

OHCHR Questionnaire from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Information on;	Details
<p>Challenges in Prison Management observed by the National Preventive Mechanism</p>	<p><u>Background</u> <i>Prisons and pre-trial detention facilities in the Maldives are run under the management of Maldives Correctional Services & Maldives Police Service. The management structures, operating procedures, rules and regulations that are followed by these institutions differ, although there are commonalities in some of the laws followed by these institutions.</i></p> <p><i>In terms of prison population, a significant portion of the Maldivian prison population, are imprisoned on charges related to the consumption, and trafficking of illegal drugs. Out of this, the majority of prisoners are imprisoned for drug abuse. In addition to this, a big proportion of the Maldivian Prison population also includes those imprisoned for Child Abuse, Domestic Abuse, Sexual assault and other such crimes. It is also worth noting that a significant proportion of the Maldivian prison population are remand prisoners, awaiting trial.</i></p> <p><u>Major Issues</u></p> <p><u>2.1 Overcrowding in Prisons</u> <i>A significant issue that has been observed across all prisons and pre-trial detention facilities in the Maldives is the issue of overcrowding. Almost all major Prisons in the Maldives house more prisoners than the actual capacities the facilities can hold.</i> <i>The National Preventive Mechanism has observed overcrowding in K. Maafushi Prison, Male' Prison (now being relocated) as well as pre-trial detention centers. It is difficult for Prison Facilities in the Maldives to separate prisoners on the Basis of their risk levels (defined in the Prison and Parole Act) due to the lack of space, and the overcrowding in prisons. Prisoners are not categorized by the type of crime or type of care needed in most Prisons.</i></p> <p><u>2.2 Delays and Issues with Healthcare Services</u> <i>The issue of delays in getting access to medical care is a recurring one in most detention facilities in the Maldives. The NPM has observed that even though prisoners in most facilities have access to a doctor in a reasonable amount of time, there are delays in obtaining specialist consultations and getting follow-ups on medical examinations and laboratory tests. However, it is worth noting that this issue could stem from larger issues with the healthcare system in the Maldives.</i> <i>As for custodial facilities, as lot of them are located outside the capital, where there is a lack of specialists and healthcare professionals. Hence, getting access to specialists in these areas are harder, with detainees having to wait months before getting access to a specialist doctor.</i> <i>It was also observed that staff shortages, and the lack of escort officers to take prisoners for medical treatments or consultations, has made transporting prisoners from one place to another for medical consultations difficult.</i></p>

2.3 Large portion of detainees with mental health issues with no proper treatment

There is a large number of detainees with serious mental health issues kept in prisons and pre-trial detention facilities in the Maldives. As there is no forensic mental health mechanism established in the Maldives, and as there is a lack of psychiatric professionals working in prisons and detention centers. The conditions of a number of prisoners with pre-existing mental health issues are worsening. The HRCM strongly believes that a lot of these detainees should be admitted to mental health facilities instead of being sentenced to prison.

2.4 Staff Shortages

The lack of staff working in prisons cause difficulties for Prisons in providing a suitable level of services to Prisoners.

In addition to the lack of staff such as prison officers, difficulties with getting qualified technical staff, such as doctors, psychiatrists, councilors have hindered in making Maldivian prisons a place where inmates are rehabilitated and reintegrated into society. For example; due to the lack of mental healthcare professionals working in these institutions, only one prison / pre-trial detention facility in the Maldives has a mental healthcare professional stationed in the facility to cater to the prisoners' needs.

2.5 Lack of Rehabilitation and Reintegration Programs

Despite the fact that a large portion of the Maldivian prison population are imprisoned for drug abuse, drug rehabilitation or detoxification programs are not run in an organized manner in prisons or pre-trial detention centers in the Maldives. In addition to this, organized programs to help reintegrate prisoners into society aren't conducted in most prisons and pre-trial detention facilities in the Maldives. Out of all the prisons in the Maldives, Maafushi Prison is the only one where an organized program is run for prisoners to help reintegrate them into society.

It is however, worth noting that there are prisons where prisoners can learn and do work such as carpentry, or welding as well. Maafushi prison, Asseyri Prison, and Male' Prison offer opportunities for prisoners to work in different jobs such as serving food to prisoners, cleaning, carpentry & welding. However, comprehensive programs aimed at reintegrating prisoners into society is the exception in the Maldives.

Due to the lack of technical staff, and the lack of resources, most prisons and pre-trial detention facilities have been unable to conduct education, and training programs for detainees.

2.6 Inconsistencies & other issues with the relevant legal framework

Inconsistencies in the legal framework under which Pre-Trial detention centers and Prisons in the Maldives operate, is an issue that the NPM has observed.

Section 47 (a) and (b) of the Prison and Parole Act dictates that other than the right to liberty, detainees cannot be deprived of any fundamental rights, such as the prohibition of ill-treatment. While the Prison and Parole Act dictates that these basic rights cannot be taken away, even as disciplinary measures, custodial regulations give space for facilities to take away these rights and services from prisoners/detainees. This includes outdoor activities being taken away from prisoners at the discretion of detention centers.

	<p><u>2.7 Increase in the Number of Remand Prisoners</u> <i>The increased number of remand prisoners, and the lack of remand prisons or detention facilities in the Maldives has played a major role in worsening the level of overcrowding in detention facilities and prisons in the Maldives. In addition to this, due to the lack of space to house remand prisoners, institutions such as Maldives Police Services and Maldives Correctional Services are forced to house these prisoners in facilities that do not provide the services that remand prisoners are legally entitled to. some inmates remain in custodial jails (under Maldives Police Service) despite court order to place the inmate in a custodial jail. The Commission has raised this concern with relevant authorities but due to overcrowding and lack of space institutions are also facing issues to bring a permanent solution .</i></p> <p><u>2.8 Lack of Modern Equipment to conduct Searches</u> <i>The lack of equipment, such as x-ray scanners and metal detectors to use in conducting body searches has been a significant issue as well. The NPM has observed issues with body searches in detention facilities, where detainees complain that prison/police officers conduct strip searches frequently. However, Maldives Police Service and Maldives Correctional Services has to conduct routine searches on detainees as issues related to smuggling of illegal items into the prison are prevalent. Getting modern equipment, to conduct these searches with would help ensure that detainees (especially female inmates or other groups that are likely to be at higher risk of facing cruel, inhumane or degrading treatment during body searches) are given the maximum protection possible, when searches are conducted.</i></p> <p><u>2.9 Lack of CCTV cameras to properly monitor detention facilities</u> <i>Even though a number of detention facilities now have CCTV cameras installed, the commission observed that they are not installed in a way that enables the facility to comprehensively monitor and record the entire facility. Issues such as lots of blind spots in the CCTV coverage, and short backup durations for the CCTV footage hinder in the NHRI's investigations. Police stations that are being used as custodial facilities in islands mostly do not have CCTV installed. In addition to issues regarding the lack of CCTV camera in Prison, issues related to the placement of CCTV cameras have arisen in detention centers in the Maldives as well. CCTV cameras are sometimes placed near the toilets of cells. Even though toilets and such things are blacked out in the camera view, the placement of the camera is often disturbing to detainees and add to the mental health issues and burdens faced by detainees.</i></p>
<p>Innovations and good practices</p>	<p><u>Prisoner File Management Systems</u> <i>The NPM has observed that Maldives Police Service, as well as Maldives Correctional Services have established centralized file management systems containing information of all prisoners held in detention in facilities operated by these institutions. These databases include information such as personal information of prisoners & detainees, information related to daily interactions</i></p>

	<p><i>with the prisoner or detainee, medical details and information of the prisoners, event logs, details of disciplinary measures taken against detainees, and other documentation.</i></p> <p><i>The establishment of these centralized databases has made it easy for both institutions to share documentation related to prisoners when they are transferred from one facility to another, and to maintain a written log of interactions with the prisoner. It is also worth noting that the establishment of these systems will enable the NPM (or other monitoring bodies) to easily verify information that has been collected during inspections.</i></p> <p><u><i>Trainings and Refreshers of Standard Minimum Rules for the Treatment of Prisoners and Relevant Laws</i></u></p> <p><i>Parent institutions of detention facilities in the Maldives, especially Maldives Correctional Services conduct trainings on the Standard Minimum Rules for the Treatment of Prisoners on a regular basis to employees from all levels, working in detention facilities. In addition to the parent institutions, other bodies such as the NPM of the Maldives conduct trainings on the Mandela Rules, as well as the Anti-Torture act for staff working in detention facilities.</i></p> <p><i>The Mandela Rules are also included in the initial training programs for Maldives Correctional Service officer, with refreshers conducted regularly as well. The Standard Minimum Rules for the Treatment of Prisoners have been translated to Dhivehi as well, in order to increase accessibility and help provide a comprehension understanding of the rules.</i></p> <p><i>The NPM also observed that Maldives Police Services conducts trainings on these standards, and relevant laws as well. MPS distributes information on new laws related to their work (as well as amendments to existing ones) to Police Stations around the country, and give trainings related to these laws and amendments to staff in a timely manner.</i></p>
<p>Measures to reduce over crowding</p>	<p><u><i>Measures taken in the Maldives</i></u></p> <p><i>The 3rd amendment to the Criminal Procedure Act enacted on 22nd September 2020 was a welcome measure, that would help reduce overcrowding in detention facilities in the Maldives. Under this amendment, article 60 of the Criminal Procedure Act now enables a mechanism to review pre-trial detention decisions by judges every 30 days and for the Prosecutor General to Request the court to dismiss pre-trial detention orders given that the Prosecutor General finds an insufficient need for detention.</i></p> <p><i>Additionally, in order to alleviate the burden on law enforcement and detention centers because of the increased number of drug offenses in the Maldives, the National Drug Council of the Maldives is developing a national strategy to deal with drug addiction as a public health issue and to develop needed rehabilitation facilities, and reduce backlogs in the criminal court and the drug court, and ultimately relieve prison congestion.</i></p> <p><i>Further, institutions such as Maldives Police Services tries not to detain people that are in need of special assistance in custodial facilities under their care unless absolutely necessary.</i></p>

	<p><u>Recommendations</u></p> <p><i>Given that large proportions of the Maldivian prison population are imprisoned for drug abuse, and a significant proportion of the detained population are remand prisoners, measures such as building facilities to house remand prisoners, would help relieve the issue of overcrowding, as well as issues related to withholding services that remand prisoners are legally entitled to.</i></p> <p><i>In addition, providing proper rehabilitation for detainees imprisoned for drug abuse, and running comprehensive rehabilitation and reintegration programs for prisoners through government institutions such as the National Drug Agency could help relieve the levels of overcrowding in Maldivian prisons and detention centers.</i></p> <p><i>Further, establishing mechanisms conduct forensic mental health services to prisoners in the Maldives is important as well. Given that a big proportion of the incarcerated population in the Maldives are subject to mental health issues, and establishing proper mechanisms to deal with these issues would help ensure that repeat-offenders are minimized, establishing such a mechanism would be extremely beneficial.</i></p>
<p>Designing daily life in prisons to be focused on meaningful and productive activities, rehabilitation and reintegration, and achieving good physical and psychological health</p>	<ul style="list-style-type: none"> • <i>The commission observed that through established government mechanisms, authorities allowed offenders (from some facilities) to participate in the rehabilitation treatment programs by the National Drug Agency and those who complete the programs will be reintegrated into the society. More comprehensive programs to help rehabilitate prisoners, that include more than drug detoxification services and the current model of community rehabilitation is needed in order to ensure that life in prison is focused on activities that cater to the rehabilitation and reintegration of prisoners in to society.</i> • <i>Investigation into some complaints revealed that even though prisoners are entitled to 1 hour of exercise (walk) outside of their designated cells, sometimes due to staff shortage in prison facilities some prisoners are not taken for exercise on a regular basis. There have been instances where medical Doctors also advice exposure to sunlight but due to a lack of escort Officers some prisoners are not brought outside of their cells.</i>
<p>Challenges and innovations for providing mental health provision, including for different groups of prisoners such as those with pre-existing psychological issues, victims of torture, persons</p>	<p><u>Challenges</u></p> <ul style="list-style-type: none"> • <i>A number of prisoners in pre-trial detention facilities in the Maldives already have pre-existing mental health issues. Due to the lack of psychiatric professionals, and forensic mental health facilities, the pre-existing conditions of prisoners with severe mental health issues usually get worse.</i> • <i>Some Inmates with suicidal thoughts and histories of self-harm are kept alone in cells. The commission has brought these concerning issues to the attention of relevant authorities and asked them to take the necessary action.</i> • <i>Prisoners with mental health issues are sometimes not given the opportunity to consult specialists, or to receive the medication that they require</i>

<p>with neurodiverse conditions etc.</p>	<ul style="list-style-type: none"> • <i>Lack of proper initial screening and monitoring procedures in place at time of arrest and during the initial days when they are at risk.</i> • <i>It was observed that detention facilities lack special procedures to monitor mental health / self-harming prisoners.</i> • <i>To implement the rehabilitation programs for victims, their families and perpetrators mentioned in Article 34 & 35. of the Anti-Torture Act. The commission is still in the process of consultation with the primary agency responsible (Ministry of Health) for these programs. Although this law is under the jurisdiction of the Human Rights Commission, The Commission does not have the resources to implement such programs, and it is not a mandate best fitting for a monitory body. Undertaking the programs described in the law are the responsibility of the Ministry of Health, and the commissions faced challenges in getting concrete corporation from the Ministry.</i>
<p>Measures taken to mitigate the use of impact of solitary confinement and the development of alternative approaches for both disciplinary and non- disciplinary segregation</p>	<ul style="list-style-type: none"> • <i>While solitary confinement was historically practiced as a disciplinary measure in the Maldives, the current practice has changed. According to information given by detention facilities, they now take prisoners to cells that are one cell away from, or near the rest of the (occupied) cells when they have to isolate a prisoner. They also ensure that prisoners are kept at a place where they can have meaningful contact with another person.</i> • <i>However, the commission has observed that the structures of the solitary confinement cells in Maafushi Prison still exist and observed things that could indicate that prisoners might have been kept there. However, the commission has been unable to find hard proof of these cells still being in use.</i>
<p>Laws, policies, special measures and management innovations adopted for groups with specific needs, such as women and girls, children and youth, indigenous peoples, members of national ethnic, religious or linguistic minorities, LGBTQI + Persons, and people living with past trauma and /or people with neurodiverse conditions.</p>	<p>=</p>
<p>Preparing for next pandemic (what worked and what</p>	<p>=</p>

<p>didn't in COVID-19 responses to prison management? Any negative consequences of those measures?).</p>	
<p>Responding to climate-change effects on prisons and prison populations and climate-proofing prison management and conditions of detention.</p>	<p>=</p>
<p>Maintaining human rights standards in prisons outsourced to private companies.</p>	<p>=</p>