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Permanent Mission of the Republic of Maldives
to the United Nations Office at Geneva

**Seminar on Strengthening the Role of Parliamentarians in the
Implementation of Universal Periodic Review Recommendations,
IPU Headquarters, Geneva, Switzerland**

**Statement to be delivered by
H.E. Ms. Iruthisham Adam, Ambassador/Permanent Representative
of the Republic of Maldives to the Session VI – The Particular Challenges
Faced by Least Developed Countries (LDCs) and Small Island Developing
States (SIDS) in the Universal Periodic Review**

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Thank you very much moderator and good morning Honourable MPs and distinguished delegates.

Universal Periodic Review process is the most effective tool in the international community and Human Rights Council to deal with human rights situations. Unlike treaty bodies, it is universal – all 193 countries were reviewed during the first cycle from 2008 to 2011 and unlike special procedures there is clear consensus on the legitimacy of UPR mechanism.

Now, let me turn to the topic of this discussion – particular challenges faced by LDCs and SIDS during the UPR.

- Difficulties in access to island communities: In November 2010, when Maldives was reviewed by the UPR Process Maldives was an LDC . For LDCs and SIDS. For SIDS the daunting challenge of dealing with UPR process begins with its reports. As Jan Egeland, UN's former humanitarian relief coordinator said during the Indian Ocean tsunami in 2004 "even in the best of conditions islands in the Maldives are difficult to access" and that is true for all SIDS, with their geo-physical vulnerabilities exacerbating the challenges they face. Despite Government's intention to hold wide-ranging consultations across the country, due to geographical nature of the country and associated costs, Government was able to hold just one consultation away from the capital. This means that the input from these island communities were not adequately reflected in the report, although these communities are more vulnerable to

human rights abuse, than the communities which live in urbanized islands such as the capital Male’.

- Another challenge is, limited technical capacity and lack of awareness of the UPR process. Lack of trained experts in the field of human rights in relevant government departments made the process of report compilation more difficult as it underwent the normal bureaucratic challenges. This became very evident despite the Standing Committee set up by the President’s Office for coordination with government departments.
- Another key obstacle is the reporting backlog to the international conventions. Smaller countries like the Maldives seems to bear the brunt of heavy reporting to the extent that the limited amount of staff in the relevant ministries simply do not have time to work on the implementation of recommendations from these processes, which defeats the whole purpose of reporting. We like to think that the Maldives is more resourceful than most SIDS and yet even we do have a huge reporting backlog, not to mention that almost every year there is one treaty body reporting event, for the past three years – UPR in 2010, CERD in 2011 and ICCPR in 2012. The treaty body reporting often becomes a national event for these small countries, unlike large countries. The key point is, that treaty reporting itself is a burden on the few staff who deals with human rights, whether it is UPR or CERD or ICCPR, is the same staff who deals with them, unlike other countries which do have teams of experts and lawyers specializing on the implementation of just one mechanism or treaty.
- Civil societies in these countries, including in the Maldives, are at a very infant stage. Most NGOs tend to deal with other issues in the society such as development, while NGOs which are familiar and contribute to human rights mechanism are usually underfunded and understaffed, or in many cases aligned with partisan opinions which reduces their effectiveness and credibility. In an infant democracy, strengthening of independent institutions through a human rights approach is also imperative as these are the watchdogs entrusted with implementation of the rights stipulated in the Constitution and its state obligations.
- Now let me explain the particular challenges facing SIDS/LDCs in implementing UPR recommendations due to lack of capacity. Most of the SIDS do not have missions in Geneva, and in fact few Missions which are in Geneva essentially deals with organizations such as WTO. Although they have Missions in New York, the lack of presence in Geneva and engagement in the Human Rights Council has led to a disconnect between those countries and UPR dialogue, which is located in Geneva. To address this, the Maldives, together with 9 other Missions in Geneva created an informal group known as “Friends of SIDS in UPR”. “Friends” as we call ourselves, which include Maldives, Australia, Canada, Chile, Mauritius, New Zealand, Philippines, Singapore, Switzerland and UK, aimed to provide assistance to SIDS that do not have Missions in Geneva, in attending and participating in their reviews. Hence, even the participation itself is a challenge to these countries. Although there is a voluntary trust fund at OHCHR that is intended to help these countries in attending sessions, such assistance is minimal due to lack of financial resources in the trust fund.

- As you all are aware, with the 13th and 14th Sessions of the UPR Working Group held this year, we are now in the second cycle of the UPR process. The basic difference between the first and second cycle is, that while the first cycle was a “stock-taking” exercise, the second cycle mostly deals with the implementation of the recommendations from the first cycle. We believe that implementation of those recommendations are crucial to make any difference on the ground – which will decide the ultimate success or failure of the UPR mechanism.
- The biggest challenge for the SIDS/LDCs is in the implementation of those recommendations. Most of these countries belongs to the world’s poorest, or lower middle-income countries. There is a serious lack of resources and expertise even to keep up with their reporting obligations as I mentioned before, not to mention the challenges to implement their outcomes. For instance, for most SIDS there is just one person dealing with human rights, often times along with many other portfolios, in the entire government. Although these may vary from SIDS to SIDS the key point is – there is a significant lack of resources, capacity and expertise in dealing with its human rights obligations for SIDS. Without serious consideration, monitoring and assistance from the international community, there is a serious risk of failing to implement them, not necessarily because they don’t want to, but because they can’t.
- Despite their lack of resources, SIDS also seems to be the least beneficiaries of international mechanisms aimed at providing resources and technical knowhow. In terms of human rights, international community seems to be concerned about other key flashpoints – and very rightly so. However, in doing so, those mechanisms and bodies also seems to overlook its attention and focus on SIDS – due to their small populations, remoteness and because of their absence in the human rights discourse. And that is one reason why, Maldives worked with IPU, Commonwealth and OHCHR to organize this event, and is grateful for IPU and Commonwealth for hosting this very timely event.
- Another key difficulty for SIDS is priorities. Governments in SIDS are so small that they just have to focus on just one issue at a time. There is a tendency for some SIDS to put the UPR recommendations on a shelf and forget them as the limited experts dealing with human rights are stretched with other priorities. Based on our experience and talking to other SIDS, UPR implementation can be sidetracked. This means for instance at times of political upheavals or economic crises, SIDS do not have the time and energy to focus on treaty reporting obligations on human rights issues. This is what actually happened in the Maldives
- Having acceded to 7 of the 8 key human rights conventions, and whilst having a modern Bill of Rights in the 2008 Constitution, the Maldives faces huge challenges in fully completing its human rights framework. The Maldives faces tremendous legislative gaps in its national framework such as secondary legislation necessary to enforce the treaty and constitutional provisions and lack of relevant local legislation hinders law enforcement agencies to carry out their statutory duties to protect human rights.
- This also brings us to the core of this seminar – role of parliamentarians in the implementation of UPR recommendations. In a democratic society, parliament’s main function apart from law making is making the executive or the government

accountable. This accountability process is also applicable to the international commitments or state obligations. This means parliamentarians can and should play a key role in raising awareness on UPR recommendations, and most importantly, helping the government to table and adopt legislation related to UPR recommendations. The role of parliamentarians involvement in the UPR process must increase as the process requires not only their input and cooperation for enacting the relevant legislation but their role in strengthening the national human rights framework.

- During our first UPR review in 2010, Maldives received 126 recommendations. As some of them were repetitions, while others presented practically several recommendations as one, we analyzed them further. And the result in practical terms is the Maldives received 68 recommendations that we accepted or partially accepted. And out of those 68 recommendations, 34 of them, exactly half of the accepted recommendations can only be implemented through the Parliament. Those include signing or ratifying international conventions, withdrawing already existing reservations to conventions, introducing legislations which would augment the implementation of those conventions which we have signed such as CEDAW, CRC, CAT, adoption of the 120 laws which were part of the pre 2008 reform package, amending already existing laws, upgrading the status of HRCM, dealing with the question of corporal punishments and finally recommendations dealing with the independence of judiciary and other independent institutions.
- It is true that, governments will have to spearhead this process, but this also reveals the important role of parliaments and parliamentarians in this whole process. We also need to understand that obligations arising from international conventions and mechanism such as UPR are indeed state obligations. That needs to be addressed and abided by not only governments, but also by the parliaments and the judiciaries and independent institutions, as independent powers and institutions of states.
- Finally, I hope this Seminar would create a cadre of parliamentarians, who will go back to their capitals and parliaments and would encourage and help the governments in implementing those recommendations agreed in the first cycle. Without your inputs and assistance, many of your governments would not be able to implement them. The key message I have, Honorable MPs, is that human rights have become part of the solution and not part of the problem. As elected representatives of the people, your involvement in the process is the least they can ask and expect, so that they have some progress to report during the second cycle.

Thank you very much.