

## [Maldives: Remove restrictions on ability of NHRI to engage with UN](#)

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(Geneva) - In a [statement](#) to the Human Rights Council, ISHR today highlighted the blatant incompatibility between, on the one hand, the Maldives' acceptance of UPR recommendations to ensure that civil society actors and National Human Rights Institutions can operate without being subjected to reprisal and, on the other hand, limitations imposed by the State on the Commission's ability to communicate with the UN.

In June 2015, following the Maldivian Human Rights Commission's [contribution to the second Universal Periodic Review of the Maldives](#), which touched on the politicisation and lack of independence of the judiciary, the Supreme Court of the Maldives handed down a verdict in a case it initiated against the Commission declaring the Commission's submission to the UN unlawful. The Court ruled that the Commission must abide by a set of 11 very broad and ill-defined guidelines in carrying out its activities. These guidelines required any communication with international bodies to take place through relevant Government institutions, the Commission to work in a manner that 'does not create divisions in society' and 'will not affect the discipline, culture and traditions of the Maldivian people and will not affect peace and harmony'. The Commission was also warned against causing damage to the reputation of the Maldives.

Following the decision in June 2015, the UN Special Rapporteurs on Human Rights Defenders and the Independence of Judges and Lawyers [urged the Supreme Court to reconsider its decision](#).

ISHR's statement to the Council stressed the crucial role that national human rights institutions play by highlighting a quote by the High Commissioner - 'National human rights institutions play a pivotal role in independently monitoring and protecting human rights and should be empowered to report on rights issues without fear'.

'The decision of the Supreme Court severely undermined the ability of the Maldivian Human Rights Commission to engage with the UN human rights system, as well as the UPR process as a whole - in respect of which the participation of national human rights institutions is essential - and constitutes an act of reprisal,' said ISHR Legal Counsel Madeleine Sinclair.

In response, the Maldivian delegation stated that the Supreme Court's decision 'prescribed in general terms the manner in which [the Commission] should operate as an independent state institution within the legal and constitutional framework of the Maldives'.

'Notwithstanding the response by the Maldives, national laws and judicial decisions, including those made by

the Supreme Court, should comply with international law. This is clearly not the case here; the decision of the Court to restrict the activities and independence of the Commission is incompatible with the Paris Principles on NHRIs, the right of safe and unhindered communication with UN bodies, and the prohibition against reprisals for exercising that right. Such a decision by an arm of government is a clear breach of international law and flagrantly incompatible with the Maldives' membership of the UN Human Rights Council,' Ms Sinclair said.

During its Universal Periodic Review, the Maldives also accepted a number of recommendations to strengthen its legal system and guarantee the independence of the judiciary. ISHR's [briefing paper on the situation of human rights defenders in the Maldives](#) condemned the limitations imposed by the Supreme Court on the ability of lawyers to speak freely on decisions taken by the Courts.

ISHR's statement at the 30th session of the Council builds on [its call made in June this year to the President and members of the Human Rights Council](#) to speak out strongly and unambiguously condemning this reprisal and denouncing the incompatibility of judgment with the Maldives membership of the Council.

For more: see [video of ISHR's statement to the Human Rights Council on the adoption of the UPR on the Maldives](#).

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