



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

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## Committee against Torture

### List of issues prior to submission of the second periodic report of Maldives\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the follow-up to the Committee’s recommendations on establishing an impartial and effective transitional justice mechanism, on dealing with impunity for acts of torture, on enacting a moratorium on flogging and other corporal punishment with a view to prohibiting them, and on urgently undertaking the prison reform and measures to improve the material conditions of detention (paras. 8 (a), 10 (a), 32 and 36 (a) and (b), respectively). Noting that replies concerning the information sought by the Committee were provided on 25 October 2019,<sup>2</sup> and with reference to the letter dated 18 December 2019 from the Committee’s Rapporteur for follow-up to concluding observations,<sup>3</sup> the Committee considers that the recommendations included in paragraphs 8 (a), 10 (a) and 36 (a) and (b) of the previous concluding observations have been partially implemented. The recommendation in paragraph 32 has not yet been implemented.

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,<sup>4</sup> and the State party’s follow-up replies,<sup>5</sup> please indicate whether the relevant sections of the Anti-Torture Act, including section 23 (f), have been amended to ensure that the absolute prohibition of torture is enshrined in legislation and that all acts of torture, as defined in article 1 of the Convention, are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention. Please indicate the steps taken to prevent acts amounting to torture from being subject to any statute of limitations, pardon, amnesty or any other similar measures leading to impunity.<sup>6</sup> Please provide updated information on any changes made to the Penal Code to allow for civil liability of the perpetrator in favour of the victim, even if the perpetrator has not been prosecuted or convicted.<sup>7</sup>

\* Adopted by the Committee at its seventy-fifth session (31 October–25 November 2022).

<sup>1</sup> CAT/C/MDV/CO/1, para. 47.

<sup>2</sup> See CAT/C/MDV/CO/1/Add.1.

<sup>3</sup> Available from [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fFUL%2fMDV%2f40860&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fFUL%2fMDV%2f40860&Lang=en).

<sup>4</sup> CAT/C/MDV/CO/1, paras. 19–22.

<sup>5</sup> CAT/C/MDV/CO/1/Add.1, paras. 73–79.

<sup>6</sup> A/HRC/46/26/Add.1, para. 96 (b).

<sup>7</sup> CAT/C/MDV/CO/1/Add.1, paras. 80–82.



**Article 2<sup>8</sup>**

3. With reference to the Committee's previous concluding observations<sup>9</sup> and in the light of the State party's follow-up replies,<sup>10</sup> please provide information on any new measures taken by the State party to ensure that all persons arrested or detained are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, in particular the rights to be informed of the reasons for their arrest and the nature of the charges against them, to be registered at the place of detention, to have prompt access to a lawyer or to free legal aid during all proceedings, to have the free assistance of an interpreter, to notify a relative or any other person of their choice of their arrest, to request and receive a medical examination by an independent doctor, free of charge, or by a doctor of their choice upon request, and to be brought promptly before a judge. Please also indicate the number of complaints received regarding the failure to respect fundamental legal safeguards and provide information about the outcome of such complaints, including any disciplinary measures against law enforcement officials who did not immediately allow persons deprived of their liberty to benefit from these safeguards. Please provide updated information on the development and implementation of a uniform record-keeping system of detention to register all stages of deprivation of liberty.<sup>11</sup> Please inform the Committee of the percentage of places of deprivation of liberty and of interrogation rooms that include a video monitoring system, as well as the efforts undertaken to include them in all such places.<sup>12</sup> Please provide information on the implementation and impact of the Maldives Police Service Strategic Plan 2019–2024<sup>13</sup> and on the status of the Legal Aid Bill.<sup>14</sup>

4. In view of its previous concluding observations<sup>15</sup> and the State party's follow-up replies,<sup>16</sup> please provide updated information on the measures taken by the State party to combat all forms of violence against women, particularly with regard to cases involving the actions and the omissions of State authorities or other entities that engage the State party's international responsibility under the Convention. Has the State party amended its legislation in order to remove discriminatory provisions governing evidentiary burdens in cases in which men are accused of rape? Please also provide information on the protection and support services, as well as on the provision of redress for victims of gender-based violence, including domestic violence. Please include statistical data on the number of complaints of gender-based violence and on the investigations, prosecutions, convictions and sentences resulting from those complaints since the consideration of the State party's initial report. Please provide up-to-date information on the measures taken to strengthen training programmes on the investigation and prosecution of gender-based violence by law enforcement officers and justice officials. Furthermore, please provide information on the resources allocated for the implementation of the Maldives Domestic Violence Prevention Strategic Plan 2017–2021 and the Maldives Domestic Violence Prevention National Action Plan 2018–2023.<sup>17</sup>

5. Please provide information, disaggregated by the age, sex, and ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State party's initial report. Please also provide information on the provision of redress to victims of trafficking

<sup>8</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>9</sup> CAT/C/MDV/CO/1, paras. 25–26.

<sup>10</sup> CAT/C/MDV/CO/1/Add.1, paras. 90–102.

<sup>11</sup> Ibid., para. 98.

<sup>12</sup> Ibid., para. 99; and A/HRC/46/26/Add.1, para. 29.

<sup>13</sup> CAT/C/MDV/CO/1/Add.1, para. 38.

<sup>14</sup> Ibid., para. 97.

<sup>15</sup> CAT/C/MDV/CO/1, paras. 29–30.

<sup>16</sup> CAT/C/MDV/CO/1/Add.1, paras. 114–125.

<sup>17</sup> Ibid., para. 125.

during the reporting period, including data on the number of persons who benefited from protection and support measures for victims. Please include information on the measures taken by the State party to prevent trafficking in persons, including trafficking for the purposes of forced labour and sexual exploitation.

### Article 3

6. With reference to the Committee's previous concluding observations,<sup>18</sup> and in the light of the State party's follow-up replies,<sup>19</sup> please provide information on the measures that have been taken to revise domestic legislation on refugees and asylum-seekers to fulfil all obligations under article 3 of the Convention. In this regard, please describe the measures taken during the period under review to ensure that, in practice, no person is returned to a country where that person would be in danger of torture. What steps are being taken to guarantee effective access to the procedure for determining refugee status?

7. Please indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision, including through a judicial procedure. If so, please indicate whether such an appeal has a suspensive effect. Please also provide detailed information on the measures taken to identify vulnerable persons seeking asylum in the State party, including victims of torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner, including by providing access to medical services.

8. Please provide information on the number of applications received during the period under review, the number of successful applications and the number of asylum-seekers whose applications were accepted because they had been tortured or might be tortured if returned to the country of origin. Please provide updated information on the types of appeals that have been made and their outcomes. Please include information disaggregated by sex, age, and country of origin or receiving country, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's initial report. Please provide information on the grounds on which they were sent back, including the list of countries to which individuals were returned. Please also indicate whether the State party has put in place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof. Please provide information on any instances in which the State party has offered such diplomatic assurances or guarantees, and the measures that have been taken in such cases with regard to subsequent monitoring.

### Articles 5–9

9. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please describe the legislative and administrative measures taken by the State party to ensure that the Convention may be invoked as a legal basis for extradition in respect of the offences referred to in article 4 of the Convention when it receives an extradition request from a State with which it has no extradition agreement or treaty. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute. Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

<sup>18</sup> CAT/C/MDV/CO/1, paras. 43–44.

<sup>19</sup> CAT/C/MDV/CO/1/Add.1, paras. 160–165.

### Article 10

10. In the light of the Committee's previous concluding observations<sup>20</sup> and in the light of the State party's follow-up replies,<sup>21</sup> please provide updated information on educational and training programmes developed by the State party to ensure that all public officials, in particular police officers and other law enforcement officials, members of the judiciary, prosecutors, military personnel, prison staff and medical personnel employed in prisons, are fully aware of the provisions of the Convention and the absolute prohibition of torture, and know that breaches will not be tolerated and will be investigated and that any offenders will be prosecuted. Has the State party established a vetting system covering the respective personnel in relation to past abuses? Please indicate whether law enforcement officials receive adequate training on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please also provide details of the training programmes for police officers and other law enforcement officials on non-coercive investigation techniques. Please indicate whether the State party has developed a methodology to assess the effectiveness of the educational and training programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on the methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Lastly, please provide detailed information about the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether they contain specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, as revised).<sup>22</sup>

### Article 11

11. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information of any interrogation rules, instructions, methods and practices or arrangements for custody, in particular those that may have been introduced or updated since the consideration of the State party's initial report. Please indicate the frequency with which they are reviewed.

12. Further to the Committee's previous concluding observations<sup>23</sup> and the State party's follow-up replies,<sup>24</sup> please provide statistical data, disaggregated by sex, age, and ethnic group or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rates of all places of detention. Please provide information on measures adopted to ensure the separation of pretrial detainees from convicted prisoners,<sup>25</sup> juveniles in conflict with the law from adults<sup>26</sup> and men from women, and specify the percentage of detention facilities in which detainees are not yet separated in this way. Please also provide information on the measures taken to monitor pretrial detention, particularly in cases involving political opponents and activists,<sup>27</sup> and on the steps taken to reform appeal periods.<sup>28</sup>

13. Taking note of the Committee's previous concluding observations<sup>29</sup> and the State party's follow-up replies,<sup>30</sup> please provide additional information about the findings and the implementation status of the recommendations contained in the Prisons Audit Report regarding conditions of detention. Please inform the Committee about the measures taken to reduce overcrowding and improve material conditions in all places of detention, including about any measures to increase the use of alternatives to imprisonment and about the extent

<sup>20</sup> CAT/C/MDV/CO/1, paras. 45–46.

<sup>21</sup> CAT/C/MDV/CO/1/Add.1, paras. 68–72 and 166–173.

<sup>22</sup> CAT/OP/MDV/ROSP/2, para. 83.

<sup>23</sup> CAT/C/MDV/CO/1, paras. 27–28.

<sup>24</sup> CAT/C/MDV/CO/1/Add.1, paras. 103–113.

<sup>25</sup> A/HRC/46/26/Add.1, para. 58.

<sup>26</sup> CAT/C/MDV/CO/1, paras. 13–14; A/HRC/46/26/Add.1, para. 80.

<sup>27</sup> CAT/C/MDV/CO/1, para. 27.

<sup>28</sup> CAT/C/MDV/CO/1/Add.1, para. 107.

<sup>29</sup> CAT/C/MDV/CO/1, paras. 13–14 and 35–36.

<sup>30</sup> CAT/C/MDV/CO/1/Add.1, paras. 133–144.

to which these are used, both before and after trial.<sup>31</sup> Please indicate measures that have been taken to address concerns about inadequate infrastructure, poor conditions of hygiene and insufficient quality and quantity of food.<sup>32</sup> Please also provide information on concrete measures taken by the State party to ensure appropriate health-care services and medication, including mental health care,<sup>33</sup> in places of detention, and prompt referrals for specialist health care outside detention facilities.<sup>34</sup> Please inform the Committee about the impact of measures taken to ensure that detainees have access to educational, recreational, vocational, physical or intellectual activity.<sup>35</sup> Please provide information on the State party's efforts to meet the specific needs of women and minors in detention. Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. Please also provide information on measures taken during the period under review to ensure that body searches of persons deprived of their liberty and visitors are not degrading. Please provide information on the regulations governing invasive body searches.

14. In the light of the State party's follow-up replies,<sup>36</sup> please provide information on any new measures that have been adopted by the State party to bring its legislation and practice on solitary confinement into line with international standards. Please include data on the use of solitary confinement during the period under review, and an indication of its duration. Please indicate whether this prison regime is subject to any oversight mechanism or external supervision.

15. With reference to the Committee's previous concluding observations<sup>37</sup> and the State party's follow-up replies,<sup>38</sup> please provide statistical data regarding deaths in custody during the period under review disaggregated by place of detention, sex, age, ethnic origin or nationality of the deceased person, and cause of death. Please indicate the manner in which those deaths were investigated, whether independent forensic examinations were undertaken, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate the measures taken to ensure that all cases of death in custody are recorded and that all relevant data about the victim, the circumstances of the death and the resulting investigation are gathered and published. Furthermore, please provide information about the frequency of inter-prisoner violence, including any cases involving negligence on the part of law enforcement personnel, and about the number of complaints made in this regard and their outcome. Please report on the effectiveness of the State party's preventive strategies in reducing suicide and self-harm by those in custody. Lastly, please describe the steps taken to reduce the incidence of inter-prisoner violence in penitentiary institutions, including efforts to recruit and train a sufficient number of prison personnel and investigate all incidents of violence while ensuring that prison officials are held accountable in cases where they fail to take reasonable measures to prevent and respond to such violence.

16. With regard to the Committee's previous concluding observations,<sup>39</sup> please indicate the measures taken by the State party during the reporting period to ensure that detention of asylum-seekers and migrants is only used as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice.

17. Please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities, including care homes. Please indicate what the situation is with respect to alternative forms of treatment, such as community-based rehabilitation services and other

<sup>31</sup> [A/HRC/46/26/Add.1](#), para. 94.

<sup>32</sup> *Ibid.*, para. 66.

<sup>33</sup> [CAT/OP/MDV/ROSP/2](#), para. 86.

<sup>34</sup> [A/HRC/46/26/Add.1](#), paras. 51–55; and [CAT/C/MDV/CO/1/Add.1](#), para. 139.

<sup>35</sup> [A/HRC/46/26/Add.1](#), para. 78.

<sup>36</sup> [CAT/C/MDV/CO/1/Add.1](#), para. 141.

<sup>37</sup> [CAT/C/MDV/CO/1](#), paras. 23–40.

<sup>38</sup> [CAT/C/MDV/CO/1/Add.1](#), paras. 83–89.

<sup>39</sup> [CAT/C/MDV/CO/1](#), para. 44 (d).

forms of outpatient programmes. Please also indicate the measures taken to increase the number of medical personnel providing these services, including qualified psychiatrists.

18. In the light of the Committee's previous concluding observations<sup>40</sup> and the State party's follow-up replies,<sup>41</sup> please provide information on the visits to places of detention carried out by the Human Rights Commission of the Maldives and other monitoring bodies during the period under review and on the measures taken by the State party in response to the recommendations made by these entities and mechanisms. Please also describe the measures taken to ensure that the personnel of the Human Rights Commission have unhindered access to all places of detention. Please clarify whether national and international civil society organizations are authorized to carry out activities inside prisons and to verify and monitor respect for the rights of the persons deprived of their liberty. Please indicate the outcome of the needs assessment/capacity audit carried out to assess the possibility of granting the Human Rights Commission access to independent forensic analysis outside of the Maldives Police Service. Please also clarify whether the Human Rights Commission has been provided with sufficient financial, technical and human resources to fulfil its mandate on a fully independent basis.

### Articles 12 and 13

19. Further to the Committee's previous concluding observations<sup>42</sup> and the State party's follow-up replies,<sup>43</sup> please provide updated statistical data, disaggregated by the sex, age, and ethnicity or nationality of the victims, on complaints of acts of torture and ill-treatment, including sexual violence, and excessive use of force, recorded by the State authorities during the reporting period. Please include information on investigations, disciplinary and criminal proceedings and convictions, and on the criminal or disciplinary sanctions applied. Please provide updated information on the measures taken to ensure that officials suspected of having committed acts of torture or ill-treatment are immediately suspended from duty for the duration of the investigation. Please also include examples of relevant cases and/or decisions. Please also indicate the measures taken to establish an independent and effective mechanism for addressing complaints of torture and ill-treatment in all places of deprivation of liberty, and to make it accessible and widely publicized in all detention facilities.<sup>44</sup>

### Article 14

20. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture and ill-treatment or their families since the consideration of the State party's initial report. This information should include the number of requests for compensation that have been made, the number granted, and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

21. With reference to the Committee's previous concluding observations,<sup>45</sup> please provide information on the implementation and impact of the Transitional Justice Act of 2020, including on the mandate and the functioning of the Office of the Ombudsman for Transitional Justice and on the investigative capacity vested in it.<sup>46</sup> Please indicate the legislative and other measures taken to guarantee the Office of the Ombudsman for Transitional Justice's operational independence and inclusive membership, and sufficient

<sup>40</sup> Ibid., paras. 15–16 and 37–38.

<sup>41</sup> CAT/C/MDV/CO/1/Add.1, paras. 145–149.

<sup>42</sup> CAT/C/MDV/CO/1, paras. 9–10.

<sup>43</sup> CAT/C/MDV/CO/1/Add.1, paras. 34–48.

<sup>44</sup> A/HRC/46/26/Add.1, paras. 39 and 57.

<sup>45</sup> CAT/C/MDV/CO/1, paras. 7–8.

<sup>46</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMDV%2F40860&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMDV%2F40860&Lang=en).



financial and human resources to carry out its mandate effectively. Please also explain how the Transitional Justice Act of 2020 and the Office of the Ombudsman for Transitional Justice will give effect to the four constituent parts of transitional justice (truth, criminal justice, reparation and guarantees of non-recurrence).

### Article 15

22. Further to the Committee's previous concluding observations,<sup>47</sup> please provide information on the measures taken to ensure respect, both in law and in practice, for the principle of the inadmissibility of evidence obtained through torture. Please provide information on cases that have been dismissed by courts owing to the introduction of coerced evidence or testimony, on the prosecution and punishment of officials who extracted such confessions and on the redress afforded to victims. Please include information on relevant educational programmes provided to law enforcement and judicial officers.

### Article 16

23. In the light of the Committee's previous concluding observations<sup>48</sup> and the State party's follow-up replies,<sup>49</sup> please provide information on the legislative and other measures taken to abolish flogging and other corporal punishment as a sentence for a crime, including as a punishment against women and girls for consensual extramarital sex.<sup>50</sup> Please indicate the measures taken by the State party to prohibit corporal punishment of children in all settings. Please provide detailed information on the steps taken to ensure awareness-raising and public education measures in relation to the harmful effects of corporal punishment.

### Other issues

24. In the light of the Committee's previous concluding observations<sup>51</sup> and the State party's follow-up replies,<sup>52</sup> please indicate whether the State party has considered abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Please update the Committee about the number of prisoners on death row, whether any sentences have been commuted to prison terms, and whether prisoners who were formerly on death row benefit from the same regime as other prisoners, in accordance with international standards. Please specify the intended use for executions facilities recently constructed on the territory of the State party. Please provide information on the impact of the amendments made to the Juvenile Justice Act regarding cases of individuals sentenced to death row for crimes committed as juveniles and indicate the steps taken to commute these sentences.

25. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of non-observance of international standards in applying measures to combat terrorism, and if so, what the outcome was.

26. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures

<sup>47</sup> CAT/C/MDV/CO/1, paras. 39–40.

<sup>48</sup> Ibid., paras. 31–32 and 41–42.

<sup>49</sup> CAT/C/MDV/CO/1/Add.1, paras. 126–127.

<sup>50</sup> See CRC/C/MDV/6-7.

<sup>51</sup> CAT/C/MDV/CO/1, paras. 33–34.

<sup>52</sup> CAT/C/MDV/CO/1/Add.1, paras. 128–132.

taken in relation to persons deprived of their liberty and in other situations of confinement, such as homes for the elderly, hospitals or institutions for persons with intellectual or psychosocial disabilities.

**General information on other measures and developments relating to the implementation of the Convention in the State party**

27. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

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