



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Second periodic report submitted by Maldives
under article 19 of the Convention, due in 2024^{*, **}**

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/MDV/QPR/2).



List of Abbreviations

| | |
|-----------------|--|
| AGO | Attorney General's Office |
| Anti-TIP Office | Anti-Trafficking in Persons Office |
| CSTI | Civil Service Training Institute |
| CSOs | Civil Society Organisations |
| DTRC | Drug Treatment and Rehabilitation Center |
| FPA | Family Protection Authority |
| HPSN | Home for People with Special Needs |
| HRCM | Human Rights Commission of the Maldives |
| ICS | Inspector of Correctional Service |
| MCS | Maldives Correctional Services |
| MPS | Maldives Police Service |
| MoHST | Ministry of Homeland Security and Technology |
| MoSFD | Ministry of Social and Family Development |
| NCTC | National Counter Terrorism Center |
| NDA | National Drug Agency |
| NIC | National Integrity Commission |
| NMIRF | National Mechanism for Implementation, Reporting and Follow-up |
| NPM | National Preventive Mechanism |
| OTJ | Ombudsperson's Office for Transitional Justice |
| PGO | Prosecutor General's Office |
| SOPs | Standard Operating Procedures |

I. Introduction

Methodology, Consultation and Information Dissemination

1. The Maldives is pleased to present the Second Periodic Report under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention”). This Report covers the progress and efforts undertaken by the State from December 2018 to January 2024 in implementing the Convention articles in the Maldives. This Report informs the Committee against Torture (“Committee”) on the implementation status of the recommendations issued in its Concluding Observations adopted in December 2018¹ following the consideration of the Maldives’ initial report, as well as the issues identified in the list of issues adopted by the Committee in December 2022².
2. This Report also responds to the issues notified to the Maldives by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, after his visit to the Maldives from 17 to 24 November 2019.
3. The Maldives ratified the Convention in 2004 and ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 2006, and subsequently the Human Rights Commission of the Maldives (“HRCM”) was designated as the National Preventive Mechanism (“NPM”) in 2007.
4. This Report is a product of extensive consultations and information gathering processes to ensure that a true picture of the efforts, gaps and limitations in relation to the implementation of the Convention obligations is portrayed.
5. This Report was formulated by the Maldives National Mechanism for Implementation, Reporting and Follow-up (“NMIRF”) established on 5 November 2020. The formulation of the Report was specifically undertaken by the CAT Subcommittee of the NMIRF, as one of the treaty-based subcommittees of the mechanism responsible for reporting and monitoring implementation of the recommendations under core human rights conventions the Maldives is party to. The CAT Subcommittee of the NMIRF is a specialised subcommittee led by the Ministry of Homeland Security and Technology (“MoHST”), comprising of all relevant Government and State stakeholders involved in the promotion and protection of the rights prescribed under the Convention. The Subcommittee worked in accordance with specific Standard Operating Procedures (“SOPs”) to ensure efficacy in delivering its mandated role. The Attorney General’s Office (“AGO”) manages the entire mechanism and acts as the secretariat of NMIRF. The CAT Subcommittee will carry out any subsequent work in relation to the review, including follow-up and monitoring of the implementation of the Concluding Observations.
6. All civil society organisations (“CSOs”) working for the protection and promotion of human rights in the Maldives were invited via public announcement and email, to provide their views on the Report and take part in a consultative meeting. Pre-drafting consultations were held with CSOs in November 2023.
7. Following the formulation of the final draft, the Report was submitted to the CAT Subcommittee of the NMIRF for a final validation, and further comments were sought from the HRCM and CSOs.
8. Educating the public and creating awareness on human rights is mandated to the HRCM by the Constitution of the Republic of Maldives (“Constitution”). State Party reports under the international human rights instruments and concluding observations are published on the HRCM’s website.
9. The NMIRF has also published the texts of the core human rights conventions and optional protocols that Maldives is party to, reports submitted by the Maldives under those conventions and concluding observations from relevant treaty bodies, on the website of AGO.

¹ CAT/C/MDV/CO/1.

² CAT/C/MDV/QPR/2.

Political Landscape and National Planning

10. The formulation of this Report coincided with a politically dynamic period in the Maldives, in the run-up to the Presidential Elections held in September 2023. The Maldives has made positive strides in its efforts to consolidate democracy over the past five years. As a result, the country continued to experience political stability and progress in areas of economic, social, civil and political rights. This also extended to reform in governance and the rule of law.

11. Unlike 2018, the 2023 Presidential Election was competitive by nature, with multiple candidates contesting in the first round. Extensive campaigns were carried out with pledges ranging from socio-economic development and prosperity to foreign policy with a special focus on resolving housing issues.

12. During the first round of elections held on 9 September 2023, His Excellency President Dr Mohamed Muizzu secured 46 percent of the votes, whereas the incumbent President Mr Ibrahim Mohamed Solih came in second with 39 percent. As no candidate managed to secure over 50 percent of the votes, a run-off was held on 30 September 2023, which President Dr Muizzu won with 54 percent of votes cast in his favour. Subsequently, President Dr Muizzu took his oath of Presidency on 17 November 2023.

13. Upon assuming office, His Excellency President Dr Muizzu unveiled his first 100-day Action Plan – “*Hafithaa 14*” (week 14) announcing eight key areas of priority for the Government, with the first being independence and sovereignty. The remaining pledges focus on the areas religion and nationalism; housing and infrastructural development; economy and environment; women, youth, technology and sports; wellness and a compassionate society; education and training; and government policies and legislative reform.

II. Replies to the list of issues prior to reporting (CAT/C/MDV/QPR/2)

Reply to paragraph 1 of the list of issues

14. As follow-up to the information provided by the Government of Maldives on 25 October 2019³ (“Government’s Follow-up Report”) in relation to the recommendations included in paragraphs 8 (a), 10 (a), 32 and 36 (a) and (b) of the previous concluding observations⁴, the Government wishes to note the following.

15. Act Number: 28/2020 (Transitional Justice Act) was enacted on 17 December 2020, establishing the Ombudsperson’s Office for Transitional Justice (“OTJ”), which was mandated to investigate and reveal systematic violations of human rights and fundamental freedoms perpetrated by State institutions or senior officials of State institutions between 1 January 1953 to 17 November 2018, and provide victims of such acts with justice. Further information on the functions of OTJ and results are detailed under paragraph 21 (Reply to paragraph 21 of the list of issues).

16. With regard to ensuring effective cooperation between police investigators and bodies charged with receiving complaints of torture, the Government notes that both the HRCM and the National Integrity Commission (“NIC”) are independent institutions, with no hierarchical connection whatsoever with the Maldives Police Service (“MPS”) or the Maldives Correctional Service (“MCS”). If the HRCM is investigating an alleged case of torture against a police officer, it is the Professional Standards Command of the MPS that will liaise with and provide information to the HRCM.

17. With regard to flogging, as noted in the Government’s Follow-up Report, flogging cannot be abolished without preceding domestic legislation from the Parliament. The move

³ See CAT/C/MDV/CO/1/Add.1.

⁴ CAT/C/MDV/CO/1, para. 47.

towards a new position must be constitutional and must reflect the wishes of the Maldivian people.

18. In relation to the recommendations of the Committee relating to prison reform, the Government is pleased to note that much work has been done to implement the recommendations in the Prisons Audit Report 2019, including to improve the material conditions in all places of deprivation of liberty, to reduce overcrowding and to align prison standards with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”). Details of work undertaken towards prison reform is provided in the relevant sections of this Report.

Reply to paragraph 2 of the list of issues

19. As noted in the Government’s Follow-up Report, the absolute prohibition of torture is enshrined in the Act Number: 13/2013 (Anti-Torture Act) and all acts of torture, as defined in Article 1 of the Convention, are punishable by appropriate penalties that take into account their grave nature. As such, Sections 23(a), (b), (c), (d) and (e) do not necessitate hospitalisation of the victim, and therefore imprisonment of the offender is not conditional upon injuries of victims being those which require a certain period of hospitalisation.

20. Government acknowledges that the phrasing of Section 23(f) needs to be amended to reflect that the penalty of 5 years will be added on to the respective punishment, offenders receive under Sections 23(a), (b), (c), (d) and (e) of the Act. However, Maldives wishes to clarify that even if Section 23(f) is as it is, it would be a stand-alone provision, and the other subsections of Section 23 creates appropriate penalties which is proportionate to the gravity of the offence of torture and does not condition punishments on the duration of the victim’s hospitalisation.

21. Furthermore, HRCM has proposed amendments to Sections 23(e) and (f) of the Act, to further ensure that the prescribed penalties for committing acts of torture correspond to the nature and severity of the torture inflicted onto the victim. In this regard, if the victim is a minor, this will be considered as an aggravating factor in determining the penalty.

22. AGO is currently working on reviewing the amendments proposed by HRCM and will update the Committee on the finalised amendments during the review.

23. With regard to steps taken to prevent acts amounting to torture from being subject to any statute of limitations, pardon, amnesty, or any other similar measures leading to impunity, Section 43 of the Anti-Torture Act bars individuals convicted for acts of torture from receiving a pardon under Act Number: 2/2010 (Clemency Act). This provision serves to emphasize the seriousness of the crime of torture and reflects the commitment to holding perpetrators accountable for their actions.

24. Even though there are no statute of limitation provisions specified under the Anti-Torture Act, Act Number: 9/2014 (Penal Code of the Maldives) stipulates a general limitation on raising criminal charges. As such, Section 61(a) of the Penal Code imposes a limitation of 8 years in cases of felonies and 3 years in cases of misdemeanours from the time of committing the crime. The Government will consider the Committee’s recommendation to amend the Penal Code in order to ensure that there is no statute of limitation for the crime of torture.

25. With regard to making changes to the Penal Code to allow for civil liability of the perpetrator in favour of the victim, even if the perpetrator has not been prosecuted or convicted, the Government will consider the Committee’s recommendation in amending the Anti-Torture Act.

Reply to paragraph 3 of the list of issues

26. The rights entitled by an individual at the point of arrest and upon detention is detailed both in the Constitution and respective laws such as Act Number 12/2016 (Criminal Procedure Act). In this regard, Article 48 of the Constitution affirms the right to be promptly

informed of the reasons for arrest; be informed of the same in writing within twenty-four hours of arrest; right to legal representation during arrest, investigation and trial; right to remain silent; and the right to have the legality of their arrest determined at a competent court of law within twenty-four hours of arrest. Additionally, Article 51 of the Constitution ensures that the person charged of a criminal offence is provided translation services, and Article 53 mandates the provision of State-funded legal aid to individuals charged of serious criminal offences, who are unable to afford it.

27. Similarly, Sections 42(a)(1) and Section 44 of the Criminal Procedure Act require that the detainee be informed of the reason for their arrest and the rights available to them during the detention. Further, Section 45(b) of the Act ensures that the information of any person detained within a police station or custodial jail are recorded, and under Section 46(b) of the Act, it is the legal right of a person in custody to have the opportunity to inform their legal counsel or their family member of the place where they are being detained at.

28. The most notable legislative measure taken by Maldives in aligning the criminal investigatory stage with protection of rights during the reporting period is the enactment of Act Number: 34/2020 (Maldives Police Service Act) on 27 December 2020. This Act overhauls the 2008 Police Act, introducing a number of much needed reforms to the governance of police. The new Act decentralises service provision, sets forth a human-rights centered policing approach and promotes professional standards within the police force. The Act itself entails the code of conduct to be adhered to by police officers. Regulation Number: 2022/R-140 (Regulation for the Procedures in Administration of Custodial Jails) has been published on 1 September 2022, which specifically states that everyone detained in a custodial jail must be afforded the services, allowances, protection and safety stated in the Regulation at all times, and that no inhumane acts or torture should be committed against such persons.

29. Any police officers in contravention of the code of conduct entailed in the Maldives Police Service Act or the Regulation, will be investigated and reprimanded in accordance with Chapter 16 of the Maldives Police Service Act.

30. In addition to the MPS, detention centres in the Maldives are administered by the MCS. MCS has formulated internal procedures to ensure that officials at the detention facilities are held accountable for any failure to observe the fundamental rights of the detainees.

31. MCS adheres to strict measures in this regard. Regulation Number: 2015/R-127 (Regulation on Treatment of Convicted Prisoners and Pre-trial Detainees) details out the procedures to be followed during the intake of a prisoner. As per the Regulation, the MCS must ensure, among other things, that all the necessary documents are in order, all the administrative procedures including information regarding the nature of detention are completed, a medical assessment has been conducted, the prisoner or detainee has been oriented to the rules and regulations of the prison, programmes to be completed by the prisoner or detainee while in detention have been decided and informed.

32. The Ethics and Professional Standards Unit at the MCS are mandated with investigating any violations of the rules and regulations to be adhered to by MCS officers. The Disciplinary Board further assess any violations and takes action against those found to have been in violation, including immediate suspension. The MCS officers have to abide by Regulation Number: 2015/R-133 (Code of Conduct of Officers) and Regulation Number: 2015/R-218 (Employment Regulation of MCS).

33. All attorneys representing a detainee or a prisoner are expected to register with the MCS and provide necessary documents for verification. This procedure has now been made available online to increase efficiency and convenience for legal representation. Attorney-client meetings can also be requested online, and these requests are attended to promptly. To ensure the efficiency of these meetings, 5 video conferencing rooms have been established in Maafushi Prison. Additionally, these facilities are also used to conduct online hearings which have accelerated court processes.

34. With regard to number of complaints received in relation to failure to respect fundamental legal safeguards, during the period between November 2018 and November

2023, HRCM received 93 complaints, out of which 37 were in relation to remand prisoners being held at police custodial instead of correctional facilities. 55 complaints were related to being held on remand for extended periods due to pending or prolonged trials. The remaining case is related to an allegation that the detainee's family was not informed of their arrest. The status of the complaints is detailed below:

| <i>Cases relating to Prolonged Remand</i> | |
|---|------------------------|
| <i>Status</i> | <i>Number of Cases</i> |
| Ongoing | 11 |
| Closed | 15 |
| Decision made to not investigate after preliminary assessment | 11 |
| <i>Cases relating to Pending or Prolonged Trials</i> | |
| <i>Status</i> | <i>Number of Cases</i> |
| Ongoing | 14 |
| Closed | 13 |
| Decision made to not investigate after preliminary assessment | 28 |

35. The Government notes that due to prolonged periods of trials, the remand units are overcrowded due to lack of space to house the increasing number of remand prisoners. As detailed below in this Report, the Government is working to build more units to address this issue. HRCM is also working with relevant stakeholders to address this issue on a systemic level. The Government has also carried out discussions with the Prosecutor General's Office ("PGO"), Department of Judicial Administration and relevant courts, in relation to the issue of pending or prolonged trials.

36. With regard to complaints received by the NIC, statistics indicate that during the period from November 2018 to September 2023, a total of 105 complaints were received. Out of those 105 complaints, 97 cases were identified as involving alleged acts of torture and ill treatment. Of these, 47 cases are currently under investigation, 46 cases were filed due to lack of evidence, 1 case was sent for disciplinary proceedings, 1 case was filed as MPS had already taken disciplinary action against the accused officers, 1 case was forwarded to the HRCM to be investigated under the Anti-Torture Act, and administrative recommendations were made to MPS in 1 case, but no direct action was taken against anyone as perpetrators were not identified.

37. The Inspector of Correctional Service ("ICS") also has a mandate to investigate complaints under the Prisons and Parole Act of the Maldives. The role of ICS is to investigate, monitor and recommend changes on the conditions and rights of prisoners identified during monitoring visits or upon complaints from prisoners. From 2019 to 2023, the ICS had received a total of 2098 complaints, out of which 17 were related to allegations of torture, which were forwarded to the HRCM for criminal investigation.

38. With regard to information on the development and implementation of a uniform record-keeping system of detention, under Section 52 of the Prisons and Parole Act of the Maldives, the Director of Prisons is obligated to ensure that all records of detainees held in jail are maintained. At present, MCS uses a stand-alone application in each prison, where information and data are stored and maintained throughout the incarceration of a prisoner. MCS is currently working to develop a software with specific features, which is currently in the tendering process.

39. MPS uses the Police Custodial Management System, which is integrated across the Maldives. The system consolidates information on all pre-trial detentions into one platform. Robust security measures are in place, with access levels and information protections tailored to individual needs, ensuring secure and protected management data of detained individuals.

40. With regard to the number of places of deprivation of liberty which have interrogation rooms with video monitoring systems, the Government notes that a needs assessment was conducted in 2021 to identify the requirement for video monitoring systems in Maafushi Prison. Subsequently, installation of video monitoring systems was divided into phases based on priority, and the identified top priority areas are now surveilled through these systems.

41. A total of 5 video conferencing rooms were established in Maafushi Prison, 3 in Malé Prison, and similar set ups have been established in Asseyri Prison and Hulhumalé. These rooms have been equipped with internet infrastructure and CCTV cameras. The Government notes that MCS does not conduct interrogation of prisoners, as they are not an investigating body. The video monitoring systems in the prisons managed by MCS are used for security purposes.

42. MCS conducted another needs assessment in 2023, which has identified issues with the existing monitoring systems and a solution report was produced at the end of the assessment. However, budgetary constraints have delayed the implementation of the recommendations in the report.

43. As for police custodial, 15 facilities including Malé Custodial and Dhoonidhoo Custodial have CCTV monitoring systems in place. Installation of CCTV monitoring systems in 3 additional facilities has been budgeted for this year.

44. With regard to the implementation and impact of the Maldives Police Service Strategic Plan 2019-2024, the Government informs that MPS is currently in the process of renewing its strategic plan. A comprehensive review is underway to assess the impact of the current Plan. Notable achievements include the enactment of the new Maldives Police Service Act, the subsequent establishment of the Police Board and the inauguration of the National College of Policing and Law Enforcement in Addu City. Furthermore, the Development of the Neighbourhood Policing Philosophy, the Enactment of the Women in Policing Network, and the establishment of the Cyber Policing Centre are significant milestones achieved in aligning the police service with contemporary needs.

45. Additional accomplishments include enhancing the investigation capacity of MPS, improving frontline services, and the noteworthy secondment of an MPS officer to the INTERPOL Headquarters in Lyon, France. These achievements have collectively contributed towards enabling the MPS to evolve, adapt, and enhance its capabilities in response to the dynamic challenges of law enforcement, ensuring overall effectiveness and professionalism of the police service in the Maldives.

46. With regard to the Legal Aid Bill, Government is currently reviewing the draft bill for policy alignment. Although the enactment of the law is still pending, AGO has been fulfilling the State's obligation to provide State-funded legal aid since 2009. As such, pursuant to Article 53(b) of the Constitution and Section 51(e) Criminal Procedure Act, AGO provides legal aid to those persons who have been accused in serious criminal cases and are unable to afford to engage a lawyer. Furthermore, pursuant to Section 50(b)(1) of Act Number: 18/2019 (Juvenile Justice Act) AGO also provides legal aid to those children who have been detained or arrested on suspicion of committing an offence, and are unable to engage a lawyer for any reason. AGO has revised and adopted Regulation Number: 2021/R-4 (Legal Aid Regulation) in 2021. From December 2018 to December 2023, State-funded legal aid has been provided to 624 persons and children.

Reply to paragraph 4 of the list of issues

47. Violence against women is criminalised under multiple laws, including the Penal Code of the Maldives, Act Number: 17/2014 (Sexual Offences Act) and Act Number: 17/2010 (Act on Prohibition of Threats and Use of Dangerous Weapons). Furthermore, Act Number: 3/2012 (Domestic Violence Prevention Act) is the legislative framework that prescribes measures for relief and protection of individuals from acts of violence occurring within a domestic setting, including physical, emotional, psychological, or economic abuse.

48. While there are no special protections specific for women or specific gender-based crimes stipulated under the Anti-Torture Act, it recognizes sexual, physical and mental

abuses and inhumane, degrading and ill-treatment and provides equal protection for all genders. Therefore, cases of violence against women involving actions and omissions of State authorities or other entities that bear the responsibilities under the Convention is covered through the Anti-Torture Act.

49. The Maldives holds that prevention is key to combatting all forms of violence against women, and as such, trainings for all relevant stakeholders are crucial to ensure compliance with the Convention. HRCM assumes a significant role in conducting relevant trainings to the staff of correctional facilities. Such trainings cover the Anti-Torture Act, Prisons and Parole Act of the Maldives, Juvenile Justice Act and Act Number:16/2014 (Prevention of Sexual Harassment and Abuse Act). The trainers ensure the incorporation of a gender specific perspective along with gender specific content while conducting these trainings.

50. Furthermore, MoHST, in collaboration with United Nations Office on Drugs and Crime, has translated the Nelson Mandela Rules into the local language, *Dhivehi*. All prison officers have been trained on these Rules, and they have been incorporated into recruitment training to ensure all new recruits are well-versed with the Rules as well.

51. The Government also notes that the Family Protection Authority (“FPA”) in 2022, has compiled SOPs for the operation of the new Domestic Violence Shelters, along with a monitoring and evaluation framework and a manual to train the staff working at these shelters.

52. To support inter-sectoral coordination, FPA also facilitates coordination meetings and case conferences to discuss solutions to the challenges faced by institutions while working on cases of domestic violence.

53. The Ministry of Social and Family Development (“MoSFD”) and the United Nations Population Fund are currently collaborating to develop a comprehensive reporting and referral pathway for gender-based violence, with the support from FPA. A perpetrator rehabilitation programme was designed in 2022, along with a treatment manual outlining the programme and an action plan to compliment to the programme, in order to ensure effective implementation. Plans are also underway to review the existing ‘Procedure Manual on Delivery of Services’ used by MoSFD and to develop a comprehensive procedure manual on responding to cases of gender-based violence and domestic violence.

54. Furthermore, in collaboration with the MPS, a capacity building training has been conducted for 151 First Responders of MPS on domestic violence prevention and response. During the training, interactive sessions were conducted on the Domestic Violence Prevention Act, value clarification and communication with survivors. Additionally, MPS has conducted a session on the police regulations and SOPs for domestic violence cases.

55. With regard to discriminatory provisions governing evidentiary burdens in cases in which men are accused of rape, Government wishes to clarify the relevant legislative provisions to the Committee.

56. Section 52(a) of the Sexual Offences Act and Section 47 of Act Number: 12/2009 (Special Provisions Act to Deal with Child Sex Abuse Offenders Act), recognises at least 5 (five) types of evidence stipulated in the respective sections as sufficient to establish definitive culpability for offences mentioned in the Acts. In other words, it is not mandatory for the prosecution to admit all the different types of evidence stated in the law in order to establish guilt.

57. The evidentiary burden stated in Section 47 of the Special Provisions Act to Deal with Child Sex Abuse Offenders Act was the subject of discussion at recent cases at the Supreme Court of the Maldives. In the first case decided in 2020,⁵ the Supreme Court decided that Section 47 of the Act, in providing a range of admissible evidence, purports to offer flexibility in overcoming the threshold to establish culpability. As such, the Court was of the opinion that the evidence requirements stated in Subsections (f), (g) and (l) are intended as avenues for the judge to corroborate the statement of the victim. This was further elaborated by the Supreme Court in a more recent case decided in 2021.⁶ The Court reiterated that the statement

⁵ State v. Ali Shah 2017/SC-A/16, paras 14-15.

⁶ Mohamed Muneer v Prosecutor General’s Office [2021] SC 02, paras 15-16.

of the victim is the primary evidence in such cases and that admitting evidence corroborating such a statement is sufficient to satisfy the burden of proof for conviction. Further, in the same case, the Supreme Court also decided that the mere absence of five types of evidence would not hinder a conviction under Article 51 (h) of the Constitution, provided there is substantial supporting evidence.⁷

58. These two provisions in the Sexual Offences Act and the Special Provisions Act to Deal with Child Sex Abuse Offenders are misinterpreted sometimes while considering the evidentiary requirements for cases of sexual violence, as some of the judges are unfamiliar that a conviction can be still achieved based on supported evidence even when five types of evidence are not available. Thus, the Government is fully committed to conducting training sessions for the judges in order to avoid the misinterpretation of these provisions.

59. Furthermore, the Government wishes to inform the Committee that Section 53 of the Sexual Offences Act has been amended through the First Amendment to the Sexual Offences Act enacted on 6 December 2021. The Amendment effectively repeals Subsections (a), (b), (c), (d) and (e) of Section 53 which covered certain circumstances that can be invoked against the victim to negate the accusations of sexual violence. As a result of the aforementioned Amendment, in order to negate guilt, the defendant will now be required to prove that either the facts stated in the victim's statement are inconsistent in itself or that the facts are unsupported in witness accounts.

60. With regard to protection and support services, as well as provision of redress for victims of gender-based violence, including domestic violence, the Government wishes to note the following.

61. Act Number: 18/2016 (Gender Equality Act) was enacted on 23rd August 2016, which prohibits discrimination on the basis of gender and promotes gender equality in all aspects of public and family life. A historic law, long-awaited by the women's movement, the Act outlines explicit duties and responsibilities on State and private parties, prohibits victimization and introduces remedies for gender-based discrimination. The Act also explicitly demarcates violence against women as gender-based violence and obliges public and private institutions to establish specific complaints mechanisms to address workplace gender-based discrimination.

62. The Maldives acknowledges the gaps in the implementation of the Gender Equality Act. To eliminate these, gender equality has been reinstated as a key focus of national development. A Gender Equality Policy was adopted in September 2019, which forms the basis of the Gender Equality Action Plan (2022-2026), which was adopted in 2020.

63. The legal redresses available for victims of domestic violence are detailed in the Domestic Violence Prevention Act. These include the provision of protection orders under Chapters 7 and 8 of the Act. MPS has the power to arrest any person in violation of a protection order issued by the Family Court.

64. Section 6 of the Domestic Violence Prevention Act addresses the nature of the offence of domestic violence in relation to both civil and criminal liability. In that regard, Section 6 states that any act prescribed as an act of domestic violence under the Act shall carry both civil liability and be a criminal offence liable for criminal prosecution. Further, Section 7 of the Act reinforces this dual culpability by stating that criminal liability and conviction under another Act for acts of domestic violence under the Act shall not bar implementation of other (civil) measures prescribed in the Act. Section 7(b) also emphasises that the provisions of the Act shall apply regardless of the perpetrator being subjected to criminal conviction under a different legislation, as long as the victim and the perpetrator are bound by a domestic relationship as stipulated in the Act. In other words, the relief orders for protection and civil liability of the perpetrator can be sought even though criminal charges have not been raised under other laws.

65. In addition to the civil redress mechanism available for victims of gender-based violence, FPA offers counselling services free of charge for victims of domestic violence through a third party. These services were inaugurated in 2022 and a total of 54 referrals were

⁷ Mohamed Muneer v Prosecutor General's Office [2021] SC 02, para 56.

received for counselling services. Similarly, in August 2023, FPA started offering free legal aid services to victims of domestic violence who lack the financial capacity to afford the legal process. Prior to this, clients were referred to the National Centre for Mental Health for psychological services and to local CSOs providing pro bono legal services for legal aid.

66. Additionally, the Victim Support Department of MPS provides the victims with psychosocial support during the investigation stage. During the prosecution stage, PGO informs the victims of their rights and provides regular case updates. PGO also assist victims during court testimonies, including ensuring that the testimony is taken in a separate room from the defendant. PGO also aids victims to understand the intricacies of the legal court proceedings.

67. The Government is pleased to inform that the MoFSD has established domestic violence shelters and a designated helpline for reporting. The table below shows the number of occupants at the shelters.

| | <i>Clients (Over 18)</i> | | <i>Clients (Under 18)</i> | |
|--------------------------------|--------------------------|---------------|---------------------------|---------------|
| | <i>Male</i> | <i>Female</i> | <i>Male</i> | <i>Female</i> |
| Vilimalé Social Service Centre | - | 2 | - | |
| Amaan Hiya in G.Dh. Atoll | 1 | 2 | 1 | 2 |

68. With regard to statistical data on the number of complaints of gender-based violence, the following table shows the data recorded by the MoSFD, based on the complaints received by the Ministry:

| | <i>2018</i> | <i>2019</i> | <i>2020</i> | <i>2021</i> | <i>2022</i> | <i>2023</i> |
|------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No: of Complains | 155 | 71 | 175 | 279 | 263 | 240 |

69. The following tables detail the number of gender-based violence cases reported to MPS, and the status of investigations, prosecutions, convictions and sentences resulting from those complaints for the period between 1 November 2018 to 30 September 2023.

| | <i>2018</i> | | | | <i>2019</i> | | | | <i>2020</i> | | | |
|-------------------------------|-----------------|---------------------|-------------------|------------------|-----------------|---------------------|-------------------|------------------|-----------------|---------------------|-------------------|------------------|
| | <i>Reported</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> | <i>Reported</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> | <i>Reported</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> |
| <i>Case Type</i> | | | | | | | | | | | | |
| Bullying | 1 | - | - | - | 21 | 9 | - | - | 5 | 2 | - | - |
| Child Labour | - | - | - | - | 1 | - | - | - | 2 | - | - | - |
| Neglect | 9 | - | - | - | 15 | 4 | - | - | 7 | 9 | - | - |
| Other Crimes against Children | 31 | - | - | - | 179 | - | - | - | 194 | - | - | - |
| Grooming | - | - | - | - | - | - | - | - | - | - | - | - |
| Domestic Violence | 80 | 28 | 1 | - | 594 | 219 | 5 | 10 | 599 | 245 | 3 | 9 |
| Human Trafficking | - | - | - | - | 28 | 24 | 1 | - | - | - | - | - |
| Sexual Harassment | 5 | 2 | - | - | 70 | 38 | 2 | 3 | 121 | 69 | 3 | - |
| Sexual Offences | 29 | 10 | - | - | 216 | 122 | 10 | 8 | 176 | 101 | 5 | 5 |
| Rape | 2 | 2 | - | - | 9 | 6 | - | - | 14 | 14 | 1 | - |
| Sexual Assault | 52 | 38 | 1 | 3 | 343 | 246 | 6 | 31 | 436 | 342 | 7 | 32 |

| <i>Case Type</i> | <i>2021</i> | | | <i>2022</i> | | | <i>2023</i> | | | | | |
|-------------------------------|---------------------|-------------------|------------------|---------------------|-------------------|------------------|---------------------|-------------------|------------------|---------------------|-------------------|------------------|
| | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> | <i>Investigated</i> | <i>Prosecuted</i> | <i>Sentenced</i> |
| Bullying | 7 | - | - | 7 | - | - | 7 | - | - | 7 | - | - |
| Child Labour | - | - | - | - | - | - | - | - | - | - | - | - |
| Neglect | 2 | - | - | 2 | - | - | 2 | - | - | 2 | - | - |
| Other Crimes against Children | - | 2 | 2 | - | 2 | 2 | - | 2 | 2 | - | 2 | - |
| Grooming | - | - | - | - | - | - | - | - | - | - | - | - |
| Domestic Violence | 273 | 6 | 3 | 273 | 6 | 3 | 273 | 6 | 3 | 273 | 6 | 9 |
| Human Trafficking | 1 | - | - | 1 | - | - | 1 | - | - | 1 | - | - |
| Sexual Harassment | 46 | 1 | 1 | 46 | 1 | 1 | 46 | 1 | 1 | 46 | 1 | - |
| Sexual Offences | 65 | 2 | 11 | 65 | 2 | 11 | 65 | 2 | 11 | 65 | 2 | 5 |
| Rape | 9 | - | - | 9 | - | - | 9 | - | - | 9 | - | - |
| Sexual Assault | 286 | 10 | 12 | 286 | 10 | 12 | 286 | 10 | 12 | 286 | 10 | 32 |

70. In 2022, FPA documented 720 cases of domestic violence. 384 cases of these cases were reported to FPA from MPS, among which 258 of the victims were women. The latest information provided by PGO indicates that a total of 32 cases were submitted for duty prosecution. Out of these, 12 cases were submitted to the court, resulting in 3 convictions and 3 acquittals.

71. With regard to information on training programmes conducted relating to investigation of gender-based violence cases, Government reports that several trainings were conducted by MPS between the years 2018-2023, which covered areas such as child protection, exploitation, violence against children, gender-based violence, domestic violence, crimes committed by children in conflict with the law and cybercrime, to strengthen the investigation and enhance the efficiency of law enforcement officers.

72. Trainings for police officers and/or investigative officers working in different locations on the following issues:

- (a) Campaign against cyber bullying and blackmailing;
- (b) Child safe tourism (Kaafu, Alif and Vaavu Atoll);
- (c) Sensitization on child rights and child protection (Addu City, Fuvahmulah City, and in the atolls Laamu, Thaa, Gaafu Alifu, Gaafu Dhaalu, Haa Alifu, Haa Dhaalu, Shaviyani, Baa, Lhaviyani, Noonu, Raa, Kaafu, Vaavu, Alifu Dhaalu, Meemu, Faafu and Dhaalu);
- (d) Ways to approach abuse related issues in the islands;
- (e) Cases related to child abuse and relevant laws and regulations in the area (Malé, Addu City, Fuvahmulah City, Kulhudhufushi City, and in the atolls Gaafu Alifu, Gaafu Dhaalu, Baa, Lhaviyani, Raa, Noonu, Kaafu and Alif Dhaalu);
- (f) Victim-centred approach to child exploitation investigation;
- (g) Use of INTERPOL technology and database in cases on child sexual exploitation;
- (h) Investigation of online child sexual abuse and exploitation;
- (i) Unmasking the threats of synthetic media, deep fake voice and text synthesis by INTERPOL;

- (j) Awareness session on deep fake products, how it is made, used and how to detect it;
- (k) Gender-based violence in emergencies;
- (l) Crime statistics from a gender perspective;
- (m) Gender equitable guideline;
- (n) Juvenile justice and laws related to juvenile justice;
- (o) Improving efficiency in investigation of cases relating to gender-based violence and violence against children (Dhaalu Atoll and Addu City).

73. Furthermore, trainings were conducted for community social groups on mainstreaming gender in planning projects and to approach and help vulnerable families. Awareness sessions were also conducted for parents, teachers and students on the following issues:

- (a) Juvenile offences for parents and children;
- (b) Parenting types and juvenile offences, anti-bullying and laws on child protection (Addu City, Fuahmulah City, and in the atolls Alif, Haa Alif, Noonu and Gaafu);
- (c) Ethics and values, juvenile safety, cyber safety, antisocial behaviour, traffic education (Schools in Thaa, Noonu, Gaafu Dhaalu, Seenu Atolls and Arabiyya School in Malé);
- (d) Abuse prevention, laws on juvenile justice and child rights protection for parents and teachers (Alif, Alif Dhaalu, Laamu, and Thaa Atolls).

74. Training sessions have also been conducted for Atoll representatives and local tourism representatives on measures to be taken to protect children from harm that may be caused by local tourism.

75. Additional measures taken to strengthen training programmes on the investigation and prosecution of gender-based violence includes carrying out a rapid assessment to understand the perpetrators of sexual abuse of children and the risk factors that trigger the stimulation to sexually abused children in the Maldives.

76. To enhance training programmes related to the investigation of gender-based violence cases, specialized prosecutors have conducted comprehensive sessions on improving effectiveness of such investigations. In instances where a gender-based violence case is linked to a domestic relationship, it falls within the jurisdiction of the Family Crimes Unit at PGO. If there is no domestic relationship between the abuser and the victim, the case is handled by the General Crimes Unit of PGO. However, the assignment of cases is also influenced by the severity of the injury; for example, cases involving grievous bodily harm are directed to the Major Crimes Unit. These units are specialised to handle gender-based violence cases, with dedicated prosecutors overseeing these matters.

77. Furthermore, in cases of gender-based violence, MoSFD prepares a social status assessment report on the victim, which encompasses details about the victim's living situation and social conditions. The MPS also prepares a psychological assessment report on the victim, evaluating their mental well-being and the specific nature of symptoms exhibited by the victim. These reports serve as evidence for the indictment of gender-based violence cases and therefore, specialised prosecutors conduct monthly training sessions, which was initiated in 2023, to educate caseworkers on how to enhance these reports for more effective prosecution.

78. As for judicial officials, the Judicial Academy is mandated with developing and implementing professional development and training activities for the judges, the members of the Judicial Service Commission and staff of the Judiciary. In recent years, the Judicial Academy has actively sought to strengthen its function. In this regard, a review of the Judicial Academy's structure and staffing was undertaken and a new strategic framework was developed to guide its work so that it focusses explicitly on the quality of the service it provides, to become more needs driven and to strengthen its focus on results. The Judicial

Academy is supported by an Advisory Board providing strategic direction and technical assistance where needed.

79. With regard to resources allocated to the implementation of the Maldives Domestic Violence Prevention Strategic Plan 2017–2021 and the Maldives Domestic Violence Prevention National Action Plan 2018–2023, the Government notes that the following amounts were spent from 2017 – 2021.

| <i>Year</i> | <i>MVR</i> | <i>USD equivalent</i> |
|-------------|---------------|-----------------------|
| 2017 | MVR 430 000 | USD 27 922 |
| 2018 | MVR 310 000 | USD 20 129 |
| 2019 | MVR 1 210 000 | USD 78 571 |
| 2020 | MVR 150 000 | USD 9 740 |
| 2021 | MVR 1 215 000 | USD 78 896 |
| 2022 | MVR 1 634 335 | USD 105 988.00 |
| 2023 | MVR 2 350 160 | USD 152 410.00 |

80. A resource budget of MVR 5,500,000 (US 356,680) has been set for the years 2023–2027. These are approximate amounts factoring in expenditures on all related trainings, meetings, travels, social development programmes and consultancies.

Reply to paragraph 5 of the list of issues

81. The following table details the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons from the year 2018 to 2023.

| <i>Year</i> | <i>Victim Type</i> | <i>Exploitation</i> | <i>Nationality</i> | <i>Age</i> | <i>Sex</i> | <i>Status</i> | <i>Sentence</i> |
|-------------|--------------------|------------------------|--------------------|------------|------------|---------------|-----------------|
| 2018 | No cases reported | | | | | | |
| 2019 | Actual Victim | Sexual Exploitation | Bangladesh | 24 | Female | Prosecuted | 10-12y |
| | Actual Victim | Trafficking of a child | Maldivian | | Female | On-going | |
| 2020 | Actual Victim | Forced Labour | Bangladesh | 38 | Male | Prosecuted | Trial ongoing |
| | Actual Victim | Forced Labour | Bangladesh | 41 | Male | | |
| 2021 | Actual Victim | Sexual Exploitation | Thailand | 22 | Female | Prosecuted | Trial ongoing |
| | Actual Victim | Sexual Exploitation | Thailand | 38 | Female | | |
| | Actual Victim | Sexual Exploitation | Thailand | 41 | Female | | |
| | Potential Victim | N/A | Bangladesh | 27 | Male | Closed | |
| | Potential Victim | N/A | Bangladesh | 38 | Male | | |
| | Potential Victim | N/A | Bangladesh | 40 | Male | | |

| <i>Year</i> | <i>Victim Type</i> | <i>Exploitation</i> | <i>Nationality</i> | <i>Age</i> | <i>Sex</i> | <i>Status</i> | <i>Sentence</i> |
|-------------|--------------------|---------------------|--------------------|------------|------------|---------------------|-----------------|
| 2022 | Potential Victim | N/A | Thailand | 33 | Female | Closed | |
| | Actual Victim | Sexual Exploitation | Thailand | 29 | Female | Prosecuted | Trial ongoing |
| | Actual Victim | Sexual Exploitation | Thailand | 30 | Female | | |
| | Potential Victim | Sexual Exploitation | India | 25 | Female | Closed | |
| 2023 | Potential Victim | N/A | Bangladesh | 42 | Male | Closed | |
| | Potential Victim | Forced Labour | India | 20 | Female | Closed | |
| | Potential Victim | Sexual Exploitation | Uzbekistan | 27 | Female | Closed | |
| | Potential Victim | Forced Labour | India | 25 | Male | Closed | |
| | Potential Victim | Forced Labour | India | 27 | Male | | |
| | Potential Victim | Forced Labour | India | 32 | Male | | |
| | Potential Victim | Forced Labour | India | 37 | Male | | |
| | Potential Victim | Sexual Exploitation | Nepal | 20 | Female | Under Investigation | |
| | Actual Victim | Forced Labour | India | 26 | Female | Under Investigation | |

82. Anti-Trafficking in Persons Office (“Anti-TIP Office”) identified two female nationals of Thailand as victims of human trafficking in the year 2022. Additionally, in 2023, three female victims from India, Kazakhstan and Thailand were identified as victims of human trafficking and assistance was provided to the victims.

83. As for provision of redress for victims, the Anti-TIP Office has identified and attended to 6 victims so far and have provided them with shelter, medical assistance and support throughout their stay at the shelter. These victims have been safely sent back to their respective countries.

84. With regard to measures taken by the Maldives to prevent trafficking in persons, including trafficking for the purposes of forced labour and sexual exploitation, the Government notes that Act Number: 12/2013 (Anti-Human Trafficking Act) was amended twice during the reporting period – first in 2020, to streamline the Steering Committee established under the Act and second in 2021, to align the definition of human trafficking with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Second Amendment to the Anti-Human Trafficking Act also introduced provisions which criminalize internal and cross-border child trafficking for exploitative purposes.

85. Despite the challenges of the pandemic, in 2020, the Government undertook a number of key initiatives in prevention of human-trafficking, notably, establishment of the Anti-TIP Office and allocation of funds from the State budget for anti-human trafficking activities. A temporary victim shelter was set up in the island of Gulhifalhu in Kaafu Atoll during the

COVID-19 pandemic. However, this shelter is currently not in operation for various reasons of unsuitability, including lack of convenient transportation to the island, unavailability of medical facilities and challenges in ensuring safety of victims. Therefore, the Government has established a new shelter in the island of Himmafushi in Kaafu Atoll for victims of trafficking.

86. Additionally, with the assistance from International Organisation for Migration, a Victim Assistance and Shelter Service Regulation has been drafted and is currently in the review process. Furthermore, Victim Identification Guideline has been gazetted in 2016 and currently, discussions are underway with the Regional Support Office of the Bali Process, to draft SOPs for victim identification and referrals. It is expected that these SOPs will be finalized this year.

87. The Government continues to take concrete measures to implement the Maldives National Anti-Human Trafficking Action Plan (2020-2022)⁸. The plan was endorsed in February 2020 by the then Cabinet. However, due to the challenges posed by the COVID-19 pandemic, the Plan was forwarded to 2023. It is currently being implemented and monitored by the Anti-TIP Office. The Plan carried forward unfinished tasks and activities of the previous National Action Plan (2015-2019). The new plan also signifies a greater commitment to transparency, progress-reporting, information-sharing, engagement with international partners and awareness-spreading.

88. The Government is currently in the process of reconvening the National Anti-Human Trafficking Steering Committee in the coming months. Once the Steering Committee is operational, Government hopes to re-start the efforts to conduct a baseline study to understand the root causes of trafficking and the extent of its existence in our communities. The Anti-TIP Office is also working with the International Organisation for Migration on a series of activities. In 2023, Anti-Tip Office in collaboration with MPS and Maldives Immigration conducted a workshop on human trafficking to government stakeholders, CSOs and media partners. Additional activities such as conducting refresher training-of-trainer sessions for the Anti-Tip Office, MPS and Maldives Immigration, organization of workshops and language training for frontline officers are in the pipeline.

Reply to paragraphs 6, 7 & 8 of the list of issues

89. The limited resource envelope of Maldivian authorities greatly hinders the Maldives' ability to undertake any obligations relating to refugees, asylum seekers and persons rendered stateless. The Maldives is not a party to the 1951 Convention relating to the Status of Refugees or the 1966 Protocol relating to the Status of Refugees. There are no existing mechanisms within the Maldivian law to cater for the accepting of refugees.

90. In terms of practice, cases are dealt with by the Ministry of Foreign Affairs in an ad-hoc manner with due regard to domestic law and treaty obligations, and in coordination with respective agencies such as the President's Office and the Maldives Immigration.

91. As such, the Ministry of Foreign Affairs has attended to cases of persons who have transited in the Maldives or become stranded in the Maldives due to adverse political conditions in their nations of origin. In some cases, the Ministry has received requests from their respective embassies, international organizations as well as third countries, to assist these persons in various ways, until such time when they are able to return home or are able to acquire visas from other countries. Assistance sought typically includes, special consideration visas, accommodation, stipends, temporary employment among other things. Maldives Immigration has aided in some cases by extending Tourist Visas and in other cases by granting Special Visas pursuant to the powers of the Controller of Immigration.

92. The Government assures the Committee that Maldives fully respects the principle of non-refoulement in practice and complies with its international and national obligations to that end.

⁸ <https://www.gov.mv/dv/files/maldives-national-anti-human-trafficking-action-plan-2020-2022.pdf>.

93. The Anti-Torture Act incorporates Article 3 of the Convention, whereby Section 42 prohibits the extradition of a person from the Maldives to another country or returning to the person's native country, if there are substantial grounds for the relevant Government authorities to believe on the basis of reasonable proof or evidence that they would be in danger of being subjected to torture. Furthermore, Section 41 of the Act states that, in cases where extradition or exchange of convicted person to another country is governed by a treaty, obligation to prevent torture and any other inhuman or degrading punishment under international conventions may be implied in the treaty, in the absence of such an express provision thereto.

94. Both Act Number: 1/2015 (Extradition Act) and Act Number: 38/2014 (Transfer of Prisoners Act) also prohibit repatriation of a foreign national if it would put them at risk of torture, and/or any other inhumane or degrading conduct.

95. In the absence of legal frameworks and resources to deal with refugees, asylum seekers and persons rendered stateless, the Government carries out third party resettlements. As such, 2 successful third country resettlement processes have been carried out so far with the assistance of the UN High Commissioner for Refugees and the International Organisation for Migration.

96. As noted above, the Maldives does not extend asylum provisions to individuals. However, with regard to individuals facing expulsion, return, or extradition, all decisions relating to expulsion, return or deportation can be submitted for judicial review, and they are assessed on an individual basis.

97. The Constitution guarantees the right to redress, as outlined in Article 65, which stipulates that anyone whose rights or freedoms, as guaranteed by this Chapter, have been infringed or denied, may apply to a court to obtain a just remedy. Furthermore, the Extradition Act mandates that all decisions for extradition made by the Prosecutor General have to be submitted to the High Court of the Maldives for an order to arrest the person in order to proceed with extradition. The High Court has the power to overturn a decision for extradition made by the Prosecutor General. Any decision made by the High Court can be appealed to the Supreme Court within 30 days of such a decision. If an appeal has been lodged, extradition will not be carried out until a final decision is made by the Supreme Court.

98. Information on the number of persons who have been returned, extradited or expelled during the reporting period are provided in the table below.

| <i>Action</i> | <i>2018/2019</i> | <i>2020</i> | <i>2021</i> | <i>2022/2023</i> |
|---------------|------------------|-------------|-------------|------------------|
| Deported | 274 | 285 | 275 | 1 193 |
| Returned | 935 | 249 | 542 | 797 |

99. With regard to grounds on which they were sent back, the Government wishes to inform that deportation or return is carried out when there is a violation of Act Number: 1/2007 (Immigration Act of the Maldives). As such, under Section 8 of the Act, Controller General of Immigration has the discretion to refuse entry to foreign nationals who: (i) are unable to prove that they have sufficient funds for daily subsistence and accommodation for their period of stay in the Maldives or are unable to prove employment or the existence of an employment contract in the Maldives; (ii) have been afflicted with a dangerous contagious disease that may be of risk to public health, or are considered to have any other dangerous diseases; (iii) are on the run from justice in another country; (iv) commit or who may commit acts which disrupts the social or religious harmony of the Maldives, (v) commit or who may commit acts against the Maldivian State; (vi) are members of terrorist organizations, or are suspected of any associations with terrorist organizations, or are believed to be terrorists based on information received; and (vii) may be considered to pose a threat to the safety and security of the nation.

100. Furthermore, foreign nationals who overstay their permit to remain in the Maldives are subject to deportation.

101. The Government notes that while there are no mechanisms in place to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation, a person will not be subject to deportation in line with the principle of non-refoulement.

Reply to paragraph 9 of the list of issues

102. As informed through the Maldives' initial report, Article 5 of the Convention has been incorporated to the Anti-Torture Act. No further legislation has been enacted in relation to it during the reporting period.

103. With regard to extradition treaties, the Maldives has an existing extradition agreement with Sri Lanka, which was signed in 1981. However, in light of the numerous constitutional amendments in both countries, work is underway to enter into a new agreement.

104. As the Extradition Act does not make extradition conditional on the existence of an extradition agreement or treaty, the Convention may be invoked as a legal basis for extradition when the Maldives receives an extradition request from a State with which it has no extradition agreement or treaty. However, in the absence of an extradition agreement or treaty, the Act does mandate the Minister of Foreign Affairs to declare and publish in the gazette, countries to which persons can be extradited to from the Maldives.

105. The Maldives and India signed the Treaty on Mutual Legal Assistance in Criminal Matters on 3 September 2019. At the request of Government of India, information has been shared regarding an ongoing case, which is not related to torture or ill-treatment.

Reply to paragraph 10 of the list of issues

106. The Maldives is pleased to report that provisions under the Convention as well as other crucial instruments related to torture prevention, such as the Nelson Mandela Rules, are an integral part of the curriculum used to conduct initial recruitment trainings as well as other refresher trainings for prison staff and police officers.

107. The NPM in their periodic visits to places of deprivation liberty has observed that the State authorities provide training to staff of correctional facilities and police officers regarding standards and laws such as Anti-Torture Act, Prisons and Parole Act of the Maldives, Juvenile Justice Act, and Prevention of Sexual Harassment and Abuse Act, which are relevant to torture prevention.

108. HRCM has also launched an online course on the Anti-Torture Act in 2021 targeted to staff of MCS, MPS and MoSFD. Although the course was launched as an online tool, due to limited resources in some of the facilities, HRCM has subsequently begun to conduct sessions in-person for staff working in State-care facilities under MoSFD.

109. Additionally, the Civil Service Training Institute ("CSTI") has included a session on human rights in their induction programme conducted to new civil servants. HRCM facilitates this session regularly upon request from CSTI. Furthermore, HRCM now includes healthcare professionals in the sessions conducted on anti-torture for State institutions since 2022. Under this initiative, a session on medico-legal reporting was conducted to staff of tertiary and regional hospitals in collaboration with Indhira Gandhi Memorial Hospital.

110. The table below shows data on trainings conducted for law enforcement personnel, civil or military, medical personnel, public officials and other relevant authorities dealing with persons deprived of their liberty by the HRCM.

| <i>Year</i> | <i>Target Institution</i> | <i>Details</i> | <i>No: of Participants</i> |
|-------------|---------------------------|---|--------------------------------|
| 2019 | MCS | Two training sessions were conducted for staff of Maafushi Prison on Introduction to Human Rights, Universal Declaration of Human Rights, Chapter II of the Constitution, and the Anti-Torture Act. | 79 |

| <i>Year</i> | <i>Target Institution</i> | <i>Details</i> | <i>No: of Participants</i> |
|-------------|---------------------------|--|----------------------------|
| 2020 | MPS | New police recruits were trained on human rights. | 90 |
| | MPS | Session conducted for Junior Police Commadores. | 28 |
| | CSTI | Introduction to human rights were conducted to employees from different professions such as civil servants, teachers, lecturers, and government institutions. | 118 |
| | Family Court | Introduction to human rights conducted for staff. | 40 |
| | HPSN | Introduction to human rights conducted for staff of Home for People with Special Needs ("HPSN"). | 50 |
| | Multiple institutions | Training on inclusion of human rights in the tertiary education curriculum conducted for law enforcement officials, teachers and professionals from the health sector. | 25 |
| | Multiple institutions | A panel discussion was held focusing on topics such as the role of institutions in preventing torture, Anti-Torture Act, and cases of prevention. | 31 |
| | MPS | Initial recruitment training for police officers was conducted, covering topics such as the Nelson Mandela Rules, Chapter 2 of the Constitution and issues relating to vulnerable groups. | 93 |
| | MCS | Refresher training for prison officers was conducted, focusing on the Anti-Torture Act. | 18 |
| | MPS | Comprehensive training for police officers conducted, covering topics such as the Anti-Torture Act, child rights, human rights conventions, women's rights, elderly rights and rights of the disabled. | 90 |
| 2021 | MPS | Anti-torture online courses and awareness sessions on human rights, the Anti-Torture Act and Chapter II of the Constitution was conducted in 10 batches. | 321 |
| | State institutions | Sessions on Anti-Torture Act were conducted. | 16 |
| | CSTI | Induction programme for civil servants were conducted, which included a session on introduction to human rights. | 31 |
| | MPS | Initial recruitment training for police officers conducted with topics on human rights. | 192 |
| | MCS | Refresher training for prison officers were conducted, with a session focused on the Anti-Torture Act. | 18 |
| | State institutions | Under the Integrated Human Rights Programme, sessions on the Anti-Torture Act were conducted for employees of Government institutions in Hdh. Kulhudhuffushi. | 16 |
| | State institutions | Under the Integrated Human Rights Programme, sessions on general human rights and anti-torture awareness were conducted for employees of State institutions. | 38 |
| | State institutions | A CAT recommendation forum was held to create awareness on recommendations issued under the CAT Convention. | 31 |

| <i>Year</i> | <i>Target Institution</i> | <i>Details</i> | <i>No: of Participants</i> |
|-------------|---|--|----------------------------|
| 2022 | State institutions | Sessions on anti-torture were conducted for staff from State-care children's homes and HPSN. | 109 |
| | CSOs | A human rights defenders programme was conducted for CSOs, with a session on human rights, Chapter II of the Constitution, human rights defenders and conventions that Maldives is party to. | 60 |
| | MPS | Trainings were conducted for police custodial officers, with the anti-torture online course, introduction to human rights and roles of human rights. | 129 |
| | MCS | Certificate III in custodial management and security course was conducted, whereby prison officers were trained on human rights, CAT Convention, Chapter II of the Constitution, general principles of human rights, human rights and prisons and anti-torture. | 36 |
| | Local Councils and Women's Development Committees | Online sessions on introduction to human rights were conducted for all local councils and women's development committees. | - |
| | Healthcare professionals | Session on Anti-Torture Act was conducted to staff of Hulhumalé Hospital. | 19 |
| | Healthcare professionals | An online training session focusing on the anti-torture campaign was conducted as part of medico legal training. | 83 |
| | NIC | Session on anti-torture conducted for staff of NIC. | 30 |
| | MPS | Anti-torture online course conducted for police officers in 3 batches, which included introduction to human rights, Chapter II of the Constitution and the Anti-Torture Act. | 398 |
| 2023 | MCS | Prison officer recruitment training was conducted, which covered introduction to human rights. | 51 |
| | MPS | Initial recruitment training for police officers was conducted with topics such as introduction to human rights, Chapter II of the Constitution, international human rights mechanisms, vulnerable groups, human rights and policing and detention and use of force. | 170 |
| | State institutions | Anti-torture online course was administered to police recruits and staff of HPSN. | - |
| | OTJ | Session on anti-torture was conducted for staff of the Ombudspersons Office for Transitional Justice. | - |
| | State institutions | Sessions on anti-torture were conducted for staff of State-care children's homes and family and children's service centres. | - |
| | Local Councils | Sessions on human rights and human rights-based approach were conducted for staff of local councils. | - |
| | CSTI | Online sessions for conducted for civil servants on the Universal Declaration of Human Rights, introduction to human rights and Chapter II of the Constitution. | - |

111. Although trainings conducted for military personnel, prosecutors and members of judiciary by their respective institutions do not include sessions specifically on provisions of the Convention, they have received trainings in the relevant areas. For instance, the trainings conducted for judges between 2018 and 2023, included areas such as human rights law, fundamental rights, human trafficking, fair trial, access to justice, criminal procedure, evidence and child protection.

112. Moreover, a training needs assessment conducted by the Judicial Academy in 2020 highlighted priority areas where capacity building is required. These include trainings on substantive laws, sexual and gender-based violence including interaction with victims and witnesses, professional ethics, criminal procedure, evidence, child rights protection, human trafficking, anti-torture and awareness on treaties and conventions the Maldives is party to. The Judicial Academy is currently seeking assistance from prospective parties to fulfil these training needs.

113. With regard to establishing a vetting system covering the respective personnel in relation to past abuses, under Regulation Number: 2014/R-311 (Civil Service Regulation), it is mandatory for all State institutions to check past criminal records of any potential new employee before confirming their employment. The authorities are required to keep the criminal record form in the employee's personal information file.

114. Additionally, Section 17 of the Maldives Police Service Act mandates MPS to carry out a background analysis of any new recruits. This includes among other things, to do an intelligence analysis report and a polygraph test.

115. The NPM in their visits to places of deprivation of liberty has identified that institutions such as MoSFD, MPS and MCS conduct internal administrative investigations in cases where maltreatment towards persons under State care are identified. Any disciplinary measures taken after the internal investigations will be included in the employee's personal information record.

116. Furthermore, in some serious cases where HRCM has reasonable grounds to believe that acts of torture and ill-treatment occurred or that the integrity of the State officials are questionable, HRCM has informed relevant authorities on its own initiative, especially if a person is in a position that deals with children.

117. Training on the Basic Principles on the Use of Force and Firearms are a mandatory component in all the recruitment training as well as refresher trainings conducted by MCS and MPS. The table below shows details of routine and specific trainings conducted by the MPS, where modules on use of force and non-coercive investigation techniques have been included:

| <i>Year</i> | <i>Name of the Training</i> | <i>No: of Participating Officers</i> |
|-------------|---|--------------------------------------|
| 2019 | Investigation Officers Course | 23 |
| | Investigation Officers Enhancement Programme | 43 |
| 2021 | Investigation Skill Development Programme | 33 |
| 2022 | Investigation Skills Development Programme | 31 |
| 2023 | Regional White Collar Investigation Skills Programme | 3 |
| | Advanced Methods of Crime Investigation | 2 |
| | Investigation Skills Development Programme | 34 |
| | HIS Investigative Coordination Session | 41 |
| | Investigation Fundamentals Training Course | 25 |
| | Basic Investigation Refresher Training | 24 |
| | HSI Investigative Coordination Session | 30 |
| | Polygraph Test Training | 3 |
| | Training on Nelson Mandela Rules and the Bangkok Rules | 75 |
| | Modern Techniques of Psychological Methods of Investigation, Polygraph, NARCO, BEOS, SDA and LVA. | 2 |

118. In order to assess the effectiveness of training programmes, MPS conducted an online assessment to check the level of awareness among the officers regarding provisions in the Anti-Torture Act. A total of 2775 officers participated in the assessment where a questionnaire on the Anti-Torture Act was developed and made available through the intranet

system. Among those participated, 1943 were able to complete the assessment and 1857 passed while 86 officers failed in the assessment.

119. Although one-off exercises such as the example above are carried out to check the level of awareness among the officers in relation to prohibition of torture, Government acknowledges that the effectiveness of the educational and training programmes in reducing the number of cases of torture and ill-treatment has not been thoroughly evaluated.

120. With regard to including prohibition against torture in the laws governing the MPS and MCS, the Government notes that Section 24(i) of the Maldives Police Service Act states that police officers vow to not inflict torture, inhuman or ill-treatment on anyone, to not make someone else inflict torture, inhuman or ill-treatment on anyone and to prevent such acts. As for MCS officers, Section 26(b) of the Prisons and Parole Act of the Maldives lists prohibition of torture and inhuman treatment towards prisoners and detainees, as one of the main bases on which officers shall operate.

121. Several efforts have been made by State institutions with regards to prevention of torture. As such, training programmes conducted within the judiciary covers building awareness on the psychological sequelae of torture undergone by victims and witnesses. However, no specific training has been conducted with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during the reporting period. The Ministry of Health is working with HRCM to develop a sector response document for the trainings.

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122. Interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subject to arrest and detention by the MPS have all been recently reviewed and revised with the enactment of the new Maldives Police Service Act in December 2020.

123. The new Act prompted the development of multiple new regulations which adhere to best practice in relation to the operations of the MPS. As such, the Regulation for the Procedures in Administration of Custodial Jails details comprehensive procedures to be followed at all custodial jails. Regulation Number: 2021/R-116 (Regulation on the Use of Special Techniques in Conducting Investigations) was also published, with the aim to establish the circumstances under which special tactics may be used, rules on seeking permission to use special tactics, accountability, how to present evidence gathered using special tactics in a court and respecting human rights while using special tactics. Special tactics prescribed under this Regulation can be used in cases where there is threat to national security, investigation of cases listed as major criminal offences under the Criminal Procedure Act and also in cases a specific law allows the use of special tactics in the investigation.

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124. The table below shows the statistics of pre-trial detainees held in custodial facilities administered by the MPS from 2018 to 2023.

| <i>Pre-trial Detainees disaggregated by Gender, Age, Nationality from 1 November 2018 to 30 September 2023</i> | | | | | | | | | | | | | |
|--|------------------|------|---|------|----|------|---|------|---|------|----|------|----|
| Nationality | Age | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | | 2023 | |
| | | M | F | M | F | M | F | M | F | M | F | M | F |
| Maldives | 17 and below | 7 | 0 | 29 | 2 | 17 | 0 | 8 | 3 | 8 | 0 | 5 | 0 |
| | Between 18 to 25 | 25 | 2 | 181 | 14 | 108 | 5 | 104 | 5 | 106 | 3 | 65 | 8 |
| | Between 26 to 35 | 31 | 0 | 249 | 13 | 148 | 8 | 176 | 5 | 159 | 3 | 120 | 4 |
| | Between 66 to 45 | 12 | 1 | 89 | 2 | 59 | 7 | 84 | 2 | 96 | 13 | 68 | 15 |

| <i>Pre-trial Detainees disaggregated by Gender, Age, Nationality from 1 November 2018 to 30 September 2023</i> | | | | | | | | | | | | | |
|--|------------------|-------------|----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|
| <i>Nationality</i> | <i>Age</i> | <i>2018</i> | | <i>2019</i> | | <i>2020</i> | | <i>2021</i> | | <i>2022</i> | | <i>2023</i> | |
| | | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> |
| | Between 46 to 55 | 2 | 0 | 25 | 2 | 20 | 1 | 37 | 3 | 23 | 8 | 29 | 7 |
| | Between 56 to 65 | 3 | 0 | 3 | 0 | 6 | 0 | 4 | 2 | 2 | 2 | 4 | 1 |
| | Between 66 to 77 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 2 | 0 |
| | Total | 80 | 3 | 576 | 33 | 359 | 21 | 415 | 20 | 394 | 29 | 293 | 35 |
| Bahrain | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Bangladesh | Between 20 to 25 | 0 | 0 | 2 | 0 | 6 | 0 | 3 | 0 | 1 | 0 | 0 | 0 |
| | Between 26 to 35 | 0 | 0 | 8 | 0 | 12 | 0 | 13 | 0 | 9 | 0 | 1 | 0 |
| | Between 36 to 45 | 1 | 0 | 5 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 1 | 0 |
| | Between 46 to 53 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| | N/A | 0 | 0 | 2 | 0 | 0 | 0 | 4 | 0 | 2 | 0 | 1 | 0 |
| | Total | 2 | 0 | 18 | 0 | 19 | 0 | 23 | 0 | 14 | 0 | 3 | 0 |
| China | 24 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| India | Between 20 to 25 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 |
| | Between 26 to 35 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 4 | 0 | 1 | 0 |
| | Between 36 to 45 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Between 46 to 52 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 0 |
| | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| | Total | 0 | 0 | 5 | 1 | 1 | 0 | 1 | 0 | 7 | 0 | 3 | 3 |
| Nepal | 22 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 27 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pakistan | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| South Africa | 46 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Turkey | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Uzbekistan | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Sri Lanka | Between 20 to 25 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Between 26 to 35 | 0 | 0 | 3 | 0 | 2 | 0 | 3 | 0 | 0 | 0 | 2 | 0 |
| | Between 36 to 45 | 0 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 |
| | Between 46 to 51 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 8 | 0 | 7 | 0 | 5 | 0 | 2 | 0 | 2 | 0 |
| Thailand | Between 28 to 35 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 5 |
| | Between 36 to 41 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 |
| | Total | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 6 |

125. The table below shows the statistics of pre-trial detainees and convicted prisoners held in detention facilities administered by the MCS at the time of reporting.

| <i>Type of Prisoner</i> | <i>No of Detainees</i> | <i>Nationality</i> | <i>Male</i> | <i>Female</i> | <i>Total</i> |
|-------------------------|------------------------|--------------------|-------------|---------------|--------------|
| Pre-trial detainees | 253 | Maldivian | | | |
| | 4 | Indian | | | |
| | 20 | Bangladeshi | 276 | 16 | 292 |

| <i>Type of Prisoner</i> | <i>No of Detainees</i> | <i>Nationality</i> | <i>Male</i> | <i>Female</i> | <i>Total</i> |
|-------------------------|------------------------|--------------------|-------------|---------------|--------------|
| Convicted prisoners | 2 | Pakistani | | | |
| | 1 | Filipino | | | |
| | 3 | Brazilian | | | |
| | 1 | Kenyan | | | |
| | 7 | Thai | | | |
| | 1 | Nepali | | | |
| | 847 | Maldivian | | | |
| | 9 | Indian | | | |
| | 52 | Bangladeshi | | | |
| | 1 | Pakistani | | | |
| | 1 | Filipino | | | |
| | 2 | South Africans | | | |
| | 1 | Sri Lankans | 871 | 32 | 903 |

126. With regard to measures adopted to ensure separation of different categories of prisoners/detainees, the prison facilities managed by MCS have separate units and wings allocated for specific groups such as the pre-trial detainees, convicted prisoners and women. With the enactment of the Juvenile Justice Act in 2019, a Juvenile Detention Centre has been established in the premises of Asseyri Prison where juveniles in conflict with the law are housed. A separate wing in Maafushi Prison is dedicated to housing women prisoners.

127. Similarly, the Juvenile Detention Facilities under MPS operates independently of the adult facilities, ensuring no interaction between adults and children. Although both are located on the same island, strict separation is maintained. Furthermore, adult female and male facilities are also segregated, with interaction limited to common facilities such as meeting rooms.

128. With regard to measures taken to monitor pre-trial detention, the Criminal Procedure Act has strict measures to control pre-trial detention, and MPS has fully incorporated the standards into its SOPs and practices. The Act lays out time periods for investigation and raising charges. As such Section 94(a) of the Act states that, if a person charged with a criminal offence is under detention, the Prosecutor General has to file charges against them within 30 days from the day they were brought before a judge (which would have occurred within 24 hours from their arrest). This means that, as a general rule, both the investigation and filing of charges must be done within a maximum of 31 days of an arrest.

129. In exceptional circumstances, where the detained person is suspected of a serious criminal offence, and if the investigation of the crime cannot be completed within 30 days, then MPS can request the Prosecutor General for an extension to complete the investigation, and the Prosecutor General has the power to grant an extension, not exceeding 30 days, pursuant to Section 94(d) of the Act. Surmising the above, the maximum time period a person can be detained for, from the point of arrest to filing a charge, is 61 days.

130. In practice, pre-trial detainees are only held in police custodial facilities up to 45 days, which has contributed to significantly decrease the pre-trial duration, compared to before the Act came into force.

131. Furthermore, in December 2018, the Prosecution Directives were revised after almost a decade by the Attorney General and further amended in October 2019. The renewed Directive includes, an obligation on the Prosecutor General to ensure timely review of remand periods. In line with the Directives, the Prosecutor General commenced an extensive review of delayed trials and prolonged remand periods of accused persons in December 2019.

132. The regular review of remand decisions was mandated further by the Third Amendment to the Criminal Procedure Act enacted in September 2020. The Act obligates a judicial review of the decision to keep an accused in remand every 30 days.

133. With these obligations, PGO has set up a special unit to monitor the legality of detention prior to and during trial. The PGO conducts monthly internal reviews to evaluate the detention of individuals and sends letters to the relevant courts requesting to expedite the hearings of long pending cases. Additionally, the PGO monitors the medical records of the detainees to ensure their well-being while they are in pre-trial detention.

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134. As noted in the Government's Follow-up Report, a Prisons Audit was carried out by a 7-member "Commission for Prisons Audit", which resulted in the Maldives Prisons Audit Report 2019, published in May 2019. The Commission issued over 160 recommendations highlighting improvements to be made in several areas including legislative and regulatory provisions, practice of segregation in places of detention, accommodation of prisoners, personal hygiene, clothing and bedding, food, fitness and recreation, health care services, practice of disciplinary measure, use of force and restraint, complaints mechanism, contact with outside, personnel at detention centres, etc. Once the report was handed over to the then Minister of Home Affairs, a committee was convened to track the implementation of the recommendations.

135. The Government notes that much work still needs to be done to bring the desired changes to improve the conditions of detention. However, the Government was able to implement 45% of the recommendations, even with limitations such as the budgetary restrictions. 43% of the recommendations are in progress. 12% of the recommendations need further discussions at policy level as they require budgetary support, legal reform or further review on the practical challenges that are been faced in implementing the recommendations.

136. The Government acknowledges the issue of prison overcrowding as a persisting challenge. As such, reducing the use of pre-trial detention, establishing new separate facilities and implementing alternatives to detention are measures which could solve the issue.

137. In police custodial, a typical cell holds a maximum of 4 detainees, and each cell is designed to provide a minimum of 8 square meter per person. Cross ventilation and day lighting have been improved in the cells and electrical light and fans are provided inside the cells with safety covers. MPS has established standards that a typical cell and the detention facilities has to follow to ensure that the conditions of detention are improved.

138. Several efforts have been made in order to reduce overcrowding and improve the material condition of the prisons. For instance, a Special Management Unit has been built with a capacity of 100 prisoners in Maafushi Prison. This unit is specifically used to detain those convicted for major crimes such as terrorism. Additionally, a unit with the capacity of 14 have been completed recently and is operational. Furthermore, an additional 50 cells are being built in Maafushi Prison, likely to be operational early 2024. Once these cells are completed, prisoners from those with poor ventilation will be moved to these cells and the cells in old units will be renovated to provide better ventilation. As such, the most problematic facility, Malé Prison, has been closed down as of 6 January 2024 and detainees have been moved to other prisons.

139. The table below shows details and status of new detention facilities being built across the Maldives in order to address the issue of overcrowding.

| Location | Capacity | | Status |
|-----------------|----------------|---|---------------|
| | Total Capacity | Details | |
| N. Manadhoo | 24 | Female 4, Juvenile Female 2, Male 16, Juvenile Male 2 | Work underway |
| L. Fonadhoo | 4 | Female 2, Juvenile Female 0, Male 2, Juvenile Male 0 | Tender stage |
| Fuvahmulah City | 6 | Female 0, Juvenile Female 2, Male 0, Juvenile Male 4 | Completed |

| <i>Location</i> | <i>Capacity</i> | | <i>Status</i> |
|-----------------|-----------------------|--|---------------|
| | <i>Total Capacity</i> | <i>Details</i> | |
| K. Dhoonidhoo | 6 | Juvenile Female 2, Juvenile Male 4 | Tender stage |
| G.Dh. Thinadhoo | 49 | Padded 1, Female 8, Juvenile Female 4, Male 32, Juvenile Male 4 | On going |
| Addu City | 49 | Padded 1, Female 8, Juvenile Female 4, Male 32, Juvenile Male 4 | On going |

140. As additional measures to address the issue of overcrowding, the Government is committed to ensuring proper rehabilitation, inhibiting reoffending and implementing non-custodial measures. The first prison-based drug rehabilitation programme commenced in March 2022, which comprised of a detoxification phase, followed by drug education, life skills education and vocational training. 32 prisoners have successfully completed the three phases of the programme and were granted Presidential Pardon with a condition to complete a final, community-based rehabilitation phase under the supervision of the National Drug Agency (“NDA”). The Government also assisted these released prisoners in finding employment in their residential islands, and linked them with community support through their local councils and civil society groups.

141. As for implementation of non-custodial measures, Regulation Number: 2022/R-13 (Regulation on Administering Non-Custodial Measures by the MCS) was published in January 2022. There are 51 individuals implementing non-custodial sentences and 4 have already completed execution of their sentences. The MCS is working to improve its capacity to implement non-custodial sentences effectively.

142. With regard to conditions of hygiene, cells in police custodial are cleaned daily. The MCS employs prisoners to carry out daily cleaning of the prison premises. The prisoners are paid a daily allowance for carrying out these tasks.

143. As for the quality and quantity of food, at MCS operated facilities, a designated officer checks the quality of food served in prisons and maintains records of this task regularly. Additionally, a new menu has been developed with assistance from a dietician. The new menu includes seven options specifically designed to cater to the dietary requirements of those who are medically required to follow a special diet. In police custodial, 4 meals and fresh water are provided every day.

144. With regard to medical services, at police custodial, medical services are offered upon request by detainees. An in-house nurse and in-house doctors are present at the MPS’s main detention facility, Dhoonidhoo Custodial. Additionally, Dhoonidhoo Custodial has a registered medical centre which is now functional. In cases where specialist care is required from outside the detention facilities, the detainees and prisoners are transported to external healthcare facilities.

145. As for MCS, in-house doctors and nurses take shift duties in prisons. A new medical centre has been established in Maafushi Prison on 16 August 2021, which offers new services such as laboratory services for simple tests and investigations, physiotherapy services and an x-ray service. Furthermore, an in-house psychiatrist, psychologist and 5 social workers have been employed in the prisons. These specialists attend to psychiatric needs of the prisoners and provide mental health care to those in need.

146. Despite these advancements, the Government acknowledges that there are delays in providing medical services where specialist medical treatment is required. To tackle the issue, a Memorandum of Understanding was signed between Indhira Gandhi Memorial Hospital and the MCS on 23 February 2022, under which visits from specialists and super specialists are arranged to the prisons, thereby ensuring provision of adequate and timely specialist medical care to all persons in custody.

147. The Government is pleased to report that access to educational, recreational, vocational, physical or intellectual activity by detainees have been strengthened during the

reporting period. MCS has established a four-phased rehabilitation programme, offered to both men and women, which includes basic literacy, numeracy, religious education, vocational programmes and physical activities. Other programs such as the opportunity to play certain sports such as football and volleyball are available outside the four-phased rehabilitation programme in Asseyri Prison. Additionally, prisoners are offered job opportunities in the prison community on daily wage basis. The earnings from this can be transferred to the families of the prisoners.

148. The table below shows the number of prisoners who have participated and completed the four-phased rehabilitation programme from 2018 to 2023.

| <i>Year</i> | <i>Participated</i> | <i>Completed</i> |
|-------------|---------------------|------------------|
| 2018 | 252 | 163 |
| 2019 | 549 | 241 |
| 2020 | 691 | 374 |
| 2021 | 221 | 64 |
| 2022 | 142 | 54 |
| 2023 | 291 | 117 |

149. A comprehensive analysis of the impact of this programme is yet to be conducted. However, several individuals are found living a responsible and successful life in the community after sentence completion, with the help of the skills and knowledge they acquired during their time in prison.

150. With regard to minors in detention, under an understanding between the MCS, MPS and the Ministry of Education, the Ministry attends to the educational needs of the children in detention in order to ensure continuity of learning. Those who have not completed their formal education is provided the opportunity to complete secondary education, with teachers of the Ministry visiting the Juvenile Detention Centre. Furthermore, the Department of Juvenile Justice carry out individual interventions, through which they monitor progress and inform relevant agencies to improve noticeable issues.

151. The Government notes that the Children's Ombudsperson's Office conducted an audit of the Juvenile Detention Centres in 2022, which found that the interventions highlighted above were inadequate. The Government takes the recommendations from the Children's Ombudsperson's Office seriously and will work with relevant stakeholders to revise or increase the interventions accordingly.

152. In relation to the specific needs of women and minors in detention, Section 82(a) of the Juvenile Justice Act mandates the State to establish two juvenile detention centres. As of now, one juvenile detention facility containing 8 cells is operational in Asseyri Prison with a capacity of 16. In July 2022, MPS assigned a separate unit in Dhoonidhoo Custodial to house juveniles in detention. Simultaneously, Malé Custodial Facility was dedicated to detain women brought to police custody.

153. There is a separate wing dedicated to house women prisoners in Maafushi Prison with a capacity of 48. Medical staff are available at all times, with daily visitations to the wing by a nurse. Sanitary products are provided upon request and any other products as advised by the medical staff are also provided. Additionally, MCS provides health awareness information specific to the women prisoners.

154. In relation to meeting the requirements of other groups of prisoners with particular needs, such as persons with disabilities and older persons, the Government notes that Sections 19 and 26 of the Regulation for the Procedures in Administration of Custodial Jails prescribes special precautions required in holding a person with mental or physical disabilities in police custody. As per the Regulation, due consideration has to be given to the type of disability and special arrangements has to be made to facilitate persons with physical disabilities to carry out basic tasks while in custody. People with long term illnesses, disabilities, or difficulties due to old age are housed in Hulhumalé Prison where adaptations have been made to make the place more accommodating.

155. With regard to measures taken to ensure that body searches of detainees are not degrading, the Government informs that Section 18, 19 and 20 of Regulation for the Procedures in Administration of Custodial Jails details the procedures that need to be followed while conducting body searches at police custodial facilities. As per the Regulation, invasive body searches can only be carried out if there is reason to believe that the person might be carrying a weapon, sharp object or an unlawful object that may be used to do self-harm or harm a fellow detainee. Additional precautions must be taken while conducting invasive searches for children and persons with disabilities.

156. Prisons managed by MCS also follow SOPs while conducting body searches. Invasive searches are carried out if it is required and, in such cases, a medical staff conducts the searches. An incident report has to be produced in such cases and it is mandatory to maintain records. Detainees and prisoners are encouraged to file complaints regarding any issues they may endure in the process. The complaints will be investigated, and necessary steps will be taken in case of any misconduct.

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157. Although no new legislative measures have been introduced in relation to solitary confinement, there has been notable a change in its practice. Solitary confinement as a form of punishment is no longer practiced in prisons and detention facilities in the Maldives. However, temporary segregation for a limited period or other alternatives such as hospitalisation is sought in cases where a person is found to cause harm to oneself or is believed to cause harm to others.

158. HRCM has also found that even though some prisoners have submitted complaints stating that they are kept in solitary confinement, they are actually kept in single person cells wings of single cell units. These wings in Maafushi Prison have 10 or more cells adjacent to one another. There have been circumstances where only 1 or 2 cells of a wing were occupied at a time and prisoners were kept at both ends of the wing. While this means that the prisoners will not be able to hold a meaningful conversation with one another, they will be able to hear one another if they shout or speak loudly. Additionally, HRCM found through CCTV footage that the prisoners frequently interacted with correctional officers and prisoners who carry out tasks such as delivering meals and cleaning in the facility. Furthermore, the officers will be able to hear if any prisoner is in distress and calls for help.

159. The Government notes that while no one is kept in the solitary confinement however, those prisoners who are required to be kept separately from the general population for various reasons (such as preventing radicalization, medical reasons such as quarantine or medical isolation and to prevent interpersonal violence among prisoners) are kept in separate cells within the unit. This has been corroborated by the HRCM as well.

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160. There were a total 38 deaths recorded during the reporting period from detention facilities across the Maldives. The table below shows statistics of deaths in detention facilities between 2018 to September 2023, disaggregated by place of detention, age, nationality, gender and cause of death.

| Year | Place of Detention | Nationality | Male (M) / Age Female (F) | | Cause of death | Total |
|------|--------------------|-------------|------------------------------|---|--------------------|-------|
| | | | Age | | | |
| 2019 | Asseyri Prison | Maldivian | 39 | M | Cardiac arrest | 6 |
| | On House Arrest | Maldivian | 51 | M | Unknown | |
| | Malé Prison | Maldivian | 64 | M | Sepsis / pneumonia | |
| | Malé Prison | Maldivian | 97 | M | Unknown | |

| Year | Place of Detention | Nationality | Male (M) / Age Female (F) | | Cause of death | Total |
|------|-------------------------|----------------|------------------------------|---|---|-------|
| | | | | | | |
| 2020 | On Medical Release | Maldivian | 73 | M | Cardio respiratory failure | 8 |
| | Dhoonidhoo Custodial | Maldivian | 23 | F | Unknown | |
| | On House Arrest | Maldivian | 44 | M | Second degree burn | |
| | Hulhumalé Prison | Yemenis | 47 | M | Unknown | |
| | On House Arrest | Maldivian | 47 | M | Septic shock, small cell lung carcinoma | |
| | Malé Prison | Iranian | 53 | M | Advance carcinoma of larynx | |
| | Maafushi Prison | Maldivian | 54 | M | Metastatic adenocarcinoma of gastroesophageal junction | |
| | On House Arrest | Maldivian | 62 | M | Cardiogenic shock | |
| 2021 | On House Arrest | Maldivian | 81 | M | Heart failure with pulmonary hypertension chronic obstructive pulmonary disease | 10 |
| | Hulhumalé Prison | Maldivian | 96 | M | Heart valve disease | |
| | Hulhumalé Prison | Maldivian | 42 | M | Sudden cardiac arrest / head injury / fall injury | |
| | Malé Prison | Maldivian | 48 | M | Sepsis with septic shock / DKA / left lower lobe pneumonia with ILI | |
| | Maafushi Prison | Bangladesh | 53 | M | Ventricular fibrillation / acute inferior wall myocardial Infarction | |
| | Vilimalé Police Station | United Kingdom | 30 | M | Unknown | |
| | On House Arrest | Maldivian | 25 | M | Bronchial asthma | |
| | Asseyri Prison | Maldivian | 57 | M | Acute decompensated heart failure, cellulitis of right-side chest wall | |
| | On House Arrest | Maldivian | 60 | M | Bronchial asthma | |
| | On House Arrest | Maldivian | 61 | M | Unknown | |
| | On House Arrest | Maldivian | 66 | M | Hypertension, diabetes mellitus | |
| | On House Arrest | Maldivian | 72 | M | Unknown | |

| Year | Place of Detention | Nationality | Male (M) / Age Female (F) | | Cause of death | Total |
|------|------------------------------------|-------------|------------------------------|---|--|-------|
| | | | | | | |
| 2022 | On House Arrest | Maldivian | 42 | M | Unknown | 8 |
| | Maafushi Prison | Maldivian | 44 | M | Sudden cardiac death and profound hypotension | |
| | On House Arrest | Maldivian | 49 | M | Right sided intracerebral hematoma/ hypertension, old cerebrovascular accident | |
| | Released under Parole | Maldivian | 51 | M | Unknown | |
| | On House Arrest | Maldivian | 53 | M | Unknown | |
| | Hulhumalé Prison | Maldivian | 60 | M | Myocardial infarction | |
| | Hdh. Kulhudhuffushi Police Station | Maldivian | 32 | M | Unknown | |
| | G.Dh. Hoadehdhoo | Maldivian | 42 | M | Unknown | |
| 2023 | Hulhumalé Prison | Maldivian | 56 | M | Cardio pulmonary arrest | 6 |
| | Maafushi Prison | Bangladesh | 30 | M | Cardio pulmonary arrest | |
| | Malé Prison | Maldivian | 37 | M | Sever hypovolemic shock / diabetic ketoacidosis / viral pneumonia | |
| | On House Arrest | Maldivian | 45 | M | Cardiogenic shock | |
| | Maafushi Prison | Swiss | 60 | M | Cardiac arrest | |
| | Hulhumalé Prison | Maldivian | 86 | M | Cardio pulmonary arrest | |

161. The HPSN has recorded 59 deaths at HPSN and one death at one of the alternate care facilities. As majority of the patients held at HPSN are geriatric, the main cause of death recorded in majority of the cases are cardio respiratory failure. Other causes of death identified and recorded include, pneumonia, non-infective exacerbation of intestinal lung disease, kidney failure, and sepsis with septic shock. The table below shows statistics related to these deaths.

| Year | Male | Female | Total |
|------|------|--------|-------|
| 2018 | 1 | - | 1 |
| 2019 | 13 | 3 | 16 |
| 2020 | 11 | 6 | 17 |
| 2021 | 10 | 1 | 11 |
| 2022 | 10 | 4 | 14 |
| 2023 | 6 | 5 | |

162. In addition to this, there was one death of a 2-year-old child at a State-care facility.
163. MPS and HRCM investigate all deaths reported from detention facilities as well as the HPSN. MPS conducts a forensic investigation into the deaths when required, as HRCM do not have access to an independent laboratory to carry out forensic investigations. If further evaluation of the body is required, it is to be sent abroad to perform post-mortem.
164. HRCM has a Rapid Response Team, which attends to incidents of death of people under State care. The Team attends to and investigates the body of the deceased and documents relevant to the case. After a preliminary analysis by the Team, and if the Team identifies a need for further investigation, the case is forwarded to either the Investigation Department or the Anti-Torture Unit at HRCM.
165. As the Maldives does not have an independent forensic laboratory, only MPS is able to conduct forensic examinations of suspicious custodial deaths. Although, HRCM does not carry out forensic examinations, HRCM requests and acquires a copy of the forensic examination completed by MPS when deemed necessary. HRCM has, however, in some instances obtained a medical opinion from independent medical experts regarding the forensic and medical documents acquired from the MPS.
166. HRCM's investigation into these incidents has found evidence of negligence of relevant authorities in 2 of the cases, which includes delay and insufficient medical assistance, and excessive dosage of medication. HRCM forwarded one of the cases to MPS and requested the MPS to investigate the criminal aspect of the incident.
167. MCS maintains the records of all cases of deaths in prisons. It also publishes information regarding all the deaths in its website, as well as on all the social media outlets handled by the MCS.
168. With regard to inter-prisoner violence, HRCM received 9 complaints during the reporting period. In 2019, HRCM investigated 1 incident reported from Malé Prison. HRCM has forwarded this case to MPS for further investigation. In 2020, HRCM received 2 complaints, out of which investigation of 1 case has been concluded as the relevant authorities has taken the necessary steps to resolve the conflict. The other case is still ongoing. HRCM looked into one case in 2022 and 4 cases in 2023, and have concluded investigation in these cases, except for 1 case from 2023.
169. Women prisoners have reported complaints of sexual abuse and harassment in the prison during the NPM's visit to K. Maafushi Prison in 2018 and 2021.
170. Few incidents of suicide have taken place in the police custodial facilities during the reporting period. MPS has installed CCTV cameras in police custodial facilities to observe and prevent such incidents and has successfully prevented incidents of attempted suicide in the past.
171. There have been no incidents of suicide in prisons managed by MCS within the reporting period. The officers and medical staff are trained to be vigilant of self-harming behaviours. The individuals are referred to the psychiatrist if any indication of such behaviour is identified.
172. Multiple methods are utilised to prevent and reduce incidents of inter-prisoner violence in prisons. CCTV cameras are installed in the common areas such as yards and corridors for monitoring purposes, and this has increasingly helped to minimise the potential for escalation of conflict. The prison guards are trained to be more vigilant to identify behaviours that may lead to conflict. Additionally, easy access is provided to interrogating parties such as the MPS, HRCM, NPM, ICS, as well as staff of internal ethics and professional standards unit, and this transparency has contributed towards addressing such incidents in a timely manner. Availability of a reliable complaints mechanism that respects confidentiality has also helped build trust between those administering the prisons and prisoners.
173. HRCM informed that it has received only a few cases of inter-prisoner violence, and in almost all cases, the authorities have taken measures to prevent or resolve the issue. Some measures taken to address the issue include transferring prisoners involved in the conflict to other prison facilities or other units within the same prison.

Reply to paragraph 16 of the list of issues

174. As noted above, Maldives does not accept asylum seekers. As for detention of individuals subjected to expulsions or deportation, the Government notes that it is done only as a last resort. The Government has actively implemented alternative procedures like citation notices in lieu of detention to ensure that detention is utilized only when absolutely necessary and for the shortest duration possible.

Reply to paragraph 17 of the list of issues

175. As of November 2023, 217 patients are housed in HPSN. This includes 133 males and 84 females. An Institution and Reintegration Unit has been established, with the primary purpose of reintegrating and rehabilitating patients at the HPSN to re-join the community.

176. Although maintaining an in-house psychiatrist at HPSN has been a challenging task over the years, 1 in-house psychiatrist is now employed at the HPSN.

177. The NDA has 927 clients enrolled in their treatment programme at the Drug Treatment and Rehabilitation Center (“DTRC”) as of October 2023. Among them, 297 clients have completed the treatment programme and are ready to be released. The Government notes that there is always a long waiting-list for enrolments in the programme at DTRC. However, DTRC is only able to accept a limited number of clients at a given time due to its limited capacity and resources. At present, there are 1320 clients registered in waiting to start the rehabilitation programme.

178. Apart from the DTRC, there are 4 detoxification and community rehabilitation centres established in 4 atolls, a halfway house and a women’s special drug treatment and rehabilitation centre in Hulhumalé, a community service centre and clinic in Malé, and an outpatient and community rehabilitation centre in G.A. Villingili. Until recently, there were 2 psychiatrists employed at Gagan Clinic, a community drug rehabilitation centre in Malé, to attend to the psychiatric needs of the clients. Plans are underway to increase the number of medical staff at the rehabilitation centres.

179. Furthermore, NDA aims to integrate treatments of substance use disorder in primary healthcare, and with the assistance from medical professionals at health facilities, introduce medication assisted treatment at health centres in the islands. In this regard, the Methadone Maintenance Treatment services have already been started at the Kulhudhuffushi Regional Hospital at the beginning of 2023.

Reply to paragraph 18 of the list of issues

180. The table below shows details of the visits conducted by the NPM to places of deprivation of liberty from 2018 to 2023.

| <i>Year</i> | <i>2018</i> | <i>2019</i> | <i>2020</i> | <i>2021</i> | <i>2022</i> | <i>2023</i> |
|---------------|-------------|-------------|-------------|-------------|-------------|-------------|
| No. of visits | 7 | 11 | 16 | 16 | 18 | 15 |

181. While the Government strives to ensure that the HRCM and NPM have unhindered access to places of detention, the Government has been made aware of some of the challenges faced by the NPM when conducting visits. As such, NPM has reported that sometimes it had to endure more than 30 minutes to access the facility and that there are delays in accessing different units within the facility. Occasionally, the visiting team had to rush through some of the tasks such as interviews as they do not have sufficient time. Additionally, NPM has reported challenges in bringing their camera into the prison facilities to visually document the conditions of the facilities.

182. The NPM and relevant stakeholders have held constructive dialogues, to address these issues and facilitate unhindered access to all places of detention.

183. The National Security and Foreign Relations Committee of the Parliament conducted a visit to Maafushi Prison on 27 February 2019. The Parliament shared 8 recommendations to the authorities after their visit. These include: taking necessary measures to prevent the entry of prohibited items into the prison for the safety and security of the prison; urging the President to issue clemency under a special rule of amnesty for prisoners who have been sentenced for an extensively long period under old laws, but had no prior criminal records; establishing a system where prisoners without criminal records or low criminal records can be transferred to house arrest or island arrest under a monitored procedure; improving the quality of services through fees and income generated from various activities within the prison; instructing MCS to continue to provide basic services to prisoners with care, justice and equality; urging MPS, PGO and the Courts to expedite the cases as a large number of persons have been detained under a court order before trial; requesting MoHST to resolve the difficulties identified by MCS; and informing MCS to submit amendments they wish to make to the Prisons and Parole Act of Maldives.

184. On 7 February 2022, the Children's Ombudsperson's Office conducted a comprehensive child rights audit at the Juvenile Detention Centre situated within the Asseyri Prison. Some of the significant findings from the visit include: the absence of an established SOP which aligns with the Juvenile Justice Act; a lack of programmes targeted towards preventing the radicalisation of children; a lack of protocols to segregate children based on their legal status and severity of offence; and inconsistencies in the implementation of rehabilitative programmes for children. Additionally, they noted that the therapy room within the facility lacked essential facilities that had child-friendly design elements.

185. The Government welcomes and is committed to implementing the recommendations from the monitoring bodies and accept it as opportunities for improving the care provided to persons deprived of their liberty.

186. With regard to authorising national and international CSOs to carry out activities inside prisons, currently such organisations are provided limited access to prisons and detention facilities, as a measure to protect the rights of the detainees and ensure the safety and security of all parties. The International Red Cross and Red Crescent have been provided open access to all places of deprivation of liberty for the last 30 years and they have conducted several visits during the reporting period. Additionally, the Maldivian Red Crescent is currently in discussion with authorities to arrange better access and expand the scope of its engagement.

187. With regard to giving HRCM access to independent forensic analysis outside of MPS, the Maldives currently does not have an independent forensic laboratory and therefore, HRCM still relies on MPS for forensic investigation related to alleged torture cases. HRCM has, however, in some instances obtained a medical opinion from independent medical experts regarding the forensic and medical documents acquired from the MPS.

188. The Government understands that this is not the best practice and takes note of the concerns shared by HRCM regarding the specific challenges it faces while carrying out its investigations effectively.

189. Over the period from 2018 to 2023, there has been a 36% increase in the financial resources provided to HRCM. The total budget of HRCM has increased from MVR 22,800,000 (USD 1,478,600) in 2018 to MVR 31,000,000 (USD 2,010,376) in 2023. However, HRCM notes that it still lacks sufficient financial, technical, and human resources to effectively fulfil its mandate efficiently. HRCM has submitted a proposal to donor agencies seeking the financial assistance to address some of the challenges such as the absence of an investigation room, which meets the necessary requirements to record statements, and one that can be used in a criminal investigation.

190. HRCM is working to sign a Memorandum of Understanding with the National Forensic Science University of India to assist them in forensic analysis of digital evidence, analysis of other forensic evidence, forensic medicine and to train staff on the handling, and storage of digital and forensic evidence. HRCM informs that this process is on halt at the moment, pending a response from the University.

Reply to paragraph 19 of the list of issues

191. From November 2018 to September 2023, HRCM has received a total of 426 complaints related to alleged acts of torture, ill treatment and excessive use of force. A total of 432 victims have been identified in these cases. The table below provides statistics of cases of alleged acts of torture, ill-treatment and excessive use of force reported within the reporting period.

| Nationality | Age & Gender of Victim | | | | | |
|-------------|------------------------|--------|---------------|--------|----------|--------|
| | Below 18 | | Between 18-65 | | Above 65 | |
| | Male | Female | Male | Female | Male | Female |
| Maldivian | 50 | 6 | 330 | 24 | 2 | 3 |
| Bangladeshi | - | - | 6 | - | - | - |
| Brazilian | - | - | 5 | - | - | - |
| Yemeni | - | - | 2 | - | - | - |
| Chinese | - | - | 1 | - | - | - |
| Indian | - | - | 1 | - | - | - |
| Irish | - | - | 1 | - | - | - |
| Sri Lankan | - | - | 1 | - | - | - |

192. Of the 426 cases investigated, 23 cases were sent for prosecution. The PGO has rejected 4 cases due to insufficient evidence for prosecution. PGO has sent 2 cases to Court of which the Court rejected 1 case.

193. The table below shows statistics of alleged cases of torture and ill-treatment reported to the NIC.

| Age of Victim | Male | Female | Total |
|---------------|------|--------|-------|
| Below 18 | 1 | 0 | 1 |
| Between 18-65 | 90 | 5 | 95 |
| Above 65 | 0 | 1 | 1 |

194. The table below shows the status of the cases investigated by NIC.

| Status | Number of cases |
|--|-----------------|
| Complaints being investigated | 47 |
| Cases closed due to lack of evidence | 46 |
| Cases sent for disciplinary proceedings | 1 |
| Cases sent for criminal proceedings | 0 |
| Cases closed as MPS has already taken disciplinary action against accused officers | 1 |
| Cases where no direct action taken as perpetrators were not identified | 1 |
| Cases sent to HRCM to be investigated under Anti-Torture Act | 1 |

195. MCS's Ethics and Professional Standard Unit, has the authority to investigate any allegation of torture or ill-treatment. Additionally, MCS has a Disciplinary Board, which also looks into issues of misconduct. An immediate suspension is issued during the investigation in cases of allegations of torture, ill-treatment or misconduct. The suspension will be lifted once the investigation is completed, and a decision has been reached. These internal bodies function with full autonomy and report directly to the Commissioner of Prisons.

196. As an example, in June 2022, two prison officers were alleged to have used excessive force and attacked a disorderly convict. When this was brought to the attention of the

Disciplinary Board, the officers were immediately suspended and removed from duty. An interrogation was conducted and the officers were found to have committed the alleged acts, resulting in one officer being demoted and one officer being suspended for a longer period.

197. As for MPS, Regulation Number: 2022/R-87 (Police Disciplinary Regulation) outlines the procedures to address suspected disciplinary infractions by officials. The Regulation establishes specific measures to be taken in response to such acts, ensuring a systematic and transparent approach to addressing disciplinary issues within the police force.

198. With regard to an independent and effective mechanism for addressing complaints of torture and ill-treatment in all places of deprivation of liberty, the HRCM and NIC are empowered by law to conduct independent investigations into all allegations of torture and ill-treatment reported and identified from places of deprivation of liberty. With the enactment of the Anti-Torture Act in 2013, a separate Anti-Torture Unit has been established at HRCM, specialised to investigate allegations of torture and ill-treatment.

199. Chapter 9 of the Prisons and Parole Act of the Maldives, details the procedures for prisoners to follow to submit a complaint. The law identifies the individuals with whom complaints can be lodged and the steps to follow if the prisoner wishes to appeal the decision at the initial stage. These include the Director of Prison and the ICS. Decisions of the ICS can be appealed to the Commissioner of Prisons.

200. Additionally, prisoners can send complaints to other relevant institutions. These include, inter alia, the HRCM, the Parliament as well as the Judicial Service Commission. As opposed to previous practice, the prisoners can submit the letters in sealed envelopes and MCS provides the prisoner with a confirmation of letter after delivering it to the respective authority.

201. Upon admission to a facility administered by the MCS, an orientation is given to all prisoners, which includes information on the procedures to follow for submission of complaints. A complaint form has been developed and is made available from the office in each unit and is provided to prisoners upon request.

202. The MoSFD has established regulations and guidelines to follow at Alternative Care Facilities when submitting a complaint.

Reply to paragraph 20 of the list of issues

203. As per Section 34 of the Anti-Torture Act, it is mandatory to establish a rehabilitation programme for individuals who have been subjected to torture. The programme must offer trauma-specific diagnostic and treatments, which should aim at assisting victims and their families.

204. The Government acknowledges the importance of rehabilitation for victims as well as perpetrators. However, in the past, due to various reasons the State has not been able to design the rehabilitation programmes as prescribed by the law. The Anti-Torture Act requires HRCM to collaborate with the Ministry of Health (“MoH”) and the AGO to formulate the aforementioned programmes. HRCM is of the view that the responsibility should fall under a government entity in line with General Comment No.3 (2012) set out by the Committee. In this regard, HRCM has proposed to amend the law to divert the responsibility to an appropriate government body. After extensive dialogues and discussion among the relevant authorities, the MoH has now been nominated to formulate the programme and work is underway to formulate it with assistance from a consultant.

205. The Government informs that as of yet, there have been no requests made to the HRCM for compensation for victims of torture and ill-treatment or their families.

Reply to paragraph 21 of the list of issues

206. On 17 December 2020, the Transitional Justice Act was ratified, establishing the OTJ. As noted above, OTJ was mandated to investigate and reveal systematic violations of human rights and fundamental freedoms perpetrated by State institutions or senior officials of State

institutions between 1 January 1953 to 17 November 2018, and provide victims of such acts with justice.

207. The Act sought to provide recognition for victims of violations of human rights and fundamental freedoms, and provide peace, reconciliation, and reparations, while effecting institutional reforms to ensure non-occurrence. The Act allowed OTJ to mediate reconciliation, forward the case for prosecution and/or compensation and recommend systemic changes to prevent similar breaches. The OTJ therefore did investigate torture cases.

208. The Act afforded OTJ the necessary investigative powers, such as powers granted to a law enforcement authority under the Criminal Procedure Act, summoning and questioning persons, and obtaining information from State institutions. Additionally, the OTJ also possessed the powers granted to commissions under Act Number: 4/2019 (Presidential Commissions Act).

209. The OTJ was established for a period of 2 years from 17 December 2020, which was extended until 17 November 2023. The Act states that if the President is of the opinion that the work of the OTJ will not be completed within the time frame stipulated in the Act, then the President shall establish a mechanism to enable the continuity of the work of OTJ, 30 days prior to the expiry of the said timeframe. However, the President at the time, had not established such a mechanism, and therefore, the OTJ has been dissolved.

210. During its tenure, the OTJ received 488 cases, out of which a decision was made to investigate 460 cases. The majority of the cases filed were in relation to discrimination in allocation of public housing and termination of employment. The case files are currently at the Ministry of Finance, and the AGO is reviewing the documents to assess the work done by the OTJ, including the extent of completion of cases, to ascertain a way forward. The Government will inform the Committee at the review session, of any decisions made and actions taken.

211. With regard to operational independence and inclusive membership, Government notes that the OTJ was established as an independent institution. Section 6(a) of the Transitional Justice Act stipulated that the Office shall consist of three Ombudspersons appointed by the President, who meets the criteria: does not have a conviction for a criminal offence, decreed debt or hudood offence; is not a member of a political party or have fulfilled any position in a political party; is not an elected representative or political appointee; has attained sufficient academic qualification in a required field with 7 years of professional experience.

212. As transitional justice is a relatively new field for the Maldives, OTJ was required to bring skilled foreign professionals on-board. The configuration in terms of professional skills needed to carry out the tasks of the OTJ had the possibility of shifting, as the process moves from the investigation stage to the mediation stage and reconciliation, and to conduct the research needed to complete truth-telling and prevention components.

213. With regard to granting sufficient financial and human resources, Government was informed of certain budgetary challenges faced by the OTJ during their term. To address this, the initial budget allocated for the Office was increased by 26% over the three years, from MVR 11,800,000 (USD 765,240) to MVR 15,000,000 (USD 972,763).

214. With regard to modalities adopted, OTJ's engagement in providing reparations directly to the victims was limited to mediation cases and compensation in the settlement between complainants and Government agencies.

Reply to paragraph 22 of the list of issues

215. Article 52 of Constitution prohibits the use of statements or evidence obtained through compulsion or unlawful means including through torture and deems them inadmissible in court. Consequently, when cases are presented to PGO, the PGO has procedures in place to ensure that no such statements or evidence is included. If the PGO discover that unlawful means were used during the investigation, PGO will reject the case and take appropriate actions against the investigating body.

216. There has been no record of any case dismissed by the Courts owing to the introduction of coerced evidence or testimony during the reporting period. The new Act Number: 11/2022 (Evidence Act) elaborates on the procedures to follow when submitting, accepting and evaluating evidence. The law satisfies the right to a fair trial, as per Article 42 of the Constitution by detailing out the necessary evidential procedures. The Department of Judicial Administration has conducted training programmes for judges on the new Evidence Act.

Reply to paragraph 23 of the list of issues

217. With regard to corporal punishment, Act Number: 19/2019 (Child Rights Protection Act) states that no child shall be punished or harmed in a ruthless, inhuman or humiliating manner at home or educational institution or institution where the child is housed or any other environment where the child resides, effectively prohibiting corporal punishment in all institutional settings.

218. Although Maldivian criminal legislations allow imposition of hudood punishments, actual imposition of these punishments are at the discretion of the judge. As stated above, Government is committed to implementing judicial reform and training judges.

219. Similar to the Maldives' position on the death penalty, flogging cannot be abolished without preceding domestic legislation from the Parliament or wider public consultation on the issue. The move towards a new position must be constitutional and must reflect the wishes of the Maldivian people.

220. However, Government notes that Juvenile Justice Act introduces stringent safeguards to ensure that children in conflict with the law are afforded special considerations in situations where they are accused of hudood offences. The safeguards detailed in Chapter 16 of the Act ensure that children are treated as not having the same capacity as adults, that measures are taken to ascertain the actual capacity of the child in committing the alleged offence, and that the requirements prescribed for a hudood penalty are met in the stages of investigation, prosecution and conviction. In that regard, the Act mandates that the prosecution have access to a report prepared by the Department of Juvenile Justice indicating the situation of the child.

221. The Act also mandates prosecution to take into account, the mental and physical wellbeing of the child, social status of the child, probability of the child being a victim of organised crime or any other exploitative act, gravity of the offence and the child's awareness on the legality of the act. In conducting trials, the Act expressly states that the judge shall refrain from convicting, where there is any form of doubt as to the child having committed the offence.

222. The Act also stipulates that the judge has to evaluate the capacity of the child to commit the crime; whether the alleged crime satisfies all elements prescribed in Islamic Shariah beyond any doubt; if the case is built on a confession or eye witness testimony, whether the confession or testimony meets all the requirements prescribed in Islamic Shariah beyond any doubt; the extent to which all the elements of the alleged crime satisfy the requirements prescribed in Islamic Shariah beyond any doubt; and the circumstances under which the alleged crime was committed.

223. While the enactment of the Child Rights Protection Act and the Juvenile Justice Act has transformed the child rights protection system in the Maldives, it is crucial that effective implementation is carried out, and in that regard, Government is pleased to note that all stakeholders are working together to identify gaps and address them, to ensure successful implementation.

224. The Child Abuse Prevention Programme conducted by MoSFD includes raising awareness on harmful effects of corporal punishment in all trainings as well as refresher trainings. These trainings have been conducted for care workers employed at residential care facilities for children. Additionally, the Behaviour Management Procedures outline in detail, alternative approaches to discipline children.

225. HRCM regularly conducts human rights awareness sessions for various stakeholders and duty-bearers. Though the sessions do not specifically focus on harmful effects of corporal punishment, the sessions on child rights focuses on rights of the child to not be subjected to torture and other cruel, inhuman or degrading treatment or punishment. These sessions are mainly targeted for parents and teachers, which are conducted annually. Furthermore, HRCM disseminates the translated handbook on the Convention on the Rights of the Child to schools, students as well as parents.

Reply to paragraph 24 of the list of issues

226. The Constitution requires Islam to be one of the bases of all laws of the Maldives. The laws of Maldives mandate that death penalty can only be prescribed in limited circumstances. These laws reflect the will of the people. Abolishing it is to undermine the Constitution. A sentence of death penalty will only be implemented in the Maldives after such a conviction is confirmed by the Supreme Court of the Maldives, after due processes and safeguards have been ensured, and in accordance with Article 6(2) of the International Covenant on Civil and Political Rights. The Government is committed to ensure that fair trial rights are respected and upheld during all stages of the judicial process.

227. Maldives is unable to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, since it relates to abolishing the death penalty.

228. As noted above, the death penalty sentence is subject to automatic appeal in the Maldives and must be confirmed by the Supreme Court of Maldives. Section 29(c) of the Clemency Act states that the President has the discretion to commute the sentence of a person convicted of a criminal offense, based on their age, health and treatment they are currently undergoing, their status and circumstance, or from a humanitarian perspective. However, the death penalty sentences confirmed by the Supreme Court have not been commuted to prison terms. Therefore, currently 4 prisoners are on death row in the Maldives.

229. There is no discrimination between the prisoners in accessing the services and benefits available to prisoners based on the type of offense. The disciplinary measures imposed are purely dependant on their actions and behaviour inside the prison rather than the type of offence committed by the individual.

230. As for the facility that was built at Maafushi Prison for the purpose of carrying out death penalty, Government notes that the facility has never been used.

231. With regard to commuting sentences of death handed out to minors, Section 74-1 of Juvenile Justice Act prohibits the imposition of death penalty for crimes committed before the age of eighteen. This Section also prohibits death penalty to offenders for murders committed while they were minors. Section 113 of Juvenile Justice Act stipulates that within 30 days of its enactment, the information of children serving time has to be sent for review to determine whether the child should be allowed to complete the rest of the sentence under probation. Pursuant to the change in the law the Juvenile court has ordered a rehabilitation order for those who were sentenced to capital punishment prior to the Act.

Reply to paragraph 25 of the list of issues

232. A National Response Plan has been formulated in 2020 outlining the procedures to be followed in response to a threat of terrorism. As per the procedure, all relevant law enforcement and security agencies are informed when a threat is received and responses to terrorist incidents are carried out by Maldives National Defence Force and MPS. The Defence Intelligence Service, MPS, Maldives Customs Service, Maldives Immigration and the Financial Intelligence Unit of the Maldives Monetary Authority work together with National Counter Terrorism Centre (“NCTC”), in countering and responding to terrorism.

233. Much work has been done during the reporting period to prevent acts of terrorism, including the adoption of the National Action Plan on Preventing and Countering of Violent Extremism 2020 to 2024. General and targeted intervention programmes have been conducted to promote peace and resilience, assimilate foreign terrorist fighters and their

families back into society. Additionally, NCTC has conducted strategic a communications programme to counter radical narratives and to promote narratives of peace and tolerance.

234. NCTC also facilitates capacity building on counter terrorism for law enforcement and security agencies, both local and overseas. In collaboration with UN bodies, NCTC was able to facilitate 59 capacity-building programmes, through which 1450 law enforcement and judicial officials have been trained during the last 5 years.

235. With regard to the number of persons who have been convicted under Act Number: 32/2015 (Prevention of Terrorism Act), from 2018 to December 2023, there have been 6 convictions.

236. As for the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures, Government notes that the use of administrative measures issued under the Prevention of Terrorism Act such as house arrests, travel restrictions, surveillance and financial restrictions are based on reasonable suspicion of terrorist activity. The judicial review process mandated under Section 39 of the Act following the issuing/extending of a monitoring and control order provides appropriate oversight on the legality of orders issued.

237. Section 60-4 of the Prevention of Terrorism Act provides a list of measures that may be imposed against a returnee fighter. One of the measures is an administrative detention of an initial 30 days, which can be extended upon the permission of the court. After the 30-day period, adults and children will be admitted to a rehabilitation programme for a duration which is determined by a judge. The completion of the rehabilitation program paves the way for successful reintegration back into their communities. During the 30-day period, individuals have the right to seek legal counsel and the right to family visits.

Reply to paragraph 26 of the list of issues

238. COVID-19 control measures were imposed through the legal framework created by Act Number: 7/2012 (Public Health Protection Act). The Act provides for the Minister of Health to declare a State of Public Health Emergency, which was declared for the first time in the Maldives on 12 March 2020. The Act affords numerous powers to the Director General of Public Health, who heads the Health Protection Agency, which is mandated by law, *inter alia*, to prevent and control the spread of such communicable diseases.

239. All restrictive measures imposed as a result of the COVID-19 pandemic were issued by Director General of Public Health, pursuant to powers afforded under the Act, including orders for isolation, quarantine, restriction of movement and assembly, and closure of businesses and services.

240. All measures imposed were published and were announced through daily media briefings initially held by the National Centre for Emergency Operation, which was a multi-sectoral centre established to deal with all issues related to the pandemic. The work was later shifted to the Health Emergency Operation Centre, under the Ministry of Health.

241. Extensive measures were taken in places of detention to protect detainees, particularly vulnerable detainees, from the COVID-19 pandemic. The President granted clemency to 170 eligible prisoners, and 45 undocumented expatriates held at the Hulhumalé Detention Centre were repatriated to their country during the COVID-19 lockdown period. Prisoners with long term medical illnesses were transferred to house arrest under monitoring.

242. Furthermore, suspects were not taken into custody unless absolutely necessary and especially if they showed symptoms of COVID-19. Where a detainee presented symptoms of COVID-19, they were immediately transferred to a place of isolation. If found positive to COVID-19, and the provision of treatment was not possible within the prison, the detainee was changed to house arrest under conditions, or transferred to a hospital facility in severe cases.

243. With the initial outbreak, screenings of detainees and staff for fever and flu like symptoms were conducted daily. Medical personnel working at prisons were provided with training on COVID-19 such as using personal protective equipment and taking samples for

testing. New prison arrivals were kept separate from general prison population for a period of 14 days. Random sampling was also conducted.

244. Movement of prisoners in and out of the prison were limited to medical treatments and court appearances. Court proceedings and lawyer meetings were held via video conferencing. Staff accommodations were set up within detention facilities to limit their travel.

245. Special protective measures, such as restriction of inward and outward movements, and setting up of quarantine, isolation, and sanitising areas, were taken in drug rehabilitation centres. Temporary detox facilities were also established in different areas in the Malé region by the NDA and outreach programmes such as home visits are conducted.

Reply to paragraph 27 of the list of issues

246. Maldives has made remarkable progress in enacting key legislations to strengthen its legal and institutional framework pertaining to the promotion and protection of human rights. Below is a summary of the most notable legislations enacted during this reporting period, in promotion and protection of human rights, in particular, those rights covered in the Convention and issues highlighted in the Committee's recommendations.

(a) Presidential Commissions' Act – 24 June 2019:

This Act affords statutory powers to Presidential Commissions to conduct full-fledged criminal investigations, including powers to independently seek arrest and search warrants. It also demarcates the rules for operations as well as rules on independency and accountability.

(b) Juvenile Justice Act – 20 November 2019:

This Act creates a distinct track in the criminal justice system for children in conflict with the law, emphasises rehabilitation and reintegration, and introduces diversion mechanisms and targeted interventions to help children and youth at risk of offending.

(c) Child Rights Protection Act – 20 November 2019:

This Act repeals the 1991 Act of Child Rights Protection, is compliant with the Convention on the Rights of the Child, and expressly recognises the rights of children to education, adequate health care and to be protected from all forms of discrimination, mental and physical harm, abuse and exploitation, among a host of other rights. Most importantly, the Act prohibits child marriages, sets the age of criminal responsibility at the age of 15 years, prohibits the death penalty from being imposed against children, and provides safeguard to children against corporal punishment.

(d) Second Amendment to the Human Rights Commission's Act – 22 September 2020:

Amendments were brought to the Human Rights Commission's Act to ensure their independence and accountability. Provisions have been inserted to ensure that the members of the Commission act independently and uphold strict ethics and standards.

(e) Transitional Justice Act – 17 December 2020:

This Act established an Ombudsperson's Office for Transitional Justice, with a mandate to investigate systematic violations of human rights and fundamental freedoms perpetrated by State institutions or senior officials of State institutions between 1 January 1953 and 17 November 2018.

(f) Maldives Police Service Act – 27 December 2020:

This Act overhauls the 2008 Police Act, introducing a number of much needed reforms to the governance of police. The new Act decentralises service provision, sets forth a human-rights centred policing approach and promotes professional standards within the police force.

(g) Civil Procedure Act – 16 December 2021:

The first consolidation of such nature, this Act encompasses rules relating to pre-trial procedures, proceedings at trial, general rules of evidence applicable to civil cases, judgments, orders, and enforcement of judgments in civil proceedings. The Act prohibits discrimination on any grounds in the trials of civil matters.

(h) Third Amendment to the Prevention of Terrorism Act – 15 December 2021:

This amendment to the Prevention of Terrorism Act seeks to overhaul the legal regime addressing returnee combatants introduced in the Second Amendment to the Prevention of Terrorism Act. The Amendment seeks to better define returnee fighters or combatants, and enhances the procedures relating to returnee fighters, especially children belonging to such families. The Act maintains a presumption that children are victims of terrorism unless otherwise established in a law mandated risk assessment conducted by a specialised committee. Rules pertaining to registration of children born in warzones are also covered.

(i) Associations Act – 9 May 2022:

This Act governs the particulars of exercising the right to form associations provided for in Article 30(b) of the Constitution, including incorporation, registration, and regulation; general rights and obligations of such entities; and the duties of the Registrar of Associations. It seeks to establish a mechanism to ensure the accountability of associations and to provide a legal framework for associations to contribute to the development of society.

(j) Evidence Act – 18 July 2022:

The new Evidence Act was enacted, overhauling the outdated evidence law in place since 1976. The Act specifies the procedures to be followed when gathering evidence in civil and criminal proceedings, as well as the process to be followed when submitting, accepting, and evaluating evidence.

247. With the enactment of the new Maldives Police Service Act several administrative changes have been brought to MPS. One of the main changes includes establishing a Police Board comprising of seven members. These members mainly have advisory roles including advising the Minister whom to appoint as the Commissioner of Police. Additionally, the minister has to announce call for applications to applications for the post of Commissioner of Police rather than being appointed by the president on his accord.

248. As detailed above in this Report, MCS has, for the first time in Maldives, begun implementing non-custodial measures as well as in-house drug rehabilitation programmes.

249. With regard to resources allocated to implement the Convention, Government notes that the budget of HRCM's Investigation Department was increased to recruit 4 additional staff in 2022. Among them 3 were specifically recruited to the Anti- Torture Unit to investigate allegations of torture and 1 staff has been recruited to the NPM. In 2023, the Ministry of Finance also increased the budget allocated to NPM to facilitate better implementation of its activities. NPM has developed a portal to monitor the implementation status of its recommendations effectively, which was launched on 10 December 2023.

III. Conclusion

250. The Maldives has made notable advancements in fulfilling its commitments under the Convention, particularly in the last 5 years. Nevertheless, the obstacles stemming from our constrained capacity and resources have been further compounded by the COVID-19 pandemic. This has led to a decelerated implementation of our predetermined national objectives to implement the recommendations of the Committee.

251. Despite the hurdles, Government assures that Committee of its conviction to uphold democratic values and safeguard the Convention rights afforded to all within the Maldives, including implementing the necessary reforms to ensure full compliance with the Convention.