

Statement by
His Excellency Dr Asim Ahmed
Permanent Representative, Permanent Mission of the Maldives to the United
Nations and other International Organizations at Geneva
Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention
following its visit to the Maldives
51st Session of the Human Rights Council
29 November to 9 December 2021

Mr. President,

The Government of Maldives welcomes the Report presented by the UN Working Group on Arbitrary Detention, on its visit to the Republic of Maldives from 29th November to 9th December 2021.

President Ibrahim Mohamed Solih's administration assumed office with the primary pledge of promoting, upholding and protecting fundamental human rights at all fronts of the State. As part of our commitment towards fulfilling our international human rights obligations and re-engaging with the international community, we renewed our standing invitation to all special procedures mandate holders in 2019. We thank the Working Group for accepting our invitation and for the constructive engagement which informs the Report presented today.

Mr. President,

As rightly acknowledged in the Report, the constitution of Maldives contains provisions which provides for procedural guarantees to ensure elimination of

arbitrary detention. The Government of Maldives is resolute in adhering to its international obligations and has been continuing its efforts vigorously to improve conditions of detention, eliminate occurrences of arbitrary detention and implement good practices in places of deprivation of liberty.

The Government has made significant progress over the past almost four years to address the deficiencies in detention facilities. The efforts began with the Prison Audit of 2019, which identified a plethora of deficiencies within the system, highlighted the inadequacy of service provision for inmates and stressed the lack of infrastructure and manpower to cater to the prison population. Following the findings of the audit, a specialized Committee has been set up in the Ministry of Home Affairs, to ensure the implementation of the recommendations and monitor its progress.

Mr. President,

The Government shares the Working Group's concern on the issue of prison overcrowding. The consistent inflation in the prison population poses a persisting challenge. Government concurs that reducing the use of pre-trial detention, establishing new separate facilities and implementing alternatives to detention are measures which could resolve the issue.

As such, the revised Prosecution Directives and a 2020 amendment to the Criminal Procedure Act now mandates a judicial review of the decision to keep an accused in remand every 30 days.

In terms of infrastructure, Male' Prison, the most problematic facility, is currently in the process of being closed down and two new units are being developed in Maafushi Prison to house 70 detainees who will be moved.

A new prison complex is also in development, which is expected to house an estimated 529 inmates and will include specially designed units for women and those with special needs. The complex will also have separate facilities for convicts, those under remand and those under immigration detention.

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

As for the implementation of non-custodial measures, a regulation for monitoring those with non-custodial sentences has been formulated, with its implementation expected to commence this year.

Mr. President,

The Government of Maldives notes the Working Group's concern relating to individuals whose sentences have been deferred. Work is underway to resolve the issue and as such, a sub-committee inclusive of relevant institutions has been convened to advise the Minister of Home Affairs on tackling the issue through the legal framework.

Mr. President,

Oversight of detention facilities is crucial to ensuring compliance with international human rights principles and standards. In that regard, the Government has strengthened and empowered the oversight role of the Inspector of Correctional Services and enabled the submission of confidential complaints to the Inspector, the Human Rights Commission of the Maldives and the National Integrity Commission.

Mr. President,

Concerns relating to rehabilitation at the National Reintegration Centre have been well noted. The Government assures the Council and the Working Group, that the purpose of the Centre is to support, assess and provide the most relevant rehabilitation and reintegration programmes for those Maldivians who are repatriated from conflict zones.

Any individual admitted to the Centre, regardless of age, is considered a victim as prescribed by the Anti-Terrorism Act, and will undergo a risk assessment, to be carried out by qualified and trained officers. The law does not recognize indefinite

or prolonged periods of rehabilitation. The purpose of the reintegration process is to ensure smooth transition of victims into the community.

The Government prioritises safeguarding children, and providing the best possible care, in terms of education and psycho-social support, in line with the Child Rights Protection Act and Anti-Terrorism Act. Recent amendments brought to the Anti-Terrorism Act, which guarantees citizenship for children who are born in conflict zones, indicates the Government's commitment to safeguarding children.

The Government of Maldives assures that all necessary measures are taken to protect the rights of those seeking rehabilitation at the Centre and that the Government will continue to provide access to the Centre, to relevant agencies, in fulfilling its commitment to accountability and transparency.

Mr. President,

Government of Maldives remains resolute and continues to undertake concrete efforts to counter the issues prevalent in detention facilities in the Maldives. However, the Government also faces the challenges of the lack of financial resources and adequately trained professionals, which certainly hinders the speed of our progress.

Nevertheless, I reassure the Council, the Working Group and all our international partners, that the Maldives remains steadfast in its effort to implement the recommendations of the Working Group presented today, by effecting prison reform, improving conditions of detention and ensuring fundamental rights and freedoms of those deprived of their liberty.

I thank you.