

Policy Note 18

Reforms pertaining to policing, detention facilities and rehabilitation of offenders



Maldives
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Investing in a Resilient & Sustainable Maldives

Strengthening enforcement agencies in terms of regulatory frameworks and infrastructure is vital for the betterment of the criminal justice system. An overhauled Penal Code was enacted in 2014 and the Criminal Procedure Code was rolled out in 2016. While both these pieces of legislation seek to establish consistent procedures within the criminal justice system, prioritize protection of rights of the offenders and concentrate on rehabilitative mechanisms, lack of capacity at the relevant institutions hinders the maximum realization of arrangements stipulated in the Acts.

In that regard, the Government aims to reform the Maldives Police Service as an institution that upholds the rule of law, is free from political bias, and serves the public with utmost regard for human rights. Similarly, the Government aims to steer the criminal justice system towards prioritizing rehabilitation. This requires plans to reinforce capacity and infrastructure allocated to the Maldives Correctional Service and other related institutions.

Key reform proposals to this end are:

I. Democratic Policing

There is an urgent need for a comprehensive transformation of the organization to a rights-based, service-oriented and professional policing service.

In this regard the following are priority areas for the Government:

- a) **Strengthen the Professional Standards Directorate of the Maldives Police Service**
- b) **Formulate and implement, induction and refresher modules for Maldives Police Service on the Constitution, democratic principles, code of conduct, rules of procedure, human rights, roles and responsibilities, governance structures etc.**
- c) **Capacity development of Maldives Police Service's Victim Support Unit through training and establishment of Standard Operating Procedures**
- d) **Support trainings for front line officers in areas such as human rights-based approach to policing, Sexual and Gender Based Violence, and Police Custodial Officers Reform**
- e) **Provide technical and capacity building assistance to achieve greater engagement with the community through community policing and crime prevention**

II. Prison reform

Law Number 14/2013 (Prison and Parole Act) established the Maldives Correctional Service. This institution is mandated to manage all issues relating to detainees and detention facilities in Maldives.

The Ministry of Home Affairs, in the last quarter of 2018, initiated a prison audit with a view to understand and identify issues within the prisons system in Maldives. The audit was undertaken by an independent commission constituted for this purpose. The Government aims to effect institutional, structural and administrative reforms to remedy the issues identified in the audit. A special focus will be given to bridge all legislative and institutional gaps that may facilitate breaches of human rights and undue delays in enforcement to enable a positive perception of the institution.

To that end, Government will be employing the following policy directives:

- a) **Establish a robust mechanism to ensure implementation of the recommendations in the Prison Audit**
- b) **Decentralise Maldives Correctional Service Facilities in line with the National Development Plan, and upgrade infrastructure.**
- c) **Review the legal framework to ensure that the prison system aligns with relevant international standards including the Mandela Rules.**
- d) **Formulate uniform and consistent internal procedures within the Maldives Correctional Service, and establish a detention management system**
- e) **Establish a transparent mechanism to address complaints with regard to code of conduct and ethical standards of all prison employees**
- f) **Capacity building within Maldives Correctional Service.**

III. Rehabilitation and Reintegration of offenders

Efforts to implement rehabilitation and reintegration programs in detention facilities are hindered by a lack of adequate legislative measures, manpower and financial resources.

Main policy interventions of the Government are:

- a) **Revise the procedures pertaining to parole and Presidential pardon in a manner that ensures objectivity, transparency and effectiveness with the aim to eliminate undue political influence.**
- b) **Restructure, formulate and implement rehabilitation programs focusing on instilling life skills facilitating reintegration.**
- c) **Develop and implement a nation-wide reintegration program as well as an overhaul of the juvenile justice system.**