



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

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**Consideration of reports submitted by States parties
under article 19 of the Convention**

Concluding observations on the initial report of Maldives

Addendum

**Information received from Maldives on follow-up to the
concluding observations***

[Date received: 25 October 2019]

* The present document is being issued without formal editing.



Abbreviations

AGO	Attorney General's Office
CSO	Civil Society Organisation
DDCOM	Commission on Investigation of Murders and Enforced Disappearances
DV	Domestic Violence
FPA	Family Protection Authority
GBV	Gender-based Violence
HRCM	Human Rights Commission of the Maldives
ICS	Inspector of Correctional Service
JSC	Judicial Service Commission
MCS	Maldives Correctional Service
MHA	Ministry of Home Affairs
MOGFSS	Ministry of Gender, Family and Social Services
MPS	Maldives Police Service
NIC	National Integrity Commission
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PGO	Prosecutor General's Office
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

Executive summary

1. The Maldives submitted its initial report under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“**Convention**”), on 17th October 2017. As the initial report was crafted and submitted by the previous administration, the new administration, sworn in on 17th November 2018, disassociated itself from the report, during its appearance at the 65th session of the Committee against Torture in November 2018. The Government of Maldives’ decision to disassociate itself from the initial report that was submitted, emanates from its highly divergent views on the country’s record in complying with the Convention.
2. In order to provide the Committee with a more accurate status of Maldives’ compliance with the Convention, the Government of Maldives pledged to voluntarily submit another report to the Committee within six-months from the date on which concluding observations on the initial report Maldives submitted were issued by the Committee against Torture. In keeping to its commitment, although a few months late, Maldives submits this report, which acts as a review and follow-up of the Committee’s recommendations issued on 6th December 2018.
3. This report contains information on the implementation status of recommendations subdivided into thematic areas under the Convention, as categorised in the concluding observations.
4. Under *transitional justice and accountability for torture and ill-treatment*, the report details plans to create a transitional justice mechanism, including details on its mandate and timeframe. The report also provides information on the work of the recently constituted Commission on the Investigation of Murders and Enforced Disappearances, and Maldives’ decision on making public findings of prior inquiries.
5. Under *impunity for torture*, the report covers the past and present relationship between enforcement agencies and authorities which are mandated to investigate misconduct. The section covers the capacity of independent institutions in conducting independent investigations and the actions taken by the Government to ensure their independency. It also addresses effectiveness of prosecution, and immediate actions taken by agencies in dealing with officers suspected of committing an act of torture.
6. *Reform of the judiciary* is one of the most crucial projects undertaken by the Government of Maldives. Under this section, the report details the Government’s proposals to reform the judiciary, including enhancing the accountability and quality of judges, as well as bringing about changes to court administration and structure of the judiciary.
7. Under *legislation concerning minors in conflict with the law*, the report details the changes being brought to the juvenile justice system through the enactment of the Juvenile Justice Bill. It addresses topics such as diversion mechanisms, minimum age of criminal responsibility and detention of juvenile offenders.
8. Under the section on *Human Rights Commission of the Maldives*, the report iterates Maldives’ commitment to strengthening independent institutions and to starting dialogue with the Human Rights Commission of the Maldives on measures to increase the resources of the institution.
9. The section on *absolute nature of the prohibition of torture*, covers the efforts put in by relevant institutions in disseminating information on this vital principle to all relevant authorities.
10. The report also covers the *appropriate penalties for torture* provided by the Maldivian legislative framework, and clarifies the interpretation of Section 23 (f) of Law Number 13/2013 (Anti-Torture Act).
11. Under *statute of limitations and accountability for acts of torture*, the report explains the law and iterates Maldives’ commitment to reviewing the relevant laws to make them in line with international obligations.

12. Under *deaths in custody*, the report provides information on the measures undertaken by the Government to investigate thoroughly and deliver justice in matters of suspicious deaths in custody. It also covers the current procedures in place and efforts being made to enhance such investigations.
13. The report goes on to provide information on the fairly new Law Number 12/2016 (Criminal Procedure Act), focusing on the *fundamental legal safeguards* it provides to detained persons. This section also contains information on additional safeguards such as, medical examinations, legal aid and video monitoring, and information on the mechanisms in place to protect these safeguards and steps taken to address failures to respect them.
14. Under *pre-trial detention*, the report entails the legal safeguards in place and measures being taken to control pre-trial detention. It also addresses information on the actual set-up of holding prisoners under remand, convicted prisoners and children in conflict with the law.
15. The section on *violence against women* covers the Maldives' approach to combatting domestic violence and gender-based violence, including information on the legislative framework in place, awareness and training programmes, and protections afforded to victims.
16. The report also goes on to provide the Committee against Torture, with the policy of the Government of Maldives on *judicial flogging* and *death penalty*.
17. *Prison reform and conditions of detention* are one of the key priority areas of reform for the Government and as such, the report presents the successes Maldives has achieved in the recent past and plans for implementing recommendations proposed by both the Committee against Torture and the Commission for Prisons Audit, which undertook an extensive Prisons Audit in the first 100 days of the Government.
18. Under *monitoring places of deprivation of liberty*, the report covers follow-up information on the recommendations of the Committee against torture, regarding oversight mechanisms, including independent institutions and civil society organisations.
19. The section *inadmissibility of statements made as a result of torture*, details the legislative framework in place, measures to be taken to eliminate gaps in practice, and avenues for individuals whose cases have been decided based on coerced confessions.
20. Under *corporal punishment of children*, the report details the current legislative framework and the introduction of two key pieces of legislations, the Juvenile Justice Bill and the new Child Rights Bill, which aim to ensure that the themes of the United Nations Convention on the Rights of the Child are reflected in the Maldivian legal system. It also provides information on exercises being conducted to raise public awareness about the harmful effects of corporal punishment.
21. The section on *non-refoulement* covers the legislative framework in place, current practice of the Maldives, as well as provides part of the statistics requested by the Committee against Torture in its recommendation to the Maldives.
22. Under *training*, the report covers the various training programmes currently being conducted, and ones to be conducted to combat the lack of enforcement of laws and regulations. These include trainings on the provisions of the Convention, in particular, on the absolute prohibition of torture and on the use on non-coercive methods of investigation and interrogation that comply with international standards.
23. The report also provides information to the Committee against Torture, on the *other issues* highlighted by the Committee in paragraphs 48–53 of the concluding observations. The report concludes with the reiteration of the Government of Maldives' commitment to abide by the provisions of the Convention and to engage with the relevant treaty bodies.

Replies to the recommendations contained in paragraph 8 of the concluding observations on the initial report of Maldives (CAT/C/MDV/CO/1)

Transitional Justice and accountability for torture and ill-treatment

24. There is no denying that allegations of torture have tainted Maldivian institutions, specifically those responsible for arresting and detaining offenders and suspected offenders. The majority of these allegations have either been ineffectively investigated, or not investigated at all. Through its pledge to facilitate victims of human rights violations, including torture and other cruel, inhuman or degrading treatment or punishment, to overcome their trauma and seek redress, the Government of Maldives is in the process of establishing an independent transitional justice mechanism.

25. A Transitional Justice Bill, was formulated and submitted to the People's Majlis on 28th March 2019. However, the Bill reverted back to the Government when the term of the previous Majlis ended. The Government is currently in the process of reviewing the Bill and ensuring that we adopt the best suited mechanism for the Maldives. The Government's intention is to create a mechanism that is mandated to find, investigate and understand, through judicial and non-judicial mechanisms, the actions committed by the previous regimes in violation of human rights and fundamental freedoms. The mechanism will provide for investigation of human rights violations that occurred between 1st January 2012 and 17th November 2018. After careful deliberation, the time period was set due to the need to prioritize the atrocities of the most recent past, and to ensure that the goals of the transitional justice mechanism are as realistically achievable as possible. Due to limited resources, budgetary constraints, and various external challenges, investigations of all allegations of torture, without it being limited to a set period, would result in ineffectiveness and delayed results. The intention of the Government, however, is to move to past allegations in due time. Necessary amendments to that end, will be brought to the mandate of the mechanism once cases of the recent past have been effectively investigated and remedied.

26. The Government of Maldives came to power with numerous pledges of restoring justice, and democratic values. In that regard, some important actions have already been taken during the first few days of this administration.

27. On 17th November 2018, pursuant to Presidential Decree number 2018/13, President Ibrahim Mohamed Solih established the Commission on the Investigation of Murders and Enforced Disappearances, with a view to conduct transparent, impartial and thorough investigations into matters of deaths under suspicious circumstances and inexplicable disappearances. The DDCOM is currently conducting investigations into cases that took place during the period from 1st January 2012 to 17th November 2018.

28. The DDCOM is equipped with sufficient support staff and resources to carry out its mandate effectively. The Commission was afforded statutory powers to conduct full-fledged criminal investigations with the enactment of Law Number 4/2019 (Presidential Commission's Act). This Act affords legal status and clarity to the powers and responsibilities of the Commission.

29. While 27 cases were under investigation by the DDCOM, only 5 cases are currently pending. DDCOM has been regularly sharing the progress of its work with the public and the media and works closely with the families of victims, keeping them updated on the progress of individual cases.

30. Maldives reiterates its commitment to ensuring accountability for perpetrators of these cases being investigated by DDCOM, including the disappearance of journalist Mr. Ahmed Rilwan in 2014. Mr. Ahmed Rilwan's case was submitted to DDCOM on 27th November 2018 and the Commission reports that important developments have been achieved pertaining to the investigation. The Commission disclosed details of the investigation into Mr. Ahmed Rilwan's case on 1st September 2019, at a press conference held at the President's Office. Speaking at the press conference, the President of DDCOM said that the investigation into the disappearance of Rilwan is nearing completion. The Commission also revealed that all evidence indicated to Mr. Ahmed Rilwan being murdered on a vessel at sea.

It is also noteworthy that the Government of Maldives is in constant engagement with the United Nations Working Group on Enforced or Involuntary Disappearances regarding Mr. Ahmed Rilwan's case, and will continue to do so.

31. Maldives is committed to transparency and making public findings of all transitional justice measures that are currently being established, with limited exceptions, such as issues concerning national security. In this regard, Maldives continues to review past inquiries/investigations to assess policy decisions regarding their publication. This includes the full report of the Commission established to investigate the mistreatment and killing of prisoners in Maafushi jail on 20th September 2003.

32. Furthermore, Maldives is pleased to inform the Committee against Torture, of its fulfilment of the commitment under the Government's 100-day pledge to complete a full Prisons Audit. The Audit was carried out by a 7-member "Commission for Prisons Audit", and the outcome of the audit, Maldives Prisons Audit Report 2019, includes information concerning deaths and allegations of torture whilst in custody and has been published by the Ministry of Home Affairs on 28th May 2019. Findings of the report will be highlighted in the relevant sections of this report.

33. Maldives is committed to ensuring that all victims of torture and ill-treatment perpetrated in the past, including family members of deceased victims, obtain adequate redress including compensation. The transitional justice mechanism will implement this commitment to that effect. In addition, Maldives believes that this mechanism will serve to heal divisions, and promote reconciliation within a divided society. In the interest of transparency and full engagement with UN treaty bodies, Maldives will inform the Committee against Torture about the measures taken by the transitional justice mechanism in its next report to the Committee.

Replies to the recommendations contained in paragraph 10 of the concluding observations

Impunity for Torture

34. One of the major challenges faced by the Maldives is the gap between the Government's commitments under the Convention and law, and its implementation in practice. By law, the investigations of the Human Rights Commission of the Maldives and the National Integrity Commission are fully independent. The Maldives Police Service or the Maldives Correctional Service has no direct or indirect role in the investigation processes of these institutions. However, Maldives acknowledges gaps in the enforcement of the independent commissions' mandates, due to their dependency for resources on other agencies.

35. The HRCM, established by the Constitution of the Republic of Maldives and governed by Law Number 6/2006 (Human Rights Commission Act), consists of five members, who are approved by the People's Majlis and appointed by the President. The NIC is established by Law Number 27/2015 (National Integrity Commission Act), and also consists of five members who are approved by the People's Majlis and appointed by the President. Ensuring that these institutions are able to function independently, is one of the main pledges of the Government. Maldives is committed to providing these institutions with resources and capacity (based on a proper needs assessment), to conduct its own investigations, without having to depend on those institutions against which complaints of torture or ill-treatment have been filed.

36. As for the recommendation by the Committee against Torture to ensure that the HRCM and the NIC are able to benefit from independent forensic analysis, the Government of Maldives appreciates the importance of HRCM and NIC having access to independent forensic analysis outside of the MPS. However, the Government is also wary of the duplication of resources in a small state such as the Maldives. Having stated that, Maldives will take this issue into consideration if it is requested of the Government, after a proper needs assessment/capacity audit is undertaken.

37. In the absence of multiple resources, it is important that good working relationships exist between MPS, MCS and authorities which are mandated to investigate misconduct such

as HRCM and NIC. While further efforts need to be made to ensure effective cooperation between institutions, Maldives is pleased to report that the HRCM has found improvements in the cooperation received from MPS for investigations, during this administration. Efforts are also being made to improve the cooperation between the MCS and HRCM.

38. In line with its commitment to reform the MPS, Maldives is pleased to report that an extensive police reform initiative is underway, with a Strategic Plan for 2019–2024, formulated and published. The plan, formulated following public consultation and outreach presents a comprehensive reform programme which will guide the much-needed transformation of MPS. It is designed to facilitate more transparent, effective, efficient and credible policing services in order to restore public confidence and trust in MPS. MPS under this extensive plan has begun rebuilding better working relationships with stakeholder institutions.

39. With regard to the Committee’s recommendation on immediate suspension of persons under investigation for committing acts of torture, it should be noted that, within the MPS, cases of torture or ill-treatment are investigated by the Professional Standards Command which is, by regulation, a functionally independent Command headed by an Assistant Commissioner of Police. Irrespective of the offence, if the alleged act committed by a police officer is criminal, the practice is to suspend the officer while the investigation is ongoing. The decision of suspension is made by the Disciplinary Board of MPS, which is separate from the Professional Standards Command. Officers under suspicion are given all due legal rights, and have the right to appeal the decision of the Disciplinary Board to a higher-level Appeal Committee, also within the MPS.

40. As for the MCS, officers suspected of committing an act of torture or ill-treatment, are immediately removed from the work environment where the act of suspected torture or ill-treatment allegedly took place. An internal investigation will be conducted by the Ethics and Professional Standards unit, and case reports are forwarded to the Disciplinary Board to take further action such as, suspension from duty, termination and/or forwarding of the case to the MPS for further investigation.

41. Maldives is committed to ensuring that uniform actions are taken against officers under investigation for having committed acts of torture or ill-treatment, while guaranteeing that they are given all due legal rights under the Constitution and relevant laws of the Republic of Maldives.

42. With regard to taking measures to strengthen the effectiveness of prosecutors and the PGO, it is noteworthy that only a limited number of cases of torture or ill-treatment are forwarded for prosecution after investigations. A lack of communication between investigators and prosecutors in early stages of the investigations contribute to the shortfall of prosecution in such cases. Another contributing factor is the lack of evidence, due to which, cases are denied in duty prosecution. The Government of Maldives is aware of these issues and will take measures to strengthen cooperation between investigators and prosecutors, which will in turn strengthen the effectiveness of prosecution, to ensure accountability for torture and ill-treatment.

43. As for the Committee against Torture’s recommendation to revise the composition and mandate of the NIC, it should be noted that ensuring independence of institutions such as HRCM and NIC is a priority for the Government. The AGO, under its legislative review process, has undertaken the task of amending the respective laws which govern institutions to ensure that they are able to function independently. To that end, under the Government’s 100-day pledges, amendments to Law Number 4/2007 (Audit Act), Law Number 5/2007 (Civil Service Act), Law Number 8/2008 (Elections Commission Act), Law Number 13/2008 (Anti-Corruption Commission Act), Law Number 9/2008 (Prosecutor General’s Act) and most relevantly, Law Number 6/2006 (Human Rights Commission Act) have been formulated and submitted to the People’s Majlis.

44. The amendment bills insert provisions to the Acts which ensure that members of these independent commissions act without influence, have strict ethics and standards to follow, excuse themselves from cases involving personal interests and are prohibited from having another job. Additionally, members are obligated to declare assets in the names of themselves, their spouses, and children and persons under their direct supervision. The bills further insert

provisions regarding actions to be taken if a member is in contravention of the ethics stipulated in the Acts, and provisions on accountability to the People's Majlis.

45. The AGO will continue reviewing and amending in due time, Acts of independent institutions which were established by respective laws and not the Constitution. This will include reviewing Law Number 27/2015 (National Integrity Commission Act), in order to ensure that there are no hindrances in the Act for them to function independently.

46. As for providing information on the number of investigations of allegations of torture and ill-treatment undertaken by the authorities, and the outcome of all investigations, the MPS and MCS is currently re-evaluating data collection errors, and the Government hopes to provide accurate information with regard to number of cases and outcomes in the time period between the enactment of Law Number 13/2013 (Anti-Torture Act) till present, in the Maldives' next report to the Committee.

47. The HRCM has reported that the total number of alleged cases of torture lodged during the period between 1st December 2018 – 31st March 2019 are 12 cases. Out of these 12 cases, 4 cases were closed, due to reasons such as lack of evidence and/or lack of cooperation from victims to move forward with the case. According to HRCM, there are currently 8 ongoing investigations.

48. Government of Maldives assures that all relevant authorities, including the relevant independent institutions already in place, and the upcoming transitional justice mechanism, will serve as avenues for speedy delivery of justice to victims of torture or ill-treatment. Proper independent investigations will be carried out in order to ensure impunity for torture or ill-treatment is eradicated.

Replies to the recommendations contained in paragraph 12 of the concluding observations

Reform of the Judiciary

49. Since the reformed Constitution came into force in the Maldives in 2008, efforts have been directed towards building and strengthening the institutions envisaged with its ratification. While the Constitution brought forth a new system of governance and introduced democratic values to a country which otherwise had all its state functions converged at the head of state, the most remarkable shift was observed in the separation of the judiciary from the rest of the executive. This much welcome change, however, has in practice failed to achieve its goals. Allegations of partiality, corruption and political influence continue to tarnish the reputation of the Maldivian judiciary. The system of checks and balances introduced by the Constitution has eroded to the extent that introduction of large-scale reforms is of paramount importance.

50. The Government of Maldives is determined to build the impartial, fair and just judiciary foreseen by the Constitution of this country and in that regard, President Ibrahim Mohamed Solih has pledged to undertake a comprehensive reform of the Maldivian judiciary. The Government of Maldives has formulated a number of proposals for judicial reform with regard to court administration, accountability and quality of judges, and structure of the judiciary.

51. In order to guarantee the independence and impartiality of the judiciary, it is vital that the oversight body is free from influence and partiality. The Government believes that an appointment body such as the JSC should be able to act independently and should be comprised in a manner that counters any politicization in the appointment of judges and any improper allegiance to interests other than those of a fair and impartial judge. The Government plans to introduce proposals for constitutional and legislative reform to revamp the composition of JSC and adopt a model that is free of political representation. It is also important that the Commission be comprised of members that can dedicate their time to the work of the JSC.

52. With regard to appointment of judges and conduct of disciplinary hearings, the Government believes that a transparent merit-based process for the selection and appointment

of judges will be a first step towards regaining the public's confidence in the independence and impartiality of the judiciary. Maldives aims to introduce rules of conduct relating to judges based on international best practice, and proposes a more efficient system of accountability of where the capacity and competency of judges may be periodically evaluated by the JSC. This is to be complemented with the introduction of a mechanism to strengthen their accountability, such as mandatory asset declaration rules for judges. To improve the criteria used to initiate proceedings, procedural reforms will also aim at introducing mechanisms through which cases of alleged misconduct can be lodged anonymously. It will also aim at adopting transparent rules of procedures for the conduct of disciplinary proceedings to avoid selectivity in the management of cases.

53. Moreover, the Judicial Service Commission is in the process of appraising the competence and qualification of judges. Proposed reforms include exploring the possibility to re-evaluate the appointment of judges appointed during the transitional period (2 years from 7 August 2008) in a fair and non-discriminate manner. Furthermore, the proposed reforms will aim to increase the current requirement of two years of experience in the legal field so that more experienced legal practitioners can be appointed as judges. The lack of equal gender representation has always been an area of concern within the judiciary. At the beginning of this administration there were no women represented at the appellate courts and only a handful of them in the lower courts. In keeping the Government's promise to address the issue of the current gender imbalance to ensure that women are not underrepresented in the judicial sector, President Ibrahim Mohamed Solih nominated two female Justices to the Supreme Court of the Maldives, and the Government is proud to note that after confirmation from the People's Majlis, the first female Justices were appointed to the highest court of Maldives on 4th September 2019.

54. Judicial reform proposals also include constitutional and legislative amendments to be enacted to ensure that the Supreme Court does not assume *suo-moto* jurisdiction to issue court orders, rulings or adjudicate on constitutional matters or annul any law or parts thereof without conducting open hearings. This would require both legislative and constitutional amendments.

55. The requirement of an impartial and independent judiciary calls for transparent and efficient court administration. The Government believes that courts should focus exclusively on matters relating to the administration of justice, leaving matters of court administration and management to staff appointed by an independent administrative body.

56. Reform proposals to this end include, a) restructuring the court system to introduce the concept of District Courts in various regions of the Maldives and allowing the High Court judges to sit as circuit judges in these selected regions; b) court management reforms such as removing the Department of Judicial Administration from under the Supreme Court and allow it to be run by the Chief Judicial Administrator, who will be an independent person appointed and dismissed by the JSC and c) broadening the mandate of Court Registrars in order to eliminate the interferences by judges in decisions such as allocation of cases to judges, case scheduling and management, and allocating the mandate of appointment and removal of Registrars to the Chief Judicial Administrator.

57. Some of the above-mentioned reforms are already in place with the enactment of Law Number 11/2019 (Second Amendment to Law Number 10/2008 (Judicial Service Commission Act)). In addition to bringing about the much-needed changes to the operations of JSC, the Act removed the DJA from under the Supreme Court and established it as a separate authority, run by the Chief Judicial Administrator.

58. Additional key proposed reforms in the legal and judicial sector, include: a) development of alternative dispute resolution mechanisms, including the enhancement of the functioning of the Maldives International Arbitration Centre and the introduction of mediation and conciliation; b) establishment of a Public Defender's Office/Legal Aid Commission which would provide legal representation for individuals who do not have the means to afford it; and c) establishment of an independent Bar Council that will regulate and develop the legal profession. The Bar Council of Maldives has now been established with the enactment of Law Number 5/2019 (Legal Professions Act) on 27th June 2019.

59. Maldives strongly believes in continuous professional development of judges to enable them to stay up-to-date with recent legislative and human rights developments. The Government will work together with the judiciary, specifically the body responsible for the training of judges, to ensure that the Convention and its requirements are incorporated into the curriculum.

60. As detailed above, Maldives is undertaking an extensive judicial reform initiative, and is optimistic with regard to its implementation. The Government has kickstarted the reform work with the assistance from out international partners.

Replies to the recommendations contained in paragraph 14 of the concluding observations

Legislation concerning minors in conflict with the law

61. Maldives has achieved major milestones in the legislative framework of the Maldivian criminal justice system in the recent past. The enactment of Law Number 14/2013 (Prisons and Parole Act), Law Number 9/2014 (Penal Code of the Maldives) and Law Number 12/2016 (Criminal Procedure Act), introduced a modern, rights-based and more cohesive criminal justice system in the Maldives for children in conflict with the law. The addition of the two key missing pieces, namely a new Evidence Bill and the Juvenile Justice Bill, are priorities of the Government, and to that end, a Juvenile Justice Bill has been formulated and submitted to the People's Majlis in August 2019. The Bill is currently at the Committee stage of the People's Majlis.

62. The Juvenile Justice Bill purports to create a completely distinct justice system for children in conflict with the law. It redirects children in conflict with the law to diversion mechanisms, instead of raising charges against them. The Bill also obligates persons who are involved/work in investigation, prosecution, trial, rehabilitation, probation and places of detention, to have received specialised training. Criminal cases involving children in conflict with the law are to be heard in juvenile courts, which are to be established in specific regions of the country including Male' city. The Bill makes it mandatory that judges in such courts receive specialised training in the area of juvenile justice. Moreover, it creates the Juvenile Justice Department, a Government institution which will take the responsibility, for acting in the best interest of children in conflict with the law, and the organisation and implementation of diversion programmes.

63. The juvenile justice system created by the Juvenile Justice Bill, focuses on the best interests of the children in conflict with the law and therefore concentrates on diversion mechanisms such as rehabilitation and reintegration. Arrest or detention is only allowed to be used as a last resort and even then, the period of detention should be the absolute minimum period required. Diversion mechanisms listed out in the Bill include: a) apologising to the victim and providing compensation; b) participation in programmes such as counselling, family conference, educational, vocational programmes and life skill programmes; and c) community service.

64. The Juvenile Justice Bill also determines that the minimum age of criminal responsibility starts at 15 years of age. The Bill details special procedures and standards which have to be followed during investigation, prosecution and trial, of offences for which *hadd* or *qisas* punishments are prescribed under Islamic Shariah. These include, inter alia, carrying out a risk assessment of the child in conflict with the law, details of admissible evidence and not rendering a guilty judgment if there is even the slightest doubt or instinct that the child in conflict with the law is innocent. The burden of proof is tremendously high and numerous safeguards have been inserted to protect the child in conflict with the law.

65. The Maldivian legal system does not allow for anyone, minor or adult, to be sentenced for *hadd* punishments, or any sort of punishments, when they are victims of rape or sexual violence. In fact, Law Number 17/2014 (Sexual Offences Act) provides a number of protections for victims of rape or sexual violence, and even provides them with the opportunity to claim for economic and non-economic losses. Maldives is committed to

ensuring that the rule of law is supreme and that the judiciary does not render *ultra vires* sentences.

66. With regard to the detention of children in conflict with the law, Maldives acknowledges that detention facilities currently being used for housing children in conflict with the law are not designed for the purpose, and is committed to change. As per the current draft of the Juvenile Justice Bill, the Government has to build Juvenile Residential Centres, Juvenile Correctional Centres and Juvenile Custodial Centres within 18 months of passage of the Bill. Maldives is committed to ensuring that the conditions of the current detention facilities and the ones that will be built under the new Juvenile Justice Bill are aligned with international standards and in particular, the Convention.

Replies to the recommendations contained in paragraph 16 of the concluding observations

Human Rights Commission of the Maldives

67. Maldives is committed to strengthening its independent institutions and has in fact, reached out to its international partners to obtain financial and technical assistance for these institutions, including HRCM. Maldives acknowledges the concerns regarding budgetary constraints faced by HRCM, and is prepared to discuss measures to increase the resources of the institution, following an independent capacity audit and needs assessment.

Replies to the recommendations contained in paragraph 18 of the concluding observations

Absolute nature of the prohibition of torture

68. The Constitution of the Republic of Maldives, stipulates all procedures regarding the declaration of a state of emergency, and Article 255 of the Constitution lists the rights and freedoms which cannot be restricted even during a state of emergency. One of the rights listed as such is Article 54, which states that no person shall be subjected to cruel, inhuman or degrading treatment or punishment, or to torture. While Declaration no: 3/2018 which declared a State of Emergency in the Maldives on 5th February 2018 did not restrict Article 54 of the Constitution, complaints of alleged acts of torture during that period, will be investigated by the transitional justice mechanism being set up, upon submission.

69. Maldives appreciates the importance of disseminating to all authorities, information on the absolute nature of the prohibition of torture and the commitment to uphold the prohibition of torture in practice, including during states of emergency. MHA has plans to conduct sessions in 2 different atolls in the year 2019, for police officers, officers in detention facilities and senior Government officials.

70. Section 36 of Law Number 13/2013 (Anti-Torture Act) also makes information dissemination and training of relevant officials mandatory. As such, relevant institutions are obligated to include in their training programmes, information on the absolute nature of the prohibition of torture, why torture is wrong and on efforts being made to stop and prevent torture and other cruel, inhuman or degrading treatment or punishment.

71. In addition to the relevant institutions, HRCM is mandated under Section 36 (b) of the Act to ensure that educational programs at all vocational, primary, secondary and higher education centres in the Maldives include information and training on the importance of respecting human rights and human dignity, and the importance of nonparticipation in torture or any form of inhuman treatment.

72. HRCM continues to conduct trainings, and has recently trained 93 junior police officers, from 18–19 November 2018, focusing on human rights, the Convention, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment, and the Mandela Rules. HRCM plans to conduct more trainings for the staff of police stations during NPM's visits throughout the year. Likewise, HRCM is developing

an online module on Law Number 13/2013 (Anti-Torture Act) for law enforcement agencies and state institutions that are responsible for detainees.

Replies to the recommendations contained in paragraph 20 of the concluding observations

Appropriate penalties for torture

73. The 7th Chapter of Law Number 13/2013 (Anti-Torture Act) defines the offences and penalties for inflicting torture or other cruel, inhuman or degrading treatment or punishment. Sections 21 and 22 of the Act determines the commission or infliction of such an act, and detention of people in certain ways, as criminal offences in all circumstances.

74. Section 23 (a) of the Act states that if the victim of torture was subjected to either murder, or insanity, infertility or memory loss as a result of rape, the penalty for such an offence is 25 years of imprisonment. Section 23 (b) of the Act states that if the victim of torture was subjected to disintegration of a body part, rape, sexual violence, or if the rape or sexual violence was committed against a child, the penalty for such an offence is 15 to 20 years imprisonment.

75. Section 23 (c) of the Act contains another category of offences, whereby, if the victim of torture was subjected to insanity or loss of memory resulting from psychological torture, if the victim regularly desires to commit suicide and attempts to do so regularly, and if the victim is unable to live a normal life as a result of humiliation, pain or damage caused by torture, then the penalty for such an offence is 15 to 20 years imprisonment. Furthermore, Section 23 (d) of the Act states that, if the act of torture caused the victim to lose their ability to speak, hear, taste, use an organ, straighten the backbone, to perform *Ruku'* and *Sajida* (bowing and prostrating during the performance of Muslim prayers), the penalty of such an offence is 10 to 15 years of imprisonment.

76. Lastly, Section 23 (e) of the Act states that all acts of torture that do not fall under subsections (a), (b), (c) and (d) of Section 23, will be punishable by imprisonment for a period between 7 to 10 years.

77. All of the above sections of the Act, 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.

78. The following subsection, Section 23 (f) of the Act, was meant to be an aggravating factor to be added on to the penalties in subsections (a), (b), (c), (d) and (e) of Section 23. However, it currently states that, in situations that do not fall under subsections (a), (b), (c), (d) and (e) of Section 23, if the victim was hospitalised for more than 90 (ninety) days due to a medical condition that was caused by the act of torture, then the penalty for the offence is imprisonment for 5 years.

79. The phrasing of Section 23 (f) needs to be amended to reflect that the penalty of 5 years will be added on to whatever punishment offenders receive under subsections (a), (b), (c), (d) and (e) of Section 23, and the AGO will review and amend the provision through its legislative review work. 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.

Replies to the recommendations contained in paragraph 22 of the concluding observations

Statute of limitations and accountability for acts of torture

80. When Law Number 9/2014 (Penal Code of the Maldives) was enacted, it detailed all the defences available to the accused by law. These include justification defences, excuse defences as well as non-exculpatory defences. One of the non-exculpatory defences entailed in Chapter 60 of the Act is that prosecution will be barred if charges are not raised within the

time limits set out in Section 61 of the Act. The Section sets out the limitation of 8 years for felonies and 3 years for misdemeanours from the time of committing the crime.

81. Law Number 6/2015 (First Amendment to the Penal Code of the Maldives) went on to exclude some specialised criminal offences related Acts from the Penal Code, including Law Number 13/2013 (Anti-Torture Act). This meant that the Anti-Torture Act will supersede the Penal Code when dealing with acts of torture. However, the same section also states that defences available to the accused under the Penal Code, will be available to those being charged under the specialised acts. Since the statute of limitation is set out as a defence in the Penal Code, it is now available as a defence to those being accused of acts of torture. The Government will consider the Committee against Torture's recommendation to amend the Penal Code in order to ensure that there is no statute of limitation for the crime of torture, and report its decision in the Maldives' next report to the Committee.

82. The Committee against Torture is right in its observation that Law Number 13/2013 (Anti-Torture Act) requires the perpetrator of torture to be convicted before civil liability can be awarded in favour of the victim. The Government will, through its legislative review process, consider the Committee against Torture's recommendation to amend the Anti-Torture Act to allow for civil liability of the perpetrator in favour of the victim, even if the perpetrator has not been prosecuted or convicted and report its decision in its next report to the Committee.

Replies to the recommendations contained in paragraph 24 of the concluding observations

Deaths in custody

83. Conducting thorough investigations and delivering justice in matters of suspicious deaths, including those that occurred while in custody, is a Government priority. As highlighted previously, President Ibrahim Mohamed Solih established the DDCOM merely hours after taking office, with the specific aim of conducting transparent, impartial and thorough investigations into matters of deaths under suspicious circumstances and inexplicable disappearances, in order to seek out the truth and deliver justice. The DDCOM, with the mandate to cover cases which occurred between 1st January 2012 and 17th November 2018, is currently investigating 4 cases of deaths in custody. The Government is positive that the Commission will be able to carry out its mandate effectively, and publish its findings in the foreseeable future. If criminal elements are involved, DDCOM will forward the cases to PGO for charges to be raised, and simultaneously reach out to families of victims for resolution. Law Number 4/2019 (Presidential Commission's Act) affords DDCOM full investigative powers which is afforded to other investigative agencies such as the MPS under Law Number 12/2016 (Criminal Procedure Act), including powers to independently seek arrest and search warrants.

84. During the period between 8th December 2018–31st March 2019, HRCM investigated 8 cases of death in custody, out of which 3 cases are closed and 5 are ongoing. In order to thoroughly investigate such deaths, and to determine whether or not state officials are responsible, Maldives believes that forensic analysis is key, and as such, HRCM has now formulated a guideline to be followed when carrying out autopsies. The guideline formulated in line with the responsibilities and powers vested in HRCM under subsections (e), (j), (l) and (m) of Section 20 and Section 21 (j) of Law Number 6/2006 (Human Rights Commission Act), lists down circumstances where carrying out an autopsy is mandatory. Additionally, the guideline stipulates that such autopsies must be carried out by an independent pathologist, and the state is obligated to provide a different pathologist if the family of the deceased questions the independency of the initially appointed pathologist, and thereby objects to them carrying out the autopsy. Maldives believes that the guideline will pave way to provide more accurate answers in determining the cause and time of cases of suspicious deaths.

85. Maldives also commits to strengthening the internal mechanisms of custodial centres, to ensure that deaths in custody are promptly and impartially investigated. As such, when the Inspector of Correctional Service receives a complaint of a death in custody, the ICS will conduct an immediate inspection and inform the Minister of Home Affairs and relevant

authorities of the situation. All deaths in custody are immediately reported to MPS and HRCM for external investigations. The Prison Director will also prepare and forward incident reports to the Minister of Home Affairs and Commissioner of Prisons. The Ethics and Professional Standards unit will also immediately begin an internal investigation, to identify any violation of standards.

86. MPS also ensures that such cases are promptly and impartially investigated, and that HRCM and NIC are immediately informed. The Forensic Services Department at MPS is a functionally independent department within the MPS and has received many international accreditations for its quality and services (including ISO standards). At present, the police laboratories and forensic services have the capacity to do forensic examinations and provide support and assistance to HRCM's independent investigations. Although part of MPS, the processes and procedures are carried out impartially, and analytic reporting follows chain-of-custody principles. All cases of deaths in custody are recorded in the MPS' records system.

87. Maldives appreciates the need for independent forensic examinations, and MPS is currently in consultation with the International Committee of the Red Cross, along with the Ministry of Health, to establish an independent post-mortem service in the Maldives. The legal and regulatory frameworks are being explored, and stakeholder consultations have begun.

88. The lack of a modern Evidence Act has been a great challenge for the judicial sector. While the previous administration had formulated a new Evidence Bill, the Government is committed to reviewing it and submitting it to the People's Majlis. The current draft of the Bill defined forensic evidence and recognises information from autopsies as forensic evidence. Passage of this Bill will ensure that Maldivian courts accept the results of independent forensic examinations and autopsies as evidence in criminal and civil cases.

89. As stated above, Maldives is dedicated to eliminating the gap between laws and their enforcement in practice, and therefore is committed to taking the necessary steps to ensure compliance with the domestic laws and international obligations of the Maldives. Priority is given to take necessary measures to prevent such deaths in police and prison establishments, and will keep the Committee against Torture informed of such steps taken in the Maldives' next report to the Committee.

Replies to the recommendations contained in paragraph 26 of the concluding observations

Fundamental Legal Safeguards

90. Entry into force of Law Number 12/2016 (Criminal Procedure Act), was a major milestone achieved in the criminal justice system of the Maldives. The Act consolidated and elaborated all rights to be afforded to detained persons as provided for in the Constitution. Section 44 of the Act stipulates that once a person is informed that they are under arrest, they should be given a legal warning which includes: a) informing the person that they are under arrest and under which Act and for which offence they are being arrested; b) informing the person of their right to remain silent with the exception of providing their identity; c) informing the person of their right not to answer questions but that it is preferable for them to provide answers; d) informing the person that anything they say can be used against them in court; and e) informing the person that they have the right to a lawyer and that if they cannot afford a lawyer and if they are suspected of committing a serious criminal offence, they have the right to obtain state provided legal aid.

91. Furthermore, Section 45 (b) of the Act states that information of the person under arrest, shall be recorded as soon as they are brought to a police station. Section 46 (b) of the Act states that, if a person under arrest is being questioned by the police, they shall be given the opportunity to telephone their relative, friend or lawyer before being questioned, and that they should be given the opportunity to inform where they are being held.

92. As for medical examinations, MPS first conducts a question-based examination as soon as the person is brought into custody, and if it is requested by the person under arrest, a medical doctor is arranged to examine the individual.

93. The above-mentioned safeguards and many more, are cemented by law. However, Maldives acknowledges gaps in practice in the past, and aims to eliminate these through effective training and expansion of resources. MPS' Strategic Plan 2019 – 2024 includes the promotion of ethical work practices and processes, which consist of: a) enhancing written standards to ensure transparency and integrity at work; b) implementation of clear and strict protocols without discrimination; c) providing ethics and human rights training throughout the organisation; d) enhancing internal reporting mechanisms; e) ensuring diligence in enforcing policies; and f) strengthening internal grievance procedures.

94. As for persons detained by the Maldives Immigration, at the very outset of when a person is detained, they are informed of the charges against them and their respective Governments are informed of their detention. However, language barriers have been a difficulty during such communications with the detainee and Maldives is working to overcome such challenges. Registration, removal and all stages of detention is properly documented by the Maldives Immigration.

95. With regard to legal aid, Article 53 (b) of the Constitution of the Republic of Maldives stipulates that in serious criminal cases, the state shall provide a lawyer for an accused person who cannot afford to engage one. The mandate of providing state legal aid rests with the AGO. In the absence of specific legislation, the Attorney General's Office carries out this mandate as per a Regulation formulated by the AGO. The Regulation provides that an application shall be submitted to the AGO requesting for legal aid, and if the applicant is suspected of committing a serious criminal offence listed in Section 22 of Law Number 12/2016 (Criminal Procedure Act), and if the individual passes the "means test" provided for in the Regulation, then they are eligible for legal aid. As such, Government confirms that all individuals who apply for legal aid and fit the criteria stated in the Regulation, are afforded state legal aid services.

96. It is noteworthy, however, that the current legal aid regime does not cater for all criminal offences. This is a challenge, especially in cases involving children and foreigners, where they are unable to afford a lawyer and would ultimately pass the "means test" in the Regulation, but are not afforded state legal aid due to the type of offence they are suspected of having committed. Additionally, quality monitoring of state legal aid services is a heavy burden given the capacity and resources of the AGO.

97. Maldives recognises these challenges and the Government has pledged to introduce a Legal Aid Bill, which will review and revise the types of cases for which state legal aid is accorded, as well as trigger the establishment of a Public Defender's Office/Legal Aid Commission. A draft of the Bill was formulated in the previous administration with the assistance of the UNDP, and the Government will review it align it with current policies and submit it to the People's Majlis in the foreseeable future.

98. With regard to the Committee against Torture's recommendation on establishing a central register of detention regarding all persons at all stages of their deprivation of liberty, a policy decision needs to be made and Maldives hopes to respond in the next report to the Committee.

99. As for undertaking video monitoring in all places of deprivation of liberty and interrogation rooms, while video monitoring is carried out in some of MPS's interrogation rooms in the capital Male' and the islands, due to resource constraints, not all interviews are audio/video recorded. As for MCS, prisoner investigations, handling of misbehaving prisoners and searches conducted due to suspicious activities, are all to be recorded on tape by Regulation. However, budgetary constraints affect full implementation. Maldives will seek avenues to address these gaps and increase the resource envelopes of places responsible for the deprivation of liberty.

100. As mentioned above, fundamental legal safeguards, are cemented by law and it is the gaps in practice which Maldives has to tackle. Effective oversight is key and the Government is committed to enhancing the functioning of independent oversight bodies such as the NIC. The NIC, established by Law Number 27/2015 (National Integrity Commission Act), is mandated to monitor and investigate any unethical behaviour by law enforcement agencies and their employees, safeguard the employee's legal rights, and take necessary steps to ensure sincere, honest and lawful governing of the state. NIC has the power to investigate matters,

at its own discretion, or upon submission of a complaint, and upon completion of investigation: a) inform the respective agency of NIC's findings and advise on steps to be taken; b) if NIC finds an involvement of a criminal element, forward the case to MPS or PGO; or c) advise the agency on amendments to be brought to practice/regulation to avoid repetition of such incidents. The Act makes it mandatory on enforcement agencies, to carry out the necessary measures as advised and inform the NIC of its progress.

101. With regard to MPS and MCS, in addition to the NIC mechanism, they have their own internal mechanisms which take disciplinary measures against officials who fail to afford fundamental legal safeguards to persons deprived of their liberty. As such, at MPS, such misconduct cases are investigated by the Professional Standards Command, and at the MCS, Director of Prisons is responsible to ensure observation of standards, and cases of non-compliance are investigated by the Ethics and Professional Standards unit.

102. Maldives will provide the Committee against Torture, with information on the number of complaints received regarding failure to respect fundamental legal safeguards and on the outcome of such complaints, in its next report to the Committee.

Replies to the recommendations contained in paragraph 28 of the concluding observations

Pre-trial detention

103. The recently enacted Law Number 12/2016 (Criminal Procedure Act) has strict measures to control pre-trial detention, and MPS has fully incorporated the standards into its regulations and practices. Section 94 of the Criminal Procedure Act, lays out time periods for investigation and raising charges. As such, Section 94 (a) 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). Section 94 (c) further states that, in order to file the charges within the specified timeline, law enforcement agencies have to finish the investigation of the case within a reasonable time period and forward the case to the Prosecutor General. 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.

104. 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 (thirty) 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. This is stipulated in Section 94 (d) of the Act and it goes on to state that, charges must be filed against the suspect within the 30-day extension. Surmising the above, the maximum time period a person can be detained for, from the point of arrest to filing a charge against them, is 61 days.

105. Once a charge has been filed and the case has been registered at the respective court, all documents pertaining to the case must be handed over to the defendant within 5 days. A preliminary hearing is to be conducted soon after. If the accused pleads guilty, the trial hearing of the case has to take place within 5 days of the preliminary hearing, as per Section 139 of the Criminal Procedure Act. As for those who plead not guilty, under Section 140 (a) of the Act, if the person is in detention, a trial hearing of the case has to take place within 70 days of the date on which documents were handed over to the defendant.

106. The above-mentioned measures are now in place by law, and has decreased pre-trial detention periods remarkably. Maldives hopes to share with the Committee, statistics on the improvements in its next report to the Committee.

107. Chapter 6 of the Criminal Procedure Act, deals with pre-trial detention. A person who has been arrested, needs to be produced before a judge within 24 hours of their arrest. The judge will determine the legality of the person's arrest after hearing arguments from both sides. If the judge decides to keep the person detained, it should be justified under one of the grounds stated in Section 60 (b) of the Act. Since the decision of the judge comes in the form of an order of the court, it is eligible for appeal at the appellate courts in the Maldivian judicial

hierarchy. The accused is afforded 10 days to appeal such decisions to the High Court of Maldives, and 60 days to appeal High Court decisions to the Supreme Court of Maldives. The appeal periods are however, one of the areas the Government wishes to reform, through its judicial reform plan.

108. The Criminal Procedure Act also sets out the mechanism for an arrestee's legal right to apply for a *habeas corpus* writ. As per Section 207 (a) of the Act, the arrested individual or any other person on their behalf can claim for a habeas corpus writ, in order to determine the legality of the individual's arrest. If the court finds that the individual's arrest is contrary to the law, the court is to grant their immediate release.

109. With regard to holding pre-trial detainees separately from convicted prisoners, under Law Number 14/2013 (Prisons and Parole Act), remand facilities and facilities for convicts are to be separate, and this is being implemented by the MCS. However, due to the large number of detainees held on remand and not enough space, the facility is overcrowded. MPS only manages custodial facilities and therefore, do not maintain convicted prisoners.

110. The only exception is the Male' jail, and the Prisons Audit Report notes that both remand prisoners and convicted prisoners are kept together in Male' jail. The Commission on Prisons Audit has recommended that both remand prisoners and convicted prisoners be separated in accordance with Law Number 14/2013 (Prisons and Parole Act).

111. With regard to the concern that children are detained with adults, Maldives confirms that children are kept separate from adults. However, since the MCS detention facility that is currently being used for housing children on remand, is not designed for the purpose, a new facility needs to be developed. As for MPS facilities, while children are kept in separate cells, there are concerns that the cells are too close in some detention facilities which results in children being exposed to verbal shouts and/or foul language from adult detainees. The current detention cells are not built for separation due to a lack of available space and standardization of cells. As stated previously, under the current draft of the Juvenile Justice Bill, the Government has to build Juvenile Residential Centres, Juvenile Correctional Centres and Juvenile Custodial Centres within 18 months of passage of the Bill and Maldives is committed to ensuring that the conditions of the current detention facilities and the ones that will be built under the new Juvenile Justice Bill are aligned with international standards and in particular, the Convention.

112. Maldives acknowledges the importance in preventing pre-trial detention becoming a systemic and widespread practice, and therefore, promotion of alternatives to pre-trial detention is key. Strict procedures are determined in Section 60 of the Criminal Procedure Act with regard to ordering pre-trial detention. As per Section 60 (b), a judge is only allowed to order pre-trial detention if there is some/enough evidence which makes the person a suspect, and if the judge believes that the accused may: a) destroy evidence or influence a witness; b) not attend court; c) abscond; or d) become a risk to public safety if released.

113. The Criminal Procedure Act promotes alternatives to pre-trial detention by obliging judges to: a) release accused persons from detention without condition, if there is no evidence which makes the person a suspect and none of the reasons for keeping the person in detention exist; b) order bail or release the accused on conditions, if there is enough evidence which makes the person a suspect, but none of the reasons for keeping the person in detention exist.

Maldives commits to using pre-trial detention as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and the protection of the society and the victim.

Replies to the recommendations contained in paragraph 30 of the concluding observations

Violence against women

114. The enactment of Law Number 3/2012 (Domestic Violence Prevention Act) bolstered the efforts of relevant authorities in prevention of domestic violence. In order to further reinforce the legislative framework, a General Regulation on the Prevention of Domestic

Violence was gazetted on 4th September 2018, and a Procedural Manual on delivery of services has also been formulated.

115. Maldives has adopted a proactive approach, which aims to address and alleviate the systemic causes of gender-based violence, the barriers to prosecuting the perpetrators, and also ensure redress. These proactive efforts include collaboration with investigators and prosecutors, and also consists of consistent and effective procedures, along with training and accountability mechanisms.

116. Numerous efforts are being made to decrease abuse and impunity, and to empower women, including education and awareness campaigns, training programs and additional complementary strategies to overcome gender stereotypes, biases and societal norms that treat gender-based violence as a private matter. Maldives believes that in order to address the root causes of gender-based violence, importance should be given to address gender inequality and cultural perceptions of women, poverty and economic independence.

117. Keeping potential victims of violence safe from harm is a key component of due diligence. Adequate legislative frameworks, policing systems and judicial procedures are critical to creating a safe environment and enabling women to report acts of violence and obtain effective measures of protection from harm. To that end, the Ministry of Gender, Family and Social Services ensures that survivors of gender-based violence have access to justice, as well as basic support services, including health care, counselling and shelters. Additionally, MOGFSS together with the AGO will keep reviewing and enhancing the legislative framework which combats DV and GBV.

118. Furthermore, MOGFSS in collaboration with the Family Protection Authority, through national dialogues, Knowledge-Papers, discourses, and awareness raising campaigns have stressed that “religious” practices used as excuses for perpetuating GBV are in fact traditions which pre-date religion. Both MOGFSS and the FPA are increasing efforts to partner with the Ministry of Islamic Affairs to mobilise gender equality champions among religious leaders on key concepts, including marital rape.

119. The MPS has prioritized serving the diverse needs of the community with respect and dignity, and safeguarding vulnerable groups, under its police reform initiative. The Domestic Violence Act has been widely taught to all police officers and a separate unit has been established with expert knowledge in the area, which is based in the capital city. In the islands however, the implementation of DV issues is not uniform, and Maldives hopes to tackle this crucial issue, in order to encourage victims of DV and GBV in all islands of the country, to report acts of violence without hesitation.

120. While MPS prioritizes investigation of DV cases, it is not without challenge. A common scenario faced by investigators relates to the extent of victim’s cooperation in the middle of an investigation. Due to various factors such as societal attitudes and pressure, victims often withdraw cooperation. Lack of other support services within the social services sector, and the historical belief of keeping it a private matter, makes it difficult for the police to complete the investigation for prosecution. Maldives is committed to addressing the root causes of these challenges in order to create a trustworthy protection mechanism for victims.

121. The PGO also has specialised units, namely the Family and Child Unit and the Witness and Victim Support Service Unit to ensure effective prosecution of DV cases. Protection of victims is ensured through a referral mechanism and case conference. PGO, in collaboration with the United Nations Children’s Fund has conducted trainings on strengthening the capacity of prosecutors working with child victims and witnesses.

122. Effective investigation and prosecution of DV or GBV cases in the Maldives, does not necessarily mean that a conviction is guaranteed. Lack of a modern law on evidence, and desensitized judges makes punishing perpetrators a major challenge. The Government’s extensive judicial reform plan consists of vigorous training of judges, including the conduction of sensitizing and awareness programmes on gender-based issues such as DV and GBV. Maldives hopes that this reform work, along with the enactment of the new Evidence Bill, will alter the current status, in favour of all perpetrators being punished for DV or GBV.

123. Awareness raising campaigns and gender equality sensitisation is key to preventing DV and GBV and as such, a series of such campaigns and programmes have been carried out

by MOGFSS in the recent past. In 2016, MOGFSS supported the “KURIMAGU” campaign, a door-to-door campaign to mobilise greater understanding among society about the importance of gender equality. Rolled-out in all islands of Lh. Atoll, the campaign also focused on creating awareness about DV and GBV.

124. Gender sensitization programs for the MPS was also conducted over a four-month period in 2017, reaching a total of 219 (two hundred and nineteen) police officers. MOGFSS also conducted Training of Trainers on Gender Equality for senior officials of both Government and State-Owned Enterprises. Furthermore, capacity building programmes are held annually for social service workers and supervisors.

125. FPA has also put in numerous efforts to combat DV and GBV. These include: a) the development and validation of the Maldives Domestic Violence Prevention Strategic Plan 2017–2021; b) the development of the Maldives Domestic Violence Prevention National Action Plan 2018–2023; c) the development of guidelines for facilitating financial aid in the provision of psychosocial support services to survivors of sexual violence and entrance into an understanding with a private organisation to provide the said support; d) conduction of the first National Conference on Research in Domestic Violence; e) conduction of social sector monitoring of Family and Children Service Centres; f) initiating the monitoring of investigation processes, and service and response by the police in DV cases; g) initiating dialogue with the PGO and the judiciary, to establish referral mechanisms in collection and maintenance of data of domestic violence cases reported to the judicial system; h) development of a draft service responders handbook to harmonise and standardize the delivery of services among key stakeholders; and i) conduction of capacity building programmes on the DV Act and its concepts for various stakeholders, including police, health service providers, social service providers, legal sector, education sector, island councils, women’s development committees and civil society organisations in several islands in the Maldives.

Replies to the recommendations contained in paragraph 32 of the concluding observations

“Judicial flogging”

126. Although Maldivian criminal legislations allow imposition of *hadd* punishments, actual implementation of these punishments are at the discretion of the Judge. As stated above, Maldives is undertaking a massive judicial reform initiative which aims to restore accountability of judges, impartiality within the judiciary, transparency of processes and an overall strengthening of the justice sector.

127. Similar to the Maldives’ position on the death penalty, flogging cannot be abolished without preceding domestic legislation from the People’s Majlis, 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.

Replies to the recommendations contained in paragraph 34 of the concluding observations

Death penalty

128. While Maldives has upheld its informal moratorium on the death penalty, with the last person executed in the country over 60 years ago in 1954, it is undeniable that the possibility of issuing death penalty still exists in books, within Maldivian Laws.

129. The new Penal Code came into effect in 2014, which specifically prescribes death penalty as a form of punishment in the country, and as such, must be carried according to principles of Islamic Shariah. Section 1204 of Law Number 9/2014 (Penal Code of the Maldives) states that offences prescribed as *hadd* offences in Islamic Shariah, should accompany *hadd* punishments. However, the said authority to prescribe *hadd* punishments (including death penalty) in Maldivian law is rendered almost dormant by the high evidentiary threshold required to warrant such a penalty.

130. In fact, Islamic Sharia demands guilt to be established beyond a shadow of doubt, to necessitate imposition of death penalty. Islamic Sharia also awards the last say on implementing *Qisas* penalty to the victim's family by affording them the opportunity to forgive the accused even if the court has sentenced the accused to death. Hence, the procedure for *Qisas* can only be implemented should the family seek to implement the death penalty sentence passed by the Court.

131. In that respect, Courts of law at all stages will be required to scrutinize the evidence presented before them to an extremely high degree, where rules pertaining to admissibility of evidence, criminal procedure and prosecution including at all stages of appeal, should be concrete enough to prevent flaws and eliminate any miscarriage of justice.

132. The punishment of death penalty cannot be abolished without a preceding domestic legislation from the People's Majlis, 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. Government of Maldives reiterates its commitment to continue to uphold its informal moratorium on the death penalty and assures the Committee against Torture, that judicial reform and enhancing the legislative mechanisms relating to the criminal justice system in the Maldives, takes precedence over resuming the execution of death penalty.

Replies to the recommendations contained in paragraph 36 of the concluding observations

Prison reform and conditions of detention

133. Prison reform is one of the key priorities of the Government and in order to kickstart the massive reform required, the Government announced, as part of its 100-day pledges, to conduct a widespread Prisons Audit. The Minister of Home Affairs constituted a 7-member Commission to undertake the task, who began their work on 18th December 2018. Maldives is pleased to report that an extensive audit has been completed and the report has been compiled and handed over to the MHA by the Commission. MHA published the findings of the report on 28th May 2019. Government has created a "Prisons Reform Monitoring Committee" to oversee the implementation of the reform recommendations proposed in the report. The Government will provide updates on the implementation of these recommendations in its next report to the Committee against Torture.

134. In addition to implementing the recommendations of the Prisons Audit, institutions have commenced reforms on their own as well. While the current facilities in MPS do not meet the minimum standards, MPS employs a standard of service to detainees as per the Police Regulation. These include providing legal rights and basic hygienic services. MCS has also initiated work to make changes to the infrastructure of their prisons to meet the minimum standards. While budgetary constraints are always a challenge, MCS hopes to achieve this target by 2021. ICS is also in the process of finalising a draft Regulation on Standard Minimum Rules for Treatment of Prisoners and hopes to have it published before the end of the year.

135. At present, alternative methods to keep prisoners out of cells for longer periods are practiced. These include opportunities for prisoners to enrol in formal education programmes and vocational trainings conducted inside the prison compound. A limited number of prisoners are also given the opportunity to be employed in prison jobs, such as agriculture, farming and unskilled labour work.

136. As for non-custodial measures, Law Number 9/2014 (Penal Code of the Maldives) introduces and promotes non-custodial measures to be employed in the rehabilitation of offenders. It is important to note that due to various reasons, the structure of a holistic criminal justice system envisioned by the Penal Code has still not been established. With the right regulatory framework and equipment, establishment of an efficient mechanism to administer alternative forms of punishments will, in the long run, lead to the full realisation of the intention with which the Penal Code was enacted.

137. In 2016, AGO initiated a project with UNICEF, to formulate a practical implementation mechanism of the non-custodial measures set forth in the penal code, for

both children in conflict with the law and adult offenders alike, harmonize existing laws and regulations to pave way for its smooth implementation and review, build human resource, technical coordination and infrastructural capacity with the enforcing institutions, along with a public engagement component of creating and raising awareness on the matter. Although, some discussions on the project took place, for various reasons they did not progress beyond this point and no concrete work was done. AGO plans on reinitiating this project with UNICEF and looks forward to its completion, especially given the fact that the Juvenile Justice Bill is currently in the Committee stage of the People's Majlis.

138. The Juvenile Justice Bill envisages numerous diversion programmes for children in conflict with the law. Such programmes include: a) apologizing to the victim; b) mandatory attendance at an educational institution for a certain period of time; c) spending time with a family member/guardian for certain periods of time; d) acting in accordance with an agreement reached between the guardian and the child in order to correct their behaviour; e) reporting regularly to a probation officer; f) participation in counselling, group counselling or treatment programmes; g) monitoring behaviour of the children under the supervision of a responsible adult; h) participation in vocational training or rehabilitation programmes; i) paying compensation for damages caused; j) providing a service to the victim with the victim's consent; k) pay a financial compensation to the victim; l) pay a fine; m) participation in a community service programme; and n) participation in community meetings.

139. With regard to medical services, Maldives commits to enhancing the medical facilities being provided to detainees, as recommended by the Commission for Prisons Audit. At present, medical services are provided by the MPS when detainees request for it, and an in-house nurse and in-house doctors are present in the police's main detention facility in the island of Dhoonidhoo in K. Atoll. Additionally, Dhoonidhoo has a registered medical centre which is now functional. As for MCS, in-house doctors and nurses take shift duties in prisons. However, it should be noted that there are delays in providing medical facilities where specialist medical treatment in a hospital is required. The issue is being discussed between Government stakeholders and Maldives is committed to seeing that adequate and timely medical care is provided to all persons in custody.

140. With regard to providing prisoners with proper and sufficient food, the Commission for Prisons Audit has noted various issues with the current service of food in 10 prisons in Maldives and has provided 4 recommendations. These include; a) making it the responsibility of the medical officer in prisons to check the standard, taste, cleanliness and freshness of food being served; b) making sure that kitchen, canteen and storage spaces are in line with the standards of Maldives Food and Drug Authority by carrying out inspections thrice a year; c) keeping water coolers in prisons; and d) making sure plastic plates/cups used for serving food/drinks and carrying food is renewed every 6 months. As mentioned above, the Prisons Reform Monitoring Committee will oversee the implementation of the reform recommendations proposed in Prisons Audit Report 2019.

141. Complaints of prolonged solitary confinement, particularly against political prisoners reached an unprecedented level during the previous administration. Government of Maldives is pleased to report that, at present solitary confinement is not practiced by both MPS and MCS as a form of punishment.

142. Maldives appreciates the importance of employing duly trained officers to oversee detainees. Currently at MPS, police officers with basic police training are used as custodial officers. It is not uncommon for police officers without specialised training to be working in the Custodial Department. While MPS does have a Victims Support Unit with qualified counsellors, their services are not widely available to those within detention, or even to custodial officers who operate in highly stressful environments. MCS has already hired 50 additional correctional officers and their training is to be completed by November 2019. Maldives understands the urgent need for a more comprehensive mechanism to build capacity of custodial officers, with trainings specialising in human rights and rights-based dealings with persons in detention.

143. As for medical staff, doctors and nurses are now on duty 24 hours a day, at all prisons managed by MCS. A psychiatrist has also been hired by MCS in August 2019 and is stationed at the Maafushi Prison. The psychiatrist will regularly visit other prison facilities under MCS.

Additionally a new two-storey medical facility is under construction at Maafushi Prison and is expected to be in operation by the end of December 2019. The Medical facility will have a consultation room, an admission ward with 2 beds and an X-ray machine. It is also noteworthy that all prison staff are trained to handle basic medical emergencies and to transfer the patient to the nearest hospital as soon as possible.

144. At detention facilities maintained by MCS, initial medical screenings are conducted at the reception of newly arrived convicts and treatments are given to any diagnosed illnesses. All detainees who contract infectious diseases, are removed and hospitalised by both MPS and MCS. Persons with psychosocial disabilities are not detained by MPS if proper documentation is provided, and convicts at MCS prisons who are diagnosed with psychosocial disabilities are removed from prisons and kept under house arrest if the family is willing and has the capability to provide custodial support. In cases of no support from families, the Government provides care for such prisoners.

Replies to the recommendations contained in paragraph 38 of the concluding observations

Monitoring places of deprivation of liberty

145. Maldives appreciates the need to increase the HRCM's funding to enable it to better fulfil its function as the National Preventive Mechanism, and is open to dialogue with the HRCM upon their request and fulfilment of a needs assessment. It is also noteworthy that HRCM has reported that while the budget received in 2019 is not sufficient to fully carry out its functions, it is relatively higher than 2018, and therefore HRCM has been able to allocate a relatively higher amount for NPM work for the year 2019.

146. With regard to a confidential complaints mechanism, while the current legislative framework provides for a mechanism to send letters/complaint forms to Government institutions, independent institutions and any other persons, safeguards are put in for special purposes, whereby the Director of Prisons is allowed to access such communications and read them. Under Regulation no: 2016/R-35 (Regulation governing meetings, phone calls and exchange of documents such as letters with convicts, prisoners who have been arrested on suspicion of committing a crime and prisoners who have been detained by way of a court order) the Director of Prisons has the power to stop delivery of letters which contains: a) disrespectful, foul or threatening language; b) content which may pave way for commission of a criminal act, or may hinder prosecution of a criminal act; c) information that may threaten national security; d) information which may compromise the safety and security, or operations of the prisons; and e) information that may violate fundamental rights of a third person. The Commission for Prisons Audit has recommended in its report, to amend the Regulation, to ensure that accessing communication sent by prisoners is only done in absolutely necessary circumstances. As mentioned above, the Prisons Reform Monitoring Committee will oversee the implementation of the reform recommendations proposed in Prisons Audit Report 2019.

147. While Law Number 14/2013 (Prisons and Parole Act) affords powers to relevant independent institutions, international organisations and relevant parliamentary committees to visit the prisons and carry out inspections. Unfortunately, the current legislative framework does not specify the grant of access to national and international civil society organisations.

148. However, Section 17 (f) (10) of Regulation no: 2016/R-34 (Regulation governing fundamental services and allowances to be provided to convicts, prisoners who have been arrested on suspicion of committing a crime and prisoners who have been detained by way of a court order), states that MCS has the power to give permission, to any person/party they see reasonable, to meet with the convict or detainee. Furthermore, Section 8 (a) of Regulation no: 2016/R-35 (Regulation governing meetings, phone calls and exchange of documents such as letters with convicts, prisoners who have been arrested on suspicion of committing a crime and prisoners who have been detained by way of a court order) states that if any party wants to meet with a prisoner, they would have to submit an application for permission, consisting of the details of the requesting party, details of the prisoner the party wishes to meet, purpose

of the meeting and number of people attending the meeting and their details. Permission for such meetings have to be obtained from the Commissioner of Prisons.

149. Therefore, even with the current legislative framework, national or international CSO personnel will be able to meet with prisoners, upon completion of the necessary protocols. The Commission for Prisons Audit has also, in its report, recommended the inclusion of CSOs to the list of organisation/personnel who are allowed to meet with prisoners, under a guideline determined by the Minister of Home Affairs. Maldives will consider granting access to relevant CSOs to carry out inspections and inform the Committee against Torture of the decision in the Maldives' next report to the Committee.

Replies to the recommendations contained in paragraph 40 of the concluding observations

Inadmissibility of statements made as a result of torture

150. Article 52 of the Constitution of the Republic of Maldives states that no confession shall be admissible in evidence unless made in court by an accused who is in a sound state of mind, and no statement or evidence must be obtained from any source by compulsion or by unlawful means and such statement or evidence is inadmissible in evidence.

151. Furthermore, Section 5 (a) of Law Number 13/2013 (Anti-Torture Act) states that, if any statement submitted to a Maldivian court, or any statement of confession to a crime, or an admission to an action, was obtained by means of torture, such statements or confessions will be, as per Article 52 of the Constitution of the Republic of Maldives, deemed as illegally obtained evidence, and it shall not be used against the accused at any judicial proceedings. Subsequently, Section 5 (b) of the Act states that, notwithstanding Section 5 (a), if an accused provides a statement at a judicial proceeding, stating that they have been tortured, or subjected to inhuman or degrading treatment by a state official or someone under the influence of a state official in any capacity, the confession or statement or agreement obtained illegally can be submitted to the court as evidence, as proof that he/she was tortured or subjected to inhuman or degrading treatment. In such circumstances, if such a confession or statement or agreement is submitted to court, it will be accepted as evidence in court.

152. Therefore, the law is in place to ensure that any statement resulting from torture, cruel, inhuman or degrading treatment is not invoked as evidence in court, except against the persons who carried out those acts. Maldives is committed to ensuring that this is in fact, the case in practice, through training of investigators and reforming the judiciary.

153. At present, referrals are made by the PGO to HRCM in cases where there is an allegation of torture. The transitional justice mechanism, once set-up, will be an avenue for individuals whose cases have been decided based on coerced confessions, if any, to have their cases re-investigated. As stated above, if the transitional justice mechanism, after thorough investigation and review, finds miscarriage of justice, it will be forwarded to either the relevant authority for resolution.

154. The Judiciary is currently in the process of consolidating information on all cases that were dismissed in court due to evidence obtained as a result of coerced confessions, and Maldives hopes to provide this information to the Committee in its next report.

Replies to the recommendations contained in paragraph 42 of the concluding observations

Corporal punishment of children

155. Section 44 (a) of Law Number 9/2014 (Penal Code of the Maldives) does recognise it as a justifiable defence where a parent, legal guardian, teacher or a person in a similar capacity responsible for the care or supervision of a child, or a person acting at the request of a person with such authority, uses force on a child, where is it justified in safeguarding or promoting the welfare of the child. However, the Government is in the process of amending

the Penal Code and assures the Committee against Torture that this subsection will be removed.

156. Maldives aims to take all measures to protect the child and as such, two important legislative actions are in the process of being finalised. First, the new Child Rights Bill, which has been submitted to the People's Majlis, has provisions which protects the child from all physical and mental harm, torture, neglect, negligence, cruelty, abuse, sexual violence, and other acts which may affect the growth of the child. These protections are to be guaranteed even when under the supervision of parents, legal guardians, school or under the supervision of the child's caretaker at that time. The Bill specifically prohibits the committing of violent, cruel, inhuman or humiliating acts against the child, even in their own house, schools or other places of living. Furthermore, while it is permitted for parents to discipline their children through provision of advice and instruction, the Bill explicitly prohibits any form of violent, cruel, inhuman or humiliating acts against the child, even in the name of disciplining the child or any other reason.

157. The second legislative action against corporal punishment comes through the Juvenile Justice Bill, which affords the right to children in conflict with law to be free from any form of cruel, indecent, inhuman or violent acts, or any acts that could affect human dignity, from any person under whose supervision the child is, or from any person in general.

158. Maldives is optimistic that the passage of these two bills will ensure that the themes of the United Nations Convention on the Rights of the Child are reflected in the Maldives legal system, and Maldives is committed to ensuring enforcement of the above-mentioned provisions in order to promote and protect the rights of the child.

159. With regard to conducting public awareness campaigns about the harmful effects of corporal punishment, MOGFSS incorporates such information into existing programmes and sessions, such as parenting awareness sessions. Additional work is being done to include separate sections in to the sessions, to specifically highlight the harmful effects of corporal punishment on children. MOGFSS is also working on promoting positive non-violent forms of discipline through programmes and sessions being conducted by the Ministry, and Maldives will report on the progress made in its next report to the Committee against Torture.

Replies to the recommendations contained in paragraph 44 of the concluding observations

Non-refoulement

160. As rightly noted by the Committee against Torture, Section 42 of Law Number 13/2013 (Anti-Torture Act) incorporates Article 3 of the Convention into the domestic legislative framework. Section 42 of the Act prohibits the extradition of a person from 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 he/she would be in danger of being subjected to torture. Furthermore, as per Section 41 of the Act, 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.

161. While Maldives notes the Committee against Torture's concern at reports that the principle of non-refoulement is not honoured in practice, Maldives wishes to clarify that when enforcing the forcible removal process, the principle of non-refoulement is fully complied with by the Maldives. As such, 2 successful third country resettlement processes have been carried out so far. These third country resettlements have been carried out with the assistance of the United Nations High Commissioner for Refugees, and the International Organisation for Migration.

162. Furthermore, under Law Number 1/2015 (Extradition Act) all cases of extradition are to be reviewed by the High Court of Maldives. Therefore, all decisions concerning extradition are subjected to judicial review and are reviewed on an individual basis. It is also noteworthy that even if the person subjected to extradition consents to it before a judge at the High Court

and the Court informs the Prosecutor General of the same, for the Prosecutor General to make a decision on extradition in accordance with the Act, pursuant to Section 28 of the Act, the Prosecutor General may still decide not to extradite the person based on various grounds, including, having substantial grounds to believe that the person, if extradited, would be in danger of being subjected to torture.

163. As for decisions of expulsion and deportation, while the current legislative framework does not make it mandatory to subject the decision to a judicial review, there is no restriction for individuals to appeal the expulsion or deportation order at the relevant courts of Maldives. Maldives also confirms that detention of foreigners for expulsion by Maldives Immigration has always been used as a measure of last resort.

164. Maldives is pleased to report the following statistics to the Committee against Torture as per the Committee's recommendation at Paragraph 44 (e) of the Concluding Observations.

<i>No: of persons extradited</i>	<i>0 till date</i>
No: of persons expelled or deported	989 cases in 2013 1572 cases in 2014 1130 cases in 2015 1406 cases in 2016 1036 cases in 2017
No: of cases where decisions to expel a person have been overturned or quashed by judicial authorities applying the principle of non-refoulement	0 till date

165. Maldives will update these statistics and provide more information as requested by the Committee in Paragraph 44 (e) of the Concluding Observations, in its next State Report to the Committee.

Replies to the recommendations contained in paragraph 46 of the concluding observations

Training

166. When the Constitution was completely overhauled in 2008, to create a new instrument comprising of a plethora of rights, state obligations and responsibilities, the governance system of Maldives was compelled to shift from its traditional arrangement of institutions, to that observed in a modern democracy. This forced Maldives to adapt modern laws and practices that are in line with human rights and international obligations of the country. Although rather slowly, the legislative framework of Maldives has seen important developments, and while the Government is committed to removing the glaring loopholes in the legislative framework of Maldives, it is issues with enforcement that ultimately hinder the full realization of the progressive, protective and self-sufficient state envisaged by the Constitution.

167. Infringement of laws reached unprecedented levels under the past administration. During various periods of political unrest, Maldives saw excessive use of force by authorities, instilling fear amongst the public to even exercise their fundamental rights provided under the Constitution, such as freedom of expression, freedom of assembly and even freedom of media.

168. There is an urgent need for a comprehensive transformation of law enforcement agencies, to rights-based, service-oriented and professional service providers. As such, Maldives is committed to carrying out vigorous trainings for MPS, MCS, Maldives Immigration and Maldives National Defence Force on the provisions of the Convention, in particular, on the absolute prohibition of torture and on the use of non-coercive methods of investigation and interrogation that comply with international standards. MHA, has in the

past conducted such trainings, including one training in the island Fonadhoo in Laamu Atoll in 2017, which targeted officials of detention facilities in Laamu Atoll. Maldives recognises that better efforts need to be put in to ensure that all officials in contact with persons deprived of their liberty are trained, and as such, MHA plans to conduct vigorous trainings on the Convention and OPCAT in two more atolls next year. MNDF has also incorporated the principles of the Convention and Law Number 13/2013 (Anti-Torture Act) in its trainings, regulations and policies.

169. As for judicial personnel, Government's judicial reform plan envisages a complete transformation of the judiciary, which can only be achieved through effective training of judges. Maldives is committed to inserting specific provisions into the syllabus on provisions of the Convention and in particular, on the absolute prohibition of torture.

170. Furthermore, in carrying out their mandate under Law Number 13/2013 (Anti-Torture Act), HRCM has planned training sessions for police custodial officers and prison officers focusing on human rights, the Convention, OPCAT and the Mandela Rules, to be conducted this year. HRCM also carries out trainings during NPM monitoring visits and have planned two such visits this year.

171. Maldives is also pleased to report that HRCM is working with MPS on developing a module for a police online course which focuses on human rights, conventions and principles. Additionally, HRCM is currently in the process of developing an online module on Law Number 13/2013 (Anti-Torture Act) for law enforcement agencies and state institutions where persons are deprived of their liberty.

172. With regard to medical personnel, including psychiatrists, and other persons involved with custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment and persons in psychiatric institutions, Maldives is willing to put in efforts to ensure that they receive mandatory trainings on the Istanbul Protocol, by including it in future capacity building programmes.

173. Maldives appreciates the need to develop and implement a methodology to assess the effectiveness and impact of training relevant personnel, and Maldives will report back to the Committee against Torture, on policies made to that effect, in its next report to the Committee.

Replies to the recommendations contained in paragraph 47 of the concluding observations

Follow-up procedure

174. As illustrated above, Maldives has achieved quite a number of successes in implementing a number of recommendations presented to it by the Committee against Torture, in the past months. Maldives hopes that this report serves as proof of Maldives' commitment to engaging with the Committee and providing the required information, in line with the crucial principles of transparency and accountability.

Replies to the recommendations contained in paragraphs 48, 49, 50, 51, 52 and 53 of the concluding observations

Other issues

175. Maldives is in the process of making its declaration under Article 22 of the Convention, recognising the competence of the Committee against Torture to receive and consider communications from individuals subject to its jurisdiction and the Committee can expect this to be done by in the foreseeable future.

176. At present, Maldives is not party to 2 out of the 9 core United Nations Human Rights Treaties. While Maldives has signed the International Convention of the Protection of all persons from Enforced Disappearances, it is yet to be ratified, and as pledged by the Government, Maldives is in the process of submitting it for ratification. Since the newly elected People's Majlis is now in session, Government hopes to get this through in the foreseeable future.

177. With regard to the publication of the Report on the follow-up visit of the Subcommittee on the Prevention of Torture and other cruel, inhuman or degrading treatment of punishment to the Republic of Maldives from 8–11 December 2014, the President has given the approval to publish the report and the Government of Maldives will soon inform the SPT Secretariat of this decision.

178. Maldives is greatly appreciative of the invitation extended to the Maldives to obtain technical assistance, capacity-building and training offered by the Office of the High Commissioner for Human Rights, and where relevant, by the United Nations High Commissioner for Refugees. Maldives will be in touch with the relevant institutions for assistance in undertaking these monumental transformations it has committed to, including the implementation of the extensive Maldives Prisons Audit Report 2019.

179. Maldives reiterates its commitment to fully engaging with all applicable human rights treaty bodies and to that end, will submit its next periodic report to the Committee by 7th December 2022.
