

HUMAN RIGHTS COMMISSION ACT

Act No: 6/2006

Introduction and Title

1. a. This Act sets out the rules and regulations by which the Commission is established and defines the objectives, responsibilities and powers of the Commission.
- b. This Act shall be cited the “*Human Rights Commission Act*”.

Objectives of the Commission

2. The main objectives of the Commission are;
 - a. To protect, promote and sustain human rights in the Maldives in accordance with Islamic *Shari’ah* and the Constitution of the Republic of Maldives.
 - b. To protect, promote and sustain human rights in the Maldives in accordance with regional and international conventions and declarations which the Maldives is a party to.
 - c. To assist and support Non-Governmental Organisations involved in the protection of human rights.

Legal Status

3. The Commission is an independent legal entity with a separate seal, possessing power to sue and suit against and to make undertakings in its own capacity.

Composition of the

4. a. The Commission shall consist of 5 (Five) members.

Commission

- b.** As per subsection (a) members of the Commission shall be appointed from human rights organisations and among persons who are active in promoting human rights in social and technical fields such as religion, law, society, economy and health.

Appointment of Members

- 5.**
 - a.** As per subsection (b), members of the Commission shall be appointed by the President on the advice of the People's Majlis.
 - b.** As per subsection (a), advice of the People's Majlis shall be sought as follows;
 - 1.** The president shall propose to the People's Majlis in writing when a new member is to be appointed to the Commission.
 - 2.** When members need to be appointed to the Commission, the names and profiles of at least the required number of members to be appointed shall be provided to the People's Majlis.
 - 3.** When the matter is proposed to the People's Majlis, an Ad hoc Committee consisting of 7 (Seven) members shall be set up to review the names and make recommendations to the People's Majlis.
 - 4.** The Ad hoc Committee shall interview the candidates, review the outcomes of the interviews, and submit a report of their recommendations to the People's Majlis.
 - 5.** The People's Majlis shall make a decision based on the report submitted by the 7 Member Ad hoc Committee.

- 6. The Speaker of the People’s Majlis shall inform the President the decision of the People’s Majlis in writing.
- c. The members to be appointed to the Commission shall be capable of undertaking the duties and responsibilities of the Commission, and shall fulfill the prerequisites stipulated in Section 6.
- d. The candidates to be appointed as members of the Commission, proposed by the President for the opinion of the People’s Majlis, shall be among the President’s nominees and respondents from the general public. The President shall emphasise the candidates to be representative of diverse professions.

Prerequisites of the Members

- 6. The members of the Commission shall fulfill the following prerequisites;
 - a. Must be a Muslim
 - b. Must be a citizen of the Maldives.
 - c. Must have attained 25 years of age.
 - d. Must not be convicted of fraud or an offence punishable by a *Hadd* as per Shari’ah.
 - e. Must not be a person holding an elected office or a political position under the Constitution or any law of the Republic of Maldives.
 - f. Must not be employed in the Government or private sector.

- g. Must not be convicted of bribery.
- h. Must not be a member of a political party nor engaged in the activities of a political party.

Tenure

- 7. a. The tenure of a member of the Commission is 5 (Five) years effective from the date of appointment.
- b. Members may be re-appointed for a further 5-year term except for those who are dismissed as per Section 15 of this Act.

Appointment of the President and Vice-President of the Commission

- 8. a. A President and a Vice-President of the Commission shall be appointed from among the members of the Commission.
- b. The President and the Vice-President of the Commission shall be appointed by the President of the Republic following the advice of the People's Majlis.
- c. As per subsection (b), advice of the People's Majlis shall be sought as follows;
 - 1. The President of the Republic shall propose the matter to the People's Majlis in writing, when a President or Vice-President needs to be appointed to the Commission.
 - 2. The proposal shall include the names of the nominees for the posts of President or Vice-President of the Commission.
 - 3. Upon receipt of the proposal to the People's Majlis,

an Ad hoc Committee consisting of 7 (Seven) Members shall be formed to review the proposal and make recommendations to the People's Majlis.

4. The Ad hoc Committee shall submit a report consisting of their recommendations to the People's Majlis.
5. The People's Majlis shall make their decision based on the report of the Ad hoc Committee.
6. The Speaker of the People's Majlis shall inform the President of the Republic in writing the decision of the People's Majlis.

Responsibilities of the President of the Commission

9. The President of the Commission shall preside the meetings of the Commission and assign members to investigate complaints filed at the Commission.

Responsibilities of the Vice-President of the Commission

10. Should the President of the Commission be unable to undertake the responsibilities or declines to do so or the office of the President becomes vacant, the Vice-President shall act as the surrogate for the President of the Commission. The Vice-President shall also perform duties assigned by the President of the Commission.

Vacancy of Post

11. a. The post of a member shall be deemed vacant in the following circumstances;
 1. End of tenure.
 2. Resignation.
 3. Being dismissed as per Section 15.
 4. Being elected to a political position under the Constitution or any law.

5. Death.
6. Failure to fulfill any prerequisites stipulated in this Act.

b. The post of President or Vice President of the Commission shall be deemed vacant under the same circumstances where a member's post becomes vacant.

Filling a Vacancy

12. a. The opinion of the People's Majlis shall be sought as per Section 5(b), and Section 8(b), (c), 15 days prior to vacancy of the post of President or Vice-President or member of the Commission as per the circumstance stipulated in Section 11(a)(1).

b. When the post of President or Vice-President or member of the Commission becomes vacant under the circumstances stipulated in Section 11(a) (2), (3), (4), (5) and (6), the post shall be filled within 60 (Sixty) days from vacancy.

c. In accordance with subsection (a), the President of the Republic shall submit nominations for the office of the President, Vice President and Members of the Commission, 60 days prior to expiration of the term of office.

Responsibilities of the Members of the Commission

13. The responsibilities of the members of the Commission are as follows;

a. Attend all meetings of the Commission except for a clearly specified reason.

b. Undertake all assigned responsibilities except for a clearly specified reason.

- c. Conduct investigations and adopt appropriate measures.
- d. Maintain confidentiality of classified information.

Assumption of Office by the Members of the Commission

- 14.** The members of the Commission shall assume office upon taking, before the President of the Republic, the following oath:
- “I, ...(name of person)..., do swear in the name of Almighty Allah that I will obey the religion of Islam, that I will protect the Constitution of the Republic of Maldives and the fundamental rights of the Maldivian citizens, that I will discharge the responsibilities and duties as a Member of the Human Rights Commission of the Maldives fairly and justly, impartially and faithfully.”

Dismissal of Members

- 15. a.** The President of the Republic may dismiss members of the Commission and inform them of their dismissal in writing, upon submitting the matter to the People’s Majlis thereby seeking a two-third majority of the People’s Majlis, as stated in this Act, taking into account the following circumstances.

- 1.** Being declared bankrupt as per Shari’ ah.
- 2** Being unable to perform the duties and responsibilities of the Commission as a member; or being confronted with a situation whereby conflicts arise between undertaking the responsibilities of the Commission as a member and self-interest or personal gain.

- 3, Breaching the oath.
4. When the People's Majlis deems a member has caused disrepute by being convicted of an offence.
5. Being negligent and reckless in performing responsibilities of the Commission as a member.
- b. Notwithstanding subsection (a), when a matter on the dismissal of a member of the Commission is submitted to the People's Majlis, the President may on the advice of the People's Majlis temporarily suspend the member, should the act concerning the matter be deemed rectifiable, instead of dismissing the member from post.

Resignation

16. a. Should the President, Vice-President or a member of the Commission wish to resign, he/she may offer their resignation to the President of the Republic, in writing, specifying reasons to do so. However, he/she shall continue to perform their duties for 30 (thirty) days from the date of submitting resignation, or until the President accepts his/her resignation.
- b. When the President or Vice-President of the Commission resigns from office as per subsection (a), it shall not be deemed that they had resigned as a member of the Commission.

Remuneration

17. a. The People's Majlis shall determine the remuneration and other financial benefits offered to the President, Vice- President and members of the Commission.

- b. Remuneration and other financial benefits offered to the President, Vice- President or Members of the Commission shall not be reduced during their tenures.
- c. The Commission shall determine the remuneration and other financial benefits provided to the employees of the Commission.

Meetings of the Commission

18. A meeting of the Commission shall be held at least once a month.

Decisions of the Commission

19. Whilst making decisions in its own capacity, the Commission shall aim for unanimity. The decisions shall be based on the majority of the Commission where unanimity cannot be achieved.

Responsibilities of the Commission

20. The responsibilities of the Commission are as follows;

- a. When a person or an organisation or a representative acting on their behalf files a complaint alleging infringement of human rights or aiding and abetting such an act or should the Commission have reason to believe such an act was committed or is being committed, the Commission shall inquire into the matter; and the Commission shall also investigate complaints filed by a person or an organisation or a representative acting on their behalf, alleging negligence in taking appropriate measures, as per this Act, to check and prevent such an infringement.
- b. When the Commission deems an infringement of human rights was committed or is being committed

or should the Commission have reason to believe a person or a party has abetted such an act, and should the Commission deem negligence has occurred in taking appropriate measures to check and prevent such an infringement the Commission shall inquire into and investigate the matter as per this Act.

- c.** Inquire into and investigate complaints alleging infringement of human rights caused by administrative codes observed in the Maldives, and take appropriate measures as per this Act.
- d.** Inquire into complaints alleging infringement of human rights filed by a government authority or a private organisation to the Commission, and advice such authorities and organisations on the measures to be taken against such infringements.
- e.** Promote a high regard for human rights, and protect and sustain human rights in the Maldives.
- f.** Advice the government in the formulation of laws, regulations and administrative codes concerning the promotion of a high regard for human rights and the protection and sustenance of such rights.
- g.** Identify violations of human rights in laws, regulations, and administrative codes in the Maldives and to bring such violations to the government's attention.
- h.** Advice the government and make propositions on acceding and ratifying regional and international treaties and conventions regarding human rights.

- i.** Participate and assist in the formulation of international conventions on human rights.
- j.** Increase awareness on human rights and promote a high regard for human rights amongst the citizens of the Maldives and foreign nationals in the Maldives.
- k.** Carry out research on human rights.
- l.** Publicise propositions and recommendations of the Commission through the media on the protection of human rights.
- m.** Undertake additional tasks from those mentioned above to protect human rights.

Powers of the Commission

- 21.** The Commission possesses the following powers in undertaking its responsibilities;
- a.** When a person or an organisation or a representative acting on their behalf files a complaint alleging infringement of human rights or aiding and abetting such an act or should the Commission have reason to believe such an act was committed or is being committed, the Commission shall inquire into the matter; and the Commission shall also investigate complaints filed by a person or an organisation or a representative acting on their behalf, alleging negligence in taking appropriate measures, as per this Act, to check and prevent such an infringement.
 - b.** When the Commission deems an infringement of human rights was committed or should the Commission have reason to believe a person or a

party has abetted such an act, and should the Commission deem negligence has occurred in taking appropriate measures to check and prevent such an infringement the Commission shall inquire into and investigate the matter as per this Act.

- c.** The members of the Commission or persons assigned by the Commission accompanied by the members may without prior notice, inspect any premises where persons are detained under a judicial decision or a court order.
- d.** The Commission, during their inspections as per subsection (c), shall inquire whether infringements of human rights of the detainees have occurred, and review the well-being of the detainees and make recommendations to the relevant government authorities should they deem the amenities offered to them or the facilities of detention need improvement.
- e.** Inquire into complaints on infringement of human rights filed by individuals, government and private organisations or members of the Commission, and take appropriate measures.
- f.** Inquire into complaints on infringement of human rights filed against Government authorities or private organisations and inform the alleged parties of such complaints, and recommend appropriate measures to be taken.
- g.** Should a Judge or Chief Justice or Attorney General or claimant or defendant deem a human rights infringement has occurred or have reason to

believe such an infringement is foreseeable in an ongoing trial, and should the Judge or Chief Justice or Attorney General or the claimant or defendant file a complaint at the Commission, the Commission shall inquire into the matter and submit a report to the Chief Justice and the Judge presiding the trial.

- h.** Promote awareness on human rights by conducting seminars, workshops and other programs and carry out research and publish the findings openly.
- i.** Disseminate general information on human rights to the public, and make relevant publications.
- j.** Take necessary actions to undertake and facilitate the responsibilities of the Commission.

**Power to Inquire
and Investigate**

- 22. a.** The Commission possesses the power to inquire into and investigate complaints on infringement of human rights, or foreseeable infringements of human rights of a person or persons filed at the Commission by a person or persons, or a representative acting on their behalf.
- b.** The Commission is empowered to do the following with regard to an investigation:
 - 1.** Summon witnesses to the Commission and procure their statements.
 - 2.** Summon persons related to an ongoing investigation to the Commission and procure their statements.

3. Procure and examine relevant documents, when necessary, in an ongoing investigation.
 4. Should the Commission have reason to believe a party is capable of assisting the Commission in an ongoing investigation on particular areas, the Commission shall request specific information from such a party in writing.
 5. Should a government authority fail within the given period of time to provide information or submit a report requested by the Commission regarding a complaint filed at the Commission, the Commission shall inquire into the matter in its own capacity.
 6. Instruct a person being questioned by the Commission in an ongoing inquiry not to leave the Maldives except with the permission of the Commission.
 7. Conduct investigations in public or in closed sessions.
 8. Conduct investigations by a single member or a committee comprising members of the Commission.
 9. Procure evidence regarding an ongoing inquiry.
 10. Accept legal counsel.
- c. Any authority which detains a person as per the law or Shari'ah, shall assist the detainee to file a matter or a complaint at the Commission. Upon receipt of the matter or complaint, the authority shall deliver

it to the Commission, in a sealed envelope without any alterations and without disclosing its contents to any other party.

- d.** This Act does not permit a person who has lodged a complaint to be subjected to any form of harassment, intimidation, agony or any other repercussions.

**Assisting the Court
in an Ongoing Trial**

- 23. a.** Should the Commission receive information in relation to an infringement of human rights of a person in an ongoing trial, the Commission, with the permission of the presiding Judge of the trial, may submit the information to the court.
- b.** Unless the Judge permits the information to be shared as per subsection (a), the Commission shall not interfere with the proceedings of the trial in any manner.

**Actions to be Taken
upon Closing an
Inquiry**

- 24.** The Commission shall act as follows upon closing an inquiry.
 - a.** Should the Commission deem an infringement of human rights has taken place or negligence has occurred in taking appropriate measure to check and prevent such an infringement, and should the Commission believe a peaceful reconciliation can be achieved, the Commission shall, with the consent of both parties involved, seek an amicable solution.
 - b.** The Commission shall refer a matter to the court should the matter be of irreconcilable nature or

should the Commission fail to resolve it amicably.

- c. Provide the Commission's inquiry report to the complainant and provide a copy of the report to the respondent should the Commission decide the respondent is responsible for the matter.
- d. Provide the Commission's inquiry report to the relevant government authorities and make recommendations to the authorities on the appropriate measures to be taken to check and prevent such matters.

Right to be Heard

25.

The respondent is entitled to the right to be heard in a matter investigated by the Commission or to seek legal counsel to submit to the Commission the respondent's account of the matter or the respondent's actions in relation to the matter. Should the Commission fail to provide the aforesaid right to the respondent during the investigation; the Commission's decision will be void.

Obeying Orders

26.

- a. It is a duty of Maldivian citizens and persons within the jurisdiction of the Maldives as per the Constitution of the Republic of Maldives, to obey orders to summon to the Commission, or provide information or submit a document to the Commission or act or refrain from committing an act required by the Commission, in relation to the powers conferred through Commission's responsibilities.
- b. A person failing to obey an order as per subsection (a) or commits an act causing disrepute to the

Commission shall remain under house arrest for 3 (Three) months, and if the person is a government employee, the person shall be dismissed from employment.

Immunity

27. a. No criminal or civil suit shall be filed against the President or Vice- President or a member of the Commission in relation to committing or omitting an act in good faith whilst undertaking responsibilities of the commission or exercising the powers of the Commission or the powers conferred to the Commission by a law.
- b. The Commission can only be questioned or a suit can be filed against the Commission in court regarding a component in a report published by the Commission following an inquiry, should sufficient evidence be available to prove the component is false.

Refraining from Handling a Matter Involving Self-interest of a Member

28. A member shall not involve to any extent, in a matter concerning their self-interest, personal involvement, or financial or any other personal gain, when such a matter is being investigated or the outcome of the matter is being decided by the Commission. Furthermore, although a member does not possess prior knowledge of such self-interest, personal involvement, or financial or any other personal gain in relation to the matter investigated by the Commission, when the member becomes aware of the said connections and when the Chairperson has been informed, the member shall refrain from inquiring into the matter or in deciding its outcome.

Appointment of the Secretary General and Staff of the Commission

- 29.** a. The Commission shall appoint a Secretary General to administer the Commission, and the administration of the Commission shall be subject to regulations formulated by the Commission.
- b. The Commission is responsible for hiring employees to the Commission and dismissing employees from the Commission.

Financial Matters

- 30.** a. The state treasury shall provide the Commission the funds from the annual budget approved by the People's Majlis, essential to undertake the responsibilities of the Commission
- b. The Commission shall not utilise the financial assistance provided by persons or an organisation or a foreign government, for purposes except achieving the objectives of the Commission.
- c. A financial statement comprising the Commission's income, expenditure, assets and liabilities, audited and prepared in consultation with the Auditor General and in accordance with the regulations formulated by the Commission, shall be submitted to the President of the Republic and the People's Majlis along with the annual report stipulated in Section 32 of this Act.

Formulating Regulations

- 31.** The Commission shall formulate and enforce regulations necessary to implement this Act and set out standards by which the Commission investigates the matters as per this Act.

Annual Report

- 32.** a. The Commission shall prepare and submit its annual report before February 28th of every year to

the President of the Republic and the People's Majlis.

b. The annual report stipulated in subsection (a) shall contain the following:

1. Complaints filed at the Commission.

2. Cases decided by the Commission and the decisions of the Commission.

3. Cases in ongoing inquiries by the Commission.

4. Recommendations made to the government authorities on areas identified during the report's time frame, which need to be improved.

5. Recommendations adopted and abandoned by the Government authorities.

c. The Commission shall openly publish the annual report stipulated in subsection (a) within 14 (Fourteen) days of submitting the report to the President and the People's Majlis.

d. Notwithstanding subsection (a) when a special circumstance arises and should the Commission deem relevant, the Commission may submit a special report to the President and the People's Majlis accordingly.

Jurisdiction of the Commission

33. a. The Commission may inquire into a matter concerning an event that occurred prior to the enactment of this Act, if the event took place after 1st January 2000.

- b. Unless stated otherwise, the Commission shall only inquire into complaints that had occurred after the enactment of this Act, should the time period between the events complained of and filing of the complaint at the Commission have not exceeded a period of one year as per the Gregorian calendar.
- c. Notwithstanding subsections (a) and (b), this Act does not restrict the Commission from inquiring into a complaint where the Commission deems such a complaint is necessary to be investigated based on its nature and severity.

Composition of the Commission and Nominating Candidates for the Posts of President, Vice- President and Members

- 34. a. The Commission shall be established and the President, the Vice- President and members of the Commission shall be appointed to the Commission as per this Act, within 120 (Hundred and Twenty) days upon the enactment of this Act.
- b. To implement subsection (a);
 - 1. The names of the candidates proposed by the President of the Republic to become Members of the Commission shall be submitted to the People’s Majlis within 30 (Thirty) days from enactment of this Act.
 - 2. The President of the Republic shall propose names of candidates for the posts of President and Vice- President of the Commission, to the People’s Majlis, within 15 (Fifteen) days from the day the People’s Majlis informs the President of the Republic of their approval of the names of

candidates submitted as per subsection (1).

3. The People's Majlis shall make a decision on the candidates to be appointed as Members of the Commission and inform the President of the Republic of the decision within 30 (Thirty) days from the day the President proposes a name or names to the People's Majlis as per subsections (1), (2), and (4).
4. As per this Section, the President of the Republic shall propose a new name or names of candidates to the People's Majlis within 15 (Fifteen) days after the People's Majlis informs the President of their disapproval of previous names of candidates proposed by the President.
- c. The Chairperson, Vice-Chairperson and members of the Human Rights Commission of the Maldives holding office prior to the enactment of this Act, shall remain in office and discharge their duties until new members become appointed as per subsection (a), upon enactment of this Act.

Repeal

35. Upon enactment of this Act, Act No. 1/2005 (Human Rights Commission Act) will be repealed.

Interpretation

36. Unless the context otherwise requires in this Act;

Human Rights means the fundamental rights stipulated in the constitution of the Republic of Maldives and the rights not contradictory to the basic tenets of Islam, stipulated in international conventions and declarations, which the Maldives is a party to.

Chief Justice means the Chief Justice of the Maldives.

Auditor-General means the Auditor-General of the Maldives.

President of the Republic means the President of the Maldives.

International conventions and declarations which the Maldives is a party to means International conventions and declarations on protecting, promoting and sustaining human rights which the Maldives is obligated to by signature, accession and ratification.

Government means the government of the Republic of Maldives.

Commission means the Human Rights Commission of the Maldives.

Judge means the judges who preside and decide cases in courts.

Persons means citizens of the Maldives and foreign nationals within the jurisdiction of the Maldives as per the Constitution of the Republic of Maldives, and individuals, legal entities, associations, committees, government offices and authorities.