

Report on the Thematic Visit to Female Unit of K. Maafushi Prison

**21st to 22nd November 2022, 13th to 14th December 2022 and 18th to 21st
December 2023**

**National Preventive Mechanism
Human Rights Commission of the Maldives**

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List of abbreviations / Key Words Used

1. **NPM** National Preventive Mechanism
2. **HRCM** Human Rights Commission of the Maldives
3. **CAT** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
4. **OPCAT** Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
5. **MCS** Maldives Correctional Service
6. **IGMH** Indhira Gandhi Memorial Hospital
7. **APT** Association for the Prevention of Torture
8. **HPA** Health Protection Authority



1. Introduction of National Preventive Mechanism (NPM)

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) mandates every State Party to establish a National Preventive Mechanism (NPM) to prevent any cruel, inhuman, or degrading treatment in the territory under its jurisdiction. To this effect, in December of 2007, the Government of the Republic of Maldives (Maldives) appointed the Human Rights Commission of the Maldives (Commission) as the NPM of the Maldives. Consequent to this, the Commission had started to officially discharge the duties of NPM on 28th of April 2008. Furthermore, Section 44 (d) of Law No. 13/2013 (Anti-Torture Act) also identifies the Commission as the NPM of the Maldives.

Additionally, Article 4 of OPCAT states that, each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment. Deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority. Also, Article 19 of OPCAT states that, The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.



Moreover, Article 20 of OPCAT states that, In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.



2. Summary

The National Preventive Mechanism visited K. Maafushi prison from 21st to 22nd November 2022 and from 13th to 14th December 2022, to ascertain the general conditions of the female inmates and staff working at the facility. K. Maafushi Prison is the largest prison facility in Maldives, with the capacity of 869 inmates.

K. Maafushi prison houses inmates at 3 (three) different prison security levels based on the type of crimes committed.

Material Condition

- General living conditions of the female unit (unit 1) cells were observed to be in poor condition due to lack of maintenance.
- The toilets did not have a door separating the toilet and sleeping area, therefore inmates lacked adequate privacy when using the lavatory.
- Female inmates face difficulties in receiving clothing items sent by their families.
- Material condition of the staff kitchen was in dire condition and food handling appeared unhygienic and the whole place looked unclean
- Staff were not happy with their food arrangements, and that the quality of food was not hygienic and acceptable.
- The vehicle (boat) used for transportation of inmates is not fully equipped for an emergency situation.

Access to Healthcare

- Both management and kitchen administration have faced challenges in accommodating prisoners' diverse dietary needs and providing over 100 different meals due to budget limitations.
- There were no female doctors working at the K. Maafushi prison medical centre, and it was difficult to get appointments for specialist doctors.
- When prisoners request to consult a doctor, the nurse attends to the prisoner first and decides whether it is serious enough to be referred to the doctor and if not, the nurse gives medicine.
- Lack of awareness by both officers and inmates regarding communicable diseases and inmates with high-risk communicable diseases
- Inmates with communicable diseases had little freedom of movement and spent most of their time locked up in their cells, without access to any physical, educational, vocational, or recreational activities.



- As there was no inhouse psychologist or counselor in the facility, adequate care was not provided for inmates with psychiatric issues who required therapeutic intervention. It was also observed that there were many incidences of self-harm by female inmates.

Protection and Disciplinary Measures

- Concerns were raised about the strip search procedure currently practiced in the prison and it was noted from the information that during the strip search a cloth or sheet to cover their bodies was not provided.
- It was observed that the room used to conduct body searches in was not up to standard
- A prison staff was constantly present during lawyer meetings, video calls, family video calls and court hearings.

Regime and Activities

- Inmates in remand custody raised concerns about a lack of access for exercise and outdoor activities.
- People with special needs (hearing and speech impaired) were not afforded the opportunity to participate in educational and rehabilitative programs as these programs are not tailored to cater for them and that there are no trained staff who could communicate with such individuals.

Personnel

- It was noted that the staff had few opportunities for trainings and refreshers.
- The living condition of staff accommodation was poor.

Foreign women

- Foreign detainees were not granted the same privileges in terms of using the prison shop and they could not buy certain food items because they were not serving a sentence.
- Foreign detainees who were non-muslims, who did not observe the fast due to their religious beliefs or menses, were not given meals during the day time.
- There was a language barrier between foreign inmates and staff which made communication challenging for them.
- It was observed that most of the written documents such as complaint forms and other request forms were all in Dhivehi and the complaints lodged by foreign inmates in English received replies in Dhivehi.
- Foreign inmates faced difficulties receiving money transfers from their home countries.



- It was noted that there was an increase in the number of female foreign detainees and prisoners in K. Maafushi prison and there was several allegations of discrimination including not having access to interpretation, and not being able to contact their respective Consulates.
- Female foreign inmates did not have equal opportunities for educational and rehabilitative programs like the local inmates.

Recommendations

Material Condition

- Allocate funds necessary for renovation or replacement of places needing repair in the female unit and ensure that all aspects of treatment and living conditions fully comply with international best practices

Access to Healthcare

- In order to guarantee that each prisoner receives food that is of high quality and wholesome, that meets nutritional requirements for their health and vitality, it is imperative that the Maldives Correctional Service is provided with a sufficient budget designated for special diets across all units of the facility
- To adopt and implement special health awareness programs to sensitize staff and inmates on how to prevent the spreading of communicable diseases.
- To ensure that the awareness programs included in recommendation 2, contains ways of providing the support needed for inmates that are secluded, that may be prone to commit self-harm due isolation for Communicable Diseases.
- To ensure that awareness programs are conducted for staff and inmates to address issues such as sexual abuse.
- To develop a mechanism to detect mental health-care needs and risk of self-harm and suicide among women prisoners.
- To ensure that the prisoners/detainees undergo a medical screening and gender-sensitive risk assessment upon entry and that it is repeated on a regular basis to determine the needs of prisoners/detainees.
- To include the Bangkok Rules in the training curriculum for prison staff.
- To ensure adequate treatment for the inmates with Communicable Diseases and to ensure that the inmates with Communicable Diseases are isolated as the last resort.
- To ensure that therapeutic intervention is available to inmates and detainees with mental health disorders.
- To ensure that counselling services are available to inmates and detainees in need.



Protection and Disciplinary Measures

- To ensure that the strip search procedure is conducted in a manner that complies with the law and international practices and should only be carried out if absolutely and legally necessary by adequately trained staff, and never on a routine basis.
- To ensure that the strip searches are carried out in two steps, so that the person is never completely naked.
- To develop a policy regulating the use of body searches.
- To ensure that the strip searches are only carried out by a staff of same sex as the prisoner/detainee, who have been properly trained in appropriate searching methods and in accordance with established procedures.
- To ensure that the documentation regarding strip searches are recorded and maintained regularly.
- To install CCTV cameras in corridors of the female prison to ensure that security measures are in place to guarantee the safety of inmates, staff and property.
- To develop policies and regulations to prevent violence by both staff and detainees
- To ensure that adequate number of staff are allocated in the female unit in order to prevent violence by both staff and detainees.

Foreign women

- To ensure that female detainees and prisoners are not discriminated on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status and that the individual needs of prisoners should be taken into account.
- To ensure that all foreign prisoners and detainees, upon arrival, receive updated verbal and written information about their rights and the prison's procedures in a language they understand and to document if an interpreter was used during the admission interview.



3. About K. Maafushi Prison

3.1 K. Maafushi Prison is the largest prison facility in Maldives managed by Maldives Correctional Service (MCS) and houses both male and female inmates.

3.2 Maafushi Prison comprises of 11 (eleven) units out of which unit 1 (one) is the unit designated for female inmates and those females under remand custody.

#	Unit	Nationality		Gender
		Local	Foreigners	
1	Unit – 1	25	5	Female
	Unit – 1 Remand (Wing 3)	5	7	
2	Unit – 2	34	26	Male
3	Unit - 3	74	5	
4	Unit – 4 (Remand Unit)	87	11	
5	Unit -5	85	1	
6	Unit - 6	76	0	
7	Unit - 7	53	0	
8	Unit - 8	45	0	
9	Unit - 9	325	53	
10	Unit – 10 (Special Protection Unit)	3	1	
11	Unit – 13 (Special Protection Unit)	3	0	

3.3 K. Maafushi prison houses inmates at 3 (three) different prison security levels based on the type of crimes committed. These include;

1. High Security,
2. Medium Security
3. Minimum Security

3.4 At the time of the visit conducted on 21st November 2022, there were 933 (nine hundred and thirty-three) inmates in Maafushi prison, of whom 894 (eight hundred and ninety four) were male and 39 (thirty-nine) were female. The actual capacity of K. Maafushi prison according to the senior management is 869 (eight hundred and sixty-nine) inmates, hence the total number of inmates in residence at the time of the visit was more than the actual capacity of the prison. Owing to over incarceration and significant limitations in infrastructure the issue of overcrowding has always been a great concern.

3.5 At the time of the visit Maafushi prison reported as having 271 (two hundred and seventy-one) staff out of which 229 (two hundred and twenty-nine) were officers.



According to the senior management of K. Maafushi prison the current staff strength is not adequate for a facility as large as K. Maafushi prison, the largest prison in the Maldives. According to the senior management the ideal staff strength at K. Maafushi prison should be 500 (five-hundred) in order to provide quality service to inmates.

3.6 The “new purpose-built facility for carrying out death sentences” was mentioned in the Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, regarding his visit conducted from 17th to 24th November 2019 to K. Maafushi prison, but NPM regrets to report that access to inspect the facility was denied and the prison management informed the team that they do not have access to the facility to give the team access. The Minister of Home Affairs and the Commissioner of Prisons have shared with the Commissioners of HRCM at a side meeting during the High Level Dialogue held on 24th November 2022, that the premises earlier assigned as the facility for carrying out death sentences is now used as a storage facility and that a facility as such does not exist anymore.

3.7 At the time of the visit, in Maafushi prison there were three doctors working full-time, out of which two were medical officers and one was a psychiatrist, also there were 7 (seven) nurses, 5 (five) male nurses and 2 (two) female nurses, one x-ray technician, one laboratory technician and 1 (one) pharmacist working at the health centre in K. Maafushi prison health centre.

4. About the Visit

From 21st to 22nd November 2022 and from 13th to 14th December 2022, the National Preventive Mechanism visited K. Maafushi prison to ascertain the general conditions of the female inmates and staff working at the facility. In addition to this NPM conducted a visit to the facility from 18th to 21st December 2023 and findings of this visit are also reflected in this report.

4.1 The Objectives of the Visit

- To monitor the treatment and conditions of detention of persons deprived of their liberty in the female unit of K. Maafushi prison.
- To Identify the main risks and protection needs for women deprived of liberty within the prison system with a view to strengthening the safeguards against torture, cruel, inhumane and degrading treatment or punishment.
- To see if those deprived of their liberty and detained under State custody in K. Maafushi prison were served as per the Constitution of the Republic of Maldives 2008 (the



Constitution), Law No. 13/2013 (Anti-Torture Act), and other relevant national and international standards and regulations.

- To identify the availability and accessibility of medical services to women in Maafushi prison
- To assess the extent to which persons detained in K. Maafushi Prison and staff working there were accorded the rights enshrined in the Constitution, laws, and international standards.
- To assess the general condition of the staff at K. Maafushi Prison and to identify the challenges they face in their day-to-day work.

4.2 Methodology

4.2.1 During this visit the conditions of K. Maafushi prison's female unit was ascertained through interviews with the senior officials in charge of the institution and the duty staff (prison officers from the female prison, unit 1), as well as through examination of written records and information gathered from interviews with female inmates. In addition to that, the material condition of the places relevant to the visit objectives were also inspected physically during the 2 (two) visits conducted.

4.2.2 In addition to this during the visit conducted in 2023 to Maafushi prison, the findings of 2022 visits were followed-up on and discussions were held with the prison management regarding the challenges faced in the rectification of the issues identified.

5. Key Findings

5.1 Material Condition

5.1.1 **Rule number 13 in the Nelson Mandela Rules, states that; All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air minimum floor space, lighting, heating and ventilation. Also, Rule 15, states that, the sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.** However, the visiting team observed that the general living conditions of the female unit (unit 1) cells were in poor condition due to lack of maintenance. The visiting team observed with concern that the sanitary and hygiene conditions were unsatisfactory.



The toilet flooring had not been replaced and had a mold like appearance. The toilet did not have a door separating the toilet and sleeping area, therefore inmates lacked adequate privacy when using the lavatory and in place of a replacement for the toilet door inmates used mats, bedsheets or towels they own.

- 5.1.2 The visiting team observed that the female prison had spare cells yet there was an issue of overcrowding and that in some cells there were 3 female prisoners and mattresses were put on the floor.
- 5.1.3 The sleeping conditions and the quality of food available to prisoners at K. Maafushi prison was an issue for many inmates and this was considered as a cause for their illnesses.
- 5.1.4 According to female inmates they faced difficulties in receiving clothing items sent by their families. The existing rule is that the families can send one set of clothing every three months. According to the prison management, inmates shared that eventhough they have access to the prison shop to buy clothing, the quality of the products available in the prison shop was usually of poor quality or priced expensive, and that different sizes of clothing was unavailable.
- 5.1.5 The visiting team observed that the staff kitchen had no fire extinguishers. It was also noted that the material condition of the kitchen was in dire conditions. The ceiling was falling off, kitchen appliances and food handling appeared unhygienic and the whole place looked unclean and there was water dripping from the ceiling to the kitchen and work areas. Food handling areas, all overhead structures and fittings were not installed in a manner as to avoid contamination directly or indirectly of food and raw materials. Lot of flies and other insects were present in the kitchen area and an uncovered drainage pit was right outside the kitchen.
- 5.1.6 Information gained from staff interviews revealed that the staff were not happy with their food arrangements, and that the quality of food was not hygienic or acceptable.
- 5.1.7 The visiting team noted from information gathered that the inmates and staff had two different contractors providing catering services. The staff catering was by South Catering and inmates catering was by Arena Investments.
- 5.1.8 The visiting team observed that the staff kitchen was in really bad condition and not appropriate to prepare food. From interviews conducted the visiting team learnt that the staff kitchen had been inspected twice by Health Protection Agency (HPA) on two different occasions but due to their failure to meet HPA's standard guidelines, the license was not issued.
- 5.1.9 A new temporary kitchen was being set up but according to staff, HPA has not given approval after inspecting the place and new changes have been proposed before



approval can be granted to use the kitchen. According to the senior management of the prison, the process of making changes is ongoing and shifting of the staff kitchen to the temporary kitchen would be completed by December 2022.

5.1.10 The visiting team observed with concern that the vehicle (boat) used for transportation of inmates is not fully equipped for an emergency situation and raised the issue of inmates being handcuffed while in transportation even when they are kept in cells in the boat.

Recommendations

1. Allocate funds necessary for renovation or replacement of places needing repair in the female prison and ensure that all aspects of treatment and living conditions fully comply with international best practices

5.2 Access to Healthcare

5.2.1 Although K. Maafushi prison's medical unit is equipped with doctors and nurses all inmates who require specialized medical attention have to travel to Male' and many female inmates complained about having gynecological issues and not being able to consult gynecologists or female general practitioners. As practiced from before, consultation and treatment by specialist doctors take place in Male' due to this and the inmates face unnecessary delays in medical care. Also, inadequate facilities, lack of staff and logistical constraints contributes to delays in medical care for inmates.

5.2.2 Inmates shared that it was difficult to get appointments for specialist doctors. There were no female doctors working at the K. Maafushi prison medical centre but the senior management shared that a female doctor would be joining the island health centre in a months' time.

5.2.3 Female inmates also complained of discrimination in getting access to medical care. According to inmates, when requesting to consult a doctor the nurse attends first and decides whether it is serious enough to be referred to the doctor and if not, the nurse gives medicine.

5.2.4 **Rule number 22 in the Nelson Mandela Rules, states that; Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.** The visiting team observed that special dietary food is only given when the medical officer approves it even if it's a personal preference



or a religious practice. Management stated that individuals receiving treatment for chronic illnesses already receive prescribed meals, but with the introduction of Menu 8, doctors have begun prescribing any food requested by prisoners. Further, both management and kitchen administration is faced with challenges in accommodating prisoners' diverse dietary needs as they are unable to meet the budgetary demands to provide special meals in large quantities.

Recommendations

2. In order to guarantee that each prisoner receives food that meets nutritional requirements for health and vitality, of high quality and wholesome, it is imperative that the Maldives Correctional Service raises the budget designated for special diets across all units of the facility

5.2.5 Rule number 14 in The Bangkok Rules states that, In developing responses to HIV/AIDS in penal institutions, programmes and services shall be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education. Furthermore, Rule number 17 in The Bangkok Rules states that, Women prisoners shall receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions. Also, Rule number 34 states that, Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, shall also be part of the curriculum. However, the visiting team observed that due to the lack of awareness by both officers and inmates regarding communicable diseases, inmates with high-risk communicable diseases such as Human Immunodeficiency Viruses (HIV) and Hepatitis B were isolated from the other inmates and had little freedom of movement and spent most of their time in their cells locked up without access to any physical, educational, vocational, or recreational activities. It was observed that this made them secluded and caused mental health issues.



5.2.6 The visiting team observed there were many inmates with psychiatric issues who required Therapeutic Intervention along with psychiatric medication. However, there was no inhouse psychologist or counselor in the facility. The immediate need for an inhouse psychologist or counselors was highlighted by the psychiatrist as well.

5.2.7 **The Mandela Rules state that a physician or other qualified health-care professionals shall see, talk with and examine every prisoner as soon as possible following his or her admission and this is important in order to identify any illness, mental condition, suicide risk, vulnerabilities and medical needs.** Yet, information gained from interviews with inmates and staff and from documentation it was observed that there were many incidences of self-harm by female inmates. At the time of the visit, the visiting team met with a remand detainee who had been isolated due to self-harm and having violent outbursts. According to inmates, such behavioural issues are not properly addressed leading to inmates repeating their violent outbursts.

Rule number 30 in the Nelson Mandela Rules, states that; A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to:

- (a) Identifying health-care needs and taking all necessary measures for treatment;**
- (b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission;**
- (c) Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and undertaking all appropriate individualized measures or treatment;**
- (d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period;**
- (e) Determining the fitness of prisoners to work, to exercise and to participate in other activities, as appropriate.**



5.2.8 The visiting team observed with concern that the fully equipped critical care unit of the prison was unused, and that the conditions of the buildings and furniture were diminishing. The unit was equipped with state-of-the-art medical equipment, however there were no technicians to provide the services.

Recommendations

3. To adopt and implement special health awareness programs to sensitize staff and inmates on how to prevent the spreading of communicable diseases.
4. To ensure that the awareness programs included in the recommendation 2, contains ways of support needed for the inmates secluded and are prone for self-harms due isolation for Communicable Diseases.
5. To ensure that awareness programs are conducted for staff and inmates to address issues such as sexual abuse.
6. To develop a mechanism to detect mental health-care needs and risk of self-harm and suicide among women prisoners.
7. To ensure the prisoners/detainees undergo a medical screening and gender-sensitive risk assessment upon entry and it is repeated on a regular basis to be determine the needs of prisoners/detainees.
8. To include the Bangkok Rules in the training curriculum for prison staff.
9. To ensure adequate treatment for the inmates with Communicable Diseases and to ensure that the inmates with Communicable Diseases are isolated as the last resort.
10. To ensure that therapeutic interventions are available to those inmates and detainees with mental health disorders.
11. To ensure that counselling services are available to those inmates and detainees in need.



5.3 Protection and Disciplinary Measures

- 5.3.1 According to inmates they are allowed only one phone call every 15 (fifteen) days and they can either call their families or their consulates and since they did not want to miss their family call, they had no other means to get in touch with their Consulates.
- 5.3.2 Female inmates raised concerns about the strip search procedure currently practiced in the prison and it was noted from the information provided by the inmates that strip searches were done in the presence of two female officers and that a cloth or sheet to cover their bodies was not provided and they felt humiliated. Furthermore, some inmates noted that to avoid the invasive strip search, as they are offensive to some inmates, that they have opted not to go outside the prison for specialist consultations. **Rule number 19 in The Bangkok Rules states that, Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.**
- 5.3.3 The commission recommends that strip searches should only be carried out if absolutely and legally necessary, and never on a routine basis. According to the international standards, no prisoner – regardless of gender – should be humiliated or be required to strip completely during a search. Internationally, it is recommended that, if strip searches are absolutely necessary, they should be carried out in two parts so the person is never completely naked. Body searches should be carried out in two stages in order to avoid the humiliation and complete nudity of the detainee. The inmate should take off her clothes from the waist up and then put their clothes back on before taking off their clothes from the waist down. Furthermore, as stated in **Rule number 52 (1 and 2) in The Nelson Mandela Rules, Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary and prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner following an established procedure. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.** Furthermore, as stated in Rule Number 20 in The



Bangkok Rules, it is advisable to use alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

- 5.3.4 The visiting team observed that the room utilized for the purpose of body search was not up to standard as it did not have adequate space and lighting, also there was no proper ceiling and an uncovered space existed between the ceiling and the walls and the conversations taking place in this room can be heard by anyone passing by. Furthermore the visiting team observed that the documentation regarding strip searches were not properly maintained in Maafushi Prison.
- 5.3.5 Female inmates also raised concerns of not having easy access to their lawyers. The lawyers assigned to their case seldom contacted the inmates limiting their right to exercise their legal rights freely. Some migrant inmates highlighted that the State Attornies that were assigned to them were difficult to reach and did not meet them as much as they want to inform them of their case.
- 5.3.6 The two lawyer meeting rooms used in Maafushi prison were built by Maldives police service for the purpose of interrogation and even now the structure of the room remained the same and did not seem ideal for its current purpose.
- 5.3.7 Information gained from interviews with staff and inmates also revealed that verbal and physical bullying of inmates among each other was common, and some inmates had to be kept separately as a result.
- 5.3.8 **Rule number 61 in the Nelson Mandela Rules, states that, Consultations may be within sight, but not within hearing, of prison staff.** However, information gathered from inmates and staff revealed that a staff is constantly present during lawyer meetings, video calls, family video calls and court hearings. According to staff the presence of staff in such instances is to ensure that immediate intervention is on hand if the detainee or inmate does something out of the ordinary such as vandalism. Staff revealed that such incidents had occurred in the past and it is always difficult to replace the equipment once damaged due to budgetary constraints. Regardless of the issue highlighted by officers, the presence of an officer during these meetings is an issue of concern as every inmate should be afforded the privacy of meeting their lawyer and family in confidence.
- 5.3.9 Senior management of K. Maafushi prison and female inmates raised concerns about the increasing number of same sex relationships in the female prison causing great unease amongst other inmates and at times leading to defiance from inmates resulting in violence. During NPM's visit to K. Maafushi prison in 2018 the issue



of sexual harassment among prisoners was brought up but when brought to staff attention they denied any knowledge of this issue. The issue was lodged at HRCM's investigation department and upon investigation 3 (three) recommendations were given to the authorities. The issue was also mentioned in the report shared with authorities.

Recommendations

12. To ensure that strip search procedure is conducted in a manner that complies with the law and international practices and should only be carried out if absolutely and legally necessary, and never on a routine basis by adequately trained staff.
13. To ensure that the strip searches are carried out in two steps, so that the person is never completely naked.
14. To develop a policy regulating the use of body searches.
15. To ensure that the strip searches are only be carried out by a staff of same sex as the prisoner/detainee, who have been properly trained in appropriate searching methods and in accordance with established procedures.
16. To ensure that the documentation regarding strip search are recorded and maintained regularly.
17. To install CCTV cameras in corridors of the female prison to ensure that security measures are in place to guarantee the safety of inmates, staff and property.
18. To develop policies and regulations to prevent violence by both staff and detainees
19. To ensure that adequate number of staff are allocated in the female unit in order to prevent violence by both staff and detainees.



5.4 Regime and Activities

- 5.4.1 Female inmates in remand custody raised concerns about having less access to exercise and outdoor activities, most of them spent more time locked inside their cells. According to some inmates, staff support was not available for women detainees and inmates who were more likely to be vulnerable to commit self-harm as there were fewer activities and less time allocated for them to spend time out of their cells. **Rule number 16 in The Bangkok Rules states that, Developing and implementing strategies, in consultation with mental healthcare and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women’s prisons.**
- 5.4.2 It was observed that people with special needs (hearing and speech impaired) were not afforded the opportunity to participate in educational and rehabilitative programs as these programs are not tailored to cater for them and that there are no trained staff who could communicate with such individuals in K. Maafushi prison.
- 5.4.3 Information gained from interviews revealed that female inmates were given 25 (twenty-five) slots for allowance jobs and 20 (twenty) slots were being filled by inmates. It was noted during previous visits that female remand detainees did not get the opportunity to work but during this visit it was observed that two female remand detainees were employed.
- 5.4.4 The visiting team also observed that, female inmates had to cover their heads with a ‘buruga’ (hijab - the head scarf worn by Muslim women) when attending classes or allowance work assigned to them. Information gathered from the interviews revealed that this practice is compulsory for all female inmates regardless of their religious beliefs, including those inmates who do not wear the head scarf on a regular basis or who did not practice Islam. When inquired the female prison staff revealed that this was a protection measure for female inmates as they will be in the presence of male staff when attending classes and attending allowance work.
- 5.4.5 The visiting team also noted that the wages offered to the inmates who worked in ‘allowance jobs’ in Maafushi prison were not satisfactory and 30 rufiyaa per day’s work was considered very low by the inmates as the prices of goods keep increasing day by day.
- 5.4.6 The allowance wage categories consisted of 8 (eight) levels and level 1 (one) has 150 (hundred and fifty) slots and each inmate in this level is paid 30 (thirty) rufiyaa



per day, level 2 (two) has 28 (twenty eight) slots and is paid 40 (forty) rufiyaa per day, level 3 (three) has 20 (twenty slots) and is paid 50 (fifty) rufiyaa per day, level 4 (four) has 10 (ten) slots and is paid 60 (sixty) rufiyaa per day, level 5 (five) has 7 (seven) slots and is paid 70 (seventy) rufiyaa per day, level 6 (six) has 5 (five) slots and is paid 80 (eighty) rufiyaa per day, level 7 (seven) has 3 (three) slots and is paid 90 (ninety) rufiyaa per day, and level 8 (eight) has 3 (three) slots and is paid 100 (hundred) rufiyaa per day.

5.5 Personnel

- 5.5.1 The visiting team observed from information gathered that the staff in K. Maafushi prison were not trained to deal with trauma.
- 5.5.2 The visiting team noted that the staff had few opportunities for trainings and refreshers. Information gained from staff interviews highlighted that due to shortage of staff they have to forgo the opportunities that come their way.
- 5.5.3 The visiting team also found that the staff did not have good accommodation available to them and due to this some staff lived in rented accommodation in K. Maafushi.

5.6 Foreign women

- 5.6.1 The visiting team heard allegations that foreign prisoners were not granted the same privileges in terms of using the prison shop and they could not buy certain food items because they were not sentenced, also some inmates considered the consumer goods available in the prison shop too expensive and unaffordable.
- 5.6.2 **Rule number 54 in The Bangkok Rules states that, Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.** However, foreign inmates raised concerns regarding not being provided meals during day time in Ramadhan for non-Muslims who did not observe the fast and also for those inmates having their menses. The management shared that this issue will be solved for the coming ramadhaan.
- 5.6.3 **Rule number 61 in the Nelson Mandela Rules, states that in cases in which prisoners do not speak the local language, the prison administration shall**



facilitate access to the services of an independent competent interpreter.

However, foreign female inmates noted that there was a language barrier between foreign inmates and staff which made communication challenging for them. Also, it was noted from the interviews and documentation that the basic information the inmates and detainees needed was not communicated to them in a language they understood.

Rule number 2 (1) in The Bangkok Rules states that, Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well.

- 5.6.4 The visiting team observed that most of the written documents such as complaint forms and other request forms were all in the local language and the foreign inmates had to seek help from their cell mates who were locals for translation of these documents.
- 5.6.5 The visiting team observed that complaints lodged by foreign inmates in English received replies in the local language (Dhivehi) and as there is no official translator, most inmates did not have a clear understanding of the replies they receive from the authorities regarding their complaints.
- 5.6.6 Information gained from interviews conducted with inmates and staff the visiting team found that foreign inmates faced difficulties receiving money transfers from their home countries. Some inmates shared that the process was too difficult and it was just not possible for their families to transfer money. Therefore they could not buy things from the prison shop and sometimes had to depend on their cell mates for toiletries and other necessary items. According to staff at MCS current procedure for receiving money is that it can be transferred through “Bandeyri Portal payment” (the official portal for making online payments to government agencies) to an account in the bank of Maldives and foreigners are not able to send money from abroad as they have issues with documentations required by Ministry of Finance.
- 5.6.7 The visiting team noted that there was an increase in the number of female foreign detainees and prisoners in K. Maafushi prison. **Rule number 62 in the Nelson**



Mandela Rules, states that, prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong and Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests, however from the interviews conducted with foreign detainees, the visiting team heard several allegations of discrimination including not having access to interpretation, and not being able to contact their respective Consulates. Some inmates are from countries that do not have a High Commission in the Maldives and therefore it was hard for them to get access to their Consulates.

5.6.8 **Rule number 2 (1) in the Nelson Mandela Rules, states that, The present rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected,** however, it was observed that the female foreign inmates did not have equal opportunities for educational and rehabilitative programs like the local inmates. This was perceived as discrimination by foreign inmates.

5.6.9 The visiting team also observed that some foreign inmates had converted to Islam and it was highlighted by inmates that in some of these cases, the conversion was made to acclimatize better with the inmates and to avoid discrimination. The enforcement of wearing hijab when attending classes and doing allowance work is an issue of concern as some of the inmates prefer not to wear hijab.

Recommendations

20. To ensure that female detainees and prisoners are not discriminated on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status and that the individual needs of prisoners should be taken into account.

21. To ensure that all foreign prisoners and detainees, upon arrival, receive updated verbal and written information about their rights and the prison's procedures in a language they understand and to document if an interpreter was used during the admission interview.



6. Conclusion

K. Maafushi prison is the largest prison in Maldives serving the majority of Maldives' incarcerated population and consists of 11 (eleven units).

General living conditions of the female unit (unit 1) cells were observed to be in poor condition due to lack of maintenance. As well, the toilets did not have doors separating the toilets and sleeping area, therefore inmates lacked adequate privacy when using the lavatory. Furthermore, it was observed that, both officers and inmates lack awareness on communicable diseases and inmates with communicable diseases had little freedom of movement and spent most of their time in their cells locked up without access to any physical, educational, vocational, or recreational activities.

There was no inhouse psychologist or counselor in the facility, for the inmates with psychiatric issues who require therapeutic intervention along with psychiatric medication. It was also observed that there were many incidences of self-harm by female inmates.

The commission would like to extend gratitude and thank the senior management, staff and inmates of K. Maafushi prison for their assistance and cooperation.

14 December 2023



7. Annex

7.1 List of Recommendations

Recommendations
<ol style="list-style-type: none">1. Allocate funds necessary for renovation or replacement of places needing repair in the female prison and ensure that all aspects of treatment and living conditions fully comply with international best practices2. To adopt and implement special health awareness programs to sensitize staff and inmates on how to prevent the spreading of communicable diseases.3. In order to guarantee that each prisoner receives food that meets nutritional requirements for health and vitality, of high quality and wholesome, it is imperative that the prison administration raises the budget designated for special diets across all units of the facility4. To ensure that the awareness programs included in the recommendation 2, contains ways of support needed for the inmates secluded and are prone for self-harms due isolation for Communicable Diseases.5. To ensure that awareness programs are conducted for staff and inmates to address issues such as sexual abuse.6. To develop a mechanism to detect mental health-care needs and risk of self-harm and suicide among women prisoners.7. To ensure the prisoners/detainees undergo a medical screening and gender-sensitive risk assessment upon entry and it is repeated on a regular basis to be determine the needs of prisoners/detainees.8. To include the Bangkok Rules in the training curriculum for prison staff.9. To ensure adequate treatment for the inmates with Communicable Diseases and to ensure that the inmates with Communicable Diseases are isolated as the last resort.10. To ensure that therapeutic interventions are available to those inmates and detainees with mental health disorders.11. To ensure that counselling services are available to those inmates and detainees in need.12. To ensure that strip search procedure is conducted in a manner that complies with the law and international practices and should only be carried out if absolutely and legally necessary, and never on a routine basis by adequately trained staff.13. To ensure that the strip searches are carried out in two steps, so that the person is never completely naked.



Recommendations

14. To ensure that the documentation regarding strip search are recorded and maintained regularly.
15. To install CCTV cameras in corridors of the female prison to ensure that security measures are in place to guarantee the safety of inmates, staff and property.
16. To develop policies and regulations to prevent violence by both staff and detainees
17. To ensure that adequate number of staff are allocated in the female unit in order to prevent violence by both staff and detainees.
18. To ensure that female detainees and prisoners are not discriminated on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status and that the individual needs of prisoners should be taken into account.
19. To ensure that all foreign prisoners and detainees, upon arrival, receive updated verbal and written information about their rights and the prison's procedures in a language they understand and to document if an interpreter was used during the admission interview.
20. To ensure that female detainees and prisoners are not discriminated on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status and that the individual needs of prisoners should be taken into account.
21. To ensure that all foreign prisoners and detainees, upon arrival, receive updated verbal and written information about their rights and the prison's procedures in a language they understand and to document if an interpreter was used during the admission interview.

