

مرموس دعرب

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Chairperson speaking:

I extend a very warm welcome to the team of APT and also to the السَّلام عليكم. بالمُ الرُّم التَّم sub-committee member assigned to the Maldives. And also, Members of the Human Rights Commission, president of the commission. We, as you very well know, have the mandate of conducting oversight of the human rights situation and work undertaken by the state on gender equality. This committee is a relatively new standing committee, in fact this standing committee was, came in to place with 19th parliament in 2019. So, we are a very young committee, but we clearly have a very important mandate of conducting oversight of the Human Rights Commission. Also, in terms of subjective matters, torture prevention and also appointment and dismissal of members of Human Rights Commission. Therefor the national preventive mechanism as well. As per our functions we also do conduct visits to places where persons are deprived of liberty. We have in fact, and we also use reports of the oversight body, the watch dog as well as the NPM reports to assess the situation of torture prevention and prevalence in the country. Also, we do have the mandate of making laws pertaining to the subject matter in fact the law of the new and reviewed law of, amended law of Human Rights Commission was also undertaken by this committee in the 19th parliament the juvenile justice law was part of our work. The child rights protection act and the changes, many amendments to important bills such as sexual offences act and anything pertaining to basically vulnerable groups is also undertaken by the committee. I would like to introduce to you members of the committee joining us this meeting. I know you have met our deputy chair yesterday at the function. This is MP Hussain Ziyad, he is from Vaikaradhoo constituency one of the northern constituencies. And on my far right you have one of the MP's of Male' constituencies, Mafannu North constituency Al-Ustaz Imthiyaz Fahumy. And also, MP for one of the Northern basically but we have Nilandhoo constituency Abdul Muhsin Hameed. These members also sit in some other committees that are relevant to your work. For instance, MP Imthiyaz Fahumy sits in the Judiciary committee and our deputy chair sits in the Foreign relations committee where approvals of conventions and ratification approvals go to. And also, committee on conducting oversight of government functions and government ministries and MP Abdut Muhsin also sits on the social committee. So, I believe today with you we have

committee members, we have ten members in the committee but here we are members who are working other committee's that are relevant and have cross cutting, deal with cross cutting issues relevant here. Since this meeting was requested by you, I think it's on the act that I pass on the floor to you. Thank you.

President of Human Rights Commission of The Maldives, Mariyam Muna speaking:

Thank you honorable chairperson Jeehan and then also I would like to sincerely thank other honorable members of the committee as well. Today we have here with us the Secretary General of APT, Association for the Prevention of Torture, and then we have the Senior Advisors of Vulnerabilities and Policy Ms. Veronica. Then we have our SPT member Dr. Jakub with us. And then me and Shifaath here. Our main focus is that we have been very closely working with the APT as well and then the Human Rights Commission, we do have an MOU throughout. We are working accordingly to I mean further strengthen our work in terms of torture prevention in the Maldives. And then we have certain arrangements of whereby we are doing capacity building work as well with them. And then I thing today's meeting basically we would like to focus on the rather policy level issues we have and then what are the possible good and positive changes we could bring about to the system whereby we need certain policy level changes to bring about the meaningful change that we want in the whole system here. I think will go forward with the members, but before that I think Shifaath you could add.

Commissioner of Human Rights Commission of The Maldives, Aminath Shifaath Abdulrazzaq speaking:

Yes, thank you very much for arranging this meeting at a very last minute, short notice as well. I just wanted to also highlight that we are very keen on continuing this discussion with parliament and other state authorities as well. As our president has highlighted, we have work with the association for prevention of torture for a very long time since the beginning of the Human Rights Commission and the establishment of the national preventive mechanism as well. As we all understand Maldives was one of the first countries that have actually signed and ratified the OPCAT. The OPCAT came into existence also in the early 2000s, with a huge stake of the association for prevention of torture as well and Maldives was one of the first countries that signed it and ratified by establishing the national preventive mechanism as a national human rights institution as well. And because the OPCAT has two mechanisms, 1- the national mechanism and the 2-international mechanism. The national preventive mechanism has been working very

closely with the international mechanism, which is a sub-committee on the prevention of torture. And our work, the work that we do in terms of torture prevention and our inspection work and our recommendations, we have constructive dialogue with the state authorities and a lot of those recommendations, it ultimately comes down to legislative reform and policy reforms and budget as well. And the parliaments and the committee has been very supportive in terms of lobbying for the implementation of these recommendations as well. And so, we thought that this meeting with the Association for Prevention of Torture and the sub-committee member present. And just to give you a brief as well. The sub-committee member, today although he is not on his official visit, as a monitor or an inspector, he is here with us today to work with the national preventive mechanism and the Association for Prevention of Torture on, as part of this constructive dialogue. And it's very important for us to remember the state obligations and the SPT recommendations as well. And NPM has been very much key in lobbying for those recommendations to be implemented as well. Because part of, it is in line with our recommendations as well. And it is very much similar to what the NPM has been saying in the past 15 years. So, yeah. That's it. Thank you.

Assosiation for the Prevention of Torture (APT), Secretary General Barbara Bernath speaking:

Thank you, honorable chair and honorable members. It is really a great please and really, I am honored to be able to have this exchange today and congratulations to have this new standing committee on Humans Rights and Gender. I think this is really a very important to support the advancements on torture prevention and human rights in general. And I think it is quite key also to commend all the progress that have been made over the past 15 years or 20 years, because we are also celebrating the 20 years of the Human Rights Commission and the 15 years of the national preventive mechanisms in terms of reducing the risk of torture in Maldives. And torture and ill-treatment in general. I think this is very important, and the fact that your committee also has access and also is able to conduct visits, is also a very positive development and complimentary to the work of other oversight bodies. So, I think this is very important. It is also important because torture prevention, human rights in general is not only about the work of the Human Rights Commission or the NPM but also about the development of the legislation and here again I think there has been a huge progress and developments in-terms of legislation. Of course, the Anti-Torture Act, which is key to criminalize torture in the country as a first step, and other legislation regarding prisons,

police and the work of the judiciary as well. So, I think transparency is very important and, in our discussions, to support the national preventive mechanism in Maldives. We also discussed about how we can look at the Human Rights Commission in general, and there are few issues that we wanted to discuss and are possibly steps or items that could be part of your agenda. The first is about the fact that the Human Rights Commission is also with the Anti-Torture Act, dealing with criminal investigation of allegations of torture and this is additional mandate that takes precedence over, rightly so. But that it's a huge work that takes precedence over the preventive work. So, I think this is an issue that maybe we can further discuss. And I understand that there is a proposal to review maybe, this mandate. Also of course in 2013, The Human Rights Commission was the best place to conduct that. But meanwhile there was a creation of the attorney general etc. So, there is a possibility now to review this situation. The second item we wanted to maybe put on the table is the issue of the budget and not so much the amounts in total. Because we also recognize that there has been an increase in the budget, which is very positive, but it is more the issue of the specific ring fencing or separating a specific budget for the work of the national preventive mechanism, which is a recommendation by the sub-committee standard everywhere. I mean, not just for Maldives, everywhere. And then the other issue as well is the fact that any expense by the Human Rights Commission or by the National Preventive Mechanism has to be approved by the Ministry of Finance, as far as I understand. And this can contribute, even if it's not so in practice, but in theory, as a kind of diminishing the independence of the Human Rights Commission and of the national preventive Mechanism. And finally, we also realize that the fact that the Human Rights Commission, with its five members, are acting as a collegial body creates a perception externally, especially when the National Preventive Mechanism is conducting its visits and is there inside the places not to solve or deal with individual cases or allegations, because there is always one commissioner or sometimes the president or several commissioners, that the fact that it's a Human Rights Commission mandate, not just an NPM mandate. So, this separation externally, not so much by the detainees or the prison staff, but more, also the higher authorities or the directors creates a kind of difficulty to understand the differences in the mandate. And we put a lot of emphasis on the fact that it's prevention, so it's not dealing with any individual cases. But because the commission, as a commission is dealing with individual cases and it's the same commissioners it's difficult to make this distinction. So, for the OPCAT implementation, I think this would be really positive issues to discuss. But if I may, because I have the floor, I also wanted to take the opportunity to

mention another initiative that we are supporting at the APT worldwide, and that is also relevant for the work of your committee, is a set of new principles to move away from interrogation methods, to replace by interviewing more report-based interviewing. And the idea is to reduce the risks of torture and ill treatment during the first hours of arrest, detention in police custody by providing a very constructive way forward that has been effectively implemented in different countries. The set of principles, they are called the Amandas principles, and they have a copy, and tomorrow we have a session with different bodies to discuss and present them. So, they're really new, so it's the first presentation. But they can really help moving forward more effective investigations in terms of results, avoiding miscarriages of justice or other violations. So, they are more effective for the law enforcement at the same time, they are more respectful of the human rights. And we will discuss more tomorrow. But this is just to put it on the table, as well as something that is positive. And the Maldives has been supporting at, in Geneva, there was a joint statement by several states, 40 states, including Maldives. So, there is a kind of, at least symbolic political support already. And now we can move forward starting tomorrow with more discussions about how relevant and what is the state of affairs in the Maldives currently. I think I will stop here, and I thank you very much for this opportunity.

Assosiation for the Prevention of Torture (APT), member of the UN subcommittee on Prevention of Torture Dr. Jakub Czepek speaking:

Yes, thank you very much. Good afternoon to all of you, distinguished members of the committee. Well, it's my pleasure to be here. As it was stressed earlier, it's not an official SPT visit, but I'm also here partially in my official capacity, but so it's not in the capacity of visiting places of the provision of liberty. But you already have, I mean Maldives already has experience in this regard SPT has conducted already two visits to Maldives in 2007 and 2014. As you know, after these visits, there are reports that state party has the possibility to make public or to keep them confidential. Of course, at SPT, we are always welcoming publishing publication of the reports. However, this is dependent on the state party decision, and in both cases, Maldives decided to publish the report. Of course, I'm here in order to maintain the continuous dialogue between the authorities of Maldives as a state party and to aid the National Preventive Mechanism. As you know, the relation under OPCAT is pretty simple. So SPT is bound by the OPCAT to maintain this continuous dialogue with the state parties and supporting the NPM. So we are, of course, always welcoming the publication of the reports and

reminding state party about the obligations and the published reports. So, the issues that were mentioned earlier here were also elements of the earlier state to the state party report. So, this issue of a particular budget for the NPM the idea underneath to this whole concept is to granter NPM the independence. The independence from the authorities in order to come back to have unfitted excess to place of the provision of liberty on one hand, and to have the possibility to have such visits without anybody knowing about it. So, they are unannounced. Because well, as you know, there is you have the experience, so you know about the difference between announced visit and unannounced visit and what is the basic difference. So, that was definitely an element of what SPT has trust in the report. And, also easing the administrative procedure with the, with financing that would be definitely helpful for the functioning of the NPM. Yes, I don't want to take too long as I said it's my pleasure to be here and to maintain the continuous dialog with the state party.

Maafannu uthuru constituency member, Imthiyaz Fahmee speaking:

Thank you Chair. I didn't really have anything to say. But thank you very much ATP and specially the Secretary General, madam Secretary General for meeting with us, and you working as an international organization closely with other national human rights bodies including our Human Rights Commission. I would like to ask what crucial and a pressing issues have you noticed with regard to the Maldives about Anti-Torture cases which require urgent attention.

Assosiation for the Prevention of Torture (APT), Secretary General Barbara Bernath speaking:

Thanks a lot. Yes, indeed we are working worldwide mainly supporting the work of national human rights national preventive mechanisms and Human Rights Commission worldwide. Just for the contacts before in there now 78 national preventive mechanisms worldwide. And 57 are within the national Human Rights Commission. So, it's a bit common feature. So, this issue of the relation between the NPM and the national Human Rights Commission the autonomy, financial autonomy and functional autonomy is one of the issues. It's not so much so in the Maldives. Because the Human Rights Commission is very committed all the members. But we have seen as well in the past that if the commission of our members are not fully supportive, then that can be issues continuing the work of the NPM. So, it's more like how to ensure whatever the commissioners are, and their commitment that the NPM can continue to do its work has

staff and the financial resources to do its work and then the autonomy. In terms of substance, what are the issues, more pressing issues. We are not conducting visits ourselves. So, with the reports from the others so, there has been several international visits after the one by the SPT especially, the working group on arbitrary detention that came most recently and the special upper torture in 2019. So, I think the issues of overcrowding in place of detention, remains structural issue that need to be addressed probably and then with that the problem of the material conditions in the place is I think all the other issues are the more dealing with the procedures with some of the issues regarding juvenile justice, the women and yes, I pretrial detention, yes. The length of pretrial detention are more the facts that there is this police 24 hours but then there is police custodial and then there is remands, and then yes, and these intermediary section were while the detainees are the suspects. They are still presumed innocent. But there are still within the police mandates and for sometimes for long time. This is a kind of specific situations here in the Maldives, I think. And then which is a broader I guess social issues about addressing the mental health issues in detention, the problem of medical care in general. I guess the Human Rights Commission is better place to raise this and have this discussion with you. But there are issues with assessment to has care in general and mental health care in particular. And maybe I will stop here. May be Veronica you want to add something?

Assosiation for the Prevention of Torture (APT), Senior Advisor on Vulnerabilities and Policy Veronica Filippeschi speaking:

Just to respond to your question I think a couple of other more structural issues I think, that are may be of interest to your committee related to what you are saying is we have seen through the different reports by the international bodies but also the commission. There is a structural shortage of staff in all settings. From correctional service, prisons, police, the facilities and the ministry of family and social development and basically, we live throughout the whole system of the prevention liberty at all levels. It is a structural issue that has been recurring and effects, of course has an implication on different levels and has very key and torture prevention, because of cause the lack of care can create situations of violations of cause of rights. And in terms of health care, I think one of the issues that is key I think is the access to health care of cause. But it affects that institutionally health care provided in prison for instant is really key that falls under the responsibility of the ministry of health and not under the responsibility of the correctional service. Because it's really an international standard that health

should be provided and should, doctors within the facilities should be responsible to the ministry of health to ensure independence. And I think this is something I wanted to raise that maybe others but of cause so.

Commissioner of Human Rights Commission of The Maldives, Aminath Shifaath Abdulrazzaq speaking:

We have actually been working with the APT for the past two years on thematic area as well. One is this thematic area is woman in under state care. We have conducted a thematic visit to Maafushi prison end of last year. And some of the issues that we have observed, and this is not just the observation of the National Preventive Mechanism, but also through the in cases that we received to the investigation department is that the strip search methods that are used in police custodials and correctional services is currently not the most internationally accepted practices. Because the authority says because of the lack of budget they are not able to accrue less invasive means to conduct the searches, and also in practice currently because of the issues of drug been entering into the centers the authorities are practicing and you know, they are practicing strip search. Whenever any inmate or detainee goes out of the prison even with their escorts, even with the officers' present whether that's a court hearing or a medical appointment or even after family conjugal visits as well. So, any inmate or detainee that goes out of the prison is then subjected to strip search whenever they have to come back into the system. And because of this, women especially are affected by this. Because women do not want to go through invasive strip search every time they go out of the prison and come back in. So, as a result a lot of women prisoners are opting to not go on a medical specialist appointment so, for other purposes as well. And we are also contributing to the global women in prison some report this year. And we will be highlighting some of these issues in the reports. So, I just wanted to bring that to the attention of the committee as well.

Assosiation for the Prevention of Torture (APT), member of the UN subcommittee on Prevention of Torture Dr. Jakub Czepek speaking:

If I may just add one thing. Some of the issues raised, for example the overcrowding was also part of the SPT report 2014. And in relation to this proposal of division or separation of mandate from the SPT prospective we always stress that the mandate of the NPM is preventive. So, sometimes it gets problematic to have this clear separation

and sometimes the colleague or character maybe or may create some confusions. And that's what I wanted to add.

Assosiation for the Prevention of Torture (APT), Secretary General Barbara Bernath speaking:

Just one last point linked to the treatment and conditions of women in the detention in prison in particular what we have seen in the Maldives very positively the Nelson Mandela rules have been really widely disseminated and known and amused and implemented at the correctional level. The correctional system. But I think there are other rules specifically providing for the rights of women in prison which are the UN Bangkok rules that are very key, and I think there is still an area for improvement I think here in the Maldives to make sure that the trainings for responsible prison staff who cater for the care and needs of women in prison. Also taking to consideration these specific rules and are integrated and these specific rules are integrated in the procedures of the correctional system. I think there is still an area for improvement.

Maafannu uthuru constituency memeber, Imthiyaz Fahmee speaking:

Also, often times victims of torture appear to be I must say ignored in the Maldives perhaps I would like to ask how may you be able to help the Human Rights Commission to support the victims and to have them rehabilitate.

Assosiation for the Prevention of Torture (APT), Secretary General Barbara Bernath speaking:

Thank you very much. This is also a key element of preventing touring the way that by helping the victims and the survivors. We are not directly working with the rehabilitation and the processes. And I have to say this because beyond our support, but I think the Human Rights Commission is already quite active in that and providing both compensation and rehabilitation though. I don't know if I may pass to the commission.

Commissioner of Human Rights Commission of The Maldives, Aminath Shifaath Abdulrazzaq speaking:



One major challenge that we are facing as Barbara and our president have highlighted previously is that under the anti-torture legislation the Human Rights Commission is vested with very diverse, very polar opposite mandates. One is to look into criminal cases of torture. And hold them accountable and send the cases for prosecutor real decisions. The other is the preventing function of NPM. We have, because of the challenges that we are facing, we have had discussions with the other NHRI bodies internationally and we had discussions with the OSCHR as well. And when we look at the other NHRI systems and when we look at the Paris principles that the NHRI's should be aligning with the function of criminal investigations are very, it doesn't really fit into the best functioning of an NHRI. Because NHRI's are as you have very rightly highlighted honorable MP. It should be rather looking into human rights violations on a more civil manner. And for us to be working with the victims and the perpetrators as well in a more human rights-based approach. So, currently because of this function we are facing a lot of hostility and a lot of restrictions from the authorities as well and for us to work with them in a constructive dialog manner. And for us to work with authorities to work on improving the conditions at the prisons and the treatment of prisoners as well is a bit you know challenging. And also, under the anti-torture legislation the Human Rights Commission is vested with the developing a regulation and a rehabilitation program with the assistance of the health ministry and the Attorney General office. Since 2013, the Human Rights Commission has been facing significant challenges in getting this work materialized. One challenge especially is because we haven't in two administrations haven't really gotten the full support of the Ministry of Health. Because as you would understand the National Human Rights Institutions is not the primary service provider. We the oversight mechanism and we are here to be giving guidance and advice to the state authorities. And because of the this challenges we are facing we had multiple meetings with the Ministry of Health and the Attorney General office present as well. But to this day it has not yet been materialized due to various challenges in getting it forward. And we have actually highlighted this issue in our antitorture reports that we submit annually, and we have discussed this issue to some level at the parliament committee as well. So, yes, it's a concern of the Human Rights

Commission as well because to this day the system of rehabilitation and therapy for or rather psychosocial aspect of a for the victims it's still not fully established. So, there are challenges that we are facing in that aspect as well.

President of Human Rights Commission of The Maldives, Mariyam Muna speaking:

I'd just like to add a small point to that. It is important that we did have a constructive dialogue with the all the agencies concerned in relation to mental health issues as well. Whereby we brought in all the stakeholders and then we discussed about these issues and there are certain, at a certain point that the ministry of health will have to understand that it is the mandate of the ministry of health to I mean at least to come up with the guideline to provide the support as well. As Shifaath mentioned very rightly we are an oversight mechanism, and the state is responsible for the provision of these services. Yeah. Also, we have been highlighting in all our forums as well and with the recent meetings as well as with the current government also. We have been highlighting the fact that now that the home full people with special needs where it's based in Guraidhoo. And then we have two issues there. Actually, there are people with mental health issues and then there are old age people. So, these are two different categories. And I mean it has to be the people with mental health issues and psychosocial people who need psychosocial support. They have to fall under the mandate of the ministry of health and then the other part will be definitely going to now the social services ministry. Yeah. So, this distinction is very required for the system to effectively function. Yeah, that's what we propose. Yeah. Thank you.

Chairperson speaking:

Alright, I can say in response to some of the pressing issues, I think the most important one to address right now is the amendment to anti-torture legislation given our mandate as well. We have previously worked on this topic with the Attorney General's office, I think the HRCM also have had some intense dialogue with Attorney General's office on the amendment. I do not know how receptive the parliament will be to accept the amendment in question right now. And so, I think it is very important that we all work together to raise awareness on the actual mandate of a national preventive mechanism in Human Rights Commission national institution at that criminal investigations are not the most; In national institutions are not the most ideal places to carry out to criminal investigations. And in fact, maybe in contradiction to the envision mandate of envoy of

functioning of national institutions. And so, to removing that article vesting the duties of criminal investigation on the Human Rights Commission is something I think that will come with a lot of education and awareness and acceptance. And so, for that a lot of background work, more than just proposing a change to the legislation just out of the blue. I think it can be viewed very negatively by public also if they don't understand the mandate why NHRI cannot be vested with the mandate of criminal investigations. Especially after having this practice and then this entrained in law since 2013. To begin with this was something that I understand some human rights defenders including the then an HRI did not advocate for. But then the circumstances were very different at that point in time. And so, we all allowed it to happen. But now going back and changing something that people have, people already have very a big difficulty understanding. I think it has to come with a lot of education. And if there is one place to start, I think it's definitely the parliament. And if the NHRI with the assistance of the SPT and the APT can organize something, some endeavors in this regard I think a change, the passage towards change might become easier. And I am not sure when the Attorney General now plans to submit the change or if the current Attorney General's office is in agreement with this amendment and that is also something that we need to work on. But I think that the fact that all of us here support this change is a good place to start and maybe we can work on that. What will be difficult is to get you know across party, across boarder, across state institutions support on this amendment. And where will this go, where will this responsibility go to, to whom will be the next question. And I think we need to approach that with answers and solutions and alternatives, and some background work may need to be done on this. But I think it's very important that we get this and while you still have a majority for parliament that was support something like this. Now you might not get that in May, June next year. I hope you do. But I think the time to work on this now. So, when parliament resumes office again after the recess in February and during this period if you can get some work done on this I think we might have an opportunity for change. On the issue of the budget of changing code of the NPM and the Human Rights Commission to ensure structural and visible and inpaper independence. This is continuously something that we've been working on but not being able to materialize yet. Again, there is, here's an opportunity there's been a change in administration I think it's time to start the dialogue and the parliament will be, especially this committee will be very willing to perhaps organize a joint meeting with a public accounts committee. This committee, the Human Rights Commission and NPM included and the finance ministry. Perhaps we can also sit together and try and

see what their standard is and what we can do and how, what we can do to change it. And if worse comes to worse what we can actually put forward is a committee recommendation. So that something is out there asking for implementation of the SPT recommendation and coding. Regarding the issue of Ministry of Finance approval for the Human Rights Commission budget and therefore, the NPM budget, this is again a long-standing struggle to change the approach and ensuring budgetary independence. Again, this is something that you can put on the table for that same meeting and perhaps maybe we can discuss what we can do from now on. But then again this is another area where if things are not going in the direction that we hope it will go again one area where we can put for the recommendation, a committee recommendation. On the issue of pending legislation, legislative amendments I think largely we may have you know as country addressed a lot of legislative changes put forward in the SPT report of 2007. And then again following to which 2014 recommendations as well. But I think this is an avenue of collaboration with SPT and the Parliament, perhaps maybe not many countries do that. But I think we right now would be really willing to start a dialogue on things that, on amendments that have not been materialized yet, and then perhaps maybe see what this committee, you know, in a place where there is a standing committee for this purpose, what we can do to push for legislative amendments. So, legislative amendments proposed by the SPT and as well as the ones in UPR. So maybe collectively we can work on this issue and directly work on this issue, and if you maybe post this meeting, we can exchange some official documents and then get the work going.

Assosiation for the Prevention of Torture (APT), member of the UN subcommittee on Prevention of Torture Dr. Jakub Czepek speaking:

Yes. Thank you. Thank you very much. Well, of course, on behalf of SPT we are always, and as I said earlier, it is our obligation to support state parties so we can have an exchange concerning the draft or the proposed changes and we would be glad to make some suggestions on the basis of OPCAT, of course.

Chairperson speaking:

Really happy to involve the NPM and the HRCM in the work. So that, you know, you can, as the normal practices right now, conduct the monitoring of it. I personally feel from the work that I think I also speak for the committee members from the amount of work we've seen coming from the HRCM and the amount of work we've also posed on

HRCM in the past four, nearly five years, is that the NHRI, this NHRI must be like many other NHRI's is overwhelmed with legislative duties. And in this context to how to balance the work of the NPM and the work of the NHRI, it will continue to be a challenge. Of course, we're very interested in learning about best practices from the other 57 NHRI's which are NPM's on how they are balancing. But from whatever little exposure I have on the subject matter, I think it's evolving and existing and persisting issue without a clear-cut solution. One is, of course, separating the NPM from the NHRI. But that also takes away from a lot of positives that an NPM has when it's with NHRI. And for a small country like ours with already so many independent institutions I do not know how attractive this idea is to law makers and also for policy makers and also practically and of course financially as well. So, on balancing some of the ideas that have been floating around you know, perhaps really functionally doing more work on separating the role of the NPM from that of the NHRI, one thing that we can do is a legislative, where we can start is a legislative amendment on once you have commissioners assigning on specifically for NPM. It's a proposal. Maybe we can think about it. Thereby the commissioner for the NPM in the HRCM is solely task with that. And his or her image visibility role understanding completely is assigned to that of the NPM and then that of his or her team as NPM. But there might be very difficult practical issues here, like will that person sit in a press conference representing the you know, HRCM or the national institution will that person be you know renumerated similarly with, similarly as the other commissioners who take on more lot of work. You know, there are so many practical and other issues that can come with that. But I think one way for us to start, do something about is start a dialogue on this and perhaps sit together to see what are the changes we can bring to how the NPM is functioning now within the HRCM so that the roles are balanced or is it balancing or is it really demarking the roles. Because balancing means you still take on both responsibilities. So, I think what we have to move on to now is demarking the role. Not balancing. Balancing still in the sub in the same result as, and the advantages are also, I mean if we the way the advantages and the disadvantages is really difficult to say an NPM is better off without NHRI. It's really hard to say that. And so, if we are, but if we are going to keep, if you are going to be raising this issue I think then there has to be A for one thing clear demarcation in terms of strategic demarcation to a lot of awareness raising amongst people and state institutions and generally the public on more than what we have done on the fact that these are too different functions that including the media. Unless these two happen, I think this will just be an issue that will be talking about

without you know, reaching in a solution to it. And then again very happy to sit with, I mean the committee will be very happy to sit with everybody on this issue really. On the issue of the mender's rules. I think not many parliaments I don't know if any parliaments have or parliament standing committees on the subject matter of human rights and torture prevention have gone ahead and become subscribe supporter of the mender's rules. So alike we are with saying yesterday and like the U.N resident coordinator Catherine has will said yesterday. Here in the Maldives, we like to do things, we like to be the people to do things for the first time. I think we are also, will be very interested to as the parliament to put in a submission of support. And if there is something that you can, you willing to work with us on specific APT I think there are something we can do before this parliament closes business in 2024 May. There are two ways to go about it. One is parliamentary resolution. The other is committee support, which either which way it will result in a recommendation asking the state to really invite the menders rules and then put it into policy and get it on practice. So, both ways would result in the same thing. Perhaps we can explore what is the shortest, easiest, fastest way to get there. I personally think is a committee decision. What is also interesting something that, I don't maybe we can explore and I know I understand that not many parliaments have assumed, parliament committees have assume the role of conducting visits to places of detention where persons have been deprived liberty. We have also been very careful not to encroach on the duties of the NPM and the HRCM. And also rather to borrow from their findings into our work. That's the bell saying we are in session again. Yes. So, but balancing the instances that we have conducted visit so far where in, two places where recommendation, repeated recommendations and constructive dialogue work of the National Prevention Mechanism or the oversite bodies have not worked and largely where recommendation have not been limited and there are pressing issues. Likely institutions where persons with mental disabilities and physical disabilities and geriatric patients were under state care. So that was in 2019. There were pressing issues which children shelters at that point in time, things that were not getting resolved, children under risk children being employed from shelter into gang activities and there was a press in issue. And so even though the body mandated with it legislatively they were, the body were doing their work. We also felt that this is time for the parliament to step in. So, those where the insistences actually try to set some standard to it, some protocol to it. I mean it doesn't really make sense parliament conducting visits to places where they are you know, specialized bodies, trained bodies to do so But also given the situation we felt that there are some places and some

instances where for instance, when we came into office here in 2019, we did not have a national human rights institution that we had faith in. And so were not confident of the kind of work they were doing. In fact, it led to a dismissal case of the previous commission. And so, then we felt there was a need for us to step in. So, try to set some standards here. But then I guess standards on how and when a parliament committee would conduct visits without encroaching on the role of the NHRI or the NPM. There are also other parliamentary committees that conduct visits. The social committee has conducted visits to children's shelters in the atolls following some of the complaints that they have received. So, which is justified. Because the complaints said comes because the issues were not getting resolved. So, and the 241 committee which is the Nation Security Committee has conducted visits to prisons. Specifically on the issue of overcrowding, the report is due. I think it will be out before this turnover of the year of the parliament. So, there are other committees conducting visits as well. And this is started with this 19th parliament. And I think it is an interesting development in a place where we have NPM, and we have National Human Rights Institution. Other bodies visiting such as the children's ombudsperson office. So, maybe you know something that we can work together on setting clear mandate, setting good standard of practice on how to work together with institutions that are regularly conducting visits with international mandates with national mandates. And how to you know draw strengths from each other as well as support each other with the similar kind of powers that we have oversite body. So, oversite body of the oversite body. So, it's an interesting dynamic here. So, maybe to clearly know how to work best in everybody's interest and always rolls I think something that we are as a committee really interested in. This transition period while my last point, I promise. While, you know, we all get in to working with new administration as to really as a committee we want to make sure that the good practices that have been put in place in the past four, five years are sustained and remain changed. Especially there is a great interest in ensuring that OPCAT and CAT coordinating committee does not get resolved, that the end continues. And it's something that is rather permanent that we do something to make it permanent. If what is required is some sort of legislative hint to it and then if there is an opportunity very happy to do so as well. But then I think things like this are more policy initiatives and this really depends on political will. So how to generate it and how to keep it alive is I guess a challenge every time there is a change. So, during this transition period if and when you have an opportunity, I think it's in our collective interest to make sure that the OPCAT can coordinate in committees. Yet again very nervous and new initiative

from us as a country. And therefore, this parliament also has interest in making sure that we sustain it. And so, if there is anything we can do as a committee to support it we are it willing to very happy to do so. For achieving closing remarks. Because we have to head to some voting I think.

<u>Commissioner of Human Rights Commission of The Maldives, Aminath Shifaath</u> Abdulrazzaq speaking:

Perhaps one more thing that the parliament can be of assistance would be in terms of strengthening or perhaps sustaining and ensuring the continuity of the NPMs work would be and I think this is something that is currently being practiced by the gender and human rights committee. But then again to ensure that this is being continued even in the other parliament tenures as well, one thing that could be done is during the recruitment process of the Human Rights Commission's members, I think apart from just understanding their knowledge and experience on what an NHRI is and the purpose of NHRI, the work of NPM and the preventive function that the OPCAT envisages also, ensuring that would also help the continuity of the good work that the NPMs are doing. Because in the past we have actually seen in some commission, Human Rights Commissions tenures that because the commissioners were not fully committed to this work and also because the commissioners did not have a comprehensive understanding of the work of NPM, there was less priority given to the work of NPM. And also, there was a situation where the reactive functions and the preventive functions were overlapping as well. So, in order for us to; and also, there was a period where the commission, within the commission's budget NPM was not prioritized enough and the NPM was not allocated any budget as well. So, in order for us to avoid that perhaps the parliament can set some safety measures during the recruitment process or even during the accountability process of the Human Rights Commission.

Chairperson speaking:

I mean for the tenure; your tenure I think we had questions coming from MP Imthiyaz Fahumy. We have questions coming from a lot of members specifically asking about the role of NPM during your recruitment. But that is because I guess it is not written anywhere, written anywhere. But that is because fortunate enough to have a set of committee members who understand and appreciate the role of the NPM and the OPCAT as well. I think, it goes both ways to ensure that there are parliamentarians who understand and appreciate the role of the OPCAT and therefore the NPM. And then

again to recruit and appoint members who have the same as, is not something that we can ensure in legislation or anything. But then I guess the most we can hope for is parliamentary practice and let's see how we can ensure that. Maybe the fact that Fazla and you know the whole; the very wonderful secretariat that we have here, maybe they will put in questions for the next commission as well on the next committee as well on this issue. But then it is something to think about how we can ensure it in parliamentary practice. How we can make sure that there are people who understand and appreciate the role of NPMs and the importance of OPCAT. It is definitely an issue. Budget, I think so far there has never been a year without this committee pushing for increase in HRCM budget. But then again lets depends upon who people elect as their members. So, I hope some of us are, some of them here make it again and then continue the good practice. Let's see how we can do that inside the parliament. If there aren't any pressing issues, I think we can adjourn this meeting today. And I hope that we can exchange, we can continue to exchange on what the parliament can do for a SPT recommendations implementation of course with NPM and also would be happy to work on the mender's rules and also working around some good best practices for parliaments conducting and then taking on the role of oversight just much beyond the tables and chairs of a committee in a parliament. So really happy to meet you and we really appreciate you giving us this time and enlightening us and reminding us of things that this committee can do on this subject matter. And I assure you that all committee members of this committee of the 19th parliament are highly committed to supporting you, supporting your work and supporting the NPM, the HRCM and torture prevention. Thank you and we hope to see you soon and see you some time in some; I think this world is really small so I am sure we will bump into each other. Yeah, thank you.

