



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Report submitted by Maldives under article 29 (1)
of the Convention, due in 2025***

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* The present document is being issued without formal editing.



List of Abbreviations

AGO	Attorney General's Office
CCTV	Closed-Circuit Television
CED	International Convention for the Protection of All Persons from Enforced Disappearance
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
DDCOM	Presidential Commission on Deaths and Disappearances
DNA	Deoxyribonucleic Acid
HRCM	Human Rights Commission of the Maldives
ICCPR	International Covenant on Civil and Political Rights
MCS	Maldives Correctional Service
MNDF	Maldives National Defence Force
MPS	Maldives Police Service
NIC	National Integrity Commission
NMIRF	National Mechanism for Implementation, Reporting, and Follow-up
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
OTJ	Office of the Ombudsperson for Transitional Justice
PGO	Prosecutor General's Office

I. Introduction

1. The Government of the Republic of Maldives has the honour to submit the Initial Report of the Maldives to the Committee on Enforced Disappearances (the “Committee”), pursuant to Article 29(1) of the International Convention for the Protection of All Persons from Enforced Disappearance (“CED” or the “Convention”), which the Maldives signed on 6 February 2007 and ratified on 31 July 2023.

2. As a State party that has only recently ratified the Convention, the Maldives acknowledges that the process of fully aligning its domestic legal and institutional framework with the obligations contained in the Convention is at an early stage. While a comprehensive implementation framework is still under development, the Government views this Initial Report as an important first step in setting out the measures taken to date and identifying areas requiring further legislative, administrative, judicial, and policy action.

3. Accordingly, this Report outlines the measures currently in place in the Maldives that give effect, in whole or in part, to the obligations under the Convention. It also highlights ongoing efforts and planned reforms aimed at strengthening compliance with the Convention over time, taking into account institutional capacity, legal reform processes, and practical challenges.

4. This Report further reflects the State’s continued commitment to the promotion and protection of human rights, the strengthening of the rule of law, and the prevention, investigation, and redress of enforced disappearance in all its forms. In this regard, the Maldives reiterates its recognition of enforced disappearance as a grave violation of human rights and a serious offence under international law.

5. The Maldives welcomes its engagement with the Committee as an opportunity for constructive dialogue and technical guidance. We remain committed to cooperating fully with the Committee, addressing identified gaps, and progressively strengthening national implementation of the Convention in a transparent and good-faith manner.

A. Country Profile and Development Context

6. The Maldives recognises that in accordance with the harmonised guidelines on reporting under the international human rights treaties, information contained in the common core document should not be repeated in treaty-specific reports. The Maldives submitted its common core document in February 2010 and notes that it no longer fully reflects the country’s current legal, institutional, and socio-economic context. While steps are being taken to update the common core document, which the Government hopes to submit soon, the Maldives has sought, in this Report, to provide the Committee with a brief and updated summary of the country profile and development context, in order to assist the Committee in its consideration of this Report.

7. The Maldives is a small island developing State consisting of an archipelago of approximately 1,556 islands grouped into 26 natural atolls in the Indian Ocean. The archipelago stretches over approximately 860 kilometers in length and spans around 120 kilometers at its widest point. While the total territorial area of the Maldives is approximately 859,000 square kilometers, the vast majority of this area consists of ocean, with only about 300 square kilometers constituting land area.

8. Administratively, the islands are divided into 20 atolls, in addition to the capital city of Malé, reflecting the country’s distinct geographical dispersion and island-based settlement patterns. This unique geographic and administrative structure presents particular challenges for governance, service delivery, law enforcement, and the administration of justice, including in the context of implementing obligations under international human rights treaties.

9. As per the Maldives Population and Housing Census 2022, the population of the Maldives stands at 515,132 individuals, comprising 382,639 resident Maldivians and 132,493 resident foreigners. Approximately 41% of the total population resides in the Greater Malé area (which includes Malé, Hulhumalé, Villimalé, and Hulhulé), while 46% live on other inhabited islands, 10% are based in resorts, and 3% reside on industrial islands.

10. The Maldives possesses a diverse cultural heritage shaped by its geographical location along ancient maritime trade routes, through which influences from Africa, Arabia, the Indian subcontinent, and Southeast Asia were introduced. The national language, Dhivehi, together with Islam as the State religion, continues to play a central role in shaping the country's social traditions, cultural expressions, and architectural heritage.

11. As a low-lying island nation, the Maldives is acutely vulnerable to the impacts of climate change, which exacerbate existing development and governance challenges. Climate change poses a significant threat to the Maldives, with approximately 80% of its land area situated less than one meter above sea level. Environmental risks, population mobility, and internal displacement associated with climate-related events form an important part of the broader context in which the State seeks to implement its international human rights obligations.

12. The Maldives has an open, import-dependent economy primarily driven by tourism, which remains the main source of foreign exchange and a central pillar of national development. The COVID-19 pandemic significantly disrupted economic and social progress, leading to a sharp contraction in 2020 and placing severe strain on public finances. In response, the then Government established a National Resilience and Recovery Plan and a dedicated national taskforce to address the economic and social impacts of the crisis, with a focus on supporting households and the ocean-based economy.

13. Although the economy recovered rapidly following the easing of restrictions and the rebound in tourism, the current administration inherited significant fiscal challenges, necessitating the adoption of strict financial and structural reforms. Since assuming Office, the Government has prioritised restoring fiscal and debt sustainability, strengthening macroeconomic stability, and rebuilding investor confidence. These measures have contributed to improved revenue performance, deficit reduction, strengthened foreign exchange reserves, and enhanced debt management.

14. While restoring fiscal stability remains a central national priority, and fiscal and capacity constraints continue to affect the pace of implementation in certain areas, the Maldives reaffirms its unwavering commitment to the progressive, sustained, and effective fulfilment of its international human rights obligations.

B. Political and Legal Context

System of Governance

15. The Maldives operates under a presidential system of governance in which executive authority is vested in the President, who serves as Head of State, Head of Government, and Commander-in-Chief of the Armed Forces. In accordance with the Constitution of the Republic of Maldives adopted in 2008 (the "Constitution"), the President is elected directly by the people through a secret ballot for a five-year term. The President is assisted by a Cabinet of Ministers, appointed by the President and subject to approval by the Parliament of the Maldives.

16. The Maldives' democratic system has continued to evolve, shaped by both significant progress and periods of political challenge. The adoption of the 2008 Constitution marked a defining milestone, establishing a multiparty political system. Since then, the country has conducted several cycles of national elections, facilitating peaceful transfers of power, while also experiencing episodes of political turmoil characteristic of a growing democracy. Over time, national institutions, the legal framework, and public policy processes have continued to develop and strengthen.

17. The Maldives' commitment to democratic governance was reaffirmed through the successful conduct of the most recent national elections. The 2023 Presidential Election, contested by multiple candidates, resulted in the election of His Excellency President Dr. Mohamed Muizzu, who assumed office on 17 November 2023. The 2024 Parliamentary Elections were marked by broad participation and resulted in a clear mandate for the governing coalition. Both electoral processes were widely recognised as free, fair, and peaceful, with strong voter turnout and independent observation.

18. On 4 April 2026, the Local Council Election 2026 was held together with the Women's Development Committee Election 2026 and a Public Referendum Vote on shortening the current parliamentary term and amending the Constitution to provide for the concurrent holding of presidential and parliamentary elections in 2028. A turnout of 74.92% was recorded reflecting a high level of public engagement and underscoring the strong commitment of the Maldivian people to democratic participation and the exercise of their constitutional rights.

Constitution

19. The Constitution serves as the supreme law governing the Maldives' political and legal framework and is founded on Islamic principles. It established a clear separation of powers among the Executive, the Legislature, and the Judiciary, ensuring the independent functioning of each branch. Executive authority is vested in the President, while legislative power rests with the Parliament, whose members are elected from various constituencies across the country for five-year terms. The current 20th Parliament of the Maldives comprises 93 members. Judicial authority is exercised independently by the courts, with the Supreme Court of the Maldives serving as the highest judicial body.

20. Article 10 of the Constitution designates Islam as the religion of the State and provides that Islam shall be one of the bases of all the laws of the Maldives. It further stipulates that no law contrary to any tenet of Islam shall be enacted in the Maldives, reflecting the constitutional role of Islamic principles within the national legal system.

21. A central feature of the Constitution is its comprehensive Bill of Rights enshrined in Chapter 2, which guarantees a wide range of fundamental rights and freedoms. These include, inter alia, the right to life; equality before the law and non-discrimination; freedom from arbitrary arrest and detention; the right to a fair and public trial; the presumption of innocence; protection from torture and cruel, inhumane or degrading treatment or punishment; freedoms of expression, association, assembly, and movement; the right to privacy; and access to effective remedies. The Constitution also recognises economic, social, and cultural rights, including the rights to education, health, work, and social protection, as well as special protections for vulnerable groups.

22. A total of seven amendments has been brought to the Constitution to clarify constitutional provisions and respond to evolving governance needs, addressing areas such as presidential eligibility, land ownership, decentralisation, parliamentary conduct, and safeguards relating to sovereignty and territorial integrity.

Legal System

23. The Maldivian legal system is based on a combination of statutory law and Islamic law. Over the past 17 years, legislative reform efforts have focused on consolidating democratic governance and giving full effect to the legal frameworks, institutions, and accountability mechanisms envisioned by the Constitution.

24. In this regard, priority has been placed on enacting and updating legislation to strengthen the separation of powers, enhance institutional independence, clarify mandates and procedures, and establish safeguards for the protection of fundamental rights and freedoms. These reforms have sought to translate constitutional principles into operational laws and mechanisms, including those governing elections, public administration, oversight bodies, and the administration of justice. While the scope and pace of reform have been shaped by institutional capacity and resource considerations, legislative efforts continue to be guided by the objective of reinforcing the rule of law, democratic accountability, and constitutional governance across the State.

25. The Constitution serves as the highest legal authority in the Maldives, and all enacted laws must be in compliance with its provisions.

Court System

26. The judicial system of the Maldives is organised as a three-tiered hierarchical structure designed to ensure effective administration of justice and adherence to the rule of law. At the

highest level is the Supreme Court, which holds the final and ultimate judicial authority. The second tier is the High Court of the Maldives, which has appellate jurisdiction to review decisions made by the third tier, comprising the superior courts, magistrate courts, and quasi-judicial bodies.

27. The Judiciary operates in accordance with the Constitution, and the appointment of judges is regulated by the Judicial Service Commission, the judicial oversight body, which is responsible for ensuring that judicial appointees satisfy the required qualifications and maintain prescribed ethical standards.

Decentralisation

28. The 2008 Constitution introduced a framework for decentralised governance in the Maldives. Subsequently, with the enactment of Act Number 17/2010 (Decentralisation Act) in 2010, the country conducted its first local council elections in February 2011, in which councillors were elected to island, atoll, and city councils. Since then, seventeen amendments have been brought to the Act to improve the system's effectiveness and ensure its alignment with the country's evolving system of governance.

29. The Decentralisation Act grants administrative and fiscal authority to local councils, allowing them to make decisions on key areas such as infrastructure, healthcare, and education, while remaining accountable to the central Government.

Independent Institutions

30. The 2008 Constitution established five independent commissions and two independent offices. The commissions include the Judicial Service Commission, the Elections Commission, the Civil Service Commission, the Human Rights Commission of the Maldives ("HRCM"), and the Anti-Corruption Commission. In addition, the Constitution established the offices of the Auditor General and the Prosecutor General as independent positions.

31. These independent institutions are essential for safeguarding democratic governance and upholding the rule of law as guaranteed by the Constitution. Operating independently of political influence, they contribute significantly to promoting transparency, accountability and integrity in public administration, strengthening public confidence in governmental processes. Their functions are central to reinforcing the democratic framework and advancing the principles of good governance.

C. Process of Preparing the Report

32. The Maldives National Mechanism for Reporting and Follow-up was established by the President on 5 November 2020 and was subsequently restructured to include the function of monitoring "implementation" of recommendations. As a result, the mechanism was renamed to Maldives National Mechanism for Implementation Reporting and Follow-up ("NMIRF") on 30 October 2022.

33. The Maldives NMIRF is a three-tiered structure comprising the NMIRF Steering Committee, the NMIRF Committee and a series of Treaty-based Subcommittees. This standing mechanism is mandated to coordinate the preparation and submission of national reports to international and regional human rights mechanisms, including treaty bodies, the Universal Periodic Review, and special procedures. It is also responsible for monitoring, coordinating and facilitating the implementation and follow-up of treaty obligations and recommendations. The structure enables systematic tracking of progress, promotes inter-agency coordination, and supports the integration of international human rights commitments into national policies, legislation, and programmes.

34. The NMIRF operates through the active participation and collaboration of line Ministries, Government agencies, and other State institutions, including engagement with the Parliament and the Judiciary. It also maintains consultative engagement with the HRCM and civil society organisations ("CSOs"), to ensure inclusive and informed reporting and

implementation processes. The Attorney General’s Office (“AGO”) serves as the designated secretariat of the NMIRF, providing administrative coordination, technical support, and oversight of its reporting and follow-up functions.

35. This Report was formulated by the CED Subcommittee of the NMIRF. This is a specialised subcommittee led by the AGO, comprising of all relevant Government and State stakeholders involved in implementing CED obligations. The Subcommittee functions in accordance with specific standard operating procedures to ensure efficacy in delivering its mandated role. The Subcommittee will carry out any subsequent work in relation to the review, including follow-up and monitoring of the implementation of the concluding observations issued by the Committee following the review of this Initial Report.

36. All CSOs working for the protection and promotion of human rights in the Maldives were invited through public announcement, direct emails and phone calls, to provide their input to the Report and participate in a consultation meeting held on 22 February 2026.

37. Following the formulation of the final draft, the Report was submitted to the CED Subcommittee of the NMIRF for a final validation, and further comments were sought from the HRCM and CSOs.

II. General legal framework under which enforced disappearances are prohibited

Legislative provisions on prohibition of enforced disappearance

38. As noted above, the Maldives ratified the Convention only recently and, as such, has not yet fully incorporated its provisions into the domestic legal framework. As a result, the Constitution and existing legislation do not currently contain specific provisions criminalising or prohibiting the act of enforced disappearance.

39. Although the Constitution does not explicitly refer to “enforced disappearance”, it contains fundamental protections that effectively prohibit such practices, by establishing strong legal safeguards against deprivation of liberty.

40. In this regard, Article 21 of the Constitution guarantees right to life, by stating that everyone has the right to life, liberty and security of the person, and the right to not be deprived thereof to any extent, except pursuant to a law made in accordance with the Constitution. Furthermore, Article 45 states that everyone has the right not to be arbitrarily detained, arrested or imprisoned, except as provided by law enacted in accordance with the Constitution. These provisions establish a fundamental constitutional safeguard against arbitrary detention and disappearance, preventing secret or unacknowledged deprivation of liberty.

41. The Constitution further provides a range of procedural guarantees in relation to arrest and detention, including the requirement that individuals be informed of grounds of arrest, given access to legal counsel and afforded fair treatment in detention. Article 48(d) specifically states that everyone has the right on arrest and detention to be brought within twenty-four hours before a Judge, who has power to determine the validity of the detention. This general rule is subject to a limited exception provided for under Act Number 32/2015 (Anti-Terrorism Act).

42. Furthermore, within the criminal law framework, Act Number 9/2014 (Penal Code of the Maldives) addresses conduct that constitutes the essential elements of enforced disappearance. Although the law does not contain a standalone offence of “enforced disappearance”, it criminalises the underlying acts through several serious offences.

43. In particular, Sections 140-142 of the Penal Code, prohibit the unlawful removal, restraint, or detention of a person. These provisions apply to acts committed by both private individuals and State officials and are classified as felonies in certain instances.

44. The Penal Code also criminalises abuse of authority, whereby a public official who uses their position to carry out an unauthorised act, such as conducting an unlawful or secret

arrest, commits a separate offence. In practice, this offence may be charged alongside offences such as kidnapping or unlawful detention, thereby increasing the overall criminal liability and potential sentence.

45. Act Number 12/2016 (Criminal Procedure Act) further establishes procedural safeguards designed to prevent arbitrary or secret detention. Section 58 of the Act requires prompt judicial oversight, mandating that a person who is arrested or detained must be brought before a judge within twenty-four hours to determine the legality of the detention. Section 52 of the Act requires that any person deprived of liberty be held only in officially recognised places of detention as per Act Number 14/2013 (Prisons and Parole Act of the Maldives), preventing the practice of secret or unacknowledged detention that is characteristic of enforced disappearance.

46. Additionally, Act Number 13/2013 (Anti-Torture Act) provides important protections relevant to enforced disappearance. Section 14(b)(4) recognises that detaining in a clandestine detention centre, other than the registered detention centres as a form of mental torture.

47. Under the Anti-Torture Act, public officials found guilty of committing torture, are subject to severe criminal penalties, including rigorous imprisonment. Specifically, Section 22 of the Act states that detention of a person in a place other than a publicly proclaimed place of detention under this Act, solitary confinement of a person so that they cannot communicate with any other human being, detention of a person so that he does not know where he is detained, and detention of persons in places which may be considered as environments in which the practice of torture may be carried out indiscriminately, are criminal offences under the Act.

48. Section 23 establishes a graduated penalty framework for the offence of torture, where the severity of the punishment is primarily determined by the nature and extent of harm suffered by the victim. The highest penalty of 25 years' imprisonment applies where torture results in murder or causes severe and permanent consequences such as derangement due to rape, infertility, or memory loss. A penalty of imprisonment between 15 to 25 years applies where torture results in mutilation, rape, sexual assault, or sexual acts committed against a child. Where torture leads to serious psychological harm, including mental derangement, amnesia, suicidal ideation or attempts, or an inability to lead a normal life due to humiliation and cruelty, the penalty is imprisonment between 15 to 20 years. Where the victim suffers serious physical impairments, such as loss of speech, hearing, vision, taste, organ dysfunction, or physical limitations affecting normal bodily functions, the punishment is imprisonment between 10 to 15 years.

49. The Act further criminalises certain related conduct, including establishing, operating, or managing detention centres other than publicly proclaimed detention centres, as well as failure to submit mandatory detention centre reports, which are also punishable by 10 to 15 years' imprisonment. Other acts of torture not falling within these categories are punishable by 7 to 10 years' imprisonment, while torture resulting in medical treatment exceeding 90 days may carry an additional penalty of 5 years' imprisonment, and lesser related violations may be punishable by 1 to 3 years' imprisonment.

50. The Act also establishes command responsibility, holding superiors criminally liable where they knew, or ought reasonably to have known, that subordinates were committing such acts and failed to take appropriate measures to prevent them.

51. From an administrative and institutional perspective, public officials are subject to oversight and accountability mechanisms intended to prevent abuse of power. State institutions, including oversight bodies and independent commissions such as the HRCM and the National Integrity Commission ("NIC"), monitor compliance with constitutional and legal standards relating to arrest, detention, and the treatment of individuals in custody.

International treaties to which Maldives is a State party

52. With regard to international treaties dealing with enforced disappearance to which Maldives is a party, in addition to the CED, the Maldives is party to the International Covenant on Civil and Political Rights ("ICCPR"), which guarantees the right to life, liberty

and security of person and protects against arbitrary arrest or detention, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits torture and ill-treatment often associated with enforced disappearance. The Maldives is also party to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities, which reinforce protections against arbitrary deprivation of liberty and other serious human rights violations that may arise in situations of enforced disappearance.

Convention in the domestic legal order and work underway

53. As noted above, the Maldives has yet to fully incorporate CED provisions into the domestic legal framework. As a dualist state, treaties do not have the status of law in the Maldivian legal system. While the State is bound by treaty obligations once they come into force, Article 93(b) of the Constitution states that citizens shall only be required to act in compliance with treaties ratified by the State as provided for in a law enacted by the Parliament. Therefore, provisions of the Convention will be applicable through its incorporation into domestic law.

54. The Maldives acknowledges this gap and the delay in establishing a comprehensive legislative framework to implement the Convention. In order to address this, the CED Subcommittee of the NMIRF, has established an Inter-agency Working Group on the Domestication and Implementation of the Convention (“Working Group”). A Terms of Reference has been finalised, which mandates the Working Group to undertake a comprehensive review of existing constitutional provisions, legislation, policies, and institutional practices relating to arrest, detention, deprivation of liberty, and accountability mechanisms, and assess their compatibility with the Convention. It will also examine whether existing offences adequately capture the elements of enforced disappearance as defined under the Convention, identify gaps in the current legal and institutional framework, and develop recommendations and draft legislative or policy reforms necessary for the effective domestication and implementation of the Convention.

55. The Working Group brings together relevant State institutions, including law enforcement, prosecution, oversight institutions, and the Judiciary, to ensure a coordinated and systematic approach to strengthening the Maldives’ legal and institutional framework relating to enforced disappearance.

Invocation and direct application of the Convention

56. Despite the lack of specific legislative provisions on enforced disappearance, the Convention’s principles can be invoked in courts through constitutional interpretation and procedural writs. Article 68 of the Constitution states that, when interpreting and applying the Constitutional rights and freedoms, a court or tribunal shall promote the values that underlie an open and democratic society based on human dignity, equality and freedom, and shall consider international treaties to which the Maldives is party to.

Institutional framework for the implementation of the Convention

57. At the judicial level, the courts of the Maldives, including the Supreme Court, the High Court and lower courts established under Act Number 22/2010 (Judicature Act of the Maldives), exercise jurisdiction over constitutional, criminal, and administrative matters relating to deprivation of liberty, unlawful detention, and violations of fundamental rights. Individuals may seek remedies such as habeas corpus before the courts where a person is unlawfully deprived of liberty.

58. At the prosecutorial level, the independent Prosecutor General’s Office (“PGO”) is responsible for reviewing criminal investigations and prosecuting offences, including offences related to unlawful detention, torture, or abuse of authority. The Maldives Police Service (“MPS”) conducts criminal investigations and manages custodial facilities as

governed by Act Number 34/2020 (Maldives Police Service Act), while prisons in the Maldives are administered by the Maldives Correctional Service (“MCS”) in accordance with the Prisons and Parole Act of the Maldives.

59. Oversight and accountability mechanisms also exist through independent institutions. Matters dealt with in the Convention can be lodged to the HRCM, which has the mandate to monitor places of detention, investigate complaints relating to human rights violations, and promote compliance with international human rights obligations. Empowered by the Constitution and Act Number 6/2006 (Human Rights Commission’s Act), the HRCM is the primary watchdog, ensuring State’s compliance with all human rights obligations, including CED obligations.

60. In addition, the NIC, established by Act Number 27/2015 (National Integrity Commission Act), exercises disciplinary oversight over law enforcement agencies and investigates complaints of misconduct or unlawful acts of law enforcement agencies and employees of such agencies.

61. The Maldives also established two transitional justice mechanisms in recent years, both of which have since completed their mandates and are no longer operational.

62. The first one is the Presidential Commission on Deaths and Disappearances (“DDCOM”) established through Presidential Decree in 2018. DDCOM was mandated to investigate deaths and disappearances that occurred between 1 January 2012 to 17 November 2018. A total of 29 cases were submitted to the Commission. With assistance from the British Government, the Commission engaged international experts, who reviewed institutional structures and practices influencing investigations. Their findings, highlighting positive practices and recommendations, were presented to stakeholders. The current administration allowed the Commission additional time to complete its investigations, and upon submission of the final reports, the President dissolved the Commission on 31 May 2024.

63. The second one is the Ombudsperson’s Office for Transitional Justice (“OTJ”) established by Act Number 28/2020 (Transitional Justice Act) enacted in December 2020. The OTJ was mandated to investigate and reveal systematic violations of human rights and fundamental freedoms perpetrated by State institutions or senior officials of State institutions between 1 January 1953 to 17 November 2018 and provide victims of such acts with justice.

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

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

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

67. During its tenure, the OTJ received 489 cases, out of which a decision was made to investigate 460 cases. The final report of the OTJ states that investigations into 453 cases were completed. Most of the cases filed at the OTJ were in relation to discrimination in allocation of public housing and termination of employment. No cases of alleged enforced disappearance or missing persons were lodged at the OTJ.

68. The OTJ case files are currently at the Ministry of Finance and Public Enterprises, and the AGO is reviewing the documents to assess the work done by the OTJ, including the extent of completion of cases. The Government has identified serious procedural and

administrative flaws, including cases that fell outside the OTJ's jurisdiction and poor record-keeping. In light of these issues, the Government is currently exploring appropriate mechanisms to bring closure to the work done by the OTJ.

Case law and statistical data on enforced disappearance

69. With regard to examples of case law where the provisions of the Convention have been enforced, or where violations of the Convention have been identified, no such cases have been reported or adjudicated to date.

70. With regard to statistical data on cases of enforced disappearance, cases which may fall within the scope of the Convention have not been recorded as such in the Maldives, due to the lack of legislative framework.

71. That said, looking at Maldives' recent history, one possible case of enforced disappearance occurred in 2012. The then Chief Judge of the Criminal Court, Abdulla Mohamed was abducted and unlawfully detained by the Maldives National Defence Force ("MNDF") on 16 January 2012, on orders from the then-President, Mohamed Nasheed, who accused the Judge of political misuse of power and corruption.

72. The MPS investigated the case as a case of unlawful apprehension and kidnapping. The former President was accused of apprehension, kidnapping and depriving rights of Judge Abdulla Mohamed against international conventions, the Constitution and Act Number 13/2010 (Judges Act), and for keeping him in a Military Training Facility for 22 days.

73. The Prosecutor General filed charges against former President Mohamed Nasheed and four other individuals. On 13 March 2015, the Criminal Court convicted former President Mohamed Nasheed of terrorism under Section 2(b) of the old anti-terrorism legislation, Act Number 10/90 (Anti-Terrorism Act), and sentenced him to 13 years' imprisonment.

74. Former President Mohamed Nasheed petitioned the United Nations Working Group on Arbitrary Detention, alleging that his detention under the old Anti-Terrorism Act violated several provisions of the ICCPR, including rights relating to liberty, fair trial, and political participation. The then Government rejected these claims, maintaining that the trial was conducted in accordance with domestic law and judicial procedures. In its opinion adopted during its 73rd session, the Working Group concluded that former President Mohamed Nasheed's detention was arbitrary.

75. Following this, on 29 November 2018, the PGO submitted the former President's case for review at the Supreme Court. Former President Mohamed Nasheed's conviction was overturned by the Supreme Court. The Supreme Court in reviewing the conviction, invoked Article 14(5) of the ICCPR, stating that appealing the decision of the lower court by a defendant to a criminal case is a fundamental right, which is guaranteed as an essential right under the criminal procedures of different democratic jurisdiction and is guaranteed under Article 14(5) of the ICCPR.

76. The apprehension of Judge Abdulla Mohamed in 2012 was not treated as a possible case of enforced disappearance at the time. No provisions relating to enforced disappearance were invoked in any court proceedings, as the Maldives was not yet a party to the CED. Judge Abdulla Mohamed was released from the Military Training Facility where he was held, after 22 days, and currently serves as a presiding Judge at the Family Court.

77. Since this 2012 incident, there have been no other documented cases of alleged enforced disappearance as defined in Article 2 of the Convention. However, cases of disappearance that may fall within the scope of Article 3 of the Convention have been reported.

78. One of these cases concerns the disappearance of Maldivian journalist Ahmed Rilwan Abdulla, who was reported missing on 8 August 2014 in Hulhumalé, Maldives. He was from the capital Malé and 28 years old at the time of disappearance.

79. According to available information, Ahmed Rilwan Abdulla was last seen boarding a ferry from Malé to Hulhumalé in the early hours of the morning and was later allegedly abducted at knifepoint near his residence by unknown individuals. A missing person complaint was filed with the MPS on 12 August 2014. The case has been the subject of a

communication before the United Nations Working Group on Enforced or Involuntary Disappearances, with the Government continuing to provide updates on the investigative steps undertaken and the ongoing efforts to identify those responsible.

80. The Maldives notes that the case is not one of enforced disappearance involving State authorities. No evidence had been found to implicate State agents and in fact, available evidence instead suggested that the abduction was carried out by private individuals linked to organised criminal gangs and extremist groups. The Maldives emphasises that significant investigative steps have been taken as per Article 3 of CED, including arrests of suspects, extensive searches of residences and vessels, analysis of Closed-Circuit Television (“CCTV”) footage and phone communications, and interviews with hundreds of witnesses. Early investigative efforts were hindered by a five-day delay in reporting the disappearance, which affected the critical initial investigation period.

81. This case was at the centre of DDCOM’s investigations, which concluded its inquiry into the case and submitted the final report in December 2022. DDCOM concluded that Ahmed Rilwan Abdulla was abducted in Hulhumalé on 8 August 2014, forced into a vehicle, transferred onto a sea vessel, and subsequently killed, with his remains disposed of at sea. The investigation relied on witness accounts, CCTV evidence, Deoxyribonucleic Acid (“DNA”) analysis linking a vehicle to the victim, and mobile phone data confirming his movements prior to the abduction.

82. DDCOM further determined that the abduction and murder were carried out by a group linked to criminal gangs and religious extremist networks, involving a total of eleven individuals, several of whom later travelled to Syria. Based on these findings, terrorism charges were filed against three suspects in August 2022. The Criminal Court dismissed the terrorism charges against all three suspects at the preliminary stage, finding that no *prima facie* case had been established. The Government submits that DDCOM’s findings establish that Ahmed Rilwan Abdulla is no longer alive and will continue efforts to ensure accountability for those responsible.

83. The table below provides details of possible cases of enforced disappearance that have been investigated by HRCM, along with the results of the investigations.

<i>No.</i>	<i>Year¹</i>	<i>Age²</i>	<i>Gender</i>	<i>Location</i>	<i>Result</i>
1	2012	47	Male	Malé City	See paragraphs 71–76 above.
2	2014	28	Male	Malé City	See paragraphs 78–82 above.
3	2014	28	Male	Home for People with Special Needs, K. Guraidhoo	See paragraphs 84–88 below.

84. The Maldives submits that the third case recorded at HRCM as a possible case of enforced disappearance, does not fall under either Article 2 or 3 of the Convention, and is properly characterised as a missing persons case. The case concerns the disappearance of Ahmed Mishfaaq, a patient at the Home for People with Special Needs in K. Guraidhoo.

85. Investigations by MPS and HRCM established that Ahmed Mishfaaq had previously left the facility on multiple occasions by climbing over the boundary wall. He was last seen within the facility in the early evening of 12 December 2014 and was reported missing shortly thereafter. A search was immediately conducted, and the matter was reported to the relevant authorities.

86. Search operations in the surrounding area led to the recovery of items believed to belong to him in the lagoon near the boat yard south of the facility. Investigative findings indicate that he likely exited the premises in a similar manner and entered the water. He was not located thereafter and is presumed to have drowned.

¹ Year of disappearance.

² Age at the time of disappearance.

87. The case was investigated by MPS and during duty prosecution, the PGO determined that there was insufficient evidence to pursue charges. There is no indication of abduction, third-party involvement, or any involvement or acquiescence of State agents. Accordingly, the elements of enforced disappearance under Articles 2 and 3 of the Convention are not met.

88. HRCM, in the course of its investigation into the case, identified certain institutional shortcomings at the facility. However, it noted that the Government had subsequently undertaken a study to strengthen the center's operations and had initiated measures to address the identified issues. In light of these developments, the Commission decided to conclude its investigation.

89. The Maldives notes that, of the 29 cases submitted to DDCOM, 27 were accepted for investigation, comprising 22 cases of deaths and 5 cases of disappearances. Details of the disappearance cases investigated by DDCOM are provided in the table below.

<i>No.</i>	<i>Year³</i>	<i>Age⁴</i>	<i>Gender</i>	<i>Location</i>	<i>Notes</i>
1	2014	28	Male	Malé City	See paragraphs 71–76 above.
2	2017	42	Male	Fuvahmulah City	Missing persons case
3	2015	24	Male	Sh. Firubaidhoo	Missing persons case
4	2014	28	Male	Home for People with Special Needs, K. Guraidhoo	See paragraphs 84–88 below.
5	2017	27	Male	S. Gan (out at sea)	Missing persons case

90. The Maldives further submits that none of these cases meet the definition of enforced disappearance under Article 2 of the Convention.

III. Information in relation to each substantive article of the Convention

A. Article 1

91. Article 1 of the Convention establishes the absolute prohibition of enforced disappearance. In the Maldives, this principle is reflected in the constitutional safeguards that protect the rights to life, liberty and security of the person and prohibit torture or other forms of ill-treatment.

92. The Constitution further establishes strict limits on the powers of the State during a State of Emergency. Article 255 explicitly identifies certain rights that cannot be suspended or restricted even during an emergency. In particular, Article 255(b) provides that measures adopted during a State of Emergency shall not infringe upon the rights guaranteed under Article 21 (the right to life), Article 25 (no slavery or forced labour), Article 42 (fair and transparent hearings), Article 48(b) (rights on arrest and detention), Articles 51–53 (rights of the accused), Article 54 (no degrading treatment or torture), Article 57 (humane treatment of arrested or detained persons), and Article 64 (non-compliance with unlawful orders). This ensures that fundamental protections against arbitrary deprivation of liberty and unlawful detention remain operative at all times.

93. Additionally, Article 255(d) of the Constitution provides that any measures adopted in an emergency shall be consistent with the obligations of the Maldives under international law applicable to states of emergency. This means that the State's obligations under international human rights treaties, including the Convention, will continue to apply even in exceptional circumstances.

³ Year of disappearance

⁴ Age at the time of disappearance

94. Legislative safeguards also reinforce this prohibition. The Anti-Torture Act establishes the principle of non-derogation with Section 16(b) of the Act explicitly providing that no exceptional circumstance whatsoever, including a state of war, threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture or cruel, inhuman or degrading treatment or punishment. Given that enforced disappearance often involves secret detention and treatment that may amount to torture or ill-treatment, this provision serves as an important legislative safeguard against such conduct.

95. Administrative oversight mechanisms further strengthen these protections. The HRCM acting as the National Preventive Mechanism (“NPM”) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“OPCAT”), retains the authority to inspect places of detention. There is no legal provision allowing the suspension of this mandate during a State of Emergency. In accordance with Article 14(2) of OPCAT, visits may only be postponed on urgent and compelling grounds, and the existence of a State of Emergency alone cannot be invoked as a reason to prevent such inspections.

96. Legislation relating to counter-terrorism and national security operates within this broader constitutional framework. As noted above, under the Anti-Terrorism Act, there is a limited exception whereby MPS may detain a suspect for up to forty-eight hours without a court order or without bringing the individual before a judge. This constitutes a limited exception to the general constitutional requirement of prompt judicial oversight within twenty-four hours of arrest or detention.

97. Nevertheless, such detention remains regulated by law and subject to judicial review and procedural safeguards. Section 26(a) of the Anti-Terrorism Act states that such a person shall be brought before a judge to determine the validity of their arrest and continued detention, within a maximum of forty-eight hours of arrest. Furthermore, Section 60-4(e) of the Act specifically states that, such persons should also be detained in either a custodial jail or a remand jail which has been designated under the Prisons and Parole Act of the Maldives, ensuring that persons detained under counter-terrorism legislation remain within the protection of the law and are not subject to secret or unacknowledged detention.

B. Article 2

98. As domestication of the Convention is currently in progress, the Maldives does not yet have a specific definition of enforced disappearance incorporated into its domestic legislation. However, as part of the ongoing process to domesticate the Convention, the inter-agency Working Group has been tasked with reviewing the existing legal framework and proposing the necessary legislative reforms. In this context, the Working Group will ensure that any proposed definition of enforced disappearance introduced through future legislation is fully consistent with Article 2 of the Convention, including all three constitutive elements set out therein.

99. In the absence of a specific offence of enforced disappearance in domestic law, conduct that may correspond to elements of enforced disappearance would be addressed through the existing constitutional and legislative safeguards described above. These include the constitutional protections against arbitrary deprivation of liberty (paragraphs 40–41 above), as well as procedural safeguards governing arrest and detention under the Criminal Procedure Act and related legislation regulating places of detention (paragraphs 45–47 above). In circumstances where the deprivation of liberty is accompanied by torture or other forms of ill-treatment, the Anti-Torture Act will be applied.

100. The Penal Code contains several offences that may be invoked where the physical element of enforced disappearance, namely the unlawful deprivation of liberty, is present. Section 140 of the Penal Code, in particular, criminalises unlawful detention, where a person knowingly restrains another without lawful authority. This provision may be applied in situations involving abduction, unlawful confinement, or other forms of unlawful deprivation of liberty by private individuals or groups.

101. Where such acts involve public officials or persons exercising State authority, additional offences under the Penal Code may apply. Sections 512 and 513 criminalise abuse of government authority, including situations where a public official knowingly exceeds lawful powers or uses their position to harm another person. These provisions may be invoked where an official unlawfully deprives a person of liberty or otherwise abuses official authority in connection with such acts.

102. The Penal Code also provides for offences relating to concealment or obstruction that may arise in situations involving refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of a person. Section 530 of the Penal Code criminalises obstruction of public justice, including tampering with evidence, providing false information to authorities or otherwise hindering an investigation. In addition, Section 521 criminalises perjury or the making of false statements under oath, which may apply where an official knowingly provides false information regarding the whereabouts of a detained person.

103. Nevertheless, as no cases of enforced disappearance have been reported in the Maldives since the ratification of the Convention, there has been no instance in which these provisions have been invoked to address acts amounting to enforced disappearance.

C. Article 3

104. Article 3 of the Convention requires States to take appropriate measures to investigate and prosecute acts of the nature of enforced disappearance when committed by persons or groups acting without the authorisation, support, or acquiescence of the State. In the Maldives, such conduct is addressed through the application of existing criminal legislation governing unlawful deprivation of liberty and related offences, as outlined in paragraphs 100–102 above. These provisions allow acts involving abduction, unlawful detention, concealment of a person's whereabouts, abuse of authority, or obstruction of justice to be investigated and prosecuted under the Penal Code, the Anti-Torture Act and other applicable legislation.

105. Where such acts are committed by private individuals or organised groups, law enforcement authorities are mandated to investigate the conduct in accordance with the Criminal Procedure Act. MPS is responsible for conducting criminal investigations, while the PGO reviews the evidence and prosecutes offences before the competent courts. Depending on the circumstances of the case, charges may include unlawful detention, abduction-related offences, obstruction of justice, or other relevant criminal offences under the laws of the Maldives.

106. In addition, where such conduct is linked to terrorist organisations or extremist groups, the Anti-Terrorism Act may also be applied. This Act criminalises acts involving intimidation, coercion, and unlawful deprivation of liberty carried out in furtherance of terrorist objectives, thereby providing an additional legal basis for prosecuting such acts when committed by non-State actors.

D. Article 4

107. While the specific criminal offence of enforced disappearance has not yet been incorporated into domestic legislation, steps have been initiated to address this gap through the ongoing process of domestication and implementation of the Convention.

108. In this regard, the inter-agency Working Group established by the CED Subcommittee of the NMIRF is mandated to review the existing legal framework and develop proposals for legislative reforms necessary for the effective implementation of the Convention (paragraphs 54–55 above). As part of its mandate, the Working Group will examine the existing criminal and constitutional provisions relating to deprivation of liberty, detention practices, accountability mechanisms and related offences, and will develop recommendations for the introduction of appropriate legislative measures to criminalise enforced disappearance.

109. In undertaking this work, the Working Group will ensure that any proposed legislation criminalising enforced disappearance is fully consistent with the definition contained in

Article 2 of the Convention, including the three constitutive elements of the offence. The proposed legislative framework will also seek to clearly distinguish enforced disappearance as an autonomous offence, separate from other related offences currently contained in domestic law, such as abduction, unlawful detention, torture, abuse of authority or other crimes that may involve deprivation of liberty.

110. This process is intended to ensure that enforced disappearance is recognised in Maldivian law as a distinct crime reflecting its unique and particularly serious nature, while maintaining coherence with the existing criminal justice framework and the broader constitutional protections governing deprivation of liberty and the protection of fundamental rights.

E. Article 5

111. At present, Maldivian domestic legislation does not define enforced disappearance as a crime against humanity. As noted above, steps are being undertaken to strengthen implementation of the Convention, including through legislative proposals on the criminalisation of enforced disappearance.

112. In this context, the inter-agency Working Group has been mandated to assess the compatibility of existing laws with the Convention and to consider measures to ensure that enforced disappearance is recognised in domestic law in a manner consistent with international standards, including when committed as part of a widespread or systematic attack against a civilian population.

113. In the absence of such a provision, conduct involving unlawful deprivation of liberty, torture, murder, or related offences is currently prosecuted under the Penal Code, the Anti-Torture Act and other applicable legislation. The ongoing process will also consider the introduction of provisions reflecting the gravity of enforced disappearance and its classification under international law, including appropriate penalties and limitation frameworks in line with Articles 7 and 8 of the Convention.

F. Article 6

114. Notwithstanding the absence of a distinct offence of enforced disappearance, the principles of criminal responsibility applicable to acts associated with enforced disappearance are addressed through the general provisions of the Penal Code.

115. The Penal Code establishes criminal liability through its General Part. Section 30, in particular, provides for liability for the conduct of another person, whereby any individual who commands, induces, or assists in the commission of a criminal act may be held legally accountable as a principal offender. This provision ensures that various acts corresponding to enforced disappearance, such as unlawful arrest, detention, or abduction, may be prosecuted at all levels of participation, including for those who order, facilitate, or otherwise contribute to the commission of such acts.

116. In addition, the Constitution provides an important safeguard relating to unlawful orders. Article 245 of the Constitution stipulates that no person shall give an illegal order to a member of the security services, and that members of the security services shall not obey a manifestly illegal order. This constitutional provision reinforces the principle that unlawful conduct, including acts that may amount to enforced disappearance, cannot be justified on the basis of superior orders.

117. The Anti-Torture Act also establishes command responsibility, holding superiors criminally liable where they knew, or ought reasonably to have known, that subordinates were committing such acts and failed to take appropriate measures to prevent them.

118. As part of the ongoing domestication process, the inter-agency Working Group will ensure that principles of criminal responsibility applicable to enforced disappearance, including forms of participation and superior responsibility, are fully reflected in future legislation.

119. With regard to prohibition of invoking superior orders, including orders from military authorities, as a justification of enforced disappearance, Maldivian law is based on the principle of individual criminal responsibility, and unlawful acts cannot be justified solely on the basis of obedience to superior orders. Article 8 of the Constitution establishes the supremacy of the Constitution and affirms that all powers of the State shall be exercised in accordance with its provisions. Accordingly, any order that contravenes constitutional guarantees or existing laws cannot provide a lawful basis for conduct amounting to a criminal offence.

120. Furthermore, as referenced in paragraph 116 above, Article 245 of the Constitution provides that no person shall give an illegal order to a member of the security services and that members of the security services shall not obey a manifestly illegal order. This constitutional safeguard applies equally to orders issued by military or other superior authorities and reinforces the principle that unlawful instructions cannot be relied upon as a defence for criminal conduct.

121. While there is currently no jurisprudence specifically addressing enforced disappearance, the broader constitutional and criminal law framework does not recognise superior or military orders as a justification for unlawful conduct. This principle is reflected in practice through the prosecution of individuals for acts carried out under authority that contravene domestic law.

122. For example, as discussed in paragraphs 71–76 above, the unlawful apprehension and detention of Judge Abdulla Mohamed in 2012 resulted in criminal proceedings against the then President Mohamed Nasheed and other individuals involved in the incident, which included military superiors. The matter was investigated and prosecuted under domestic criminal law, demonstrating that actions involving unlawful deprivation of liberty may give rise to criminal liability notwithstanding the position or authority of the individuals involved.

123. The Constitution requires all State authorities and officials to exercise their functions in accordance with the law and in a manner consistent with constitutional guarantees. In this regard, Article 64 of the Constitution provides no employee of the State shall impose any orders on a person except under authority of a law and that everyone has the right not to obey an unlawful order.

124. While domestic legislation does not yet contain specific provisions addressing superior responsibility in relation to enforced disappearance as a distinct offence, existing criminal law and disciplinary mechanisms provide accountability for officials, including members of law enforcement agencies and the MNDF who fail to prevent or respond to unlawful acts committed under their authority. Orders or omissions that contravene constitutional obligations may therefore give rise to criminal or disciplinary liability under the general legal framework governing public officials.

125. Furthermore, Maldivian law does not recognise “due obedience” to superior orders as a defence that automatically absolves criminal responsibility. The legal framework governing public officials emphasises individual accountability and requires that all State authorities act within the limits of the Constitution and the law. In this regard, as explained above, Article 64 of the Constitution provides that no employee of the State may impose orders except under the authority of law and affirms the right of every person to refuse an unlawful order, and Article 245 of the Constitution (contained in the chapter on Security Services), stipulates that no person shall give an illegal order to a member of the security services and that members of the security services shall not obey a manifestly illegal order.

126. MPS and the MNDF operate within a legal and regulatory framework that does not recognise obedience to superior orders as a valid defence for criminal conduct. While the Penal Code establishes general defences applicable in criminal proceedings, including justification defences such as the execution of public duty (Section 42) and lawful exercise of law enforcement authority (Section 43), these provisions apply only where conduct is carried out lawfully and within the limits of authority granted by law. They do not provide a defence for manifestly unlawful acts or for actions undertaken pursuant to illegal orders.

127. Accordingly, under Maldivian law, public officials cannot rely on obedience to unlawful orders as a defence for criminal conduct. Where conduct is not justified under the

applicable provisions of the Penal Code, the existence of a superior order does not exempt an individual from criminal liability. The notion of “due obedience” therefore does not affect the effective implementation of the prohibition against acts that may amount to enforced disappearance.

G. Article 7

128. Acts that may constitute elements of enforced disappearance, including unlawful deprivation of liberty, abuse of authority, abuse, and related offences, are punishable under the Penal Code as outlined in this Report. Depending on the nature and gravity of the offence, sanctions may include imprisonment and fines, reflecting the seriousness with which such conduct is treated under Maldivian criminal law.

129. In addition to criminal sanctions, public officials involved in unlawful conduct may also be subject to disciplinary measures. Under the Maldives Police Service Act, police officers and other law enforcement personnel may face administrative sanctions including suspension, dismissal, or other disciplinary action where they are found to have engaged in unlawful conduct or abuse of authority.

130. Furthermore, the applicable criminal provisions allow for serious penalties corresponding to the gravity of the underlying acts involved.

131. The Penal Code provides a structured sentencing framework that allows courts to consider mitigating and aggravating circumstances when determining the appropriate penalty. Section 1101, in particular, provides that where an offender demonstrates a higher level of culpability than that required for the offence of conviction, the baseline sentence may be aggravated by one level for each higher level of culpability satisfied, as defined under Section 24 of the Penal Code. This framework enables courts to impose more severe penalties where the circumstances of the offence demonstrate heightened culpability or seriousness.

H. Article 8

132. At present, there is no specific statutory framework governing the application of limitation periods to enforced disappearance as an autonomous crime.

133. As explained above, acts amounting to enforced disappearance are prosecuted under existing legislative provisions, including the Penal Code, the Anti-Terrorism Act, and the Anti-Torture Act, depending on the nature and circumstances of the conduct. The applicability of statutes of limitation in such cases is determined by reference to the limitation periods prescribed for the specific offence charged under the relevant legislation.

134. Under Section 61 of the Penal Code, criminal proceedings are subject to statutory limitation periods. In general, prosecutions must be commenced within 8 years for felonies and 3 years for misdemeanours from the time the offence is committed. However, no limitation period applies to certain serious offences, including unlawful restraint of a person for more than one day, which may be prosecuted at any time. The limitation period ordinarily begins on the day after the offence is committed, but where the offence involves a continuing course of conduct, it runs from the time such conduct has ceased.

135. Under Maldivian law, civil claims are generally subject to statutory limitation periods as set out in Act Number 32/2021 (Civil Procedure Act). Section 60, in particular, establishes a general limitation period of 6 years from the date the cause of action arises, while Section 64 provides that claims for judicial review must ordinarily be filed within 3 months of the relevant administrative action, subject to limited exceptions where delay is justified or accepted by the court.

136. In addition, specific limitation periods apply to certain categories of claims, including personal injury and negligence claims, which may be subject to shorter or extended timeframes depending on the circumstances.

137. Notwithstanding the above, the legal framework provides safeguards that may extend or postpone the running of limitation periods in appropriate circumstances. Section 71 of the

Civil Procedure Act, in particular, provides that where a claim involves fraud or deliberate concealment of material facts, the limitation period commences only from the date on which the claimant discovered, or could reasonably have discovered, the relevant facts. Similarly, provisions relating to disability allow for extension of limitation periods for persons unable to exercise their rights within the prescribed time.

138. While domestic legislation does not explicitly exclude the application of statutes of limitation in respect of civil or administrative actions arising from enforced disappearance, these safeguards provide a degree of protection for victims, particularly in situations involving concealment of the fate or whereabouts of a person. In such cases, the postponement of limitation periods helps ensure that victims are not deprived of access to remedies solely due to the passage of time.

139. Victims retain the right to seek effective remedies through available legal mechanisms, including civil claims and judicial review proceedings, subject to the applicable procedural framework. As part of the ongoing domestication of the Convention, the Maldives will ensure greater alignment with the continuous nature of enforced disappearance and the requirements of Article 8.

I. Article 9

140. Jurisdiction over acts that may amount to enforced disappearance is governed by Section 13 of the Penal Code. This provision establishes a comprehensive jurisdictional framework enabling the State to prosecute offences where conduct or its effects occur within the Maldives, including situations where substantial harm is caused within its territory. It further extends jurisdiction to offences committed on board vessels or aircraft flagged or registered in the Maldives.

141. Section 13 also provides for extraterritorial jurisdiction in a number of circumstances. In particular, the Maldives may exercise jurisdiction over offences committed by, or in cooperation with, Maldivian nationals regardless of where the conduct occurs, as well as offences that result in substantial harm to Maldivian citizens, the State, or State property. In addition, Section 13(a)(4) recognises universal jurisdiction over gross violations of international law, and therefore, Maldives may exercise jurisdiction, including on the basis of its treaty obligations under the Convention, over conduct amounting to enforced disappearance.

142. To date, no cases involving enforced disappearance have arisen in which such jurisdictional grounds have been invoked.

143. Where an alleged offender is present within the territory of the Maldives, the existing legal framework permits investigation and prosecution under applicable offences. While specific legislative provisions addressing enforced disappearance is under development, the State retains the capacity to prosecute such conduct under existing laws where jurisdiction is established.

144. The Maldives has a comprehensive legal framework for mutual legal assistance in criminal matters, established through Act Number 2/2015 (Mutual Legal Assistance in Criminal Matters Act), which provides procedures for requesting and providing assistance in investigations and prosecutions, including evidence gathering and assistance with judicial documents. Under Section 5 of the Act, the PGO is mandated to serve as the lead institution for mutual legal assistance requests.

145. Additionally, the Maldives has also entered into bilateral treaties on mutual legal assistance in criminal matters with different countries. These treaties along with the Act support cooperation with foreign authorities for investigation, prosecution, and other judicial assistance where jurisdiction is exercised over offences that may correspond to enforced disappearance, in accordance with international obligations.

146. Extradition is governed by Act Number 1/2015 (Extradition Act), which outlines the procedures for receiving, assessing and executing extradition requests, as well as provisions relating to provisional arrest and judicial oversight.

147. To date, there have been no cases involving enforced disappearance in which extradition or mutual legal assistance was requested, granted, or denied.

J. Article 10

148. The Maldives may exercise criminal jurisdiction over any person present within its territory who is alleged to have committed acts amounting to enforced disappearance through its general legal framework, including the Penal Code and the Criminal Procedure Act. Where reasonable grounds exist, competent authorities may initiate investigations and take necessary measures, including arrest and detention, in accordance with domestic law.

149. The Criminal Procedure Act allows MPS to hold individuals in custody where necessary to ensure their presence during investigation and prosecution, subject to court authorisation and applicable legal standards. Alternatively, precautionary measures such as bail conditions may also be applied.

150. Persons under investigation will be afforded fundamental rights, including access to legal counsel, the right to be informed of the grounds of arrest, and the right to communicate with family members. In the case of foreign nationals, the Maldives facilitates access to consular assistance in accordance with applicable procedures.

151. The Mutual Legal Assistance in Criminal Matters Act and institutional practices enable the Maldives to cooperate with other States in matters involving criminal jurisdiction. This includes the sharing of information and coordination with competent authorities of other States that may have jurisdiction.

152. Decisions on whether to exercise jurisdiction will be taken in accordance with domestic law, based on the availability of evidence, jurisdictional grounds as set out under Section 13 of the Penal Code, and the interests of justice. Where jurisdiction is established, the State can proceed with investigation of applicable offences.

153. With regard to procedures in place to guarantee consular assistance, the Maldives acceded the Vienna Convention on Consular Relations in 1991, which guides the Maldives processes on consular assistance.

154. MPS promptly notifies the Ministry of Foreign Affairs upon the arrest of a foreign national. The Ministry then communicates with the relevant diplomatic mission accredited to the Maldives, or, where no such mission exists, with the foreign ministry of the individual's country, to facilitate access to consular assistance.

K. Article 11

155. As outlined in paragraphs 140-141 above, the jurisdictional framework established under Section 13 of the Penal Code enables Maldivian courts to exercise jurisdiction over offences committed within the territory, by Maldivian nationals, against Maldivian citizens, and in circumstances where jurisdiction arises under international law or treaty obligations. This framework provides the legal basis for the prosecution of acts that may amount to enforced disappearance where jurisdiction is established.

156. Where an alleged offender is present within the territory of the Maldives, competent authorities may initiate investigations and, where appropriate, proceed with prosecution in accordance with the Criminal Procedure Act.

157. As noted above, the Maldives maintains mechanisms for international cooperation, including extradition and mutual legal assistance, which may be engaged where another State seeks to exercise jurisdiction. In the absence of such arrangements, domestic authorities retain the ability to proceed with prosecution of acts that may amount to enforced disappearance under applicable law.

158. The primary authorities responsible for the implementation of obligations under this framework include: MPS, which is responsible for the investigation of criminal offences; PGO, which determines whether to initiate criminal proceedings and conducts prosecutions;

and the Judiciary, which adjudicates cases and ensures the right to a fair trial as guaranteed by the Constitution and the Criminal Procedure Act.

159. The standard of evidence applied in criminal proceedings in the Maldives is governed by Act Number 11/2022 (Evidence Act), together with the Penal Code and the Criminal Procedure Act. These laws establish uniform rules on admissibility, burden of proof, and evaluation of evidence across all criminal offences. In particular, the prosecution bears the burden of proving the elements of an offence, and conviction requires that guilt be established beyond reasonable doubt.

160. These evidentiary standards apply equally to all offences prosecuted under domestic law, including acts that may amount to enforced disappearance. There are no provisions that lower or alter the applicable standard of proof in such cases. Accordingly, investigations and prosecutions relating to conduct falling within the scope of enforced disappearance are subject to the same rigorous evidentiary requirements as other serious criminal offences, ensuring consistency with the requirements of Article 11 of the Convention.

161. The Maldives ensures the right to a fair trial through constitutional guarantees and procedural safeguards set out in the Constitution and the Criminal Procedure Act. As outlined in earlier paragraphs, the Constitution guarantees fundamental fair trial rights, including the right to legal counsel, the presumption of innocence, equality before the law, and the right to a fair hearing by an independent and impartial court. Individuals are entitled to be informed promptly of the charges against them and to have adequate time and facilities to prepare their defence.

162. The Criminal Procedure Act further provides safeguards at all stages of the proceedings, including the right to legal counsel, the right to remain silent, protection against arbitrary arrest and detention, and the requirement of prompt judicial oversight. Accused persons are also entitled to examine evidence and challenge witnesses presented against them. All procedural rights are afforded to individuals unless a specific overriding law explicitly restricts or suspends a particular right.

163. With regard to measures to ensure that the standards of evidence required for prosecution and conviction apply equally whether the alleged offender is a national or a foreigner, the Evidence Act does not contain a specific provision explicitly addressing nationality. Its provisions are framed in general terms and apply uniformly to all persons in criminal proceedings. This, together with constitutional guarantee of equality before the law, ensures that the same evidentiary standards are applied irrespective of nationality.

164. As the Convention has not yet been fully domesticated, no specific authority has been formally designated to investigate enforced disappearance as a distinct offence, unlike other legislation, such as the Anti-Torture Act which designates HRCM as the competent investigative authority. The appropriate authority for enforced disappearance will be considered and determined through the ongoing legislative review process to ensure the designation of the most appropriate investigative authority.

165. In the meantime, MPS is the primary authority responsible for the investigation of criminal offences, including acts that may amount to enforced disappearance. In the absence of a standalone offence, such conduct would be investigated under applicable provisions of the Penal Code and related legislation.

166. In cases where allegations involve elements of torture or misconduct by law enforcement or correctional services, investigations may also involve oversight institutions. In particular, HRCM and the NIC may conduct independent or joint investigations within their respective mandates, especially where there are allegations against State authorities. The PGO is responsible for determining whether to initiate criminal proceedings and for prosecuting cases before the courts, while the Judiciary adjudicates such matters.

167. Military authorities, including MNDF, do not have jurisdiction to investigate or prosecute criminal offences. Domestic law does not confer investigative or prosecutorial powers on military institutions in respect of such conduct, and all criminal investigations remain within the competence of civilian authorities.

L. Article 12

168. Allegations of acts that may amount to enforced disappearance are addressed through the general criminal justice framework of the Maldives. Complaints may be reported to MPS, which is the primary authority responsible for criminal investigations under the Maldives Police Service Act and the Criminal Procedure Act. MPS is empowered to initiate investigations promptly upon receiving information indicating the commission of an offence, including in the absence of a formal complaint, in accordance with its statutory mandate.

169. Investigations are conducted in line with procedures set out in the Criminal Procedure Act, which governs the collection of evidence, arrest and detention, and prosecutorial and judicial oversight. The MPS undertakes the gathering of case-related information and documentation from relevant authorities, conducts forensic examination of the scene of the alleged incident, and carries out evidence collection, including the retrieval of digital evidence and interviews with victims, witnesses, and other relevant individuals.

170. The legal framework further ensures that the MPS has the authority to access places of detention and other relevant locations necessary for the effective conduct of investigations. Investigations are carried out with the objective of establishing the facts, identifying responsible persons, and compiling evidence for submission to PGO for prosecutorial determination.

171. In addition, HRCM may, within its mandate, initiate independent investigations into alleged cases of enforced disappearance on its own motion.

172. Since the Convention has not yet been fully domesticated and a specific authority has not been designated to investigate enforced disappearance cases, individuals may report cases of enforced disappearance through existing criminal complaint mechanisms. Any person may report a suspected offence to MPS through multiple accessible channels, including the police hotline, official website, email, fax, written communication, or in person at a police station, or to an on-duty police officer.

173. Upon receipt of a report, the complaint is registered and referred to the relevant department within the MPS for investigation. Investigations are initiated promptly in accordance with the Criminal Procedure Act, ensuring that allegations are assessed and acted upon without undue delay.

174. In addition, individuals may submit complaints to HRCM, which is mandated to receive and investigate allegations of human rights violations, including enforced disappearance.

175. More broadly, complainants have access to multiple independent and impartial authorities. In addition to reporting to MPS or HRCM, complaints may be lodged with institutions such as PGO and NIC. MPS cooperates with these institutions and does not obstruct their oversight functions.

176. While there are no formal discriminatory barriers to accessing these mechanisms, certain groups, including migrant workers and undocumented persons, have been reported to face practical challenges in accessing complaint procedures and information. The Government continues to work with multilateral partners and relevant CSOs to ensure migrant workers have accessible, timely, and culturally appropriate information on available remedies, as well as practical avenues to lodge complaints.

177. In this regard, the Government, in June 2025, inaugurated the country's first Migrant Worker Resource Centre and launched the MigrantConnect Portal, a pioneering digital redress system designed to improve services for migrant workers. The Migrant Worker Resource Centre serves as a central hub for information, referral services, and support for migrant workers across the Maldives. Complementing this physical centre is the newly launched MigrantConnect Portal, a user-friendly online platform that enables migrant workers to submit grievances, seek redress and access key resources in multiple languages with ease.

178. Where competent authorities refuse to investigate a complaint, the complainant may seek recourse through independent oversight mechanisms, such as HRCM, which is

empowered to conduct independent inquiries, access places of detention, and issue findings and recommendations, including referrals to relevant investigative or prosecutorial authorities.

179. In addition, complainants may lodge complaints with PGO, which, pursuant to Section 15(f) of Act Number 9/2008 (Prosecutor General's Act), has the authority to order the initiation of an investigation upon receiving information indicating the commission of a suspected criminal offence. Section 23(a) of the Criminal Procedure Act specifically states that, if an investigative authority refuses to take a case, or if the complainant believes the investigation is not being handled properly, they can submit a complaint to the Prosecutor General. Section 23(b) further states that the Prosecutor General may then review the matter and has the power to instruct an investigative agency to carry out an investigation, either based on such a complaint or on information received from any other source.

180. Measures are in place to protect complainants, witnesses, and other persons involved in investigations from intimidation or ill-treatment. MPS takes necessary steps to ensure their safety, including, where appropriate, recording witness statements anonymously and providing protection through the Witness Protection Unit, depending on the circumstances of the case.

181. Additionally, while the prosecution does not provide direct physical protection, it may facilitate the issuance of protective orders by the courts where necessary. Prosecutors, together with victim support officials, engage with victims prior to trial to explain the legal process, courtroom procedures, and their rights, and to prepare them for participation in proceedings.

182. Victim support mechanisms further include regular communication on case developments, notification of court dates, and access to counselling or other support services. These measures are aimed at reducing the risk of re-traumatisation and ensuring that individuals can participate in proceedings safely and effectively.

183. Furthermore, witness intimidation is criminalised under the Penal Code and ill-treatment is criminalised under the Anti-Torture Act.

184. With regard to statistical data on the number of complaints of enforced disappearance submitted to the domestic authorities and the results of the investigations, as highlighted in paragraph 70 above, cases which may fall within the scope of the Convention have not been recorded as such in the Maldives, due to the lack of legislative framework. Additional details of disappearance cases are provided at paragraphs 71–90 above.

185. There is currently no dedicated unit within law enforcement or prosecutorial authorities specifically established to investigate enforced disappearance as a distinct offence. However, investigations into acts that may amount to enforced disappearance are carried out by the MPS under its general mandate, including the authority to initiate investigations ex officio where information indicates the commission of a criminal offence. As such, Section 23(d) of the Criminal Procedure Act states that law enforcement authorities may initiate an investigation on their own motion if they suspect or become aware of a criminal offence, even in the absence of any formal complaint or information submitted by a party.

186. Additionally, as outlined above, DDCOM was established in 2018 to conduct independent enquiries into unresolved cases of murders and enforced disappearances. The Commission was granted investigative authority and worked in coordination with MPS and other relevant agencies from 2018 to 2024. DDCOM was allocated a budget of over MVR 10.8 million. DDCOM's staffing levels varied over time in line with operational needs, with 15 staff members at the time of its dissolution. Upon conclusion of its mandate, DDCOM was dissolved on 31 May 2024.

187. While there is currently no specialised body mandated to investigate enforced disappearance, such cases are addressed through existing institutional frameworks, personnel, and procedures. As part of the ongoing process of domestication of the Convention, the Maldives will consider the establishment of specialised mechanisms, including dedicated units and targeted capacity-building, to strengthen the effectiveness of investigations into enforced disappearance.

188. With regard to limitations of authorities, the Maldives notes that there are no undue limitations placed on competent authorities in accessing places of detention where there are reasonable grounds to believe that a person may be deprived of liberty. MPS has unrestricted administrative and operational access to official police detention facilities for the purposes of investigation.

189. In relation to other places of detention, including facilities operated by MCS, access is facilitated upon formal request and is generally granted in accordance with established procedures. These procedural requirements are applied solely to ensure security, safety, and the orderly administration of detention facilities.

190. Independent oversight bodies, including HRCM and NIC, are permitted access to places of detention within their respective mandates. Such access is exercised in accordance with the law and is not subject to undue restriction. Sections 12-14 of the Prisons and Parole Act of the Maldives subjects all prisons of the Maldives to oversight and inspection by independent constitutional commissions, relevant international organisations and treaty bodies, and committees of the Parliament. These bodies are empowered to access and inspect prison facilities, monitor conditions of detention and treatment of detainees, and, where applicable, issue reports or directives to address any identified concerns.

191. As for the Maldives Immigration Detention Centre, independent oversight bodies, including HRCM and NIC, are granted access in accordance with their respective mandates. While access is not subject to undue limitations, entry to the facility is restricted to authorised personnel only, in line with applicable security and administrative procedures.

192. While the legal framework provides independent oversight bodies with broad authority to conduct inspections, access detention facilities, and carry out private interviews, HRCM has noted certain practical challenges in implementation. These have included delays in accessing facilities, initial restrictions on access to certain areas, procedural requirements that may affect confidentiality, and occasional limitations in cooperation, resources, and forensic capacity. The Government has taken steps to address these concerns, and HRCM has stated that it has observed improvements in access and cooperation in recent years.

193. As for measures to address situations where suspects may be in a position to influence investigations or intimidate those involved, allegations against police officers and staff are subject to internal investigation by the Professional Standards Command of MPS, which may take disciplinary action as appropriate. In addition, independent oversight bodies, including NIC and HRCM, may investigate allegations involving law enforcement officials.

194. While MNDF does not have a role in the investigation of enforced disappearance cases, any allegation of criminal conduct involving MNDF personnel is subject to internal mechanisms. In such instances, the Military Police is mandated to investigate the matter and take appropriate disciplinary or other action in accordance with applicable laws and regulations.

195. Where suspects are public officials in other institutions, MPS may formally notify the relevant authority, such as the President's Office or the Civil Service Commission, to take appropriate administrative action in accordance with applicable rules and procedures.

M. Article 13

196. The legal framework governing extradition in the Maldives is set out in the Extradition Act, which permits extradition for the purposes of prosecution, sentencing, or the enforcement of a sentence, subject to minimum thresholds, such as that the offence must carry a penalty of at least one year of imprisonment. Extradition requests are subject to judicial determination and must comply with safeguards set out in the Act, including protections against extradition in cases involving political offences, discrimination, or lack of a valid legal basis.

197. As noted above, enforced disappearance is not currently established as a distinct offence under domestic law. Consequently, there is no specific provision explicitly identifying enforced disappearance as an extraditable offence in all treaties with other States.

However, acts that may amount to enforced disappearance may fall within existing offences that meet the threshold for extradition under the Extradition Act.

198. The Maldives acknowledges this gap and notes that provisions to expressly recognise enforced disappearance as an extraditable offence, in line with the Convention, will be considered as part of the ongoing legislative process to domesticate the Convention.

199. The Maldives currently does not have any bilateral or multilateral extradition treaties in force which expressly include enforced disappearance as an extraditable offence. No extradition cases have been processed since the enactment of the Extradition Act in 2015.

200. The Government is, however, actively engaged in efforts to strengthen its international cooperation framework. This includes ongoing negotiations with two States to conclude mutual legal assistance agreements, as well as the review of a revised draft extradition treaty submitted by one State. In addition, a proposal for a new bilateral extradition treaty received through diplomatic channels is currently under consideration by the Ministry of Foreign Affairs.

201. As part of these ongoing efforts, the Maldives will consider incorporating provisions relating to enforced disappearance in future extradition arrangements, in line with its obligations under the Convention.

202. As no extradition cases have been processed since the enactment of the Extradition Act in 2015, no obstacles in the implementation of such treaties have been identified. Similarly, there are no recorded instances of extradition cooperation in which the Convention has been used as the legal basis, nor any cases in which the Maldives has granted extradition of persons alleged to have committed such offences.

203. The Maldives notes that Section 14(a) of the Extradition Act provides for the refusal of extradition where an offence is considered political in nature or politically motivated. In accordance with the Convention, enforced disappearance is not to be regarded as a political offence. In this regard, as enforced disappearance has not yet been defined as a distinct offence under domestic law, the question of its classification as a political offence does not arise.

204. In light of the Maldives' obligations under the Convention, this issue will be addressed as part of the ongoing legislative process to domesticate the Convention, including consideration of provisions to ensure that enforced disappearance is not treated as a political offence for the purposes of extradition.

205. In the Maldives, extradition requests are received by the Ministry of Foreign Affairs, and forwarded to the Prosecutor General for approval to proceed. Once approval is granted, the case will be submitted to the High Court, which exercises original jurisdiction over extradition proceedings. The High Court may order extradition only if specific legal requirements are met. It must be satisfied that: (i) the requesting State is a designated country under the Extradition Act; (ii) the alleged offence qualifies as an extraditable offence; (iii) the individual before the Court is the person sought; and (iv) all required documentation has been duly submitted. The Court will not refuse extradition solely on the basis that the fugitive has objected or initiated legal proceedings challenging the extradition. Safeguards against extradition include where the request is politically motivated, discriminatory in nature, or otherwise lacks a valid legal basis. All determinations by the High Court must be consistent with applicable constitutional and human rights protections, including those relating to fair trial and protection from ill-treatment.

N. Article 14

206. With regard to mutual legal assistance applicable to enforced disappearance, the Maldives has established a general legal framework under the Mutual Legal Assistance in Criminal Matters Act. This Act governs the provision and receipt of mutual legal assistance between the Maldives and other States in relation to criminal investigations and proceedings, including the gathering of evidence and facilitation of witness testimony.

207. The Act applies to requests from all foreign States and is not limited to specific offences. Accordingly, in the absence of a standalone offence of enforced disappearance in domestic law, acts that may amount to enforced disappearance may be addressed through this framework, depending on the underlying offences involved.

208. The Act further sets out grounds for refusal, including where requests are politically motivated, discriminatory, relate solely to military offences, or would prejudice the sovereignty or security of the Maldives, as well as in cases involving double jeopardy.

209. Requests for mutual legal assistance are assessed and determined by the Prosecutor General, who is vested with discretionary authority to examine each request, including those involving conduct not expressly criminalised under Maldivian law. The Act also permits international organisations to submit requests for assistance, which are processed in the same manner as those from foreign States.

210. With regard to specific examples of mutual legal assistance in cases of enforced disappearance, no such instances have been recorded to date.

211. Mutual legal assistance is also provided on the basis of bilateral agreements or reciprocity. Therefore, cooperation may be undertaken with States that are not party to the Convention.

O. Article 15

212. The Maldives has signed mutual legal assistance treaties with India and Sri Lanka on 3 September 2019 and 27 July 2025 respectively. The Government is also engaged in ongoing negotiations with other States to enhance cooperation in criminal investigations, and will consider inclusion of matters that may relate to enforced disappearance.

213. In practice, mutual assistance requests are coordinated through PGO, with MPS facilitating the execution of such requests in accordance with domestic law. The Maldives also provides and seeks assistance on the basis of reciprocity.

214. Additionally, MPS utilises international cooperation mechanisms, including INTERPOL channels, to support efforts to locate persons and obtain relevant information, which may contribute to establishing the fate or whereabouts of individuals.

215. With regard to specific examples of mutual assistance provided to victims of enforced disappearance or in efforts to determine their fate or whereabouts, no such instances have been recorded to date.

P. Article 16

216. The Maldivian legal framework provides safeguards against the expulsion, return, surrender, or extradition of persons to States where they may face serious harm. Section 42 of the Anti-Torture Act, in particular, establishes an absolute prohibition on refoulement where there are substantial grounds to believe that a person would be at risk of torture. This prohibition is non-derogable and applies where competent authorities determine, on the basis of credible evidence, that there is a real and imminent risk of such harm.

217. The Act further provides that where a receiving State demonstrates a consistent pattern of gross, flagrant, or mass violations of human rights, the individual concerned shall be presumed to be at risk, and removal is strictly prohibited. While domestic law does not explicitly refer to enforced disappearance as a distinct ground, these protections extend to risks to life and personal integrity, including treatment that may amount to torture or ill-treatment. The explicit inclusion of enforced disappearance as a ground for non-refoulement will be considered as part of the ongoing legislative process to domesticate the Convention.

218. In addition, where a foreign national is detained pending deportation or return, HRCM is mandated to regulate the treatment of such persons and ensure the implementation of appropriate safeguards during detention.

219. Legislation and practices relating to terrorism, emergency situations, and national security have not adversely impacted the effective implementation of the prohibition of refoulement. Decisions relating to expulsion, return, surrender, or extradition are taken in accordance with constitutional guarantees, national laws, and the Maldives' international human rights obligations.

220. The Constitution guarantees the right to life and the absolute prohibition of torture and cruel, inhumane, or degrading treatment or punishment under Article 54, which remains non-derogable in all circumstances, including during states of emergency. This is reinforced by Section 16 of the Anti-Torture Act, which explicitly prohibits any justification for such acts, and Section 38 of the Act, which affirms the primacy of its provisions over any inconsistent laws or measures.

221. While the Anti-Terrorism Act does not specifically address the principle of non-refoulement, its application remains subject to the overarching constitutional and legislative framework, ensuring that national security measures do not override the absolute prohibition against torture or other forms of serious harm.

222. The determination of expulsion, removal or refoulement falls under the mandate of the Ministry of Homeland Security, Labour, and Technology and is implemented by the Maldives Immigration in accordance with applicable laws and regulations. In this context, as outlined earlier, Section 42 of the Anti-Torture Act prohibits the deportation or return of a person where there are substantial grounds to believe that the individual would be at risk of torture or cruel, inhuman or degrading treatment or punishment.

223. The assessment of such risk is undertaken through a coordinated process involving multiple authorities, including the Ministry of Foreign Affairs, the Ministry of Homeland Security, Labour, and Technology, AGO, HRCM, and Maldives Immigration, in accordance with subsection 42(b) of the Act. Where such risks are identified, the Maldives has, where appropriate, pursued alternative measures, including third-country resettlement, in lieu of returning individuals to countries where they may face harm.

224. As detailed above, extradition matters are handled through PGO and determined by the High Court. The applicable criteria are set out in the Extradition Act, as outlined in paragraph 205 above.

225. Decisions relating to extradition, expulsion, removal, or refoulement are subject to review in accordance with domestic law. As extradition decisions are determined by the High Court, they can be appealed before the Supreme Court in line with established appellate procedures.

226. Decisions relating to expulsion or removal may be challenged through judicial review proceedings before the competent courts. Such proceedings allow individuals to contest the legality, reasonableness, and procedural fairness of the decision.

227. Where a claim raises credible concerns relating to risk of serious harm, including torture or ill-treatment, courts may grant interim relief, including the suspension of removal, pending the outcome of the proceedings.

228. Officers involved in matters relating to expulsion, return or extradition of foreign nationals receive training in accordance with general law enforcement and human rights standards, including obligations arising under the Constitution and relevant domestic legislation such as the Anti-Torture Act.

229. In this regard, the Maldives Immigration provides mandatory trainings and regular capacity-building sessions for its officers, covering a wide range of modules including human rights standards, anti-torture principles, human trafficking awareness, first aid, and operational procedures relevant to their duties. These trainings are complemented by sessions conducted in collaboration with HRCM, to ensure that officers are equipped to act in compliance with obligations under Article 23 of the Convention.

Q. Article 17

230. All detainees are held in officially recognised places in the Maldives. Section 3(d) of the Prisons and Parole Act of the Maldives states that any person detained under a court order for a period exceeding twenty-four hours must be held in a place designated as a categorized prison as per Section 3(a) of the Act, or in a place that has received temporary permission for use as a prison as per Section 3(b) of the Act.

231. Section 155 of the Prisons and Parole Act of the Maldives mandates that existing facilities be formally designated as prisons within one month of the Act's entry into force, empowers the relevant Minister to classify and designate detention institutions, and provides for a transitional period during which current facilities may continue to operate, subject to formal designation, notification, and publication requirements.

232. Furthermore, Section 17 of the Anti-Torture Act requires that all places of detention be officially recognised and publicly disclosed. In this regard, the relevant Minister is mandated to publish information on all detention facilities, including custodial facilities; remand facilities; facilities for minors; and facilities for convicted persons. It also includes rehabilitation treatment centres, facilities for the treatment of mental illnesses, centres for persons with special needs, and detention facilities for detoxification. The Act further requires the relevant Minister to submit detailed information to HRCM every three months, and upon request, including information on the names, addresses and locations of detention facilities, the identity of persons deprived of liberty, the duration of their detention, and the legal basis for such detention.

233. In accordance with Articles 45 to 49 of the Constitution, the deprivation of liberty is strictly regulated and may only occur as provided by law enacted by the Parliament. Arrest and detention may be carried out by law enforcement officers who observe an offence being committed, have reasonable and probable grounds to believe that a person has committed or is about to commit an offence, or under the authority of a court-issued arrest warrant.

234. Persons arrested or detained are entitled to be informed immediately of the reasons for their arrest in writing within twenty-four hours, to retain and consult legal counsel without delay, to remain silent except for identification purposes, and to be brought before a judge within twenty-four hours. The judge has the authority to review the validity of the detention, order release with or without conditions, or order continued detention. Pre-trial detention is permitted only where there is a risk of absconding, threat to public safety, or potential interference with witnesses or evidence, and may be subject to bail or other assurances to appear as required by the court.

235. These safeguards are further codified in Sections 38 to 45 of the Criminal Procedure Act, which regulate stop and search, arrest, arrest warrants, and procedures to be followed after an arrest. Under Section 40 of the Act, unless otherwise provided in another Act, the power to arrest a person suspected of committing a criminal offence is vested in the MPS, and the provision sets out the circumstances under which an arrest may be effected, whether with or without a court warrant.

236. Upon conviction for an offence warranting imprisonment, the MPS transfers the individual to the MCS for incarceration in a designated facility for convicted persons.

237. As for other categories of detention or institutionalisation, such as rehabilitation treatment centres, facilities for the treatment of mental illnesses, centres for persons with special needs, detention facilities for detoxification, and the immigration detention facility, orders for deprivation of liberty are issued in accordance with applicable legislation and procedures, typically on the basis of judicial authorisation or other lawful orders by competent authorities, depending on the nature and purpose of the detention.

238. Measures are in place to ensure prompt notification of and access to lawyers, medical care, family members, and consular representatives.

239. Article 53(a) of the Constitution states that everyone has the right to retain and instruct legal counsel at any instance where legal assistance is required. Article 53(b) further states that, in serious criminal cases, the State shall provide a lawyer for an accused person who cannot afford to engage one.

240. Section 51 of the Criminal Procedure Act also mandates that once a suspect requests a lawyer, the police are prohibited from conducting any questioning until the legal representative is present. While a suspect may initially waive this right after being given their legal caution, they retain the power to change their mind and request a lawyer at any point during the process, at which time questioning must cease. The law further ensures the quality of this defence by protecting attorney-client privilege and guaranteeing the right to private consultations.

241. Regulation Number 2022/R-140 (Regulation for the Procedures in Administration of Custodial Jails) further stipulates detailed procedures for provision of access to lawyers, doctors, phone calls and communication with and visitation by family members.

242. Furthermore, Regulation Number 2016/R-34 (Regulation on Basic Services and Benefits to be Provided to Prisoners, Persons Arrested on Criminal Suspicion, and Persons Remanded in Custody under a Court Order), governs access to lawyers, and communication and visitation by family members and other persons in facilities administered by the MCS. Regulation Number 2015/R-223 (Medical Regulation for Persons Serving Sentences) governs access to medical services by those serving prison sentences.

243. All communications and visits to detainees are subject to reasonable conditions prescribed by law and regulations, aimed at maintaining security, safety, and good order within detention facilities. These conditions do not restrict the fundamental right of detainees to maintain contact with the outside world.

244. In the case of foreign nationals, MPS ensures that the Ministry of Foreign Affairs is promptly notified of the arrest and whereabouts of the detainee. The Ministry then communicates with the relevant diplomatic mission accredited to the Maldives, or, where no such mission exists, with the foreign ministry of the individual's country, to facilitate access to consular assistance.

245. Visits by Consular Representatives are facilitated for foreign nationals, in coordination with the Ministry of Foreign Affairs and relevant authorities, as per established procedures.

246. In cases involving detention by the Maldives Immigration, foreign nationals are duly informed of their legal rights and are provided access to legal representation, as well as the ability to receive visits from family members and legal counsel. Consular authorities are similarly notified upon detention, ensuring that detainees are able to communicate with their consular representatives in accordance with domestic law and applicable international standards.

247. The Maldives has established multiple safeguards to ensure independent monitoring and inspection of places of detention. HRCM, as the National Human Rights Institution, is granted broad statutory powers under the Human Rights Commission Act to conduct unannounced visits to any place of detention, interview detainees in private, and access all relevant records.

248. HRCM also serves as the NPM under OPCAT, with authority under the Anti-Torture Act to carry out regular and systematic inspections of all places of detention. All relevant authorities, including the MPS and the MCS, provide cooperation and access in accordance with their legal obligations.

249. Additional oversight is exercised through other independent bodies, including the NIC and the PGO. Parliamentary oversight is exercised by the Committee on Human Rights and Gender, which reviews reports of the NPM and advises on necessary follow-up measures.

250. Further external oversight is exercised by the Judiciary, with judges empowered under the Criminal Procedure Act to order and conduct inspections of detention facilities to ensure the legality of detention and the well-being of detainees.

251. The Maldives also facilitates international monitoring, including visits by United Nations special procedures mandate holders, in coordination with the Ministry of Foreign Affairs and in accordance with its international obligations.

252. The Inspector of Correctional Service, situated within the Ministry of Homeland Security, Labour, and Technology, also has the authority to inspect correctional facilities and advise the Minister under the Prisons and Parole Act of the Maldives. This mechanism forms part of the penitentiary administration.

253. The Maldivian legal framework provides guarantees enabling any person with a legitimate interest to bring proceedings before a court to determine the lawfulness of detention. Section 207 of the Criminal Procedure Act states that, a person who claims to have been unlawfully arrested or detained may apply for a writ of habeas corpus to seek their release, either personally or through another party acting on their behalf.

254. Courts are empowered to review such applications and may order the production of the detainee, as well as grant access to the petitioner or legal counsel to verify the detainee's condition and location.

255. In addition, Article 60(i) of the Criminal Procedure Act provides for mandatory judicial review of pre-trial detention at intervals not exceeding thirty days. This ensures that all detained persons are regularly brought before a judge, who must assess the continued legality and necessity of detention.

256. Official and updated registers of detention are maintained in the Maldives by relevant authorities. Within MPS, detainees are recorded through registration processes at the point of arrest and upon admission to detention facilities, ensuring that key information relating to deprivation of liberty is documented, in accordance with the requirements stipulated in the Regulation for the Procedures in Administration of Custodial Jails. These registers include most of the elements contained in Article 17(3) of the Convention.

257. MCS similarly maintains official detention registers containing information on all persons deprived of liberty, in accordance with the relevant prison regulation. These registers are regularly updated, and efforts are ongoing to strengthen record-keeping through the development of centralised and digital systems to enhance accuracy, accessibility, and accountability.

258. In addition, Section 17 of the Anti-Torture Act requires State authorities to maintain and share information on places of detention and persons deprived of liberty with HRCM through periodic reporting. While detention registers are in place, HRCM has noted challenges in practice, including delays and inconsistencies in the submission of comprehensive information by certain authorities. Efforts are ongoing to address these gaps and strengthen compliance with reporting requirements.

R. Article 18

259. Existing legislation provides certain safeguards enabling persons with a legitimate interest, including family members and legal representatives, to access information relating to persons deprived of liberty. In practice, individuals detained by the MPS are afforded the opportunity to contact family members and legal counsel, including prior to investigative interviews, thereby facilitating access to information regarding their status and whereabouts.

260. Within correctional facilities, the MCS also provides access to detention-related information to persons with a legitimate interest, subject to applicable procedures and data protection requirements.

261. In addition, the immigration laws and regulations ensure that family members, legal counsel, and relevant consular authorities of foreign nationals deprived of liberty are provided with timely information regarding their detention, legal status, and location.

262. As a measure to balancing transparency with the privacy rights of detainees in custodial facilities, Section 9 of the Regulation for the Procedures in Administration of Custodial Jails states that, personal information or official documentation regarding current

or former inmates can only be released to legally authorised institutions (such as oversight bodies or courts) unless the individual concerned provides explicit written consent, subject to any specific legal overrides stipulated in other laws.

263. There are no specific legal restrictions that arbitrarily limit the right of persons with a legitimate interest to access information relating to persons deprived of liberty. Any limitations that may arise are lawful, necessary, and proportionate, and are applied only for legitimate purposes such as protecting the integrity of ongoing investigations, ensuring security, or safeguarding the privacy and safety of detainees. These restrictions do not negate the underlying right of access.

264. Legal and administrative safeguards exist to protect individuals who seek access to information relating to persons deprived of liberty, as well as those involved in investigations, from ill-treatment, intimidation, or sanction.

265. All forms of ill-treatment are criminalised under the Anti-Torture Act. Intimidating or threatening to commit an offence that may cause injury or harm to a person is criminalised under the Penal Code.

266. Furthermore, Act Number 16/2019 (Whistleblower Protection Act) further safeguards individuals who disclose information relating to wrongdoing, including human rights violations, by protecting them from retaliation or adverse consequences.

267. Additional protections are provided under the Evidence Act, including provisions that protect the identity of individuals who report offences or provide information.

268. Complaints mechanisms and independent oversight bodies, including HRCM and other competent institutions, provide avenues for redress where allegations of intimidation or ill-treatment arise, to ensure further protection for persons engaging with investigative processes.

S. Article 19

269. The collection of genetic data and medical information in the Maldives is regulated and subject to procedural safeguards to ensure consistency with human rights standards. Sections 117 to 131 of Regulation Number 2019/R-1052 (Regulation on Procedures to be Followed by the Police in the Investigation of Criminal Matters) establish the legal framework governing the collection of samples during criminal investigations, including the types of samples that may be obtained and the procedures to be followed.

270. These provisions require adherence to safeguards such as informed consent, maintenance of the chain of custody, and proper handling and storage of samples. The use of such information is limited to lawful investigative purposes, ensuring that it is not misused or applied beyond the scope of the investigation.

271. In practice, the collection of genetic data, including DNA, requires the informed written consent of the individual concerned. Where consent is not provided, samples may only be obtained pursuant to a court order.

272. Genetic and medical information obtained in the course of investigations is used strictly for limited and lawful purposes. Such data is utilised exclusively for the specific criminal investigation and any subsequent prosecution for which it was authorised, as well as for humanitarian purposes, including the identification of human remains in efforts to determine the fate or whereabouts of a disappeared person.

273. Genetic data and associated medical information are subject to strict safeguards regarding storage and protection. Such data is maintained in secure, access-controlled digital systems managed by the Forensic Services Department of MPS.

274. Physical samples are preserved in secure evidence storage facilities in accordance with established chain-of-custody protocol, ensuring the integrity, confidentiality, and proper handling of sensitive information, consistent with applicable legal and procedural safeguards.

275. MPS maintains a criminal DNA database for forensic purposes. In addition, genetic data collected in specific cases is stored in case-linked forensic records, directly associated with ongoing investigations or efforts to identify missing persons. These records are maintained as part of individual case files and do not constitute a speculative or mass database.

T. Article 20

276. The Maldivian legal framework permits limited and lawful restrictions on access to information, including information relating to persons deprived of liberty. As noted above, Section 9 of the Regulation for the Procedures in Administration of Custodial Jails states that, personal information, or official documentation regarding current or former inmates can only be released to legally authorised institutions (such as oversight bodies or courts) unless the individual concerned provides explicit written consent, subject to any specific legal overrides stipulated in other laws.

277. Act Number 1/2014 (Right to Information Act) establishes a general right of access to information held by State institutions. Section 4 of the Act recognises access to information as a legally enforceable right, which may be pursued through judicial means. Section 7(b) of the Act further provides that where information is requested for the purpose of protecting the life or liberty of a person, such information must be provided within forty-eight hours, thereby ensuring timely access in urgent circumstances.

278. Existing restrictions are limited in scope and are not intended to undermine the right of access. Any refusal or failure to provide information may be challenged through mechanisms provided under the Right to Information Act, including complaints to the Information Commissioner in cases of non-compliance, refusal, delay, or procedural breaches by State institutions. In addition, individuals with a legitimate interest retain the right to seek judicial remedies to obtain information.

U. Article 21

279. Domestic legislation and practice provide safeguards to ensure the reliable verification of the release of persons deprived of liberty. Under applicable custodial and prison regulations, the release of detainees is formally recorded, and relevant documentation is maintained by MCS and MPS.

280. Furthermore, Section 37 of the Regulation for the Procedures in Administration of Custodial Jail states that, if a person held in a custodial jail is released from detention, their guardian or a party capable of protecting their interests must be informed of the release.

281. As for release of persons from prisons, Section 12(b)(1) of Regulation Number 2015/R-127 (Regulation on Administrative Management of Convicted Prisoners and Pre-trial Detainees) mandates the completion of all the necessary documentation required for the person's release from prison. These include verification of the identity of the individual, documentation of the time and legal basis of release, and updates to official detention records. These records form part of the official register of detained persons, ensuring traceability and accountability.

282. In practice, detainees are released in a manner that ensures their physical integrity and ability to exercise their rights, including communication with family members or legal representatives upon release.

283. The supervision of the release of persons deprived of liberty is carried out by the competent custodial authorities in coordination with judicial authorities. In the case of police custody, the officer-in-charge of the detention facility is responsible for overseeing the formal release process, which is typically carried out pursuant to an order issued by the competent court.

284. In respect of persons held in prison facilities, the MCS is responsible for supervising release, in coordination with judicial authorities and relevant agencies, and in accordance with court orders and prison regulations.

285. For individuals detained under immigration laws, release is carried out by Maldives Immigration upon the order of the Controller General of Immigration, in accordance with the applicable laws.

V. Article 22

286. As noted in earlier paragraphs, Section 207 of the Criminal Procedure Act provides for the filing of a writ of habeas corpus, allowing a detainee or another person with a legitimate interest to challenge the legality of the deprivation of liberty.

287. The application must include essential information such as the date and place of detention, the authority responsible for the arrest, and the reasons for detention. The law further allows flexibility where the detainee is unable to provide such information personally, permitting another person to submit the application on their behalf.

288. Where detention is pursuant to a court order, a copy of the order must be submitted. However, the absence of such documentation does not prevent the filing of the application, provided that the applicant demonstrates that the order was requested but not provided. These provisions ensure that access to judicial review is not unduly restricted.

289. As detailed in earlier paragraphs, a comprehensive legal framework is in place to prevent unlawful deprivation of liberty. The Constitution guarantees that no person shall be arbitrarily arrested or detained except in accordance with law, and establishes strict conditions under which arrest may occur, including the requirement of reasonable grounds or a court-issued warrant. It further provides fundamental safeguards upon arrest, including the right to be informed of the reasons for detention, access to legal counsel, and the requirement to be brought before a judge within twenty-four hours to determine the legality of detention.

290. As noted above, Sections 140–142 of the Penal Code prohibit the unlawful removal, restraint, or detention of a person. These provisions apply to acts committed by both private individuals and State officials and are classified as felonies in certain instances. The Penal Code also criminalises abuse of authority, whereby a public official who uses their position to carry out an unauthorised act, such as conducting an unlawful or secret arrest, commits a separate offence.

291. Mechanisms also exist to ensure that deprivation of liberty is properly recorded and subject to oversight. As detailed above, Section 17 of the Anti-Torture Act requires State authorities to submit detailed quarterly reports to the HRCM, including information on all places of detention and persons deprived of liberty. Section 37 of the Act empowers the HRCM to monitor the implementation of the Act and the measures taken by State institutions and submit an annual report to the President and the Parliament, which must also be made public.

292. Administrative and disciplinary sanctions also apply to public officials who fail to comply with legal and procedural requirements. Such measures may include suspension, dismissal, or other disciplinary action in accordance with applicable service regulations governing law enforcement, correctional services, and other public institutions.

293. With regard to refusals to provide information relating to deprivation of liberty, or the provision of inaccurate information, the Right to Information Act establishes clear safeguards. Where a request concerns the life or liberty of a person, the requested information must be disclosed within forty-eight hours. Any refusal, delay, or failure to provide such information may be challenged by lodging a complaint with the Information Commissioner, who is empowered under Section 61 of the Act to order the relevant State institution to release or publicise the information. In cases of non-compliance with such orders, the Commissioner may impose fines on the responsible Information Officer or any person who violates the lawful directions of the Commissioner and may further direct the relevant institution to take disciplinary action in instances of repeated violations.

294. Furthermore, Section 67 of the Act empowers the Information Commissioner to impose fines of up to MVR 5,000 on an Information Officer for unjustified refusals, delays,

denials in bad faith, or the provision of incomplete, misleading, or incorrect information. In cases of repeated breaches, the Commissioner may direct the relevant State institution to initiate disciplinary proceedings. The Act also provides for fines of up to MVR 25,000 against any person who obstructs the functions of a State institution, an Information Officer, or the Commissioner, or who destroys, tampers with, or unlawfully alters information requested under the Act.

W. Article 23

295. At present, there are no training programmes specifically dedicated to the Convention. However, as part of the ongoing work of the inter-agency Working Group established to domesticate the Convention, training needs and institutional gaps are being identified, with a view to developing a structured and targeted training framework.

296. Notwithstanding this, general human rights training is conducted regularly for law enforcement officers, correctional service personnel, immigration officers and officials of institutions responsible for other places of deprivation of liberty. These programmes typically cover the broader international human rights law framework, including standards relating to arrest, detention, treatment of detainees, anti-torture and the prevention of serious human rights violations.

297. All personnel involved in the custody and treatment of persons deprived of liberty are made aware, through training and institutional policies, of their duty to report any unlawful detention or suspected violations of custodial or prison regulations. This obligation is reinforced through established internal reporting channels within the respective institutions. These measures are complemented by oversight from independent bodies such as HRCM and NIC, which provide additional avenues for reporting and ensure that such allegations are addressed promptly and appropriately.

298. At present, as the Convention has not yet been fully domesticated, there is no explicit provision in domestic legislation specifically prohibiting orders or instructions prescribing, authorising, or encouraging enforced disappearance. However, as outlined above, the existing legal framework provides safeguards that prevent such conduct, and any such order would be considered unlawful (paragraph 116 above).

X. Article 24

299. While enforced disappearance has not yet been codified as a distinct offence in domestic law, the Maldivian legal framework adopts a broad and inclusive understanding of victims in practice. Under general criminal and civil law principles, victims are not limited to the direct subject of an offence but extend to any individual who has suffered harm as a result of the act, including family members and dependents.

300. This approach is reflected in procedures relating to criminal investigations and prosecutions, where victims' families are informed of case developments and may engage with investigative and prosecutorial authorities. In addition, existing legal provisions governing compensation, personal injury, and access to remedies allow individuals who have suffered physical, psychological, or economic harm to seek redress.

301. The Maldives recognises that the definition of "victim" under the Convention is broader and more specific. Accordingly, the incorporation of an explicit definition reflecting both the disappeared person and all persons who have suffered harm as a direct result of enforced disappearance will be considered as part of the ongoing process of domestication of the Convention.

302. In the absence of a specific legal framework on enforced disappearance, existing mechanisms support both the right to know the truth regarding the circumstances of a disappearance and the fate of the person concerned, as well as the right of victims to be informed and participate in related proceedings. Investigations conducted by MPS aim to establish the relevant facts through evidence-gathering, witness interviews, and coordination with other authorities, with information communicated to families in accordance with

applicable laws and procedures. HRCM may also conduct inquiries into alleged violations, including cases involving disappearance, and issue findings and recommendations.

303. Victims, including family members, are kept informed of the progress of investigations through ongoing engagement with investigative and prosecutorial authorities. MPS communicates with complainants during investigations, while PGO provides updates where cases proceed to prosecution. Victims are further able to participate in proceedings through established legal processes, including by providing statements, submitting information, and engaging with prosecutors during trial preparation.

304. The Maldives acknowledges the importance of establishing dedicated mechanisms to fully guarantee the right to truth and to further strengthen victim participation and access to information in cases of enforced disappearance, and such measures will be considered as part of ongoing efforts to domesticate the Convention.

305. MPS serves as the primary authority responsible for conducting investigations into cases involving missing persons, including circumstances that may amount to enforced disappearance. Investigations are carried out in accordance with established criminal procedures, including evidence collection, witness interviews, and coordination with relevant agencies. MPS also undertakes search operations to locate missing persons, utilising its own operational resources and, where necessary, coordinating with other agencies such as MNDF Coast Guard, particularly in cases involving maritime searches.

306. In situations where deceased remains are discovered, the Death and Homicide Investigation Unit of MPS assumes responsibility. Established protocols are followed for the recovery, preservation, autopsy, and forensic examination of remains to determine identity and cause of death. Upon completion of these procedures, remains are returned to the next-of-kin in a dignified manner, in accordance with applicable laws and practices. In cases involving foreign nationals, the matter is communicated to the Ministry of Foreign Affairs, and with the necessary permissions and coordination with the consular authorities and family members, the remains are repatriated or buried.

307. The Maldives acknowledges the importance of strengthening dedicated mechanisms specifically addressing enforced disappearance, including search processes and protocols for handling remains in accordance with international standards, and will consider further measures in this regard as part of ongoing efforts to domesticate the Convention.

308. In the absence of a specific framework on enforced disappearance, existing investigative practices support the systematic collection of ante-mortem data in missing persons cases. The MPS collects relevant information from families, including detailed physical descriptions, medical and dental records, photographs, and personal belongings that may assist in identification.

309. In addition, family reference DNA samples are obtained, either voluntarily or pursuant to a court order, to facilitate comparison with any recovered remains, with such measures applied on a case-by-case basis within ongoing investigations to support accurate identification.

310. Genetic material collected in the course of investigations is handled and stored in accordance with established forensic standards. The MPS maintains custody of DNA samples and profiles under strict chain-of-custody protocols at its Forensic Services Laboratory, with physical samples kept in secure, access-controlled facilities and digital profiles maintained on protected systems to ensure confidentiality and integrity.

311. At present, genetic data is maintained within case-specific forensic systems rather than through a dedicated national database for enforced disappearance. The Maldives recognises the value of establishing more structured and centralised mechanisms for the systematic collection, storage, and use of ante-mortem and genetic data, and will consider such measures as part of ongoing efforts to strengthen the legal and institutional framework.

312. With regard to procedures for obtaining compensation and reparation, the Maldives does not currently have a specific, codified mechanism addressing compensation and reparation for victims of enforced disappearance as a distinct category. At present, any relief available to affected persons arises through general legal and administrative avenues,

including criminal proceedings, civil claims, and applicable victim support processes. Remedies may include compensation or other forms of relief depending on the circumstances of the case.

313. Similarly, there is no formal reparation regime specifically tailored to enforced disappearance cases. The Maldives nevertheless recognises that reparation under the Convention encompasses a broader range of measures, including restitution, rehabilitation, satisfaction and guarantees of non-repetition. The development of more comprehensive and structured procedures in this regard will be considered as part of the ongoing process to domesticate the Convention.

314. As for rehabilitation programmes established for victims of enforced disappearance, while there are currently no dedicated programmes, support services such as counselling and victim support are available through existing institutions and case-specific processes. The need for more specialised rehabilitation measures will be considered in the course of future legislative and institutional reform.

315. At present, there is no specific legal procedure providing for recognition of the legal status of a disappeared person through a declaration of absence by reason of enforced disappearance. Existing legal processes instead operate through general civil and administrative law mechanisms. The Maldives acknowledges the importance of establishing an appropriate legal framework to address matters relating to family law, property, social welfare, and financial affairs in such circumstances, and this issue will be considered as part of the ongoing process to domesticate the Convention.

316. With regard to formation and participation in associations, Article 30(b)(1) of the Constitution provides that everyone has the freedom to form associations and societies, including the right to establish and participate in any association or society for economic, social, educational or cultural purposes. This right is further guaranteed through Act Number 3/2022 (Associations Act).

317. The inter-agency Working Group will ensure that any registered associations of families of disappeared persons are effectively consulted as part of the ongoing process to domesticate the Convention.

Y. Article 25

318. In the absence of a dedicated legal framework on enforced disappearance, existing domestic legislation addresses conduct relevant to the wrongful removal of children and the protection of their identity. The Penal Code criminalises acts such as kidnapping, abduction, unlawful detention, and offences relating to the falsification or destruction of official documents, including identity records. In addition, Act Number 12/2013 (Prevention of Human Trafficking Act) establishes a comprehensive framework to prevent and punish trafficking in persons, including specific provisions relating to child trafficking, applicable irrespective of whether such acts occur in the context of enforced disappearance.

319. Furthermore, Act Number 19/2019 (Child Rights Protection Act) provides key civil and administrative safeguards. Section 12(a) guarantees every child protection from abuse, neglect, exploitation, and all forms of victimisation. The Act further regulates situations of separation and absence of parental care by affirming the primary responsibility of parents to safeguard the child's wellbeing (Section 39), while requiring that, in cases of separation, care be entrusted to a competent person acting in the best interests of the child (Section 39(d)). Any removal of a child from parental care is subject to formal procedures, including assessment and judicial oversight in the transfer of guardianship to foster care, with courts required to prioritise the best interests of the child (Sections 101–102). Where parents are unable to provide care, the State is mandated to provide protection and alternative care through the Child and Family Protection Service (Section 60), supported by social assistance mechanisms (Section 108).

320. The Act also establishes safeguards relating to identity. Section 40 mandates birth registration and places an obligation on the State to ensure registration where parents are unable or fail to do so. Section 15(a) guarantees the child's right to have identity information

recorded and safeguarded and to be protected from deprivation of identity, while Section 15(b) recognises that preserving identity includes name, nationality and family relations. Section 16 further affirms the child's right to know the identity of their parents, where possible. These provisions operate as safeguards against the concealment or loss of identity, including in situations of vulnerability.

321. While domestic legislation does not specifically criminalise the falsification, concealment or destruction of identity documents in the context of enforced disappearance as a distinct offence, such conduct is addressed through general offences under the Penal Code relating to forgery and falsification of documents, alongside the protective framework established under the Child Rights Protection Act.

322. Similarly, while specific mechanisms addressing enforced disappearance of children have not yet been established, existing investigative procedures provide for the search and identification of missing children. MPS conducts investigations and search operations in cases involving missing persons, including children, and utilises available forensic methods if they need to establish identity.

323. In cases where a child is located or unidentified remains are recovered, DNA analysis may be undertaken to confirm identity. Where a match is established through DNA comparison, the child will be returned to their family of origin in accordance with applicable procedures and the best interests of the child. At present, DNA data is maintained within case-specific forensic systems rather than a dedicated national database for disappeared children.

324. At present, there are no specific procedures established to guarantee the re-establishment of the true identity of disappeared children. No such cases have been reported to the Ministry of Health, Family, and Welfare to date.

325. There are also currently no specific programmes established to assist adults who suspect they are children of disappeared parents in establishing their true identity. Should such a case arise, it would be formally registered at the Ministry of Health, Family, and Welfare and addressed in accordance with existing procedures.

326. In practice, investigative support may be provided by MPS, including the use of DNA analysis to verify identity. Where a match is established, efforts will be made to reunite the individual with their biological family. In cases of dispute or where identity is contested, appropriate legal assistance may be facilitated through the relevant authorities.

327. Currently, there are no specific procedures established to guarantee the right of families to search for child victims of enforced disappearance or to review and annul adoptions originating from such acts. No such cases have been reported to the Ministry of Health, Family, and Welfare to date.

328. However, in situations arising within the foster care or adoption process, parents or relatives may contest decisions before the competent court. This provides a general legal avenue through which claims relating to custody, guardianship, or placement of a child may be reviewed and, where appropriate, reconsidered.

329. Under the current legal framework on cooperation with other States, there are no specific mechanisms established for cooperation in the search for or identification of children of disappeared parents. No such cases or formal frameworks exist to date.

330. In practice, the Ministry of Foreign Affairs, together with the Maldives' diplomatic missions abroad, has the mandate to facilitate communication and cooperation with foreign authorities upon request of relevant national agencies. This includes assistance in matters relating to family tracing, identification of children, and family reunification.

331. The Maldives acknowledges that specific provisions addressing children in the context of enforced disappearance are not yet in place and recognises the importance of developing clear legal, procedural, and institutional safeguards in this regard. This includes the need for more structured databases and procedures, strengthened mechanisms for family tracing, review of adoptions in cases linked to enforced disappearance, and enhanced

frameworks for international cooperation. The Maldives will consider establishing and strengthening such measures as part of ongoing legislative reforms and broader efforts to align domestic frameworks with the Convention.

332. The principle of the best interests of the child is a foundational element of the Child Rights Protection Act. Section 8 of the Act establishes the principle that the best interests of the child shall be a primary consideration in all matters concerning children. It requires all relevant actors, including State institutions, courts, Parliament, and guardians, to prioritise the child's interests when making decisions. The provision further sets out general criteria for determining the best interests of the child, including the child's views, individual circumstances, family relations, safety, health, and access to education, providing a structured framework for assessing and safeguarding the welfare of the child in all contexts.

333. The principle of the best interests of the child is reinforced throughout the Child Rights Protection Act. Section 34 requires that all rights under the Act be interpreted in accordance with the best interests of the child, while Section 37 places a direct obligation on parents and guardians to prioritise the child's best interests in all decisions concerning them. The principle is further reflected in specific contexts, including decisions on separation from parents, which are permitted only where necessary in the best interests of the child (Section 16), and in judicial determinations relating to alternative care, where courts must prioritise the child's interests in matters such as the transfer of guardianship to foster care (Section 102).

334. In practice, when a child protection case is initiated, an initial risk assessment is conducted followed by a comprehensive family assessment, during which the best interests of the child are central to determining whether the child should remain within the family or be placed under state wardship. Placement outside the family environment is considered a measure of last resort. In all such proceedings, the views of the child are sought and taken into account, including in decisions relating to guardianship and care arrangements.

335. The right of children to express their views is guaranteed under Section 9 of the Child Rights Protection Act, which provides that every child has the right to freely express their opinions and views. This right applies to all matters affecting the child, including situations that may arise in the context of enforced disappearance.

336. Accordingly, children who are capable of forming their own views are entitled to express those views freely, and such views are taken into consideration in accordance with the child's age and maturity. Relevant authorities are required to ensure that appropriate procedures are in place to facilitate the effective exercise of this right, including within administrative and judicial processes.

337. The Maldives has not recorded any cases or potential cases of enforced disappearance involving children. Accordingly, there is no statistical data available in this regard.

IV. Conclusion

338. The Maldives reaffirms its unwavering commitment to the promotion and protection of human rights, including the absolute prohibition of enforced disappearance. While the Convention has not been fully domesticated yet, the existing legal and institutional framework incorporates a range of constitutional, criminal, and administrative safeguards as detailed in this Report, that collectively serve to prevent arbitrary detention, ensure accountability, and protect the rights and dignity of all persons.

339. The Maldives recognises that the Convention sets out specific and comprehensive obligations that require further development within the domestic legal and institutional framework. Efforts are currently underway to give full effect to the Convention, including through the introduction of a clear definition of enforced disappearance, the establishment of dedicated procedures for investigation, reparation, and victim support, and the strengthening of safeguards relating to prevention, accountability, and access to justice.

340. As a small island developing State, the Maldives faces a number of capacity and resource-related challenges. These constraints have, and may continue to, affect the pace at

which certain obligations under the Convention can be fully implemented. The Maldives will nevertheless continue to make steady progress, strengthening institutional capacity, improving coordination among relevant authorities, and advancing implementation in a gradual and sustainable manner, while remaining open to constructive dialogue with the Committee.

341. The Government of Maldives remains firmly committed to upholding the principles of the Convention and to taking practical and meaningful steps to prevent enforced disappearance, ensure accountability, and to ensure that such violations are prevented and never occur.
