<sup>st</sup> April 2004.***



# 11

## Drafting of the Regulation on the Use of Batons

- ☞ The Regulation states the circumstances in which batons may be used.
- ☞ Situations that warrant the use of batons include:
  1. Where a police officer is proceeding lawfully to arrest a person, and the person sought to be arrested inflicts physical harm or presents a grave danger to the safety of the police officer.
  2. Where a person inflicts physical harm or presents a grave danger to the safety of a person or persons.
  3. Where a person damages the property of another person or persons, or if there exists reasonable grounds to believe that such a damage has occurred.
- ☞ Consequences of unauthorised use of batons are also provided in the regulation.

*This Regulation was drafted on 4<sup>th</sup> July 2005.*

# 12

## Drafting of the Regulation on Physical Restraint and Use of Handcuffs

- ☞ This regulation provides for the use of handcuffs.
- ☞ Situations that warrants the use of handcuffs include:
  1. Resisting arrest.
  2. Inflicting harm to one's self.
  3. Inflicting of physical harm to others.
  4. Where offenders, or persons suspected of a crime, are brought before courts, or have to be transported from one place to another.
  5. If a person proves to be violent.
  6. Inflicting physical harm on any person or damaging any property of the government.
- ☞ This regulation also spells out situations that warrant the removal of handcuffs, the maximum period a person can be handcuffed and the procedure thereof.

*This Regulation was drafted on 4<sup>th</sup> July 2005.*

## 13

### Detention Period to be Extended Only After Presenting the Person Before a Judge

- ☞ Before this regulation came into effect, detention period was extended without producing the detainee before the court. However, since, the introduction of this regulation all detention periods are extended only after producing the detainee before a Judge. If the detainee so wishes then his/her lawyer may also take part in the process.
- ☞ The Judge has the discretion to release the detainee, transfer him/her to house arrest, or order the granting of bail.
- ☞ A decision may only be made after hearing representations from the accused.
- ☞ Where a Judge decides to extend the detention period, reasons must be given.

*This change was introduced on 1<sup>st</sup> April 2004.*

## 14

### Introduction of a Bail System

- ☞ Bail Regulation, introduced on 1<sup>st</sup> of June 2005, allows two types of bail: Police bail and Court bail.
- ☞ An accused may be granted bail except where:-
  1. His/her release may affect the community, endangers life or property.
  2. His/her release may affect the evidence of the case.
  3. His/her release may result in his/her fleeing.
- ☞ Some of the non-bailable offences include:-
  1. Offences against the State.
  2. Assault occasioning actual bodily harm.
  3. Offences under the Law on Terrorism.
- ☞ If a detained person is not to be granted bail, the person must be notified in writing within 36 hours of detention.
- ☞ The authority granting bail must take into account:-
  1. The type of offence.
  2. Criminal records of the detained person (this includes offences convicted and ongoing trials).

3. If the person detained is to be released, the effect of his release on the investigation.
4. If the detained person had been granted bail before, how well he had fulfilled the conditions of the previous bail.
5. If the person be granted bail, information about the place where he would reside as well as information about his caretaker has to be given.
6. If the person detained is to be released, the effects of his release on the victim has to be considered.
7. The safety of the detained person too has to be considered.

☞ **Conditions of release on bail:-**

1. Release of the person on his/her own undertaking without sureties and without subject to any deposit of money or other securities.
2. Release of the person on his/her own undertaking with a deposit of money.
3. Release of the person on his/her own undertaking with a surety.
4. Release of the person on his/her own undertaking with a deposit of money and a surety.

***The Regulation on Bail came into force on 1<sup>st</sup> June 2005.  
This Regulation is available on the Attorney General's Office website:***

***www.agoffice.gov.mv***

## **15 Parole Scheme**

- ☞ Parole Board and parole programme was reorganised in order to facilitate prisoners to reintegrate into the community.

***Members of the Parole Board have been appointed  
and the Regulation on Parole Board came into force  
on 22<sup>nd</sup> May 2005.***

## 16

### Legal Awareness Programme for Secondary Schools

- ☞ In order to reduce juvenile delinquency among school students, the Attorney General's Office has undertaken a 5-year program focused on all Secondary Schools in the country.
- ☞ This program was started in Male' on 10<sup>th</sup> August 2005 and so far a total number of 6208 students have been given legal information on various areas.

*The legal awareness program is supported by  
UNICEF, and was officially launched on 18<sup>th</sup> July 2005.*

## 17

### Introduction of Family Conferencing

- ☞ The objectives of family conferencing are:
  1. To understand why a particular juvenile had committed an offence.
  2. Are there to ensure that he/she does not reoffend.
  3. To find out if the juvenile regrets his/her action.
  4. Can he/she be given a chance to redeem?

## 18

### The Establishment of a Jail Oversight Committee

- ☞ On 28<sup>th</sup> January 2004, the Government established the Jail Oversight Committee consisting of three Parliamentarians and three Judges, to ensure the well being of the inmates in all detention facilities in the country and to make sure they are treated in a humane manner. The committee regularly visits jails and submit quarterly reports to the Government on its findings.
- ☞ Responsibilities of the Jail Oversight Committee are:-
  1. Protecting the rights of the inmates.
  2. Examining any infringement of rights that occur in detention facilities.
  3. Informing the relevant authorities about the facilities and services in detention facilities that do not meet the basic requirements.
  4. Submitting a quarterly report to the Ministry of Home Affairs about the condition of all detention facilities.
- ☞ Initially the Committee's jurisdiction was confined to Maafushi jail. However, its jurisdiction was extended to Dhoonidhoo Detention Center on 29<sup>th</sup> June 2004.

## 19

### Drafting of a Prison and Parole Bill

- ☞ Professor Richard Harding, the Inspector for Custodial Services for Western Australia and Dr Neil Morgan, the Director of Studies at the Crime Research Centre at the University of Western Australia, visited the Maldives in 2004 and conducted a study on strengthening the custodial services in the Maldives.
- ☞ In December 2004, Professor Harding and Dr. Morgan submitted their report "Strengthening the Custodial Services in the Maldives". As part of the Government's work to implement their recommendations, the drafting of a Prison and Parole Bill is now underway.
- ☞ In March 2006, the British consultants drafting the Prison and Parole Bill, Mr. Leslie Thomas, a UK barrister specialising in the field of Police and Prison, and Mrs. Melanie Carter, a drafts person to the British Parliament and a specialist in judicial review proceedings, visited the Maldives to hold initial consultations..
- ☞ The Prison and Parole Bill will *inter alia* address the following areas:

- 
- Basic principles and management of the correctional system
  - Custody under conditions of human dignity
  - Provision for women prisoners
  - Visits and communications between a prisoner and other persons
  - Control and security
  - Prohibited articles and communications with prisoners
  - Discipline of prison officers
  - Welfare and Rehabilitation programme for prisoners
  - Establishment of a parole system for prisoners
  - Prison offences

☞ The first draft of the Prison and Parole Bill is expected in April 2006.

☞ This project is funded by UNDP.

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## 20

### **An International Consultant Assisting to Reform Maafushi Jail**


☞ As part of the Government's work to implement the recommendations of the report "Strengthening the Custodial Services in the Maldives", Mr. Greg Thomas, Superintendent at the Western Australian Department of Justice, is visiting the Maldives to work in collaboration with the Ministry of Home Affairs in bringing about reforms to Maafushi Jail. He started his work at Maafushi Jail on 01<sup>st</sup> of November 2005 and is expected to provide his service till August 2006.

☞ In order to provide the penitentiary services in Maldives to internationally accepted standards, Superintendent Thomas is currently working in Maafushi Jail to improve the management regime, static and dynamic security, prison conditions, staff resources, and training staff in prison management.

☞ The services of Superintendent Thomas were provided to the Government of Maldives by the Government of Western Australia.

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☞ Among other important steps taken to strengthen the custodial services, 6 prison guards have been sent to the Prison Academy at Western Australia to undergo a 3 months training programme. In April 2006, another 6 prison guards are expected to go to the same institution for similar training.



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## 21 Establishment of a Family Protection Unit

The **Family Protection Unit** was established as a pilot project on 15<sup>th</sup> August 2005 for one year initially with the intent to continue the service on a permanent basis.

The pilot was implemented through the Department of Obstetrics and Gynecology with the assistance of Department of Pediatrics and Psychiatric at Indhira Gandhi Memorial Hospital (the Central Hospital of Maldives), with government support from the Ministry of Health and Ministry of Gender and Family. Financial and Technical Assistance was provided by UNFPA and UNICEF.

**A FPU Coordinator and the Counselor will be on call 24 hours a day, 7 days a week.**

**Functions of FPU include:-**

- When a patient is identified or suspected of Gender Based Violence or Child abuse, the concerned doctor at the point of contact will inform the Nursing Coordinator.

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- When a patient is identified or suspected of Gender Based Violence or Child abuse, the concerned doctor at the point of contact will inform the Nursing Coordinator.
  - The Nursing Coordinator will arrange for the necessary medical attention (history taking, medical examination, treatment, and specialist consultation), and inform the FPU Coordinator.
  - At the time of examination, counseling or information about the unit is offered to the bystander/parent of the patient.
  - Following the examination and the initial counseling session, an appropriate referral is made.
  - A specially designed Medico-Legal Form which includes body maps, is used for all Child Protection and Gender-Based Violence cause, which is completed by the attending doctor.
  - The Medico-Legal Form is handled by the Nursing Coordinator who hands it over to the CEO Office.
  - The CEO Office takes the appropriate action (all Child Protection cases are referred to FCPU-Maldives Police Service and Gender-Based Violence cases are reported to the police if the patient consents).
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## **CHAPTER 2**

### **Measures taken to strengthen accountability and good governance**

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# 1

## **Allowing the Formation of Political Parties in order to Strengthen the Country's Democratic System**

- ☞ In 2001, 42 citizens applied to the Minister of Home Affairs and Environment for the registration of a political party.
- ☞ The then Attorney General Dr. Mohamed Munavwar gave legal opinion that the Constitution did not provide a role for political parties.
- ☞ The President then sought the advise of the Parliament on the matter. The Parliament was of the view that the timing was not conducive to introduce political parties in the country.
- ☞ In 2005, the current Attorney General, Dr. Hassan Saeed gave legal opinion that under the Constitution it was a fundamental right of citizens to form political parties.
- ☞ In the light of the new legal opinion, the President requested Parliament to review its earlier opinion.
- ☞ On 2<sup>nd</sup> June 2005, the Parliament unanimously passed a resolution to allow political parties.
- ☞ On 5<sup>th</sup> June 2005, a Presidential Decree was issued to facilitate registration of political parties.

- ☞ The political party system was established by a presidential decree on 4<sup>th</sup> June 2005 and the first party submitted its registration on 26<sup>th</sup> June 2005.
- ☞ The four registered parties to date are, Maldivian Democratic Party, Dhivehi Rayyithunge Party, Adhaalath Party and the Islamic Democratic Party.
- ☞ A Bill on Political Parties has been submitted to the Parliament. It was submitted to the Parliament on 19<sup>th</sup> February 2006.

***The Political Parties Regulation is available  
on the Attorney General's Office website:  
[www.agoffice.gov.mv](http://www.agoffice.gov.mv)***

## **2 Establishment of a Public Complaints Bureau**

- ☞ Public Complaints Bureau was established on 1<sup>st</sup> June 2004, on the recommendation of the cabinet, to receive and examine complaints of the public with regard to the standard of the services received by them from Government offices.
- ☞ The Bureau investigates complaints about non-conformity to laws, rules and standards applicable to public services, including discrimination and abuse of authority.
- ☞ Matters dealt by other investigative and oversight bodies will not be examined by the Public Complaints Bureau. As such, matters presently addressed by the Audit Office, the Anti-Corruption Board and the Police Headquarters will continue to be handled by those Government bodies.

***Public Complaints Bureau was established  
on 1<sup>st</sup> June 2004. This Regulation is available on  
the Attorney General's Office website:  
[www.agoffice.gov.mv](http://www.agoffice.gov.mv)***

### 3

## Freedom of Information

- ☞ The Bill on Freedom of Information was submitted to the Parliament on 19<sup>th</sup> February 2006.  
The purpose of this bill is to eliminate the obstacles faced by journalists and the general public in obtaining information from Government authorities. The new legislation would facilitate press freedom and would have a wider impact in the sense that it confers a general right on members of the public to seek access to information held by Government authorities.
- ☞ However, it must be noted that not all information held by Government authorities could legitimately be made the subject of disclosure.
- ☞ Information infringing personal privacy, commercially sensitive information and sensitive information concerning national security constitute categories that warrant legal protection.

*The Bill on Freedom of Information was submitted to the Parliament on 19<sup>th</sup> February 2006.*

### 4

## Major Steps taken by the Government to Ensure the Operation of a Free Media

- ☞ The following Bills were submitted to Parliament in February 2006.
  1. Bill on Freedom of Information;
  2. Bill on Freedom of the Press;
  3. Bill on Media Council;
  4. Bill on Registration of Print Media;
- ☞ The draft legislation as well as a Media Code of Ethics were finalised after a constructive, process of consultation with the Maldives Press Corps, which represented 16 media establishments across the country.
- ☞ Addressing the Maldives Press Corps, whilst inaugurating the deliberations on the draft bills, the Minister of Information and Arts highlighted the role of media in a democratic society, and advised the local media to practice socially responsible journalism, based on impartiality, respect for truth, and freedom from intimidation.
- ☞ Recognising that media policies and legislations are vital aspects of public policy, the government formulated an Information Dissemination Policy for Television Maldives and Voice of Maldives, and drafted a

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white paper on Government Media Policy, in an attempt to strengthen the public services role of state broadcasters through self-regulatory mechanisms.

☞ As the role of media in democracies is to reflect society and to provide the public with an unbiased portrayal of events and their causes, the Mandate of Television Maldives and Voice of Maldives was revised to express the diversity of views on issues relating to politics and the perception of democracy and democratic values.

☞ With the objective of ultimately corporatising the government's broadcast media and to establish it as a key marketing device for national development, the government plans to establish a Media Advisory Board representing different sectors of the society.

☞ In order to foster good governance through greater transparency and accountability, the Ministry of Information and Arts hosts a weekly press conference with a different government ministry or department represented every week.

☞ Seeing that education plays an imperative role in country's ability to develop media, plans are in place by the government, to include media studies in the degree programs offered by the Maldives College of Higher Education early 2006.

☞ A 2 weeks workshop for working journalists was hosted by Ministry of Information and Arts in January 2006. This workshop was conducted by the BBC World Trust in affiliation with the High Commission of UK.

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A one day workshop was also held by the Ministry of Information and Arts in January 2006 for journalists, which was conducted by the Embassy of the United States.

☞ For those who wish to actively pursue a career in broadcast journalism, an intensive short term training program commenced in December 2005.



## 5

### Strengthening the Monetary Policies of the State

- ☞ The Bill on Public Finance was submitted to the Parliament on 4<sup>th</sup> April 2005 and was passed by the Parliament on 22 December 2005. The Law on Public Finance came into force on 26<sup>th</sup> January 2006.
- ☞ The Government sees that the best way forward in strengthening the state monetary policies is through legislation. The Law on Public Finance regulates and controls the state-owned assets and other monetary policies.
- ☞ Objectives of the Law on Public Finance include:
  1. Determine criteria on which the Government will issue and spend money.
  2. Determine criteria on which the Government will lend money.
  3. Determine criteria on which Government can borrow money.
  4. Determine principles and criterias on which the Government can invest.
  5. Facilitate and determine means and methods in which the Auditor General can have access to various statement of

accounts of Government ministries and departments.

- ☞ Create the post of the Financial Controller in order to further strengthen various monetary policies.
- ☞ Determine effective policies to provide special assistance.

*The Law on Public Finance came into force on 26<sup>th</sup> Januray 2006.*

## 6

# Audit Bill Guarantees the Independence of the Auditor General

☞ Audit Bill tabled on 17<sup>th</sup> of November 2005 accords to the Parliament a role in appointing and dismissing the Auditor General.

☞ Responsibilities of the Auditor General include:

1. Audit all departments, accounts and commercial enterprises of the Government.
2. Maintain records of the following:
  - ✓ Monetary and other forms of assistance given to the Government.
  - ✓ Assistance given to various private individuals.
  - ✓ Government borrowings.
  - ✓ Government lendings.

☞ Audit finances of the following:

1. Various ministries, departments and entities of the Government.
2. Commercial enterprises in which Government hold minimum of 51% shares.
3. Various trusts which belong to the government or is under the Government.

## Powers Accorded to the Auditor General:-

☞ Below are the powers accorded to the Auditor General:

1. Check and/or copy various documents including ledgers, books, receipts, cheques, places where the documents are kept, etc with regard to various audits conducted by the Auditor General.
2. Request for information from any Government person the Auditor General deems fit.
3. Prioritise auditing of various accounts.
4. Appoint persons to his office for assistance and as employees.
5. Get legal advice when deemed necessary from the Attorney General.
6. Determine auditing standards.
7. Remove persons from his office.

☞ Conducting audits and submission of reports:-

1. All government commercial enterprises should submit their annual financial reports to audit within three months from the end of financial year.
2. Submission of audit reports to the concerned government departments and the parliament.
3. Publishing of a report by the Auditor General on his opinion and recommendations with the annual reports of various government ministries and departments.

☞ Auditing of the Auditor General's Office:-

1. Auditor General's office should be audited by an independent auditor.
2. Audit report of the Auditor General's office should be sent to the President, Parliament and should be published.

*Audit Bill was tabled in the Parliament on 17<sup>th</sup> of November 2005.*

## 7

### **Increase and Improve the Scope of Services Offered by the Drug Rehabilitation Centre in order to Further Strengthen the Rehabilitation Process of Drug Abusers**

- ☞ One of the main concerns of the entire Maldivian Community is the speed at which drugs are proliferated among the youth.

**Difficulties faced in rehabilitating drug abusers and steps taken to overcome the difficulties:**

- ☞ Limited capacity at the Drug Rehabilitation Centre established at Kaafu Atoll Hinmafushi. The Centre was established on 5<sup>th</sup> April 1998.

**Step taken** – the capacity of the Centre has been increased and the government has taken the decision to set up a second Centre in Addu Atoll.

- ☞ The requirement to take legal action against volunteer clients if the clients do not complete the rehabilitation program discouraged people from coming forward for treatment.

**Step taken** – Decision has been taken not to take legal action against volunteer clients if the client does not complete the rehabilitation program for the first time.

☞ People who have availed opportunity to undergo treatment at the Drug Rehabilitation Centre are not given a second opportunity to get treated.

**Step taken** – People are now given more than one chance to undergo treatment as probability of relapsing is high in drug abuse cases.

☞ Drug abusers serving sentences or pending trials are not given opportunities to get treated abroad for drug abuse.

**Step taken** – Drug abusers are now given assistance to avail treatment from abroad.

☞ The Government spends on an average 10,000 Rufiyaa per client per month. With the increase in the number of persons availing treatment from this centre one of the main difficulties faced by this centre is that of capacity.

☞ The Government in order to resolve the problem of space, increased the capacity of the Drug Rehabilitation Centre by 200 persons in 2005.

☞ In addition, National Narcotics Control Bureau gives information to people going abroad for drug rehabilitation.

☞ The problem of drugs is spreading through out the country and Addu Atoll is one of the atolls in which the abuse of drugs is widely spread. After conducting relevant studies and surveys, a 100 bed capacity drug rehabilitation centre is currently being set up in Addu Atoll.

☞ Currently professionals necessary for the new drug rehabilitation centre are being trained.

## 8 Regulation on the Rehabilitation and Treatment for Drug Offenders

- Under a Presidential decree, a new regulation on the rehabilitation and treatment for drug offenders came into effect on 12<sup>th</sup> February 2006.
- The purpose of this regulation is to widen the scope of treatment to drug offenders and provide rehabilitation for as many offenders as possible.
- The regulation also strengthens the framework and procedure under which drug offenders undergo treatment.
- Under this regulation, Ministry of Home Affairs may refer a person found to be dangerous to himself or to another or to the society due to drug dependency, and those whose urine when tested (by a national authorised agency) show a positive result for the use of a drug, for rehabilitation and treatment at such a treatment centre.
- A person referred to treatment under this regulation is initially subjected to a 3 month treatment programme. This period could be extended for



a further 3 months if a committee decides to do so upon the written request by the offender himself for an extension.

- Those who undergo the treatment under this regulation are:
  - ☞ provided with amenities to carry out their religious obligations
  - ☞ given opportunity to call home at least once a week
  - ☞ provided with letter-writing materials including paper, pencils and stamps
  - ☞ provided with individual storage space to keep personal belongings such as clothes
  - ☞ opportunity to carry out physical exercise
  - ☞ allowed to meet their family members

## 9

### **Change in the Action Taken Against People Who Embezzle from the Government**

- ☞ Prior to 2004, the prosecution policy was not to press charges if the person embezzling pays back to the Government, the funds embezzled. However this policy does not act as a deterrent and at times ironically paves way for further embezzlement.
- ☞ With the change made in prosecution policy in 2004, the Government now presses criminal charges against the person embezzling whether the person refunds back the money or not.

***Change in the prosecution policy on those who embezzle from the Government was made in 2004.***

# 10

## Inauguration of the National Law Library and Availing its Service to the Public

☞ One of the main problems faced by professionals and students in the field of law is the absence of proper means to conduct research.

☞ Reasons why a National Law Library is important:

1. The Government has always given a special budget to relevant Government offices and ministries to buy legal books. But some times the concerned offices spend this budget for other purposes.
2. Every place has a person appointed to look after the books.
3. Due to this reason multiple copies of the book are sometimes found in different locations and the public or the people from other departments do not easily get access to the books.
4. As legal materials need to be updated regularly, maintaining up dated version in multiple locations becomes very expensive.

☞ Purpose:-

1. To facilitate research in the law field for lawyers, students and other persons involved in the law field.
2. Budget has been consolidated to one target so that it can be spent in the most optimum way.

***National Law Library was formally opened on 30<sup>th</sup> March 2005.***

## 11

### **Strengthening and Increasing the Speed of the Work of the Law Commission of Maldives**

- ☞ Law Commission of Maldives was founded in 1993 as part of the Attorney General's Office. In 2002 Law Commission of Maldives was established as a separate entity under the Attorney General's Office.
- ☞ The Law Commission's work:-
  1. Up until 2003 the work of the Law Commission was to draft legislation.
  2. But since November 2003, the scope of work expanded to include:
    - studying of existing legislation for necessary amendments;
    - assist government department in drafting bills and regulations;
    - translation of legislations and regulations;
    - drafting of new bills.
- ☞ Allows private lawyers to take part in the Law Commission's work.
- ☞ Provides better remuneration for works carried out for the Law Commission.
- ☞ As a result in 2005 alone a total of 22 Bills were drafted, along with several regulations and translations.

## 12

### **Special Allowances Given to State Attorneys**

- ☞ State Attorneys have a huge responsibility upon them and have to work for long hours. They have to be independent and give unbiased opinions on various types of legal issue. It is necessary to keep attorneys discouraged from coming under financial influences from other parties.
- ☞ Since December 2004 all attorneys of the Attorney General's Office are paid 30% of their basic salary as a special allowance and the percentage of overtime was increased from 33% to 45%.



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# 13

## All Government Lawyers to Become Part of Attorney General's Office in order to further Strengthen the Work of the Attorney General's Office

- ☞ Even though many Government ministries and offices have a legal section and lawyers, the maximum benefit is not reaped from them.
- ☞ The Attorney General's Office is also under-staffed and this is one of the main constrains for necessary legal and judicial reforms.
- ☞ All legal opinions on legal matters have to be finalised from the Attorney General's Office under the current system, thus paving way for huge work load to the office.
- ☞ By bringing all the Government lawyers under one roof, optimum use can be made out of all the legal professionals in the Government, while cutting costs for separate legal departments from each Government department.
- ☞ Exceptions include:-
  1. High Court of the Maldives
  2. Ministry of Justice and the lower courts
  3. Human Rights Commission.
  4. Anti- Corruption Board.
  5. Public Complaint Bureau.

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### ☞ Benefits include: -

1. Increase in the rate in which cases a processed.
  2. Increase in the standard of the legal opinions.
  3. Increase in the efficiency.
  4. Optimum use of the legal professionals.
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# 14

## **The Attorney General's Office's Website** **[www.agoffice.gov.mv](http://www.agoffice.gov.mv)**

☞ The Attorney General's office website was launched in December 2004.  
The website's address is [www.agoffice.gov.mv](http://www.agoffice.gov.mv).

☞ The website provides a central forum from which all laws and regulations of Maldives can be accessed.

☞ Whilst there are only a few laws and regulations that have been translated, the Attorney General's Office aims to translate all the laws and regulations into English in the near future and provide access to them publicly.

☞ The main objectives and features of this website include;

- Free and direct access to laws and regulations.
- Increase people's awareness about the laws and regulations that are already in place
- Users can find out the progress of on going projects with regard to laws and regulations
- Users can comment on draft bills.

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- Convenient, and saves time.
  - Provides links to related websites
  - Interested parties can also find out about current job openings, plus information about how to apply for jobs



# 15

## The Bill on Employment: Safeguards the Rights of the Employers and the Employees

- ☞ The Bill on Employment has been submitted to the Parliament on 19<sup>th</sup> February 2006.
- ☞ This Bill covers employment in all the areas, except for those which have been excluded by legislation.
- ☞ Prohibits the formation of any employment related regulation or agreement which is outside the ambit of this legislation.
- ☞ Prohibits forced labour.
- ☞ Prohibits discrimination.
- ☞ Prohibits the employment of children below the age of 15, except by obtaining the written approval from the child's lawful guardian.
- ☞ Prohibits the employment of children below the age of 15, during the child's school hours and during night time.
- ☞ Requires employers who have more than 5 employees, to have an employment agreement with each employee.
- ☞ Grant employees the right to take action against employers' misbehaviour.

- ☞ Prohibits the dismissal of employees without notice, limited to only very exceptional cases.
- ☞ Upon the request of the employee after the conclusion of employment, the employer is obliged to provide a record regarding information on the employees work
- ☞ Necessitates the provision of the reason of dismissal to the employee. And the right of the employee to appeal to a labour tribunal, if the employee is unsatisfied with the reason provided by the employer.
- ☞ Requires the provision of information pertaining to wages, working hours, leave and other employment issues.

***The Bill on Employment was submitted to the  
Parliament on 19<sup>th</sup> February 2006.***

## 16

### **Strengthening of the Electoral System, Including the Revision of the Law on the Parliamentary Elections**

- ☞ Mr. John Turner, Chairman of the Association of Electoral Administrators of UK visited Maldives at the end of 2004 and conducted a study on the country's electoral system. He revisited the country again in February 2005, to discuss ways as to implement the recommendations that have been identified in his report.
- ☞ Mr. Turner's report is currently being implemented. The project will formulate the Political Parties Bill, as well as a Public Referendums Bill and the Civil Service Bill.
- ☞ The current Law on Parliamentary Elections too would be revised in the light of Mr. Turner's recommendations.
- ☞ Eminent persons from SAARC and the Commonwealth were invited to observe the 2004 general elections. It was also observed by the Human Rights Commission of the Maldives.

***Mr. John Turner's report on election is available on the  
Attorney General's Office website:  
[www.agoffice.gov.mv](http://www.agoffice.gov.mv)***

## 17

### **Separation of the Police from the Armed Forces, and Establish the Police as a Civilian Authority**

- ☞ The police was separated from the armed forces and made a civilian authority under the Ministry of Home Affairs on 1<sup>st</sup> September 2004.
- ☞ A Bill on the Armed Forces and a Bill on the Police stipulating their functions, duties and rights were submitted to the Parliament on 19<sup>th</sup> February 2006.

***The Bill on the Armed Forces and the Bill on Police  
were submitted to the Parliament on 19<sup>th</sup> February 2006.***

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# 18

## Enhancing the Accountability of the Police

In order to enhance police accountability and improve public confidence in the police, the government submitted a Police Bill to parliament in February 2006. Among other measures, the Police Bill includes provision for the mandatory establishment of a Police Integrity Commission.

The main features of the proposed Police Integrity Commission are:

- it will be wholly independent of the police
- the members of the Commission will draw up their own rules of procedure
- it will have adequate funding and resources to fulfill its mandate
- it will have powers akin to that of the police in carrying out its mandate

The mandate of the Police Integrity Commission will be to:

- investigate all complaints against members of the Maldives Police Service
- prevent, detect and investigate all incidences of corruption, abuse of power and other criminal offences committed by members of the Maldives Police Service

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- act as a review body for members of the Maldives Police Service who wish to appeal administrative or disciplinary action taken against themselves

Pursuant to the President's decision to implement reform measures inasmuch as possible even while the work of redrafting the Constitution and relevant legislation is pending before the People's Special Majlis and People's Majlis respectively, the government is currently considering avenues to establish the Police Integrity Commission by Presidential Decree so as to enhance police accountability and increase public confidence in the police even during the interim period.





## 19

### Establishment of a Financial Intelligence Unit

The Financial Intelligence Unit (FIU) was established within the Maldives Monetary Authority (MMA) in August 2004. The mandate of the FIU is to coordinate nationally and internationally to conduct financial investigations. The core function of the FIU is to receive, analyze and disseminate information concerning suspected proceeds of crime, money laundering and potential financing of terrorism.

#### The non-core functions of the FIU is to:-

- (a) Provide training programs for financial institutions and designated non-financial business and professions in relation to customer identification, record keeping and reporting obligations and the identification of suspicious transactions;
- (b) Conduct research into trends and developments in the area of money laundering and the financing of terrorism and improved ways of detecting, preventing and deterring money laundering and the financing of terrorist activities; and
- (c) Educate the public and create awareness on matters relating to money laundering and the financing of terrorism.

A law against money laundering and financing terrorism is now being drafted.

## 20

### Establishment of an Economic Advisory Council

- ☞ An Economic Advisory Council to the President was established on 14<sup>th</sup> March 2006.
- ☞ The main function of the Council is to widen the scope of consultation among stakeholders on formulating Government policies on key issues of the nation's economy.
- ☞ The Council comprises of 4 members. All current members are prominent businessmen with long term experience on economic issues of the country; able to provide the President with first hand knowledge on the business community, thus creating an important link between the business community and the President.

***The Economic Advisory Council was established on  
14<sup>th</sup> March 2006.***

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## 21

### Establishment of a Community Organisations Development Council

☞ A Community Organisations Development Council was established on 14<sup>th</sup> July 2005.

☞ The Council is mandated with the following;

1. To take relevant steps in developing and encouraging Community Organisations.
2. To expand the role of Community Organisations.
3. To advise Community Organizations in attaining financial and professional aid, both locally and internationally.
4. To build and maintain relations between Government offices, Community Organisations and the private sector.
5. To organise and create a system whereby Community Organisations, Government offices and the private sector can cooperate in their work for the development of the country.
6. To create a National Forum for NGO's.

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## 22

### Formulation of a Work Plan for the Local Administrative and Governance Reforms

☞ Ministry of Atolls Development has formulated a work plan to reform the local administration and governance in order to improve service delivery to the people.

☞ The Work plan includes:

- Review functions of local (atoll and island) administrations
- Responsibility sharing arrangements among local governance bodies and local administrations
- Study on fiscal decentralisation, revenue generation and sharing among local and national institutions
- Formulating a national programme on decentralisation of governance, administration and development management
- Awareness raising on governance reforms through increased media exposure.

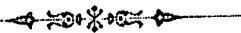
☞ Wide range of consultations is being carried out with island communities to establish the local councils.

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## 23

### The Right to Assemble Peaceably

- ☞ The Government on 19<sup>th</sup> February 2006, submitted to the Parliament a “Bill on the Right to Assemble Peaceably”.
- ☞ The bill was however returned by the Secretariat of the Parliament on technical grounds. The Government intends to resubmit the bill as soon as possible.
- ☞ In order to widen the scope of the right to assemble peaceably granted in the Constitution and to facilitate the activities of all Political Parties, the Government intends to implement its proposed bill as a regulation under a Presidential decree, until the Parliament passes a law on the right to assemble peaceably.



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## CHAPTER 3

### Steps taken to strengthen the role of the Parliament



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# 1

## **Strengthening the Role of Parliament**

- ☞ A Bill to hold Ministers responsible/answerable to the Parliament was presented to the Parliament in 2004, and was passed on the 04<sup>th</sup> August 2005.
- ☞ A Bill on the Parliamentary Privileges was presented to the Parliament on 09<sup>th</sup> June 2005.
- ☞ The President on 26<sup>th</sup> February 2004 announced that the Government offices, Government companies and government shareholding companies are to submit their annual reports to the Parliament for its scrutiny. This direction was given to all the Government offices, Government companies and Government shareholding companies on 04<sup>th</sup> March 2004.
- ☞ Salary of the Parliament members and the members of the Constitutional Assembly was significantly increased.
- ☞ Maldives became a member of the Inter-Parliamentary Union in November 2005.

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- ☞ To facilitate the disbursement of the information of the Parliament proceedings, the minutes of the Parliament sessions are now being uploaded in the Parliament House's website.

*Maldives became a member of the Inter-Parliamentary Union in November 2005.*



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## **CHAPTER 4**

### **Important steps taken to strengthen human rights**



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# 1

## Establishment of a Human Rights Commission

- ☞ The Human Rights Commission of Maldives was established by a Presidential Decree on 10<sup>th</sup> December 2003.
- ☞ The Commission has wide ranging powers, including visiting jails and detention centres, identifying and investigating human rights abuses.
- ☞ The Commission could also investigated cases submitted against Government agencies for human rights abuses.
- ☞ The Commission is also mandated with recommending to the Government international human rights instruments for adoption and will submit its annual reports to Parliament.
- ☞ The Human Rights Commission Act was passed by the Parliament on the 21<sup>st</sup> July 2005 and was ratified by the President on 08<sup>th</sup> August 2005.
- ☞ The said Act incorporates functions and responsibilities and secures the tenure of its members while guaranteeing its independence from the executive. The Act also provides for the appointment of its members upon the advice of the Parliament.

☞ After the Parliament passed the Act, the Commission had proposed amendments to the Act. The Law Commission of Maldives held a series of meetings with the political parties and the Human Rights Commission to discuss the proposed amendments. And accordingly, a Bill for the amendment to the Act was drafted

☞ A senior human rights advisor, Mr. Roy Mungoven from the Office of the United Nations High Commissioner for Human Rights visited Maldives in November 2005, and upon his very positive mission, he forwarded to the Government his recommendations to the Human Rights Commission Act and well as to the proposed Bill for the amendment to the Act.

☞ In light of Mr. Mungoven's recommendations, the Government brought changes to the Bill for the amendment to the Human Rights Commission Act.

☞ The Bill for the amendment to the Human Rights Commission Act was submitted to the Parliament on 19th February 2006.

## 2

### **Adoption of the “Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment”**

☞ The Government in its commitment to ensure the human rights of Maldivians are respected, have acceded to the “Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment”.

*Maldives adopted this Convention on 23<sup>rd</sup> February 2004.*

### 3

## **Optional Protocol to the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment**

- ☞ The subcommittee established under the protocol is mandated to visit all places of detention, and make recommendations to the state of its views.
- ☞ Where required, to establish an independent body, to offer technical assistance and train personnel to increase its capacity, assist in setting its obligations etc.
- ☞ Adoption of the protocol strengthens and gives force to the implementation of the convention.

*Maldives adopted this Protocol on 14<sup>th</sup> September 2005.*

### 4

## **Agreement signed with the International Committee of the Red Cross to protect and strengthen the rights of persons detained in Maldivian jails**

- ☞ The Agreement grants the International Committee of the Red Cross the following rights:-
  1. Visit all places of detention.
  2. Access to all detainees and meet them privately.
  3. Receive from government authorities' information about detainees.
  4. Establish and preserve links between detainees and their families.
  5. Inquire into the well-being of the detainees and inquire the conditions of jails.

*This agreement was signed on 5<sup>th</sup> October 2004.*



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**CHAPTER 5**  
**Some of the reforms  
planned for the future**



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# 1

## Judicial Sector Reforms

### 1.01 Establishment of Judgment Enforcement Agency

☞ Difficulties in enforcement of judgment have been recognised as one of the major setbacks of the judicial system. Under the current system persons seeking enforcement has to file another case at which the unsuccessful party could possibly have disposed of his property. A Judgment Enforcement Agency is to be established to resolve the issue.

### 1.02 Civil Procedure Code

☞ A Civil Procedure Code is to be introduced to eliminate the possibility of persons who keep dragging cases in lower courts and also at appeal stage. The Civil Procedure Code would:-

1. Introduce court costs.
2. Strengthen appeals process.
3. Introduce trial in absence.

### 1.03 Establishment of a Supreme Court

☞ If the Constitution could be amended as proposed by the President in his reform agenda a Supreme Court will be established which would serve as the highest court of the country.

#### **1.04 Bill on immunities and privileges of judges**

- ☞ A Bill is to be drafted on immunities and privileges of judges.

#### **1.05 Introducing a compensation mechanism**

- ☞ On 9<sup>th</sup> June 2004, when the President announced his reform agenda, he had proposed the inclusion of the concept of basic right to just compensation for any losses to any Maldivian in the Constitution.

#### **1.06 Establishment of a Labour Tribunal**

- ☞ The employment bill covers employer-employee rights and responsibilities in detail. A Labour tribunal will be established to resolve issues arising between employee and employer expeditiously.

#### **1.07 Establishing an arbitration and mediation centre**

- ☞ An arbitration and mediation centre is to be established to facilitate dispute resolution outside the court.

#### **1.08 Admitting video evidence**

- ☞ To reduce the number of persons that need to be summoned from all over the country to give evidence in court and to reduce costs and difficulties faced by the public a mechanism to collect video evidence is to be established.

#### **1.09 Obtaining assistance of a lawyer (legal aid)**

- ☞ The reforms brought in the 6<sup>th</sup> term of the current Presidency made way for obtaining assistance of a lawyer from the time of arrest until the final outcome of the case. However, no provision was made for those who cannot afford a lawyer. Under the National Criminal Justice Action Plan legal aid would be introduced to assist persons who cannot afford to enlist the assistance of a lawyer.

#### **1.10 Strengthening role of lawyers**

- ☞ In the current system any person with any qualification in the field of law could get a license to practice in Maldivian courts. A number of these lawyers have been trained only in Shariah while a number of others were never acquainted with Shariah Law. It is anticipated that exams would be taken and trainings would be conducted in future prior to granting licence to practice in Maldivian Courts.

#### **1.11 Strengthening Custodial Services**


- ☞ To offer penitentiary services to internationally accepted standards.
- ☞ To formulate an Act and regulations governing penitentiary services.
- ☞ To offer treatment facilities for persons serving drug offences.
- ☞ To offer employment opportunities for persons serving sentences.
- ☞ To offer life skills programmes and educational opportunities.

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## 2

### Civil Justice Action Plan

- ☞ A 3 year action plan to be launched with the aim of overhauling the entire civil justice system of the Country.
  - ☞ Formulated through a wide consultative process, the action plan identifies the issues of judgment enforcement, lack of important laws in the field, the need to strengthen the court system, and introduction of alternative dispute resolution mechanisms.
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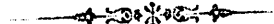
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## 3

### Activities planned to strengthen the electoral system

- ☞ Some electoral reforms could only be brought after amendments to the Constitution while other reforms could be brought to the Election Law which will not conflict with the Constitution.

#### Proposed amendments to the Election Law include:-

- ☞ Remove restriction on public rallies to gain support.
  - ☞ To allow persons appointed by contesting candidates to be near polling stations without allowing them to influence voters.
  - ☞ The President's reform agenda of 9<sup>th</sup> June 2004 proposed that the Office of the Commissioner of Elections be made independent. In this regard the appointment and removal of the Commissioner of Elections would be undertaken with the advise of the Parliament.
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## 4

### Strengthening political party system

- ☞ Establish means to offer technical advice with regard to establishment and administration of political parties.
  - ☞ To send persons from different political parties on study tours abroad.
  - ☞ To establish a tradition of multi-party discussion on important national issues.
  - ☞ To obtain views of political parties for draft laws to be presented by the Government to the Parliament and to formulate laws with advice of political parties.
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## 5

### Gender Equality

- ☞ The President's reform agenda of 9<sup>th</sup> June 2004 proposed the elimination of all forms of gender discrimination.
  - ☞ In this regard, the 18 persons sent to be trained for the judiciary were selected without gender bias.
  - ☞ Work is underway to reform laws and regulations to give effect to the Convention on the Elimination of All Forms of Discrimination Against Women.
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## 6

### Strengthening the role of the Police

- ☞ Establish a system whereby complaints against the police are heard and investigated.
  - ☞ Strengthen investigative skills.
  - ☞ Prepare a manual on investigation guidelines.
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## 7

### **Freedom to obtain, receive and disseminate information**

- ☞ The President's reform agenda of 9<sup>th</sup> June 2004 proposed the inclusion of the right to obtain, receive and disseminate information freely as a basic right in the Constitution.
- ☞ In this regard the Government is to table before the Parliament a draft "Freedom of Information Act" which would facilitate the public to receive information except for official secrets.

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## 8

### **Public Complaints Bureau to be made independent**

- ☞ Currently the Public Complaints Bureau operates under a regulation. A Bill is to be formulated to make the Bureau independent which will set out the powers, responsibilities, immunities and privileges accorded to the Bureau.

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## 9

### **Expanding the role of the Parliament**

- ☞ Under the President's 9<sup>th</sup> June 2004 Reform agenda, appointed members to the Parliament will be abolished.
- ☞ The Speaker and Deputy Speaker of the Parliament will be elected by the Parliament.
- ☞ Introduce proportional representation.