

## Human Rights in the Maldives

### The destiny of human rights is in the hands of each and every citizen

Without concerted action, there is no achievement of our basic rights and fundamental freedoms. Acquaint yourself with the Universal Declaration of Human Rights and examine the standard it has raised. Commit yourself to attain your inherent rights and to respect those of others.

Silence does not work. Individual commitment and dedication to uphold the truth and its practice is the solution. Improve the practices wherever opportunities arise for improvement. Each and every effort you make is a vital contribution to uphold the rights of mankind.

### The Vision

A nation where each and every individual:

- lives a life free from fear and discrimination;
- enjoys the fundamental freedoms and human rights enshrined in the Universal Declaration of Human Rights and other international instruments; and
- can develop their identity and personality;
  - Democracy
  - Human Rights
  - Constitution: does it protect the rights of the people?
  - Freedom of opinion and expression
  - Islam and human rights; *Islamic Reform to achieve human rights*
  - Religious intolerance
  - SAARC & Human Rights
  - Universal Declaration of Human Rights

### Democracy

*President Gayyoom has claimed that the Maldives has achieved "full democracy at its highest level". Making such a claim of achievement undermines the importance of working for the promotion of democracy and it is also a clear statement of complacency with stagnation.*

The economic and social development achieved under his presidency can never over-ride the importance of working for democracy and human rights, which still is a dream. A most important dream but, yet, so far away.

Today, we find the rights of the people being systematically violated and those who raise their voices behind bars. Civil rights are non-existent. The chasm between the autocratic style of rule and democracy is still wide and needs to be bridged.

Once the election for the Citizens' Majlis (parliament) is over, the electorate is forgotten. Their views are constricted and hence, do not reach any of the decision-makers.

The Constitution allows establishment of associations and organisations. However, **political parties, trade unions and such association of people are prohibited.** The state refuses to recognise these basic Constitutional rights of the people and thereby, has created a huge deficit in democracy. Respect for fundamental freedoms and human rights form the foundation of democracy. This foundation is non-existent.

The condition of democracy is that people are able to make choices about a wide variety of issues that affect their lives. There is a short distance between the government censorship of press or a book to the silencing of political dissidents. And the distance between such silencing and the use of violence to suppress a growing political philosophy, which a government finds inconvenient, is even shorter.

What we experience today cannot be regarded as democracy as long as critics are criminalised, fundamental freedoms and human rights are violated. Democracy, development and respect for human rights are interdependent and mutually reinforcing.

Unless expression of human rights is guaranteed at the political level, we cannot claim to have attained full democracy. It is up to each individual to uphold democracy in every aspect of life.

## Human Rights

***The white sandy beaches, palm trees, clear blue sea with colorful corals and myriad types of fishes ... the paradise on earth! This is the general perception of many people about the Maldives. What lies beyond this façade have been carefully hidden away. The violation of human rights and the oppression of the citizens! This site is a small effort to uncover this hideous state of affairs and to achieve basic human rights for the citizens of Maldives.***

Maldivian state has continued to politically repress its people in the name of Islam. Human Rights are caste aside and the greed for power is at the helm of politics. Human rights and fundamental freedoms are considered a western norm and its universality denounced.

The status of human rights and fundamental freedom in the Maldives is not even a side-track but a complete derailment. Human Rights and fundamental freedoms are a birthright and hence the first responsibility of the Government to protect and promote. The lack of development, religion, culture or tradition should not, and cannot, be involved to justify the abridgement of internationally recognized Human Rights.

As we play a rather insignificant role in the international politics, the state continues to contemptuously ignore and seriously violate the rights of its citizens without attracting much attention.

It is the people who need to realise that complacency with the situation as the greatest enemy. It is for the people to openly express their commitment and fight for democracy and respect for

human rights against the relentless oppression by the state. A fight for the basic rights and freedoms enshrined in the Universal Declaration of Human Rights.

***The government of President Gayyoom has been in power for 20 years and still democracy is non-existent. Political opponents are imprisoned under various guises, freedom of the press is curbed and basic rights of the citizens are seriously violated. Political parties are prohibited.***

## **Constitution; Does it protect the rights of the people?**

The recently passed amended Constitution lags far behind in promoting and protecting the rights of the people.

After 17 years of deliberations the Citizens' Majlis (parliament) has weaved a blindfold for the people in the name of guaranteeing their fundamental freedoms and basic rights. It is easy to adopt laws that discriminate and violate the rights of the people. However, our politicians need to realise that this is not what they have been elected to do.

The peoples' representatives are elected in the hope that they are wise enough to adopt and implement rules and regulations to uphold our basic rights and freedoms. Non-discriminatory laws based on the equality of each and every citizen.

Citizens have rights and the government does not. The government acts by permission according to a written constitution that should limit public officials to defined functions and procedures. Today, we have a Constitution that violates the rights of the citizens and exploit them. The citizens should be able to endorse the Constitution before it is implemented.

A constitution can only be acceptable if it is open and accommodates the realities of the modern day. Extensive constitutional reforms are necessary to ensure that democracy, respect for fundamental freedoms and human rights prevail.

It is the responsibility of our leaders to nurture a society that conforms to the requirements of each and every individual. Apparently they have shirked off their responsibilities and duties and it is their personal views and beliefs that are at centre-stage.

## **Freedom of opinion and expression**

### *Article 19*

#### ***Universal Declaration of Human Rights***

***Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers.***

The right to exercise the freedom of thought and expression is an important basic right of every human being. It is crucial that this right be respected in every field of life and defended wherever circumstances arise. It is disappointing to note that those committed to defending this freedom have to work at the cost of humiliation, persecution and, even, their own lives.

The violation of this freedom in the Maldives is nothing new to any Maldivian. It exists socially and at political level. Political oppression forms the base in all other spheres, be it in the family or the society at large.

The main tool of our politicians is the Islamic religion. Having the Constitution based on the Shariath limits the many fundamental freedoms and rights. It is imperative to set the religion aside from politics and establish a secular state. No political system, that bases its policies on any religion, can guarantee full respect for fundamental freedoms and basic human rights of its citizens.

Only will the separation of religion from the Constitution ensure that every individual lives a life, free from fear or discrimination, in a country where all fundamental freedoms and human rights are respected.

Our right to think and act on the guidance of our thinking is deprived from us. It is the very aspect that makes us human beings. The conceptual level of man's conscious is disregarded. Government interference and control are deadly cracks in the development of mankind.

Today, we witness this violation in various forms. Books are banned (even if not religious), freedom of belief/religion is prohibited, the press is gagged, the people's right to privacy are non-existent and so on. Man's capacity to think and rationalise is dreaded by those greedy for power.

In the absence of freedom of expression, which includes a free and independent media, it is impossible to protect other rights, including the right to life. Once governments are able to draw a cloak of secrecy over their actions and to remain unaccountable for their actions then massive human rights violations can, and do, take place. For this reason alone the right to freedom of expression, specifically protected in the major international human rights treaties, must be considered to be a primary right. One of the significant first indications of a government's intention to depart from democratic principles is the ever-increasing control of information by means of gagging the media and preventing the free flow of information. Censorship tends to have small beginnings and grow rapidly. Allowing a government to have the power to deny information, however trivial, not only sets in place laws and procedures that can, and will be, used by those in authority against those with less authority but it also denies people the information which they must have in order to monitor their government's actions and to ensure accountability.

Censorship is the first instrument of a government intent on departing from democratic procedures. It is the early warning signal that alerts the people. Such signals should not be ignored as it is the ultimate tool that destroys democracy.

Freedom of expression is the great test of the real integrity and trustworthiness of politicians. The lack of this freedom in the Maldivian State is proof of abuse of power, corruption and degradation.

The government tries to impose restrictions on free speech with arguments in defence of national and/or state security, the public interest, including the need to protect public morals and public order. The mechanisms employed by the government to restrict the free flow of information are almost endless. It ranges from subtle economic pressures and devious methods of undermining political opponents and the independent media to the enactment of restrictive press laws and detention of journalists and others associated with the expression of independent views. It is the principle of mob rule that prevails today.

A society's welfare and progress depends on the freedom of its citizens! Incalculable potential of human ability and integrity are vital values to every society.

The right to freedom of expression is protected in the major international treaties including the United Nations Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights.

## **Islam and human rights; Islamic Reform to achieve human rights**

Human Rights as reflected in international instruments are in direct conflict with Islam. This is the consequence of Islamic Jurists formulating the principles of Shariath, in terms of moral duties of individuals, which have religious sanctions. Considering that Shariath was first interpreted and applied centuries ago makes it incompatible with contemporary Muslims. Therefore, it is illogical that modern day constitutions be based on Shariath or be practised at all in this respect.

Under this interpretation, any difference in thought is considered impermissible and reprehensible. It leads to less democracy, violation of human rights, international law and corruption of the state. The Islamic states of the present day function under this interpretation. Their goal is to combat human dignity and human values.

Islam is a religion only for individuals and not for their leaders or the corporate entities of society or the state. Once it is adopted in such a manner, shall we find peace, democracy and prosperity in its truest forms.

Present day difficulties faced by Islamic nations is the result of adopting Islam as it was preached for the people of yester-centuries. Certain texts have been explained while the other de-emphasised according to the times. We should not confine ourselves to this historical interpretation of Shariath but broaden our perspectives. Such interpretations should be shed and a modern concept adopted.

A belief from the past has no credibility to be dictated against the reality of the present day. Common sense and logic evades every single doubt.

## **Religion intolerance**

Protection of individual rights is directly linked to a state adopting a religion. Government is a social creation for self-defence only and not to coerce people into a belief or religion that the leaders have. Any government should be an impersonal entity with objective laws. If beliefs or religions are incorporated in the government system then it is no longer impartial or objective. It becomes a government of men and not of laws.

***The Universal Declaration of Human Rights article 18 sets forth the principle that everyone has the right to freedom of thought, conscience and religion. And it clearly states that such a right includes freedom to change his religion or belief and freedom either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practise, worship and observance.***

If the government were to initiate force against innocent citizens then such a government is a criminal and not a protector. This is the situation in many countries where the state adopts a religion. This also centralises the power in the state at the expense of the individual freedoms and these systems insist on allowing its subjects to move with a leash.

The Maldivian state should not intervene in the intellectual or moral life of its citizens. The ***right to think and act includes the right to choose and it includes the right to choose incorrectly*** and then to suffer consequences. Any individual free to choose what the government authorises has no freedom. A government exercising such powers does not have any moral basis for existence.

Islam, as any other religion, preaches tolerance and understanding. In no manner does it ask its believers to force it on any individual. However, all Maldivians are prohibited to change their religion or to practise any other belief. This is a fundamental freedom of human beings. The state works to attain thought control over the people. The individual citizens' own thoughts are considered wrong and forced to think as those who are in power. Islam clearly states that it should not be forced upon the people but it should be embraced at free will. Hence, what the Maldivian state does in the name of Islam is in stark contrast to the very belief that they claim to uphold.

Discrimination on the grounds of belief constitutes an affront to human dignity. Intolerance and violence based on religion or belief needs to be countered by the state. If such acts are being committed by the state, who do we expect to protect our rights and freedoms?

The demand for the right to enforce ideas at the point of gun, i.e. through the power of the government, and to compel the submission of others to the beliefs, views and wishes of those who control the government machinery is barbaric. This barbarism is what we experience today. It exists at all levels.

To some people it is rational to go through life in a state of unfocused stupor merely saying yes to everything being handed down. The assumption of responsibility of cognition and the use of their rational faculties to make life more oriented to their own needs appear to be a horrendous idea. Not only do they apply this to themselves but work towards enforcing it on others. This is particularly so with the religious fanatics.

The Maldivian state should heed the call of the 1981 UN Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief. It should transmogrify itself into a more people-oriented state ensuring that its policies are always for the benefit and development of its people. Guaranteeing religious freedom and its manifestation is the duty of the state.

If we are to discriminate people with different beliefs, how could we ever expect not to be discriminated against by others? We strongly argue to eradicate discrimination against people of different races, ethnic origins etc. Yet, when it comes to be discrimination at home, we blindly turn our back and ignore the issue. Obviously and undeniably it goes both ways. First we must learn to respect differences and then expect respect to our differences.

The UN Commission on Human Rights urges all states to ensure that their "*Constitution and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right of freedom of religion or belief is violated*".

It is important to note that the newly adopted constitution disregards the freedom of belief and freedom of opinion or expression. The State's clout on the people derives its power from Islamic religion. Religion is turned to political ends. The religion and the state get to be manipulated by

each other. A state adopting a religion has grave consequences on religious freedom as the state is subordinate to it and is subsumed by the religion.

A fundamental reason for states to enshrine religion in its structure is to have religion at its service and the believers in control. Control implies power, for the state to remain unaccountable for its actions. In such a type of governance the sway of religion can only extend as far as the state wishes to. This also paves way for extremist religious movements to seize the state as a means of salvation.

In order to consolidate the state's power, it enforces, through the law, the Islamic religion on its people and prohibits change of belief. Religious intolerance is not only nurtured by the state but practised and promoted.

Discriminatory tendencies and behaviour based on religion or belief in traditional aspects and culture needs to be tackled by the society and the state. This sort of discrimination is only nurtured in the human mind.

Education being the prime means of combating discrimination should be steered towards achieving it. Islam, a compulsory subject in school, should be made optional and its discriminatory aspects should be legally prohibited from being taught.

**A general respect for all human rights can only truly be protected where the state is not influenced by religion. No religious society has ever protected or promoted individual freedom.**

*Haveeru Daily paper, 11 Feb 98.* 6 Maldivians were arrested in 1997 for eating during the month of Ramazan. These six people were eating in their houses behind locked doors. Following this, during an interview Lt Mohamed Sodiq requested the public to inform the police if they come to know of any person eating during the month of fasting.

According to him, this was in view of protecting Maldivians from committing such an act of "sin".

It is clearly evident from this that the police are directly involved in enforcing the people to follow the Islamic religion. There is no freedom to choose or manifest a belief or religion of choice.

## SAARC & Human Rights

The international trend of conditioning bilateral or multilateral assistance or trade advantages on the recipient or trading state's compliance with basic human rights has stirred the murky waters.

The Declaration of the 9<sup>th</sup> SAARC Summit which was held in the Maldives stated that such protectionist barriers was a concern for the Heads of State or Government of SAARC countries. It also stated their resolve to take all necessary steps to achieve the objective of human rights and reiterated their commitment to promotion and protection of human rights.

However, the defensive approach, instead of an active approach, of these states is a clear manifestation of their repressive regimes and not of the ideals of the communities of these states. What has been done to promote or protect their people from the society at large or the state ?

What are the justifications being laid out by such states for trampling on universal human rights. Asian states have continued to argue that human rights are not universal and that it is a western notion. Contemporary arguments strive for the cachet of cultural relativism, merely a defence against outside interference. Is it an interference or a legitimate interstate affair?

This brings us to contemplate if economic and social welfare is to be given priority to human rights or if it goes parallel to each other. True economic and social welfare is to be found where human rights are fully respected and adhered to.

The Asian state is an imposition on the community. It relies on coercion and sanctions on its people. There is a grave need for humanisation and democratisation. Much of the deplorable activities of such states are filtered through the state system and diplomatic channels before reaching the international stage.

Asian government leaders, do not represent their people, when they make pronouncements on human rights. It is neither to be supposed that their views are based on perspectives which emerge from culture, religion or the Asian realities.

Only recently has the international movement of safeguarding and promoting human rights begun. Much needs to be attained in this regard. Most violations are frequently and conveniently ignored. Only gross violation acts such as mass massacres are acknowledge but, even then, the usual reaction is simply a polite diplomatic regret. It is apparent that if violations of human rights are to be ignored then it is the gravest conflagration of all.

Be not silent, for it is the voice of complicity.

*" Human rights adhere to human being by virtue of being human and for no other reason ! "*

## **Universal Declaration of Human Rights**

**The Universal Declaration of Human Rights sets forth the rights and freedoms of each and every person on the face of the earth. These rights are your rights. Learn them. Promote them. Defend them.**

### *Preamble*

*Whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Whereas* disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

*Whereas* it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

*Whereas* it is essential to promote the development of friendly relations between nations,

*Whereas* the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

*Whereas* Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Whereas* a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now therefore,

The General Assembly Proclaims

*This Universal Declaration of Human Rights*

As a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

*Article 1*

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

*Article 2*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

*Article 3*

Everyone has the right to life, liberty and security of person.

*Article 4*

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

*Article 5*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

*Article 6*

Everyone has the right to recognition everywhere as a person before the law.

*Article 7*

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

*Article 8*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

*Article 9*

No one shall be subjected to arbitrary arrest, detention or exile.

*Article 10*

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

*Article 11*

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

*Article 12*

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to the protection of the law against such interference or attacks.

*Article 13*

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

*Article 14*

Everyone has the right to seek and to enjoy, in other countries, asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

*Article 15*

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

*Article 16*

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

*Article 17*

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

*Article 18*

Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

*Article 19*

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers.

*Article 20*

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

#### *Article 21*

Everyone has the right to take part in the government of his country, directly or through freely chosen representative.

Everyone has the right to equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### *Article 22*

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### *Article 23*

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family in existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

#### *Article 24*

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### *Article 25*

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection.

#### *Article 26*

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made general available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

*Article 27*

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

*Article 28*

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

*Article 29*

Everyone has the duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purpose and principles of the United Nations.

*Article 30*

Nothing in this Declaration may be interpreted as implying for any State, group or person any right engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)  
Adopted at 3:00 am, December 10, 1948  
By the General Assembly of the United Nations (without dissent)

---

This comprehensive guide is from <http://www.geocities.com/capitolhill/lobby/2311/> a website by [hmaldives@hotmail.com](mailto:hmaldives@hotmail.com)