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18 December 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the initial report of Maldives, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 65th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MDV/CO/1, para. 47) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8 (a), 10 (a), 32 and 36 (a) and (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 25 October 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/MDV/CO/1/Add.1) and to make the following comments:

Transitional justice and accountability for torture and ill-treatment (para. 8 (a))

The Committee thanks the State party for the brief information provided on the efforts and difficulties encountered by the Government of the Maldives for the prompt adoption of a Transitional Justice Bill by the legislative power. However, it regrets that no detailed explanation has been provided on the reasons underlying the refusal. While taking note of the State party's clarifications about the limited temporal jurisdiction of the envisaged transitional justice mechanism, the Committee reiterates the crucial importance of investigating all allegations of torture and ill-treatment, including those committed prior to 2012, given the non-derogable nature of this type of crime. Although the Committee appreciates the initial steps taken by the State party, it regrets the lack of information regarding the mandate, functioning and investigative capacity vested in the proposed transitional justice mechanism, as well as the absence of information on how the prosecution of perpetrators of torture and ill-treatment will be ensured. The

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Committee also notes with interest that a new bill has been introduced in October 2019 and that its first reading has already taken place. While the text provides for financial autonomy of the proposed commission, it appears to insufficiently provide for its independence, limits the commission's mandate solely to systematic abuses of rights, and restricts the commission's membership solely to persons of Muslim faith (2/B2).

Impunity for torture (para. 10 (a))

While taking note of the Government's current efforts to improve the cooperation between the Human Rights Commission and the Maldives Police Service with respect to investigative matters, the Committee remains concerned at the gaps in the de facto enforcement of the independent mandates of both the Human Rights Commission and the National Integrity Commission, in particular with regard to their impossibility to rely on forensic analyses and investigations carried out by a fully independent and effective investigative authority having no hierarchical connection with the alleged perpetrators. In this connection, the Committee takes note of the Government's intention to carry out a proper needs assessment/capacity audit in order to assess the possibility of granting the Human Rights Commission access to independent forensic analysis outside of the Maldives Police Service (2/B2).

Judicial flogging (para. 32)

While taking note of the ongoing judicial reform initiative aimed at restoring, among others, accountability and impartiality of judges, the Committee regrets that no efforts seem to have been made in order to enact a moratorium on the application of corporal punishment, nor to consider its complete abolition, in particular against survivors of sexual abuse and assault, particularly in the cases of women and girls. Without prejudice to the State party's constitutional revision procedures, the Committee regrets that with respect to the judicial practice of flogging, which is in violation of the Convention, the Government of the Maldives has not undertaken any initiative aimed at raising awareness among its population and the Members of the People's Majlis about the detrimental and unnecessary effects of this practice on the physical integrity and human dignity of the person thus punished. Moreover, the State party has not stressed the effectiveness of non-corporal punishments which undoubtedly present the advantage of repudiating violence as a means of delivering justice not only within the legal system, but also among society at large, and that would also be in conformity with the State party's international obligations under the Convention (2/C).

Prison reform and conditions of detention (para. 36 (a) and (b))

The Committee thanks the State party for the information provided regarding the announced prison reform with the completion of a prisons audit and the establishment of a prisons Reform Monitoring Committee to oversee the implementation of the recommendations of the cited audit. However, the Committee notes with regret that the State party has not provided additional information about the substantive findings and main recommendations contained in the prisons audit, in particular with respect to the concerns raised by the Committee regarding prisons conditions. The Committee notes further that the State party has recently closed down the Maldivian Democracy Network which, inter alia, reported on prison audit conditions. The Committee also takes note of

the information provided, albeit of a very general nature, about the commencement of reforms and the initial steps taken by relevant institutions, such as the Maldives Correctional Service, the Prisons Service and the Inspector of Correctional Services, although it stresses once more the need to substantially improve the sanitary and hygiene conditions in prison facilities, as well as lighting and ventilation, the quality and quantity of food, and the availability of outdoor physical exercise. As regards alternatives to imprisonment aimed at decreasing prison overcrowding, the Committee regrets that the State party has not yet given effect to the provisions of Law No. 9/2014 (Penal Code) on non-custodial measures, and notes that no concrete progress has been made in relation to the UNICEF project in this area. Lastly, the Committee remains concerned at the high rate of occupancy in penitentiary facilities and the lack of information provided regarding specific measures taken to ensure prompt and adequate medical care and medicines to prisoners (2/B2).

Implementation plans (para. 47)

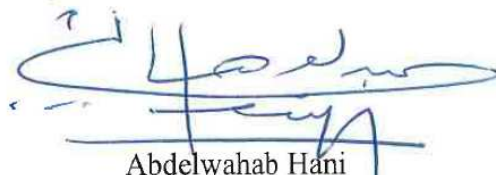
The Committee appreciates the information submitted by the State party addressing all of the Committee's recommendations included in its concluding observations and looks forward to monitoring and reviewing their further implementation (A).

The Committee also commends the State party for having reportedly made the declaration provided for in article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which should be communicated to the Secretary-General through the appropriate channels.

The Government of Maldives is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Maldives.

The Committee looks forward to a continued constructive dialogue with the authorities of Maldives on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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